

<p><b>Ministry of Transport and Communications</b> NSRC PMU</p>		
		<p><b>Republic of Armenia</b></p>
<p><b>Contract No. 02 SC 002 / VO N°6</b>  <b>Preparation of Detailed Design documents for two new bridges (for Marmarashen and Burastan communities) and the replacement of existing flyovers in Tranche 1, and accomplishment of additional design tasks in Tranche 1 and 2</b>  Asian Development Bank Loan No. 2561-ARM  North-South Road Corridor Investment Program</p>		
<p><b>Due Diligence Report</b></p>	<p><b>Land Acquisition/Resettlement</b></p>	
		
<p><b>Phase 1</b></p>	<p><b>Marmarashen : New Flyovers at KM 15+439</b>  <b>Burastan : New Overpass at KM 24+147</b>  <b>Due Diligence Report (DDR) on Voluntary Donation of Land</b></p>	
		

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## ABBREVIATIONS

ADB	Asian Development Bank
AH	Affected Households
AP	Affected Person
EA	Executing Agency
GRM	Grievance Redress Mechanism
LAR	Land Acquisition & Resettlement
LARP	Land Acquisition & Resettlement Plan
LSGBs	Local Self- Governing Bodies
MFF	Multi-Tranche Financing Facility
MOTC	Ministry of Transport and Communications
PC	Public Consultation
PMU	Project Management Unit
RA	Republic of Armenia
SCREC	State Committee of Real Estate Cadaster
DCT	Voluntary Donation Coordination Team
SPS	Safeguard Policy Statement
T1	Tranche1 of the North South Corridor Road Project

## DEFINITION OF TERMS

<b>Affected Household (AH)</b>	The affected household as a whole. This unit operates as a single economic and domestic unit and may consist of an individual, a single nuclear family or an extended family.
<b>Affected Person /People (AP)</b>	Any person (individual) affected by project-related changes in the use of land, water and other natural resources, or by project induced income losses. This could include both physical and economic displacement.
<b>Informal Tenants/ Users</b>	An Affected Person who uses affected agricultural land or asset based on an informal /vernal agreement with an owner which is confirmed by a written statement from an owner (by a reference or other way).
<b>Land Acquisition</b>	The process of acquisition of lands or a part of them (with real estate and property rights) which have been considered as exclusive prevailing public interest by RA government decree and belonging to individuals and legal entities as well as communities (owners) with the right of property located in the Republic of Armenia or duly registered as per the RA law required for the needs of state and public with prior appropriate compensation.
<b>Marz-Community</b>	Armenia is divided into 10 provinces (marz). The province chief executive is the governor (marz) appointed by the Government. Each province is divided in communities (hamaynk) which are self-governing units and consists of one or more settlements (bnakavayr). Settlements are classified as towns (kaghak) or villages (gyugh). As of 2007, Armenia includes 915 communities (49 urban and 866 rural). Previously having Marz status, Yerevan, now has the status of a community and it has an elected mayor.
<b>Resettlement</b>	All measures taken to mitigate any and all adverse impacts of the Project on AP's property and/or livelihood, including compensation, relocation (where relevant), and rehabilitation of public property.
<b>Resettlement Plan</b>	A time-bound action plan with budget setting out resettlement strategy, objectives, entitlement, actions, responsibilities, monitoring and evaluation.

## A. INTRODUCTION

### I. Project Background

1. The Asian Development Bank (ADB) has agreed to provide the Government of Armenia (GoA) with a US\$ 500 million Multi-Tranche Financing Facility (MFF) to finance the North-South Corridor Road Investment Program (the Program). The initial phase, covering the route between Ararat, through Yerevan, Ashtarak and Talin to Gyumri, has been divided into three Projects. The subject of this Due Diligence Report (DDR) are the **two new flyovers in Marmarashen community at KM 15+439 and in Burastan community at KM 24+147**, which has been denoted as Tranche 1 (T1:Marmarashen&Burastan), hereby referred to as the Project. The DDR, which was prepared by the Ministry of Transport and Communications (MOTC) of Armenia, the Executing Agency (EA) for the Program, will be approved by ADB and become a condition for the Project implementation.
2. This DDR was preceded by a Draft LARP prepared in September 2014 and covering an old design, which was the scope of the original Project at that time. Taking into account the fact, that the original approved Tranche 1 project was classified as Category “C” for resettlement in accordance with ADB guidelines<sup>1</sup> and following a principle of minimization of the Project impacts on the potential affected persons and affected households (AP/AH), the original Project was revised, the design was changed and now the re-scoped Project has impacts only on community-owned land plots. Thus, there is no land acquisition and resettlement issues envisaged for the Project due to the readiness of the communities to voluntarily donate the community-owned land plots for the construction of flyovers, as the communities are the direct beneficiaries.

### II. Scope of the Project

3. The Project involves the construction of two new flyovers in Marmarashen community at KM 15+439 and in Burastan community at KM 24+147. The map 1 and 2 in chapter C show the location of Project both by initial and final design.

### III. What Instigated the Voluntary Donation of Land

4. During several discussions with the participation of PMU specialists, Marmarashen and Burastan community leaders and representatives of the RA Ararat regional municipality, the PMU informed the communities that the construction of new flyovers may impact private and community land plots causing land acquisition and resettlement issues. Hence, the community leaders have been informed that in this case the land acquisition and resettlement plan should be prepared and losses of APs/AHs will be subject for acquisition and compensation, including the community-

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<sup>1</sup> As per the ADB Operation Manual (OM) F1/OP (2009) a project is classified as Category “A” if > 200 Affected Persons suffer significant impacts (relocation or loss of >10% of productive assets). A project will instead be classified as Category “B” when less than 200 people suffer significant impacts. Category “C” projects have no LAR impacts.

owned land plots. At the same time, it was assumed that these LAR impacts are ineligible for project financing and thus must be dropped from the project<sup>2</sup>.

