

Application of the law 165/2013 by the inventory committee on Calarasi village, county of Dolj

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Abstract

On 16.05.2013 was issued Law no. 165 on measures to complete the process of restitution in kind or equivalent buildings abusively taken during the communist regime in Romania. The main purpose of this law is to inventory each locality across farmland available for restitution to former owners, owners who until now have not been put in possession mainly because local committees of Land argued that no more land available for putting them in possession and issuance of property titles. In this regard in the date of June 19, 2013 have been published and implementing rules provide for the establishment of committees of inventory farmland, responsibilities for each member of the committee, the role of the specialist surveyor under these implementing rules specialists in surveying and identifying the land and transposing plots in digital format on orthophotomap, inventoried land boundaries in the form of closed polylines in national projection system in dxf. Format. Will be presented as a case study village Calarasi, County of Dolj.

Keywords

property laws, cadastre, land inventory.

1. Introduction

On 16.05.2013 was issued Law no. 165 on measures to complete the process of restitution in kind or equivalent buildings abusively taken during the communist regime in Romania. The main purpose of this law is to inventory each locality across farmland available for restitution to former owners, owners who until now have not been put in possession mainly because local committees of Land argued that no more land available for putting them in possession and issuance of property titles. So we tried to identify for each locality so that availability of land claims backlog but validated by the County Commission can be resolved. In this regard the date of June 19, 2013 have been published and implementing rules provide for the establishment of committees of inventory farmland, responsibilities for each member of the committee, the role of the specialist surveyor under these implementing rules specialists in surveying and identifying the land and transposing plots in digital format on orthophotomap, inventoried land boundaries in the form of closed polylines in national projection system in dxf. format. This stage required by law to complete the annexes drawing 01-09 required by law.

2. Stages:

In the following shall be taken as a case study village Calarasi, County of Dolj.

1) Acquisition of existing graphical data OCPI for Calarasi village.

During this stage were taken from OCPI village cadastral plan scale 1:10 000 (Fig.1), orthophotomap village (Fig.2) dxf file with cadastral documentation previously received, TAU limit (Fig.3). It was taught in DXF format plan that includes vectorization sectors and their name and vectorization sector 0.

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Fig.1. Cadastral map



Fig.3. Cadastral documentation previously received.

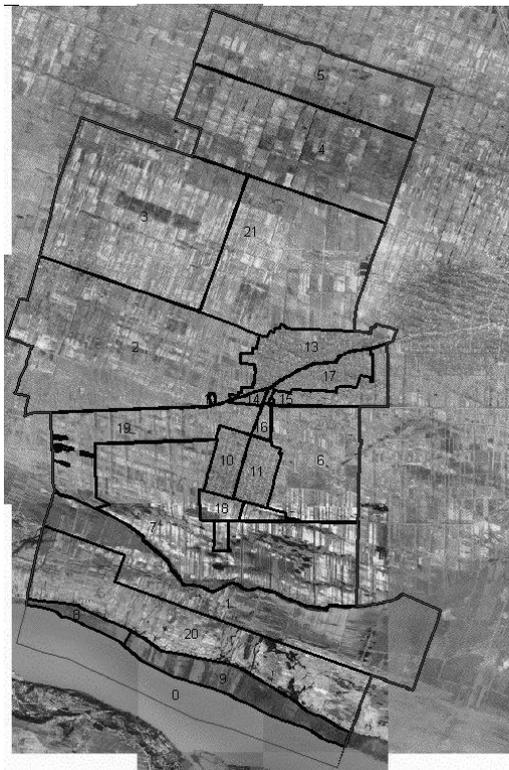


Fig.2.Orthophotomap with cadastral sectors

2) Together with the agricultural officer and secretary of the commune to do an inventory of property titles on each tarla, and restitution claims validated by the County Commission. Inventory was done using the program DDAPT ANCP (Fig.4).

DDAPT Arhiva digitală pentru titlurile de proprietate

ANCPI
ANUL UNIFICĂRII TERITORIILOR ROMÂNIEI

Bine ai venit, Daniela Crîngolcu

Acasa Titluri de proprietate Rapoarte Inerare

Parcours Extravian

Completati filtrul, apoi selectati optiunea Generareza pentru vizualizarea raportului.

