











Investigation Of The Vertical Dimension Restricted Real Estates In Land Consolidation Projects

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LAND CONSOLIDATION (LC)

Land consolidation (LC); It's called that parcels which are scattered and situated in different places, owned by persons, and are not suitable for agricultural activities due to their shape are combined by being gathered in such a manner and size that will increase agricultural activities .



LAND CONSOLIDATION PROJECTS

Similar to the earth, the population in our country also has been increased but the agricultural lands not.

For fulfilling the sustainable nutrition needs of the society, per area should be used effectively to have the maximum efficiency. Land consolidation is one of the methods; for getting the efficient use from per area.

Land consolidation: generally means gathering the scattered and formless lands and creating proper areas and in addition to these; it accomplishes irrigation, road and farm development services.



LAND CONSOLIDATION

In the land consolidation studies: after the arrangement, the property structure has been different than before. For protecting the property rights of the real estate owners, for the sake and acceptability of the arrangement; the fair distribution is needed. For a fair distribution; the grading works must be done rightfully.



LAND CONSOLIDATION

In the land consolidation project areas; there may be established easement lands which have limitations on the vertical dimension of the real estate because of the electric transmission, oil, gas and etc. lines. In easement lands; while paying the easement fee to the owner or the owners, there can be restricted areas.

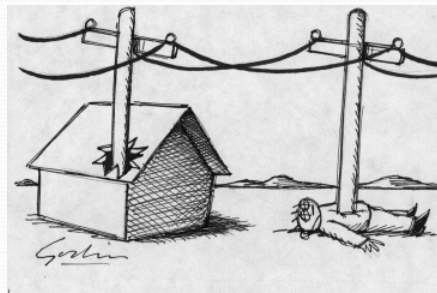


LAND CONSOLIDATION

In the land consolidation areas, at the end of the distribution; the easement lands and the owners can stay at the same location or while the lands are fixed at their place, the location of the owners may be changed.

With the distribution, the owner of the land which has no easement rights before has been restricted without any financial benefit and an unfair distribution in land consolidation may happen.

This situation may cause the not protection of the owner's easement rights and prolongation of the land consolidation process.



Grading Approaches In Land Consolidation Projects

LC studies in our country are done according to two laws basically:

- ❖ Agricultural Reform Law regarding land arrangement in Irrigation Aregas numbered 3083
- ❖ Soil Conservation and Land Use Law numbered 5403



Grading According To Soil Conservation And Land Use Law Numbered 5403

In LC studies, rules about grading processes are explained in the regulations of Land Consolidation (RG: 7.5.1982/17687). The land to which LC project will be applied is graded according to activities of factors specified under 6 main headings. These are:

- I. Soil Index (TE).
- II. Fertility Index(V)
- III. Location of Parcels (K)
- IV. Parcel Index (PE)
- V. Share of Collective Plants (OTKP)
- VI. Determination of Grading Conversion Factor



Grading According To Soil Conservation And Land Use Law Numbered 5403

$$PE = TE * \%70 + V + K$$

$$P.D.S. = PE \times PARCEL \text{ AREA} / 100$$

$$P.D.S. = \frac{(TE \times \%70 + V + K) \times AREA}{100}$$



Grading According To The Agricultural Reform Law Regarding Land Arrangement In Irrigation Areas Numbered 3083

Rating study done by the method of “New Rating” Law No. 3083: In the new guidelines by General Directorate of Agricultural Reform in 2010; for each plot in regulation, the rating committee added up to 30 points as points of presence. Besides, committee can give up to 10 points with the condition of specifying the reason In addition, ratings map is created by giving a maximum of 40 points for soil index and 20 for location Index.



Grading According To The Agricultural Reform Law Regarding Land Arrangement In Irrigation Areas Numbered 3083

$$\text{New Rating} = \begin{array}{r} \text{Soil Index (40)} \\ + \\ \text{Location Index (20)} \\ + \\ \text{Assets Score (30)} \\ + \\ \text{Commission points (10)} \end{array}$$



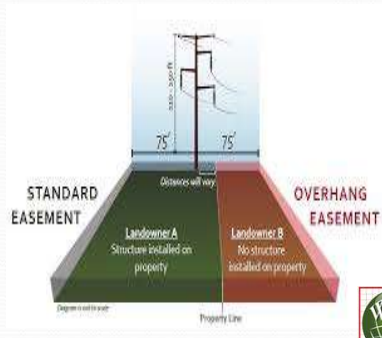
EASEMENT

Easement is a limited real right prohibiting being used some of authorities of the real property's owner related to possession on behalf of owner of easement.

In other words, they are limitations over real property which is a subject of private ownership.

In order to perform public services such as electric, water, natural gas and oil transmission lines etc., easement is acquired by making limitations in a vertical way on real estates. Because of this limitation, loss in value at real estates happen.




The money is paid to owners of real estate in return by calculating loss in value happened.



