

**State Water Management Polish Waters  
The Regional Water Management Authority  
in Szczecin**

# **LAND ACQUISITION AND RESETTLEMENT ACTION PLAN**

for

**Odra-Vistula Flood Management Project  
co-funded by:**

**the World Bank (WB), Loan Agreement no. IBRD 8524 PL  
the Council of Europe Development Bank (CEB), Framework Loan Agreement no. LD 1866  
State Budget**

**Subcomponent 1.B: Flood Protection on Middle and Lower Odra River**

**WORKS CONTRACT 1B.5/2**

**Reconstruction of a bridge to ensure minimum clearance – a road bridge at km 2.45 of Warta  
River in Kostrzyn nad Odrą.**



**Draft**

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#### ODRA-VISTULA FLOOD MANAGEMENT PROJECT

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#### LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

Subcomponent 1B: Flood Protection on Middle and Lower Odra River

WORKS CONTRACT 1B.5/2 – Reconstruction of a bridge to ensure minimum clearance – a road bridge at km 2.45 of Warta River in Kostrzyn nad Odrą.

Land Acquisition and Resettlement Action Plan is prepared for Contract 1B.5/2 executed by the State Water Management Polish Waters – Regional Water Management Authority in Szczecin.

#### PROJECT IMPLEMENTATION UNIT:

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## List of abbreviations used in the document

<b>1B.5/2</b>	Designation of Works Contract 1B.5/2 – Reconstruction of a bridge to ensure minimum clearance – a road bridge at km 2.45 of Warta River in Kostrzyn nad Odrą
<b>The World Bank (WB)</b>	The International Bank for Reconstruction and Development
<b>PCU</b>	Odra-Vistula Flood Management Project Coordination Unit
<b>CEB</b>	Council of Europe Development Bank
<b>DK</b>	National road
<b>LBR</b>	Land and Building Register
<b>GIS</b>	Geographic Information System – a system of information on the terrain, consisting of a database covering a specified area as well as the procedures and techniques for systematic collection, updating and sharing of data
<b>GDDKiA</b>	The General Directorate for National Roads and Motorways
<b>CSO</b>	The Central Statistical Office of Poland
<b>Joint Venture (Consortium)</b>	Joint Venture Sweco Consulting Sp. z o.o./ Sweco Nederland B.V./ Sweco Engineering Sp. z o.o./ Ekocentrum – Wrocławski Ośrodek Usług Ekologicznych Sp. z o.o.
<b>Project/undertaking</b>	Expansion of National Road 31 as part of the task titled: ‘Demolition and construction of a road bridge at km 107+211 of National Road 31 in Kostrzyn nad Odrą (at km 2.45 km of Warta river), implemented as part of the Odra-Vistula Flood Management Project – Task 1B.5/2 Reconstruction of a bridge to ensure minimum clearance – a road bridge at km 2.45 of Warta river in Kostrzyn nad Odrą.’
<b>PIO</b>	Project Implementation Office – a separate organisational unit within the PIU, responsible for the Project implementation
<b>PIU/Employer/Investor</b>	State Water Management Polish Waters The Regional Water Management Authority in Szczecin ul. Tama Pomorzańska 13 A 70-030 Szczecin
<b>CC</b>	The Civil Code of 23 April 1964 (Polish Journal of Laws 2019, item 1040, as amended)
<b>Consultant Engineer</b>	A company or legal person engaged by the Employer to supply services (for example, those defined herein)
<b>Contract/Task/Investment Project</b>	Works Contract 1B.5/2 – Reconstruction of a bridge to ensure minimum clearance – a road bridge at km 2.45 of Warta River in Kostrzyn nad Odrą
<b>CAP</b>	The Code of Administrative Proceedings of 14 June 1960 (Polish Journal of Laws 2020, item 256, as amended)
<b>LA&amp;RPF</b>	Land Acquisition and Resettlement Policy Framework

<b>NBP</b>	National Bank of Poland
<b>NGO</b>	Nongovernmental Organisation
<b>Structure</b>	A functionally separated material scope being a part of Task 1B.5/2
<b>EIA</b>	Environmental Impact Assessment
<b>OP 4.12</b>	Reference of the document setting out the principles of carrying out involuntary resettlement required when the Task is funded under a loan from the World Bank – Operational Policy 4.12 – Involuntary Resettlement.
<b>PAP</b>	Project Affected Person(s)
<b>IPIP</b>	Investment Project Implementation Permit
<b>LA&amp;RAP</b>	Land Acquisition and Resettlement Action Plan
<b>Project/OVFMP</b>	Odra-Vistula Flood Management Project
<b>PGW WP</b>	State Water Management Polish Waters
<b>Land Register Regulation</b>	Regulation of the Minister of Regional Development and Construction of 29 March 2001 on the land and building register (Polish Journal of Laws 2019, item 393)
<b>Appraisal Regulation</b>	Regulation of the Council of Ministers of 21 September 2004 on the appraisal of properties and preparing appraisal reports (Polish Journal of Laws 2004, No. 207, item 2109, as amended)
<b>Road Act</b>	Act of 10 April 2003 on special rules of preparing and executing projects involving public roads (Polish Journal of Laws of 2018, item 1474)
<b>Flood Act</b>	The Act of 8 July 2010 on special rules of preparing projects involving flood prevention structures (Polish Journal of Laws 2019, item 933)
<b>RPM Law</b>	The Real Property Management Law of 21 August 1997 (Journal of Laws 2020, item 65, as amended)
<b>WL</b>	The Water Law of 20 July 2017 (Polish Journal of Laws 2020, item 310, as amended)
<b>Contractor</b>	A company/legal person exercising Works Contract 1B.5/2
<b>ZBiLK</b>	Municipal Buildings and Premises Board in Szczecin (Polish: <i>Zarząd Budynków i Lokali Komunalnych w Szczecinie</i> )
<b>RCC</b>	Road Construction Consent

