

Correspondence Between maps of Italian cadastre and Austrian Libro Fondiario. - Legal value and process of update.

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Key words: Trieste; Italian and Austrian maps; legal value;

SUMMARY

In some province, the cadastre of ex-Austro-Ungarian territories (Tavolare) is still used by the Italian Land Registry. The cadastral map of those areas needs to be updated. In fact there are cases in which the Italian-Austro-Ungarian cadastral maps are un-equivalent: in those situations the “correspondence” is necessary. Briefly, the correspondence is a unique graphical representation of the census and texture of soil. This allows to defining distinctively the correct size and location of the field and the present buildings, especially in the case of constructions to be built. In summary, the correspondence gives an absolute legal validity to the diverse cadastral maps.

Generally, the freelance surveyor supervises the areas and analyses the existing cadastral maps providing the correspondence; however, a probate judge reviews the documentation and approves it, in order to guarantee that the legality of entire work.

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1. HISTORICAL INTRODUCTION

Until 1918 some Italian provinces were still Austrian, and their public Administrations used to operate under the laws and rules set by the Austro-Hungarian empire.

Among those provinces, there were those of Trieste and Gorizia, currently bordering Slovenia. For what concerns the cadastral activities, the system was based on the ex Austrian land registry (the so called Libro Fondiario), and on propriety identification.

The “Libro Fondiario” was divided in units called “Partite Tavolari” which, grouped together all the land proprieties belonging to one person within a specific cadastral land subdivision.

Together with “libro Fondiario”, there were maps that graphically represented the extension of the land proprieties.

To modify those maps it was necessary to prepare specific documents called “Piani Tavolari” that showed the land fragmentation of the original propriety.

After 1918 those territories became part of Italy and thus the administrative procedures had to undergo significant changes. Back then Italy had more than 20 different types of cadastres; simplification was needed and thus a process was started, that was to last more than 30 years to unify them all in a single system.

In the meanwhile, the ex Austrian provinces were given a special permission to keep using the Austrian system which was considered very efficient.

In 1930, after the completion of the new cadastral map for the whole Italian territory, the ex Austrian provinces found them selves with two cadastral systems.

At that time the Italian government decided to keep both systems in use in those provinces, since it had realized the benefits of using the “libro Fondiario” which furthermore was not in contrast with the Italian one.



2. THE CORRISPONDENCE

Currently both systems still coexist especially in the province of Trieste, where the two types of maps (Italian and Austrian) are still in use each with their own geometrical characteristics and their own numbering.

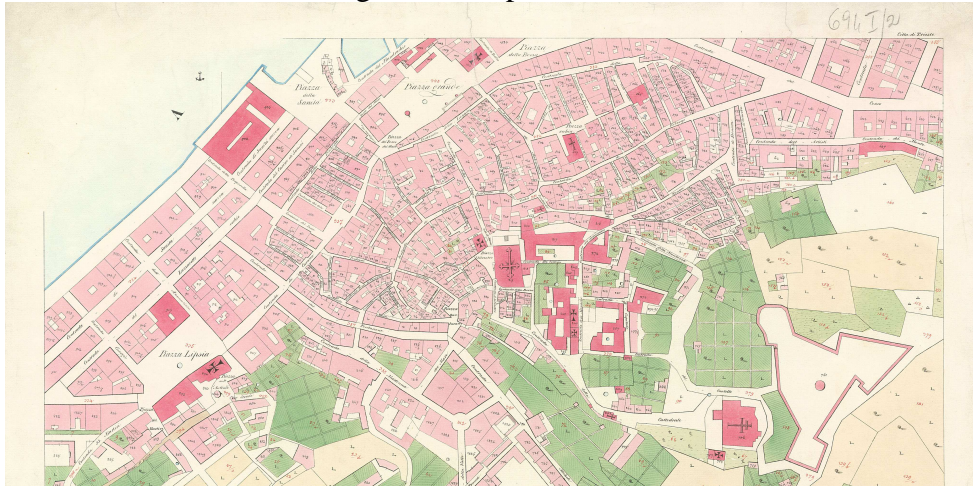
After the unification of two cadastres the need was felt to unify also the two systems so to univocally identify the individual proprieties.

Since then, with constant update, the Italian mapping system is gradually taking the place of the Austrian one.

