

The Advocates
Law firm**Jan Kokot**¹⁹⁸⁰
www.JanKokot.com
Kancelaria
Adwokackaul. 3-go Maja 18/6, 20-078 Lublin - siedziba główna
Filia/Offices: Warszawa, Kraków, Pomorze i in.advokat@JanKokot.com
sekretariat@JanKokot.comtel. 511177227,
517953793nip: 7171831160
regon: 36307075

Lublin, 8 listopada 2024 r.

Samorządowe Kolegium Odwoławcze w Lublinie

ul. Zana 38 C

20-601 Lublin

za pośrednictwem

Wójt Gminy Wilków

Wilków 62A

24-313 Wilków

Skarżący: Anna Roberts-Meier

ul. Puławska 18/137

20-046 Lublin

reprezentowana przez pełnomocnika:

adw. Jana Kokota

ul. 3 Maja 18/6

20-078 Lublin

Znak sprawy: GKiR.6830.4.2021**COMPLAINT AGAINST THE DECISION
OF THE MAYOR OF THE MUNICIPALITY OF WILKÓW OF 28 OCTOBER 2024
REGARDING THE REFUSAL TO CORRECTION OF THE INSTRUCTION**

Strona 1 z 12

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Acting on behalf of and for the benefit of **Anna Roberts–Meier** – based on and within the scope of the power of attorney granted to me (power of attorney in the case files), I hereby appeal against the decision of the Mayor of the Wilków Commune of October 28, 2024 regarding the refusal to correct the instruction in decision no. GKiR.6830.4.2021 in its entirety.

I find the contested judgment violating:

– art. 6 k.p.a. w zw. z art. 112 k.p.a. w zw. z art. 113 k.p.a. due to the failure of the body to apply the provisions of mandatory law and, as a consequence, to issue a negative decision, while the Body should have issued a decision to correct the decision in accordance with the Complainant's request:

– art. 7 k.p.a. by failing to apply the principle of objective truth, i.e. by failing to examine the nature of the error by the Authority and, as a consequence, finding that it was not possible to correct the decision instruction, as it was not an obvious error, while the case law and analysis of the content of Article 113 of the Code of Administrative Procedure indicate that in this case, in fact, an obvious error occurred::

– art. 77 k.p.a. due to the Authority's failure to examine the nature of the error and, consequently, finding that it was not possible to correct the decision instruction, as it was not an obvious error, while the case law and analysis of the content of Article 113 of the Code of Administrative Procedure indicate that in this case there was in fact an obvious error:

– art. 77 k.p.a. w zw. z art. 107 § 3 k.p.a. by the Authority failing to take into account that in this case, on the basis of all the evidence collected in the case, the decision may be corrected pursuant to Article 113 of the Code of Administrative Procedure, whereas in this case, after analysing the specific case, it is indisputable that the erroneous instruction contained in the decision constitutes an obvious error constituting a manifestation of an incorrect choice of words, as it is obvious that the Authority is aware of the correct course of appealing against the decision:

– art. 112 k.p.a. by imposing negative consequences on the Appellant for complying with an erroneous instruction, while provision art. 112 of the Code of Administrative Procedure directly excludes such a possibility;

In view of the above, I request:

– annul the contested decision and rule on the merits of the case in accordance with the Applicant's request, i.e. to correct the instruction on the decision no: GKiR.6830.4.2021;

possibly in case of failure to take into account the above

– annulment of the contested decision to refer the case for reconsideration to the first instance body.

JUSTIFICATION

On August 10, 2022, the Mayor of the Wilków Commune issued a decision with reference number: GKiR.6830.4.2021, by virtue of which he approved the delimitation of the real estate plot with cadastral number 590/1 with neighboring plots with cadastral numbers 589, 740 and 717/1 located in the area 18 - Wilków, Wilków commune, Opole district, Lublin province. In the aforementioned Decision, the Mayor of the Wilków Commune in the Instruction indicated the following appeal path *"the party has the right to file an appeal to the Local Government Appeal Board through me within 14 days of its delivery"*.

The party complied with the above instruction, and therefore was unable to effectively defend its rights, as the Local Government Appeal Board dismissed the appeal due to the inadmissibility of such an appeal path.

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In view of the above, in order to be able to effectively appeal against the delimitation decision of the Mayor of Wilków Commune, on 20 September this year, the Party submitted to the body a request to issue a correction of the decision, namely to correct the decision in terms of the formulated instruction. The complainant, on the basis of Article 112 of the Code of Administrative Procedure in connection with Article 113 of the Code of Administrative Procedure, requested the correction of an obvious error.

On October 28 this year, the Mayor of the Wilków Commune issued a decision in the case in question, by virtue of which he refused to rectify the instruction in decision no. GKiR.6830.4.2021.

It is impossible to agree with the above decision.

First of all, I would like to point out that the Authority wrongly assumed that the errors appearing in the decision instruction cannot be considered a clerical error or other obvious error under Article 113 of the Code of Administrative Procedure.

In the context of administrative proceedings, the right to appeal against judgments and decisions expressed in Article 78 of the Constitution of the Republic of Poland means the right of a party to initiate the procedure for verifying the correctness of an administrative decision issued in an individual case by a first-instance body. The purpose of verifying decisions is to protect the rights and interests of the parties to the proceedings and to ensure the lawfulness of the public administration's actions in its relations with the individual. In the case of a non-final decision, the means of appeal is, as a rule, an appeal. Art. 129 § 1 of the Code of Administrative Procedure establishes an indirect procedure for filing an appeal to the appeal body, i.e. through the body that issued the decision. In Article 129 § 2 of the Code of Administrative Procedure, the legislator specified a deadline of 14 days from the date of service or announcement of the decision for filing an appeal, while in § 3 it stipulated that special provisions may provide for other deadlines for filing an appeal. Filing an appeal within the deadline by an authorized entity initiates the procedure for verifying the decision within the administrative course of the instance. A special provision may provide that a decision issued in the first instance is final and then subject to verification by way of a

complaint to an administrative court or that it is subject to appeal in an action before a common court. **In each case, regardless of the nature of the decision, it should contain information on the means of appealing against it, which results directly from Art. 107 § 1 points 7 and 9 of the Code of Administrative Procedure. It should be noted that the cited provision of the Code of Administrative Procedure guarantees the parties the right to information on the means of appeal available to them.**

The instruction is a mandatory element of the decision and fulfils the obligation to inform the parties resulting from art. 9 of the Code of Administrative Procedure, which has a guarantee and protective character towards the individual as the weaker entity in public law relations. The instruction is of great importance to the parties to the proceedings. As Arkadiusz Szyszkowski notes, "it is sometimes the most important information for the party, immediately after it has familiarised itself with the decision". It should be noted that a correct instruction must contain all the information specified in art. 107 § 1 item 7 or 9 of the Code of Administrative Procedure. In practice, the defectiveness of the instruction may consist in its absence, incompleteness or inconsistency of the content of the instruction with the provisions of law specifying the appropriate means of appeal in a given case and the procedure and deadline for its submission. The view is well-established in the literature and case law that an incorrect instruction does not constitute a significant defect of the decision and does not provide grounds for its annulment. Art. 112 of the Code of Administrative Procedure protects the party against the negative effects of complying with erroneous instructions. This provision states that "an erroneous instruction in a decision regarding the right to appeal or the effects of waiving the right to appeal or filing an action with a common court or a complaint with an administrative court may not harm the party that has complied with this instruction". Not harming the party should be understood as eliminating the negative effects for the party caused by complying with the erroneous instructions. An erroneous instruction may not deprive the party of the possibility of effectively appealing against an administrative decision, and thus exercising the subjective right resulting from art. 78 of the Constitution of the Republic of Poland. In turn, the right to equal treatment by public authorities and the lack of discrimination for any reason result directly from art. 32 points 1 and 2 of the Constitution of the Republic of Poland.

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At the same time, the consideration of the possibility of correcting a decision should always take place against the background of the circumstances of a specific case, as what may be considered obvious in one set of factual relations may lose this feature when this set changes, even to a relatively small extent. **The concept of "obvious error" is, after all, vague in nature**, referring to a system of extra-legal concepts and assessments, consequently excluding the automatism of the adopted criteria in favour of a certain flexibility, allowing for making the legal qualification more realistic and adapting it to various, often unique and individual aspects of the situation being examined (judgment of the Supreme Administrative Court of 19 May 2008, file ref. I FSK 732/07).

For example, the issue of admissibility of correcting an error in designating a party to the proceedings may be assessed differently. Thus: if the error in designating a party consists in an obviously erroneous statement of the surname or first name or address of residence of the party, the decision may be corrected in accordance with Article 113 § 1 of the Code of Administrative Procedure. In the event, however, that an entity that was not and cannot be a party to the proceedings was designated as a party, because the proceedings did not concern its legal interest or obligation, such a decision is burdened with the defect referred to in Article 156 § 1 item 4 of the Code of Administrative Procedure, i.e. that the decision was addressed to a person who was not a party to the case (judgment of the Voivodship Administrative Court in Warsaw of 19 October 2007, file reference VI SA/Wa 949/07).

Correction cannot replace other procedural institutions appropriate for removing significant defects inherent in the decision, such as, for example, annulling the decision or declaring it invalid. **It cannot be a loophole for reassessing the factual or legal status or lead to a change in the substantive decision** (see judgment of the Voivodship Administrative Court in Warsaw of 27 April 2006, file reference I SA/Wa 1663/05).

In addition, the body that issued the decision may clarify, by means of a resolution at the request of the enforcement body or a party, doubts as to the content of the decision (Article 113 § 2 of the Code of Administrative Procedure). It should be emphasized that the literal content of this provision indicates that such proceedings cannot be initiated ex officio.

Strona 6 z 12

The application of this legal remedy should be preceded by an application submitted by an authorized entity, i.e. an enforcement body or a party. In the light of art. 1 a point 7 of the Act of 17 June 1966 on enforcement proceedings in administration, an enforcement body is an authority authorized to apply, in whole or in part, the measures specified in the Act to ensure that the obliged persons fulfill their financial or non-financial obligations and to secure the fulfillment of these obligations.

The classification of defectiveness adopted in art. 113 § 1 of the Code of Administrative Procedure is exhaustive, characterized by the same feature – obviousness. It therefore constitutes a limit of the substantive admissibility of rectification, **expressed in the fact that the rectification cannot lead to a substantive change of the decision** (judgment of the Supreme Administrative Court of 11 August 1999, II SA 1072/99, Lex No. 46235; judgment of the Regional Administrative Court in Warsaw of 13 February 2004, II SA 220/03, Legalis, and of 25 February 2005, VII SA/Wa 321/04, Legalis).

The obviousness of an error or mistake consists in a discrepancy, visible in the light of the case files, between the thought (intention) expressed by the public administration authority and the selection of individual words or numbers to define unquestionable facts (judgment of the Supreme Administrative Court of 19 July 2002, IV SA 498/01, Legalis; judgment of the Regional Administrative Court in Warsaw of 24 January 2008, III SA/Wa 3802/06, Legalis; judgment of the Regional Administrative Court in Gdańsk of 18 August 2022, II SA/Gd 311/22, Legalis). An apparent mistake may be related to the improper use of, for example, a word, an apparently incorrect spelling or an unintentional omission of one or more words (judgment of the SKO of 23 August 2001, Kol. Odw. 1507/01/G, OwSS 2002, No. 4, item 91). Such a situation may therefore be related to the fact that the administrative decision expresses something that is apparently inconsistent with the idea expressed unequivocally by the public administration body, and was expressed only through an oversight, **an incorrect choice of words or a clerical error** (judgment of the NSA of 17 October 2001, II SA 1099/01, Legalis).

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At this point I would like to point out that in fact the body made a statement (in writing) that should undoubtedly be considered an oversight and therefore an obvious mistake. It is known that the Body has expert knowledge and the incorrect instruction was formulated only as a result of an oversight.

The obviousness of an error should result either from the nature of the error itself or from a comparison of the decision with the justification, the content of the motion or other circumstances (judgments of the Regional Administrative Court in Warsaw: of 3 July 2007, VII SA/Wa 672/07, Legalis; of 29 June 2007, VI SA/Wa 433/07, Lex No. 356431; of 2 April 2008, II SA/Wa I 09/08, Legalis; judgment of the Regional Administrative Court in Białystok of 4 June 2008, II SA/Bk 200/08, Legalis). The second type of obviousness can be established by comparing the content of the decision with the documents contained in the case files (judgment of the Supreme Administrative Court of 22 January 1998, IV SA 531/96, Lex No. 43134).

The consequence of this is that the correction of an obvious error is possible only when it is not necessary to conduct evidentiary proceedings in order to prove that a specific entry in the decision is incorrect (judgment of the Regional Administrative Court in Warsaw of 28 April 2008, IV SA/Wa 306/08, Legalis)

In this case, the correction of the error does not lead to the conduct of the proceedings or to a substantive change of the decision. Any substantive change of the decision must be made as a result of an instance control. In this proceeding, the party only requests the correction of the instruction, which in no way interferes with the substantive decision of the body.

The concept of an obvious error is imprecise, referring to a system of extra-legal concepts and assessments, and as a result excluding the automaticity of the adopted criteria in favour of a certain flexibility, allowing for a more realistic legal qualification and adapting it to various, often unique and individual aspects of the situation being examined. For this reason, what may be considered obvious in one set of factual relations may lose this feature when this set changes, even to a relatively small extent (judgment of the Supreme Administrative Court of 29 May 2008, I FSK 732/07, Legalis).

For this reason, in the proceedings for the correction of a clerical error under Article 113 § 1 of the Code of Administrative Procedure, substantive issues that were the subject of the decision in which the correction was made cannot be considered (judgments of the Supreme Administrative Court of 24 September 1999, IV SA 1184/97, not published and of 8 October 2014, II OSK 777/13, Legalis; judgment of the Supreme Administrative Court of 4 January 2022, I OSK 3192/19, not published).

At the same time, I would like to point out the significant significance of Article 112 of the Code of Administrative Procedure. The condition for applying Article 112 of the Code of Administrative Procedure is the existence of a possibility of appealing a given decision in the legal order. This is established by relating the right to challenge a body's decision by means of appeal (e.g. appeal, complaint, action to a common court, complaint to an administrative court) to the legal norm granting the party such a right. However, the right to file an appeal cannot be derived from an erroneous position of the body that incorrectly instructed the party as to the appeal to which it is entitled. The protection granted under Article 112 of the Code of Administrative Procedure is not absolute in nature and cannot constitute the creation of such rights of a party in the proceedings, where they have not been granted at all. A different view would in fact give administrative bodies a law-making function and the possibility of functioning, as it were, alongside the applicable legal system, which in turn would be incompatible with the principle of the rule of law (Article 7 of the Constitution of the Republic of Poland and Article 6 of the Code of Administrative Procedure), and as a result also with the principle raised in this appeal of deepening the trust of the participants in the proceedings in public authorities (Article 8 of the Code of Administrative Procedure) by accepting the actions of the body outside the applicable legal norms.

