

How to help landowners by preliminary expropriation

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The Danish Road Directorate

The national road network

The Danish Road Directorate is a Government agency under the Danish Ministry of Transport

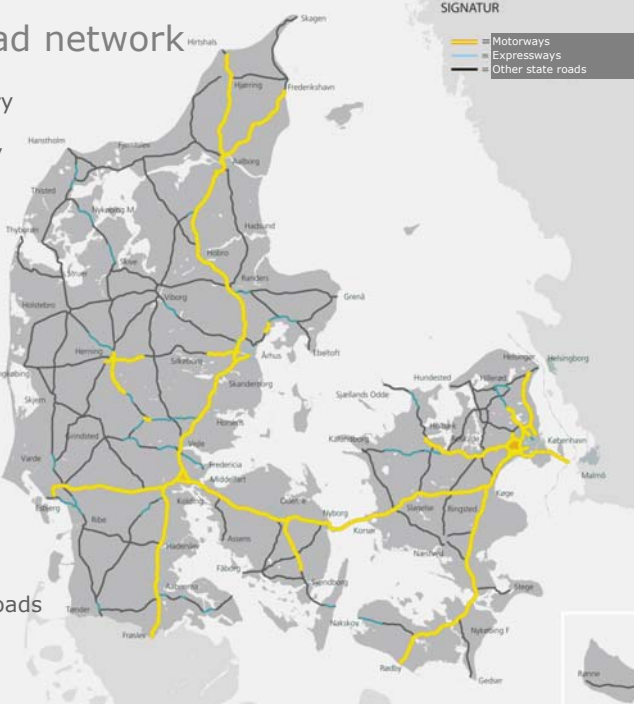
Task:
 Responsible for a safe and well-maintained network of roads

Turnover: 2 billion dkr.
 ~ 350 mio. US\$ per year

The Road Directorate is responsible for

- 1062 km motorways
- 310 km expressways
- 2445 km other state roads

3817 km in Total



Agenda for this lecture

Introduction

The problem?

Danish Legislation

Danish Constitutional Act
The Expropriation Process Act
Construction work from start to finish

Preliminary Expropriation

Personal conditions
Project conditions

Experience with Preliminary Expropriations

Number of applications
How are we met by the landowners?
Trends in the future

Conclusion

The problem:



The solution:

Preliminary Expropriation

Two main conditions must be fulfilled:

- The project must be so accurate, that it is certain that the property will have to be expropriated
- The owner has certain personal condition, which make it necessary to expropriate earlier than usual

The Danish Constitution Act, Section 73

" Nobody can be forced to give up his real property,

except

- When the common good demands it.
- It can only be done according to law
- and with total economic compensation. "



Expropriation Board

- A Chairman, a lawyer
- 2 members appointed by the government
- 2 member appointed by the municipal councils

