

# APPENDIX 8

EXPROPRIATION AND LAND  
ACQUISITION PROCESS



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**Abbreviations**

AKFEN	AKFEN Renewable Energy
ETL	Energy Transmission Line

## 1. PURPOSE

In accordance with the legislation for expropriation and land acquisition, the process and implementations to follow have been defined in the energy investments of AKFEN. All projects will be carried out within the same framework.

## 2. SCOPE

It includes all land acquisition and expropriation works in the projects of AKFEN.

## 3. LEGISLATION

Expropriation Law numbered 2942

## 4. IMPLEMENTATION

Location of Power Plants will be determined considering the residential areas; attention will be paid in order not to harm any residential areas in the process of site selection and the alternatives will be evaluated. Expropriation and plant installation processes will be done by following international standards and within the framework of national legislation provisions; losses of all beneficiaries impressed by project directly or indirectly will be compensated within the framework of relevant legislation and mutual covenant and required aids will be supported.

Expropriation price includes the cost of the land to be expropriated and the cost of all kinds of buildings, well, concrete, floor, wall, wire fence and tree located on this area. It is planned to complete expropriation work for power plants to be completed in the shortest possible time and to rehabilitate them in accordance with the project requirements of AKFEN. Before the start of construction, an entry protocol will be signed between landowner/user and authorized person appointed by AKFEN. After completing the construction and rehabilitating the land, an exit protocol will be signed. The intention is to rehabilitate the land and to reach an agreement with the beneficiary. Therefore it is extremely important participating of the all landowners or legal inheritors, whose lands are expropriated, sign the abovementioned protocols of entry-exit to land.

In accordance with the Turkish Law, the process of expropriation-land acquisition will be carried out as follows:

### 4.1. Preparation Phase ( Article 7 ):

- **Determination of Immovable Properties:** The information about the parcels located on the determined places as part of construction project will be taken from the relevant General Directorate of land registry and cadastre for power stationary plants and access roads. In the light of this information, parcels being expropriated whole or in part will be determined. With this aim, Expropriation Tracking/Control Form given in the appendix will be used.
- **Determination of the address of Owner/Inheritor:** The scaled plan that indicates the kind, area and limit of the immovable properties to be claimed on servitude by expropriation or expropriation way will be prepared. Owners/Inheritors of immovable properties to be expropriated or the addresses of holders will be investigated and if there is not a land register, it will be identified by means of documentary.

- In the light of data collected above, expropriation documents will be prepared and will be submitted to relevant cadastral directorates' approval.
- The addresses of owners or inheritors whose are not registered to Central Civil Registration System will be found by researching externally.
- The product, tree, building, well, wall and all of the real estate and premises to be damaged due to the construction will be recorded for each parcel by identifying separately.
- The decision of expropriation will be taken for the parcels that are within the scope of approved expropriation documents.
- After taking the decision of expropriation for land subjected to expropriation, the final situation will be put an annotation onto the title deed. The validity of annotation is 6 months.

#### 4.2. Expropriation Phase

- **Reconciliation ( Article 8 ):** Under the Expropriation Act No. 8, primarily appealing to acquisition method is to purchase it. In this context, the first phase of the expropriation is to start reconciliation negotiations to do with beneficiary/beneficiaries for purchasing relevant immovable. Because under this article, exclusion of reconciliation phase returns as a cause of action for next phases.
- At first the letter of invitation for reconciliation negotiations will be sent to owner or if available inheritors of immovables to be expropriated as registered letter with return receipt.
- The place, time, date of the negotiations to be made with the beneficiaries and the contact information of the company personnel being responsible for the expropriation will be written in this letter. Type of expropriation will be indicated for each parcel.
- Beneficiaries taken the letter of invitation will be at place of at the stated date and time with official identity papers and, if available, power of attorney given by other beneficiaries or they will apply within the 15 days (after receipt of letter) to expropriation staff of the company.
- The information about the expropriation process will be given to the beneficiaries in the reconciliation negotiations. In this context, expropriation-land acquisition process will be explained within the scope of relevant legislation. The price determination criteria related to land and all kinds of real estates on this will be expressed in detail.
- In consequence of reconciliation negotiations, if there is an agreement with the beneficiaries over the proposed price, this case is recorded. For this purpose, *purchase by Consent Form* given in the Appendix 6 is filled.
- The registration is actualized with the alienation of immovable owners in the title deed within the 45 days after agreement; expropriation price are paid in advance, to the owner of immovable property. In this case, expropriation is became definite. From now on, owner of immovable do not have the right to appeal for expropriation process and price.
- In the event of nonconcurrence on the proposed price for expropriated immovable, disagreement report will be made.
- Despite making notification, the beneficiaries who are not attend the reconciliation negotiations will be stated in name in the negotiation report.
- It will be applied to court for the price determination of the expropriation and registration of parcels belong to beneficiaries who are not give alienation in the title deed despite the

agreement or not attend the negotiations or not agree the reconciliation. **Appeal Form** given in the Appendix 6 is filled for beneficiaries who don't agree the reconciliation.

