

## COUNCIL OF THE CITY OF CAPE TOWN

ITEM NUMBER: C 47/05/16

*RECOMMENDATION FROM THE EXECUTIVE MAYOR: 17 MAY 2016*

MC 36/05/16 (A) PROPOSED CLOSURE OF CITY-OWNED IMMOVABLE PROPERTY: BEING A PORTION OF ERF 234, BISHOPSCOURT SITUATED BETWEEN UPPER PRIMROSE AND EXETER AVENUE, BISHOPSCOURT

(B) GRANTING OF IN-PRINCIPLE APPROVAL: ALIENATION OF CITY-OWNED IMMOVABLE PROPERTY BEING A PORTION OF ERF 234, BISHOPSCOURT SITUATED BETWEEN UPPER PRIMROSE AND EXETER AVENUE, BISHOPSCOURT

It is **RECOMMENDED** that:

- (a) Council resolve in terms of Section 14 of the Local Government Municipal Finance Management Act, Act 56 of 2003, that the property is not required to provide the minimum level of basic municipal services
- (b) a portion of Erf 234, Bishopscourt, a public passage, situated between Upper Primrose and Exeter Avenue, Bishopscourt as indicated on attached Plan STC 2535 attached as Annexure A to the report on the agenda, be closed
- (c) Council, in terms of Regulation 5 of the Municipal Asset Transfer Regulations, grant in-principle approval that a portion of Erf 234, Bishopscourt, a public passage, situated between Upper Primrose and Exeter Avenue, Bishopscourt on Plan STC 2535 attached as Annexure A to the report on the agenda, in extent approximately 383 m<sup>2</sup>, be alienated.

IPAC 57/03/2016 2.1. PROPOSED CLOSURE OF CITY-OWNED IMMOVABLE PROPERTY:  
BEING A PORTION OF ERF 234 BISHOPSCOURT SITUATED BETWEEN  
UPPER PRIMROSE AND EXETER AVENUE, BISHOPSCOURTS

MC 36/05/16 2.2. GRANTING OF IN PRINCIPLE – APPROVAL: ALIENATION OF CITY-  
OWNED IMMOVABLE PROPERTY BEING A PORTION OF ERF 234  
BISHOPSCOURTSITUATED BETWEEN UPPER PRIMROSE AND EXETER  
AVENUE, BISHOPSCOURTS

2.1. VOORGESTELDE SLUITING VAN ONROERENDE EIENDOM IN  
STADSBESIT: NAAMLIK 'N GEDEELTE VAN ERF 234 BISHOPSCOURT  
GELEË TUSSEN BO-PRIMROSE- EN EXETERLAAN, BISHOPSCOURT

2.2. TOESTAAN VAN BEGINSSELGOEDKEURING – GOEDKEURING:  
VERVREEMDING VAN ONROERENDE EIENDOM IN STADSBESIT, NAAMLIK  
'N GEDEELTE VAN ERF 234 BISHOPSCOURT GELEË TUSSEN BO-  
PRIMROSE- EN EXETERLAAN, BISHOPSCOURT

2.1 ISIPHAKAMISO SOKUVALWA KWEPROPATI YESIXEKO  
ENGENAKUSUSWA, ESISIQEPHU SESIZA-234 EZISE-BISHOPS COURT,  
ESIKWI-UPPER PRIMROSE NE-EXETER AVENUE, E-BISHOPS COURT

2.2 UKUNIKEZELWA KWESIPHUMEZSO NGOKOMGAQO:  
UKUNIKEZELWA KWEPROPATI YESIXEKO ENGENAKUSUSWA,  
ESISIQEPHU SESIZA-234 ESISE-BISHOPS COURT, ESIKWI-UPPER  
PRIMROSE NE-EXETER AVENUE, E-BISHOPS COURT

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

#### RECOMMENDATIONS

Not delegated: for decision by Council:

It is recommended that:

- a) Council resolve in terms of section 14 of the Local Government Municipal Finance Management Act, Act 56 of 2003, that the property is not required to provide the minimum level of basic municipal services.
- b) A portion of Erf 234 Bishops court, a public passage, situated between Upper Primrose and Exeter Avenue, Bishops court as indicated on attached plan STC 2535 marked annexure A, be closed.
- c) Council in terms of Regulation 5 of the Municipal Asset Transfer Regulations grant in - principle approval that a portion of Erf 234 Bishops court, a public passage, situated between Upper Primrose and Exeter Avenue, Bishops court on the attached plan STC 2535 marked annexure A, in extent approximately 383m<sup>2</sup>, be alienated.