5. The respective communities' administrations expressed willingness to donate the community-owned land plots impacted by the design of new flyovers in Marmarashen and Burastan to the Republic of Armenia for the purpose of construction of flyovers.
6. At the same time, a decision was made to avoid the impacts of the Project on privately owned lands and avoid any impact on APs/AHs. The description of minimization and mitigation measures is presented in chapter C.

#### **IV. Objective and Scope of the Due Diligence Report**

7. The present report has been prepared for the two new flyovers in Marmarashen and Burastan communities, which has been denoted as Tranche 1 (T1: Marmarashen&Burastan), hereby referred to as the Project and describes the findings of the due diligence review of the Project impact in terms of Involuntary Resettlement with respect to the requirements of the ADB Safeguard Policy Statement (SPS 2009).

### **B. VOLUNTARY DONATION OF LAND AND APPLICABLE SOCIAL REQUIREMENTS FOR THE PROJECT**

#### **I. Voluntary Resettlement**

8. Voluntary resettlement refers to any resettlement not attributable to eminent domain or other forms of land acquisition backed by powers of the state. The important principles in voluntary resettlement are informed consent and power of choice. Informed consent means that the person involved is fully knowledgeable about the project and its implications and consequences and freely agree to participate. Power of choice means that the person involved has the option to agree or disagree with the land acquisition, without adverse consequences being imposed formally or informally by the state. The SPS requirements do not apply to voluntary resettlement.

#### **II. Voluntary Donation of Land: Criteria and Conditions**

9. In terms of safeguard categories, the Project is defined as C category for the involuntary resettlement impact. Thus, in this case, the DDR is prepared to demonstrate that the community administration is aware that they are entitled to receive compensation, and that they are voluntarily donating community land for the overall benefit of the community, which over-weighs the donation of land.

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<sup>2</sup> According to the Loan Agreement of Tranche 1 (Loan Number: 2561 -ARM (SF) from Oct 12, 2009) the Project wasn't envisaged LAR impacts, it was categorized as Category C for the Involuntary resettlement taking into account that the civil works would entailed the improvement of an existing four-lane highway and would take place within the existing right-of-way or on unused state-owned land. No relocation of households or acquisition of productive land was expected. Thus, no relevant budget was planned/available for LAR-related issues.

10. According to the *ADB Sourcebook on Involuntary Resettlement*<sup>3</sup>, the voluntary donation of land usually involves the contribution by individuals of land for a project that has community benefits, such as a school or health care facility. For example, even rural roads that are part of the community driven development are built with voluntary donation of land. The basic idea is that the project benefits will realistically offset the size of the donated land. In the case of voluntary land donation, eminent domain or other powers of the state should not be involved in the acquisition. Therefore, voluntary land donation is not within the scope of the SPS.
11. However, as discussed in the *ADB Sourcebook*, the project team should exercise judgment in such cases and conduct due diligence to avoid adverse impacts on affected persons and possible reputational risks to ADB. The project team should (i) verify that the donation is in fact voluntary and did not result from coercion, using verbal and written records and confirmation through an independent third party such as a designated nongovernmental organization or legal authority; and (ii) ensure that voluntary donations do not severely affect the living standards of affected persons and benefit them directly.
12. Usually, the voluntary donation of land by beneficiary households or communities is acceptable where:
  - a) The impacts are marginal (based on percentage of loss and minimum size of remaining assets);
  - b) Impacts do not result in displacement of households or cause loss of household's incomes and livelihood;
  - c) The households making voluntary donations are direct beneficiary of the project;
  - d) Land thus donated is free from any dispute on ownership or any other encumbrances;
  - e) Consultations with the affected households is conducted in a free and transparent manner;
  - f) Land transactions are supported by transfer of titles; and
  - g) Proper documentation of consultation meetings, grievances and actions taken to address such grievances is maintained.
13. In case of this Project, the voluntary donation of land is justified with following main conditions: (i) Project impacts do not result in displacement of households or cause loss of household's incomes and livelihood, and (ii) the affected communities express their willingness and readiness to donate the affected community-owned lands to RA for the implementation of the Project, which is documented in the minutes of public consultation meetings. The respective communities are the local level of governance and as such, the lands owned by them are neither private lands and nor government lands and, in the case of voluntary donation, it involves transferring the ownership of the identified plots of community land to the government of the Republic of Armenia.

