

**ПОРЯДОК ВНЕСЕНИЯ В ЕДИНЫЙ ГОСУДАРСТВЕННЫЙ РЕЕСТР
НЕДВИЖИМОСТИ ЗОН ЗАТОПЛЕНИЯ И ПОДТОПЛЕНИЯ**
PROCEDURE FOR ENTERING FLOOD AND FLOOD ZONES INTO THE
UNIFIED STATE REGISTER OF REAL ESTATE



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Аннотация. В данной статье авторы рассматривают, в чем причина необходимости включения в реестр недвижимости информации о зонах затопления и подтопления, почему важно соблюдать определенный режим и особые условия их использования на этих территориях, показано, чем отличаются понятия «зона затопления» и «зона подтопления», какие защитные меры устанавливаются для таких зон для предотвращения негативного воздействия воды на четко обозначенные территории.

Summary. In this article, the authors consider what is the reason for the need to include in the registry of real estate information about flood zones and flooding, why it is important to observe a certain regime and special conditions for their use in these territories, shows what is the difference between the concepts of flood zone and flood zone, what protective measures are set for such zones to prevent the negative impact of water on clearly designated areas.

Ключевые слова: реестр недвижимого имущества, территории, зоны затопления, зоны подтопления, публичная карта, регистрация.

Keywords: real estate registry, territories, flooding zones, underflooding zones, public map, registration.

Purpose of (the) study: consideration of as one of the forms of negative impact of water on the territory and objects, of the feature of such zone's inclusion in the registry of real estate.

Object of study: flooding zones, underflooding zones

Goals of (the) study:

The need to add information about underflooding zones and flooding zones to the real estate registry;

- features of following special regime and special condition of their use;
- the difference between the concepts of underflooding zones and the flooding zone;
- protective measures to prevent water negative impacts on such zones;
- features of the registration of real estate information about flood zones, underflooding zones;
- stages of approval of documents for the establishment of flooding zones and underflooding zones.

Results of (the) study:

- shows the need to enter the information flooding zones and underflooding zones into the registry of real estate;
- the specification of following the regime and special conditions of their use have been studied.
- the difference between the concepts of flooding zones and underflooding zones has been determined;
- protective measures are shown to prevent the negative impact of water;
- a set of information about flooding zones, underflooding zones in the real estate registry is given;
- the stages of approvals for the establishment of flood zones and flooding have been put in order.

Introduction

The types of zones with special conditions of use of the territories are defined in Article 105 of the Land Code of the Russian Federation (the RUSSIAN Sc of The Russian Federation). Consider how it is necessary to enter information about flooding zones and underflooding zones into the real estate registry. Flooding zones and underflooding zones are among the forms of negative impact of water on the territory and objects.

It is important for these territories to follow certain regimes and special conditions for their use.

Areas with special conditions of the territories are established for the purpose of:

- More dangerous operation of transport, energy, communications, defense facilities and state security,
- about the care of the preservation of cultural heritage sites,
- about the preservation of the environment, including the protection and conservation of natural healing resources, the prevention of pollution, clogging, water salinization and water depletion, the preservation of the habitat of water biological resources and other objects of the animal and plant world.
- about the security of the country and the security of the state.

In accordance with the first part of Article 106 of the Russian Criminal Code, the Government of the Russian Federation approved a provision for each type of zone with special conditions of use of the territories (more - ZOIT) [2].

- the order of preparation and decision-making on the establishment, changes, the termination of the existence of these ZOIT;
- and a scooping list of sites, territories, in connection with the placement of which or for the purpose of protection and conservation, which are established by the ZOIT, or the criteria of such objects;
- with the rock on which the specified ZOIT is installed;
- to the limits of the specified ZOIT and/or the rules for determining the size of the ZOIT;
- an order for designation of the boundary of the ZOIT and/or the location of the object, in connection with the placement of which are installed by the ZOIT, on the ground.

Restrictions on the use of land that can be established within the boundaries of these zones.

The definition of the size of the territories in the event that two or more territories may be allocated within the boundaries of the zone with special conditions;

- and the formation of the possibility or impossibility of establishing separate restrictions on the use of land, water objects, their parts in the establishment of the ZOIT;
- federal executive authorities authorized to make decisions on the establishment, change, termination of the existence of the ZOIT;
- and a list of documents submitted for decision-making on the establishment, change, and termination of the existence of the ZOIT;
- about the justification for ending the existence of the ZOIT.

