

LIMPOPO PROVINCE
LIMPOPO PROVINSIE
XIFUNDZANKULU XA LIMPOPO
PROFENSE YA LIMPOPO
VUNDU LA LIMPOPO
IPHROVINSI YELIMPOPO

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Buitengewoon

**Hu tshi katelwa na
Gazethe dza Nyingo**

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 5

BELA-BELA MUNICIPALITY DECLARATION AS APPROVED TOWNSHIP

The Bela-Bela Municipality hereby declares in terms of section 103(1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), Eau Montagne to be an approved township subject to the conditions in the schedule hereto.

Schedule

CONDITIONS UNDER WHICH THE APPLICATION MADE BY EMALINI ENTERPRISES 75 CC (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) UNDER THE PROVISIONS OF PART C OF CHAPTER III OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 235 (A PORTION OF PORTION 88) OF THE FARM ROODEPOORT 467 K.R., LIMPOPO PROVINCE HAS BEEN GRANTED.

CONDITIONS OF ESTABLISHMENT

(a) NAME

The name of the township shall be "Eau Montagne"

(b) DESIGN

The township shall consist of erven and streets as indicated on Plan LG 7771/2006

(c) DISPOSAL OF EXISTING CONDITIONS OF TITLE

A All erven shall be made subject to the existing conditions and servitudes, if any, excluding the following servitudes which do not effect the erven in the township, namely:

The said portion of the farm ROODEPOORT No 467 District Warmbaths (of which the property transferred hereunder, forms a portion) is entitled to the rights and subject to the conditions as follows:-

1. The said portion shall be entitled to a one-tenth share of the water on the whole farm ROODEPOORT subject to a four-ninths share in favour of the State, which water must be divided below the water mills of Carl Sebastiaan Potgieter the owner of a portion in extent 89,2221 hectares and an undivided half share of a portion measuring 594,7744 hectares of the said farm; and with the right of taking out the water on the said Portion and the portions of the owners of the said farm, by means of a water furrow.
2. The said Portion shall have a right of way over the Remaining Extent of the said farm ROODEPOORT

measuring as such 9,9886 hectares.

3. The said Transferee, his successors-in- title, order or assigns, shall have the right to use all the present existing and used waterfurrows now used by it, and have free access thereof, and shall also have the right to clean said water furrows and dams and to deposit the rubbish outside thereof.
4. The said Transferee, his successors-in- title, order or assigns, shall not have the right to obstruct the furrows, dams or the water above the existing dams.
5. The said Transferee, his successors-in- title, order or assigns, shall the right to lay pipes through any portion of the portion measuring 1932,7609 hectares of the said farm without, however, obstructing or injuring buildings, lands or orchards. In soft ground the pipes must be laid 45 metres deep and wherever possible, they must be laid along the streets or in the water furrows.
6. The said Transferee shall have the right for purpose of a division of the water to lay a large pipe jointly with the owners of the portion measuring 1932,7609 hectares from the river on the upper side of from existing dams through the ground of the owners through which the same may go up to where it may be deemed necessary.
7. The said Transferee, his successors-in- title, order or assigns, shall be obliged to keep clean all water furrows used by it so that the owners through whose ground the same run may not be injured.
8. Subject further to certain Notarial Deed No 251/1908S between the owners of the said farm ROODEPOORT respecting the impounding leading and distributing of water from the Plat River over the said farm ROODEPOORT by means of a weir, channel and division chamber, whereof portion of the channel is situated on the said Portion, and certain provisions have been made regarding the repair and maintenance of the said weir, channel and division chamber all of which are more fully described in the said Notarial Deed No 251/1908S.

- B The following servitude which effect erven 95, 96, 97, 98, 99, 100, 106, 107 and 108 in the township only, namely:

By virtue of Notarial Deed of Servitude K8381/2006S, the withinmentioned property is subject to a servitude 1,50 metres wide for purposes of an irrigation water canal in favour of the Remaining extent of Portion 8 of the farm ROODEPOORT 467, Registration Division K R, Limpopo Province, in extent 21, 4165 hectares as

indicated by the line A B C on servitude diagram S G No 9181/2006 annexed thereto, together with ancilliary rights, as will more fully appear from the said Notarial Deed.

(d) A SECTION 21 COMPANY MUST BE REGISTERED.

- (i) A copy of the Registered Memorandum of Association and Statutes of the Company, from which the main purpose of the company is clear, must be submitted. The main purpose is *INTER ALIA* the maintenance of services (water, sewerage, electricity, roads and stormwater).
- (ii) The owners of the proposed Erven 1 to 104 must, simultaneously with transfer, become members, and remain members of the section 21 company until they cease to be the registered owners of such portions.
- (iii) The developer is considered to be a member of the section 21 company with all the rights and obligations of an ordinary member until transfer of the last portion.
- (iv) Erven 105 to 108 must be transferred to the section 21 company before any other transfer or any other transaction of any portion.

3. CONDITIONS OF TITLE

A ALL ERVEN

- (a) The erven is subject to a servitude, 2 m wide, in favour of the local authority, for sewerage and other municipal purposes, along any boundary other than a street: Provided that the local authority may dispense with any such servitude.
- (b) 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 2 m thereof.
- (c) 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.

B ERF 108

Erf 108 is subject to a right of way in favour of erven 1 to 107 as indicated on the General Plan SG No 7771/2006.