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LOCAL AUTHORITY NOTICES

NOTICE 2187 OF 2007

KUNGWINI LOCAL COUNCIL AMENDMENT SCHEME

The Council hereby in terms of provisions of Section 125 of the Town-planning and Townships Ordinance, 1986, declares that it has approved the amendment scheme, being an amendment of the Peri-Urban Areas Town-planning Scheme 1975, comprising the same land, as included in the Township of **TIJGER VALLEI EXTENSION 9**

Map 3, Annexure and scheme clauses of the amendment scheme are filed with the Chief Town Planner: Kungwini Local Council and are open for inspection at all reasonable times.

The amendment scheme is known as Peri-Urban Areas Amendment Scheme

Chief Town Planner: Kungwini Local Council
Notice No.

KENNISGEWING 2187 VAN 2007

KUNGWINI PLAASLIKE RAAD WYSIGINGSKEMA

Die Stadsraad verklaar hierby ingevolge die bepalings van artikel 125 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, dat dit 'n wysigingskema synde 'n wysiging van Buitestedelike Gebiede Dorpsbeplanningskema, 1975, wat uit dieselfde grond as die dorp **TIJGER VALLEI UITBREIDING 9** bestaan, goedgekeur het.

Kaart 3, Bylae en die skemaklousules van die wysigingskema word in bewaring gehou deur die Hoof Stadsbeplanner, Kungwini Plaaslike Raad en is beskikbaar vir inspeksie te aile redelike tye.

Hierdie wysiging staan bekend as Buitestedelike Gebiede Wysigingskema

Hoof Stadsbeplanner: Kungwini Plaaslike Raad
Notice No.

NOTICE 2188 OF 2007
DECLARATION AS APPROVED TOWNSHIP

In terms of Section 103 of the Town Planning and Townships Ordinance, 1986, (Ordinance 15 of 1986) the Kungwini Local Council hereby declares TijgerVallei Extension 9 Township to be an approved township subject to the conditions set out in the Schedule hereto:

CONDITIONS UNDER WHICH THE APPLICATION MADE BY CURRO DURBANVILLE (PTY) LTD UNDER THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 159 OF THE FARM ZWARTKOPPIES 364 JR PROVINCE OF GAUTENG HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT

- (1) Name
The name of the township shall be Tijger Vallei Extension 9.
- (2) Design
The township shall consist of erven and streets as indicated on General Plan No 199912007
- (3) Disposal of Existing Conditions of Title
 - 3.1 All erven shall be made subject to existing conditions and servitudes if any, excluding the following servitudes in Deed of transfer T16131912006 in respect of former portion 159 (a portion of portion 19) of the farm Zwartkoppies No 364 JR which shall not be passed onto the erven in the township.
 - A. THE FORMER PORTION 148 (A PORTION OF PORTION 19) OF THE FARM ZWARTKOPPIES NO 364 (indicated by the figure ABCDEFGHefghjkiVWXYZA1B1C1D1E1F1G1H1A on consolidation diagram SG No 9739/2006) IS SUBJECT TO THE FOLLOWING CONDITIONS:
 1. Subject to the terms of an Order of the Water Court for the district of Pretoria, a copy of which is annexed to Deed of Transfer 7908/1925 dated the 25th August 1926, marked A.
 2. Entitled to the following conditions
 - (i) The owner of the property hereby transferred, and the owner of certain Portion of a Portion of the farm Zwartkoppies 364, Registration Division J.R., district Pretoria, measuring 12,4311 hectares; held under Deed of Transfer T6636/54, dated the 20th March 1954; shall have the sole control of the water belonging to the South Western Portion of the farm Zwartkoppies 364, J.R. aforesaid, measuring 1401,1207 hectares, and to the aforesaid portion of portion of the said farm, and they shall have the right to take the whole of the said water for any purpose whatsoever during the winter months of each year, i.e. May to September inclusive. During the remainder of each year they shall allow the full stream of water to which they are entitled under Order of the Water Court, to pass to Portion A of the South Western Portion of the said farm, measuring 345,4508 hectares, from Saturday 6 pm to Monday 6 am in each week, i.e. a period of 36 hours per week. They shall however, allow all surplus water during the year to pass down the furrow to the said portion A of the South Western Portion and shall not at any time return it to the river. At no time shall the owner of the said Portion A of the South Western Portion be permitted to interfere with the valve in the divisor dam and the said owner of the property hereby transferred and the owner of the aforesaid Portion of a portion of the said farm, undertake during the abovementioned 36 hours period that the valve shall remain open sufficiently to allow the full stream of water, as provided above to pass. This shall not apply however, when the river is in flood.

