

PARTICULARITIES OF EXPROPRIATION WORKS IN ROMANIA

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Abstract

In this paper we wish to address the particularities of expropriation for highways that provide the legal basis by which an estate passes from private property to state ownership in the public interest needs, none the less compensation being paid.. The legal basis was Law no. 255/2010, the Director General Order nr.700 / 2014. To achieve highways will perform a high volume of work by meeting various individual cases to be approved under the law.

Key words: expropriation, highways

INTRODUCTION

In the actual context of modernization and development of the road and railway infrastructure of Romania, we have to make some expropriation works. These works can assure the legal basis on which a said patch will be transferred from a private owner to the ownership of the Romanian state in order to be used for public interest, while the original owner would receive compensation for the patch of land (Musat 2016).

Through this paper we would like to address the particularities of expropriation so the land can be used to build a motorway, which has to follow the following steps:

- a) Approval of the technical-economic work of national, county or local level;
- b) calculate the amount corresponding individual payment representing compensation for properties that are part of the expropriation corridor and display a list containing the owners of the lands affected by the expropriation;
- c) Ownership transfer;
- d) Completion of formalities relating to expropriation procedure.

In 2006-2007 began the first works of expropriation of land, on the Arad-Timisoara motorway section, under Government Decision no. 1546/2006.

These decisions by the government were not sufficient for the preparation of works of this scale, so that was issued after discussions Law 255/2010.

Next we describe the construction objective on motorway SEBES TURDA A.T.D. Galda de Jos, County:ALBA (Figure 1 and Figure 2).



Figure 1.View form geoportal

This project's goal is to ensure a safe and quick connection between the North and the South parts of Romania, to be more specific, between Nadlac – Bucharest – Constanta and Bors-Bucharest. Furthermore this motorway would be a quick link between the two biggest urban

centers of central Transylvania: Cluj-Napoca and Sibiu.



Figure 2. Highways in geoportal ANCP

MATERIALS AND METHODS

The motorway section we will bring up for discussion is situated in the administrative-territorial division Galda de Jos, Alba Iulia County.

Law No. 255/2010 on expropriation for public utility is necessary to achieve the objectives of interest on a national, county and local level.

The expropriation corridor is the area of land, with or without other property, to be affected by the works stipulated in Law no. 255/2010, on the basis of the final version of the feasibility studies or planning documents, as appropriate, approved in accordance with legal provisions and defined based on a topographical plan in the national projection made in STEREOGRAPHIC 1970 (Law 255).

The topographical plans mentioned above will be annexed to the coordinate database of the surfaces of land that need to be expropriated in order for the works to proceed.

The documentation concerning the expropriation corridor will be attached a list of owners and other rights holders identified on the records of the National Agency of Cadastre and Land and-administrative units. The parts of the expropriation corridor will be established under the law, in the feasibility study and / or town planning documentation, and planning.

Work location is established based on the final version of the feasibility study, or planning

documents, as appropriate, approved in accordance with the legal provisions. It will be defined based on topographic plans made in the national stereographic projection 1970 respectively based on a topographical plan made in the national stereographic projection 1970 and materialized by marking all coordinate points that define it.

To finalize the expropriation of patches according to Law no. 255/2010, the person authorized at the request of an expropriator, prepares the cadastral documentation, according to Order nr.700, with subsequent amendments and of this Protocol.

In order to clarify the legal status of the areas affected by expropriation, the expropriator will prepare individual cadastral documentation observing the provisions of Ord. 700 approving the Methodological Norms for the application of Law no. 255/2010, as further amended and supplemented.

Documentation is prepared based on the limit of the expropriation corridor which was registered in the Land Registry within 10 days of its submission by the territorial office.

For expropriation, on these two cases, are regulated by Order 700, we will perform the first entry in the code documentation 2.1.1. respectively update the code documentation 2.6.2 and 2.5.4, which represents surface modification (Order 700).

For patches affected by the highway corridor, if it is to expropriate part of the patch, the cadastral documentation has to be established individually for each resulting lot, respectively for the lot/lots that remain in the ownership of the original owner, but also for the expropriated lot.

