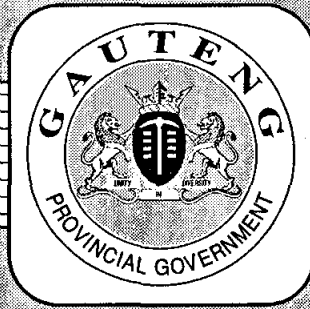


**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

**Provincial Gazette Extraordinary  
Buitengewone Provinsiale Koerant**

Selling price • Verkoopprys: **R2,50**  
Other countries • Buitelands: **R3,25**

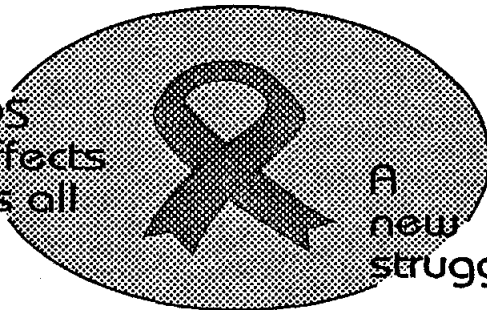
**Vol. 10**

**PRETORIA, 14 SEPTEMBER 2004**

**No. 376**

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH



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## LOCAL AUTHORITY NOTICES

### PLAASLIKE BESTUURSKENNISGEWING 1947

#### VERKLARING TOT GOEDGEKEURDE DORP

Ingevolge artikel 69 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1965 (Ordonnansie 25 van 1965), verklaar die Administrateur hierby die dorp **Eldoraigne Uitbreiding 16** tot 'n goedgekeurde dorp, onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

GO 15/3/2/93/58

#### BYLAE

**VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR NINE MILEPOST INVESTMENT (PROPRIETARY) LIMITED INGEVOLGE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1965, OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 183 VAN DIE PLAAS ZWARTKOP NO. 356-J.R. PROVINSIE GAUTENG, TOEGESTAAN IS.**

#### 1. STIGTINGSVOORWAARDES

##### (1) NAAM

Die naam van die dorp is Eldoraigne Uitbreiding 16.

##### (2) ONTWERP

Die dorp bestaan uit erwe soos aangedui op Algemene Plan L.G. No. A326/1988

##### (3) BESKIKKING OOR BESTAANDE TITELVOORWAARDES

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en serwitute, as daar is, met inbegrip van die voorbehoud van die regte op minerale, maar uitgesonder-

(a) die volgende voorwaardes/serwitute wat nie die dorp raak nie:

- (i) "The owners of Portion A of the Middle Portion of the said farm are entitled to the use of water from the Hennops River and especially subject to a similar right and to a certain right of way in favour of the owners of Portion "B" all of which will more fully appear from Notarial Deed registered under No 495/1922S"
- (ii) The Remaining Extent of the said Portion A of the Middle Portion of the said farm, measuring 221 morgen 366 square metres is subject to a right of way leave over it in favour of the City Council of Pretoria, for the purpose of conveying electricity by means of high or low tension or other underground cables overhead transmission lines, etc., with certain ancillary rights and subject to certain conditions, all as well more fully appear from Notarial Deed No. 2/1935 S.
- (iii) Portion 2 of Portion D of the middle Portion of the said farm (of which portion of the property marked EBCF on Diagram S. G. No. A. 3649/1948 annexed to Certificate of Consolidated Title No. 3065/1950 dated the 22<sup>nd</sup> February 1950 being the Remaining Extent of Portion 190 ( a portion of portion 2 of Portion D of the middle portion) measuring as such 4,9774 Morgen forms part) is subject to the following: -
- (iv) SUBJECT to the provisions of THE PRETORIA WATER WORKS (PRIVATE) ACT NO. 15 of 1929.
- (v) The owners of the said Remaining Extent of Portion 190 (a portion of portion 2 of Portion D of the Middle Portion) and of Portion "c" of Portion 2 of Portion D, measuring 11 morgen 560 square metres, transferred by Deed of Transfer No. 2967/1930, and of Portion "d" of Portion 2 of Portion D measures 67 morgen 20 square roads, transferred by Deed of Transfer No.29/1930, and of Portion known as "Gloucestershire", being Portion "a" of Portion 2 of Portion D measuring 21 morgen 210 square metres, transferred by Deed of Transfer No. 11753/1922, as also of Portion "e" of Portion 2 of Portion D of the Middle Portion measuring 2 morgen transferred by Deed of Transfer No.1087/1936, and of Portion "f" of Portion D of the Middle Portion of the said farm, measuring 7,4611 morgen transferred by Deed of Transfer No. 6825/1936, and of Portion No. 126 of Portion 2 of Portion D of the Middle Portion of the said farm measuring 24,0666 morgen, transferred by Deed of Transfer No. 17248/1939 (all of which properties are hereinafter referred to as being Portion D of the Middle Portion of the said farm, for the sake of brevity) and the owners of certain Portion 1 of Portion D of the Middle Portion of the said farm in extent 317 morgen and 111

