

DOI: 10.61525/S231243500029316-5

Original Article / Оригинальная статья

## CHALLENGING ISSUES OF THE ESTABLISHMENT OF A PUBLIC SERVITUDE ON LAND PLOTS FOR PLACEMENT OF LINEAR FACILITIES

Mitulinskaya Y.A.

Leading Specialist of Gazprom Transgaz Tomsk, LLC  
E-mail: mitylyana@mail.ru

**Abstract.** The article is dedicated to the legal nature of a public servitude on land plots for placement of linear facilities, conditions and legal consequences of its establishment. The author determines the essential features of a public servitude for placement of linear facilities based on an analysis of the applicable laws. Following a comparison of a public servitude for placement of linear facilities, limited real rights and limitations of subjective rights, the author concludes that a public servitude on land plots for placement of linear facilities is a special right of use of lands and (or) other person's land plots. Besides, the author of the article reviews such problems of the establishment of a public servitude on land plots for placement of linear facilities as: the problem of demarcation of the public servitude establishment competence between government and local self-government bodies, the problem of the object of a public servitude, the problem of determination of parties to an agreement on exercising a public servitude. The article brings forward proposals for solution of these problems and improvement of the applicable laws.

**Keywords:** legal regime of linear facilities of the fuel and energy complex, public servitude, protected zone.

**For citation:** Mitulinskaya Y.A. Challenging Issues of the Establishment of a Public Servitude on Land Plots for Placement of Linear Facilities. Energy Law Forum, 2023, iss. 4, pp. 28–35. DOI: 10.61525/S231243500029316-5

## ПРОБЛЕМНЫЕ ВОПРОСЫ УСТАНОВЛЕНИЯ ПУБЛИЧНОГО СЕРВИТУТА НА ЗЕМЕЛЬНЫЕ УЧАСТКИ ДЛЯ РАЗМЕЩЕНИЯ ЛИНЕЙНЫХ ОБЪЕКТОВ

Митулинская Я.А.

Ведущий специалист ООО “Газпром трансгаз Томск”  
E-mail: mitylyana@mail.ru

**Аннотация.** Данная статья посвящена правовой природе публичного сервитута на земельные участки для размещения линейных объектов, условиям и правовым последствиям его установления. На основе анализа действующего законодательства автор определяет существенные признаки публичного сервитута для размещения линейных объектов. Посредством сравнения публичного сервитута для размещения линейных объектов с ограниченными вещными правами и ограничениями субъективных прав автор приходит к выводу о том, что публичный сервитут на земельные участки для размещения линейных объектов представляет собой особое право пользования землями и/или “чужими” земельными участками. Кроме того, в настоящей статье автором рассматриваются следующие проблемы установления публичного сервитута на земельные участки для размещения линейных объектов: проблема разграничения компетенции между органами государственной власти и органами

местного самоуправления по установлению публичного сервитута, проблема объекта публичного сервитута, проблема определения сторон соглашения об осуществлении публичного сервитута. В статье высказываются предложения по разрешению данных проблем и совершенствованию действующего законодательства.

**Ключевые слова:** правовой режим линейных объектов топливно-энергетического комплекса, публичный сервитут, охранная зона

**Для цитирования:** Митулинская Я.А. Проблемные вопросы установления публичного сервитута на земельные участки для размещения линейных объектов // Правовой энергетический форум. 2023. № 4. С. 28–35. DOI: 10.61525/S231243500029316-5

Generally speaking, linear facilities are facilities, the length of which is greater than the width (main pipelines, power transmission lines, communication lines). No linear facilities may be placed without legitimate land use. Structural, technological features and means of placement of linear facilities predetermine special features of land use.

The spatial extension of linear facilities preconditions their placement that involves a great number of land plots with various legal regimes. The predominant underground method of placement of linear facilities stipulates that upon completion of construction, the above-ground area of land plots will be occupied with structural elements that are small in size (identification marks and block valves of pipelines, metering stations).