CONDITION OF REAL ESTATES WHOSE CONSTITUTION OF SERVITUDE FOUNDED IN THE LAND CONSOLIDATION PROJECTS

When real estates on which easement was founded encounter the areas where LC projects are done, either it's left at the scene or the owners of parcels on which easement was founded may change.

For this reason, owners of the real estates on which easement was founded may move to the area on which easement has not been founded yet or the owners of real estates on which easement has been founded may be renewed. So loss of a right may happen.



APPLICATION

In this study, LC projects that are done in the various regions of Turkey and easement has been founded on field of application. These are the projects to be studied:

1. Manyas Kulak Village Lc Project
2. Burdur City Tefenni County Yuvalak Seydiler Lc Project

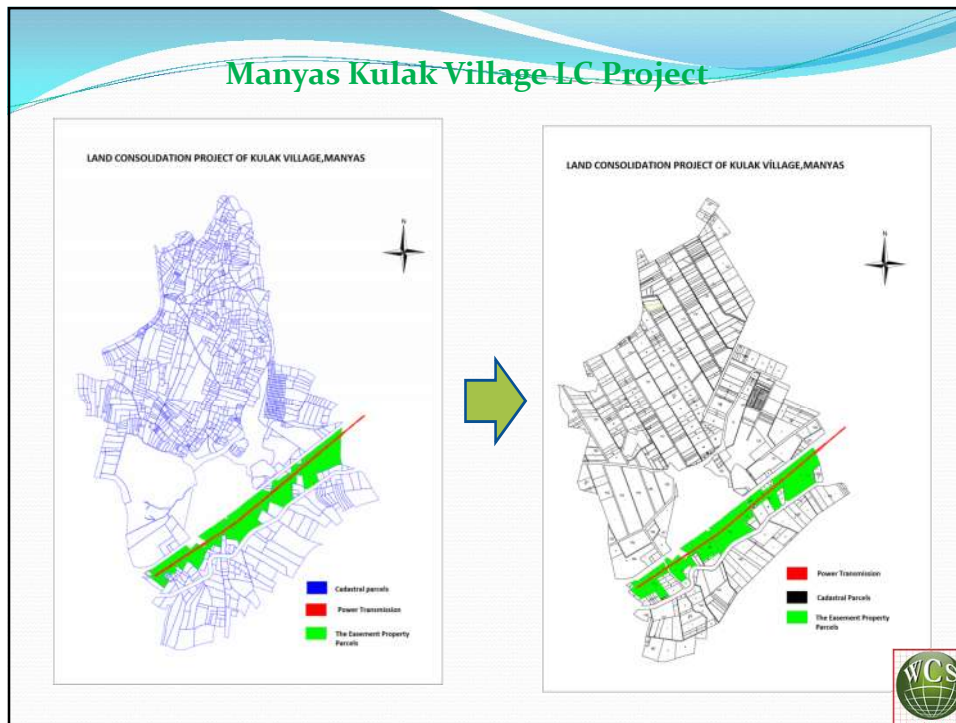


Manyas Kulak Village LC Project

In Kulak Village, Manyas County, Balıkesir city, works of land consolidation have been done by general directorate of state hydraulic works.

In the area where LC study is done and energy transmission line is placed, there are real estates on which easement has been founded.





Manyas Kulak Village LC Project

In the land consolidation project borders;

- ❖ The number of real estates on which easement has been found is 38.
- ❖ The number of parcel on which easement has not been founded in the places after regulation is 8.

17 firms earned income due to constitution of servitude before LC works.
But It got rid of constitution of servitude with the application of LC project

WCS

Manyas Kulak Village LC Project

Kulak village where LC project is applied;

- ❖ The number of parcels on which easement has been founded after land consolidation project is 28.
- ❖ The number of parcels on which easement has been found after regulation is 4.
- ❖ The number of firms affected from constitution of servitude after regulation is 8.

There isn't constitution of servitude at 4 parcels belonging to 8 firms that have land in the region before application of LC project. But easement has been founded on these real estates without paying a price after LC project applied.



