

STUDIO TECNICO

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EXAMPLE TWO – Property Survey Extract

TOWN PLANNING INFORMATION:

LEGALLY DESIGNATED USE OF THE LAND:

According to the Town Planning Regulations (P.R.G.) in force in the Municipality of Joppolo, approved by Regione Calabria on 08/05/2003 by Decree no.6027, the Plot is situated in an agricultural area which is classified as an E1- Normal Agricultural Area (E1- *aree agricole normali*) and regulated by Art.10 of N.T.A. (*Norme Tecniche di Attuazione*). The construction of rural buildings is allowed in this area, but is subject to the conditions explained below.

Subsequent to an examination of the documents found at the Town Planning Office in the Municipality of Joppolo and a meeting with its director, Engineer *****, I can confirm that:

- It is possible to construct rural buildings for habitation and agricultural use.

The construction of a rural building for habitation is allowed only on plots of land measuring a minimum of 10,000 sqm (*Unità Aziendale Minima*), with a building ratio equal to 0.013 sqm. for every 1 sqm of land.

This means that on a plot of 10,000 sqm, it is possible to build a house measuring 130 sqm, perimeter walls included. In addition to a house measuring 130 sqm, it is also possible to build a veranda measuring a maximum of 26 sqm (i.e. 20% of the surface area of the house). Furthermore, underground garages can be built in keeping with Law 122/89, with a building ratio of 1 sqm of garage for every 10 cubic meters of house.

The minimum requirement of 10,000 sqm (*Unità Aziendale Minima*) can also be met by grouping plots of land together. These plots do not necessarily need to border each other but need to be in the same *Comune*.

Upon examination of Regional Law no. 19/02 and the Technical Implementation Rules (*Norme Tecniche di Attuazione*) of the Municipality of Joppolo, Building Permission (*Permesso di Costruire*) can be obtained for one plot which is part of the group of plots making up the 10,000 sqm (*Unità Aziendale Minima*), but is subject to the signing of a written statement (*Atto d'Obbligo*) by the owner of the plots in front of an Italian Notary, declaring that the remaining plots used to meet the 10,000 sqm requirement (*Unità Aziendale Minima*) can never be built on.

For this reason, the owner, Mr. *****, intends to utilize land in different areas in the Comune of Joppolo, in order to meet the required 10,000 sqm (*Unità Aziendale Minima*) for the Plot in question, without involving the remaining eight plots derived from the subdivision of the original parcels (no.41, 43 and 45), which would consequently compromise their potential for future construction, as mentioned above.

The Engineer, Mr ***** has also confirmed that in order to receive Building Permission in the said agricultural area, it is necessary to have a VAT number (*Partita IVA*) attesting to agricultural activity as a source of income, but not necessarily main income. Furthermore, Building Permission is subject to ownership of the above mentioned requirement of 10,000 sqm (*Unità Aziendale Minima*).

Mr. ***** intends to make the Request for Building Permission in his name and, once the Permission has been obtained, to sell the Plot in question.

CLARIFICATIONS and NOTES:

- The subdivision of land by Mr. ***** into separate plots intended for sale, is not in conformity with Regional Law no. 19/02, which in *Art. 51, clause 3*, prohibits:
 - a) any type of activity which changes the designated use of the land thus rendering it incompatible with agricultural production and cultivation, or development of agricultural products;
 - b) any activity which leads to the subdivision of the land, thus creating separate plots with the intention to develop the land in order to build on it ("*lottizzazione di fatto*")
 - c) carrying out any works related to primary or secondary utilities and services on the land which are not compatible with the designated use of the land.

Since the subdivision is considered illegitimate, the sale of the Plot (1470 sqm) derived from the subdivision would also be illegitimate. Furthermore, there is doubt as to whether the sale of a significantly smaller Plot used to make up the minimum 10,000 sqm requirement can be considered legitimate. To avoid making an illegitimate acquisition, it is advisable to purchase all of the Plots which made up the former parcel no.41 (4290 sqm) and at later date purchase additional land in another area in order to meet the requirement of 10,000 sqm for building.

SURVEYOR

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