

ITEM NUMBER: C 18/03/15

RECOMMENDATION FROM THE EXECUTIVE MAYOR: 17 FEBRUARY 2015

MC 24/02/15 PROPOSED CLOSURE AND DISPOSAL OF A PORTION OF A PUBLIC STREET, BEING A PORTION OF ERF 4178, KOMMETJIE, SITUATED AT WIRELESS STREET, KOMMETJIE: CAROLYN WENDY HIGGO

It is **RECOMMENDED** that:

- (a) condonation and ratification be granted for the in principle approval in terms of Regulation 5(1)(b)(ii) together with the final approval in terms of recommendation (d) below
- (b) Council resolve that, in terms of Section 14 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, the property not be required to provide the minimum level of basic municipal services
- (c) Council approve of the closure of the abovementioned property, being a portion of a public street, in terms of Section 6 of the By-law relating to the Management and Administration of the City of Cape Town's Immovable Property
- (d) Council approve the disposal of a portion of Erf 4178, Kommetjie, being a portion of a public street situated at Wireless Road, Kommetjie, in extent approximately 39 m² shown hatched and lettered ABC on the plan attached as Annexure A to the report on the agenda, to Carolyn Wendy Higgo, or her successor(s)-in-title, subject *inter alia* to the following conditions, that:
 - (i) the property be sold at a market-related sale price of R45 000 excluding VAT of 14%, being R6 300 (in total - R51 300);
 - (ii) should the transaction not be concluded within a six-month period from date of valuation (i.e. by 1 September 2014), the purchase price shall be adjusted by 5% per annum thereafter (i.e. $5\% \div 12 \text{ months} \times \text{number of months after the six-month period}$);
 - (iii) should the transaction not be concluded within 18 months from the date of valuation (i.e. by 1 September 2015), the property shall be valued anew;
 - (iv) subject to such further conditions to be imposed by the Director: Property Management in the exercise of her delegated authority;

- (v) subject to compliance with any other statutory requirements;
- (vi) all costs related to the transaction be borne by the applicant;
- (vii) electrical services exist in the vicinity and the following condition will apply:
 - (aa) any alteration or deviations to electricity services necessary as a consequence of the proposal, or requested by the applicant, will be carried out at the applicant's cost.
- (viii) no Telkom services are known to exist in the vicinity but the following conditions will apply:
 - (aa) it is the responsibility of the applicant to notify Telkom immediately should the applicant locate any Telkom plant which might not be indicated on the plan;
 - (bb) it must be made known to the applicant that Telkom requires access to carry out maintenance or upgrade existing plants at all times.

MC 24/02/15

IPAC 07/12/2014 PROPOSED CLOSURE AND DISPOSAL OF A PORTION OF A PUBLIC STREET, BEING A PORTION OF ERF 4178, KOMMETJIE, SITUATED AT WIRELESS STREET, KOMMETJIE: CAROLYN WENDY HIGGO

ISIPHAKAMISO SOKUVALWA NOKUNIKEZELWA KWESIQEPHU SESITARATO SOLUNTU, ESISIQEPHU SESIZA-4178, E-KOMMETJIE, ESISE-WIRELESS STREET, E-KOMMETJIE: SINIKEZELWE KU-CAROLYN WENDY HIGGO

VOORGESTELDE SLUITING EN VERVREEMDING VAN 'N GEDEELTE VAN 'N OPENBARE STRAAT, NAAMLIK 'N GEDEELTE VAN ERF 4178, KOMMETJIE, GELEË TE WIRELESSSTRAAT, KOMMETJIE: CAROLYN WENDY HIGGO

The Committee requested that the in principle clause be included in the recommendations.

RECOMMENDED TO COUNCIL that:

- a) Condonation and ratification be granted for the in principle approval in terms of Regulation 5(1)(b)(ii) together with the final approval in terms of Recommendation d) below;
- b) Council resolve that, in terms of section 14 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, the property not be required to provide the minimum level of basic municipal services.
- c) Council approve of the closure of the abovementioned property, being a portion of a public street, in terms of section 6 of the By-law relating to the Management and Administration of the City of Cape Town's Immovable Property.
- d) Council approve the disposal of a portion of erf 4178, Kommetjie, being a portion of a public street situated at Wireless Road, Kommetjie, in extent approximately 39 m² shown hatched and lettered ABC on the sketch plan attached as annexure A to Carolyn Wendy Higgs or her successor(s) in title, subject inter alia to the following conditions, that:

