



**PLAN POZYSKANIA
NIERUCHOMOŚCI I PRZESIEDLEŃ**

**Procedure of voluntary
temporary occupation of
properties
CONTRACTS 2B**



Projekt Ochrony
Przeciwpowodziowej
w Dorzeczu Odry i Wisły



Państwowe
Gospodarstwo Wodne
Wody Polskie



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ISSUE	DATE	AUTORS	REVIEWED BY	CLIENT'S APPROVAL	DESCRIPTION
I	08/11/2024	Paulina Kupczyk-Kuriata		Client's acceptance	

1. Introduction

The procedure applies to the voluntary temporary occupation of properties for implementing works related to removing the effects of the September 2024 flood. It is developed in accordance with the World Bank's policy OP 4.12 and the provisions of the contract with the Contractor.

This document applies to all emergency works under Contracts:

- 2B.2/1 Flood protection of cities along Biała Łądecka river – executed by Ekowod
- 2B.1/1: Flood protection of cities along Nysa Kłodzka river - executed by Budimex.

This procedure will be provided to the Contractors for implementation in accordance with the procedures specified in the Contracts.

If an owner does not consent to temporary occupation, alternative solutions will be sought in consultation with the Investor. This may delay works but will comply with the voluntary principles outlined herein. In cases where no agreement is reached, the Investor may decide to resign from executing works on the property as part of the alternative solutions.

2. Steps for the procedure of voluntary acquisition of properties

2.1 Negotiations and agreement for temporary occupation

- the Contractor negotiates the conditions of temporary occupation upon the rule of voluntary (transfer) with property owners,
- for the purpose of temporary occupation, the Contractor concludes an agreement with the property owner or user,
- the agreement stipulates the conditions of temporary occupation, including duration, compensation and other conditions agreed during negotiations. The agreement must be signed by both parties.

2.2 Inventory-taking and documentation

- Before the start of temporary occupation, the Contractor takes a joint inventory of the property with the owner and prepares photographic documentation of the property's condition.
- All documents are archived and passed to the Investor and the Consultant.

2.3 Restoration of the property

- The Contractor undertakes to restore the property to a condition suitable for its original use or as otherwise agreed with the owner or user of the property,
- In the event of damage to or changes in the condition of the property compared to the condition prior to the commencement of the works, the Contractor repairs all damage at his own expense in accordance with the provisions of the Contract.

3. Protection of adjacent properties

- The Contractor is responsible for protecting neighbouring properties from damage and disturbance resulting from the project implementation. If owners of adjoining properties file any claims, the Contractor assumes financial responsibility for the resulting damage.

4. Grievance mechanism

4.1 Receipt of complaints

- Any person whose rights may be affected as a result of the temporary occupation of the property may lodge a complaint with the Contractor or the Investor.

Complaints are filled according to the LARAP procedure,

- Information on the complaints filing procedure will be given verbally at the start of temporary occupation. Acknowledgement of receipt of the information will be recorded in the property transfer protocol.
- The Contractor shall immediately notify the Investor that a complaint was lodged and about the subject of the complaint.

4.2 Consideration of complaints

- The complaints are dealt according to the LARAP procedure <https://odrapcu.pl/dokumenty/2b-ochrona-przeciwpowodziowa-doliny-rzeki-biala-ladecka-i-potoku-morawa/>,
- The Employer monitors all the lodged complaints and the Contractor is obliged to remedy any damage caused by his actions.

4.3 Monitoring of the complaint process

- The Contractor will monitor the complaint consideration process and report its outcomes at the Construction Councils.

5. Temporary occupation

5.1 Voluntary occupation

- Any temporary occupation of properties for the purposes of Investment implementation are only effected with the consent of the property owners or users.
- Prior to the occupation, the Contractor obtains the owner's consent in the form of an agreement or other written form and prepares an inventory of the occupied property,

5.2 Transmission of information

- the Contractor delivers to the Investor the agreements concluded or statements obtained concerning the permission to use the property for the purpose of execution of works,
- a sample template of the agreement for the voluntary temporary use of a property is provided as appendix no. 1 to this procedure¹. It is voluntary to use the attached template agreement.
- The Contractor informs the Investor of completion of works on the property, its return to the owner/user and the implementation of the arrangements for the restoration of the property to the condition suitable for its original use or as otherwise agreed with the owner or user of the property.

6. Completion of works

- Upon completion of the works, all properties subject to temporary occupation are returned to the owners/users after restoration to the condition suitable for its original use or as otherwise agreed with the owner or user of the property.
- If the agreement is breached, owners/users have the right to make further claims regarding to the breach.

¹ This procedure serves solely as a supplement to the LAP to facilitate its implementation by the Contractor. The PAP-Contractor agreement template is attached to the LAP, has been made publicly available, and is accessible to PAPs on the project's website.