

ANALYSIS OF THE PROCESSES LEADING TO THE EXPANSION OF THE MUNICIPAL REAL ESTATE STOCK UNDER POLISH CONDITIONS, BASED ON A SELECTED EXAMPLE

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Summary

One of the most important issues of local government is a proper management of the property stock. This process also includes the acquisition of real estate. The subject of this article is an analysis of the processes leading to the expansion of the municipal real estate stock on the example of a case study based on data from the city of Krakow. The purpose of the study to analyse of the measures applied to acquire real estate for the municipality, using a selected area as an example, to indicate the range of properties acquired through the various modes, and to present the current structure of land owned by the municipality, taking into account the impact of real estate acquisition processes. As a result of the analyses, the processes that result in the expansion of land and the extent to which they affect the municipal property stock were identified in relation to the current land structure of the Municipality. The results of the research confirm that the municipal real estate stock has been most affected by the municipalisation process. Other forms of acquisition, including those under civil law, despite their smaller scale, are nevertheless important for the implementation of the local government tasks and result in the regularisation of the legal status of municipal real estate.

Keywords

real estate resource • municipality • real estate acquisition • real estate regularisation

1. Introduction

The change of the political and economic system in Poland after 1989 brought transformations in many areas, including significant changes in the ownership structure of the country. As part of the municipalisation process, part of the property of the State Treasury was transferred to municipal ownership. In accordance with the 1997 Constitution of the Republic of Poland [3] and the Local Government Act of 8.03.1990 [7] (currently the Local Government Act of 2021) [8], municipal governments were granted legal personality, which affected the transformation of the ownership structure. As a consequence, part of the state property became the property of the municipalities, i.e. the communalisation of the property of the State Treasury took place.

The main objective of the article is to analyse the processes of real estate acquisition for the municipality, particularly on the example of Krakow, a Polish city with a population of one million, between 2002 and 2020.

A worth mentioning factor in effective property management is a well-functioning property cadastre. The role of the cadastre is to accurately determine the extent of property rights. The involvement of owners is important and can significantly improve the quality and accuracy of cadastral surveys, having an impact on property management [Mourafetis et al. 2015]. Spatial data infrastructure is crucial for economic development [Ali and Imran 2021]. Nevertheless, there are countries, also in Europe, where the real estate cadastre is not yet well developed. This is particularly the case in Eastern and Central European countries [Jurkiewicz et al. 2023]. The concept of land administration has evolved and continues to evolve as part of the broader land management paradigm [Williamson et al. 2010]. In turn, the issue of sustainable land administration, which can help to understand how management processes affect the land resource, is commented on by [Enemark et al. 2014]. Also [Bennett and Alemie 2016] raises the important issue of land administration principles adapted to a given purpose.

This article is, in a way, a continuation of earlier reflections in the context of taking over of State Treasury property by municipalities [Przewięźlikowska 2016]. Since the 1990s, State Treasury (SO) property has been transferred to various entities, in particular to municipalities, in the process of municipalisation. This was presented in detail in the article [Bryś and Przewięźlikowska 2020] on the transformation of State Treasury property. One of the important issues of local government is the proper management of the property stock. This process includes the acquisition of real estate. The municipal real estate stock, including housing, constitutes an asset base in the process of the municipality's implementation of its statutory tasks. Due to the numerous functions of municipal housing in socio-economic development and its impact on the living conditions of the population, it is important for local governments to manage resources rationally and efficiently [Trojanek 2015].

The attractiveness of the local real estate stock depends on its use, legal status, ownership and type structure. Local municipal authorities have planning, economic-financial, legal-administrative instruments to provoke changes in the state, structure and use of the land [Zaremba 2012]. In addition, the municipality has to allocate real estate for facilities and clean up forest land or areas around protected land. In turn, the creation of a comprehensive investment offer is a complex real estate management task, requiring not only planning activities on the part of the municipality, but also often the acquisition of suitable real estate [Żróbek-Róžańska 2010]. The authors in [Zaremba 2012] have shown how local authorities (municipalities) manage properties owned by their communities. Half of the municipalities have a policy but take few risk measures. Management and operation are mostly outsourced. The study [Marona and Van den Beemt-Tjeerdsma 2018] and [Van den Beemt-Tjeerdsma and Veuger 2016] outlines the role of specific public management concepts in Polish and Dutch municipal (public) real estate management. It suggests the need for municipal property management plans, greater transparency in property management; and for an increased citizen participation in the property management process.

The basic mode of public property disposal is a tender. However, the legislation provides for the possibility of public property disposal without a tender under certain conditions [Trembecka 2016]. The article [Constantin et al. 2018] presents the problems of the existing Romanian municipal property management (MRP) system in relation to both the general urban conditions and the characteristics of the institutional and organisational framework.

Acquisition processes are related to issues of compensation for the acquisition of property. The article [Ghatak and Mookherjee 2014] addresses the question of how to compensate farmers displaced by the acquisition of agricultural land for industrialisation. Analyses conducted by the authors in [Prasenjit and Anirban 2021] have shown that land acquisition for both public and private projects in India has recently faced strong political resistance. Existing studies on land acquisition focus mainly on the optimal compensation that would secure the consent of landowners.

The purpose of the study is to:

- carry out an analysis of the procedures used in practice to acquire real estate for the municipality, using a selected area as an example,
- provide an indication of the range of properties acquired through the various modes,
- present the current structure of land owned by the municipality, taking into account the impact of property acquisition processes.