#### AANBEVELINGS

Nie gedelegeer nie: vir besluitneming deur die Raad:

Daar word aanbeveel dat:



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- a) Die Raad ingevolge artikel 14 van die Plaaslike Regering: Wet op Munisipale Finansiële Bestuur, Wet 56 van 2003, dat die eiendom nie benodig word om die minimum vlak van basiese munisipale dienste te verskaf nie.
- b) 'n Gedeelte van erf 234 Bishops court, 'n openbare steeg, geleë tussen Bo-Primrose- en Exeterlaan, Bishops court soos aangetoon op die aangehegte plan STC 2535 gemerk as bylae A, gesluit word.
- c) Die Raad ingevolge regulasie 5 van die regulasies op die oordrag van munisipale bates beginselgoedkeuring verleen dat 'n gedeelte van erf 234 Bishops court, 'n openbare steeg, geleë tussen Bo-Primrose- en Exeterlaan, Bishops court aangetoon op die aangehegte plan STC 2535 gemerk bylae A, ongeveer 383 m<sup>2</sup> groot, vervreem word.

## IZINDULULO

### Asigunyaziswanga: isigqibo seseBhunga:

Kundululwe ukuba:

- a) IBhunga ligqibe ngokwecandelo-14 loMthetho wobuRhulumente boMmandla ongoMthetho woLawulo lweziMali zikaMasipala ongunomb.56 wango-2003, ukuba ipropati ayifuneki nganto ukubonelela ngomlinganiselo othile weenkonzozo ezingundoqo zikamasipala.
- b) Makuvalwe isiqephu sesiza-234 esise-Bishops court, ipaseji yoluntu, ephakathi kwe- Upper Primrose ne-Exeter Avenue, e-Bishops court njengoko kubonakalisiwe kwiplani engu- STC 2535 eqhotyoshelweyo ephawulwe kwisihlomelo-A.
- c) IBhunga ngokoMgaqo-5 weMigaqo engokuTshintshelwa kweMpahla kaMasipala, malinikezele isiphumezo sokuba kunikezelwe siqephu sesiza-234, esise-Bishops court, ipaseji yoluntu ephakathi kwe-Upper Primrose ne-Exeter Avenue, e-Bishops court, esibonakalisiwe ngoonobumba abakhulu kwiplani eqhotyoshelweyo engu-STC 22535 ephawulwe kwisihlomelo-A, esibukhulu obumalunga nama-383 m<sup>2</sup>.

**ACTION: R SCHNACKENBERG; R GELDERBLOEM**

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



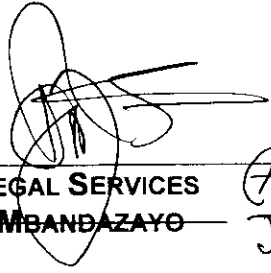
MR RICHARD WOOTTON  
EMPLOYEE NO: 10207948  
CHAIRPERSON : IMMOVABLE PROPERTY  
ADJUDICATION COMMITTEE

COMMENT:

DATE:

12/4/16





**DIRECTOR : LEGAL SERVICES**  
**LUNGELO MBANDAZAYO**

*(Acting)*  
*Jean Roman*

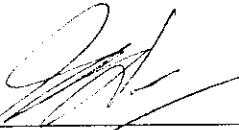
COMMENT:

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DATE: 14/04/2016



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

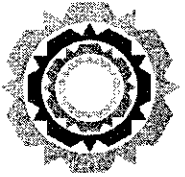
COMMENT:

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DATE: 14/4/16



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

REPORT TO IMMOVABLE PROPERTY ADJUDICATION COMMITTEE

DATE

1. **ITEM NUMBER :** To be inserted by Executive Support

2. **SUBJECT**

**2.1. PROPOSED CLOSURE OF CITY-OWNED IMMOVABLE PROPERTY: BEING A PORTION OF ERF 234 BISHOPSCOURT SITUATED BETWEEN UPPER PRIMROSE AND EXETER AVENUE, BISHOPSCOURTS**

**2.2. GRANTING OF IN PRINCIPLE – APPROVAL: ALIENATION OF CITY-OWNED IMMOVABLE PROPERTY BEING A PORTION OF ERF 234 BISHOPSCOURT SITUATED BETWEEN UPPER PRIMROSE AND EXETER AVENUE, BISHOPSCOURTS**

2. **ONDERWERP**

**2.1. VOORGESTELDE SLUITING VAN ONROERENDE EIENDOM IN STADSBESIT: NAAMLIK 'N GEDEELTE VAN ERF 234 BISHOPSCOURT GELEË TUSSEN BO-PRIMROSE- EN EXETERLAAN, BISHOPSCOURT**

**2.2. TOESTAAN VAN BEGINSSELGOEDKEURING – GOEDKEURING: VERVREEMDING VAN ONROERENDE EIENDOM IN STADSBESIT, NAAMLIK 'N GEDEELTE VAN ERF 234 BISHOPSCOURT GELEË TUSSEN BO-PRIMROSE- EN EXETERLAAN, BISHOPSCOURT**

2. **ISIHLOKO**

**2.1 ISIPHAKAMISO SOKUVALWA KWEPROPATI YESIXEKO ENGENAKUSUSWA, ESISIQEPHU SESIZA-234 EZISE-BISHOPS COURT, ESIKWI-UPPER PRIMROSE NE-EXETER AVENUE, E-BISHOPS COURT**

**2.2 UKUNIKEZELWA KWESIPHUMEZSO NGOKOMGAQO: UKUNIKEZELWA KWEPROPATI YESIXEKO ENGENAKUSUSWA, ESISIQEPHU SESIZA-234 ESISE-BISHOPS COURT, ESIKWI-UPPER PRIMROSE NE-EXETER AVENUE, E-BISHOPS COURT**

LSU: G4448  
14/3/4/3/454/A20  
PH 2016/0072 (Category 4)

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## 2. 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

## 3. PURPOSE

The purpose of this report is to obtain the following from Council:

- An in principle approval in terms of Regulation 5 of the Municipal Asset Transfer Regulations for the proposed alienation of City-owned immovable property being a portion of Erf 234 Bishopscourt situated between Upper Primrose and Exeter Avenue, Bishopscourt to Primrose Terrace Pty Ltd, Mary Eleanor Hibbert and Gretwyn Residence Pty Ltd.
- Approval that the immovable property is not required for the provision of basic municipal services in terms of Section 14 of the Municipal Finance Management Act
- Approval in terms of the Immoveable Property By-Law that a portion of Erf 234 Bishopscourt, a public passage, situated between Upper Primrose and Exeter Avenue, Bishopscourt, be closed.

In terms of the provisions of the Municipal Finance Management Act (MFMA) and the associated Municipal Asset Transfer Regulations (MATR), the City may only dispose of viable property after (a) the City has made a determination that the asset is not required for the provision of basic municipal purposes and (b) approved in principle that the asset may be disposed of.

The MATR further stipulates that the City may not commence with the disposal process of negotiations unless approval in principle has been obtained. For reasons referred to in the report, this transaction relates to a direct deal and not a disposal via a tender process and the following have therefor already been addressed and further discussed in the body of the report:

- public participation
- valuation determination

The recommendations for final approval will be submitted to the Immoveable Property Adjudication Committee (IPAC) in terms of Part 42 of the System of Delegations. This IPAC report will include the comments obtained from subcouncil on the proposed disposal.