- (i) The property be sold at a market-related sale price of R45 000 excluding VAT of 14%, being R6 300 (in total R51 300);
- 122
- (ii) Should the transaction not be concluded within a six-month period from date of valuation (i.e. by 1 September 2014), the purchase price shall be adjusted by 5% per annum thereafter (i.e. $5\% \div 12 \text{ months} \times \text{number of months after the six-month period}$);
- (iii) Should the transaction not be concluded within 18 months from the date of valuation (i.e. by 1 September 2015), the property shall be valued anew;
- (iv) Subject to such further conditions to be imposed by the Director: Property Management in the exercise of her delegated authority;
- (v) Subject to compliance with any other statutory requirements;
- (vi) All costs related to the transaction be borne by the applicant;
- (vii) Electrical services exist in the vicinity and the following condition will apply:
- (aa) Any alteration or deviations to electricity services necessary as a consequence of the proposal, or requested by the applicant, will be carried out at the applicant's cost.
- (viii) No Telkom services are known to exist in the vicinity but the following conditions will apply:
- (aa) It is the responsibility of the applicant to notify Telkom immediately should the applicant locate any Telkom plant which might not be indicated on the plan;
- (bb) It must be made known to the applicant that Telkom requires access to carry out maintenance or upgrade existing plants at all times.

IZINDULULO

Kundululwe ukuba:

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- a) Makuvunyelwe ukwamkelwa nokulungiswa kulungiselelwa ukuphunyezwa ngokomthetho-siseko, ngokungqinelana nomgaqo-5(1)(b)(ii) kunye nokuphunyezwa okokugqibela kwesindululo-d) ngezantsi apha;
- b) IBhunga liggibe ngokwecandelo-14 loMthetho wobuRhulumente boMmandla ongoMthetho woLawulo lweziMali zikaMasipala onguNomb.56 wango-2003, ukuba ipropati ayisafuneki nganto ukubonelela ngomlinganiselo othile weenkondo ezingundoqo zikamasipala.
- c) IBhunga maliphumeze ukuvalwa kwale propati ekhankanywe ngentla apha, esisiqephu sesitrato soluntu, ngokwecandelo-6 loMthetho kaMasipala weSixeko saseKapa ophathelene nokuPhathwa nezolawulo lwePropati engenakususwa.
- d) IBhunga maliphumeze ukunikezelwa kwesiza-4178, esise-Kommetjie, isiqephu sesitrato soluntu esise-Wireless Road, e-Kommetjie, esibukhulu obumalunga ne-39 m², esibonakaliswe ngomzobo nangoonobumba abakhulu u-ABC kumzobo weplani eqhotyoshelwe kwisihlomelo-A, ku Carolyn Wendy Higgs okanye kwabangena ezihlangwini zabo ngokwetayitile, ngokuxhomekeke ekuthotyelweni kwale miqathango ilandelayo yokuba:
 - i) Ipropati mayithengiswe ngexabiso eliphathelene nelasemakethi elingama- R45 000, ngaphandle kweRhafu-ntengo eli-14%, elili-R6 300 (apho iyonke ingama-R51 300);
 - ii) Ukuba kuthe unaniselwano olu luye alaqunjelwa kwisithuba seenyanga ezintandathu ukususela kumhla woqingqo-maxabiso (ongowo-1 Septemba 2014), emva koko ixabiso lentengiso kufuneka lilungelelaniswe nge-5% ngonyaka (5% yahlulwa-hlulwe ngeenyanga ezili-12 ziphinda-phindwe ngenani leenyanga emva kwesithuba seenyanga ezi-6);
 - iii) Ukuba kuthe unaniselwano olu luye alamselwa kwiinyanga ezili-18 ukususela kumhla woqingqo-maxabiso (ongowo-1 Septemba 2015), ipropati kufuneka iqingqwe ixabiso ;
 - iv) Ngokuxhomekeke kwimiqathango ethe xhaxhe eyakuthi inyanzeliswe nguMlawuli woLawulo lwePropati esebenzisa amagunya akhe awagunyaziselweyo;
 - v) Ngokuxhomekeke ekuthotyelweni kwayo nayiphina imimiselo yomthetho engeminye;
 - vi) Zonke iindleko eziphathelene nonaniselwano ziyakuthi zibeluxanduva lomfakai-sicelo;
 - vii) Iinkonzo zoMbane ziyafumaneka kumbindi wommandla woqeshiso kwakhona kuyakuthi kusetyenziswe lo mqathango ulandelayo:

✓

(aa) Naluphina uguqulelo okanye utenxo kwiinkonzo zombane olufunekayo ngenxa yesiphakamiso, okanye ngenxa yokuba lucelwe ngumfaki-sicelo, luyakuthi luqhutywe ngokwendleko zomfaki-sicelo; 124

viii) Akukho zinkonzo zikhoyo zabakwa-Telkom kumbindi wommandla woqeshiso kodwa kuyakuthi kusetyenziswe le miqathango ilandelayo:

(aa) Luxanduva lomfaki-sicelo lokuba azise abakwa-Telkom kwangoko, xa kuthe umfaki-sicelo ethe wagqiba ekubeni afuduse naliphina iziko labakwa-Telkom apho lungabe alubonakaliswanga kwisicwangciso (kwiplani);

(bb) Kufuneka umfaki-sicelo azisiwe ukuba abakwa-Telkom kufuneka bengenile ukuze baqhube umsebenzi wononophelo okanye ongowohlaziyo lwamaziko abo asele emiselwe, ngawo onke amaxesha.

AANBEVELING

Daar word aanbeveel dat:

- a) Kondonering en bekragtiging toegestaan word vir goedkeuring in beginsel ingevolge regulasie 5(1)(b)(ii), tesame met die finale goedkeuring in ooreenstemming met aanbeveling d) hier onder;
- b) Die Raad, ingevolge artikel 14 van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, Wet 56 van 2003, besluit dat die eiendom nie vir die voorsiening van die minimum vlak van basiese munisipale dienste vereis word nie.
- c) Die Raad die sluiting van die bogenoemde eiendom, naamlik 'n gedeelte van 'n openbare straat, goedkeur ingevolge artikel 6 van die Verordening met betrekking tot die Bestuur en Administrasie van die Stad Kaapstad se Onroerende Eiendom.
- d) Die Raad die vervreemding van erf 4178, Kommetjie, 'n gedeelte van 'n openbare straat geleë te Wirelessweg, Kommetjie, ongeveer 39 m² groot, gearseer en aangetoon met die letters ABCD op die sketsplan aangeheg as bylae A, aan Carolyn Wendy Higgo, of haar regsopvolger(s), goedkeur onderworpe onder andere aan die volgende voorwaardes dat:
 - (i) Die eiendom teen 'n markverwante verkoopprijs van R45 000, 14%-BTW uitgesluit waar van toepassing, naamlik R6 300 (R51 300 in totaal) verkoop word;
 - (ii) Indien die transaksie nie binne ses maande vanaf die waardasiedatum (d.i. teen 1 September 2014) afgehandel is nie, sal die koopprijs daarna met 5% per jaar aangepas word (d.i. $5\% \div 12$ maande x getal maande ná die



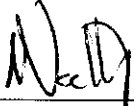
sesmaandtydperk);

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- (iii) Indien die transaksie nie 8 maande vanaf die waardasiedatum (d.i. teen 1 September 2015) afgehandel is nie, sal die eiendom opnuut waardeer word;
- (iv) Onderworpe aan sodanige verdere voorwaardes wat die direkteur: eiendomsbestuur in die uitoefening van haar gedelegeerde bevoegdheid oplê;
- (v) Onderworpe aan die nakoming van enige ander statutêre vereistes;
- (vi) Alle koste wat met die transaksie verband hou, deur die aansoeker gedra sal word;
- (vii) Elektrisiteitsdienste kom in die omgewing voor en die volgende voorwaarde sal geld:
 - (aa) Enige verandering of afwykings aan die elektrisiteitsdienste wat nodig is as gevolg van die voorstel of wat deur die aansoeker versoek word, sal op onkoste van die aansoeker uitgevoer word.
- (viii) Geen Telkomdienste kom in die omgewing voor nie, maar die volgende voorwaardes sal geld:
 - (aa) Dit is die aansoeker se verantwoordelikheid om Telkom onmiddellik in kennis te stel indien die aansoeker enige Telkom-aanleg vind wat nie op die plan aangedui is nie;
 - (bb) Dit moet aan die aansoeker bekendgemaak word dat Telkom te alle tye toegang vereis om bestaande aanlegte in stand te hou of op te gradeer.