## 1. Key definitions

The key definitions used herein:

**Real property price** – an amount negotiated with the real property owner, due to him for the real property or a part thereof, based on the value of that property determined by a licensed property appraiser. The amount of compensation for the real property shall not be lower than the cost of replacing the lost asset, excluding the depreciation of assets resulting from the age, condition or any other factor related to the assets.

**Cut-off date** – the date of completing the property inventory and the list of Project Affected Persons. The persons who remain on the Project site after the cut-off date shall not be entitled to compensation or any other form of assistance. Similarly, no compensation shall be paid for fixed assets (such as buildings, plants, fruit trees or tree stands) after the end date of the inventory or, alternatively, after the deadline agreed.

**Economic resettlement** – the loss of over 20% agricultural land, if the revenue of the Project Affected Person (PAP) is largely based on agriculture.

**Physical resettlement** – the loss of the place of residence or commercial facilities, such as shops or workshops, or facilities necessary to generate revenue.

**Special assistance groups** – the people who due to their gender, ethnic group, age, mental or physical disability, difficult financial standing or social position, are more vulnerable to the adverse effects of resettlement than other groups, and who may have a limited possibility to file claims, use assistance during the resettlement or use their right of share in the benefits of the investment project.

**Resettlement cost** – the scope of the compensation for lost goods/real properties/expenditure covering the replacement cost of the goods/real properties and the costs of conducting resettlement and actions related to the resettlement.

**Social impact** – in the light of OP 4.12, a social impact associated with expropriation is defined as any direct loss, whether social or economic, which arises out of the expropriation of a real property or the permanent restriction in the manner of using or access to the real property.

**Compensation** – a value paid in money or as a replacement property for the real properties and assets which have been acquired or are affected by the Project. A compensation is paid in time, when the owner must transfer his property to the State Treasury. In accordance with the Polish laws, in this respect the compensation may be paid from the moment when the expropriation decision becomes, generally, final and binding as well as in any case before the real property is taken over and seized for construction purposes.

**Restriction in the use of property** – a restriction concerning a real property or a part thereof, being a part of the Investment Project, which is essential for the proper functioning of the Investment Project, and which does not become property of the State Treasury but becomes restricted in use under a road construction consent, for instance by the prohibition to develop the property or plant trees thereon, the construction of temporary civil structures on the property, or the reconstruction of exit roads or service utilities.

**OP 4.12 Involuntary Resettlement** – the Operational Policy setting out the principal rules and procedures being a basis of the WB approach to involuntary resettlement due to investment projects.

**Project Affected Person (PAP)** – any person who, due to the project implementation, loses his or her ownership right or other benefits from his or her developed infrastructure (used for residential,

agricultural or breeding purposes), or loses his or her annual or multi-annual crops and yield or other related or movable assets, in full or in part, whether permanently or temporarily. PAPs may also include the members of a local community or other persons affected by the actions related to the project.

**Natural person** – the civil-law definition of a human, from the moment of birth until the moment of death.

**Legal person** – legal persons are the State Treasury and organisational units which are accorded legal personality by specific regulations.

**Revenue** – an increment in property gained from carrying out a business or agricultural activity on a real property, including from the sale of such property.

**Involuntary resettlement** – a resettlement is involuntary if it is carried out without the consent of the person being resettled (against his/her will) or under a consent granted under duress (without the possibility to object to the resettlement), for example by expropriation.

**Limited liability company** – a company having legal personality, established by one or more persons for any lawful purpose.

**Expropriation** – a process involving the deprivation or restriction of a right in a real property, enjoyed by a particular person, under an individual legal act.

**Value of expenditure** – the amount due to the user, negotiated with the person incurring expenditure on the real property, or an amount based on the value of expenditure determined by a licensed property appraiser.

**Replacement value** – a compensation for lost goods, appraised based on their replacement/market value, including all transaction costs (such as taxes and registration fees), aimed at a sufficiently effective replacement of the lost goods (replacement value). Replacement value is the amount required to replace the lost assets, excluding the depreciation of arising out of the age, condition or another factor relating to the assets.

**Purchase / voluntary sale** – a transaction involving a paid acquisition of a right to a real property from its owner/possessor, for a price accepted by both parties, if the owner may reject the transaction. If a project resorts to expropriation, the purchase is not deemed voluntary (as it does not involve a wilful buyer and wilful seller).

**Property resources (as per the RPM Law)** – the public resources of properties are defined in Article 20 of the RPM Law. The resources are classified by ownership. The real property resource of the Treasury was distinguished (Art. 21 and 21 a of the RPM Law), as well as the real property resources of different types of local government units: a commune (Art. 24 of the RPM Law), a district (Art. 25 a of the RPM Law) and a province (Art. 25 c of the RPM Law). Article 20 of the RPM Law does not refer to the real property resources of owners other than those listed hereinabove.

