

## RESERVE PROPERTIES PUT INTO POSSESSION AT PNCCF'S LAND FUND COMMISSION'S DISPOSAL CASE STUDY: CRICAU MUNICIPALITY

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**Abstract:** *Right of private ownership's establishment over the lands that were part of agricultural production cooperative's patrimony is done under the conditions of 18/1991 law by reconstituting the right of ownership or establishing this right.*

*The purpose of the systematic registration work is buildings identification, measurement, description and registration in cadastral technical documents, the identification of owners, possessors and other buildings holders in order to input them in the land register and open new land registers.*

*This type of work can be done at administrative-territorial unit or at cadastral sector levels.*

**Keywords:** *systematic registration; possession; title; owner; land register*

### 1. Introduction

Starting with 1990 in Romania the problem of returning the lands taken over during the cooperativization period to the rightful owners existed. Law 18/1991 represented a first step in this direction, establishing the necessary stages and documents in order to be able to establish or reconstitute the ownership right over land. However, after 35 years since the revolution and the removal of communism there are still properties for which no property title has been issued, as a result, within the systematic cadastre program these properties are registered in the provisional land register in favor of the UAT (Territorial Administrative Unit) with the notation "reserve at the disposal of Land Fund Commission".

Real estate owners can be individuals, legal entities or the land can be part of the public or private state's domain. As for the public domain, it can be at national level when the property belongs to the state or at local level when the property belongs to communes, cities, municipalities or counties.

Responsible authority for implementation of National Cadastre and Land Registry Program (P.N.C.C.F.) is the National Agency for Real Estate Cadastre and Publicity (A.N.C.P.I.), a program through which the free registration of real estate in the integrated cadastre and land registry system is desired, the execution of the cadastral plan of real estate and the creation of land records of all existing real estate. Verification and reception of the technical documents of the cadastre is carried out by the Office of Cadastre and Publicity of

Real Estate (O.C.P.I.) which is responsible for the publication of technical documents through the town hall and participates in the resolution of requests for rectification submitted during the period of publication of technical documents.

Present work aims to bring to attention a way by which title deeds can be released for the lands provisionally registered in favor of the UAT resulting from the PNCCF.

## 2. Materials and methods

The systematic cadastre is carried out by measuring all buildings within the radius of an administrative-territorial unit or a cadastral sector, identifying all owners and other holders of real rights over buildings.

Necessary measurements for systematic cadastre work were carried out with help of a Zenith35 Pro GPS device and plot plan resulted from measurements processing was obtained using AutoCAD software.

The Zenith35 Pro GPS device incorporates a modern multi-constellation channel measurement system and frequency support offering a wide range of functionality. Wi-Fi connection allows the equipment to be configured from any device. The GPS system is widely used in navigation systems but also in the field of topography, commerce, tracking and surveillance systems.

AutoCAD app is 2D and 3D computer-aided design software for desktop, web and mobile, powered by Autodesk. This design software is used by architects, engineers, urban planners and other professionals to create designs.

As part of the systematic registration works the surfaces of buildings resulted from measurements made with GPS technology were entered in the land register as following:

- in case of buildings located outside city that were subject of land fund laws, if the surface from measurements was greater than the surface from property deed, the land difference remained at disposal of local commission for establishing property right over land, in which case the property right was provisionally registered in favor of administrative-territorial unit;

- in case of buildings outside village that were subject to land fund laws, if a surface deficit was found following the measurement of a plot, the surface of buildings in the plot was reduced proportionally based on a coefficient established by relating plot's surface to the sum of surfaces in the existing property documents [2].

In case of buildings located within city, regardless of whether or not they were subject to land fund laws, the resulted surfaces were registered as following:

- if the building was fenced, surfaces from measurements were entered, regardless of the surface from property deed;

- if the building was unfenced, the area resulting from measurements was recorded when it is equal to or smaller than the area in property deed. When the surface resulted from measurements was larger than the surface in property deed, the property right was registered for the surface in property deed and for the surface owned in addition, provisions related to the notation of possession were applied opening a single land book [2].

