

**Planning Procedure for
L'Association Fonciere Urbaine Autorisee
(Registered Land Urban Association)**

Alain GAUDET, France

SUMMARY

To overcome the handicap of a too complex parcel scheme, to put parcels in common, to redistribute new property parcels, in the framework of a collective development plan; these are the basic aims of a land urban association (AFU in French). The final goal of this procedure is to rearrange urban property in order to collectively upgrade the property scheme, upgrade old buildings, or solve problems related to post-war property redistribution. The French surveyor plays here the role of neutral mediator and interface between landlords, and between the latter and the administration to solve property problems, in harmony with urban regulations. AFU is a sort of urban land consolidation.

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DEFINITION

The AFUA is an Association of OWNERS who wish to develop their properties TOGETHER by funding and implementing the following on their own:

- restructuring of their property
- and the works required for this development.

LEGAL DOCUMENTS

Three main documents:

- Act dated 21 June 1865, in relation to Union Associations
- Decree dated 18 December 1927, regarding Public Administration regulations
- Order no. 2004 – 632 – of 1 July 2004.

THE PARTIES INVOLVED

Five essential parties are required to launch an AFUA:

- The owners: main parties involved
- The Community: receiving authority
- The State: control authority
- The Paymaster: financial trustee
- The Licensed Surveyor: professional project manager for the Association.

PREFERRED SITES FOR THE OPERATION

An AFUA may be established in District territory:

- where the plot layout is complex
- with a town planning document
- with plans for land development
- which supports the principle of establishment of such an Association.

PHASES OF THE OPERATIONS

Implementation would take place in 5 phases.

The Licensed Surveyor is the mediator and Project Manager for these 5 phases:

- Raising awareness among land owners
- Establishment of the CONSTITUTIONAL document
- PROJECT survey portfolio
- CLOSURE portfolio
- WORKS portfolio, study and follow-up of implementation

PHASE 1: RAISING AWARENESS AMONG LAND OWNERS

This is the primary, essential role of the Licensed Surveyor. He should:

- Inform and raise awareness among the Land Owners
- Make a Pre-Project Summary study and a financial assessment of the costs of the operation
- Proceed with an Economic Study of the operation
- Seek to convince the owners of the need for Membership
- Obtain the provisional agreements of the Land Owners.

PHASE 2: THE CONSTITUTION PORTFOLIO

It enables the line authority (State, through the District Administrator) to organise a Public Enquiry and Vote by the land owners throughout the perimeter of the operation.

The AFUA can only be established once a double majority has been obtained:

- That is, 2/3 of the land owners, representing over half of the surface area
- Or the majority of the land owners, representing over 2/3 of the surface area.

If this double majority is attained, the **AFUA IS ESTABLISHED**, with:

- The district administration decree, publication of the decree and notification of the owners.

If a double majority is not attained, the operation fails and **IT IS NOT ESTABLISHED**.

CASES OF OPPOSITION TO THE OPERATION

If a double majority is attained, and the Association is created, the owners who have shown their opposition through their votes have two possible choices:

- To revise their position and join the Project
- To maintain their stance of being in opposition and sell their property to someone who is committed to acquiring the property of the opponents of the scheme (relinquishment).

This is tantamount to an expropriation. Indeed, the operation is legally considered to be of GENERAL INTEREST, hence this serious constraint in relation to opposition.

MANAGEMENT OF THE ASSOCIATION

The association is managed by an office composed of members elected by the assembly of Land Owners.

A Chairman and Deputy Chairman are elected within the Office.

The Chairman may delegate certain responsibilities to a Director appointed by him and answerable to him.

PHASE 3: PROJECT

The Licensed Surveyor proceeds with a planning study and project for restructuring of the plots of land in order to set up properties which are suitable for development in the most regular forms.

- The PROJECT plan is subject to a public enquiry
- Complaints are examined by the Office
- The properties are defined (land registry) and demarcated.

PHASE 4: CLOSURE OF THE OPERATIONS

Enables termination and publication of the operations. Comprises:

- Final site plan
- Status of real owners.

The District Administrator issues a decree of closure, which is published.

Upon publication, the Licensed Surveyor hands the owners the NEW TITLE DEEDS for the plots of land (in relation to mortgages).

PHASE 5: WORKS PORTFOLIO

This is the technical component of the study, enabling the realisation of infrastructural works to cover the entire viability of the project within the perimeter of the Operation (road and rail network, as well as potable water, electricity, telephone and sanitation networks).

It is implemented in three main components:

- Project design and various studies
- Follow-up of works
- Reception of works.

ADVANTAGES OF THE PROCEDURE

For the owner:

- Involvement in the entire property management procedure
- Continues to be the owner of his property, if he so desires
- Contributes to the development of the property
- Proper redistribution and demarcation is guaranteed
- Privileged status within the Community
- Very favourable economic outcome
- Total freedom during the entire procedure.

For the Licensed Surveyor:

- He is an essential player in all the phases of the operation
- He plays the role of mediator and project manager
- The method of development covers the different activities of his profession: town planning, legal, technical and engineering.
- He issues a deed which is equivalent to a property title deed of legal value, which is recorded in the Mortgage Registry.

DISADVANTAGES OF THE PROCEDURE

- Long, arduous procedure (2 to 3 years)
- Numerous players, therefore affecting costs
- Relinquishment of a certain surface area of each plot of land so that public spaces can be created (green spaces, waterways...)
- Strong constraints in relation to land owners who are opposed to the project.

EXAMPLE OF AN OPERATION

The HAUTS de CHAMALIERES (Clermont Ferrand Suburb)

- Surface area of the Operation - 26 ha
- Number of owners - 290
- Average surface area of plots of land - 890 m²
- Opponents to the operation - 15 owners representing a surface area of about 2 ha
- Duration of the period between the awareness-raising phase and the phase for handover of plots of land to owners in a form which was suitable for development - 6 ½ years (of which the awareness-raising phase took 3 years).

INITIAL SITE PLAN



FINAL SITE PLAN



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