Thus, upon completion of construction of linear facilities, the permanent need for using the above-ground area of land plots is applicable only to infrastructure sites and above-ground structural elements of underground linear facilities. The use of land plots is limited to the borders of the territory underneath such facilities and the territory required to access them. The need to use the underground part of land plots is periodic and triggered by reconstruction and major repair of linear facilities.

Efficient legal regulation of placement of linear facilities means that legal instruments that consolidate the right to use other person's land plots reflect the specific nature of such activities, facilitate the development of systems of linear facilities and ensure a balance of interests of owners of linear facilities and title holders of land plots. The last criterion is especially significant in the evaluation of the legal regulation efficiency [1, 2].

Subject-related publications have noted over extended period that the existing legal instruments that consolidate the right to use other person's land plots fail to meet the indicated criteria [3]. Such

publications have justified the promising nature of solution of the problem through the use of the public servitude concept for placement of linear facilities especially at privately owned land plots [4]. Advantages of placement of linear facilities at land plots used on the public servitude conditions include the absence of the need to form land plots, change their category, change their permitted use type, possibility of one-off documentation of rights for a long period of time, for several purposes at once [5].

The legally implemented attempt at the expansion of the public servitude application sphere has resulted in the possibility to establish since September 1, 2018, a public servitude for the construction, reconstruction, operation, major repair of power supply network facilities, communication lines and structures, linear facilities of the gas supply system, their integral technological parts if such facilities are of federal, regional or local importance.

The legal nature of a public servitude established for placement of linear facilities is ambiguous.

A public servitude in its classical interpretation is established to meet the interests of the public at large: interests of the state, local self-government or local population. Absence of the authorized party does not allow viewing a public servitude as a subjective right to other person's property. A public servitude constitutes a limitation of rights of land plot holders in favor of the public at large [6].

As opposed to a classical public servitude, a public servitude for placement of linear facilities is established based on an application from the interested party. The data on a public servitude holder are indicated in the resolution of the authorized body on the establishment of a public servitude. It is the public servitude holder that is responsible for payment for a public servitude. An agreement on exercising a public servitude is to be entered into with the public servitude holder. Besides, pursuant to provisions of

Clause 1, Art. 3.6. of Federal Law No. 137-FZ of October 25, 2001 On Implementing the Land Code of the Russian Federation (Federal Law No. 137-FZ of October 25, 2001), legal entities that have property rights, rights of operational management, operational control over a structure acquire an opportunity to substitute the rights of permanent (unlimited) use or lease of the land plot with a public servitude upon fulfillment of certain conditions [7]. That said, a public servitude established for placement of linear facilities has the authorized subject. It is interesting to note that the legal definition of the concept of land plot title holders given in the Land Code of the Russian Federation (LC RF) includes neither the public servitude holder nor the person in whose favor a servitude is established.

The rights of a public servitude holder listed in Clause 3, Art. 39.50 of the LC RF such as the right of access to the land plot, the right to build, rebuild, repair and operate engineering facilities prove that a public servitude holder has the powers to use other person's land plot [8]. Provisions of Clause 10, Art. 39.43 of the LC RF on preservation of a public servitude at transfer of rights to a land plot prove that a public servitude has the attribute of survival.

The rights of a public servitude holder as well as the rights of holders of limited real rights are exercised solely through their active actions with regards to other person's property. "A limited real right is always a right conflicting with the property right it is opposed against. The primary essence of a limited real right is that it is exercised irrespective of the holder's behavior and consequently irrespective of the property right" [9]. Consequently, holders of limited real rights are protected against any offender including the plot owner. In virtue of Clause 5, Art. 39.50 of the LC RF, a public servitude holder may request the land plot right holder or other persons to comply with the limitations established by the public servitude. In accordance with Clause 8, Art. 42 of the LC RF, land plot owners and persons that are not land plot owners have to avoid hindering the company that owns a gas supply system facility, oil pipeline or petroleum product pipeline or a company authorized by it from performance of works aimed at maintenance and repair of gas supply system facilities, oil pipelines and petroleum product pipelines, ammonia pipelines, prevention of emergencies, liquidation of consequences of accidents and catastrophes at land plots and (or) underneath their surface. The listed legal provisions prove that a public servitude established for placement of

linear facilities has the attribute of absoluteness characteristic of real rights.