The Board is independent

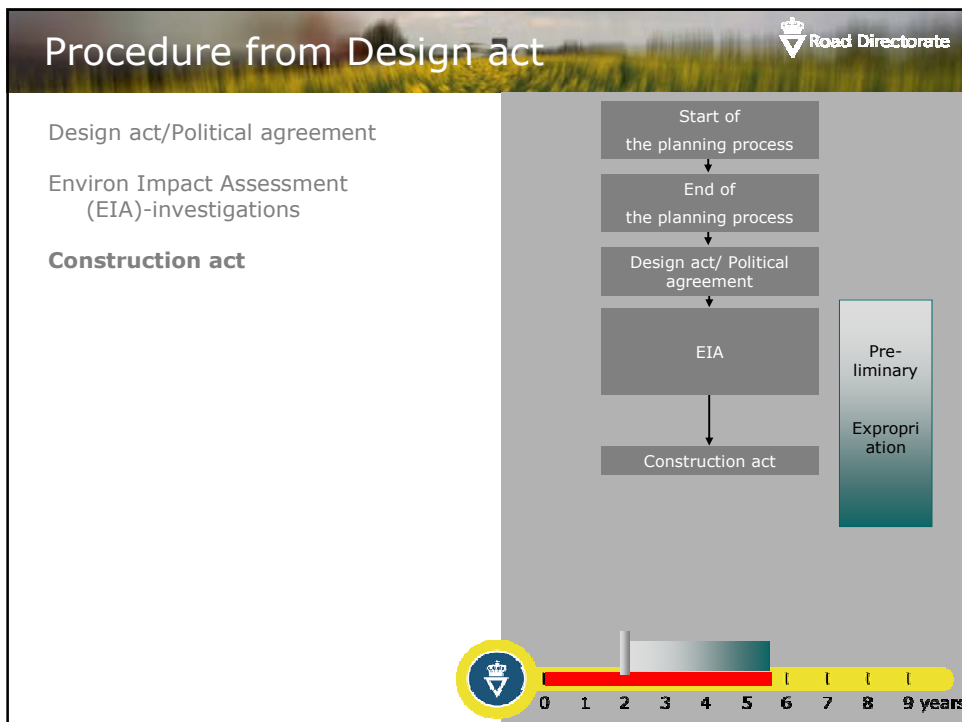
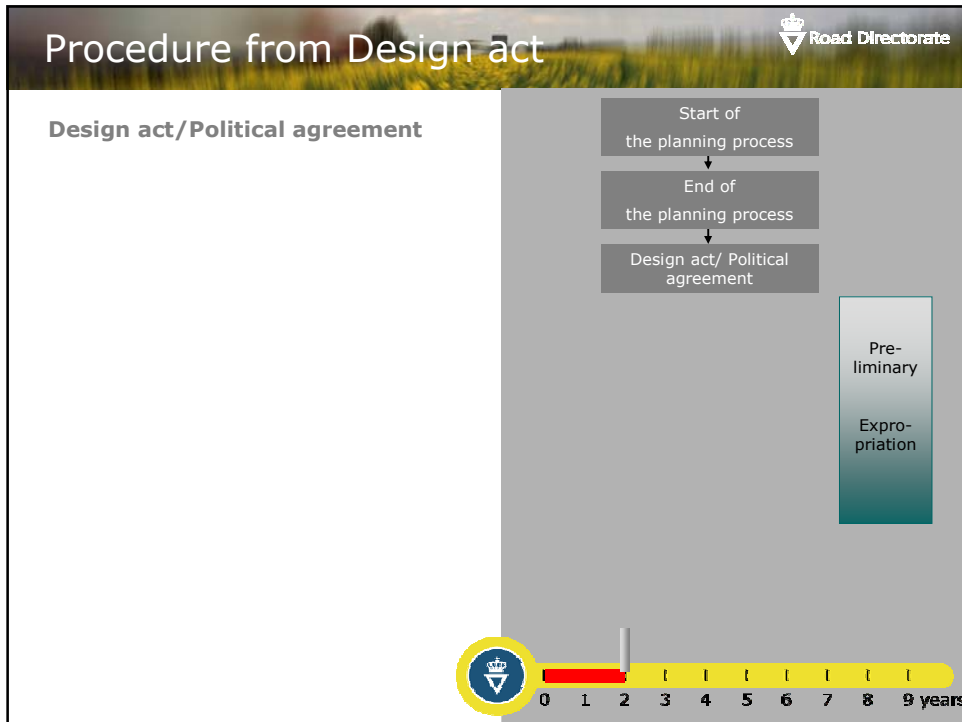
- An alteration of a decision:
 - A law in the Parliament



