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1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

- 1.3.1 the following conditions to which the property is subject but which conditions do not affect the proposed township or the erven in the township:

Conditions E, J and K of Deed of Transfer T13288/2007 as quoted below:

- "E. *A portion measuring approximately 7733 square metres of the former Remaining Extent of Portion 2 of the farm Hamanskraal 112, Registration Division J R, Transvaal, measuring 1382,2956 hectares (of which a portion is hereby transferred) has been expropriated by the South African Railways and Harbours.*
- J. *Die Resterende Gedeelte van Gedeelte 2 van gesegde plaas Hamanskraal 112, groot 1177,9428 hektaar, ('n gedeelte waarvan hiermee getranspoteer word), is onderhewig aan 'n servituut van pyleiding 3,00 meter wyd aangedui deur die lyn ABCDEFGH op Kaart LG No A 5892/1991 met bykomende regte ten gunste van die Sentrum vir Teologie en Diens, soos meer volledig sal blyk uit Notariële Akte No K 6967/1992S daarby aangeheg.*
- K. *Further subject to EX 102/1994 where a portion approximately 30 hectares has been expropriated by Department of Transport in terms of Section 3(2)(a) Act 54/1971."*

- 1.3.2 the following condition to which the property is subject and to which only Erf 13298 in the proposed township should be made subject:

Conditions C of Deed of Transfer T13288/2007.

- "C. *The former Remaining Extent of Portion 2 of the farm Hamanskraal 112, Registration Division J R, Transvaal, measuring 1439,2162 hectares (a portion whereof is hereby transferred) is subject to servitude of pump site and pipeline and certain ancillary rights thereto but not subject to trading rights in favour of Portion 17 (a Portion of Portion 2) of the said farm, as will appear from Deed of Transfer No T 28412/1959."*

1.4 LAND FOR MUNICIPAL PURPOSES

The following erf/erven shall be transferred to the City of Tshwane Metropolitan Municipality by and at the expense of the township owner: None

1.5 PRECAUTIONARY MEASURES

- 1.5.1 The township owner shall appoint a competent person(s) to:-

- (i) compile a complete RISK MANAGEMENT PLAN and WET SERVICES PLAN:
- (ii) conduct and compile a construction report to ensure that the conditions on site and the positioning of structures and wet services are accordingly certified.

- 1.5.2 The township owner is responsible to facilitate the procedure to transfer the responsibility for the management of the Risk Management plan legally to a representative Body Corporate or similar entity, as applicable.

- 1.5.3 The township owner shall at its own expense, make arrangements with the Municipality, in order to ensure that-

- 1.5.3.1 water will not accumulate to the effect that the entire surface of the township area is drained properly and that streets are sealed effectively with tar, cement or bitumen; and

- 1.5.3.2 trenches and excavations for foundations, pipes, cables or for any other purposes, are properly refilled with damp soil in layers not thicker than 150mm, and compacted until the same grade of compaction as that of the surrounding material is obtained.

1.6 ACCESS

Unless the consent in writing of the Head of the Department: Gauteng Provincial Government: Department of Public Transport, Roads and Works has been obtained, no ingress from Road D2757 to the township and no egress to Road D2757 shall be allowed.

- 1.6.1 The township owner shall at his own expense arrange for a geometric lay-out design (scale 1:500) of the ingress and egress points referred to in (a) above and specifications for the construction of the junctions to be compiled and shall submit it to the Head of the Department: Gauteng Provincial Government: Department of Public Transport, Roads and Works, for approval. After the design and specifications have been approved, the township owner shall construct the entrances at his own expense to the satisfaction of the Head of the Department: Department of Public Transport, Roads and Works.

1.7 RECEIVING AND DISPOSAL OF STORMWATER

The township owner shall arrange the stormwater drainage of the township in such a way as to fit in with that of Road D2757 and he shall receive and dispose of the storm water running off or being diverted from the road.

1.8 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

Should it become necessary to move or replace any existing municipal services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.9 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER

The township owner shall at his own expense erect a fence or other physical barrier to the satisfaction of the Head of the Department: Gauteng Provincial Government: Department of Public Transport, Roads and Works, as and when required by him to do so, and the township owner shall maintain such fence or physical barrier in a good state of repair until such time as the erven in the township are transferred to ensuing landowners, after which the responsibility for the maintenance of such fence or physical barrier rests with the latter.

