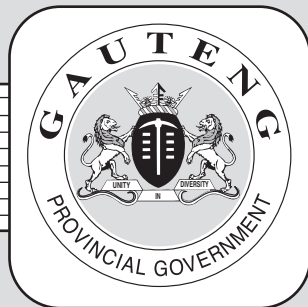


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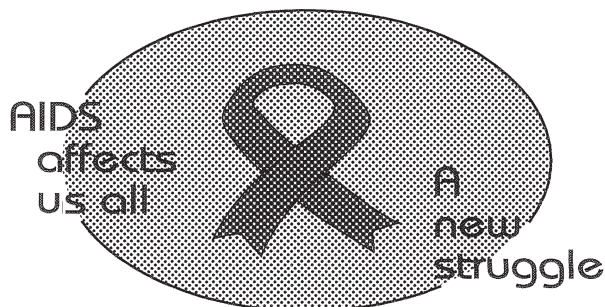
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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 1488 OF 2021****CITY OF TSHWANE****AKASIA/SOSHANGUVE AMENDMENT SCHEME 0379A**

It is hereby notified in terms of the provisions of section 125(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that the City of Tshwane has approved an amendment scheme with regard to the land in the township of Karenpark Extension 44, being an amendment of the Akasia/Soshanguve Town-planning Scheme, 1996.

Map 3 and the scheme clauses of this amendment scheme are filed with the Economic Development and Spatial Planning Department, and are open to inspection during normal office hours.

This amendment is known as Akasia/Soshanguve Amendment Scheme 0379A.

(CPD 9/1/1/1-KRPx44 0080)
(CPD 9/2/4/2-0379A)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

(Notice 139/2021)
__ NOVEMBER 2021

CITY OF TSHWANE**DECLARATION OF KARENPAK EXTENSION 44 AS APPROVED TOWNSHIP**

In terms of Section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986), the City of Tshwane hereby declares the township of Karenpark Extension 44 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-KRPx44 0080)
(CPD 9/2/4/2-0379A)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY RAUBEX BUILDING PROPRIETARY LIMITED, REGISTRATION NUMBER 1976/003683/07, UNDER THE PROVISIONS OF CHAPTER III: PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON A PART OF PORTION 546 OF THE FARM HARTEBEESTHOEK 303JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Karenpark Extension 44.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 5639/2014

1.3 ENDOWMENT

Payable to the City of Tshwane.

The township owner shall pay endowment for an area of 1 200m² in terms of Regulation 44(1) of the Town-planning and townships Regulations, to the City of Tshwane. The amount of this area shall be used by the City of Tshwane Metropolitan Municipality for the acquisition of land for park and/or public open space purposes.

The said endowment amount shall be payable in accordance with the provisions of Section 81 of the Town-planning and townships Ordinance, 1986 (Ordinance 15 of 1986).

1.4 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.

1.5 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane 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.

1.6 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.

1.7 COMPLIANCE WITH CONDITIONS IMPOSED BY GDARD

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Agriculture and Rural Development including if applicable those by which exemption has been granted from compliance with Regulations No 1182 and 1183, promulgated in terms of Sections 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 107 of 1998) and Regulations, as the case may be, for the development of this township.

1.8 LAND TO BE TRANSFERRED TO THE NON-PROFIT COMPANY (HOMEOWNERS' ASSOCIATION)

Erf 1434 shall be transferred to the Non-profit Company (homeowners' association) within a period of 6 months after proclamation of the township or when the first erven in the township becomes transferable whichever the sooner, by and at the expense of the township owner.

The erf may not be transferred thereafter by the non-profit company before the consent of the City of Tshwane first been obtained.

A servitude for access and municipal services shall be registered over Erven 1434 in favor of the Municipality as well as all the erven in the township.

1.9 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTIONS REGARDING THE ALIENATION OF ERVEN

The township owner shall within such period as the Local authority may determine fulfill its obligations in respect of the provision of water, electricity and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems thereof, as previously agreed upon between the township owner and the local authority. Erven may not be transferred into the name of a purchaser prior to the Local Authority certifying that sufficient guarantees/cash contributions in respect of the supply of services by the township owner have been submitted or paid to the said Local Authority.

2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTERABLE

2.1 INSTALLATION OF INTERNAL AND EXTERNAL SERVICES

A certificate issued in terms of Section 82 of the Town-planning and Townships Ordinance (Ordinance 15 of 1986) must be lodged with the first transfer or with any other act of registration such as the issuing of a Certificate of Title.

The township applicant shall install and provide internal engineering services in the township as provided for in the services agreement.

The Local authority shall install and provide external engineering services for the township as provided for in the services agreement.

2.2 RESTRICTIONS ON THE ALIENATION OF LAND

Regardless the issuing of a certificate as contemplated in Section 82(1)(b)(ii)(cc) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), no erf in the township may be transferred or be dealt with otherwise until the City of Tshwane certifies that the developer has complied with the provisions of condition 2.3.

2.3 THE DEVELOPER'S OBLIGATIONS

2.3.1 MEMORANDUM OF INCORPORATION

The developer must at his own cost establish a non-profit company (home-owner's association) in terms of the provisions of the Companies Act, 2008 (Act 71 of 2008). All the owners of erven and/or units in the township must become members of the non-profit company. A copy of the registered Memorandum of Incorporation must be submitted to the City of Tshwane.

