# FEATURES OF FORMATION OF LAND PLOTS CONSTRUCTION AND MAINTENANCE OF BUILDINGS OF EDUCATIONAL ESTABLISHMENTS

O. KUSTOVSKA, Ph. D. in Economics, Associate Professor, Department of Land Management, V. KOVALENKO, student of the Faculty of Land Management National University of Life and Environmental Sciences of Ukraine E-mail: kustovska.ov@gmail.com

**Abstract.** In the article the normative-legal base on formation of land plots for construction and maintenance of buildings of educational institutions. It is established that the ability to obtain the right of permanent use of land granted to all without an exception educational institutions regardless of their form of ownership (previously, this right could only acquire higher education institutions), transfer for permanent use to the educational institutions of the land on which are located buildings and structures of such institutions is: the academic building, laboratories, dormitories, libraries and such. Also decided on the number of subjects in educational institutions include legal entities of public or private law the main activity of which is educational activities.

The study was conducted on the example of the development of the land for teaching and Educational complex «Preschool educational establishment - General educational school No. 11» city of Tokmak of Zaporizhzhya region. Evaluated current use of lands of the city of Tokmak.

We also study the category of land that can be transmitted to educational institutions for permanent use, in particular, of agricultural land and defense, as for other categories of land, the legislation does not contain mandatory rules as to the impossibility of their transfer for permanent use to educational institutions.

Justified the procedure of formation of land plots for construction and maintenance of buildings of educational institutions.

*Keywords:* land, construction and maintenance of buildings of educational institutions, institutions of higher education, permanent use.

## Introduction.

Education is an improvement in the intellectual development of the individual, his successful socialization, economic well-being, the key to the development of a society united by shared values and culture. [3, p. 153] And the purpose of education is the comprehensive development of a person as a person and the highest value of society, raising the educational level of citizens to ensure the sustainable development of Ukraine and its European choice, and the modern formation of land for the construction (reconstruction) and maintenance of buildings of educational institutions is very relevant: especially when quickly more and more residential areas are being built.

Analysis of recent studies and publications on this topic shows that the issues of agricultural land use by local governments are focused on the formation of land plots for housing, the provision of land for the construction and maintenance of buildings of educational institutions illuminated fragmentary, in the context of the provision of land object of education of the established area. Therefore, the issues under study remain largely debatable.

The *purpose* of the article is to study the features and formation of land plots for the construction and maintenance of educational establishments on the territory of the settlement.

# Results.

According to the Law of Ukraine «On Education», legal entities of public or private law, whose main activity is educational activity, are established as an opportunity to obtain the right of permanent use of the land granted to all educational establishments, regardless of ownership, and all educational establishments, that were created before it came into force.[6, p.1] This Law does not specify any special conditions regarding the categories of land that can be transferred to educational institutions for permanent use. Pursuant to Article 80, paragraph 2, the procedure, conditions and forms of acquisition of land rights education institutions by the Land Code of Ukraine are referred to. It is obvious that the transfer to the permanent use of the educational institutions of the land on which their buildings and structures are located. However, the Land Code of Ukraine also provides for other categories of land that can be transferred to permanent use of educational institutions. [2, p. 27]

Analyzes the current state of land use the town of Tokmak, in particular, the total area of the city Tokmak - 32,4 km<sup>2</sup>, the population of the city Tokmak - 36 and 76 thousand persons. [5, p. 1] According to the Scheme of planning the territory of Zaporizhzhya region the city is part of the promising industrial hub with the priority development of production of steel works, engineering and the food industry. The city formed a promising tourist centre, included in Tokmak tourist area. We investigated the network of educational institutions of the city, which has remained stable over the last years and is characterized by the optimal and measured relative to its formation.

Investigated land plot for educational complex «Preschool educational institution - comprehensive school No 11» of Tokmak city of Zaporizhzhya region: with an area of 1.3154 hectares, including buildings with a total area of 0.0990 hectares, sanitary conditions, restrictions on rights of use - security zones: around the communication object with an area of 0.0331 ha; around a facility of 0.0524 ha; zones of sanitary protection of sources and objects of centralized drinking water supply with an area of 0.0633 ha. (as shown in Figure 1)

When forming land plots for and maintenance construction of buildings of educational institutions orientirueshsya for such space[1, p. 29]: - institutions of higher education (hectares per 1 thousand students): educational area (universities): technical 4-7; agricultural – 5-7; medical, pharmaceutical - 3-5; economic, pedagogical, culture, art, architecture -2-4; sports area -1-2; the area of student dormitories – a 1.5-3;



Рис. 4. Динаміка інтенсивності інвазії за кнемідокоптозу у декоративних птахів, екз.

- institutions of vocational and professional higher education before (for the capacity of the students): -75 to 300 m2 per 1 pupil; more than 300 to 900 - 50-60 m2; more than 900 to 1600 30-40 m2;
- institutions of General secondary education: primary school: 0.25 (4 classes) to 1.8 ha (16 classes); secondary schools, educational complexes, a Lyceum with the division of elementary and primary school: in rural areas: from 2.0 hectares (grade 12) to 2.6 hectares (24 per class), in the cities of 2.0 hectares (24 classes) to 2.6 hectares(in classes 33-36).
- for the capacity of pre-school education, General development and health of the type, m 2 in the 1st place: up to 40 seats 50, but not less than 0.2 hectares; over 40 up to 80 places 45; more than 80 seats 40. In preschool educational

institutions of a special type - not less than 60 m 2 in the 1st place.

In areas of the institution should consist of the following functional areas: training; teaching; educationalexperience; physical culture and sports; leisure; commercial; residential (for hostels).[4, p. 151] the Sizes of areas of plots of educational institutions are determined by the design assignment.