- (ii) The owner of the said Portion A of the South Western Portion is solely responsible for the repairing, cleaning and maintenance of the furrow from the divisor dam in the Pienaars River situate on the Remaining Extent of the said farm Zwartkoppies 364, J.R. aforesaid, and built to give effect to the Order of the Water Court, referred to in Conditions 1. hereof, to the sluice gate and thence from the deviation of the said water furrow to the dam on the said Portion A of the South Western Portion. The owner of the property hereby transferred, is responsible for repairing, cleaning and maintenance of the said furrow between the sluice gate and the deviation of the said furrow hereinbefore referred to.
3. Subject to the terms of an Order of the Water Court dated at Pretoria on the 27th of June 1949, as will more fully appear from Notarial Deed of Servitude 620A/1949-S.
4. Subject to the terms of Notarial Deed 100/54 S, whereby the property together with certain Portion of Portion of the farm Zwartkoppies 364, Registration Division J.R. is entitled to cession of all rights to water as well as ancillary rights thereto in respect of Portion A of the South Western Portion, as will more fully appear from reference to the said Notarial Deed.
5. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division J.P. district of Pretoria, measuring 396,1690 hectares (which portion of land is represented by the figures (a) 1' mid river, 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject and entitled to the following:
- (i) Entitled to a servitude of right of way 15,74 metres wide over the remainder of TWEEFONTEIN 371, J.R. measuring 458,7720 hectares, held under Deed of Transfer No 10975/23;
- (ii) Subject to a servitude of right of way in favour of the remainder of TWEEFONTEIN aforesaid, making use of the existing farm roads;
- as will more fully appear with reference to Notarial Deed 551/56-S dated the 15th May 1956.
6. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No 364, Registration Division J.R., district of Pretoria, measuring, 473,3282 hectares (which portion of land is represented by the figure (a) 1' mid river 2', 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject to the following:
- (i) entitled to a servitude of right of way, 15,74 metres wide over portion 15 of the farm Zwartkoppies 364, J.R. measuring 1191,4147 hectares, as more fully described in Deed of Transfer No 20691/1956;
7. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division J.R., district of Pretoria; measuring 451,9149 hectares (which portion of land is represented by the figures (a) 1' mid river, 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is:-
- Entitled to a servitude of right of way and the right to conduct and lay underground pipelines for a proposed dam site situate on the South of Portion 17 (a portion of the South Western Portion) of the farm Zwartkoppies No 364, J.R. district Pretoria