## 3. Results and discussion

Cricău commune located in Alba County (figure 2) includes the villages of Cricău, Craiva and Tibru, and dates back to 1206. Village hearths of Cricău, Craiva and Tibru are located at the base of Dacian fortress from the rocky massif of Piatra Craivii. [11]

Territory of Cricău commune is bordered on west-northwest-east-southeast direction by the narrow hydrographic basins of valleys bearing the names of the three villages of which it is composed (Tibru, Cricău and Craiva).

Entire territory of Cricău commune covers an area of 5063 ha, i.e. approximately 208 ha land inside village and 4755 ha land outside, of which 2581 ha is agricultural surface. Out of 2581 ha of Cricău village, approximately 1320 ha is arable land.

In 2011 there were 1912 inhabitants in Cricău commune, less than in 2002 when 2097 inhabited the commune, a population decrease of 8.82%. Most inhabitants are Romanians (94.51%) with a minority of Roma (1.46%) and the difference of 3.66% of the population has unknown ethnicity.



Fig. 1. The Dacian fortress Apoulon

A natural and archaeological monument, Apoulon Dacian fortress (Fig. 1) is the most famous tourist objective around commune's territory. It's included in National Archaeological Repertory and on the List of Protected Historical Monuments, having:

- RAN code – 4160.01
- LMI code - AB-I-s-A-00028
- Point/Toponym - Piatra Craivii (Căpri). [12]

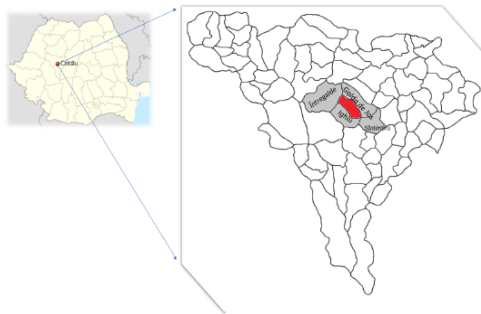


Fig. 2. Location of Cricău commune within Alba County

In 1991 the possession works and issuance of property titles began in accordance with Law no. 18/1991, covering an area of about 8 million hectares, these being the object of establishment and reconstitution of property rights.

The end of the implementation works of Law No. 18/1991 was decided by the existence and degree of updating of land cadastre inside the city and land surfaces outside the city that were owned by the former agricultural production cooperatives (C.A.P.) or agricultural associations. [7]

In agricultural production cooperative each person brought a certain area of land which is evident from following documents: property documents, land register, cadastre, applications for registration in cooperative, agricultural register from the date of entry into

cooperative, cooperative records or in absence of these, from any other evidence including witness statements.

In order to achieve possession of entitled persons it is required to carry out the necessary delimitations on ground through measurements to establish the neighbors based on the old sketches, to establish location and to prepare the preliminary ascertaining documents.

Within the framework of systematic registration works several objectives are pursued, among which:

- identifying the limits of the territorial administrative unit, establishing the cadastral sectors, analyzing and integrating obtained information;
- identifying the locations and boundaries of buildings, carrying out cadastral measurements, identifying legal owners of buildings and collecting legal documents;
- processing the information collected from the field and drawing up the technical documents of the cadastre;

At the end of systematic cadastre works, technical documents of cadastre are made, documents such as:

- a) cadastral plan where the geometry of each building is presented (figure 3);
- b) cadastral register of buildings which contains data about land and owner;
- c) alphabetical list of holders of real property rights, possessors and other holders [2].



Fig. 3. Cadastral plan made as part of systematic registration works

In case of lands that have been abusively taken over by agricultural production cooperatives from rightful owners without them being registered in the agricultural production cooperatives or by the state without any rights, they are returned to the owners who have applied for the reconstitution of ownership right, most of the time on old positions in the land, if that land has not been assigned to other people.