In administrative law, one cannot accept the fiction of common knowledge of law, this is not a field in which it would have a reason to exist (cf. A. Turska, O fikcji, pp. 310–311; Z. Duniewska, Ignorantia iuris, pp. 99 et seq.). W. Lang writes that "the requirement (obligation) of common, elementary knowledge of law by the addressees of legal norms is not a legal requirement in the proper sense of the word, as it does not constitute an independent obligation of the addressees. The subject of legal regulation is not directly the state of people's consciousness" (W. Lang, in: W. Lang, J. Wróblewski, S. Zawadzki, Teoria państwa i prawa, p. 500).

For this reason, public administration and judicial bodies are obliged to provide legal information (ibid.; see also W. Taras, Informowanie Obywatele, p. 74 et seq.; T. Górzynska, Prawo do informacji, p. 216 et seq.). In cases decided in the proceedings regulated by the

Code of Administrative Procedure, the body conducting the proceedings has information obligations towards the parties and participants of the proceedings, resulting from the general principle established in art. 9 (see the note to it). The provisions contained in art. 112 of the Code of Administrative Procedure constitute one of the most significant consequences of the breach by the body conducting the proceedings of the obligation to provide the parties with reliable information about their rights, in relation to their very important sphere – filing appeals. Verification of decisions, aimed at protecting the rights and interests of the parties to the proceedings, is at the same time an institution serving to ensure the lawfulness of the public administration's actions in its relations with the individual.

The wording of the provision in question should be considered in conjunction with Article 107 of the Code of Administrative Procedure. Although, in accordance with Article 112 of the Code of Administrative Procedure, an erroneous instruction in the decision of the authority as to the remedy available to the party or the lack of such instruction cannot be detrimental to the party, the fact of failure to provide instruction in this matter constitutes a limitation of the parties' right to defence (judgment of the Voivodship Administrative Court in Warsaw of 23 September 2005, VII SA/Wa 1374/04, Legalis). This results from the possibility of implementing the principle of two-instance proceedings expressed in Article 15 of the Code of Administrative Procedure (primarily through the possibility of filing an appeal against a decision), or judicial review of an administrative decision specified in Article 16 § 2 of the Code of Administrative Procedure (primarily within the administrative courts).

The analysis of Article 112 of the Code of Administrative Procedure is related to the characteristics of the instruction and the effects resulting from its wording, which are derived from the analysis of, in particular, Article 107 § 1 of the Code of Administrative Procedure, from which it follows that an administrative decision contains an instruction on whether and in what procedure an appeal may be lodged against it and on the right to waive an appeal and the effects of waiving an appeal, whereas a decision against which an action may be lodged with a common court, an objection to the decision or a complaint with an administrative court should contain an instruction on the admissibility of lodging such a remedy (see the note to Article 107, Nb 58–61).

For a party to administrative proceedings, the instruction contained in the decision of the body should be authoritative. Due to the wording of art. 112 of the Code of Administrative Procedure, an erroneous instruction in a decision regarding the right to appeal cannot harm the party that complied with this instruction. It should be noted that the protection resulting from the discussed provision will only apply to a situation in which the party complied with a defective instruction provided by a public administration body. The mere existence of an error in the instruction does not entail the possibility of applying the protective mechanism resulting from art. 112 of the Code of Administrative Procedure (see also judgment of the Regional Administrative Court in Rzeszów of 23 April 2008, II SA/Rz 881/07, Legalis).

An error for the effects of which protection is provided for under the scope of art. 112 k.p.a. is the inconsistency of the content of the instruction with the mandatory provisions of law. Firstly, the possibility of applying a specific legal remedy should result from the instruction; secondly, the protection is provided by providing the addressee of the decision with a specific deadline for applying a specific legal remedy. An error concerning the deadline contained in the instruction is associated with extending protection beyond the deadline specified by law. This results from the fact that an administered entity that acts in trust towards the public administration body, which comes down to recognising that the element included in the administrative decision is correct, cannot be burdened with additional obligations if it turns out that the instruction was incorrect.

Modification of regulations related to the procedure for filing a legal remedy involves interference with the deadline for its application or the competence of the body. In the event of failure to meet the deadline for filing a legal remedy as a result of following an erroneous instruction, its filing should be considered effective (see judgment of the Supreme Administrative Court of 20 July 2010, I OSK 840/1 O, Legalis); however, in the case of application to an instruction in which the body competent to handle the case was erroneously indicated, Article 65 of the Code of Administrative Procedure should be applied.



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In view of the above, I conclude as stated at the outset.

ADWOKAT
adv. Jan Kokot
Jan Kokot

Attachment:

1/ copy of the complaint

Strona 12 z 12


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Specjalistyczne Rozwiązania Prawne
Specialized Legal Solution

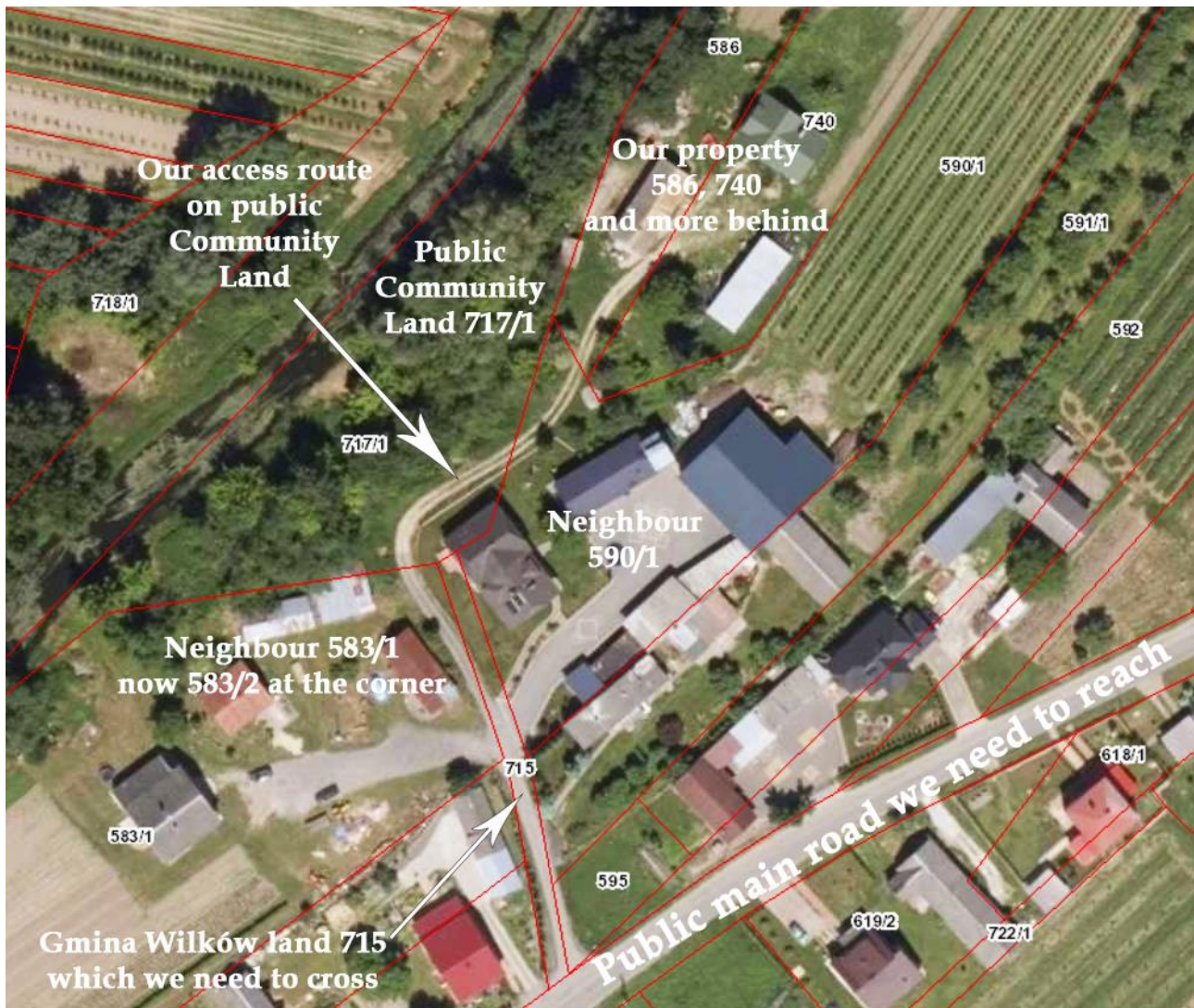
Nr wpisu adwokackiego: 1267. Konto: 27 1940 1076 5376
3596 0000 0000 - nr rachunku w Credit Agricole (Account No. in
Crédit Agricole Bank); No. of Council of Bars and Law Societies of
Europe (The CCBE - Conseil des Barreaux européens); ID
15110003063 - godz. urzędowania (office active) - prot.
7.30-19.30, sob. 9-13



Wszystkie znaki towarowe należą do ich właścicieli -
ponoszą się do kontaktu z Kancelarią via social
media

Ilustracja naszej trasy dojazdowej

Illustration of our Access Route



PL

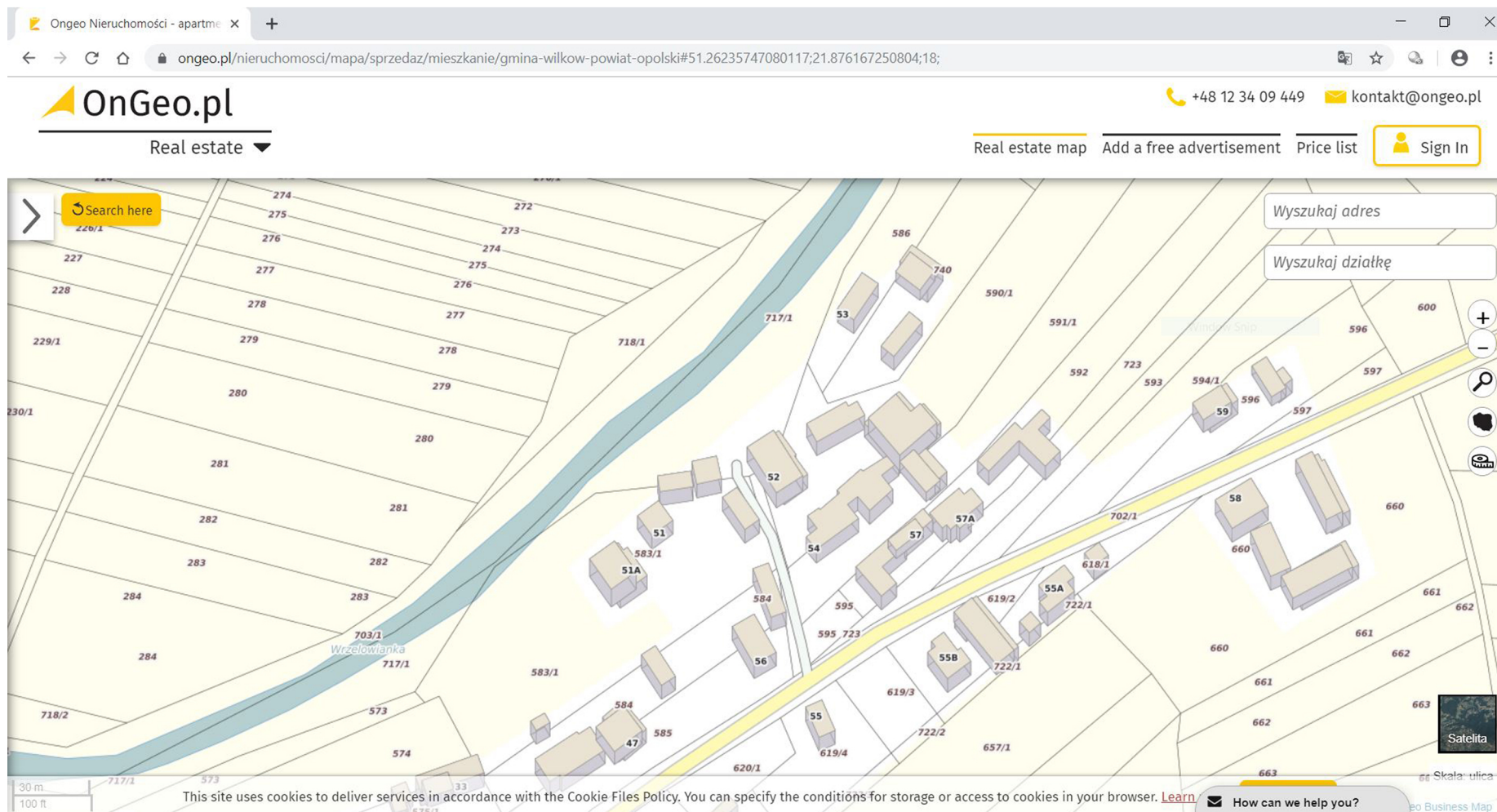
To jest ilustracja naszej drogi dojazdowej z naszej posesji do głównej drogi publicznej. Zdjęcie pochodzi z Geoportalu w 2017 roku wraz ze zdjęciami lotniczymi z tego okresu. Czerwone granice to oficjalne granice do 13.07.2015. Ta mapa ma służyć jako wprowadzenie pomagające w zrozumieniu dalszych dyskusji.

EN

This is an illustration of our access route from our property to the public main road. It is taken from Geoportal in 2017 with aerial photographs from that time. The red borders are the official borders to 13/07/2015. This map is intended as an introduction to help understanding of further discussions.

Mapa 3D z OnGeo.pl - 2019 - z granicami do 13.07.2015 r.

