

*THE PROVINCE OF  
GAUTENG*

*DIE PROVINSIE  
GAUTENG*

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# LOCAL AUTHORITY NOTICES

## LOCAL AUTHORITY NOTICE 2686

### 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**

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.

## PLAASLIKE BESTUURSKENNISGEWING 2686

### 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** 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 alle redelike tye

Hierdie wysiging staan bekend as Buitestedelike Gebiede Wysigingskema

Hoof Stadsbeplanner: Kungwini Plaaslike Raad  
Notice No.

## LOCAL AUTHORITY NOTICE 2687

### 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 Tijger Vallei Township to be an approved township subject to the conditions set out in the Schedule hereto:

CONDITIONS UNDER WHICH THE APPLICATION MADE BY TIJGER VALLEI 1 (PTY) LTD UNDER THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 165 (A PORTION OF PORTION 32) 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.

(2) **Design**

The township shall consist of erven and streets as indicated on General Plan No 6901/2007

(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 and conditions in respect of portion 165 (a portion of portion 32) of the farm Zwartkoppies No 364 JR which shall not be passed onto the erven in the township.

"A The property hereby transferred is –

4. Subject to the terms of Notarial Deed 100/1954S, whereby the property together with certain Portion of Portion of the farm Zwartkoppies 364, Registration Division JR 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.

B The South Western Portion of the farm Zwartkoppies No 364, Registration Division J.R. (whereof that portion of the land represented by the figure ABCDEFGHJKLMNPQRSTUVWXYZ on Diagram S.G. no. 6900/2007, annexed hereto, forms a portion) is subject to the following conditions:

1. The terms and conditions of Notarial Deed K355/1925-S dated the 14<sup>th</sup> July 1924, whereby MARY LYDIA STRUBEN, born Cole, a widow, as owner of the Remaining Extent of the farm "THE Willows" 340, Registration Division J.R., measuring 2366,9234 hectares, was granted the sole and exclusive right to all water arising in the spring marked A, B, C, D, E, and F on the diagram annexed to the said Deed of Servitude, together with the right to conduct such water to the farm The Willows aforesaid, along the route of the existing pipe-line also shown on the said diagram The said Mary Lydia Struben is further entitled by virtue of the said Deed of Servitude, to open up the said springs in order to increase the water supply, and to maintain and repair such pipe-line Further to construct a water furrow in the place of such pipe-line and to conduct the water to " The Willows": aforesaid by means thereof, along the route of the said pipe-line and that she shall be obliged to supply and erect fences or other means of protecting the said furrow and the water therein from the stock belonging to the owners of the said farm Zwartkoppies. The said Mary Lydia Struben shall further be obliged to keep proper fences around the said springs.

2. The provisions of Notarial Deed K336 1925-S, whereby GRIFFITHS AND RORKE LIMITED, their successors in title or assigns, as owners of Portion "D" of the farm "The Willows" aforesaid, was granted:

(a) The right to conduct water to which the said portion of the farm The Willows may be entitled from the Pienaars River to the said Portion "D" of The Willows by means of a water furrow over the said Portion of Zwartkoppies.

(b) The right to construct a dam or weir in the Pienaars River at any point within a distance of 283 37 metres from the existing drift, known as Marks Drift, up the Pienaars River, upon the condition that the abovementioned water furrow and works on the Pienaars River shall in no way interfere with or encroach upon or construct the existing water furrow or works on the Pienaars River known as Swarts Dam.

D. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No. 364, Registration division J.R. measuring 926,7711 hectares (whereof that portion of the land represented by the figure ABCDEFGHJKLMNPQRSTUVWXYZ on Diagram S.G. No.6900/2007 forms a portion) is subject and entitled to the following:

- (iii) 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 K551/1956-S dated the 15<sup>th</sup> May 1956.
- F. 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 (whereof that portion of the land represented by the figure ABCDEFGHJKLMNPQRSTUVWXYZ on Diagram S.G. No. 6900/2007 annexed hereto, 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 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
- G. 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:-
- (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."
- 3.2 The following conditions and servitudes are only applicable to specific erven and roads in the township:
- "D. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No. 364, Registration division J.R. measuring 926,7711 hectares (whereof that portion of the land represented by the figure ABCDEFGHJKLMNPQRSTUVWXYZ on Diagram S.G. No.6900/2007 forms a portion) is subject and entitled to the following
- (ii) Subject to a servitude of right of way 15,74 metres wide in favour of the remainder of TWEEFONTEIN 372, J.R. aforesaid, as indicated by the figures XAbcX on Diagram S.G. No 6900/2007, annexed hereto; as will more fully appear with reference to Notarial Deed K551/1956-S dated the 15<sup>th</sup> May 1956." which condition only affects a street (Silver Lakes Road) in the township;
- "E. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No. 364, Registration division J.R. measuring 473.3282 hectares (whereof that portion of the land represented by the figure ABCDEFGHJKLMNPQRSTUVWXYZ on Diagram S.G. No. 6900/2007 annexed hereto, forms a portion) is subject to the following:
- (i) Subject to a servitude of right of way, 15,74 metres wide in favour of and 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;
  - (ii) Subject to a right of way 15,74 metres wide in favour of Portion 14 (a portion of the South Western Portion) of the farm Zwartkoppies 364, J.R. district Pretoria; measuring 85,6532 hectares, as more fully described in Deed of Transfer No 13545/1958 30<sup>th</sup> May, 1958 " which condition only affects a street (Silver Lakes Road) in the township
- H. By Virtue of Notarial deed of Servitude K S dated 15 August 2008, the within mentioned property is subject to a perpetual Servitude 7 metres wide municipal servitude for access and the conveyance of services purposes in favour of the Kungwini Local Municipality, as indicated by the figure ABCDEFGHJKLMNPQRSTUVWXYZA1B1C1D1E1F1G1H1J1K1 L1M1N1P1Q1R1S1T1U1V1W1Z1A2B2C2D2, in extent 2253m<sup>2</sup>, on diagram SG No. 6899/2007, with ancillary rights, as will more fully appear from the said Notarial deed, which condition only affects Erf 682, 683 and 684 in the township.
- I. By Virtue of Notarial deed of Servitude K S dated 27 August 2008, the within mentioned property is subject to a perpetual servitude 7 metre wide for access and the conveyance of services purposes in favour of the Hazeldean Office Park owners Association, as indicated by the figure ABCDEFGHJKLMNPQRSTUVWXYZA1B1C1D1E1F1G1H1J1K1L1M1N1P1Q1R1S1T1U1V1W1Y1Z1A2B2C2D2

, in extent 2253m<sup>2</sup>, on diagram SG No. 6899/2007 with ancillary rights as will more fully appear from the said Notarial Deed, which condition only affects Erf 682, 683 and 684 in the township.

3.3 The following conditions and servitudes are applicable to all erven and roads in the township:

"A The property hereby transferred is –

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 25<sup>th</sup> 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 164, Registration Division JR, district Pretoria, measuring 12,4311 hectares; held under Deed of Transfer T6636/1954 dated the 20<sup>th</sup> March 1954; shall have the sole control of the water belonging to the South Western Portion of the farm Zwartkoppies No. 364, 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 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 p.m. to Monday 6a.m in each week, i.e. for 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 to 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 hour period that the valve 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, JR aforesaid, and built to give effect to the Order of the Water Court referred to in Condition 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 the 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 the Water Court dated at Pretoria on the 27<sup>th</sup> June, 1949, as will more fully appear from Notarial Deed of Servitude No. 620A/49-S.

"C. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No. 364, Registration division J.R. measuring 926,7711 hectares (whereof that portion of the land represented by the figure ABCDEFGHJKLMNPQRSTUVWXYZ on Diagram S.G. No. 6900/2007 annexed hereto, forms a portion) is subject to The Right-of-Way granted to NICOLAAS JACOBUS JOUBERT as owner of Portion B of the South Western Portion of the said farm, measuring 473,8478 hectares, held under Deed of Transfer No 8812/1929 dated 23<sup>rd</sup> July 1929.

D. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No. 364, Registration division J.R. measuring 926,7711 hectares (whereof that portion of the land represented by the figure ABCDEFGHJKLMNPQRSTUVWXYZ on Diagram S.G. No.6900/2007 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 372, J.R. measuring 458,7720 hectares, held under Deed of Transfer No 10975/1923;

as will more fully appear with reference to Notarial Deed K551/1956-S dated the 15<sup>th</sup> May 1956."

E. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No. 364, Registration division J.R measuring 473,3282 hectares (whereof that portion of the land represented by the figure ABCDEFGHJKLMNPQRSTUVWXYZ on Diagram S.G. No. 6900/2007 annexed hereto, forms a portion) is subject to the following:

(i) Entitled to a servitude of right of way, 15,74 metres wide in favour of and 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;

- G. 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 6488/1968, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer

**(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 properly and legally constitute a Residents Association to the satisfaction of the Council before the sale of the first erf (which Association shall not be de-registered without the consent of the Council)
- (b) The access erf (Erf 687) as well as the Private Open Space (Erven 685 and 686) 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, which access way and services are situated on Erven 682 to 684 and Erf 687 and are protected by means of servitudes registered in favour of the Council, as well as in favour of the Resident's Association where such access way and services affect erven 682 to 684 and Erf 687
- (d) Each and every owner of Erven 682, 683 and 684 shall become a member of the Residents Association upon transfer of the erf.
- (e) The Residents Association shall have full legal power to levy from each and every member the cost 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
- (f) A servitude for municipal purposes shall be registered over Erf 687 in favour of and to the satisfaction of the Council, if so required by the Council.
- (g) The Council shall have unrestricted access to Erf 687 at all times
- (h) Access from Erf 683 to a public road shall be across Erf 687
- (i) Access from Erf 682 to a Public Road shall be across Erf 683 by way of right of way servitude and across Erf 687
- (j) Access from Erf 684 to a Public Road shall be across Erf 683 by way of a right of way servitude and across Erf 687
- (k) A servitude for services and access shall be registered over Erf 687 in favour of the Remaining Extent of Portion 32 (a portion of portion 19) of the farm Zwartkoppies 364 JR.

**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) Registration of New Servitudes
- (i) Erf 682 is subject to a 3 metre wide servitude for municipal purposes in favour of the local authority as indicated on the General Plan.
  - (ii) Erven 682 and 686 are subject to a 2 metre wide servitude for municipal purposes in favour of the local authority.
  - (iii) Erf 687 is subject to a servitude for municipal purposes and access purposes in favour of Erven 682 to 684 as indicated on the General Plan.

## PLAASLIKE BESTUURSKENNISGEWING 2687

### 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 Vallei tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

VOORWAARDES WAARONDER DIE AANSOEK GEDOEN DEUR TIJGER VALLEI 1 (PTY) LTD INGEVOLGDE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE 1986 OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 165 ('N GEDEELTE VAN GEDEELTE 32) VAN DIE PLAAS ZWARTKOPPIES 364 JR PROVINSIE GAUTENG TOEGESTAAN IS.

#### 1. STIGTINGSVOORWAARDES

- (1) **Naam**  
Die naam van die dorp is Tijger Vallei.
- (2) **Ontwerp**  
Die dorp bestaan uit erwe en strate soos aangedui op Algemene Plan LG No 6901/2007.
- (3) **Beskikking oor bestaande Titelveoorwaardes**
  - 3.1 All erven shall be made subject to existing conditions and servitudes if any, excluding the following servitudes and conditions in respect of portion 165 (a portion of portion 32) of the farm Zwartkoppies No 364 JR which shall not be passed onto the erven in the township.
 

"A The property hereby transferred is –

    - 4. Subject to the terms of Notarial Deed 100/1954S, whereby the property together with certain Portion of Portion of the farm Zwartkoppies 364, Registration Division JR 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.
    - B The South Western Portion of the farm Zwartkoppies No 364, Registration Division J.R. (whereof that portion of the land represented by the figure ABCDEFGHJKLMNPQRSTUVWX on Diagram S.G. no. 6900/2007, annexed hereto, forms a portion) is subject to the following conditions:
      - 3. The terms and conditions of Notarial Deed K355/1925-S dated the 14<sup>th</sup> July 1924, whereby MARY LYDIA STRUBEN, born Cole, a widow, as owner of the Remaining Extent of the farm "THE Willows" 340, Registration Division J.R., measuring 2366,9234 hectares, was granted the sole and exclusive right to all water arising in the



spring marked A, B, C, D, E, and F on the diagram annexed to the said Deed of Servitude, together with the right to conduct such water to the farm The Willows aforesaid, along the route of the existing pipe-line also shown on the said diagram The said Mary Lydia Struben is further entitled by virtue of the said Deed of Servitude, to open up the said springs in order to increase the water supply, and to maintain and repair such pipe-line Further to construct a water furrow in the place of such pipe-line and to conduct the water to " The Willows" aforesaid by means thereof along the route of the said pipe-line and that she shall be obliged to supply and erect fences or other means of protecting the said furrow and the water therein from the stock belonging to the owners of the said farm Zwartkoppies. The said Mary Lydia Struben shall further be obliged to keep proper fences around the said springs

4. The provisions of Notarial Deed K336 1925-S, whereby GRIFFITHS AND RORKE LIMITED, their successors in title or assigns, as owners of Portion "D" of the farm "The Willows" aforesaid, was granted:

(a) The right to conduct water to which the said portion of the farm The Willows may be entitled from the Pienaars River to the said Portion "D" of The Willows by means of a water furrow over the said Portion of Zwartkoppies.