- measuring 21,4133 hectares, held under Deed of Transfer No 38597/1965, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.
8. The former Remaining Extent of the farm Zwartkoppies No 364, Registration Division *JR.*, district Pretoria, measuring as such 925,4358 hectares (of which the property hereby transferred forms a portion) is:-
 - (a) Subject to a right of way in favour of Portion 20 measuring 21,4133 hectares, held under Deed of Transfer No 6488/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.
 - (b) Entitled to a servitude of drainage furrow over Portion 21, measuring 21,5310 hectares, held under Deed of Transfer 6487/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.
 9. The property is subject to:-
 - (a) By virtue of notarial deed No K 25791745 the right has been granted to ESCOM to convey electricity over the property hereby transferred, together with ancillary rights, and subject to conditions as will more fully appear on reference to the said Notarial Deed.
 10. SUBJECT to Prospecting Contract K 3004/1992 for 3 years from 12th June 1991 with the option to renew.
- B. THE FORMER PORTION 149 (A PORTION OF PORTION 17) OF THE FARM ZWARTKOPPIES NO 364 (indicated by the figure eJKLMNPQR\$TUIkjhgfe on consolidation diagram SG No 973912006) IS SUBJECT TO THE FOLLOWING CONDITIONS:
1. SUBJECT to the reservation of all the MINERAL RIGHTS in favour of CHARLES BOBBARD STRUBEN MALLESON (Born 13th March, 1902) for which said Rights to Minerals Certificate of Mineral Rights No. 635/1965 RM was issued on 21st October, 1965.
 2. SUBJECT to a Servitude of Right of Way and the right to conduct and lay underground pipe lines from a proposed dam site situated to the South of the property hereby transferred along a route to be agreed upon, in favour of the Remaining Extent of the said farm ZWARTKOPPIES 364, Registration Division *JR.*, district Pretoria, measuring as such 451,9149 hectares, held by the said CHARLES BOBBARD STRUBEN MALLESON under Deed of Transfer No. 6636/1954 dated 20th March, 1954.
 3. The South Western portion of the said farm ZWARTKOPPIES 364, Registration Division *J.R.*, district Pretoria, (Portion 17 whereof is hereby transferred) is subject to the following conditions:
 - (a) The terms of an Order of the Water Court for the district of Pretoria, a copy of which is annexed to Deed of Transfer 7908/1925 dated the 25th August, 1925, marked A.
 4. The former Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, Registration Division *JR*, Transvaal, measuring as such 581.8222 hectares, (Portion 17 of which is hereby transferred) is entitled to the following conditions:
 - (a) The owner of the property hereby transferred and of the three further properties transferred under Deed of Transfer 6636/54 dated 20th March 1954, namely: (a) Portion of a Portion of the farm ZWARTKOPPIES 364, Registration Division *J.R.*, Transvaal, measuring 12,4311 hectares; (b) Portion of the farm ZWARTKOPPIES

364, Registration Division J.R., district Pretoria, measuring 281,4593 hectares; and (c) The Remaining Extent of a portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring as such 269,0281 hectares shall have the sole control of the water belonging to the South Western Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring 1401,1207 hectares, and to the three further properties aforesaid, transferred under Deed of Transfer 6636/54 dated 20th March 1954, and he shall have the right to take the whole of the said water for any purpose whatsoever during the winter months of each year, i.e. May to September inclusive; during the remainder of each year he shall allow the full stream of water to which he is entitled under the Order of the Water Court, to pass to Portion A of the South Western Portion of the said farm, measuring 345,4508 hectares, from Saturday 6 p.m. to Monday 6 a.m. in each week, i.e. a period of 36 hours per week. He shall however, allow all surplus water during the year to pass down a furrow to the said Portion A of the South Western Portion, and shall not at any time return it to the river. At no time shall the owner of the said Portion A of the South Western Portion be permitted to interfere with the valve in the divisor dam and the said owner of the property hereby transferred, and the owner of the three further properties aforesaid, held under Deed of Transfer 6636/1954 dated 20th of March 1954, undertakes during the abovementioned 36 hour period that the valve shall remain open sufficiently to allow the full stream of water as provided above, to pass. This shall not apply, however, when the river is in flood.

- (b) The owner of the said Portion A of the South Western Portion is solely responsible for the repairing, cleaning and maintenance of the furrow from the divisor dam in the Pienaars River situated on the Remaining Extent of the said farm ZWARTKOPPIES 364, aforesaid, and built to give effect to the Order of the Water Court referred to in Clause A(a) hereof, to the sluice gate and thence from the deviation of the said furrow to the same on the said Portion A of the South Western Portion. The owner of the property hereby transferred is responsible for the repairing, cleaning and maintenance of the said furrow between the sluice gate and the deviation of the said furrow hereinbefore referred to.
5. The former Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, measuring 581,8222 hectares (a portion whereof is hereby being transferred) is:
- SUBJECT to the terms of an Order of the Water Court dated at Pretoria on the 27th of June 1949, as will more fully appear from Notarial Deed of Servitude No. 620A/1949-S.
6. The former Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, measuring 581,8222 hectares (a portion whereof is hereby being transferred) is entitled together with the three other properties transferred under Deed of Transfer 6636/1954, dated the 20th of March 1954, namely: (a) Portion of a Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring 12,4311 hectares, (b) Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring 281,4593 hectares; and (c) The Remaining Extent of a portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring as such 269,0281 hectares, to a cession of all rights to water as well as ancillary rights thereto in respect of Portion A of the South Western Portion of ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, held under Deed of Transfer 13696/37 as will more fully appear from Notarial Deed 100011954 dated 28th October 1954.
7. The former Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring 496,1690 hectares (of which the property hereby transferred forms a portion) is