3D Map from OnGeo.pl - 2019 - with Borders to 13/07/2015



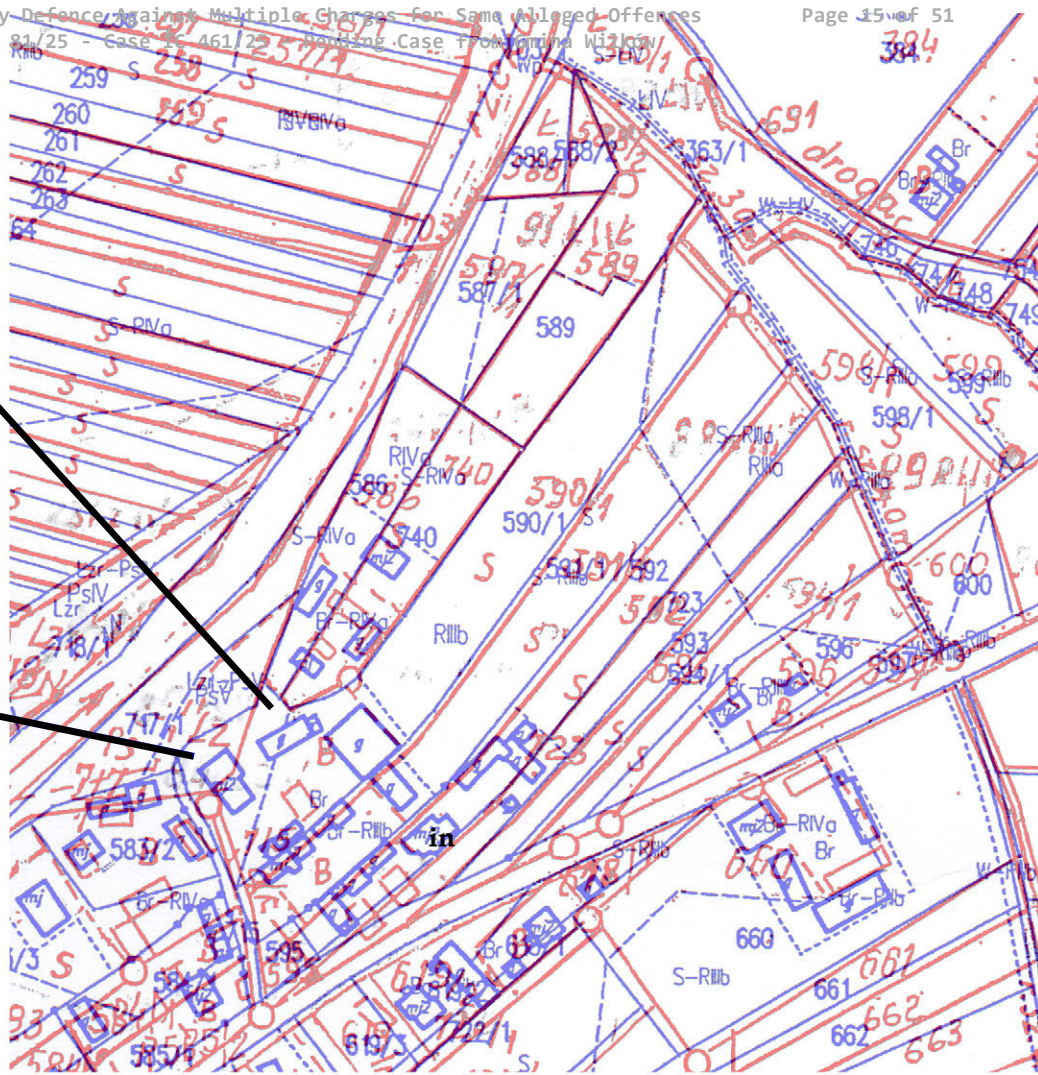
Ta mapa wyraźnie ilustruje, jak nasi sąsiedzi zabudowali grunt wspólnoty gruntowej nr 717/1 oraz drogę gminną nr 715 od której my jesteśmy zależni w dostępie do naszego domu

This map clearly illustrates how our neighbours have built over the Community Land 717/1 and Government Road 715 which we depend upon for access to our home

No official maps exist before 1964, when public land, which our family uses, became private property of our neighbour.

The 1964 map, which was created "based on measurements", created this triangle with no justification other than blocking our access.

After we applied to the Court for adequate access on 29/01/2015, further Community land, which we need for access, became the private property of our neighbors on 13/07/2015. Our neighbours were given Community land on which they had built without permission, as well as additional land where they had no buildings or fences. Our neighbours also received permission for construction of a new fence which shrinks our available access to only 1.60 m wide following a turn too tight for towing. Everyone else enjoys 4 m width plus room for towing in this agricultural area.



Red map is official map to 13.07.2015: borders had changed little since 1964

Kopia archiwalnej mapy ewidencyjnej

Organ prowadzący państwowy zasób geodezyjny i kartograficzny	STAROSTA OPÓLSKI ul. Lubelska 4 24-300 Opole Lubelskie
Nazwa materiału zasobu	MAPA EWIDENCYJNA
Identyfikator ewidencyjny materiału zasobu	P.0612.1988.359
Data wykonania kopii	06 MAR. 2019
Imię, nazwisko i podpis osoby reprezentującej organ	Z up. STAROSTY Sławomir Knapik Kierownik Referatu Powiatowy Ośrodek Dokumentacji Geodezyjnej i Kartograficznej

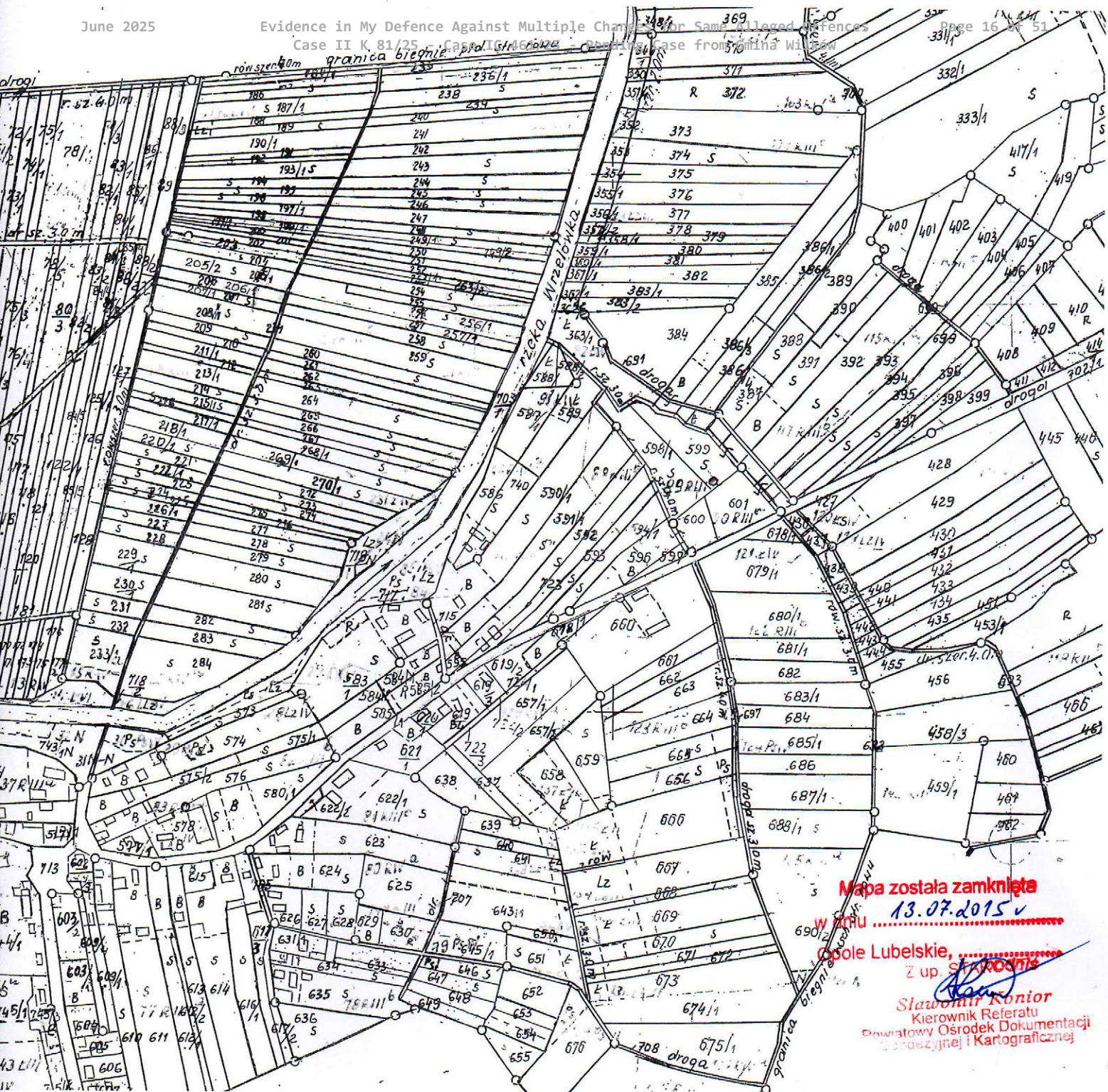
**GMINA WILKÓW
OBRĘB: 18-WILKÓW
SKALA 1:5000
ARKUSZ 1**

Blue map is current (06.03.2019) official map

**KOPIA MAPY EWIDENCJI GRUNTÓW I BUDYNKÓW
GMINA WILKÓW
OBRĘB 18-WILKÓW
SKALA 1:5000**

Organ prowadzący państwowy zasób geodezyjny i kartograficzny	STAROSTA OPÓLSKI ul. Lubelska 4 24-300 Opole Lubelskie
Nazwa materiału zasobu	MAPA EWIDENCJI GRUNTÓW I BUDYNKÓW
Identyfikator ewidencyjny materiału zasobu	P.0612.2015.759
Data wykonania kopii	06.03.2019
Imię, nazwisko i podpis osoby reprezentującej organ	Z up. STAROSTY Sławomir Knapik Kierownik Referatu Powiatowy Ośrodek Dokumentacji Geodezyjnej i Kartograficznej

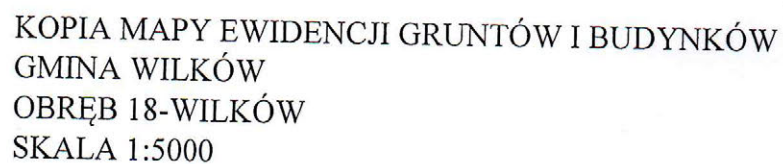
**Maps are to the same scale
lined up exactly on our property
(586, 740, 587/1, 589, 588/1, 588/2)**



Podpisano na zgodność z oryginałem kopii z zasobu matrikularnego państwowego zasobu geodezyjnego i kartograficznego	
Organ prowadzący państwowy zasób geodezyjny i kartograficzny	STAROSTA OPOLSKI ul. Lubuska 4 24-300 Opole Lubelskie
Nazwa materiału z zasobu	MAPA EWIDENCYJNA
Identyfikator ewidencyjny materiału z zasobu	P.0612.1988.35P
Data wykonania kopii	06 MAR. 2013
Imię, nazwisko i podpis osoby reprezentującej organ	Z up. STAROSTY Sławomir Konior Kierownik Referatu Powiatowy Ośrodek Dokumentacji Geodezyjnej i Kartograficznej

Kopia archiwalnej mapy ewidencyjnej

GMINA WILKÓW
OBRĘB: 18-WILKÓW
SKALA 1:5000
ARKUSZ 1



Podpis osoby odpowiedzialnej za wydanie kopii tegoż materiału przebiegowego zasobu geodezyjnego i kartograficznego	
Organ prowadzący bieżący wy- zespół geodezyjny i kartograficzny	STAROSTA OPOLSKI ul. Lubelska 4 24-300 Świdry Lubielskie
Nazwa materiału zasobu	MAPA EVIDENCJI GRUNTÓW I BUDYNKÓW
Identyfikator ewidencyjny materiału zasobu	P.0612.2015.759
Data wykonania kopii	06.03.2019
Imię, nazwisko i podpis osoby reprezentującej organ	Z up. STAROSTY Sławomir Konior Kierownik Powiatowy Ośrodek Dokumentacji Geodezyjnej i Kartograficznej

Hydrant publiczny za prywatną ścianą sąsiada

Public Fire Hydrant Now Behind Private Wall of Neighbour



Nasze publiczne rura wodociągowa teraz prywatną własnością sąsiada

Our public water pipes have become private property of our neighbour

PL

Nasze publiczne rury wodociągowe, które od ponad 30 lat znajdowały się pod ziemią publiczną, z której korzystaliśmy od ponad 50 lat, nagle stały się prywatną własnością naszych sąsiadów.

EN

Our public water pipes, which were laid over 30 years ago, under the public land we have used for over 50 years, have suddenly become the private property of our neighbours.

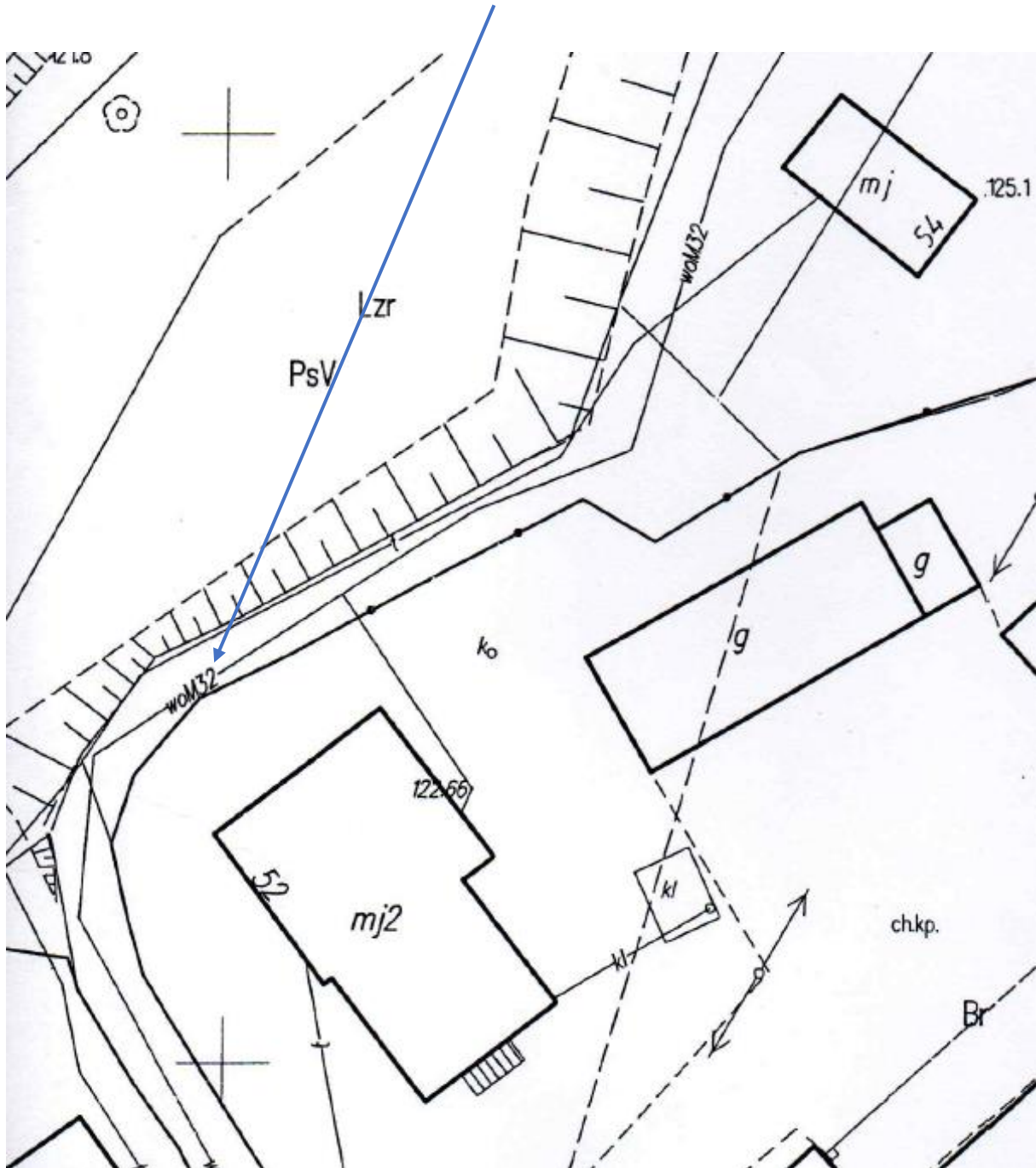


Illustration of Perpetual Land-Grab from 590/1



This illustration is taken from Geoportal with official new borders in 2021. Surveyors did not refer to the official map which had stood since 1964, but rather to privately-held documents which we were not allowed to see. As a result of vaguely-worded and privately-held documents which violated our rights in Communist times, Plot 590/1 can continue to expand without limits; wherever Plot 590/1 builds a new house or fence, it can claim an additional 3m. because of our servitude.

