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Transferring of the Education Areas to Public Property without Any Charge

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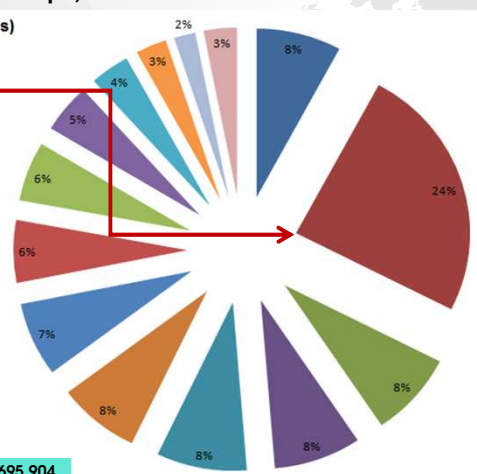


EDUCATION STATISTICS IN TURKEY-1

Population by Age Groups, 2014

Age	Total (in thousands)
0-4	6 097
5-19	19 006
20-24	8 230
25-29	6 275
30-34	6 503
35-39	5 904
40-44	5 500
45-49	4 652
50-54	4 426
55-59	3 648
60-64	2 850
65-69	2 229
70-74	1 550
75+	2 394

Total population of Turkey: 77.695.904



While the compulsory education varies between 8 and 14 years around the world, it has been increased to 12 years in Turkey with the amendment in 2012;

- 4 years for primary education
- 4 years for junior high education
- 4 years for secondary education

EDUCATION STATISTICS IN TURKEY-2

School types Years	Student number			School number		
	2012	2014	rate of increase	2012	2014	rate of increase
primary education (4 years)	10.979.301	11.053.315		32.108	44.513	
junior high education(4 years)						
secondary education (4 years)	4.756.286	5.420.178		9.672	9.061	
Total	15.735.587	16.473.493	4,6%	41.780	53.574	28,2%

❖ In Turkey, approximately 1.3 million children start school every year and education studies are sustained at 53.574 schools.

❖ There is a need for totally 7.435 lands for education areas and the estimated expropriation price of these areas is 4,3 billion dollar.

❖ According to the development plans, there are 7.435 schools that are spared as school areas and waiting for the transformation into the public ownership.

METHODS OF TRANSFERRING THE EDUCATION AREAS TO THE PUBLIC

Being involved in development plans and annual programs, these immovables are transferred to the public ownership via;

1. Allocation Method is based on the principal of being purchased in exchange for the assignment of lands, plots and buildings in the treasury ownership on the basis of their real price.

Applicability: It is not a favorable method.

2. Swap Method is based on the principal of exchanging the lands in the treasury ownership and the lands in the private ownership.

Applicability: the number of immovables that were subjected to exchange was 35 by 2005, totally 2 of them were realized.

3. Land Readjustment Method is based on the implementation of the development plan.

Applicability: It has been successfully applied by municipalities, governorships and other public institutes for years.

4. Expropriation Method involves the forcible transfer of private properties by the relevant public legal entities to public ownership with a unilateral enactment based on the public power for public benefit in order to enable a public service.

Applicability: Comparing the expropriation costs with the construction costs of primary school buildings, it is seen that expropriation costs double up the construction costs in some cases.

EXPROPRIATION METHOD

❖ **In terms of public institution (government):**

Compensation is an expensive method for the government. A specific budget needs to be continually available.

❖ **In terms of land owners (whose lands remained in the education area):**

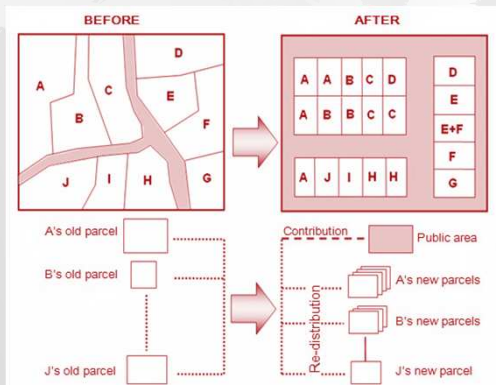
Landowners are unhappy with the decision about the compensation delays for their land (Uzun, 2009). Because, property rights of the land owner's can be restricted about 15-20 year periods. So, even if this method is generally used by the relevant institutions, private land owners whose lands remain in the education areas are unhappy with the excessive intervention.

Table. Comparison of the Construction and Expropriation Costs of Some Primary School Areas in the City of Trabzon

Primary School Name	School Construction Cost I (USD)	Expropriation Cost II (USD)	Ratio II/I %
Erdoğan	1.103.681	253.821	23
Yavuz Selim	664.439	863.762	130
Beşirli	565.958	545.542	96
Ayasofya	493.044	1.008.636	205

it has been determined that there is a need for totally 7435 lands and the estimated expropriation price of these areas is 4,3 billion dollar.