square metres, transferred by Certificate of Participation Title No. 7340/1922, shall jointly and in equal shares have the use of the water in certain dam constructed on and by the Owner of the said Portion 1 of Portion D of the said Middle Portion of ZWARTKOP No. 356 (formerly No. 476) in the Hennops River and at the South Eastern boundary of the said property, the right to lead and convey their respective shares in and to the said water in the common furrow running from the said dam over the aforesaid Portion 2 of Portion D. The owner of the said Portion 2 of Portion D and Portion 1 of Portion D of the Middle Portion of Zwartkop aforesaid shall further jointly and in equal shares pay for the upkeep and cleaning of the said dam and of the furrow leading from the said dam over the aforesaid Portion 1 of Portion D of the Middle Portion of ZWARTKOP up to the Western boundary thereof and from this point further on the owners of the said Portion 2 of Portion D of the Middle Portion of the said farm shall defray and be liable solely for the costs of construction and upkeep of the furrow to and on his property.

- (vi) The owners of the said Portion 2 of Portion D shall take the full flow of the water from and through the existing dam and furrow as their share for the period commencing Monday the 25<sup>th</sup> day of April, 1921, at 8 o'clock pm to the following Monday the 2<sup>nd</sup> day of May, 1921, at 10 o'clock am next, and the owners of the aforesaid Portion 1 of Portion D of the Middle Portion of ZWARTKOP shall take their share of the water for the period commencing on Tuesday the 19<sup>th</sup> day of April, 1921, at 6 o'clock am to Monday the 25<sup>th</sup> day of April, 1921, at 8 o'clock pm next, and the said water shall so be used by the owners of the aforesaid properties every alternate week in perpetuity from Tuesday the 19<sup>th</sup> day of April, 1921.
- (vii) The owner of certain Portion marked 3 of Portion D of the said Middle Portion of ZWARTKOP, measuring (22) Twenty two morgen and (300) three hundred square metres, as surveyed by Surveyor D.G.B. Malherbe transferred to Frederick Lance (deceased) by Deed of Transfer No. 7344/1922, shall have a right in perpetuity every fortnight commencing on Monday the 2<sup>nd</sup> day of May, 1921, at 10 o'clock am to Tuesday the 3<sup>rd</sup> day of May, 1921, at 6 o'clock am to the full flow of the water from the aforesaid furrow over the said Portion 2 of Portion D and the said Portion 1 of Portion D of the Middle Portion of ZWARTKOP, to his said portion.
- (viii) In the use and enjoyment of the water to which the owners of Portion 2 of Portion D are entitled as above set out, the owner of Portion "a" measuring 21 morgen 210 square roads, as transferred by Deed of Transfer No. 11753/1922 shall have a right in perpetuity every fortnight commencing at noon on Tuesday the 26<sup>th</sup> April, to 5 am on Wednesday the 27<sup>th</sup> April, 1921, and from 5am on Saturday the 30<sup>th</sup> April, 1921, to 10pm on the 30<sup>th</sup> April, 1921, to the full flow of water from and through the aforesaid dam and furrow; the owner of Portion "d" measuring 67 morgen 200 square roads, as transferred by Deed of Transfer No. 29/1930, shall have a right in perpetuity to the water from and through the said dam and furrow for a period of 60 hours every fortnight commencing from Wednesday at 5am to Friday at 5pm, and the owner of the Portion "c" shall have a right in perpetuity to the full flow of the water from and through the said dam and furrow for a period of 12 hours every alternate week, namely from Monday 8pm to Tuesday 8am.
- (ix) It is also a condition further that the owners of all portions referred to in this Deed of which are subject to the existing water-furrow or any extension thereof, shall allow the full flow of the water in such furrow when not used by them during their respective turns, to flow in the said furrow continuously.
- (x) It is a further condition that should either the owners of Portions A or the Owners of Portion B of the Middle Portion of the said farm ZWARTKOP, measuring respectively 673 morgen and 300 square metres 674 morgen and 300 square metres, transferred by Deeds of Transfer Nos. 4386/1905 and 4387/1905, dated 5<sup>th</sup> June, 1905, and jointly as owners of the remaining extent of Portion D of the said Middle Portion of the farm ZWARTKOP; measuring as such 193 morgen and 545 square metres, transferred by Certificate of Amended Title No. 7338/1922, at any time elect or decide to take and utilise their respective shares of the water or any part thereof out of the aforesaid dam, and as divided and mentioned in Clause 3 hereof instead of using it on those portions to use or utilise the same on their above mentioned properties A and B and the remaining Extent of Portion D of the Middle Portion of ZWARTKOP, They shall be entitled to do so and for such purpose each shall have the right to utilise the aforesaid existing furrow over the said Portion 2 of Portion D and the said Portion 1 of Portion D of the Middle Portion of Zwartkop and the said Portion 3 of Portion D of the Middle portion of ZWARTKOP, measuring 22 morgen 300 square metres, transferred by Deed of Transfer No. 7344/1922, and such extension thereof as may be constructed over the aforesaid remainder of Portion D and the Portion A and B. The costs of any such extension of the said furrow