The mentioned factors make it possible to view a public servitude established for placement of linear facilities not as a public law limitation of the property right to a land plot but as a limited real right of use of other person's property.

At the same time, the legislator does not include a public servitude established for placement of linear facilities in the list of limited real rights stipulated by Art. 216 of the Civil Code of the Russian Federation (CC RF). Moreover, in virtue of Clause 3, Art. 23 of the LC RF, the legislator excludes it from the sphere of relations subject to regulation by the CC RF. Thus, in accordance with Paragraph 2, Clause 2, Art. 3.6. of Federal Law No. 137-FZ of October 25, 2001, a resolution on the establishment of a public servitude is a ground for making an entry in the Unified State Register of Real Estate (USRRE) on termination of the right of permanent (unlimited) use of a land plot and termination of land plot lease. However, the establishment of a public servitude is not named as a ground for termination of a lease agreement in general provisions of the CC RF on agreement termination or in special provisions on lease agreement termination. Considering the above, one may arrive at the conclusion that the legislator, on the contrary, deprives a public servitude established for placement of linear facilities of the meaning of the subjective right to use other person's property.

A public servitude for placement of linear facilities cannot be definitively classified as a classical limited real right of the servitude type due to its content.

Limited real rights are derived from the property right, their content is conditional upon the content of the property right and more limited in comparison to it. However, in virtue of Clause 11, Art. 23 of the LC RF, a public servitude holder is not bound by the legal regime of a land plot as opposed to a land plot owner that in virtue of Clause 1, Art. 42 of the LC RF is obligated to use land plots for the designated purpose by means that are not damaging to the environment including land as an object of nature.

Besides, if a land plot is encumbered with a private servitude, the land plot owner not only keeps the rights of ownership, use and disposal of this land plot but retains the opportunity to actually use it. No private servitude can be established if a land plot owner is deprived of the opportunity to use its land plot in accordance with the permitted use [10].

Provisions of Clause 10, Art. 23 and Subclause 4, Clause 1, Art. 39.44 of the LC RF stipulate that the establishment of a public servitude for placement of linear facilities may result in the impossibility of the land plot title holder to use its property in accordance with the permitted use or significantly hinder such use. However, the impossibility of land plot use or significant difficulties in its use during the period stipulated by the law are not considered obstacles for the establishment of a public servitude. Thus, the use of a land plot by a public servitude holder during the period stipulated by the law will be more complete than the use of the land plot by its title holder. In view of that, the classification of the right of use of a public servitude holder as a right of limited use is in conflict with its content.

Considering the above, it may be acknowledged that a public servitude for placement of linear facilities possesses contradictory characteristics that hinder its classification.

A public servitude established for the purposes of placement of linear facilities is characterized with a theoretical problem of its legal nature and practical problems of its establishment.

Practical problems include the problem of determination of a government or local self-government body authorized to adopt a resolution on the establishment of a public servitude. A public servitude for placement of linear facilities is established within an administrative procedure by a non-regulatory act of the authorized body. At first glance, the wording of Art. 39.38 of the LC RF gives no ground for discussion. As follows from the provisions of this article, powers to establish a public servitude are distributed between federal, regional executive government bodies and local self-government bodies depending on the placed facility type (federal, regional or local). Besides, in virtue of Clause 4, Art. 39.39 of the LC RF, a public servitude is established irrespective of the land plot ownership form.

That said, one may conclude that a public servitude is subject to establishment by one authorized body in respect of all land plots and (or) lands a linear facility is placed at irrespective of the land plot ownership form and the legal regime. The indicated interpretation of legal provisions is confirmed by positions of law enforcers [11–13]. Demarcation of powers to provide land plots and establish public servitudes and concentration of public servitudes at authorized bodies depending on the designation of the placed facility is the only factor that makes it possible to establish a public servitude

along the entire linear facility route based on one administrative resolution. The described power demarcation approach is the only approach to facilitate the achievement of the linear facility placement simplification goal [14].

