

Social Monitoring Report

Final Compliance Report
May 2015

GEO: Urban Services Improvement Investment Program – Tranche 3

Prepared by the United Water Supply Company of Georgia (UWSCG) for the Asian Development Bank.

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Final Compliance Report

**On
Land Acquisition and Resettlement Plan for
Urban Services Improvement Investment
Program**

**Ureki Water Supply and Wastewater Systems
Construction and Operation Project**

Prepared for United Water Supply Company of Georgia (UWSCG)
Government of Georgia

May 05, 2015

CONTENTS

ABBREVIATIONS.....	11
I. INTRODUCTION.....	12
II. PROJECT DESCRIPTION	13
Conditions Related to Resettlement Plan	14
Status of the Project.....	14
III. REQUEST FOR COMPLIANCE REPORT	15
IV. Conduct of Monitoring and Preparation of the Compliance Report	15
Scope of the Assignment.....	15
Monitoring Methodology	15
V. EMC Findings and Assessments	17
Policy and Operational Procedures	17
Assessment of Compensation Delivery.....	17
Compensation Eligibility.....	17
Land Impact.....	17
Impact on Crops	19
Assistance to APs in the process of document legalization	20
VI. ASSESSMENT OF PUBLIC SATISFACTION	21
The results of social and gender survey	21
Complaints & Grievance Redress Mechanism.....	22
VII. CONCLUSIONS	22
REFERENCES:.....	23
LARP UREKI-NATANEBI.....	24

ABBREVIATIONS

ADB	Asian Development Bank
AP	Project Affected Person
AH	Project Affected Household
CSC	Construction Supervision Consultant
DMS	Detailed Measurement Survey
EMC	External Monitoring Consultant
GEL	Georgian Lari
GoG	Government of Georgia
GRC	Grievance Redress Committee
IA	Implementing Agency
Km	Kilometer
LAR	Land Acquisition and Resettlement
LARF	Land Acquisition and Resettlement Framework
LARP	Land Acquisition and Resettlement Plan
LFCR	LARP Final Compliance Report
M&E	Monitoring and Evaluation
MFF	Multitranches Financing Facility
MOF	Ministry of Finance of Georgia
MRDI	Ministry of Regional Development and Infrastructure
NAPR	National Agency of Public Registry
AP	Affected Persons
PPTA	Project Preparation Technical Assistance
UWSCG	United Water Supply Company of Georgia
R&R	Resettlement and Rehabilitation
UWSDC	United Water Supply and Distribution Company
RU	Resettlement Unit
SES	Socio-Economic Survey
SPS	Safeguard Policy Statement
IA	Implementing Agency
WSS	Water and Sanitation System

I. INTRODUCTION

Government of Georgia (GoG) has received a loan (USD \$500 million) from the Asian Development Bank (ADB) through a Multitranches Financial Facility (MFF) for the implementation of the Urban Services Improvement Investment Program. One of the components of the program incorporates improvement of the Ureki Project.

The Investment Program was developed as the Government's response to the lack of adequate and/or safe water supply, sewerage and sanitation in urban areas of Georgia. This is intended to optimize social and economic development in selected urban areas through improved urban water and sanitation (WSS) services.

The LARP was prepared by UWSCG. It was based on detailed design and the requirements of the ADB Safeguards Policies Statement (2009) and its objective was to plan and implement LARP in Ureki (Guria Region) considering general principles that AP's livelihood should be better or at least remain at the present level after completion of the Project.

The Final Compliance Report (FCR) provides detailed description of monitoring process and comparison analyses of the results of land acquisition and delivery of compensations with the entitlements stipulated under the Land Acquisition and Resettlement Plan Prepared by the UWSCG and approved by the GoG and ADB. The purpose of this Report is to provide assessment of the LARP implementation findings and recommendations to ADB concerning the provision of no objection to start the relevant civil works.

Consequent to the implementation of the LARP Ms. Sophie Berishvili individual expert was hired by Eptisa Engineering Services as an External Monitoring Consultant (EMC) to conduct monitoring and evaluation of the land acquisition and resettlement plan results and impacts and prepare Final Compliance Report FCR.

In order to undertake this task, the EMC studied the LARP accepted and approved by ADB on November 13, 2013 and the Government of Georgia on March 31, 2014. Consultant collected all necessary information, reviewed the documents of each and every agreement entered within the framework of the given project. In addition, the Consultant on December 9, 2014 conducted a site visit and met with the Project Affected Persons (APs) and their family members; and used a questionnaire to determine the APs expectation and views regarding the LARP implementation.

