

ITEM NUMBER: C 52/05/16

RECOMMENDATION FROM THE EXECUTIVE MAYOR: 17 MAY 2016

- MC 41/05/16 (A) PROPOSED CLOSURE OF CITY-OWNED IMMOVABLE PROPERTY BEING A PORTION OF REMAINDER ERF 9438, CAPE TOWN (A PUBLIC PASSAGE) SITUATED OFF CALEDON STREET, CAPE TOWN
- (B) GRANTING OF IN-PRINCIPLE APPROVAL: ALIENATION OF CITY-OWNED IMMOVABLE PROPERTY BEING A PORTION OF ERF 9438, CAPE TOWN (A PUBLIC PASSAGE) SITUATED OFF CALEDON STREET, CAPE TOWN

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) Council in terms of Section 4(2)(f) of the City of Cape Town: Immovable Property By-Law, 2015 grant approval that the City may, by Notice in the *Provincial Gazette* close a portion of Remainder Erf 9438, Cape Town, being a public passage, situated at Caledon Street, Cape Town as indicated on Plan STC 2522v1 attached as Annexure A to the report on the agenda
- (c) Council in terms of Regulation 5 of the Municipal Asset Transfer Regulations grant in-principle approval that a portion of Remainder Erf 9438, Cape Town, being a public passage, situated at Caledon Street, Cape Town shown lettered ABCD on Plan STC 2522v1 attached as Annexure A to the report on the agenda, in extent approximately 64 m², be alienated.

IPAC 18/04/2016 2.1 PROPOSED CLOSURE OF CITY-OWNED IMMOVABLE PROPERTY BEING
A PORTION OF REMAINDER ERF 9438 CAPE TOWN (A PUBLIC PASSAGE)
SITUATED OFF CALEDON STREET, CAPE TOWN

MC 41/05/16 2.2 GRANTING OF IN PRINCIPLE APPROVAL: ALIENATION OF CITY-
OWNED IMMOVABLE PROPERTY BEING A PORTION OF ERF 9438 CAPE
TOWN (A PUBLIC PASSAGE) SITUATED OFF CALEDON STREET, CAPE
TOWN

2.1 VOORGESTELDE SLUITING VAN ONROERENDE EIENDOM IN
STADSBESIT NAAMLIK 'N GEDEELTE VAN RESTANT ERF 9438 KAAPSTAD
(OPENBARE STEEG) UIT CALEDONSTRAAT KAAPSTAD:

2.2 TOESTAAN VAN BEGINSELGOEDKEURING: VERVREEMDING VAN
ONROERENDE EIENDOM IN STADSBESIT NAAMLIK 'N GEDEELTE VAN
RESTANT ERF 9438 KAAPSTAD (OPENBARE STEEG) UIT CALEDONSTRAAT
KAAPSTAD:

2.1 ISIPHAKAMISO SOKUVALWA KWEPROPATI ENGENAKUSUSWA
YESIXEKO ESISIQEPHU SENTSALELA YESIZA- ERF 9438 CAPE TOWN
(IPASEJI YOLUNTU) ESE-CALEDON STREET, EKAPA

2.2 UKUVUNYELWA KWESIPHUMEZO SOKUNIKEZELWA KWEPROPATI
ENGENAKUSUSWA ELAWULWA SISIXEKO, ESISIQEPHU SESIZA-9438,
EKAPA (IPASEJI YOLUNTU) EKWI- CALEDON STREET, EKAPA

*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) Council in terms of Section 4(2)(f) of the City of Cape Town: Immovable Property By-Law, 2015 grant approval that the City may, by Notice in the *Provincial Gazette* close a portion of Remainder Erf 9438, Cape Town, being a public passage, situated, Caledon Street, Cape Town as indicated on attached plan STC 2522v1 marked annexure A.
- c) Council in terms of Regulation 5 of the Municipal Asset Transfer Regulations grant in - principle approval that a portion of Remainder Erf 9438, Cape Town, being a public passage, situated, Caledon Street, Cape Town shown lettered ABCD on the attached plan STC 2522v1 marked annexure A, in extent approximately 64m², be alienated.