Judet: DOLJ
Uat: Calarasi
Localitate: Calarasi

Tip parcela: Extravian
Numar tarla: 13

Generareza

Salvare raport
Format export:

Paroia PDF:

| Judet: | | DOLJ | | Localitate: | | | | Calarasi | | | |
|--------|--------|---------------------|------------------------------------------|-------------|------------|-----------|----------|-----------------|----------------|----------------|-----------------|
| UAT: | | Calarasi | | Tarla: | | | | 13 | | | |
| PN/OIC | S (mp) | Categorie folosinta | Nume | Nr titlu | Data titlu | Tip TP | status | Veoinstate vest | Veoinstate est | Veoinstate sud | Veoinstate nord |
| 1 | 2228 | A-ARABIL | SIRBU OPRIICA | 1217-47900 | 05-02-1997 | L 18/1991 | Original | - | - | - | - |
| 6 | 600 | A-ARABIL | HIRNULESCU CORNEL, HIRNULESCU CONSTANTIN | 1205-47900 | 04-02-1997 | L 18/1991 | Original | - | - | - | - |
| 11 | 6509 | A-ARABIL | STOICA FILOFTEIA | 2044-2164 | 01-08-1997 | L 18/1991 | Original | - | - | - | - |
| 423 | 1500 | A-ARABIL | BIRZANIANU IOANA | 1550-59545 | 12-11-1996 | L 18/1991 | Corectat | - | - | - | - |
| 7311 | 6286 | A-ARABIL | STANIA OPRIICA | 1364-59544 | 21-02-1997 | L 18/1991 | Original | - | - | - | - |

Total suprafata: 16423 mp
1,6423 ha

Fig.4. Application DDAPT of ANCP.

3) There have been inventoried with Hall representatives the land surfaces that are in the public and private communities, and areas of wilderness.

4) Were taken from other holders of land documents for the ownership and management of this land. Although the law states that they must provide the local commissions inventory DXF files, contour surfaces held, almost without exception they could not do this. For this reason it was necessary to be vectorized and these surfaces such as those held by the ADS, research stations, military units, etc (Fig.5.).



Fig.5. Land surfaces owned by Research Institutes.

5) Were retrieved from Romsilva plans with silviculture and were plotted on the plans.

6) Preparing Annexes 01-09.

Annexes 1 to 6 were prepared by the secretary of the mayoralty after receiving all information from specialist surveyor. In this way the plans were vectorized and were determined contours and surfaces of the tarla that make the sectors OCPI delivered in DXF format.

In a sector we find land belonging to private owners and state institutions.

To determine the reserve level of the surface area of the sector were low vectorised areas occupied property titles and areas occupied by state institutions (ADS, research stations, military units, forest land) wilderness area under Prefect Order ,surfaces public and private domain of the municipalities and land of the state (operating roads, canals).



Fig.6. Surfaces held Romsilva

It was found that in some sectors the surface put in possession of the land exceeds the surface of the sector .

Due to lack of toponymic points in metering applications unresolved restitution claims could not be done at the sector level, they count at the ATU.

Thus obtained was plotted with the mention "uncertain positioning surface." Annexes 01 to 06 were pooled in Annex 07 representing agricultural and forestry land situation which can be reconstituted ownership and Annexes 02, 04, 06 are centralized in Anexa08 representing centralized situation of land with or without investment in public and private property of the state and the administration of public authorities and institutions, institutes and research stations - Annexes 02,04,06.

In Annex graphics were represented: limit ATU Anexa01, Anexa02, Anexa03, Anexa04, Anexa05, Anexa06, sector 0, cadastral sectors (Fig.8).