The following terms used herein alternatively: **land – real property – plot**, as the context requires, are defined as in the following legal acts:

- CC – land, real property;
- RPM Law – real property, plot of land;
- Land Register Regulation: land, registered plot (abbreviated herein as ‘plot’); and
- Operational Policy 4.12 – land.



## 2. INTRODUCTION

This document presents the Land Acquisition and Resettlement Action Plan (LA&RAP) for Contract 1.B.5 – Task 1.B.5/2 – Reconstruction of a bridge to ensure minimum clearance – a road bridge at km 2.45 of Warta River in Kostrzyn nad Odrą, carried out as part of the Odra-Vistula Flood Management Project (OVFMP), co-financed by the International Bank for Reconstruction and Development (World Bank) (the Loan Agreement of 10 September 2015), the Council of Europe Development Bank (CEB) (the Loan Agreement of 24 May 2016) and the State budget. The document applies only to Contract 1B.5/2 and does not refer to the entire OVFMP.

The main purpose of the OVFMP is to protect the persons residing at the floodplains situated in specified parts of the catchment areas of the two largest Polish rivers (Vistula and Odra), against serious floods. The OVFMP covers the following five Components:

Component 1 – Flood Protection of the Middle and Lower Odra,  
Component 2 – Flood Protection of Nysa Kłodzka Valley,  
Component 3 – Flood Protection of the Upper Vistula,  
Component 4 – Institutional Strengthening and Enhanced Forecasting; and  
Component 5 – Project Management and Studies.

The Components include Subcomponents. Component 1 consists of the following three Subcomponents marked as 1A (Flood protection of areas in Zachodniopomorskie Province), 1B (Protection of Middle and Lower Odra River) and 1C (Flood protection of Słubice City). The names of the Components and Subcomponents are given as in the Project Operations Manual for the 'Odra-Vistula Flood Management Project', which is available on:

[http://odrapcu.pl/doc/POM\\_PL.pdf](http://odrapcu.pl/doc/POM_PL.pdf)

Works Contract 1B.5/2 will be carried out as part of Component 1 and one of 3 its sub-components: Sub-component 1B – Flood Protection on the Middle and Lower Odra.

All Tasks within Sub-Component 1B solve the problems related to flood protection in a comprehensive manner, covering the areas that are most vulnerable to flood. Subcomponent 1B contains the following Tasks:

- 1B.1/1 (a) – Reconstruction of river control infrastructure on Odra river – adaptation to the conditions of Class III waterway from Ścinawa to Nysa Łużycka mouth – Stage II.
- 1B.1/1 (b) – Reconstruction of road bridge in Krosno Odrzańskie, including the access road.
- 1B.2 – Modernisation works on border sections of Odra river, Stage I – Modernisation works on border sections of Odra river to enable winter ice-breaking.
- 1B.3/1 – Construction of mooring base for icebreakers.
- 1B.3/2 – Construction of mooring facilities at lower and border Odra river and new waterway signage.
- 1B.4/1 – Improvement of flood water flow from Dąbie Lake in winter.
- 1B.4/2 – Dredging of Klucz-Ustowo ditch.
- 1B.5/1 – Reconstruction of a bridge to ensure minimum clearance – a railway bridge at km 733.7 of Regalica river in Szczecin.
- 1B.5/2 – Reconstruction of a bridge to ensure minimum clearance – a road bridge at km 2.45 of Warta river in Kostrzyn nad Odrą.
- 1B.5/3 – Reconstruction of a bridge to ensure minimum clearance – a railway bridge at km 615.1 of Odra river in Kostrzyn nad Odrą.

## 2.1 DESCRIPTION OF TASK 1B.5/2

This task covers the expansion of National Road 31 as part of the investment project titled 'Demolition and construction of a road bridge at km 107+211 of National Road 31 in Kostrzyn nad Odrą (at km 2.45 of Warta river), implemented as part of the Odra-Vistula Flood Management Project – Task 1B.5/2 Reconstruction of a bridge to ensure minimum clearance – a road bridge at km 2.45 of Warta river in Kostrzyn nad Odrą'.

The planned project, involving the demolition and construction of a road bridge to ensure minimum clearance, is to improve flood protection by enabling the operation of icebreakers and an unrestricted flow of ice-floe. To this end, the plan provides for the construction of a new bridge while maintaining a 5.25 m clearance above the HNW (highest navigable water) level.

The existing structure is a road bridge located at km 2.45 of Warta river in Kostrzyn nad Odrą, along National Road 31, from Szczecin to Ślubice, at km 107+211 (Sikorskiego street). The bridge was built at the end of the 19<sup>th</sup> century as a 5-span structure with underslung trusses. In the present condition, the bridge hinders and often prevents anti-ice protection in winter and the navigation of the icebreakers taking part in ice-breaking operations, and stops the flow of ice in the crucial moments of such operations by cutting off the icebreakers mooring downstream of the bridge, from the ice-breaking area on Warta river, and stopping ice floe on the supports. The project will enable the operation of icebreakers and the unrestricted flow of ice floe. It is required to increase the clearance above the HNW (highest navigable water) level and to increase the spacing of supports or completely remove the supports installed in water. When determining the spacing of supports, the specific position of the bridge at the mouth of Postomia river will be taken into account. The desired effects may only be achieved by demolishing completely all the components of the existing bridge and then building a new bridge.