#### 4. FOR DECISION BY COUNCIL

- This report is for consideration by
- the Immovable Property Adjudication Committee (IPAC)
  - the Executive Mayor together with the Mayoral Committee
  - Council

#### 5. EXECUTIVE SUMMARY

PURPOSE OF REPORT	<p>The purpose of this report is to obtain the following from Council:</p> <ul style="list-style-type: none"> <li>• Approval that the immovable property is not required for the provision of basic municipal services in terms of Section 14 of the Municipal Finance Management Act.</li> <li>• An in principle approval in terms of Regulation 5 of the Municipal Asset Transfer Regulations for the proposed alienation of City-owned immovable property being a portion of Erf 234 Bishopscourt situated between Upper Primrose and Exeter Avenue, Bishopscourt.</li> <li>• Approval that a portion of Erf 234 Bishopscourt situated between Upper Primrose and Exeter Avenue, Bishopscourt be closed.</li> </ul>
Property description	A portion of Erf 234 Bishopscourt
Applicant's physical address	<ol style="list-style-type: none"> <li>1. 41 Upper Primrose Avenue, Bishopscourt</li> <li>2. 14 Exeter Avenue, Bishopscourt</li> <li>3. 12 Exeter Avenue, Bishopscourt</li> </ol>
Site extent	<ol style="list-style-type: none"> <li>1. ±94m<sup>2</sup></li> <li>2. ±94 m<sup>2</sup></li> <li>3. ±195m<sup>2</sup></li> </ol>
Current zoning	Public Passage
Current usage	Vacant Land
Proposed usage	Gardening
Application description	Purchase
Submission date	16 July 2013
Circulation date	6 September 2013
Comments	None
Public participation outcome summary	The proposed closure and disposals were advertised in the press on the 24 April 2015. No objections were received.

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WARD Cllr	NOTICE	DATE	WARD	
Elizabeth Brunette	Yes	05-05-2015		62
Viable	Yes		No	X
Recommended decision	Approval	X	Refusal	

## 6. RECOMMENDATIONS

Not delegated: for decision by Council:

It is recommended that:

- a) Council resolve in terms of section 14 of the Local Government Municipal Finance Management Act, Act 56 of 2003, that the property is not required to provide the minimum level of basic municipal services.
- b) A portion of Erf 234 Bishopscourt, a public passage, situated between Upper Primrose and Exeter Avenue, Bishopscourt as indicated on attached plan STC 2535 marked annexure A, be closed.
- c) Council in terms of Regulation 5 of the Municipal Asset Transfer Regulations grant in - principle approval that a portion of Erf 234 Bishopscourt, a public passage, situated between Upper Primrose and Exeter Avenue, Bishopscourt on the attached plan STC 2535 marked annexure A, in extent approximately 383m<sup>2</sup>, be alienated.

## 7. AANBEVELINGS

Nie gedelegeer nie: vir besluitneming deur die Raad:

Daar word aanbeveel dat:

- a) Die Raad ingevolge artikel 14 van die Plaaslike Regering: Wet op Munisipale Finansiële Bestuur, Wet 56 van 2003, dat die eiendom nie benodig word om die minimum vlak van basiese munisipale dienste te verskaf nie.
- b) 'n Gedeelte van erf 234 Bishopscourt, 'n openbare steeg, geleë tussen Bo-Primrose- en Exeterlaan, Bishopscourt soos aangetoon op die aangehegte plan STC 2535 gemerk as bylae A, gesluit word.

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- c) Die Raad ingevolge regulasie 5 van die regulasies op die oordrag van munisipale bates beginselgoedkeuring verleen dat 'n gedeelte van erf 234 Bishops court, 'n openbare steeg, geleë tussen Bo-Primrose- en Exeterlaan, Bishops court aangetoon op die aangehegte plan STC 2535 gemerk bylae A, ongeveer 383 m<sup>2</sup> groot, vervreem word.