(b) The right to construct a dam or weir in the Pienaars River at any point within a distance of 283 37 metres from the existing drift, known as Marks Drift, up the Pienaars River, upon the condition that the abovementioned water furrow and works on the Pienaars River shall in no way interfere with or encroach upon or construct the existing water furrow or works on the Pienaars River known as Swarts Dam

D The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No 364, Registration division J.R. measuring 926,7711 hectares (whereof that portion of the land represented by the figure ABCDEFGHJKLMNPQRSTUVWXZ on Diagram S.G. No.6900/2007 forms a portion) is subject and entitled to the following:

(iv) 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 K551/1956-S dated the 15<sup>th</sup> May 1956.

F 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 (whereof that portion of the land represented by the figure ABCDEFGHJKLMNPQRSTUVWXZ on Diagram S.G. No. 6900/2007 annexed hereto, 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 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.

G 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 -

(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 "

3.2 The following conditions and servitudes are only applicable to specific erven and roads in the township:

"D The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No. 364, Registration division J.R. measuring 926,7711 hectares (whereof that portion of the land represented by the figure ABCDEFGHJKLMNPQRSTUVWXZ on Diagram S.G. No.6900/2007 forms a portion) is subject and entitled to the following.

(ii) Subject to a servitude of right of way 15,74 metres wide in favour of the remainder of TWEEFONTEIN 372, J.R. aforesaid, as indicated by the figures XAbcX on Diagram S.G. No 6900/2007, annexed hereto;  
as will more fully appear with reference to Notarial Deed K551/1956-S dated the 15<sup>th</sup> May 1956."  
which condition only affects a street (Silver Lakes Road) in the township.

"E The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No. 364, Registration division J R measuring 473,3282 hectares (whereof that portion of the land represented by the figure

ABCDEFGHJKLMNPQRSTUVWXYZ on Diagram S.G. No. 6900/2007 annexed hereto, forms a portion) is subject to the following:

- (ii) Subject to a servitude of right of way, 15,74 metres wide in favour of and 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;
- (ii) Subject to a right of way 15,74 metres wide in favour of Portion 14 (a portion of the South Western Portion) of the farm Zwartkoppies 364, J.R. district Pretoria; measuring 85.6532 hectares, as more fully described in Deed of Transfer No 13545/1958 30<sup>th</sup> May, 1958."

which condition only affects a street (Silver Lakes Road) in the township.

- H. By Virtue of Notarial deed of Servitude K S dated 15 August 2008, the within mentioned property is subject to a perpetual Servitude 7 metres wide municipal servitude for access and the conveyance of services purposes in favour of the Kungwini Local Municipality, as indicated by the figure ABCDEFGHJKLMNPQRSTUVWXYZA1B1C1D1E1F1G1H1J1K1 L1M1N1P1Q1R1S1T1U1V1W1Z1A2B2C2D2, in extent 2253m<sup>2</sup>, on diagram SG No. 6899/2007, with ancillary rights, as will more fully appear from the said Notarial deed, which condition only affects Erf 682, 683 and 684 in the township.
- I. By Virtue of Notarial deed of Servitude K S dated 27 August 2008, the within mentioned property is subject to a perpetual servitude 7 metre wide for access and the conveyance of services purposes in favour of the Hazeldean Office Park owners Association, as indicated by the figure ABCDEFGHJKLMNPQRSTUVWXYZA1B1C1D1E1F1G1H1J1K1L1M1N1P1Q1R1S1T1U1V1W1Y1Z1A2B2C2D2, in extent 2253m<sup>2</sup>, on diagram SG No. 6899/2007 with ancillary rights as will more fully appear from the said Notarial Deed, which condition only affects Erf 682, 683 and 684 in the township.

### 3.3 The following conditions and servitudes are applicable to all erven and roads in the township:

"A The property hereby transferred is –

- 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 25<sup>th</sup> August, 1926, marked A.
- 2 Entitled to the following conditions -
  - (ii) The owner of the property hereby transferred and the owner of certain Portion of a Portion of the farm Zwartkoppies 164, Registration Division JR, district Pretoria, measuring 12,4311 hectares; held under Deed of Transfer T6636/1954 dated the 20<sup>th</sup> March 1954; shall have the sole control of the water belonging to the South Western Portion of the farm Zwartkoppies No. 364, 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 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 p.m. to Monday 6a.m in each week, i.e. for 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 to 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 hour period that the valve 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, JR aforesaid, and built to give effect to the Order of the Water Court referred to in Condition 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 the 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 the Water Court dated at Pretoria on the 27<sup>th</sup> June, 1949, as will more fully appear from Notarial Deed of Servitude No. 620A/49-S.