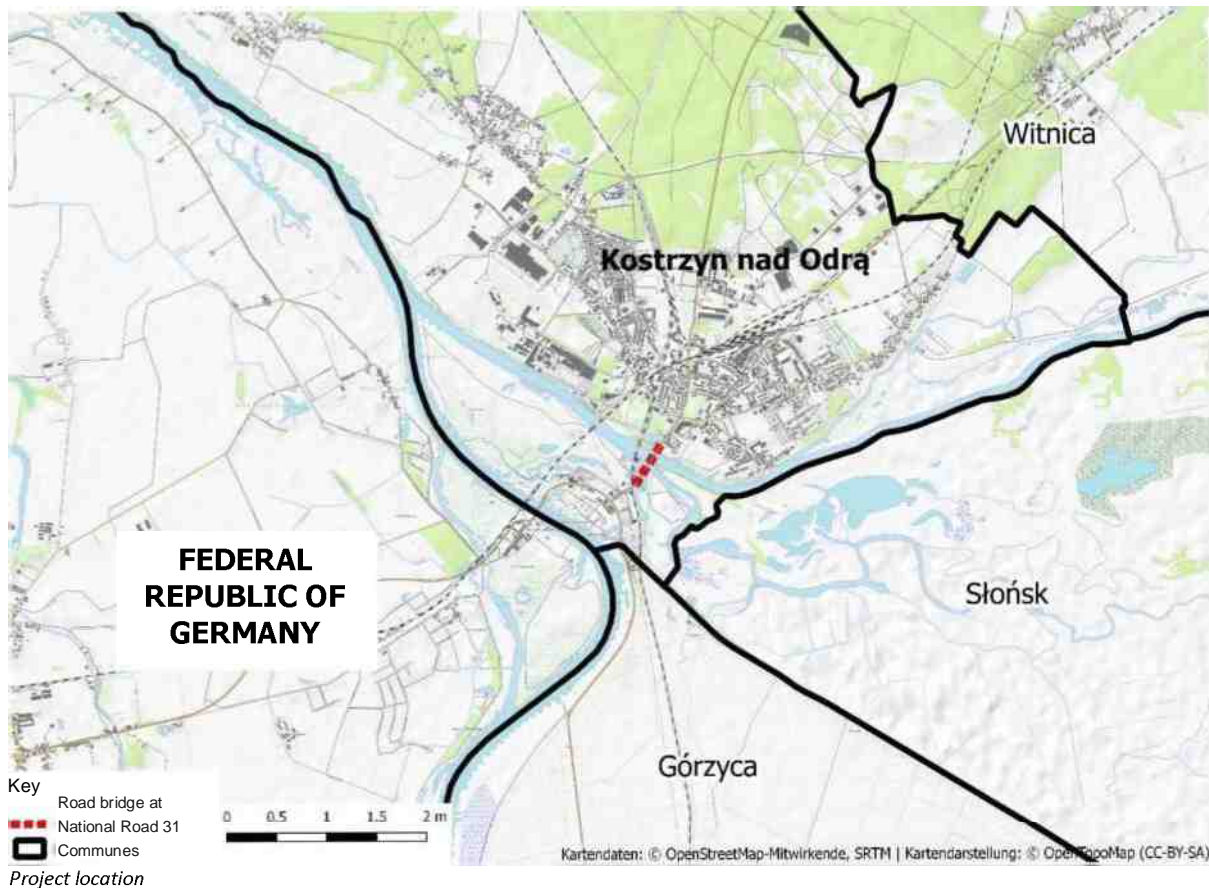
For the time of building the target bridge, a by-pass road will be made via a provisional bridge, on the southern side of the existing facility (that is upstream the river).

The project will additionally cover the reconstruction of National Road 31, the construction of a mixed-use path and the reconstruction of the existing pedestrian pavements (paths). The road infrastructure has been designed so to adapt it to the solutions used at the road bridge to be rebuilt.

The reconstruction of National Road 31 will imply the construction and alteration of the rainwater drainage, water supply, sanitary sewage, gas, LV (low voltage), MV (medium voltage) and telecommunication networks. This will additionally include a new road lighting system, and the reconstruction of the water supply network also covers a provisional water pipeline to be suspended under the provisional bridge. The project also involves the reconstruction of sanitary sewage system and its temporary connection to the provisional structure.

## 2.2 SITE OF TASK 1B.5/2

The road bridge concerned by the project is located at km 107+211 of National Road 31 from Szczecin to Ślubice (Sikorskiego street) – km 2.45 of Warta river, in Kostrzyn nad Odrą, and is used as a crossing over Warta river.



The total area of development on the project site is approx. 1.26 ha, but the facility alone takes approx. 0.5 ha, which corresponds to around 40% of the total site of the project. The planned works will not cause any spatial alterations in the land development. The project site is not covered by the adopted local development plans, and the design concerns the reconstruction of the already existing service infrastructure, without changing the use of the land.

The investment project requires modifications in the existing right-of-way. The plots which the State Treasury (GDDKiA) is not entitled to use for construction purposes will have to be partially expropriated in accordance with the Act of 10 April 2003 on special rules of preparing and executing projects involving public roads.

Table 1 (below) presents a list of plots to be covered by the investment project. The blue colour designates the properties being investment plots. The list of investment plots, including their respective owners, is set out as Appendix 4 hereto, and will be published upon the anonymisation of personal data.

