



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

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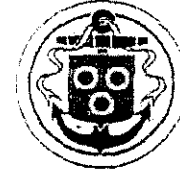
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Thur, 18 Sep 2014

Council Meetings - Subcouncil

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Agenda Item No.	19SUB28/09/14
Subject	ADDITIONAL ITEM: PROPOSED DISPOSAL OF A PORTION OF CITY LAND, BEING A PORTION OF CAPE TOWN COMMONAGE (CAPE FARM 920), SITUATED AT QUARTERDECK ROAD, KALK BAY; ANTHONY MICHAEL BUTLER AND ANNE FRANCES JELLEMA
Subcouncil	SubCouncil 19
Meeting Date	Monday, September 15, 2014
Resolution Date	
Date Closed	Thursday, September 18, 2014
Publications	
By-laws	Resolution Detail
Policies	RESOLVED that
Website feedback	for the reasons set out in the report,
	it is RECOMMENDED that
	a) Council resolve that in terms of Section 14 of the Local Government Municipal Finance Management Act No 56 of 2003, the property is not required to provide the minimum level of basic municipal services, and is surplus to the requirements of the municipality.
	b) The disposal of a portion of City Land, being a portion of Cape Town Commonage (Cape Farm No. 920), situated at Quarterdeck Road, Kalk Bay, as shown lettered ABCDEF on plan No LT1001v0 attached as "Annexure A" in extent approximately 123m ² , to Anthony Michael Butler and Anne Frances Jellema or their successors in title be approved subject inter alia to the following conditions, that:
	i. A market related purchase price of R 110 000 excluding VAT of 14%, being R15 400 (in total R125 400), be payable;
	ii. The purchase price will escalate by 5% compounded per annum on a pro rata basis commencing six months after date of valuation, being 30 May 2014 to date of transfer;
	iii. Subject to such further conditions to be imposed by the Director Property Management in terms of her delegated authority;
	iv. All costs related to the transaction will be borne by the purchaser;
	v. Subject to compliance with any other statutory requirements;
	vi. The property may only be used for gardening purposes and no structures may be erected thereon;
	vii. All invasive alien vegetation to be removed;
	viii. Any redevelopment of the applicant's property must exclude the subject property and the existing building lines in respect of the applicant's property must remain;
	ix. Any alteration to electricity services necessary as a consequence of the proposal or requested by the applicants will be carried out at the expense of the applicants;
	x. No excavation is to take place on the site until the requirements of the Occupational Health & Safety Act No 85 of 1993 and Section 141 (1) of the Municipal Ordinance have been adhered to. In this regard the Manager: High Voltage Cabled must be contacted prior to the commencement of any work;
	xi. The applicants must notify Telkom immediately should any Telkom plant be exposed on the property and any cost for the deviation or removal of such plant due to the proposal will be for the account of the applicant. Telkom will also require access at all times to carry out maintenance;
	Action: Wilson Baartman, Garda Du Plessis



CITY OF CAPE TOWN
CITY PLANNER'S DEPARTMENT
STAD KAAPSTAD
DEPARTEMENT VAN DIE
STADSBEPLANNER

ENPE1028

MEMORANDUM

My Ref S.1324(613)

Ask for Mr Zinn
Tel 400 3055
Date

To CITY TREASURER

1. Housing Accounts and Leases
2. Valuations and Property Transfers

ENCROACHMENT DETAILS AND IDENTIFICATION

1. THIS IS A RENEWAL / TRANSFER / ~~NEW~~ ENCROACHMENT
2. LOCATION OF ENCROACHMENT Quartermack Road
Halk Bay
3. NAME OF ENCROACHER R.J.M. Pretorius and Mrs V. Pretorius
4. ADDRESS FOR ACCOUNTS 40 Mrs B. Visagie, 3 Leeson Road,
(CREDIT VOTE 2602/006) Effindale Heathfield 7945
5. ENCROACHMENT PERMIT NUMBER S.E.P. 563
6. COMMENCEMENT DATE 1996-06-25
7. FEE R50 pa
8. PREVIOUS ENCROACHER Est Lata P.A. H. Bryant
9. PREVIOUS ENCROACHMENT PERMIT NUMBER SEP S.E.P. 563
10. CANCELLATION DATE 1996-06-24
11. ENCROACHER'S PROPERTY REF EE095A028
12. ENCROACHMENT PROPERTY REF EE095A40
13. VALUE OF ENCROACHMENT
- ALLOCATION - LAND BUILDINGS.....
- NOT VALUED - SHOULD BE IN INTERIM

for CITY PLANNER (Surveys and Land Information Branch)

S.E.P. 563.

