Resettlement Action Plan

Racibórz Dolny Dry Polder in Racibórz

Poland – Odra River Basin Flood Protection Project

Original: August 2005
Updated on 2010, 2014
Most Recent Update on March 2015
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Introduction

Resettlement Plan.

The resettlement plan is the document updated in year 2010, adopted by the Polish Government as a party of the loan agreement dated May 11th, 2007 concluded with the International Bank for Reconstruction and Development for financing the construction of Racibórz reservoir. The Resettlement Action Plan is establishing the legal, economic, sociological and organizational frameworks for the resettlement of residents from the area of Reservoir Raciborz.

This update of the Resettlement Plan (the previous update was developed as on 31.05.2014) was developed as on March 2015 due to the evolving preparation process of the investment.

Justification of the RAP update - March 2015

The Resettlement Plan (RAP) constitutes the basis for the implementation of the resettlement process as part of preparation of the Racibórz Dolny flood protection Polder. The Investor - the Regional Authority for Water Management in Gliwice, represented by the Project Implementation Unit in Racibórz, complies with the solutions adopted and accepted in the Plan in all activities leading to the implementation of the New Village.

The following are of key importance for Resettlement Action Plan implementation:

- the decision of the Silesian Voivode of 26 November 2012 (the final decision as of 12 January 2013) on a permission to implement a flood protection investment titled “Flood protection reservoir Raciborz Dolny on the Odra River in Silesian Voivodeship (polder)”; and the related right to the investment site obtained by the Investor (RZGW GL) and the payment of due compensation to owners;

- the replacement areas transferred in 2012-2013 by the Investor (RZGW GL) to the inhabitants of the liquidated villages of Nieboczowy and Ligota Tworkowska;

- funding agreements concluded between the Investor (RZGW GL) and the Lubomia Commune for construction of road and technical infrastructure in the New Village (20.12.2012) financing the construction of municipal infrastructure in the New Village (27.03.2013);

- an agreement concluded between the Investor (RZGW GL) and the Roman-Catholic Parish Church in Nieboczowy for the financing of church construction in the New Village (27.03.2013);

- the permits obtained for technical infrastructure construction in the New Village of Nieboczowy and commencement of its construction (2013-2014);
The progress of individual works and its specification also indicates the need to update the provisions of the Resettlement Action Plan. This version of the Resettlement Action Plan (March 2015) includes, most of all, the Investor’s request of public actions in the New Village, i.e. the Lubomia, in scope of possible aggregated settlement of expenditures incurred for New Village construction, indicated as expenditures for:

- technical infrastructure: construction of the drainage and sewage system, wastewater treatment plant, water supply and power networks, street lighting and roads and pavements;
- and municipal infrastructure: apartments in municipal buildings, a fire station building with the community’s common room, public square, park, sports areas with a building, cemetery with relocation of graves and historical crosses and shrines.

In accordance with the Commune’s substantiated request, if no changes are introduced into the Resettlement Action Plan, a risk may emerge of underestimating the planned expenditures for municipal infrastructure in the New Village, which may, in consequence, lead to the suspension of certain actions, and this – considering the progress of the inhabitants’ works and the social arrangements – would adversely affect the progress of the resettlement process. It should be underlined that the costs for municipal infrastructure included in the Plan were estimated only based on preliminary concepts. The design works currently underway allow to estimate the planned costs more accurately, though.

**Without increasing the expenses indicated in the Resettlement Action Plan for New Village construction**, a change is introduced well in advance, on the investor’s prudence basis, about a possibility of combining the settlement of the Lubomia Commune’s expenses incurred for the municipal and technical infrastructure in the New Village (RAP - item 5.11.).

The Resettlement Action Plan update also includes the current progress of the New Village together with a description of the projects being implemented (Chapter 5) and an updated description of the costs incurred (Chapter 6).

**Construction of Racibórz Dolny Flood Protection Reservoir (polder)**

The phase of investment preparation was closed in 2012 and the final, most important decision was obtained allowing to commence construction works. On November 26th, 2012, the Silesia Voivodee issued decision no. 1/2012 permitting
the construction of a flood protection investment called “Flood protection reservoir Racibórz Dolny on the Odra river in Silesia (polder)”. 

The Silesia Voivodee, under the decision in question:

- granted permit for construction;
- approved building designs;
- approved the division of real estates;
- specified limitations for use in relation to properties necessary for functioning that do not become the State Treasury's property;
- allowed for limitations in the use of properties for the purpose of infrastructure reconstruction;
- awarded this decision the clause of immediate enforceability.

in addition, as a result of the final decision of permit for implementation, the State Treasury acquired the property right for the real estates necessary for implementation.

The basic documents completing the formal part of investment preparation are supplemented in scope of environment protection by:

- Decision of the Regional Director of Environmental Protection in Katowice no. RDOŚ-24-WOOŚ/66130/25-33/10/as of 7 September, 2010 establishing environmental conditions for the project entitled "Flood protection reservoir Racibórz Dolny on the Odder River in Silesia (polder), amended and upheld by the decision of Regional Director of Environmental Protection of 30 June 2011 no. DOOŚ-oa.4204.1.2011 amending and upholding the validity of the decision of the Regional Director of Environmental Protection");
- decision of the Regional Director of Environmental Protection in Katowice of 4 November 2012 no. WOOŚ.4242.136.2012.AS3.22.

The aforementioned decision has required the following amendments and clarifications to date:

a) a decision of the Silesian Voivode of 4 March 2013 on the correction of an obvious mistake (applied to 1 plot);

b) a decision of the Silesian Voivode of 3 October 2013 on the correction of an obvious mistake (applied to 1 plot);

c) a decision of the Silesian Voivode of 8 January 2015 on the correction of an obvious mistake (applied to 15 plots);

d) a decision of the Silesian Voivode amending the decision (of 26.11.2012) of 12 January 2015 (applied to 13 plots).
1 General characteristics of the Flood Protection Reservoir Project

1.1 Project description

1.1.1 Background

Large floods on the Odra and its tributaries are frequent: four floods were recorded in the 19th century and twelve in the 20th, that of July 1997 being the largest ever recorded. It was caused by extremely heavy rain, with some meteorological stations recording as much as 400mm over a four day period: the total July rainfall was four times that of the long term average. As a result an area of some 750km² was inundated in the three Voivodships of Slaskie, Opolskie and Dolnoslaskie damaging 37,000 buildings, 866 bridges and over 2,000 km of roads. The intangible damages comprising the costs of rescue, stress, loss of production etc were also considerable.

Regional Water Management in Gliwice (Gliwice RZGW legal predecessor) commissioned to work out to Hydroprojekt Warsaw - The Programme Spatial Concept (KPP) – second phase of build the Raciborz reservoir as the dry tank (polder flow) acting as flood - only functions immediately after the disastrous flood in July 1997. At that time, there was continued the construction of polder "Bukow". It started in 1989 and completed in 2002 as the first stage of Raciborz reservoir. The study of the KPP has been completed in 1998 and obtained approval of the Minister of Environment Mr. Anthony Tokarczuk - Decision No. 211 - XIX - 11/99 of 9 November 1999.

In the years 1998 – 2004 there was implemented in the Odra river basin Liquidation of the Effects of Flooding Project (PLSP) under a loan taken by the Government of the Republic of Poland at the World Bank. According to the above-mentioned project, the consortium consisting of companies: JACOBS GIBB (UK), Hydroprojekt Warsaw and GIBB Poland LLC worked out Feasibility Study of Raciborz Reservoir. In 2003 Feasibility Study of Raciborz Reservoir was extended to issues of modernization of embankments and buildings of Wroclaw Water Junction (W.W.W.).

On 5th July 2004 RZGW Gliwice received from Silesia Voivodee a decision No. RR - AB.II/ID/7111/93/04 on the location Raciborz Dolny (Lower) Reservoir on the Odra River in Silesia. The decision became final only on 20th June 2007 after the verdict of the Supreme Administrative Court dated 27th April 2007.

Feasibility Study (S.W.) and the above mentioned the location decision focusing on the public purpose were the starting material for the study and adoption by the Government of the Republic “Flood Protection Project Odra River” (POPDO), and then the conclusion by the Government on 11 May 2007, the relevant loan agreements with the World Bank and the loan agreement with the European Bank for Reconstruction and Development (CEB) to finance a large part of the “Flood Protection Project Odra River”.

Construction of Raciborz Reservoir is one of four components of that POPDO as "Component A". It is implemented by the RZGW Gliwice, Project Implementation Unit. Another severe floods in May / June 2010 confirmed the necessity and urgency of this program and the Reservoir Raciborz Dolny (polder).
1.1.2 The existing flood protection system

The existing flood prevention system of the Upper and Middle Odra River was completed in its main outline in the 1930's following the flood of 1903. Subsequently the system, which comprises reservoirs, polders, relief channels and dykes has been extended and modernized. Although the Raciborz Reservoir was first conceived in the 19th century the project was not implemented so far.

The magnitude of the 1997 flood substantially surpassed the capacity of the flood defence system, resulting in overtopping and breaching of the flood protection dikes, whole Odra Valley was flooded and most of the Odra River tributaries, killing nearly 60 people.

1.1.3 The planned Racibórz flood protection reservoir

The Raciborz Dolny Flood Reservoir on the Odra river with the area of 26.3 km², according to the design assumptions, will be a structure forming part of the flood protection system of the Odra river valley situated downstream of the front dam. It will be a polder where water will be stacked only in transformation of certain sizes of water flowing flood wave, and outside that periods will not be serve any practical function in terms of water management.

The polder is designed as a class I structure to receive a flood wave with the probability of $p \geq 0.1\% : Q_{0.1\%} = 2650 \text{ m}^3/\text{s} – \text{measurable water and} p \geq 0.02\% : Q_{0.02\%} = 3200 \text{ m}^3/\text{s} – \text{control water.}$. The maximum headwater elevation of the reservoir is 195.20 m above sea level. Water management of the Racibórz Dolny polder will consist of reasonable disposal of the polder's water reserve by maximally reducing the culmination of flooding while filling the entire volume of the flood reserve.

Presented below are the main structures of the reservoir and their use:

- Frontal and side dams – will be made of loose materials. Static embankments made of loose soil. The maximum headwater elevation adopted in agreement with the Czech party is 195.20 m above sea level.
- Overflow-drain structure with six outlets closed with valves and the bottom outlets located in the pillars of the weir. The structure will enable the regulation of water discharges in full scope.
- Release to the City Odra, feeding water to the limit flow of 28 m³/s. In connection with construction of a release to the City Odra, it is planned to dismantle the existing gate together with concrete protection of the riverbed and to liquidate the embankment.
- In accordance with the requirements of the decision on environmental constraints, the existing route of the Psina river will be maintained, i.e. discharge of the river to Odra within the reservoir's bowl. The old riverbed will be supplied with a culvert under the dike. The new bed of Psina River constitutes a relief channel functioning periodically, in case of simultaneous
flooding in the catchment of the Psina River and filling the polder to the level of obstructing the gravity outflow into the old river bed.

- Water supply of the oxbow lake of the Plinc stream – in order to save the valuable ecosystem, will be executed in any station of the head dam. This will be executed with a gravity culvert through the dam, closed during the filling of the reservoir. Water will be delivered from the Plinc stream.

- Water will be drained from the Bukow catchment thanks to a partly modified estuary section of the Łęgoń stream. In normal operating conditions, water from the Łęgoń stream will be discharged by the gravity pipes through the dike into the Odra River bed. In periods of filling the Racibórz reservoir, the gravity outflow will be closed and the pumping station will take over the function of drain. Outflow from the catchment to the above pumping station is ensured by retaining water in the three local reservoirs: a reservoir by the Bukow pumping station (taking into account the existing excavation voids), Syrynka reservoir and in the recreation reservoir of KWK JASMOS.

- The drainage of the Lubomia catchment will use the relocation of the bed of Lubomka stream on a length of 387 metres whose water will be passed with two pipelines through the side dike into the Odra River bed. When the polder is damming water, the pipelines will be closed and water will be discharged through the Lubomia pumping station. The pumping station will be supported by a balancing reservoir located in the vicinity.

- The drainage of the Pogrzebien catchment. Water from the catchment will be gravity discharged (with partial use of the Pogrzebień storage reservoir) with pipelines to the Racibórz reservoir when damming when it is stacked with water. When the Racibórz reservoir is filled to higher levels, the water discharge pipelines will be closed and water from the catchment will be stored in the Pogrzebien storage reservoir and then discharged through the release with controlled outflow to the ditch and to the Bukow pumping station.

- The drainage system for the Lapacz catchment. Water will be drained from the outer embankment zone, near the Lapacz hamlet, using designed gravity culverts. During the normal use of the Racibórz reservoir, these facilities will be used to pass storm water underneath the dam body towards the Odra river. In case of flood freshet and when the outlets into the polder are closed, water will pass through the overflow to a collecting ditch and then to the relocated Psina River bed.

- Drainage system for the Tworkow catchment. Water from this catchment will be collected in a ditch, which is parallel to the dike, and discharged to the Psina River bed, near under the crossing with the railway bridge.

The polder will be operated as a dry flood protection reservoir, thus allowing further excavation of construction aggregates within the bowl. In the periods outside floods, the technical solutions of the polder generally maintain the existing hydrological system. The technical structures are grouped into five facilities in order to achieve the organisational goals of reservoir construction. These include:
Structure no. 1: Head dam with related structures (CATEGORY: XXVII):
- total length – 4000m; dam axis situated in km 46 + 300 of the Odra river; trapezoid cross section of the head dam with the following parameters:
  - max. height – 11.1m, weir top coordinate – 197.5 m a.s.l., weir top width – 6.0m;
  - the following is situated inside the dam’s body: culvert supplying the Plnc stream below the head dam (km 0+240.16);
  - the overflow-draining structure (km 1+432.34), with the size of 6x12 = 72m, with 6 bottom outlets dimensioned 3.5x4.5m;
  - sluice to the City Odra River (km 2+882.74);
  - access channel (1800m long) and outflow channel as the extension of the stilling basin of the overflow and draining structure, situated in the front dam and discharging water to the existing Bypass Channel;
  - provision of the relocated flood embankment of the Bypass Channel with the height of 2.0 – 2.9m and length of approx. 279m (km 2+692.5);

Structure no. 2: Left-side bank with related structures (CATEGORY: XXVII):
- total length – approx. 9598m;
- construction of the new River Psina riverbed, with a trapezoid section and the parameters: bottom width of 8.0 m and inclination of slopes 1:2;
- hydrotechnical system by the railway bridge, considering distribution of water during dam construction;
- release to the Psina River old bed;
- bridge structures in the place of the designed roads passing through the dam’s crest in km 0+ 465 of the dam (structure 250) and in km 2 + 607 of the dam (structure 251);
- discharge of waters from the Lapacz catchment in km 8 + 365 and in km 9 + 535 of the dam (culverts);
- discharge of waters from the Tworków catchment, by building a collective channel with outflow to the Psina river near the weir and railway bridge on the Psina river (approx. km 5.0 of the Psina river, approx. km 3.7 of the dam);

Structure no. 3: Right-side bank with related structures (CATEGORY: XXVII):
- the dam is mostly about 6.8 m high (occasionally 9m high), with three types of cross-section: type I - made of loose material with a bentonite mat of PE foil (type I embankment length is 6 718 m, from km 0+532 to km 7+250),
  - type II – using the lateral section of the existing right-bank flood protection embankment of the Odra river (in km 7+250 - 8+800, on the length of 1 550 m) – type III - buttress (in km 0 – 0+532), as the reinforcement of the existing rail embankment;
- discharge of water from the Bukow catchment, through a dry storage reservoir (area of approx. 9ha, reservoir capacity of V= 437 thousand m3);
- a culvert under the dam as a 3 x D1400 mm gravity pipeline with the length of 3x58 m
- the Łęgoń stream riverbed relocation, with the bottom width of 2.0m, inclination of slopes 1: 2 and depth of 1.0m
- a reserve reservoir (KWK “JASMOS” creation pond);
- the Syrynka reservoir with the area of approx. 39 ha (the natural topography will be used and it will be partially deepened);
- the Bukow pumping station as an underground reinforced concrete structure with the dimensions of 19.6x9.0m and height of 8.35m;
- forcing pipelines Dn 800mm with the length of approx. 70m each with a discharge ditch;
- discharge of water from the Lubomia catchment, via a storage reservoir with the volume of approx. 200 thousand m3 together with:
  - a culvert (two D1400mm pipelines) under railway tracks and dam,
  - a discharge ditch,
  - relocated Lubomka stream riverbed on the length of 387m,
  - provision of an outlet bed with the length of 163m (together with a pumping station as an underground reinforced-concrete structure, with the dimensions of 8.7x13 m and height of 6.0 m together with forcing pipelines);
- Water drainage from the Pogrzebień drainage basin, through a storage reservoir (in the area of km 2+350-3+100 of the right-side bank dam) with the total volume of Vc=approx. 52 tys.m3, retention volume of VR=approx. 48 thousand m3(max. depth of the reservoir is 2.3 m) together with inlet ditches.

Structure no. 4: Reservoir operating backyard (CATEGORY: VIII):
- residential building (developed area of - 138.16 m2, cubature - 1 500.40 m3);
- administration building (developed area of -193.71 m2, cubature - 1 639.47 m3);
- garage-workshop building, including: staff welfare part, workshop, storage of flood protection equipment, garages and boiler room with oil storage (developed area - 269.50 m2, cubature - 2344.32 m3);
- equipment sheds - no. 1 and no. 2 - as a steel structure with trapezoid steel roofing, cased with a wall with the height of 2.50m (developed area of - 136.50 m2 and - area - 136.50 m2, cubature - 726.27 m3 and 726.27 m3)
- garbage dump (developed area - 21.00 m2, cubature - 65.10 m3),
- container transformer station - T1 20/630kVA with a 20/0.4kV oil transformer with capacity of 160kVA in a concrete case, on a foundation made of reinforced concrete.

Structure no. 5: Reservoir’s bowl (CATEGORY: XXVII):
- construction of islands – earth islands made of local soil not suitable for the construction of the dam, with the elevation of the islands’ crest equal to or higher than the maximum permissible water level, with the slope inclination of 1:2.5 to 1:5, secured by applying materials approved for use in the environment, i.e. crushed stone, wicker fascines, seedlings of trees and shrubs;
Regional Authority for Water Management in Gliwice
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- protection of the islands' crest by means of planting trees, by means of hurdles made of fresh wicker, sprout cuttings, deciduous tree branch cuttings;
- ditches in the levees separating future excavations (artificial water-filled reservoirs)

Traffic management:
The planned traffic solutions for dam and operating backyard management in connection with the external system with new sections of public roads and new bridges. Direct traffic management for each dam is ensured by service roads on the embankment crest and access roads and manoeuvring yards by the structures.

Power management:
Cable and overhead 20kV lines together with temporary transformer stations will be provided to supply the construction sites and back-up facilities;
back-up power supply for construction sites will be ensured with power generating sets with the capacity of, respectively,: 160kVA, 250kVA, 320kVA and 220kVA.
the final power supply with a ŚN 20kV 3x120AL cable connection together with a cable and metering connection (the total length of final cable lines ~ 3900 m);
a 20/630 container transformer station with 160kVA, 250kVA and 160kVA 20/0.4kV transformers is planned to supply the equipment and installations in the back-up facilities of the reservoir, overflow and draining structure and the release structure;
back-up power supply of the structure will be provided by means of power generating sets with the capacity of, respectively,: 60kVA, 100 kVA and 75kVA 0.4kV;

Water, sewage and heat management:
Water supply, sewage disposal and heat distribution systems are designed only for the structure no. 4 (Reservoir operating backyard ). 3.4 Cable communication lines: are designed for the head dam, within the operating backyard area along the left-side dam and along the right-side dam.

1.1.4 Objective of reservoir construction

The prime role of the project is to reduce the frequency and harmfulness of flooding in the upper Odra. This will be achieved in two ways:
 i) the reservoir will provide flood storage so that the flow rate downstream of the reservoir will be greatly reduced, as the effectiveness of the existing and supplement flood defence system in containing the flows will be improved.
 ii) Secondly the reservoir provides opportunities for delaying the timing of the flood peak at the confluence of the Nysa Klodzka River with the Odra so that the adverse combination of the two floods that was so damaging in 1997 is very much less likely.

Building Design for the entire project investment called Racibor Dolny (Lower) Reservoir on the River Odra in Silesia (Polder) ensure the implementation of the basic flood protection, both Racibor town and Odra River Valley (including cities
Kędzierzyn - Kozle, Krapkowice, Opole) and also reduce the flood risk in areas located below, including cities: Brzeg, Olawa, Wrocław. Construction Racibórz Reservoir is part of government’s long-term program called “Program for Odra 2006” in accordance with the Law of 06.07.2001 on establishing the long-term programme “Program for Odra 2006” (JoL No. 98, item 1067 as amended).

1.1.5 Social consequences of reservoir construction

Racibórz Dolny reservoir is a public project, that will secure flood safety for many cities, towns and villages in upper and middle Oder river valley. The residents of Racibórz, Kędzierzyn-Kozle, Krapkowice, Opole, Brzeg, Olawa, Wrocław and many riverside municipalities in śląskie, opolskie and dolnosłaskie voivodeship - a total of 2.5 million people, who live in the area that was inundated during July 1997 flood, wish that such a tragedy will not occur again and they are waiting for quick implementation of the project.

In this stage of the development the reservoir is erected as a dry reservoir except at peak flood periods, when it would be inundated for short periods of a few days to a few weeks. Under these conditions farming, but not residential occupation, could continue, with the risk that crops could be lost during inundation.

1.2 Area of the planned reservoir

1.2.1 Total reservoir area

According to the location decision total area required for the construction of flood protection reservoir Racibórz Dolny is around 3 000 hectares and is located in the area of 4 municipalities.

In accordance with the provisions of the Act dated 8 July 2010 on special rules of preparing to investment implementation in the scope of flood control structures (Journal of Law No 143, item. 963), the areas indicated as a reservoir bowl will be added to the investment area as areas necessary for its functioning. The real estates necessary for construction are the areas where construction works may be carried out. Such land, under the decision of the Silesia Voivodee of 26 November 2012 permitting flood protection investment implementation, would become the State Treasury’s property.

<table>
<thead>
<tr>
<th>Commune (gmina)/City</th>
<th>Land area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ha</td>
</tr>
<tr>
<td>Lubomia</td>
<td>1065</td>
</tr>
<tr>
<td>Racibórz</td>
<td>612</td>
</tr>
<tr>
<td>Kornowac</td>
<td>37</td>
</tr>
<tr>
<td>Krzyzanowice</td>
<td>912</td>
</tr>
<tr>
<td>Total</td>
<td>2626</td>
</tr>
</tbody>
</table>
1.2.2 Land required for reservoir implementation - land for construction structures

Area of land required for the construction of the reservoir facilities is approximately 1190 hectares. This area comprises of the following sites:

- The footprint of the embankment, width varying between 40m and 120m according to the height of the embankment above ground level
- Necessary service roads along the downstream toe, 4 m to 5m wide
- A 100m wide cordon upstream of the upstream toe (150m along the main dam)
- A strip of land, situated upstream of the cordon which is designated as borrow area to supply the earth fill for construction, up to 500ha of total area
- An area for the contractors offices and construction yard, 3 sites of total area 10ha
- Site haul roads, which will generally be accommodated within the cordon and upstream reserve.

1.2.3 Land required for investment implementation

Under the decision of the Silesia Voivodee no. 1/2012 of 26 November 2012 permitting the construction of the flood protection investment entitled “Flood protection reservoir Raciborz Dolny on the Odra River in Silesian Voivodeship (polder)”, as of 12 January 2013, all the real estates necessary for implementation (to date not owned by the State Treasury) have become the property of the State Treasury.

This way, nearly 190 ha of land was acquired as the State Treasury’s real estates. The remaining land (about 942 ha) was already the State Treasury’s property on the date of issuing the decision.

The land necessary for implementation is such land where construction works may be performed.

The land necessary for implementation includes:

- land necessary for implementation of building structures of the Reservoir;
- land developed with buildings situated in the villages of Nieboczowy and Ligota Tworkowska that finally must be demolished.

The land necessary for implementation (as of 31.01.2015):

<table>
<thead>
<tr>
<th>Poviat of Wodzislaw</th>
<th>790</th>
<th>367.0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poviat of Racibórz</td>
<td>1239</td>
<td>778.2</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>2029</td>
<td>1145.2</td>
</tr>
</tbody>
</table>
Including on the date of obtaining the decision – the land purchased for the State Treasury, including such in perpetual usufruct. In other words, for the land indicated below, it was necessary (and is necessary) to determine compensation for the acquisition of property rights.

<table>
<thead>
<tr>
<th>land necessary for implementation - acquired under a decision permitting investment implementation</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>plots</td>
<td>area in ha</td>
<td></td>
</tr>
<tr>
<td>Poviat of Wodzisław</td>
<td>277</td>
<td>54.6</td>
</tr>
<tr>
<td>Poviat of Racibórz</td>
<td>308</td>
<td>123.4</td>
</tr>
<tr>
<td>TOTAL</td>
<td>585</td>
<td>178.0</td>
</tr>
</tbody>
</table>

The land being the State Treasury’s property as of 31.01.2105:

<table>
<thead>
<tr>
<th>land necessary for implementation - being the State Treasury’s property</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>plots</td>
<td>area in ha</td>
<td></td>
</tr>
<tr>
<td>Poviat of Wodzisław</td>
<td>513</td>
<td>312.4</td>
</tr>
<tr>
<td>Poviat of Racibórz</td>
<td>931</td>
<td>654.7</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1444</td>
<td>967.1</td>
</tr>
</tbody>
</table>

The land being the State Treasury’s property, before the final date of the investment implementation decision, was used by multiple entities, in particular by:
- Regional Authority for Water Management in Gliwice,
- Starosta of Wodzisław,
- Starosta of Racibórz,
- Agricultural Property Agency
- Silesia Board for Amelioration and Hydraulic Structures

1.2.4 Land required for reservoir functioning — forest and agricultural areas in the reservoir bowl

The land necessary for functioning, according to the investment implementation decision, covers over 1700 ha. The difference between the reservoir footprint and the area required for construction and areas of buildings lies within the reservoir and although it will be subject to increased frequency and severity of flooding, this land can continue to be farmed or used for gravel extraction.

The land necessary for functioning includes in particular:
- the land situated within the designed Reservoir bowl;
• the land adjacent to the embankments, intended for use as storage reservoirs.

The land situated within the reservoir bowl was not considered by RZGW as necessary for construction, hence it has not been intensively purchased. Real estates were only purchased if so requested by a real estate owner. The majority of land situated within the Reservoir bowl is the State Treasury’s property, anyway.

The number of plots indicated in this category: 2394 plots.

A table indicating the type of property within the Reservoir bowl.

<table>
<thead>
<tr>
<th>Owned by</th>
<th>Qty</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Treasury</td>
<td>1302</td>
<td>1124.8</td>
</tr>
<tr>
<td>Others</td>
<td>1092</td>
<td>590.5</td>
</tr>
<tr>
<td><strong>total</strong></td>
<td><strong>2394</strong></td>
<td><strong>1715.3</strong></td>
</tr>
</tbody>
</table>

According to investor application the use is permanently restricted, as follows:

→ it is forbidden to locate in areas of particular risk of flood new projects, which may have a significant impact on the environment, collecting sewage, animal waste, chemicals and other materials that may contaminate the water, recovery or disposal of waste, including in particular, their storage;
→ it is forbidden to performing works and activities hampering the protection against floods or increase the risk of flood, including:
  – building of structures which are not water facility,
  – planting trees or shrubs, with the exception of wicker plantation, for the regulation of watercourses and vegetation being a part of the biological building of river valleys, slopes on gravel pits, or used to strengthen the banks of slops,
  – changes in topography except mining areas, natural aggregate, open pit mines,
  – storage of construction materials, with the exception of materials for the construction of water facilities and flood protection,
→ implementation of other work, except for work related to:
  – regulation or maintenance of water bodies and river banks, as well as maintenance, rehabilitation, development or re-development of flood embankments, ground dams of reservoir with functionally related objects
  – implementation of any work having negative influence on natural areas
  – implementation of any work, with the exception of maintenance work in the protective barriers belt from the polder side (required safety belts for front dam 200m and 100 m for the side dams)
→ non-residence in the reservoir after putting the object into operation
→ it is permanently restricted the use of the properties listed in the statement no. V, (plots, for which there is an obligation to rebuild the existing territorial
development network) relating to construction, modification and removal of power lines, to the Polish Energy SA TAURON located in Katowice. Limitation consists the right to place and leave these plots, and lines of power equipment within the scope of the project and access to the equipment, and lines at all times to control, measurement, inspection, maintenance, and failure removal or work connected with their operation, renovation, modernization and replacement to new equipment.
To ensure proper flow and storage conditions of flood water, within the flood polder, director of the Regional Water Management Board may waive the above restrictions in the way of use, by the decision of:
- indication of the method of cultivation and development of land, giving the different types of crops due to flood protection requirements
- indication the place and method of the extraction of aggregates from natural resources located in the polder, and provide conditions for development of abandoned mining areas
- recommended removal of trees or shrubs
→ All roads located in the reservoir bowl – will retain the character of public roads. In relation to the property or parts of them, which are part of the investment, which was not identified as necessary for the implementation, but occupied for the public roads in the area of investment, the way of using in existing character is not permanently limited
→ It is permanently restricted the use of the properties no. 730/710 premises Brzezie km. 9 and no. 732/17 premises Brzezie km. 9th Limitation consist in the right to place and left on above plots, the access road to operating facilities with all associated infrastructure (power lines, telecommunication lines, storm water drainage and sanitation, road embankment).