**Table 1 – List of plots to be covered by the investment project**

No.	Plot No. before division Total plot area	Plot No. and area after division (N/A – not applicable)	Commune / Precinct	Location of land	Reference of the owner/perpetual usufructuary/manager as stated in the Land and Mortgage Register or the LBR	Owner Private - Pr Public - Pu Commune - Co Forests - Fr	Land use	Land and Mortgage Register No.
1.	64 0.5770 ha	W	Kostrzyn nad Odrą 0006 Stare Miasto	National Road 31 KNO Władysława Sikorskiego	<b>Ownership:</b> State Treasury <b>Permanent management:</b> General Directorate for National Roads and Motorways, ul. Żelazna 59 00-848 Warsaw	Pu	rd – roads	GW1S/00031403/6
2.	62 0.6030 ha	62/1 0.0187 ha 62/2 0.5843 ha	Kostrzyn nad Odrą 0006 Stare Miasto	KNO Władysława Sikorskiego	<b>Ownership:</b> Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	rd – roads	GW1S/00029022/4
3.	2/3 42.6481 ha	2/4 0.1373 ha 2/5 42.5108 ha	Kostrzyn nad Odrą 0006 Stare Miasto	KNO Władysława Sikorskiego	<b>Ownership:</b> State Treasury <b>Perpetual usufruct:</b> Warta Mouth National Park, Osada 1 69-113 Górzycza Chyrzyno	Pu	Bz – leisure areas rd – roads W – wasteland Rw – land under running surface waters Sw – land under stagnant surface waters	GW1S/00028857/9
4.	268/2 1.8510 ha	W	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego	<b>Ownership:</b> State Treasury <b>Permanent management:</b> General Directorate for National Roads and Motorways, ul. Żelazna 59 00-848 Warsaw	Pu	rd – roads	GW1S/00031678/4
5.	394/42 0.1665 ha	394/90 0.0114 ha 394/91 0.1551 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa	<b>Ownership:</b> Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00015862/3
6.	394/40 0.4913 ha	394/87 0.0330 ha 394/88 0.0092 ha 394/89 0.4491 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa	<b>Ownership:</b> Legal person – a limited-liability company seated in Świebodzin	Pr	Bp – urbanised areas not developed or under development	GW1S/00023730/8
7.	394/39 0.2304 ha	394/85 0.0132 ha 394/86 0.2172 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa	<b>Ownership:</b> Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00015862/3
8.	351 0.0744 ha	351/1 0.0025 ha 351/2 0.0719 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa	<b>Ownership:</b> Natural persons	Pr	B – residential areas	GW1S/00004627/4
9.	394/36 0.0169 ha	394/83 0.0013 ha 394/84 0.0156 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa	<b>Ownership:</b> Natural person	Pr	Bp – urbanised areas not developed or under development	GW1S/00014189/4
10.	390/9 2.7618 ha	390/12 0.0017 ha	Kostrzyn nad Odrą	KNO Sybiraków	<b>Ownership:</b> Municipality of Kostrzyn nad Odrą, ul. Graniczna 2	Co	Bi – other developed land	GW1S/00015860/9

		390/13 2.7601 ha	0004 Śródmieście		66-470 Kostrzyn nad Odrą		Sw – land under stagnant surface waters	
11.	344 0.1359 ha	344/1 0.0234 ha 344/2 0.1125 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego	<b>Ownership:</b> Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	rd – roads	GW1S/00027734/4
12.	345/1 0.2071 ha	345/4 0.0401 ha 345/5 0.1670 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego	<b>Ownership:</b> Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00022530/9
13.	345/3 0.0275 ha	345/6 0.0066 ha 345/7 0.0209 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego	<b>Ownership:</b> Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00015862/3
14.	346/11 0.7133 ha	346/12 0.0175 ha 346/13 0.6958 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego	<b>Ownership:</b> Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00027734/4
15.	394/82 7.9753 ha	394/92 0.0507 ha 394/93 7.9246 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Zakole	<b>Ownership:</b> Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00015862/3

Table 2 contains a list of plots located within the area affected by the investment project. The table specifies the way of affecting the real properties. It also contains plot No. 2/1 (the waters of Warta river), which during the Task will be taken free of charge for the purposes of the project under Article 20a(1) of the Road Act.

The list of plots, including their respective owners, is set out as Appendix 5 hereto, and will be published upon the anonymisation of personal data.

**Table 2** – List of plots to be restricted in use for the duration of the investment project

No.	Plot No. before division Total plot area	Commune / Precinct	Land location	Reference of the owner/perpetual usufructuary/manager as stated in the Land and Mortgage Register or the LBR	Owner Private - Pr Public - Pu Commune - Co Forests - Fr	Land use	Land and Mortgage Register No.	Impact on the real property
1.	390/7 0.6987 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego 34	<b>Ownership:</b> Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bi – other developed land	GW1S/00021425/3	Relocation of power network, relocation of sanitary sewerage system, area: 12.51 m <sup>2</sup>
2.	336/102 0.0030 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego	<b>Ownership:</b> Natural persons	Pr	Bp – urbanised areas not developed or under development	GW1S/00033861/8	Relocation of power network, area: 18.50 m <sup>2</sup>