ACTION: R SCHNACKENBERG; R GELDERBLOEM

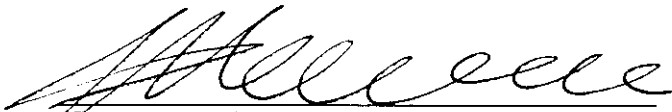
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MR RICHARD WOOTTON
EMPLOYEE NO: 10207948
CHAIRPERSON : IMMOVABLE PROPERTY
ADJUDICATION COMMITTEE

DATE: 15/1/15

COMMENT:



DIRECTOR : LEGAL SERVICES
MR LUNGELO MBANDAZAYO

DATE: 21/01/2015

COMMENT:



ALDERMAN IAN NEILSON
MAYORAL COMMITTEE MEMBER : FINANCE

DATE: 28/1/2015

COMMENT:



LCP 689

REPORT TO IMMOVABLE PROPERTY ADJUDICATION COMMITTEE

DATE:

1. ITEM NUMBER :

2. SUBJECT

PROPOSED CLOSURE AND DISPOSAL OF A PORTION OF A PUBLIC STREET, BEING A PORTION OF ERF 4178, KOMMETJIE, SITUATED AT WIRELESS STREET, KOMMETJIE: CAROLYN WENDY HIGGO

2. ONDERWERP

VOORGESTELDE SLUITING EN VERVREEMDING VAN 'N GEDEELTE VAN 'N OPENBARE STRAAT, NAAMLIK 'N GEDEELTE VAN ERF 4178, KOMMETJIE, GELEË TE WIRELESSSTRAAT, KOMMETJIE: CAROLYN WENDY HIGGO

2. ISHLOKO

ISIPHAKAMISO SOKUVALWA NOKUNIKEZELWA KWESIQEPHU SESITARATO SOLUNTU, ESISIQEPHU SESIZA-4178, E-KOMMETJIE, ESISE-WIRELESS STREET, E-KOMMETJIE: SINIKEZELWE KU-CAROLYN WENDY HIGGO

(LSU: E2993)

S14/3/4/3/479/69/4151

PH 2014/0618 (Category 4)

3. STRATEGIC INTENT

SFA 1: an OPPORTUNITY CITY

Objective 1.5	Leverage the City's assets to drive economic growth and sustainable development
Programme 1.5(a)	City strategic assets investigation

4. PURPOSE

To obtain approval for the proposed closure, sub-division and disposal of a portion of Public Street, being a Portion Erf 4178 Kommetjie, in extent approximately 39 m² and as shown lettered ABC on the Sketch Plan attached and marked **Annexure A**, to Carolyn Wendy Higgo or her successor(s)-in-title for access and gardening purposes.

5. FOR NOTING BY / FOR DECISION BY

This report is for consideration by

- the Immovable Property Adjudication Committee (IPAC)

6. EXECUTIVE SUMMARY

PURPOSE OF REPORT	To obtain approval for the proposed closure, sub-division and disposal of a Portion of a Public Street, being a Portion of Erf 4178 Kommetjie to Carolyn Wendy Higgo or her successor(s)-in-title for access and gardening purposes.			
Property description	Portion of Erf 4178 Kommetjie			
Applicant	C W Higgo			
Site extent	39 m ²			
Current zoning	Transport 2			
Current usage	Public Street			
Proposed usage	To reconfigure vehicular access and for gardening purposes.			
Application description	Sale, closure, sub-division, and consolidation			
Submission date	Request for re-valuation submitted on 15 November 2013			
Circulation date	30 October 2013			
Comments (re nature of delays)	Negotiations regarding the purchase price delayed the process			
Public participation outcome summary	Advertised on 28 March 2014. No objections were received.			
WARD COUNCILLOR Cllr Felicity Purchase	NOTICE	DATE 13-03-2014	WARD	69
Viable	Yes		No	x
Outcome of Sub-council consideration	The application served before Sub-Council 19 at the meeting held on 20 October 2014 under item No. 19SUB11/10/14. The application was supported as per resolution attached and marked Annexure "D"			
Recommended decision	Approval	x	Refusal	

7. RECOMMENDATIONS

Not delegated: for decision by Council:

It is recommended that:

- (a) Council resolve that, in terms of section 14 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, the property not be required to provide the minimum level of basic municipal services.
- (b) Council approve of the closure of the abovementioned property, being a portion of a public street, in terms of section 6 of the By-law relating to the Management and Administration of the City of Cape Town's Immovable Property.
- (c) Council approve the disposal of a portion of erf 4178, Kommetjie, being a portion of a public street situated at Wireless Road, Kommetjie, in extent approximately 39 m² shown hatched and lettered ABC on the sketch plan attached as annexure A to Carolyn Wendy Higgs or her successor(s) in title, subject inter alia to the following conditions, that:
 - (i) The property be sold at a market-related sale price of R45 000 excluding VAT of 14%, being R6 300 (in total R51 300);
 - (ii) Should the transaction not be concluded within a six-month period from date of valuation (i.e. by 1 September 2014), the purchase price shall be adjusted by 5% per annum thereafter (i.e. 5% ÷ 12 months × number of months after the six-month period);
 - (iii) Should the transaction not be concluded within 18 months from the date of valuation (i.e. by 1 September 2015), the property shall be valued anew;
 - (iv) Subject to such further conditions to be imposed by the Director: Property Management in the exercise of her delegated authority;
 - (v) Subject to compliance with any other statutory requirements;
 - (vi) All costs related to the transaction be borne by the applicant;
 - (vii) Electrical services exist in the vicinity and the following condition will apply:
 - (aa) Any alteration or deviations to electricity services necessary as a consequence of the proposal, or requested by the applicant, will be carried out at the applicant's cost.
 - (viii) No Telkom services are known to exist in the vicinity but the following conditions will apply:
 - (aa) It is the responsibility of the applicant to notify Telkom immediately should the applicant locate any Telkom plant which might not be indicated on the plan;