## 7. IZINDULULO

### Asigunyaziswanga: isigqibo seseBhunga:

Kundululwe ukuba:

- a) IBhunga liggibe ngokwecandelo-14 loMthetho wobuRhulumente boMmandla ongoMthetho woLawulo lweziMali zikaMasipala ongunomb.56 wango-2003, ukuba ipropati ayifuneki nganto ukubonelela ngomlinganiselo othile weenkonzoz ezingundoqo zikamasipala.
- b) Makuvalwe isiqephu sesiza-234 esise-Bishops court, ipaseji yoluntu, ephakathi kwe- Upper Primrose ne-Exeter Avenue, e-Bishops court njengoko kubonakalisiwe kwiplani engu- STC 2535 eqhotyoshelweyo ephawulwe kwisihlomelo-A.
- c) IBhunga ngokoMgaqo-5 weMigaqo engokuTshintshelwa kweMpahla kaMasipala, malinikezele isiphumezo sokuba kunikezelwe isiqephu sesiza-234, esise-Bishops court, ipaseji yoluntu ephakathi kwe-Upper Primrose ne-Exeter Avenue, e-Bishops court, esibonakalisiwe ngoonobumba abakhulu kwiplani eqhotyoshelweyo engu-STC 22535 ephawulwe kwisihlomelo-A, esibukhulu obumalunga nama-383 m<sup>2</sup>.

## 7. DISCUSSION/CONTENTS

### 8.1 BACKGROUND:

Application was made by Gretwyn Residence Pty Ltd, Mary Eleanor Hibbert and Primrose Terrace Pty Ltd, the registered owners of the three adjoining properties erven 12, 435, 11 Bishops court, to purchase portion of public passage situated between Upper Primrose and Exeter Avenue, Bishops court, in extent approximately 195m<sup>2</sup>, 94m<sup>2</sup> and 94 m<sup>2</sup>

The current zoning of the property is Public Street and is currently vacant and gated.

Due to the small extent of the subject property it is regarded as being non-viable land which cannot be sold by public competition and only has value to the abutting landowners.

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The application to purchase was circulated to all the relevant Branches for comment. No objections were raised by the Branches to the proposed closure and disposal of the subject property.

The proposed closure and disposal of the subject property was duly advertised in terms of the stipulations of the now repealed By-Law relating to the Management of the City of Cape Town's Immovable Property in two local newspapers on 24 April 2015, inviting the public to lodge written comments. A notice in this regard was also served on the relevant ward councillor and sub-council. No objections were received by the closing date to the proposed closure and disposal. A copy of the advert is attached as annexure D

The recommendation was considered by sub-Council 20 on 20 January 2016 and it was unanimously resolved to support the recommendation to approve the application. The extract from the minutes of the sub-Council meeting is attached hereto marked Annexure B.

## 8.2 CONSULTATION WITH BRANCHES:

The application was circulated to the relevant branches of Council. The alienation of the property is supported subject to the following conditions:

### 8.1. Electricity

- The existing electricity services are to be deviated clear of the subject property at the applicant's expense. The cost of deviation will be determined upon formal application.

### 8.2. Environmental and Heritage Resource Management:

- The large trees should be retained as current development activity is resulting in a large amount of trees being removed which is changing the character of the area.

### 8.3. Spatial Planning and Urban Design:

- Fencing abutting Exeter Avenue should be upgraded to enhance the edge of the Avenue and give it a sense of identity.

### 8.4. Planning and Building Development Management:

- Closure of a lane may not prejudice individual property access or compromise existing or planned pedestrian routes.

### 8.5. Water and Sanitation:

- Fencing abutting Exeter Avenue should be upgraded to enhance the edge of the Avenue and give it a sense of identity.

**8.3 FACTORS MOTIVATING RECOMMENDATION:**

- 8.3.1. The closure and disposal of the land will relieve Council of the maintenance burden.
- 8.3.2. Market related compensation in the amount of R 345 000, excluding VAT, will accrue to the City.
- 8.3.3. Due to the small extent of the subject property it cannot be sold by public competition and only has value to the abutting land owners.
- 8.3.4. No objections were received against the sale of the land.
- 8.3.5. The alienation will allow for better utilisation of the property.