### **C. MINIMIZING OF LAND REQUIREMENTS AND MITIGATION MEASURES**

14. This chapter presents the initial design of the flyovers and its further changes made for minimizing the impacts.

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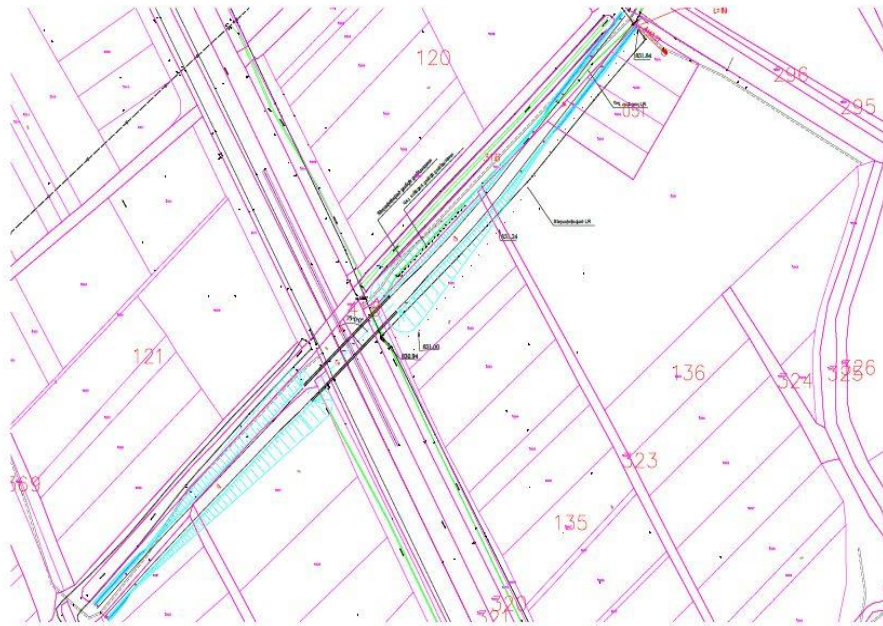
<sup>3</sup> ADB Sourcebook on Involuntary Resettlement, November 2012, <http://www.adb.org/documents/involuntary-resettlement-safeguards-planning-and-implementation-good-practice-sourcebook-d>

15. According to the preliminary land acquisition and resettlement (LAR) assessment carried out in the frame of preparation of Draft LARP in September 2014, based on the initial design of the flyovers, it was identified that the Project may potentially permanently acquire a total of 52 land plots covering 26.652,05 m<sup>2</sup>, affecting 24 households in 2 communities. Along with land acquisition, a total of 236,40m<sup>2</sup> (4 structures) of buildings may be removed, causing the relocation of 4 businesses. Due to the no significant LAR impact, the Project may be classified as “Category B” for resettlement in accordance with ADB guidelines.
16. Based on these findings, it was decided to carry out an investigation how these impacts may be avoided or minimized. This task was implemented in close cooperation and consultation with the design specialists and representatives of PMU and Marmarashen and Burastan communities.
17. Thus, the following steps have been carried out for the implementation of minimization exercise: the cadastral maps for each community were examined to understand if there are any overlaps between the private or used lands and the initial design of flyovers. Verification of the cadastral maps was done also in the field based on the survey and measurement where applicable. Several site visits have been made with participation of communities’ representatives, PMU and designer to find the most optimal solutions. After this exercise, impact on the private owned and used lands/structures was avoided in the revised design. The final revised designs were presented, reviewed, agreed with community officials.
18. The comparative maps of initial and final revised designs of flyovers are presented below in Maps 1 and 2.