3.	378 0.2419 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego 10	<b>Ownership:</b> Municipality of Kostrzyn nad Odrą, <b>Perpetual usufruct:</b> Bank Zachodni SA <sup>1</sup> ul. Rynek 9/11 50-950 Wrocław	Co/Pr	B – residential areas	GW1S/00011184/8	Relocation of power network, area: 18.50 m <sup>2</sup>
4.	347 0.0687 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego 8	<b>Ownership:</b> Natural persons	Pr	B – residential areas	GW1S/00004481/8	Relocation of power network, area: 12.32 m <sup>2</sup> Reconstruction of individual exit road area: 4.41 m <sup>2</sup>
5.	348/1 0.0614 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego 6	<b>Ownership:</b> Natural persons	Pr	B – residential areas	GW1S/00004271/3	Reconstruction of individual exit road area: 5.30 m <sup>2</sup>
6.	349 0.0706 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego 4	<b>Ownership:</b> Natural person	Pr	B – residential areas	GW1S/00004509/1	Relocation of power network, area: 10.49 m <sup>2</sup> Reconstruction of individual exit road area: 4.90 m <sup>2</sup>
7.	350 0.0724 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego 2	<b>Ownership:</b> Natural person	Pr	B – residential areas	GW1S/00014189/4	Relocation of power network, area: 5.36 m <sup>2</sup> Relocation of telecommunication network, area: 7.90 m <sup>2</sup> Reconstruction of individual exit road area: 35.54 m <sup>2</sup>
8.	352/1 0.2304 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa 1	<b>Ownership:</b> Natural persons	Pr	B – residential areas	GW1S/00004627/4	Relocation of power network, area: 7.70 m <sup>2</sup>
9.	62/2 0.5843 ha	Kostrzyn nad Odrą 0006 Stare Miasto	KNO Władysława Sikorskiego	<b>Ownership:</b> Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	rd – roads	GW1S/00029022/4	Reconstruction of public exit road area: 200.86 m <sup>2</sup>
10.	2/1 61.0123 ha	Kostrzyn nad Odrą 0006 Stare Miasto	KNO Warta River	<b>Ownership:</b> State Treasury <b>Permanent management:</b> Regional Water Management Authority in Poznań ul. Chlebowa 4/8 61-003 Poznań	Pu	Bz – leisure areas W – wasteland Rw – land under running surface waters	GW1S/00031427/0	Alteration of water supply inlet, area: 35.88 m <sup>2</sup>

<sup>1</sup> Data as in the Land and Mortgage Register, as of 30/12/2019. On 7 September 2018, Bank Zachodni S.A. changed its name into Santander Bank Polska S.A.

11.	345/5 0.1670 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego	<b>Ownership:</b> Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00022530/9	Relocation of water supply network, area: 184.64 m <sup>2</sup>
12.	344/2 0.1125 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego	<b>Ownership:</b> Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	rd – roads	GW1S/00027734/4	Reconstruction of public exit road, area: 2.64 m <sup>2</sup>
13.	390/13 2.7601 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Sybiraków	<b>Ownership:</b> Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bi – other developed land Sw – land under stagnant surface waters	GW1S/00015860/9	Relocation of power network, area: 12.64 m <sup>2</sup> Relocation of telecommunication network, area: 1.88 m <sup>2</sup> Relocation of telecommunication network, area: 3.56 m <sup>2</sup>
14.	394/93 7.9246 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Zakole	<b>Ownership:</b> Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00015862/3	Construction of provisional civil structure, area: 2157.07 m <sup>2</sup>
15.	394/91 0.1551 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa	<b>Ownership:</b> Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00015862/3	Construction of provisional civil structure, area: 2157.07 m <sup>2</sup>
16.	394/89 0.4491 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa	<b>Ownership:</b> Legal person	Pr	Bp – urbanised areas not developed or under development	GW1S/00023730/8	Relocation of power network, area: 193.95 m <sup>2</sup> Reconstruction of public exit road area: 132.24 m <sup>2</sup> Construction of provisional civil structure, area: 2157.07 m <sup>2</sup>
17.	351/2 0.0719 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa	<b>Ownership:</b> Natural persons	Pr	B – residential areas	GW1S/00004627/4	Reconstruction of individual exit road area: 7.32 m <sup>2</sup> Reconstruction of individual exit road area: 42.64 m <sup>2</sup> Relocation of gas pipeline, area: 7.90 m <sup>2</sup>



18.	2/5 42.5108 ha	Kostrzyn nad Odrą 0006 Stare Miasto	KNO Władysława Sikorskiego	<b>Ownership:</b> State Treasury <b>Perpetual usufruct:</b> Warta Mouth National Park, Osada 1 69-113 Górzycza Chyrzyno	Pu/Pr	Bz – leisure areas rd – roads W – wasteland Rw – land under running surface waters Sw – land under stagnant surface waters	GW1S/00028857/9	Construction of provisional civil structure, area: 2663.45 m <sup>2</sup>
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The site of the investment project, that is at km 107+211 of National Road 31 from Szczecin to Słubice, already includes a bridge used to cross Warta river, whose technical condition is satisfactory. In terms of flood protection, however, the present clearance is insufficient, as it restricts the possibility of ice-breaking, holds the low of ice and stops ice floe on the supports. If this happens, the icebreakers mooring downstream of the bridge are cut off from the ice-breaking zone on Warta river. The planned construction of the new bridge will provide the necessary clearance, which will in turn allow the icebreakers to work and ensure an unrestricted flow of ice floe.