CITY OF CAPE TOWN
ENCROACHMENT PERMIT



Permission is hereby granted for RAPHAEL IFAN MARC PRETECEILLE AND VALERIE PRETECEILLE (the encroacher) to retain the encroachment on municipal land shown lettered ABCDEF on Plan ST 7633/6, a copy of which is annexed, measuring in extent approximately 123 square metres, subject to the following conditions:

1. That a fee of R50 per annum shall be paid to the Council whilst the encroachment exists with effect from the 25TH JUNE 1996.
2. That the encroachment shall be used only for the purpose for which it was used at the time of the granting of this permit, and it shall not be altered or extended or any further structure erected thereon.
3. That should the encroachment form portion of a garden, the trees, shrubs and other vegetation on the land shall be maintained by the Encroacher.
4. The encroacher shall, at his / her own expense, trim or remove any vegetation which is, or threatens to become unsightly or dangerous and the Council shall have the right (but not a duty) to trim or remove such vegetation at the Encroacher's expense if the Encroacher fails to take the appropriate action.
5. That the Encroacher shall be responsible for the payment of rates and taxes in respect of the encroachment and, if required, shall refund to the council any costs in obtaining a valuation for rating purposes.
6. That in the event of the whole or part of the property abutting the area encroached upon being disposed of whilst the encroachment is still in existence, it shall be a condition of such disposal that the person acquiring the said property shall before transfer is passed acknowledge in writing to the City Treasurer that he / she accepts in all respects the conditions of this permit as applying to him / her mutatis mutandis and that he / she will immediately after transfer has been registered in his / her name, obtain a similar permit or remove the encroachment.
7. That this permit may be terminated at any time upon one month's notice in writing without payment of any compensation by the Council, but in any event shall not endure for for a period longer than 10 years, after which period the permission hereby granted will require to be renewed or the encroachment removed.
8. That upon termination of this permit the Encroacher shall be obligated to remove the encroachment at his / her own cost and shall not be entitled to claim for compensation in respect thereof, but in any event the Encroacher shall remain liable in terms of this permit until a succeeding encroacher has succeeded him / her in his / her obligations under the permit or the encroachment has been removed.
9. That the Encroacher shall indemnify the Council against all claims for damage arising out of the existence of the encroachment.

The above conditions are accepted by me and I hereby indemnify the Council and undertake to keep the Council indemnified against all liability whatsoever caused or arising that may be the direct or indirect result of the existence of the encroachment or use of the area encroached upon and against all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken or made against the Council or incurred or become payable by the Council in the future, any period.

[Signature]

[Signature]

[Signature]

[Signature]

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Annexure

VALUATION SYNOPSIS: DISPOSAL OF A PORTION OF CAPE TOWN COMMONAGE, CAPE FARM 920, LOCATED ALONG QUARTERDECK ROAD, KALK BAY, TO A BUTLER AND A JELLEMA***Brief and background***

Market Valuations has been tasked with determining the market value of a portion of Cape Farm 920 (hereafter 'the subject property'), as at 30 May 2014.

The City was approached by A Butler and A Jellema (hereafter 'the applicants') who wants to purchase the subject property, which abuts their residential property. The subject property, in extent approximately 123m², is shown lettered ABCDEF on the sketch plan attached to our valuation report. It is located in Kalk Bay and is currently a narrow strip of Cape Commonage.

The proposed disposal has been circulated to the relevant municipal departments, whose conditions of approval are, for the most part, standard conditions barring the fact that the land may only be used for gardening purposes only with no structures being permitted.

The applicants wish to purchase the subject property and retain its usage for garden purposes.

Valuation methodology

The so-called *market approach* (also called the *comparable-sales method*) was used to value the subject property; this approach entails deducing the value of a property by comparing it to similar properties for which sale's information is available.

Market research on comparable land sales

Sales transactions researched						
No	Description	Extent	Sale's information			Comments
			Date	R	[R/m ²	
1	Erf 90318 36 Quarterdeck Rd Kalk Bay	480m ²	2012-07	R1 500 000	R3 125/m ²	Situated 89m away from applicants' property; it is land-locked and was purchased in 2012 along with 2 other properties below it, which do have access to Main Road. Possible site assembly.
2	Erf 88473 6 Capri Rd St James	358m ²	2010-06	R1 500 000	R4 190/m ²	Situated further north of the applicants' property, some 618m away. Close to Main Rd, offering fair views.
3	Erf 88681 101 Main Rd St James	1 087m ²	2009-07	R3 600 000	R3 312/m ²	Situated between Main Rd and the railway line. Zoned Single Dwelling and owned by Rovos Rail; possible future use for offices.
4	Erf 88585 4 Hillside Rd St James	491m ²	2008/12	R1 850 000	R3 768/m ²	418m away from applicants' property. Vacant at time of sale. Good views.