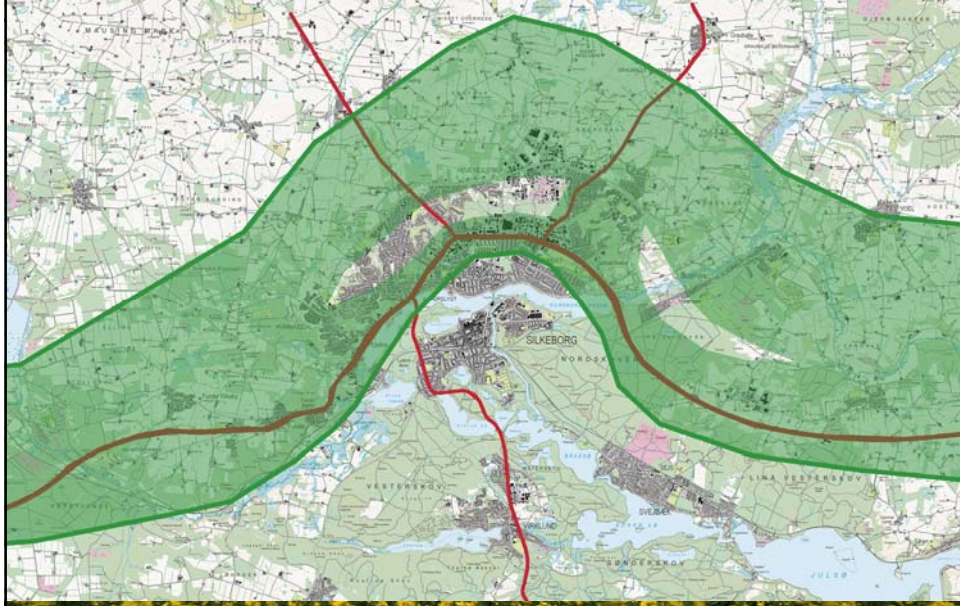
The tasks of the board:

- Approval of the project
- Fulfil the Expropriation act and calculate the compensation to the landowners
- Possibility of appeal



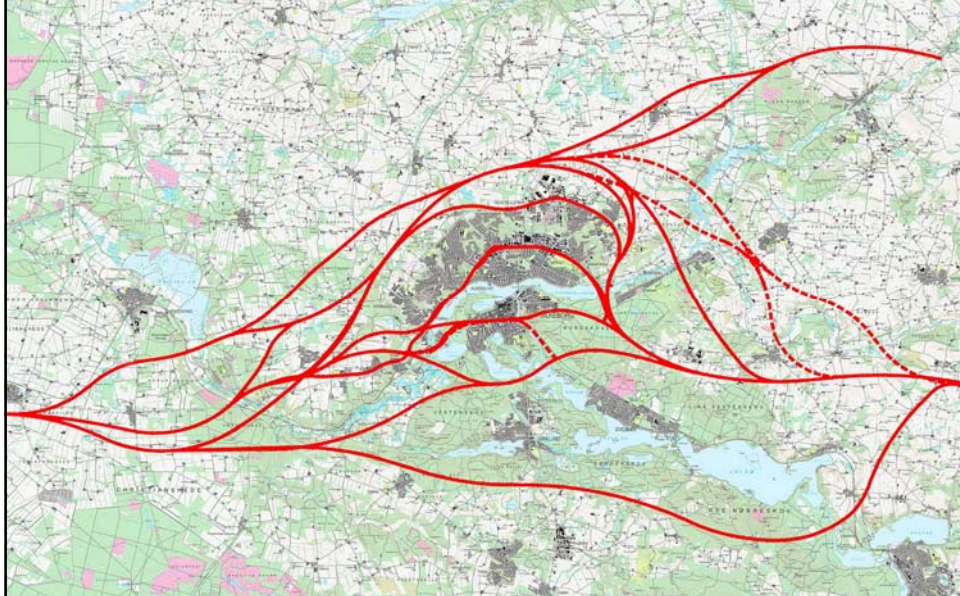


Design act – the corridor



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The EIA-investigations: Result - several proposals