SUBJECT to Notarial Deed 351/1956 S, whereby the remainder is:

- (a) Entitled to a servitude of right of way 15,74 metres wide marked F E G H F on diagram 4638/55 thereto annexed over the remainder of TWEEFONTEIN 372, Registration Division J.R., district Pretoria (former 423) measuring 458,7720 hectares, held under Deed of Transfer 10975/19;
 - (b) Subject to a servitude right of way in favour of the remainder of TWEEFONTEIN 372, aforesaid, making use of existing farm roads. As will more fully appear on reference to the said Notarial Deed.
8. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring as such 473,3282 hectares (of which the property hereby transferred forms part) is:
- (a) Entitled to a servitude 15,74 metres wide indicate by the figure A H F G A on diagram S.G. No. A 2481/56 annexed to Deed of Transfer 20591/1956 dated 31st August, 1956, over Portion 15 of the farm ZWARTKOPPIES 364, aforesaid, measuring 22,8408 hectares, and held under Deed of Transfer 20691/1956.
 - (b) Entitled to the condition that the owners of Portion 14 (a Portion of the South Western Portion) of the Farm Zwartkoppies 364 aforesaid" held under Deed of Transfer 13545/1958 may not sell sand off the said Portion 14 of the said farm, for a period often (10) years as from 4th of July 1955."
- 3.2 And excluding the following servitude which affects the public road and Erf 104 in the township only:
- "1. Subject to a servitude in perpetuity for public purposes, 6 meters Wide, in favour of the City Council of Pretoria, indicated by the figure A,c,d,e,K,L,A on diagram SG No 1998/2007 as will more fully appear from Deed of Cession K 5347/1994S with diagram SG No A4097/1993 annexed thereto."
- 3.3 And excluding the following servitude which affects the pUblc road only:
- "1. Subject to a servitude of right of way in favour of the General Public, 25 meters wide, indicated by the figure A,B,C,a,b,A on diagram SG No 1998/2007, as will more fully appear from Notarial Deed of Servitude K 889812006 with diagram SG No 1067012003 annexed thereto."
- (4) Demolition of Buildings and Structures
The township owner shall at its own expense cause all existing buildings and structures situated within the building line reserves, side spaces or over common boundaries to be demolished to the satisfaction of the local authority, when required by the local authority to do so.
 - (5) Removal of Litter
The township owner shall at its own expense cause all litter within the township area to be removed to the satisfaction of the local authority, when required by the local authority to do so.
 - (6) Formation and duties of Section 21 Company
 - (a) The applicant shall property and legally constitute a Residents Association to the satisfaction of the Council before the sale of the first ert (Which Association shall not be de-registered without the consent of the Council)
 - (b) The access erven (Ert 104) shall be registered in the name of the Residents Association and said road portion may not be sold or in any way disposed of without prior written consent of the Council.

- (c) The council shall not be liable for the malfunction of the surfacing of the access way and/or the storm water drainage system and/or any essential services with the exception of the sewerage system.
- (d) A servitude for municipal purposes shall be registered by way of a separate Notarial Deed over Erven 104 in favour of and to the satisfaction of the Council, if so required by the Council.
- (e) The Council shall have unrestricted access to Erf 104 at all times.

2. **CONDITIONS OF TITLE**

The erven mentioned hereunder shall be subject to the conditions as indicated imposed in terms of the provisions of the Town Planning and Townships Ordinance, 1986.