When property titles were issued to people other than former owners and they had ownership certificates, and were land's owners, the land commissions will revoke the titles issued in violation of law, if they have not entered civil circuit. If properties in those title deeds were subject of a sale-purchase deed or any other type of deed of transfer of ownership, the former owner will open a file in court to establish absolute nullity of the title according to the provisions of art. III of Law no. 169/1997 for the amendment and completion of the Land Fund Law no. 18/1991 [1].

Către  
PRIMĂRIA Comunei Cricău

Subsemnatul (moștenitorii defunctului) POPCU Ionel domiciliat (ă) în Cricău, str. Principală, nr. 1, bl. 1, ap. 1, Județul Alba, născut(ă) din părinți Ionel și Popescu (fost) cu domiciliul în localitatea Cricău, str. 312, bl. 1, nr. 1, Județul Alba în calitate de \_\_\_\_\_

Gradul de rudenie \_\_\_\_\_

Am adus în C.A.P. (s-a prelat în C.A.P., I.A.S. la stat) suprafața de 1,2 ha teren, din care \_\_\_\_\_ ha în intravilan și 0,6 ha extravilan în următoarea structură: 0,6 ha arabil, 0,6 ha vii, \_\_\_\_\_ ha livezi, \_\_\_\_\_ ha pășuni, \_\_\_\_\_ ha floște, \_\_\_\_\_ ha păduri, \_\_\_\_\_ ha alte terenuri.

Solicit stabilirea dreptului de proprietate prin reconstituirea (constituirea) lui asupra suprafeței de 1,2 ha teren, din care \_\_\_\_\_ ha teren în intravilanul localității și \_\_\_\_\_ ha teren în extravilanul localității, pe următoarele categorii de folosință:

Nr. crt.	Categorie	UIM	Total din teren	INTRAVILAN		EXTRAVILAN	
				Situat în localitate	Vicinătăți	Situat în localitate	Vicinătăți
1.	Arabil	ha	<u>0,6</u>			<u>0,6</u>	
2.	Vii	ha	<u>0,6</u>			<u>0,6</u>	
3.	Livezi	ha					
4.	Pășuni	ha					
5.	Floște	ha					
6.	Păduri	ha					
7.	Terenuri ne-agricole (I)	ha					
8.	Curți construite	ha					
9.	Alte terenuri (I)	ha					
TOTAL:			ha	<u>1,2</u>			

Tenențele pe categorii de folosință, asupra cărora solicit stabilirea dreptului de proprietate sunt folosite, administrate, în proprietatea C.A.P., I.A.S., de stat, după cum urmează:

În intravilan \_\_\_\_\_

În extravilan 1,2 ha

Aneșan prezentei cereri următoarele acte doveditoare:  
ADEVERINȚĂ C.A.P. ADEVERINȚĂ PRIMĂRIE

Și declarăm privind suprafețele de teren pe care le avem în proprietate sau sîntem îndreptățiți să le primim în alte localități.

Doresc să lucrăm pînă la \_\_\_\_\_

Alte date necesare \_\_\_\_\_

03 Martie 1991

Semnatura \_\_\_\_\_

DECLARAȚIE

Subsemnatul(a) POPCU Ionel domiciliat(ă) în localitatea Cricău, strada \_\_\_\_\_ nr. 312 bloc \_\_\_\_\_ ap. \_\_\_\_\_ legitimat cu B.I. seria 28, nr. 22156 eliberat de MUNICIPIUL ALBA

Declar pe propria mea răspundere că la data prezentei declarații:

- Dețin (nu dețin) în proprietate suprafața de 1,2 ha teren cu următoarele destinații: 0,6 ha arabil, 0,6 ha vii, \_\_\_\_\_ ha livezi, \_\_\_\_\_ ha pășuni, floște, pășuni, \_\_\_\_\_ ha teren agricol.
- Sînt îndreptățiți (nu sînt îndreptățiți) să primesc în condițiile Legii fondului funciar din 1991, suprafața de \_\_\_\_\_ ha teren, cu următoarele destinații: 0,6 ha arabil, 0,6 ha vii, \_\_\_\_\_ ha livezi, \_\_\_\_\_ ha pășuni, \_\_\_\_\_ ha teren cu vegetație forestieră, \_\_\_\_\_ ha teren neagricol.

