How to help landowners by preliminary expropriation

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The national road network

The Danish Road Directory 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 Legalislation
  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:
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
Procedure from Design act

Design act/Political agreement

Start of the planning process
End of the planning process
Design act/Political agreement

Environ Impact Assessment (EIA)-investigations

First survey/inquiry
Redistribution of land/land consolidation
Second survey
Land Acquisition
Real estates, going to be torn down
Partial expropriations of real estate
Construction work

Opening

Start of the planning process
End of the planning process
Design act/Political agreement
EIA
Construction act

Pre-liminary
Expropriation
Design act – the corridor

The EIA-investigations:
Result - several proposals
Result: Recommendation to a bill of construction

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
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

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Total accepted and denied, Numbers

![Bar chart showing total accepted and denied numbers](chart1)

Preliminary expropriation

![Bar chart showing preliminary expropriation](chart2)
How we are received?

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
Conclusion

With preliminary expropriation we obtain:

- Landowners acceptance
- Public acceptance

Questions?