- (bb) It must be made known to the applicant that Telkom requires access to carry out maintenance or upgrade existing plants at all times.

7. AANBEVELINGS

Nie gedelegeer nie: vir besluitneming deur die Raad:

Daar word aanbeveel dat:

- (a) Die Raad, ingevolge artikel 14 van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, Wet 56 van 2003, besluit dat die eiendom nie vir die voorsiening van die minimum vlak van basiese munisipale dienste vereis word nie.
- (b) Die Raad die sluiting van die bogenoemde eiendom, naamlik 'n gedeelte van 'n openbare straat, goedkeur ingevolge artikel 6 van die Verordening met betrekking tot die Bestuur en Administrasie van die Stad Kaapstad se Onroerende Eiendom.
- (c) Die Raad die vervreemding van erf 4178, Kommetjie, 'n gedeelte van 'n openbare straat geleë te Wirelessweg, Kommetjie, ongeveer 39 m² groot, gearseer en aangetoon met die letters ABCD op die sketsplan aangeheg as bylae A, aan Carolyn Wendy Higgs, of haar regsopvolger(s), goedkeur onderworpe onder andere aan die volgende voorwaardes dat:
- (i) Die eiendom teen 'n markverwante verkoopprijs van R45 000, 14%-BTW uitgesluit waar van toepassing, naamlik R6 300 (R51 300 in totaal) verkoop word;
 - (ii) Indien die transaksie nie binne ses maande vanaf die waardasiedatum (d.i. teen 1 September 2014) afgehandel is nie, sal die koopprijs daarna met 5% per jaar aangepas word (d.i. 5% ÷ 12 maande x getal maande ná die sesmaandtydperk);
 - (iii) Indien die transaksie nie binne 18 maande vanaf die waardasiedatum (d.i. teen 1 September 2015) afgehandel is nie, sal die eiendom opnuut waardeur word;
 - (iv) Onderworpe aan sodanige verdere voorwaardes wat die direkteur: eiendomsbestuur in die uitoefening van haar gedelegeerde bevoegdheid opleë;
 - (v) Onderworpe aan die nakoming van enige ander statutêre vereistes;
 - (vi) Alle koste wat met die transaksie verband hou, deur die aansoeker gedra sal word;
 - (vii) Elektrisiteitsdienste kom in die omgewing voor en die volgende voorwaarde sal geld:
 - (aa) Enige verandering of afwykings aan die elektrisiteitsdienste wat nodig is as gevolg van die voorstel of wat deur die aansoeker versoek word, sal op onkoste van die aansoeker uitgevoer word.

(viii) Geen Telkomdienste kom in die omgewing voor nie, maar die volgende voorwaardes sal geld:

- (aa) Dit is die aansoeker se verantwoordelikheid om Telkom onmiddellik in kennis te stel indien die aansoeker enige Telkom-aanleg vind wat nie op die plan aangedui is nie;
- (bb) Dit moet aan die aansoeker bekendgemaak word dat Telkom te alle tye toegang vereis om bestaande aanlegte in stand te hou of op te gradeer.

7. ISINDULULO

Azigunyaziswanga: Zenzelwe isiggibo seBhunga:

Kundululwe ukuba:

- (a) IBhunga liggibe ngokwecandelo-14 loMthetho wobuRhulumente boMmandla ongoMthetho woLawulo lweziMali zikaMasipala onguNomb.56 wango-2003, ukuba ipropati ayisafuneki nganto ukubonelela ngomlinganiselo othile weenkonzozingundoqo zikamasipala.
- (b) IBhunga maliphumeze ukuvalwa kwale propati ekhankanywe ngentla apha, esisiqephu sesitrato soluntu, ngokwecandelo-6 loMthetho kaMasipala weSixeko saseKapa ophathelene nokuPhathwa nezolawulo lwePropati engenakususwa.
- (c) IBhunga maliphumeze ukunikezelwa kwesiza-4178, esise-Kommetjie, isiqephu sesitrato soluntu esise-Wireless Road, e-Kommetjie, esibukhulu obumalunga ne-39 m², esibonakaliswe ngomzobo nangoonobumba abakhulu u-ABC kumzobo weplani eqhotyoshelwe kwisihlomelo-A, ku Carolyn Wendy Higgs okanye kwabangena ezihlangwini zabo ngokwetayitile, ngokuxhomekeke ekuthotyelweni kwale miqathango ilandelayo yokuba:
 - i) Ipropati mayithengiswe ngexabiso eliphathelene nelasemakethi elingama-R45 000, ngaphandle kweRhafu-ntengo eli-14%, elili-R6 300 (apho iyonke ingama-R51 300);
 - ii) Ukuba kuthe unaniselwano olu luye alaqunjelwa kwisithuba seenyanga ezintandathu ukususela kumhla woqingqo-maxabiso (ongowo-1 Septemba 2014), emva koko ixabiso lentengiso kufuneka lilungelelaniswe nge-5% ngonyaka (5% yahlulwa-hlulwe ngeenyanga ezili-12 ziphinda-phindwe ngenani leenyanga emva kwesithuba seenyanga ezi-6);
 - iii) Ukuba kuthe unaniselwano olu luye alamselwa kwiinyanga ezili-18 ukususela kumhla woqingqo-maxabiso (ongowo-1 Septemba 2015), ipropati kufuneka iqingqwe ixabiso ;
 - iv) Ngokuxhomekeke kwimiqathango ethe xhaxhe eyakuthi inyanzeliswe nguMlawuli woLawulo lwePropati esebenzisa amagunya akhe awagunyaziselweyo;

- v) Ngokuxhomekeke ekuthotyelweni kwayo nayiphina imimiselo yomthetho engeminye;
- vi) Zonke iindleko eziphathelene nonaniselwano ziyakuthi zibeluxanduva lomfakai-sicelo;
- vii) Iinkonzo zoMbane ziyafumaneka kumbindi wommandla woqeshiso kwakhona kuyakuthi kusetyenziswe lo mqathango ulandelayo:
 - (aa) Naluphina uguqulelo okanye utenxo kwiinkonzo zombane olufunekayo ngenxa yesiphakamiso, okanye ngenxa yokuba lucelwe ngumfaki-sicelo, luyakuthi luqhutywe ngokwendleko zomfaki-sicelo;
- viii) Akukho zinkonzo zikhoyo zabakwa-Telkom kumbindi wommandla woqeshiso kodwa kuyakuthi kusetyenziswe le miqathango ilandelayo:
 - (aa) Luxanduva lomfaki-sicelo lokuba azise abakwa-Telkom kwangoko, xa kuthe umfaki-sicelo ethe wagqiba ekubeni afuduse naliphina iziko labakwa-Telkom apho lungabe alubonakaliswanga kwisicwangciso (kwiplani);
 - (bb) Kufuneka umfaki-sicelo azisiwe ukuba abakwa-Telkom kufuneka bengenile ukuze baqhube umsebenzi wononophelo okanye ongowohlaziyo lwamaziko abo asele emiselwe, ngawo onke amaxesha.

8. DISCUSSION/CONTENTS

8.1 BACKGROUND:

An application was received from Carolyn Wendy Higgs, the registered owner of Erf 4151 Kommetjie, to purchase a portion of a public street which vests in the City of Cape Town, for the purposes of access and gardening.

The original layout of Wireless Road on the General Plan represented a cul de sac. As a result, the properties converging around this cul de sac were allocated splayed corners and / or irregular road frontages to facilitate a turnabout for the entering and exiting of vehicular traffic.

Due to such existing splayed corner, the Applicant's property has a shorter than usual straight road frontage which results in a narrow bottleneck for vehicular access to her property.

Due to further residential scheme developments, Wireless Road was extended, became a through road to the Slangkop Estate and the aforementioned cul de sac thus became defunct. Notwithstanding this, the applicant's road frontage was never re-aligned to straighten the splayed corner parallel to the boundary of the neighbouring property.

This defunct splayed corner has become overgrown with bush and has become a hiding place for criminal elements to target the Applicant's property on numerous occasions. The security firm who attend the area has also indicated that this splayed area constitutes a significant security risk. It is the intention of the applicant to straighten her road boundary to do away with the splayed area and to erect a continuous proper security boundary for the area.