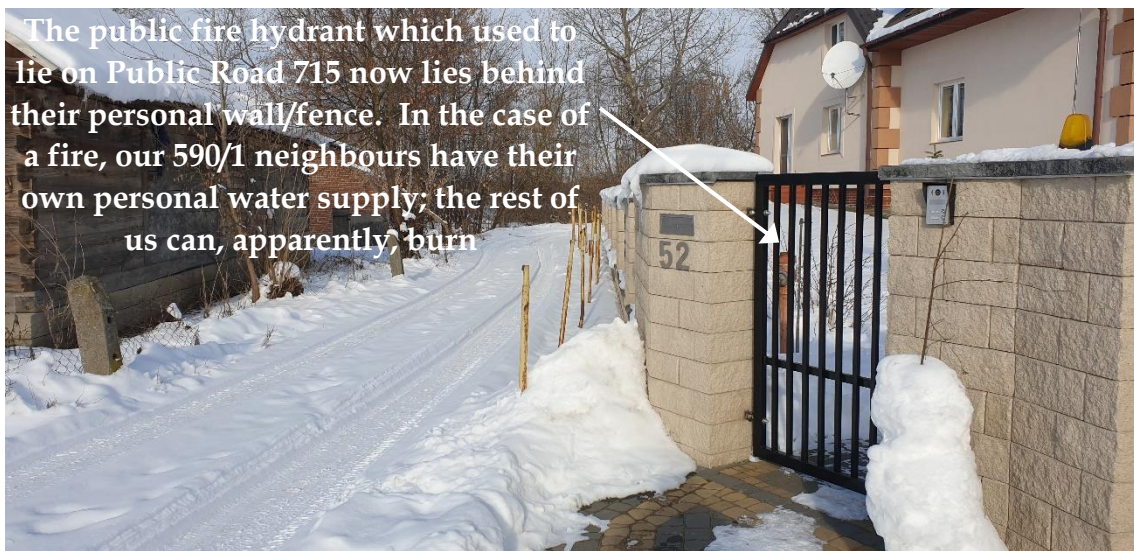
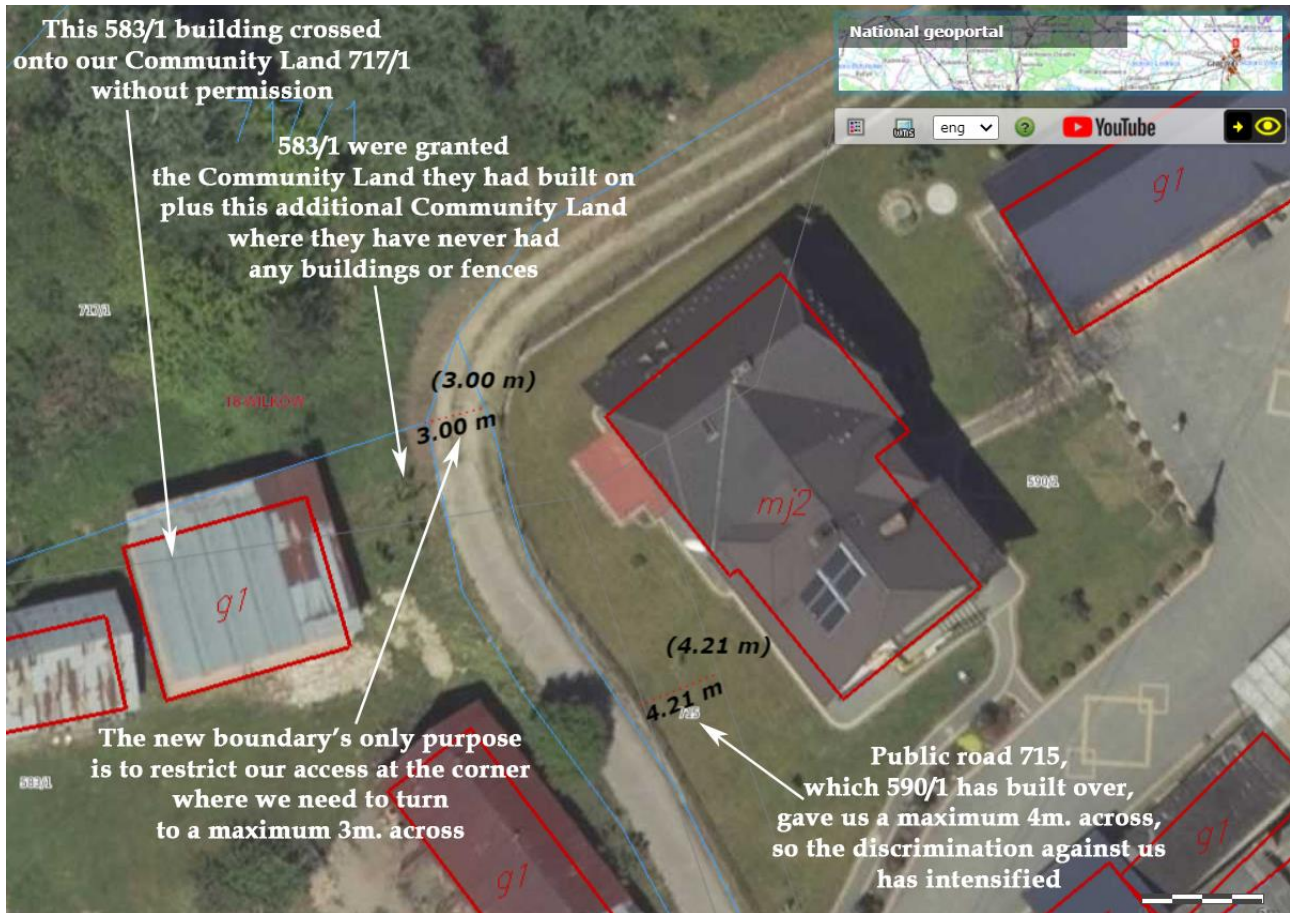


Illustration of Land-Grab from 583/2 (was 583/1)

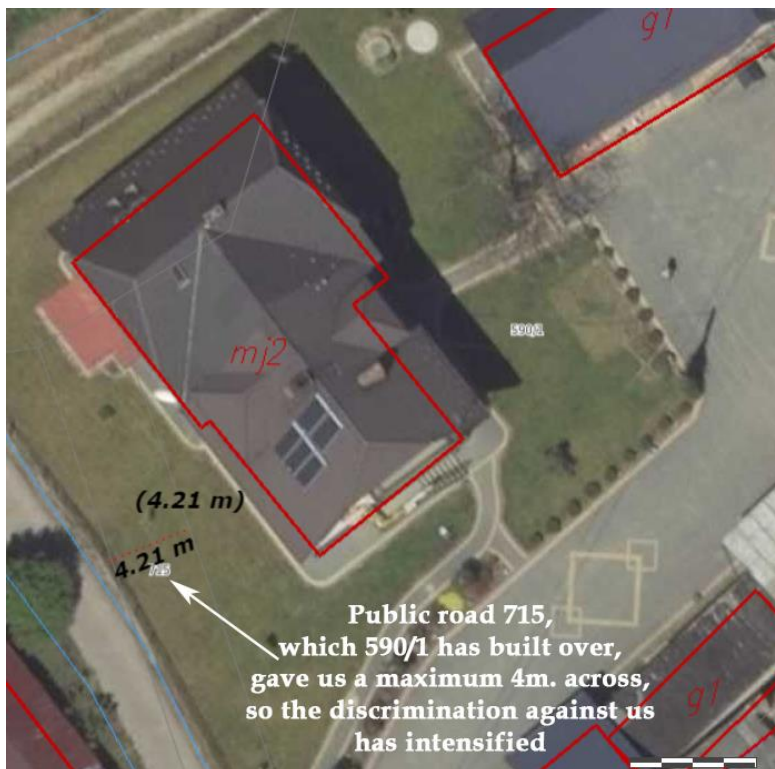


This illustration is taken from Geoportal with official new borders in 2021. It shows how 583/2 has been given our Community Land where they expanded over it, plus additional Community Land where they have never had any buildings or fences (and where they still don't). The only purpose of this free gift of land is to restrict our access at the corner, where we need to turn, to a maximum of 3m across. Among other limitations, this would not allow a fire-engine to reach us, would not allow for towing a car in an emergency, would not allow for towing agricultural vehicles and would not allow for gas deliveries.

Illustration of Shrinkage of Public Road 715



This illustration shows how our access along Public Road 715 has shrunk to a maximum of 3.60m. across - from 583/2 border post to new 590/1 wall. Allowing for the standard 1m. buffer on either side to safeguard our neighbours' fences, our access is now only 1.60m. wide at this point. 590/1 say they have moved back from the tarmac of Public Road 715 as requested, but their new wall still leaves the public fire hydrant inside their personal property, and still leaves us less available width than the old Public Road 715 which they built over.



On Geoportal, the still visible borders of the original road 715 measure a width of 4m. along its length, and it is this 4m. which 590/1 should have pulled back from, rather than a discriminatory 2.65m. of tarmac.

Our Access Blocked from 26/03/2021

Nasz Dostęp został Zablokowany od 26.03.2021

EN:

Access to our home with 1.35 ha. has been blocked from 26/03/2021. Since 26/03/2021 we have been prevented from completing work or farming our 1.35 ha. of land here. While the authorities may claim to be slowed by Covid 19, the violation of our Human Rights has not slowed.

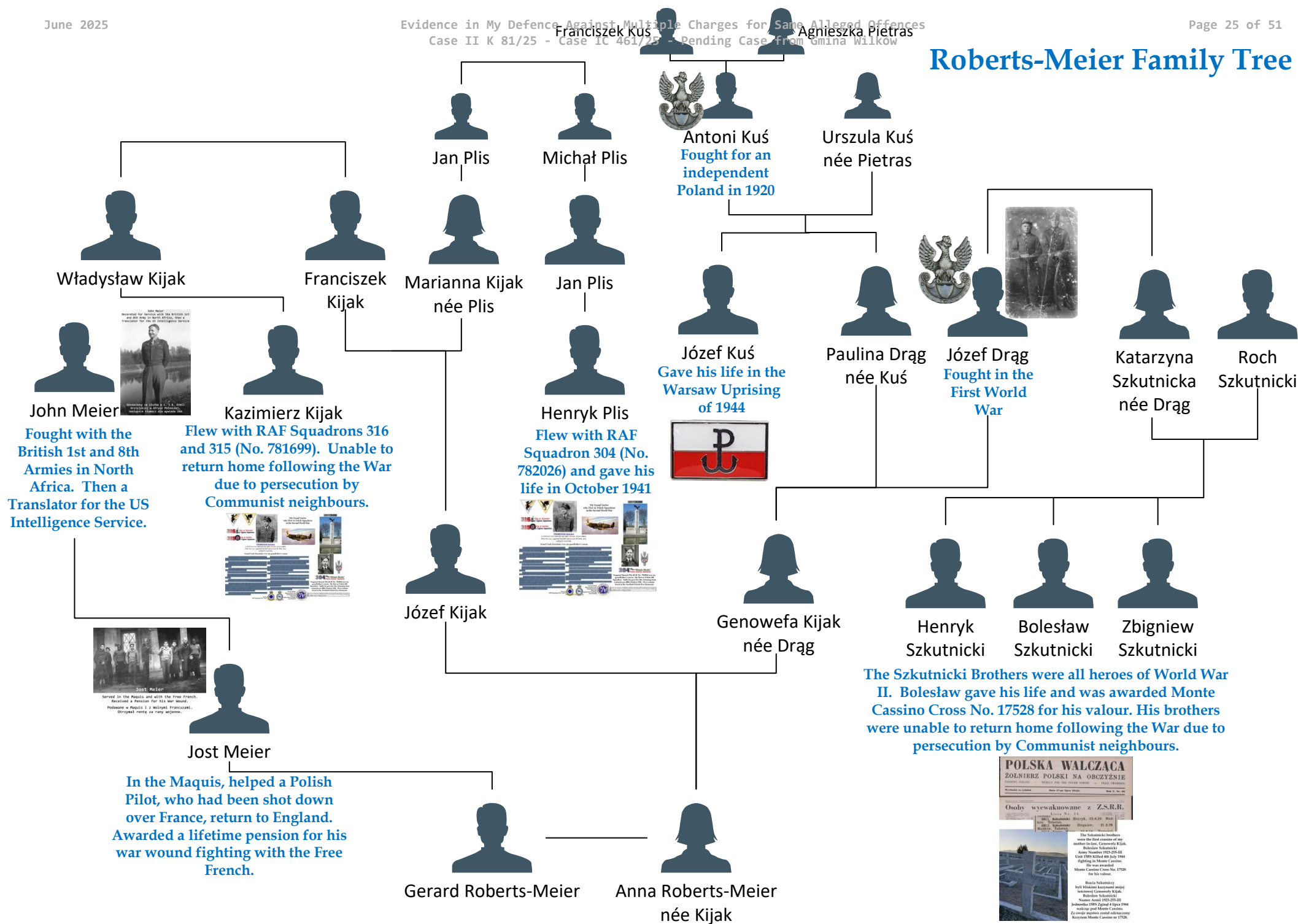
PL:

Dostęp do naszego domu oraz 1,35 ha za domem został zablokowany w dniu 26.03.2021. Od 26.03.2021 nie możemy dokończyć pracy ani uprawiać naszego 1,35 ha. ziemi tutaj. Chociaż władze mogą twierdzić, że zostały spowolnione przez Covid 19, łamanie naszych Praw Człowieka to nie spowolniło.