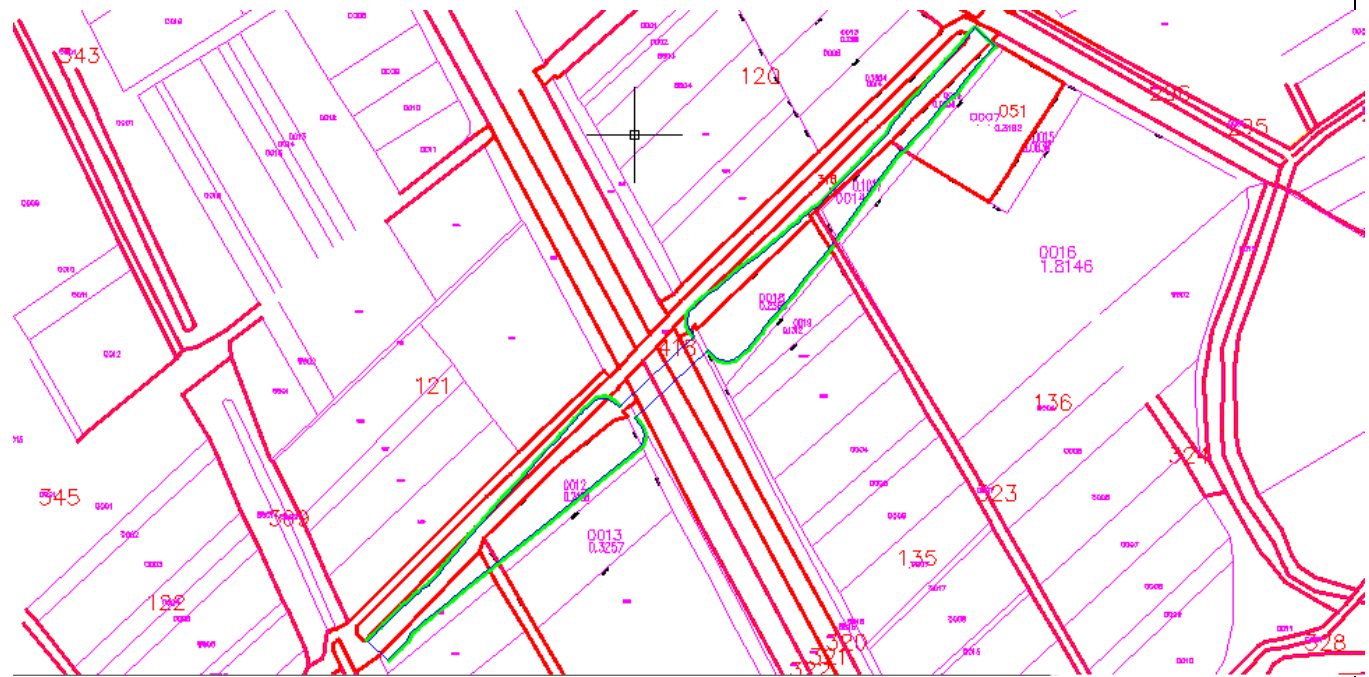


**Map 2: Map 1: Initial and final design of New flyover in Burastan community (KM 24+147)**

**Initial design**



**Final design**



#### D. SCOPE OF VOLUNTARY DONATION AND SOCIAL ISSUES

19. Due to changes of the design of flyovers the overall impact on private owned lands and potential APs/AHs was avoided and only community and state owned lands are left in the Project affected zone. Based on the documentation provided in this DDR, the Project comes under IR impact category 'C' based on the agreed procedure of voluntary donation of affected community owned lands.
20. For the identification of Project impacts, the factual measurement of affected lands was carried out by the Design Consultant based on the final revised design and relevant plans have been prepared for those land plots in accordance with the SCREC requirements.
21. Apart from the impact avoidance efforts facilitated by design changes, as a result of measurement exercise cadastral discrepancies have been revealed in Marmarashen communities, namely the private owned lands plots were affected by the Project according to the cadastral maps, which are not actually affected, according to the measurement results. Thus, the several meetings have been organized by PMU with participation of community representatives and cadastral specialists to discuss the situation and possible ways of cadastral corrections. As a result of these meetings the action plan for cadastral corrections was agreed and implemented, namely:
- 1) The relevant plans of factual measurement for each community was prepared by the Design Consultant and provided to the community heads;
  - 2) The community heads applied to the regional SCREC offices according to the RA legislation demanding the correction of cadastral maps in their community according to the factual measurement plans;
  - 3) The SCREC corrected the cadastral maps;
  - 4) The Design Consultant prepared relevant plans based in the corrected cadastral maps.
22. In total, the Project affects 17 (14,264.88m<sup>2</sup>) and 15 (9,595.76m<sup>2</sup>) community land plots respectively in Marmarashen and Burastan communities. This quantum of community land requirement is relatively small, 5.9 acres or 2.4 ha. The summary of land impacts based on the final design of flyovers is presented in the Table 1 below and the details of impacts are presented in Appendix 1.

**Table 1: Number of Affected Land Plots in the Project Area**

No.	Community	Affected Community Owned land plots		State Owned land plots		Total	
		No of Plots	Area (m <sup>2</sup> )	No of Plots	Area (m <sup>2</sup> )	No of Plots	Area (m <sup>2</sup> )
1	Marmarashen	17	14,264.88	2	688.20	<b>19</b>	<b>14,953.08</b>
2	Burastan	15	9,595.76	3	382.25	<b>18</b>	<b>9,978.01</b>
	<b>Total</b>	<b>32</b>	<b>23,860.64</b>	<b>5</b>	<b>1,070.45</b>	<b>37</b>	<b>24,931.09</b>

#### E. PUBLIC CONSULTATION AND INFORMATION DISSEMINATION

23. The several phases of discussions and consultations were held in Marmarashen and Burastan communities during the initial and final design of flyovers. Several meetings have been organized with heads of communities and representatives of Marzpetaran (regional administration) before

and during the design of the Project to address all requirements of communities.

24. The consultation meetings were held in Marmarashen and Burastan communities with participation of representatives of PMU and ADB environment consultant. During the consultations the designs of new flyovers as well as related environmental and social impacts have been presented to participants.
25. To provide the presence of all beneficiaries, preliminary agreements were made with the community heads of the villages and other stakeholders. In both communities while organizing the consultations special attention was paid to the participation of the inhabitants living more close to the flyovers<sup>4</sup>. The Local Self-governing Bodies (LSGB) showed their assistance to ensure their participation.
26. A public consultation was held in Burastan community on 21 May, 2015. During the meetings the local population showed active participation. Overall 25 participants were attended to the meeting, including representative from ADB, PMU, as well as head of community, staff of the administrative centre, director of cultural centre, and other inhabitants.
27. A public consultation was organized in Marmarashen community on 27 May, 2015 in the administrative centre of the village involving participation of the head of community, staff of the administrative centre, representatives of the council, pensioners and other inhabitants, including representatives from ADB and the PMU.
28. People highly concerned for flyovers construction showed active participation. The list of participants and photos of PCs are provided in Appendix 2.
29. During the meetings the detailed design and works planned were introduced. The heads of communities mentioned that the construction of flyovers is very important for the community livelihood and agricultural development, as all their agricultural lands are located on the other side of communities, and the new flyovers will allow them to pass the road for cultivation of lands and cattle breeding. Community participants mentioned that the communities are ready to donate the affected community lands for the construction of flyovers, as was previously agreed with the heads of communities.
30. The environmental specialist of PMU informed about the possible adverse environmental impacts which are summarized in the SEMP. The latter is the description of the negative impacts on the environment, population health and safety of construction workers, which are possible during the project implementation in design, construction and operation stages. The list of the measures mitigating or preventing these possible negative impacts was also represented.
31. The community residents were mainly concerned with the following possible problems arising during the construction works:
  - When the construction will start and how long it will take,
  - How residents can cross the road during construction works,
  - How cattle passing will be organized during construction period,
  - Pollution of the settlement with construction and household waste during the construction,
32. Copies of the final environmental management plan will be distributed with both rural administrative centers.
33. In order to receive and facilitate the resolution of local peoples' concerns, complaints, and grievances concerning the Project's performance a Grievance Redress Mechanism (GRM) will be

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<sup>4</sup> There are several buildings which are located in 5-20 meters far from the areas where the flyovers will be constructed. The owners/users of the buildings are informed and agree on the construction of flyovers. At the same time, the buildings are mainly new constructed and in a good condition, thus, it is assumed, that there will be no issues during the construction.

established to be used for addressing any complaints that arise during the implementation of the Project. The GRM will be established in cooperation with Local Authorities for the construction period. Prior to Construction works, Contractor will inform the stakeholders about the Grievance Redress Mechanism and provide contact details of persons responsible for grievance collection and response in the community.