This report outlines the following:

- Assessment of the way compensation was carried out in relation of the stipulations of the LARP;
- Verification that all AP's have been compensated in the amounts stipulated in the LARP;
- Assessment of the accuracy of survey and asset valuation;
- Assessment of the effectiveness and thoroughness of the Legalization process;
- Review of complaint and grievance cases and of their solution;
- Assessment of the rehabilitation program for severely affected and vulnerable Aps;
- Assessment of the satisfaction of the Aps;
- Lessons learned to be applied to the next projects, and
- General assessment of LARP implementation and recommendations to ADB regarding the provision of No Objection Letter to start the civil works.

II. PROJECT DESCRIPTION

At present Ureki water supply and sanitation systems are unable to meet the growing demand and urgently require rehabilitation and expansion of service coverage, thereby facilitating the further economic development of the region. The sub-project is targeted to expand the water supply and sanitation systems for meeting the forecasted demands of 2040.

	[m ²]
Waste water treatment plant, WWTP	39.624
Drinking water pumping station, PS	8.069
Reservoir 1 (Tsvermagala)	1.982
Reservoir 2 (Ureki)	1.367
Total	51,042

In terms of titles that require compensation because the land is either private or used state-owned land, the plots amount to:

	Affected land parcels [m ²]
State-owned, permanent informal use	1.330
State-owned, sometimes in formal use	3.255
Registered or non-registered private plots	41.438
Total	46,023

The difference of 5,019 m² is state-owned land that is not used by anyone and for which no compensation is required.

The sub-project affected 19 private land parcels (total area of 44,869 m²). From these, 8 parcels were registered, but 2 of them require re-registration since the actual survey did not match with the cadastral data existed in the National Agency. There were 11 unregistered parcels (25,074 m²). Based on the survey conducted by Compliance Consultant in December these lands were registered and legalized. Three (3) state-owned parcels (6,575 m²), one (3,320 m²) were under informal use. The part (1,330 m²) of the latter parcel was allocated for the sub-project purposes.

The 19 private parcels were falling under the sub-project's impact and were in possession of 13 owners/users, including one of equal entitlement. The total area of the project affected land comprising privately owned or used state-owned plots amounts that require compensation amounts equal to 46,023 m², including: 41,438 m² of private land (belonged to 19 private plots with total area of 44,869 m²); 1,330 m² of state land (belonged to one state plot with total area of 3,320 m²) being under permanent informal use; 3,255 m² of state land (two plots), which were sometimes informally used.

The Table 1 below shows distribution of the affected parcels by different project sections.

Table 1: Division of the sub-project affected land parcels

m ²		WWTP	PS	Res. 1	Res. 2	Total
Private	Number of land parcels	17	2			19
	Total area (m ²)	36,800	8,069			44,869
	Area to be acquired(m ²)	33,369	8,069			41,438
State	Number of Parcels	1		1	1	3
	Total area (m ²)	3,320		1,982	1,273	6,575
	Are for project purpose (m ²)	1,330		1,982	1,273	4,585
	from which:					
	Permanently used by private person	1,330				1,330
	Not permanently used			1,982	1,273	3,255
Total affected land parcels		34,699	8,069	1,982	1,273	46,023

The project affected land being in private ownership or use has been grouped according to the legal status as follows:

Private land

- 1 legal entity-8,069m² (2 plots);
- 12 physical persons (households)-33,369m² (17 plots); state land
- 1 permanent informal user-1,330m² (1 plot), the land in
- Sometimes informally used-3,255m² (2 plots).

Conditions Related to Resettlement Plan

The sub-project impacts do not entail either removal of any residential or other privately owned buildings or structures, nor require any physical resettlement of sub-project affected persons. Construction activities may cause certain temporary disturbance to some part of the parcels.

According to the ADB's SPS2009, this sub-project was classified as of Category B.

Status of the Project

The final LARP was approved by ADB on November 27, 2013 and March 31, 2014 by GoG. LARP was approved for total cash compensation for the land, assets and income loss and additional rehabilitation measures stipulated under the LARP. The total sum for LARP implementation covered 407 987 Gel.

The LARP was completed in July 2014. The payment to all land owners were made in July 2014.

III. REQUEST FOR COMPLIANCE REPORT

Under the ADB guidelines the individual consultant was hired to conduct monitoring and evaluation of the resettlement process and impacts of these processes.