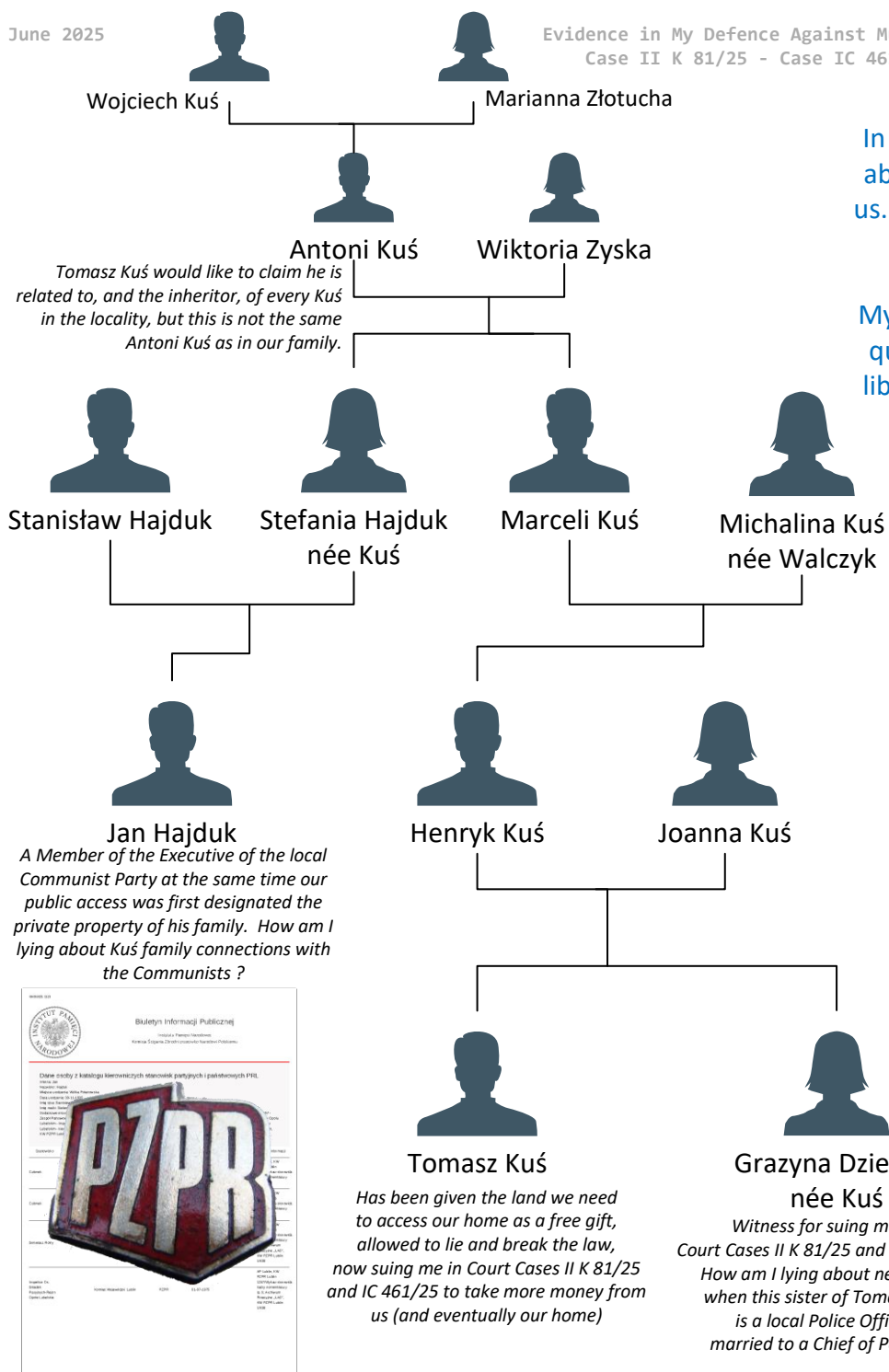
Roberts-Meier Family Tree



Family Tree of Those Accusing Me of Lying

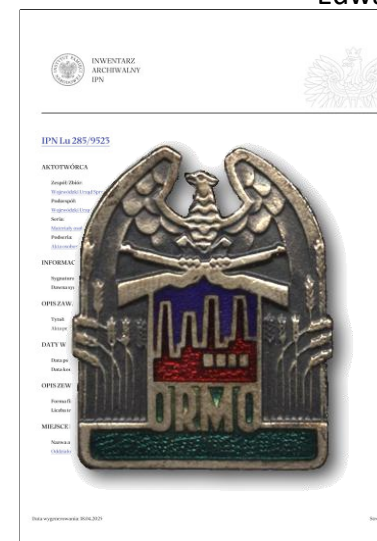
In the Cases in which I am being sued for libel and defamation, I am accused of lying about our neighbours' nepotism and family ties to the Communists who persecuted us. Much of the Communist era documentation has been destroyed to hide evidence of wrongdoing, but some evidence remains.

My family contains many war heroes, priests and nuns, but the Polish authorities are quite happy to allow libel and defamation of my family's good name. It seems that libel and defamation only matter concerning the families of Police and Communists.



Edward Dzierżak

Member of feared
Communist Militia ORMO
IPN No. IPN Lu 285/9523.
How am I lying about Kuś family
connections with the Communists?



Zbigniew Dzierżak

This brother-in-law of Tomasz Kuś is the Sub-Commissioner for Crime in the local Opole Lubelskie Police – the same body in which I am being sued in Case II K 81/25. I now understand why Tomasz Kuś is allowed to continue lying and breaking the law without consequence.





Public Information Bulletin

Institute of National Remembrance

Commission for the Prosecution of Crimes against the Polish Nation

Data of a person from the catalogue of party and state management positions in the Polish People's Republic

Names: Jan

Name: Hajduk

Place of birth: Wólka Polanowska

Date of birth: 30-11-1935

Father's name:

Stanisław Mother's

name: Stefania Additional information: Member of PZPR since 1961. He was also a member of ZMP and ZMW. Professional work outside the party apparatus: 1)

01/08/1955-15/04/1957 - State Agricultural Farm Team in Brzezina - junior agronomist; 2) 01/06/1959-31/01/1962 - Presidium of the District National Council in Opole Lubelskie -

seed inspector, head of the Plant Production Department; 3) 01/02/1962-31/10/1964 - District Union of Agricultural Circles in Opole Lubelskie - head of the agricultural team;

4) 01.11.1972-30.06.1975 - District Union of Agricultural Circles in Opole Lubelskie - president. Sources: AP Lublin, KW PZPR Lublin 1267/List-index of nomenclature staff no.

6; Rotational Archive "yAD", KW PZPR Lublin 1/638.

Position	Cell organizational	Institution	Location	Political party	Start Date	End Date	Source of information
Member		Opole Lubelskie District Committee of the Polish United Workers' Party			1962		AP Lublin, KW PZPR Lublin 1267/List-index of nomenclature staff no. 6
Member	Executive	Opole Lubelskie District Committee of the Polish United Workers' Party			1962		AP Lublin, KW PZPR Lublin 1267/List-index of nomenclature staff no. 6
Secretary of Agriculture		Opole Lubelskie District Committee of the Polish United Workers' Party			01-11-1964	31-10-1972	AP Lublin, KW PZPR Lublin 1267/List-index of nomenclature staff no. 6; Rotational Archive "yAD", KW PZPR Lublin 1/638
Inspector for Contributions Party-Region Opole Lubelskie		Lublin Voivodeship Committee		PZPR	01-07-1975		AP Lublin, KW PZPR Lublin 1267/List-index of nomenclature staff no. 6; Rotational Archive "yAD", KW PZPR Lublin 1/638



INVENTORY
ARCHIVAL
IPN



IPN Lu 285/9523

ACTOR

Team/Collection:

Voivodship Office of Internal Affairs in Lublin [1944] 1983-1990

Component:

Voivodship Office of Internal Affairs in Lublin 1983 - 1990

Series:

Personal materials

Subseries:

ORMO personal files

IDENTIFYING INFORMATION

IPN reference number: IPN Lu 285/9523

Old reference number: 359/1

CONTENT DESCRIPTION

Title:

Personal files of ORMO member: Edward Dzierżak, father's name: Mieczysław, born 25-10-1937

DOCUMENT CREATION DATES

Post date: 1963

End date: 1978

EXTERNAL DESCRIPTION

Physical form: Documentation file

Number of volumes: 1

STORAGE PLACE

Archive name:

Branch Archive of the Institute of National Remembrance in Lublin



KPP OPOLE LUBELSKIE

MANAGEMENT INFORMATION PREVENTION DISTRICT POLICEMEN CONTACT WORK IN THE POLICE GDPR - DODO

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NEWS

SUB-COMMISSIONER ZBIGNIEW DZIERŻAK, HEAD OF THE CRIMINAL DEPARTMENT OF THE DISTRICT POLICE HEADQUARTERS IN OPOLE LUBELSKIE.

Return Print

On Friday, 31.10.2014, in the Conference Room of the District Police Headquarters in Opole Lubelskie, a ceremonial introduction of the Head of the Criminal Department of the District Police Headquarters in Opole Lubelskie, Sub-Commissioner Zbigniew Dzierżak, took place. The introduction was made by the Commander of the District Police Headquarters in Opole Lubelskie, Junior Inspector Krzysztof Oszust, in the presence of management staff, police officers and employees of the unit.

Sub-Commander Zbigniew Dzierżak is a graduate of UMCS in Lublin and graduated from the Police Academy in Szczytno. He started working in the Police in 1997 in Puławy. In the years 2013-2014 he was Deputy Commander of the Police Station in Poniatowa, from 01.08.2014 he was the Head of the Criminal Department of the District Police Headquarters in Opole Lubelskie.



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Certified translation from Polish

[Italics in square brackets used for translator's comments.]

[Document executed on 5 pages.]

[At the bottom of each page:]

[Imprint of a blue round seal of the translator with her number in the centre:] TP/5/19 *[and the following circumscription:]* Marcelina Bochyńska-Graczyk, sworn translator of the Russian language *1*.

[(-) illegible signature of the translator]

Sworn translator of Russian and English

Marcelina Bochyńska-Graczyk

www.mbg-tlumaczprzysiegly.pl

tel. 691 974 157

Certified translation from Russian

[Italics in square brackets used for translator's comments.]

[A translation of a n original reproduction of the notarial deed No. 1512 of 30 December 1903, handwritten in the pre-revolutionary civil script by notary Jan Kochański, a notary in Puławy, was submitted for translation.

The reproduction was prepared by the State Archives in Lublin on 17 October 2024, collection no. 388 – Files of Jan Kochański notary in Puławy 1895-1915, ref. no. 31, pp. 1355-1365.]

[On each page of the document there are imprints of: the “reproduction” seal, the “partial copy” seal, the seal certifying compliance with the original along with the date stamp, the official round seal of the State Archives in Lublin, the seal of the Senior Archivist of the State Archives in Lublin Roman Nuckowski along with his signature – in Polish.]

[On the back of each page there is a certificate of payment of stamp duty in the amount of PLN 5 per page and a description of each page in the State Archives in Lublin together with the case number UZA.6342.1635.2024.LM and the page number – in Polish.]

[Names and surnames written according to the reconstructed probable Polish spelling.]

[The document drawn up on 11 pages.]

registry No.: 1512

[Text in the left margin:]

Extract issued to Antoni s. [son] of Franciszek Kuś on 31 December 1903

Notary [handwritten signature:] J. Kochański

On 30th December 1903, before me, Jan s. of Konstanty* Kochański, a notary in Nowa Aleksandria [currently: Puławy], in my office in the posad of Nowa Aleksandria of the Lublin Governorate, in house No. 22, the following unknown to me personally appeared:



Sworn translator of Russian and English

Case IC 461/25 - Pending Case from Gmina Wilków

Marcelina Bochyńska-Graczyk

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Jan s. Franciszek and Wiktorja d. [daughter] of Mateusz née Kuś, the Sanecki spouses, the wife acting in the presence and with the consent of her husband,

Wojciech s. of Jan Sanecki,

Marianna d. of Wojciech Kozak née Sanecka, wife of Wojciech s. of Franciszek Kozak, acting in the presence and with the consent of her husband,

and Antoni s. of Franciszek Kuś,

peasants residing in the village of Wilków of the Nowa Aleksandria district, who have chosen this village as their legal place of residence.

In the presence of the witnesses presented by them, known to me personally and having the legal capacity, residents of the posad of Nowa Aleksandria, burghers: Ludwik s. of Jan Dąbkowski and Jakub s. of Andrzej Russ, thus certifying the identity and legal capacity of the Appearers, the latter concluded the act with the following content:

§1. The Appearers explained that in accordance with the deed No. 483, drawn up by me, a notary, on 17 August 1895, a copy of which I attach, Jan s. of Franciszek Sanecki handed over into possession to his son, Wojciech Sanecki, a peasant grange, located in the village of Wilków in the district of Nowa Aleksandria, entered in the liquidation table in his name under number 18, with a land area of 5 morgens 271 rods or 3 dessiatins 60 sazhen, with buildings, easement rights and agricultural land, worth 1000 rubles, while Jan Sanecki kept for him and his wife Wiktorja Sanecka née Kuś the right of lifelong use of 2 morgens of land, one in the village of Ćwierć and the other in the garden, half of an orchard, half of a house, a pantry, half of a granary on the north side and a barn on the river side, with firewood from a forest with easement rights. At the same time, Wojciech Sanecki undertook to work on the parents' land for lifelong use every year, to collect grain from the field, and, if necessary, to maintain his parents until their death, i.e. to provide them with food and clothing free of charge.

[In the upper margin:]

For the illiterate spouses Sanecki and Marianna Kozak, at their personal request, signed by:

[handwritten signature:] A. Popławski

[handwritten signatures:] W. Kozak, W. Sanecki, A. Kuś

[other handwritten signatures on the lower margin:] J. Russ, L. Dąbkowski, Notary J. Kochański

§2. Tomasz Sanecki, Józef Sanecki and Piotr Sanecki received property repayments due to them from Wojciech Sanecki, 200 rubles each, in accordance with the deeds drawn up by me, a notary: No. 760/296 - on 16 November of the year eighteen ninety-nine [corrected for:] five, No. 26 - on 9 January 1896 and No. 493 - on 26 May 1899 presented to me in the form of extracts. In addition, on the basis of the above-mentioned deed No. 483 of 17 August 1895 Wojciech Sanecki is obliged to pay a property repayment of 200 rubles to his brother, Maciej Sanecki, payable when he reaches the age of majority.

§3. Wojciech Sanecki declares that he lost the main extract of the above-mentioned deed No. 483 of 17 August 1895.

§4. The Appearers declare that in accordance with the deed No. 441, drawn up by a notary in Nowa Aleksandria on 21 June 1894 Jan s. of Franciszek Sanecki gave his daughters Anna



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 Marcelina Bochyńska-Graczyk
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Sanecka and Marianna Kozak 225 rubles each, at their discretion, he handed over into use, instead of interest, 820 sazhen of the land of the above-mentioned grange in the village of Wilków under No. 18. Then, in accordance with the deed No. 873, drawn up by me, a notary, on 5 September 1900 Anna Sanecka received from her sister Marianna Kozak her amount of 225 rubles, transferred her rights to her, renouncing the right to use the land. At the same time, Wojciech Sanecki accepted the obligation to pay 450 rubles to his sister Marianna Kozak, resulting from the deed No. 441 of 21 June 1894 and undertook to pay her this amount in 24 years from the date of drawing up of the above-mentioned deed No. 873 of 5 September 1900 instead of her interest on this amount in the amount of 4% per year, giving Marianna Kozak a part of the land area of 400 rods from the said grange.