Suprafețele de teren care în prezent se află în proprietatea statului și administrației I.A.S. nu au fost confiscate ca efect al unor condamnări penale.

Datele la care se referă prezenta declarație au în vedere toate terenurile, indiferent de locul lor de situare, respectiv localitate.

Am cunoștință de faptul că declararea de date nesincere se pedepsește conform legii penale.

03 Martie 1991

SEMNATURA \_\_\_\_\_

Fig. 4. Application and declaration for possession

In order to establish right of ownership an application is made (figure 4) according to the situation of land owned by agricultural production cooperatives on January 1, 1990, entered in cadastral record or in agricultural register, updated according to the registrations made by the cooperative until the enforcement of law 18/1991.

The applications were submitted within 30 days from the entry into force of Law 18/1991 [1].

Although other laws have been issued, such as Law no. 1/2000, Law no. 231/2018, Law no. 87/2020, through which title deeds could be issued on buildings for which they were not issued based on Law 18/1991, currently there are still lands that have not been assigned with title to the entitled persons.

C.A.P. Cricău  
Jud. Alba  
Nr. 1 din 02.03.1991

ADEVERINȚĂ

Prin prezenta se adeverește că d(ă)na POPCU Ionel figurează la noi în registrul agricol la nr. 63 și în cererea de înscriere în cooperativa agricolă la nr. 34 din anul 1965 cu o suprafață totală de 1,2 ha din care: arabil - 0,6 ha, vii 0,6 ha, fiind \_\_\_\_\_ ha, livezi, \_\_\_\_\_ ha și alte terenuri \_\_\_\_\_ ha.

Prezenta s-a eliberat pentru a-i servi la constituirea (reconstituirea) dreptului de proprietate.

Președinte, \_\_\_\_\_ Contabil șef, \_\_\_\_\_

Fig. 5. Certificate issued by agricultural register

According to the law, buildings in public domain are inalienable and imprescriptible, they can enter civil circuit when they are considered decommissioned from public domain.

Public domain includes immovables such as "the lands on which buildings of public interest are located, markets, communication ways, street networks and public parks, ports and airports, forestry lands, river and river beds, basins of lakes of public interest, the bottom of inland maritime waters and territorial sea, shores of the Black Sea including beaches, lands for nature reserves and national parks, monuments, archaeological and historical ensembles and sites, natural monuments, lands for defense needs or for other uses which according to the law are of public domain or which, by their nature are of public use or interest"[1].

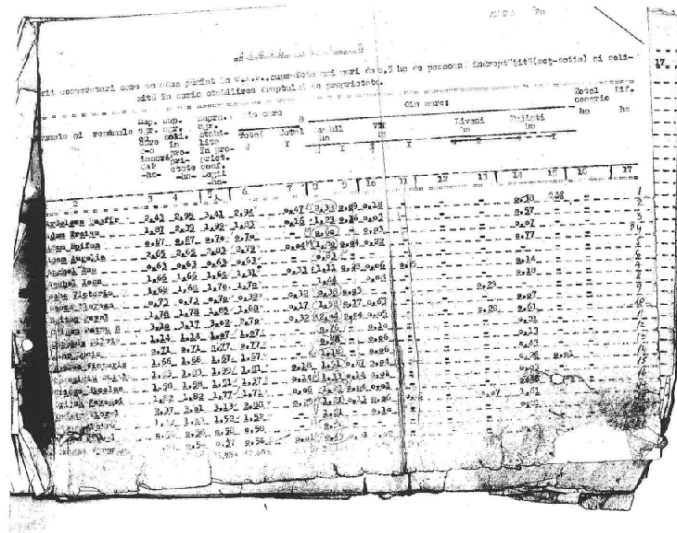


Fig. 6. Surface validation document

The documentation for the release of property titles on a building that was subject of systematic registration works includes:

- surface validation document (figure 6);
- the application and declaration for possession;
- copy of identity document;
- extract from land register of the building for which the property title is issued;
- certificate from the agricultural register (figure 5);

At each commune, city or municipality levels, by order of the prefect, a commission led by the mayor was established, for effective allocation of land to entitled persons and release of property titles in their favor.

