

ITEM NUMBER: C 20/04/16

**RECOMMENDATION FROM THE EXECUTIVE MAYOR: 19 APRIL 2016**

**MC 40/04/16 PROPOSED RECTIFICATION TRANSFER BETWEEN THE CITY OF CAPE TOWN AND FRANCOIS HENNING AND LOUIS PETRUS DU PLESSIS: ERVEN 4506 AND 3143, SIMON'S TOWN, SITUATED OFF PALACE HILL ROAD, SIMON'S TOWN**

It is **RECOMMENDED** that:

- (a) Council approve the rectification transfer between the City of Cape Town and Messrs F Henning and L P du Plessis on the basis that:
  - (i) Erf 3143, Simon's Town, situated off Palace Hill Road, Simon's Town, in extent 21 m<sup>2</sup> and as shown on the aerial photograph attached as Annexure A to the report on the agenda, be transferred to Francois Henning and Louis Petrus du Plessis, or their successors-in-title, by the City of Cape Town;
  - (ii) Erf 4506, Simon's Town, situated off Palace Hill Road, Simon's Town, in extent 21 m<sup>2</sup> and as shown on the aerial photograph attached as Annexure B to the report on the agenda, be transferred to the City of Cape Town by Francois Henning and Louis Petrus du Plessis.
- (b) Council approve the rectification transfer as set out in (a) above, subject *inter alia* to the following conditions, that:
  - (i) no consideration be paid by either party as the market value of both properties have been assessed to be equal in value, being R44 000 excluding VAT;
  - (ii) the purchase price of both properties is to be adjusted on the basis of 6% per annum compounded annually on a pro rata basis commencing 6 months after date of valuation. Accordingly the above recommended purchase price is to be adjusted as from 2015-09-01 (i.e. 5% ÷ 12 months × number of months after 6 month period);
  - (iii) subject to such further conditions to be imposed by the Director: Property Management in the exercise of her delegated authority;
  - (iv) subject to compliance with any other statutory requirements;
  - (v) all costs related to the transaction be borne by the applicants.

IPAC 31/03/2016 PROPOSED RECTIFICATION TRANSFER BETWEEN THE CITY OF  
CAPE TOWN AND FRANCOIS HENNING AND LOUIS PETRUS DU  
PLESSIS: ERVEN 4506 AND 3143 SIMON'S TOWN, SITUATED OFF  
PALACE HILL ROAD, SIMON'S TOWN

MC 40/04/16

ISIPHAKAMISO SOKULUNGISWA KOKUTSHINTSHELWA PHAKATHI  
KWESIXEKO SASEKAPA NO- FRANCOIS HENNING NO-LOUIS  
PETRUS DU PLESSIS NGOKUJOLISWE KWIZIZA-4506 NO-3143 EZISE-  
SIMON'S TOWN, EZISE-PALACE HILL ROAD, E-SIMON'S TOWN

VOORGESTELDE REGSTELLINGSOORDRAG TUSSEN DIE STAD  
KAAPSTAD EN FRANCOIS HENNING EN LOUIS PETRUS DU PLESSIS:  
ERF 4506 EN 3143 SIMONSTAD, GELEË UIT PALACE HILL-WEG,  
SIMONSTAD

*Property Management representative was present to answer any question  
for clarity*

**RECOMMENDED TO COUNCIL that**

- a) Council approve the rectification transfer between the City of Cape Town and Messrs F Henning and L P du Plessis on the basis that:
  - i) Erf 3143 Simon's Town, situated off Palace Hill Road, Simon's Town, in extent 21 m<sup>2</sup> and as shown on the aerial photograph attached and marked **Annexure B**, be transferred to Francois Henning and Louis Petrus du Plessis or their successors in title by the City of Cape Town;
  - ii) Erf 4506 Simon's Town, situated off Palace Hill Road, Simon's Town, in extent 21 m<sup>2</sup> and as shown on the aerial photograph attached and marked **Annexure B**, be transferred to the City of Cape Town by Francois Henning and Louis Petrus du Plessis.
- b) Council approve the rectification transfer as set out in paragraph 7(a) above subject inter alia to the following conditions, that:
  - i) No consideration be paid by either party as the market value of both properties have been assessed to be equal in value, being R44 000 excluding VAT;