[In the upper margin:]

For the illiterate spouses Sanecki and Marianna Kozak, at their personal request, signed by:

[handwritten signature:] A. Popławski

[handwritten signatures:] W. Kozak, W. Sanecki, A. Kuś

[other handwritten signatures on the lower margin:] J. Rus, L. Dąbkowski, Notary J. Kochański

§5. Currently, Marianna Kozak shall renounce the right to use the land in the above-mentioned grange starting from today, agreeing to receive back 450 rubles and in addition, as compensation for the losses of 17 rubles, a total of 467 rubles in 1 year, counting from today.

§6. The Appearer Antoni Kuś, intending to purchase the grange from Wojciech Sanecki, repaid his debts for him to the Szczekarków Municipality Office on 20 December of this year:

receipt No. 443 - 30 rubles to Władysław Rusinowicz,

no. 444 - 114 rubles to Władysław Rusinowicz,

no. 445 - 106 rubles 15 kopecks to Stanisław Pawłowski,

no. 446 - 104 rubles 15 kopecks to Kazimierz Giza,

no. 447 - 223 rubles to Antoni s. of Wojciech Kuś,

no. 448 - 200 rubles to the savings and loan bank in Szczekarków,

no. 449 - 306 rubles 30 kopecks to Paweł Filiks.

[In the right margin, a table with the amounts whose sum was calculated on the next page.]

A total of 1083 rubles 60 kopecks.

§7. Wojciech Sanecki shall hereby **SELL** his entire above-mentioned grange in the village of Wilków under No. 18, with a house and farm buildings, winter sowing, the easement rights and agricultural land to Antoni s. of Franciszek Kuś for a fixed amount of 2467 rubles, within which, as mentioned above, the buyer has paid 1083 rubles and 60 kopecks for the seller to the Szczekarków Municipality Office. Before drawing up this deed, the seller Wojciech Sanecki received 100 rubles from the buyer Antoni s. of Franciszek Kuś, in the presence of myself and witnesses, the seller Wojciech Sanecki shall receive 616 rubles 40 kopecks from the buyer. Thus, he shall receive 1800 rubles, which the seller shall confirm to the buyer with his signature.

[In the right margin, a table with the amounts whose sum was calculated on the next page.]



Then the buyer Antoni s. of Franciszek Kuś is obliged to pay for the seller Wojciech Sanecki: 200 rubles to his brother Maciej Sanecki, at his discretion, in accordance with the deed No. 483 of 17 August 1895, with interest in the amount of 8% per year, and 467 rubles to his sister, Marianna Kozak, on the basis of her consent given by this deed. Thus, the total amount of sales of 2467 rubles has been completely exhausted.

§8. The seller Wojciech Sanecki will live free of charge in the house and farm buildings until 1 April (according to the old style) 1904. All land free from lifelong use by the seller's parents, Jan and Wiktorina the Sanecki spouses, shall be given to the buyer for possession and use from today and from today taxes and duties pass to him.

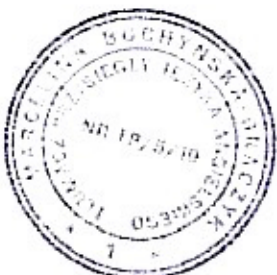
§9. Jan and Wiktorina, the Sanecki spouses and the buyer Antoni Kuś, as a change in the lifelong terms, specified in the above-mentioned deed No. 483 of 17 August 1895 for the benefit of the Sanecki spouses, jointly agree that Jan and Wiktorina, the Sanecki spouses, will use the house rebuilt after the fire and two pigsties by the river lifelong on their own, as well as they will use the granary lifelong – together with the buyer. Instead of firewood, the Sanecki spouses will lifelong cut branches from 20 willows by the river in turn, specifically from those that have already been cut for firewood. The Sanecki spouses have the right to use the public pasture lifelong - together with the buyer.

§10. While the Sanecki spouses are alive, they shall have the right to use 2 morgens of land as before, one in the village of Ćwierć, and the other in the garden as well as a half of the orchard. In the event of the early death of one of the Sanecki spouses, the surviving spouse will have the right to use 1 morgan 150 rods of land lifelong without changing any other lifelong conditions.

§11. As proof of the local peasant origin, Antoni Kuś presented the attached extract from the table of the village of Machów Nowy and Stary No. 3480, issued by the vojt [wójt] of the Szczekarków Municipality on 20 December 20 of this year and presented the birth certificate of 21 December of this year drawn up by the rector of the parish of the village of Wilków and the identity booklet No. 57, confirming the identity, issued by the vojt of the Solec Municipality on 28 June 1895 which show that he is the son of the owner of the peasant grange and a Russian subject.

§12. Finally, Wojciech Sanecki and Antoni Kuś agree that the money paid by Antoni s. of Franciszek Kuś to the Szczekarków Municipality Office as repayment of Wojciech Sanecki's debts in the total amount of 1083 rubles 60 kopecks, be repaid by the vojt of the Szczekarków Municipality to the creditors and the savings and loan bank listed in this deed according to receivables.

§13. Antoni s. of Franciszek Kuś, having ascertain the rights of the seller and the land area borders, shall agree to this acquisition and accepts this deed under the conditions specified therein.



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This deed has been read to the Appearers in the presence of the above-mentioned witnesses, and due to its acceptance and confirmation that they want to draw up such a deed out of goodwill, they understand its meaning and significance, it was signed.

Jan and Wiktoria, the Sanecki spouses and Marianna Kozak, due to their illiteracy, in the presence of the witnesses asked Antoni s. of Józef Popławski, the resident of the local posad, to sign the deed.

The main extract should be issued to Antoni s. of Franciszek Kuś.

The following fees were collected: tax on real estate sale of 98 rubles 68 kopecks, notarial fee of 3 rubles, stamp duty fee for termination of the contract of 2 rubles, for the sale of 10 rubles, for the statement of 1 ruble, for the main extract of 3 rubles, for the benefit of the municipality of 5 rubles 10 kopecks.

On page 3 in the 6th line, the "nine" was corrected for the "five", on page 8 in the 7th line, the "Sanecki" was corrected, on page 10 in the 18th line, the "Kozak" was corrected.

For the illiterate Sanecki spouses and Marianna Kozak, at their personal request the deed was signed by [handwritten signature:] Antoni Popławski.

[other handwritten signatures:] Wojciech Kozak, Wojciech Sanecki, Antoni Kuś
Signatures in Polish mean [entered in civil script:] Wojciech Kozak, Wojciech Sanecki, which I, the notary J. Kochański, do hereby confirm.

[handwritten signatures:] witness Jakub s. of Andrzej Russ
witness Ludwik s. of Jan Dąbkowski
notary Jan Kochański

*[translator's comment:] In the original – name of the father: "Kastan". Probable name of the father – Konstanty.

I, Marcelina Bochyńska-Graczyk, a sworn translator of the Russian and English languages, entered onto the list of sworn translators kept by the Minister of Justice under the number TP/5/19, do hereby certify that the above translation is consistent with the original document presented to me.

Register no.: 192/2024

Warsaw, 8 November 2024

I, Marcelina Bochyńska-Graczyk, a sworn translator of the Russian and English languages, entered onto the list of sworn translators kept by the Minister of Justice under the number TP/5/19, do hereby certify that the above translation is consistent with the original document presented to me, a copy of which I am enclosing.

Register no.: 194/2024

Warsaw, 8 November 2024



Marcelina Bochyńska-Graczyk

Sygn. akt.

1967 was the start of the antisemitic purges of Mieczysław Moczar,
so giving precedence to
discriminatory wording from
this time is like giving precedence to discriminatory wording from Nazi Germany
in 1935 when they were enacting the Nuremberg Race Laws.

Postanowienie

The Administrative Court in Lublin rejected our appeal against the demarcation of 2022,
because our appeal had been had directed the Opponent that Original Wilk Court ruled that Gmina Wilk

Powiatowy
Sąd ~~XXXXXXXXXX~~ w Opolu Lubelskim Wydział Cywilny
~~XXXXXXXXXX~~

w składzie następującym:

Przewodniczący J.Kupis

Sędziowie^{*)}

Ławnicy

Assignment to Names rather than Property
is abnormal discrimination,
so Access would expire on death of Names.

Protokółant

apl.sąd. R.Żmigrodzki

26 czerwca 97
po rozpoznaniu w dniu 19..... r. w

przy udziale^{*)}

(Wymienić prokuratora lub przedstawiciela organizacji społecznej jeśli brał udział)

na rozprawie

sprawy ~~XXXXXXXXXX~~
wniosku spadkobierców Pauliny Drag - Genowefy Kijak i Edwarda Draga

~~XXXXXXXXXX~~ z uczest. postęp. Michalina i Marcelim małż.Kuś i innym.

This servitude decision could not be applied today
because the accompanying map does not exist.

establishing an equestrian road If it did exist, it would show the route of
the servitude lying underneath the house
built on Community Land without permission.

postanawia:

I appoint on plot no. tab.lik.17 belonging to the co-owners: Michalina
Kuś, Marcelli Kus, Jan Włodarczyk, Stanisław Włodarczyk, Eugeniusz Włodarczyk,
Krystyna Włodarczyk, Mieczysław Lasota, Adela Grzyb, Danuta Kuś, Ignacy
Lasota, Zofia Włodarczyk and Jan Walczyk, located in Wilków district of Opole
Lubelskie - a necessary road for the heirs of Paulina Drag - Genowefa Kijak and
Edward Draga. to their plot No. tab.likw. 18 -
it is between the escarpment outside Michalina and Marcelego mał.m.Kuś, and the
rest of their land above the Vistula Lagoon, 3 meters wide and 40 meters long,
ie from the Genowefa Kijak branch in the north to the village road in the south,
according to a plan drawn up in on November 28, 1966 by an expert surveyor M.
Urban attached to case Ns 85/66 tut.

II accuse Michalina and Marcel from catching on behalf of Genowefa Kijak for
the partial costs of the trial, the amount of 900 zł (nine hundred zlotys).

Our family never had to pay anything.
This is because our family had already
been using the land for hundreds of years
without a servitude.

^{*)} Zbędne skreślić.
MS/C post. 2. Postanowienie sądu I instancji.
Zakład Produkcijny 77-330 Czarne, ul. Pomorska 1

Na oryginale właściwe podpisy
Za zgodność świadczą
Sekretarz Sądu



GKiR.6831.2.2012

Wilków dnia 28.11.2012r.

Tomasz Kuś is lying when he says the disputes only started in 2015. My family has always had problems with Tomasz Kuś expanding onto our land and public access. This letter shows my mother-in-law requesting a demarcation of our property to resolve issues in 2012. This letter also shows Gmina Wilków refusing to demarcate for us - but they are happy to demarcate for Tomasz Kuś.

Pani
Genowefa Kijak
zam. Wilków 53
24-313 Wilków

In response to your applications of 21 August 2012 and 08 October 2012 regarding the determination of the course of the boundaries, specifying the location of boundary points and lines for your entire property - I kindly inform you that in accordance with Article 30 of the Geodetic and Cartographic Law

Mayors (city presidents) carry out the delimitation of real estate ex officio or at the request of a party :

The procedure for the delimitation of real estate is carried out ex officio in the case of land consolidation, as well as if there is no application from the party and the needs of the national economy or the public interest justify the delimitation.

In your case, there are no grounds to initiate ex officio proceedings for the division of the property.

In connection with the above, the execution of the delimitation by the interested party is possible in the event of incurring the costs associated with it. The mayor covers the cost of carrying out the assessment of the correctness of the conducted delimitation from the budget.

Z up. WOJ12
mgr inż. Andrzej Przychowski
Kierownik Referatu ds.
Geodezji Komunalnej, Infrastruktury
Miejscowej i Przemysłowej

WÓJT GMINY WILKÓW
WILKÓW 62 A
24-313 WILKÓW
GKiR.6830.4.2021 r.

Wilków, October 18, 2021

Based on:

- Article 29 section 3, article 30 section 1 and 4 and article 31 of the Act of May 17, 1989 – Geodetic and Cartographic Law (Journal of Laws of 2019, item 725),

I decide

to initiate, at the request of Mr. Tomasz Kuś, residing in Wilków 52, 24-313 Wilków, demarcation proceedings of real estate located in village Wilków, marked in the land and building register as a plot of land with registry no. 590/1 with adjacent plots of land no. 589, 740 and 717/1.

The owners of the plots are:

- registry no. 590/1 with an area of 0.79 ha, KW 32656, property of Mr. Tomasz and Ms. Agnieszka Kuś, residing in Wilków 52, 24-3143 Wilków,
- registry no. 589 of the area 0.31 ha, and registry no. 740 with an area of 0.20 ha, LU10/00001478/2 owned by Ms. Anna Roberts-Meier, residing in Wilków 53, 24-313 Wilków.
- registry no. 717/1 with an area of 0.96 ha, property of the Community Land of the village of Wilków.

I authorize the authorized surveyor, Ms. Małgorzata Araucz, who has professional qualifications MGP and B No. 14233 to perform the demarcation activities and call the parties to the land.

Justification

On August 10, 2021, the local Commune Office of the Wilków received an application for demarcation of the real estate located in Wilków, marked as plot registry no. 590/1, with adjacent real estates registry no. 589, 740 and 717/1.

In connection with the above, it was decided as in the sentence.

Instruction

The parties cannot appeal against the decision.



WÓJT
mgr inż. Daniel Kuś

They receive:

1. Mr. Tomasz and Ms. Agnieszka Kuś residing in Wilków 52, 24-313 Wilków
2. Ms. Anna Roberts-Meier Puławska Street 18/137, 20-046 Lublin
3. Ms. Małgorzata Araucz – surveyor Skowieszyn 86, 24-130 Końskowola
4. Ms. Kamila Charchuła – Community Land Representative of the village of Wilków residing in Wilków 44a, 24-313 Wilków
- 5.

Resolution No. 1/2019
of the Extraordinary General Meeting of Members
of the Land Community of Wilków,
July 12th, 2019

**On consent to the purchase of a part of the real estate owned by
the Land Community of the village of Wilków.**

Pursuant to § 12 point 18 of the Statute of the Society for the development of the Land Community of the village of Wilków, the Extraordinary Meeting of Members resolves as follows:

§ 1

It is hereby agreed to sell part of the plot No. 717/1, which is the property of the Land Community of the village of Wilków, with an area of approximately 0.03 hectare for the price of PLN 30,000 for Ms Anna Roberts-Meier.

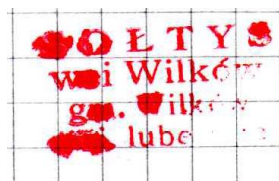
§ 2

The costs related to the borders' delimitation of the object of sale and the costs related to the sale will be covered by the buyer in accordance with the submitted declaration.

§ 3

The Management Board of the Land Community is authorized to perform the activities leading to the conclusion of the sales contract.