1.3 Administrative decisions issued

RZGW asked the municipal authorities about the localization decision in accordance with originally approved embankments route. Due to refusal of the location decision by the wojt (mayor) of Lubomia the competent authority for its issue became Silesian Wojewoda. By the decision of 21 September, 2004 Minister of Infrastructure upheld the Wojewoda’s decision and the Supreme Administrative Court ruling of 27 April, 2007 dismissed the complaint against the decision of the Minister of Infrastructure.

Decision of the Regional Director of Environmental Protection in Katowice no RDOS-24-WOOS/66130/25-33/10/as of 7 September, 2010, environmental conditions for the design have been established, entitled “Flood protection reservoir Racibórz Dolny on the Odra River in Silesia (polder).” The decision is final (updated and upheld by the decision of Regional Director of Environmental Protection of 30 June 2011).

The Silesian Voivode, with the decision of 26 November 2012 No. 1/2012, granted a permission to implement a flood protection investment “Flood protection reservoir Racibórz Dolny on the Odra River in Silesian Voivodeship (polder)”
Prior to issuing the above decision, a decision was issued by the Regional Director for Environmental Protection in Katowice of 4 October 2012 no. WOOŚ.4242.136.2012.AS3.22 agreeing the project conditions.

The aforementioned decision has required the following amendments and clarifications to date:

a) a decision of the Silesian Voivode of 4 March 2013 on the correction of an obvious mistake (applied to 1 plot);

b) a decision of the Silesian Voivode of 3 October 2013 on the correction of an obvious mistake (applied to 1 plot);

c) a decision of the Silesian Voivode of 8 January 2015 on the correction of an obvious mistake (applied to 15 plots);

d) a decision of the Silesian Voivode amending the decision (of 26.11.2012) of 12 January 2015 (applied to 13 plots).
2 Socioeconomic analysis

2.1 Socioeconomic data

The basis of socioeconomic databases information and data collected in the RAP – dated 2005 and data, analysis and materials gathered for the update of this study, in particular:

- Real estates in Nieboczowy and Ligota Tworkowska (1998) covered by the stocktaking process - each real estate (occupied in the past and/or currently occupied) located at one single address is called "the household";
- Results of quantitative questionnaire surveys - Nieboczowy and Ligota Tworkowska inhabitants opinion poll (1998 and 2002);
- Socio-demographic data concerning inhabitants of the two affected villages:
  - the opinion polls from 1998 and 2002
  - population register - PESEL data base (national ID number database), obtained from Lubomia Commune,
  - own work,
  - information obtained from inhabitants of the Nieboczowy village during talks in the information centre in Nieboczowy
- Results of fragmentary survey of households already purchased by the RZGW (2004);
- Cadastral data (land register) concerning land plots found within Project area (whole plot or its part within the reservoir footprint). Data was prepared from the register obtained from Geodetic Department of Raciborz Starosty, Wodzislaw Sl. Starosty and Raciborz City Office and dated January- March 2004 (documentation prepared by GEO-ROL Geodetic Services in Rybnik).
- Data from documentation to the application for a permission to implement a flood protection investment for the Racibórz Dolny Flood Protection Polder,

2.1.1 Villages and their history

a. Nieboczowy

Nieboczowy is inhabited by 370 residents (Source: information from the Municipality of Lubomia, September 2013). In 2004, according to this source in Nieboczowy were inhabited 564 residents. The history of both villages, Ligota Tworkowska and Nieboczowy is long and rich. The earliest historical account mentions Nieboczowy as a hamlet of loggers who cut the oak forest and floated the logs on Odra River. Prince Przemyslaw donated the oak forest in the Odra River valley to Raciborz residents in 1290 as recognition of their bravery. The name of the hamlet refers to "hamlet at the river valley-side". In 1603 the village was sold to Wadaw Reiswic,
while in 1730 its ownership was passed to count Franciszek Lichnowski. In 1840 the first school in Nieboczowy was founded. Since 2007 the school is a branch of the school in Lubomia. In Nieboczowy teaching is conducted for classes 1 - 3. The same plot at 20 Rzeczna Street is occupied by both school and kindergarten.

b. Ligota Tworkowska

The population of Ligota Tworkowska is 26 persons (Source: Information from the Municipality of Lubomia – September 2013). In 2004 in according to this source in Ligota Tworkowska were inhabited 125 residents. This village is located in the Odra River valley, neighbouring to Nieboczowy village and is much smaller than Nieboczowy. Mention of this village dates back to 1428, i.e. to times of king Wladyslew Jagiello when name of the village was “Lhota”. For a long time it used to be connected with Tworkow village as an estate. In 16th and 17th centuries its owners were often changing. The village is vulnerable to frequent floods in: 1881, 1854, 1880, 1903, including the 1997 “flood of the century”.

Figure 2.2. Graph showing the change of population in the years of 2004-2014

The change of population in the years of 2004-2014

* Data source: RAP, The Municipal Office in Lubomia, September 2013, and data verified for 2014

2.1.2 Population and demography

The villages Nieboczowy and Ligota Tworkowska belong to the Lubomia Commune which consists of six administration areas. The total population of the commune is about 8079. The population of the other villages in the commune in January 2010 was (information provided by Lubomia):

Lubomia – 3837;
Syrynia – 3211;  
Bukow – 300;  
Grabówka – 225  

Lubomia Commune is a commune of littlest density in Wodzislaw Poviat (county) (190 people/sq.km) and is two times smaller than Marklowice Commune (380 people/sq.km) and almost six times smaller than city of Jastrzebie Zdroj (1096 people/sq.km).

What is characteristic for the Lubomia Commune is the biggest quota of women (106.1 per 100 men) in poviat’s commune societies: Mszana (99.4), Gorzyce (103.4).

Table 2.2 Number of families in Ligota Tworkowska and Nieboczowy and number of residential plots.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Nieboczowy</td>
<td>564</td>
<td>148</td>
<td>370</td>
<td>118</td>
<td>298</td>
<td>86</td>
</tr>
<tr>
<td>Ligota Tworkowska</td>
<td>125</td>
<td>46</td>
<td>26</td>
<td>13</td>
<td>21</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>689</strong></td>
<td><strong>194</strong></td>
<td><strong>396</strong></td>
<td><strong>131</strong></td>
<td><strong>319</strong></td>
<td><strong>91</strong></td>
</tr>
</tbody>
</table>

*Source: Own estimation based on PESEL base and stocktaking.  
*there are also two residential houses left in Krzyżanowice commune for takeover with single-family houses

To define „residential plot” the following definition was used (based on: Illustrated Encyclopaedia for Everyone – Architecture and Building Engineering 1991): habitual residence, residential plot – stockyard plot isolated out of area of rural use together with dwelling houses and domestic buildings, yard, driveways and household garden.

2.1.3 Economy and employment

Silesian Province, to which Wodzislaw Poviat belongs, is an area that on the basis of natural resources has become the biggest industrial district in the state and which plays a decisive role in national economy as a fundament of national energy balance.

It belongs to a voivodeship that is the most densely populated in Poland – 377 people per sq.km: 4,645,665 Silesian residents inhabit the area of 12,334 sq.km (Data of Central Statistical Office Warsaw 2008).

The vision of Silesian voivodeship development according to the Silesian Voivodeship Development Strategy – Silesia 2020 – February 2010 (adopted by resolution of Sejmik III/17/1/2010 of February 17 2010) was written as following:
Regional Authority for Water Management in Gliwice
Project Implementation Unit - Racibórz Dolny Dry Polder in Racibórz

- Silesian voivodeship shall be a region that would ensure access to high standard public services, of modern and technologically developed economy and shall be an important partner in European development.

- Wodzislaw Poviat, where flood-control reservoir Raciborz Dolny is being realized, is localized in western sub region of functional-spatial layout of Silesian voivodeship (western zone of development policy).

- According to development strategy of the voivodeship, within the western zone of development policy organized around Rybnik (Rybnik Agglomeration), which is a centre of public services administration of national importance, of diversified development structure, and with limited coal mining, economic activities connected with the Odra River valley development among others, shall get a new meaning.

- Western sub region covers the area of 1353 sq.km which is inhabited by 637 thousand people.

- What is important from the point of view of the flood control reservoir to-be are the strategic goals of Silesian voivodeship development for years 2020 within the frames of residents safety (strategic goal B.1) and high quality of natural environment (strategic goal B.2). To implement these goals the following action lines and undertakings are significant:
  - limiting environmental risk
  - supporting development and protection of the Upper Odra Valley, and increasing the level of using the river for transport and storage purposes,
  - minimizing environmental risks against live and property, such as floods or droughts, and immediate and effective liquidation of damages arisen as a result of element activity. Efficient realization of these actions is connected with construction or reconstruction of facilities used for water storage and retention.

The flood control reservoir to be is located on the area of Euro region Silesia. It is one of three Euro regions created within the voivodeship on initiative of local government to support cross-border cooperation, especially within the field of culture and tourism.

Wodzislaw Poviat which consists of 4 cities and 5 communes (incl. Lubomia Commune) - (as for December 31, 2008) with its population density is the highest of all poviat's in Silesian voivodeship. Average population density is 543 people/sq.km while in Lubomia Commune the index is 190 people/sq.km.

Table 2.3 Wodzislaw, Raciborz and voivodeship population (Silesian voivodeship)

<table>
<thead>
<tr>
<th>POVIAT</th>
<th>Population</th>
<th>Age breakdown</th>
<th>Per sq. km</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>total</td>
<td>men</td>
<td>women</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

26
Wodzislaw Poviat in comparison to Raciborz and Silesian voivodeship has got the highest percentage of population in pre-working age (19%) and the lowest percentage of population in working age (64.2%). Against this background the Lubomia Commune is likely to the voivodeship, and at the same time its population has got the lowest share of non-working people per 100 of working people in comparison to other communes of Wodzislaw Poviat (Lubomia – 54.0; Marklowice – 63.6; Mszana – 56.3; Gorzyce – 56.8; Godow – 54.5).

Table 2.4 Birth rate and migration

<table>
<thead>
<tr>
<th></th>
<th>Birth rate</th>
<th>Migration per 1000 people</th>
</tr>
</thead>
<tbody>
<tr>
<td>Silesian voivodeship</td>
<td>-2.0</td>
<td>-1.5</td>
</tr>
<tr>
<td>Wodzislaw Poviat</td>
<td>1.0</td>
<td>0.7</td>
</tr>
<tr>
<td>Raciborz Poviat</td>
<td>-0.8</td>
<td>-0.1</td>
</tr>
<tr>
<td>Rybnik Poviat</td>
<td>2.0</td>
<td>3.2</td>
</tr>
</tbody>
</table>

Source: Statistical Office in Katowice year 2009 (as of December 31, 2008)

Wodzislaw Poviat against the background of neighbouring poviat’s and whole voivodeship is presented as the following (on the basis of data of Statistical Office in Katowice year 2009):

- Positive growth ratio and positive migration define Wodzislaw Poviat (and Rybnik Poviat) as areas advantageous for demographic growth, which is distinguishing in a voivodeship of negative growth ratio and negative migration.
- Silesian voivodeship population has decreased almost by 86 thousand residents since 2003 while Wodzislaw Poviat population has increased by about 180 people. Lubomia Commune population has increased slightly as well (by about 80 people), especially population of Syrynia village (by about 140 people). A new resettlement village for Nieboczowy residents is planned to be build within the area of this village.
- Number of unemployed in the poviat as well as in the voivodeship has decreased significantly in comparison with year 2004. Unemployment rate in voivodeship decreased from 16.17% in 2004 to 6.9% in 2009 (December 31, 2009), similarly to Wodzislaw Poviat (from 17.1 million in 2004 to 7.5 million in 2009), while at the same time share of women in total number of unemployed increased (from 57.9% in 2004 to 69 % in 2009).
Table 2.5 Unemployment in Wodzislaw and Raciborz poviat’s against the background of the Silesian voivodeship.

<table>
<thead>
<tr>
<th>POVIAT</th>
<th>Registered unemployed</th>
<th>Registered unemployment rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>total</td>
</tr>
<tr>
<td>Silesian voivodeship</td>
<td>122.700</td>
<td>59,5</td>
</tr>
<tr>
<td>Raciborz Poviat</td>
<td>1.851</td>
<td>62,7</td>
</tr>
<tr>
<td>Wodzislaw Poviat</td>
<td>3.482</td>
<td>69,0</td>
</tr>
</tbody>
</table>

Source: Statistical Office in Katowice year 2009 (as of December 31, 2008)

There are a number of small businesses in the project area. Most are dependent mainly on customers from Nieboczowy and Ligota Tworkowska. An attempt was made to survey small businesses in the reservoir area, but the proprietors were unwilling to participate. It is therefore necessary to base our conclusions on observations, secondary data and estimated values.

Table 2.6 Affected businesses

<table>
<thead>
<tr>
<th></th>
<th>Nieboczowy</th>
<th>Ligota Tworkowska</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>1 Pig farm</td>
<td>1 Chicken farm</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 Chicken slaughterhouse</td>
</tr>
<tr>
<td>Light Industry and services</td>
<td>3 Mechanical workshops</td>
<td>1 Electroplating works</td>
</tr>
<tr>
<td></td>
<td>1 Bakery</td>
<td>1 Workshop</td>
</tr>
<tr>
<td></td>
<td>1 Refuse collection</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 Gravel mines</td>
<td></td>
</tr>
<tr>
<td>Shops, cafes, hotels</td>
<td>1 Tourist resort and leisure centre</td>
<td>1 Shop</td>
</tr>
<tr>
<td></td>
<td>1 Tourist resort now defunct</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 Shop</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 Restaurant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 Pubs</td>
<td></td>
</tr>
</tbody>
</table>

Source: Property surveyors from RAP and RZGW data

A few owners have already sold their business to the Investor (RZGW). They have been allowed to continue their business activity in the old location until they re-
establish their business somewhere else. It is favourable solution for them and their employees as they will not suffer from the loss of income.

The main external labour market for residents of Nieboczowy and Ligota Tworkowska are neighbouring coal mines, and service and manufacture objects localized in neighbouring towns.

Table 2.7 Individual entities having sole proprietorship (excl. privately owned farms)

<table>
<thead>
<tr>
<th></th>
<th>total</th>
<th>Industrial processing</th>
<th>engineering</th>
<th>Trade and repairs</th>
<th>Hotels and restaurants</th>
<th>transport and communication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raciborz Poviat</td>
<td>5538</td>
<td>593</td>
<td>827</td>
<td>1752</td>
<td>174</td>
<td>412</td>
</tr>
<tr>
<td>Rybnik Poviat</td>
<td>3997</td>
<td>414</td>
<td>573</td>
<td>1477</td>
<td>144</td>
<td>396</td>
</tr>
<tr>
<td>Wodzislaw Poviat</td>
<td>8202</td>
<td>724</td>
<td>1044</td>
<td>3042</td>
<td>327</td>
<td>715</td>
</tr>
<tr>
<td>Lubomia Commune</td>
<td>385</td>
<td>39</td>
<td>75</td>
<td>121</td>
<td>14</td>
<td>33</td>
</tr>
</tbody>
</table>

- in Wodzislaw Poviat, similarly to neighbouring poviat’s, cc. 8% of population in working age lead sole proprietorship as individual entities.

Table 2.8. Industrial and municipal waste water, and population taking advantage of waste water treatment plant

<table>
<thead>
<tr>
<th></th>
<th>Waters needing treating in h m³</th>
<th>treated waters h m³</th>
<th>Non-treated waters h m³</th>
<th>Population taking advantage of waste water treatment plant in % of total population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raciborz Poviat</td>
<td>2,6</td>
<td>2,5</td>
<td>0,1</td>
<td>50,6</td>
</tr>
<tr>
<td>Rybnik Poviat</td>
<td>5,3</td>
<td>0,8</td>
<td>4,5</td>
<td>48,6</td>
</tr>
<tr>
<td>Wodzislaw Poviat</td>
<td>15,2</td>
<td>5,1</td>
<td>10,2</td>
<td>40,2</td>
</tr>
<tr>
<td>City of Rybnik</td>
<td>9,4</td>
<td>9,2</td>
<td>0,2</td>
<td>69,9</td>
</tr>
<tr>
<td>City of Jastrzebie - Zdroj</td>
<td>3,8</td>
<td>3,7</td>
<td>0,2</td>
<td>78,1</td>
</tr>
<tr>
<td>City of Zory</td>
<td>1,8</td>
<td>1,8</td>
<td>0,0</td>
<td>81,0</td>
</tr>
</tbody>
</table>

- in comparison with neighbouring residential units Wodzislaw Poviat has got the biggest amount of waste water that needs treating while only cc.40% of its population takes advantage of waste water treatment plant (Raciborz Poviat 50,6 %, Rybnik Poviat 48,6 %, city of Zory 81 %).
2.1.4 Land use

Despite centuries-old economic activity connected with mining in Silesian voivodeship, still cc. 31.8% of its area is covered with forests (national average for the voivodeship is 28.9%), and 36.5% with arable land, which means that over 68% of the voivodeship area is covered with land of environmental use (source: Statistical Yearbook of the Regions, GUS Warsaw 2008).

Lubomia Commune area which is going to be affected by flood control reservoir construction and resettlement of residents of Ligota Tworkowska and Nieboczowy villages can be characterized as follows (based on Census of Agriculture 2002 – Statistical Office in Katowice, and land use plan of Lubomia Commune of 2009):

- The area of 4180 ha which is confined within administrative borders of Lubomia Commune consists of six villages connected with the Lubomia village which is the major settlement unit and seat of local government.

- As far as geographical issues are concerned commune area is clearly divided into western part, which is a wide and flat land of the Odra River valley with a pond farm “Wielikat”, and to eastern part of Rybnik Plateau of a diversified relief which towers over the Odra River valley. Residents inhabiting footprints of the reservoir to-be are going to be resettled out of the western part to the eastern part of commune.

- The structure of commune agricultural land which covers cc. 2470 ha is the following: arable land takes 66.1%, meadows and pasture land 11.4%. About 400 ha of water surface is taken by fish ponds that are under protection within the frames of Landscape-Nature Protected Complex “Wielikat”. Forests, which occur in eastern and south-eastern part of commune, cover about 554 ha, which gives just about 13% of commune total area.

- Within administrative borders of Lubomia Commune there is Natura 2000 Area – “Wielikat Ponds and Tworkow Forest” - PLH 240040 (source: http://Natura 2000 G.DOS.GOV.PL)

- Directly to the above mentioned area within the area of Krzyżanowice Commune adheres Natura 2000 Area - Forest nearby Tworkow – PLH 240040

- As far as farmstead size is concerned majority of farms are up to 1 ha (about 76% of total number of farmsteads). Farmsteads of over 10 ha are only 1.4% of total number of farmsteads, and farmsteads from 1-5 ha are about 20% of all farmsteads.

- In employment structure of the commune population the branch mostly occupied beyond agriculture is industry, which covers 40% of total number of employed.

- Settlement system of the commune consists of villages that are not evenly urbanized and the smallest of which: Ligota Tworkowska, Bukow and Nieboczowy are located in the Odra River Valley, while the leading villages...
that have got larger building development area are located within the strip of Rybnik Plateau upheaval

- Within the system of leading villages localized over the Odra River Valley are inscribed areas lying in the southern part of Syrynia village that are assigned for the new village for families resettled from Ligota Tworkowska and Nieboczowy. This land is localized about 30 m higher than Ligota Tworkowska and Nieboczowy.
- Urban system of Ligota Tworkowska village is a linear arrangement in which buildings are situated on the verges of road which is almost parallel to the Odra riverbed.
- Urban system of Nieboczowy village is a typical multistreet settlement which is situated about 500 to 800 meters out of the Odra riverbed. Buildings are separated from the Odra River with water land that is a remainder of gravel mining which had had place there. Today this land is partly used for sport and recreation connected with water.
- Nieboczowy village has got a few public facilities where its residents meet. Access roads to the building system focus around an oval made with buildings that can be treated as the village centre.

2.1.5 Technical infrastructure

Both Ligota Tworkowska and Nieboczowy have water supply, power and terrestrial telephone networks

a. Water-supply and sewage systems

The two villages are served by a local water treatment plant drawing from groundwater. In 1991 an investment was completed on a 0.3 ha large plot, and it consists of water intake, water treatment plant and about 10 km long network. Then 129 households were connected to the network (based on „Wieś Nieboczowy nie zniknie z naszych serc” – Barbara Mazurek – 2009).

There is no central sewage system. Each dwelling has its own septic tank or shares with neighbours.

Table 2.10 Summary of water supply band sanitation (N=197).

<table>
<thead>
<tr>
<th>Village</th>
<th>Running water from water supply system</th>
<th>Flushed toilet in a residential building</th>
<th>Bathroom with tub or shower</th>
<th>Own cesspit connected to house sanitary system</th>
<th>Other solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nieboczowy</td>
<td>83,4%</td>
<td>72,8%</td>
<td>81,5%</td>
<td>78,8%</td>
<td>9,9%</td>
</tr>
<tr>
<td>Ligota Tworkowska</td>
<td>82,6%</td>
<td>60,9%</td>
<td>71,7%</td>
<td>69,6%</td>
<td>2,2%</td>
</tr>
</tbody>
</table>
Regional Authority for Water Management in Gliwice
Project Implementation Unit - Racibórz Dolny Dry Polder in Racibórz

<table>
<thead>
<tr>
<th>Village</th>
<th>Central heating system with coal-fired furnace</th>
<th>Central heating system with gas-fired furnace</th>
<th>Connection of three-phase power supply</th>
<th>Other solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nieboczowy</td>
<td>80,8%</td>
<td>0,7%</td>
<td>72,8%</td>
<td>1,3%</td>
</tr>
<tr>
<td>Ligota Tworkowska</td>
<td>65,2%</td>
<td>6,5%</td>
<td>67,4%</td>
<td>2,2%</td>
</tr>
<tr>
<td>Total</td>
<td>77,2%</td>
<td>2,0%</td>
<td>71,6%</td>
<td>1,5%</td>
</tr>
</tbody>
</table>

*Source: Jacobs estimation based on residents’ opinion poll from 2002.*

b. Waste management

This is undertaken on the basis of individual households' arrangements with a local contractor who takes the refuse to a collection centre outside the reservoir area.

c. Power infrastructure

All houses are connected to power supply.

Table 2.11 Summary of household heating and power supply (N=197)

<table>
<thead>
<tr>
<th>Village</th>
<th>Central heating system with coal-fired furnace</th>
<th>Central heating system with gas-fired furnace</th>
<th>Connection of three-phase power supply</th>
<th>Other solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nieboczowy</td>
<td>80,8%</td>
<td>0,7%</td>
<td>72,8%</td>
<td>1,3%</td>
</tr>
<tr>
<td>Ligota Tworkowska</td>
<td>65,2%</td>
<td>6,5%</td>
<td>67,4%</td>
<td>2,2%</td>
</tr>
<tr>
<td>Total</td>
<td>77,2%</td>
<td>2,0%</td>
<td>71,6%</td>
<td>1,5%</td>
</tr>
</tbody>
</table>

*Source: Jacobs estimation based on residents’ opinion poll from 2002.*

d. Access to stationary telephone network

A telephone service is available, but less than a half of the houses in Nieboczowy and Ligota Tworkowska are connected.

Table 2.12 Percentage of households with telephone (N=197).

<table>
<thead>
<tr>
<th>Village</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nieboczowy</td>
<td>41,7%</td>
</tr>
<tr>
<td>Ligota Tworkowska</td>
<td>39,1%</td>
</tr>
<tr>
<td>Total</td>
<td>41,1%</td>
</tr>
</tbody>
</table>

*Source: Jacobs estimation based on residents’ opinion poll from 2002.*

2.1.6 Access and transport

The road network of Wodzislaw Poviat is rather well-developed. The total length of Poviat administered roads is 226.1 km. (Source: Wodzislaw Starosty 2005) The municipal and local roads density is similar to voivodship average and is close to 0.9 km of road per 1 sq. km. In western part of Silesian voivodship it is the third value and lower than in Jastrzebie and Rybnik Poviats.

The Wodzistaw Starosty assume further extension of transport network, planned construction of by-passes around the cities, construction of Pszczyna - Raciborz through road, that will provide good internal and external connections.
The A1 motorway relieves the existing overloaded roads. On the Czech side the A1 motorway will be extended with Ostrava – Brno motorway (D 47) leading to the south of Europe. The construction of motorway will result in other investments such as construction of new fuel stations, bars, car parks, motels etc. creating jobs for people from Wodzislaw Poviat and a revival of border trade (Source: Local Development Plan for Wodzislaw Poviat 2005-2013. Wodzislaw Starosty 2005). The nearest access onto the A1 motorway from Lubomia area will be possible in Skrzyszow junction in Godow Commune which is about 10 km far from Lubomia.

The reservoir area contains no vehicle crossings over the Odra, but a bridge over the Kanal Ulgi (the by-pass canal) carries a secondary road connecting Nieboczowy with the eastern suburbs of Raciborz.

The two villages are served by well-maintained tarred roads connecting them to Lubomia, Raciborz and several other villages in the vicinity. Graveled tracks give access to arable lands and other parts of the basin.

Total length of roads found within the reservoir bowl, facilitating internal traffic and offering ways to surroundings of the villages, including local roads is 52.5 km. (Source: RAP - Appendix C, October 2004).

During construction the journey to work may be longer for some of the residents. During this period the road to the south of the bridge will be cut by the embankment and the spillway and outlet structures to the Urban Odra. It is intended that the roads and tracks should remain after resettlement as they will carry construction traffic, and allow access for farming and gravel extraction.

### 2.1.7 Public services

In Ligota Tworkowska and Nieboczowy there are communal facilities which are areas and objects meant for educational, cultural, and religious aims, for welfare, and fire brigade building.

Additionally in Ligota Tworkowska there is still a community hall. Fire brigade building in Nieboczowy is a place used for meetings (community hall) and dances. What is more, since April 2010 an information centre for the residents of Nieboczowy has been working which is connected with resettlement to the new village (in the fire brigade building at Wiejska 42 St.).

Other communal facilities:
- church and
- Country Sports Club „Odra” Nieboczowy,
- cemetery.

### 2.1.8 Education and healthcare

One of the four kindergartens found in Lubomia Commune (Source: Lubomia Commune) is located in Nieboczowy, but there is no complete primary school (classes 1-6). The school building in Nieboczowy accommodates kindergarten and a partial (3-class) primary school and it is situated on a 0.39 ha –plot.
There is no school in the smaller village of Ligota Tworkowska either. Children of school age in this village go to one of the primary or secondary level schools in Lubomia (2 schools) or Syrynia (2 schools). The suprasecondary teaching facilities are offered in Wodzislaw Slaski or Raciborz.