The research attempts to answer the question of to what extent the municipal property stock has expanded in terms of quantity and area, and which processes have had the greatest impact on this.

The research was carried out in the area of a selected provincial city, Krakow, with regard to the amount and area of real estate purchased in the period 2002–2020.

2. Materials and methods

The methodology, which provides a comprehensive approach to investigating the selected issue of the impact of various processes on the municipal property stock, combines a literature review with data analysis and interpretation of the results. To this end, the study used the following research methods:

- Literature review: It is presented mainly in the initial part of the article, i.e. in the introduction.
- Legislative overview: the legal provisions, local laws, court rulings and practical procedures applied by the local government administration concerning the real estate acquisition processes were analysed.
- Data analysis: This concerned a review of the available data on the municipal property stock. These data came from various sources, which are cited where relevant in the following analyses. Data included in the Public Information Bulletin of the City of Krakow, the Real Estate White Paper and in the budget performance reports of the City Treasury Department of the Municipality of Krakow were also included in the research.

- Identification of key processes: Based on the information collected, the key processes that had the greatest impact on the number and area of municipal properties were identified.
- Quantification of impact: Statistics and data analysis were used to determine to what extent the various processes have affected the number and area of municipal properties. The quantitative research involved determining the area and number of properties acquired for the municipality through municipalisation, civil law transactions, based on special regulations. The extent of land acquired by right for roads, both existing and planned to be built, was also investigated. The quantitative research included also data on the area of land in the city according to the types of ownership, i.e. state, local government and private, as well as district summary data on land. The research was conducted in the area of a selected provincial city – Krakow. Research period: 2002–2021.
- Conclusions and recommendations: Based on the results of the analysis, conclusions were drawn as to which processes had the greatest impact on the number and area of municipal properties.

3. Results

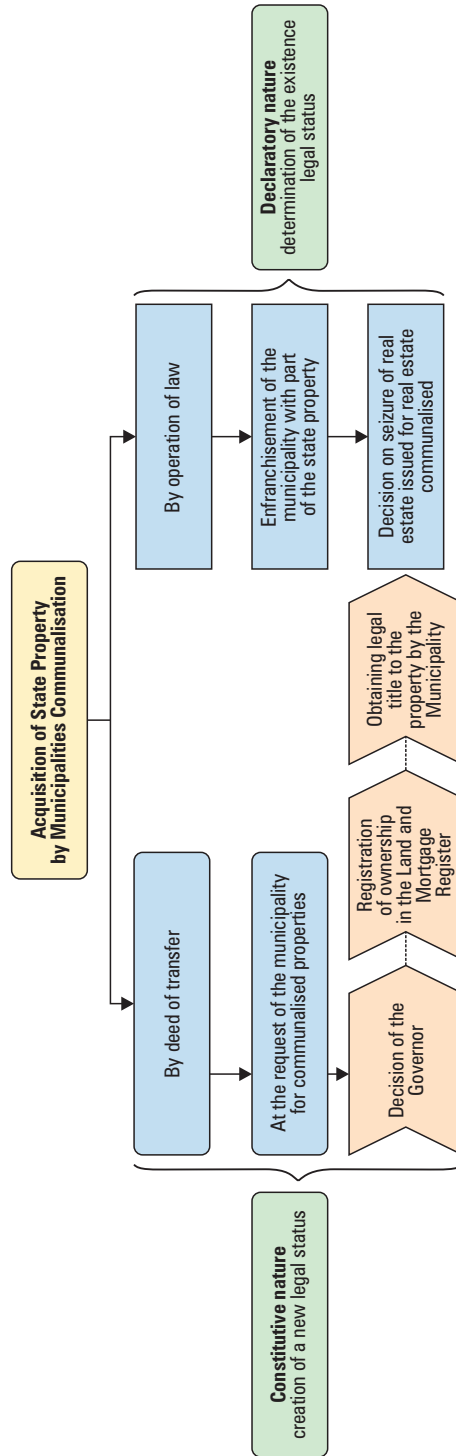
The basic stock of municipal property was created in result of municipalities taking over state assets through so-called municipalisation [Bryś and Przewięźlikowska 2018]. Municipalities were endowed with assets under the Act of 10 May 1990 [9]. This law provided for two modes of acquisition of state property by municipalities: by operation of law and by deed of transfer. The municipalities' acquisition of property by operation of law did not have the character of an original acquisition and was in fact an enfranchisement of the municipalities with part of the national (state) property [Dolnicki et al. 2021].

Decisions on the acquisition of real estate are of a declaratory nature (they establish the existence of a certain legal status) in the case of real estate communalised by operation of law, and of constitutive nature (they create a new legal status) in the case of real estate communalised upon application. Once the governor had issued a decision and entered the ownership right in the Land and Mortgage Register, the municipality obtains the legal title to the property and can dispose of it. A diagram of the principles of municipalisation is presented in Figure 1.

The analysis made it possible to conclude that, apart from municipalisation, there are also other processes (Fig. 2) resulting in the acquisition of real estate by the Municipality of Krakow, including primarily civil law actions, court proceedings and proceedings based on special provisions.