True to the original
Tomasz Stateczny



Chairman
Stateczny Tomasz

URZĄD GMINY WILKÓW

Wilków 62A, 24-313 Wilków

fax 81 828 13 79

tel. 81 828 10 02

NIP:717-12-87-101, R.000545780

Wilków, dnia 21.10.2019 r.

GKiR.6830.1.2019

Pani

Anna Roberts – Meier

ul. Chopina 25/49 20-023 Lublin

In response to the letter of September 23, 2019, – Wilków Commune Office, informs as follows:

- by decision of July 22, 2019, sign: GKiR.6830.1.2019, a delimitation procedure was initiated for plot No. 717/1, which is the property of the Land Community of the village of Wilków, and plot No. 586, which is your property, located in the town of Wilków, the commune of Wilków, Opole County.

In the aforementioned Order, the demarcation extension was refused in the part concerning plots with registration numbers 583/3, 583/2, 590/1 and 715 due to the lack of legal interest. Also, the Wilków Village Land Community did not proceed with the submitted application for extension of the demarcation proceedings of the said plots. Facts and legal status from the date of the application, i.e. from 14/06/2019, for demarcation of the property have not changed.

Your consent by the Land Community of the village of Wilków to purchase a part of plot No. 717/1 does not entitle you to apply for demarcation with lots No. 583/3, 583/2 and 590/1.

Z up. WÓJTA

Ingr. inż. Włodzisław Przepiórowski
Kierownik Referatu ds.
Gospodarki Komunalnej, Infrastruktury
Planowania Przestrzennego i Rolnictwa

WÓJT GMINY WILKÓW**WILKÓW 62 A****24-313 WILKÓW****Wilków, dnia 10 marca 2020r.**

GRIK.6831.3.2020

DECISION**o refusing to initiate proceedings**

Based on Article. 61a §1 and § 2 of the Act of June 14, 1960. - Code of Administrative Procedure (Journal of Laws of 2018, item 2096) after examining the application of Mrs. Anna Roberts - Meier res. ul. Chopina 25/49, 20-023 Lublin regarding the division of real estate plot No. 717/1 located in Wilków, commune Wilków, Opole powiat,

I decide

refuse the applicant to initiate administrative proceedings regarding the division of real estate plot No. 717/1 located in the town of Wilków, commune Wilków, Opole powiat, which is the property of the Land Community of the village of Wilków.

Substantiation

On February 21, 2020, Mrs. Anna Roberts - Meier, resident Wilków 53, 24-313 Wilków submitted an application for the division of real estate of plot No. 717/1 located in Wilków, which is the property of the Land Community of the village of Wilków.

The above application for the division of real estate of plot No. 717/1 is the property of the Land Community of the village of Wilków, having the company statute constituting Annex No. 1 to this Decision, granted by Regulation No. 0050.59.2016 Head of the Wilków Commune of December 8, 2016 on the establishment of compulsory company approved by decision: GKK.6827.13.2016 of 13.02.2017 on behalf of which the Chairman of the Land Community of the village of Wilków, Mr. Tomasz Stateczny, res. Wilków 7, 24-313 Wilków, who is the competent person to apply for the above division of real estate.

Given the above, it was decided as in the operative part.

instruction

The decision may be appealed to the Local Government Appeal Board in Lublin within 7 days from the date of its receipt via the Head of the Commune of Wilków.

Otrzymują:

- ① Pani Anna Roberts – Meier
ul. Chopina 25/49, 20-023 Lublin

2. A/a

**Z up. WÓJTA**

mgr inż. Wiktor Brzoźowski
Kierownik Zarządu
Gospodarki Komunalnej, Infrastruktury
Planowania Przestrzennego i Rolnictwa

Working book number 14233/ 25 /21

precinct 18 – WILKÓW
registration unit 061207 2 Wilków
powiat opolski
voivodeship lubelskie

TECHNICAL OPERATION

for
Anna Roberts-Meier

BOUNDARY PROJECT

plot No. 590/1 with plots No. 589, No. 740 and No. 717/1

The original request for demarcation from Tomasz Kuś did not include our Plot No. 586, and this Demarcation Report does not include our Plot No. 586 in its scope either. This is because Tomasz Kuś never bordered our Plot No. 586 in the Registry, so he had no right to request demarcation with our Plot No. 586. However, this demarcation then includes a line from Points 18.1-1424 to Point 18.1-1459, which does border our Plot No. 586. This means Tomasz Kuś can extend his Plot No. 590/1 to now border our Plot No. 586 following the survey. This blocks our historic public access completely, thus completely locking the Jew Meier in a Ghetto, where his neighbours can continue to restrict his access, and can start charging him money to enter and leave his home.

Made in year 2022

surveyor Małgorzata Araucz
entitlements MGPIB Nr 14233 residing in
Skowieszyn 86A
24-130 Końskowola

Voivodeship

lubelskie

Poviat

opolski

Record journal number 061207_2 - Wilków

Precinct

061207_2.0018 - WILKÓW

MAP WITH BOUNDARY PROJECT

scale 1 : 1000

Registration unit number 1. G.72 ; 2. G.184 ; 3. G.51 Land and mortgage register number:

1. LU10/00032656/

2. GU EW 482/42/7.

3. LU10/00001478/

1. Tomasz Kus son of Henryk and Joanna and wife Agnieszka Kus daughter of Czesław and Elżbieta
2. The Land of Wilków Commune
3. Anna Marianna Roberts-Meier daughter of Józef and Genawefa

LIST OF AREAS

	Number of a plot	Total plot area in hectares	Type of arable land, class and area in hectares								
			87 R IIIb	88 S R IIIa	87 S R IIIb	86 S R IVa	87 Br R IIIb	86 Br R IVa	92 L IV	30 S Ps IV	85 Lzr Ps VI
1.	590/1	0.79		0.11	0.40		0.16	0.11			
2.	717/1	0.96								0.71	0.16
3.	740	0.20				0.09		0.11			
3.	589	0.31	0.15						0.15		
	Razem	2.26	0.15	0.11	0.40	0.09	0.16	0.22	0.15	0.71	0.16

In words: two hectares, twenty six ares**BOUNDARY PROJECT**

plots with registration No. 590/1 with the plot with registration No. 717/1

- along the lines: **18.1-674 – 18.1-673 – 18.1-1423 -18.1-1424** - on the basis of a consistent statement of the parties in protocol from 03.06.2022.

plots with registration No. 590/1 with the plot with registration No. 740 i 589

- along the lines: **18.1-1459 – 18.1-1458 – 18.1-681 – 18.1-682 – 18.1-683 – 18.1-684 – 18.1-685 – 18.1-625. – 18.1-620 – 18.1-623 – 18.1-624 – 18.1-1310** – on the basis of the collected evidence, the survey from the ownership measurement for the establishment of the master map from 1979, which was the basis for the modernization of the land registry from 2015.

Kerg GKK.66401.2.1711.2021**No. ks. zam. 14233 / 25 / 21**

This demarcation project map has been drawn up as of year 2022

Made by:

geodeta Małgorzata Araucz
uprawnienia MGPIB Nr 14233
Skowieszyn 86A, 24-130 Końskowola
NIP 716-126-78-41, tel. 605111850

Puławy, June 21st, 2022

GEODETA
upr. nr 14233
Małgorzata Araucz

(signature)

717/1
Współnota Gruntowa
GU EW 482/42,

95/P.


Lzr

18.1-673

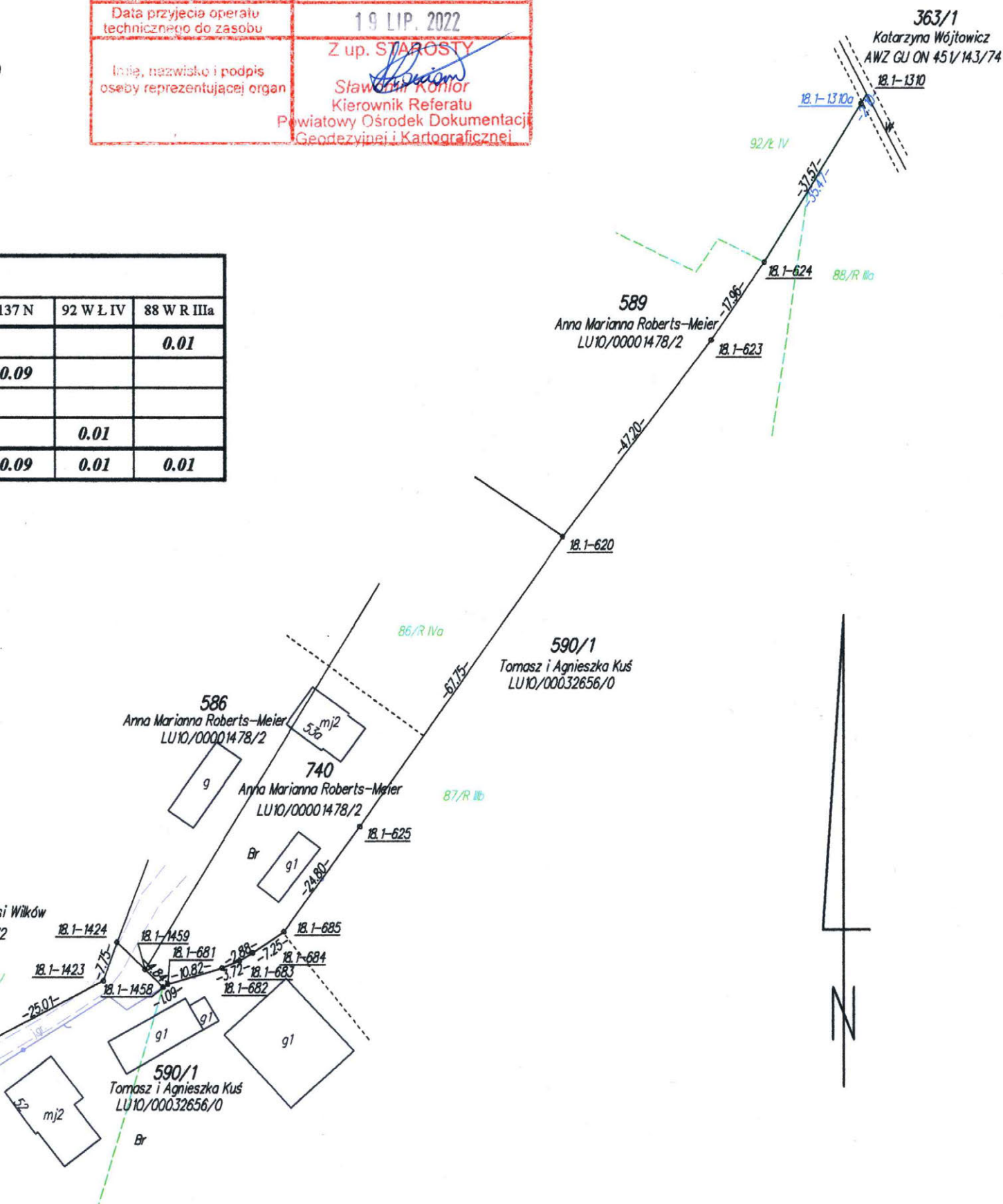
18.1-674

715

Gmina Wilków
LU10/00059806/2

Poświadczam, że niniejszy dokument został opracowany w wyniku prac, których rezultaty zawiera operat techniczny wpisany do ewidencji materiałów państwowego zasobu geodezyjnego i kartograficznego.	
Nazwa organu prowadzącego państwowy zasób geodezyjny i kartograficzny	STAROSTA OPOLSKI ul. Lubelska 4 24-300 Opole Lubelskie
Identyfikator ewidencyjny operatu technicznego	P.06/2.2022. 786
Data przyjęcia operatu technicznego do zasobu	19 LIP. 2022
Imię, nazwisko i podpis osoby reprezentującej organ	Z up. STAROSTY  Sławomir Kuchor Kierownik Referatu Powiatowy Ośrodek Dokumentacji Geodezyjnej i Kartograficznej

137 N	92 W L IV	88 W R IIIa
		0.01
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For the indisputably established boundary points, stabilization was performed in the presence of the parties in the following way: border points No. 18.1-1459, 18.1-1458, 18.1-620, 18.1-623, 18.1-624, 18.1-1310a were marked with iron pipes, border points No. 18.1-681, 18.1-682, 18.1-683, 18.1-684, 18.1-685, 18.1-625 are old metal fence posts or concrete posts inserted in place of the old ones. Point No. 18.1-1310a was marked on the line 18.1-624-18.1-1310 due to the lack of possibility to mark the point 18.1-1310 located in the middle of the drainage ditch.

The course of the border along the sections marked on the border sketch as follows: line 18.1 - 674-18.1-673-18.1-672-18.1-1422-18.1-671-18.1-1423-18.1-1424 is indicated on the basis of renewed border marks from the year 2020 border determination in the report No. P.0612.2020.653 – work interrupted. **The work was not interrupted. We withdrew our consent, when we realised the true intention was to allow Tomasz Kuś to expand his Plot to block our historic public access**

The course of the border along the sections marked on the border sketch as follows: line 18.1-674-18.1-673-18.1-1423-18.1-1424 was established on the basis of the unanimous declaration of the parties as the correction of the border line. **The declaration was not unanimous, because we would never agree to our neighbour expanding his plot to block our historic public access**

For the undisputed boundary points, stabilization was performed in the presence of the parties in the following manner: Points 18.1-674, 18.1-673, 18.1-1423 and 18.1-1414 were marked with iron pipes.

The parties present during the activities are requesting approval of the established border line between the plots by the decision of the Mayor of the Wilków Commune.

In connection with the above, it was adjudicated as in the sentence.

Instruction

The party has the right to appeal against this decision to the Local Government Appeals Court in Lublin through me within 14 days of its delivery. During the time limit for lodging an appeal, a party may waive the right to appeal against the public administration body that issued the decision. The decision becomes final and binding on the day the public administration authority is served with the declaration of waiver of the right to appeal by the last party to the proceedings.

PiS Mayor Daniel Kuś broke the law (that is: Article 33, section 3 of the Geodetic and Cartographic Law) when he directed us on an incorrect appeal path and, by refusing to correct his error, he is breaking further laws (that is: 1) Article 6 of the Code of Administrative Procedure (CoAP) in connection with Article 112 of the CoAP in connection with Article 113 of the CoAP; 2) Article 7 of the CoAP; 3) Article 77 of the CoAP; 4) Article 77 of the CoAP in connection with Article 107 § 3 of the CoAP; 5) Article 112 of the CoAP). Rather than holding PiS Mayor Daniel Kuś account for breaking the law, the Local Government Court of Appeals is currently tying us up with bureaucracy, claiming our lawyer doesn't have the correct paperwork. It is evident that Poles who marry Jews are not protected by the Law in Poland in the 21st Century.