There are no health service centres or pharmacies in Nieboczowy and Ligota Tworkowska. These facilities are found in Lubomia and Syrynia, both of which have one of each (Source: Lubomia Commune)

2.1.9 Church and cemetery

Nieboczowy brick church of Saint Josef the Worker, which is situated in the village centre, was erected during 1929-1931 according to design of Jan Affa. During 1957 - 1959 it was rebuilt and its interior was re-furnished. In 2007 the Most Reverend Archbishop Damian Zimoń together with the head of Nieboczowy village and parish-priests of Syrynia and Nieboczowy signed a protocol concerning resettlement of the Nieboczowy village together with the church and parish. The protocol assumes relocating these objects and cemetery to Syrynia village (source: publication „Wies Nieboczowy nie zniknie z naszych serc” – Barbara Mazurek).

The small chapel in Ligota Tworkowska - some 116m² - was built in 1902. The chapel is in the process of demolishing. Parts from chapel demolishing will be used for the chapel currently built in the village of Grabówka. Transfer of the chapel to Grabowka means not only a rescue for the 100-year old building but also will preserve memories of those who were married there, or baptized their children, or said requiem masses to commemorate their close ones.

The parish cemetery, which is about 0.26 ha large, serves Nieboczowy, while the dead of Ligota Tworkowska are buried in other cemeteries, including Bukow.

According to the parish-priest of Nieboczowy today (July 2011) there is about 380 graves, whereas since 2004 some graves have been liquidated.

Most of them illustrate the relative wealth of the residents found in that region: 270 are made from terrazzo or stone.

After making an inventory in 2011 of burial sites at the cemetery in Nieboczowy Village, established, that there are 280 separate burial places.

The development of the current cemetery is as follows:

Figure 2.3. Inventory of the cemetery in Nieboczowy Village

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The manager of the cemetery, that is Parish of St. Joseph the Worker in Nieboczowy Village, has no register of the burial sites. In order to determine, which individuals have the right to decide on spot of the transfer of the grave (so-called “right to the grave”), was developed an information card for each grave. In the card, next to the information (with a photo of grave), there are spaces for additional data specified by the authorized persons. Moreover, in this card will be a statement of entitled person to decide on the transfer of the grave (the aforementioned “right to the grave”).

In the second half of the year 2011 the declarations from persons authorized to decide on the spot transfer of the ashes of loved ones were collected. The collected data are as follows:
The above table shows to which location (cemeteries) the declarations were submitted regarding the transfer of the ashes of their loved ones.

It is planned to construct a cemetery on the area of the New Village. Cemetery construction on the area indicated as the New Village was envisaged by the local spatial development plan of the municipality of Lubomia. Land for new cemetery construction is the property of the Municipality of Lubomia. The rules of cemetery construction and finance are specified in the agreement of 27 March 2013 between the Municipality of Lubomia and the Regional Authority for Water Management in Gliwice.

2.1.10 Historical and cultural sites

Neither in Ligota Tworkowska nor in Nieboczowy there are objects or historic layout, i.e. objects registered in voivodship register of monuments.

However, in these villages there are a few historical and cultural objects which are goods of modern culture.

These objects are:

- Religious objects (apart from church and cemetery):
  - 3 brick shrines: 2 in Nieboczowy and 1 in Ligota Tworkowska)
  - 5 stone and 2 wooden crosses

- Foundation Bethlehem building – the House of Bread at Nowy Dwór St. – a building purchased by RZGW in 2008.

The cultural and historic value is the feature of buildings of fire brigade building (built in 1924) and sports club “Odra” which will have its 60th anniversary in July 2010.

2.2 Buildings

The tables presented below and summarizing information on built assets within planned reservoir area are based on archival data (1998, 2002) of the property surveyors report, prepared in October 2004 and attached in Appendix C and information of PIU – Raciborz Dolny Reservoir.

Built-up real estates that are affected by the investment can be broken down into the following categories:
2.2.1 Residential buildings

According to the available data there were 178 residential buildings in the reservoir footprint in 2004.

It should be stressed that the number of houses is not equal to the number of households; in some households there are two residential buildings on the same plot.

It is estimated as of 31.12.2014 that there are 93 residential buildings left for takeover and demolishing within the Polder area. Altogether, along with non-residential buildings and building structures already taken over by RZGW, there are still about 111 structures to be demolished.

2.2.2 Farm and ancillary buildings

There were about 229 farm buildings on the area of the liquidated village (status as of 2010). The buildings were/are used for animal breeding and as farm background areas – as background for residential buildings or garages. Functions of these buildings results from their area. The biggest objects are sties and barns (65 of them of average total area about 120 m²).
Map 2.3 Construction layout of Nieboczowy village - orthophotomap dated 2009
Map 2.4 Construction layout Ligota Tworkowska village – orthophotomap dated 2009
2.2.3 Commercial buildings

There are 13 commercial units in the affected area whose features are presented in Table 2.14.

The structures do not collide with the pending civil works related to the construction of relevant structures of the flood protection reservoir.

All the structures listed below are situated on land owned by the State Treasury and acquired for the purpose of flood protection reservoir construction. Now, some of the structures are out of service.

Table 2.14 Commercial buildings in Nieboczowy and Ligota Tworkowska

<table>
<thead>
<tr>
<th>Kind</th>
<th>Ligota Tworkowska</th>
<th></th>
<th></th>
<th>Nieboczowy</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Quantity of Units (buildings)</td>
<td>Area (ha)</td>
<td>Volume (m2)</td>
<td>Quantity of Units (buildings)</td>
<td>Area (ha)</td>
<td>Volume (m2)</td>
</tr>
<tr>
<td>Recreational centre</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>9,3</td>
<td>1890,0</td>
</tr>
<tr>
<td>Bakery</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1*</td>
<td>*</td>
<td>120,0</td>
</tr>
<tr>
<td>Bar</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2**</td>
<td>*</td>
<td>240,0</td>
</tr>
<tr>
<td>Café</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>*</td>
<td>355,0</td>
</tr>
<tr>
<td>Shop</td>
<td>1</td>
<td>0,06</td>
<td>112,0</td>
<td>1</td>
<td>*</td>
<td>160,0</td>
</tr>
<tr>
<td>Craft workshop</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>*</td>
<td>168,0</td>
</tr>
</tbody>
</table>

* Objects that do not have a separate plot
** Objects purchased by RZGW (one bar is functioning as a lease)
Source: Own elaboration based on stock-taking

2.2.4 Public utility buildings

Community assets and small architecture religious facilities are presented in Table 2.15

Table 2.15 Community assets and small architecture religious facilities situated in Ligota Tworkowska and Nieboczowy

<table>
<thead>
<tr>
<th>Kind</th>
<th>Ligota Tworkowska</th>
<th></th>
<th></th>
<th>Nieboczowy</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Quantity</td>
<td>Area (ha)</td>
<td>Volume (m2)</td>
<td>Quantity</td>
<td>Area (ha)</td>
<td>Volume (m2)</td>
</tr>
<tr>
<td>Church</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0,15</td>
<td>360</td>
</tr>
<tr>
<td>Church and kindergarten</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0,39</td>
<td>854</td>
</tr>
<tr>
<td>Fire brigade building</td>
<td>1</td>
<td>0,07</td>
<td>80</td>
<td>1</td>
<td>0,56</td>
<td>1000</td>
</tr>
<tr>
<td>Village recreation room</td>
<td>1</td>
<td>0</td>
<td>340</td>
<td>1</td>
<td>in fire station</td>
<td>-</td>
</tr>
<tr>
<td>Sporting area</td>
<td>1</td>
<td>1,0</td>
<td>0</td>
<td>1</td>
<td>1,1</td>
<td>260</td>
</tr>
</tbody>
</table>
2.3 Natural resources

2.3.1 Woodland habitats

The most valuable area for nature conservation in the Raciborz reservoir area is Tworkowski Forest. Its importance is as one of the few forest complexes in the Upper Odra with a relatively well preserved forest community structure. It is not significantly important for economics; however it is valuable as far as environmental features are concerned.

Currently the woodland complex is under legal protection within Natura 2000 area – “Forest nearby Tworkow” – PLH 240040. The forest is located on the area of neighbouring Krzyzanowice Commune.

2.3.2 Aggregate excavation

Information on mineral resources within the reservoir area is based on detailed geological surveys assessing the depth of gravel and location of useable soil materials for construction and for exploitation. It was estimated in the Feasibility Study that around a 100 million m³ of gravel would be potentially available for extraction from the Raciborz reservoir area.

Gravel workings are largely dependent on the demand for gravel at any time and this is closely linked to general economic development. If the demand for gravel in the Raciborz hinterland is about 2-2.5 million m³ per year the extraction activity would continue for 40-50 years after the completion of the reservoir.

The current trends in land use in the reservoir area are likely to continue. These trends include the continuation of the very gradual expansion of gravel extraction works in the reservoir area, resulting in gradual increase in wetland habitats formed by extraction. There should be environmental benefits as gravel pits replace agricultural land and valuable habitats can be created. A similar process has been observed within Bukow polder area that was largely a product of mineral extraction and change in land use following bund construction. In particular the area was found to support a complex of wetland habitats and a range of valuable and protected flora and fauna particularly amphibians.

The continued exploitation of gravel and the way it is planned and controlled is likely to have a significant influence on the environment within the reservoir area. Coordination will be required between those responsible for the approval and letting of concessions for mineral exploitation and those responsible for reservoir project development. This is necessary to ensure that project design requirements and recommendations for environmental /social mitigation are fully are taken in to account in all relevant planning decisions and resource exploitation conditions.
The current land use plan for Lubomia Commune allows for gravel exploitation on the area of approximately 1000 ha which partly covers the planned reservoir footprint.

### 2.3.3 Tourist values

The reservoir area with small ponds will provide some potential for local recreation activities and habitat creation.

Types of activities that could be suitable include formal and informal recreation such as fishing, walking, cycling, and bird watching. It could also become a useful resource for nature conservation education, which could be used by local schools and colleges.

Investment in facilities will still be required and these will be constrained within the reservoir bowl by the relatively frequent filling of the reservoir.

### 2.4 Categories of affected population

All persons directly affected by the project, i.e. owners of houses, other structures and of land within reservoir area have been informed in a letter that the administrative procedure for granting location decision had been instituted. Then all of them received a copy of a location decision and those who have appealed received a copy of decision of Minister of Infrastructure that upheld the reservoir location decision.

People affected directly:
- Residents reservoir bowl - in 2004 689 inhabitants,
- People who own land in the reservoir area but live outside - approx. 850 people + their families
- People who own or are employed by businesses located within the reservoir area (mainly its residents)

People affected indirectly:
- Residents of the neighbouring communes
- People associated with the church and the hostel

The impacts on these people is described in sections 2.4.1 to 2.4.7 below.

There are two different approaches to describe residents of the two villages:
- By identifying persons - PAP - Project-Affected Persons (persons who suffered from flood – see section 2.4.1)
- By identifying households - PAF - Project-Affected Families (households who suffered from flood – see section 2.4.2)

#### 2.4.1 Residents - Project-Affected Persons (PAP)

The number of PAPs is about 500. The most recent PESEL database (quarter IV 2009) consists of 506 persons registered in the two villages
Table 2.14 presents age breakdown of residents of buildings that have not been purchased by RZGW yet. Discrepancy between number of person inhabiting these buildings (397 people) and PESEL database (2009) results from the fact that some families still live in buildings that have already been purchased by RZGW.

Table 2.16  Residents’ age breakdown in non-purchased buildings

<table>
<thead>
<tr>
<th>Village</th>
<th>Children under 18</th>
<th>19-60</th>
<th>61 and more</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nieboczowy</td>
<td>93</td>
<td>201</td>
<td>92</td>
<td>386</td>
</tr>
<tr>
<td></td>
<td>24,2 %</td>
<td>52,0 %</td>
<td>23,8 %</td>
<td>100,0%</td>
</tr>
<tr>
<td>Ligota Tworkowska</td>
<td>3</td>
<td>5</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>27,2 %</td>
<td>45,6 %</td>
<td>27,2 %</td>
<td>100,0%</td>
</tr>
<tr>
<td>Total</td>
<td>96</td>
<td>206</td>
<td>95</td>
<td>397</td>
</tr>
<tr>
<td></td>
<td>24,2 %</td>
<td>51,8 %</td>
<td>24,0 %</td>
<td>100,0%</td>
</tr>
</tbody>
</table>

Source: Own elaboration based on PIU – Racibórz Dolny Reservoir data - May 2010

a. People between the age of 19 and 60

There are over 200 people between the age of 19 and 60, there are mostly Nieboczowy village residents, including:
- bread-winners
- students
- unemployed

This is the biggest group of inhabitants. The "economic balance" of the families depends on bread-winners, as they either live from farming or small business in the village or are employed by some factory or other company in the city.

Resettlement will not have a negative impact on non-farmers, as they probably will remain within the commune.

Terms of getting to work may actually be improved taking into account the weakness of public transport for rural areas the Ligota Tworkowska and Nieboczowy. The important matter for this particular group will be the access to work. Construction of the Raciborz reservoir, need of new service infrastructure, will offer a chance of temporary employment for the people in the area, especially young ones.

Many of the villages' residents are employed and at the same time they own small farms for own purpose without any intention to sell their products on the market. Given this, these people should take into account that they would have additional cost of living, provided that they do not buy new land for farm purpose.

Based on Lubomia Commune Office data there are 88 farms in Nieboczowy and 15 in Ligota Tworkowska. A farm is a min. 1 ha arable area.

The important factor here is the availability of the arable land in vicinity, offered for a reasonable price.
The leading role is to be played by authorities of Commune Lubomia, by making certain provisions for such land in the spatial development plan. The Investor will conduct negotiations with Agency of Agriculture Property in order to provide the required amount of arable land.

Some households will irreparably lose their income generated from lease, but the compensation should let them buy land in other place if they want. Most probably a part of the current landowners will not buy the new land and use the money from compensation in other way.

b. People over the age of 61 years

There are 95 inhabitants that are over the age of 61 years. In Ligota Tworkowska there are 3 persons of this age and in Nieboczowy 92. Their farming, if any, meets only their own needs. In moving to a new place they are unlikely to continue farming and they would rather limit themselves to household gardens.

The new place of residence not necessarily within the commune will not have any negative impact on the income of those people, as they receive disability pension or old-age pension. According to the 1998 data some 40% of the households depend fully or partly on income generated by pensions and allowances.

c. People under the age of 19 years

This group constitutes of 96 persons (Nieboczowy 93 persons, Ligota Tworkowska 3 persons). The eldest ones will have a choice of studying or finding a job. The education of this group is not going to be affected as the only place of education is 3 – class preliminary school in Nieboczowy Children of 10 or more have to commute daily to primary, pre-secondary or secondary school. The parents of children of schooling age see moving into new place as a benefit - they would choose the new place of residence in vicinity of schools.

d. People who need assistance

It is difficult to estimate size of this group because local statistic data fail to cover it. This group covers:
- Old persons who live alone and have no close family
- Persons suffering from chronic diseases and the disabled living in family of an income that is below the social minimum
- Numerous families of low income
- Lease-holders or tenants with no permanent source of income
- Single-man households

Based on resident’s opinion poll from 2002 it is estimated the size of this particular group is not more than 5% - 6% of the total number of residents, and thus there are 25 persons like this. They will need assistance by collaboration with the Department of Social Welfare of Lubomia Commune.
2.4.2 Residents - Project-Affected Families (PAF)

The main type of the household found in Nieboczowy is the single-family or two-family one. The latter type includes in general parents who live with children, who have their own families.

Table 2.17 Number of families living in non-purchased buildings - 2010

<table>
<thead>
<tr>
<th>Village</th>
<th>1-family</th>
<th>2-family</th>
<th>3-family</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nieboczowy</td>
<td>34</td>
<td>33</td>
<td>20</td>
</tr>
<tr>
<td>Ligota Tworkowska</td>
<td>2</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>36</td>
<td>35</td>
<td>20</td>
</tr>
</tbody>
</table>

Source: Own elaboration based on PIU - Racibórz Dolny Reservoir data - 2010

Table 2.18 Number of families living together in a household in non-purchased buildings

<table>
<thead>
<tr>
<th>Village</th>
<th>1 person</th>
<th>2 persons</th>
<th>3 persons</th>
<th>4 persons</th>
<th>5 persons and more</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nieboczowy</td>
<td>8</td>
<td>13</td>
<td>14</td>
<td>8</td>
<td>44</td>
</tr>
<tr>
<td>Ligota Tworkowska</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>9</td>
<td>13</td>
<td>14</td>
<td>8</td>
<td>46</td>
</tr>
</tbody>
</table>

Source: Own elaboration based on PIU - Racibórz Dolny Reservoir data - 2010

The data above shows the direction of activities related to land preparation for the New Village of Nieboczowy for 2010.

The above statement indicated that for further resettlement it is demanded to provide conditions to resettle approximately 90 families.

2.4.3 Land owners

a. Ownership of land plots

According to the Act of 8 July 2010, about Special Rules for the implementation of the flood protection investment two groups of property are distinguished:

a) real estate or parts of them, which are the necessary part for the investment implementation, which will become the State Treasury ownership, and

b) real estate or part of them which are the necessary part for the investment operation, which will not become the State Treasury ownership, but for which the use is permanently restricted
Application for the issuance of a permit for investment of flood protection buildings, in agreement with the competent authority for issuing a decision, in order to correct indication of properties, distinguished 6 groups of properties within the investment

• **Appendix 1 – plots covered by the investment** - total 4525 plots of total area about 3000 ha
• **Appendix 2 - Indicates plots to divide due to the necessity of separation areas required to implement from the other** – total 111 geodetic plots needs to be divided
• **Appendix no 3a – plots required for the implementation of the investment, which will become the Treasury ownership** – total 651 plots of total area about 255 ha
• **Appendix no 3b – plots required for the implementation, cast in the perpetual usufruct (the right contents similar to the right of ownership but having temporary character)** – total 61 plots, total area about 16 ha
• **Appendix no 3c - plots required for the implementation, belong to Treasury** – total 1311 plots, total area about 920 ha
• **Appendix 4 plots required for the functioning** – total 2392 plots, total area about 1715 ha
• **Appendix no 5 - plots in relation to which occur the obligation to rebuild territorial development network** – total 100 plots, total area about 82 ha
• **Appendix no 6 - plots required for temporary seizure for the purposes of construction works** - total 10 plots, total area about 5 ha.

See also sections 1.2.3 of this document.

b. Tenants

It is common within the reservoir area that land is cultivated leased from other owners, the Agricultural Property Agency or the Regional Authority for Water Management. When Reservoir implementation started, this limited the lease of land only to include land necessary for project implementation. As regards other land – properties necessary for functioning - construction works or the law do not limit the possibility of concluding contracts of lease.

The Regional Authority for Water Management in Gliwice estimates that about 150 ha of land within the Reservoir bowl is leased from its resources.

2.4.4 Enterprises

There are a number of small businesses in the project area. Most are dependent mainly on customers from Nieboczowy and Ligota Tworkowska.

Businesses in this area will not be relocated rapidly, but even now examples can be found of businessmen who found new location and, with the new site ready, decided to sell. Recent examples - horticulture company from Ligota Tworkowska and garage from Nieboczowy - show that signing by their owners of the notaries deeds
in 2004, providing for delayed real estate vacating date, is the solution that is accepted.

2.4.5 Lubomia Commune

Those residents of the commune, who will not be relocated, will benefit from construction of the reservoir in:

- Reduction of the flood hazard to a minimum
- New jobs related to the Project, and later to maintenance of the reservoir
- Development of the accompanying infrastructure - agritourism, recreational centres
- Demand for building plots and arable land - probable growth of prices
- Increase rank and prestige of the region that “offers safety” to others
- The construction of a new unit of the New Village of Nieboczowy with new infrastructure, public utility buildings.

2.4.6 Religious sites

Questionnaire studies (conducted in 2002) revealed that the most important objects for the residents are the sacred ones; they are the objects the residents would like to save and move to a new place.

A third of the residents of Nieboczowy (33%) and even more residents of Ligota (38%) opted for transfer of the Nieboczowy church to a new location. Church authorities declare that the church will serve ‘till the last resident’ and then all the equipment and sacred objects will be relocated to church that could still be an important cultural and spatial feature of the new village.

Roughly a tenth of the residents demanded (2002) to relocate the cemetery.

The chapel in Ligota is more important for residents of Ligota (40%) than for those of Nieboczowy (4%).

2.4.7 ARKA shelter for the homeless

The hostel for the homeless managed by Association of Human Friends “Tecza” was situated in the north-west corner of the proposed reservoir, directly under the line of the embankment till 2008. In 2008 hostel's buildings and land were purchased by RZGW, buildings were demolished and the area tidied up.

2.4.8 The House of Bread

In a building at 1 Nowy Dwór St.– The House of Bread managed by Foundation Bethlehem provides care for people in need.

In 2008 the building was purchased by RZGW, as of September 2013 the building is inhabited and is intended for demolishing.
2.5 Public consultations and report availability

2.5.1 Background

After the great flood of 1997, the Investor started activities aimed at construction of flood protection reservoir Racibórz Dolny and at the same time when work on pre-feasibility study began, the large scale information action, public consultations and meetings launched.

The action, initiated and moved forward by RZGW Gliwice, has been addressed to:

- Inhabitants of two villages located within planned reservoir area: Nieboczowy and Ligota Tworkowska
- Association for the Defence of the Village Nieboczowy against Displacement.
- Inhabitants of surrounding villages (including owners of arable land within reservoir area)
- Inhabitants of Racibórz and other cities and villages adjacent to Odra river that will be protected against flooding by the reservoir
- Commune, poviat, voivodeship authorities
- Church authorities
- Central institutions (Ministry of Environment, Office of Natural Disasters Recovery, Government Plenipotentiary on Odra 2006 Programme)

The reservoir project that will constitute one of crucial elements of upper and middle Odra flood protection system is widely accepted and supported not only by national and regional authorities but also by communities of many Odra riverside cities, villages and communes (see documentation - Appendix A).

The Investor's interest focused on the people living in the reservoir area who would have to leave their villages. Between 1998 and 2005 three teams of sociologists, in the name of Investor, held formal and informal discussions and consultations with those people and their representatives including well-attended public presentations of the project (for details see below sections 2.5.3 and 2.5.4).

There was, however, a strong and organised resistance to resettlement in Nieboczowy. One of its manifestations - orchestrated by the Defence Committee - was an unwillingness to collaborate with the Investor and the study team in formulating a resettlement plan. It also resulted in a refusal by many local families to provide any information about themselves or their attitudes.

The situation changed when in October 2007 an Association for Recreation and Development of the Nieboczowy Village was called into being. Its aim is included in its name and its agents take active participation in introduction of the new village into planning documents of the Lubomia Commune.

2.5.2 Residents' opinion polls

In 1998, the year following the great flood, the Social Research Centre in Katowice carried out a questionnaire survey of all the residents of the reservoir basin. At the same time an inventory of land and fixed assets was drawn up. The results of this survey contributed to the economic analysis of the proposed flood control measures.
and provided information on the socio-economic and demographic characteristics of the population to be affected, its land and property holdings, and the attitudes of the households to resettlement. It was stated that construction of the reservoir will directly influence 178 farms in the villages of Ligota Tworkowska and Nieboczowy. Relatively complete interviews from 168 owners of real estate were acquired at that time.

The household survey carried out in 1998 encountered hostility from the residents. The elected head of Nieboczowy village refused to answer the questionnaire on the grounds that it included questions not discussed at a village meeting held earlier in the year. In all, ten households (6%) in Nieboczowy refused to respond to the questionnaire. However, as much as 91.9% of surveyed inhabitants formally accepted the displacement.

A similar survey was conducted in the same population in July 2002 by the Feasibility Study's Team of Sociologists. The 2002 survey was preceded by a campaign launched by the Committee for the Defence of Nieboczowy against Resettlement to persuade people not to co-operate with RZGW in its investigations. The interviewers this time encountered almost 30% of residents who were unwilling to respond.

In 2002 the inventory of property was not repeated as there were known to have been few changes in the intervening period. Comparison of the results shows, however, that substantial changes in attitude had occurred. Factors affecting the changes include the formation of an articulate opposition to resettlement, and the passage of five years since the occurrence of the great flood.

In July 2002, data was collected on 70% households and some of questionnaires were filled partially. An express consent for displacement was declared by minority of them, i.e. 42.2%, and 8.9% did not have any opinion. On the other hand, 29.4% of all respondents directly refused to resettle.

In 2007, the will of moving was declared by 74 property owners.

According to the data obtained by RZGW on April 1, 2010 from the Association 72 families are willing to resettle. As of June 2013 xxxx number of families have expressed their will to resettle.

2.5.3 Public meetings with Nieboczowy and Ligota Tworkowska residents

a/ stage I – “objection against the investment”.

In May 2002 a meeting with representatives from the community, the Lubomia Commune, the team of sociologists, appointed by the consultant preparing the Feasibility Study, and the RZGW was held in the commune offices.

The inhabitants demanded to give serious consideration to the alternative alignment for the embankment, proposed by the Committee which would exclude Nieboczowy from the reservoir basin.
This proposal had been submitted earlier to the Voivodship in Katowice and had received a detailed reply from RZGW, explaining why it was not feasible. The community representatives nevertheless felt that their case had not been seriously considered and that they were not being adequately informed and consulted on the project. It was therefore proposed that further analysis should be done and a public presentation and consultation on the project arranged.

Two separate meetings were held in Nieboczowy and Ligota Tworkowska on 20 July 2002. The meeting in Nieboczowy was held in the fire station and was attended by 210 inhabitants, whereas the one in Ligota Tworkowska, was held in the common room and was attended only by 46 persons due to much smaller size of the village as well as less interest and emotions towards potential resettlement.

Both meetings were organised in liaison with the Lubomia commune's authorities (president and vice-president attended the meetings) and village administrators. In the course of the meetings individual experts gave a full presentation of all the aspects concerning construction of the reservoir and invited the inhabitants to join the discussion. The technical analysis and visualization of the variant proposed by the Defence Committee, consisting on embankment and leaving the village, discussing the good and bad sides of such a solution were presented.

The proposed solution was rejected as not justified of the economic and technical reasons.

The meeting in Nieboczowy was actively participated in by the representatives of the Defence Committee of Nieboczowy village. From the beginning, the meeting was characterised by antagonism towards the project. During the break, emotions also slightly subsided, for the inhabitants could talk individually with experts attending the meeting.

The meeting in Ligota Tworkowska was much calmer. Emotions, which appeared among inhabitants, were caused mainly by uncertainty whether the proposed methods of compensating losses would allow restoration of the lost style and standard of life. In case of Ligota Tworkowska, inhabitants clearly reconciled themselves with the planned situation. The only expected field of negotiations include economic matters and dates of real estates' purchase.

After the location decision granted by the Silesian Voivode, the meeting was held in Lubomia commune on 13 July 2004 to present a study on the resettlement village for Nieboczowy and Ligota Tworkowska residents prepared by AGO - Projekt and ordered by RZGW Gliwice (details see section 5). The inhabitants of Ligota Tworkowska (15 people) showed their interest in the presented options of new village. However, the only person from Nieboczowy who attended meeting, the President of Defence Committee, declared that the inhabitants of his village would not enter into any discussion on this topic.

b/ stage II – “prudent cooperation”

Together with calling into being of Association for Recreation and Development of the Nieboczowy Village proceedings connected with land preparation for a new village for resettled residents of Nieboczowy in Syrynia started.
In 2008 design works began in which, by acts of Lubomia Commune Council, legal possibility to erect a new village in the Syrynia village of the Lubomia Commune was stated according to the local spatial development plan. Localization of the new village and its layout and program were discussed with inhabitants of the Nieboczowy village during presentation of the new village concept on May 26, 2008 in the fire station in Nieboczowy and during public discussions concerning solutions of local spatial development plan of the new village that were held twice in a room of Lubomia Commune Council on July 15, 2009 and September 16, 2009.

c/ stage III – “call for action”

On April 21, 2010 information centre for residents of the Nieboczowy village started its activity. It has its seat in rooms of the fire station in Nieboczowy. The concept of the new village in Syrynia was presented and discussed during opening session participated by representatives of Lubomia Commune and Association for Recreation and Development of the Nieboczowy Village.

In the years of 2010-2011, preliminary data was prepared on one hand for the changed areas, on the other hand, the village inhabitants and the Municipal authority waited for the Investor’s decision to start actions in scope of preparation for New Village implementation. Apart from the centre’s activity, rural meetings were taking place where current progress of preparation works was presented. Finally, at the end of this stage, land in the New Village could be purchased for replacement purposes.

d/ stage IV – “execution of plans”

This stage of cooperation is certainly the most creative action related to the preparation of the New Village, consisting of:

- several open meetings with village inhabitants;
- a dozen or so meetings with representatives of village inhabitants or the Association’s representatives
- and finally at least a few dozens (if not several hundred) individual meetings with inhabitants interested in resettlement to the New Village as well as those who, for different reasons, decided to move elsewhere.