The federal executive government body is authorized to establish a public servitude for placement of a federal facility in respect of land plots in federal, regional, municipal and private property as well as plots of land in respect of which state ownership has not been demarcated. Leasing a land plot or establishing a private servitude would require addressing title holders of all land plots along the linear facility route.

At the same time, inconsistency of provisions of land and forestry laws has called into question whether local self-government bodies have powers to establish public servitudes in respect of forest plots entering forestry fund lands or not.

On the one hand, in virtue of Clause 3, Art. 9 of the Forestry Code of the Russian Federation (FC RF), a public servitude in respect of a forest plot in state or municipal property is established and terminated on the grounds and in the procedure set out in the Land Code of the Russian Federation [15]. In other words, the determination of the body entitled to establish a public servitude is governed by the provisions of Art. 39.38 of the LC RF, and the type of facility placed at forest plots is of fundamental importance.

On the other hand, in accordance with Clause 1, Art. 8 of the FC RF, forest plots entering forestry fund lands are in federal ownership. In virtue of Subclause 4, Clause 1, Art. 83 of the FC RF, the Russian Federation transfers to government bodies of the constituent entities of the Russian Federation the powers to establish public servitudes in respect of land plots located within the boundaries of forestry fund lands. In accordance with Clause 1, Art. 84 of the FC RF, local self-government bodies have powers in the sphere of land relations only in respect of land plots in municipal property.

The judicial practice with regards to this matter is contradictory. Court judgments are few and refer to the same legal provisions to justify the position on the independence of powers of local self-government bodies to establish a public servitude from the land plot ownership form [16–18] as well as a directly opposite position [19–21]. It should be noted that courts have denied the powers of local self-government bodies to establish public servitudes in respect of land plots entering forestry fund lands only in cases of placement of



a linear facility solely at forest plots entering forestry fund lands.

It seems that the solution of this issue should be similar to the solution of the issue on the body authorized to establish a public servitude for placement of linear facilities within the boundaries of motor road easement areas. Pursuant to Clause 19, Art. 23 of the LC RF, cases and special aspects of the establishment of a public servitude in respect of land plots located within the boundaries of motor road easement areas are governed by Federal Law No. 257-FZ of November 8, 2007 On Motor Roads and Road Activities in the Russian Federation and Amendment of Certain Legal Acts of the Russian Federation (FL No. 257-FZ of November 8, 2007). Prior to the amendment of Clause 42, Art. 25, FL No. 257-FZ of November 8, 2007, stipulated that resolutions on the establishment of public servitudes in respect of land plots within the boundaries of motor road easement areas are made by a government or local self-government body authorized to provide such land plots to motor road owners. Such resolutions in respect of land plots within the boundaries of federal public road easement areas are adopted by a federal executive authority that provides state services and manages state property in the road infrastructure sphere [22].

As a result, there has appeared the judicial practice, according to which a public servitude is subject to establishment in respect of the entire linear facility and all land plots and (or) lands where such facility is placed (including in case a facility is placed within the boundaries of lands of various categories and crosses motor road easement areas) [23–25].

Solution of the issue of whether local self-government bodies have powers to establish public servitudes for placement of linear facilities at land plots entering forestry fund lands or not has to be based on the assertion that adoption of several public servitude establishment resolutions in respect of one linear facility contradicts the goal simplification of linear facility placement.

The problem of a public servitude object attracts the attention as well. A public servitude object is to be understood as a territory consisting of lands and land plots, in respect of which a public servitude is established.

In virtue of Clause 6, Art. 39.41 of the LC RF, the general rule is that a public servitude for placement of linear facilities is established within the boundaries of target placement areas outlined in territory planning documents (TPD). If no TPD development is required,

a public servitude is established within the boundaries that do not exceed the protected zones of linear facilities. In exceptional cases, public servitude boundaries may be established in accordance with project documents of facilities if integral technological parts of facilities are placed outside the boundaries of their protected zones.

