

FIG WORKING WEEK 2019

22-26 April, Hanoi, Vietnam

Presented by the FIG Working Week 2019,
April 22-26, 2019 in Hanoi, Vietnam

"Geospatial Information for a Smarter Life
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From Rural to Urban Land Consolidation - An Analysis of Recent Urban Cases Treated by the Norwegian Land Consolidation Court

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The purpose of the paper

- Present and analyze urban cases taken before the Norwegian Land Consolidation Court.
- Investigate challenges in land consolidation in urban areas.

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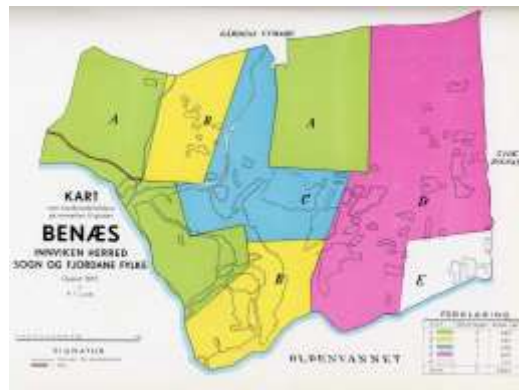
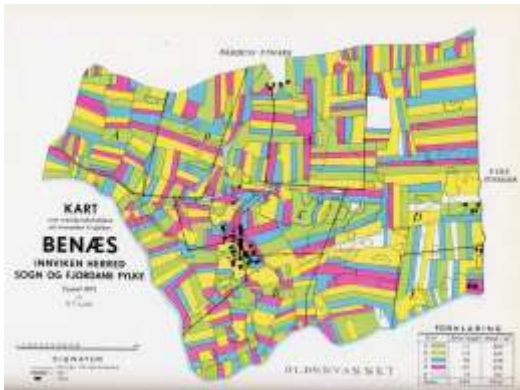
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We define land consolidation as measures that can change properties, physically or organizationally, to improve their utility to the owners.



Physical change



1. Name of the road
2. Purpose and responsibility
3. List of owners of the road
4. Obligations
5. Annual meeting
6. Extraordinary annual meeting
7. The board and leader of the board
8. Connection fee for new users of the road
9. The use of the road
10. Liability for damage
11. Sharing of profit and loss
12. Investment and maintenance
13. Withdrawal
14. Changes to rules

Organizational change

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The organization of land consolidation in Norway

- Specialized court
- Judges with a masters degree in land management subjects, law, economy, spatial planning and geomatics
- Located 34 places, 90 judges and 90 engineers



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Land consolidation in Norway

- different measures (Chapter 3)

- (1) Project-related land consolidation in conjunction with private and public projects, cf. section 3-2.
- (2) Conservation-related land consolidation as the result of the public authorities imposing constraints on the exercise of ownership rights, cf. section 3-2.
- (3) Modifications to property and perpetual easements, cf. section 3-4.
- (4) Establishing joint ownership, cf. section 3-5.
- (5) Dissolution of joint ownership and joint use, cf. section 3-6.
- (6) Division of property, cf. section 3-7.
- (7) Rules on joint use (shared use arrangements), cf. section 3-8.
- (8) Orders to carry out joint measures and joint investments, cf. section 3-9.
- (9) Creating owner associations and establishing articles of association, cf. section 3-10
- (10) Distribution of net added value from rezoning, cf. section 3-30 to 3-32.

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Land consolidation in Norway

- three cumulative requirements before land consolidation can proceed

- 1) **Impractical property arrangements.** At least one property or easement in the land consolidation area is difficult (or will be) to use gainfully at the current time and under the current circumstances (section 3-2)
- 2) **Improving property arrangements in the land consolidation area.** The land consolidation court may only effect land consolidation in order to make the property arrangements in the land consolidation area more efficient (section 3-3)
- 3) **Protection against losses.** For any given property or easement, the land consolidation settlement shall not result in costs and other disbenefits that are greater than the benefits (section 3-18)

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The history of urban land consolidation

- First trace in the Act from 1950 and followed up in the Act from 1979 (land consolidation in urban areas could only take place for the sake of agriculture and forestry)
- In practice; urban cases from the middle of 1980-ties
- Supreme Court case in 2000 (obiter dictum ... the LC Act applies for urban areas)
- Amendment in the Act in 2006 (... LC Act applies for all type of properties)

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Method

- Case study.
- We focus on four of the land consolidation measures:
 - Modifications to property and perpetual easements,
 - Establishing joint ownership,
 - Division of property,
 - Distribution of net added value from rezoning.
- Measures that are likely to be used in urban areas.

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Case 1: Division of property in personal joint ownership

Section 3-7 *The land consolidation court may divide and allocate a property with its associated easements in accordance with the ownership shares established.*



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Case 2: Modifications to property and perpetual easements

Section 3-4: *The land consolidation court may modify properties and perpetual easements.*



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Case 3: Establishing joint ownership

Section 3-5 *The land consolidation court may establish joint ownership between properties...*



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Concluding remarks

- The land consolidation measures presented are general and can be used for all types of properties and land use.
- Land consolidation in urban areas include properties of high value and the area is often more strongly regulated than in rural areas.
- There is a need to improve the valuation guidelines.
- Land consolidation is of great importance for urban development.

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