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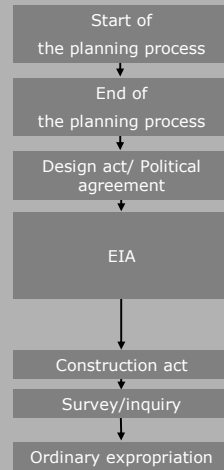
Result: Recommendation to a bill of construction



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Procedure from Act og design

- Design act
- Environ Impact Assessment (EIA)-investigations
- Construction act
- First survey/inquiry
- Redistribution of land/land consolidation
- Second survey
- Land Acquisition/Expropriation**
Real estates, going to be torn down
Partial expropriations of real estate



Pre-liminary
Expropriation



Personal conditions and project conditions

Personal conditions:

A necessity to be expropriated because of:

Particular nature

- Addition to the family
- New job in another part of the country
- Divorce
- Serious illness
- Sale by order of the court

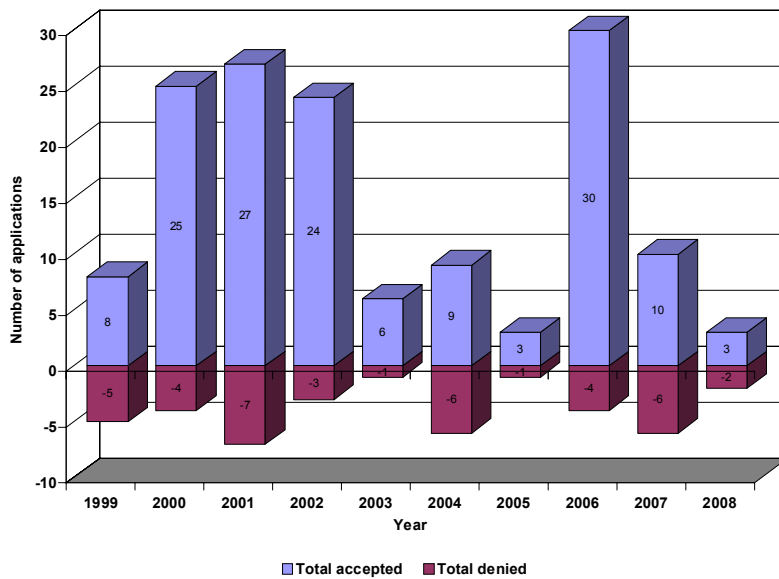
It is not a legal right for the landowner but a possibility to help in an inadequate situation

The project condition:

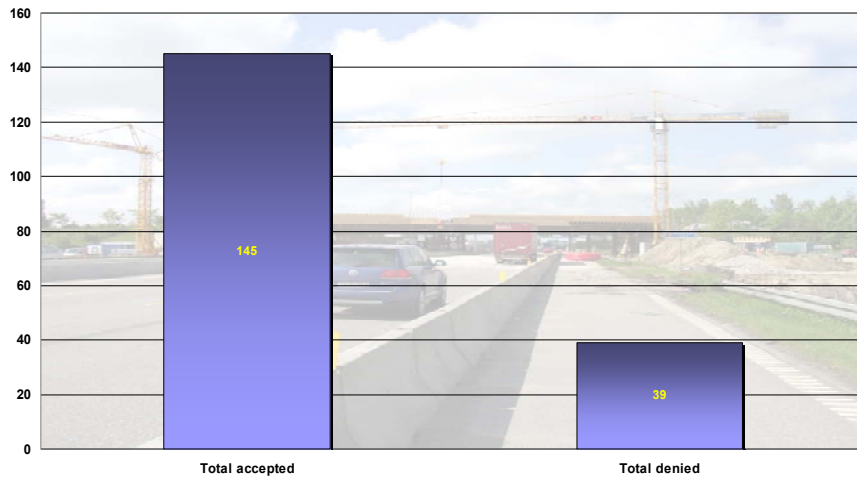
The impact on the property from the project.

The administrative procedures!

