



**Wydział
Geodezji i Kartografii**



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GEODETTIC AND LEGAL ASPECTS OF REAL PROPERTY IN THE INFORMATION AREA

“GIS ODYSSEY 2013”- Conference & Exhibition
Croatia 2nd to 6th of September 2013, Crikvenica & Krk

Land Registers – the register of ownership and other legal rights to properties



MINISTERSTWO SPRAWIEDLIWOŚCI
IUSTITIA EST CONSTANS ET PERPETUA VOLUNTAS IUS SURUM CUIQUE TRIBUENDI



Podsystem Dostępu do Centralnej Bazy Danych Ksiąg Wieczystych

W celu odszukania księgi wieczystej należy wpisać:

 Numer księgi wieczystej

/

/

Wyczyść

 Kod zabezpieczający z obrazka

Heroku

and



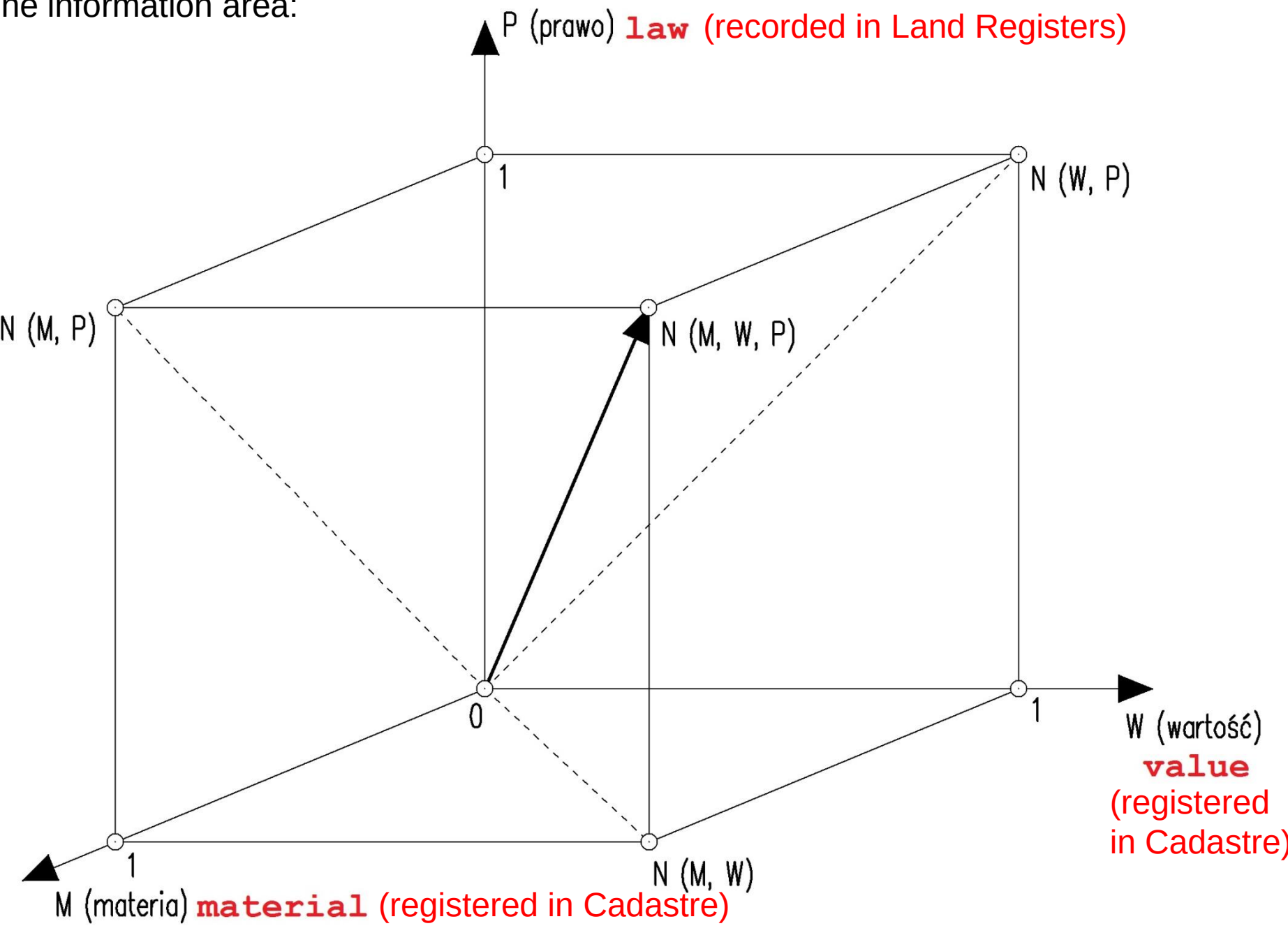
Zakończ pracę

Szukaj

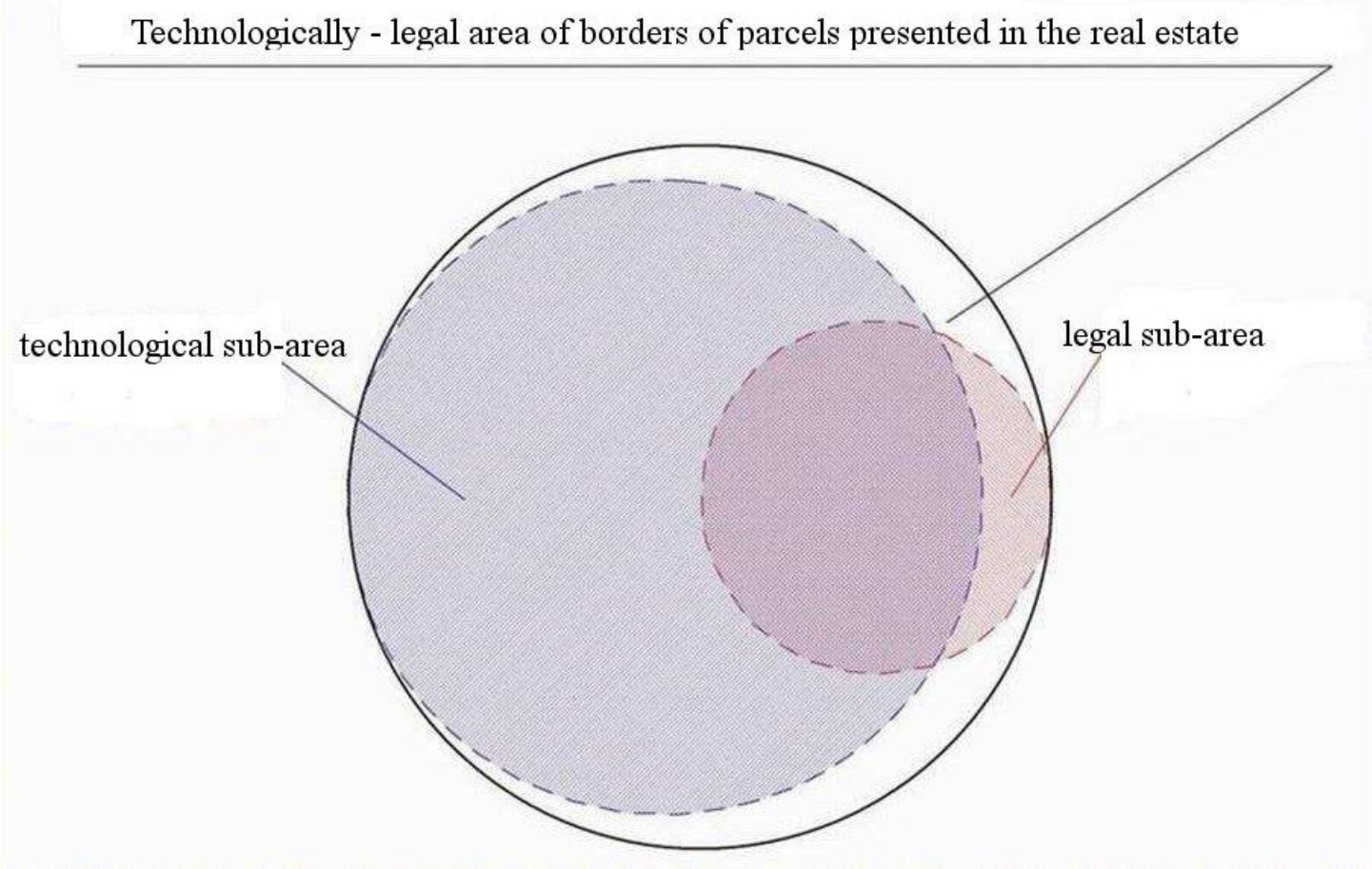
Cadastre – the register of the locations, areas and boundaries of plots.



The information area:



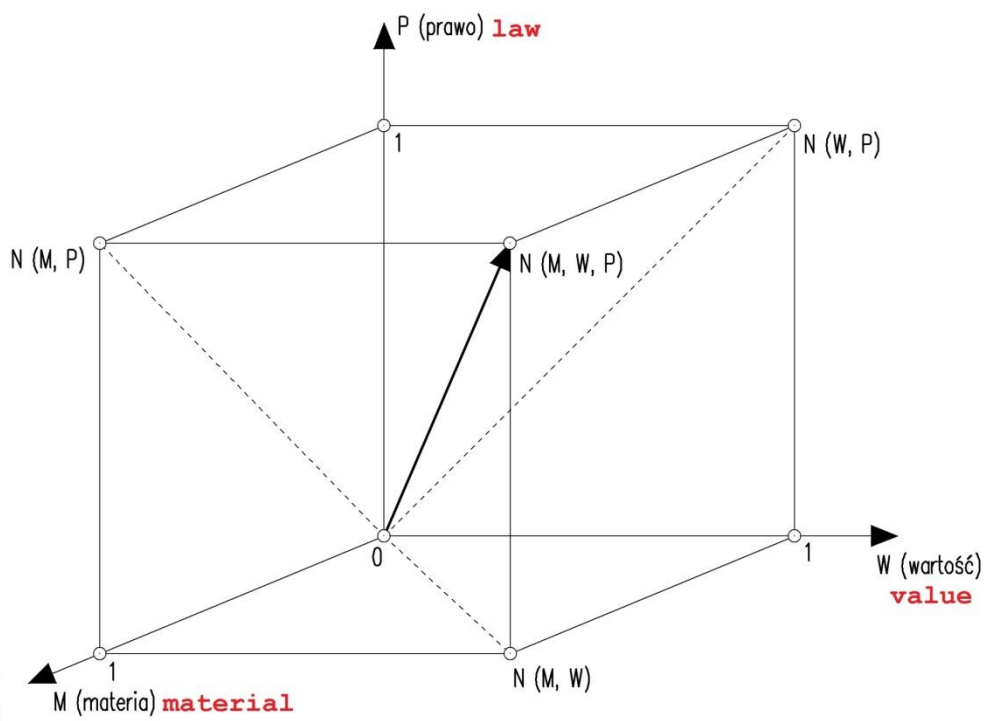
Matter (registered in Cadastre)



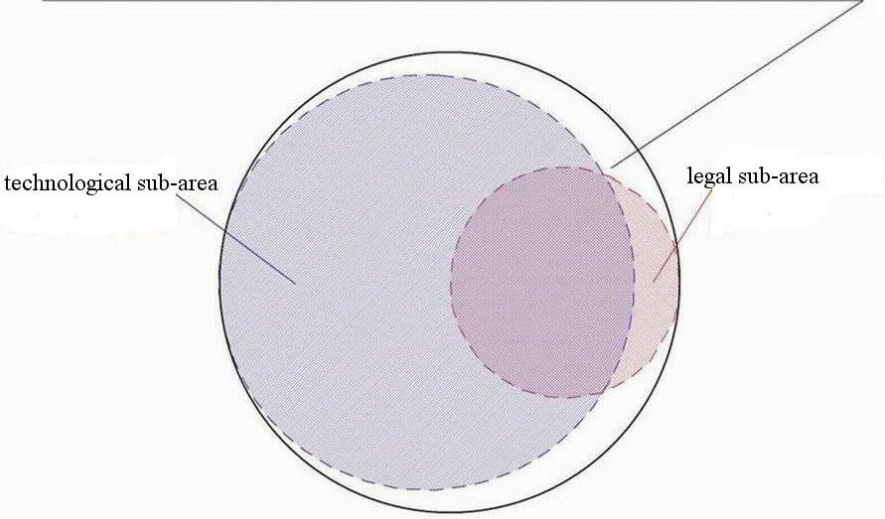
The technological-and-legal space of borderlines is the component of the property matter M.