What is the mode of use of land within the boundaries of flooding zones and underflooding zones. Within the boundaries of flood zones, flooding, classified under the law on urban planning activities to areas with special conditions of use of the territories, a ban on the placement of new settlements and construction of capital construction facilities without providing engineering protection of such settlements and facilities from flooding zones and underflooding zones.

The establishment of flooding zones and underflooding zones is a special protective measure designed to prevent the negative impact of water on clearly designated areas. Let's look at concepts and their differences.

Flooding zones - the formation of a free surface of water on the territory as a result of the increase in the level of watercourse, reservoir or groundwater.

Underflooding zones are areas that are flooded by subsidence from reservoirs, rivers, other water facilities or exposure to any other economic activity and natural factors.

The Russian Federation's Code of Water, Article 67.1, contains the Code of the Russian Federation to prevent and eliminate the negative impact of water [1]:

- measures to prevent the destruction of the shores, including activities on the collapse of the shores of water objects, their biogenic fixation, strengthening of sand-gravel and stone gratification, terraced slopes.
- flood control measures, including measures to increase the capacity of riverbeds, dredging and straightening, clearing water objects;
- icebreaker, ice-cutting and other works to reduce the strength of ice and eliminate ice congestion;
- pre-flood and post-flood survey of flood-prone areas and water features.

Consider the territory that should be protected. Flood zones are established for the following areas (Figure 1).

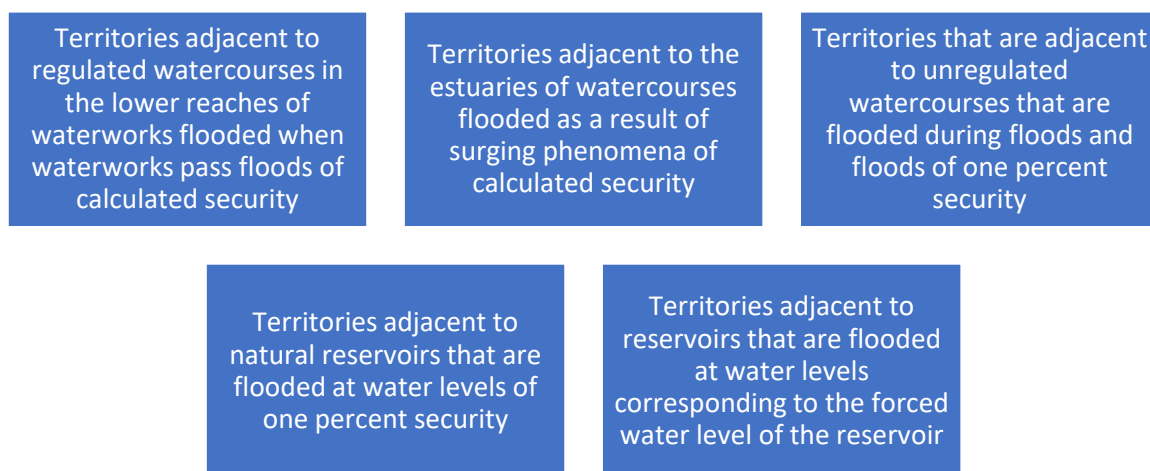


Figure 1 - Territories for which the ZOIT is established

By the resolution of the Russian Federation of 18.04.2014 No.360 "On the flooding zones and underflooding zones approved a provision that establishes the order of the establishment, change and termination of the existence of flood zones, flooding, as well as the are as of such zones [3].

Within the boundaries of flood zones, flooding is prohibited; the following activities are shown in Figure 2.

Let's consider what actions you need to take to establish these zones and make them in the Unified state registry of real estate (later - EGRN).

Flood zones or flood zones are established or changed on the basis of the decision of the Federal Water Resources Agency (its territorial bodies) together with the proposals of the authorities of the subject of the Russian Federation and local governments.

Information about the boundaries of these zones, which should contain: a graphic description of the location of the boundaries of these zones, a list of coordinates of the characteristic boundaries of such zones in the coordinate system established for maintaining the Unified State Register of Real Estate.