and the upkeep, repair and cleaning thereof shall be borne by the Owner so desirous of constructing the same and should the other Owner who constructed the same the half of the actual reasonable cost of such construction.

- (xi) All owners of Portion 2 of Portion D and of Portion 1 of Portion D of the Middle Portion of ZWARTKOP shall reciprocally have a right of way over the said properties, leading to "Irene Station" and to the main road between Pretoria and Johannesburg as at present existing over the said Portion 2 of Portion D transferred by Certificate of Partition Title No. 7341/1922 and to be continued Eastwards over the said Portion 1 of Portion D of the Middle Portion of Zwartkop.
- (xii) Subject also to the terms and conditions of certain Notarial Agreement entered into by and between the City Council of Pretoria of the one part and Henricus Lorentz of the other part, on the 20<sup>th</sup> and 21<sup>st</sup> day of August, 1934, in terms whereof the City Council obtained inter alia, the sole and exclusive right of way leave for the conveyance of electric energy and a right of way over the said Portion 2 of Portion D, which agreement is registered under No. 524/34 S.

(b) die volgende serwitute wat slegs Erf 2016 in die dorp raak:

- (i) Subject to a right-of-way SIXTY (60) Cape feet in width extending from East to West along the boundary marked DF on Diagram S.G. A. 3649/1948 annexed to Certificate of Consolidated Title No. 3065/1950 dated the 22<sup>nd</sup> February 1950, in favour of –
  - (aa) The Remaining Extent of Portion A of the Middle Portion of the said farm measuring as such 185.3167 morgen, held under Deed of Transfer No. 38604/48 dated 30<sup>th</sup> November, 1948 and under Deed of Transfer No. 4386/05 dated 5<sup>th</sup> June, 1905,
  - (bb) Portion 3 of Portion A of the Middle Portion of the said farm measuring 33 morgen, 545 square roads, held under Deed of Transfer No. 38604/48 dated 30<sup>th</sup> November, 1949 and Certificate of Registered Title No. 3545/27 dated 29<sup>th</sup> March, 1927,
  - (cc) Portion 4 of Portion A of the Middle Portion of the said farm measuring 24 morgen 589 square metres held under Deed of Transfer No. 38604/48 dated 30<sup>th</sup> November, 1948, and under Certificate of Registered Title No. 3546/27 dated 29<sup>th</sup> March, 1927.
- (ii) Subject to a Right of Way Sixty (60) Cape Feet wide extending along the whole of the Southern boundary from East to West in favour of: -
  - (aa) Certain Portion No. 186 of the said farm measuring 191.4460 (One hundred and ninety-one Decimal Four Four Six Nought) Morgen, held under Certificate of Consolidated Title No. 3065/50
  - (bb) Certain Portion 3 of Portion A of the Middle Portion of the said farm measuring 33 morgen 545 square roads held under Deed of Transfer No. 38604/48 and Certificate of Registered Title No. 3545/27.
  - (cc) Certain Portion 4 of Portion A of the Middle Portion of the said farm measuring 24 morgan, 589 square metres held under Deed of Transfer No. 38604/48 and Certificate of Registered Title No. 3546/27

As will more fully appear from Notarial Deed of Servitude No. 114/50S, which Servitude is marked F C on Diagram S.G. No. A. 3649/48 annexed to Certificate of Consolidated Title No. 3065/1950.

