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FIG WORKING WEEK 2023

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Relations between registered parcel, boundary section
and boundary point, using the example of Poland

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- 2021, July - Poland adopted new law on geodesy and cartography, and about land and building register

According to the new law regulations, since 2021, **remote sensing is limited in Poland** for work related to the boundaries of cadastral parcels. Photogrammetric methods are only used for analysis and comparisons



Analysis of relations between cadastral parcel, boundary section, and boundary point in Poland law.

- 2021, July - Poland adopted new law on geodesy and cartography, and about land and building register
- New law modified the definition of cadastral parcel:

cadastral parcel is a continuous stretch of land situated within the boundaries of one surveying section, which has a uniform legal status and was separated out of its environs by boundaries of the cadastral parcel

boundary of cadastral parcel is a broken line or its section, common for two adjacent cadastral parcels or common for cadastral parcel and state border whenever a cadastral parcel touches on the state border

Attributes of boundary point

According to the law regulations

The **boundary points** are described by attributes:

- coordinates determining the position of a boundary point
- boundary point's identification number
- **the method of obtaining the data defining the boundary point's position**
- information about meeting accuracy to the required precision standards
- type of a particular surveying mark.

All these regulations, set forth in the law, determine the surveying acting

When is possible to mark boundary point according to the law

In Poland, the boundary course **can be marked** out as part of the following procedures:

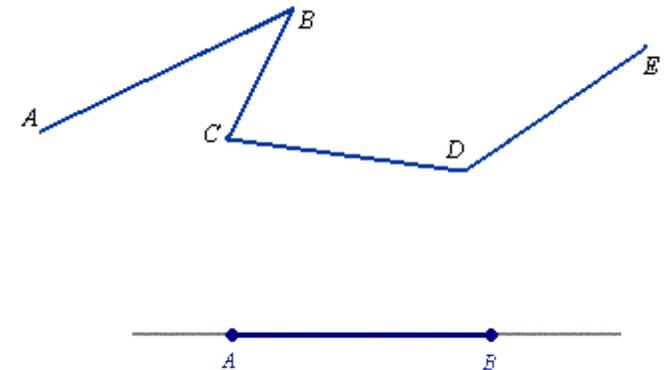
- Demarcation procedure under administrative law or at court;
- **Determining cadastral parcel boundaries as an ordinary material and technical procedure**
- Property litigation or its part.

Boundary of cadastral parcel and consequences of its definition on entries later made in the report on determining the course of the boundaries of cadastral parcels. (PGDE).

The lawmaker does not provide a definition of a broken line or its section **for the purpose of boundary points** so we can (we should) reach for its mathematic definition available, for instance, in the portal math.edu.pl.

- **Broken line**—a geometrical figure which is the total of a finite number of sections where every two sections have a common end point
- **section** AB is a figure consisting of points A and B (called their end points) and all the points between these end points which are lying on the straight line between the same two points.

Having translated these mathematic definitions into surveyor's language we see that a cadastral parcel's boundary can run only between the end points A and B but it must not run between end points A, B, C, D, E (broken line).



Who, and in what way, should be notified on the procedure of determining the course of cadastral parcel boundaries

According to the law regulation, to the **literal sense** of the report of the course of the boundaries, only owners of plots 10 and 13 **will be notified** of surveying activities and entered into the report