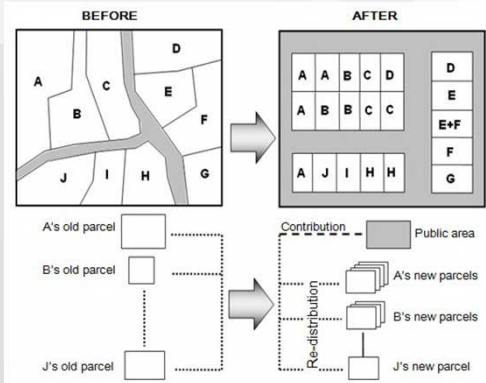
LAND READJUSTMENT METHOD-1



❑ In Turkey, the LR method has been actively used since 1985, and carried out under the existing zoning law, with more specific LR legislation and procedures.

❑ Two groups of local public bodies, namely governorships and municipalities, are legally allowed to execute LR projects in Turkey.

LAND READJUSTMENT METHOD-2

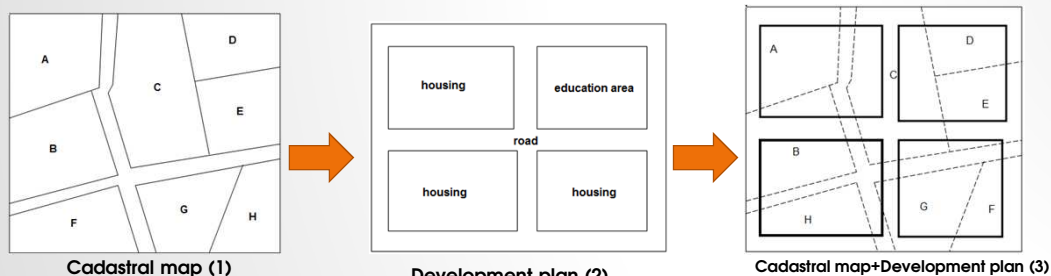


□The main statement in article no. 18 of the Development (Zoning) Law (no. 3194, enacted in 1985) is that landowners who have any parcel in an LR project area must give up to 40% of the total area of their land for public use.

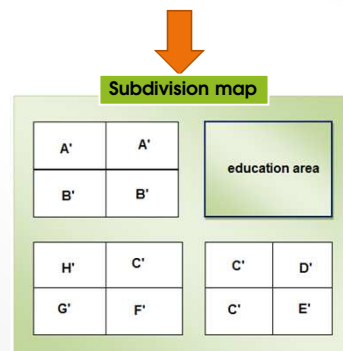
□This includes new roads, streets, green areas, parking places, squares, police stations, playgrounds, parks, school areas and religious places.

□An arrangement made in the development law (numbered 3194) in 2003 enabled the basic primary school areas to be brought in public use in the planned areas with a cost of 5-10 percent of the expropriation cost.

LAND READJUSTMENT METHOD FOR EDUCATION AREAS



1. When there is a need to develop an area, the municipality begins by preparing a development plan.
2. The area is then subdivided into an appropriate pattern of streets, parks, school areas, and sites for other uses.
3. New blocks are allocated for private development.
4. Each cadastral parcel is then divided into building lots.
5. After the project has been completed, the urban development area will be reorganized, and private landowners will receive new lots which are as close as possible to the location of their original land.



THE BENEFITS OF TURKISH LAND READJUSTMENT FOR EDUCATION AREAS

1. School areas in development plans can be transferred to the public ownership without any charge in 5 years. So, the property right violations can be prevented .
2. Property rights of landowners can not be restricted with periods like 10, 15 and 20 years.
3. Lawsuits against expropriation proceedings and objections against the Municipality, Ministry and the Turkish Parliament can be minimized.
4. The budgets being assigned to the Ministry for expropriation can be transferred to the construction costs of school buildings instead of expropriation costs.
5. The Revenue Office can minimize the expropriation budget.

CONCLUSION

- ❑ The expropriation method being used in transferring these areas to the public ownership in the period as specified in the law apparently does not fulfill the needs in many economic, legal, social and institutional areas.
- ❑ As a result of an arrangement that was made in 2003, it has become possible to transfer the school areas being involved in urban facilities to the public ownership without charge. This application basically prevents the property right violations and provides equal benefits-losses for land owners whose lands are spared for public use in development plans.
- ❑ Eliminating a number of economic, social, institutional and legal difficulties, this method can thought to be used in developing countries as well.



Thank you for your attention...

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