- ii) The purchase price of both properties is to be adjusted on the basis of 6% per annum compounded annually on a pro rata basis commencing 6 months after date of valuation. Accordingly the above recommended purchase price is to be adjusted as from 2015-09-01 (i.e.  $5\% \div 12 \text{ months} \times \text{number of months after 6 month period}$ ).
- iii) Subject to such further conditions to be imposed by the Director: Property Management in the exercise of her delegated authority;
- iv) Subject to compliance with any other statutory requirements;
- v) All costs related to the transaction be borne by the applicants.

## IZINDULULO

Kundululwe ukuba:

- a) IBhunga maliphumeze ukulungiswa kokutshintshelwa phakathi kweSixeko saseKapa kunye no- F. Henning no-L.P. du Plessis phantsi kwemeko yokuba:
  - i) Isiza-3143 Simon's Town, esise- Palace Hill Road, e-Simon's Town, esibukhulu obumalunga nama-21 m<sup>2</sup> nesibonakaliswe ngefoto efotwe emoyeni eqhotyoshelweyo nephawulwe **kwisihlomelo-B**, siyakuthi sitshintshelwe ku- Francois Henning naku-Louis Petrus du Plessis okanye kwabo bangena ezihlangwini zabo ngokwetayitile, kusenziwa oko siSixeko saseKapa;
  - ii) Isiza-4506 Simon's Town, esise- Palace Hill Road, e-Simon's Town, esibukhulu obumalunga nama-21 m<sup>2</sup> nesibonakaliswe ngefoto efotwe emoyeni eqhotyoshelweyo nephawulwe **kwisihlomelo-B**, masitshintshelwe kwiSixeko saseKapa, kusenziwa oko ngu-Francois Henning nangu-Louis Petrus du Plessis;
- b) IBhunga maliphumeze ukulungiswa kotshintshelo njengoko kuqulunqwe kumhlathi 7(a) ngentla apha, ngokuxhomekeke phakathi kwezinye izinto, kwimiqathango yokuba:
  - i) Akusayi kuthathelwa ingqalelo yentlawulo yalo naliphina iqela njengoko ixabiso lasemakethi lazo zombini iipropati liye laphononongwa ukuba liyalingana ngomlinganiselo, elilixabiso elingama-R44 000 ngphandlel kweRhfa-ntengo;
  - ii) Ixabiso lentengiso lazo zombini iipropati malilungelelaniswe ngokommiselo we-6% ngonyaka oqukaniswe rhoqo ngonyaka ngokwekota apho ithi iqalise iinyanga ezintandathu emva komhla woqingqo-maxabiso. Ixabiso lentengo elingentla apha, kufuneka lilungelelaniswe ukususela ngowo- 1 Septemba 2015 (umzekelo i-5% yahlulwa-hlulwe ngeenyanga ezili-12 iphanda-phindwe ngenani leenyanga emva kwesithuba seenyanga ezi-6);

- iii) Ngokuxhomekeke kweminye imiqathango eyakuthi inyanzeliswe nguMlawuli woLawulo lwePropati esebenzisa izigunyaziso zakhe azigunyaziselweyo;
- iv) Ngokuxhomekeke ekuthotyelweni kwayo nayiphina imimisele yomthetho engeminye;
- v) Zonke iindleko ezimalunga nonaniselwano ziyakuthi zibeluxanduva labafaki-sicelo.