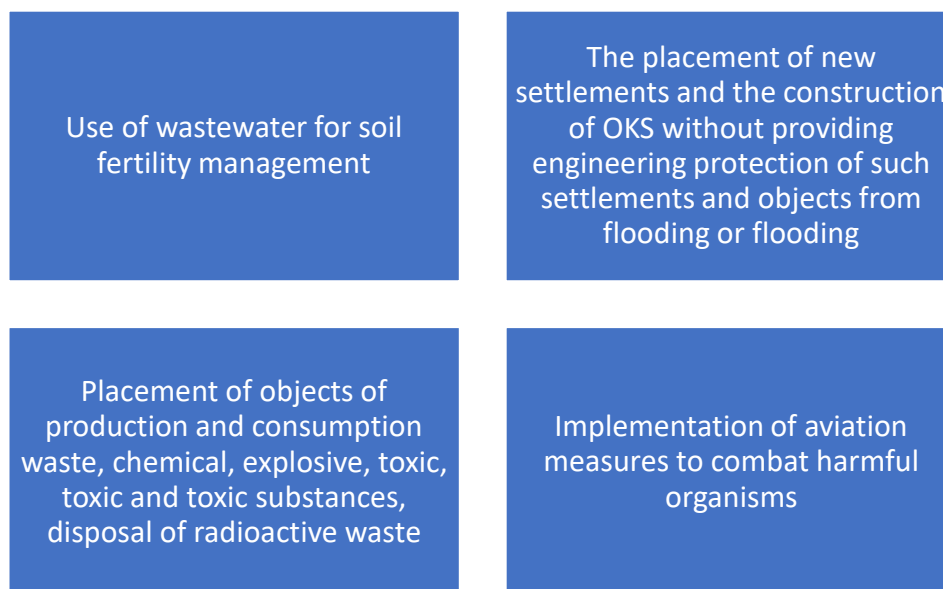


Figure 2 - Prohibited activities in the ZOIT

The application in the form of a file in the XML format with the application of proposals and information about the boundaries of flood zones, flooding before sending to the Federal Agency for Water Resources must be approved by the Ministry of Civil Defense, Emergency Situations and Elimination of Consequences of Natural Disasters, the Federal Service for State Registration, Cadastre and Cartography, the Federal Service for Supervision of Natural Resources, the Federal Service for Hydro Meteorology and Environmental Monitoring, the Federal Agency for Subsoil Use.

Then, the board of the Rosreestr on the subjects of the Russian Federation, together with the branches of the FSBU "FKP Rosreestr" consider the application of the object: with the appropriateness of the coordinate systems, the system of coordinates installed for the EGRN, to the entry of the formed zone into the cadastral district, with the corresponding location of the formed zone to the water object, relative to which the zone is established.

If the proposals submitted do not meet the requirements for the territories within the flooding zones, the flooding in the agreement is denied.

In the case of agreement the graphic description of the location of the boundaries of flooding zones, underflooding zones is marked, which is certified by the seal and signature of the authorized official.

A copy of the act to the local government, the city district, settlements in relation to the territories, which are established flooding zones, underflooding zones is sent.

The information to the Federal Service of State Registration, Registry and Cartography for registration in the EGRN.

As of March 2021, about 737 flood zones have been registered in flooding flooding zones, underflooding zones adjacent to flood zones. For 206 zones, the information is reflected on the public inventory map.

Information about these zones is reflected in a separate layer on the public map of Rosreestr. Figure 3 shows the area of severe flooding of the territory adjacent to the area of flooding of the territory with. Treskovo of the Kabansky district of the Republic of Buryatia, adjacent to the Selenga River and flooded with floods and floods of one percent security [4].

