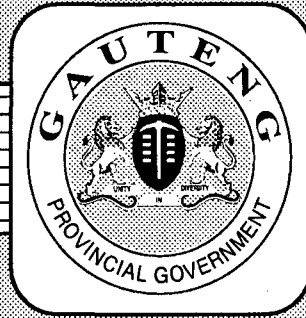


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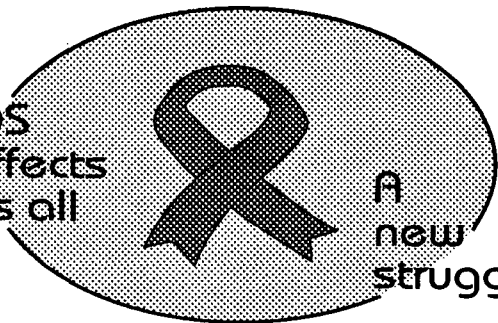
Vol. 8

PRETORIA, 26 AUGUST
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No. 275

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 1321

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 Morningside Extension 179 township to be an approved township, subject to the conditions set out in the Schedule hereto.

GO 15/3/2/116/88

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY KRISP PROPS (PROPRIETARY) LIMITED UNDER THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1965, FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 687 OF THE FARM ZANDFONTEIN NO. 42-I.R., PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

(1) NAME

The name of the township shall be Morningside Extension 179.

(2) DESIGN

The township shall consist of erven and streets as indicated on General Plan S.G. No. 8587/2001.

(3) STORMWATER DRAINAGE AND STREET CONSTRUCTION

- (a) The township owner shall on request by the local authority submit to such authority for its approval a detailed scheme complete with plans, sections and specifications, prepared by a civil engineer approved by the local authority, for the collection and disposal of stormwater throughout the township by means of properly constructed works and for the construction, tarmacadamising, kerbing and channelling of the streets therein together with the provision of such retaining walls as may be considered necessary by the local authority.

Furthermore, the scheme shall indicate the route and gradient by which each erf gains access to the street on which it abuts.

- (b) The township owner shall, when required by the local authority to do so, carry out the approved scheme at its own expense on behalf and to the satisfaction of the local authority under the supervision of a civil engineer approved by the local authority.
- (c) The township owner shall be responsible for the maintenance of the streets to the satisfaction of the local authority until the streets have been constructed as set out in subclause (b).
- (d) If the township owner fails to comply with the provisions of paragraphs (a), (b) and (c) hereof the local authority shall be entitled to do the work at the cost of the township owner.

(4) ENDOWMENT

The township owner shall, in terms of the provisions of section 63(1)(b) of the Town- planning and Townships Ordinance, 1965, pay a lump sum endowment of R89 075-50 to the local authority for the provision of land for a park (public open space).

Such endowment shall be payable in terms of section 73 of the said Ordinance.

(5) 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 the following conditions which shall not be passed on to the erven in the township:

- 2. The portion of the said farm ZANDFONTEIN shown on Diagram No. A3869/1927, annexed to the said Certificate of Amended Title No. 14328/1928 by the figure lettered R C D mid river F G, of which the said Holding No. 70 is part, is subject and entitled to the following servitudes:
 - (a) "The owner of the said portion shall not be entitled to take any water from the Kalk Dam situated on the stream forming the boundary of the said portion and the remaining extent of the originally transferred by Deed of Transfer No. 567/1881, dated 5 December 1881, measuring as such 98,2799 hectares, but shall only be entitled to take water from the stream below the said dam up to one-half of the water flowing in such stream on the said portion and the remaining extent."

- (b) "The owner of the said portion shall have the right to construct a storage dam on the said stream below the said Kalk Dam on the said remaining extent, but the owner of the remaining extent of the portion of the said farm transferred by Deed of Transfer No. 2842/1908, dated 27 November 1908, measuring as such 98,2799 hectares, or his successors in title, shall have no right to use any water in such storage dam, and provided that the right of the owner of the portion of the said farm Zandfontein in extent 370,0775 hectares, according to Deed of Transfer No. 566/1881 and the diagram thereof framed by Surveyor

Burton Tucker in May 1881, to an eight days' turn or right to water from the said stream, shall not be interfered with."

- (c) "The said portion of the farm Zandfontein is not in any way subject to the right in favour of the owner of a portion of the farm transferred by Deed of Transfer No. 566/1881 to construct a dam as set out in document dated 13th May 1881, attached to the said deed of transfer, as will appear from Notarial Deed no. 250/1906S, registered on the 17th November 1906."

(6) ACCESS

Access to all erven in the township to a public road shall be across the access erf (Erf 1585).

(7) FORMATION AND DUTIES OF RESIDENTS ASSOCIATION

- (a) The applicant shall properly and legally constitute a Residents Association to the satisfaction of the Council before the sale of the first erf.
- (b) The access erf (Erf 1585) shall be registered in the name of Resident's Association.
- (c) Each and every owner of Erven 1563 to 1584 shall become a member of the Residents Association upon transfer of the erf. Such association shall have full responsibility for the access erf (Erf 1585) and the essential services (excluding the sewerage systems) serving the township contained therein.