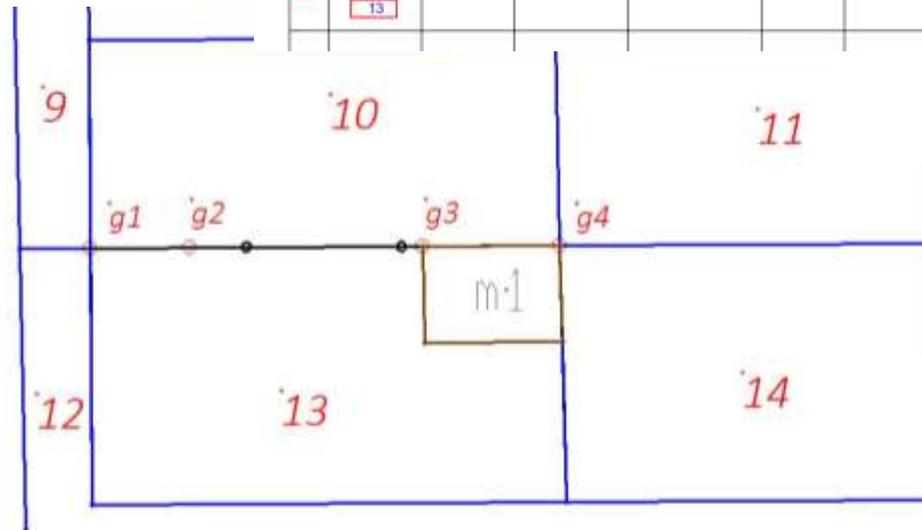
report template

Protokół ustalenia przebiegu granic działek ewidencyjnych

Jednostka ewidencyjna

Obszar ewidencyjny

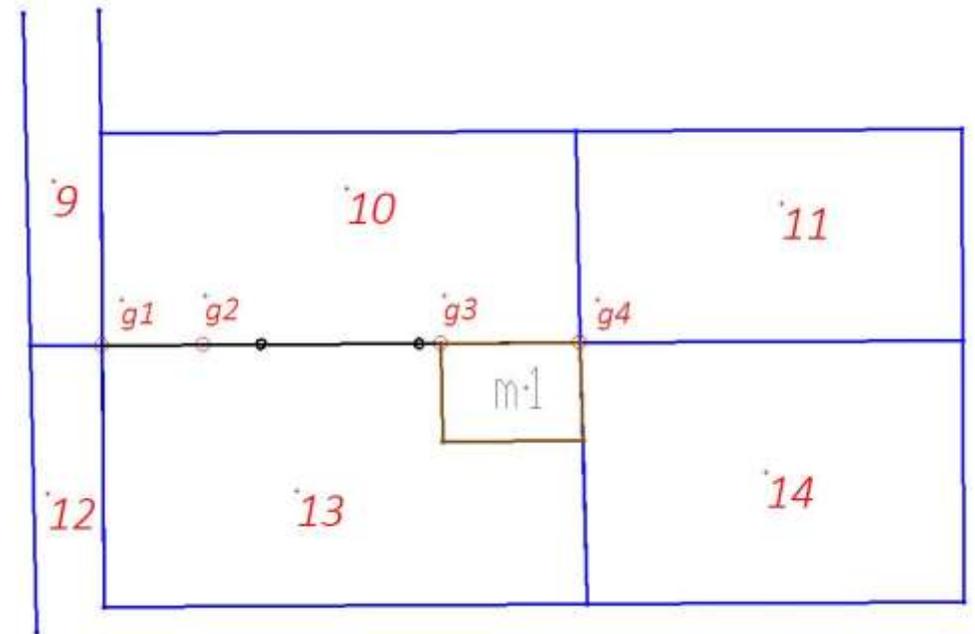
Lp.	Numer działki ewidencyjnej, do której ustalono granicę	Właściciel (nazwa) i adres w czynnościach	Na kogo wycofywać lub oznaczyć linie dokumentu określającego stan pryncypalny granic wyznaczonych w lokalsie?	Osoby uprawnione biorące udział w czynnościach ustalania przebiegu granicy lub osoby sprawujące do reprezentacji podmiotu wyznaczającego w kol. 3	Data ustalenia przebiegu granicy	Sposób ustalenia przebiegu granicy	Numer aktów gminnego	Oświadczenie: M. s. i. podpisane, oświadczenie: że granice między działkami wyznaczonymi w lokalsie 2. przedmiotowa są ustawa granicznymi stanowiącymi integralną część niniejszego protokołu, zostały ustalone zgodnie z przepisami prawa	Linie oświadczenia lub bieżących udział w czynnościach ustalania przebiegu granicy	Adnotacje: w szczególności wskazanie osoby granicznej, który jest integralną częścią protokołu oraz podpis godny uprawnienia
1	2	3	4	5	6	7	8	9	10	11
	10									
	13									



Who, and in what way, should be notified on the procedure of determining the course of cadastral parcel boundaries