Initially, preliminary data on public servitude boundaries are prepared by the party applying for the establishment of the public servitude in form of a graphic description of the location of boundaries and the list of coordinates of their characteristic points. Public servitude boundaries are established based on a resolution of the authorized body on the establishment of the public servitude. A public servitude enters into effect upon registration of the respective data with the USRRE. An USRRE extract on a public servitude serves as a confirmation of its establishment.

Pursuant to Clause 3, Art. 39.46 and Clause 2, Art. 39.50 of the LC RF, if no public servitude object is established, the public servitude cannot be paid for, and no direct activities at land plots (their parts) can be started.

The problem of the establishment of a public servitude object arises due to the discrepancy between land plots mentioned in resolutions of authorized bodies on the establishment of a public servitude and land plots encumbered with a public servitude based on USRRE records. There are two categories of the indicated problems. In category one, land plots are listed in resolutions of authorized bodies on the establishment of a public servitude but are absent from the USRRE extract. The category two is of the reversed nature: land plots are not mentioned in resolutions of authorized bodies on the establishment of a public servitude but are present in the USRRE extract.

The reasons for the first category of problems related to the public servitude object lie in the USRRE maintenance rules. Creation and maintenance of the state cadastral registration of the land plot part encumbered with a public servitude takes place based on public servitude data introduced in the USRRE boundaries register. Coordinates of characteristic points of boundaries of a land plot part encumbered with a public servitude are determined based on the federal state information software for the USRRE maintenance. No limitations are imposed on land plots if the maximum width of overlapping of land plots with a public servitude in the crossing points is less than the sum of values of maximum errors at the determination of coordinates of characteristic points of boundaries of such

land plots and public servitudes. However, the area of land plots without any imposed limitations in form of a public servitude can reach hundreds of square meters.

The reasons for the second category of problems related to the establishment of a public servitude object primarily lie in the objective time gap between the date of the adoption of a resolution on the establishment of a public servitude and the date of introduction of the respective information in the USRRE. The authorized body that makes a resolution on the establishment of a public servitude has to send to the title registration body the resolution and a description of the public servitude boundaries within five business days from the resolution adoption date [26]. The deadline for the title registration body to perform the duty to introduce the data on a public servitude in the USRRE is fifteen business days from the date of receipt of documents for introduction of information in the USRRE (the data contained in them) within the process of inter-departmental information exchange. Considering the above, the adoption of a resolution on the establishment of a public servitude and its establishment (introduction of information about it in the USRRE) may be up to twenty business days apart.

On the other hand, let's not forget that the USRRE data are constantly changing: land plots are formed, divided, united on a continuous basis. In other words, land plot data may be available at the USRRE as of the adoption of a resolution on the establishment of a public servitude but the land plot may cease to exist as of the introduction of data on the public servitude in the USRRE. The situation may be reversed, the state cadastral registration of land plots or amendment of their boundaries due to correction of a register error may take place after the adoption of a resolution on the establishment of a public servitude. According to the Federal Service of State Registration, Cadastre and Cartography, the presence of unspecified land plots of such type within the boundaries of a public servitude in a resolution on the establishment of a public servitude is not an obstacle to the introduction of the respective data in the USRRE because cadastral numbers are indicated in resolutions on the establishment of public servitudes only if they are available [27].

The achievement of legal certainty requires an amendment of the applicable laws by foreseeing the duty of the body adopting a resolution on the establishment of a public servitude to amend such resolution upon obtaining of a notice from the title registration body on

the amendment of the public servitude data in the USRRE.

The legislator's resolution on the determination of parties to an agreement on exercising public servitudes appears debatable.

Pursuant to Clause 2, Art. 39.47 of the LC RF, if a land plot, in respect of which a public servitude is established, is in state or municipal ownership and encumbered with rights of third parties, an agreement on exercising the public servitude is entered into between the public servitude holder and the tenant, user, owner of the land plot. In virtue of Clause 8, Art. 39.46 of the LC RF, the payment for a public servitude is made to the land plot title holder an agreement on exercising the public servitude is concluded with.