The rules of cooperation of all participants of the intended resettlement were established as a result of the actions, i.e. the inhabitants, authority of the Lubomia Municipality and the Investor.

The actions undertaken led to commencement of the construction of first residential buildings in 2013 in the area of the New Village of Nieboczowy (for the map of the started buildings – see chapter 5.7).

Meetings with the local community were continued in 2014-2015, the development method of the New Village was mainly discussed and particular technical solutions connected with the planned infrastructure were presented. Meetings were held in Nieboczowy with the investor - the Lubomia Commune, the village authority and the contract engineer for New Village Construction.
Actions were also taken in 2015 to formally determine the status of the New Village of Nieboczowy on a geographical map of the Lubomia commune.

- Under resolution No. V/19/2015 of the Lubomia Commune Council of 30 January 2015 concerning: consultations with the residents of the inhabited village – Nieboczowy in the Lubomia Commune to agree the village name, consultations were held with Nieboczów residents to agree the name of the village of Nieboczowy, a village in the geodesic district of Nieboczowy, to Nieboczowy Stare as a separate settlement unit. All the consultation participants (of 9.02.2015) unanimously agreed to change the existing village name to Nieboczowy Stare.

- Under resolution No. V/20/2015 of the Lubomia Commune Council of 30 January 2015 concerning: consultations with the residents of the inhabited village – Syrynia in the Lubomia Commune to agree the name of the newly created village, consultations were held with Syrynia residents to agree the name of newly created town of Nieboczowy, as a separate settlement unit together with determining its type as a village, separated from the village of Syrynia. The Syrynia residents participating in the consultations (10.02.2015) have agreed to create a new village of Nieboczowy on the area which to date has been geographically assigned to the village of Syrynia.
Map 2.5 The area of location the "New Village" – orthophotomap dated 2009
2.5.4 Notification of investment

According to the Code of administrative procedure all persons directly affected by the project, i.e. owners of houses, other structures and of land within reservoir area have been informed in a letter that the administrative procedure for granting location decision had been instituted on 31 May, 2004.

During proceedings 130 residents of Nieboczowy, and individual persons from Racibórz and Tworkow and interested institutions and organizations reported appeals which were answered to.

On July 5, 2010 Voivod of Silesia issued a location decision for Racibórz flood control reservoir and it was made immediately enforceable. Then all of them received a copy of a location decision. 150 appeals were submitted in Ministry of Infrastructure within the deadline. When all the appeals were considered those who have appealed received a copy of decision of Minister of Infrastructure that upheld the reservoir location decision issued on September 21, 2009.

A complaint was lodged to the administrative court against the Ministry's decision. The Supreme Administrative Court, with its ruling of 27 April 2007, rejected the complaints against decision of the Minister of Infrastructure.

a) Amended laws - another procedure of agreeing the Reservoir location

When the provisions of the act of 8 July 2010 on special rules concerning the preparation of investments related to flood defences (JoL of 2010, No. 143, item 963) entered into force, the matter of the investment location as well as the Reservoir construction permit was a subject of a separate (new and independent) administrative procedure.

On 29 June 2012 the Investor – the Regional Authority for Water Management in Gliwice, pursuant to Article 4(1) and Article 25(1) of the act of 8 July 2010 on special rules concerning the preparation of investments related to flood defences (JoL of 2010, No. 143, item 963) requested the Silesian Voivodee to issue a decision for the implementation of a flood protection structure for the project titled Flood protection reservoir Racibórz Dolny on the Odra River in Silesian Voivodeship (polder) and to award the clause of immediate enforceability to the decision.

The Silesian Voivodee, with an announcement of 18 July 2012, notified all the stakeholders on initiating a procedure concerning the issuance of a decision permitting investment implementation in relation to flood protection structures for the Reservoir.

The Silesian Voivodee notified the parties on 13 August 2012, by way of a public announcement, of a possibility of submitting comments and applications under the environmental impact assessment conducted again, and also set the date of 13 September 2012 as a date of an administrative procedure open for the society.

No comments were raised during the procedure for the documentation collected in the case and on 26 November 2012, the Silesian Voivodee publicly signed the decision permitting flood protection investment implementation for the project Flood protection reservoir Racibórz Dolny on the Odra River in Silesian Voivodeship (polder).
As no appeal was lodged against the above decision, the decision became valid on 12 January 2013.

**It is thus correct to conclude that the investment location was accepted by the community.**

### 2.5.5 Defence Committee

At the beginning of 2000, some residents have created a Committee for the Defence of Nieboczowy and Ligota Tworkowska. The Committee was stating its position to the Investor, i.e. RZGW Gliwice and various administrative institutions. It contributed to the adoption of the Resolutions by the Lubomia Commune's Council on 19.04.2000 and 20.11.2000 on the projects against subjective treatment of inhabitants and not entering the investment project to the Commune's Spatial Development Plan.

Formally the Committee for the Defence of Nieboczowy was constituted in March 2002 as an Ordinary Association for the Defence of The Village Nieboczowy against Displacement. The association was actively agitating public opinion, nevertheless it limited the members to the Nieboczowy village inhabitants.

The Committee, apart from commencing the protest, intended to present a constructive position, which was based on an assumption that neither Committee nor the inhabitants themselves put into question the necessity of building the planned reservoir. The main contentious issue is displacement of the villages. As a consequence, it was proposed to modify the alignment of the embankments in such a way as to take account of protection of Nieboczowy against flooding by the reservoir’s water. No technical possibilities of preserving Ligota Tworkowska were proposed.

The Association's arguments were subject to an in-depth analysis by Raciborz-Dolny Reservoir feasibility study team. The results of this analysis were presented from different engineering-technical and socio-economical standpoint (details see above in section 2.5.3).

The frequency of meetings with participation of the Defence Committee in 2004 indicates a tenacious and consistent search of the new solutions by the Defence Committee. It should be emphasized that none of them shows acceptance by the Committee to any form of the reservoir construction in the chosen area, even though the Voivod issued the relevant location permit on July 5, 2004.

The Defence Committee holds to its position in the face of reality:

- the location permit, which decides on embarking preparations for construction of the Raciborz Reservoir.
- the progressive sale of lands and buildings by farmers of Ligota Tworkowska and Nieboczowy (36 farms, with 10 of them in Nieboczowy). The process is well advanced in the former village while in the latter one it is in its starting phase.
Regional Authority for Water Management in Gliwice
Project Implementation Unit - Racibórz Dolny Dry Polder in Racibórz

- appeals against location permit. There were as many as 150 of them lodged at the Ministry of Infrastructure, though only 18 appeals were lodged at the Administrative Court in Warsaw.

The investor's representatives held two meetings with the Defence Committee in October - November 2004. The first one, held with participation of 6 people – 3 people from each side - was reduced to repeated presentation of positions and thus failed to bring in anything new.

The second meeting, held in November 2004, was organized of the initiative of the Committee and dealt with another "solution" proposed by the Committee. This solution concerned the so-called "Kotlarnia", i.e. location of the reservoir within the gravel pits. RZGW informed Committee that this option was not feasible as the pit could be filled with just the ground waters while its capacity - 2 million cubic meters - was far too small for reduction of the flood wave.

In addition, the "Kotlarnia" reservoir can only take water from Bierawka River and is not an alternative for the reservoir on the Odra River.

The last 2004 meeting with the Defence Committee was organized to request of the World Bank staff. It was held at the fire brigade station in Nieboczowy, on December 10, 2004. 5 leaders of the Committee and 4 consultants participated.

The arguments were similar to those given as well as during public meetings with participation of residents, and in small meetings with participation of just two sides - Committee and Investor. First of all members of the leading group repeat their argument that they represent „all“ (or at least 90% of the residents). The Committee believes itself to be right in their arguments.

The arguments are as follows:

- better locations can be found for the Project; the Committee does not oppose the reservoir - it simply fights against its location in the Nieboczowy area
- The Committee accepts other possible locations (e.g. option „Kotlarnia“), and addresses correspondence concerning this matter to the authorities, though the correspondence is one-sided only. Nobody wants to respond to their letters - and this (in opinion of the activists) confirms their being right
- The Committee does not have elaborations drawn by independent experts it might refer to in defines of its location concept of the reservoir; activists ponder on contracting such experts

Opinions of the Committee members:

- Concerning farmers who sell farms: they sell ruins, vacant houses; they are not true residents of Nieboczowy
- Concerning the location permit of July 5, 2004: we will appeal
- Concerning the future of the voluntary resettlements: minimum 50 farms will remain and refuse to relocate
- Concerning their plans: „Let all those inhabitants who want to leave Nieboczowy, leave. We are to stay even if 10 houses are left“.
- Concerning advisability of the continued obstinacy: what shall we tell people we represent?
During the last meeting with participation of complete management board of the Committee (5 people), does not return to the so-called "social variant" (see section 1.3.1), which was to ensure leaving the village on the same place as an enclave surrounded on all sides by embankments. Instead of criticized from every side variant (technical expertise, high costs, new threats, a kind of discomfort for the life of a 10-meter wall), the Committee pointed out other unrealistic locations of the reservoir, such as Kotlarnia. This can be considered as a step backward, return to the negation of the reservoir project on a "reservoir, yes but not here." At the other side this position can be seen as an admission of failure because the Committee appears to accept rejection of the option it was emotionally attached to.

As reservoir construction is inescapable, in 2007 Association for the Defence of the Village Nieboczowy against Displacement transformed into Association for Recreation and Development of the Nieboczowy Village, whose aim of activity is described in its name.

Representatives of the Committee have actively engaged in finding the resettlement areas as well as have expressed their opinions and, co-operate on creation the conception in development and planning documents to allow its construction.

Also, the currently ongoing process of agreeing the condition of construction the New Village, and the selection of experts for valuation the estate of inhabitants of Nieboczowy, is conducted in cooperation with the Committee.

### 2.5.6 Land owners from outside the reservoir area

In the course of the year 2004 several times the consultations with landowners were conducted, with those who live outside the area of the reservoir - participants in meetings and consultants were representatives of the RZGW during meetings in Racibórz, in the Lubomia Municipal Office and the Krzyżanowice Municipal Office, as well as in Tworków and Bieńkowice.

In 2012, a verification of interested parties was taken for the change of agricultural land. The collected data allowed us to identify opportunities and areas for change. The leading unit on behalf of the State Treasury of exchange process of these areas is the Agricultural Property Agency. Actions are taken with the participation of the community authorities of Krzyżanowice municipality and RZGW. 30 replacement agreements were concluded in 2012 and 89 ha of land was transferred as the State Treasury’s property and 93 ha of land was given instead.

### 2.5.7 Individual consultations with owners of the sold properties

#### a/ Individual consultations in 2004

Individual consultations with residents were held by Jacobs GIBB in the two field sessions, in November and December 2004. They were conducted at 5 households with those of residents who:

1. sold their property and moved to a new house (family from Ligota, residing in Syrynia)
2. sold their property but still live there and are to remain there for a period from one to three years (3 families - 1 from Nieboczowy and 2 from Ligota)

3. reside at the sold property as tenants (1 person from Ligota)

Both in the case of those farmers who moved out and those who still live in the houses they sold, the finding of the new house or at least finding of a building plot might prove to be a matter of critical importance. Each owner who decided to sell has some picture of his or her future, including first of all the picture of the new place he or she is to live at. In this context an important element is the matter of offering of a proper place to live and develop for their children and grandchildren.

The case of the first sold farm (three-generation family of Ligota) confirms this rule. The family left Ligota when they found new house in Syrynia. Money received from an old property was spent on buying new house. An important motive of their decision was the future of their grandchildren and children who grow up and require stable environment.

The second sold farm is in Nieboczowy. The elderly couple of will stay there till the end of 2005, when they will move to the newly built house in the adjacent village. Some of the Nieboczowy neighbours reacted with hostility towards this couple. Their decision about selling the house was difficult mainly for sentimental reasons: the family had lived there for 18 years, all the trees had been planted by themselves and they will regret they can't take them into the new place.

Both in case of the multi-generation family of Ligota and the elderly family from Nieboczowy we deal with former members of the village councils of their villages. Such prompt decision-making definitely was a result of their independence and their will to decide their lives by themselves. Others will be influenced by their decisions, as it usually is in case of giving example by people with high social status

The third farm (in Ligota) is still inhabited. Its owner is a professional gardener and generates his total income from agricultural production. Understanding for a long time that the reservoir will have to be constructed the gardener has been building new house in another location for 15 years, to become finally inhabited in a few next years. A very important issue is the proper planning of the whole project (timing) since the move also means the transfer of horticultural production in such a way as not to lose customers.

The fourth farm with a family of two children differs from the others, as the house was relatively new. It was built in 1997 and renovated just after the flood. The decision was more difficult as the family built the house by their own hands. The terms of the purchase-sale agreement, gave the family the right to stay in the house for some 2 years, which enables them to seek for a new home without rush. Parents accentuate that they think about the future of their children. They plan to use the funds from selling the property in Ligota not only for buying the new house, but also for the future education of their children. The sole source of livelihood for the family will be the salary received by the father of the family from his current employment at big factory in Raciborz. He is aware that currently the factory is facing, similarly to other plants financial difficulties and is downsizing the number of its employees.
b/ individual consultations in 2010-2013

Individual consultations in this period were ensured through consultation points in the village of Nieboczowy or through direct contacts with an employee of RZGW-BWP in Racibórz appointed by the Investor. After the sale of properties, the former owners still may live, for relevant time agreed in the agreement (in fact until new houses are built) in the building sold. Then they inform the Investor they want to release the property and the Investor takes over the property and transfers it for demolishing. The major part of the former owners who sold their properties in 2010-2012 started to build new houses in the commune of Lubomia or nearby.

On the day when the flood protection investment implementation decision became finally valid, i.e. on 12 January 2013, all the properties developed with houses and not acquired until then under an agreement by the State Treasury – RZGW, became the property of the State Treasury. As the decision of the Silesian Voivodee of 26 November 2012 No. 1/2012 on a permission to implement a flood protection investment “Flood protection reservoir Raciborz Dolny on the Odra River in Silesian Voivodeship (polder)” was awarded the clause of immediate enforceability, all the former employees were obliged to release the properties within 90 days counting from the day of issuing the decision. The Investor informed the inhabitants that they can live at the Reservoir area until 2016.

2.5.8 Process of RAP publication

a/ Resettlement plan in 2004/2005

Course of the process of publication:

The procedure of making the report available for the public was the following:

(a) Summary of RAP was published on Investor’s website: www.rzgw.gliwice.pl;

(b) In June there was an ad published in the local press (Nowiny Raciborskie and Nowiny Rybnickie) which invited all interested persons to take part in a discussion concerning the report, and at the same time it said that:

- Summary of RAP was send by mail to residents of the affected villages and land owners,
- information where full version of the report is available,
- website address of the Investor where it is possible to read the report,
- address RZGW Inspectorate in Raciborz, where appeals and notifications concerning the report can be lodged personally or by mail

Text of the ad is in Appendix A, section 3

(c) Summary of RAP report was sent to all affected persons according to mail summary and full version of RAP report was passed to both villages and a few villages where other land owners live.

b/ Resettlement plan – updates
The plan updates were and are made publicly known in open meetings in the village of Nieboczowy. Moreover, they are communicated to the authorities of the Municipality of Lubomia, and then to the authorities of the interested villages and the Association for Recreation and development of the Nieboczowy Village. Moreover, details of the provisions of the resettlement Plan are made publicly available to the interested inhabitants as part of the Consultation Point's activity.
3 Legal Framework

3.1 Introduction

This chapter aims to provide a summary of Polish law pertaining to resettlement, a summary of World Bank Operational Policies, the gaps between Polish law and these policies, an outline of the proposed entitlement policy and the method of evaluation. The full text of the reports on legal and evaluation aspects are presented in Appendices B and C respectively.

3.2 Polish law applicable to resettlement

3.2.1 Definitions

Polish law regulations pertaining to resettlement refer to expropriation in general and this term is used in Appendix B. However in this chapter, if the context does not require otherwise, the term resettlement is actually used to be coherent with all other chapters of the report.

In Polish law one may distinguish situations, when rights to the properties are acquired subject to the civil law agreement, which method for the purpose of this Report is further referred to as voluntary resettlement. On the other hand expropriation may be carried out subject to the administrative decision. This procedure is referred to as involuntary resettlement. In involuntary resettlement the level of compensation is determined by the competent authority, Both these categories are regarded as involuntary resettlement by World Bank policies in that in neither case does the affected party have the option of not resettling.

3.2.2 Legislation

Legal procedures governing land tenure, resettlement and land and asset evaluation are covered by the Act of Management of Real Properties (MoRPA).

Legal procedures governing resettlement caused by investment implementation within the scope of flood control structures are determined by act of July 8, 2010 for special rules of preparing to investment implementation within the scope of flood control structures - Journal of Laws Dz. U. 2010, No. 143, item 963(called later :special law“).

3.2.3 Voluntary resettlement

Under the notion of voluntary resettlement is contained voluntary sale of real estate for public purpose investment reached by agreement between the eligible party and competent public authority dealing with resettlement. In the premises, compensation may not be offered to any entity other than the landowner or those holding rights to the property, or (in particular situations) to those holding limited subject matter rights to the property. Tenants may be compensated through legal relation with the letter on hire.
Occupiers without legal title to the property they occupy are in principle not covered by MoRPA or special law.

3.2.4 Involuntary resettlement

a. General

Within the light of special law involuntary resettlement is allowed for the purpose of flood control structure which is a public purpose by taking over right to property which is necessary for flood control structure implementation for State Treasury or local government units with the day on which permit authorising investment implementation becomes final.

By authority of special law in relation to real estate which are not indispensable for flood control structure implementation but which are necessary for its functioning, (major part of the reservoir bowl) their use is permanently limited with the day on which permit authorising investment implementation becomes final.

b. Eligibility

According to special law the following parties are eligible to get compensation for expropriated real estate:

- real estate proprietors
- perpetual usufructu areas
- persons with limited proprietary rights to real estate

Special law anticipates compensation for losses caused by expiry of tenancy agreement referred to real estate which is property of State Treasury or local administrative unit.

c. Appeals

Special law gives opportunity to file an appeal against the permit authorising investment implementation at higher instance authority (Ministry for Engineering, and Spatial Economy). No appeal was filed against the decision of the Silesian Voivode of 26 November 2012 No. 1/2012 on investment implementation consent for flood protection structures granted a permission to implement a flood protection investment “Flood protection reservoir Raciborz Dolny on the Odra River in Silesian Voivodeship (polder).

If the Silesian Voivodee agrees compensation for the properties acquired by the State Treasury, the former owner not satisfied with the compensation determined has the right to appeal against the Voivodee’s decision to the minister relevant for construction affairs, local planning and spatial management and housing. The party appealing against the decision determining the amount of compensation, however, receives, at its request, the amount agreed in the decision. The amount paid is not with prejudice to the pending appeal procedure.
d. Compensation

According to special law amount of compensation is decided on by means of agreement between the investor and hitherto proprietor, perpetual usufructuary, or person with limited proprietary right to real estate. If within 2 months since the day on which permit authorising investment implementation became final the agreement is not made, the amount of compensation will be decided on by voivod.

If a hitherto proprietor or perpetual usufructuary of real estate which is an object of the permit authorising investment implementation, respectively, hands over the real estate and leaves the premises within legally binding deadlines, amount of compensation shall be augmented by 5% of value of the real estate or perpetual usufruct right.

If permit authorising investment implementation regards real estate built-up with a living accommodation or a building with an isolated living accommodation, amount of compensation falling to hitherto proprietor or perpetual usufructuary who dwells the said living accommodation is augmented by PLN 10 000 in relation to the real estate.

According to special law, if on real estate there are localized facilities serving own tasks performance of territorial administrative units, realized with the use of financial resources coming from European Union budget or other foreign resources, amount of compensation will be augmented by the sum of subvention subject to refund coming from subvention together with interest due to provisions regulating conditions for repayment of subventions.

e. Expropriation

Proprietor or perpetual usufructuary is obliged to hand over of real estate vacating living accommodations and other rooms within deadlines determined in the permit. If the decision was made promptly enforceable proprietor or perpetual usufructuary is obliged to hand over of real estate vacating living accommodations and other rooms within 90 days. If the obligation is not kept real estate will be taken by administrative execution.

3.3 World Bank’s policies

3.3.1 Objectives

a) Involuntary resettlement should be avoided where possible. If it is unavoidable, resettlement should be minimised by exploring all viable alternatives.

b) Resettlement activities should be conceived and executed as sustainable development programs

c) Displaced persons should be consulted and should have the opportunity to participate in the planning and implementation of the resettlement program

d) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living, or to restore them in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of the project implementation, whichever is the higher.
3.3.2 Eligibility

Displaced persons are classified as follows:

a) those with formal rights to land, which is defined broadly and covers also structures erected on the land.

b) those who do not have a formal legal right to land but have a claim to land or assets, which claim is recognised under the domestic law.

c) those who have no recognisable legal right or claim to the land they occupy.

3.3.3 Compensation

Persons in categories a) and b) in section 3.3.2 above are entitled to receive the following forms of assistance:

i) information on their options and rights.

ii) consultations on offered choices and resettlement alternatives.

iii) prompt and effective compensation at full replacement cost (which cost is precisely defined in the policies) for losses of assets directly attributable to the project.

iv) compensation of removal costs.

v) support after displacement, for a transitional period, to improve or at least to restore their livelihood.

Persons in category c) are entitled to receive resettlement assistance according to the rules determined in details in World Bank policies.

3.4 Gaps between the national law and World Bank policies

3.4.1 Eligibility

Under Polish law, the benefit (in the case of voluntary resettlement) or compensation (in case of expropriation) entitled to such persons, which have a formal right to the property entitlement to the get benefits / compensation.

Under the World Bank policies compensation is also due to those with no legal rights.

It appears therefore, that with the possible exception of occupiers without legal title, there is no difference of substance between the provisions of Polish law and the policies of the World Bank in respect of eligibility. At the time of preparation of the RAP there are no knowing illegal occupiers.

3.4.2 Compensation

If a displaced person chooses to be compensated in money there are no significant gaps between the compensation entitlements due under Polish voluntary resettlement and those required by the World Bank. The value of the offered property may exceed the value of the property which is a subject to expropriation.

Under Polish practice the affected person will be required to pay the difference between the cost of the alternative property and the value of the expropriated property, in case the value of the alternative property exceeds the value of expropriated one. In case of a deal between State Treasury and territorial administrative units the value of real estate which is purchased can differ from value of real estate which serves as the compensation.
There is significant difference as far as depreciation of real estate is concerned as, under World Bank policy, it is not accounted for while assessing real estate value.

3.4.3 Adoption of World Bank Policies

Where there is a difference between World Bank Policies and the provisions of Polish Law, World Bank regulations should be incorporated basing on provisions of Polish law.

3.5 Proposed entitlement policy

3.5.1 Eligibility

Parties who have formal ownership rights to the property, i.e. holding rights to perpetual usufruct or limited proprietary rights to real estate, entitling to compensation subject to applicable Polish law regulations are entitled to compensation.

Apart from situations when tenancy or use refers to real estate meant for investment is the property of State Treasury or territorial administrative unit tenants, people granted use or other persons with obligatory rights to this real estate have the right to compensation by virtue of dissolution of agreements on rules provided with in these agreements or general provisions.

3.5.2 Compensation

The following compensation is due, decreased by value of liabilities:

a. Residential property
   - Essentially – market value of real estate and additional PLN 10 000 if permit authorising investment implementation regards real estate built-up with a living accommodation or a building with an isolated living accommodation, and hitherto proprietor or perpetual usufructuary dwells the said living accommodation.
   - If a hitherto proprietor or perpetual usufructuary of real estate which is an object of the permit authorising investment implementation, respectively, hands over the real estate and leaves the premises within legally binding deadlines amount of compensation shall be augmented by 5% of value of the real estate or perpetual usufruct right.

b. Other property
   - Essentially – market value of real estate
   - If a hitherto proprietor or perpetual usufructuary of real estate which is an object of the permit authorising investment implementation, respectively, hands over the real estate and leaves the premises within legally binding deadlines amount of compensation shall be augmented by 5% of value of the real estate or perpetual usufruct right.
3.6 Method of evaluation

3.6.1 Legal aspects

The law relevant to the expropriation for public projects is covered by Article 21 of the Constitution in the Real Estate Management Act (1997) and in special law. Supplementary legislation is listed in Appendix C.

Property evaluation can only be carried out by licensed surveyors.

3.6.2 Method

The preferred method of property evaluation, to be adopted wherever possible, is the determination of the value of the real estate by comparison to the prices that are currently being paid for similar real estates in the open market. The volume of trading of real estate in the Raciborz area is of sufficient volume that market values can be reasonably determined.

If it is not possible to determine a market value, because there is insufficient trading in similar types of the real estate, then the compensation shall be based on replacement cost.

3.6.3 Houses already purchased

Independent checks indicate:
- The process paid by the Investor adequately cover the market value of the properties
- The vendors consider themselves to have been fairly dealt with
- Acting in accordance to Polish regulations the Investor fulfils all the standards of World Bank.

As compensations cover replacement cost it is not demanded to present construction permit of the existing buildings. This process, which has been found to be entirely satisfactory, should be continued.

3.7 Compensation entitlements

3.7.1 Residents

a. Money

Money compensation, or the agreed purchase of a house by the RZGW from the owner, is the simplest and in many cases the most satisfactory form of compensation provided that:
- The agreed price is sufficient for the vendor to purchase an equivalent house in an equivalent location in the neighbourhood
- The compensation package includes sufficient allowance for purchase legal and agents fees, removal costs, temporary loss of earnings and emotional distress
- Payment is made reasonably promptly - that is within 30 days of the signing of the purchase agreement
The vendor is allowed to remain in the house for a reasonable period - 6 months minimum - after the purchase agreement is signed, to provide adequate time to select and purchase a replacement house.

As is explained in section 3.6.2 above, the negotiated price is based on an evaluation of the market price prepared by chartered surveyors. The negotiations themselves are directly between the owner and the RZGW’s representative subject to final endorsement of the property surveyor. It is evident that the prices negotiated are fair and will enable the vendors to buy an equivalent property elsewhere with sufficient margin to cover the costs of the purchase and the subsequent move adequate time to select and purchase a replacement house.

In future provision must be made to the effect of a gradually diminishing village population, especially towards the end of the process. These provisions could comprise either:

- A commitment to maintain all services (utilities, transport, services) until the last person leaves
- A planned abandonment of the village when the population reaches a minimum level (critical mass)

b. Replacement houses

As an alternative to monetary compensation for people who have not yet sold their homes, the owners were proposed construction of residential houses. According to data of September 2012 there are no people interested in this form of compensation. However, there is a group of people interested in obtaining an apartment in a building planned for implementation in the New Village or possibly to other apartments in the Lubomia municipality, if such will be available.

c. Money and land

As an alternative to either money compensation or resettlement, displaced persons may choose to be compensated by a combination of a plot of land in the resettlement village plus money. In this case the money payable shall not exceed the due compensation.

3.7.2 Owners of farm and forest land

All land owners will be offered the cash payment for the land required for the project, at unit rates to be determined by an independent property surveyor. Where the land is not required for construction, RZGW can grant the previous owner the right to continue to use the land for agricultural purposes, subject to a rental agreement.

The land intended for gravel excavation will be leased to entities interested in such activities.

As some farmers are interested in exchange of land the investor could apply to the Agriculture Real Property Agency to indicate the equivalent plots for exchange. If such plots are available in acceptable location the exchange of land will be the alternative option for compensation.
3.7.3 Leaseholders and other affected persons

Apart from situations when tenancy or use refers to real estate meant for investment is the property of State Treasury or territorial administrative unit tenants, people granted use or other persons with obligatory rights to this real estate have the right to compensation by virtue of dissolution of agreements on rules provided with in these agreements or general provisions.

3.7.4 Enterprise owners and employees

Owners of commercial property and facilities will receive money compensation based on the market or replacement value of their premises. Employees of businesses and services which close as a result of acquisition by RZGW will be entitled to termination or dislocation payments according to the terms of their employment contracts.