(1) All Erven

- (i) 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.
- (ii) 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.
- (iii) 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) Erf 104

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

KENNISGEWING 2188 VAN 2007**VERKLARING TOT GOEDGEKEURDE DORP**

Ingevolge Artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe 1986, (Ordonnansie 15 van 1986) verklaar Kungwini Plaaslike Raad hierby die Dorp Tijger Valle; Uitbreiding 9 tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

**VOORWAARDES WAARONDER DIE AANSOEK GEDOEN DEUR CURRO DURBANVILLE (PTY) LTD
 PROPERTIES (EDMS) BPK INGEVOLGDE DIE BEPALINGS VAN DIE ORDONNANSIE OP
 DORPSBEPLANNING EN DORPE 1986 OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 159 VAN
 DIE PLAAS ZWARTKOPPIES 364 JR PROVINSIE GAUTENG TOEGESTAAN IS.**

1. STIGTINGSVOORWAARDES

- (1) **Naam**
Die naam van die dorp is Tijger Valle Uitbreiding 9.
- (2) **Ontwerp**
Die dorp bestaan uit erwe en strate soos aangedui op Algemene Plan LG No 1999/2007.
- (3) **Beskikking oor bestaande Titelvoorwaardes**
Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en serwitute as daar is maar uitgesonderd die volgende serwitute in Akte van Transport T16131912006 met betrekking tot die voormalige Gedeelte 159 van die plaas Zwartkoppies 364 JR wat nie aan die erwe in die dorp oorgedra moet word nie:
 - A. **THE FORMER PORTION 148 (A PORTION OF PORTION 19) OF THE FARM ZWARTKOPPIES NO 364 (indicated by the figure ABCDEFGHefghjklVWXYZA1 B1C1 D1E1 F1 G1H1A on consolidation diagram SG No 973912006) IS SUBJECT TO THE FOLLOWING CONDITIONS:**
 1. Subject to the terms of an Order of the Water Court for the district of Pretoria, a copy of which is annexed to Deed of Transfer 7908/1925 dated the 25th August 1926, marked A.
 2. Entitled to the following conditions
 - (i) The owner of the property hereby transferred, and the owner of certain Portion of a Portion of the farm Zwartkoppies 364, Registration Division JR, district Pretoria, measuring 12,4311 hectares; held under Deed of Transfer T6636/54, dated the 20th March 1954; shall have the sale control of the water belonging to the South Western Portion of the farm Zwartkoppies 364, J.R. aforesaid, measuring 1401,1207 hectares, and to the aforesaid portion of portion of the said farm, and they shall have the right to take the whole of the said water for any purpose whatsoever during the winter months of each year, i.e. May to September inclusive. During the remainder of each year they shall allow the full stream of water to which they are entitled under Order of the Water Court, to pass to Portion A of the South Western Portion of the said farm, measuring 345, 4508 hectares, from Saturday 6 pm to Monday 6 am in each week, i.e. a period of 36 hours per week. They shall however, allow all surplus water during the year to pass down the furrow to the said portion A of the South Western Portion and shall not at any time return it to the river. At no time shall the owner of the said Portion A of the South Western Portion be permitted to interfere with the valve in the divisor dam and the said owner of the property hereby transferred and the owner of the aforesaid Portion of a portion of the said farm, undertake during the abovementioned 36 hours period that the valve shall remain open sufficiently to allow the full stream of water, as provided above to pass. This shall not apply however, when the river is in flood.

