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**LOCAL AUTHORITY NOTICE**

**LOCAL AUTHORITY NOTICE 1702**

**CITY OF TSHWANE**

**AKASIA-SOSHANGUVE AMENDMENT SCHEME 0286A**

It is hereby notified in terms of the provisions of section 125(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that the City of Tshwane has approved an amendment scheme with regard to the land in the township of Theresapark Extension 59, being an amendment of the Akasia/Soshanguve Town-planning Scheme, 1996.

Map 3 and the scheme clauses of this amendment scheme are filed with the Executive Director: Legal Services, and are open to inspection during normal office hours.

This amendment is known as Akasia/Soshanguve Amendment Scheme 0286A.

(13/2/Theresapark x59 (0286A))  
 \_\_\_ July 2008

**Executive Director: Legal Services**  
 (Notice No 524/2008)

**PLAASLIKE BESTUURSKENNISGEWING 1702**

**STAD TSHWANE**

**AKASIA/SOSHANGUVE WYSIGINGSKEMA 0286A**

Hierby word ingevolge die bepalings van artikel 125(1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), bekend gemaak dat die Stad Tshwane 'n wysigingskema met betrekking tot die grond in die dorp Theresapark Uitbreiding 59, synde 'n wysiging van die Akasia/Soshanguve dorpsbeplanningskema, 1996, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die Uitvoerende Direkteur: Regsdienste, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Akasia/Soshanguve wysigingskema 0286A.

(13/2/Theresapark x59 (0286A))  
 \_\_\_ Julie 2008

**Uitvoerende Direkteur: Regsdienste**  
 (Kennisgewing No 524/2008)

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**CITY OF TSHWANE**

**DECLARATION OF THERESAPARK EXTENSION 59 AS APPROVED TOWNSHIP**

In terms of section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986), the City of Tshwane hereby declares the township of Theresapark Extension 59 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Theresapark x59 (0286A))

**SCHEDULE**

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY GRM EIENDOMS ONTWIKKELINGS CC IN TERMS OF THE PROVISIONS OF CHAPTER III: PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 741 (A PORTION OF PORTION 10) OF THE FARM WITFONTEIN 301JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

1. **CONDITIONS OF ESTABLISHMENT**

1.1 **NAME**

The name of the township shall be Theresapark Extension 59.

**1.2 DESIGN**

The township shall consist of erven and streets as indicated on General Plan SG No 4787/2007.

**1.3 ENDOWMENT**

Payable to the City of Tshwane.

The township owner shall pay a lump sum endowment of **R400 000,00** in terms of Regulation 44(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), to the City of Tshwane. The amount shall be used by the City of Tshwane for the acquisition of land for park and/or public open space purposes.

The said endowment amount shall be payable in accordance with the provisions of Section 81 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

**1.4 DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of the rights to minerals, but excluding –

1.4.1 the following servitudes which shall not be passed on to the erven in the township:

"A. The property hereby transferred shall be subject to a servitude of right of way 6,30 metres wide in favour of Portion 68 (a portion of Portion 10) of the farm Witfontein 301JR, measuring 17,2273 ha as held under Deed of Transfer No 8258/1941, dated the 29<sup>th</sup> May, 1941, adjoining its Eastern boundaries to the public road to Pretoria. The said Portion 68 shall not be entitled to any other road or right of way over the property hereby transferred."

"B. By notarial Deed No. 1126/57S dated 30<sup>th</sup> October, 1957 the within mentioned property is subject to a servitude of right of way in favour of Portion 129 (a portion of Portion 10) of the farm Witfontein 301JR, held by "The Congregation De Notre Dame De Charite Du Bon Pasteur of Angers" by deed of Transfer No T18473/54 as will more fully appear from reference to the said Notarial Deed."

**1.5 CONSOLIDATION OF ERVEN**

The township owner shall at its own expense cause Erven 2307 and 2308 in the township to be consolidated.

**1.6 REMOVAL OR REPLACEMENT OF MUNICIPAL OR TELKOM SERVICES**

If, by reason of the establishment of the township, it should become necessary to remove or replace any existing municipal or Telkom services, the cost thereof shall be borne by the township owner.

**1.7 REMOVAL OF LITTER**

The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the City of Tshwane, when required to do so by the City of Tshwane.

**1.8 COMPLIANCE WITH CONDITIONS IMPOSED BY GDAE**

The township owner shall at his own expense comply with all the conditions imposed, by the Gauteng Department of Agriculture, Conservation and Environment, as well as any other applicable provisions, in terms of the provisions of the Environmental Conservation Act, 1989 (Act 73 of 1989), or the National Environmental Management Act, 107 of 1998 as the case may be.

2. CONDITIONS OF TITLE

THE ERVEN MENTIONED HEREUNDER SHALL BE SUBJECT TO THE CONDITIONS AS INDICATED, IMPOSED BY MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986):

2.1 ALL ERVEN

2.1.1 The erf shall be subject to a servitude, 2m wide, for municipal services in favour of the Municipality, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 2m wide, over the entrance portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.

2.1.2 No buildings or other structures may be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within a distance of 2m from it.

2.1.3 The Municipality shall be entitled to temporarily deposit on the land adjoining the aforesaid servitude, any material it excavates during the laying, maintenance or removal of such services and other works which in its discretion it regards necessary, and furthermore the Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.

2.2 ERVEN 2307 AND 2308

The erf is subject to a servitude for municipal purposes in favour of the municipality, as indicated on the general plan.