## AANBEVELING

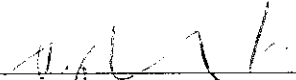
Daar word aanbeveel dat:

- a) Die Raad die regstellingsoordrag tussen die Stad Kaapstad en F. Henning en L.P. du Plessis op die grond van dat:
  - i) Erf 3143 Simonstad, geleë uit Palace Hill-weg, Simonstad, ongeveer 21 m<sup>2</sup> groot en soos aangetoon op die lugfoto aangeheg en gemerk as bylae B, deur die Stad Kaapstad oorgedra word aan Francois Henning en Louis Petrus du Plessis of hulle regsopvolgers;
  - ii) Erf 4506 Simonstad, geleë uit Palace Hill-weg, Simonstad, ongeveer 21 m<sup>2</sup> groot en soos aangetoon op die lugfoto aangeheg en gemerk as bylae B, deur Francois Henning en Louis Petrus du Plessis aan die Stad Kaapstad oorgedra word;
- b) Die Raad die regstellingsoordrag soos in paragraaf 7(a) hierbo uiteengesit, goedkeur onderworpe aan die volgende voorwaardes dat:
  - i) Geen vergoeding deur enige van die partye betaal word nie aangesien die markwaarde van beide die eiendomme gelykstaande is in waarde, naamlik R44 000 BTW uitgesluit;
  - ii) Die koopprys van beide eiendomme met 6% per jaar aangepas sal word wat jaarliks op 'n pro rata-grondslag saamgestel word vanaf ses maande na die waardasiedatum. Die voormelde aanbevole koopprys dus vanaf 2015-09-01 aangepas moet word (d.w.s. 6% ÷ 12 maande × getal maande na die tydperk van ses maande);
  - iii) Onderworpe aan sodanige verdere voorwaardes wat die direkteur: eiendomsbestuur in die uitvoering van haar gedelegeerde bevoegdheid sal oplê;
  - iv) Onderworpe aan die nakoming van enige ander statutêre vereistes;

- v) Alle koste wat met die transaksie verband hou, deur die aansoeker gedek word.

**ACTION: R SCHNACKENBERG; R GELDERBLOEM**

It is noted that this resolution is in line with Supply Chain Management Policy.

  
 \_\_\_\_\_  
**MR THEMINKOSI SIGANDA**  
**EMPLOYEE NO: 10020234**  
**ACTING CHAIRPERSON : IMMOVABLE PROPERTY**  
**ADJUDICATION COMMITTEE**

DATE: 17/03/2016

COMMENT:

\_\_\_\_\_  
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 \_\_\_\_\_

  
 \_\_\_\_\_  
**DIRECTOR : LEGAL SERVICES**  
**■ LUNGELO MBANDAZAYO**

DATE: 2016 -03- 18

COMMENT:

\_\_\_\_\_  
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 \_\_\_\_\_  
**ALDERMAN IAN NEILSON**  
**MAYORAL COMMITTEE MEMBER : FINANCE**

DATE: 22/3/2016

COMMENT:

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 \_\_\_\_\_  
 \_\_\_\_\_



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

Making progress possible. Together.

REPORT TO IMMOVABLE PROPERTY ADJUDICATION COMMITTEE

DATE:

1. ITEM NUMBER :

2. SUBJECT

PROPOSED RECTIFICATION TRANSFER BETWEEN THE CITY OF CAPE TOWN AND FRANCOIS HENNING AND LOUIS PETRUS DU PLESSIS: ERVEN 4506 AND 3143 SIMON'S TOWN, SITUATED OFF PALACE HILL ROAD, SIMON'S TOWN

2. ONDERWERP:

VOORGESTELDE REGSTELLINGSOORDRAG TUSSEN DIE STAD KAAPSTAD EN FRANCOIS HENNING EN LOUIS PETRUS DU PLESSIS: ERF 4506 EN 3143 SIMONSTAD, GELEË UIT PALACE HILL-WEG, SIMONSTAD

2. ISIHLOKO

ISIPHAKAMISO SOKULUNGISWA KOKUTSHINTSHELWA PHAKATHI KWESIXEKO SASEKAPA NO- FRANCOIS HENNING NO-LOUIS PETRUS DU PLESSIS NGOKUJOLISWE KWIZIZA-4506 NO-3143 EZISE-SIMON'S TOWN, EZISE-PALACE HILL ROAD, E-SIMON'S TOWN

LSU : G0969  
PH 2016/0032 (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 rectification transfer of Erf 3143 Simon's Town from the City of Cape Town to F Henning and L P du Plessis and the simultaneous transfer to the City of Cape Town of Erf 4506 Simon's Town from F Henning and L P du Plessis.

