

RESEARCH ON APPLYING THE LAWS ON LAND RESOURCES ACCORDING TO MODERN CARTOGRAPHIC METHODS

CERCETĂRI CU PRIVIRE LA APLICAREA LEGIIILOR FONDULUI FUNCIAR PE BAZE CARTOGRAFICE MODERNE

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Abstract: At present, several normative acts provide the legislative framework of the cadastre: Law on the cadastre and the real estate publicity no. 7 of 1996; Law on the land resources no. 18/1991, sanctioned by Law 169/1991; Law on land and forest restitution no. 1/2000 and subsequent modifications; Law on the juridical circulation of land no. 54/1998; Law on ownership and justice reform and related measures no. 247/2005.

Rezumat: Cadrul legislativ al cadastrului este în prezent asigurat de suficiente acte normative și anume: Legea Cadastrului și a Publicității Imobiliare nr. 7/1996 ; Legea nr. 18/1991 a fondului funciar, actualizată prin Legea 169/1997 ; Legea pentru reconstituirea dreptului de proprietate asupra terenurilor agricole și forestiere nr. 1/2000 cu modificările ulterioare; Legea privind circulația juridică a terenurilor nr. 54/1998. Legea 247/2005 privind reforma în domeniile proprietății și justiției, precum și unele măsuri adiacente.

Cuvinte cheie: ortofotoplanuri, fond funciar, carte funciară, procese verbale de punere în posesie
Key words: orthophotoplans, land resources, real estate register, records of vesting of possession

INTRODUCTION

Until 1989, in Romania the first land surveying laws were differentiated on provinces with different administration. During communism, the cadastre law was abrogated and replaced with a "Land record".

After 1989, real state records and management arose as a necessity of increasing importance.

In 1991, the Law on the cadastre and land resources was introduced, but only the *Law on the land resources no. 18/1991* was promulgated. The cadastre law was postponed until 1996. Accomplishments have been reported in the organisation area, but the implementation of cadastre in Romania is a slow process.

At present, several normative acts provide the legislative framework of the cadastre:

- *Law on the cadastre and the real estate publicity no. 7 of 1996;*
- *Law on the land resources no. 18/1991, sanctioned by Law 169/1991;*
- *Law on land and forest restitution no. 1/2000 and subsequent modifications*
- *Law on the juridical circulation of land no. 54/1998;*
- *Law on ownership and justice reform and related measures no. 247/2005.*

MATERIAL AND METHOD

Romania's topographic map (orthophotoplan) is very useful for land delimitation and helps creating a database of all real estate properties. After the introduction of the general cadastre in Romania, a general image of our country's surface was required. The classical formula with the camera takes a lot of time. Aerial photographic mapping is quick, inexpensive and solves the problem of parcel identification. In the end, the photographs are an accurate photographed map.

The Real Estate Register excerpt can be issued at the notary's office, bank or other institutions. The local committees will take the necessary measures to carry out the delimitation of the territories for the vesting of possession and the parcelling plan.

In order to speed up the issuing of the deeds, according to the options expressed by the legitimate deed holders and article 26 of Law on land resources no. 18/1991, the local committees will draw up records of vesting of possession that will include the elements stipulated in Appendix 27 of the regulations sanctioned by Government Decision no. 131/1991.

The topographic measurements were taken in the Pischia village area, in Timis County, in the A1002 field.

The Leica TC805 total station used for measurements had the following parameters: two-axis compensator; maximum sight distance 3,500 m; standard deviation (ISO 17123-4) 5 mm + 2 ppm; RS232 interface; user-defined data format GSI/IDEX/ASCII/dxf; alphanumeric display; 1,5 mm accuracy for the 1,5 m high instrument.

RESULTS AND DISCUSSIONS

Following the measurements and field data processing, an area of 69.13 ha resulted. The following landmarks were used for intersection: the church in PISCHIA (Y = 216214.630, X = 495686.080), the church in BENCECU DE SUS (Y = 222839.200, X = 493280.370), DEAL BATRAN (Y = 218851.400, X = 492649.980), the church in GIARMATA MARE (Y = 214148.520, X = 489096.430). After the procession of the field data, the station point S100 with the following coordinates resulted: Y=218191.040, X=493347.126.