The cadastral documentation has to contain the following:

- a) docket stating the contents of documentation;
- b) reception and registration application, signed by the owner or the person authorized in the mandate given by expropriation;
- c) request of information and response from O.C.P.I.;
- d) solemn declaration on the alienation and identification of the patch of land;
- e) technical report in analog format;

- f) location and boundary plan for the entire building, which will represent all groups resulted, lot / lots remaining in the property of the expropriated and that expropriated lot in analog format;
- g) location and boundary plan of the resulting lot scale 1:2.000-1.500 in analog format;
- h) property deed in original or certified copy;
- i) I.D. In original or copy;
- j) expropriation decision or copy, in accordance with the original.

identifier, specifying the in town and out of town surface in the land registry.

Case II:

The numbering of lots shall be made in Arabic numerals, starting with number 1 in the north-west of the estate and increased conveniently. The ending sub-lot is usually numbered in the south-east of the patch.

Yet another particularity of the reception of works from O.C.P.I. Alba Iulia, is that we do not take in account the cadastral numbering. Lot no.1 is always the patch with the largest surface, excluding the expropriated lot, which will be numbered as no.2.

RESULTS AND DISCUSSIONS

The Following the preparation of the expropriation, there were discovered particular situations, which we detail below:

Case I:

According to the boundaries received from the O.C.P.I. Alba Iulia, it was found that some patches are found both in town as well as out of town.

While preparing the location and boundary plan for the patch, we considered the limit to be the lower boundary of the A.T.D. Galda de Jos, each resulting lot was to be divides into sub-patches which can be found both in town and out of town.

Following the approval of the documentation, there resulted a patch with the same electronic

Case III:

In some situations, the expropriated lot can affect the already existing buildings, in such cases if is necessary to obtain a tear down authorization and suitable compensation. Such a case we've encountered while working on this A.D.T.

Normally, any construction delisting is done after a tear down process. In this case, the building has to be torn down completely, and the compensation will be fulfilled based on the refusal note where the surface of the building and of the lot should be stated by C.N.A.I.R.