## 5. FOR DECISION BY COUNCIL

This report is for consideration by

- The Immovable Property Adjudication Committee
- The Executive Mayor together with the Mayoral Committee
- Council

## 6. EXECUTIVE SUMMARY

PURPOSE OF REPORT	To obtain approval for the rectification transfer of Erf 3143 Simon's Town from the City of Cape Town to F Henning and L P du Plessis and the simultaneous transfer to the City of Cape Town of Erf 4506 Simon's Town from F Henning and L P du Plessis.			
Property description	Erf 3143 Simon's Town Erf 4506 Simon's Town			
Applicant	F Henning and L P du Plessis			
Site extent	± 21 m <sup>2</sup> ± 21 m <sup>2</sup>			
Current zoning	Both Limited Use Zone			
Current usage	Constructed garage Vacant			
Proposed usage	Garage			
Application description	Rectification transfer			
Submission date	07-07-2014			
Circulation date	Not applicable			
Comments	Garage constructed on incorrect property by previous owner			
Public participation outcome summary	Advertised on 6 March 2015. No objections were received.			
WARD Cllr S Liell-Cock	NOTICE	DATE 19-02-2015	WARD	61
Outcome of Sub-Council consideration	The proposed disposal of the subject property was supported by Subcouncil 19 at the meeting held on 18-01-2016 under Item 19SUB37/1/2016 <b>(annexure A)</b>			
Viable	Yes		No	X
Recommended decision	Approval	X	Refusal	

## 7. RECOMMENDATIONS

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Not delegated: for decision by Council:

It is recommended that:

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  - (ii) Erf 4506 Simon's Town, situated off Palace Hill Road, Simon's Town, in extent 21 m<sup>2</sup> and as shown on the aerial photograph attached and marked **Annexure B**, be transferred to the City of Cape Town by Francois Henning and Louis Petrus du Plessis.
- (b) Council approve the rectification transfer as set out in paragraph 7(a) above subject inter alia to the following conditions, that:
- (i) No consideration be paid by either party as the market value of both properties have been assessed to be equal in value, being R44 000 excluding VAT;
  - (ii) The purchase price of both properties is to be adjusted on the basis of 6% per annum compounded annually on a pro rata basis commencing 6 months after date of valuation. Accordingly the above recommended purchase price is to be adjusted as from 2015-09-01 (i.e. 5% ÷ 12 months × number of months after 6 month period).
  - (iii) Subject to such further conditions to be imposed by the Director: Property Management in the exercise of her delegated authority;
  - (iv) Subject to compliance with any other statutory requirements;
  - (v) All costs related to the transaction be borne by the applicants.

## 7. AANBEVELINGS

Nie gedelegeer nie: vir besluitneming deur die Raad:

Daar word aanbeveel dat:

- (a) Die Raad die regstellingsoordrag tussen die Stad Kaapstad en F. Henning en L.P. du Plessis op die grond van dat:

JH



- (i) Erf 3143 Simonstad, geleë uit Palace Hill-weg, Simonstad, ongeveer 21 m<sup>2</sup> groot en soos aangetoon op die lugfoto aangeheg en gemerk as bylae B, deur die Stad Kaapstad oorgedra word aan Francois Henning en Louis Petrus du Plessis of hulle regsopvolgers;
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  - (iv) Onderworpe aan die nakoming van enige ander statutêre vereistes;
  - (v) Alle koste wat met die transaksie verband hou, deur die aansoeker gedek word.

## 7. ISINDULULO

Azigunyaziswanga: isigqibo seseBhunga:

Kundululwe ukuba:

- (a) IBhunga maliphumeze ukulungiswa kokutshintshelwa phakathi kweSixeko saseKapa kunye no- F. Henning no-L.P. du Plessis phantsi kwemeko yokuba:
  - i) Isiza-3143 Simon's Town, esise- Palace Hill Road, e-Simon's Town, esibukhulu obumalunga nama-21 m<sup>2</sup> nesibonakaliswe ngefoto efotwe emoyeni eqhotyoshelweyo nephawulwe **kwisihlomelo-B**, siyakuthi sitshintshelwe ku- Francois Henning naku-Louis Petrus du Plessis okanye kwabo bangena ezihlangwini zabo ngokwetayitile, kusenziwa oko siSixeko saseKapa;