The orthophotoplans were checked for errors and correlated with the cadastre plans 1:5000 and 1:10000.

Based on the field measurements the following operations were executed (where necessary):

- the field measurements were brought in the same system of coordinates;
- a surface survey in Stereografic 1970 projection system was performed for the layout plan;
- the resulted elements were displayed on separate layers (fig. 1).

The village, town and municipal councils, called local councils, will take the necessary measures to delimit the territories to be given in property and the parcellation plan (fig. 2).

For the vesting of possession, the County Committee for Land Resources will issue a Decision and draw up a file for the use of each category and subcategory of land. Following this Decision, the land management will pass from the State Land Administration (ADS) to the Mayor's Office. ADS will draw up a Protocol that will include the list of people to be given deeds of property. The Protocol will be signed by the Mayor's Office and ADS representatives. When the Protocol has been authenticated, the Mayor's Office can start the vesting of possession according to *Law no. 247/2005* (fig. 3).

After the topographic measurements were processed and correlated on the orthophotoplans, field A1002, covering an area of 69,13 ha, was parcelled in 22 parcels according to the Protocol (Appendix 22) (Table 1):

Through the property right, the deed holder has the right to own and use goods in his own interest in compliance with to the existing laws.

The state-owned land that is managed by scientific research institutes and is intended for research work, seed and and planting material production of superior biological categories and purebred animal breeding belongs to the state public land and will be state-managed (article 35 subparagraph 2 of *Law 18/1991*).