3.7.5 Religious sites

The religious property will be relocated to a new location outside the reservoir area or relevant compensation will be paid.

3.7.6 Summary

Compensation entitlements are summarized in table 3.1
### Table 3.1. Entitlement matrix

<table>
<thead>
<tr>
<th>Project Impact</th>
<th>Category of PAPs</th>
<th>Entitlement</th>
<th>Other measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of settlements</td>
<td>Proprietors, perpetual usufructuaries,</td>
<td>Market value of house + additional money for prompt handing over and leaving the premises and for living accommodation OR Replacement property OR Money and replacement property</td>
<td>Provisions for uninterrupted temporary housing in existing residence until new house ready</td>
</tr>
<tr>
<td></td>
<td>Tenants</td>
<td>Removal and displacement costs (through tenancy agreement) or special law</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vulnerable groups</td>
<td>as above - according to ownership or tenancy entitlements</td>
<td>Early identification and support from welfare department, church and NGOs</td>
</tr>
<tr>
<td>Loss of enterprises</td>
<td>Land owners</td>
<td>Market value of the land to be purchased + value of fixed equipment + value of loss of crops + removal costs OR Exchange agriculture land from Agriculture Real Property Agency</td>
<td>Possibility to lease the land and continue farming of land not required for construction</td>
</tr>
<tr>
<td></td>
<td>Tenants</td>
<td>Removal and displacement costs (through tenancy agreement) or special law</td>
<td>Assistance in conducting exchange</td>
</tr>
<tr>
<td>Loss of enterprises</td>
<td>Business owners</td>
<td>Market value of the premises to be purchased + value of fixed equipment + removal and set-up costs + loss of earnings</td>
<td>Provision for continuance of operation if possible</td>
</tr>
<tr>
<td>Loss of religious property</td>
<td>Church and residents</td>
<td>Employees</td>
<td>Loss of religious property</td>
</tr>
<tr>
<td>---------------------------</td>
<td>---------------------</td>
<td>-----------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Illegal occupiers</td>
<td>Not applicable</td>
<td>Removal and displacement costs OR Employment termination costs + loss of earnings (either through employment contract)</td>
<td>Illegal occupiers</td>
</tr>
</tbody>
</table>

Provision for the pastoral service till the last resident
Support from Social services
4 Action Plan Implementation

4.1 Purchase of properties developed with residential buildings

4.1.1 Voluntary house purchase (negotiation purchase)

The process, lasting since 2003, was finished in 2012 of purchasing properties developed with houses by way of agreements by the RZGW. The end of the purchase of properties by way of agreements results from a decision issued by the Silesian Voivodeship of 26 November 2012r No. 1/2012 permitting to implement a flood protection investment “Flood protection reservoir Raciborz Dolny on the Odra River in Silesian Voivodeship (polder)”.

When the above decision became finally valid on 12 January 2013, all other properties became the State Treasury’s property.

Property valuations were made by the RZGW in the course of preparation for the acquisition of land: for the purpose of sale (2011-2012), and separately for determining compensation (January – February 2013). For the matters, for which the Voivodee determines compensation for real estates, the Silesian Voivodee will order (ordered) an independent property valuation to determine a value of the property being a basis for determining the due compensation.

House owners and RZGW were agreeing conditions in 2003 -2012 for selling the properties. The exception is the last year, i.e. 2013, when properties were acquired (as of 12 January 2013) as the State Treasury’s property under an administrative decision.

The acquisition of buildings by years:

- By 2006 about 68 buildings had been acquired
- In 2007 1 building had been acquired
- In 2008 14 buildings had been acquired
- In 2009 11 buildings had been acquired
- In 2010 8 buildings had been acquired
- In 2011 16 buildings were acquired
- In 2012 55 buildings were acquired.

- In 2013 - 30 houses were acquired (under the decision of the Silesian Voivodeship of 26 November 2012r No. 1/2012 permitting to implement a flood protection investment “Flood protection reservoir Raciborz Dolny on the Odra River in Silesian Voivodeship (polder)”.

Action:

- During an initial meeting between the Owner and the RZGW representative it is determined that the approach is serious and that the owner understands
Regional Authority for Water Management in Gliwice
Project Implementation Unit - Racibórz Dolny Dry Polder in Racibórz

the purchase procedure and owners' rights. Moreover, the legal status of the property is verified.

- The property is valued by an independent property surveyor (assessor) appointed by RZGW
- The RZGW makes a formal offer to the Owner on the basis of the evaluation
- The two parties, the RZGW and the Owner meet to negotiate terms
- After agreeing terms and conditions of sale, RZGW prepares the necessary documents (land surveying, power of attorney) and agree with the notary date for concluding the contract of sale;
- Notaries sale contract is Concluded, the owner shall be paid the sale price;
- RZGW bears costs of contract and land registration;
- The Owner is allowed to remain in the property at no costs for a period stipulated in the Agreement
- If necessary, help is provided to the owner, to arrange other formalities related to the sale or transfer;
- Once the property is vacated, the buildings are demolished by demolition contractor on behalf of RZGW;

The duration of the preparatory procedure, from the date of application for the purchase until signing the contract is different, depends largely on the will of the sellers. Since the first talks on selling through the preparation of valuation and the offer pass about 2 to 3 months. Next, the period of time until the contract on the complexity of the object of valuation (the number of buildings and plant components) and the complexity of the rights associated with the property being sold (number of joint owners, their place of residence, other property rights associated with property such as apartments easement or of bonds such as leasing of agricultural land).

The acquisition of properties by way of a decision on implementation of a flood protection investment.

The activities and grounds for the activities are described below in 4.1.2 and 4.2.1.

**Analysis of the values of properties**

In order to assess, how value of properties shapes in relation to property valuation in previous years, was made an analysis of data and based on data from "the reports on the evaluation" and "authenticated deeds" it was averaged values, which is shown in the following table and charts below.

The analysis describe years 2003-2011, but the level of values occurring in the year 2012 is based on the same output as in 2011, and thus the tables below are valid for the I half of the year 2012.

**Table 4.1. The average value of individual elements of the valuation in the years of 2003-2014**
Regional Authority for Water Management in Gliwice
Project Implementation Unit - Racibórz Dolny Dry Polder in Racibórz

<table>
<thead>
<tr>
<th>Year</th>
<th>Average</th>
<th>price of 1m² of building land</th>
<th>price of 1m² of agricultural land</th>
<th>price of 1m² of a residential building</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>5.78</td>
<td>2.70</td>
<td>1038.00</td>
<td></td>
</tr>
<tr>
<td>2004</td>
<td>12.12</td>
<td>2.69</td>
<td>937.06</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>13.92</td>
<td>5.03</td>
<td>1333.19</td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>13.5</td>
<td>3.98</td>
<td>1376.17</td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td>16.00</td>
<td>3.66</td>
<td>1883.00</td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>20.59</td>
<td>4.24</td>
<td>2049.79</td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>23.17</td>
<td>4.66</td>
<td>2178.76</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>24.20</td>
<td>4.75</td>
<td>2011.19</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>29.14</td>
<td>6.77</td>
<td>2192.21</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>29.14</td>
<td>6.77</td>
<td>2271.00</td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>30.67</td>
<td>6.95</td>
<td>2303.00</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>34.50</td>
<td>7.20</td>
<td>3527.00*</td>
<td></td>
</tr>
</tbody>
</table>

*Large difference in the value of 1m² of residential building results from another methodology adopted by a property expert valuating properties at the order of the Silesian Voivodes.
This does not affect considerably the differences in the value of the entire valuated properties.

Figure 4.3 Graph showing the increase in the value of building land

Figure 4.4. Graph showing the increase in the value of agricultural land

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The above analysis show that the value of individual elements of the property value increases. In particular, an objective criterion is the value of developed land and agriculture land, which show a significant upward trend.

It should be noted, particularly in relation to the value associated with the value of the buildings that above mentioned data are averaged: in relation to earlier years it relates to transactions completed by a sale, in relation to 2011 it relates to properties acquired and valued. Given the above, must be noted that to determine...
the average values of properties in 2011, it was adopted the data from 31 “the reports on the evaluation”, there were real estate of very different standards.

4.1.2 Removal of rights to the property in administrative proceedings (expropriation)

A.

By 24 August 2010 the activities related to the acquisition of properties for the implementation of the dry flood protection reservoir Racibórz Dolny were conducted on the basis of the final decision of the Silesian Governor from 5 July 2004 No RR-AB.II/ID/7111/93/04 on determination of the location of the public purpose. In expropriation mode possible withdrawal of property rights might be done through the issue of decision by the relevant governor on the expropriation and compensation under the provisions of the Real Estate Management regulations.

From 25 August 2010, following the entry into force of the law of 8 July 2010 on special principles of preparation for the implementation of the investment in building flood protection structures, rules of procedure in this matter was changed. Based on the decision to permit the implementation of the investment, the withdrawal of property rights (expropriation) was executed for the properties needed to implement the investment. Thus, the administrative act (indicated decision) will be one for all the property needed to implement the investment. Silesia Voivoddee

From the date on which the decision to permit the implementation of investment became final, the properties indicated as necessary became state-owned. And the owner, perpetual user or person which is entitled to limited rights to the property shall be entitled to compensation. The process of determining of compensation is a two-stage.

B.

First, the contractual arrangement is provided for compensation to be made in writing between the investor and those from whom the rights to the property had been withdrawn. Agreeing on compensation will be based on a valuation prepared by a property appraiser. The valuation must be current at the date (after the date on which the decision to permit the implementation of investment has become final) and taking into account the state of the property at the date of the decision to permit the investment.

In the case of a positive outcome of the negotiations a written agreement specifying the compensation and the date of payment will be issued. The rules provide that the amount of compensation is further increased by the amount of 10,000 PLN, because the arrangement will apply to residential building.

If negotiations fail – proceeding will be conducted according to the description in point C below.
The 1st stage – determination of compensation - lasted between 12.01.2013 and 12.03.2013.

A deadline for determining compensation between the Investor (results from the final validity of the decision permitting investment implementation (12.01.2013r) and from the provisions of the Act setting a period of two months for making arrangements.

As part of determining compensation, the RZGW:
- ordered and collected property valuations for 480 registered plots;
- prepared and submitted written offers to owners of the above registered plots (by attaching also a draft agreement indicating the date and place - the PIU’s head office in Racibórz) for signing an agreement or providing explanations in the matter;
- work was organised of the Office in Racibórz in afternoon hours so that all the stakeholders can receive relevant information;
- 86 compensation agreements were concluded within the set time for 170 registered plots, including
  12 agreements related to residential buildings:
  - 8 buildings in Nieboczowy
  - 2 buildings in Ligota Tworkowska
  - 2 buildings in Krzyżanowice

The agreements were made in writing, including 5 agreements drawn up as a notary deed.

Replacement areas from Nowa Wieś were transferred as part of compensation:

<table>
<thead>
<tr>
<th>No.</th>
<th>data for changes</th>
<th>replacement sites - plot no.</th>
<th>replacement sites - area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>individual</td>
<td>1537/218</td>
<td>0.1423</td>
</tr>
<tr>
<td>2</td>
<td>individual</td>
<td>1579/218</td>
<td>0.2192</td>
</tr>
<tr>
<td>3</td>
<td>individual</td>
<td>1599/209</td>
<td>0.2002</td>
</tr>
<tr>
<td>4</td>
<td>individual</td>
<td>1588/171</td>
<td>0.2271</td>
</tr>
<tr>
<td>5</td>
<td>LUBOMIA MUNICIPALITY</td>
<td>1584/171</td>
<td>1.8211</td>
</tr>
<tr>
<td>6</td>
<td>LUBOMIA MUNICIPALITY</td>
<td>751/155</td>
<td>1.2766</td>
</tr>
<tr>
<td>7</td>
<td>LUBOMIA MUNICIPALITY</td>
<td>752/155</td>
<td>0.9494</td>
</tr>
<tr>
<td>8</td>
<td>LUBOMIA MUNICIPALITY</td>
<td>160</td>
<td>0.3660</td>
</tr>
<tr>
<td>9</td>
<td>LUBOMIA MUNICIPALITY</td>
<td>173</td>
<td>0.2470</td>
</tr>
<tr>
<td>10</td>
<td>LUBOMIA MUNICIPALITY</td>
<td>172</td>
<td>0.7610</td>
</tr>
<tr>
<td>11</td>
<td>LUBOMIA MUNICIPALITY</td>
<td>205</td>
<td>0.2390</td>
</tr>
<tr>
<td>12</td>
<td>LUBOMIA MUNICIPALITY</td>
<td>404/204</td>
<td>0.1086</td>
</tr>
<tr>
<td>13</td>
<td>LUBOMIA MUNICIPALITY</td>
<td>402/202</td>
<td>0.0273</td>
</tr>
</tbody>
</table>
If negotiations are not successfully completed – a compensation procedure is conducted by the Voivodee who determines the due compensation to the party in an administrative decision (see item C below).

C.

If, within two months the agreement with regard to compensation arrangements between RZGW and the owner of the property (perpetual usufructuary, the person who exercises a limited property rights to the property) will not be reached, issues related to the determination of compensation will be determined by a separate administrative decision on compensation.

The decision on compensation is issued by Silesia Voivodee. The decision on compensation may be appealed, however at request of the party payment of compensation is possible before completion of appeal.

Also in this case, the compensation will be determined based on property valuation by the property appraiser, but the appraiser will be appointed in this case by the Silesia Voivodee.

Since the decision on compensation will apply to the residential building compensation will be increased by the amount of 10,000 PLN.

From any decision taken in the preparation of the investment parties have the right to appeal but also the right of complaint to an administrative on non-compliance of the court decision with applicable law.

Stage II – 12.03.2013 until now. Compensation procedure and decision. The Silesian Voivodee is now conducting a compensation procedure for all the properties not covered by agreements in the 1st stage and this applies to 418 registered plots, including 19 residential buildings. The procedure has been completed for 323 plots until 31.12.2014, and it is pending for 95 registered plots.

As of 31.12.2014, there are 2 buildings left for which compensation is to be agreed in a procedure conducted by the Silesian Voivodee:

<table>
<thead>
<tr>
<th>No.</th>
<th>Address of building - Town</th>
<th>Address of building - Street</th>
<th>House No.</th>
<th>building</th>
<th>comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Nieboczowy</td>
<td>Ligonia</td>
<td>11</td>
<td>residential</td>
<td>Legal status regulated in 2014</td>
</tr>
</tbody>
</table>
4.1.3 Illegal occupiers, unregulated legal status

The following situations occur for the group of inhabitants without formal rights:

- unregulated legal status (no succession procedure conducted) now exists in relation to one property developed with a house (the case is being monitored together with village authority);

- the situation of inhabitants authorised to inhabit under the right of easement may be potentially difficult (2 cases), the completion of compensation procedures by the Voivodee and activities undertaken by the Lubomia Municipality to verify a need to build a municipal house may solve the situation;

- in Ligota Tworkowska there is a tenant living in the building, that had been previously acquired by RZGW, according to information from RZGW person is guaranteed to have a place to live by authorities of the Municipality of Lubomia;

The data available on the day of preparing a list of land (undeveloped land with unregulated legal status in scope relating to land unnecessary for construction is estimated at 2 %. A property with unregulated legal status is such a property whose existing owner is dead and the successors have not demonstrated their succession right as well as a property for which, due to the lack of a mortgage and land register, a set of documents or other documents, persons cannot be determined entitled to the property title.

For such land, as a result of issuing a decision permitting investment implementation, when no persons are indicated legally authorised to collect compensation, the compensation for property acquisition will be submitted as a court deposit.

4.2 Other properties in the area of investment

For several years RZGW is taking actions in order to purchase for the Treasury the necessary land for the construction of a Raciborz Dolny dry flood protection reservoir.

Method of acquisition of land was divided into land needed for the building structures and other land located in the bowl of the reservoir.

Currently, new legislation in this regard point to the need for dividing the properties into the necessary for the implementation and necessary for the operation.
4.2.1 Land necessary for implementation of the investment

Land necessary for implementation is specified in item 1 of the decision of the Silesia Voivodee no. 1/2012 of 26 November 2012 permitting the construction of the flood protection investment entitled “Flood protection reservoir Raciborz Dolny on the Odra River in Silesian Voivodeship (polder).

Land necessary for implementation being the State Treasury’s property (more about such land – see 1.2.3. of this document).

4.2.2 Lands necessary for operation of the investment

Land necessary for functioning is specified in item 2 of the decision of the Silesia Voivodee no. 1/2012 of 26 November 2012 permitting the construction of the flood protection investment entitled “Flood protection reservoir Raciborz Dolny on the Odra River in Silesian Voivodeship (polder).

As indicated in 1.2.4., totally the land necessary for functioning includes the area of over 1715 ha with 65% (1124.8 ha) is the State Treasury’s property and 35% (590.5 ha) is the property of natural or legal persons.

The administrators of the State Treasury’s land necessary for functioning is shown in the table below.

<table>
<thead>
<tr>
<th>property structure of the State Treasury land - necessary for functioning</th>
<th>plots</th>
<th>area in ha</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Treasury - permanently managed by RZGW</td>
<td>612</td>
<td>289</td>
</tr>
<tr>
<td>State Treasury - ANR - permanently managed by RZGW*</td>
<td>12</td>
<td>23</td>
</tr>
<tr>
<td>State Treasury - RZGW (without describing as permanent management)</td>
<td>182</td>
<td>75</td>
</tr>
<tr>
<td>State Treasury – Starosta</td>
<td>340</td>
<td>183</td>
</tr>
<tr>
<td>State Treasury - Agricultural Property Agency</td>
<td>130</td>
<td>436</td>
</tr>
<tr>
<td>State Treasury – others</td>
<td>26</td>
<td>120</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1302</strong></td>
<td><strong>1125</strong></td>
</tr>
</tbody>
</table>

*permanent paid management, under the decision of the ANR (Agricultural Property Agency)*

The properties necessary for functioning are not acquired as the State Treasury’s property under the investment implementation decision. The representatives of such properties, however, notified of initiation of the procedure by the Voivode, were able, within 90 days from receiving the notification, to submit a request for the purchase of such properties by the State Treasury.
The Investor - RZGW - has been examining the requests and possibly acquiring such properties by way of a civil law agreement.

RZGW GL, after analysing the submitted applications, considered that applications for 292 plots were submitted:
- at the date specified by regulations;
- by entitled persons;
- and related to the properties indicated with the investment development consent decision as properties necessary for functioning.

Actions have been taken for those properties to purchase them. Altogether, in the years of
- 2013 - 167 plots were purchased;
- 2014 - 62 plots were purchased;
with the total area of 120,4039 ha.

It is estimated that about 20 properties are to be bought yet (after 31.12.2014).

4.2.3 The process of acquiring land necessary for implementation of the investment until the date of final decision to permit implementation of the investment.

Until 12 January 2013, i.e. the final validity date of the decision on the permit for implementation of the investment, RZGW was acquiring land from owners express willingness to sell their property under a civil law agreement.

4.2.4 Acquisition of the State Treasury land necessary for implementation

The land necessary for implementation being the property of the State Treasury on the date of the decision of the Silesia Voivodee no. 1/2012 of 26 November 2012 permitting the construction of the flood protection investment entitled "Flood protection reservoir Raciborzel Dolny on the Odra River in Silesian Voivodeship (polder), i.e. on 12 January 2013 under the law (Article 27(1) of the act of 8 July 2010 on special rules concerning the preparation of investments related to flood defences) was transferred for permanent management by the Regional Authority for Water Management.

The appointment of separate management for each property is stated by the Voivodee in a separate administrative decision.

The State Treasury’s land has principally been already acquired for the purpose of the investment within the scope agreed to date. Altogether, it will be necessary to obtain a decision stating the transfer of land for permanent management by RZGW for approximately about 1000 plots being to date (until the final validity date of the
Regional Authority for Water Management in Gliwice
Project Implementation Unit - Racibórz Dolny Dry Polder in Racibórz

investment implementation decision) the property of the State Treasury (it is also necessary to obtain a decision about permanent management by RZGW for about 600 private plots acquired under the decision in favour of the State Treasury).

By obtaining a decision stating the right of permanent management in favour of RZGW Gliwice, the right of the State Treasury and of the permanent management of RZGW can be revealed in mortgage and land registers, which will finally finish the process of revealing rights for the properties.

4.3 Leaseholders

At the request of the stakeholders, the land covered by the location of the Racibórz reservoir was and is leased. The land is leased by farmers and entrepreneurs for – respectively – cultivation or business activity related to fossils excavation.

The lease of land necessary for investment implementation.

The land necessary for investment implementation, in the meaning of the decision of the Silesian Voivodee No. 1/2012 of 26 November 2012 permitting the implementation of the flood protection investment as well as necessary for construction works, is not leased for the following reasons:

- contracts of lease were finished by way of termination;
- no new contracts of lease were concluded, and the existing ones have expired due to lapse of time;
- under Article 26(2) of the act of 8 July 2010 on special rules concerning the preparation of investments related to flood defences, the rental, lease or lending of a property intended for an investment being the property of the State Treasury or a local authority, expired within 30 days from the day on which the investment implementation decision became finally valid.

The land necessary for functioning.

The land managed by the investor and situated within the Reservoir bowl is still leased at the existing terms, and new contracts of lease are also concluded.

4.4 Purchase of enterprises

Enterprises are acquired through negotiations conducted with their owners on similar principles as in the case of residential property (see 4.1.1). Today in the bowl of the reservoir, outside businesses related to the operation of aggregates, which can carry out their activities even after the creation of the reservoir, there are no large businesses.

4.5 The tasks of institutions and authorities

This section summarizes responsibilities of authorities and organizations involved in RAP preparation and implementation. Some of these activities are already started.
4.5.1 RZGW

a. Basic principles

RZGW is an institution fully responsible for the implementation of the Action Plan in accordance with the following fundamental principles:

- Providing experts to appraise property;
- Assessment of the legal status of property, risk assessment, clarifying necessary issues with the owners;
- Evaluation and validation of property valuation;
- An offer to property owners;
- Preparation of documents to conclude;
- Ensuring timely payment of compensation;
- Agreement on the principles of the further use of property
- Acquisition of properties necessary for functioning

b. Main tasks

Main tasks of RZGW as an investor are as follows:

- Negotiations on a voluntary purchase of property under civil-law contract
- Acquisition of funds to purchase replacement properties and land for compensation
- Information and consultation for the relocated population
- Ensuring funding for facilities and infrastructure of the New Village, and other transferred or necessary facilities or infrastructure related to resettlement
- Acting as an investor of replacement housing construction
- Organization of the move to resettlement village
- Restoration of the lands of former villages (demolition of buildings, facilities, infrastructure)
- Providing access to land for lease for agriculture in the bowl of the reservoir
- Lease of land in the bowl of the reservoir to interested parties

4.5.2 Voivodeship level

The competencies of the Silesia Voivodee include in particular:
Regional Authority for Water Management in Gliwice
Project Implementation Unit - Racibórz Dolny Dry Polder in Racibórz

- Conducting the proceedings and the issuance of a permit for investment including:
  - approval of a construction project,
  - approval of the division of property,
  - an indication of the properties necessary for investment,
  - an indication of the properties necessary for the operations
  - determination of restrictions on the use of the property needed for the operation
- Where there is no arrangements between the investor and the owner on amount of compensation - making decision on compensation;

The competence of the Marshal of the Silesia

- Issuing of a permit required by Water Law, approval of the water management manual

Voivodship conservator of historical monuments - permit for relocation of structures recorded in the register of historical monuments (not found) and approval for relocation of the tokens of historical and artistic value from the cemetery area.

Regional Director of Environmental Protection in Katowice is investigating the environmental impact assessment and issue a decision on the environmental conditions and other required under special laws.

4.5.3 Starosty (Poviat)

Poviat authorities (Starosta) competences are as follows:

- Participation in exchange of replacement of State Treasury
- Demolition consent for purchased houses and structures
- Construction permit for individual houses and resettlement village
- Construction permit for reconstruction of commercial buildings (shops, cafes, workshops, bakery) and infrastructure
- Geodetic documentation centres prepare the necessary geodetic documentation for the application for the issuance of a permit for investment;

4.5.4 State Poviat Sanitary Inspectorate

Sanitary inspector shall be responsible for:

- Decision on closure of the cemetery
Regional Authority for Water Management in Gliwice
Project Implementation Unit - Racibórz Dolny Dry Polder in Racibórz

- Decision on exhumation of the graves and participation in the process
- Approval of design documentation with respect to hygiene and health issues

4.5.5 Municipality

Municipality is responsible for:
- Passing zoning plan for the New Village areas (the plan was passed and is effective from 29 January 2010)
- Provide infrastructure: roads, electric energy, telephone, water supply and sewage disposal, waste disposal
- Acting as the investor for the implementation of own or replaced objects related to the resettlement process, especially in the implementation of infrastructure facilities in the new village on the basis agreed with RZGW
- Provide access to education (school, kindergarten, common room) and basic health service
- Support for poor and homeless people (welfare department)

4.5.6 Agriculture Properties Agency (ANR)

ANR shall be responsible for:
- Letting lands to be administered by RZGW that belong to Resources of Real Property of State Treasury and are required for reservoir construction and situated within the future embankments
- Indication of replacement property for those landowners in bowl of the reservoir area who are interested in such exchange and exchange (through Starosta).

4.5.7 Church authorities (Curia)

Church authority's competences are as follows:
- Provide pastoral service for the resettled inhabitants in former and new place of residence
- Decision on closure of cemetery, approval for new use of the area
- Approval for conditions of relocation or removal of church property and movables (furnishings and accessories)
- Approval for conditions for exhumation of corpses and participation in exhumation
- Construction of a religious building (church) in New Nieboczowy
4.6 Archaeological research

A.

Within the light of art. 1 of Convention on the Protection of the Archaeological heritage of Europe elaborated in La Valetta on January 16, 1992 and ratified by Poland (Journal of Laws, Dz. U. of 1996 No. 120, item 564) all remains and objects and any other traces of humankind from past times are considered elements of the archaeological heritage:

1. the preservation and study of which help to retrace the history of mankind and its relation with the natural environment;
2. for which excavations or discoveries and other methods of research into mankind and the related environment are the main sources of information; and
3. which are located in any area within the jurisdiction of the Parties.

The archaeological heritage shall include structures, constructions, groups of buildings, developed sites, moveable objects, monuments of other kinds as well as their context, whether situated on land or under water.

It should be noted that status of archaeological heritage is granted independently on fulfilling criteria of chronological nature. It means that, ex. armor discovered on a battlefield of the First World War, which is object of research of twentieth century archaeology, is a piece of moveable archaeological heritage as well.

Activities aiming at ensuring protection of culture goods, archaeological objects and excavation sites shall be done pursuant to an act of July 23, 2003 on historic preservation and heritage conservation (Journal of Laws, Dz. U. No. 162, item 1568 as amended, hereinafter referred to as HPA).

Pursuant to aforementioned regulations archaeological investigations are defined as activities aiming at discovering, identifying, documenting and preservation of archaeological heritage. Having this in mind, archaeological investigations that are to be conducted on the area of flood control reservoir Racibórz Dolny to be would follow the following assumptions:

- conducting preliminary archaeological investigations on the area of 17 documented archaeological sites;
- archaeological supervision while conducting construction works within the frameworks of A1-1 contract “Construction of Flood Control Reservoir Racibórz”ICB no.: 01;
- emergency archaeological investigations while conducting construction works within the frameworks of A1-1 contract “Construction of Flood Control Reservoir Racibórz”ICB no.: 01.

Contractor to conduct archaeological investigations is expected to be chosen till March 2011. Therefore, preliminary archaeological investigations should start in April 2011, and end in October 2012 (investigations are expected to last 525 days).

Deadline of archaeological investigations is dependent on limitations resulting from EIA report. Particularly works generating high-level noise that flushes animals,
conducted in vicinity of Forest of Tworków (in the section between km 5+100 do 6+100 of object no. 2) should be conducted exclusively from July 15 till the end of December due to white-tailed eagle \((Haliaeetus albicilla)\) habitat protection, while trees and shrubs removal which is necessary to perform the planned works, should be maximally reduced and realized in the period from August 15 till March 15.

B.

According to aforementioned regulations of historic preservation and heritage conservation act an application for conducting archaeological investigation permit should be submitted at voivodeship historic preservation officer. Scope and type of necessary archaeological investigations are set by voivodeship historic preservation officer in a decision in such a scope to which construction works, earthworks or change of previous land use would destroy or damage archaeological heritage.