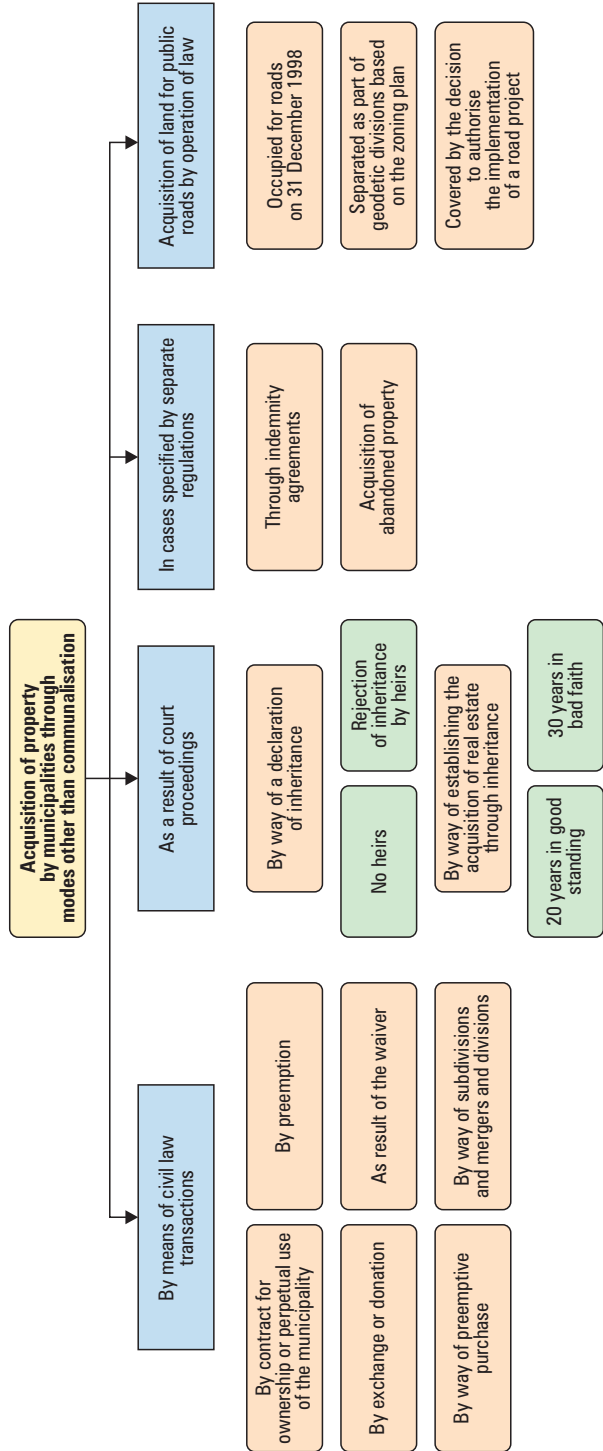
Communalisation of property of the State Treasury

It is beneficial to begin the discussion by clarifying which properties were communalised first [Bryś and Przewięźlikowska 2020]. In Krakow, when the municipalisation regulations came into force (27.05.1990), real estate owned by natural and legal persons



Source: Authors' own study

Fig. 1. Principles of municipalisation



Source: Authors' own study

Fig. 2. Acquisition of property by municipalities through modes other than municipalisation

(housing cooperatives) was municipalised initially by operation of the law – approximately 9,000 plots:

- properties owned by municipal companies: properties managed by housing management companies (PGMs), developed with residential buildings,
- crèches,
- kindergartens,
- educational units (secondary schools, comprehensive school complexes, youth cultural centres, inter-school sports centres, special primary schools),
- road administration and maintenance units,
- cultural entities (museums, theatres).

If the legal status was regularised for a given property, it passed into municipality's ownership by law without complications. The majority of the State Treasury's properties with a regularised legal status had already been communalised to their respective municipalities.

However, issues arise when the legal status of the property is not regularised. This is because most of the remaining properties to be communalised are those with an unregulated legal status. The process of assuming ownership is time-consuming, requiring additional steps before their legal status can be communalised. The main challenges in this respect pertain to:

- searching in archives for documents confirming the acquisition of real estate by the State Treasury, e.g. expropriation decisions [Trembecka 2015],
- verification of the correctness of expropriation decisions [Trembecka 2015],
- disclosure of the property right acquired by the State Treasury in the Land and Mortgage Registers,
- the development of documentation synchronising the property designations disclosed in the land registers with the current designations from the land registry [Buśko and Przewięźlikowska 2016],
- the preparation of the documentation necessary for the separation of distinct properties (mortgage bodies) forming part of a single registered parcel,
- establishing land and mortgage registers for plots of land not yet covered by the Land and Mortgage Register (e.g. created in result of parcelling out) and for which the register cannot be found,
- rectification of erroneous entries in the land registers [Przewięźlikowska 2020],
- making geodetic divisions for the purpose of separating out land to be communalised,
- analysis of the documentation of the former Austrian cadastre [Akińcza et al. 2015, Przewięźlikowska 2018].