Considering the legal definitions of the title holder, land user, land owner, tenant terms in Art. 5 of the LC RF, one may conclude that servitude holders are excluded from the number of recipients of payments for a public servitude.

The described approach seems unjustified because in the event of the establishment of a servitude in respect of a land plot, it is actually used by the person in whose favor a servitude is established and not the land plot owner. It is the person in whose favor a servitude is established that suffers a limitation of its right of use due to the use of such plot by a third party. That said, it seems necessary to make a servitude holder one of the parties of an agreement on exercising a public servitude.

If a land plot encumbered with a public servitude is in private property, an agreement on exercising a public servitude is entered into with the land plot owner only. This case ignores the interests of the persons that actually use the land plot (tenants, persons in whose favor a servitude is established). It seems necessary to develop a legal mechanism of taking into account the rights of persons that use a privately owned land plot.

Thus, we come to a conclusion on the ambiguous legal nature of a public servitude for placement of linear facilities. Since such servitude has a specific holder, it cannot be viewed as a limitation of right in favor of the public at large. At the same time, the content of such public servitude and special aspects of its legal regulation make it impossible to treat it as a classical limited real right. It seems admissible to define a public servitude for placement of linear facilities as a special right of use of lands and (or) other person's land plots.

Practical problems of the establishment of a public servitude on land plots for placement of linear facilities include problems of demarcation of the public servitude establishment competence between government and local self-government bodies, problems of determination of the object of a public servitude and parties to an agreement on exercising a public servitude. Solution of the named problems by amendment of laws will facilitate the efficient legal regulation of placement of linear facilities.

