Adding information on boundaries and areas of settlements to unified state register of real estate

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Abstract. The article considers the issues of adding information on the settlement boundaries and areas to the Unified State Register of Real Estate. This real estate register contains both the information on real estate units and registered rights to such property, and rather extensive additional information on the characteristics of real estate units, including land lots. The register includes the information on boundaries, i.e. it is a register of boundaries, which is especially noteworthy. The information on the areas, territories of cultural heritage sites, administrative-territorial division, location of the State Border of the Russian Federation, approved land surveying projects, and coastlines is added to the register of boundaries. Certain information from the real estate register is necessary for the issues of town planning and is used as well for making a decision on issuing a building permit.

1. Introduction
According to Federal Law № 218-FZ of 13.07.2015 “On state registration of real estate” [1], the Unified State Register of Real Estate contains information on real estate units and rights to real estate units. Information on real estate units is related to the characteristics that make it possible to define such a real estate unit as an individual specified thing, and also contains characteristics that are determined and changed as a result of land lot formation, update of land boundary location, construction and reconstruction of buildings, structures, etc. The Unified State Register of Rights also contains information on the boundaries of zones with special conditions for territory use, areas, territories of cultural heritage sites, social and economic priority development areas, territorial development zones in the Russian Federation, gambling zones, forest areas, urban forests, specially protected natural areas, special economic zones, hunting areas, administrative-territorial division, location of the state boundary of the Russian Federation, approved land surveying projects, and coastlines (the boundaries of water bodies). From the point of view of the law, information on the boundaries refers to the units of the register of boundaries and provides interrelation between the register of boundaries and the real estate cadastre.

2. Practical importance of particular units of the boundary register
Some information on such units as settlement boundaries and area boundaries related before to land management measures. According to Article 69 of the Land Code of the Russian Federation [2], land management includes measures for studying the land conditions, planning and ensuring rational use of land and its conservation, describing the location and (or) establishing the boundaries of land
management units, providing that citizens and legal entities rationally use land lots for agricultural production, as well as for planning of territories used by indigenous low-numbered peoples of the North, Siberia and the Far East of the Russian Federation. Documents issued as a result of land management are used in land monitoring.

The Federal Law of June 18, 2001, No. 78-FZ “On Land Management” contains a similar concept of land management [2]. Moreover, according to the law (that was in force until January 11, 2018), the territories of settlements, areas, as well as parts of the mentioned territories and areas were referred to as land management units.

According to the Federal Law No. 507-FZ “On Introducing Amendments to the Town-Planning Code of the Russian Federation and Certain Legislative Acts of the Russian Federation” that came into force on December 31, 2017 [3], the territories of settlements, areas, and parts of such territories are excluded from the list of land management units. This fact changed the procedure for adding information about these units to the Unified State Register of Real Estate and significantly reduced the time limits for adding information on the boundaries of settlements, areas and parts of such territories to the Unified State Real Estate Register.

Despite the exclusion of these units from the list of land management units, the practical importance of establishing the boundaries of settlement territories, areas, as well as a part of the zone territories and including them into the Unified State Register of Real Estate is relevant, and in particular for the field of urban development.

Scientific research has confirmed the relevance of this issue [4-17].

According to the Town Planning Code of the Russian Federation [18], areas are zones with the boundaries and town planning regulations that are defined by the rules of land use and development. The rules of land use and development are a document of town-planning zoning where areas and town-planning regulations are established. This document is confirmed through regulatory legal acts by local authorities, state authorities in the subjects of the Russian Federation as well as Moscow and St. Petersburg, the federal cities, and regulates the procedure for its application and the procedure for introducing changes to it.

It is necessary to expand on the content of town-planning regulations. Town-planning regulations are types of permitted use of land lots established within the boundaries of the corresponding area, as well as everything that is above and below the surface of land lots and what is used for their development and subsequent upkeep of capital construction facilities, limiting (minimum and (or) maximum) dimensions of land lots and limiting parameters of licensed construction, reconstruction of capital construction facilities, limited use of land lots and capital construction facilities, as well as the territories where integrated and sustainable development activities are planned, estimate indicators of the minimum permissible level of availability of communal, transport and social facilities on the territory, and the estimate indicators of the maximum permissible level of territorial accessibility of the specified facilities for people. Thus, the town planning regulations establish the legal regime for land lots.