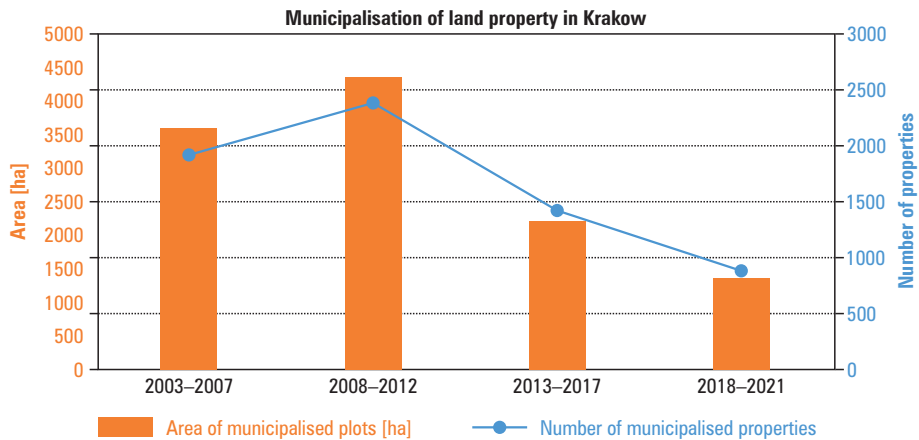
Table 1 shows the number and area of State Treasury plots included in the municipalisation for ownership by the Municipality of Krakow between 2003 and 2021.

Table 1. Plots of land transferred to the Municipality of Krakow

Years 2003–2021	Number of municipalised plots	Area of municipalised plots [ha]
Total	6 605	11 561
Number of plots in Krakow	201 384	
Area of plots in Krakow		32 690

Source: Authors' own compilation based on data from the Public Information Bulletin of the City of Krakow [20]

The graph (Fig. 3) shows the level of communalisation in each time frame.



Source: Authors' own compilation based on data from the BIP of the City of Krakow [20]

Fig. 3. Plots of land municipalized by the Municipality of Krakow

It is clear from the data presented that the greatest amount of land was communalised between 2008 and 2012. Currently, the number of communalised plots is gradually decreasing.

Acquisition of immovable property by means of civil law transactions

Civil law transactions are also a source of municipal property acquisition. They are possible due to the legal personality granted to municipalities. Therefore, a municipality may use any civil law transaction for the acquisition of property, with the exception of transactions intended only for natural persons (e.g. personal servitude, life tenure). With regard to property rights involving real estate, the provisions of the Real Estate Management Act [10], providing for the possibility of acquiring real estate, inter alia, are relevant:

- by agreement, to the ownership or perpetual usufruct of the municipality,
- by way of expropriation in favour of the municipality,
- by way of exchange or donation,
- as a result of a waiver,
- by way of pre-emption,
- by means of subdivisions and mergers and divisions.

The Municipality of Krakow acquires real estate when it is necessary for the implementation of public purposes and the municipality's own tasks. The forms used include: acquisition by means of purchase, pre-emptive purchase, donation and exchange agreements. The remaining forms, i.e. expropriation, relinquishment, consolidation, were not applied in the analysed period, while acquisition by way of divisions is discussed later in this article. Table 2 shows the forms used, the number of plots acquired as a whole and in share, as well as the area of land acquired in relation to individual civil law acquisition methods.

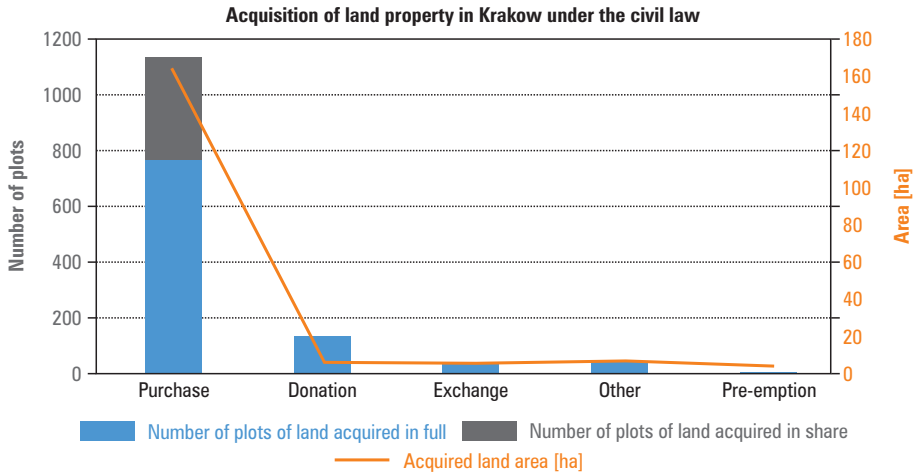
Table 2. Real estate acquired for the Municipality of Krakow by way of civil law transactions in 2005–2020

Years 2005–2020	Number of parcels of land acquired in full	Number of parcels of land acquired in share	Volume of land acquired [ha]
Purchase	768	364	164.6331
Donation	117	18	6.9672
Swap	40	1	5.6829
Other	50	–	6.9353
Pre-emption	6	–	4.1064
Total	981	383	188.3249

Source: Authors' own compilation based on [15]

