



ODRA-VISTULA FLOOD MANAGEMENT PROJECT - 8524 PL

LA&RAP – LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

**INFORMATION ON LAND ACQUISITION AND RESETTLEMENT ACTION
UNDER IMPLEMENTATION OF CONTRACT
OVFMP-3B.1**

SUBCOMPONENT 3B *Protection of Sandomierz and Tarnobrzeg*

Contract 3B.1
“FLOOD PROTECTION SANDOMIERZ”



Źródło fot.: Grontmij

Version	Date	Author	Verifier	Client's approval	Description
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Supplement to the

LAND ACQUISITION AND RESETTLEMENT ACTION PLAN (LA&RAP)
3B.1 Flood Protection Sandomierz

INFORMATION ON LAND ACQUISITION AND RESETTLEMENT ACTION UNDER IMPLEMENTATION OF CONTRACT OVFMP-3B.1 “FLOOD PROTECTION SANDOMIERZ”

implemented under:

Component: 3 – Protection of Upper Vistula Towns and Cracow
Subcomponent: 3B – Protection of Sandomierz and Tarnobrzeg
Contract: 3B.1 – Flood Protection Sandomierz

INVESTOR:

Until December 31, 2017 Świętokrzyski Board of Amelioration and Water Structures – implementing tasks of the Świętokrzyskie Province Marshal – was the Investor for the Contract. Due to enactment of the Act of July 20, 2017 Water Law on January 1, 2018, and due to assigning a state legal person responsible for water management, i.e. the State Water Holding Polish Waters, the unit took over tasks of the previous Investor. From January 1, 2018 the newly assigned unit, State Water Holding Polish Waters represented by the Regional Water Management Authority in Cracow (State Water Holding Polish Waters, RZGW in Cracow), is the Investor for the Contract.

The LAND ACQUISITION AND RESETTLEMENT ACTION PLAN developed for the purpose of Component 3 “Protection of Upper Vistula Towns and Cracow”, Subcomponent 3B “Protection of Sandomierz and Tarnobrzeg”, Contract 3B.1 “Flood Protection Sandomierz”, which received WB’s No Objection on 12/29/2019, is currently being implemented for Contract 3B.1 “Flood Protection Sandomierz”, and this paper remains only an update for that document. Except for obtaining one additional property for the purpose of developing a flood gate at the inflow channel to the River Port in Sandomierz, the document does not implement any changes to the LAND ACQUISITION AND RESETTLEMENT ACTION PLAN, Subcomponent 3 “Protection of Sandomierz and Tarnobrzeg”, Contract 3B.1 “Flood Protection Sandomierz”.

Within the framework of task/object no. 3 “Extension of the embankments protecting the Glassworks and a housing estate in Sandomierz, with extension of the Vistula flood embankment from Lwowska Street to the junction with Koćmierzów embankment” an investment titled “Designing and development of a flood gate with accompanying facilities in the axis of the inflow channel to the River Port in Sandomierz” is being implemented. The task in question is currently being implemented as Contract 3B.1/1 “Flood Protection Sandomierz – Completion of Tasks 3 and 4” due to termination of agreement with the Contractor for tasks 3 and 4, and ordering completion of those tasks from another Contractor. Adjustment of the investment task’s name does not implement any changes to the LA&RAP.

The purpose of this paper is determination of the rules for acquisition of 1 property for the development of a flood gate at the inflow channel to the River Port in Sandomierz in reference to the assignment titled “Designing and development of a flood gate with accompanying facilities in the axis

of the inflow channel to the River Port in Sandomierz”, remaining an element of Task 3 titled “Extension of the embankments protecting the Glassworks and a housing estate in Sandomierz, with extension of the Vistula flood embankment from Lwowska Street to the junction with Koćmierzów embankment” under Contract 3B.1/1 “Flood Protection Sandomierz – Completion of Tasks 3 and 4”.

At location of the designed gate there is a port channel joining Vistula with the river port in Sandomierz. On both sides of the channel there are embankments to be extended in accordance with decision of the Świętokrzyski Governor dated December 17, 2015, ref. no.: no. 134/2015, on the investment project implementation permit for the task titled “Extension of the embankments protecting the Glassworks and a housing estate in Sandomierz, with extension of the Vistula flood embankment from Lwowska Street to the junction with Koćmierzów embankment”. In the south-west the investment neighbors port areas, the glassworks, and a residential estate. Mostowa Street runs in the east, and in a distance of about 250 m towards north-east there is a bridge spanning over the River Vistula within the artery of national route no. 77. Implementation of the investment is to mainly protect the housing estate and a local employer – the Glassworks against a flood wave and to join the band embankment with the flood embankment at the River Vistula.