They receive:

1. Ms. Agnieszka and Mr. Tomasz Kuś
residing in Wilków 52, 24-313 Wilków
2. Ms. Kamila Charchuła
Chairwoman of the Land Community
of the village of Wilków
residing in Wilków 44a, 24-313 Wilków
3. Ms. Anna Roberts-Meier
Puławska Street 18/137, 20-046 Lublin
4. Powiat Starost in Opole Lubelskie
Lubelska Street 4, 24-300 Opole Lubelskie
5. To file [= Ad acta]



WÓJT

Daniel Kuś
mgr inż. Daniel Kuś

Pobrano opłatę skarbową
w kwocie 10 zł
nr kwitariusza 01049/01
w dniu 12.08.2022r.

Sygn. akt III SA/Lu 336/23

ODPIS



The Administrative Court in Lublin rejected our appeal against the demarcation of 2022 because the Local Government Court of Appeal was not the correct authority to receive that appeal. The Administrative Court ruled that Gmina Wilków (the "first-instance authority") had directed us incorrectly

JUDGMENT**ON BEHALF OF THE REPUBLIC OF POLAND**

Dnia 23 November 2023 r.

Voivodship Administrative Court in Lublin composed of:

Chairman	Judge WSA Jerzy Drwal (sprawozdawca)
Judges	Judge WSA Ewa Ibrom
	Assessor WSA Agnieszka Kosowska

after considering on November 23rd, 2023 r.
at a closed session in a simplified procedure
the case of Anna Roberts-Meier's complaint
against the decision of the Local Government Appeal Court in Lublin of
May 11th, 2023, No. SKO.41/2540/GG/2023
regarding the declaration of inadmissibility appeal

dismisses the complaint.



Na oryginale właściwe podpisy
Za zgodność z oryginałem stwierdzam

Referent

Malgorzata Rebacz

and to this end, they provide them with the necessary explanations and instructions.

In the case under consideration, these principles were violated by the Kolegium, which resulted in the defectiveness of the decision issued by this body.

According to the Court, the first-instance authority incorrectly instructed the parties to the proceedings in its decision that the decision in question may be appealed to the Local Government Appeal Court in Lublin through the first-instance authority.

The Kolegium, despite the visible shortcomings of the first-instance body as to the proper instruction of the parties regarding their remedies and the complainant's actions without a professional representative, did not point to the content of Art. 33 section 3 of the Geodetic and Cartographic Law. It did not ask the complainant to specify whether her letter, contrary to the provisions of this provision, is an appeal or a request to refer the case to the Court, or whether it is of another nature. The Kolegium also did not provide information on the consequences of filing an appeal against the decision of the first-instance authority on the demarcation of real estate.

In the Court's opinion, the Kolegium issued a decision declaring the appeal as inadmissible at least prematurely, disregarding the procedural obligations arising from Art. 8 § 1 and art. 9 of the CoAP, as well as omitting its obligation to precisely determine the content of the party's request.

The Court indicated that when re-examining the case, the authority would summon the complainant again, referring to the content of Art. 33 section 3 of the Geodetic and Cartographic Law Act to specify its letter of August 25th, 2022, submitted within the deadline referred to in Art. 33 section 3 of the above-mentioned Act. It will also inform the party about the negative consequences for it if an appeal is filed contrary to the above provision.

Following the guidelines included in the Justification of the Judgment of the Voivodship Administrative Court in Lublin, the appellate body, in a letter of April 14th, 2023, summoned the party, pursuant to Art. 64 § 2 of the CoAP, to remove, within 7 days from the date of receipt of the request, the lack of a formal application of August 25th, 2022, by indicating whether this application constitutes an appeal against the administrative decision of the Mayor of the Wilków Commune of August 10th, 2022, on the demarcation real estate or is of a different nature (with a request to indicate it), otherwise the application will not be considered. At the same time, the Kolegium informed the party that there is no appeal from the decision issued under Art. 33 section 1 of the Act of May 17th, 1989, Geodetic and Cartographic Law.

Lubelski Wojewódzki Inspektor
Nadzoru Budowlanego
w Lublinie

Lublin, 07 stycznia 2013r.

Znak: ZOA-VII.7721.44.2011

To pismo pokazuje, że władze wiedziały, że granica Tomasza Kusia z drogą publiczną nr 715 nie miała żadnego historycznego uzasadnienia, ale przyjaciele Tomasza Kusia w Lublinie pozwolili mu w każdym razie budować na drodze publicznej, aby ograniczyć szerokość naszego dostępu do zaledwie 1,60 m (z 1 m buforem z każdej strony). Tylko Żydzi w getcie byliby ograniczeni takimi ograniczeniami.

D E C Y Z J A

Based on Article. 13 8 § 2 of the Act of June 14, 1960. Code of Administrative Procedure (consolidated text in journal of Laws No. 98, item 1071 of 2000, as amended :) and in relation to art. 80 clause 2 point 2 and art. 83 paragraph 2 of the Act of July 7, 1994. Construction Law (consolidated text in journal of Laws No. 243, item 1623 of 2010 as amended) - after considering the appeal of the State of Agnieszka and Tomasz Kuś against the decision of Poviát Supervision Inspector Construction in Opole Lubelskie of 19 September 2012. sign: NB.7355.III / W-3/12, ordering Agnieszka and Tomasz Kuś to demolish the footing (made at the border with the municipal road - plot No. 715) of the fence on plot No. 590/1 / in Wilków

- I annul the contested decision in its entirety and refer the case back to the first instance authority

U Z A S A D N I E N I E

The file shows that the State of Agnieszka and Tomasz married. On April 8, 201st, Kuś reported the construction of a fence for plot No. 590/1 located in Wilków in the Poviát Starosty of Opole Lubelskie. The application has an annotation

Communes that on the basis of the spatial development plan of the Wilkow commune, the location of the fence of plot No. 590/1 was agreed at a distance of 1 m from the plot No. 715, constituting a commune road. The attached situational sketch to the notification also shows that the fence on the section marked with letters A-B applies to the fence from the side of plot No. 717/1 while the section marked with letters B-C-D concerns the fence from the side of plot No. 715.

During those made by the authority of first instance on August 28, 2012. on plot no. 590/1, it was determined that from the commune road side (plot no. 715) three reinforced concrete foundation footings constituting the foundation for the posts on which the gate and gate would be mounted. Along the municipal road, an old fence was found on steel posts concreted in the ground, to which metal spans were attached. The existing fence along the commune road as well as the newly made footing from the north-west side is located at the edge of the commune road (plot No. 715). In light of the PINB findings in Opole. decided that the construction of the fence started in 2010 was not in line with the conditions of the notification, because the conditions of filing located the fence at a distance of 1 m from the edge of the road.

By order of 17 September 2012, sign: NB.7355.III / W-3/12, issued on the basis of art. 50 paragraph 1 point 4 of the Construction Law, the authority of 1 instance suspended construction works on the construction of a fence carried out on plot No. 590/1 in Wilków, on the basis of a notification that significantly differs from the arrangements and conditions specified in the provisions.

Then, the decision mentioned at the beginning, issued on the basis of art. 51 section 1 point 1 of the Act of July 7, 1994. Construction Law, Agnieszka and Tomasz Kuś were ordered to demolish the footing, made as one of the elements of the newly built fence.

They were obliged to dismantle the decision against the decision. The applicants claim that the municipal road is not geodetic on the land. Two years have passed since the notification of the construction of the fence and so far the Commune Office of Wilków cannot determine the location of the road edge. On August 28 this year, at the request of the Commune Office, the surveyor arrived at the construction site, however, he was unable to mark the way due to the lack of any geodetic points. The land surveyor marked the way approximately, without relevant arrangements and signatures. For the above reasons, it is incomprehensible to you that after such measurements PINB in Opole Lub. stated that the footing is too close to the edge of the road.

After considering the above appeal authority of the second instance states as follows

Article 30 1 point 3 of the construction law says that the construction of fences on the side of roads, streets, squares, railroad tracks and other public places as well as fences with a height of over 2.20 m requires notification to the competent authority.

WIn the opinion of the 2nd instance authority, the fence implemented by Agnieszka and Tomasz Kuś did not require notification at the Powiat Starosty in Opole Lubelskie, because it is not a fence implemented from the side of roads, streets, squares, railway tracks and other public places and does not have a height above 2, 20 m. The fence, as is clear from the findings of the authority of the first instance, on the section marked with letters AB on the graphic attachment to the notification, concerns the fence from the side of the plot No. 717/1, while the section marked with the letters BCD refers to the fence from the side of the plot No. 715 Plot No. 717/1, according to the land register of the Wilków Commune, is the property of the rural community, and plot No. 715 is the property of the Commune of Wilków.

In the opinion of the appeal body, contrary to the position of the Head of the Wilków Commune, plot No. 715 does not constitute a commune road, because in the light of the settled court-administrative ruling, a commune road can be said when the criteria giving rise to the classification of the land strip as a public road within the meaning of Art. 1 of the Act of March 21, 1985 on public roads (Journal of Laws No. 14, item 60 as amended). Well, according to this article, a public road is a road classified on the basis of this Act to one of the categories of roads that anyone can use for its intended purpose, with restrictions and exceptions specified in this Act or other special provisions. The main distinguishing features of a public road are, therefore, two elements: the entity's unlimited use of the road and the inclusion of the road in a category defined by law, i.e. pursuant to art. 2 clause of this Act - to the national road, voivodship road, commune or local road, city road or factory road.

From the content of the letter of the Wilków Commune Office of December 4, 2012. sign: GKiR.6723.4.2012 shows that no resolution has been adopted regarding the classification of the road, located on plot No. 715, to the category of municipal roads. According to the abovementioned case, the basis for the order by the first instance authority to demolish the footing is authority, the fact that it was built contrary to the conditions of the notification -; that is, less than 1 m from the border of plot No. 715.

Meanwhile, the information contained in the above-mentioned letter from the Wilków Commune Office shows that the surveyor's activities, which took place on plots No. 715 and No. 590/1 on August 28, 2012, were of a preparatory nature. Due to the lack of data, the surveyor indicated the route in accordance with the use on the ground in order to compare the route to the parcel boundary. Therefore, it follows from the above that the border between the plot of Kuś and the internal road is currently unknown. The analysis of the case file also shows that the foundation footing was located by the investor at a distance greater than the border of plot No. 715 than the existing fence, the appearance of which is shown in the photographs constituting an annex to the inspection report of 28 August 2012, indicates that the it was much earlier.

In the light of the above-mentioned circumstances, the authority of the second instance states that the order to demolish the foundation footing was issued prematurely by the PINB in Opole Lubelskie, based on insufficient evidence, which constitutes a breach of Art. 7 and 77 Kpa. .

For the above reason, the 2nd instance authority overruled the decision of PINB in Opole, appealed by Agnieszka 1 Tomasz Kuś. and remitted the case.

THIS DECISION IS FINAL

Na niniejszą decyzję przysługuje uprawnionym prawo wniesienia skargi do Wojewódzkiego Sądu Administracyjnego w Lublinie za moim pośrednictwem z zachowaniem terminu 30 dni od daty doręczenia decyzji. Skargę należy złożyć w 2 egzemplarzach.

WOJEWÓDZKI INSPEKTOR
NADZORU BUDOWLANEGO
W LUBLINIE

mgr inż. Urszula Sieteska



Otrzymują:

1. Pani Agnieszka Kuś, Wilków 52, 24-313 Wilków
2. Pan Tomasz Kuś, Wilków 52, 24-313 Wilków
- ③ Pani Genowefa Kijak, Wilków 53, 24-313 Wilków
4. Gmina Wilków, 24-313 Wilków
5. Powiatowy Inspektor Nadzoru Budowlanego w Opolu Lubelskim
6. a/a

Do wiadomości :

Starostwo Powiatowe w Opolu Lubelskim



STAROSTWO POWIATOWE W OPOLU LUBELSKIM

ul. Lubelska 4, 24-300 Opole Lubelskie
tel. /081/ 827 22 60, fax. /081/ 827 22 36
e-mail: starostwo@opole.lublin.pl www.opole.lublin.pl

Opole Lubelskie, 05.10.2019r.

GKK.66410.44.2019

Pani Anna Roberts - Meier
ul. Chopina 25/49 20-023 Lublin

Postmark 06/11/2019 - The Starosta Surveyor lies about dates after we withdrew consent to a survey on 15/10/2019, to pretend there was an earlier survey on 14/08/2019. This lie lead to further lies that we had removed the metal posts of a second survey, rather than the wooden posts of an initial survey

In response to the request of 15.10.2019 regarding the annulment of activities regarding the determination of the plot boundaries by a surveyor Roman Michalczyk, the Poviast Eldership in Opole Lubelski kindly informs that Mr. Roman Michalczyk submitted to PODGiK a geodetic survey consisting in drawing up a map with the project of division of real estate No. 717/1 within 18-Wilków, commune Wolves. This work was submitted on August 14, 2019 and registered in the register of applications under number GKK.66401.2.979.2019. To date, the authority has not received notification of the completion of these works and no sets of new, modified or verified data that belong to the information scope of the databases referred to in art. 4 paragraph 1 a points 1-5 and 8-1 O and para. 1 b of the Geodetic and Cartographic Law. Documents required by regulations issued on the basis of art. 19 paragraph 1 point 11 or certified copies thereof. In the event of the transfer of materials resulting from the above-mentioned geodetic activities, the authority in accordance with Art. 12 b of the Geodetic Law Act - carton 1 vol. j -z - Dz Of Laws of 2019, item 725 with later changes) will verify the results of geodetic works in terms of compliance with the provisions of law in force in geodesy and cartography. In the event of a negative verification result, the body of the Geodetic and Cartographic Service returns the geodetic or cartographic works contractor with the data sets or other materials provided by him, together with a report containing a description of the deficiencies and irregularities found. In the case of a negative verification result, the contractor of geodetic works or cartographic works has the right, within 14 days from the date of receipt of the report, to respond in writing to the results of the verification. If the body of the Geodetic and Cartographic Service does not take into account the position of the contractor of geodetic works or cartographic works, it issues an administrative decision refusing to accept data sets or other materials prepared by this contractor in the state geodetic and cartographic resource.

You will be informed in a separate letter about the results of the verification of the technical survey and admission to the state geodetic and cartographic resource.

Z up. 
Sławomir Konior
Kierownik Referatu
Powiatowy Ośrodek Dokumentacji
Geodezyjnej i Kartograficznej

In finding my family guilty, the Courts of Opole Lubelskie provide neither maps showing our neighbour's ownership of the land in question, nor the film which would have shown us removing wooden posts of the surveyor. Our neighbour was the one who broke the law by planting metal posts, but those with family in the police are not required to provide evidence or follow the law

STAROSTWO POWIATOWE
Ul. Lubelska 4, 24-300 Opole Lubelskie
tel. 081 827 22 60, fax. 081 827 22 36
NIP: 717-15-51-294

GKK. 68410. 44. 2019



08/12/2019
an
OPŁATA POBRANA
TAXE PERÇUE - POLOGNE
Umowa z Poczta Polska S.A. ID 377359/L

Za zwrotnym
potwierdzeniem
odbioru

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03/2019

Pani

Anne Roberts - Meier

ul. Chopina 25/48

20-023 Lublin

POLECONY