C.

According to art. 30 para 1 of HPA, Owner or proprietor of a historic real estate or real estate with historic designation is obligated to make it accessible to an investigation performer to conduct the investigation. In case of refusal, voivodeship historic preservation officer may issue a decision making the owner or proprietor of the historic real estate make it accessible for a period indispensable to conduct investigations but no longer than 3 months starting from a day when the decision becomes final.

For damages resulting from aforementioned investigations entitlement to allowance is established in accordance with civil code. Table 4.2. included in contents of point G, presents land title structure due to conduct preliminary archaeological investigations on.

D.

According to art. 32 para 1 of HPA, one who discovers an object toward which there is an assumption that it is historic, during construction works or earthworks is obligated to:

4. suspend all works that may damage or destroy the discovered object;
5. protect the object and site of discovery with the help of all available sources;
6. notify immediately competent historic preservation officer, and if it is not possible, competent head of commune (mayor or city mayor).

Discovery of an object toward which there is an assumption that it is historic is made by individual entity or organizational unit responsible for performing construction works or earthworks (i.e. investor, contractor, or subcontractor). Person obligated with aforementioned regulation is one who is actually and legally entitled to suspend works. In case of discovery of an object an assumption is significant that it is a moveable heritage in material sense, i.e. within the meaning of art. 3 subpara 3 in relation with point 1 of HPA (moveable heritage – moveable object, its part or a group of moveable objects that are made by human or are related to his activity and that are evidence of past epochs, or an event whose preservation is of social importance
with regard to its historic, artistic or scientific value); or archaeological heritage within the meaning of art. 3 subpara 4 of HPA (archaeological heritage – historic real estate which is surface, underground or underwater remains of human existence and activity, which consists of cultural layers and products or its traces, or a moveable heritage that constitutes this product).

As legislator used wording: "There is an assumption", it means that evidence hearing is unnecessary in this case. Substantiation of possession of an object features of moveable heritage in material sense or archaeological heritage is enough.

Fulfilling above mentioned conditions obligates to:

- suspend construction works or earthworks but only these that pose actual and direct risk of damage or destroy to discovered object, and within the scope indispensable to remove the risk; regulation of art. 32 para 1 subpara 1 of HPA does not obligate to suspend all works within the area of the real estate;

- protect the discovered object and site of discovery with the help of all available sources, i.e. with care but only to the necessary extent (ad hoc);

- notify immediately competent historic preservation officer, and if it is not possible, competent head of commune (mayor or city mayor). It is mainly about situations when discovery is made beyond locality of historic preservation office or its representative powers. The notification should be made in writing or to the note.

Competent historic preservation officer is responsible to inspect the discovered object within 5 days since the notification has been submitted (directly or by means of head of commune). If this obligation is not fulfilled in the aforementioned deadline, suspended works can be legally continued, i.e. existence of an implied acquiescence to continue the works is assumed by historic preservation officer.

According to art. 32 para 5 of HPA, after the inspection of the discovered object, historic preservation officer issues a decision that:

- let to continue suspended works if the object is not heritage;

- let to continue suspended works if the object is heritage and continuation of works would not cause its damage or destroy;

- order continuation of work suspension (for no longer than a month since the day when the decision was delivered) and conducting archaeological investigation within indispensable scope at the expense of the individual entity or organizational unit financing the works.

Ordination of the aforementioned regulation indicates clearly that order to continue work suspension should be treated as last resort. It can only be issued when historic preservation officer proves that:

- the discovered object is a moveable heritage in material sense, i.e. within the meaning of art. 3 subpara 3 in relation with point 1 of HPA, or archaeological heritage within the meaning of art. 3 subpara 4 of HPA;
continuation of suspended works would cause damage or destroy of this object (i.e. the risk of such damage or destroy is actual and direct in particular context);

• there is necessity to conduct archaeological investigations within indispensable scope.

If heritage of special value is discovered during archaeological investigations, voivodeship historic preservation officer can issue a decision on prolongation of works suspension. Period of works suspension cannot be longer than 6 months starting from the day when this decision was delivered. When archaeological investigations are over, voivodeship historic preservation officer issues decision letting to continue suspended works.

E.

According to art.3 subpara 11 of HPA, archaeological investigations are activities aiming at discovering, identifying, documenting and preservation of archaeological heritage. This definition is wide and includes among others:

• excavations (earthworks in the area of archaeological site that are systematic and methodical uncovering of its parts to document them);

• random sample testing (works during which limited penetration in the whole stratification layout of archaeological site are performed to prove its existence, describe its character, range, etc., by making small excavations, boreholes and probing;

• surface examination (works during which penetration of the area is made to discover archaeological heritage occurring on the surface or of a visible landscape form).

F.

In case of heritage discovery, excluding archaeological heritage, in issues of property and award for the finder, art. 189 of Civil Code is applied. It means that that the object described above becomes property of State Treasury (first acquisition), and the finder is entitled to relevant award. This award is fixed regarding all conditions of the case, especially value of the discovered object, finder’s expenses and amount of labour.

In case of archaeological heritage, persons who had discovered or found archaeological heritage accidentally are entitled to award if they fulfilled obligations established by regulations (notifying competent authorities, works suspension). People dealing with archaeological investigations by profession, or employed in groups aiming at conducting archaeological investigations are not entitled to award.

G.

Before starting the construction work on the implementation of flood protection reservoir Raciborz Dolny, the advance archaeological research of 17th documented archaeological position need to be made.
Catalogue of the archaeological positions located in the investment collision line.

The catalogue includes all the archaeological positions, which in any way show overlap their ranges with both planned course of embankments, and infrastructure of flood protection reservoir Raciborz Dolny. A new and independent from the existing numeration of the objects, created for future excavation which allowed to keep the logical continuity were used. Start from the north - western part of the reservoir at the frontal dam and runs on south along the embankment in the opposite direction from the hands of a clock. Each time, given the numbers within the areas of Archaeological Photo of Poland and in the particular city. Only in cases of newly opened positions was done differently, because this numbering is provided by the Regional Conservator (RC), as the sole operator of the latest recent available numbers. In order to clearly identify the numbering adopted the rule determine its new version relating to this investment - for every position letter abbreviation ZRD – Raciborz Dolny reservoir - along with next number.

The catalogue contains all information about archaeological positions, necessary for their full characterization, including data on Physiographic, as well as the characteristics of the distribution of the source material, the surface and the already existing conditions of observation. Because of that it was possible not to enclose in this study set of conservation sheets, chic for bystander are not clear.

In addition, this catalogue contains for each presented position besides the description also its situational plan in the scale 1:10.000 and made during the fieldwork photographs.

Abbreviations used in the catalogue refer to:
AZP – research within the Archaeological Photo of Poland
BBP – research within the Archaeological Photo of Poland
BS – surveys

Table 4.6. Statement in terms of functional and chronology the archaeological positions located within collision line the flood protection reservoir Raciborz Dolny

<table>
<thead>
<tr>
<th>Number under the investment</th>
<th>No AZP</th>
<th>Date source</th>
<th>Inventory of archival research</th>
<th>Inventory of current research</th>
<th>Scientific value</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZRD 1</td>
<td>102 – 40/44</td>
<td>AZP, BBP</td>
<td>SO - N – 1c, SO – PS – 4c</td>
<td>-</td>
<td>small</td>
<td>Negative verified</td>
</tr>
<tr>
<td>ZRD 2</td>
<td>102 – 40/28</td>
<td>BBP</td>
<td>SO – N – 1 s, copper, SO – NOW - c</td>
<td>SO – N (KCSz) – 2c,3k</td>
<td>big</td>
<td>so far unknown - the number to give - RC</td>
</tr>
<tr>
<td>ZRD 3</td>
<td>102 – 40/28</td>
<td>Archival</td>
<td>PO – N – 9k, PO – HA(KL) – 13c, SO – prehistory – 1c</td>
<td>N – 7k, KL – 2c, WŚ – 1c</td>
<td>big</td>
<td>positively verified; cultural layer</td>
</tr>
<tr>
<td>ZRD 4</td>
<td>103 – 40/10</td>
<td>AZP, BBP</td>
<td>SO – prehistory – 2c</td>
<td>SO – PS – 2c</td>
<td>small</td>
<td>positively verified</td>
</tr>
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</table>
### Table 4.7. The list of parcels necessary for the work related to archaeological research

<table>
<thead>
<tr>
<th>Position</th>
<th>Archaeology Task</th>
<th>Name of area</th>
<th>Map sheet</th>
<th>Plot no.</th>
<th>Plot area</th>
<th>Category of property according to land registry data</th>
<th>The disposition of the site by the Regional Water Management in Gliwice / or the lack</th>
<th>Task</th>
</tr>
</thead>
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<tr>
<td>A</td>
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<td></td>
<td></td>
<td></td>
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<tr>
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<td>ZRD 1</td>
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<td>263/2</td>
<td>4,1114</td>
<td>SP – RZGW in Gliwice</td>
<td>RZGW board by the cadastral data</td>
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<td>ZRD 2</td>
<td>Studzienna</td>
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<td>1009/178</td>
<td>0,1543</td>
<td>PR</td>
<td>Disposition the area to obtain the by the Contractor</td>
<td>I</td>
</tr>
</tbody>
</table>

Legend: SO – inhabitant sign; PO – inhabitant point; EK – Stone Age; N – Neolithic; KPL – Funnelbeaker culture; KCSz – Corded Ware culture; EB – Bronze Age; HA – KL – Hallstatt period – Lusatian culture; OWR – Roman period; KP – Przeworsk culture; WS – Early Middle Ages; PS – late Middle Ages; NOW – Modern period; NN – undefined; c – ceramics; k – flint; s. copper – copper ax.
<p>| ZRD 2 | Studzienna | 4 | 997/178 | 9,4720 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 2 | Studzienna | 4 | 1245/178 | 0,0786 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 2 | Studzienna | 4 | 1010/178 | 0,1531 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 2 | Studzienna | 4 | 1013/178 | 0,1031 | SP | disposition the area to obtain the by the Contractor | I |
| ZRD 2 | Studzienna | 4 | 1242/178 | 0,2517 | GM | disposition the area to obtain the by the Contractor | I |
| ZRD 2 | Studzienna | 4 | 1243/178 | 1,0408 | GM | disposition the area to obtain the by the Contractor | I |
| ZRD 2 | Studzienna | 4 | 1012/178 | 0,0622 | GM | disposition the area to obtain the by the Contractor | I |
| ZRD 2 | Studzienna | 4 | 996/178 | 0,2521 | GM | disposition the area to obtain the by the Contractor | I |
| ZRD 3 | Studzienna | 4 | 999/178 | 0,8083 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 3 | Studzienna | 4 | 998/178 | 0,0687 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 3 | Studzienna | 4 | 1000/178 | 0,7901 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 3 | Studzienna | 4 | 1001/178 | 0,5081 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 4 | Sudoł | 3 | 546 | 0,3820 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 4 | Sudoł | 3 | 545 | 1,0213 | GM | disposition the area to obtain the by the Contractor | I |
| ZRD 4 | Sudoł | 3 | 722(544) | 2,1343 | SP | disposition the area to obtain the by the Contractor | I |
| ZRD 5 | Bieńkowice | 8 | 121/47 | 1,1778 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 5 | Bieńkowice | 8 | 120/47 | 3,8612 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 6 | Bieńkowice | 8 | 58 | 3,7740 | PR | disposition the area to obtain the by the Contractor | I |
| ZRD 6 | Bieńkowice | 8 | 53 | 3,1640 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 6 | Bieńkowice | 8 | 91 | 0,5106 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 6 | Bieńkowice | 8 | 92 | 0,5662 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 6 | Bieńkowice | 8 | 157/89 | 0,3830 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 6 | Bieńkowice | 8 | 90 | 0,5106 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 6 | Bieńkowice | 8 | 88 | 1,0213 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 6 | Bieńkowice | 8 | 158/89 | 0,3830 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 6 | Bieńkowice | 8 | 60 | 0,8910 | GM | disposition the area to obtain the by the Contractor | I |
| ZRD 6 | Bieńkowice | 8 | 57 | 3,7730 | PR | disposition the area to obtain the by the Contractor | I |
| ZRD 7 | Bieńkowice | 8 | 94 | 7,4040 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 7 | Bieńkowice | 8 | 139/98 | 1,3112 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 7 | Bieńkowice | 8 | 140/98 | 1,2665 | SP- RZGW in Gliwice | RZGW board by the cadastral data | I |
| ZRD 7 | Bieńkowice | 8 | 134/99 | 2,7680 | PR | disposition the area to obtain the by the Contractor | I |</p>
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<td>0,2500</td>
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</table>
Regional Authority for Water Management in Gliwice  
Project Implementation Unit - Racibórz Dolny Dry Polder in Racibórz

<table>
<thead>
<tr>
<th>ZRD 17</th>
<th>ZRD 17</th>
<th>Lubomia</th>
<th>7N</th>
<th>146/88</th>
<th>0,9630</th>
<th>SP - RZGW in Gliwice</th>
<th>RZGW board by the cadastral data</th>
<th>III</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZRD 17</td>
<td>Lubomia</td>
<td>7N</td>
<td>147/88</td>
<td>0,2540</td>
<td>SP</td>
<td>disposition the area to obtain the by the Contractor</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>ZRD 17</td>
<td>Lubomia</td>
<td>7N</td>
<td>89</td>
<td>0,5870</td>
<td>SP</td>
<td>disposition the area to obtain the by the Contractor</td>
<td>III</td>
<td></td>
</tr>
</tbody>
</table>

**Legend:** SP-RZGW - plots owned by the Treasury under the RZGW board; PR - private plots; GM - community plots; SP – Treasury plots

As indicated the sign in the column "I" above table, the large majority of the property listed above will fall within the scope of real estate necessary for the implementation of the Raciborz Dolny reservoir.

### 4.7 Coordination and management

The Action Plan is one of the components of implementation the Raciborz reservoir project. The entity responsible for implementing the whole project is Regional Water Management (RZGW) in Gliwice. In frame of RZGW isolated the Project Implementation Unit – Raciborz Dolny Reservoir operating within the organizational structure of RZGW in Gliwice, has been brought to life by decree of the Director No. 8 / 2007 dated 28.06.2007 r. PIU - Raciborz Dolny is a distinct organizational unit subordinated directly to the Director of RZGW (DN) and supervised by him.

Project Implementation Unit is responsible among others, for the preparation of the whole investment process, including formal - legal documents related to the implementation of Investment (including obtaining the necessary arrangements and administrative decisions), preparing and conducting tenders for works and services, conclusion the contracts for works and services, Investments progress monitoring of projects, financial management and accounting of the Investment, preparing the necessary reports for monitoring the implementation of Investment and coordinating the work of all departments involved in preparing Investment for implementation and the final implementation, settlement and submission into operation.

The PIU directs the Project Implementation Unit Manager in rank Deputy Director for Implementation the Raciborz Reservoir (report to the RZGW Gliwice Director), working with the Specialist for organization issue.

The Project Implementation Unit is managed by the Representative of the Director of the Regional Authority for Water Management in Gliwice.

In the organizational structure of the PIU – Raciborz Dolny Reservoir operate the following units:

- Team for the construction and Contracts management
- Team for financial accounts
- Team for acquiring properties for investment
- The position for environmental issues
- The position for organizational issues
The overall scope of activities the Project Implementation Unit – Raciborz Dolny Reservoir (PIU).
The Project Implementation Unit is created for planning and execution of the Project and is responsible for implementing the “Flood protection Reservoir Raciborz Dolny on the Odra River” which is a component A of “Odra River Valley flood protection Project ”.
5 Resettlement village

5.1 Introduction

The inhabitants of the liquidated villages of Nieboczowy and Ligota Tworkowska will be resettled as follows:

- individually - the existing inhabitants move to replacement areas chosen individually,
- collectively - the existing inhabitants move to replacement area prepared by the investor on the area of the urban complex of New Nieboczowy situated in Lubomia commune in the village of Syrynia – Dąbrowy.

The location of replacement areas for collective resettlement was agreed in the local plan of spatial development for urban complex Nowe Nieboczowy with an act No. XLV/266/2009 of October 30, 2010 (announced in the Journal of Law of the Silesian Voivodship Official Journal No. 229 item 4619 of December 22, 2009). Due to the change of location of the cemetery and the need for location for a local sewage treatment plant the Resolution No. XIV/77/2011 of August 29, 2011, the Lubomia Municipality Council changed the spatial development plan (resolution published in the Official Journal of the Silesian Province Dz.Urz. # 248 item. 4178 of 17 October 2011)

Site of the new village was indicated by Lubomia Commune Council in arrangement with Association for Recreation and Development of the Nieboczowy Village.

5.2 Location description

Construction of a new village for the resettlement the Nieboczowy inhabitants has been indicated on Lubomia municipality areas located in the undeveloped area of Syrynia village.

The new village is planned at a distance of approximately 7 km on south-west from the current location of the Nieboczowy, and on lands located of approximately 30 m higher than the previous location.

Designated area has good communication links with the municipal road (Dabrowy street) and poviat (Raciborska street for connection the Wodzislaw Slaski city with Raciborz city).

Area of land designated for the new village is approximately 37.5 hectares where there is a possibility of separating about 80 to 100 building plots for detached single-family housing and the possibility to locate necessary to restore the objects program and public utility equipment together with church and cemetery.

There is a possibility to divide the area indicated on the lower surfaces in order to implement the new village on diverse program depending on number of statements of willingness to resettle the Nieboczowy inhabitants on the to a new location planned for the implementation of organized as a separate urban complex.

The Environmental Impact Assessment
Regional Authority for Water Management in Gliwice
Project Implementation Unit - Racibórz Dolny Dry Polder in Racibórz

The planned project is listed in § 3 section 1, item 53a) of the Government Order dated 9 November 2010 on projects likely to significantly affect the environment (Journal of Law No 213, pos. 1397 from 03.12.2010) therefore, it is included to the projects likely to have potentially significant environmental effects, which may be required to submit a report on the environmental impact - in accordance with Article 59, section 1, point 2) of the Act of 3 October 2008 about sharing information about the environment and its protection, public participation in environmental protection and environmental impact assessment (Official Journal No. 199, pos. 1227, dated 7 November 2008, as amended).

The need for the construction of sewage treatment plants, and more precisely its location caused that the technical infrastructure runs through the enclosed area (the area of the railway line). Under the current provisions if the scope of the project includes the enclosed area the environmental decision is given by the Regional Director of Environmental Protection.

At the request of the mayor Lubomia of 16 May 2012, the Regional Director of Environmental Protection in Katowice with the Decision of 6 September 2012, no WOŚ.4210.35.2012.AS3.10 issued a decision on the environmental conditions that there is no need to conduct an environmental impact assessment for the project entitled "Construction of the New Village for the inhabitants of Nieboczowy the municipality Lubomia."

5.3 Residential area concept

Preliminary assumption for the new settlement are presented on an attached illustration: "Program and spatial concept of the „New Village” prepared by Urban Study in Rybnik Ltd. in 2009 within the range of work on local spatial development plan by this urban team.

The main assumption for layout of the new village was to create similar living environment to this of Nieboczowy residents.

Thus the main composition planning assumption is to use the valley of a local stream as a composition axis and major green land of the public area. It is similar in Nieboczowy where people have access to woodland and water land of gravel pits that have not been operating any more.

Teams' concept is to recreate important and traditional objects and facilities (church, fire station, sporting club, cemetery).
Drawing 5.1. Program - spatial concept of the "New Village"
Drawing 5.2. Program - spatial concept of the "New Village" - visualization

PROGRAM - SPATIAL CONCEPT OF THE "NEW VILLAGE"

IN ACCORDANCE TO THE SPATIAL - PROGRAM CONCEPT THE URBAN COMPLEX "NOWE NIEBOZOWY" IN SYRYNIA VILLAGE OF LUBOMIA MUNICIPALITY DEVELOPED IN URBAN STUDIO IN RYSNIK SP. Z O.O., IN 2009

THE VISUALIZATION OF CONCEPT – THE VIEW FROM SYRYNIA SIDE IN CHURCH AND SERVICE CENTRE DIRECTION, SPORTS FIELDS AND SPORTS CLUB BUILDINGS – VISUALIZATION
Drawing 5.3. Program - spatial concept of the "New Village" – plan drawing
5.4 Construction options of the New Village

Basing on the valid local spatial development plan of Lubomia Commune the Consultant team planned 3 options of new village that differ by program and acreage.

Preparing different options of the investment was indispensable as number of residents declaring to resettle to the new village on conditions of local law was not known.

Thus the following options have been prepared:

- Option 1 – minimum
- Option 2 – intermediate
- Option 3 – maximum

On the basis of the declaration expressing the will to be resettled to the New Village and acquiring areas for the New Village, the new village is prepared in one variant - the so-called implemented, generally coinciding with the variant known as the maximum in the previous studies.

5.4.1 Implementation variant of the New Village

The implementation variant covers approx. 30 ha of areas, so it is similar in this respect to the maximum variant assuming to purchase 37.6 ha of land according to the local spatial management plan for the urban complex of Nowe Nieboczowy. The estimated number of single-family houses is approx. 42-45, and 19 apartments in a multi-family house. For the estimated number of residential houses and apartments, the above data spans between the maximum and indirect variant (vide RAP – updated in 2011, p. 114-115). The indirect variant provided to build 34 single-family houses and 12 apartments. The implementation variant – according to the agreements concluded with the Lubomia Commune of 20 December 2012 and 27 March 2013 – provides to implement a full programme of technical and municipal infrastructure. This was envisaged in the RAP 2011 in the maximum variant as well as in the indirect variant. The technical and municipal infrastructure programme for the New Village includes:

- roads, rainwater drainage system, sewage system, water supply, power network, street lighting and wastewater treatment plant;
- church;
- sports areas (fields and landscape architecture structures, sport building);
- a fire station building with the community’s common room and development of public land (notably a public square);
- cemetery;
- park (alleys, landscape architecture structures, pond).
- the relocation of historical crosses and shrines from Nieboczowy.
In the implementation variant, it is necessary to execute a full programme of technical infrastructure resulting also from the fact that houses are scattered, which results from the existing owners’ disapproval to sell the entire complex of land.

The exact parameters of the implementation variant of public utility buildings and public space will be identified at the municipal infrastructure design stage, which started in April 2014. At present (May 2014), social consultations are pending with Nieboczów residents conc. architectural concepts of municipal infrastructure structures.

The land acquired for the State Treasury, and not used for purposes of exchange related to the implementation of the Resettlement Action Plan, is being transferred to the State Treasury resource ownership of real estate administered by the Wodzisław Starosta.

5.5 External system of technical infrastructure associated with the construction of new village and necessary for its operation

In connection with the construction of flood protection reservoir "Racibórz Dolny" on the Odra River, water intake would be shut down (located in the bowl of the reservoir). Due to the efforts of municipalities Lubomia was designed an investment to achieve: "The execution of the municipal water supply Lubomia of water from the Racibórz in the municipality Lubomia." This investment is directly connected with the construction of new village, because its implementation will supply the domestic water plumbing system in the planned new village.

This will be done in the municipality Lubomia by construction of water mains transmission with a length of about 4.6 km from the municipality Kornowac border to existing tanks in Syrynia located at Powstańców Street, with automatic pumping of water mains.

Other external systems of technical infrastructure such as electricity, telecommunication, road network - are available at a convenient distance to location of the planned new village.

Electricity and availability of telecommunications networks are possible through the expansion and reconstruction of power lines for low and medium voltage and telecommunications networks that exist within the location of the new village.

The links road from the centre of Syrynia village is possible through the existing municipal road (Dabrowa street) adjacent from the east to the area of the new village.

5.6 Land in the New Village.

Acquisition of land.

The State Treasury represented by the RZGW was acquiring exchange locations in Syrynia for purposes related to the construction of Nowa Wieś Nieboczowy (with different intensity) from September 2011 to February 2013.

It was assumed, in accordance with the provisions of the local plan, to acquire 37 ha of land for investment purposes.

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The land acquisition process by the RZGW has been finished. Altogether, the State Treasury acquired for the purpose of Nowa Wieś:

- 71 registered plots
- with the total area of 28,3587 ha.

The land acquired and for acquisition for the construction of Nowa Wieś – acquired by the Lubomia Commune.

The following is (was) acquired:

- plots intended for erecting a local wastewater treatment plant - No. 182, 411/188, 1038/181 and 1041/189 with the total area of 0.3089 ha acquired by the Lubomia Commune. The plots were acquired by the Lubomia Commune under an agreement concluded between the Commune and the RZGW of 20.12.2012 on financing the construction of road and technical infrastructure at the area of Nowa Wieś.

- a plot for construction of cemetery in Nowa Wieś - No. 618/275 with the area of 0.4288 ha – acquired by the Lubomia Commune. A plot were acquired by the Lubomia Commune with its acquisition confirmed in the provisions of an agreement concluded between the Commune and the RZGW of 27.03.2013 on financing the construction of commune infrastructure at the area of Nowa Wieś.

- plots intended for creating a park in Nowa Wieś – no. 585/202 and 398/203 with the total area of 0.5761 ha

- the areas acquired from private owners by law for a road through the Lubomia Commune (under a road investment implementation decision) – an estimated area of 2.3257 ha (the plots are not yet legally divided)

The total area acquired by the Lubomia Commune is 3.6395 ha.

As part of the above mentioned complex the acquisition of land of total area about 6.5 ha was abandoned. The resignation was mainly due to the lack of consent of the owners, or as a result of the acquisition inexpediency statements.

The map below shows the acquired land, not acquired area and those that still need to purchased.
Division of property

The second phase of preparing the replacement area was to design replacement plots, namely the creation of new border arrangements corresponding to the local development plan. As a result of the project, a new layout of plots was obtained ultimately on the land acquired or such possible for acquisition in the New Village.

64 building plots and 3 service plots were separated in the first phase (2012) of preparation of new plots considering the areas being then at RZGW’s disposal.

In the second phase (December 2014), in consultation with the Wodzislaw Starosta representing the State Treasury, a land division procedure was conducted and 17 building plots were separated and land for pedestrian and vehicular traffic and a park. The plots, if not used for the exchange of properties, can be disposed by the State Treasury on an arm’s length basis. The land will greatly contribute to the development cohesion of the New Village.
The plots may be differently shaped and have different areas and their layout is shown in the drawing below:

In addition, in preparation of roads for the New Village and the access road it is necessary to divide further 95 properties, of which 224 plots will be prepared (of 110 intended for road). The division of these areas will be approved in the permit for the implementation of road investment.

5.7 Resettlement

Based on collected dates in the second half of January of 2012 began the process of selecting replacement plots by interested people. Owners were invited (receiving complete information including a map) on individual meetings at the consultation point. The owners
after the selection lodge a written declaration of selection the replacement area
Declaration concerned particular planned to isolate properties with an approximate area. In
total were invited 54 owners interested in replacing. Meetings took place in convenient
(afternoon) hours on 18 and 19 January and 6, 7, 8 and 13 February this year. Interested
owners were making choices gladly. Established order of selection of plots (in accordance
with the above principles) fully passed the examination. We have not registered any
complaints regarding no possibility of making choice of replacement plot.

6 owners from the invited did not come, the rest appeared as agreed in the consultation
point for discussion. Total 43 owners declared will to get the 54 replacement plots in New
Village Nieboczowy.

Structure of declaration was as follows:

a) 35 owners indicated 1 building plots
b) 7 owners indicated 2 building plots
c) 1 owner indicated 1 building plot i 1 service plot
d) 1 owner indicated 3 building plots i 1 service plot.

In the following weeks were submitted additional declarations, there were made changes in
the selection or resignations from the replacement areas. Number of owners interested in
resettlement varies between above data.

All declarations were made in accordance with established rules, the subject of
consultation with the social side, represented by the village Nieboczowy, Lubomia
Commune authorities and the Association for development and reconstruction of village
Nieboczowy These consultations took the form of "joint committee", whose arrangement
has been recorded. The Joint Commission met so far on 24.01., 21.02., 28.05., and on
11.07. current year. The Commission's establishments were valuable and appropriate
information to ensure proper resettlement process.

The finalization of land preparation, gathering the necessary documentation and legal
surveying possible to start the process of real estate change.