However, when numbering and graphical representation of the documents found in the two offices do not mach, it is necessary to prepare a so called “Piano di corrispendenza”

In other words it is necessary to have only one map representing the description of the propriety and the rights of the owner, so to match correctly the reality of places with their graphic representation on the maps and in correlation with the rights connected.

This has to be done necessarily prior to any cadastral update, such a fragmentation, introduction of new building on the map, and so on.



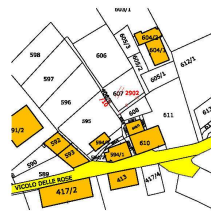


3. TECHNICAL EXAMPLE

3.1 Italian and Austrian maps

CONFORMED COPY OF THE JOURNAL DOCUMENT NUMBER 5458/82
Scale 1:360

CONFORMED COPY OF THE CADASTRAL MAP OF THE
ROIANO SECTION



Sheet number.: 0090
Scale: 1:1000
Code: RC12E 206182
Date: 19-12-2008



Here follows a simple example that explains better what is meant by “piano di corrispondenza”, and which are the technical procedures, implied in the work of the surveyor. First of all, it is necessary to compare, with extreme attention the technical data, be them administrative or related to census, and the two types of maps with the real situation.

Having thus verified, it is possible to immediately notice the differences and in the case we are going to examine it is clear at first glance that the numbering of the two parcels is different.

In fact, while the Italian system identifies with one number only one unit, the Austrian one identifies the parcel with a numbering that goes as follows: parcel 11 of 27.75 Klafter (which was the Austrian measure unit and corresponds to 3,56 sqm).

Thus, we can find different cadastral parcels of different extension identified by the same number.

The next slide shows the Austrian map, the cadastral map and the on site survey of the

propriety.

In the cadastral map, we can see a road, which is not present in the Austrian map. The road belongs to the same owner of the land parcel, and thus, for legal purposes we need to modify the cadastral map.

In fact the Austrian map is probatory and thus as juridical relevance in order to certify the extension of the propriety. In the case at stake, the road drawn on the cadastral map is legally considered a mistake and thus the map needs to be fragmented so to make it match the Austrian map. Once this is done the surveyor needs to insert into his work also the development of the on site survey, with all the measurements necessary to univocally identify the propriety at stake. Finally one text is prepared that summarized all information and data gathered throughout this process. Here follows its structure:

3.2 The text inside the technical documents

1-SITUAZIONE TAVOLARE

describes the situation as it has been archived at Ufficio Tavolare

2-Cadastral situation

describes the situation of the propriety as it has been archived in the cadaster office

In the case at stake, there are two different parcels

3- Cadastral operation

Description of the operation that were necessary to correct the cadasral map and to make it match the Austrian one.

In this case the road number 406/8 is fragmented and part of it is annexed to parcel 607, becoming parcel 2902.

4-Corrispondenza

The surveyor certifies that the parcel 11 archived in the Ufficio Tavolare corresponds to the newly formed parcel 2902.

5- Evidenze tavolari

This document highlights the peculiarities of the on site survey and the possible presence of rights of way

6 Update of Tavolare

This document report the tavolare situation described above with update that reflect all the operations that took place.

4. CONCLUSION

All these documents have to be approved by the tavolar judge, following precise procedure and after this, the updated situation will form the new database for both the Italian and the Austrian system.

Thus since this moment the ex fragment of cadaster unit 11 will be Identified also by the tavolar office as p.c.n. 2902 of 124 sqm

In this way, the differences that still exist between the data of the two systems are progressively erased through a unification of geometries, numbers, extension and rights and in conformity with both the tavolar laws and the cadastral norms

Through this process the cadastral map is challenged, verified and checked, so to recover evidential value. It thus becomes a key element for a transparent representation of the rights connected to land proprieties

It is clear that the quality of this operation has to be guaranteed by the professionalism and the responsibility taken on by the surveyor

BIOGRAPHICAL NOTES

Luca Passador works as a freelance surveyor since 1994. He developed his first working experiences in the field of cadastral and topographical surveys, focusing especially on legal aspects.

Between 1998 and 2000 he worked as a volunteer in the Balcan area with a Non Governmental Organization, during the reconstruction process following the civil war that had taken place in the territories of former Yugoslavia.

Currently living and working in Trieste – Italy as director of his own office. His work focuses mainly on the legal aspects of cadastral issues and technical matters on the real estate market.

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