It is noteworthy that for each area there are established types of permitted use of land lots and capital construction facilities. According to the Town Planning Code of the Russian Federation, it is mandatory to establish the main types of permitted use of land and capital construction facilities for each area with the established town planning regulations. One type of permitted use of land lots and capital construction projects can be substituted by another type of such use according to the town planning regulations, provided that the requirements of technical regulations are met.

Availability of information on the boundaries of areas where land lots are located in the Unified State Register of Real Estate is one of the grounds for issuing a license for building capital facilities.

According to Article 51 of the Town Planning Code of the Russian Federation, from January 1, 2021, building permits will not be issued if in the Unified State Register of Real Estate there is no information on the boundaries of areas where the land lots where construction or reconstruction of capital construction facilities, (except for construction or reconstruction of federal, regional or local facilities and capital construction facilities where town planning regulations do not apply or where
town planning regulations are not established). It is not allowed to issue building permits in the absence of land use and development rules, except for the cases уыфессядырв by law. Thus, these circumstances indicate the importance of the investigated aspect.

The legislator has established that the state authorities and local authorities that prepared and approved the documents of territorial planning and the rules of land use and development before January 11, 2018, have to prepare information on the boundaries of settlements and on the boundaries of areas according to the requirements of the Town Planning Code of the Russian Federation. It is a matter of implementing the amendments to the relevant articles of the Town Planning Code of the Russian Federation (Articles 19, 23 and 30), except for the case noted above.

Documents of territorial planning that establish or change the boundaries of settlements (including newly formed ones), the rules of land use and development that are approved by the authorized bodies must be sent to the federal executive body that is authorized to implement state cadastral registration and state registration of rights, as well as maintain the Unified State Register of Real Estate and provide information contained in the Unified State Register of Real Estate, because the information on the boundaries of settlements and areas contained in these documents is not only necessary for adding them into the Unified State Register of Real Estate, but it also ensures the issue of building permits in future. Moreover, the legislator set a deadline for adding such information, which is not later than January 1, 2021.

According to Part 12 of Article 34 of the Federal Law of June 23, 2014 No. 171-FZ “On Amendments to the Land Code of the Russian Federation and Certain Legislative Acts of the Russian Federation” [19], the local settlement authority and the local city district authority must make amendments to the rules of land use and development in terms of bringing the types of permitted use of land lots established by the town planning regulations to conformity with the types of permitted use of land lots set by the Classifier not later than on 01.01.2020. In this case, public hearings on the project of changes introduced to the rules of land use and development are not required.

Thus, the legislator has placed emphasis on the importance of this work, which also indicates how relevant and serious are the issues related not only to establishing the boundaries of settlements, areas, and other information related to them, but also to complying with the requirements for their addition to the Unified State Register of Real Estate.

**3. Adding information on the boundaries of settlements and areas to the Unified State Register of Real Estate**

The Unified State Register of Real Estate is a collection of reliable and systematized information about real estate units in text form (semantic information) and graphic form (graphic information) that consists of registers (sections) established by Federal Law No. 218-FZ of July 13, 2015 “On State Registration of Real Estate”. One of the registers related to the Unified State Register of Real Estate is the information register of the boundaries of zones with special conditions for territory use, areas, territories of cultural heritage sites, protected natural areas, special economic areas, hunting grounds, territories of social and economic priority development, zones of territorial development in the Russian Federation, gambling zones, forest areas, urban forests, the state boundary of the Russian Federation, the boundaries between the federal subjects of the Russian Federation, the boundaries of municipalities, the boundaries of settlements, the coastlines (boundaries of water bodies), as well as information on land surveying projects (i.e., the register of boundaries) [1].