(c) Die volgende serwitute wat nie aan die erwe in die dorp oorgedra moet word nie:

- (i) The owner of the said Portion A of the Middle Portion of the said farm together with the owner of Portion B of the Middle Portion of the said farm measuring 674 (Six Hundred and Seventy Four) morgen 3000 (Three Hundred) Square metres, and the owners of the Remaining Extent of Portion D of the same farm, measuring as such 171 (One Hundred and Seventy One) morgen, 325 (Three Hundred and Twenty Five) square roads, transferred respectively under Deeds of Transfer Nos. 4387/1905, 7338/1922 and 7347/1922, dated the 5<sup>th</sup> day of June, 1905, and the 26<sup>th</sup> day of July 1922, are entitled to certain rights of water and furrow over Portions 1 and 2 of Portion D of the Middle Portion of the said farm measuring respectively 317 (Three Hundred and Seventeen) morgen, 111 (One hundred and Eleven) square metres, and 238 (Two Hundred and Thirty Eight)

morgen, 336 (Three Hundred and Thirty Six) Square metres, held respectively under Certificates of Partition Title Nos. 7340/1992 and 7341/1922, all of which are more fully set out in the said Certificate of Partition Title.

- (ii) The owner of Portion A of the Middle Portion of the said farm is entitled to a one-half (1/2) share in the profits derived from the sale of a township on Portion 121 of that Portion B of the Middle Portion of the said farm held under Partition Transfer No. 18504/39.
- (iii) Entitled to a right of way 30 feet in width over Portion "d" of Portion 2 of Portion D of the Middle Portion of the said farm, measuring 67 morgen 200 square metres, transferred by Deed of Transfer No. 29/30 extending from the existing right of way to the Hennops River, as shown on Diagram A. No. 2770/28 attached to Deed of Transfer No. 29/30, between the points "E" and "A" and "I".

#### (4) GROND VIR MUNISIPALE DOELEINDES

Erf 2017 moet deur en op koste van die dorpseienaar aan die plaaslike bestuur oorgedra word as 'n park.

#### (5) TOEGANG

- (a) Ingang van Provinsiale Pad P1/2 tot die dorp en uitgang tot Provinsiale Pad P1/2 uit die dorp word beperk tot die aansluiting van Hendrik Verwoerd Rylaan met sodanige pad.
- (b) Die dorpseienaar moet op eie onkoste, 'n geometriese ontwerp uitleg (skaal 1:500) van die ingang en uitgang punte verwys na in (a) hierbo, en spesifikasies vir die konstruksie van die toegang, aan die Gauteng Provinsiale Regering (Departement van Publieke Vervoer, Paaie en Werke) voorlê vir goedkeuring. Die dorpseienaar moet na goedkeuring verkry is vir die uitleg en spesifikasies, die sodanige ingang en uitgang punte bou op eie onkoste na die bevrediging van die Gauteng Provinsiale Regering (Departement van Publieke Vervoer, Paaie en Werke).

#### (6) ONTVANGS EN VERSORGING VAN STORMWATER

Die dorpseienaar moet die stormwaterdreinerings van die dorp so reël dat dit inpas by die van Pad P1/2 en moet die stormwater wat van die pad afloop of afgelei word, ontvang en versorg.

#### (7) VOORKOMENDE MAATREËLS

Die dorpseienaar moet op eie koste reëlings met die plaaslike bestuur tref om te verseker dat –

- (a) water nie opdam nie, dat die hele oppervlakte van die dorp behoorlik gedreineer word en dat die strate doeltreffend met teer, beton of butimen geseël word; en
- (b) slote en uitgrawings vir fondamente, pype kables of vir enige ander doeleindes behoorlik met klam grond in lae wat nie dikker as 150mm is nie, opgevol word en gekompakteer word totdat dieselfde verdigtingsgraad as wat die omliggende materiaal is, verkry is.

#### (8) BEPERKING OP DIE VERKOOP VAN ERF 2016

Die dorpseienaar mag nie Erf 2016 verkoop of oordra nie totdat die reg –van-weg serwituuat wat die erf raak geregistreer is in terme van die Voorwaardes A (e)(i), (iii) en C2(a), (b) en (c) in die Akte van Transport No. 6252/1963, gekanselleer is.

## 2. TITELVOORWAARDES

### (1) ALLE ERWE MET DIE UITSONDERING VAN DIE ERF GEMELD IN KLOUSULE 2(4)

- a) Die erwe is onderworpe aan 'n serwituuat, 2m breed, vir riolerings-en ander munisipale doeleindes, ten gunste van die plaaslike bestuur, langs enige twee grense, uitgesonderd 'n straatgrens en, in die geval van 'n pypsteef-erf, 'n addisionele serwituuat vir munisipale doeleindes 2m breed oor die toegangsgedeelte van die erf, indien en wanneer verlang deur die plaaslike bestuur:

- b) Geen geboue of ander struktuur mag binne die voornoemde serwituutgebied opgerig word nie en geen grootwortel-bome mag binne die gebied van sodanige serwituut of binne 'n afstand van 2m daarvandaan geplant word nie.
- c) Die plaaslike bestuur is geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige rioolhoofpypleidings en ander werke wat hy volgens goeddunke noodsaaklik ag, tydelik te plaas op die grond wat aan die voornoemde serwituut grens en voorts is die plaaslike bestuur geregtig tot redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die plaaslike bestuur enige skade vergoed wat gedurende die aanleg, onderhoud of verwyderings van sodanige rioolhoofpypleidings en ander werke veroorsaak word.