34. The consultation with affected people and other concerned stakeholders, including local persons, will be continued on an ongoing basis during the construction stage to provide timely disclosure of relevant and adequate information that is understandable and accessible to affected people and responsive to the needs of disadvantaged and vulnerable groups; and should enable to incorporate all relevant views of affected people and other stakeholders into the mitigation measures and implementation issues.

## F. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

35. The Ministry of Transport and Communication (MOTC) is the Executing Agency (EA) and PMU is the Implementing Agency (IA) for the Program. The PMU has a Legal and External Impact team which is responsible for the implementation of any LAR-related activities of the Program. The team consists of following specialists and consultants: Legal and External Impact Officer, External Impact and Resettlement Coordinator, Social Development and Resettlement Specialist, Environmental and Archaeological Specialist, Senior Lawyer Claim and Dispute Management Specialist, National Field Work Coordinator (consultant) and LAR Legal Specialist (consultant) (hereafter: Voluntary Donation Coordination Team (DCT)).
36. The DCT will implement the Action plan of voluntary donation of community lands based on the procedures set out in this DDR.
37. Several other Government agencies also play important roles in the implementation of voluntary donation process. Regional government administrations are closely involved in the implementation of voluntary donation process and changes of target purposes of community lands. The State Committee of Real Estate Cadaster of the Government of the Republic of Armenia and its Cadaster Regional Offices are responsible for the registration of ownership right.
38. All needed administrative expenses during the process of Voluntary Donation of Community Lands will be done by the communities, besides the registration costs (both cadastral and notary) for the registration of ownership rights in the name of RA, which will be covered by the government.
39. The implementation of Action Plan for the Voluntary Donation of Community Lands is subject to verification by an Independent Third Party, which will prepare a Compliance Report to be approved by ADB.
40. The main list of the parties involved and detailed description of their responsibilities are presented in the Action plan for the implementation of Voluntary Donation of community lands below.

**Table 2: Action Plan for the Implementation of Voluntary Donation of Community Lands**

No.	Activity	Responsible party	Schedule
<b><i>Preparation and approval of DDR</i></b>			
1	Preparation of draft DDR	Design Consultant	Completed
2	Finalization of DDR based on PMU and ADB comments	ADB/PMU	June 05, 2016
3	Approval of DDR	ADB	June 10, 2016

No.	Activity	Responsible party	Schedule
4	Involvement of Independent Third Party for verification of voluntary donation of land	PMU	June-July 2016
<b>Implementation of Voluntary Donation of Community Lands</b>			
5	Community Council decisions on donation of community lands (both for Marmarashen and Burastan )	Marmarashen and Burastan communities	Completed
6	Changes of target purposes of affected community lands into transport purpose	Marmarashen and Burastan communities, Marzpetaran of Ararat region	In process, to be completed at the end of June 2016
7	Changes of target purposes of affected state lands into transport purpose (where needed)	PMU/MoTC	June-July 2016
8	Initiation of government decree (GD) on donation of community lands	PMU/MoTC	April 2016
9	Approval of GD on donation of community lands	Government of RA	July 2016
10	Donation of community lands: signing of donation contracts and state registration of RA rights towards the donated lands	Marmarashen and Burastan communities/PMU	July-August 2016
11	Verification of voluntary donation of land by Independent Third Party and preparation of Compliance Report	Independent Third Party	August-September 2016
12	Approval of Compliance Report	ADB/PMU	September 2016

## G. CONCLUSIONS

- 1) The screening for involuntary resettlement impacts was done to implement the due diligence exercise.
- 2) The project includes physical construction works. The proposed activity includes the construction of two new flyovers in Marmarashen and Burastan communities. The initial design of flyovers was changed for the minimization of impacts on private-owned and used lands by any person or household.
- 3) The activities will not require permanent or temporary land acquisition irrespective of the ownership status and current usage of the land. Only community-owned land plots are affected by the Project, which will be voluntarily donated to RA for the construction of flyovers. There is no any titled or non-titled person who lives or earns their livelihood at the site or within the corridor of impact. There will be no loss of agricultural plots, businesses or enterprises, housing as well as crops, trees, and fixed assets (i.e. fences, pumps, etc.), therefore, there is no loss of incomes and livelihoods. No any social/ economic activities will be affected by land use-related changes. No one will lose access to facilities, services, or natural resources.
- 4) The Project is defined as category "C" as it has no involuntary resettlement impacts.
- 5) The Action Plan on the Voluntary Donation of Community Lands was prepared and will be implemented by PMU/MoTC in close cooperation with communities. The implementation of voluntary donation of community lands will be verified and monitored by an Independent Third Party and the prepared Compliance Report will be submitted to ADB for approval.
- 6) The public consultations have been implemented in Marmarashen and Burastan communities with participation of local authorities and people for the presentation of the Project and relevant

social and environmental measures to be implemented under the Project during the construction.

- 7) In order to receive and facilitate the resolution of local peoples' concerns, complaints, and grievances concerning the Project's performance a Grievance Redress Mechanism (GRM) will be established in cooperation with Local Authorities for the construction period.