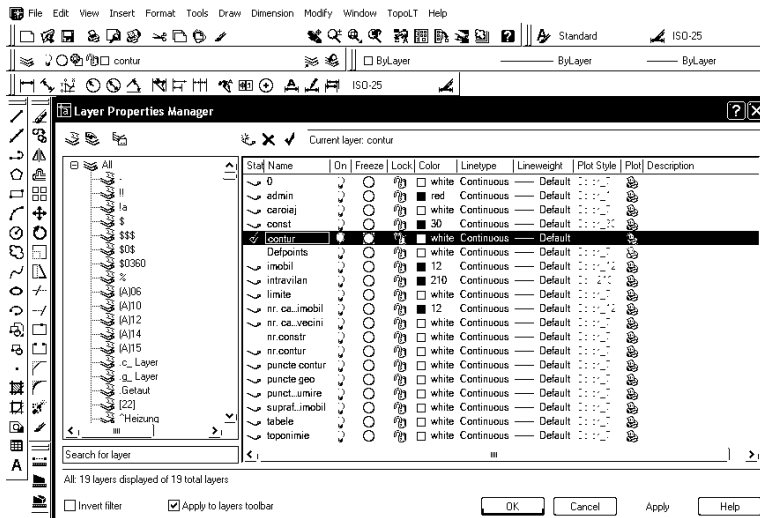


Fig. 1 Disposition of elements on separate layers

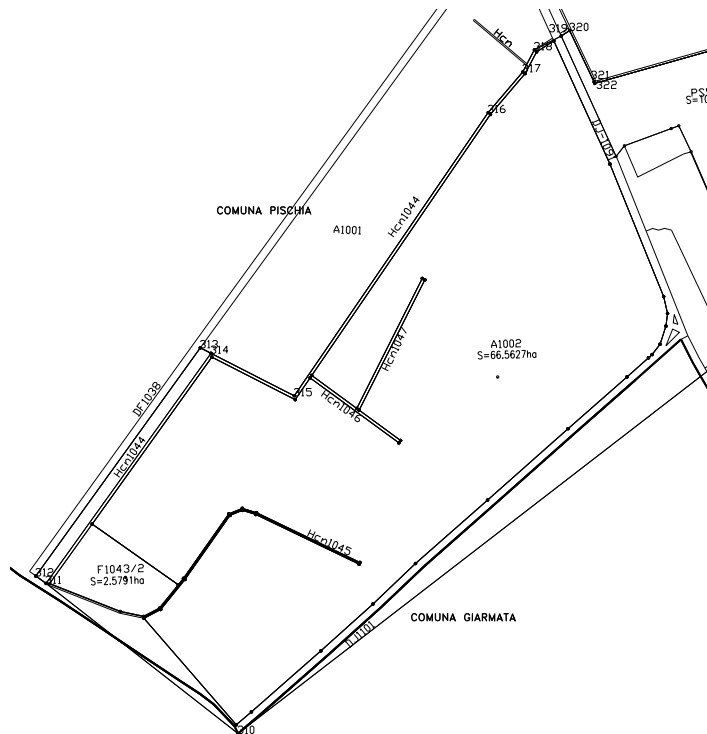


Fig. 2 Lay-out plan before vesting of possession

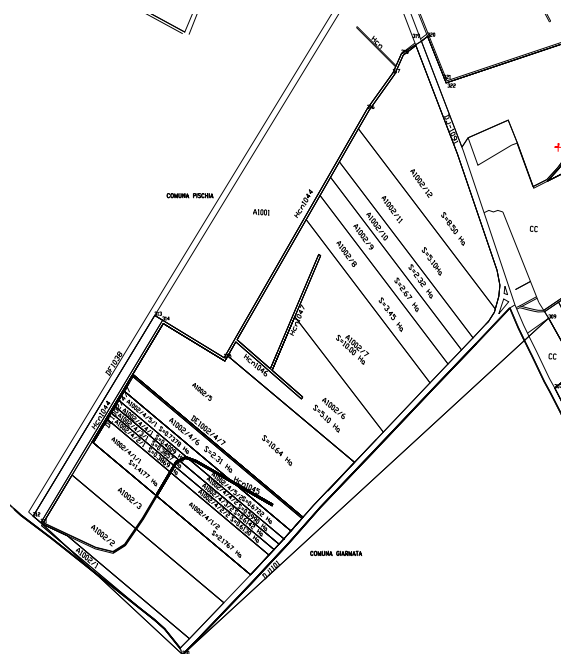


Fig. 3 Lay-out plan after vesting of possession

Table 1

Table of deed holders in field A1002, Pischia village, according to Law 247/2005 (Appendix 22)

Position	Cadastre number	Area (ha)	Owners	Devisee
1	A1002/1	1.04	MOLDOVAN IOAN	MOLDOVAN IULIAN
2	A1002/2	5.60	CRISTESCU ANA	IONESCU MIHAI
3	A1002/3	4.40	DUMA ANDREI	DUMA VASILE
4	A1002/4/1/1	1.42	JOLDES CRISTIAN	JOLDES ION
5	A1002/4/1/2	2.18	JOLDES CRISTIAN	JOLDES ION
6	A1002/4/2/1	0,39	JOLDES CRISTIAN	JOLDES ION
7	A1002/4/2/2	0,61	JOLDES CRISTIAN	JOLDES ION
8	A1002/4/3/1	0,39	JOLDES CRISTIAN	JOLDES ION
9	A1002/4/3/2	0,61	JOLDES CRISTIAN	JOLDES ION
10	A1002/4/4/1	0,40	JOLDES CRISTIAN	JOLDES ION
11	A1002/4/4/2	0,60	JOLDES CRISTIAN	JOLDES ION
12	A1002/4/5/1	0,74	DRINCA IOANA	MIHAIESCU MARIA
13	A1002/4/5/2	0,67	DRINCA IOANA	MIHAIESCU MARIA
14	A1002/4/6	2,31	CHILBA VLAD	CHILBA CRISTIAN
15	A1002/5	10,64	DAN VERONICA	NEMES VIOREL
16	A1002/6	5,10	LUPSAN MATEI	LUPSAN ALEX
17	A1002/7	10,00	IVAN ANNA	STEFAN GHEORGHE
18	A1002/8	3,45	CRETU ISABELA	NICOLA MARIA
19	A1002/9	2,67	PETRESCU TUDOR	PETRESCU GHEORGHE
20	A1002/10	2,32	AVRAM BOGDAN	AVRAM LAURENTIU
21	A1002/11	5,10	LAZAR RAZVAN	LAZAR ANCA
22	A1002/12	8,50	BARIZ MIHAI	BARIZ MARIAN
	TOTAL	69,13 ha		