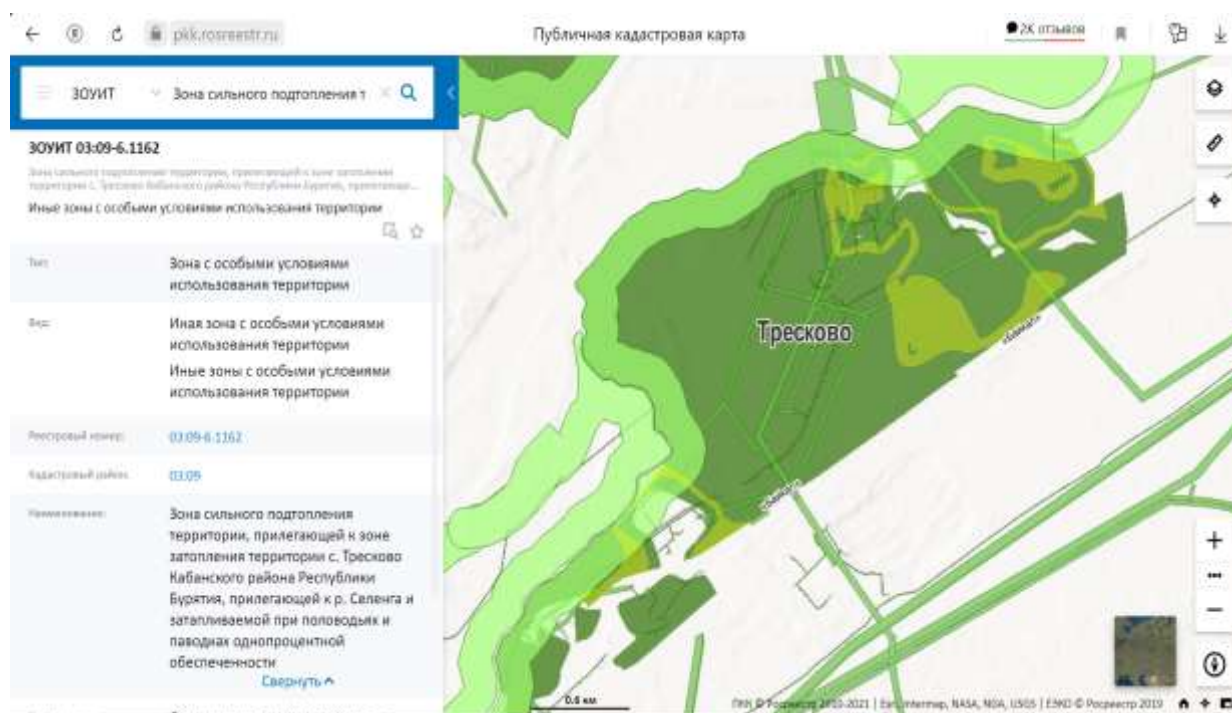


Figure 3 - Reflection of the data of the zone of severe flooding of the territory adjacent to the zone of flooding of the territory with. Treskovo of the Kabansky district of the Republic of Buryatia, adjacent to the Selenga River and flooded with floods and floods of one percent security

Figure 4 shows the zone of flooding with 25% security within the village of Abdulmambetovo, Burzyansky district of the Republic of Belarus [4].

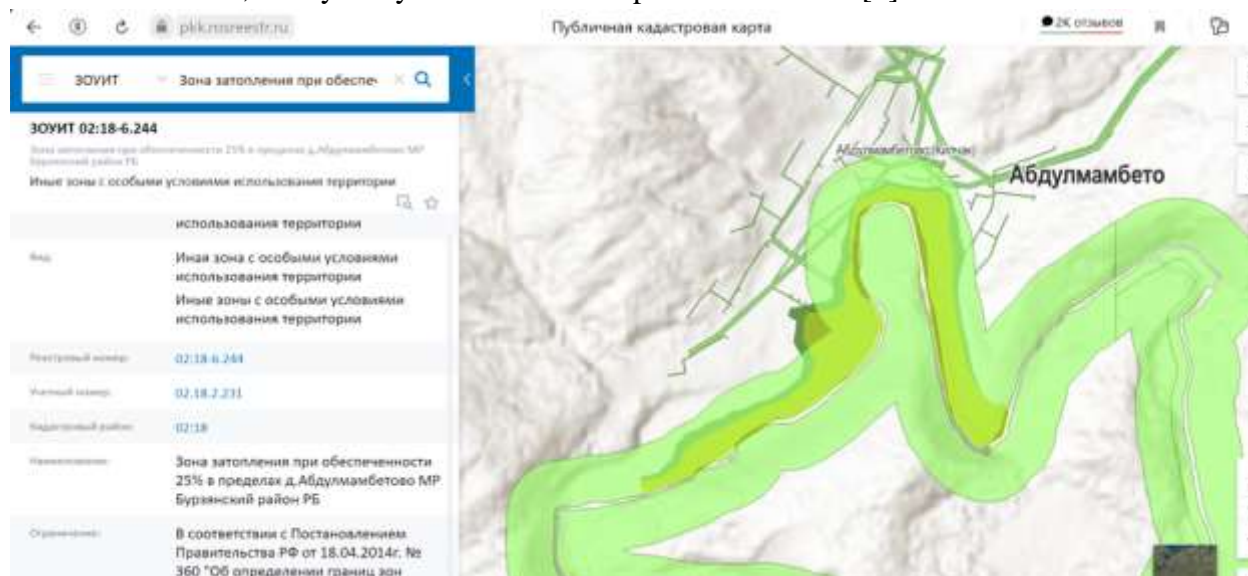


Figure 4-Flooding zone with 25% security within the village of Abdulmambetovo MR Burzyansky district RB

The type of such objects is defined as a "zone with special conditions of use of the territory", a view as "a different zone with special conditions of use of the territory." Information about flooding zones and underflooding zones is displayed on all types of documentation developed in the planning of the development of the territories. Information about already

established flooding zones, underflooding zones is reflected on the public cadastral map, in the following composition:

- a view of the object;
- registry number;
- cadastral area;
- the name of the object;
- restrictions on the use of the facility;
- the date of the information to the EGRN.