AANBEVELINGS

Nie gedelegeer nie: vir besluitneming deur die Raad:

- a) Die Raad, ingevolge artikel 14 van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, Wet 56 van 2003, besluit dat die eiendom nie benodig word om die minimum vlak van basiese munisipale dienste te voorsien nie
- b) Die Raad ingevolge artikel 4(2)(f) van die Stad Kaapstad: Verordening op Onroerende Eiendom, 2015 goedkeuring verleen dat die Stad deur kennisgewing in die *Provinsiale Koerant* 'n gedeelte van die restant erf 9438, Kaapstad, 'n openbare steeg, uit Caledonstraat, Kaapstad soos aangetoon op die aangehegte plan STC 2522v1 gemerk as bylae A, mag sluit.
- c) Die Raad ingevolge regulasie 5 van die oordragregulasies vir munisipale bates beginselgoedkeuring verleen dat 'n gedeelte van restant erf 9438, Kaapstad, 'n openbare steeg uit Caledonstraat, Kaapstad, aangetoon met die letters ABCD op die aangehegte plan STC 2522v1, gemerk bylae A, ongeveer 64m² groot, vervreem word.

IZINDULULO

Azgunyaziswanga: isigqibo seseBhunga:

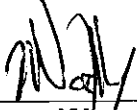
Kundululwe ukuba:

- a) IBhunga ligqibe ngokwecandelo-14 loMthetho wobuRhulumente boMmandla ongoMthetho woLawulo lweziMali zikaMasipala ongunomb.56 wango-2003, ukuba ipropati ayifuneki nganto ukubonelela ngomlinganiselo othile weenkonzong ezingundoqo zikamasipala.
- b) IBhunga ngokwecandelo-4(2)(f) loMthetho kaMasipala weSixeko saseKapa ongeepropati ezingenakususwa wango-2015, malinikezele isiphumezo sokuba iSixeko, ngokuthi senze isaziso kwiGazethi yePhondo sokuvala isiqephu sentsalela yesiza-9438, esiseKapa, esiyipaseji yoluntu, ese-Caledon Street, eKapa, esibonakaliswe kwiplani eqhotyoshelweyo engu-STC 2522v1 esiphawulwe kwisihlomelo-A.
- c) IBhunga ngokoMgaqo-5 weMigaqo engokuTshintshelwa kweMpahla kaMasipala, malinikezele isiphumezo sokuba kunikezelwe isiqephu sesiza-9438, esiseKapa, esiyipaseji yoluntu ekwi-Caledon Street, eKapa, esibonakaliswe ngoonobumba abakhulu u-ABCD kwiplani eqhotyoshelweyo engu-STC 2522v1 esiphawulwe kwisihlomelo-A, esibukhulu obumalunga nama-64 m².

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

DATE: 21/4/16

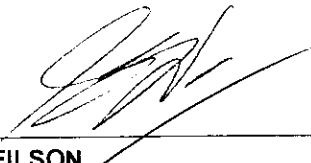
COMMENT:



DIRECTOR : LEGAL SERVICES *(Acting)*
MR LUNGELU MBANDAZAYO *Jean Roman*

DATE: 28.04.2016

COMMENT:



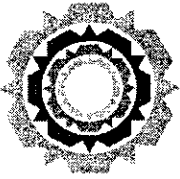
ALDERMAN IAN NEILSON
MAYORAL COMMITTEE MEMBER : FINANCE

DATE: 3/5/2016

COMMENT:

322

LCP 946



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 REMAINDER ERF 9438 CAPE TOWN (A PUBLIC PASSAGE) SITUATED OFF CALEDON STREET, CAPE TOWN**
 - 2.2 **GRANTING OF IN PRINCIPLE APPROVAL: ALIENATION OF CITY-OWNED IMMOVABLE PROPERTY BEING A PORTION OF ERF 9438 CAPE TOWN (A PUBLIC PASSAGE) SITUATED OFF CALEDON STREET, CAPE TOWN**
2. **ONDERWERP**
 - 2.1 **VOORGESTELDE SLUITING VAN ONROERENDE EIENDOM IN STADSBESIT NAAMLIK 'N GEDEELTE VAN RESTANT ERF 9438 KAAPSTAD (OPENBARE STEEG) UIT CALEDONSTRAAT KAAPSTAD:**
 - 2.2 **TOESTAAN VAN BEGINSSELGOEDKEURING: VERVREEMDING VAN ONROERENDE EIENDOM IN STADSBESIT NAAMLIK 'N GEDEELTE VAN RESTANT ERF 9438 KAAPSTAD (OPENBARE STEEG) UIT CALEDONSTRAAT KAAPSTAD:**
2. **ISIHLOKO**
 - 2.1 **ISIPHAKAMISO SOKUVALWA KWEPROPATI ENGENAKUSUSWA YESIXEKO ESISIQEPHU SENTSALELA YESIZA- ERF 9438 CAPE TOWN (IPASEJI YOLUNTU) ESE-CALEDON STREET, EKAPA**
 - 2.2 **UKUVUNYELWA KWESIPHUMEZO SOKUNIKEZELWA KWEPROPATI ENGENAKUSUSWA ELAWULWA SISIXEKO, ESISIQEPHU SESIZA-9438, EKAPA (IPASEJI YOLUNTU) EKWI- CALEDON STREET, EKAPA**