**Appendix 1: List of affected land plots with details**

No	Community	Cadastral lot-code	The ownership status per cadastral map*	The target purpose of the land*, **	The usage purpose of the land*	The total surface of land per cadaster (m <sup>2</sup> )*	The affected surface of land (m <sup>2</sup> )***	Remarks
<b>Marmarashen community</b>								
1	Marmarashen	03-058-0202-0026	Community	Agricultural	Other land	1,442.00	91.40	-
2	Marmarashen	03-058-0202-0027	Community	Agricultural	Other land	1,652.00	173.20	-
3	Marmarashen	03-058-0202-0028	Community	Agricultural	Other land	4,888.00	780.10	-
4	Marmarashen	03-058-0202-0037	Community	Agricultural	Other land	500.00	500.00	Totally affected
5	Marmarashen	03-058-0420-0001	Community	Agricultural	Other land	2,236.00	1,298.80	-
6	Marmarashen	03-058-0203-0007	Community	Agricultural	Pasture	4,259.00	1,989.08	Affected in two parts.
7	Marmarashen	03-058-0203-0012	Community	Agricultural	Pasture	600.00	360.70	-
8	Marmarashen	03-058-0203-0009	Republic of Armenia	Water	Hydrotech., water econom. and other objects	675.00	68.20	-
9	Marmarashen	03-058-0203-0008	Community	Agricultural	Other land	2,848.00	308.60	-
10	Marmarashen	03-058-0421-0001	Community	Agricultural	Other land	5,559.00	4,686.10	-
11	Marmarashen	03-058-0204-0001	Community	Agricultural	Other land	2,825.00	526.70	-
12	Marmarashen	03-058-0423-0001	Community	Residential	General use	844.00	755.10	-
13	Marmarashen	03-058-0086-0001	Community	Agricultural	Other land	1,549.00	325.30	-
14	Marmarashen	03-058-0212-0035	Community	Residential	Commercial	250.00	250.00	Totally affected
15	Marmarashen	03-058-0448-0001	Community	Residential	Commercial	6,147.00	1,766.40	-
16	Marmarashen	03-058-0238-0003	Community	Agricultural	Other land	517.00	263.20	-
17	Marmarashen	03-058-0511-0001	Republic of Armenia	Energy, transport, communication, com. objects	Transport	90,666.00	620.00	Local road, affected in two parts.
18	Marmarashen	03-058-0202-0038	-	-	-	-	4.00	-
19	Marmarashen	03-058-0535-0001	-	-	-	-	186.20	-
<b>Total</b>							<b>14,953.08</b>	-
<b>Burastan community</b>								
1	Burastan	03-027-0350-0001	Community	Water	Canal	696.00	1,673.70	-
				Agricultural	Other land	6,463.00		-

No	Community	Cadastral lot-code	The ownership status per cadastral map*	The target purpose of the land*, **	The usage purpose of the land*	The total surface of land per cadaster (m <sup>2</sup> )*	The affected surface of land (m <sup>2</sup> )***	Remarks
2	Burastan	03-027-0418-0001	Community	Agricultural	Other land	3,297.00	289.74	Affected in three parts.
3	Burastan	03-027-0134-0010	Community	Water	Canal	839.00	99.58	-
				Agricultural	Other land	1,672.00		-
4	Burastan	03-027-0134-0011	Community	Agricultural	Other land	1,342.00	29.55	Affected in two parts.
5	Burastan	03-027-0134-0012	Community	Agricultural	Arable	2,408.00	1,923.90	-
6	Burastan	03-027-0353-0001	Community	Agricultural	Other land	1,980.00	70.15	-
7	Burastan	03-027-0133-0001	Community	Agricultural	Arable	1,109.00	545.40	-
8	Burastan	03-027-0135-0018	Community	Agricultural	Arable	2,360.00	2,005.90	-
9	Burastan	03-027-0323-0001	Community	Agricultural	Other land	1,793.00	81.42	-
10	Burastan	03-027-0136-0014	Community	Agricultural	Arable	1,016.00	670.60	-
11	Burastan	03-027-0051-0006	Community	Residential	Residential	836.00	471.30	-
12	Burastan	03-027-0316-0001	Community	Agricultural	Other land	3,372.00	1,514.63	-
13	Burastan	03-027-0135-0016	Community	Water	Canal	1,211.00	49.50	-
14	Burastan	03-027-0321-0001	Republic of Armenia	Energy, transport, communication, com. objects	Transport	4,361.00	112.00	Local road
15	Burastan	03-027-0322-0001	Republic of Armenia	Energy, transport, communication, com. objects	Transport	4,739.00	136.50	Local road
16	Burastan	03-027-0320-0001	Republic of Armenia	Energy, transport, communication, com. objects	Transport	-	133.75	Local road
17	Burastan	03-027-0135-0015	-	-	-	-	81.07	-
18	Burastan	03-027-0136-0001	-	-	-	-	89.32	-
<b>Total</b>							<b>9,978.01</b>	

\*The mentioned data is based on the information provided by the SCREC on 29.03.2016.

\*\* The target and usage purposes are mentioned based on the cadastral data, but not the actual, namely: if the land is classified as residential, commercial etc., it doesn't mean that it is used in that purposes, it means it can be used in that purposes.

All community owned lands can be leased by natural or legal entities, but there is no any rent or usage identified in the mentioned affected community lands.

\*\*\* The mentioned data is based on the actual measurement carried out in accordance with the final design of the flyovers.

## Appendix 2. Attendance lists and photos of Public consultations

ՀՅՈՒՄԻՍ ՀԱՐԱՎ ԸՆԱՂՊԱՐՀԱՅԻՆ ՄԻՋԱՆՑՔԻ ՆԵՐՈՐՈՒՄԱՅԻՆ ԾՐԱԳԻՐ ՏՐԱՆԸ 1

Մարմարաշեն և Բուրաստան համայնքների ուղեանցների նախագծի բնապահպանական կառավարման պլանի և սոցիալական ազդեցությունների հանրային լսման մասնակիցների ցանկ

Մարմարաշեն համայնք

27 մայիսի 2015թ.