Project involves land acquisition and resettlement, the EMC was requested closely monitor the implementation of the LARP and include the following tasks in the Final Compliance Report:

- Review of LARP and Information pamphlet disclosure;
- Review of action taken by the UWSDC to compensate the APs with particular attention to the way this action fits the stipulation of the LARP;
- Review all compensation packages;
- Verify whether the compensation is provided thoroughly to all APs and in the amounts defined in the LARP and in the AP contracts;
- Assess the satisfaction of the APs with the information campaign and with the compensation/rehabilitation package offered to them;
- Review the legalization process and assess its effectiveness;
- Review complaints & grievances case;
- Identify lessons Learned issues;
- Carry out an AP satisfaction survey with a 20% sample of the APs.

IV. CONDUCT OF MONITORING AND PREPARATION OF THE COMPLIANCE REPORT

Scope of the Assignment

The EMC was expected to undertake monitoring and evaluation of the resettlement process and impact of the LARP and present it in the Final Compliance Report.

The EMC during the monitoring process revealed that the land acquisition and resettlement was fully accomplished in accordance of the ADB guidelines and compensations were paid fairly to all 19 land owners.

Monitoring Methodology

The EMC while conducting the assigned task studied the LARP, carefully reviewed the activities implemented by UWSCG during LARP implementation process and the level of compliance with the stipulations under the ADB Handbook on Resettlement (Manila 1998) and ADB SPS (2009).

The EMC studied the process of ownership title registration of land plots being under possession of private persons. The EMC assessed the institutional arrangements and level of efforts of local governance to encouraging participatory involvement of APs/AHs in LARP implementation, in particular consultation meetings with local populations and Public Disclosure.

Aiming to determine the satisfaction level of APs with regard to the LARP results, The EMC interviewed 9 persons which are almost 50% out of 18 AP's.

The EMC examined the accuracy of lost assets inventory and the level of fairness of calculation of compensation package; reviewed the activities conducted by the resettlement Implementing Agency in the process of issuance of compensations to the APs with reference to adherence to the terms and conditions determined under the LARP.

There has been no written complaint submitted so far. Therefore there was no necessity to address grievance redress mechanism during project implementation.

EMC conducted a field survey within the project. After the review of documentary materials related to the land acquisition and resettlement plan implementation procedures. The EMC met with the local population and interviewed them during the field trip on December 8, 2014.

V. EMC FINDINGS AND ASSESSMENTS

Policy and Operational Procedures

Based on the ADB Safeguards Policy Statement (2009) this Project was classified as Category B. The Project acquired 19 land parcels. Project impacts are as follows: loss of land, crops and other assets.

The project impacts were determined and identified based on the cases of loss of land; assets (crops) resulted from the construction of facilities. Compensation and rehabilitation measures have been reviewed and assessed based on these impacts.

As per approved LARP the final scope of the project entailed impact on 19 land plots with total size of 46.023sq.m.

As per implemented LARP the project impact entailed on 19 land parcels with total size of land is 46.023.sq.m.

Before development of the LARP document and implementation of the document UWSCG checked the ownership of the land plots.

Out of nineteen (19) land parcels nineteen(19) are subject to land sales as the territory is required under the permanent use.

No structures or any supplementary structures are under the project.

The severely affected families (AFs) losing more than 10% of their income generating land was reported twelve 12 and compensated.

Assessment of Compensation Delivery

As a result of 100% inventory of the project affected assets the LARP determined the types of assets and income loss subject to cash compensation and entitlements. The approved LARP clearly determines the types of income and assets lost due to the project impact which are as follows:

- Land;
- Crops;

Compensation Eligibility

Compensation eligibility was limited by a December 25, 2012. As a result LARP determined the types of assets and income loss subject to cash compensation and entitlements. The approved LARP clearly determined the types of income and assets lost. The report below describes the accomplishment in respect with the cash compensation for lost crops, assets (perennials, structures) including the additional rehabilitation measures for severe impact and vulnerability.

Land Impact

The sub-project affected land parcels are agricultural and used by their possessors for cultivating corn.

The project affected land being in private ownership or use has been grouped according the legal status as follows private land

- 1 legal entity-8,069m² (2 plots);
- 12 physical persons (households)–33,369m² (17 plots); state land
- 1 permanent informal user-1,330m² (1 plot), the land in
- Sometimes were informally used-3,255m² (2 plots).