Table 1. Anexa7

| JUDEȚUL DOLJ | | | | | | | | Anexa nr. 7 |
|---------------------------------------------------------------------------------------------------|----------------------|---------------------------------|-------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|------------------------------------------|
| UNITATEA ADMINISTRATIV – TERITORIALA CALARASI | | | | | | | | la norme |
| SITUAȚIA | | | | | | | | |
| terenurilor agricole și forestiere care pot face obiectul reconstituirii dreptului de proprietate | | | | | | | | |
| Nr. crt. | Nr. sector cadastral | Suprafață rezerva retrocedabilă | Total suprafață Anexa 2 | Total suprafață Anexa 3 - ha - | Total suprafață Anexa 4 - ha - | Total suprafață Anexa 5 - ha - | Total suprafață Anexa 6 - ha - | Total suprafață Col (2+3+4+5+6-7) - ha - |
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | 1 | 0,3480 | 0,0000 | 0,0000 | 0,0000 | 19,8000 | 0,0000 | 20,1480 |
| 2 | 2 | 28,0562 | 0,0000 | 12,0000 | 0,0000 | 0,0000 | 0,0000 | 40,0562 |
| 3 | 3 | 48,2442 | 0,0000 | 87,7300 | 0,0000 | 0,0000 | 0,0000 | 135,9742 |
| 4 | 4 | 39,2600 | 0,0000 | 167,3986 | 545,7632 | 0,0000 | 0,0000 | 742,4218 |
| 5 | 5 | 0,0000 | 0,0000 | 74,0008 | 410,4965 | 0,0000 | 0,0000 | 484,4971 |
| 6 | 6 | 13,9656 | 0,0000 | 11,4900 | 0,0000 | 0,0000 | 0,0000 | 25,4556 |
| 7 | 7 | 22,8361 | 0,0000 | 26,1136 | 0,0000 | 44,4000 | 0,0000 | 92,1497 |
| 8 | 8 | 0,0000 | 0,0000 | 48,9799 | 0,0000 | 0,0000 | 0,0000 | 48,9799 |
| 9 | 9 | 0,0000 | 0,0000 | 214,7431 | 0,0000 | 0,0000 | 0,0000 | 214,7431 |
| 10 | 10 | 0,0000 | 0,0000 | 0,4600 | 0,0000 | 0,0000 | 0,0000 | 0,4600 |
| 11 | 11 | 0,0000 | 0,0000 | 0,3100 | 0,0000 | 0,0000 | 0,0000 | 0,3100 |
| 12 | 12 | 0,0000 | 0,0000 | 0,0000 | 0,0000 | 0,0000 | 0,0000 | 0,0000 |
| 13 | 13 | 0,0000 | 0,0000 | 0,0000 | 0,0000 | 0,0000 | 0,0000 | 0,0000 |
| 14 | 14 | 0,0000 | 0,0000 | 0,0000 | 0,0000 | 0,0000 | 0,0000 | 0,0000 |
| 15 | 15 | 0,9169 | 0,0000 | 1,8000 | 0,0000 | 0,0000 | 0,0000 | 2,7169 |
| 16 | 16 | 0,0000 | 0,0000 | 0,5200 | 0,0000 | 0,0000 | 0,0000 | 0,5200 |
| 17 | 17 | 0,0000 | 0,0000 | 0,0000 | 0,0000 | 0,0000 | 0,0000 | 0,0000 |
| 18 | 18 | 1,4832 | 0,0000 | 3,3317 | 0,0000 | 0,0000 | 0,0000 | 4,8149 |
| 19 | 19 | 11,9530 | 0,0000 | 8,7600 | 0,0000 | 0,0000 | 0,0000 | 20,1130 |
| 20 | 20 | 2,3894 | 0,0000 | 0,0000 | 0,0000 | 153,8000 | 0,0000 | 156,1894 |
| 21 | 21 | 15,5113 | 0,0000 | 364,7496 | 134,7607 | 0,0000 | 0,0000 | 515,0216 |
| Total UAT: | | 184,1639 | 0,0000 | 1011,3873 | 1091,0204 | 218,0000 | 0,0000 | 2504,5716 |

Table 2. Anexa8

| JUDEȚUL DOLJ | | | | | | | | Anexa nr. 8 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------------|-----------------|-------------------------------------------------|-------------------------------------------------------|------------|--|-------------|
| UNITATEA ADMINISTRATIV – TERITORIALA CALARASI | | | | | | | | la norme |
| SITUAȚIA CENTRALIZATOARE | | | | | | | | |
| a terenurilor agricole cu sau fără investiții, aflate în proprietatea publică și privată a statului și în administrarea unor autorități și instituții publice, institute și stațiuni de cercetare - anexele 2,4,6 | | | | | | | | |
| Nr. crt. | Nr. sector cadastral | Denumirea administratorului terenului | Regimul juridic | Suprafața/suprafața aferentă investiției - ha - | Categoria de folosință tipul de investiție | Observații | | |
| 0 | 1 | 2 | 3 | 4 | 5 | 7 | | |
| 1 | 4 | SCDCPN DABULENI | X | 542,7315 / 41,4800 | arabil, livada, vie / 12028,60 ron | | | |
| 2 | 4 | SCDCPN DABULENI | X | 3,0317 / 3,0317 | curti constructii / 12612,00 ron | | | |
| Total sector: | | | | 545,7632 / 44,5117 | arabil, curti constructii, livada, vie / 24640,60 ron | | | |
| 3 | 6 | SCDCPN DABULENI | X | 408,6444 / 12,0600 | Livada / 5518,35 ron | | | |
| 4 | 6 | SCDCPN DABULENI | X | 1,8521 / 1,8521 | curti constructii / 10955,00 ron | | | |
| Total sector: | | | | 410,4965 / 13,9121 | curti constructii, livada / 16473,35 ron | | | |
| 5 | 21 | SCDCPN DABULENI | X | 134,7607 / 14,1955 | arabil, balti, livada / 623676,00 ron | | | |
| Total sector: | | | | 134,7607 / 14,1955 | arabil, balti, livada / 623676,00 ron | | | |