**(2) ERF 2003 TOT 2016**

Die erwe is onderworpe aan serwitute vir munisipale doeleindes ten gunste van die plaaslike owerheid soos aangedui op die Algemene Plan.

**LOCAL AUTHORITY NOTICE 1947**

**DECLARATION AS APPROVED TOWNSHIP**

In terms of section 69 of the Town-planning and Townships Ordinance, 1965 (Ordinance 25 of 1965), the Administrator hereby declares the township **Eldoraigne Extension 16** to be an approved township, subject to the conditions set out in the Schedule hereto.

GO 15/3/2/93/58

**SCHEDULE**

**CONDITIONS UNDER WHICH THE APPLICATION MADE BY NINE MILEPOST INVESTMENTS (PROPRIETARY) LIMITED UNDER THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1965, FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 183 OF THE FARM ZWARTKOP NO. 356-J.R., PROVINCE OF GAUTENG, HAS BEEN GRANTED**

**1. CONDITIONS OF ESTABLISHMENT**

**(1) NAME**

The name of the township shall be Eldoraigne Extension 16.

**(2) DESIGN**

The township shall consist of erven as indicated on General Plan S.G. No. A326/1988.

**(3) DISPOSAL OF EXISTING CONDITIONS OF TITLE**

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

(a) the following conditions/servitudes which do not affect the township area:

- (i) "The owners of Portion A of the Middle Portion of the said farm are entitled to the use of water from the Hennops River and especially subject to a similar right and to a certain right of way in favour of the owners of Portion "B" all of which will more fully appear from Notarial Deed registered under No 495/1922S"
- (ii) The Remaining Extent of the said Portion A of the Middle Portion of the said farm, measuring 221 morgen 366 square metres is subject to a right of way leave over it in favour of the City Council of Pretoria, for the purpose of conveying electricity by means of high or low tension or other underground cables overhead transmission lines, etc., with certain ancillary rights and subject to certain conditions, all as well more fully appear from Notarial Deed No. 2/1935 S.
- (iii) Portion 2 of Portion D of the middle Portion of the said farm (of which portion of the property marked EBCF on Diagram S. G. No. A. 3649/1948 annexed to Certificate of Consolidated Title No. 3065/1950 dated the 22<sup>nd</sup> February 1950 being the Remaining Extent

of Portion 190 (a portion of portion 2 of Portion D of the middle portion) measuring as such 4,9774 Morgen forms part) is subject to the following: -