According to the decision of the state authorities, in particular the management of the Federal Water Resources Agency on the basis of Article 6.67.1 of the Russian Criminal Code in the zone of protection of natural objects is prohibited:

- 1) the placement of new settlements and the construction of drastic construction facilities without providing engineering protection of such settlements and facilities from flooding zones, underflooding zones;
- 2) use of sewage to regulate soil fertility;
- 3) the placement of cemeteries, graveyards, waste sites, chemical, explosive, toxic, poisonous and poisonous substances, storage and disposal sites;
- 4) implementation of aviation measures to combat harmful organisms.

There are several zones with special conditions of use of the territory, which fall under the prohibition of certain activities on the basis of Article 6.67.1 of the Russian Federation:

- flooding zones in floods and floods 1% of the territory's security;
- flooding zone for areas adjacent to water facilities flooded by floods and floods of one per cent security (repeated once every 100 years);
- flooding zone for areas adjacent to water facilities flooded by floods and floods of one per cent security (recurrence 5 times every 100 years);
- flooding zone 3% of the territory's security;
- flooding zone 0.01% areas;
- flooding zone adjacent to the flood zone (heavy flooding area);
- flooding zone adjacent to the flood zone (moderate flooding area);
- flooding zone adjacent to the flood zone (low flood area).