The status of establishment and confirmation of the course of borderlines depends on the coherence of the technological-and-legal space.

The information area and technologically – legal area as a component of Matter (M)

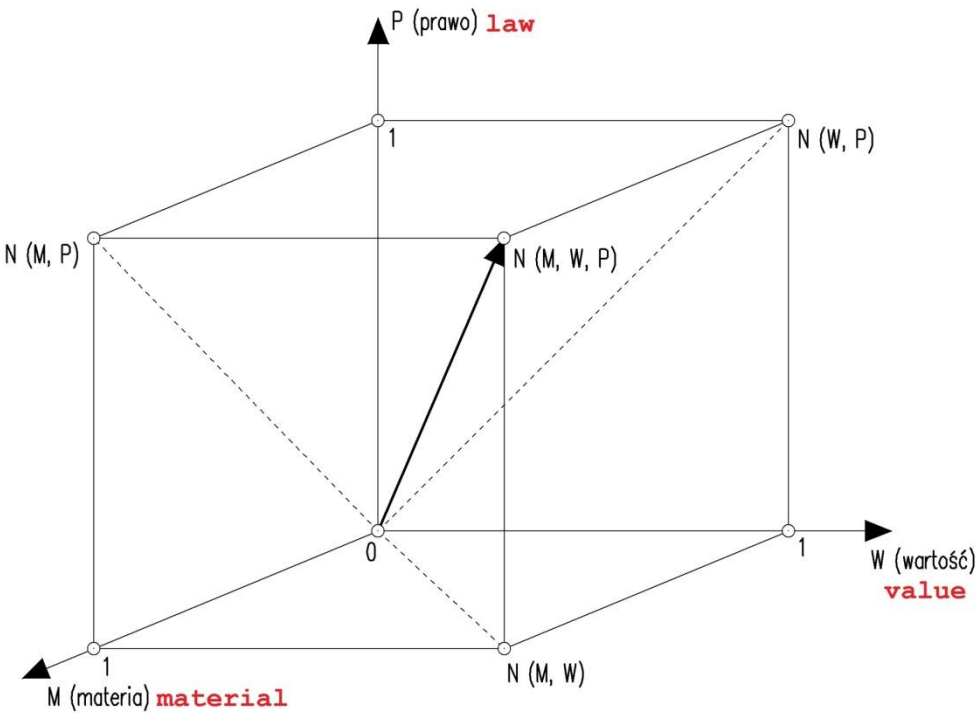
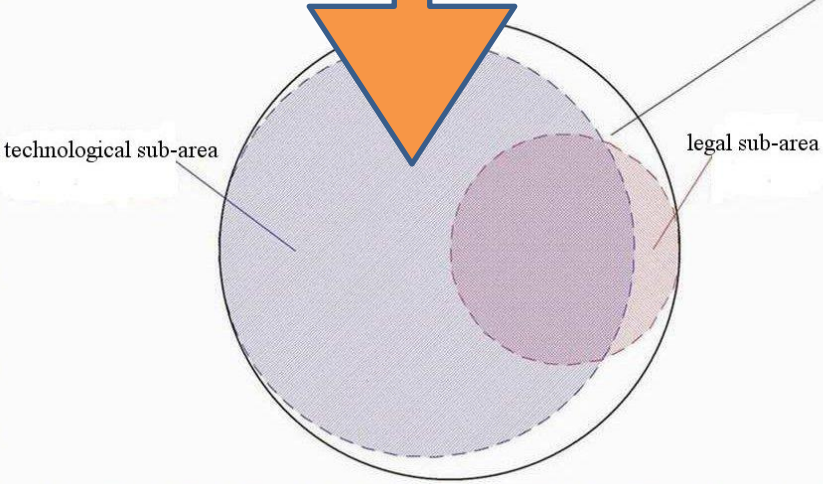


Technologically - legal area of borders of parcels presented in the real estate

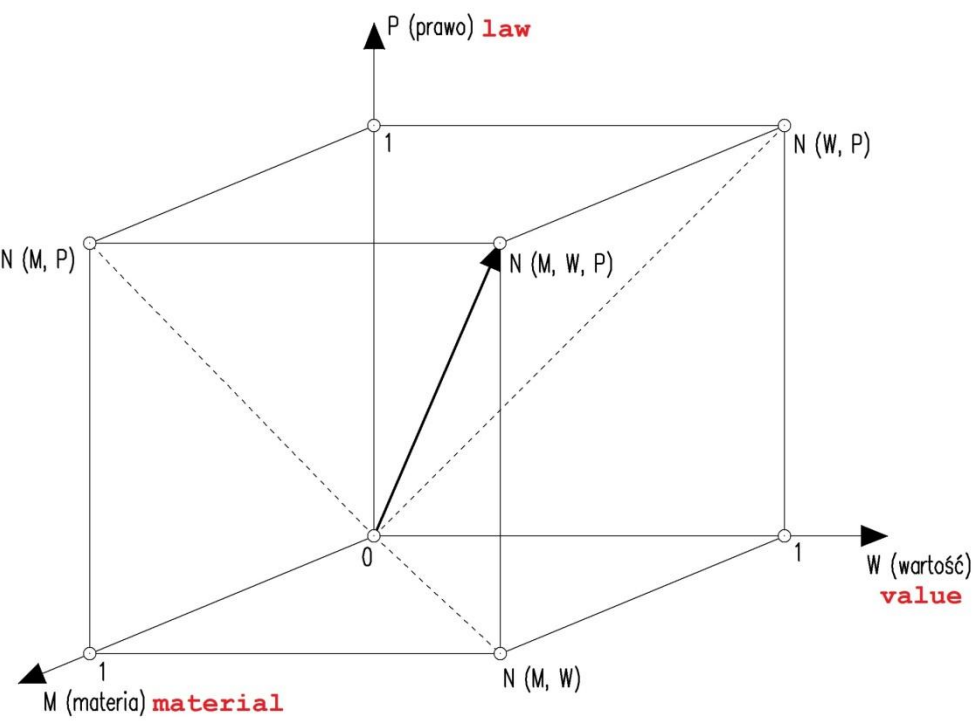
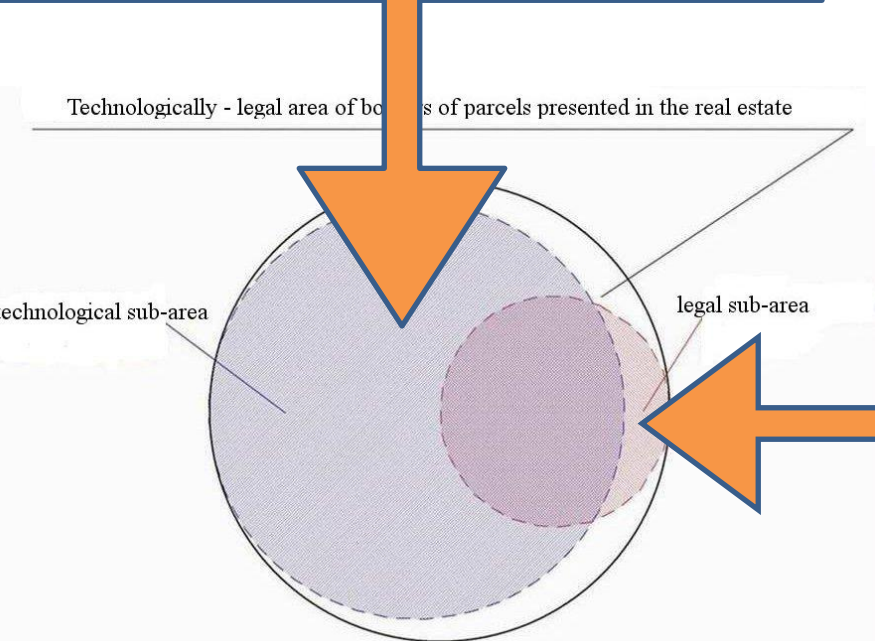