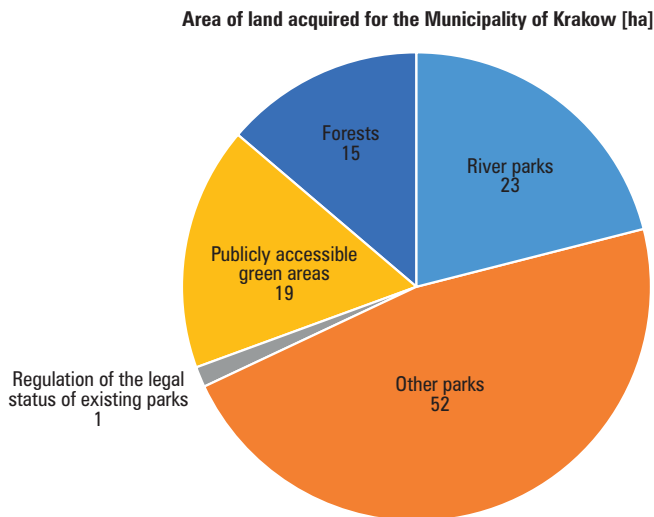
The dominant form of civil law transactions in the analysed period were agreements for the purchase of real estate by the Municipality of Krakow, which covered over 164 ha of land. On the other hand, the smallest area of land was acquired by way of pre-emptive purchase – approx. 4 ha of area exclusively for the purpose of realising public purposes on the property. Acquisitions under purchase agreements were driven by specific objectives related to the implementation of the Municipality's own tasks, mainly the creation of green areas in a specific area. For example, approximately 110 ha of land was acquired for the Municipality of Krakow for the purposes of green areas in the period 2003–2019 [Kwartnik-Pruc and Trembecka 2021].

The diagram (Fig. 5) illustrates the detailed purpose of the green spaces being acquired.



Source: Authors' own compilation based on [15]

Fig. 4. Real estate acquired for the Municipality of Krakow by way of civil law transactions in 2005–2020



Source: Authors' own compilation based on [Kwartnik-Pruc and Trembecka 2021]

Fig. 5. Land acquired by the Municipality of Krakow and intended for green areas between 2003 and 2019

Another form, the donation to the Municipality, covered an area of approximately 7 ha, and mostly concerned fragments of land used for roads, or where road construction is planned to serve the donor's property in the future. A similar area was the subject of exchanges between the Municipality and natural and legal persons.

‘Other’ property acquisitions cover an area of approximately 6 ha and include:

- transfer of ownership of real estate in exchange for tax arrears on taxes constituting income for the budget of the Municipality of Krakow [11].
- gratuitous transfer of real estate to the Municipality of Krakow based on Article 46a of the Act of 8.09.2000 on Commercialisation and Restructuring of the State Enterprise ‘Polskie Koleje Państwowe’ [13].

Acquisition of real estate through court proceedings

The responsibilities of a municipality include taking act in legal proceedings related to the management of resources. In particular, these are cases concerning ownership or other rights in rem in real estate, for a declaration of inheritance or for a declaration of acquisition of real estate by way of a succession [Lewandowska and Lewandowski 2019].

Acquisition of real estate by way of inheritance for the benefit of the State Treasury or a municipality (on the basis of Article 935 of the Civil Code and previous inheritance laws) [4] occurs when there are no relatives called upon by law to inherit, and there is no will drawn up by the testator. This requires the collection of documents to establish that the sole heir is the State or a municipality. Depending on the date of the testator’s death, the conditions for succession must be examined under three legal acts: the Austrian Civil Code of 1811 [Malik 1876] (in force with the 1914–16 amendments, in the lands of southern Poland until the unification of civil law 1945–46), the Decree of 8 October 1946 Succession Law [2] and the Act of 23 April 1964 Civil Code [4].

The legislation providing for succession by the municipality to individuals has been in force since 25 September 2003. Until 2003, such properties were inherited by the State Treasury. According to the current wording of Article 935 of the Civil Code: ‘In the absence of the testator’s spouse, his or her relatives and the children of the testator’s spouse called to inherit by law, the inheritance falls to the municipality of the testator’s last place of residence as statutory heir’.

The basic problem in the process of acquisition by inheritance is to establish the personal details of the persons disclosed in the Land and Mortgage Registers as owners of the property, as well as their legal successors. The vast majority of entries in the Land and Mortgage Register do not contain complete information about the disclosed entities [Przewięźlikowska and Buśko 2014]. The identification of the former owner is itself often problematic, especially in the case of persons who were not residents of Krakow. Another problem concerns the investigation of the legal succession of deceased persons. This requires the reconstruction of entire family trees, covering persons in many generations, and it is even more difficult in the situation of families with many children [18]. Establishing the correct circle of participants in future legal proceedings encounters numerous problems and is in practice complicated and lengthy.

There are two ways of declaring inheritance to the municipality:

- the deceased person has left no spouse or living relatives, and the inherited property usually represents a measurable value,

- there are persons who inherit by operation of law but have exercised their right to reject the inheritance (within 6 months of the testator's death), which generally happens when the inheritance is encumbered with substantial debts.

In Krakow, this procedure particularly concerns the legal regulation of tenements.

Prescription is one of the ways in which the legal status of a property can be regularised in favour of its actual user. Acquisition of ownership of real estate by acquisitive prescription occurs as a result of its uninterrupted possession for a period of twenty years in the case of good faith and thirty years if the possessor entered into possession in bad faith (Article 172 § 1 and 2) [4]. The condition is possession in the form of spontaneous possession [Ciszewski and Nazaruk 2022]. A spontaneous possessor is characterised by the fact that he uses the thing as an owner, i.e. he exercises all his rights and obligations. In order to prove the prerequisites for acquisitive possession, data and documents on the management and administration of the property by the State Treasury or municipalities over a number of years are obtained. The nature of the State Treasury's ownership is evidenced by, among other things, current and major renovations, alterations, superstructures and modernisations of the property. The seizure in the case of the Municipality or the State Treasury most often concerns multi-tenant tenements and is then carried out with the participation of the tenants interested in clarifying the legal status of the property. They know the history of the ownership of the property and testify as witnesses to the long-term possession by the Municipality. Regularisation of the legal status enables the procedure for the purchase of the flats by the tenants with the discount to be started.