- (ii) The owner of the said Portion A of the South Western Portion is solely responsible for the repairing, cleaning and maintenance of the furrow from the divisor dam in the Pienaars River situate on the Remaining Extent of the said farm Zwartkoppies 364, J.R. aforesaid, and built to give effect to the Order of the Water Court, referred to in Conditions 1. hereof, to the sluice gate and thence from the deviation of the said water furrow to the dam on the said Portion A of the South Western Portion. The owner of the property hereby transferred, is responsible for repairing, cleaning and maintenance of the said furrow between the sluice gate and the deviation of the said furrow hereinbefore referred to.
3. Subject to the terms of an Order of the Water Court dated at Pretoria on the 27th of June 1949, as will more fully appear from Notarial Deed of Servitude 620A/1949-S.
4. Subject to the terms of Notarial Deed 100/54 S, whereby the property together with certain Portion of Portion of the farm Zwartkoppies 364, Registration Division J.R. is entitled to cession of all rights to water as well as ancillary rights thereto in respect of Portion A of the South Western Portion, as will more fully appear from reference to the said Notarial Deed.
5. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division J.P. district of Pretoria, measuring 396,1690 hectares (which portion of land is represented by the figures (a) I' mid river, 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject and entitled to the following:
- (i) Entitled to a servitude of right of way 15,74 metres wide over the remainder of TWEEFONTEIN 371, J.R. measuring 458,7720 hectares, held under Deed of Transfer No 10975/23;
- (ii) Subject to a servitude of right of way in favour of the remainder of TWEEFONTEIN aforesaid, making use of the existing farm roads;
- as will more fully appear with reference to Notarial Deed 551/56-S dated the 15th May 1956.
6. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division J.R., district of Pretoria, measuring, 473,3282 hectares (which portion of land is represented by the figure (a) I' mid river 2', 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject to the following:
- (i) entitled to a servitude of right of way, 15,74 metres wide over portion 15 of the farm Zwartkoppies 364, J.R. measuring 1191,4147 hectares, as more fully described in Deed of Transfer No 20691/1956;
7. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division J.R., district of Pretoria; measuring 451,9149 hectares (which portion of land is represented by the figures (a) I' mid river, 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is:-
- Entitled to a servitude of right of way and the right to conduct and lay underground pipelines for a proposed dam site situate on the South of Portion 17 (a portion of the

- South Western Portion) of the farm Zwartkoppies No 364, J.R. district Pretoria measuring 21,4133 hectares, held under Deed of Transfer No 38597/1965, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.
8. The former Remaining Extent of the farm Zwartkoppies No 364, Registration Division J.R., district Pretoria, measuring as such 925,4358 hectares (of which the property hereby transferred forms a portion) is:-
 - (a) Subject to a right of way in favour of Portion 20 measuring 21,4133 hectares, held under Deed of Transfer No 6488/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.
 - (b) Entitled to a servitude of drainage furrow over Portion 21, measuring 21,5310 hectares, held under Deed of Transfer 6487/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.
 9. The property is subject to:-
 - (a) By virtue of notarial deed No K 2579174S the right has been granted to ESCOM to convey electricity over the property hereby transferred, together with ancillary rights, and subject to conditions as will more fully appear on reference to the said Notarial Deed.
 10. SUBJECT to Prospecting Contract K 3004/1992 for 3 years from 1st June 1991 with the option to renew.
- B. THE FORMER PORTION 149 (A PORTION OF PORTION 17) OF THE FARM ZWARTKOPPIES NO 364 (indicated by the figure eJKLMNPQRSTUikjhgf on consolidation diagram SG No 973912006) IS SUBJECT TO THE FOLLOWING CONDITIONS:
1. SUBJECT to the reservation of all the MINERAL RIGHTS in favour of CHARLES BOBBARD STRUBEN MALLESON (Born 13th March, 1902) for which said Rights to Minerals Certificate of Mineral Rights No. 635/1965 RM was issued on 21st October, 1965.
 2. SUBJECT to a Servitude of Right of Way and the right to conduct and lay underground pipe lines from a proposed dam site situated to the South of the property hereby transferred along a route to be agreed upon, in favour of the Remaining Extent of the said farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring as such 451,9149 hectares, held by the said CHARLES BOBBARD STRUBEN MALLESON under Deed of Transfer No. 6636/1954 dated 20th March, 1954.
 3. The South Western portion of the said farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, (Portion 17 whereof is hereby transferred) is subject to the following conditions:
 - (a) The terms of an Order of the Water Court for the district of Pretoria, a copy of which is annexed to Deed of Transfer 7908/1925 dated the 25th August, 1925, marked A.
 4. The former Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, Registration Division JR, Transvaal, measuring as such 581.8222 hectares, (Portion 17 of which is hereby transferred) is entitled to the following conditions:
 - (a) The owner of the property hereby transferred and of the three further properties transferred under Deed of Transfer 6636/54 dated 20th March 1954, namely: (a) Portion of a Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., Transvaal, measuring 12,4311 hectares; (b) Portion of the farm ZWARTKOPPIES