(i) Permanent loss of land

Thus one type of land impact is identified within the framework of this sub-project. In particular: **permanent land impact on project affected access road** – permanent loss of land – on project affected area.

(ii) Partial and full land acquisition for sub-project needs

Decision on acquisition of the partial and full parcels were made with a due consideration of the following important factors:

- Required land take exceeds 70-90 percent of entire size of the affected parcel
- Residual land is deemed useless due to its size;
- Complicated (restricted) access(including to the residual land)

Within this sub-project, three parcels were purchased partially. The following Table 2 provides overview of the sub-project affected land parcels purchased for full and partial acquisition.

Table 2: Full and partial land acquisition

Number of land parcels to be partially purchased	3
Total area (m ²)	5,387
Area to be acquired(m ²)	1,956
Number of land parcels to be purchased in full	18
Total area (m ²)	36,051

(iii) Severe Impact to land parcels

In order to determine **Severe Impact** to APs additional data was obtained on other agricultural (arable) land being under possession of each AP/AH. The total size of sub-project affected hay fields was added to size of other agricultural land parcel(s) allocated to a given AP/AH. The size of residential land plot was not counted into this calculation. The proportion of land take versus the entire size of all agricultural land per AH was determined and if the proportion of land take was more than 10 % the case was classified as **severe impact**. The table 3 below provides summary data on sub-project severe impact.

Table 3:

Number of households subjected to the severe impact	12
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Total area of agricultural parcels (m ²)	83,500
Total area of land take (m ²)	33,369
Total area of the land remaining in possession (m ²)	50,131

Thus, in total 12 households were identified within the framework of this project, which will experience the severe sub-project impact, and are eligible to the additional compensation according to this LARP.

Impact on Crops

Another type of loss applicable to all sub-project affected parcels is loss of annual crops. The cash compensate on was given to each household possessing or using the land directly impacted by sub-project activities.

All affected households received cash compensation for annual crops determined according to the size of affected land in amount of the gross value of the expected 3-years harvest.

The Table 4 below quantifies expected impacts on the crops within the sub-project affected area.

Table 4: Impact on crops

Total number of land parcels	19
Are under impacted crops (m ²)	34,699

Impact on business

The sub-project affects 2 agricultural land parcels (8069sq.m) owned by one legal entity. These parcels were intended for the future use and currently do not host any activities. There for the sub-project did no impact neither on revenue of this business nor on the wages/salaries of its employees.

Vulnerable households

The sub-project affected 2 vulnerable households headed by females. However, the sub-project did not affect any households, which are below official poverty line (as registered by the Social Security Agency).

Impact on public infrastructure

The following impacts on the public infrastructure expected during implementation of sub-project were identified in the course of preparing this LARP:

- a) Damages to drainage system
- b) Limitation of access for one land owner
- c) Dismantling of the low voltage transmission line.

Elimination of impacts on the social infrastructure and other similar cases, which could arise during construction.

Finding: EMC reviewed all relevant agreements between APs and UWSCG and conducted site visit and interviewed affected people. According to the contracts due cash compensations were fully paid. Eighteen (18) Purchase agreements out of 19 were signed; Twelve (12) land owners were under severe impact. One land owner – Makvala Makharadze was paid for crops, vulnerability allowance and for severe impact. She could not register the land due to lack of ownership documentation, accordingly, no compensation was paid for the land. Non-legalizable land holder, Makvala Makharadze does not claim to be the owner of the land she occupies. All the compensations were issued timely and in accordance of the LARP. After that amount is paid the total budget for LARP will be 407 987 Gel. Thus summarizing LARP was completed and implemented in accordance of the required regulations.

Assistance to APs in the process of document legalization

Land possession (ownership) by identified APs was verified based on the official information available at the local Archive. The review of archive records revealed that all APs were included in the Land Tax payers' lists. Therefore, it has been officially confirmed and proven that all APs were legitimate possessors of the lands.

All 19 affected land parcels were under legitimate possession of 19 APs that needed to be registered in accordance with the active legislation of Georgia prior to processing sales agreements to allow issuance of cash compensation.

The UWSCG provided technical assistance to all APs and enhanced correct and accurate processing of registration ownership rights to land. UWSCG ensured that all APs were provided with Survey Cadastral Maps free of charge. Besides, UWSCG covered all registration fees. During the monitoring process of the AP in December 2014 they confirmed that UWSCG assisted them with registration which was very helpful since they did not have to pay associated registration fees.