By way of inheritance, 264 properties were acquired for the benefit of the State Treasury (in whole or in part) and 102 properties for the benefit of the Municipality of Krakow. By way of acquisitive prescription the Municipality of Krakow acquired 30 properties (Table 3).

Table 3. Number of properties acquired on the basis of court proceedings, indemnity agreements and passing out of existence

Number of properties acquired				
Form of acquisition	Inheritance	Prescription	Indemnity agreements	Silence
For the benefit of the State Treasury	264	–	79	–
For the benefit of the Municipality of Krakow	102	30	–	14

Source: Authors' own compilation based on [18]

Acquisition on the basis of special provisions, i.e. indemnity agreements and passing off

After the Second World War, between 1948 and 1971, the government of the Polish People's Republic concluded twelve indemnity (compensation) agreements with the

following countries, among others: French Republic, Kingdom of Denmark, Swiss Confederation, Kingdom of Sweden, United Kingdom of Great Britain and Northern Ireland, Kingdom of Norway, United States of America, Belgium, Kingdom of Greece, Kingdom of the Netherlands, Canada, Grand Duchy of Luxembourg, Austria. On the basis of the above-mentioned agreements, the government of the Polish People's Republic transferred, inter alia, certain global monetary sums to the governments of foreign states for the settlement of claims and specific properties, the lists of which are published on the website of the Ministry of Finance [17]. These states, in turn, assumed full responsibility for the payment of compensation to their citizens.

Acquisition of real estate on the basis of the above-mentioned agreements was regulated in the Act of 9 April 1968 on making entries in land and mortgage registers in favour of the Treasury on the basis of international agreements on the settlement of financial claims [5]. Its provisions enable the Minister of Finance to issue decisions stating the transfer to the State Treasury of real property or rights on the basis of an international agreement on the settlement of mutual financial claims. These decisions are the basis for entering the State Treasury in the Land and Mortgage Register as the owner of the real estate. At a further stage, the real estate is communalised by operation of law.

Acquisition by so-called passing off concerns abandoned property. Abandoned property, according to Article 1(1) of the Decree of 8 March 1946 [1], is defined as any property belonging to persons who lost possession of it in connection with the war that began on 1 September 1939 and who have not subsequently regain it. A property is considered abandoned if a period of 10 years has elapsed, counting from 31 December 1945 to 31 December 1955, and neither the owner nor any successor in title has shown the will to take possession of the property during this period. The decree of 8 March 1946 was repealed by the provision of Article 100(1) of the Act [6]. However, this does not affect the validity of the acquisition of the right of ownership, but only indicates that henceforth the acquisition is by way of court action.

On the basis of indemnity agreements 79 real estates were taken over for the benefit of the State Treasury, while 14 real estates were taken over for the benefit of the Municipality of Krakow by way of the so-called passing over (Table 3).

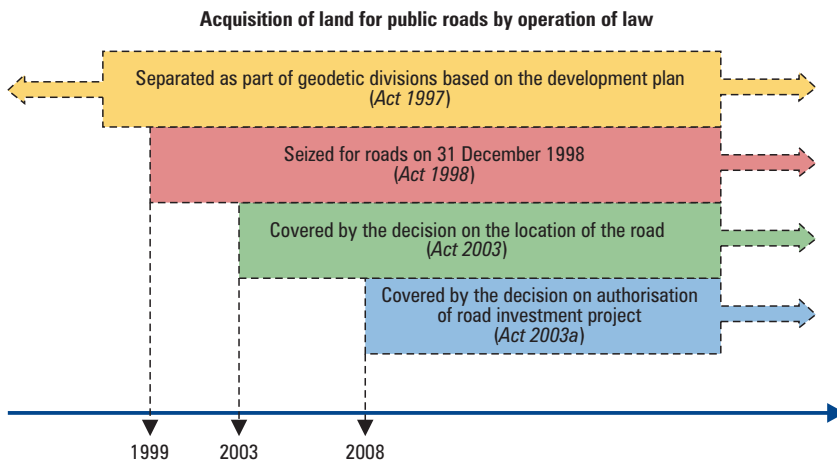
Acquisition by operation of law of land occupied and allocated for public roads

The acquisition of property for public roads is shaped differently and depends on whether the property has been occupied for a road in the past or whether a road is yet to be built. Acquisition can take place by virtue of:

- civil law contracts (purchase, donation, pre-emption, exchange) (Chapter 3.2),
- expropriation under the Act [10],
- by operation of law based on the relevant legal standards (Fig. 6).

Acquisition by operation of law of immovable property for public roads takes place in relation to land [Gdesz and Trembecka 2011]:

- occupied for public roads on 31 December 1998 [12] – proceedings under this procedure are still ongoing due to the lack of regularised legal status of road plots, which prevents the governor from issuing a decision,
- subdivisions made at the request of the owner if part of the property is earmarked for a public road in the zoning plan [10],
- located in the delimitation lines of the decision to authorise a road project [14].