Four stages can be indicated for the property change process:

Stage 1 – agreements
Property exchange agreements were concluded between 19.06. and 31.12.2012 with
property owners from Nieboczowy and Ligota Tworkowska - and the State Treasury’s
land was transferred for the purpose of land exchange with the total area of 8.3591 ha
consisting of 44 registered plots, including 42 for residential purposes and 2 for
commercial uses.

Stage 2 – determination of compensation
Compensation agreements were concluded between 12.01 and 12.03 including the
transfer of replacement properties (as listed in 2.2. above).
The following was transferred in this period for the purpose of exchange:

- 4 housing plots with the area of 0.7888 ha
- 13 plots for the construction of commune infrastructure with the area of 5.3636 ha
Stage 3 – compensation procedure
The Silesian Voivode has conducted a compensation procedure since April 2013 for such properties which, under the investment implementation decision, became the property of the State Treasury, and for which compensation has not been agreed.

It is planned to transfer the following replacement locations under the procedure:
- for housing purposes in the New Village: 4 plots;
- for religious purposes in the New Village: 1 plot;
- for farming purposes (outside the New Village): 2 plots.

Stage 4 – separate procedure
- Requests for replacement areas were also submitted by persons that had sold their developed real estates and that initially had not expressed their will to receive a substitute land or apply for an additional replacement area. It is assumed that the authority competent to transfer replacement land (the transfer procedure is to be agreed) is Wodzisław Starosta. It is estimated that 6 plots will be transferred this way.
- Pursuant to administrative decisions about the division of properties for the construction of public roads, land was transferred previously acquired by the State Treasury for the purpose of exchange with the total area of 2.4801 ha (15 registered plots according to the local plan intended for the construction of public roads).

The table below lists the actions undertaken for collective resettlement:
<table>
<thead>
<tr>
<th>No.</th>
<th>Subject</th>
<th>Implementation time</th>
<th>Execution</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Acquisition of replacement areas .</td>
<td>09.2011-03.2013</td>
<td>Executed</td>
<td>Major part of property acquired in 2011.</td>
</tr>
<tr>
<td>3.</td>
<td>Establishment of rules related to specification of persons authorised, scope of rights and procedure of agreeing them and social consultations</td>
<td>11-12.2011</td>
<td>Executed</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Creating the system of building plots</td>
<td>11.2011-01.2012</td>
<td>Executed</td>
<td>The system of plots was established for the whole village of Nowe Nieboczowy and specifies estimated sizes of plots, their location according to the local spatial plan.</td>
</tr>
<tr>
<td>5.</td>
<td>Selection of replacement plot by the owners</td>
<td>01.-07.2012</td>
<td>Executed</td>
<td>43 owners submitted applications for 54 buildings plots.</td>
</tr>
<tr>
<td>7.</td>
<td>Geodesic division of property</td>
<td>12.2011-08.2012</td>
<td>Executed</td>
<td>Properties were divided under 5 administrative decisions and 64 building plots and 3 commercial plots were separated.</td>
</tr>
<tr>
<td>8.</td>
<td>Valuation and offer of replacement area</td>
<td>04-09.2012</td>
<td>Executed</td>
<td>Offers were submitted to exchange properties under valuations made by property assessor.</td>
</tr>
<tr>
<td>9.</td>
<td>Property change agreements</td>
<td>06-</td>
<td>Executed</td>
<td>35 exchange</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Date Range</td>
<td>Status</td>
<td>Details</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------------------</td>
<td>------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>10.</td>
<td>Arrangements for compensation with replacement area</td>
<td>02-03.2013</td>
<td>Executed</td>
<td>3 compensation agreements were concluded for 4 plots</td>
</tr>
<tr>
<td>11.</td>
<td>Compensation procedure with replacement area before Silesian Voivodée</td>
<td>04.2013-06.2014</td>
<td>Executed</td>
<td>The Voivodée transferred 7 replacement plots to owners under the compensation decision (including 5 from the area of the New Village of Nieboczowy)</td>
</tr>
<tr>
<td>12.</td>
<td>The exchange of real estates between the State Treasury and the owners of land necessary for functioning conducted by the Starosta of Wodzislaw</td>
<td>06.2013-pending</td>
<td>pending</td>
<td>The owners submitted altogether applications to exchange real estates by offering the areas indicated in the PnRI decision as necessary for functioning, and expecting the transfer of 6 plots from the area of the New Village of Nieboczowy</td>
</tr>
<tr>
<td>13.</td>
<td>Geodesic division of the land – the last complex in the New Village</td>
<td>07-12.2014</td>
<td>Executed</td>
<td>The procedure aims to separate 17 more building plots and road plots, and part of the area intended for the park.</td>
</tr>
</tbody>
</table>
Single-family houses are already constructed on the area of the New Village as per the status of March 2015 (40 houses are under construction). A map showing areas of pending works for the construction of houses is presented below.

5.8 Investor in the New Village

Preparation of replacement land, including land necessary for the construction of the New Village, is the task of the Investor for the construction of the reservoir – RZGW Gliwice. Within preparation of the replacement land and for taking due actions in this regard, RZGW is covering all costs associated with their implementation (purchase of land in the...
New Village, real estate exchange, real estate division, designing of roads, buildings, infrastructure).

In addition, Lubomia Commune - as a unit of local government on the area of which the new village will be formed - will implement facilities and infrastructure in the New Village as an investor for these objects. On the basis of separate provisions of Polish law and contract agreement, the financing will be carried out by RZGW Gliwice as the fulfillment of the obligation to prepare replacement land. The part of Resettlement Action Plan, to be implemented by the Lubomia Commune, as an investor of the construction in the meaning of the Polish law, will be implemented under the Resettlement Action Plan on the terms agreed within separate agreements concluded in accordance with the Polish law between RZGW in Gliwice and the Commune. The funding will be provided by RZGW Gliwice.

Funding of tasks by RZGW Gliwice does not exempt that entity from the implementation of the Resettlement Action Plan, yet serves for the most efficient implementation of the Resettlement Action Plan, ensuring full compliance with the Loan Agreement and the World Bank policy in regard of resettlement.

5.9 **Multi-family residential building.**

The construction of the multifamily building, due to legal and social conditions, should be implemented by the Lubomia Municipality, in particular with regard to the existing legislation on own tasks of a municipality, stating that protection of housing needs of the local community is the municipality’s task (Act of 21st June 2001 the protection of the rights of tenants, housing resources of municipality and of change the Civil Code consolidated text, Journal of Law 2005. No. 31, item 266, as amended). In addition, the existing provisions of the Act of July 8, 2010 on the detailed rules for preparation to the implementation of the investment in scope of flood protection structures (Journal of Laws No. 143, item 963) do not authorise the RZGW to sell property, and the lack of possibility of concluding a real estate exchange agreement due to the lack of a replacement unit (apartment) and due to the lack of a legal title authorising the other party (inhabitant) to effectuate the exchange.

A building concept was established in 2012 for a multi-dwelling house. It is necessary to update data in 2013/2014 about the necessary apartments and to develop a building design for a municipal house. The Lubomia Municipality is responsible for building a municipal dwelling house according the agreement of 27 March 2013 between the Lubomia Municipality and RZGW Gliwice.

Additional land in Nowa Wieś has been secured in consultation with the Lubomia Commune for the purpose of 6 multi-dwelling houses (with 19 apartments) – plots designated with Nos. 1591/171, 1592/71, 1606/171, 1758/350, 1786/172. The Mayor of the Lubomia Commune, in consultation with RZGW, issued an Order on 24 November 2014 on Resettlement Action Plan implementation in terms of selling and renting flats in multi-family (municipal) buildings on the area of the Nowe Nieboczowy replacement district. Under the Order, the persons resettled from the Racibórz reservoir are entitled to submit an application to rent or buy an apartment in 6 municipal buildings. 20 entities (families, single persons, Nieboczowy parish) submitted applications and 7 of such entities expressed the will to purchase an apartment, while 13 wanted to rent one. The will to purchase an apartment was expressed by persons who received compensation in the amount sufficient
to build a house, however, due to the family and personal situation – they do not express such a will. The persons submitting applications for an apartment include families or single persons which have not been granted compensation at all due to the lack of the ownership status or the compensation received is not sufficient to cover apartment purchase costs.

In accordance with the order of the Mayor of the Lubomia Commune of 24 November 2014, a Social Committee was established composed of 7 persons being the representatives of the resettled villages including village administrators and representatives of the village councils of Nieboczów and Ligota Tworkowska. It was the Commission’s task to issue an opinion about the submitted applications to rent or buy apartments. The Social Committee issued a positive opinion for 19 applications at the session of 27 January 2015, and one application was classified as a reserve application. After building the apartments, which is to take place until the end of 2016, the Mayor will allocate apartments to the persons indicated by the Social Committee. The Committee has agreed to transfer 12 apartments to the entitled persons for renting, and 7 entitled entities are interested in buying the apartments.

The final building design of 6 multifamily buildings envisages to build 19 apartments (segments). These are single-story buildings with an unused attic and a gable roof. The programme of 19 apartments is as follows:

- 7 single-person apartments - with the usable area of 47 m² each,
- 1 apartment for a disabled person - with the usable area of 54 m²,
- 3 double-person apartments - with the usable area of 57.5 m² each,
- 8 family apartments - with the usable area of 74 m² each.

The building construction – foundations and reinforced-concrete footing, foundation walls made of concrete blocks, walls made of YTONG blocks, a gable roof on a timber structure covered with metal tiles. 6 buildings are to be built instead of one or two due to architectural and aesthetic reasons and the will to blend with the architecture of the new village.

5.10 Investment preparation status

The scope of the implementation of the New Village remains unchanged. According to the Resettlement Plan for the implementation of the New Village the following implementations are planned:

a. roads and pedestrian precinct,

b. technical infrastructure,

c. sewage treatment plant,

d. cemetery,

e. multifamily residential building,

f. fire station with the common room,

g. sport fields with sport club facilities,

h. park management,

i. public space management,

j. construction of the church.
Valid and effective permits enabling to commence works have been obtained for the tasks indicated in item a) and b) and described below, consisting of:

- a decision of the Silesian Voivode to approve a construction design and to award a construction permit of 04.02.2013 no. 12/13/K (construction on closed areas);
- a decision of the Silesian Voivode to approve a construction design and to award a construction permit of 26.02.2013 no. 21/13 (construction within the voivodeship road area);
- a decision of the Wodzisław Starosta of 9 October 2013 no. 1009/13 approving a construction design and granting a construction permit for construction of internal roads, networks and water supply and sewage disposal facilities and power equipment and networks executed under the investment “System of municipal and internal roads and water supply and sewage discharge, power supply and teletechnical systems and structures for the Nowe Nieboczyzowy urban complex in the village of Syrynia, Lubomia Commune.”
- a decision of the Wodzisław Starosta no. 002/13 of 16 October 2013 on the road investment implementation for commune roads together with infrastructure for the task titled “System of municipal and internal roads and water supply and sewage discharge, power supply and teletechnical systems and structures for the Nowe Nieboczyzowy urban complex in the village of Syrynia, Lubomia Commune.”

Ad. a) Roads and pedestrian precinct.

According to the provisions of the local plan in the New Village area, public roads need to be implemented in order to provide access roads to separated plots and other objects, which will be constructed in this area in accordance with the above mentioned plan.

According to the provisions of the Act of 21 March 1985 on public roads (uniform text Journal of Laws of 2007, No. 19, item. 115 as amended) public roads due to the road network features can be divided into the following categories: national roads, provincial roads, county roads and municipal roads. The main routes of public roads, according to the construction project developed for the New Village roads are the municipal roads - as roads of local interest not listed in other categories, constituting the supplement network of roads serving local needs. Classification to the category of municipal roads will be made by resolution of the municipal council after consultation with the appropriate district administration (Article 7 of the Act on public roads).

Terms and conditions of the project preparation within public roads under the provisions of the Act of 21 March 1985 on public roads are defined by the law of 10 April 2003 on detailed rules for the preparation and implementation of investment within public roads (consolidated text Laws of Journal of 2008, No. 193, poz.1194 as amended). In accordance with Article 11b paragraph 1 above mentioned Act, road manager is entitled to apply for a permission to implement a road investment. Statutory road manager is the Mayor (Article 19 point 2 of the Act on public roads).
The above mentioned legal conditions clearly show that in the case of the implementation of municipal roads in the New Village, the Mayor of Lubomia is eligible to apply for a permit for the investment.

In order to maximize the effective preparation of the project, reducing the influence of landowners on the planned achievement of the public purpose, and with a view to advance the process of preparing the project and reduce the costs, measures have been taken to include in the proposed road lane route, next to the drainage which is a part of the public road, other infrastructural facilities such as water supply, sewage and re-constructed power line.

Most of the infrastructure shall be implemented within the permission of the road investment under the provisions of the special rules for the preparation and implementation of investments in public roads.

In addition to procedures described above, pedestrian precinct will be implemented, which do not constitute public roads and only internal roads and parts of the infrastructure: water supply and sewage system located off the main lane of public roads. In these cases, the base for the implementation is the building permit obtained under the provisions of the Act of 7 July 1994 Construction Law (consolidated text, Journal of Laws of 2010, No. 243, item 1623 as amended).

Ad. b) Technical infrastructure.

Storm water drainage. In order to ensure the drainage of water from the surface of the proposed roads the rainwater drains were designed. Rain water from the surface of the roadway and sidewalks will be discharged through the lateral and longitudinal declines to the proposed street inlets (drains) with a sump. These inlets will be connected to the proposed storm water drainage. For the deep drainage of the road the filters along the edge of the road were designed. These filters will be connected to the street inlets (drains).

Reconstruction of low and medium voltage electricity lines, street lighting construction, reconstruction of telecommunication network. Reconstruction of the network was designed in accordance with the specifications given by the energy company and the provisions of the local plan. Overhead power network that currently exists in the New Village area will be converted into cable lines laid in the ground. These cables are laid along existing borders of the plots or dividing lines of the proposed roads. The proposed low-voltage network will include reconstruction of the existing low voltage overhead line colliding with projected roads (cable lines will be laid in lines demarcating proposed roads). Along the proposed roads (in the proposed demarcating lines) cable lines for street lighting will be laid (light fitting will be installed on steel poles).

The telephone cables and overhead lines TP SA run within the area of development plan. Colliding parts of the network will be eliminated - in their place a new route of telecommunication networks is designed.
Waterworks. A construction of a rotary ring network structure is assumed, which is characterized that for each point the water can flow in from at least two sides. This reduces the probability of a total interruption in the supply of water, in case of failure of one part of the network, which then is turned off by the valves. Great significance has also the elimination of the dead ends in the network which may cause the putrefaction of water, or the blind ends of the network would require regular washing, and this in turn would be a significant obstacle for its use. This is in accordance with the specifications obtained from the Municipal Department of Water and Sewage in Lubomia, which will operate the network.

Sanitary sewage system. Sanitary sewage system is being designed, allowing the discharge of domestic sewage to the treatment plant. The proposed sewage network system allows the owners of separated plots to connect to the sanitary network. The first phase of the project, which includes obtaining the building permit, does not assume the implementation of individual connections due to the lack of knowledge about the location of the planned buildings.

The implementation of the sewer system in the manner described above is in accordance with the provisions of the local plan, which states that the discharge of domestic sewage shall be led through the sanitary wastewater to the treatment plant (change in the local plan introduced in 2011).

**Ad. c) Sewage treatment plant**

According to the updated Resettlement Plan elaborated in 2010 the construction of sewage treatment plant from Racibórz to the New Village was assumed. However, due to the resignation by the Lubomia Municipality from the construction of general-municipal sanitary sewer for Racibórz (Lubomia Mayor letter of 27 June 2011, in which he clearly stated that due to lack of funds for this purpose, and the lack of the expected effect in the given terms, he resigns from the construction of the sewer) it was necessary to find another solution to drain sewage from New Village.

Lubomia Municipal Council with the resolution of 29.08.2011 on the change of the local plan of spatial development of Lubomia municipality indicated the possibility to locate the sewage treatment plant on the north side of the new village areas. Therefore, it was assumed that sanitary sewage from the area of the new village will be directed to the above mentioned local sewage treatment plant, and the cost of constructing the plant was included in the updated Resettlement Plan elaborated in 2011 as a container sewage treatment plant managed after the construction of the new village by the Municipality Lubomia.

The functioning of the village assumes the implementation of sewage treatment plants located above the railway embankment along the valley of Syrynka stream.

The land acquired for implementation in 2012 was acquired as the property of the Lubomia Municipality. The plant will be constructed in the design and build system.

**A permit for wastewater treatment plant construction** – a construction permit decision of the Starosta of Wodzisław of 24.09.2014.
Ad. d) Cemetery.

The cemetery, according to the previous documents and the LDP, was designed with the area of approx. 0.7 ha in the northern part of the village, as a park complex with an axial, traditional layout, surrounded with medium-height narrow-leaved greenery.

The area of burial fields allows to situate approx. 300 graves together with a mass grave in the form of a low monument (with a cross relocated from the liquidated cemetery in the old village) in the central part of the complex. The cemetery is equipped with an ancillary square from 9 mp from the northern part and a large car park on 34 mp together with a driveway for a procession from the south, a gate is situated by the entrance to the cemetery.

A small single-storied cemetery backup facility building is provided in the northern part of the cemetery with the area of about 62 m2, with partial basement, also with a toilet facility for general public. Two water intake points are also situated at the cemetery and available to visitors and two roofed waste disposal places are provided. The place is fully accessible to the disabled as access is ensured directly from the car park level, the toilet is available and waste disposal places from the pavement level with lowered edges, one parking lot is also available at the car park dimensioned 3.60 x 5.0 m.

The cemetery building is connected to a power, water and sewage system. Electric heating is provided. Stormwater is discharged from a small cemetery building roof, cemetery gate and waste disposal places roofs directly to the ground, hardened surfaces of water intake points are drained into the sewage system. The area of the cemetery and car parks is illuminated using park-type lamp fittings.

An individual and simple steel fence about 1.7 m high on a concrete based is designed. The base is also a bearing wall due to an elevated cemetery level, the poles are mounted in concrete blocks, the decorative walls are made of clinker brick with anthracite colour. The construction of the poles on a Greek cross layout made of cold-rolled steel pipes, the structure of spans and gates made of steel hot-dipped and sections painted black.

It was decided to elevate the cemetery level by about 2 m due to the high underground water level of 0.8 – 1.3 m below the ground level to ensure the occurrence of groundwater at the level of 3 m below the ground, which will allow to bury the deceased according to the ordinance of the Minister of Infrastructure of 07.03.2008 the requirements to be fulfilled by cemeteries, graves and other burial places of corpses.

The Lubomia Municipality is responsible for building a cemetery in the New Village and the cemetery liquidation process in Nieboczowy, according to the agreement of 27 March 2013 between the Lubomia Municipality and RZGW Gliwice.
Ad. e) Multifamily residential building

According to the Resettlement Plan, taking into consideration the very large density of houses existing in Nieboczowy, it is expected that multi-family residential buildings will be created in the New Village. Originally it was assumed that there is a need to build 24 residential units for the purpose of resettlement within settlement for leaving the village Nieboczowy. In further findings and update of the Resettlement Plan, based on the interview and the information, the need to reduce the demand for residential premises was indicated. In the update of the Resettlement Plan from the 2011 the reduction of the number of required premises to 12 units was proposed. Amendment of the existing legislation - the entry into force of the Act on 8 July 2010 on the Special Rules for the preparation of the investment within the flood protection constructions (Journal of Laws No. 143, item. 963) - introducing a solution depriving the previous owner of the property the ownership rights with compensation from the date on which the permit for the project implementation of the Reservoir becomes final, caused that the signing a contract for the change of the property before the decision became impossible (properties could not be built because there was no land for construction). In addition, ongoing contacts with the local community increasingly indicate the need for ensuring the accommodation for some residents of Nieboczowy village who, due to the lack of property titles or lack of funds will not be able to bear the costs of construction of a house.

We can distinguish here three hypothetical groups:

a) inhabitants of the village - the owners (past or present) whose funds or potential compensation will enable the acquisition of an accommodation with the ownership;

b) inhabitants of the village - the owners (often co-owners), whose funds or potential means (compensation for land intended for construction of the reservoir) do not provide funds for the purchase an accommodation with the ownership;

c) inhabitants of the village - tenants or non-contractual users of the premises without compensation, without own funds.

In view of the above, the analyses of possibilities and proceedings was conducted by offering a solution to increase the cost of construction of the New Village Nieboczowy, but ensuring all residents of the resettled villages, including those who, for various reasons, are not able to with their own efforts (including the Investor's support) to implement the transfer of the New Village.

More details in point 5.9.

Ad. f) Fire station with the common room,

A preliminary draft of a fire station with a common room in a location in accordance with the findings of the local plan was developed in 2012. Social consultations with social organisations from Nieboczowy (Volunteer Fire Service (OSP), the Village Council, Sports Club), and with Nieboczów residents during rural meetings (10.04. and 1.07.2014) concerning the form and functions of the infrastructure of public utility buildings and public space took place in 2014. The representatives of the Lubomia commune and building designers from ECM – the New Village construction
project Consultant took part in the meetings and were presenting proposed architectural and functional solutions. The municipal infrastructure solutions presented below are the result of social consultations and are supported by Nieboczów residents.

The New Village construction design includes a multi-function building (the Rural Community Centre together with a Fire Station of the Volunteer Fire Service (OSP)) together with a Public square (market) on the area of 1.26 ha. The development area of the building encompasses 679.6 m², the cubature of 3898 m². It is a multi-storey building without a basement surrounded with arcades. It will combine cultural functions (Community Centre), fire protection functions and flood protection functions (Volunteer Fire Service) and administrative functions (Village Administrator and Village Council), as in the resettled Nieboczowy. Premises of the Volunteer Fire Service with an office and a conference room are situated on the ground floor for common use by the OSP, Village Administrator and Village Council. A hall of tradition will be located on the first floor, a multi-functional hall for organising cultural events and a complex of toilets. Premises of the club of culture and education are also located on the ground floor for all-day use by the residents and a small shop, just like in Nieboczowy. The public square (market square) is designed with its layout similar to a quadrangle dimensioned 50 x 50 m with its surface made of pitchers. Landscape architecture structures will be situated on the market square (benches, fountain) and a roofed stage covering 15 x 12 m made of reinforced-concrete. The whole place will be illuminated with terrain and illumination light. As the square is naturally sloped towards a watercourse, stairs are designed and a platform for the disabled to enable traffic from the multi-function building to the stage.

Ad. g) Sport fields with sport club facilities.

The land with the area of 2.2 ha for the execution of this project was purchased by the Lubomia Commune under compensation for the municipal sports facilities in Nieboczowy. A development plan of sports areas was established – consulted with Nieboczów’s community – which was called the Rural Centre for Sports and Recreation. The WOSiR functional programme provides to build a football field with artificial surface, a multi-function field with a fence for the whole facility and with seats near the football field, a partial roof for about 600 persons. The sports club backup facility building with the development area of 765 m² will hold a complex of sports changing rooms, a biological regeneration place, a storage and technical room, a multi-function hall, 2 office rooms and toilets.

Ad. h) Park with an island and walking and cycling paths.

The park is designed with an English, naturalistic layout set in the watercourse valley. Walking and cycling paths are provided on the both sides of the watercourse in a building design. A small water catchment area with an island covering approx. 1
ha is expected in the park. The alleys are designed using concrete blocks, and asphaltic concrete surface is provided in the part for cycling traffic. The alleys are provided with benches and litter baskets, and garden arbours with grilling places are provided in the northern part near the water catchment area with an island. 6 places with outdoor gym equipment are situated along the walking alleys along the watercourse from the market square to the WOSiR. Steel and wooden gangways for viewing purposes are provided to connect the areas on the both sides of the watercourse and the island. It is planned to illuminate the area with illumination for groups of greenery. A playground for children is situated from the side of the walking alley along the watercourse. The park area covers 4.6 ha

A layout of cycling paths along the main streets, i.e.: Kolejowa, Wiejska, Dąbrowa and Kochanowskiego is designed to connect the area of the New Village and the area of the park with the island. The paths are routed as complementary to the roads and pavements designed earlier, in a way ensuring maximum conflict-free traffic of mechanical vehicles, pedestrian traffic and bicycles. The surface of cycling paths will be made partly of asphaltic concrete and concrete slabs with concrete road kerbs.

Ad. i) Public space management.

The process of designing has already started. The land needed for the implementation of this plan was purchased by the RZGW for the benefit of the State Treasury and it is now owned by the investor - Lubomia Commune.

The land is developed under the designing of: a fire station with a common room (see item f above), cemetery construction (see item d above) and Church and park construction (see, respectively, item h and j).

Ad. j) Construction of the church.

The St. Joseph the Worker Parish in Nieboczowy and RZGW Gliwice concluded an agreement in 2013 for financing the construction of a church in the New Village to replace the liquidated St. Joseph the Worker Church in Nieboczowy.

The church building is designed on a layout of a cross with a single aisle intersected with a transept. The whole construction is covered with a gable roof at the angle of 40 degrees. A tower is situated in the middle of the front facade through which the main entrance to the church is leading. The building body is similar to the existing church in Nieboczowy, while the end of the tower and of the signature and the material applied is associated, in a modern way, with the original wooden church in Nieboczowy, which is now situated in the open-air museum in Chorzów.

The whole structure is of modern character while respecting the traditional form. A church is design with a backup facility, with one main aisle with a presbytery, two sacristies inside the church - connected on the both sides of the presbytery with an
external link, with a toilet and staircase leading to the basement and attic. The toilet is publicly available, designed also for the disabled, with access from outside. The interior of the church is designed as a single-space aisle 11.7m wide and 9.5m high ended with a cradle. The presbytery is designed along the whole width of the main aisle. The presbytery level is elevated 45cm to the remaining part of the church. A transept is situated between the main aisle and the presbytery, which is 7.4m wide and 8.5m high. A side entrance with draught lobbies attached to the main body of the transept is situated on the axis of the transept.

The characteristic parameters: gross cubature: \(~5040.0m^3\), total area of: \(605.70m^2\), developed area of: \(471.00m^2\), total area of: \(883.50m^2\), height to the top of the roof: \(~13.15m\), tower height: \(~28.00m\), length: 35.45m, width: 20.60m, number of floors: 1 floor (the main part of the church).

The Starosta of Wodzislaw approved a construction design and granted a construction permit on 30 June 2014 with the decision no. 0608/14. "BORBUD" service company from Racibórz signed a contract with the investor – Parish in Nieboczowy on 19 November 2014 for church construction with development of land around the church, and the land was handed over for construction to the contractor on 8 January 2015.

5.11 Costs of new village construction

Costs of the new village construction are presented as maximum. The costs presented below include the net prizes (without VAT) of land purchasing, houses construction, buildings and public facilities, and the costs of internal technical and road infrastructure.

The basic calculation of the costs are:

- Multibranche pre-designing concept of a new village for the inhabitants of Nieboczowy village of Lubomia Municipality- made by Consultant’s team, October 2010
- Catalogue Prices of unit works and objects of investment - BISTYP - CONSULTING Warsaw - 2010
- Preliminary design concepts for houses construction - Consultant’s team, year 2010 and the price of their construction in the closed raw state.

Within the project of construction the new village the RZGW also provides financing the construction of water supply system comprising the area of new village.

Incurring these expenses could be justified in light of the World Bank’s Policies relating to the issue of resettlement and partly within compensation duties by the investor of construction the Reservoir Racibórz.
5.11.1 Land

Table 5.1. Purchase costs of land for New Village construction

<table>
<thead>
<tr>
<th>Land in the New Village</th>
<th>Unit</th>
<th>Quantity</th>
<th>Average price per 1m^2</th>
<th>Value in mPLN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acquired by RZGW</td>
<td>ha</td>
<td>28,3587</td>
<td>22</td>
<td>5.9</td>
</tr>
<tr>
<td>Acquired by Municipality</td>
<td>ha</td>
<td>1,3138</td>
<td>22</td>
<td>0.1</td>
</tr>
<tr>
<td>Roads Compensation for losses for temporary occupancy of real estates, remuneration for the right of transmission and related determination costs</td>
<td>ha</td>
<td>2,3257</td>
<td>20</td>
<td>0.5</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>31,9982</td>
<td></td>
<td>7.0</td>
</tr>
</tbody>
</table>

*the value includes land acquisition costs based on actual expenses of RZGW or refunded to the Lubomia Commune (updated based on accounting data – May 2014)*

5.11.2 The cost of single-family houses construction

Table 5.2. The cost of single-family houses construction

<table>
<thead>
<tr>
<th>Kind of housing development</th>
<th>Unit</th>
<th>Quantity</th>
<th>Price 1m^2 (PLN)</th>
<th>Value mPLN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached houses - About 43 houses</td>
<td>m2 usable area</td>
<td>5676</td>
<td>3.200</td>
<td>18.2</td>
</tr>
</tbody>
</table>

5.11.3 Construction costs of public utility structures and facilities; apartments in multifamily (municipal) buildings

It is planned to build facilities and devices according to the program similar to that existing in Nieboczowy Village in order to preserve the traditions and standards of residence.