**8.4 PUBLIC PARTICIPATION**

Advertising	Cape Times & Burger	Date: 24 April 2015
	Prov & Nat Treasury	Date: 20 May 2015
	Notices to adj owners	Date: 20 May 2015
	Ward councillor	Date: 5 May 2015
	Subcouncil Chair & Manager	Date: 21 August 2015
	Community organisation(s)	None
Outcome	Objections	None
	Ward Councillor's support	No objection received

**8.5 VALUATION**

- 8.5.1 The application category does not fit within the tariff structure of the City approved on 29 May 2015;
- 8.5.2 The City's Professional Valuers on 30 April 2014 assessed the value of the Subject Property at R175 000, R 85 000 and R 85 000 respectively excluding VAT (if applicable). Valuation synopsis is attached to the report as Annexure C.

**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.

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## 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 Section 4 of The City of Cape Town: Immovable Property By-Law allows the closure of Public Places.
- 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;

## 8.9 FINANCIAL IMPLICATIONS

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

## 8.10 TAX COMPLIANCE

In terms of the City's Supply Chain Management Policy, approved by Council on 31 July 2013, paragraph 85 stipulates "Irrespective of the procurement process, the City may not make any award above R15 000, 00 to a person who's tax matters have not been declared by the SARS to be in order".

Paragraphs 359 - 361 of the afore-mentioned policy deal with the sale and letting of City owned immovable property and are silent on the SARS requirement. Property management adopted the principle as per paragraph 85 above and applicants need to submit a SARS clearance or exemption certificate for the sale of all City owned immovable property.

Tax clearance certificates will be submitted from Gretwyn Residence Pty Ltd, Mary Eleanor Hibbert and Primrose Terrace Pty Ltd before the matter is submitted to IPAC for final approval. No agreement will be concluded until a valid Tax Clearance Certificate is furnished.

## 8.11 FINANCIAL DUE DILIGENCE

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

## 8.12 SUSTAINABILITY IMPLICATIONS

Does the activity in this report have any sustainability implications for the City?

No

Yes

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## 8.13 LEGAL IMPLICATIONS

### 8.13.1 Regulation 7 of the Municipal Asset Transfer Regulations (MATR)

In terms of the above Regulation, Council must take into account a number of factors (highlighted in bold) 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 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 market related purchase price as well as rates and taxes following the development of the property. The market value of the property has been determined to be R175 000, R 85 000 and R 85 000 respectively 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 disposal being advertised in the Cape Times and Die Burger on 24 April 2015. Closing date for objections was 25 May 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 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.
- 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.

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

8.13.2.1. The subject property must be subdivided once Council agrees to the disposal.

8.13.2.2. The portions of land must be consolidated with the applicant's property to form a single holding.

**8.14 STAFF IMPLICATIONS**

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

No

**ANNEXURES**

A – Plan STC 2535

B - Extract from Subcouncil 20 Minute

C – Valuation synopsis

D – Advertisement

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FOR FURTHER DETAILS CONTACT:

NAME	Donavon Geysman (Aysha Zoutenberg)
CONTACT NUMBERS	021 400 6557
E-MAIL ADDRESS	Bibiaysha.zoutenberg@capetown.gov.za
DIRECTORATE	FINANCE
FILE REF NO	14/3/4/3/454/A20
MANAGER: PROPERTY HOLDING	Belmackenberg

*[Handwritten signature]*

*[Handwritten signature]*  
 DIRECTOR: PROPERTY MANAGEMENT IN  
 HER CAPACITY AS CFO NOMINEE

Comment:

NAME RUBY GELDERBLOEM  
 DATE 2016-03-14

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

*[Handwritten signature]*  
 LEGAL COMPLIANCE

NON-COMPLIANT

NAME CHARLYNNE ARENOSE  
 TEL 021 400 1265  
 DATE 16/3/2016

Comment:

Certified as legally compliant:  
 Based on the contents of the report. *[Handwritten initials]*

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