3. Conclusions

In steps be taken above were encountered many problems that led to the extension and even beyond the deadlines stipulated by the law, among them:

- The dxf. file with territorial administrative limit the file received from OCPI contained three different limits, which could lead to confusion (what has happened) .

- Sectors cadastral not respect natural limits existing in field .

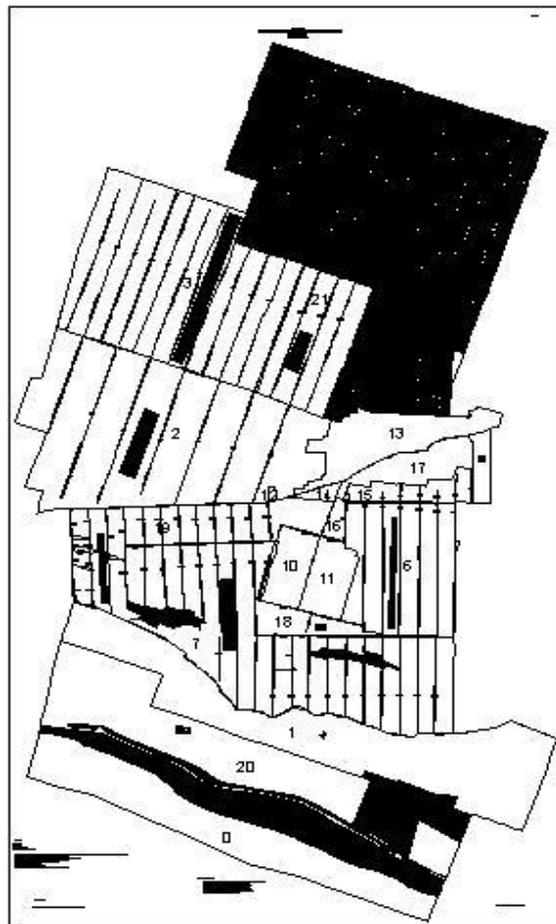


Fig.8.Anexa 09

- With few exceptions, the owners / managers of other land territory ATU were not able to provide the Commission inventory dxf file. land contours provided by law. For this reason, specialist surveyor he had to vectorize these surfaces, surfaces that were different from those recorded in the documents of ownership / management. Representatives of these institutions have been reluctant in signing annexes under the ground that they are not give to give up areas of land.

- The same problem was encountered in terms of forest lands from their managers are welcoming plans for forest planning that after vectorisation and overlap with the real situation on the ground and because of their age there were differences of surfaces.

- Existing data in application DDAPT National Agency for Cadastre are incomplete, shows errors due to wrong writing both property titles and their registration in this database.

It was also found that the launch of this application no local Land Fund Commission did not check it and not addressed ANCPI for correcting existing errors. Since inventory Commission had no powers to correct errors in the sense mentioned above, these data were recorded as they were found in inventory.

- Lack of parceling plans and the short time provided by law to finish this stages resulted reserve in Annex graphics without definite location. This means that to complete commissioning possession proven reserves will require plans drawing lots.

- Because the determination was made graphic surfaces and the fact that there has not been provided a margin of error (percentage) were inventoried in a very small sector reserves accumulated from multiple land parcel which can not be identified an never put in possession.

- After completing the graphic annexes have found problems in integrating drawn polylines in DXF format in GIS environment due to different principles by which programs are working with two types of file and handles the graphics entity.

Given the above we can conclude that this phase of the law 165/2013 lead to the identification of areas of land that could be put in possession to solve a part of the requirements made by the entitled. At the level of about

20 villages in Dolj county from which we had data we can say that the reserves discovered land can not settle into possession claims validated.

Also consider that in the inventory crept inevitable errors and estimate the accuracy with which these surfaces were determined is around 5%. After completing the inventory phase will be put in possession of land areas identified as reserves available, so being able to put in possession just after make lots plans .

As a final conclusion we can say that the best solution to problems of land fund in Romania is the general cadastre works across each locality.

References

- [1] www.ancpi.ro
- [2] www.anrp.gov.ro