Documents which specify location of boundary points and the course of borderlines (geodetic documents which include numerical data for establishment of the course of borderlines and maps and plans, which cover the boundaries or other elements allowing for restoration or analysis of the course of borderlines).

Technologically - legal area of boundaries of parcels presented in the real estate

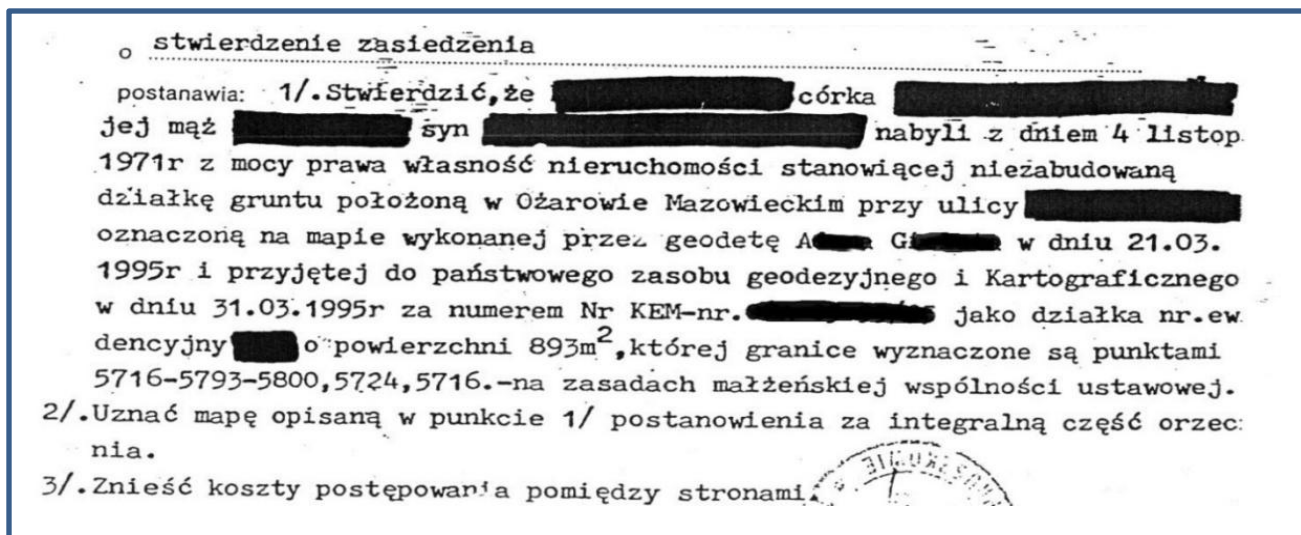


Documents which specify location of boundary points and the course of borderlines (geodetic documents which include numerical data for establishment of the course of borderlines and maps and plans, which cover the boundaries or other elements allowing for restoration or analysis of the course of borderlines).



Documents which confirm the property legal status (copies from property registers, extracts from notarial acts, valid court sentences and consents, final administrative decisions)