The concept of developing the flood gate was expected under Contract 3B.1 (it currently is an investment task determined as 3B.1/1 due to organizational changes) for construction works in the design and build formula, which shall be provided with details and implemented by the Contractor during the Contract. Implementation of that assignment in a form detailed and designed by the Contractor implies a necessity of changing the decision of the Świętokrzyski Governor dated December 17, 2015, ref. no.: no. 134/2015, on the investment project implementation permit for flood defenses. A subject of the investment in the scope of postulated change of the decision of the Świętokrzyski Governor dated December 17, 2015, ref. no.: no. 134/2015, on the investment project implementation permit for flood defenses is the flood gate at the inflow channel to the River Port in Sandomierz, with technical facilities, accompanying devices, and adaptation of the embankments and road network. Implementation of that investment shall significantly improve flood safety for the river port, as well as for the adjacent areas. Implementation of the investment under this document mainly comprises provision of details and optimization of foreseen design solutions. It shall result in increasing the flood safety in areas covered by the investment.

Due to those reasons the Investor made a decision to develop the flood gate in accordance with a method given in a replacement construction design. As a consequence of developing the flood gate, it is necessary to additionally obtain 1 property. The remaining properties have been obtained at receiving the decision on investment project implementation permit dated 12/17/2015. Such a decision is fully justified in terms of administration proceeding’s economy.

LOCATION OF THE INVESTMENT

The flood gate shall be located in the axis of the inflow channel to the River Port in Sandomierz (at chainage km 0+468 of the Koćmierzów embankment). The gate shall join the Koćmierzów flood embankment with the flood embankment of the River Vistula.

Location of the planned works is shown on the photo below.



PURPOSE OF THE INVESTMENT

The basic task of the flood gate is protection of the areas of the River Port in Sandomierz and the housing estate and the glassworks against the flood wave on Vistula, and joining of the Koćmierzów embankment with the flood embankment of Vistula.

DESCRIPTION OF PROPERTIES

The properties located on site where the investment in question shall be situated are placed within a register unit 260901_1 SANDOMIERZ, in register area 0005 RIGHT-BANK SANDOMIERZ. Numbers of register plots located within the investment site, along with ownership structure, including the area necessary for the purpose of implementing the investment, were listed in the table below:

No.	Plot no.	Area	Owner / Administrator
1	1304/11	0.1231 ha	State Treasury represented by the State Water Holding Polish Waters
2	1301	0.2129 ha	State Treasury represented by the State Water Holding Polish Waters
3	2334	0.0842 ha	State Treasury represented by the State Water Holding Polish Waters
4	1403/12*	0.2974 ha	State Treasury / PAP – perpetual usufruct
5	1304/12	0.2382 ha	State Treasury represented by the State Water Holding Polish Waters
6	1403/11	0.4128 ha	State Treasury represented by the State Water Holding Polish Waters
7	1407/1	0.1132 ha	State Treasury represented by the State Water Holding Polish Waters

* the entire property of the PAP has an area of 4.0490 ha, and for the purpose of the investment 0.2974 ha shall be acquired, which is 7.35% of its area.

The total area of properties necessary for the development of the flood gate at the inflow channel to the River Port in Sandomierz is 1.4818 ha. Six out of seven plots belong to the State Treasury represented by the State Water Holding Polish Waters, which has ownership rights to them. Those plots are marked as 1304/11; 1304/12; 1301; 2334; 1403/11; and 1407/1. Plots no. 1304/12; 1403/11; and 1407/1 were priorly taken over on behalf of the State Treasury based upon the final decision of the Świętokrzyskie Governor no. 134/2015 dated December 17, 2015, ref. no.: IN-II.7840.3.18.2015, on the investment project implementation permit for flood defenses.

One plot, no. 1403/12, is owned by 2 natural persons and is qualified as “industrial land” and “land underneath flowing surface water”. Those persons administer the property as perpetual holders based upon joint marital property rights.

Implementation of the investment is associated with necessary acquisition of a part of that property (plot no. 1403/12) from private owners (permanent acquisition). In order to minimize adverse impact the object was designed to provide permanent acquisition of properties not owned by the Investor (State Treasury State Water Holding Polish Waters) within the necessary area only, as needed for the proper development of the flood gate at the inflow channel to the River Port in Sandomierz, and to avoid excessive limitation of activities of the River Port in Sandomierz.

