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GAUTENG**



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PROCLAMATION • PROKLAMASIE

PROCLAMATION 119 OF 2017**EKURHULENI TOWN PLANNING SCHEME 2014
EKURHULENI AMENDMENT SCHEME G0228
EKURHULENI METROPOLITAN MUNICIPALITY**

It is hereby notified in terms of the provision of the Town-Planning and Townships Ordinance, 1986(Ordinance 15 of 1986), that the Ekurhuleni Metropolitan Municipality has approved an amendment scheme with regard to the land in the township of Union Extension 31, being an amendment of the Ekurhuleni Town Planning Scheme, 2014.

The Annexure of this amendment scheme is filed with the Municipal Manager and is open to inspection during normal office hours.

The amendment is known as Ekurhuleni Amendment Scheme G0228

Imogen Mashazi, City Manager
2nd Floor, Head Office Building
Cnr Cross & Rose Street
Germiston

**EKURHULENI METROPOLITAN MUNICIPALITY
GERMISTON CUSTOMER CARE AREA
DECLARATION OF UNION EXTENSION 31 AS AN APPROVED TOWNSHIP**

In terms of section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the Ekurhuleni Metropolitan Municipality hereby declares the township of Union Extension 31 to be an approved township, subject to the conditions as set out in the Schedule hereto.

SCHEDULE

STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION IS MADE BY BEDFORD GATE DEVELOPMENTS (PTY) LTD, REGISTRATION NUMBER 2003/016163/07, (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNERS) UNDER THE PROVISIONS OF CHAPTER 3 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 647 OF THE FARM ELANDSFONTEIN 108 IR, GAUTENG PROVINCE, HAS BEEN APPROVED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be **“Union Extension 31”**.

1.2 DESIGN

The township shall consist of erven and streets as indicated on Surveyor General Plan No. S.G. 3427/2008.

1.3 RESTRICTION ON THE DISPOSAL OF ERVEN

- 1.3.1 The township owner shall, in terms of prior agreement with the Municipality, fulfil its obligations with regard to the provision of water, sanitation (and if applicable) electricity and the installation of reticulations for such purposes, prior to the disposal of any erf within the township.
- 1.3.2 No erven may be alienated or transferred in the name of a purchaser prior to the Municipality having confirmed that sufficient guarantees have been furnished in respect of the provision of services by the township applicant to the Municipality.
- 1.3.3 The portions of land required for Road widening of Jacoba Street and Black Reef Road should be transferred to council for public road purposes on proclamation of the Township.

1.4 ENDOWMENT

The township owners, shall in terms of the provisions of Section 92 and Regulation 43 of the Town Planning and Townships Ordinance, 1986, pay a contribution of R41633.32 to the Council for the provisions of land for a park (public open space).

The above amount has been calculated as follows:

$$\frac{(a-b) \times c \times e}{d}$$

$$\text{i.e. } \frac{(181-1) \times 18 \times R 467 000}{3,6343}$$

$$= R41,633,32$$

N.B. The norm of a 100m² per dwelling unit has been used.

1.5 DISPOSAL OF EXISTING CONDITIONS OF TITLE

- 1.5.1 All erven shall be made subject to existing conditions and servitudes, if any, including the following water rights:

Subject to the terms of Notarial Deed of Servitude 419/1889 having reference to perpetual rights to water in favour of other portions of the said farm ELANDSFONTEIN.

- 1.5.2 Excluding the following servitudes which affect only streets in the township:

- (a) To rights-of-way 6,30 metres wide along the line B C as shown on the diagram annexed to the said Deed of Transfer no 19075/1920 in favour of the remaining extent of the said Portion "F" of the farm ELANDSFONTEIN held by THOMAS IGNATIUS NORTON by Deeds of Transfer Nos 9922/1917 and 10550/1920 and the remaining extent of a portion of the said farm ELANDSFONTEIN held by JOHANNA ELIZABETH JACOBA MEYER by Certificate of Amalgamated Title No. 2471/1914: provided, however, that the Transferee and his successors in Title shall at all times have the right to use the said right-of-way and to grant to any such party or parties as may

acquire the said property, the right to use the same; further that any owner of any portion of the said farm ELANDSFONTEIN shall at all times have the right to use the said Rights-of-Way, provided, however, that neither the said THOMAS IGNATIUS NORTON nor his successors in title nor the transferee, nor his successors in title shall at any time have the right to close the said right-of-way.