The initial registration of ownership right to land was necessary legal procedure to be undertaken in order to register factual land user (possessor) as a legally valid private owner for further implementing land acquisition or processing relevant servitude agreements. Besides, the UWSCG assisted the APs in processing the division of sub-project affected land parcels to undertake partial land acquisition.

Payment Procedures

All APs have opened personal bank accounts in local Bank (Liberty Bank). Since all APs were present there was no need to exercise the mechanism of escrow accounts. After the Sales/purchase Agreements were signed by both parties (UWSCG and AP) and transaction is registered at the NAPR the UWSCG transferred cash compensation to the AP's personal bank accounts. During the monitoring visit in December 2014 the payments were already completed and population was aware that cash was already on their accounts They were aware that payment to their accounts will be done later since title issues of their land plots still were under legal search. During the process of writing this report it was revealed that the payments were made in July. Thus summarizing that all payment were completed,

VI. ASSESSMENT OF PUBLIC SATISFACTION

While reviewing the documents related to LARP implementation procedures, the EMC took into close consideration the cut-off-date December 25, 2012. No encroachers were revealed during the monitoring process.

The fact that not a single case of encroaching was revealed during the monitoring process some extent proves that local population was well-informed about the APs rights and responsibilities as well as the cut-off-date limitations.

During monitoring, the EMC had an opportunity to talk with several local persons, who were not eligible for any cash compensation as they did not appear under the project impact. Mostly, the interlocutors' answers highlighted the positive attitude and expectations of local population, particularly considering the potential for employment during the WSS construction activities and possibility for further touristic growth in the region.

As a result of interviews with population, the EMC revealed that the representatives of local community and government bodies were provided with consultations, public meetings, formal and informal discussions as considered appropriate under the LARP.

The APs were informed and encouraged to attend Public Disclosure meeting. Besides, all important and necessary information was provided to APs on the goals and objectives of the SWW Project and about the eligibility to fair compensation for losses incurred as a result of Project impacts.

The results of social and gender survey

The EMC conducted a Social survey in the field in several phases. On the initial phase, 2 APs were randomly selected and visited in their residential places. Based on the feedback obtained, the EMC specifically designed the form/content of the questionnaire. This questionnaire was used to interview 9 APs.

Based on answers received to the questions provided in the questionnaire, the overall response reflected rather positively on the WSS project results.

In particular, among the 9 interviewed APs:

- i. To the question of what sources of information on the WSS they received, One APs named the local government representatives and public disclosure meetings as the source of their information. Two APs named both these sources.
- ii. All 9 interviewed individuals confirmed the receipt of cash compensation.

The results to the question: "how did you use the received compensation?" provided practical and sensible responses.

Through the APs' answers it was disclosed that:

- i. (0) covered their financial liabilities (debts)
- ii. (20) repaired their residential house
- iii. (7) provided financial aid to their children
- iv. (0) provided financial aid to their relatives and friends
- v. (0) purchased means of transportation
- vi. (0) purchased residential house
- vii. (0) purchased a land parcel
- viii. (0) decided to use received cash compensation for consumption costs.

During monitoring process the EMC met 9 Project affected households. Majority of these persons 6 confirmed that the amount offered cash compensation was reasonable and totally acceptable. AP's signed agreements willingly and voluntarily.

Finding: AP's are satisfied with the provided cash compensation and consider the measures undertaken by UWSCG fair and reasonable.

Complaints & Grievance Redress Mechanism

To assess the level of satisfaction of the APs, the EMC requested Complaints. The Resettlement Division of UWSCG ensured that there are no complaints.

It is worth mentioning that none of the owners have applied to the Grievance Redress Commission with claims relating to amounts of compensation issued as land replacement costs. This factual detail to some extent confirms the population was well informed about the project impact area, goals and tasks of the project and therefore was far from unsatisfied, or made unjustified requests, or had less reasonable expectations.

VII. CONCLUSIONS

The Final Compliance Report (FCR) provides detailed descriptions of the monitoring results of land acquisition and resettlement plan.

The successful accomplishment of the WSS Project is obvious through the analyses of the results revealed during the monitoring process. (No written compliments).

The undertaken activities and the results achieved during the land acquisition and resettlement plan (LARP) implementation processes Positive.

IA has taken into close consideration each and every recommendation provided by ADB International Consultants during LARP implementation.

Approved LARP was implemented with full compliance.