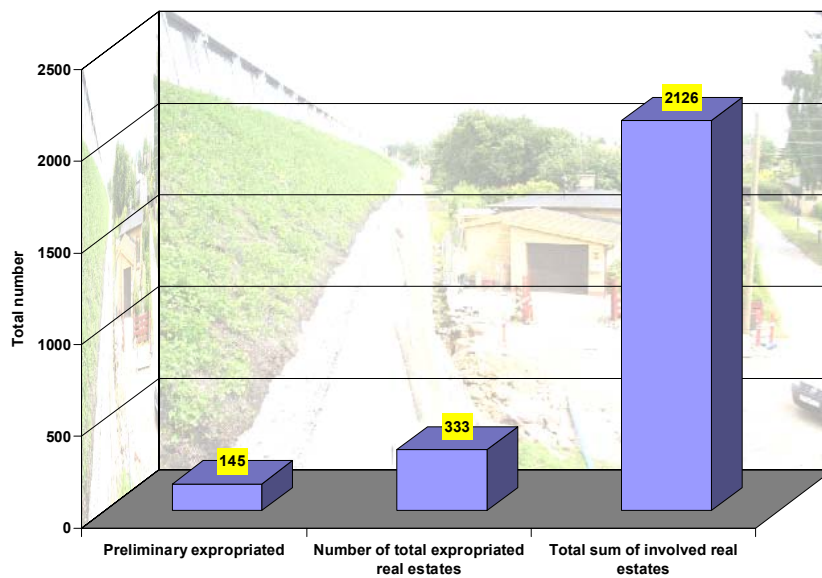
Amount of applications/year



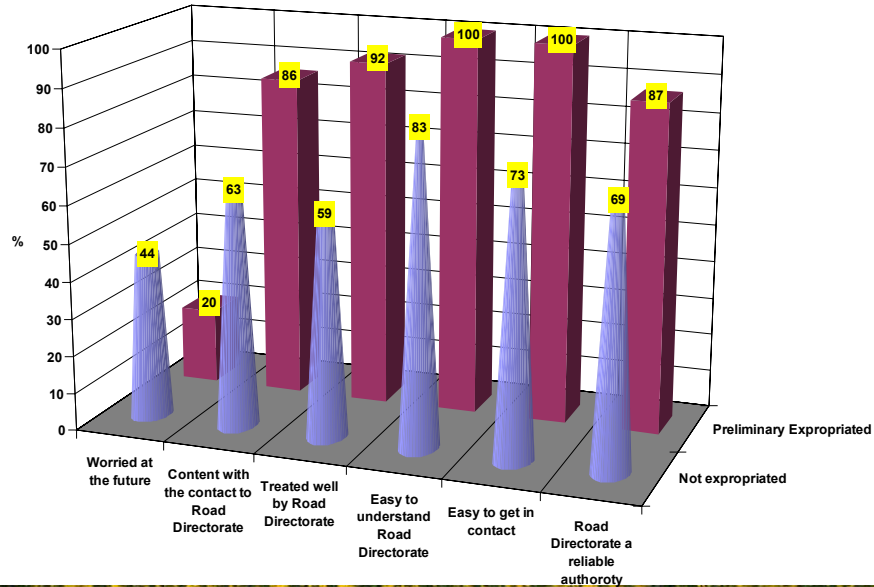
Total accepted and denied, Numbers



Preliminary expropriation



How we are received?



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Advantages and disadvantages

Advantages:

- The landowner can plan and start a new life
- The landowner will get a price comparable to the market price
- The landowner can avoid speculations about the damages caused by the project
- Greater acceptance of the project by:
 - Preliminary expropriated and
 - The public in common

Disadvantages:

- Not common for all projects
- Resources needed by the road administration /authority
 - Expenses at an earlier stage
 - Need for communication
- Risk of buying property
- Landowners have to fulfil certain conditions to be preliminary expropriated

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Conclusion

With preliminary expropriation we obtain:

- Landowners acceptance
- Public acceptance

Questions ?