A fragment of the Polish court decision concerning acquisitive prescription

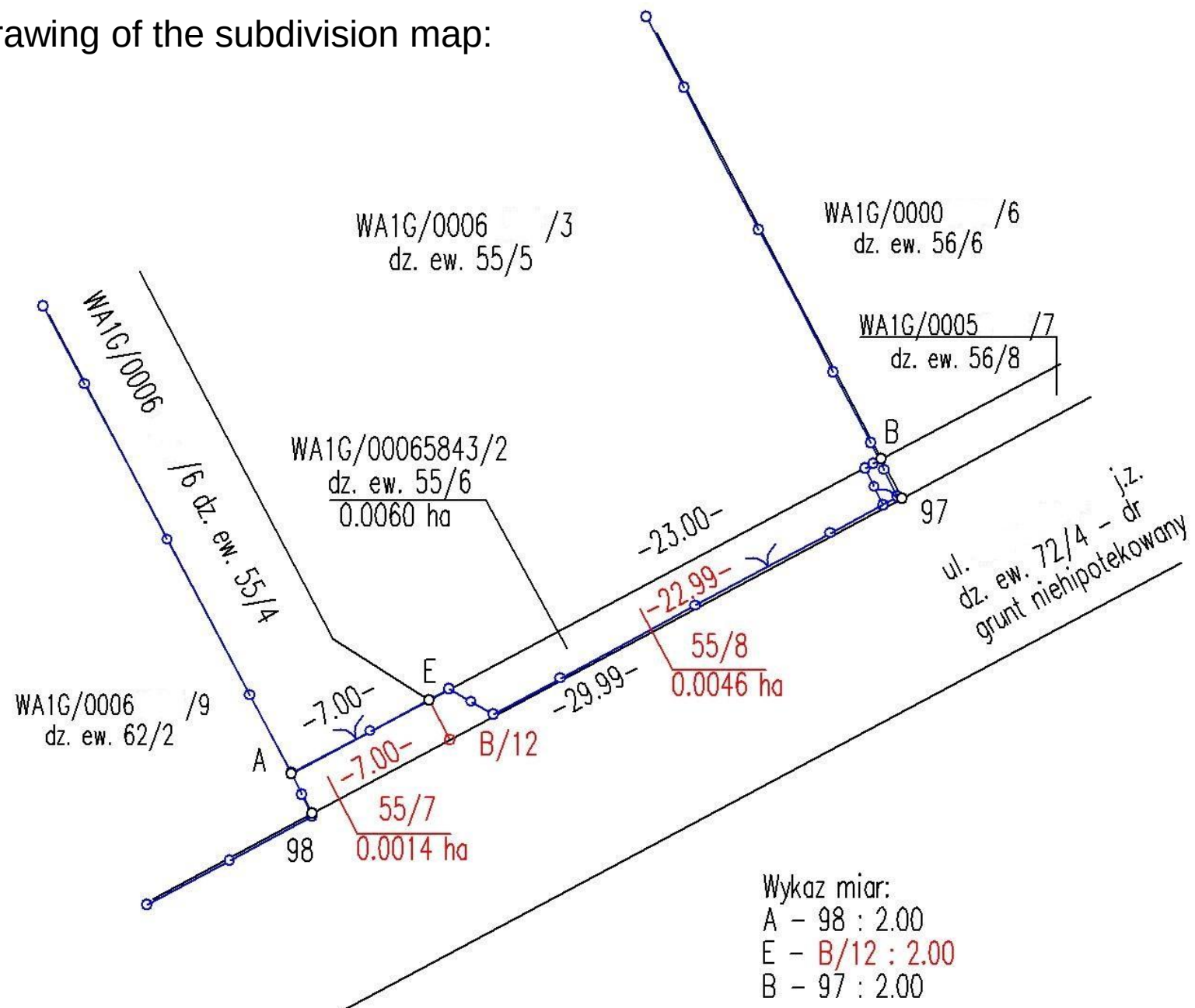


From this decision it results that the court decided:

- „1/. To state that the daughter, her husband and son acquired on November 4, 1971, by right, the ownership of the property being the *non built-up parcel*, located in Ożarów Mazowiecki, designated on the map created on March 21, 1995 and received to the state geodetic-and-cartographic resource on March 31, 1995, with the number KEM – the concealed number, as the cadastral parcel - the concealed number, of the area of 893 sq.m., which boundaries are determined by points 5716-5793-5800-5724-5716 – in accordance to the rules of the joint property of husband and wife.
- 2/. To consider the map described in item 1 as the integral part of the decision.
- 3/. To cancel the costs of the court proceedings between the parties.”



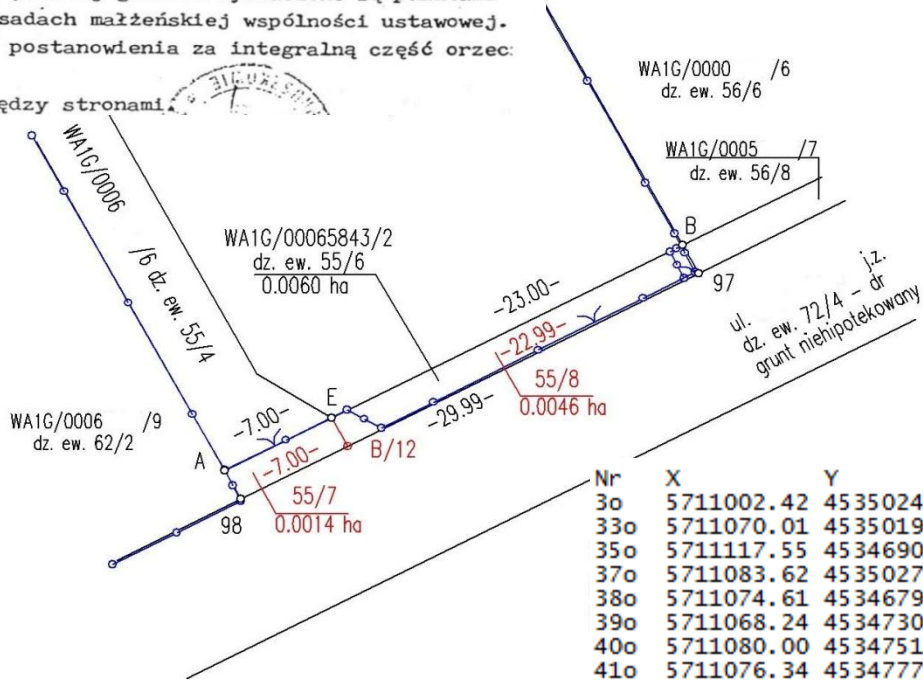
The drawing of the subdivision map:



Polish court decision and map connection with coordinates list of boundary points:

o stwierdzenie zasiedzenia

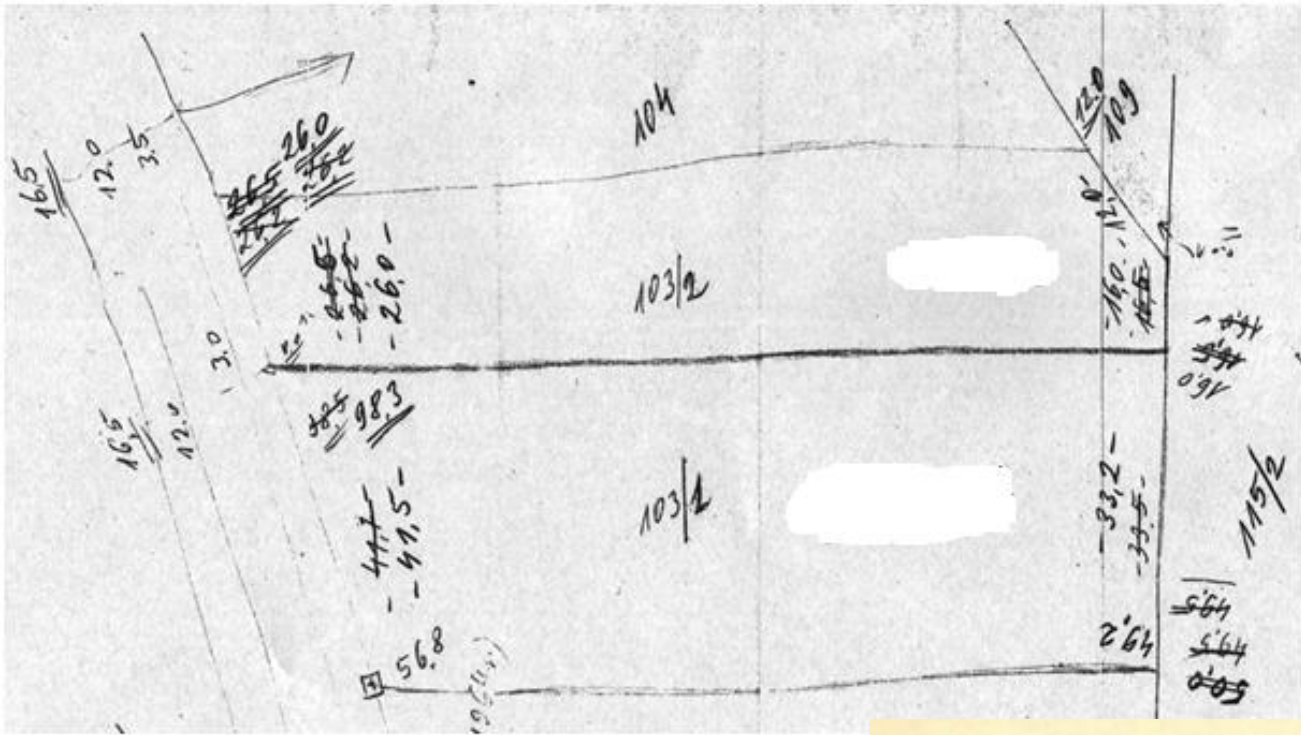
postanawia: 1/. Stwierdzić, że [redacted] córka [redacted]
jej mąż [redacted] syn [redacted] nabyli z dniem 4 listop
1971r z mocy prawa własność nieruchomości stanowiącej niezabudowaną
działkę gruntu położoną w Ożarowie Mazowieckim przy ulicy [redacted]
oznaczoną na mapie wykonanej przez geodetę A. [redacted] G. [redacted] w dniu 21.03.
1995r i przyjętej do państwowego zasobu geodezyjnego i Kartograficznego
w dniu 31.03.1995r za numerem Nr KEM-nr. [redacted] jako działka nr.ew
dencyjny [redacted] o powierzchni 893m², której granice wyznaczone są punktami
5716-5793-5800,5724,5716.-na zasadach małżeńskiej wspólności ustawowej.
2/.Uznać mapę opisaną w punkcie 1/ postanowienia za integralną część orzec-
nia.
3/.Znieść koszty postępowania pomiędzy stronami.



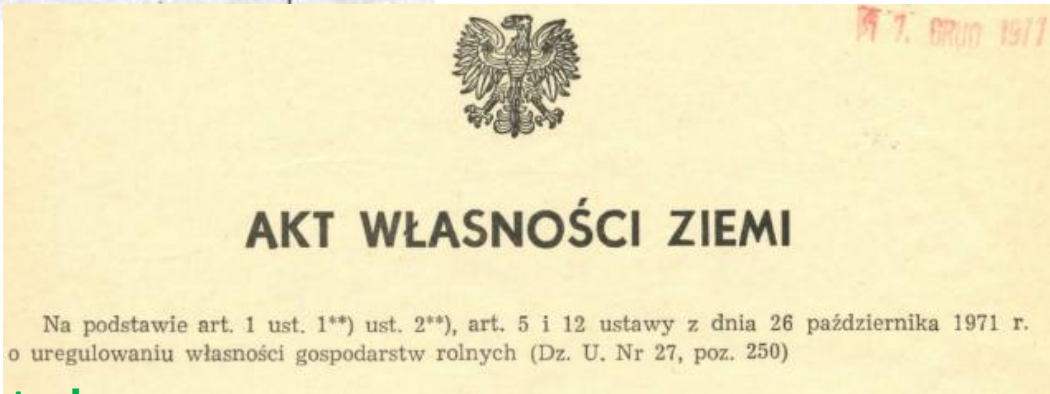
Nr	X	Y	ZRD	BPP	STB	RZG
30o	5711002.42	4535024.21	1	1	4	2
33o	5711070.01	4535019.00	1	1	4	2
35o	5711117.55	4534690.08	2	1	4	1
37o	5711083.62	4535027.32	1	1	4	2
38o	5711074.61	4534679.88	1	1	4	1
39o	5711068.24	4534730.12	1	1	4	1
40o	5711080.00	4534751.28	1	1	4	1
41o	5711076.34	4534777.82	1	1	4	1
42o	5711023.46	4534770.71	1	1	4	1
2030	5711062.78	4535016.15	1	1	4	2

- 1) Legal standing of property – regulated.
- 2) Technical standing of boundary plots – regulated.
- 3) Legal standing of boundary plots – regulated.

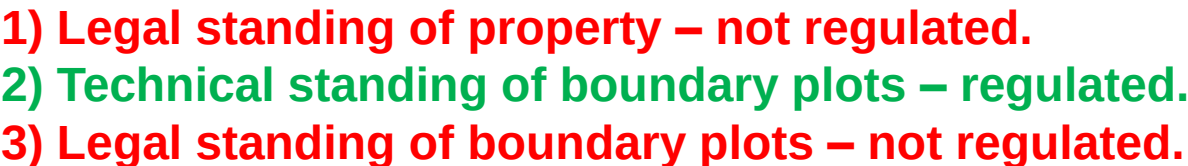
Old Polish partition sketch connection with the deed of ownership:



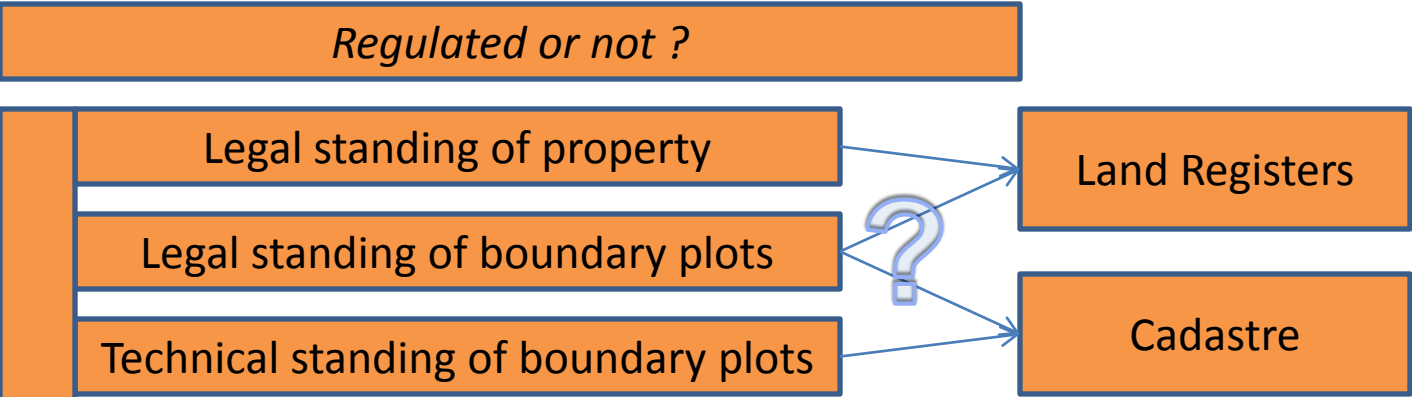
*“Legal boundaries”
- which do not meet
the conditions
of the technological
subspace!*



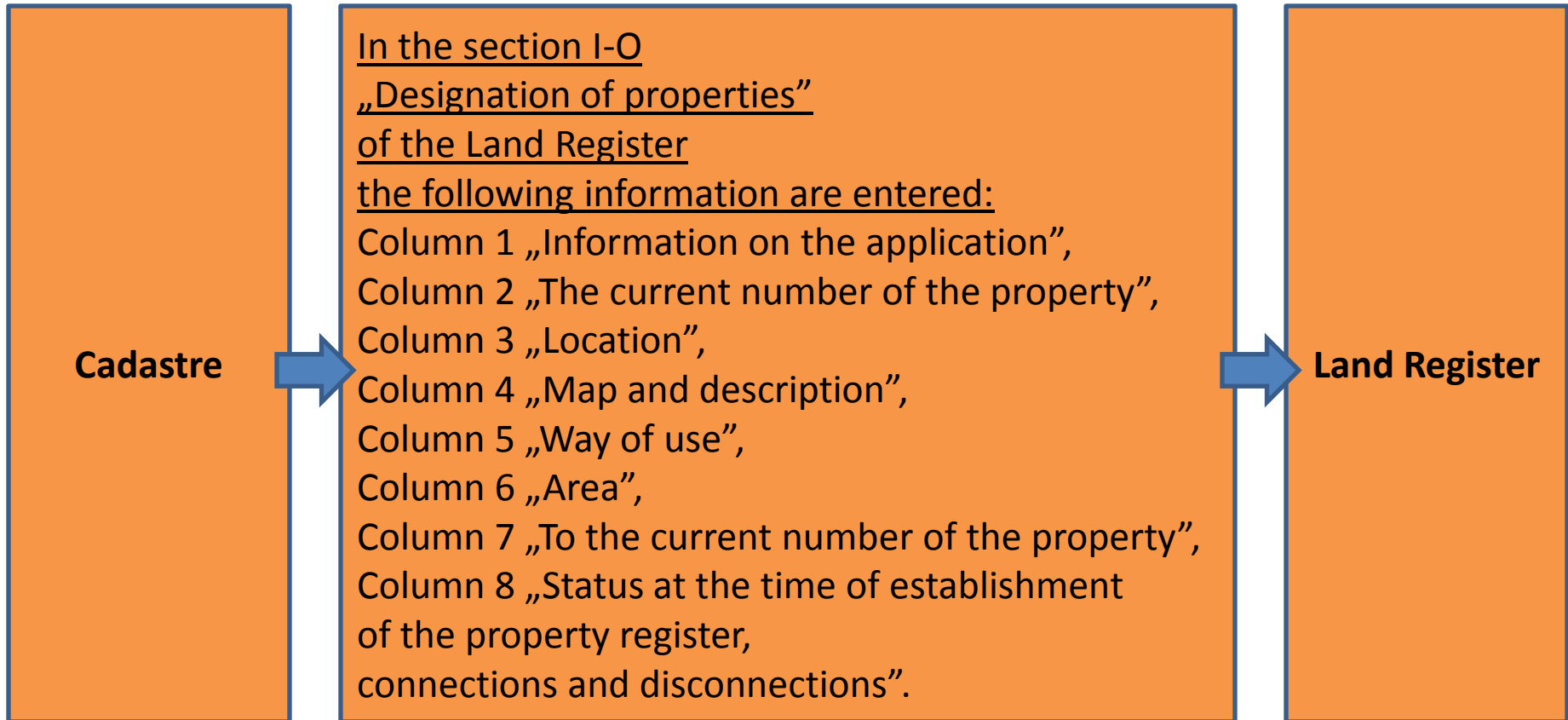
- 1) Legal standing of property – regulated.
- 2) Technical standing of boundary plots – not regulated.
- 3) Legal standing of boundary plots – regulated.