which affects Jacoba Road and Paintin Street

- (b) To a right of way 6,30 metres wide (indicated by the figure A B d c as shown on the annexed Diagram S.G. No A2901/1978) in favour of the Remaining Extent of Portion 56 of the farm ELANDSFONTEIN held by THOMAS IGNATIUS NORTON by Deeds of Transfer Nos 9922/1917 and 10550/1920 and the remaining extent of a portion of the said farm ELANDSFONTEIN held by JOHANNA ELIZABETH JACOBA MEYER by Certificate of Amalgamated Title No. 2471/1914: provided, however, that the transferee and their successors in title shall at all times have the right to use the said right of way and to grant to any such party or parties as may acquire the said property, the right to use the same; further that any owner of any portion of the said farm ELANDSFONTEIN shall at all times have the right to use the said right of way, provided, however, that neither THOMAS IGNATIUS NORTON nor his successors in title nor the transferees, nor their successors in title shall at any time have the right to close the said right-of-way.

which affects Jacoba Road and Black Reef Road.

- (c) (i) To a servitude of public roadway in perpetuity as indicated by the figures b k f on the annexed diagram S.G. No A 2901/1978, in favour of the CITY COUNCIL OF EKURHULENI (GERMISTON) as will more fully appear from Notarial Deed of Servitude No 589/1954 S, dated 5 April 1954, and registered on 17th July 1954.
- (ii) To a right of way 3,15 metres wide as indicated by the figure e f D E F on the annexed Diagram S.G. No A2901/1978, in favour of the remaining extent of Portion 56 of the farm ELANDSFONTEIN held by certain THOMAS IGNATIUS NORTON and CATHARINA PETRONELLA MEYER married out of community of property to CORNELIUS FLORIS JOHANES MEYER, by Deed of Transfer No 9922/1917 and the remaining extent of a portion of the said farm ELANDSFONTEIN held by JOHANNA ELIZABETH JACOBA MEYER by Certificate of Amalgamated Title No. 2471/1914: Provided however that the transferee and its successors in title shall at all times have the right to use the said right of way and to grant to any such party or parties as may acquire the said property, the right to use the same; further that any owner of any portion of the said farm ELANDSFONTEIN shall at all times have the right to use the said right of way, provided, however, that neither the said THOMAS IGNATIUS NORTON and CATHARINA PETRONELLA MEYER or their successors in title nor the Transferee, or its successors in title shall at any time have the right to close the said right of way.

which affects Black Reef Road and Chris Street

- (d) To rights-of-way 3,15 metres wide along the line A D as shown on the diagram annexed to the said Deed of Transfer no 19075/1920 in favour of the remaining extent of the said Portion "F" of the farm ELANDSFONTEIN held by THOMAS IGNATIUS NORTON by Deeds of Transfer Nos 9922/1917 and 10550/1920 and the remaining extent of a portion of the said farm ELANDSFONTEIN held by JOHANNA ELIZABETH JACOBA MEYER by Certificate of Amalgamated Title No. 2471/1914: provided, however, that the Transferee and his successors in Title shall at all times have the right to use the said right-of-way and to grant to any such party or parties as may acquire the said property, the right to use the same; further that any owner of any portion of the said farm ELANDSFONTEIN shall at all times have the right to use the said Rights-of-Way, provided, however, that neither the said THOMAS IGNATIUS NORTON nor his successors in title nor the transferee, nor his successors in title shall at any time have the right to close the said right-of-way.
- which affects Chris Street and Paintin Street**

1.6 DEMOLITION OF BUILDINGS OR STRUCTURES

- (a) The Township owner/s shall at his/their own expense cause all existing buildings and structures situated within the boundaries of the township to be demolished to the satisfaction of the Council.

1.7 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

- (a) If, by reason of the establishment of the township, it should become necessary to remove, replace or protect any existing municipal services, the cost thereof shall be borne by the township owners.

