



ODRA-VISTULA FLOOD MANAGEMENT PROJECT - 8524 PL

LA&RAP – LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

INFORMATION ON LAND ACQUISITION AND RESETTLEMENT
UNDER THE IMPLEMENTATION OF CONTRACT OVFMP-3B.1
SUBCOMPONENT 3B Protection of Sandomierz and Tarnobrzeg

Contract 3B.1
“FLOOD PROTECTION OF SANDOMIERZ”



Źródło fot.: Grontmij

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AECOM

Supplement no. 2

LAND ACQUISITION AND RESETTLEMENT ACTION PLAN (LA&RAP)

3B.1 Flood protection of Sandomierz

3B.1/1 Flood protection of Sandomierz – completion of Tasks 3 and 4

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

Implemented under:

Component:	3 – Flood protection of the Upper Vistula
Subcomponent:	3.B – Protection of Sandomierz and Tarnobrzeg
Contract:	3B.1 (3B.1/1) – Flood protection of Sandomierz

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1. INTRODUCTION

The purpose of this study is to determine the principles for the payment of compensation to the owner of the plot on which a building structure is located - a garage used for household purposes, to which access will be restricted as it is necessary to perform construction works consisting in the construction of a retaining wall in the edge of the roadway and the reprofiling of the asphalt of Zarzekowice Street and in the construction of a walkway between the asphalt roadway and the retaining wall. The garage is used only for storing a car, household appliances and tools related to the PAP's household. It is also used in connection with the PAP's non-profit hobbyist DIY activity. No profit-earning activity is carried out in the garage. The limited access only affects the ability to store a car and has no effect on storage of household appliances and tools or the use of the garage for hobbyist DIY activities. There is still access to the garage; the construction works performed - consisting in the construction of a retaining wall in the edge of the roadway and the reprofiling of the asphalt of Zarzekowice Street and in the construction of a walkway between the asphalt roadway and a retaining wall and in the construction of a new exit to the PAP's property from the public road prevent free access by car only. There is still access to the garage. The owner continues to use it for domestic purposes. The garage is not used for any business or profit-earning purposes.

The land level was raised and a new exit was provided to the property on which the garage is located as a result of the construction works performed. Access was restricted - by not being able to fully open the garage doors - as a result of the new raised exit provided. Access to the building is still available, but the possibility of its full functional use will be limited.

The construction works performed significantly impede access by car only. The Investor has considered two forms of compensation as a result of the need to perform these works.

- a) To dismantle the building and to restore it in such a way as to ensure free access to it, as a result of which construction works on the PAP's plot would have to be carried out. Reconstruction would require to demolish the existing hardening of the land, to dismantle the garage, to raise the terrain level and to rebuild the building.
- b) Payment of compensation for restriction in access.

The parties agreed as a result of individual agreements with the property owner that the payment of compensation would be more favourable to the PAP, who suggested himself that the payment of monetary compensation is a better solution for him as he would adapt the building himself to his current needs. The owner will not be deprived of complete access to the facility.

The LAND ACQUISITION AND RESETTLEMENT ACTION PLAN, prepared under Component 3 - Flood protection of the Upper Vistula, Subcomponent 3.B - Protection of Sandomierz and Tarnobrzeg, Contract 3B.1 - Flood Protection of Sandomierz, that has been supplemented with Supplement no. 1 in the scope of necessary acquisition of properties for the construction of a flood gate for the river port in Sandomierz, is being currently implemented for Contract 3B.1 "Flood Protection of Sandomierz", which was awarded the WB's No objection on December 29, 2016. This study is the second supplement to that document. Supplement no. 2 was established as it is necessary to pay additional compensation in the form of cash equivalent for restricting the access to the building structure - garage. It could not have been anticipated at the stage of creating the LAND ACQUISITION AND RESETTLEMENT ACTION PLAN that access to the garage would have been obstructed. This limitation only materialised at the stage of performing the construction works. Apart from establishing compensation for restricting the access to the building structure - the garage - the document does not introduce any changes. It was indicated in the LAND ACQUISITION AND RESETTLEMENT ACTION PLAN, Subcomponent 3.B - Protection of Sandomierz and Tarnobrzeg, Contract 3B.1 - Flood Protection of Sandomierz, that if the PAP loses non-residential buildings and structures (fences, technical infrastructure, etc.), monetary compensation will be granted in the amount of the replacement value of the lost assets, (the value of the compensation / indemnity necessary to obtain the replacement cost for the lost assets), and this supplement is only detailing out this issue for one of the cases identified during the execution of works.