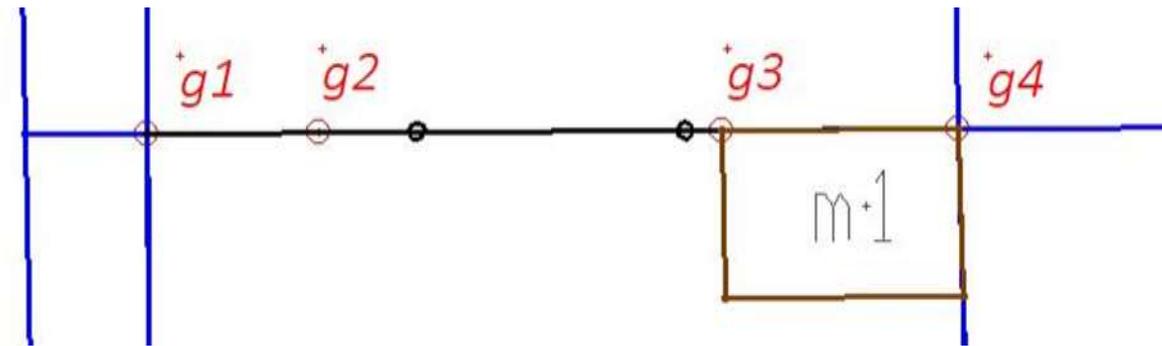
The main question asked by ourselves and by all Polish surveyors working in the fields is:

Owners of parcels 9, 12, 11, 14 the land registration entities **should be notified on procedures** performed as part of PGDE determination?,



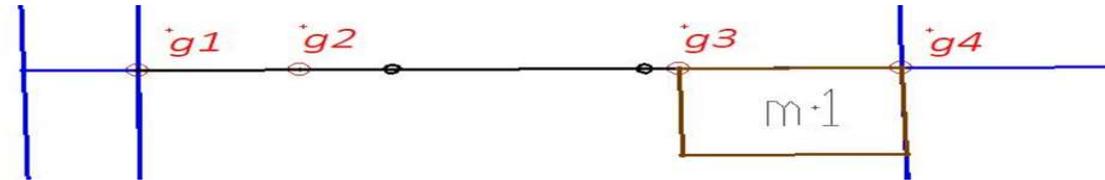
Which demarcated boundaries (broken line, section) should be shown in the PGDE report, relative to the demarcation method used

When a boundary has the shape of a **broken line** and, in addition, **each of its sections comes with a different demarcation method** provided for by the ordinance on land and property registration, the task of **filling the report's form** conformity with the mandatory template **becomes rather difficult** and leads to **various practices and to modifications** of the template which are different in different Polish counties where surveyors are doing their job.



The report template enclosed in the law does not offer a possibility to distinguish status differences of this type

Each section of the broken line may represent different status



- boundary section g1-g2 will be marked out based on unanimous indications from the stakeholders.
- section g2-g3 will be marked out based on peaceable possession (fence)
- section g3-g4 cuts across a building and owners of the adjacent parcel claim the boundary makes a "detour" exactly in that place and the whole building is actually on their land.

Such situations happen quite often. And what to do in the PGDE report. What surveyor should decided

Which law must be taken into consideration when one wants to do such boundary marking in Poland?

Which laws must be taken into consideration when one wants to do such boundary marking in Poland?

Law related to the protection of border marks

1. The Geodetic and Cartographic Law

if you have a boundary marker to protect, you need to know that it is located on your land plot in a specific place.

What are you protecting? You need to know what? from where?

Owners or other possessors of real estate (land) are responsible for the protection of boundary markings.