Disposal of the subject property and consolidation with the property of the applicant will thus ensure better access for the Applicant, ensure a parallel road frontage and improve her gardening and security situation.

The subject property is zoned Transport 2, is registered in the name of Kommetjie Estates Ltd by Deed of Transfer No. T 54883/1987 and vests in the City as a Public Street.

The recommendation for approval of the Report was duly supported by Sub-Council 19 pursuant to resolution 19SUB11/10/14.

8.2 CONSULTATION WITH BRANCHES:

The application was circulated to the relevant service branches of Council and no objections were received to the proposed disposal, subject to certain conditions as more fully set out in paragraph 7 abovementioned.

8.3 FACTORS MOTIVATING RECOMMENDATION:

- 8.3.1 The disposal of the land will relieve Council of the maintenance burden.
- 8.3.2 The City will receive a market related purchase price of R45 000 excluding VAT, in respect of the disposal of the subject property.
- 8.3.3 The property is irregular in shape, non-viable, will not have negative sustainability implications for the City and can only be utilized by the Applicant being the abutting owner.
- 8.3.4 Better utilization of City land as the property is no longer required for Municipal purposes.
- 8.3.5 The Application was circulated and all internal service branches support the application, subject to certain conditions.

8.4 PUBLIC PARTICIPATION

Advertising	Cape Times & Burger	28.03.2014
	Prov & Nat Treasury	13.03.2014
	Notices to adj owners	13.03.2014
	Ward councillor	13.03.2014
	Subcouncil Chair & Manager	13.03.2014
	Community organisation(s)	13.03.2014
Outcome	Objections	No
	Ward Councillor's support	Yes

8.5 VALUATION

The City's Professional Valuers on 28 February 2014 assessed the market value of the Subject Property to be at R45 000 excluding VAT. Should the transaction not be concluded within a six month period from date of valuation (i.e. by 1 September 2014), the purchase price shall be adjusted by 5% per annum thereafter (i.e. $5\% \div 12 \text{ months} \times \text{number of months after 6 month period}$).

Should the transaction not be implemented within 18 months from the date of valuation (i.e. by 1 September 2015), the property shall be valued anew. A copy of the Valuation synopsis is attached and marked **Annexure B**

8.6 VAT

VAT will be levied at the standard rate.

8.7 BLACK ECONOMIC EMPOWERMENT (BEE) STATUS

The applicant is not from a previously disadvantaged group.

8.8 CONSTITUTIONAL AND POLICY IMPLICATIONS

- 8.8.1 The proposal complies with Section 14 of the Municipal Finance Management Act No. 56 of 2003 in that the relevant branches of Council have confirmed that the land is not required for the provision of the minimum level of a basic municipal service.
- 8.8.2 Council's By-Law (LA 12783) relating to the Management and Administration of the City of Cape Town's Immovable Property as published on 28 February 2003 (Section 4) allows for closure and disposal of immovable property.
- 8.8.3 Chapter B of Council's policy relating to the Management of certain of the City of Cape Town's Immovable Property (approved 26 August 2010), permits the alienation of immovable property;

8.8.4 Policy on the Management of Council's Immovable Property, approved 20 June 2005 (MC 29/06/05), amended 19 October 2005 (MC 31/10/05), promulgated 3 February 2006 (PG 6340: LA 32323) applies.

8.9 FINANCIAL IMPLICATIONS

All costs involved in this transaction will be for the Applicant's account.

8.10 TAX COMPLIANCE

The Applicant has complied in that she is not a registered tax payer. See attached Affidavit and confirmatory letter hereto as **Annexure C**

8.11 FINANCIAL DUE DILIGENCE

The applicant's debt profile has been verified and it is confirmed that she is not in arrears

8.12 SUSTAINABILITY IMPLICATIONS

Does the activity in this report have any sustainability implications for the City? No Yes

8.13 LEGAL IMPLICATIONS

Regulation 7 of MATR

In terms of the above Regulation, Council must take into account a number of factors when considering any proposed transfer or disposal of non-exempted capital assets and it is herein confirmed that:

Factor A: Whether the capital asset may be required for municipality's own use at a later date.

This proposal complies with Section 14 of the Local Government Municipal Finance Management Act No. 56 of 2003 in that the relevant branches of Council have confirmed in writing that the asset is not needed to provide the minimum level of basic municipal services.

Factor B: The expected loss or gain that is expected to result from the transfer or proposed disposal.

The expected gain to result from the proposed disposal is fair market value and future rates and taxes.

Factor C: The extent to which any compensation to be received in respect of the proposed transfer or disposal will result in a significant economic or financial cost or benefit to municipality.