## REFERENCES

1. Bogusz B. Land: Balancing Competing Economic and Social Interests // *Modern Studies in Property Law*. London: Hart Publishing, 2015. P. 75–96. URL: <http://dx.doi.org/10.5040/9781782257776.ch-005> (date of access: 10.07.2023).
2. Petovar K. The right of servitude between public interest and undisturbed use of private property // *Spatium International Review*. 2011. No. 26. December. P. 8–13. URL: <https://spatium.rs/index.php/home/article/view/164>
3. Volkov G.A., Golichenkov A.K., Khaustov D.V. Problems of Improvement of the Legal Regulation of Public Servitudes to Ensure Construction and Functioning of Linear Facilities // *Environmental Law*. 2006. No. 2. P. 16–25.
4. Arslanaliev M.A. Public Servitudes at Construction, Placement and Exploitation of Linear Facilities // *Entrepreneurial Law*. 2008. No. 4. Special issue. P. 11–18.
5. Bocharov M.V., Korolev D.V. Documentation of Land Plots underneath Subsoil Management and Linear Facilities: Relevant Problems and Legal Regulation Prospects // *Property Relations in the Russian Federation*. 2010. No. 10. P. 76–86.
6. Kopylov A.V. Proprietary Rights to Land in the Roman, Russian Pre-Revolutionary and Contemporary Russian Civil Law / foreword by Sukhanov E.A. Moscow: Statute, 2000. P. 62.
7. Federal Law No. 137-FZ of October 25, 2001 On Implementing the Land Code of the Russian Federation // *Corpus of Legislative Acts of the Russian Federation*. 2001. No. 44. Art. 4148.
8. Land Code of the Russian Federation No. 136-FZ of October 25, 2001 // *Corpus of Legislative Acts of the Russian Federation*. 2001. No. 44. Art. 4147.
9. Rybalov A.O. Primary Acquisition of Right and the Fate of Limited Real Rights // *Law*. 2018. No. 12. P. 63–70.
10. A Review of the Judicial Practice in Cases on the Establishment of a Servitude on a Land Plot: judicial practice approved by the Presidium of the Supreme Court of the Russian Federation on April 26, 2017 // *Bulletin of the Supreme Court of the Russian Federation*. 2017. No. 11. November.
11. Letter of the Rosreestr No. 11–8361-АБ/2 of November 11, 2021 // Federal Service of State Registration, Cadastre and Cartography (Rosreestr). Moscow, 2011. URL: [https://rkc56.ru/attach/orenburg/docs/Pisma\\_Rosreestra/2021/Pismo-Rosreestra-ot-11.11.21-N-11-8361-AB-21.pdf](https://rkc56.ru/attach/orenburg/docs/Pisma_Rosreestra/2021/Pismo-Rosreestra-ot-11.11.21-N-11-8361-AB-21.pdf)
12. Letter of the Federal Forestry Agency No. ИС-02-54/17843 of July 18, 2022 // ConsultantPlus reference legal system.
13. Letter of the Ministry of Economic Development of Russia No. Д23И-3919 of February 11, 2019 // ConsultantPlus reference legal system.
14. Explanatory Note to the Bill of the Federal Law On the Amendment of Some Legal Acts of the Russian Federation in Terms of Simplification of Construction, Reconstruction, Major Repair and (or) Operation of Linear Facilities. URL: <https://sozd.duma.gov.ru/bill/187920-7>
15. Forestry Code of the Russian Federation No. 200-FZ of December 4, 2006 // *Corpus of Legislative Acts of the Russian Federation*. 2006. No. 50. Art. 5278.
16. Ruling of the Supreme Court of the Russian Federation of January 10, 2023 in case No. 306-ЭС22-25792. URL: <https://ras.arbitr.ru/>
17. Decree of the Commercial Court of the West-Siberian District of August 9, 2022, in case No. А27-11393/2021. URL: <https://ras.arbitr.ru/>
18. Judgment of the Commercial Court of the Kemerovo Region of December 29, 2022, in case No. А27-11393/2021. URL: <https://ras.arbitr.ru/>
19. Ruling of the Supreme Court of the Russian Federation of May 24, 2023 in case No. 301-ЭС23-6852. URL: <https://ras.arbitr.ru/>
20. Decree of the Second Commercial Court of Appeal of September 8, 2022, in case No. А29-3513/2022. URL: <https://ras.arbitr.ru/>
21. Decree of the Commercial Court of the Volgo-Vyatka District of December 27, 2022, in case No. А29-3513/2022. URL: <https://ras.arbitr.ru/>
22. Federal Law No. 257-FZ of November 8, 2007 On Motor Roads and Road Activities in the Russian Federation and Amendment of Certain Legal Acts of the Russian Federation // *Corpus of Legislative Acts of the Russian Federation*. 2007. No. 46. Art. 5553.
23. Ruling of the Supreme Court of the Russian Federation of September 27, 2022, in case No. 305-ЭС22-13371. URL: <https://ras.arbitr.ru/>
24. ConsultantPlus reference legal system; Ruling of the Supreme Court of the Russian Federation of September 27, 2022, in case No. 305-ЭС22-19356. URL: <https://ras.arbitr.ru/>

25. Ruling of the Supreme Court of the Russian Federation of October 27, 2022, in case No. 305-ЭС22-20092. URL: <https://ras.arbitr.ru/>
26. Federal Law No. 218-FZ of July 13, 2015 on the State Registration of Real Estate // Corpus of Legislative Acts of the Russian Federation. 2015. No. 29. Art. 4344.
27. Letter of the Federal State Unitary Enterprise Federal Government-Financed Enterprise Federal Service of State Registration, Cadastre and Cartography No. 11–2725/22 of September 22, 2022 // ConsultantPlus reference legal system.

**Authors' information:**

**Yana A. Mitulinskaya**

Leading Specialist of Gazprom Transgaz Tomsk, LLC

**Сведения об авторе:**

**Митулинская Яна Александровна**

Ведущий специалист ООО “Газпром трансгаз Томск”

Received / Поступила в редакцию 25.08.2023

Revised / Поступила после рецензирования и доработки 20.10.2023

Accepted / Принята к публикации 13.11.2023