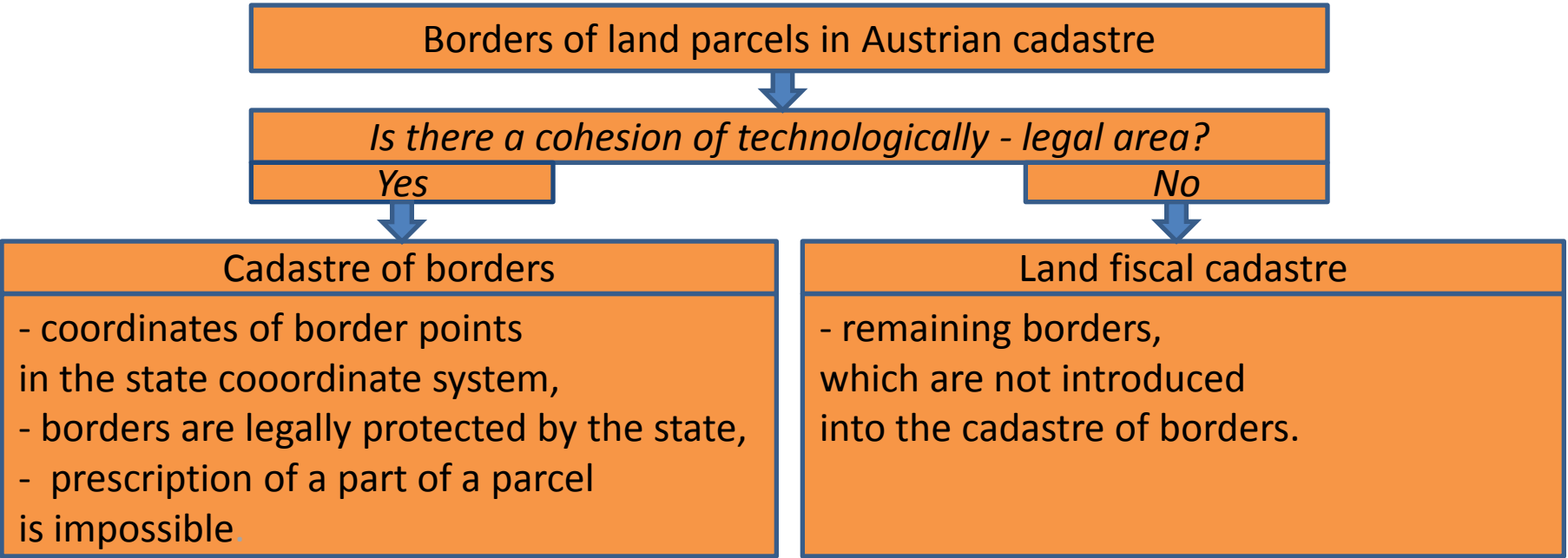
Cadastral and land register connection and warranty of reliability



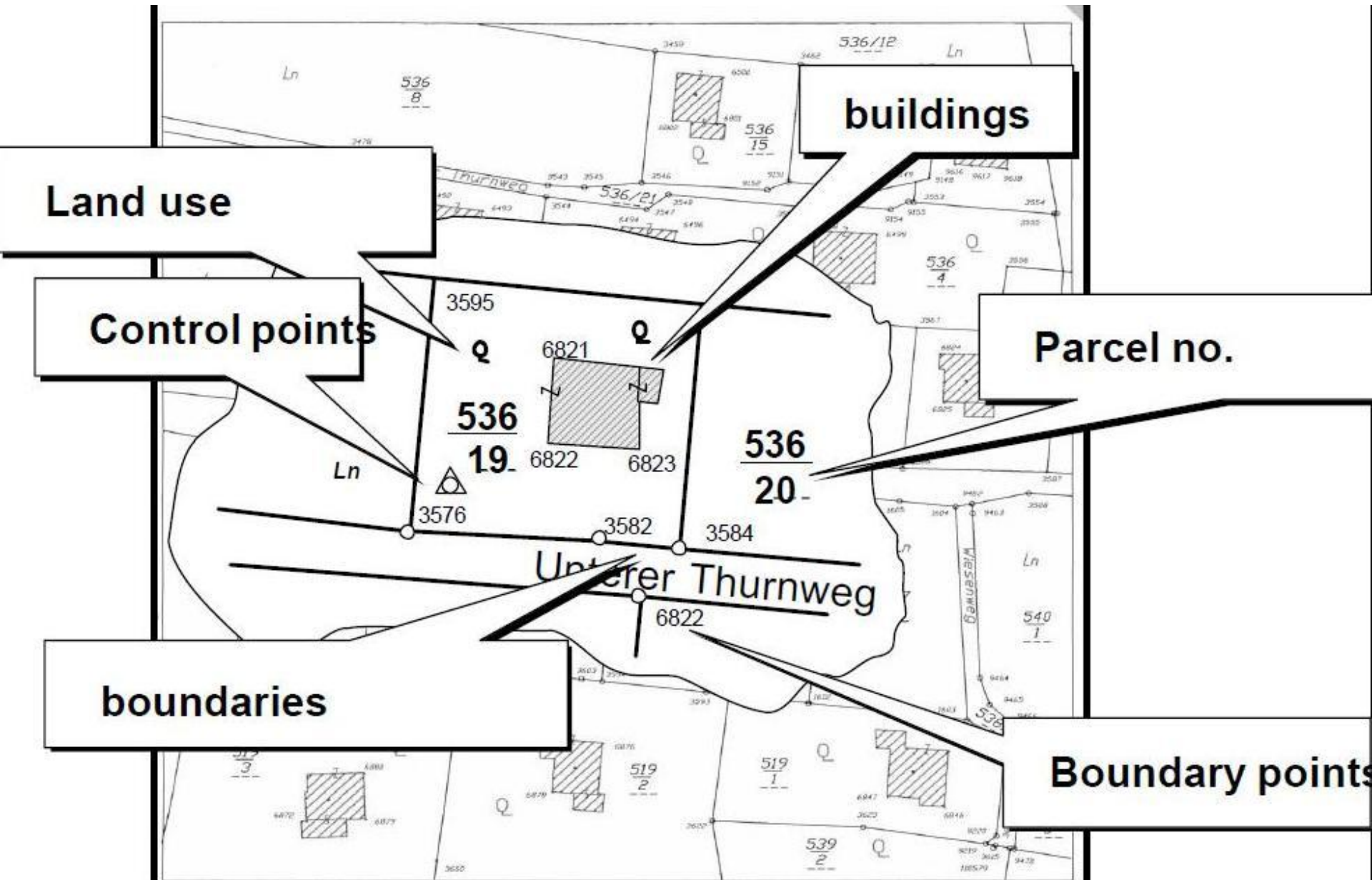
Data included in the Cadastre is the bases for designation of properties in Land Registers.

The Polish cadastre does not assume any form of warning that the plots borders do not meet the requirements of the technological and legal area of borders.

Austrian cadastre



Austrian cadastre - cadastral map



In Poland there are the problems
resulting from presentation in the Land Registers of data
which is not covered by the warranty of verity.

What should be done?

Proposition of changing

Connection of the institution of the Cadastre and Land Registers.

The cadastre should be the public register, which would ensure the following three, mutually independent warranties of reliability:

1. The warranty of reliability of determination of point location and the course of borderlines.
2. The warranty of reliability of the legal approval of the course of borderlines.
3. The warranty of reliability of the status of material rights and encumbrances.



Proposition of changing – view the map



- The warranty of reliability of determination of boundary point location.
- △ The warranty of reliability of the legal approval of the course of borderlines.
- 11 The warranty of reliability of the status of material rights and encumbrances.