Source: Electronic link to Deeds Office records (www.cma.co.za)

http://05teamb.cape.gov.za/work/1/prop/prop/valuations/users/printout/name/2014/Kalk_Bay/90317_CF920_QuarterdeckRd_ButlerJellema_D.docx

Conclusion of market value

Based on the above sales, and allowing for all value-forming attributes of the subject property, the applicants' property (measuring 678m²), assuming it was vacant, is deemed to be in the order of R2 440 000 or ±R3 600/m².

As the subject property will only be used and restricted to gardening purposes only we deem its utility to be 25% of the latter market-value rate – especially as in this instance the utility is diminished by the need for terracing, due to the natural slope of the land, which effectively reduces the useable area.

Thus, we deem the market value of the subject property as at 30 May 2014 to be in the order of:

$$123\text{m}^2 \times \text{R}3\,600/\text{m}^2 \times 25\% = \text{R}110\,000 \text{ (rounded) (excluding VAT)}$$

Recommendations

Based on the above, the City's Professional Valuer recommends that the subject property, in extent 123m², as shown lettered ABCDEF on the sketch plan attached to our valuation report, be sold to A Butier and A Jellema for an amount of **R110 000, exclusive of VAT**.

Please note:

- (i) Should the transaction not be concluded within a 6-month period from date of valuation (i.e. by 1 November 2014), the purchase price be adjusted by 5% per annum thereafter (i.e. 5% + 12 months x number of months after 6 month period).
- (ii) The sale is to be subject to a title deed restriction limiting the use thereof to "garden purposes" only i.e. no structures whatsoever to be permitted.
- (iii) Should the transaction not be implemented within 18 months from the date of valuation (i.e. by 1 November 2015), the property be valued anew.



Graham Harms
Professional Associated Valuer



Garth Johnson
Principal Professional Valuer- Disposals
2014-05-08

http://cityteams.cape.gov.za/sites/property/valuations/Users/graham%20harms/2014%20Kalk%20Bay%2017_C%20Quarterdeck%20ButierJellema_D.docx



South African Revenue Service

Tax Clearance Certificate Number 0002/2/2014/0006576602
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Tax Clearance Certificate - Good Standing

Enquiries
 0800 00 7277
 Approved Date
 2014-11-11
 Expiry Date
 2015-11-11

Identity Number/ Passport Number	761268504
Company Registration Number	
Income Tax	1923274144 - AM BUTLER
Trading Name	
Tender Number	GoodStanding

It is hereby confirmed that, on the basis of the information at my disposal, the above-mentioned taxpayer has complied with the requirements as set out in section 256(3) of the Tax Administration Act.

This certificate is valid for a period of 12 months unless otherwise communicated by SARS.

Verification of this certificate can be done at any SARS Revenue office nationwide.

Photo copies of this certificate are not valid.

SARS reserves the right to withdraw this certificate at any time should any taxes, levies or duties become due and outstanding by the above taxpayer during the one year period for which the certificate is valid.

This certificate is issued free of charge by SARS.



South African Revenue Service

Tax Clearance Certificate Number 0002/2/2014/0005628744
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Tax Clearance Certificate - Good Standing

Enquiries
 0800 00 7277
Approved Date
 2014-01-28
Expiry Date
 2015-01-28

Identity Number/ Passport Number	712164502
Company Registration Number	
Income Tax	2204533141 - AF Jellema
Name	AF Jellema
Tender Number	GoodStanding

It is hereby confirmed that, on the basis of the information at my disposal, the above-mentioned taxpayer has not contravened the provisions of Income Tax Act (1962), Value Added Tax Act (1991), Employees Tax (PAYE as contained within the Income Tax Act 1962), Skills Development Levies Act (1999) or Unemployment Insurance Contributions Act (2002), as at date of this certificate.

This Certificate is Valid for a period of 1 (One) Year from the date of approval

Verification of this certificate can be done at any SARS Revenue office nationwide.

Photo copies of this certificate are not valid.

SARS reserves the right to withdraw this certificate at any time should any taxes, levies or duties become due and outstanding by the above taxpayer during the one year period for which the certificate is valid.

This certificate is issued free of charge by SARS