"C. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No. 364, Registration division J.R. measuring 926,7711 hectares (whereof that portion of the land represented by the figure ABCDEFGHJKLMNPQRSTUVWXYZ on Diagram S.G. No. 6900/2007 annexed hereto, forms a portion) is subject to The Right-of-Way granted to NICOLAAS JACOBUS JOUBERT as owner of Portion B of the South Western Portion of the said farm, measuring 473,8478 hectares, held under Deed of Transfer No 8812/1929 dated 23<sup>rd</sup> July 1929.

D. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No. 364, Registration division J.R. measuring 926,7711 hectares (whereof that portion of the land represented by the figure ABCDEFGHJKLMNPQRSTUUVWXZ on Diagram S.G. No.6900/2007 forms a portion) is subject and entitled to the following:

- (j) Entitled to a servitude of right of way 15,74 metres wide over the remainder of TWEEFONTEIN 372 J.R. measuring 458,7720 hectares, held under Deed of Transfer No 10975/1923;

as will more fully appear with reference to Notarial Deed K551/1956-S dated the 15<sup>th</sup> May 1956."

E. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No. 364, Registration division J.R. measuring 473,3282 hectares (whereof that portion of the land represented by the figure ABCDEFGHJKLMNPQRSTUUVWXZ on Diagram S.G. No. 6900/2007 annexed hereto, forms a portion) is subject to the following:

- (i) Entitled to a servitude of right of way, 15,74 metres wide in favour of and 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.

G. 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 6488/1968, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer

**(4) Sloping van Geboue en Strukture**

Die dorpseienaar moet op eie koste alle bestaande geboue en strukture wat binne boulyn reserves, 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 dorpseienaar moet op eie koste alle rommel 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 Huseienaarsvereniging 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 687) asook die Privaat Oopruimte erwe (Erwe 685 en 686) sal geregistreer word in die naam van die Huseienaarsvereniging en genoemde padgedeelte mag nie verkoop of op enige vervreem word sonder die vooraf geskrewe toestemming van die Raad nie.
- (c) 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, welke toegangspad en dienste geleë is op Erwe 682 tot 684 en 687 en beskrem is by wyse van servitude geregistreer ten gunste van die Stadsraad, asook ten gunste van die Eienaars Vereniging waar sodanige toegangspad en dienste Erwe 682 tot 684 en 687 raak
- (d) Iedere en elke eienaar van Erwe 682, 683 en 684 sal 'n lid van die Huseienaarsvereniging word met oordrag van die erf
- (e) Die Huseienaarsvereniging sal die wettige reg hê om die kostes aangegaan ter vervulling van sy doel van ieder en elke lid te hef en sal toegang he tot regshulp ter verhaling van sodanige fooi in die geval van die wanbetaling deur enige lid

- (f) 'n Serwituut vir munisipale doeleindes sal geregistreer word oor Erf 687 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 Erf 687 ten alle tye.
- (h) Toegang van Erf 683 tot 'n openbare pad sal oor die Erf 687 wees.
- (i) Toegang van Erf 682 tot 'n openbare pad sal oor die Erf 683 by wyse van 'n reg van weg serwituut wees oor Erf 687.
- (j) Toegang van Erf 684 tot 'n openbare pad sal oor die Erf 683 by wyse van 'n reg van weg serwituut wees oor Erf 687.
- (k) 'n Serwituut vir toegang en dienste sal geregistreer word oor Erf 687 ten gunste van die Resterende Gedeelte van Gedeelte 32 ('n Gedeelte van Gedeelte 19) van die plaas Zwartkoppies 364 JR

## 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) Alle Erwe

- (i) Die erf 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 erf, 'n addisionele serwituut vir munisipale doeleindes 2m 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 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 rioolhoofpypleidingings en ander werke wat hy volgens goeddunke noodsaaklik ag, tydelik te plaas op die grond wat aan die voorgenoemde 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 rioolhoofpypleidingings en ander werke veroorsaak word

### (2) Registrasie van Nuwe Serwitute

- (i) Erf 682 is onderworpe aan 'n 3 meter wye serwituut vir munisipale doeleindes ten gunste van die stadraad soos aangetoon op die Algemene Plan.
  - (ii) Erwe 682 en 686 is onderworpe aan 'n 2 meter wye serwituut vir munisipale doeleindes ten gunste van die stadraad.
  - (iii) Erf 687 is onderworpe aan 'n serwituut vir munisipale doeleindes en toegangs doeleindes ten gunste van Erwe 682 tot 684 soos aangetoon op die Algemene Plan.
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