

# Fieldwork Surveying FS01

## 12. Lecture

# Cadastral of real estates of the Czech Republic

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# Cadastral of real estates of the Czech Republic

A source of information serving for protection of rights to real estates, for tax and fees purposes, for environmental, agriculture and forest land protection, for protection of natural resources, cultural monuments, for urban planning, for evaluation of real estates, for scientific, economical and statistical purposes so as for creation of further information systems.

There are data about real estates (a list of real estates and their description, geometric and positional determination of real estates). Registration of property rights and other rights relating to the real estates (mortgage on a real estate, leasehold, easement) is also a part of the cadastre of real estates.

# History of the cadastre of real estates

- reason of the creation – the cadastre is a base for assessment of taxes

1817 – „**stable**“ cadastre in Austrian Empire,  
ground for the current registration of real estates

1927 – **cadastre of lands**

geodetic control (fixed points whose coordinates or heights are known) is measured more accurately

**Property register** was established and the registration of property rights was constitutive = legal effects of contracts come into existence after recording to the property register.

1950 – constitutive character of the property register was cancelled (legal effects started up by signature of the contract), the owner of a real estate was allowed to decide whether he wanted to record his property right to the property register. Therefore, a discrepancy between the cadastre of lands and the actual situation was caused by that.

## **1956 – uniform real estate registry**

Nature of land use and actual users were registered for particular plots. The registration was not related to the property rights.

## **1964 – real estate registry**

Records to the property register were stopped, the property rights to the plots which were consolidated were not registered.

## **1992 – cadastre of real estates**

The constitutive character was restored – legal effects of contracts come into existence after recording to the cadastre of real estates.

# Essential terms

**Real estate** = a plot or a construction which is connected to the ground by foundations.

**Plot** = a part of the Earth surface which is separated from other plots by a boundary (e.g. property boundary, boundary of agricultural use).

**Nature of land use** = purpose of use which is determined by rules, the purpose is obligatory (e.g. arable land, meadow, built-up area).

**Land parcel** = image of a plot in the cadastral map, it is marked by a plot number.

**Cadastral map** = large scale map where the planimetry of all real estates is displayed. Plots are marked by plot numbers and by map symbols of nature of land use.

**Cadastral district** = set of real estates from a particular place. It is marked by a number and a title (usually title of the village or the town).



## Cadastral documentation:

### **1. The file of geodetic information**

cadastral map and its numeric data (coordinates of all break points of parcels) which enable a display of the map and creation of a digital cadastral map.

### **2. The file of descriptive information**

The data about cadastral units, parcels, buildings, flats and non-residential premises, about owners and other justified persons, about legal relations and rights and other facts given by the law.

### **3. The Collection of documents**

contracts and other documents used for a record of a right to the cadastre of real estates.

# Records of property rights and other rights relating to real estates to the cadastre

Rights recorded to the cadastre of real estates: property right, mortgage, right of refusal, easement (of access usually), right to use a real estate permanently, lease of agricultural and forest plots (for longer time than 5 years).

Easement – a limitation of the real estate's owner. E.g. there is a duty to allow a way through the plot for a neighbour.

Types of submissions of the rights into the cadastre:

## **1. Entry into the cadastre**

Entry is used for registration of constitution, change, termination, prescription of rights and recognition of their existence or non-existence, e.g.:

Ownership right,

Right of building,

Easement,

Right of lien (pawn right),

Right of submortgage,

Pre-emptive right,

## 2. Record into the cadastre

Record is such a registration into the cadastre, by which the rights derived from the ownership right are registered.

Record is used for registration into the cadastre regarding e.g.:

Competencies of structural components of the state and state organizations to deal with the state property management,

The right to deal with the state property management, Administration of real estate owned by the state,

Property of the Prague-city delegated to metropolitan districts of Prague

### **3. Note in the cadastre**

Note is such a registration into the cadastre, by which significant information about real estate or owners and other beneficiaries registered in the cadastre of real estate are registered.

Cadastral office registers the note based on the delivered decision or announcement from the court, tax administrator, business company administrator, expropriation authority, court executioner, auctioneer, insolvent administrator, State land office, other administration body or based on the confirmed proposal of the subject for whose benefit the note has to be registered.

# Standards of a record of the rights to real estates in the cadastre

1. A right to the real estate originates the day when the contribution in the cadastre is accomplished (constitutive character of the cadastre).
2. Everybody who behaves according to information in the cadastre is protected even if the information is not true.
3. Cadastre of real estate is public; everybody is allowed to see the data of the cadastre.
4. The order of contributions in the cadastre is in agreement with the time when proposal for the contribution is delivered to the cadastral office.