# Discussion.

The advantages of permanent land use include: without validity (as opposed to lease); the rights and obligations of permanent land users are determined by the current land law and are not subject to contractual regulation (cannot be narrowed); permanent land users pay a land tax, the amount of which is determined in accordance with applicable law (as opposed to the contractual nature of the rent); the land plots for permanent use are transferred in the order of allotment free of charge with the subsequent certificate of this right; Acquisition of the right of permanent land use in all cases occurs without holding land auctions, while other types of land use rights (rent, superficies) in most cases are acquired on a competitive basis.

The disadvantages of the right of permanent use include the fact that educational institutions as permanent land users will not have the right to dispose of the land transferred to them (they can not at their own discretion transfer to another person the land they received (for example, for rent, under the conditions of superficies).

The procedure of formation of land plots for the construction and maintenance of buildings of educational establishments is substantiated: 1) request for permission to develop a land development project for land allotment; 2) an application for permission to develop technical documentation on land management regarding the establishment of land boundaries in kind, if the land plot is formed but not registered in the State Land Cadastre (SLC) and the ownership of which is not registered; 3) an application for transfer of the land plot for permanent use, if the land plot is registered in the SLC and the ownership of it is registered. This option is best for the potential land user because it excludes the development, approval and approval of land use documentation.

## References

 DBN B.2.2-12:2019. Planning and development of territories. Available at: https://dbn.co.ua/load/normativy/dbn/b\_2\_2\_12/1-10-1802

- Land Code of Ukraine of 25.10.2001, version 21.02.2020. Available at: https://zakon.rada.gov.ua/laws/show/2768-14
- Kustovska, O., Ponomarenko R. (2015) State and communal property land management mechanism. Innovative economy. Vol. 9 (151). 151-157.
- Martyn, A., Kustovska, O. (2015) Land Management of Territorial Communities: monograph. Kiyv. 349 p.
- 5. The official portal of the Tokmak City Council. Available at: http://meriatokmak.gov.ua/
- On higher education: Law of Ukraine of december 28, 2014. Vol. № 76-VIII. Available at: https://zakon.rada.gov.ua/laws/ show/1556-18

#### \*\*\*

### Кустовська О., Коваленко В. ОСОБЛИВОСТІ ФОРМУВАННЯ ЗЕ-МЕЛЬНИХ ДІЛЯНОК ДЛЯ БУДІВНИЦТВА ТА ОБСЛУГОВУВАННЯ БУДІВЕЛЬ ЗА-КЛАДІВ ОСВІТИ

https://doi.org/

10.31548/zemleustriy2020.01.04

Анотація. У статті досліджено нормативно-правову базу щодо формування земельних ділянок для будівництва та обслуговування будівель закладів освіти. Встановлено, що можливість отримати право постійного користування земельною ділянкою надана усім без виключення закладам освіти незалежно від форми власності (раніше таке право могли набувати лише заклади вищої освіти), передача у постійне користування закладам освіти тих земельних ділянок, на яких розташовані будівлі та споруди таких закладів, це: навчальні корпуси, лабораторії, гуртожитки, бібліотеки тощо. Також визначилися із суб'єктним складом - до закладів освіти відносить юридичних осіб публічного чи приватного права, основним видом діяльності яких є освітня діяльність.

Дослідження проведено на прикладі формування земельної ділянки для Навчально-виховного комплексу «Дошкільний навчальний заклад - загальноосвітня школа № 11» міста Токмак Запорізької області. Оцінено сучасний стан використання земель міста Токмак.

Досліджено також категорії земель, які можуть передаватись закладам освіти в постійне користування, зокрема, це землі сільськогосподарського призначення та оборони, що стосується інших категорій земель, то законодавство не містить імперативних норм щодо неможливості їх передачі в постійне користування закладам освіти.

Обґрунтовано процедуру формування земельних ділянок для будівництва та обслуговування будівель закладів освіти.

Ключові слова: земельні ділянки, будівництво та обслуговування, будівлі закладів освіти, заклади вищої освіти, постійне користування.

#### \*\*\*

#### Кустовская О., Коваленко В. ОСОБЕННОСТИ ФОРМИРОВАНИЯ ЗЕ-МЕЛЬНЫХ УЧАСТКОВ ДЛЯ СТРОИТЕЛЬ-СТВА И ОБСЛУЖИВАНИЯ ЗДАНИЙ УЧЕБ-НЫХ ЗАВЕДЕНИЙ

https://doi.org/ 10.31548/zemleustriy2020.01.04

Аннотация. В статье исследованы нормативно-правовую базу по формированию земельных участков для строительства и обслуживания зданий учреждений образования. Установлено, что возможность получить право постоянного пользования земельным участком предоставлено всем без исключения учебным заведениям независимо от формы собственности (ранее такое право могли приобретать только учреждения высшего образования), передача в постоянное пользование учреждениям образования тех земельных участков, на которых расположены здания и сооружения таких заведений, это: учебные корпуса, лаборатории, общежития, библиотеки и тому подобное. Также определились с субъектным составом - в учреждения образования относит юридических лиц публичного или частного права, основным видом деятельности которых является образовательная деятельность.

Исследование проведено на примере формирования земельного участка для Учебно-воспитательного комплекса «Дошкольное учебное заведение - общеобразовательная школа № 11» города Токмак Запорожской области.

Исследованы также категории земель, которые могут передаваться учреждениям образования в постоянное пользование, в частности, это земли сельскохозяйственного назначения и обороны, что касается других категорий земель, то законодательство не содержит императивных норм относительно невозможности их передачи в постоянное пользование учебным заведениям.

Обоснована процедура формирования земельных участков для строительства и обслуживания зданий учреждений образования.

Ключевые слова: земельные участки, строительство и обслуживание, здания учреждений образования, учреждения высшего образования, постоянное пользование.