- **Urgent Requisition Case ( Article 27 )**: On the occasion of possibility of the court process taking long time for the immovable acquisition and for the parcel having more inheritors, in terms of making the construction site delivery to the contractors on time to provide integrity of the construction, within the scope of provisions related to urgent requisition of Expropriation Act, urgent requisition cases will be claimed for the immovables that belong to beneficiaries who are not agree on the price or not attend the negotiations or not willing to reconciliation. Urgent Requisition Case is a type of case that enables the starting construction activities and entering the land in a short time when the land price determined by court is paid. The price of immovable stated by the Court within the 7 days after the opening of the case is stored to the bank and the immovable is seized. In the consequence of the early requisition case, expropriation prices appraised by the court are taken by beneficiaries as their shares. That price is not the final price. Beneficiaries have right to appeal to the price during the registration and price determination case described below.
- In practice, when the urgent requisition case ends, the beneficiaries having right to appeal can be invited to reconciliation again. The agreement report is signed with the beneficiaries accepted the reconciliation and handover processes are done in the title deed at the date and time to be determined together.
- If urgent requisition made by the administration within the scope of Article 8 without making any reconciliation, reconciliation negotiations will be made between the company made the expropriation and beneficiaries after the decision of requisition. In this negotiation, handover process will be done at the title deed by signing the agreement report with the beneficiaries accepted the price. In the case of disagreement, price determination and registration case will be open by applying the court. Beneficiaries can use their right to appeal for price attending the trial of the price determination and registration cases as personally or authorized attorney.
- **Price Determination and Registration Case ( Article 10 )**: In consequence of reconciliation negotiations, in the case of disagreement, in accordance with the Expropriation Act No.10, it will be applied to court for the price determination of the expropriation and registration of the parcels to be belonged to beneficiaries who are not agree or not attend the negotiations. The price determination and registration case should be open within the 6 months after annotating the expropriation decision onto the title deed.
- After opening the case, the first trial day will be determined with the authorization. Expropriation is announced in a national and local newspaper. The court invites the parties to the agreement in the first trial. If there is an agreement, the court makes a decision. If there is a disagreement, the court make a viewing decide within the 10 days. On the other hand, if there is no party formation, the viewing decision cannot be made.
- Village headman and the experts mentioned in the Article 15 will be present at the viewing scene. These experts submit their report within the 15 days. This report is issued to parties without waiting the trial day. The court appoints the second trial date to be made within the 30 days. Parties and all experts are called the second trial. Appeal, if available, and declarations are taken. In the case of disagreement of the parties about the price, the court appoints second commission of experts in order to conclude it within 15 days at least ( This case take place in practice as second viewing and expert review ). After receiving the second report, the court determines the expropriation price as equitable on the basis of all data. In this case, registration decision given by the court is definite and the right to appeal of the parties about the price is reserved.
- In the event of not to result the case within the 4 months, the legal interest is charged to the determined price after this period.
- The cost of the court and title deed registration will be covered by AKFEN.

- After the completion of the expropriation processes, of *Expropriation Action Plan Closing Form* given in the appendix will be filled for each parcels.

#### 4.3. The Rights and Liabilities of the Land Owners

- In the case of disagreement in the reconciliation negotiations, in compliance with the Article 10, action for annulment of expropriation can be opened by the land owners within the 30 days after the date of notification made by the court in the pending action.
- Land owners can appeal the expropriation price by attending the reconciliation negotiations or price determination and registration cases to be opened. The decision given as a result of the price determination and registration case results as final in terms of registration, however; it can be appealed in terms of price.
- If the land owner of the land possessed in the title deed registration is died, even if the agreement has been made on the issue of price in the reconciliation negotiations, making an action in the title deed cannot be possible within the framework of the law. Therefore in order to make an action in the title deed, it is required to make transition of the immovables at first on behalf of the inheritors in the title deed. Otherwise the shares of the inheritors will not be certain and on the occasion of expropriation process, the payment of the expropriation prices will not be possible immediately, however; it will be done by the way of the court.
- If the immovable ( to be expropriated ) title deed registration is engaged in a lawsuit, the reconciliation negotiations can not be made as the beneficiary is not identified. The expropriation price of these type of immovables is determined by the court and the price pays in the bank as quarterly interest periods. The expropriation price belonging to the parcels being in dispute is paid to the beneficiary to be determined as a result of the case with the shares determined by the court.
- Finally, the attendance of the beneficiaries to the reconciliation negotiations and court process, is for their own profit and it enables to the end of the expropriation process in a short time.
- Beneficiaries can apply for all kinds of information to AKFEN.