# Survey sketch

- if an object of the contribution in the cadastre is to be displayed in the cadastral map, a survey sketch has to be realized
  - an alteration to the cadastral map can be made only on the basis of realized survey sketch
- survey sketch is a part of the collection of documents
- survey sketches are mainly realized by geodetic private companies

Survey sketch is realized in these cases:

- change of a real property boundary or of a boundary of the cadastral district or of a boundary of nature of land use,
- new construction which is a real estate
- easement which is established only at a part of a plot
- setting out of a plot boundary which has not been displayed in the cadastral map yet



## Parts of a survey sketch:

- **descriptive part**

information about the author of the survey sketch and the area where the survey sketch was realized, proof of authentication of the survey sketch (an authorized surveying engineer can deliver this proof), authentication of the survey sketch (a cadastral office authenticates survey sketches)

- **graphic display**

copy or blow-up of the cadastral map with drawing of the situation before and after the change

- **documentary registry of areas**

present and new areas of plots

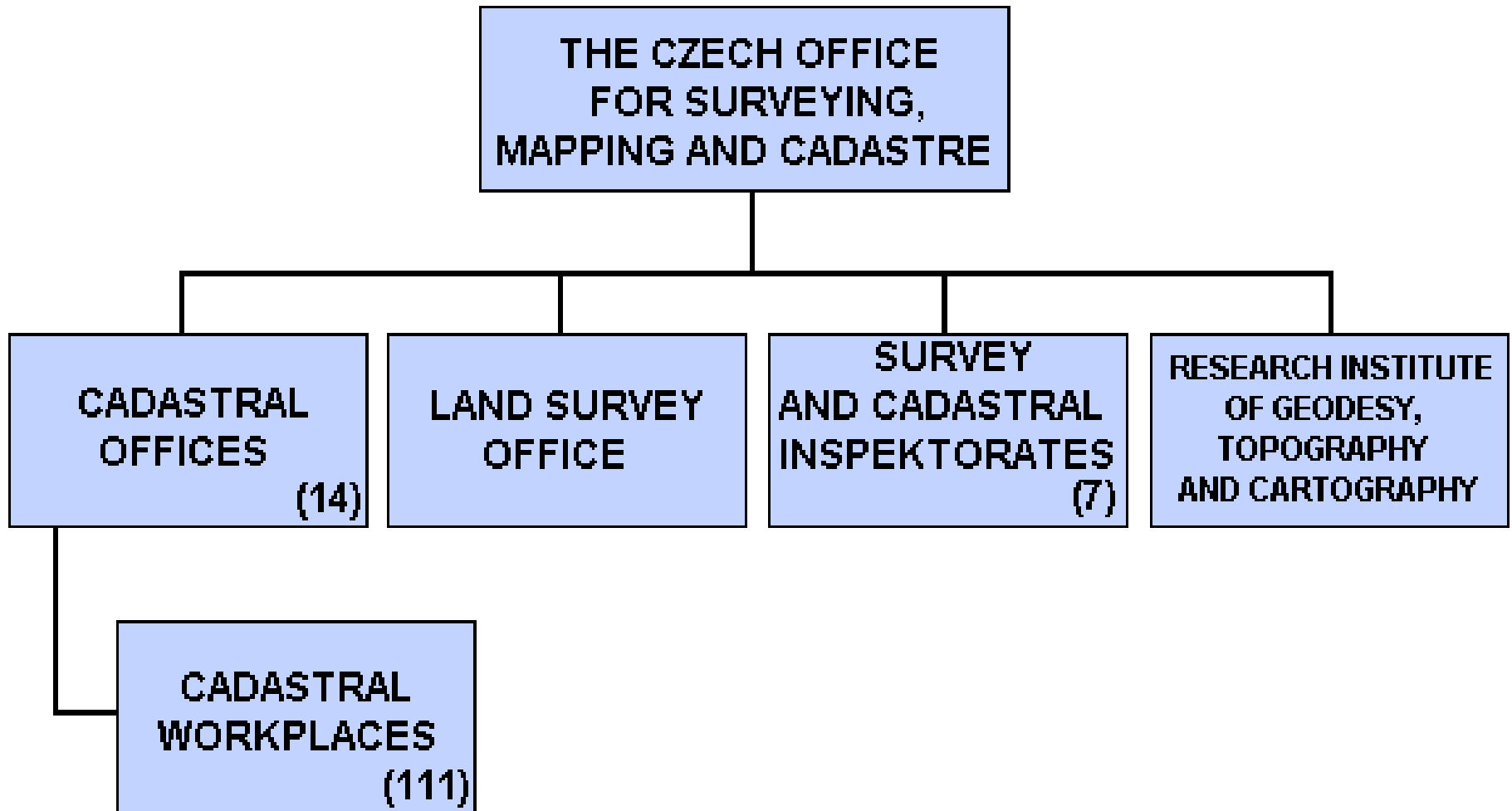


Survey sketch is used for:

- change of a right to the real estate,
- final building approvals,
- change of a boundary of the cadastral district or change of a boundary of nature of land use

# Ordering of geodetic service in the Czech Republic

## 1. state administration body (executive agency)



COSMC = autonomous supreme body of the state administration of surveying, mapping and cadastre.

RIGTC – research and international cooperation in geodesy, cartography and cadastre.

CO (CW) – complete administration of the cadastre.

LSO – maintenance and modernisation of fundamental geodetic control, geodetic surveys and documentation of the state boundaries

SCI – supervises the performance of cadastral offices and activities of private companies and licensed surveyors performed for the state administration.

## 2. geodetic private companies

They practise commissions for state map series (they are supervised by SCI) and commissions for building and engineering surveying (commissions have to conform with the conditions in contracts).

Thank you for your attention!