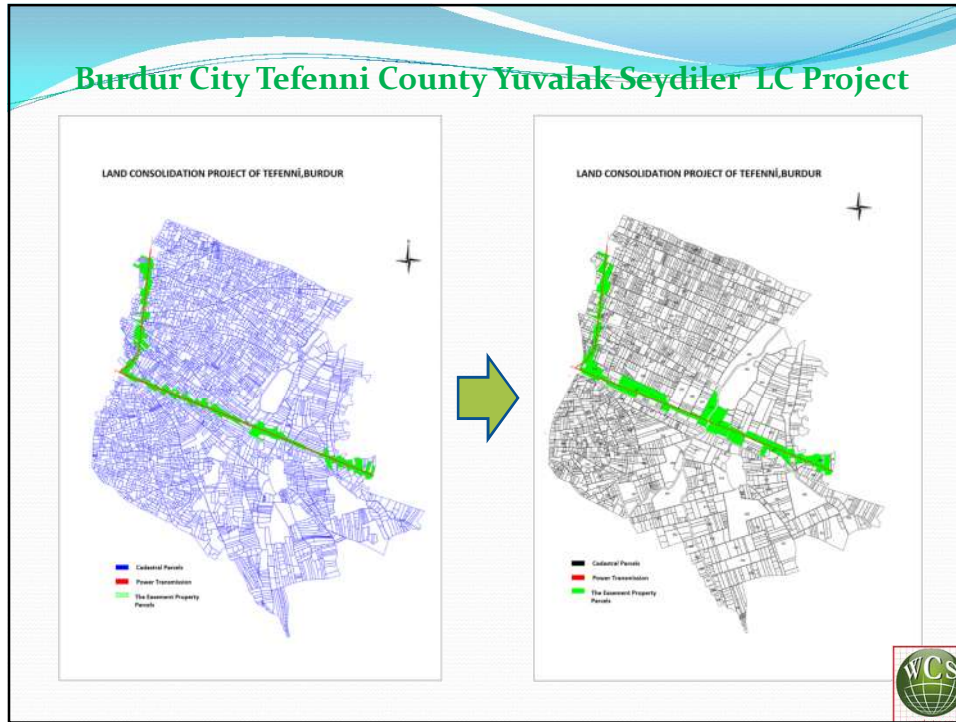
Burdur City Tefenni County Yuvalak Seydiler LC Project

LC studies have been performed in Tefenni County, Burdur City by general directorate of agricultural reform.

The real estates by which power lines pass have been expropriated for pylon places. The real estates by which electric wires pass have constitution of servitude.

In the borders of LC project of Tefenni county, there are 128 real estates on which constitution of servitude has been founded .





Burdur City Tefenni County Yuvalak Seydiler LC Project

When the former and next conditions of real estates on which easement has been founded on were examined before LC project applied;

- ❖ The number of real estates having constitution of servitude is 128,
- ❖ The number of real estates on which easement has been founded on after regulation is 71,
- ❖ The number of real estates on which easement has been founded on after LC project is 97
- ❖ Before and after LC project, the number of real estates on which easement has been founded is 60
- ❖ The number of real estates on which easement has been not founded before regulation but after regulation founded is 37
- ❖ It is understood that the number of real estates on which easement has not been founded after regulation is 57.

WCS

Burdur City Tefenni County Yuvalak Seydiler LC Project

In these premises; the owners of 57 real estates earned income due to constitution of servitude before LC studies but they got rid of constitution of servitude thanks to application of LC project.

The owners of 37 real estates; they encountered constitution of servitude after application of LC project.

While restrictions are placed on their real estates, It doesn't make income against great expense



RESULTS AND SUGGESTIONS

According to our legislations; restrictions can be placed on real estates for the public weal in return for its price by state institutions and organizations. Registrations of restrictions on height and depth of real estates happen as constitution of servitude.

There can be real estates on which easement has been founded application fields of LC projects. The real estates on which easement has been founded and the owners of real estates by which power lines etc. pass can remain same or change when LC projects are applied. This situation causes loss of a right.

In this study, LC projects done according to 2 different laws, the conditions of real estates on which easement has been founded placing restrictions on real estates in a vertical way were examined.



RESULTS AND SUGGESTIONS

According to Soil Conservation and Land Use Law numbered 5403, there is " Power, Telecom trasmission line or pipe line being on the parcel "between factors affecting location index during grading.

According to the law, location index of the region having constitution of servitude during grading should be given lower than their similars.

While easement is founded, by calculating decrease on parcel price, it's paid to right holder. During grading of LC projects, the ratio of this price to parcel price should be reduced from location index point.

$$P.D.S.= (KE- \frac{\text{Easement Rights}}{\text{Parcel Cost}}) +VE + \%70 \times TE$$



RESULTS AND SUGGESTIONS

According to the Agricultural Reform Law regarding land arrangement in Irrigation Aregas numbered 3083, during grading of LC projects, wealth point is given.

Wealth point of real estates on which easement has been founded should be given lower than their similars.

$$\text{New Rating} = TE + KE+ \text{Asset Rating} - \frac{\text{Easement Rights}}{\text{Parcel Cost}} + \text{Commission Rating}$$



RESULTS AND SUGGESTIONS

So, If real estates from different places will be given to the owners of real estates on which easement has been founded during grading, the field will be able to be given dwindlingly as areal.

If the real estates by which power etc. lines pass will be given to the owners of real estates on which easement has not been founded, the field will be able to be allocated extensionally as areal.

The acquired income while easement is being founded will be delivered fairly by giving real estates to the places which do not have constitution of servitude after regulation decreasingly. At the same time, when other similar regions come to the region on which easement has been founded, It will come extensionally as areal.

The price of restrictions caused by constitution of servitude will be compensated as areal. So, It will be able to enable more righteous parcelling plan.



THANK YOU...

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