Under the Task/Facility no. 3 "Expansion of the surrounding embankment protecting Glassworks and a Housing Estate against the flood waters in the town of Sandomierz together with an extension of the embankment of the Vistula River from the Lwowska Street to intersection of Kocmierzow embankment", a project is being implemented encompassing the construction of a retaining wall in the edge of the roadway on the south side, and the reprofiling of the asphalt of Zarzekowice Street and the construction of a walkway between the asphalt roadway and the retaining wall. In connection with the construction works being carried out, the Contractor, at the Investor's order - as part of the reprofiling - has raised the roadway and provided a new exit to plot no. 2206 belonging to a private person. It was necessary to raise the land by approx. 1.0 m to construct a new exit to the property from the public road. The building structure, a garage, situated at the boundary of plots no. 2206 and no. 1592/1, was made of brick in the 1960s. As a result of building a new exit from the public road, the exit raised by approx. 1.0 m prevents the garage door from opening fully. The above building cannot be redeveloped. In order to accommodate the building to the new exit, it needs to be demolished and reconstructed on the embankment made.

The purpose of this paper is to determine the principles for the payment of compensation in the form of a cash equivalent for restricting access to the building - a garage - and for preventing its owner from making full functional use of it.

2. INVESTMENT LOCATION

The exit is located on the border of plots no. 2206 and no. 1592/1 located in Sandomierz at 25 Zarzekowice St. The exit is closed with a mobile crossing no. 7 at km 3+620. The building location is shown in the overview photograph below.



3. PURPOSE OF THE INVESTMENT

The main purpose of the investment is to improve the flood safety of the residents of K. Baczyński housing estate, Zarzekowice Street and neighbouring streets in Sandomierz, as well as the housing estate together with the Glassworks, against flood waves on the Vistula by connecting the Kocmierzow embankment with the Vistula River flood protection embankment. The exit made, together with a locked mobile crossing, provides the continuity of a retaining wall protecting the surrounding area from the flood wave of the Vistula River. In addition, by widening the road and the pavement, the safety of the local residents (moving along the pavement) and vehicles will improve.

4. DATA OF THE PROPERTIES COVERED BY THE SUPPLEMENT

The properties in the area where the investment in question will be located are situated in the registration precinct 0005 RIGHT-BANK SANDOMIERZ. The plots have registration numbers 1592/1 and 2206, and are located in an area covered by a flood protection investment.

No.	Plot no.	Area	Owner / Manager
1	no. 2206 and no. 1592/1	35m ²	Private person

There is a garage situated on the above-mentioned plots, within their boundary, owned by a private person (the owner of the plots), to which access will be obstructed as a result of performing the construction works described above. The area around the facility is paved with cubes. It is necessary to perform the following construction works to demolish and reconstruct the garage:

- a) demolish the existing building,
- b) remove the existing paving cubes and level the area up to the level of the new exit provided,
- c) raise the land elevations by the garage by 50 cm above the existing elevation and backfill the channel in the garage,
- d) reconstruct the garage.

As it is necessary to perform the demolition works listed above and considering the significant interference with the PAP's property (demolition of part of the cubes on the driveway), the Investor, after consultation with the owner, proposed either to demolish and rebuild the garage with its full functionality or to pay compensation as a cash equivalent for the loss of its full functionality, leaving the building to the owner in its current condition. The owner proposed a solution consisting in paying the compensation. In return for the cash compensation received, the owner will make appropriate alterations and adapt the building to his own current needs himself.