After parcellation, a record of vesting of possession will be drafted according to the model below (fig. 4):

Cap. I. JUDEȚUL TIMIȘ
COMUNA PISCHIA
LOCALITATEA PISCHIA

PREFECTURA TIMIȘ
VERIFICAT ȘI GASIT BUN
CONFORM ANEXELOR VALIDATE
L.S.

PROCES VERBAL NR. _____

Incheiat azi _____ cu ocazia punerii în posesie a cetățeanului(lor) _____
moștenitoru(i) defunctului/defunctei _____
conform anexei nr. _____ poziția _____ suprafața _____ ha (reconstituire/constituire), domiciliat(i) în _____ după cum urmează:

SECRETAR,

Cap. II. A. SUPRAFAȚA PRIMITA ÎN EXTRAVILAN:

Nr. Crt.	Cat. Fol.	Numar Cadastral		Suprafața		Vecinatati				Obs.
		Tarla (Sola)	Parcela	Ha	mp	Nord	Est	Sud	Vest	
1										
2										
TOTAL										

B. SUPRAFAȚA PRIMITA ÎN INTRAVILAN:

Nr. Crt.	Cat. Fol.	Numar Cadastral		Suprafața		Vecinatati				Obs.
		Tarla	Parcela	Ha	mp	Nord	Est	Sud	Vest	
1										
TOTAL										

Drept pentru care s-a încheiat prezentul proces verbal în 3 exemplare din care: unul la Primărie, unul la OCPI Timiș, unul la proprietar.

CAP. III
TOTAL GENERAL (A+B) _____ ha _____ m²
din care:

Arabil	ha	m ²	PRIMAR,	COMISIE,
Vii	ha	m ²		
Livezi	ha	m ²		
Pășuni	ha	m ²	SPECIALIST ÎN MASURATORI	PROPRIETAR,
Fânețe	ha	m ²	TOPOGRAFICE,	
Alte terenuri neagricole	ha	m ²		

Fig. 4 Model of record of vesting of possession

The deed of property is issued by the County Committee for the enforcement of the Law on land resources, based on the documents submitted to the local committees, after the proposals of the committees have been authenticated.

For living citizens, the deed of property is issued to rightful individuals (husband, wife); for devisees, a single deed is issued for the land that belonged to its owner in which all rightful applicants are listed. Each joint owner's share will be stipulated by common law.

According to article 14, subparagraph 2 of Law 18/1991, republished, land allotment in hill areas is done on the former locations, while in the plain areas is done on fields established by the committee, not necessarily on the former sites. However, article 2, paragraph 1 of Law 1/2000 generalises the rule of allotment on former sites, provided that they are free of buildings or have not been subjected to restitution in favour of other individuals. Law 1/2000 stipulates that any rights restituted according to the law on land resources, for which deeds or records of vesting of possession have been issued, are valid without further confirmation.

CONCLUSIONS

The orthophotplan is very useful for property description and delimitation. At the same time it is an essential tool in solving issues related to property laws enforcement. This will help clarifying the situation of the sites resulted according to the deeds of property, in correlation with the parcelling plans of the local committees and the situation in the field as

indicated by aerial photographic mapping. In this way the strip grounds can be identified and numbered on every administrative territory and the connection between the deed of property and the land position will be established.

After the measurements were made and Law 247/2005 was applied in field A1002, a 69.13 ha area resulted that was divided in 22 plots.

Vesting of possession will take place in the presence of every owner who will sign for entry. To this end, the local committees will send written notifications to people residing in other localities and to whom the deed of property was assigned, informing them upon the date of the vesting of possession.

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