- (d) The Resident's Association shall have full legal power to levy from each and every member the costs incurred in fulfilling its function, and shall have legal recourse to recover such fees in the event of a default in payments by any member.
- (e) The Council shall have unrestricted access to Erf 1585 at all times.

3. CONDITIONS OF TITLE

The erven shall be subject to the following conditions imposed by the Administrator in terms of the provisions of the Town-planning and Townships Ordinance, 1965.

ALL ERVEN

- (1) The erf is subject to a servitude, 2 m 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 2 m 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.
- (2) 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 2 m thereof.
- (3) 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.
- (4) Erf 1585

The erf is subject to a servitude for municipal purposes in favour of the local authority.

This amended Notice supercedes Notice 1170 which appeared on 2.8.2002.

PLAASLIKE BESTUURSKENNISGEWING 1321**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 Morningside Uitbreiding 179 tot 'n goedgekeurde dorp, onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

GO 15/3/2/116/88

BYLAE

VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR KRISP PROPS 2 (PROPRIETARY) LIMITED INGEVOLGE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1965, OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 687 VAN DIE PLAAS ZANDFONTEIN NO. 42-I.R., PROVINSIE GAUTENG, TOEGESTAAN IS

1. STIGTINGSVOORWAARDES**(1) NAAM**

Die naam van die dorp is Morningside Uitbreiding 179.

(2) ONTWERP

Die dorp bestaan uit erwe en strate soos aangedui op Algemene Plan L.G. No. 8587/2001.

(3) STORMWATERDREINERING EN STRAATBOU

- (a) Die dorpseienaar moet op versoek van die plaaslike bestuur aan sodanige bestuur 'n gedetailleerde skema, volledig met planne, deursnee en spesifikasies, opgestel deur 'n siviele ingenieur wat deur die plaaslike bestuur goedgekeur is, vir die opgaar en afvoer van stormwater deur die hele dorp deur middel van behoorlike aangelegde werke en vir die aanlê, teermacadamisering, beranding en kanalisering van die strate daarin, tesame met die verskaffing van sodanige keermure as wat die plaaslike bestuur nodig ag, vir goedkeuring voorlê.

Verder moet die skema die roete en helling aandui deur middel waarvan elke erf toegang tot die aangrensende straat verkry.

- (b) Die dorpseienaar moet, wanneer die plaaslike bestuur dit vereis, die goedgekeurde skema op eie koste namens en tot bevrediging van die plaaslike bestuur, onder toesig van 'n siviele ingenieur deur die plaaslike bestuur goedgekeur, uitvoer.
- (c) Die dorpseienaar is verantwoordelik vir die instandhouding van die strate tot bevrediging van die plaaslike bestuur totdat die strate ooreenkomstig subklousule (b) gebou is.
- (d) Indien die dorpseienaar versuim om aan die bepalings van paragrawe (a), (b) en (c) hiervan te voldoen, is die plaaslike bestuur geregtig om die werk op koste van die dorpseienaar te doen.

(4) **BEGIFTIGING**

Die dorpseienaar moet kragtens die bepalings van artikel 63(1)(b) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1965, aan die plaaslike bestuur as begiftiging 'n globale bedrag van R89 075-50 betaal, welke bedrag deur die plaaslike bestuur aangewend moet word vir die verkryging van 'n park (openbare oopruimte).

Sodanige begiftiging is betaalbaar kragtens die bepalings van artikel 73 van genoemde Ordonnansie.

(5) **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 die volgende voorwaardes wat nie aan die erwe in die dorp oorgedra moet word nie:

2. The portion of the said farm ZANDFONTEIN shown on Diagram No. A3869/1927, annexed to the said Certificate of Amended Title No. 14328/1928 by the figure lettered R C D mid river F G, of which the said Holding No. 70 is part, is subject and entitled to the following servitudes:

- (a) "The owner of the said portion shall not be entitled to take any water from the Kalk Dam situated on the stream forming the boundary of the said portion and the remaining extent of the originally transferred by Deed of Transfer No. 567/1881, dated 5 December 1881, measuring as such 98,2799 hectares, but shall only be entitled to take water from the stream below the said dam up to one-half of the water flowing in such stream on the said portion and the remaining extent."

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- (c) "The said portion of the farm Zandfontein is not in any way subject to the right in favour of the owner of a portion of the farm transferred by Deed of Transfer No. 566/1881 to construct a dam as set out in document dated 13th May 1881, attached to the said deed of transfer, as will appear from Notarial Deed no. 250/1906S, registered on the 17th November 1906."

(6) TOEGANG

Ingang na alle erwe in die dorp vanaf 'n publieke pad sal deur die toegangserf geskied (Erf 1585).

