

99012022000000

# Reallocation procedure (land swap)

Heruntergeladen am 27.06.2025

<https://fimportal.de/xzufi-services/6000274/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99012022000000
Leistungsbezeichnung I	Reallocation procedure (land swap)
Leistungsbezeichnung II	Reallocation procedure (land swap)
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

## Modul

## Sachverhalt

### Fachlich freigegeben durch

#### Handlungsgrundlage

- §§ 45 bis 79 Baugesetzbuch (BauGB) – Umlegung
- §§ 80 bis 84 BauGB – vereinfachte Umlegung
- Verordnung der Sächsischen Staatsregierung über die Umlegungsausschüsse nach dem Baugesetzbuch (SächsUAVO)

#### Teaser

The reallocation procedure is a land exchange procedure in which plots of land are divided up in such a way that new plots of land are created that can be used economically in terms of their location, shape and size. The purpose is the development or reorganisation of an area. The purpose of redistribution is to balance the interests of the affected property owners and the interests of the general public.

#### Volltext

Ordinance on the reallocation of plots of land in accordance with sections 45 to 79 and sections 80 to 84 of the Baugesetzbuch (BauGB)

The reallocation procedure is a land exchange procedure in which plots of land are divided up in such a way that new plots of land are created that can be used economically in terms of their location, shape and size. The purpose is the development or reorganisation of an area. The purpose of redistribution is to balance the interests of the affected property owners and the interests of the general public.

The redistribution can be carried out by means of a private-law settlement of the necessary property reorganisation (so-called voluntary redistribution) or by means of an official redistribution by the municipality.

The official reallocation must not reduce the value of the land owned by the individual. The aim is to ensure that everyone receives a plot of land that is as equal as possible in terms of market value and location. If the value of the new property is lower than that of the old one, the owner is paid the difference.

In certain cases, it is also possible for the property owner to receive a new property outside the reallocation area or to be compensated in cash.

## Modul

## Sachverhalt

In addition to the property owners and the local authority, all owners of rights to the affected properties, developers and development organisations are also involved in a reallocation.

## Erforderliche Unterlagen

### Voraussetzungen

The redevelopment must relate either to an area within a development plan or to neighbourhoods that are part of a built-up area (insofar as there are sufficient criteria for the redevelopment based on the existing development).

### Kosten

none

### Verfahrensablauf

- The municipality forms a reallocation committee and orders the reallocation.
- The reallocation committee initiates the procedure.

#### Decision

- At the beginning of the procedure, all individual properties affected ("throw-in properties") are combined to form an apportionment mass and announced in a resolution.
- With this decision, a prohibition of disposal and change comes into effect for the affected properties. This means that significant changes to the property may only be made with the authorisation of the municipality (e.g. sale or structural changes).
- This decision must be publicised locally (for example in the municipality's official gazette or by means of a notice; details are regulated by the publicity statutes) and contains a request to report any rights to the affected properties within one month.

#### Public Display of the Inventory Map and Register

- The reallocation office prepares a map and a list of the properties in the reallocation area and makes these available to the public for one month (inventory map and inventory).
- The land registry is informed and records the planned reallocation in the land register.
- All areas required in future for public transport areas

**Modul**
**Sachverhalt**

(e.g. roads, squares, green spaces) are separated from the reallocation area.

- The remaining apportionment mass ("distribution mass") is redistributed in such a way that new usable allotment plots are created.

**Reallocation Plan**

- The planned reallocation is shown in a reallocation plan, which must be publicly available. Anyone who can demonstrate a legitimate interest may inspect this plan.
- The parties involved in the reallocation procedure are sent the extract from the reallocation plan that concerns them.
- The municipality must publicise the date on which the reallocation plan became incontestable.

The reallocation may give rise to a claim

- to a monetary payment (if the newly allocated property is worth less than the original property) or
- to an obligation to make a payment (if only a plot with a higher market value than the original plot can be allocated).

**Bearbeitungsdauer**
**Frist**

Different deadlines and dates (to be taken from the announcements and notices)

**weiterführende Informationen**
**Hinweise**

The reallocation can also be carried out in a simplified procedure with less time and administrative effort, provided the legal requirements for this are met (Section 80 of the Baugesetzbuch).

**Rechtsbehelf**
**Kurztext**
**Ansprechpunkt**
**Zuständige Stelle**

Modul	Sachverhalt
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Formulare	
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Ursprungsportal	
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