LSU: G4511
14/3/4/3/49/A00
PH 2016/0093 (Category 1)

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PSA

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

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

- Approval in terms of Section 4(2)(f) of the City of Cape Town: Immovable Property By-Law, 2015 that the City may, by Notice in the *Provincial Gazette* close a portion of Remainder Erf 9438, Cape Town, a public passage, situated off Caledon Street, Cape Town.
- 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 ;
- 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 Remainder Erf 9438, Cape Town, a public passage, situated off Caledon Street, Cape Town.

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 Immovable 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.

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5. 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

6. EXECUTIVE SUMMARY

PURPOSE OF REPORT	The purpose of this report is to obtain the following from Council: <ul style="list-style-type: none"> • 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; • 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 Remainder Erf 9438, Cape Town, a public passage, situated off Caledon Street, Cape Town; • Approval that a portion of Remainder Erf 9438, Cape Town, being a public passage, situated, Caledon Street, Cape Town be closed. 			
Property description	Remainder Erf 9438 Cape Town			
Applicant	George Psomas			
Applicant's physical address	15A Caledon Street, Cape Town			
Site extent	±64m ²			
Current zoning	Public Passage			
Current usage	Security and access			
Proposed usage	Security and access			
Application description	Purchase			
Submission date	25 September 2013			
Circulation date	9 December 2013			
Comments	None			
Public participation outcome summary	The proposed closure and alienation was advertised in the press on the 24 th April 2015. No objections were received.			
WARD Cllr Dave Bryant	NOTICE Yes	DATE 05-05-2015	WARD	77
Viable	Yes		No	X
Recommended decision	Approval	X	Refusal	

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7. 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) Council in terms of Section 4(2)(f) of the City of Cape Town: Immovable Property By-Law, 2015 grant approval that the City may, by Notice in the *Provincial Gazette* close a portion of Remainder Erf 9438, Cape Town, being a public passage, situated, Caledon Street, Cape Town as indicated on attached plan STC 2522v1 marked annexure A.
- c) Council in terms of Regulation 5 of the Municipal Asset Transfer Regulations grant in - principle approval that a portion of Remainder Erf 9438, Cape Town, being a public passage, situated, Caledon Street, Cape Town shown lettered ABCD on the attached plan STC 2522v1 marked annexure A, in extent approximately 64m², be alienated.

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 benodig word om die minimum vlak van basiese munisipale dienste te voorsien nie
- b) Die Raad ingevolge artikel 4(2)(f) van die Stad Kaapstad: Verordening op Onroerende Eiendom, 2015 goedkeuring verleen dat die Stad deur kennisgewing in die *Provinsiale Koerant* 'n gedeelte van die restant erf 9438, Kaapstad, 'n openbare steeg, uit Caledonstraat, Kaapstad soos aangetoon op die aangehegte plan STC 2522v1 gemerk as bylae A, mag sluit.
- c) Die Raad ingevolge regulasie 5 van die oordragregulasies vir munisipale bates beginselgoedkeuring verleen dat 'n gedeelte van restant erf 9438, Kaapstad, 'n openbare steeg uit Caledonstraat, Kaapstad, aangetoon met die letters ABCD op die aangehegte plan STC 2522v1, gemerk bylae A, ongeveer 64m² groot, vervreem word.