- (iv) SUBJECT to the provisions of THE PRETORIA WATER WORKS (PRIVATE) ACT NO. 15 of 1929.
- (v) The owners of the said Remaining Extent of Portion 190 (a portion of portion 2 of Portion D of the Middle Portion) and of Portion "c" of Portion 2 of Portion D, measuring 11 morgen 560 square metres, transferred by Deed of Transfer No. 2967/1930, and of Portion "d" of Portion 2 of Portion D measures 67 morgen 20 square roads, transferred by Deed of Transfer No. 29/1930, and of Portion known as "Gloucestershire", being Portion "a" of Portion 2 of Portion D measuring 21 morgen 210 square metres, transferred by Deed of Transfer No. 11753/1922, as also of Portion "e" of Portion 2 of Portion D of the Middle Portion measuring 2 morgen transferred by Deed of Transfer No. 1087/1936, and of Portion "f" of Portion D of the Middle Portion of the said farm, measuring 7,4611 morgen transferred by Deed of Transfer No. 6825/1936, and of Portion No. 126 of Portion 2 of Portion D of the Middle Portion of the said farm measuring 24,0666 morgen, transferred by Deed of Transfer No. 17248/1939 (all of which properties are hereinafter referred to as being Portion D of the Middle Portion of the said farm, for the sake of brevity) and the owners of certain Portion 1 of Portion D of the Middle Portion of the said farm in extent 317 morgen and 111 square metres, transferred by Certificate of Participation Title No. 7340/1922, shall jointly and in equal shares have the use of the water in certain dam constructed on and by the Owner of the said Portion 1 of Portion D of the said Middle Portion of ZWARTKOP No. 356 (formerly No. 476) in the Hennops River and at the South Eastern boundary of the said property, the right to lead and convey their respective shares in and to the said water in the common furrow running from the said dam over the aforesaid Portion 2 of Portion D. The owner of the said Portion 2 of Portion D and Portion 1 of Portion D of the Middle Portion of Zwartkop aforesaid shall further jointly and in equal shares pay for the upkeep and cleaning of the said dam and of the furrow leading from the said dam over the aforesaid Portion 1 of Portion D of the Middle Portion of ZWARTKOP up to the Western boundary thereof and from this point further on the owners of the said Portion 2 of Portion D of the Middle Portion of the said farm shall defray and be liable solely for the costs of construction and upkeep of the furrow to and on his property.
- (vi) The owners of the said Portion 2 of Portion D shall take the full flow of the water from and through the existing dam and furrow as their share for the period commencing Monday the 25<sup>th</sup> day of April, 1921, at 8 o'clock pm to the following Monday the 2<sup>nd</sup> day of May, 1921, at 10 o'clock am next, and the owners of the aforesaid Portion 1 of Portion D of the Middle Portion of ZWARTKOP shall take their share of the water for the period commencing on Tuesday the 19<sup>th</sup> day of April, 1921, at 6 o'clock am to Monday the 25<sup>th</sup> day of April, 1921, at 8 o'clock pm next, and the said water shall so be used by the owners of the aforesaid properties every alternate week in perpetuity from Tuesday the 19<sup>th</sup> day of April, 1921.
- (vii) The owner of certain Portion marked 3 of Portion D of the said Middle Portion of ZWARTKOP, measuring (22) Twenty two morgen and (300) three hundred square metres, as surveyed by Surveyor D.G.B. Malherbe transferred to Frederick Lance (deceased) by Deed of Transfer No. 7344/1922, shall have a right in perpetuity every fortnight commencing on Monday the 2<sup>nd</sup> day of May, 1921, at 10 o'clock am to Tuesday the 3<sup>rd</sup> day of May, 1921, at 6 o'clock am to the full flow of the water from the aforesaid furrow over the said Portion 2 of Portion D and the said Portion 1 of Portion D of the Middle Portion of ZWARTKOP, to his said portion.
- (viii) In the use and enjoyment of the water to which the owners of Portion 2 of Portion D are entitled as above set out, the owner of Portion "a" measuring 21 morgen 210 square roads, as transferred by Deed of Transfer No. 11753/1922 shall have a right in perpetuity every fortnight commencing at noon on Tuesday the 26<sup>th</sup> April, to 5 am on Wednesday the 27<sup>th</sup> April, 1921, and from 5am on Saturday the 30<sup>th</sup> April, 1921, to 10pm on the 30<sup>th</sup> April, 1921, to the full flow of water from and through the aforesaid dam and furrow; the owner of Portion "d" measuring 67 morgen 200 square roads, as transferred by Deed of Transfer No. 29/1930, shall have a right in perpetuity to the water from and through the said dam and furrow for a period of 60 hours every fortnight commencing from Wednesday at 5am to



Friday at 5pm, and the owner of the Portion "c" shall have a right in perpetuity to the full flow of the water from and through the said dam and furrow for a period of 12 hours every alternate week, namely from Monday 8pm to Tuesday 8am.

- (ix) It is also a condition further that the owners of all portions referred to in this Deed of which are subject to the existing water-furrow or any extension thereof, shall allow the full flow of the water in such furrow when not used by them during their respective turns, to flow in the said furrow continuously.
- (x) It is a further condition that should either the owners of Portions A or the Owners of Portion B of the Middle Portion of the said farm ZWARTKOP, measuring respectively 673 morgen and 300 square metres 674 morgen and 300 square metres, transferred by Deeds of Transfer Nos. 4386/1905 and 4387/1905, dated 5<sup>th</sup> June, 1905, and jointly as owners of the remaining extent of Portion D of the said Middle Portion of the farm ZWARTKOP; measuring as such 193 morgen and 545 square metres, transferred by Certificate of Amended Title No. 7338/1922, at any time elect or decide to take and utilise their respective shares of the water or any part thereof out of the aforesaid dam, and as divided and mentioned in Clause 3 hereof instead of using it on those portions to use or utilise the same on their above mentioned properties A and B and the remaining Extent of Portion D of the Middle Portion of ZWARTKOP, They shall be entitled to do so and for such purpose each shall have the right to utilise the aforesaid existing furrow over the said Portion 2 of Portion D and the said Portion 1 of Portion D of the Middle Portion of Zwartkop and the said Portion 3 of Portion D of the Middle portion of ZWARTKOP, measuring 22 morgen 300 square metres, transferred by Deed of Transfer No. 7344/1922, and such extension thereof as may be constructed over the aforesaid remainder of Portion D and the Portion A and B. The costs of any such extension of the said furrow and the upkeep, repair and cleaning thereof shall be borne by the Owner so desirous of constructing the same and should the other Owner who constructed the same the half of the actual reasonable cost of such construction.
- (xi) All owners of Portion 2 of Portion D and of Portion 1 of Portion D of the Middle Portion of ZWARTKOP shall reciprocally have a right of way over the said properties, leading to "Irene Station" and to the main road between Pretoria and Johannesburg as at present existing over the said Portion 2 of Portion D transferred by Certificate of Partition Title No. 7341/1922 and to be continued Eastwards over the said Portion 1 of Portion D of the Middle Portion of Zwartkop.
- (xii) Subject also to the terms and conditions of certain Notarial Agreement entered into by and between the City Council of Pretoria of the one part and Henricus Lorentz of the other part, on the 20<sup>th</sup> and 21<sup>st</sup> day of August, 1934, in terms whereof the City Council obtained inter alia, the sole and exclusive right of way leave for the conveyance of electric energy and a right of way over the said Portion 2 of Portion D, which agreement is registered under No. 524/34 S.