*Road bridge – present condition*

Sikorskiego street, which runs through Kostrzyn nad Odrą, is a part of National Road 31 (technical class: G) managed by the GDDKiA. It is a two-lane single carriageway with a bituminous pavement and an overall width of approx. 8.60m. The road is provided with pedestrian pavements of approx. 2.50m, located on both sides of the road edge.

The water supply and sanitary sewage networks in the area are managed by Miejskie Zakłady Komunalne Sp. z o.o. Presently, the water supply networks run along Sikorskiego street, under the roadway, pedestrian pavement and shoulder. The area of the project lacks a sanitary sewerage network, but a design for a pressure sanitary sewer system is currently being prepared.

The area is provided with a gas system owned by Polska Spółka Gazownictwa Sp. z o.o. – Gas Management Board in Gorzów Wielkopolski.

The area of the investment project is provided with the following power networks:

- LV and MV cable lines owned by ENEA Operator Sp. z o.o.,



- street lighting owned by Enea Oświetlenie Sp. z o.o.

Any conflicting power networks will be relocated or removed.

The site of the investment project includes the following telecommunication networks:

- multiple cable ducting system with optical fibre and copper cables, owned by Orange Polska S.A.
- pipelines and underground cables owned by Orange Polska S.A.

There are conflicts between the planned road system and the existing telecommunication networks. During the investment project, there may be discovered service utilities owned by other entities.

There are no residential buildings or other buildings on the site of the Task. However, these are situated in the immediate vicinity of the investment project. There are infrastructural elements such as fences. This list may not be final, as the works may reveal more infrastructural elements, not marked on the maps, especially installed under ground. According to the LBR, the site of the task covers land which, due to their type and intended use, are classified as arable land – wasteland, designated with N<sup>2</sup>, which is their actual purpose – they are wasteland covered by trees and bushes of different age.

## 2.3 ENTITIES RESPONSIBLE FOR IMPLEMENTING SUBCOMPONENT 1B OF THE PROJECT

As from 1 January 2018, the main entity responsible for national water management is State Water Management Polish Waters (also referred to as Polish Waters or 'PGW WP'), seated in Warsaw.

PGW WP was founded under the Water Law of 20 July 2017 and the statute given under the Regulation of the Minister of Environment of 28 December 2017 (Polish Journal of Laws 2017, item 2506). Polish Waters is a state-owned legal person (Article 9(14) of the Public Finance Act of 27 August 2009 – Polish Journal of Laws 2009, item 1240, as amended).

PGW WP is responsible for comprehensive, broadly understood water management in Poland, including investment projects. The entity also represents the State Treasury and exercises its ownership rights with regard to the water, water equipment and other property related to water management, owned by the State Treasury. A detailed list of the rights and obligations, including the division of competence between the internal units and separated bodies, is set out in Article 240 of the WL. Polish Waters consists of the following organisational units: the National Water Management Authority seated in Warsaw, regional water management authorities, basin boards and water supervision offices.

In Article 536 of the WL, the legislator has regulated the issues regarding the continuation of projects commenced before the date the Law entered into force, by transferring to Polish Waters the rights and obligations arising from the contracts and decisions concerning projects carried out on the public water bodies owned by the State Treasury, and concerning principal drainage equipment, including the contracts financed or co-financed by foreign resources, which were previously implemented by regional water management authorities, provinces, province marshals or competent provincial organisational units. Article 526 of the WL stipulates that from the date the Law enters into force, Polish Waters shall also perform the tasks of the previous President of the National Water Management Authority, the previous directors of regional water management authorities, and

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<sup>2</sup> In accordance with § 68(1)(2) of the Regulation of the Minister of Regional Development and Construction of 29 March 2001 on the land and building register.

province marshals, which involve the maintenance of water and other property of the State Treasury related to water management and water management projects. It should be noted that all the receivables, liabilities, rights and obligations of the previous National Water Management Authority and the regional water management authorities have become receivables, liabilities, rights and obligations of Polish Waters. Therefore, it was a general succession from the previous regional boards to Polish Waters.

The reform of the water management was caused by the Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 (the so-called Water Framework Directive), which establishes a framework for Community action in the field of water policy. The reform was a condition which Poland had to satisfy in order to use the resources from the European Union operational programmes for 2014–2020. The Project Implementation Unit (PIU) for this Task is the State Water Management Authority Polish Waters, which has legal personality and exercises the ownership rights for and on behalf of the State Treasury. The Regional Water Management Authority in Szczecin is an internal unit of Polish Waters. In consequence, the State Water Management Authority Polish Waters will be the Investor in this Task.

To complement the group of entities engaged in the Task, we should explain that in terms of administration, which includes the applying for and obtaining the project implementation permit as well as expropriation and compensation decisions, the investor will be the GDDKiA. The said entity, being a central state administration office, will carry out actions commissioned by PGW WP, aimed to obtain any decisions and permits required to start and implement the Task. The substantive scope of such actions and the division of competence will be regulated in an agreement to be made between PGW WP and GDDKiA, which will additionally set out the rules of implementing Operational Policy OP 4.12 and the rules of paying compensations.