Due to necessary acquisition of only a part of one of the aforementioned property – on behalf of the State Treasury – with an area of 0.2974, perpetually used by the PAPs, it is expected to provide compensation measures in the form of cash equivalent for the acquired property. In that case there are no persons belonging to a group without a legal title to the ground. In the light of OP 4.12, social impact associated with expropriation is regarded as any direct loss – economic or social – resulting from expropriation of properties, permanent restriction of the previous use method, or of the access to properties. As a consequence, for the purpose of assessing significance of social impact, percentage relation of the entire property and its expropriated part is adapted as a basic criteria.

For the purpose of this paper, the following criteria – compliant with OP 4.12 – are adopted to estimate social impact:

- secondary impact: for farms, this is an impact exerted by an acquisition of less than 10% of the household production area or resources, without physical relocation. For other real properties, such impact is exerted by a loss of less than 20% of the land or resources, without physical relocation;
- significant impact: for farms, this is an impact exerted by a loss of more than 10% of the household production area or resources, or by a real property division line running in a manner preventing agricultural/orchard production on that real property.

As the entire property of the PAPs has 4.0490 ha and only 0.2974 ha is acquired for implementation of the investment, which is 7.35% of its area, the impact shall be deemed as secondary.

The amount of compensation shall be established in the estimate to be developed by an independent assessor in a way to compensate the loss of a part of the plot. The acquired property is not developed. The PAPs shall obtain full compensation for the lost part of perpetual usufruct right to the property. Additionally, compensation shall be paid to them for lost plants, if plant components forming an asset are present on the acquired part of the property.

The property to be acquired is applied for operations of the River Port in Sandomierz and its significant part is located within the channel forming an entrance to the port underneath flowing water. The Investor does not have an equivalent replacement property, and specificity of actions performed by previous perpetual users, i.e. running the River Port in Sandomierz, disables the use of any other property in a different location as a replacement property for previous purposes. It shall simultaneously be deemed that due to acquiring a part of the property the business of perpetual users shall not be limited in any way. For the needs of the Investor the acquired area covers a part of the river channel with a small, narrow strip of land at the channel. Except for grass, the property does neither have any valuable plant components nor structures. Acquisition of the property shall in

any way affect income of the PAPs. The investment task is not expected to cause physical or economic resettlement. Traffic within the channel forming the entrance to the River Port shall be done continuously, but the River Port shall gain a greater level of flood protection. During the construction works the Contractor plans to develop a bypass joining the inflow channel with the port. The planned flood gate shall protect the port and the directly adjacent properties against effects of a potential flood.

Except for the planned flood protection function, it is not expected to face other impact of the investment on the neighboring properties.

In case of the area, where the property is located, there is no currently binding local spatial development plan. According to establishments made under the study of spatial development conditions and directions for the City of Sandomierz, as approved by the resolution of the City of Sandomierz Council no. XXV/163/2000, the properties necessary for implementation of the investment are located in the area marked as "W – waters" and "1P – industrial areas". Therefore, the investment does not prove discrepancies with provisions under the study; thus, the construction works shall not violate regulations on spatial planning and management. Industrial areas are located in vicinity of the investment. The investment to be implemented shall positively affect operations done there, while significantly improving the level of flood protection. Beyond the investment site, in its further neighborhood, there are residential areas – detached houses – of low intensity and of determined height and share of plot development, and areas with function of downtown residential buildings and services. The investment's impact area shall not reach beyond the properties listed in the table above, and it shall especially not affect the neighboring properties – residential buildings, detached houses, and downtown residential buildings and services – adversely.

Obtainment of a part of the plot for implementation of the investment is planned based upon provisions of the Act of July 8, 2010 on the special rules of preparing flood protection investments for implementation (OJ of 2019, item 933, as amended).

The investment is not located in areas included in the register of heritage. The site is not protected based upon establishments made under the local spatial development plan (the plan does not exist). Therefore, the planned construction assignment shall not affect the environment adversely.

The developed design documentation for the investment in question adopted design solutions assuring minimization of the property acquisition.

During the construction works associated with the development of the flood gate the Contractor shall secure the access to neighboring properties, so it would be possibly least difficult to inhabitants and users of those plots.

The site facilities shall be located in a way least affecting the quality of life of inhabitants. In case the technology and the work organization developed by the Contractor would require temporary acquisition of adjacent properties (as additional works sites) for the purpose of implementation, the scope and target locations of such temporary acquisition shall be determined by the Contractor. The Contractor shall obtain right to land within those properties on its own and at its own cost. Temporary acquisition of properties done by the Contractor **shall only be feasible based upon a written, voluntary consent of the property owner or the property user on the rules determined in an agreement concluded with him/her**. The Contractor shall agree and provide the Investor with information on all of the planned agreements on temporary acquisition to be concluded.