2. The Civil Code

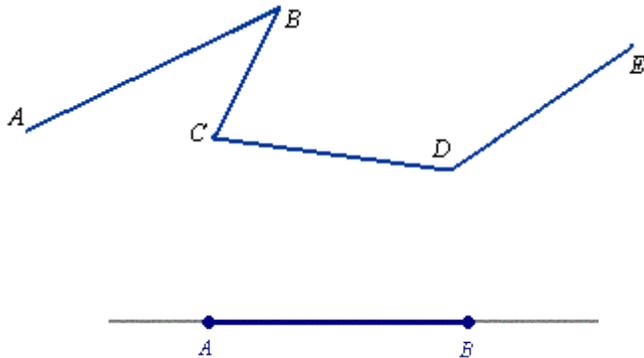
Owners of adjacent land plots are obligated to co-operate in the division of land and in the conservation of permanent boundary markings; the cost of land division, of the markings, and of maintaining the permanent boundary markings are shared 50-50 between those owners.

3. The Criminal Code

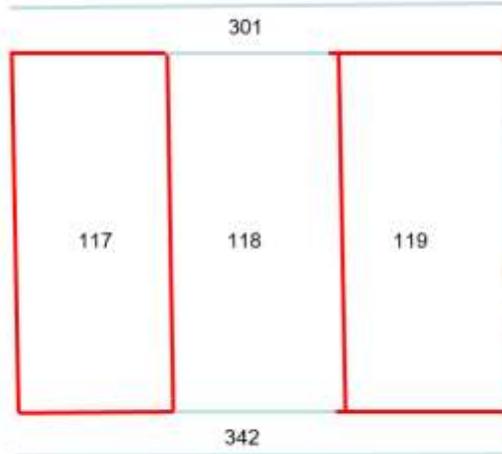
Whoever destroys, damages, removes, relocates, obscures, or places false boundary markings is subject to the penalty of liberty restriction or imprisonment up to... (years).

Problems..... which boundaries are set. Which are legal boundaries –a few different problems

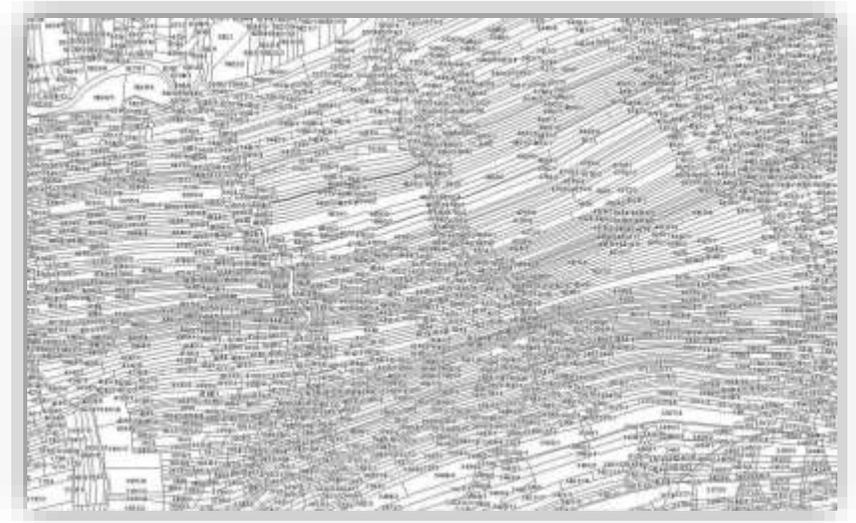
If only the border of the cadastral plot is to be determined, the BCD points are not reflected in the land and buildings register



Is this property boundary fixed? Is there a legal boundary?



map for design purposes in the investment proces – surveyor has to set 2 km boundary, when investment proces is only on 100 metres because of definition? It is very expensive



Summary

- ✓ The Polish law on determination of land plot boundaries has been repeatedly modified many times in the recent years.
- ✓ It was amended three times after 2013 when the law allowed to determine plot boundaries through a technical process, that is, without the necessity go into a real estate demarcation procedure.
- ✓ Yet, the lawmaker has not managed until today to integrate the boundary point with the section of boundary that links two boundary points.
- ✓ This causes irregularities in the boundary determination reports and in the process and conditions in which boundary markings are installed.
- ✓ The procedure of determining cadastral parcel boundaries requires improvements in its aspects discussed above.

Summary

**It is extremely important how in a given country the cadastral parcel,
the boundary of cadastral parcel, the boundary point
are legally defined
because it has a big impact on property owners
and their rights to property**



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Summary

Thank you for your attention



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