1.8 FORMATION OF NON PROFIT COMPANY / BODY CORPORATE / HOME OWNER'S ASSOCIATION

- 1.8.1 A Non Profit Company / Home Owners Association (legal entity) shall be established by and at the cost of the Developer / Owner for each section with private access.
- 1.8.2 Ever owner of the Erf, or any subdivided portion thereof, or any person who has an interest therein shall become a Member of the legal entity and be subject to its constitution until he/she ceases to be an owner to aforesaid. Neither the Erf, nor any subdivided portion thereof, nor any interest therein shall be transferred to any person who has not bound himself/herself to the satisfaction of such Association to become a member of the legal entity.
- 1.8.3 The owner of the Erf, or any subdivided portion thereof, or any person, who has an interest in therein, shall not be entitled to transfer the Erf or any subdivided portion therein without a Clearance Certificate from the Home Owners Association that the Articles of the legal entity Association have been complied with.
- 1.8.4 A copy of the legal entity and its constitution shall be submitted to the Municipality (Directorate: City Development) prior to the issuing of a Clearance Certificate for the transfer of Erven.
- 1.8.5 The Township Owner must accept the conditions regarding the establishment of a legal entity in writing. This written acceptance shall include an undertaking that all buyers will be notified of all the conditions stipulated by the Municipality, in writing.

- 1.8.6 The roads and stormwater infrastructure and landscaping of sidewalks will not be taken over by the Municipality and the construction and cost thereof shall be the responsibility of the Owner where after the maintenance of these services and the pavements shall become the responsibility of the legal entity.
- 1.8.7 The legal entity shall manage and maintain all common property including the refuse collection areas.
- 1.8.8 The legal entity shall indemnify the Municipality against any and all claims regarding:
- . The maintenance and the provision of any roads and stormwater services in the development. (The provision of engineering services under paved areas are to be avoided).
 - . Any damage that may be caused by an emergency vehicle or any vehicle of the Municipality that is involved with the maintenance of services.
 - . Any damage and/or incidental damage to the water and sewer infrastructure (shall be for the account of the owner/legal entity).
 - . The Developer / Owner shall be responsible for all road signs and markings in proposed development whereafter the legal entity shall be responsible for the maintenance thereof on the private road / "right of way" servitude area.
 - . Unhindered access must be given to all emergency vehicles and all service authorities (water, electricity, Telkom etc) at all times.
- 1.8.9 The Township / Owner shall be responsible for the installation and cost of a street lighting network whereafter the maintenance and the power usage shall be the responsibility of the legal entity. The Municipality will not take over the street lighting network. The street lighting supply should be metered and the legal entity shall be liable for the electricity consumption (if installed).
- 1.8.10 Any architectural changes to the existing dwelling unit shall be prepared and submitted to the council for approval. Also each plan must be endorsed by the Body Corporate / Home Owners Association.

2. CONDITIONS OF TITLE

- (a) The erf is subject to a servitude, 2 metres wide, in favour of the Council, 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 metres wide across the access portion of the erf, if and when required by the Council: Provided that the Council may dispense with any such servitude.
- (b) No building or other structures 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 metres thereof.

- (c) The Council 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 Council.

3. SERVITUDE

After the proclamation of the township, a ROW servitude shall be registered over ERF 425, 15,00 (FIFTEEN) metres wide, as indicated by the figure f g h j f on General Plan 3427/2008, as an extension of Chris Street to the satisfaction of Roads, Transport and Civil Works Department: Southern Region, Ekurhuleni Metropolitan Municipality.

4. CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THIRD PARTIES TO BE REGISTERED / CREATED ON THE FIRST REGISTRATION OF THE ERVEN CONCERNED:

- 4.1 Every owner of the Erf, or any subdivided portion thereof, or any person who has an interest therein shall become a Member of the legal entity and be subject to its constitution until he/she ceases to be an owner to aforesaid. Neither the Erf, nor any subdivided portion thereof, nor any interest therein shall be transferred to any person who has not bound himself/herself to the satisfaction of such Association to become a member of the legal entity.
- 4.2 The owner of the Erf, or any subdivided portion thereof, or any person, who has an interest in therein, shall not be entitled to transfer the Erf or any subdivided portion therein without a Clearance Certificate from the Home Owners Association that the Articles of the legal entity Association have been complied with.

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