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Court Blocks Efforts to Build at Arkhangelskoye

By The Moscow Times

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The Moscow Region Arbitration Court on Friday dismissed a lawsuit brought by Oblstroiuniversal against the Cadastral Chamber of the Moscow Region, a division of the Federal Service for State Registration, Cadastre and Cartography.

The company leases 20 hectares of forestland in the park attached to Arkhangelskoye Museum and wanted to deprive the land of its conservation status, which prohibits any construction on it.

The site dates to the 18th century and surrounds the well-known Gonzago Theater.

The park, which has a total area of 46 hectares, was leased to three private companies for "health and fitness purposes" in 2004. In 2008, the agreements were rewritten for "recreational purposes" with the right to build. Tenants planned construction, despite restrictions stemming from the site's historical status in cadastral records.

"To overcome that obstacle the tenants filed suit," said Yevgeny Sosedov, deputy head of the Moscow region branch of the All-Russia Society for the Preservation of Historical and Cultural Monuments.

"Removal of restrictions from the state cadastre ... would really free their hands," added Alexei Konevsky, head of land law, real estate and construction practice at the Pepeliaev Group law firm.

In addition to Oblstroiuniversal, the other two tenants at Arkhangelskoye had filed similar suits. On March 1, the Moscow Region Arbitration Court ruled in favor of Erlik Group, which rents 20 hectares. But on March 11, the same court dismissed the suit brought by the Park Arkhangelskoye company, which rents the 6 hectares of forestland around Gonzago Theater. Park Arkhangelskoye has not appealed that decision.

Construction in protected historical and cultural areas is a frequent subject of dispute in Russian arbitration courts, Konevsky said.

"However, tenants rarely win in such disputes, only if there is something wrong with the documents establishing the land's conservation status," he said.

The owners as well as the tenants of Arkhangelskoye are fighting for the land. The Defense Ministry, which previously owned 20.67 hectares of land since 2005, sold it at auction to Gradostroi, owned by businessman Viktor Kiselyov, for 754.5 million rubles ($25 million).

A day later, Culture Minister Alexander Avdeyev asked Prosecutor General Yury Chaika to halt the sale, since a 1996 government decree transferred Arkhangelskoye and the territory surrounding it to the museum in perpetuity.

In March, the Moscow Region Arbitration Court found the auction of the land in the protected area illegal. The Defense Ministry has filed an appeal.

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