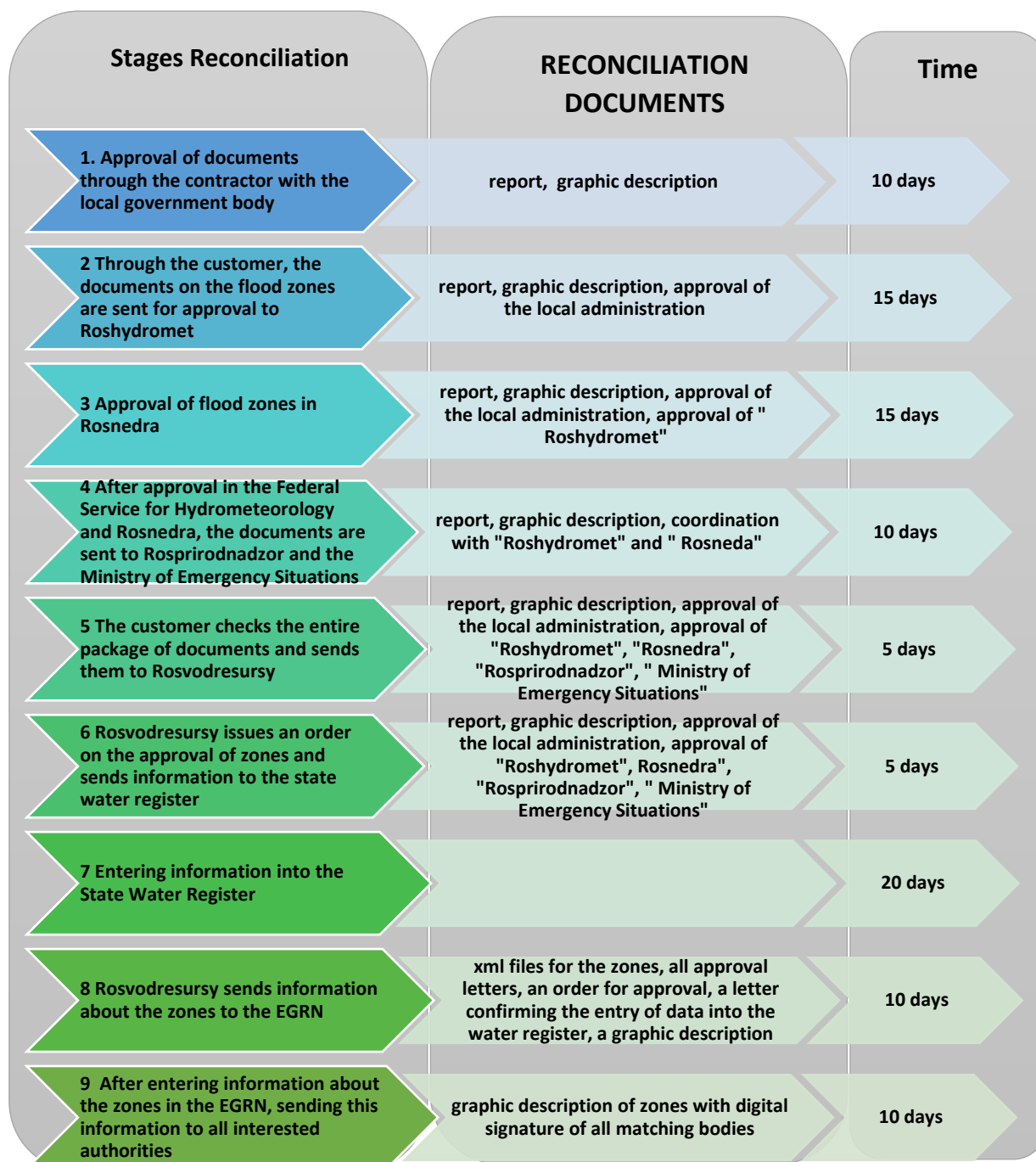


Figure 5 - An approximate model of document approvals for the establishment of flooding zones, underflooding zones in electronic format

The need to provide information on flood zones and flooding is due to the high risk of landslides, the wash-up of the slopes of urban areas located on the shores of reservoirs.

The practice shows a number of problems arising in the process of harmonizing flood zones, flooding and making information about them in the state water registry and the Unified State Register of Real Estate in the performance of works performed within the framework of public procurement.

According to experts, the whole process of approvals should be conducted electronically, which will reduce the time and reduce the return of documentation for revision. It is assumed that

all documents sent for approval must be certified electronically by electronic signature. An approximate model of electronic approvals is shown in Figure 5 [5].

To improve all the conciliation stages, experts are inclined to believe that an all-Russian portal is needed, on the basis of which all project documentation on flood and flood zones will be loaded and within the framework of inter-agency cooperation, each interested person will be able to monitor the situation in such zones with special conditions of use.

References

1. Water thCode of the Russian Federation: The Law: Adopted by the State Duma of 03.06.1994 No. 74-Fz: as of 08.12.2020 / "Electronic Resource". Access from the "ConsultantPlus" legal system.
2. Land Code of the Russian Federation: "Federal Law: Adopted by the State Duma of 25.10.2001 No. 136-Fz: as of 30.12.2020" / "Electronic resource" access from the law system "ConsultantPlus."
3. Russian Government Decree of April 18, 2014 N 360 "Onflood zones, flooding" / Official Internet portal of legal information. - URL: <http://www.pravo.gov.ru>
4. Public inventory map. Official website / URL: <https://pkk.rosreestr.ru> (address date 10.03.2021).
5. Recommended algorithm of full translation into electronic form of the process of harmonization of flood zones, flooding and reporting about them in the EGRN "Electronic resource" / URL: http://www.hydrology.ru/sites/default/files/docs/conference/2_5413510971836596750.pdf
6. Reporting materials of the data fund.

Spisok literaturey

1. Vodnyi Kodeks Rossiiskoi Federatsii: Zakon: Prinyat Gosudarstvennoi Dumoi ot 03.06.1994 № 74-Fz: ot 08.12.2020 / «Ehlektronnyi resurS». Dostup iz pravovoi sistemy «Konsul'tanTPlyuS».
2. Zemel'nyi kodeks Rossiiskoi Federatsii: «Federal'nyi zakon: Prinyat Gosudarstvennoi Dumoi ot 25.10.2001 № 136-Fz: ot 30.12.2020» / Dostup «Ehlektronnogo resursA» iz pravovoi sistemy «Konsul'tanTPlyuS».
3. Postanovlenie Pravitel'stva RF ot 18 aprelya 2014 g. N 360 «Zony zatopeniya, zatopeniYA» / Ofitsial'nyi Internet-portal pravovoi informatsii. - URL: <http://www.pravo.gov.ru>
4. Karta obshchestvennogo inventarya. Ofitsial'nyi sait / URL: <https://pkk.rosreestr.ru> (data obrashcheniya 10.03.2021).
5. Rekomenduemyi algoritm polnogo perevoda v ehlektronnyi vid protsessa soglasovaniya zon zatopeniya, zatopeniya i otchetnosti o nikh v EGRYUL «Ehlektronnyi resurS» / URL: http://www.hydrology.ru/sites/default/files/dokumenty/konferentsiya/2_5413510971836596750.pdf
6. Otchetnye materialy informatsionnogo fonda.