(b) the following servitudes which effect Erf 2016 in the township only:

- (i) Subject to a right-of-way SIXTY (60) Cape feet in width extending from East to West along the boundary marked DF on Diagram S.G. A. 3649/1948 annexed to Certificate of Consolidated Title No. 3065/1950 dated the 22<sup>nd</sup> February 1950, in favour of -
  - (aa) The Remaining Extent of Portion A of the Middle Portion of the said farm measuring as such 185.3167 morgen, held under Deed of Transfer No. 38604/48 dated 30<sup>th</sup> November, 1948 and under Deed of Transfer No. 4386/05 dated 5<sup>th</sup> June, 1905,
  - (bb) Portion 3 of Portion A of the Middle Portion of the said farm measuring 33 morgen, 545 square roads, held under Deed of Transfer No. 38604/48 dated 30<sup>th</sup> November, 1949 and Certificate of Registered Title No. 3545/27 dated 29<sup>th</sup> March, 1927,
  - (cc) Portion 4 of Portion A of the Middle Portion of the said farm measuring 24 morgen 589 square metres held under Deed of Transfer No. 38604/48 dated 30<sup>th</sup> November, 1948, and under Certificate of Registered Title No. 3546/27 dated 29<sup>th</sup> March, 1927,

March, 1927.

- (ii) Subject to a Right of Way Sixty (60) Cape Feet wide extending along the whole of the Southern boundary from East to West in favour of: -
- (aa) Certain Portion No. 186 of the said farm measuring 191,4460 (One hundred and ninety-one Decimal Four Four Six Nought) Morgen, held under Certificate of Consolidated Title No. 3065/50
- (bb) Certain Portion 3 of Portion A of the Middle Portion of the said farm measuring 33 morgen 545 square roads held under Deed of Transfer No. 38604/48 and Certificate of Registered Title No. 3545/27.
- (cc) Certain Portion 4 of Portion A of the Middle Portion of the said farm measuring 24 morgan, 589 square metres held under Deed of Transfer No. 38604/48 and Certificate of Registered Title No. 3546/27

As will more fully appear from Notarial Deed of Servitude No. 114/50S, which Servitude is marked F C on Diagram S.G. No. A. 3649/48 annexed to Certificate of Consolidated Title No. 3065/1950.

- (c) the following rights which shall not be passed on to the erven in the township:
- (i) The owner of the said Portion A of the Middle Portion of the said farm together with the owner of Portion B of the Middle Portion of the said farm measuring 674 (Six Hundred and Seventy Four) morgen 3000 (Three Hundred) Square metres, and the owners of the Remaining Extent of Portion D of the same farm, measuring as such 171 (One Hundred and Seventy One) morgen, 325 (Three Hundred and Twenty Five) square roads, transferred respectively under Deeds of Transfer Nos. 4387/1905, 7338/1922 and 7347/1922, dated the 5<sup>th</sup> day of June, 1905, and the 26<sup>th</sup> day of July 1922, are entitled to certain rights of water and furrow over Portions 1 and 2 of Portion D of the Middle Portion of the said farm measuring respectively 317 (Three Hundred and Seventeen) morgen, 111 (One hundred and Eleven) square metres, and 238 (Two Hundred and Thirty Eight) morgen, 336 (Three Hundred and Thirty Six) Square metres, held respectively under Certificates of Partition Title Nos. 7340/1992 and 7341/1922, all of which are more fully set out in the said Certificate of Partition Title.
- (ii) The owner of Portion A of the Middle Portion of the said farm is entitled to a one-half (1/2) share in the profits derived from the sale of a township on Portion 121 of that Portion B of the Middle Portion of the said farm held under Partition Transfer No. 18504/39.
- (iii) Entitled to a right of way 30 feet in width over Portion "d" of Portion 2 of Portion D of the Middle Portion of the said farm, measuring 67 morgen 200 square metres, transferred by Deed of Transfer No. 29/30 extending from the existing right of way to the Hennops River, as shown on Diagram A. No. 2770/28 attached to Deed of Transfer No. 29/30, between the points "E" and "A" and "I".