Council will receive a financial benefit in the form of a market related purchase price as well as rates and taxes following the development of the property. The market value of the portion of the subject property has been determined to be R45 000 excluding VAT.

Factor D: The risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interests.

No operational or control risk to the City.

Factor E: The effect that the proposed transfer or disposal will have on the credit rating of the municipality, its ability to raise long-term or short-term borrowings in the future and its financial position and cash flow.

None.

Factor F: Any limitations and conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions.

The sale agreement will contain terms and conditions as imposed by the Director: Property Management in terms of delegated authority.

Factor G: The estimated cost of the proposed transfer or disposal.

The purchaser will be responsible for the transfer and related costs.

Factor H: The transfer of liabilities and reserve funds associated with the capital asset.

No liabilities and reserve funds will be transferred.

Factor I: Any comments or representations on the proposed transfer or disposal received from the local community and other interested persons.

The Director : Property Management, in terms of her delegated powers, approved the public participation process as required, resulting in the proposed disposal being advertised in the Cape Times and Die Burger on 28 March 2014. Closing date for objections was 28 April 2014. Copies of the advertisement were sent to the Ward Councillor, Chairperson of the relevant Sub-Council and registered local community organisations. No objection was received.

Factor J: Any written views and recommendations on the proposed transfer or disposal by National Treasury and the relevant Provincial Treasury.

The asset considered for disposal is not a "high value" asset, as defined in the MATR. National and Provincial Treasury were informed of the proposed disposal by way of closure and sale.

Factor K: The interests of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community.

None of these interests will be compromised as a result of the alienation of the asset; in fact, it will be supported.

Factor L: Compliance with legislative regime applicable to the proposed transfer or disposal.

- Council's By-Law (LA.12783) relating to the Management and Administration of the City of Cape Town's Immovable Property as published on 28 February 2003 (Section 4) permits the sale of Immovable Property.
- Council's By-Law (LA.12783) relating to the Management and Administration of the City of Cape Town's Immovable Property as published on 28 February 2003 (Section 6) permits the closure of Public Streets and Public Open Spaces.
- The proposal complies with Section 13.1 of the Council's Policy on the Management of Certain of the City of Cape Town's Immovable Property, approved by Council on 26 August 2010, which allows for the direct sale of non-viable property which can only be utilized by one or more adjacent landowners, without any competitive process having been followed, on the basis that no purpose would be served by a competitive process.
- The proposal complies with the provisions of the Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and the Municipal Asset Transfer Regulations published in Government Gazette No R. 878 dated 22 August 2008

Should the recommendation contained in this report be adopted by Council, the following statutory processes will need to be undertaken:

- The subject property is registered in the name of Kommetjie Estates Ltd vide Deed of Transfer No T54883/1987, is zoned Transport 1 and vested ownership will be endorsed in the name of the City of Cape Town pursuant to the provisions of Section 31 of the Deeds Registries Act No 47 of 1937.

- The subject property will have to be sub-divided from the parent property being Public Street Erf 4178 Kommetjie
- The subject property will have to be closed as a Public Street.
- The subject property will have to be consolidated with the Applicants abutting property to form one erf and will then assume the same zoning as the applicant's property, being Single Residential 1.

8.14 STAFF IMPLICATIONS

Does your report impact on staff resources, budget, grading, remuneration, allowances, designation, job description, location or your organisational structure?

No

Yes

ANNEXURES

- | | | |
|--------------|---|--------------------------------------|
| Annexure "A" | - | Sketch Plan |
| Annexure "B" | - | Valuation Synopsis |
| Annexure "C" | - | Affidavit and confirmatory letter |
| Annexure "D" | - | Sub-Council Resolution 19SUB11/10/14 |

FOR FURTHER DETAILS CONTACT:

NAME	Wilson Baartman
CONTACT NUMBERS	021 710 8382 Simeon Carelse
E-MAIL ADDRESS	Simeon.carelse@capetown.gov.za
DIRECTORATE	FINANCE
FILE REF NO	S14/3/4/3/479/69/4151
SIGNATURE : DIRECTOR	<i>[Signature]</i> 2014-11-21

[Signature]

Comment:

CHIEF FINANCIAL OFFICER
[Kevin Jacoby]

NAME

DATE

24.11.2014

[Signature]

LEGAL COMPLIANCE

REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS AND ALL LEGISLATION RELATING TO THE MATTER UNDER CONSIDERATION.

NON-COMPLIANT

NAME

TEL

DATE

Sarah van Zyl

021 400 5446

25.11.2014

Comment:

Certified as legally compliant:
Based on the contents of the report.

[Signature]