5. PRINCIPLES OF DETERMINING THE AMOUNT OF COMPENSATION

In the case described, the owner is not deprived of part of the property – the land. He is not a person considered as a group without a legal title to land. The garage, to which access was restricted, is only used for storing the PAP's household appliances and tools. It was also previously used for garaging the car. The garage cannot be accessed by car as the garage doors do not open fully. The garage doors open and one can enter the garage and bring in the equipment.

In the light of OP 4.12 all direct losses, economic and social ones resulting from expropriation of properties, permanent limitation of current use or access to the property is considered to be social impact. Undoubtedly, the construction works performed, connected with construction of a new exit to the property, have significantly restricted access to the building and the Investor qualifies this action in this way. Considering that land is not taken away from the project affected persons, the restriction of access to the property relates only to a small part of the property and has no influence on the living conditions and livelihood of the project affected person, the Investor has proposed to pay compensation in the form of a cash equivalent, which was approved by the owner. The owner stated that payment of the compensation in the form of cash equivalent satisfies him and shall exhaust all of his claims.

The amount of compensation has been determined in an appraisal report prepared by an independent valuer, in such a way that the amount compensates for the restriction of access to the building and allows appropriate changes to be made so that the owner can adapt the building to his

current needs. The expert, when appraising the value of the monetary compensation, considered the cost of bringing the building to the full functionality as a utility building excluding the garage function. The amount of compensation includes the loss of the building's garage function.

The compensation will cover the replacement value - the execution of construction works allowing the building to be further functionally used by the owner. Compensation has been determined based upon the values given in the appraisal report and agreed during individual negotiations with the owner. The compensation will be paid by the Investor, i.e. the State Water Holding Polish Waters, RZGW in Cracow. The project affected person will receive compensation by transfer from the PGW WP RZGW in Cracow's account to the bank account indicated.

Restricting access to the building will in no way affect the PAP's income nor will preclude the possible continued use of the building. No physical and economic displacement is expected as a result of the investment task. The facility has not been used for earning purposes.

Apart from the planned flood protection function and improved road and pedestrian safety, no other impact of the investment on neighbouring properties is anticipated.

No current local spatial development plan exists for the area in which the property is located. According to the study of conditions and directions of spatial development of the city of Sandomierz, approved by Resolution no. XXI/256/2020 of May 27, 2020 of the Sandomierz City Council, the property is located in agricultural areas. Areas of residential, single-family housing and agricultural land are located in its neighbourhood. The investment's impact area will not adversely affect neighbouring properties and will contribute to their improved flood protection.

The investment is not located on land recorded in the register of monuments. The area is not subject to protection under the local spatial development plan (no plan). Thus, the planned construction project will not have a negative impact on the environment.

Neither permanent nor temporary occupation is planned on the properties covered by this document, as there are no construction works to be carried out by a Works contractor employed by the Investor.

Given the nature of the investment, which is the flood protection of Sandomierz, a concept for the reconstruction of the garage and a concept of paying the compensation as a cash equivalent for limited access was presented to the property owner during an individual meeting on 04/06/2022. The owner stated that the payment of compensation in the form of a cash equivalent is satisfactory to him and would exhaust all his claims. The amount of compensation has been determined by negotiation with the owner in a protocol determining the compensation amount.

This document is a supplement to the Land Acquisition and Resettlement Action Plan of Contract 3B.1 Flood Protection of Sandomierz and considers the Investor's organisational and legal changes resulting from the change of national legislation and the withdrawal of the Employer/Investor from Contract 3B.1 as far as Task/facility 3 is concerned

The currently implemented Land Acquisition and Resettlement Action Plan was awarded the WB's No objection on December 29, 2016. This Supplement is only a supplement to that document; it does not introduce any other changes to the implemented document in terms of the need to restrict access.

All data used in the Land Acquisition and Resettlement Action Plan, except as amended by this document, remains valid. The existing solutions provided for in the Land Acquisition and Resettlement Action Plan shall apply in the matters not regulated herein, in particular with regard to permanent occupation, the determination of the compensation amount and compensation payment.

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