[The AJ and GOOD abstained from voting.]

ACTION: C SWAIN, H PETERS, R MELODY

C 11/04/26 REQUEST FOR REVIEW AND AMENDMENT OF PART OF COUNCIL RESOLUTION C46/10/09, C56/05/19 AND C57/10/19 (AMENDED C49/10/20) FOR THE PROPOSED TRANSFER AND GRANTING OF LONG-TERM RIGHTS TO USE, CONTROL OR MANAGE ERVEN 40819, 40820, 40821, 41326 AND 41327, BELLVILLE FOR THE PURPOSES OF IMPLEMENTING TENDER NO 22Q/2008/2009

RESOLVED that:

(a) Council reviewed and amended recommendation (e) in resolution C 56/05/19 dated 30 May 2019, to read as follows:

(e) In terms of regulation 34(3)(a) of the Municipal Asset Transfer Regulations, 2008, Council authorises a public participation process regarding the proposed granting of rights to use, control and manage the Portion D, Erf 40820, Bellville an unregistered portion of remainder Erf 21750, Bellville, in extent approximately 2589m², zoned General Business B3, shown on Leasehold Diagram S.G. No 536/2018 attached as Annexure B(iv) to the report on the agenda.

(b) Council reviewed and amended recommendation (b) in resolution C 46/10/09 dated 28 October 2009 to read as follows:

(b) That the Director: Property Development be authorised to further negotiate with Devmet Property Developments the details related to the implementation of the proposals, within the concept of the development, management and financial models, provided that the total financial value to the City under consideration is not reduced below the minimum offer sum of R234,45 million.

(c) Council reviewed and amended recommendation (c)(ii) in resolution C 49/10/20 dated 30 October 2020, read with Council resolution C 57/10/19 dated 31 October 2019, to read as follows:

(ii) The City will receive a minimum of R229 000 000.00 (two hundred and twenty-nine million rand) (exclusive of VAT) from the transfer of the capital assets.

aa) The purchase price shall escalate at 5% per annum compounded annually on a pro rata basis commencing on the date of the Valuation, being 22 September 2025, until

the date of registration of transfer of the properties in the name of Devmet Property Developments.

bb) Such escalation of the purchase price shall only become effective in the event that the properties are not transferred to the successful bidder within 12 months from the date of the valuation, by 22 September 2026.

cc) In the event that the properties are not transferred by 22 September 2028, being three (3) years from the date of valuation, the parties agree to review the purchase price to bring it in line with an independent assessment of the market value of the property at the time, as contemplated in section 14(2)(b) of the MFMA.

(d) Council reviewed and amended recommendation c(i) in resolution C 57/10/19 dated 31 October 2019 to read as follows:

c(i) the capital assets be utilised in accordance with the proposal submitted by Devmet Property Developments (Pty) Ltd in respect of Tender No. 22Q/2008/09 "Development of Vacant Municipal Land and Improvement and Management of Municipal and Public Facilities (Portion of Erf 21750, Bellville) Velodrome and Bellville Stadium" as accepted by Council via resolution C46/10/09.

(e) Council reviewed and amended recommendation (d) in resolution C 57/10/19 dated 31 October 2019 to read as follows:

(d) in terms of Regulation 17 of the Municipal Assets Transfer (MATR), R.878 promulgated on 22 August 2008, the Director: Property Development be authorised to, on behalf of the City of Cape Town, sign all the necessary legal agreements required to conclude the transfer of the capital assets described in (b)(i) - (iv) above.

(f) Council reviewed and amended recommendation f(i) in resolution C 57/10/19 dated 31 October 2019 to read as follows:

(f) the capital assets to be leased and utilised in accordance with the proposal bid submitted by Devmet Property Developments (Pty) Ltd in respect of Tender No. 22Q/2008/09 "Development of Vacant Municipal Land and Improvement and Management of Municipal and Public Facilities (Portion of Erf 21750, Bellville) Velodrome and Bellville Stadium" as accepted by Council via resolution C46/10/09.

(g) Council reviewed and amended recommendation f(ii) in resolution C 57/10/19 dated 31 October 2019 to read as follows:

f(ii) the City enter into a lease agreement with Devmet for an initial period of 50 (fifty) years and with the prior approval of the City, be entitled to renew the agreement for one more period of 10 (ten) years which will be subject to further amended conditions as may be imposed by the City.

(h) Council reviewed and amended recommendation (g) in resolution C 57/10/19 dated 31 October 2019 to read as follows:

(g) in terms of Regulation 45 of the Municipal Assets Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, the Director: Property Development be authorised to, on behalf of the City of Cape Town, sign all the necessary legal agreements required to conclude the granting of rights to use, control and manage the capital assets.

(i) Council reviewed and amended recommendation i(vi) in resolution C 57/10/19 dated 31 October 2019 to read as follows:

i(vi) The developer to ensure that all the necessary requirements and regulations are adhered to, to ensure that the functionality of the public facilities for the purposes of all associated events and athletics is not compromised.

[The ANC, AJ, ARA, CAPEXIT, EFF, GOOD and PA recorded their votes against the above decision.]

ACTION: G BASSON, L POTTS, R GELDERBLOEM

C 12/04/26 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER OF CITY-OWNED VACANT PROPERTY BY PUBLIC COMPETITIVE PROCESS, ERF 3689 LANGA (UNREGISTERED PORTION OF REMAINDER ERF 3585, LANGA), SITUATED AT 4 MOFFAT STREET, LANGA AND ZONED RESIDENTIAL 2: INCREMENTAL HOUSING (R2)

RESOLVED that:

(a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act, Act 56 of 2003 (MFMA):

(i) Council resolved that Erf 3689 Langa (unregistered portion of Remainder Erf 3585 Langa), situated at 4 Moffat Street, Langa measuring approximately 142m^2 and zoned Residential 2: Incremental Housing (R2), shown on Plan LIS3104 attached as Annexure A to the report on the agenda is not required for the provision of minimum level of basic municipal services;