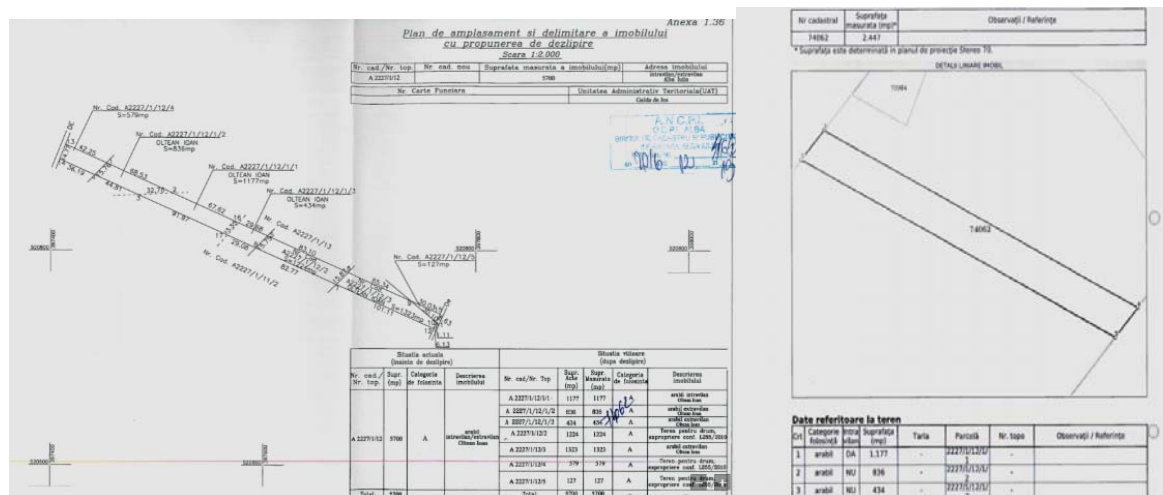


Figure 3. Examples for case I

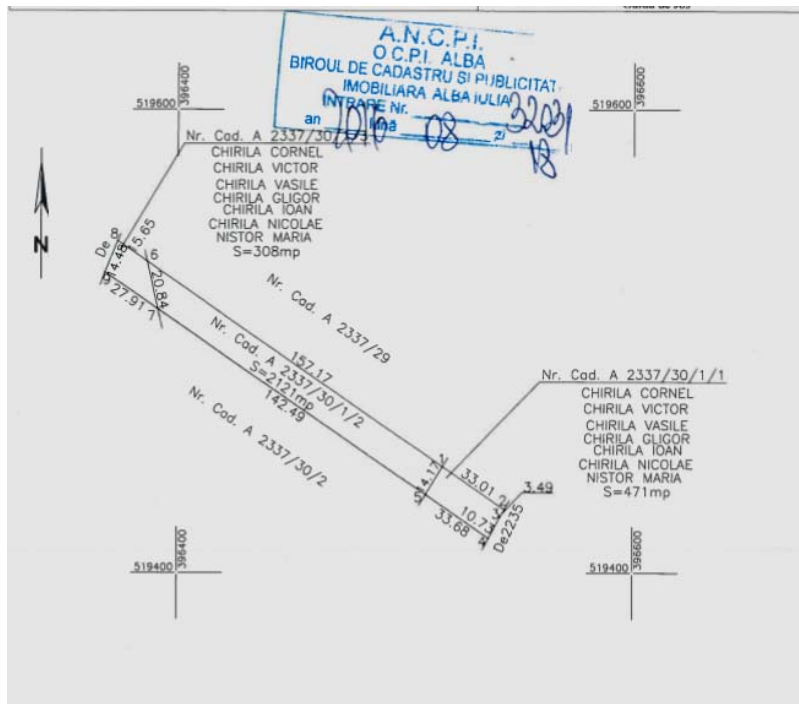


Figure 4. Examples for case II

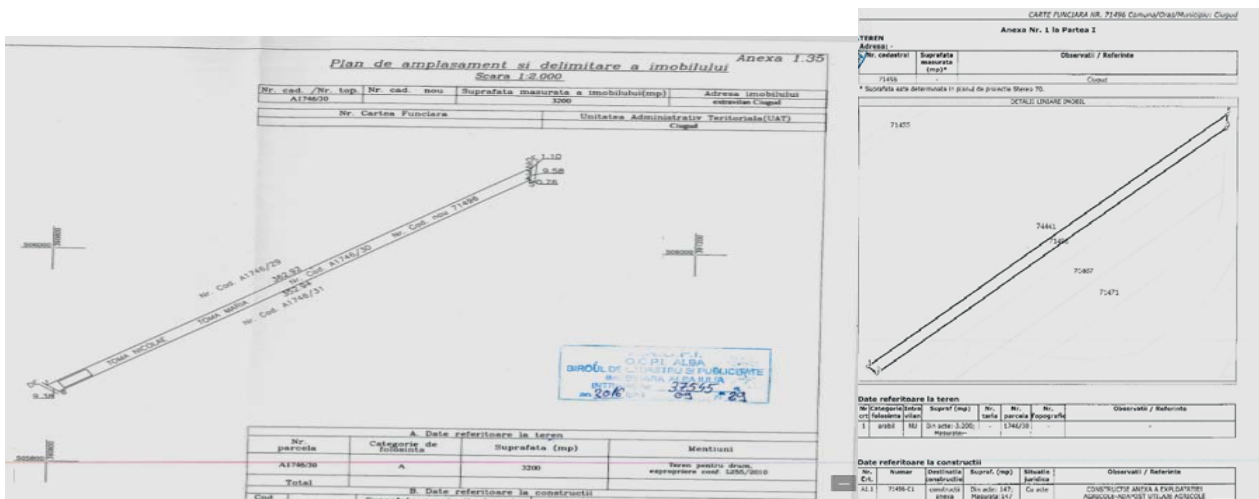


Figure 5. Examples for case III

CONCLUSIONS

In this paper, we wanted to highlight the particular cases that we encountered while performing these expropriation works. Furthermore, we also wanted to bring to light the importance of the cadastral works in order to rightfully compensate the affected owners. In order to build the motorways we will perform a high volume of work by meeting various individual cases to be approved under the law.

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