(7) STIGTING EN VEREISTES VAN INWONERSVEREENIGING

- (a) Die applikant sal deeglik en geregtelik die nodige Inwonersvereniging stig tot goedkeuring van die Raad nog voortans die eerste erf verkoop mag word.
- (b) Die toegangserf (Erf 1585) moet geregstreer word ten gunste van die Inwonersvereniging.
- (c) Elke eienaar van Erwe 1563 tot 1584 moet lede van die Inwonersvereniging word ten oordrag van die erf. Die Inwonersvereniging sal verantwoordelikheid dra vir die toegangserf (Erf 1585) en kern dienste (uitgesluit die riool sisteem) wat die dorp intern bedien.
- (d) Die Inwonersvereniging sal by volle magte wees om die nodige bydraes te vereis van elke lid om sodoende aan die vereistes van die vereniging te voldoen, en mag by regte sulke finansiële bydraes eis waar enige lid nie sou bydra nie.

- (e) Die Raad sal ongehinderd toegang verkry tot Erf 1585 ten alle tye.

2. TITELVOORWAARDES

Die erwe is onderworpe aan die volgende voorwaardes opgelê deur die Administrateur ingevolge die bepalings van die Ordonnansie op Dorpsbeplanning en Dorpe, 1965

ALLE ERWE

- (1) Die erf is onderworpe aan 'n servituut 2 m 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 pypsteelerf, 'n addisionele servituut vir munisipale doeleindes 2 m breed oor die toegangsgedeelte van die erf, indien en wanneer verlang deur die plaaslike bestuur: Met dien verstande dat die plaaslike bestuur van enige sodanige servituut mag afsien.
- (2) Geen gebou of ander struktuur mag binne die voornoemde servituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige servituut of binne 'n afstand van 2 m daarvan geplant word nie.
- (3) 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 goeë dunnke noodsaaklik ag, tydelik te plaas op die grond wat aan die voornoemde servituut 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.
- (4) Erf 1585

Die erf is onderworpe aan 'n servituut vir minisipale doeleindes ten gunste van die plaaslike bestuur.

Hierdie verbeterde kennisgewing vervang kennisgewing 1170 wat verskyn het op 2.8.2002.

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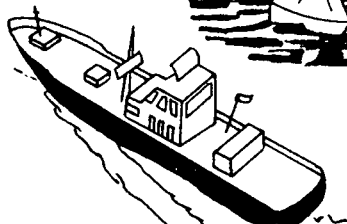
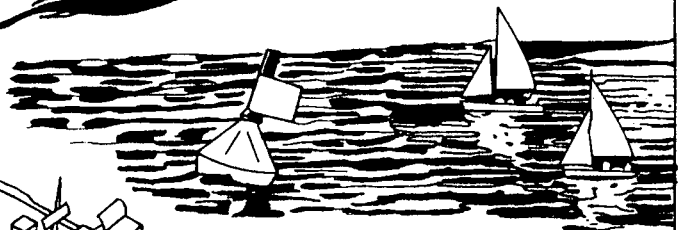
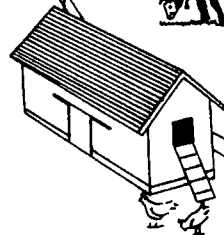
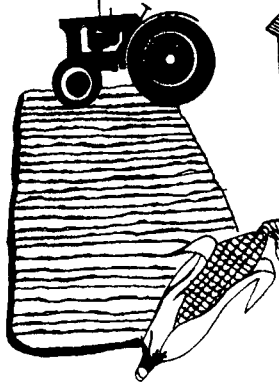
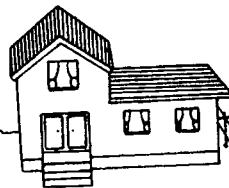
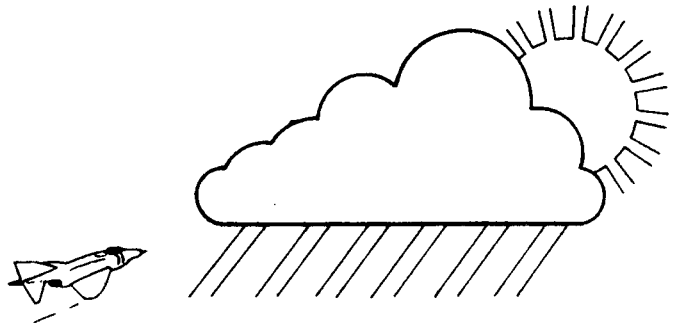
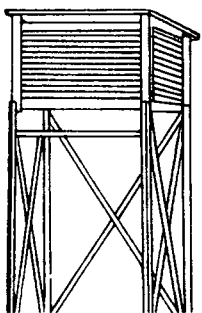
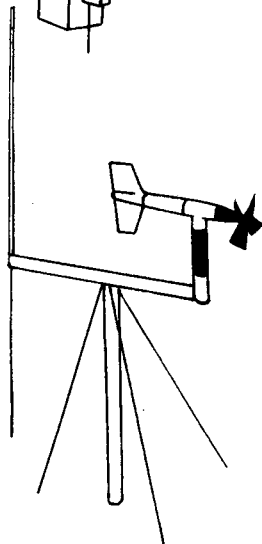
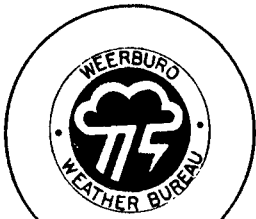
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Director: Financial Management
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