As mentioned above, Federal Law No. 507-FZ of December 31, 2017 “On Introducing Amendments to the Town Planning Code of the Russian Federation and Certain Legislative Acts of the Russian Federation” [3] excludes territories of settlements, areas, as well as parts of such areas from the list of land management units. In this case, according to the amended articles 19, 23 and 30 of the Town Planning Code of the Russian Federation, information on the boundaries of settlements and areas is not required if a map (plan) of the land management unit related to the territory of a settlement, an area or their part was made according to the requirements of Federal Law No. 78-FZ of June 18, 2001 “On Land Management” [2], or if there is a concluded state or municipal contract for
making such a map (plan) for the land management unit. Such information is added to the Unified State Register of Real Estate on the basis of maps (plans) of land management units.

It is noteworthy that, according to Federal Law No. 78-FZ of 18.06.2001 “On Land Management” [2], the map (plan) of the land management unit is a document which contains a graphic image and textual description of the location, size, and boundary of the land management unit and its other characteristics. A map (plan) of the land management unit is plotted on the basis of information from the state cadastral of real estate, cartographic material, remote sensing materials, and measurements taken on the terrain. The form of the map (plan) of a land management unit and the requirements for its compilation are established by the Government of the Russian Federation. Decree of the Government of the Russian Federation of 30.07.2009 № 621 “On approving the form of the map (plan) of a land management unit and the requirements for its compilation” [20] establishes the form content, formats and requirements for its compilation. State expert review of land management documentation is unnecessary in this case. The types of land management documentation include maps (plans) of land management units.

State expert review of land management documentation is necessary to ensure compliance of this documentation with the initial data, technical conditions and requirements and is carried out according to the procedure established by the Government of the Russian Federation. The Regulation on State Expert Review of Land Management Documentation was approved by Decree No. 214 of the Government of the Russian Federation of 04.04.2002 “On Approving the Regulation on State Expert Review of Land Management Documentation” [21]. It should be noted that the practice of state expert reviews indicates numerous refusals to add this information to the State Data Fund and the Unified State Register of Real Estate due to the refusal to bring land management documentation, i.e. maps (plans), to agreement. According to Federal Law of December 31, 2017 No. 507-FZ “On Introducing Amendments to the Town Planning Code of the Russian Federation and Certain Legislative Acts of the Russian Federation” [3], the procedure for adding such information was considerably simplified.

Positive results of the agreement and approval of the land management documentation after the land management procedure has been carried out are added to the state data fund. Agreement and approval of land management documentation following the land management procedure related to the creation and maintenance of the state data fund are regulated by Government Decree No. 514 of 11.07.2002 “On Approving the Regulations of Agreement and Approval of Land Management Documentation, Creation and Maintenance of the State Fund of Data Obtained During the Land Management Procedure” [22].

The procedure for adding information to the Unified State Register of Real Estate on the boundaries of settlements and areas is carried out according to Article 10 of Federal Law No. 218-FZ of July 13, 2015 “On State Registration of Real Estate” [1] and on the basis of order of the Ministry of Economic Development of Russia of 16.12.2015 No. 943 “On establishing the procedure for maintaining the Unified State Register of Real Estate, the form of a special registration inscription on documents that expose the transaction contents, the list of data included in the special registration an inscription on documents that expose the transaction contents and the requirements for its completion, as well as requirements for the format of the special registration inscription on documents that expose the transaction contents in electronic form, the procedure for changing the information on the location of the land lot boundaries in the Unified State Register of Real Estate when correcting register mistakes” [23]. The structure and rules for making entries in the register of boundaries are exposed in section V of the specified rules. As far as areas are concerned, the Unified State Register of Real Estate also includes information on the types of permitted use of land lots located in a certain area. This section also contains the procedure for making entries and approving the project of territory surveying in the register of boundaries.

4. Conclusion
Therefore, the issue under consideration is relevant. Information on the boundaries of settlements, areas, as well as information on the approved land surveying project according to the current
The legislation of the Russian Federation is related not only to the register of boundaries of the Unified State Register of Real Estate, but also to the territorial planning documents which underlie the planning of territory development. Availability of these documents is an important and necessary condition for the implementation of town planning tasks. The lack of information on these objects in the Unified State Register of Real Estate is a reason for rejecting the building permit.

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