Source: Authors' own study

Fig. 6. Acquisition of land for public roads

Article 73 of the Act [12] is applicable with respect to land occupied for a public road [12]. Pursuant to this provision, the real estate, which on 31.12.1998 was in the possession of the State Treasury or local government units and which was not their property, and which was occupied for public roads on 1.01.1999, becomes, by operation of law, the property of the State Treasury or the relevant local government units, with compensation. The basis for the publication of the transfer of ownership of these properties to the municipality in the Land and Mortgage Register is the final decision of the Governor.

The material scope of this provision did not extend to real estate of the State Treasury and local government units remaining in perpetual usufruct, which constitutes an obstacle to regulating the legal status of real estate on the basis of the above-mentioned norms [1]. The second mode are the provisions of Article 98 [10]. According to its wording, plots of land separated for public roads – under the supervision of municipality, district, voivodeship, state – from the real estate (when the division is made at the request of the owner) become, by operation of law, the property of the municipality, district, voivodeship or the State Treasury, respectively, from the date on which the decision approving the division became final or the decision on the division became final Article 98 [10], [Trembecka 2010].

The next process of acquisition by operation of law is related to the decision to authorise a road investment. From the date when the decision becomes final, the real estate or parts thereof covered by the demarcation lines of the road investment become:

- 1) the property of the State Treasury in relation to national roads,
- 2) the property of the respective local authorities for voivodeship, district and municipal roads.

In this procedure, it is important that the surveying and legal documentation is properly prepared [Trembecka 2013].

Table 4 shows the number and area of properties constituting public roads acquired by operation of law for the Municipality of Krakow.

Table 4. Road real estate acquired for the Municipality of Krakow

Period	Road properties	Number of properties acquired	Area [ha]
2010–2020	Occupied for roads on 31 December 1998	287	No data
2010–2020	Separated as part of geodetic divisions	404	22.7543
2018– 2020	Covered by a decision on permission to implement a road investment	No data	14.5200

Source: Authors' own compilation based on [15]

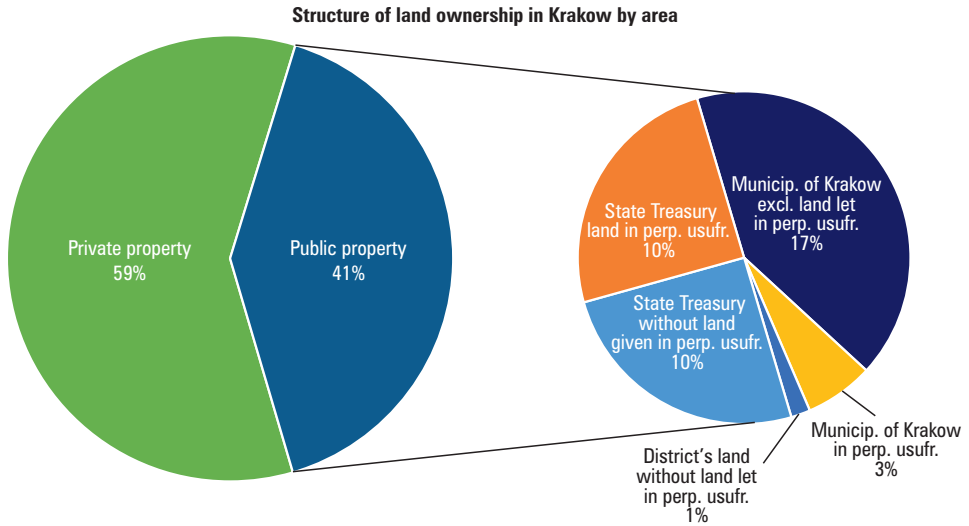
Land structure of the Municipality of Krakow

The analysis of the impact of the various forms of acquisition on the municipal real estate stock should begin with a presentation of the land structure of the City of Krakow (Table 5). The data on the area of the city's public land were assigned to the types of ownership, i.e. state, local government and private.

The cadastral area of the City of Krakow is 32691 ha. As of 2021, the area of land owned by the State Treasury and local government units accounted for 41% of the area of Krakow, of which 17% was land owned by the Municipality of Krakow, 10% by the State Treasury, 0.7% by the city with poviat rights, and 0.3% by the voivodeship. These shares do not include land given in perpetual usufruct and owned by state and local government legal entities. The remaining share consists of private land.

The real estate of the Municipality of Krakow (excluding land granted in perpetual usufruct) constitutes the Municipality's stock and covers 5535 ha, that of the State Treasury (excluding land granted in perpetual usufruct) – 3420 ha, that of the city with poviat rights – 236 ha, and that of the Małopolskie Voivodeship (excluding land granted in perpetual usufruct) – 97 ha.

The area of land granted in perpetual usufruct has decreased as a result of the conversion to ownership and totals 4163 ha.