*SPM*

- ii) Isiza-4506 Simon's Town, esise- Palace Hill Road, e-Simon's Town, esibukhulu obumalunga nama-21 m<sup>2</sup> nesibonakaliswe ngefoto efotwe emoyeni eqhotyoshelweyo nephawulwe **kwisihlomelo-B**, masitshintshelwe kwiSixeko saseKapa, kusenziwa oko ngu-Francois Henning nangu-Louis Petrus du Plessis;
- (b) IBhunga maliphumeze ukulungiswa kotshintshelo njengoko kuqulunqwe kumhlathi 7(a) ngentla apha, ngokuxhomekeke phakathi kwezinye izinto, kwimiqathango yokuba:
- i) Akusayi kuthathelwa ingqalelo yentlawulo yalo naliphina iqela njengoko ixabiso lasemakethi lazo zombini iipropati liye laphononongwa ukuba liyalingana ngomlinganiselo, elixabiso elingama-R44 000 ngphandlel kweRhfa-ntengo;
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  - (iii) Ngokuxhomekeke kweminye imiqathango eyakuthi inyanzeliswe nguMlawuli woLawulo lwePropati esebenzisa izigunyaziso zakhe azigunyaziselweyo;
  - (iv) Ngokuxhomekeke ekuthotyelweni kwayo nayiphina imimiselo yomthetho engeminye;
  - (v) Zonke iindleko ezimalunga nonaniselwano ziyakuthi zibeluxanduva labafaki-sicelo.

## 8. DISCUSSION / CONTENTS

### 8.1 BACKGROUND:

8.1.1 During 1996 the City of Cape Town sold Erf 4506 Simon's Town to N M Pinkerton for the purpose of constructing a garage thereon. This transaction was registered in the deed office during 1997. Mrs Pinkerton submitted building plans for the proposed garage and the said building plans were approved by the City, as is evidences by the copy of the plan attached and marked **Annexure C**. The garage was constructed in accordance with the approved building plans and the property was subsequently sold by Mrs Pinkerton. The current owners are Francois Henning and Louis Petrus du Plessis.

8.1.2 It has now come to light that the garage was incorrectly constructed on Erf 3143 Simon's Town and not on the property registered in the name of the applicants, being Erf 4506 Simon's Town. The building plans were also erroneously approved in respect of Erf 3143.

8.1.3 An application has now been received from the current owners for the rectification transfer of the erf on which their garage has been constructed by the previous owner to them and the transfer of the property currently registered in their names to the City of Cape Town.

8.1.4 The application was not circulated to the respective service branches for comment as the garage has already been constructed and the aim of this transaction will be to regulate and existing situation. The intention to proceed with this rectification transfer was advertised in the press on 6 March 2015. Notice was also sent to the Councilor and the relevant community organizations on 19 February 2015. No objections were received against the proposed transfer.

8.1.5 Both the subject properties are zoned Limited Use. Erf 4506 is registered in the name of Francois Henning and Louis Petrus Du Plessis by Deed of Transfer No T54513/2013. Erf 3143 is an unregistered portion of the Remainder of Erf 2653 Simon's Town which is registered in the name of the City of Cape Town by Deed of Transfer No T22829/1987.

## 8.2 CONSULTATION WITH BRANCHES:

The application was not circulated to the relevant service branches of Council due to the nature of the application.

## 8.3 FACTORS MOTIVATING RECOMMENDATION:

- 8.3.1 The transaction will rectify the erroneous construction of a garage on Erf 3143 Simon's Town as the garage should have been constructed on the adjacent Erf 4506 Simon's Town.
- 8.3.2 The City will receive Erf 4506 Simon's Town which is exactly equal in value and extent to the property being disposed of to the applicants at no consideration.
- 8.3.3 The transaction will enable the City to either utilize the vacant Erf 4506 for municipal purposes or dispose of the property at a market related price.