N	Անուն ազգանուն	Պաշտոն	E-mail/հեռախոս	ստորագրություն
1	Սեդուկ Մրցալյան	Մուշ. ՎԿՏ - և Վերաբն. Տնտեսագետ, Զոմբակ - կղզի 8.	sona-poghosyan28@gmail.com	
2	Պարսևան Բաղդասարյան	Բնակավայրի պահպանության և բնակավայրի կառավարման գլխավոր օգնական	m.bagdaryan91@gmail.com	
3	Օհանյան Միսակ	քաղաքացի		
4	Ներսիսյան Գրգոր	Պրոկուրոր և քաղաքացիական պաշտպանության գործընկեր	093-20-05-16	
5	Սահակյան Արմեն	Գժուրու պեղումների մասնագետ	093-22-77-83	
6	Նախատեղա Գրիգորյան	Գրքարար և քաղաքացի	093-20-28-58	
7	Քարամյան Լուսինե	Խաղաղության	(094) 47-55-86	
8	Հանրային շահեր	«Գրիգորյան» ընկերության աշխատակից	1 806 3 300 000 000	
9	Կարամյան Գրգոր	Ջրամատակարար	091 200 7 59	
10	Ալեքսանդր Գրիգորյան	Հյուսիս-արևելքի ՔՂ	afgan@northsouth.am	
11	Արթուր Բաղդասարյան	ԱՊԿ, թանկարժեքային կառավարման	artur.bagdaryan.councilant@yandex.am	
12	Օհանյան Արմեն	Խնայողական աշխատակից	054-19-02-19	
13	Վահագնյան Գործընկեր		093-22-83-82	
14	Գրիգորյան Գրգոր	Քաղաքացի	093-80-06-31	
15				
16				

ՀՅՈՒՄԻՍ ԶԱՐԱՎ ԶԱՆԱՊԱՐԶԱՅԻՆ ՄԻՋԱՆՑՔԻ ՆԵՐԴՐՈՒՄԱՅԻՆ ԾՐԱԳԻՐ

Մարմնաբան և Բուրաստան համայնքների ուղեակցների ինսպեկտորական կառավարման պլանի հանրային լսման մասնակիցների ցանկ

Բուրաստան համայնք

21 մայիսի 2015թ.

N	Անուն ազգանուն	Պաշտոն	E-mail/հեռախոս	ստորագրություն
1	Լիլիթ Էդիսյան	ԱԳԿ սպասարկության մասնակց	lyedizaryan.consultant@actb.org	Լիլիթ
2	Նևազար Գրիգորյան	Համբար - հարավ 60 ՇՆ ՕԻԶ	sona.poghosyan28@yahoo.com	Նևազար
3	Պարոյր Արթուրյան	Հյուսիս - հարավ 20 ՇՆ ՕԻԶ	afyanq@northsouth.com	Պարոյր
4	Հանուշ Զարգուշյան	Հ.Տ.Ի.Մ.Ս. կայանի ցուցակագրող	h.zolo.zambler.ru	Հանուշ
5	Սոֆյա Գրիգորյան	Ինքնուրույն	093 103 131	Սոֆյա
6	Սևակ	Առևտրային	093-6341731	Սևակ
7	Գևորգ Գևորգյան	Ինքնուրույն	094-75-85-21	Գևորգ
8	Գևորգ Գևորգյան	Բարձրագույն	094 6955 65	Գևորգ
9	Բարսեղ Գրիգորյան	Բարձրագույն	077-73-77-57	Բարսեղ
10	Նինա Կարսյան	Բարձրագույն	094 40 60 22	Նինա
11	Ստեփան Գրիգորյան	Բարձրագույն	094 83 95 94	Ստեփան
12	Ռոման Կարսյան	Բարձրագույն	093-48-32-97	Ռոման
13	Պարոյր Կարսյան	Առևտրային	094-28-58-67	Պարոյր
14	Վահագն Գրիգորյան	Բարձրագույն		Վահագն
15	Գրիգորյան Կարսյան	ԳՐԱԿԱՆ ԲԱՐՁՐԱԳՈՒՅՆ ԿԱՐՏԱԿԱՆ	093016482	Գրիգորյան
16	Կարսյան Կարսյան	Բարձրագույն	093125450	Կարսյան

N	Անուն ազգանուն	Պաշտոն	E-mail/հեռախոս	ստորագրություն
16	Կրկնաբեր համալսարան	Օպերատոր	anna.kerkhannizyan@arm 094 6193 62	
17	Կարգապահ Վարչարար	Գրքերի Գրասենյակ	095 986 286	
18	Վերջին ժամանակների	Գրքերի Գրասենյակ	093-412793	
19	Գրքերի Վարչարար	Գրքերի Գրասենյակ	098-46-53-11	
20	Կրկնաբեր Վարչարար &	Կրկնաբեր Վարչարար	093506974	
21	Վերջին ժամանակների		093605628	
22	Վերջին ժամանակների	Արխիվային խումբ	093780274	
23	Վերջին ժամանակների		095529917	
24	Վերջին ժամանակների		098392343	
25	Վերջին ժամանակների	Վերջին ժամանակների	095-65-35-55	
26				
27				
28				
29				
30				
31				

