



**ODRA-VISTULA
FLOOD MANAGEMENT PROJECT
3D.2/1 Construction of the right embankment
of the Biala River in the City of Tarnów,
Municipality of Tarnów**

1. **GARDENERS** – persons entitled to use garden allotments at the Family Garden Allotment based upon the right to allotment, which would be removed, are entitled to compensation for planting and elements of infrastructure owned by them (legal basis: Article 21 (1) item 1 of the Act of July 8, 2010 on specific terms of preparing for implementation of projects in the scope of flood protection facilities (OJ of 2019, item 933).

GARDENS TO BE REMOVED ARE LOCATED WITHIN THE PERMANENT ACQUISITION SITE (AT THE CONSTRUCTION SITE FOR THE FLOOD EMBANKMENT)

2. **COMPENSATION** – amount of due compensation shall be established by independent valuers (acting in the name of the Małopolski Governor), who would develop estimate studies based upon data collected during the inventory of garden allotments.
The cost of developing estimate studies **shall not be borne** by users of garden allotments.

3. The Governor shall issue a decision on the compensation amount due to the given user based upon the estimate study. The compensation payment shall be done after the Governor's decision becomes final.
The compensation payment shall be transferred by the Investor to a bank account indicated by the garden allotment user in a statement provided by RZGW in Cracow (Investor), which shall be submitted by post, and – after filling it in – returned to the Investor.

4. If the interested person would not agree with the compensation amount determined in the Governor's decision, he/she may **appeal against the decision** to the Minister of Investment and Development through the Małopolski Governor. In case of appealing against the decision of the Małopolski Governor establishing the compensation amount, and of the appeal proceeding in progress, **one has a right to payment** of the amount established by the Governor in the decision in question. It is an undisputable amount, which may be paid to the Party upon its written request filed at RZGW in Cracow. Payment of that amount does not affect the appeal proceeding in progress.

5. If the interested person would still not be satisfied with the proposed amount, he/she may appeal against the decision issued by the Minister to the Regional Administrative Court in Warsaw. One has a **cassation appeal** right against the court sentence, which needs to be filed at the Supreme Administrative Court.

GARDENS TO BE REMOVED, WHICH – AFTER DEVELOPMENT OF THE FLOOD EMBANKMENT – SHALL BE LOCATED WITHIN THE EMBANKED AREA, I.E. ON THE SIDE UNDER RISK OF FLOODING

- 1. COMPENSATION** – amount of due compensation shall be established by independent valuers (acting in the name of the Investor), who would develop estimate studies based upon data collected during the inventory of garden allotments.
The cost of developing estimate studies shall not be borne by users of garden allotments.
- 2.** An Establishment Memo shall be signed between the Investor and the user based upon the estimate study. The compensation payment shall be done based upon that Memo. Payment of compensation shall be transferred by the Investor to a bank account indicated by the garden allotment user in the Memo in question.
- 3.** In case of not reaching agreement on the proposed compensation amount, the garden allotment user shall be entitled to claim for a higher compensation amount in a civil proceeding.

CONTACT DATA:

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