1.10 CONSOLIDATION OF ERVEN

The township owner shall at his own expense have Erven 13297 and 13298 in the township consolidated. The City of Tshwane Metropolitan Municipality hereby grants its consent to the consolidation in respect of Section 92(1) (b) of Ordinance 15 of 1986.

1.11 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane Metropolitan Municipality to do so, the township owner shall at his own expense cause to be demolished to the satisfaction of the Municipality all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, or dilapidated structures.

1.12 REMOVAL OF LITTER

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

1.13 REMOVAL AND/OR REPLACEMENT OF ESKOM POWER LINES

Should it become necessary to remove and/or replace any existing power lines of Eskom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.14 REMOVAL AND/OR REPLACEMENT OF TELKOM SERVICES

Should it become necessary to remove and/or replace any existing TELKOM services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.15 COMPLIANCE WITH CONDITIONS IMPOSED BY GDACEL

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Agriculture, Conservation, Environment and Land Affairs has granted the applicant exemption from compliance with regulations No 1182 and 1183 promulgated in terms of sections 21, 22 and 26 of the Environmental Conservation Act, for the development of this township.

OR

The township owner shall at his own expense comply with all the conditions imposed by or by which the Gauteng Department of Agriculture, Conservation, Environment and Land Affairs has granted the applicant authorization in terms of regulations No 1182 and 1183 promulgated in terms of sections 21, 22 and 26 of the Environmental Conservation Act, for the development of this township.

1.16 NATIONAL HERITAGE RESOURCE ACT

The township owner shall at his own expense comply with the provisions of the National Heritage Resource Act, 25 of 1999 and that any conditions that may affect the township are incorporated in these conditions as amendments to these conditions.

1.17 OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND AESTHETICAL TREATMENT OF ROAD D2757 AND JUBILEE ROAD

1.17.1 Provision shall be made for a 1m paved walkway for pedestrian movement along the southern boundary of Erven 13297 and 13298 (on the northern side of Road D2757) and along the western boundary of Erf 13297 (next to Jubilee Road) to the satisfaction of the City of Tshwane.

1.17.2 The sidewalk and entrances along Jubilee Road shall be landscaped and planted with trees to the satisfaction of the City of Tshwane.

1.18 THE DEVELOPER'S OBLIGATIONS**1.18.1 PROVISION OF ENGINEERING DRAWINGS**

The developer must submit to the City of Tshwane Metropolitan Municipality complete engineering drawings in respect of internal sewers and sewer connection points and complete engineering drawings in respect of the internal road and storm water sewers as well as water and electricity services, prior to the commencement of the construction of the said services.

1.18.2 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane Metropolitan Municipality must be provided with a certificate by a Professional Engineer for water, sewerage, electricity, and the internal road and storm water sewers, in which it is certified that the internal engineering services have been completed and that the engineers accept liability for the services. The City of Tshwane Metropolitan Municipality may at its own discretion allow an exception in respect of the internal road and storm water sewers. If this is the case, the developer must give the City of Tshwane Metropolitan Municipality an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane Metropolitan Municipality with a guarantee issued by a recognized financial institution.

No building plans will be approved before the services are completed and (if applicable) taken over by the divisions of the Service Delivery Department.

1.18.3 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences when the last of the internal engineering services (i.e. water, sewerage, electricity, and the road and storm water sewers) have been completed. The developer must furnish the Section 21 Company with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services and the electricity services, which guarantee must be for an amount that is equal to 5% of the contract cost of the civil services and 10% of the contract cost of the electrical services, and proof of this must be submitted to the City of Tshwane.

2. CONDITIONS OF TITLE

2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITIONS AS INDICATED, LAID DOWN BY THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

2.1.1 ERVEN 13297 AND 13298

2.1.1.1 A servitude 2.0 meters wide in favour of the Municipality shall be provided for municipal services along any boundary, other than a street boundary, where such services are installed or planned to be installed.

2.1.1.2 No building or other structure or any part of its foundations may be erected in the servitude area referred to in the afore-mentioned Sub-clause (a) and no tree with a potentially large root system may be planted within the afore-mentioned servitude area or within 2.0 meters thereof except with the permission of the Municipality.

2.1.1.3 The Municipality shall be entitled to reasonable access to the land adjoining the servitude area referred to in the afore-mentioned Sub-clause (a) for the construction, maintenance or removal of such services as it may in its discretion deem necessary and shall be entitled to deposit temporarily on the afore-mentioned land material that may be excavated during the course of such activities subject to any damage thereby caused being made good by the Municipality at its cost.