364, Registration Division J.R., district Pretoria, measuring 281,4593 hectares; and (c) The Remaining Extent of a portion of the farm ZWARTKOPPIES 364, Registration Division JR, district Pretoria, measuring as such 269,0281 hectares shall have the sole control of the water belonging to the South Western Portion of the farm ZWARTKOPPIES 364, Registration Division JR, district Pretoria, measuring 1401,1207 hectares, and to the three further properties aforesaid, transferred under Deed of Transfer 6636/54 dated 20th March 1954, and he shall have the right to take the whole of the said water for any purpose whatsoever during the winter months of each year, i.e. May to September inclusive; during the remainder of each year he shall allow the full stream of water to which he is entitled under the Order of the Water Court, to pass to Portion A of the South Western Portion of the said farm, measuring 345,4508 hectares, from Saturday 6 p.m. to Monday 6 a.m. in each week, i.e. a period of 36 hours per week. He shall however, allow all surplus water during the year to pass down a furrow to the said Portion A of the South Western Portion, and shall not at any time return it to the river. At no time shall the owner of the said Portion A of the South Western Portion be permitted to interfere with the valve in the divisor dam and the said owner of the property hereby transferred, and the owner of the three further properties aforesaid, held under Deed of Transfer 6636/1954 dated 20th of March 1954, undertakes during the abovementioned 36 hour period that the valve shall remain open sufficiently to allow the full stream of water as provided above, to pass. This shall not apply, however, when the river is in flood.

- (b) The owner of the said Portion A of the South Western Portion is solely responsible for the repairing, cleaning and maintenance of the furrow from the divisor dam in the Pienaars River situated on the Remaining Extent of the said farm ZWARTKOPPIES 364, aforesaid, and built to give effect to the Order of the Water Court referred to in Clause A(a) hereof, to the sluice gate and thence from the deviation of the said furrow to the same on the said Portion A of the South Western Portion. The owner of the property hereby transferred is responsible for the repairing, cleaning and maintenance of the said furrow between the sluice gate and the deviation of the said furrow hereinbefore referred to.
5. The former Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, measuring 581,8222 hectares (a portion whereof is hereby being transferred) is:
- SUBJECT to the terms of an Order of the Water Court dated at Pretoria on the 27th of June 1949, as will more fully appear from Notarial Deed of Servitude No. 620A/1949-S.
6. The former Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, measuring 581,8222 hectares (a portion whereof is hereby being transferred) is entitled together with the three other properties transferred under Deed of Transfer 6636/1954, dated the 20th of March 1954, namely: (a) Portion of a Portion of the farm ZWARTKOPPIES 364, Registration Division JR, district Pretoria, measuring 12,4311 hectares, (b) Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring 281,4593 hectares; and (c) The Remaining Extent of a portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring as such 269,0281 hectares, to a cession of all rights to water as well as ancillary rights thereto in respect of Portion A of the South Western Portion of ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, held under Deed of Transfer 13696/37 as will more fully appear from Notarial Deed 1000/1954 dated 28th October 1954.
7. The former Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, Registration Division JR, district Pretoria, measuring 496,1690 hectares (of which the property hereby transferred forms a portion) is

SUBJECT to Notarial Deed 351/1956 S, whereby the remainder is:

- (a) Entitled to a servitude of right of way 15,74 metres wide marked F E G H F on diagram 4638/55 thereto annexed over the remainder of TWEEFONTEIN 372, Registration Division J.R., district Pretoria (former 423) measuring 458,7720 hectares, held under Deed of Transfer 10975/19;
 - (b) Subject to a servitude right of way in favour of the remainder of TWEEFONTEIN 372, aforesaid, making use of existing farm roads. As will more fully appear on reference to the said Notarial Deed.
8. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring as such 473,3282 hectares (of which the property hereby transferred forms part) is:
- (a) Entitled to a servitude 15,74 metres wide indicate by the figure A H F G A on diagram S.G. No. A 2481/56 annexed to Deed of Transfer 20591/1956 dated 31st August, 1956, over Portion 15 of the farm ZWARTKOPPIES 364, aforesaid, measuring 22,8408 hectares, and held under Deed of Transfer 20691/1956.
 - (b) Entitled to the condition that the owners of Portion 14 (a Portion of the South Western Portion) of the Farm Zwartkoppies 364 aforesaid .. held under Deed of Transfer 13545/1958 may not sell sand off the said Portion 14 of the said farm, for a period often (10) years as from 4th of July 1955."
- 3.2 And excluding the following servitude which affects the public road and Erf 104 in the township only:
- "1. Subject to a servitude in perpetuity for public purposes, 6 meters Wide, in favour of the City Council of Pretoria, indicated by the figure A,c,d,e,K,L,A on diagram SG No 199812007 as will more fully appear from Deed of Cession K 5347/19945 with diagram SG No A4097/1993 annexed thereto."
- 3.3 And excluding the following servitude which affects the public road only:
- "1. Subject to a servitude of right of way in favour of the General Public, 25 meters wide, indicated by the figure A,B,C,a,b,A on diagram SG No 1998/2007, as will more fully appear from Notarial Deed of Servitude K 889812006 with diagram SG No 1067012003 annexed thereto."
- (4) Sloping van Geboue en Strukture
Die dorpsieenaar moet op eie koste alle bestaande geboue en strukture wat binne boulyn reserwes, kantruimtes of oor gemeenskaplike grense geleë is laat sloop tot bevrediging van die Plaaslike Bestuur wanneer die Plaaslike Bestuur dit vereis.
 - (5) Verwydering van Rommel
Die Dorpsieenaar moet op eie koste alle remmel binne die dorpsgebied laat verwyder tot bevrediging van die Plaaslike Bestuur wanneer die Plaaslike Bestuur dit vereis.
 - (6) Vestiging en pligte van Artikel 21 Maatskappy of soortgelyke Regsentiteit
 - (a) Die aansoeker sal deeglik en wetlik 'n Huisseenaarsvereniging tot die bevrediging van die Raad tot stand bring voor die verkoop van die eerste erf (welke Vereniging nie gederegistreer sal word sonder die toestemming van die Raad nie)
 - (b) Die toegangserf (Erf 104) sal geregistreer word in die naam van die Huisseenaarsvereniging en genoemde padgedeelte mag nie verkoop of op enige vervreem word sonder die vooraf geskrewe toestemming van die Raad nie.

- (e) Die Raad sal nie verantwoordelik wees vir die wanfunksionering van die oppervlakte van die toegangspad en/of die stormwaterdreinerings sisteem en/of enige noodsaaklike dienste met die uitsondering van die riool sisteem nie.
- (d) 'n Serwituut vir munisipale doeleindes sal geregistreer word by wyse van 'n aparte Notariele Akte oor Ert 104 ten gunste van en tot die bevrediging van die Raad, indien so vereis word deur die Raad.
- (g) Die Raad sal vrye toegang hê tot Ert 104 ten aile tye.

2. TITELVOORWAARDES

Die erwe hieronder genoem is onderworpe aan die voorwaardes soos aangedui ingevolge die bepalings van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986.

(1) Aile Erwe

- (i) Die ert is onderworpe aan 'n serwituut, 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 pypsteel ert, 'n addisionele serwituut vir munisipale doeleindes 2m breed oor die toegangsgedeelte van die ert, indien en wanneer verlang deur die plaaslike bestuur; met dien verstande dat die plaaslike bestuur van enige sodanige serwituut mag afsien.
- (ii) Geen gebou of ander struktuur mag binne die voorgenoemde serwituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige serwituut of binne 'n afstand van 2m daarvan geplant word nie.
- (iii) Die plaaslike bestuur is geregtig op enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige rioolhoofpypleidings en ander werke wat hy volgens goeie dunnke noodsaaklik ag, tydelik te plaas op die grand wat aan die voorgenoemde serwituut grens en voorts is die plaaslike bestuur geregtig tot redelike toegang tot genoemde grand 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 104

Die hele erf is onderworpe aan 'n serwituut vir munisipale doeleindes ten gunste van die plaaslike owerheid.