## 8.4 PUBLIC PARTICIPATION

		Comments
Advertising	Cape Times & Burger	Date: 6 March 2015
	Prov & Nat Treasury	Date: 19 February 2015
	Notices to adj owners	Date: 19 February 2015
	Ward councillor	Date: 19 February 2015
	Subcouncil Chair & Manager	Date: 19 February 2015
	Community organisation(s)	Date: 19 February 2015

Outcome	Objections	No objections were received
	Support / No objection	Transaction supported
	Comments	No comments received from interested or effected parties
	Ward Councillor response	No response

## 8.5 VALUATION

The City's Professional Valuer has recommended that the sales price for the two transactions relating to Erf 4506 and (unregistered) Erf 3143 Simon's Town be set at R44 000 each, excluding of VAT and costs.

Should the transactions not be concluded within a 6-month period from date of valuation (i.e. by 2015-09-01), the purchase price of both properties will start escalating by 6% per annum compounded annually on a pro rata basis, commencing from such date.

A copy of the Valuation synopsis is attached and marked **Annexure D**.

## 8.6 VAT

VAT will be levied at the standard rate.

## 8.7 BLACK ECONOMIC EMPOWERMENT (BEE) STATUS

The applicants are 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 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.

## 8.9 FINANCIAL IMPLICATIONS

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

## 8.10 TAX COMPLIANCE

The Applicants have complied. See SARS Tax Clearances attached hereto as **Annexure E**.

## 8.11 FINANCIAL DUE DILIGENCE

The Applicants' debt profile has been verified and it is not in arrears.

## 8.12 SUSTAINABILITY IMPLICATIONS

Does the activity in this report have any sustainability implications for the City?	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
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## 8.13 LEGAL IMPLICATIONS

8.13.1 As required in terms of Regulation 7 of the Municipal Asset Transfer Regulations (MATR), Council must take into account the following **factors** when considering any proposed transfer or disposal of non-exempted capital assets:

**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 transaction is a property equal in size and value than that being disposed of.

**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 property equal in size and value to the property being transferred to the applicants. The market value of both the properties has been determined to be R44 000, 00 each, 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 costs.

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

No liabilities and reserve funds are associated with the capital asset.

**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 transaction being advertised in the Cape Times and Die Burger on 6 March 2015. Closing date for objections was 7 April 2015. Copies of the advertisement were sent to the Ward Councillor, Chairperson of the relevant Sub-Council and registered local community organisations. No objections were 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. No objections / comments were received from National and Provincial Treasury.

**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 the Legislative regime applicable to the proposed transfer or disposal.**

- 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.

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

8.13.3 Erf 3143 will have to be subdivided from the parent property and registered in the name of the City of Cape Town

**8.14 STAFF IMPLICATIONS**

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

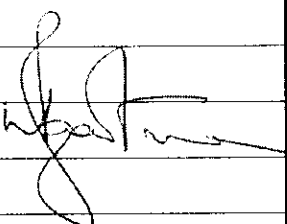
No            X

Yes

**ANNEXURES**

Annexure A	-	Sub-Council Resolution No 19SUB37/1/2016
Annexure B	-	Aerial Photograph
Annexure C	-	Approved building plans
Annexure D	-	Valuation Synopsis
Annexure E	-	SARS Tax Clearance Certificates

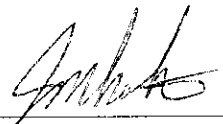
OR FURTHER DETAILS CONTACT:

NAME	Wilson Baartman (Gerda du Plessis)
CONTACT NUMBERS	021 444 2595
E-MAIL ADDRESS	Susarah.duplessis@capetown.gov.za 
DIRECTORATE	Finance
FILE REFERENCE	S14/3/4/3/762/67/4506
MANAGER: PROPERTY HOLDING	<u>Manackenberg</u>

  
 DIRECTOR: PROPERTY MANAGEMENT IN HER  
 CAPACITY AS CFO NOMINEE

Comment:


NAME RUBY CRELDERBLOEM  
 DATE 2016-02-19

  
**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 Joan-Mari Holt  
 TEL 021 400 2753  
 DATE 29/02/2016

Comment:

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