## 2.4 MONUMENTS PROTECTED UNDER THE PROVISIONS ON THE CONSERVATION AND CARE OF MONUMENTS

According to the Provincial Heritage Conservation Officer for Lubuskie Province in Zielona Góra (Branch Office in Gorzów Wielkopolski), the road bridge to be demolished, running along National Road 31, at km 107+211 (km 2.45 of Warta river), over Warta river in Kostrzyn nad Odrą, was built in the second half of the 19<sup>th</sup> century and then rebuilt in 1945 and 2000. As a result of the reconstruction in 1945 and 2000, its architectural and historic qualities have disappeared. For this reason, the Provincial Heritage Conservation Officer for Lubuskie Province has consented to demolishing the bridge according to the presented reconstruction concept plan.

The present bridge over Warta river is located on the historic path running eastwards from the Kostrzyn Fortress built in the 16<sup>th</sup> century. In consequence, we should assume that the existing bridge is located in the place of the former bridge crossing whose residues may be hidden in the soil layers at the banks of Warta. Given the possible existence of cultural layers and structures, the Provincial Heritage Conservation Officer for Lubuskie Province in Zielona Góra will inform the future contractor on the procedure in the event of discovering an object having features of a monument, pursuant to Article 32(1) and (2) of the Act of 23 July 2003 on the protection and care of monuments (consolidated text: Polish Journal of Laws 2018, item 2067), and will be required to establish archaeological supervision.<sup>3</sup>

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<sup>3</sup> Article 32 [Obligations of a discoverer of a monument]

The cultural and landscape assets of Kostrzyn nad Odrą are composed by urban and architectural heritage (over 200 listed structures) as well as arranged vegetation areas. The element which particularly stands out is the green island being home to the ruins of a medieval town – the listed Kostrzyn Fortress. It is situated at the confluence of Odra and Warta rivers, and forms unique heritage of the European material culture. To date, there are still preserved the ruins of the fortress, including the visible forts from the 16<sup>th</sup> century as well as the remains of the castle, church, tenements and tram line.



*The Kostrzyn Fortress – present condition*

Considering the project location, and the scope and method of construction works, we have not found any potential significant adverse impacts on the historic structures, neither during construction nor during operation of the project.

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1. Anyone who, during construction or earth works, discovered an object which may be expected to be a monument, shall: 1) suspend all works which may damage or destroy such object; 2) secure the object and the place of its discovery using available measures; 3) notify forthwith the competent provincial heritage conservation officer, and if this is impossible, then the competent head of commune (city mayor).

2. The head of commune (city mayor) shall forthwith, but no later than within 3 days, forward the notification referred to in para. 1(3) to the provincial heritage conservation officer.

### 3. BASIC PRINCIPLES ADOPTED IN THE LA&RAP<sup>4</sup>

The principal objective of this Land Acquisition and Resettlement Action Plan is to acquire real properties necessary to implement the Works Contract in line with Polish legal regulations and the World Bank's Operational Policy OP 4.12, in a way to minimise the adverse impacts on the project affected persons, improve or at least restore their living conditions and ensure long-term and sustainable use of environmental resources in that area.

Unless adequate mitigation and prevention measures are planned and implemented, land acquisition may generate and strengthen inequalities and cause social exclusion and permanent environmental damage. Therefore, in planning and implementing the property acquisition process, it is required to apply the following principles:

1. Permanent and involuntary land acquisition shall be minimised or avoided where possible. Where permanent acquisition is unavoidable, the procedures and requirements outlined in this RAP shall be followed to mitigate the impact of the land acquisition on the parties interested.  
see:  
[http://www.odrapcu.pl/doc/OVFMP/Ramowy\\_dokument\\_dotyczacy\\_Przesiedlen\\_i\\_Pozy sk i wania\\_Nieruchomosci.pdf](http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozy sk i wania_Nieruchomosci.pdf)
2. The land acquisition procedures shall ensure that the living conditions of people are improved or at least restored to pre-project level.
3. All project affected persons (PAPs) shall be properly consulted and given the possibility to actively and effectively participate in improving the Project, and shall be given access to mechanisms enabling the submission of complaints and applications. The public consultation should account for the needs of vulnerable groups and those arising from participants' gender identity.
4. Project Affected Persons shall be provided access to fair, just and inexpensive appeal procedure conducted before an independent authority or before a court, which should be carried out without undue delay.
5. All land acquisition processes, whether permanent or temporary, shall be conducted in line with the procedures set forth in Polish legal regulations and in OP 4.12, as per the LARPF, and shall be elaborated in specific RAPs. LA&RAPs will be consistent with the LARPF.  
[http://www.odrapcu.pl/doc/OVFMP/Ramowy\\_dokument\\_dotyczacy\\_Przesiedlen\\_i\\_Pozy skiwania\\_Nieruchomosci.pdf](http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozy skiwania_Nieruchomosci.pdf)
6. This LA&RAP concerns permanent or temporary acquisition of real property, as well as permanent or temporary restrictions in using the property, which may in particular result in the (permanent or temporary) loss of revenue or the reduction of living standards.
7. The implementation of the LA&RAP shall be monitored and documented, and evaluated upon completion.
8. The process of public participation and the protective and mitigation measures shall be carried out in line with the principle of equal treatment regardless of age, sex or disability of the project affected persons. Particular attention must be paid to the households where a member or members belong to the vulnerable groups.
9. Land Acquisition and Resettlement Action Plans are prepared and implemented as integral parts of the Project. All costs of planning and implementing the compensation measures shall be included in the costs and benefits of the Project.

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<sup>4</sup> The contents of this chapter are in line with the LA&RPF.