Compensations were paid in accordance of the Evaluation report considering market value of the impacts. Compensations were paid in accordance of the approved LARP annex 1 Budget.

Considering the Status of up to-date accomplishments and specificity of current issues, in respect with the LARP, the commencement of WSS construction activities were reasonable.

Land acquisition and resettlement within the scope of LARP implementation process was undertaken in compliance with the ADB Safeguard Policy Statement (2009) and guidelines on involuntary resettlement (Manila 1998) and relevant Georgian legislation.

REFERENCES:

In order to develop this report consultant used the following reference material:

- 1) LARP Document;
- 2) Auditor-Valuator Report 2013;
- 3) Sales contracts with AP's, 2014;
- 4) Interviews conducted with AP's;
- 5) ADB similar reports downloaded from www.adb.org July 2014, 2014
Electricity transmission line Khorga, Georgia; Road projects in Georgia and LARP external monitoring and evaluation report "Kashkadaria and Novoi Rural WSS Sector Project"
Tashkent 201

LARP UREKI-NATANEBI

ID		Legal Status, Ownership			Compensation Packages									Crop Compensation			Vulnerability				Severe Impact								Compensation Budget per land plot	Total budget																									
ID	Number as per map	Name	Family Name	Personal ID	Cadastral Code	Total land Plot in sq.m	Impacted area sq.m	Impact (%)	purchase of the impacted land	Compensation amount in lari	Land Compensation in Lari	Relocation Cost (240Lari * 12 month)	Total (Lari)	Crop total area sq.m	Compensation amount lari unit price	Total compensation amount lari	Impacted family	women headed family	Vulnerable family	Compensation for vulnerability	Impacted family	Impacted territory under the project	Other state land plots in sq.m	Total land plot in sq.m	land plots for project sq.m	impact (%)	Severe impact	Cost for severe impact			compensation for severe impact																								
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		mzia	tyemalaZe	33001054078																																																			
13	12	nora	archvaze	33001048738	26.01.54.071	652	470	72%	652	9	5868		5868	652	1.41	919																6787																							
		laSa	archvaze	33001021525																																																			
		malxaz	archvaze	33001053012																																																			
		mzia	tyemalaZe	33001054078																																																			
14	13	nino	archvaze	33001076451																																																			
14	13	guri	maxaraZe	33001049089	26.01.54.063	3002	3001	100%	3002	9	27018		27018	3002	1.41	4233	1		720		1	3001	2600	5601	3002	54%	1	0.47	1411	32662	32662																								
		mediko	maxaraZe	33001040013																																																			
15	13.1	guri	maxaraZe	33001049089		3320	1330	40%	0	9	0	2880	2880	1330	0.47	625	1		720													3505	3505																						
16	14	merabi	maxaraZe	01020005776	26.01.54.064	3001	2512	84%	3001	9	27009		27009	3001	1.41	4231	1		720		1	3001	2500	5501	3001	55%	1	0.47	1410	32651	32651																								
		gurami	maxaraZe	01020014260																																																			
		marina	xinTibiZe	33001029501																																																			
		naTia	maxaraZe	01020006484																																																			
17	15	ivane	SovnaZe	33001034932	26.01.54.053	3001	2385	79%	3001	9	27009		27009	3001	1.41	4231	1		720		1	3001	4100	7101	3001	42%	1	0.47	1410	32651	32651																								
		giorgi	SovnaZe	33001014653																																																			
		zoia	SovnaZe	33001054454																																																			
18	16	ivane	SovnaZe	33001034932		2375	1908	80%	0	9	0	2880	2880	1908	0.47	897	1		720		1											3777	3777																						
		giorgi	SovnaZe	33001014653																																																			
		zoia	SovnaZe	33001054454																																																			
19	17	avTandil	kalandariSvili	33001024728	26.28.07.271	4014	4014	100%	4014	9	36126		36126	0	1.41	0	NA				NA										36126	72657																							
20	18	S.p.s.	„wvermaRala citrusi“		26.28.07.272	4059	4059	100%	4059	9	36531		36531	0	1.41	0	NA				NA										36531																								
												339786	8640	348426													44171													1440													13950	407987	407987

Total Budget

1	land purchase	348426	GEL
2	Compensation for crops	44171	Lari
3	Compensation for severe impact	1440	Lari
4	Severe impact	13950	lari
5	total	407987	lari
6	Resistration allowance		lari
7	total of initial expenses	407987	lari
8	contingency (10%)		lari
9	Total LARP budget	407987	Lari