

THE TECHNICAL-LEGAL STANDARDISATION OF THE MEASUREMENT OF LAND AREAS IN THE SPAIN REAL ESTATE SECTOR

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Abstract

In recent years, mainly with the approval of the reform of the Mortgage Law that was articulated with Law 13/2015, there has been a complete transformation and an ardously desired evolution, in relation to the description of the properties and the coordination of the physical and legal reality through the incorporation of georeferenced data that influence the surface measurement of these plots.

The interaction of the registry and cadastral realities, by means of registry-cadastral coordination, has introduced new aspects in the security of real estate traffic, with the georeferencing of the parcel being, from a technical point of view, one of the most necessary, but also one of the most controversial.

The introduction of georeferenced coordinates and the georeferencing of plots was a step forward in the harmonisation of all the realities that can be associated with real estate traffic, but what was supposed to be a qualitative leap has become only a quantitative leap, as the quantity exceeds the quality of the registered data, especially due to the variety of assumptions, and the lack of a standardised control both in data collection and in the representation of these, the tolerance allowed or the precision admitted in the coordination.

The present work is part of the search for a technical and legal solution which, in a standardised way, satisfies the actors involved in real estate management and traffic, mainly the citizen, cadastral, registry and notary's office, and public institutions. The harmonisation of all the realities that can occur in the real estate field, such as the physical reality, (which is measurable and comparable by means of its coordinates), the legal reality, the urban reality, the cadastral reality and even those realities intrinsic to the owner who only knows the reality of his plot, but not how the different realities interact with each other.

The technical solution, therefore, must be based on a precise surface measurement, which is correct and adequate to current means, which is standardised and based on the adaptation of European and international regulations.

The legal solution must analyse all types of realities that converge in the legal configuration of the land, but connecting with the technical aspect of the measurement of coordinates or distances, but which may have different aspects of realities other than the physical situation, such as legal, cadastral, town planning, legal, procedural, historical, family, etc... realities.

Internationally, there are many countries that already include these measurement standards in their legislation, such as the IPMS standards, focused on the subsequent work of the building process (rental sector, office sector, residential sector) or the ILMS, focused on the incorporation of new plots into the cadastre.

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