When the property title is issued (figure 7) it is automatically entered in land book opened as part of systematic cadastre works and the owner will receive a copy of the property title, as well as of the land book in which it is recorded.

Fig. 7. Title of ownership [3]

#### 4. Conclusions

After the dissolution of agricultural production cooperatives, at each territorial administrative unit level, local commissions were established to establish the right of private ownership of land.

Local commissions for establishing the right of private ownership over lands through their activity, analyzed each request for the reconstitution/establishment of ownership right over the lands registered in the former CAP by the applicants or their predecessors, established the surface that was entitled to receive it and drew up the documents (tables with the entitled persons) according to Law no. 18/1991.

The entire documentation was submitted to county commission for establishing the right of private ownership over lands in order to validate the drawn up appendices. After the decision validating the annexes was issued, a copy was sent to the Cadastre and Real Estate Publicity Office, institution that issued the property titles.

Documentation submitted to OCPI for issuance of property titles contains the minutes of possession, which was drawn up following the possession of reconstituted surfaces, according to the measurements made on field and the sketches drawn up by a specialized person delegated by OCPI. The total area assigned had to respect the total area validated.

Starting from 2014, title deeds are no longer issued only on the basis of possession sketches. Currently, it is necessary to measure the location of each building and draw up the plot plan.

As part of the systematic cadastre works, the stages of measurements and the preparation of the parcel plan have already been completed which is why the possession of properties resulting from the PNCCF works is much more simplified.

Starting from 2017 when first land books resulting from systematic registration works in Cricău UAT were opened the number of property titles issued at local level has increased progressively (figure 8) which demonstrates the interest of future owners, as well as the local authorities in completing the land transfer works.

In conclusion, this paper brings to attention the possibility of issuing property titles for lands provisionally registered in favor of UAT resulting from PNCCF.

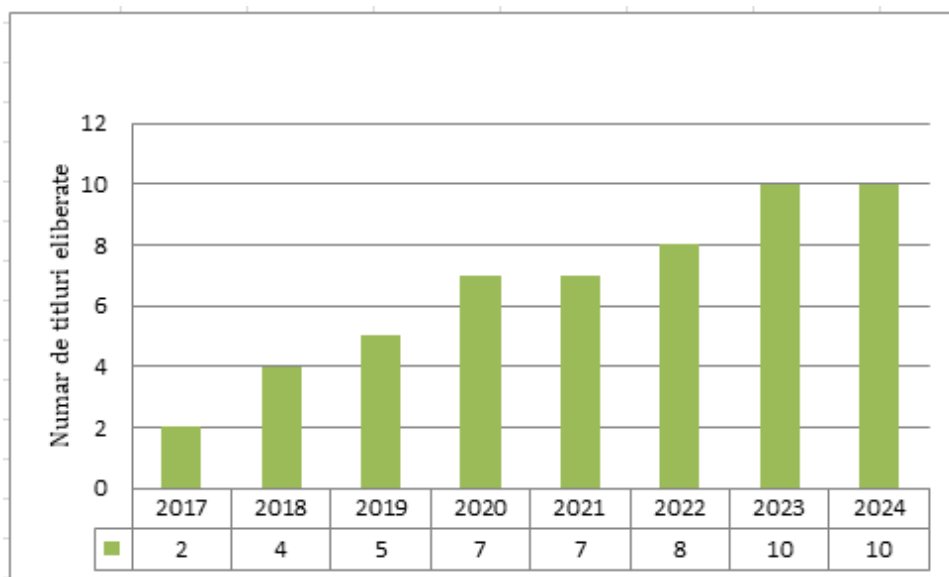


Fig. 8. The number of property titles issued after systematic cadastre works

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