**STAD TSHWANE**

**VERKLARING VAN THERESAPARK UITBREIDING 59 TOT GOEDGEKEURDE DORP**

Ingevolge artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No 15 van 1986), verklaar die Stad Tshwane hierby, die dorp Theresapark Uitbreiding 59 tot 'n goedgekeurde dorp, onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

(13/2/Theresapark x59 (0286A))

**BYLAE**

STAAT VAN VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR GRM EIENDOMS ONTWIKKELINGS CC INGEVOLGE DIE BEPALINGS VAN HOOFSTUK III: DEEL C VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE NO 15 VAN 1986), OM TOESTEMMING OM 'N DORP OP GEDEELTE 741 ('N GEDEELTE VAN GEDEELTE 10) VAN DIE PLAAS WITFONTEIN 301JR, GAUTENG, TE STIG, TOEGESTAAN IS.

1. STIGTINGSVOORWAARDES

1.1 NAAM

Die naam van die dorp is Theresapark Uitbreiding 59.

1.2 ONTWERP

Die dorp bestaan uit erwe en strate soos aangedui op Algemene Plan LG No 4787/2007.

1.3 BEGIFTIGING

Betaalbaar aan die Stad Tshwane.

Die dorpseniener moet as begiftiging, 'n totale bedrag van R400 000,00 in terme van Regulasie 44(1) van die Dorpsbeplanning en Dorpe Regulasie, aan die Stad Tshwane betaal. Welke bedrag deur die Stad Tshwane aangewend moet word vir die verkryging van grond vir park- en/of openbare-oopruimtedoeleindes.

Die genoemde begiftigingsbedrag is betaalbaar kragtens die bepalings van artikel 81 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986).

#### 1.4 BESKIKKING OOR BESTAANDE TITELVOORWAARDES

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en servitute, as daar is, met inbegrip van die voorbehoud van die regte op minerale, maar uitgesonderd –

1.4.1 die volgende servitute wat nie aan die erwe in die dorp oorgedra moet word nie:

- "A. The property hereby transferred shall be subject to a servitude of right of way 6,30 metres wide in favour of Portion 68 (a portion of Portion 10) of the farm Witfontein 301JR, measuring 17,2273 ha as held under Deed of Transfer No 8258/1941, dated the 29<sup>th</sup> May, 1941, adjoining its Eastern boundaries to the public road to Pretoria. The said Portion 68 shall not be entitled to any other road or right of way over the property hereby transferred."
- "B. By notarial Deed No. 1126/57S dated 30<sup>th</sup> October, 1957 the within mentioned property is subject to a servitude of right of way in favour of Portion 129 (a portion of Portion 10) of the farm Witfontein 301JR, held by "The Congregation De Notre Dame De Charite Du Bon Pasteur of Angers" by deed of Transfer No T18473/54 as will more fully appear from reference to the said Notarial Deed."

#### 1.5 KONSOLIDASIE VAN ERWE

Die dorpseniener moet op eie koste Erwe 2307 en 2308 in die dorp laat konsolideer.

#### 1.6 VERSKUIWING OF VERWYDERING VAN MUNISIPALE OF TELKOM DIENSTE

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande munisipale of Telkom dienste te verskuif of te vervang, moet die koste daarvan deur die dorpseniener gedra word.

#### 1.7 VERWYDERING VAN ROMMEL

Die dorpseniener moet op eie koste alle rommel binne die dorpsgebied laat verwyder tot tevredeheid van die Stad Tshwane wanneer die Stad Tshwane dit vereis.

#### 1.8 VOLDOENING AAN VOORWAARDES OPGELê DEUR DIE DEPARTEMENT VAN LANDBOU EN OMGEWINGSBEWARING

Die dorpseniener sal op sy eie koste voldoen aan al die voorwaardes opgelê deur die Gautengse Departement van Landbou en Omgewingsbewaring, asook enige ander toepaslike voorwaardes soos vervat in die Wet op Omgewingsbewaring, 1989 (Wet 73 van 1989), of die Nasionale Wet op Omgewingsbewaring, 1998 (Wet 107 van 1998), wat ookal die geval mag wees.

## 2. TITELVOORWAARDES

DIE ERWE IS ONDERWORPE AAN DIE VOLGENDE VOORWAARDES SOOS AANGEDUI, OPGELê DEUR DIE STAD TSHWANE INGEVOLGE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986):

2.1 ALLE ERWE

2.1.1 Die erf is onderworpe aan 'n serwituut, 2 meter breed, vir munisipale dienste, ten gunste van die Stad Tshwane langs enige twee grense, uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituut vir munisipale doeleindes, 2 meter breed, oor die toegangsgedeelte van die erf, indien en wanneer die plaaslike bestuur dit verlang: Met dien verstande dat die plaaslike bestuur van enige sodanige serwituut mag afsien.

2.1.1.2 Geen geboue of ander strukture mag binne die voornoemde serwituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige serwituut of binne 'n afstand van 2 meter daarvan geplant word nie.

2.1.1.3 Die Stad Tshwane is daarop geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige dienste en ander werke wat hy na goeë dunnke noodsaaklik ag, tydelik te plaas op grond wat aan die voornoemde serwituut grens, en voorts is die Stad Tshwane geregtig op redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die Stad Tshwane enige skade vergoed wat gedurende die aanleg, onderhoud of verwydering van sodanige dienste en ander werke veroorsaak word.

2.2 ERWE 2307 EN 2308

Die erf is onderworpe aan 'n serwituut vir munisipale doeleindes ten gunste van die munisipaliteit, soos op die algemene plan aangedui.