*Photos of PCs –Burastan*



*Photos of PCs –Marmarashen*



**Appendix 3: Draft Government Decree on voluntary donation of community lands**

**DRAFT**<sup>5</sup>

**GOVERNMENT OF THE REPUBLIC OF ARMENIA**

**DECISION**

\_\_\_\_\_, 2016, N \_\_\_\_\_-A

**ON ACCEPTING DONATION OF LAND PLOTS AND ATTACHING THEM TO  
“STAFF OF THE MINISTRY OF TRANSPORT AND COMMUNICATION  
OF THE REPUBLIC OF ARMENIA” STATE ADMINISTRATION INSTITUTION**

Guided by the requirements of part 6, Article 65 of the Land Code of the Republic of Armenia, Article 605 of the Civil Code of the Republic of Armenia, and Article 4 of the Law of the Republic of Armenia “On State Administration Institutions”, the Government of the Republic of Armenia **decides:**

1. To give consent to Burastan and Marmarashen communities of Ararat region of the Republic of Armenia for donating to the Republic of Armenia the community-owned land plots listed in the annex to this decision, gratuitously, with the ownership right, for the purpose of constructing transport passages on the territory of Marmarashen and Burastan communities of Ararat region of the Republic of Armenia within the scopes of sub-project 1 of the investment project of construction of the North-South road passage approved by the Government of the Republic of Armenia by decision No. 14-A dated January 14, 2010.
2. Accept the land plots listed in the annex to this decision as owned property and attach them to “Staff of the Ministry of Transport and Communication of the Republic of Armenia” State Administration Institution.
3. To assign to Minister of Transport and Communication of the Republic of Armenia G. Beglaryan to sign with Burastan and Marmarashen communities of Ararat region of the Republic of Armenia agreements on donation of the land plots mentioned in clause 1 of this decision, in accordance with the procedure specified by the legislation of the Republic of Armenia, within a period of two months following the date of enforcement of this decision.
4. To define that the costs connected with state registration of the ownership rights of the Republic of Armenia towards the property mentioned in clause 1 of this decision and notary verification of the donation agreements will be covered from the funds of Burastan and Marmarashen communities of Ararat region.

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<sup>5</sup> Prepared by PMU/MoTC.

## REFERENCE-SUBSTANTIATION

on Adoption of the Draft of the RA Government Decision  
“on Accepting Donation of Land Plots and Attaching Them to “Staff of the Ministry  
of Transport and Communication of the Republic of Armenia” State Administration Institution

### **1. Necessity (purpose) of adoption of the legal act**

Adoption of this decision is explained by the necessity to donate several land plots owned by Burastan and Marmarashen communities of Ararat region of RA to the Republic of Armenia for the purpose of constructing transport passages on the administrative territory of Burastan and Marmarashen communities within the scopes of sub-project 1 of the investment project of construction of the North-South road passage.

### **2. Current status of the regulated relations and existing problems**

Within the scopes of sub-project 1 of the investment project of construction of the North-South road passage approved by the Government of the Republic of Armenia by decision No. 14-A dated January 14, 2010 (hereinafter referred to as the Project), based on the suggestion made by Burastan and Marmarashen communities and by consent of the Project management board and Asian Development Bank, it is planned to build an over-ground passage (hereinafter referred to as the passage) for agricultural machinery and domestic animals, on the territory of the above-mentioned communities. The design works for the passage have been completed and the Project management board has approved construction of the passage based on the available design documents.

According to the passage design documents, acquisition of several land plots owned by the above-mentioned communities is required for the purpose of the passage construction. Considering the importance of passages for regular life of the communities, the local self-government bodies of Burastan and Marmarashen communities have decided to donate the land plots owned by these communities to the Republic of Armenia for the purpose of the passage construction.

### **3. The result expected in case of enforcement of the legal act**

In the result of adoption of this decision, the land plots listed in the annex to this decision will be donated to the Republic of Armenia, which will make it possible to release the land plots required for construction of the passage from the rights of third parties and hand them over to the contractor organization for construction of transport passages on the administrative territory of Marmarashen and Burastan communities.

### **REFERENCE**

on Substantial Increase or Reduction of Costs and Revenues in the State Budget  
in Connection with Adoption of the Draft of the RA Government Decision  
“on Accepting Donation of Land Plots and Attaching Them to “Staff of the Ministry  
of Transport and Communication of the Republic of Armenia” State Administration Institution

Adoption of the draft of this decision doesn't imply any significant increase or reduction of costs in the state budget of the RA.

### **LIST**

of Legal Acts, on the Basis of which or Making Use of which the Draft Decision  
of the RA Government “on Accepting Donation of Land Plots and Attaching Them  
to “Staff of the Ministry of Transport and Communication of the Republic of Armenia”  
State Administration Institution was Developed

Draft of this decision has been developed on the basis of the Land Code of the Republic of Armenia, the Civil Code of the Republic of Armenia, and the Laws of the Republic of Armenia “On State Administration Institutions” and “On Legal Acts”.

### **REFERENCE**

on the Necessity of Making Amendments or Supplements to Other Legal Acts  
with Relation to Adoption of the Draft of the RA Government Decision  
“on Accepting Donation of Land Plots and Attaching Them to “Staff of the Ministry  
of Transport and Communication of the Republic of Armenia” State Administration Institution

Adoption of this draft doesn't imply necessity of making amendments or supplements to other legal acts.

### **LIST**

of Authors (Developers) of the Draft of the RA Government Decision  
“on Accepting Donation of Land Plots and Attaching Them to “Staff of the Ministry  
of Transport and Communication of the Republic of Armenia” State Administration Institution

This draft has been developed by the Ministry of Transport and Communication of the RA.