**(4) LAND FOR MUNICIPAL PURPOSES**

Erf 2017 shall be transferred to the local authority by and at the expense of the township owner as a park.

**(5) ACCESS**

- (a) Ingress from Provincial Road P1/2 to the township and egress to Provincial Road P1/2 from the township shall be restricted to the junction of Hendrik Verwoerd Drive with the said road.
- (b) The township owner shall at its own expense, submit a geometric design layout (scale 1:500) of the ingress and egress points referred to in (a) above, and specifications for the construction of the accesses, to the Gauteng Provincial Government (Department of Public Transport, Roads and Works) for approval. The township owner shall after approval of the layout and specifications, construct the said ingress and egress points at its own expense to the satisfaction of the Gauteng Provincial Government (Department of Transport, Roads and Works).

**(6) ACCEPTANCE AND DISPOSAL OF STORMWATER**

The township owner shall arrange for the drainage of the township to fit in with that of Road P1/2 and for all stormwater running off or being diverted from the road to be received and disposed of.

**(7) PRECAUTIONARY MEASURES**

The township owner shall at own expense make arrangements with the local authority in order to ensure that

- a) water will not dam up, that the entire surface of the township area is drained properly and that streets are sealed effectively with tar, cement or bitumen; and
- b) trenches and excavations for foundations, pipes cables or for any other purposes, are properly refilled with damp soil in layers not thicker than 150mm, and compacted until the same grade of compaction as that of the surrounding material is obtained.

**(8) RESTRICTION ON THE DISPOSAL OF ERF**

The township owner shall not dispose of Erf 2016 and transfer of the erf shall not be permitted until the right-of-way servitude affecting the erf and registered in terms of Conditions A(e)(i), (ii), (iii) and C2(a), (b) and (c) in Deed of Transfer No. 652/1963, have been cancelled.

**3. CONDITIONS OF TITLE**

All erven mentioned hereunder shall be subject to the conditions as indicated imposed by the Administrator in terms of the provisions of the Town-planning and Townships Ordinance, 1965.

**(1) ALL ERVEN WITH THE EXCEPTION OF THE ERF MENTIONED IN CLAUSE 2(4)**

- a) The erf is subject to a servitude, 2m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2m wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.
- b) No building or other structure shall be erected within the aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within 2m thereof.
- c) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

**(2) ERVEN 2003 TO 2016**

The erven are subject to servitudes for municipal purposes in favour of the local authority, as indicated on the general plan.

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**LOCAL AUTHORITY NOTICE 1948****CENTURION AMENDMENT SCHEME 988**

The Administrator hereby, in terms of the provisions of Section 89 of the Town-planning and Townships Ordinance, 1965, declares that he approved an amendment scheme, being an amendment of Centurion Town-planning Scheme 1992, comprising the same land as included in the township of Eldoraigne Extension 16.

Map 3 and the scheme clauses of the amendment scheme are filed with the Gauteng Provincial Government, (Department of Development Planning and Local Government), Johannesburg, and the Town Clerk Centurion, and are open for inspection at all reasonable times

The amendment is known as Centurion Amendment Scheme 988.

**PLAASLIKE BESTUURSKENNISGEWING 1948****CENTURION WYSIGINGSKEMA 988**

Die Administrateur verklaar hierby, ingevolge die bepalings van Artikel 89 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1965, dat hy 'n wysigingskema, synde 'n wysiging van Centurion Dorpsbeplanningskema 1992, wat uit dieselfde grond as die dorp Eldoraigne Uitbreiding 16 bestaan, goedgekeur het.

Kaart 3 en die skemaklousules van die wysigingskema word in bewaring gehou deur die Gauteng Provinsiale Regering, (Departement van Ontwikkelingsbeplanning en Plaaslike Regering), Johannesburg, en die Stadsklerk Centurion, en is beskikbaar vir inspeksie te alle redelike tye.

Hierdie wysiging staan bekend as Centurion Wysigingskema 988