7. IZINDULULO

Azgunyaziswanga: 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 weenkondo ezingundoqo zikamasipala.
- b) IBhunga ngokwecandelo-4(2)(f) loMthetho kaMasipala weSixeko saseKapa ongeePropati ezingenakususwa wango-2015, malinikezele isiphumezo sokuba iSixeko, ngokuthi senze isaziso kwiGazethi yePhondo sokuvala isiqephu sentsalela yesiza-9438, esiseKapa, esiyipaseji yoluntu, ese-Caledon Street, eKapa, esibonakaliswe kwiplani eqhotyoshelweyo engu-STC 2522v1 esiphawulwe kwisihlomelo-A.
- c) IBhunga ngokoMgaqo-5 weMigaqo engokuTshintshelwa kweMpahla kaMasipala, malinikezele isiphumezo sokuba kunikezelwe isiqephu sesiza-9438, esiseKapa, esiyipaseji yoluntu ekwi-Caledon Street, eKapa, esibonakaliswe ngoonobumba abakhulu u-ABCD kwiplani eqhotyoshelweyo engu-STC 2522v1 ephawulwe kwisihlomelo-A, esibukhulu obumalunga nama-64 m².

8. DISCUSSION/CONTENTS

8.1 BACKGROUND:

Application was made by George Psomas, the registered owner of the Erf 5570 Cape Town, to purchase a portion of Rem. Erf 9438 Cape Town (Public Passage) situated on Caledon Street, Cape Town, in extent approximately 64m².

The current zoning of the property is Public Passage and is currently being used by the applicant for security and access to the first floor. The property is gated and improvements include stairs and landing.

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.

The proposal was circulated to all the relevant branches for comment. No objections were received. The closure and disposal of the subject property was duly advertised in two local newspapers on 24 April 2015 (See Annexure B), inviting the public to lodge written comments. A notice in this regard was also served on the relevant ward councillor and sub-council.

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The recommendation was considered by Sub-Council 16 on 16 November 2015 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 C.

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:

i) Electricity Services:

- Any alterations or deviations to electricity services necessary as a consequence of the proposal, or requested by the applicant, will be carried at the applicant's cost.

ii) Fire and Rescue Service

- All requirements as laid out by Council must be complied with.
- Building plans to be submitted to Building Development Management for approval.
- Immediate Emergency Vehicular access must be guaranteed at all times.
- The only locking mechanism that will be accepted by the Fire and Rescue Service is a padlock- this will allow the lock to be broken in an emergency, in order for the brigade to gain access to the area.
- Fire hydrants, water pipes, hydrant indicating plates or decals are to remain accessible in all times.
- Should the situation prove unsuitable the Fire and Rescue Service have the right to review the situation if necessary.

iii) Spatial Planning and Urban Design

- Ventilation in terms of Health and Safety is to be taken into account for Erf 157892 Cape Town's building in any redevelopment.
- Building plans are to be submitted to the Urban Design branch for approval as part of building plan approval.

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 70 000, 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: 21 May 2015
	Notices to adj owners	Date: 19 May 2015
	Ward councillor	Date: 21 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 31 December 2014 assessed the value of the Subject Property at R 70 000.00 excluding VAT (if applicable). Valuation synopsis is attached to the report as Annexure D.

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 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;

8.8.3 The Immovable Property By-Law (approved 28 October 2015) permits the closure of Public Places.

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 whose 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 the applicant 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 x	Yes <input type="checkbox"/>
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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 R70 000, 00 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 closure and 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 vests in the City of Cape Town and must be registered as such in terms of Section 31 of the Deeds Registries Act No 47 of 1937.

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

8.13.2.3. The portion of land must be consolidated with the applicant's adjoining Erf 502 Bantry Bay to form a single holding.

8.13.2.4. An access servitude over the subject property must be registered in favour 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 organisational structure?

No

ANNEXURES

- A – Plan STC 2522v1
- B-Closure Advertisement.
- C - Extract of Minutes of Subcouncil Meeting
- D – Valuation synopsis

FOR FURTHER DETAILS CONTACT:

NAME	Donavon Geysman (Aysha Zoutenberg)
CONTACT NUMBERS	021 400 6557
E-MAIL ADDRESS	Bibraysha.zoutenberg@capetown.gov.za
DIRECTORATE	FINANCE
FILE REF NO	CT14/3/4/3/462/AC8
MANAGER: PROPERTY HOLDING	<i>Smackenberg</i>

J Gelderbloem

**DIRECTOR: PROPERTY MANAGEMENT IN
 HER CAPACITY AS CFO NOMINEE**

Comment:

NAME RUBY GELDERBLOEM
 DATE 2016-03-18

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

Charlyne Arendse

LEGAL COMPLIANCE

NON-COMPLIANT

NAME CHARLYNNE ARENDSSE
 TEL 021 400 1265
 DATE 31 - 03 - 2016

Comment:

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

Charlyne Arendse