2.3.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the City of Tshwane 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.

2.3.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane 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 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 an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane 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 Public Works and Infrastructure Development Department.

2.3.4 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences on the date on which the council has certified that the provisions of Section 82(1)(b)(ii)(cc) of the Town-Planning and Townships Ordinance 15 of 1986 has been complied with and when the last of the internal engineering services (ie water, sewerage, electricity, and the road and storm water sewers) have been completed.

A maintenance guarantee must be issued for the said period by a recognized financial institution, in respect of poor workmanship and/or material with regard to the civil engineering services and the electricity services, which guarantee must be issued in favor of the Section 21 Company for an amount that is equal to 10% 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.

AND

All internal and external water- and sanitation infrastructure will be maintained by the Municipality and not by the non-profit company. The developer must furnish the City of Tshwane with a 10% guarantee of the estimate contract cost with regard to the water and sewerage services, issued by a recognized financial institution before the commence date of the contract and proof of this must be submitted to the City of Tshwane.

OR

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 stormwater services) have been completed. The developer must submit proof of the Municipality that:

- (a) the non-profit company has been furnished with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the roads and stormwater services and the electricity services, which guarantee must be for an amount that is equal to 10% of the contract cost of the civil roads and stormwater services and the contract cost of the electrical services, prior to the commence date of the contract;
- (b) the Municipality has been furnished with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the sewer and water services, which guarantee must be for an amount that is equal to 10% of the contract cost of these services, prior to the commence date of the contract.

2.3.5 COMPLETION OF THE SCHEME

The developer remains liable for the development of the entire housing scheme in accordance with the approved site development plan, provided that the scheme may also be developed in phases with the consent of the City of Tshwane, and provided further that the entire development takes place under the supervision of one architectural firm. If another architect or architectural firm is appointed at any stage during the execution of the scheme, the City of Tshwane must be notified of this without delay.

2.3.6 APPROVAL OF BUILDING PLANS

Before any erf is transferred, the developer must have building plans approved at the City of Tshwane in respect of every erf, excluding Erf 1434, in accordance with the approved site development plan.

The Power of Attorney to transfer the erven must be endorsed by the City of Tshwane.

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

2.3.7 PROOF OF DEED OF SALE AND FINANCING

The developer must submit proof that there is a valid and enforceable deed of sale between the developer and the buyer with regard to the sale of the relevant erf and the development of the erf by the developer in accordance with the approved plan. The developer must also provide proof that a loan for the proposed development has been approved in respect of each erf. If the buyer himself or herself is to finance the proposed development, satisfactory proof must be provided in respect of this financing.

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 the following servitude which does not affect the township due to its locality;

- "C. Kragtens Notariële akte van Serwituut van Reg van Weg K1925/04S is die binnege- melde eiendom onderhewig aan 'n serwituut vir reg van weg vir munisipale doeleindes ten gunste van die City of Tshwane metropolitan municipality, soos meer volledig aan- getoon deur die figure EBEFE op die onderverdelingskaart LG Nr 6802/2003 aangeheg aan Sertifikaat van Geregistreerde Titel T39918/04".

4. CONDITIONS OF TITLE

4.1 ALL ERVEN WITH THE EXCEPTION OF THE ERVEN REFERRED TO IN CLAUSE 1.8 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)

4.1.1 The erf is subject to a servitude, 2m wide, in favor of the municipality, 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 municipality: Provided that the municipality may dispense with any such servitude.

4.1.2 No building or other structure shall be erected within the aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within 2m thereof.

4.1.3 The municipality 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 municipality.

4.2 CONDITIONS OF TITLE IN FAVOUR OF THIRD PARTIES TO BE REGISTERED ON FIRST REGISTRATION OF THE ERVEN CONCERNED

No erf in the township may be transferred unless the following requirements have been complied with and the following conditions and servitudes are registered:

4.2.1 ERVEN 1384 TO 1433

The erven are subject to the following conditions in favor of the non-profit company to be created on transfer of the erven to any purchaser.

Upon transfer, each and every owner of an erf in the township shall on transfer automatically become a member of the landowner's Association (non-profit company) for the development (hereinafter referred to as the "Association") and the township owner shall procure that each erf be made subject to the following conditions in favor of the Association.

4.2.1.1 Every owner of the erf or owner of any sub-divided portion of an erf or owner of any unit thereon, shall on transfer automatically become and shall remain a member of the Association and shall be subject to its constitution until he/she ceases to be an owner as aforesaid and the property may not be transferred without the consent in writing of the Association, which condition must be included in the title deed of the portion.

4.2.1.2 Transfer of the erf to a third party is allowed only with the consent of the Municipality and then only if the development of the dwelling-unit has been completed to the satisfaction of the Municipality in accordance with the approved site development plan.

4.2.1.3 The erf is subject to a servitude 3m wide, in favor of the non-profit Company for sewerage and other engineering services, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude, 2m wide across the access portion of the erf, if and when required by the Section 21 company: Provided that the non-profit company may dispense with any such servitude.

4.2.2 ERF 1434

4.2.2.1 The erf is subject to a servitude, of right of way and for the use of engineering services in favor of Erven 1384 to 1433.

4.2.2.2 No buildings or other structure may be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within a distance of 2m from it.

4.2.2.3 The servitude must be notarially executed and registered prior or simultaneously with the transfer of an erf in the township.

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