Source: Authors' own compilation based on district summary data on land compiled by the Geodesy Department of the City of Krakow

Fig. 7. Ownership structure of public land in Krakow as of 2021

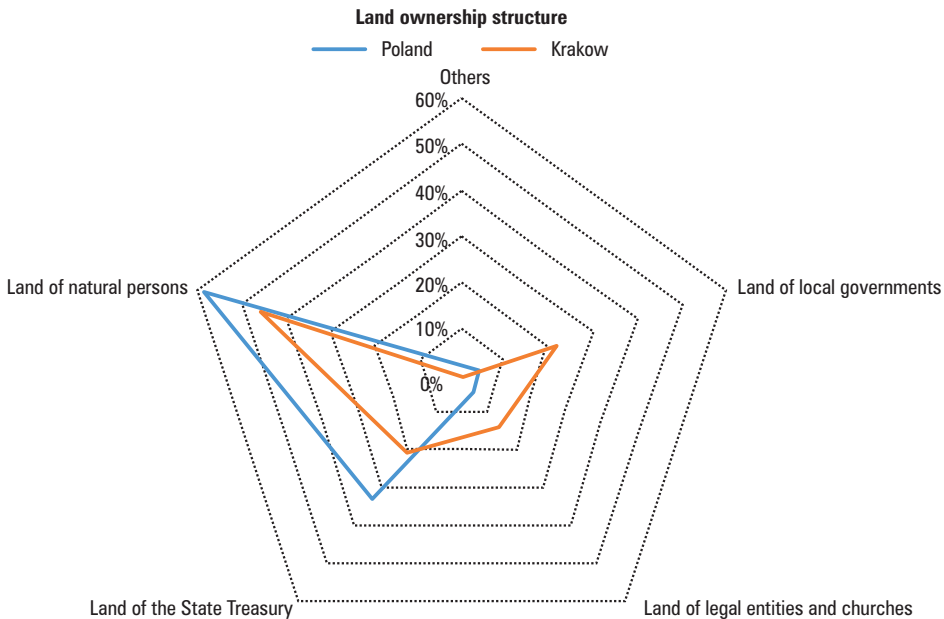
Table 5. Land structure of the City of Krakow

Land types	Owner	Area [ha]
State land	State Treasury (excluding land granted in perpetual usufruct)	3,420
	State Treasury (land granted in perpetual usufruct)	3,252
	State-owned companies, state-owned legal entities	620
Communal land	Municipality of Krakow (without land granted in perpetual usufruct) – municipal stock	5,535
	Municipality of Krakow (land granted in perpetual usufruct)	884
	Local government legal entities	78
County land	City of Krakow with district rights – district resource	236
Voivodeship land	Voivodeship (without land granted in perpetual usufruct) voivodeship stock	97
	Voivodeship (land granted in perpetual usufruct)	27
Private land	Natural persons	14,881
	Legal persons	3,661
Total		32,691

Source: Authors' own study based on [15]

Undoubtedly, municipalisation has had the greatest influence on the creation of the municipal resource. However, other forms also contribute to increasing the stock for specific purposes. Land acquired through civil-law purchase agreements (Chapter 2.5) accounts for 164 ha, i.e. approx. 3% of the municipal stock. Other forms (donation, exchange, pre-emptive purchase) cover an area of approx. 24 ha (232 plots), which accounts for approx. 0.5 % of the Municipality of Krakow's land stock.

Figure 8 presents a comparative overview of the land ownership structure in a large city such as Krakow against the whole of Poland. Significant differences can be observed here, influenced by the predominance of land in non-urban areas in Poland in relation to the area of Krakow. Such proportions in the distribution of land as for the whole of Poland are to be expected in the areas of municipalities outside large cities. On the other hand, the structure of distribution of land ownership in Krakow is representative of large urban agglomerations.



Source: Authors' own study based on compilation of land in the City of Krakow and Poland [16]

Fig. 8. Ownership structure of land in Poland and in Krakow

4. Discussion and conclusions

The acquisition of real estate for the benefit of the Municipality of Krakow is regulated, in addition to the general norms, by the provisions of the local law. These provide for the admissibility of acquisitions when they are necessary for the fulfilment of public purposes and the city's own tasks, as well as when specific provisions provide for such an obligation [19].

Currently, the municipality is expanding its real estate stock for the implementation of its own tasks using various forms of acquisition. The results of the research indicate that the municipal real estate stock has been most influenced by the communalisation process, which in Krakow covered an area of 11561 ha or approx. 35% of the city. Other measures increase the resource, but to a relatively lesser extent. The largest share is accounted for by civil law contracts, covering 1364 plots of land, i.e. 188 ha and approx. 3% of the area of the Municipality of Krakow, among which purchase contracts dominate – 164 ha of land (1132 plots). Other forms (donation, exchange, pre-emptive purchase) cover the area of approx. 24 ha (232 plots), which constitutes approx. 0.5% of the land owned by the Municipality of Krakow.

In the period under review, a total of 489 properties were acquired by way of acquisitions, passing away, indemnity agreements – no data on their area is available. In vast majority they include real estate with multi-family buildings with an unclear legal status, which are covered by former compulsory leases, i.e. they are part of the municipal housing stock. These forms, despite their small scale, are important for the implementation of the tasks of the local government and the local community, and result in the regularisation of the legal status of the property. The measures taken (e.g. seizure, inheritance...) have allowed the property to be taken over by the Municipality, ensuring that the tenants' housing situation is stabilised.

The analyses carried out made it possible to achieve the assumed research objectives, i.e. to show, on a selected example, the measures used in practice to acquire real estate for the benefit of the municipality and the volume of real estate acquired in various ways. The impact of these processes on the current land structure of the city was also assessed.

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