Prior to the agreed temporary acquisition the Contractor shall provide a detailed inventory and shall make a photo documentation of the properties in question, which – after completion of the works – would be restored to their original status and returned in good condition to allow for their use in a way from before the Contract implementation. The Contractor and the owner or the user of properties shall make a protocol on completion of the works confirming that e.g. the Contractor is

not due in terms of payment of contractual remuneration and that it repaired all damage or that it paid agreed compensation for it.

Access to the flood gate for services has been assured on its both sides. The traffic system (access road, maneuvering yards) allow for the access, servicing the flood gate and its site facilities. The access shall be used for ongoing maintenance of the object.

Implementation of the investment including development of the flood gate within the framework of Task 3 titled: "Extension of the embankments protecting the Glassworks and a housing estate in Sandomierz, with extension of the Vistula flood embankment from Lwowska Street to the junction with Koćmierzów embankment" has been presented to the PAP owning the plot to be taken over during an individual meeting of May 26, 2020. Technical solutions for the port gate at the River Port in Sandomierz and consequences of adopting such solutions by the Investor have been presented during the meeting. The PAP has been informed about a planned acquisition of a part of his property – plot marked with number 1403/12 with area of 0.2974 ha necessary for the purpose of the investment – by the State Treasury for the investment-related purpose. The aim and funding of the OVFMP were briefly discussed, information on payment of compensation, provision of appeals and claims and grievance was presented. The meeting attendee was provided with information on the conditions and on the possibility of obtaining compensation raised by 5% for handing the property over within 30 days from the day of receiving a notification of the Governor on the issuance of IPIP decision, and on the possibility of receiving undisputable portion of compensation despite appealing against the Governor's decision establishing the compensation amount. The other members of the local society were informed about the planned Task through announcements published at websites of the Provincial Office and – as commonly adopted – on publicly accessible noticeboards in localities, where the Task shall be implemented. Consultations were held for the Land Acquisition and Resettlement Action Plan. Implementation of the investment associated with development of a port gate does not exceed the boundaries of the river port in Sandomierz, and does not affect interests of the PAPs covered by the Land Acquisition and Resettlement Action Plan. Considering the specificity of the investment, which is flood protection of Sandomierz, during the individual meeting with the PAP on May 26, 2020, where he was provided with a concept of developing the flood gate with accompanying facilities within the axis of the inflow channel to the River Port in Sandomierz, he informed his satisfaction with the planned investment, as he deemed that it shall contribute to improving the safety for both: local inhabitants, as well as entrepreneurs running their businesses at the River Port in Sandomierz and in areas under flood risk.

Implementation of the investment under this paper mainly comprises provision of details for previous solutions and adaptation to the present conditions, while simultaneously keeping the basic assumptions under the decision of the Świętokrzyski Governor dated 12/17/2015, ref. no. 134/2015, on the investment project implementation permit for flood defenses. As the task comprises one permanent acquisition of properties only, the PAPs owning that property shall be notified by letter about the commencement of proceeding on the IPIP and about a fact of issuing the IPIP decision, and about a possibility of appealing against that decision.

Information about the amount of compensation for permanent acquisition shall be updated after development of an evaluation by the independent assessor. The compensation shall be paid by the Investor – State Water Holding Polish Waters, RZGW in Cracow. The PAPs shall receive compensation by bank transfer from the account of State Water Holding Polish Waters RZGW in Cracow to the indicated bank account. The solutions applied in the construction design do not expect land acquisition in the form of Permanent Restrictions, as all land utilities necessary for the development of the flood gate are located within sites owned by the Investor.

This document refers to the investment task – development of the flood gate under Task 3. It remains an update for the Land Acquisition and Resettlement Action Plan for Contract 3B.1 Flood

Protection Sandomierz, and it comprises organizational and legal changes of the Investor resulting from amendments to the state law and from withdrawing from Contract 3B.1 by the Employer/Investor in the range of Tasks 3 and 4.

The Land Acquisition and Resettlement Action Plan, which is currently being implemented, received the WB's No Objection on 12/29/2016. This supplement remains only an update to that document in the range of necessary acquisition of one property, and it does not provide any other changes to the implemented document.

Any data applied in the Land Acquisition and Resettlement Action Plan, except for those modified with this document, remain valid. In cases not regulated with this paper previous solutions expected under the Land Acquisition and Resettlement Action Plan apply – especially in reference to permanent acquisition, and establishing the value of compensation and its payment.

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