The programme of infrastructure provided in table 5.3 was created as a result of social consultations with the residents of Nieboczów, including, first of all, claims of the active organisations: Volunteer Fire Department, Public Sports Club, Village Administrator, councillor and village council. The postulates negotiated with the entities concerning the shape and function of the infrastructure were presented as multimedia presentations – from the concept to the design - at rural meetings in Nieboczowy on 10.04.2014 and 1.07.2014 and adopted for execution after comments from the residents.
Table 5.3. The costs of buildings and public utility facilities

<table>
<thead>
<tr>
<th>No.</th>
<th>Kind of building and facility</th>
<th>Unit</th>
<th>Quantity</th>
<th>Price 1 m² (PLN)</th>
<th>Value mPLN</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>• church,</td>
<td>m² of usable area</td>
<td>800</td>
<td>4.600</td>
<td>3.4</td>
</tr>
<tr>
<td></td>
<td>• land management around church</td>
<td>ha</td>
<td>0.68</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B.</td>
<td>• fire station with day room</td>
<td>m² of usable area</td>
<td>900</td>
<td>4.000</td>
<td>5.3</td>
</tr>
<tr>
<td></td>
<td>• management of public land (public square)</td>
<td>ha</td>
<td>1.26</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• and management of park</td>
<td>ha</td>
<td>4.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.</td>
<td>• sport club facility building,</td>
<td>m² of usable area</td>
<td>800</td>
<td>3.300</td>
<td>6.1</td>
</tr>
<tr>
<td></td>
<td>• development of sports grounds</td>
<td>ha</td>
<td>2.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>D.</td>
<td>• development of cemetery</td>
<td>ha</td>
<td>0.68</td>
<td></td>
<td>3.8</td>
</tr>
<tr>
<td></td>
<td>• with relocation of graves</td>
<td>units</td>
<td>283</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• and historical crosses and shrines</td>
<td>units</td>
<td>9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E.</td>
<td>• apartments in multifamily (municipal) buildings</td>
<td>units</td>
<td>19</td>
<td>2,400</td>
<td>2.34</td>
</tr>
</tbody>
</table>

**Total** - 20.94

5.11.4 Construction costs of technical infrastructure structures and facilities

The costs of buildings and technical infrastructure facilities were calculated for needs of service the program for New Village with the planned increase in the population of this complex as a result of construction on the plots that arise after the secondary division of plots in the New Village. It is assumed that the total population of New Village in perspective period will be about 600 inhabitants.

Table 5.4. The costs of buildings and technical infrastructure

<table>
<thead>
<tr>
<th>Kind of building and facility</th>
<th>Value mPLN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Network of a sanitary sewage system</td>
<td>3.3</td>
</tr>
<tr>
<td>Network of a rain drain system</td>
<td>3.2</td>
</tr>
<tr>
<td>Water supply systems</td>
<td>2.3</td>
</tr>
<tr>
<td>Electricity networks (MV and LV)</td>
<td>2.8</td>
</tr>
<tr>
<td>Sewage treatment plant</td>
<td>2.5</td>
</tr>
<tr>
<td>Roads, including cycling paths</td>
<td>10.5</td>
</tr>
</tbody>
</table>
Due to the estimated cost of structures and facilities specified in tables 5.3 and 5.4, the amount of funds for the particular tasks may change at the stage of construction works. The Lubomia Commune has the right to reallocate expenditures between the tasks listed in tables 5.3 (B-E) and 5.4, but the overall construction cost of the facilities and structures listed in tables 5.3 (without item A) and 5.4 must not exceed 42.14 mPLN net. If this amount is exceeded, any shortage shall be covered by the Lubomia Commune.

The above stipulations do not alter the rule saying that if the apartments in the multi-family building are not inhabited (table 5.3, item E) by Nieboczów or Ligota Tworkowska inhabitants eligible for resettlement (as agreed separately between RZGW and the Commune), the Lubomia Commune shall cover the costs of unoccupied apartments to RZGW (State Treasury).

### 5.11.5 Summary

The total cost of construction of the New Village is shown in the table below. Table shows the total costs associated with the construction of the New Village, regardless of funding source.

**Table 5.5a. The total cost of construction of the New Village (Total)**

<table>
<thead>
<tr>
<th>The elements of complex</th>
<th>Value mPLN</th>
</tr>
</thead>
<tbody>
<tr>
<td>The purchase of land</td>
<td>7.00</td>
</tr>
<tr>
<td>The residential buildings</td>
<td>18.20</td>
</tr>
<tr>
<td>The public utility buildings and facilities</td>
<td>20.94</td>
</tr>
<tr>
<td>The roads, objects and technical infrastructure</td>
<td>24.60</td>
</tr>
<tr>
<td>Services, documentation and supervision - 8% of the cost of</td>
<td>5.7</td>
</tr>
<tr>
<td>roads, buildings, public utility facilities and infrastructure</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>76.44</strong></td>
</tr>
</tbody>
</table>

The above table presents the maximum cost of construction the New Village in terms of total construction costs of residential houses and public buildings.

### 5.11.6 Reconstruction of other structures - Ligota Tworkowska

In the process of liquidation of public utility facilities in Ligota Tworkowska, the reconstruction of objects' functions is to be in another part of the Lubomia community, namely in Grabowka solectwo. The owner of liquidated objects in the Lubomia community will reconstruct the facilities at the expense of RZGW.

**Table 5.6. The costs of reconstructions**

<table>
<thead>
<tr>
<th>The liquidated property</th>
<th>The capacity of an existing object</th>
<th>Place of liquidation</th>
<th>Place of reconstruction of the object</th>
<th>The replacement value in mln</th>
<th>The capacity of the reconstructed object</th>
</tr>
</thead>
</table>

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Regional Authority for Water Management in Gliwice
Project Implementation Unit - Racibórz Dolny Dry Polder in Racibórz

<table>
<thead>
<tr>
<th></th>
<th>Ligota Tworkowska</th>
<th>Grabowka</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The chapel</td>
<td>422.7</td>
<td>0.8</td>
<td>600.00</td>
</tr>
<tr>
<td>The public utility</td>
<td>2140</td>
<td>3.9</td>
<td>2230.28</td>
</tr>
<tr>
<td>buildings</td>
<td>Ligota Tworkowska</td>
<td>Grabowka</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>4.7</td>
<td></td>
</tr>
</tbody>
</table>

*With regard to the chapel the estimated replacement value does not cover the full cost of replacement object, due to the funding the expansion of the chapel by the community in the reconstruction place with their own resources.

The above costs include the purchase of land associated with liquidation of objects.
6 Cost estimates

6.1 General conditions

The costs estimates are based on the data obtained from the RZGW within the disbursed funds for the preparation the investment area and of its own estimate of resources needed to spend to prepare the investment of flood protection reservoir Racibórz Dolny and preparation of New Village. The self estimation is based on data resulting from the current market analysis tailored to the specifics of the valuation of properties used for public purposes.

The costs of construction the new village is calculated on the basis of Option 3 (maximum) presented in a separate study - “Multibranche pre-designing concept of a new village for the inhabitants of Nieboczowy village of Lubomia Municipality” made by Consultant’s team, October 2010.

The detailed basis for calculating the cost of the new village was: “Catalogue prices of unit works and objects of investment - BISTYP - CONSULTING Warsaw – 2010”

6.2 Residential houses and associated property

The list of residential houses acquired

Table 6.1. Properties acquired in the years 2003-2015.

The list of buildings acquired by years for investment purposes:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>Number of houses acquired (buildings)</th>
<th>Houses acquired in Nieboczowy</th>
<th>Houses acquired in Ligota Tworkowska</th>
<th>Houses and other premises acquired</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>10</td>
<td>1</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>2004</td>
<td>22</td>
<td>7</td>
<td>14</td>
<td>1</td>
</tr>
<tr>
<td>2005</td>
<td>25</td>
<td>16</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>2006</td>
<td>11</td>
<td>7</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>14</td>
<td>11</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>11</td>
<td>9</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>8</td>
<td>7</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>16</td>
<td>16</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>54</td>
<td>50</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>2013</td>
<td>15</td>
<td>10</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>2014</td>
<td>13</td>
<td>12</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>
Explanations for the table 6.1.:  
- the number of compensation decisions for buildings is shown in 2013 and 2014 as acquisition, the acquisition of buildings (indicated in the PnRI decision as necessary for execution (NFE)) took place on 12 January 2013 (the date the final implementation decision became final);  
- the data in the table marked as the year of “2014/2015” means that, acc. to the status of 31.12.2014, compensation has not been yet paid for 2 buildings (situated in Nieboczowy at ul. Rzeczna 32 and Ligonia 11), a property developed with a residential building in Krzyżanowice (ul. Piaskowa 1) was also bought in 2014 under article 23(2) of the Special Act;  
- some buildings were classified in the existing papers (residential, backup facility and other buildings), but the inaccuracy of the data should not exceed approx. 7%.

Table 6.2. Land acquisition costs

<table>
<thead>
<tr>
<th>year</th>
<th>amount of eligible expenses for A2* (1)</th>
<th>amount of expenses together with data for 2003-2006 (2)</th>
<th>amount of expenses for acquisition of land for Reservoir Construction (3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>0</td>
<td>3 857 158.00</td>
<td>3 857 158.00</td>
</tr>
<tr>
<td>2004</td>
<td>0</td>
<td>5 995 405.00</td>
<td>5 995 405.00</td>
</tr>
<tr>
<td>2005</td>
<td>0</td>
<td>14 951 899.00</td>
<td>14 951 899.00</td>
</tr>
<tr>
<td>2006</td>
<td>0</td>
<td>5 583 556.00</td>
<td>5 583 556.00</td>
</tr>
<tr>
<td>2007</td>
<td>504 364.00</td>
<td>504 364.00</td>
<td>325 099.00</td>
</tr>
<tr>
<td>2008</td>
<td>13 721 527.00</td>
<td>13 721 527.00</td>
<td>13 164 896.00</td>
</tr>
<tr>
<td>2009</td>
<td>15 437 017.00</td>
<td>15 437 017.00</td>
<td>9 179 584.00</td>
</tr>
<tr>
<td>2010</td>
<td>8 474 849.00</td>
<td>8 474 849.00</td>
<td>7 701 758.02</td>
</tr>
<tr>
<td>2011</td>
<td>18 895 782.00</td>
<td>18 895 782.00</td>
<td>11 322 973.74</td>
</tr>
<tr>
<td>2012</td>
<td>44 349 749.00</td>
<td>44 349 749.00</td>
<td>39 601 527.26</td>
</tr>
<tr>
<td>2013</td>
<td>25 897 103.00</td>
<td>25 897 103.00</td>
<td>22 369 689.29</td>
</tr>
<tr>
<td>2014</td>
<td>32 051 347.37</td>
<td>32 051 347.37</td>
<td>23 881 362.93</td>
</tr>
<tr>
<td>total</td>
<td>159 331 738.37</td>
<td>189 719 756.37</td>
<td>157 934 908.24</td>
</tr>
</tbody>
</table>

*eligible expenses for A2* – means expenses by accounting data of RZGW-BWP classified to the sub-component A2 under funds from the loan agreement of the International Bank for Reconstruction and Development no.
Regional Authority for Water Management in Gliwice
Project Implementation Unit - Racibórz Dolny Dry Polder in Racibórz

7436-POL and the credit agreement of the Council of Europe Development Bank no. F/P 1535 (2005).

Explanations to the table:
(1) amounts by accounting data of the PIU
(2) amounts for 2003-2006 acc. to PIU data for land purchase
(3) data by the compensation paid, acquisition of land for the Polder based on the PIU’s accounting data

The set of data for the properties acquired and remaining for acquisition.

Table 6.3. Costs of acquisition and total compensations

<table>
<thead>
<tr>
<th>type of expenses</th>
<th>eligible A2 in mPLN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenses incurred until 31.12.2014</td>
<td>159.40</td>
</tr>
<tr>
<td>Expenses to be incurred (excl. New Village) in 2015 and others</td>
<td>15.20</td>
</tr>
<tr>
<td>● including: compensations</td>
<td>3.2</td>
</tr>
<tr>
<td>● including: acquisition of properties necessary for functioning</td>
<td>11.3</td>
</tr>
<tr>
<td>● including: costs of exchange of properties</td>
<td>0.2</td>
</tr>
<tr>
<td>● including: other costs</td>
<td>0.5</td>
</tr>
<tr>
<td>Expenses incurred (with the New Village) and to be incurred (without the New Village) aggregately</td>
<td>174.60</td>
</tr>
</tbody>
</table>

In terms of costs to be incurred, public roads are included for prudence reasons, due to ruling of a regional court, which is not legally effective yet, considering that roads within the bowl should be purchased by the Investor, RZGW.
The costs of legal services, property valuation, design of estate and the management are estimated at 5% of the estimated total costs indicated above.

6.3 Residential area

These costs are based on the assumption that a new village will be built in Syrynia according to arrangements with Lubomia Commune government and Association for Recreation and Development of the Nieboczowy Village.

These costs are calculated in chapter 5.

Table 6.4. The total estimated costs of the New Village

<table>
<thead>
<tr>
<th>Elements of the complex</th>
<th>Value in mPLN net</th>
<th>Value in mPLN incl. VAT (23%)</th>
<th>Gross incurred</th>
<th>To be incurred acc. to the status of 31.12.2014 estimated gross in mPLN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase of land</td>
<td>7</td>
<td>N/A</td>
<td>6.5</td>
<td>0.50</td>
</tr>
<tr>
<td>Residential buildings*</td>
<td>2.34</td>
<td>2.87</td>
<td>0</td>
<td>2.87</td>
</tr>
<tr>
<td>Public utility buildings and facilities</td>
<td>18.6</td>
<td>22.88</td>
<td>0</td>
<td>22.88</td>
</tr>
<tr>
<td>Roads, structures and technical infrastructure facilities</td>
<td>24.6</td>
<td>30.25</td>
<td>7.4</td>
<td>22.85</td>
</tr>
<tr>
<td>Services, documentation and supervision - 8% of the cost of roads, buildings, public utility facilities and technical infrastructure</td>
<td>4</td>
<td>4.92</td>
<td>0.3</td>
<td>4.62</td>
</tr>
<tr>
<td>Total</td>
<td>56.44</td>
<td></td>
<td>56.72</td>
<td></td>
</tr>
</tbody>
</table>

*the maximum value assumed in case of execution of all premises for rental

The above amounts are based on indicative data, they do not result from contracts concluded with contractors for construction of elements of the complex. The expenditures used acc. to the PIU’s data.

6.4 Legal services, valuation and administration

The costs of legal and property evaluation services, the design of the resettlement village and administration are estimated at 5% of the total of all the costs estimated above.
6.5 Summary

Considering the costs borne since 2007, classified as “A2” accounting, settlement costs under the implementation of the Racibórz Reservoir as of 31.12.2014, the total costs of expenditures incurred and estimated to be incurred can be indicated for acquiring the right to the land and New Village construction.

Table 6.5 The total cost of acquiring areas in the variant with the construction of the residential area of 31.12.2014

<table>
<thead>
<tr>
<th>Item</th>
<th>Gross costs (mPLN)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs incurred</td>
<td>159.40</td>
</tr>
<tr>
<td>Costs to be incurred - Reservoir acquisition</td>
<td>15.20</td>
</tr>
<tr>
<td>Liquidation of infrastructure and demolishing *</td>
<td>0.00</td>
</tr>
<tr>
<td>Costs to be incurred – New Village</td>
<td>56.72</td>
</tr>
<tr>
<td>Total:</td>
<td>231.32</td>
</tr>
</tbody>
</table>

*liquidation costs incurred until 31.12.2014 and to be incurred are included in the costs of construction works;

The costs presented do not include other costs not indicated separately in incurred costs, but estimated as: costs of legal services, valuation and administration indicated as 4% of the total costs, i.e. 9.8 mPLN and a reserve estimated as 10% of total costs, i.e. 24.6 mPLN, altogether, the aforementioned costs are estimated at 34.4 mPLN.

6.6 Schedule
### Table 6.6. Investments schedule

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A</td>
<td>New Village - properties changes and preparation of changes in properties, compensation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>A</td>
<td>New Village - properties Supervision and monitoring in regard of properties purchased in the New Village, transferred for exchange</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>A</td>
<td>New Village - properties Land transfer (RZGW) - unused to other entities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>B</td>
<td>New Village - technical infrastructure contract with the Commune, documentation, construction permit, bid, contract with the contractor of construction works</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>B</td>
<td>New Village - technical infrastructure implementation of construction works</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>C</td>
<td>New Village - wastewater treatment plant bid, contract with contractor, designing, construction</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>D</td>
<td>New Village - municipal infrastructure contract with the Commune, Consultant selection, designing, construction permits, bid, contract with construction works contractors</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>D</td>
<td>New Village - municipal infrastructure implementation of construction works</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>D</td>
<td>New Village - municipal infrastructure supervision over infrastructure construction, construction with consultant</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>E</td>
<td>Reservoir Procedure - monitoring, supervision of changes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>E</td>
<td>Reservoir-consequences of the decision in scope of the area land handover</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>E</td>
<td>Reservoir-consequences of the decision in scope of the area agreeing the compensations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>E</td>
<td>Reservoir-consequences of the decision in scope of the area Compensation procedures monitoring, supervision of documents, contact with owners</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>E</td>
<td>Reservoir-consequences of the decision in scope of the area Supervision and disclosure of entries conc. consequences of decision in the register of land and land and mortgage registers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>E</td>
<td>Reservoir-consequences of the decision in scope of the area Examining into applications for purchase of properties necessary for functioning, preparation of land acquisition</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>E</td>
<td>Reservoir-consequences of the decision in scope of the area Monitoring: takeover of land for demolishing, Reservoir bowl management, land use.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>E</td>
<td>Reservoir - implementation preparation and participation in handover of land to contractor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>G</td>
<td>RAP update establishing the RAP update</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Explanation of some terms:**
- **technical infrastructure**: roads, rainwater drainage system, sewage system, water supply, power network, street lighting.
Municipal infrastructure - a fire station building with the community's common room, park, sports areas, cemetery, exhumation of corpses (area of the liquidated cemetery in Nieboczozy), relocation of crosses and shrines, multi-family buildings, public space (public square).
7 Participation and consultation during implementation

7.1 Communication

With regard to the existing rules and appreciate public participation in decision making process in projects which affect or may affect on the environment and the immediate environment of man, should make every effort to ensure public the access to information and enable them to participate in decision-making on matters concerning the environment. The achievement of this target increases the public’s awareness of the planned investment and operation of institutions which are planning and executing the project. It also allows the public to express their views and reservation and if allows an investor to gain information about the currently prevailing mood, consequently leading to mutual understanding and maintaining good relations between the local community and the investor.

Since the project is now at the stage of preparing the implementation of infrastructure of the Nowe Nieboczowy the action should be taken to allow to get the widest possible support for the project and will identify and establish a dialogue with potential opponents of his execution, with the aim to strive to persuade as many existing residents to Nieboczowy and Ligota Tworkowska to express their willingness to move to the New Village prepared for the implementation.

The existing forms of consultation with residents of resettled villages.

- Declarations and statements - a census and assessment of demand for a resettlement village were undertaken. The census will be still updated as a part of the land and property purchase process. Opinion polls have been carried out in late 2005, and repeated in September 2010, when residents were asked by the Consultant team to complete the statements, in which the desired area of the plot and intention to build (or not) a home on it or obtain housing in the new location have been declared. Failure to sign the statement or to determine desired area was considered as the final resignation from residence in Nowa Wies. The next step of verification was the process that started on Jan. 18, 2012, stating of selection of the resettled population the plot located within the urban complex "New Nieboczowy". No indication of the plot or the replacement property is now seen as a sign of lack of interest in the process of resettlement into the New Village. The next step is to present some plots held directly in the New Village where each participant signs the report on the presentation of the plot. The key moment of showing interest and willingness to review resettlement is notarial contract process that started in June 2012.

- Data base update. Consultant team has received from RZGW database on the residents of the villages designated for resettlement. This database is constantly updated with all the information. In particular, data relating to the name of the owner or manager and inventory data on the size and legal status of the farm. The update is performed in the process of purchasing by the employees of the Consultant with appropriate knowledge and experience. Each contact of the Consultants representatives with residents brings new information that are entered into the database directly after the visit.
- Direct group consultation – it was determined that the meetings in small groups devoted to solving specific problems as well as group information meetings with all interested residents lead to constructive conclusions. Consultative meetings can be arranged at any stage of the proceedings. However, it is advisable that most of the meetings should be held at the stage of the preparatory process of investment, when the most the opinions and suggestions of the public can be taken into account. Moreover, both Consultant team and the municipal authorities of Lubomia refer to the methods of direct marketing - distribution of directories, forms, statements directly into the hands of residents. Also via Internet, what nest Consultant team informed about current issues.

- Ongoing consultation in form of meetings of Consultants team and Association for Development and Reconstruction of Nieboczowy Village are taking place. They will be continued if necessary. Their basic purpose is to inform the representatives of Association of the actions taken by the Investor, proposals and actions requiring mutual agreement, with the hope that they will be communicated to the other residents.

- Consultation Centre - opened on 15th of April, 2010 in a building of the Fire brigade in the Nieboczowy village, 42 Wiejska Str. Centre was launched to establish dialogue and maximally simplify contact of Consultant team with the Nieboczowy village residents. The main topic of conversation are issues related to resettlement, rights and opportunities for residents in the development and creation of Nowa Wies, designing and construction of particular elements (infrastructure, public facilities, cemetery, etc.), purchase, changing the plots, terms and possibilities of building construction, project design consultations, their localisation on particular plots and the participation of residents in this matter. The Consultant Experts on duty at the point of consultation offer help to find solution, also a variety of other, often loosely related to the issue of resettlement issues and problems - providing a sense of security and care for resettled people. In addition, goal of the Consultant was to gain valuable administrative and socio-demographic data from residents. Consultation Centre's activities allowed the diagnosis of many problems, mainly of administrative nature, fear of the residents related to resettlement, problems associated with implementation of the New Village, construction of new houses on the changed plots, which consistently solving help to avoid problems during further execution of the project "New Nieboczowy".

7.1.1 Written Communication

A. The years of 2011-2012
Equally important, as direct contact is the contact in writing. It is essential that information should be reliable and it should be published in the right way - different types of letters, folders, posters, flyers, brochures. Sample of letters to residents are presented in Appendix E. Letters include the whole package of current and relevant at any given time information:
- Purpose of the reservoir and its necessity
- Information regarding the inevitability of the project - an explanation that the Racibórz reservoir, as part of the Odra 2006 program, was included in the list
of government tasks, that the location decision has been issued for the reservoir, and that all necessary decisions have been already taken
- Information on the real estate valuation and property change procedure
- Text and explanation of the law "Specific rules of preparations for realization of investments in the Floodway Structures"
- Information about the planned meetings and meetings with representatives of various institutions.
- Request for suitable size of plots and plans to build homes - especially in connection with the declarations of the will of resettlement.
- Information on the principles of construction and location of the houses in the New Village.
- Projects, visualization and technical information on public buildings, cemetery and other facilities planned for construction in the New Village.
- Contact information, e-mail address, position, and telephone number of the person capable to answer questions or record answers from residents, Consultation Centre address and number of infoline,

and information aimed at refreshing the knowledge of the recipients in a given topic (e.g., a website on the reservoir, etc.). Through this way of communication the essential current information and "reports" of important events is transmitted to the local community.

B. The year of 2013 and the next years

No special written information measures addressed to the inhabitants are planned considering that most of the problems related to the resettlement of inhabitants and commencement of the Polder construction works have already been resolved. Such measures have been considered unneeded.

7.1.2 Press, radio and television

The topic of the Raciborz reservoir was raised several times in the local and national media. Information on the planned construction of the reservoir and the progress of the investor’s progress, the problems related to the implementation of investment and information on activities relating to the resettlement action the villagers from Ligota Tworkowska, Nieboczowy appeared regularly in local newspapers such as: Nowiny Raciborskie, Nowiny

7.2 Festivals

It was planned that RZGW would support three festivals organised by the Lubomia Municipality in order to popularise the project:

a) The first event – the last harvest festival in Nieboczowy – 4.09.2011
c) The third festival – in the New Village for the completion of the construction of the New Village and the Polder.
The events are an excellent opportunity to promote the Racibórz Dolny Polder investment, to popularise the project among the local community (and not only) and to inform and to correct some common incorrect information exchanged between the inhabitants directly affected by the investment’s consequences.
8 Appeal measures

8.1 Appeal procedures in the Polish law

Procedures for appeals from any administrative decisions are set by the Code of Administrative Procedure and act ‘Law on proceedings before administrative courts’. Moreover, the provisions relating to the implementation of flood protection structures found in ‘super act’.

In accordance with the general regulations, any person whose rights an issued decision concerns can appeal against it. Within 14 days from the date of notification of the decision the person may appeal to a higher level of administration. Such an appeal suspends the execution of the decision. Suspension does not apply to decisions with the clause of immediate execution.

If a decision by the higher authority is still not satisfying, affected person may complain to the voivodship administrative court, within 30 days of receipt of the final decision. Such complaint must be submitted through the authority responsible for issuing the decision, which shall within 30 days forward it to the court. A complaint does not suspend the decision, but if there is a danger of causing significant damage or if results could be difficult to reverse, at the request of the complainant, the court may issue an order suspending the execution of the decision in part or in full.

From decision of the Voivodeship Administrative Court a cassation appeal can be issued within 30 days to the Supreme Administrative Court (as court of second instance), whose decision is final and binding.

In relation to the decision to consent to the implementation of flood protection investment issued by the voivode, based on the ‘super act’ regulations a party has a right to appeal to the authority of a higher degree. An appeal against the decision to permit the investment shall be examined within 30 days. In proceedings before a review body and before the administrative court the decision to permit the investment cannot be revoked in whole or declare it void if only part of the decision is defective.

With respect to determining the amount of compensation made by the investor, if within two months from the date on which the decision to permit the investment was made final, there will be no compensation arrangements between the investor and the entitled, the amount of compensation is determined by the voivode by the decision, which may be appealed to the authority of a higher degree.

8.2 Complaints to international institutions

After Poland joined the European Union, the European legislation is in force in accordance with the doctrine of the supremacy of European law, in the event of a discrepancy between those provisions and provisions of national laws, the superiority of European law should be granted. This rule applies to any national law including the provisions of the Constitution. There were no differences between the Polish and European regulations regarding the provisions for expropriation.
If all of the remedies under domestic law have been exhausted, within 6 months after the final ruling of the Supreme Court any person or legal person may apply to the European Court of Human Rights, accusing the state of infringement of rights protected by the Convention on Human Rights. Where the Court considers that a breach of the Convention, and national law allows only partial reparation, it may award reasonable compensation for affected parties.
9 Monitoring and evaluation

9.1 Monitoring

Resettlement activities had begun before the start of construction of the reservoir and its timely completion may be critical to initiation of its operation. Therefore implementation of Resettlement Action Plan must be responsive to actual conditions. Monitoring involves the systematic use of information to determine the extent to which plans are being implemented effectively and their impact.

Monitoring of impact of actions taken on resettled people is essential. The status of these people will be monitored to ensure that the key objective of the Resettlement Action Plan — that nobody should be materially worse off as a result of the construction of the Reservoir — is achieved.
10 References

Publications
7. Study of conditions and directions of spatial development of Lubomia Commune - study arrangements - the aims and directions of spatial development.
9. The list of properties purchased by RZGW in Gliwice.

11. Design documentation for particular structures of the New Village of Nieboczowy

Empirical references:
2. Socio-demographic data including the registered residents of both villages (2010) - Social Security Database.
3. Data from the statements of the inhabitants.
4. Data obtained from meetings with residents at the consultation point.