



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SA KWAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

GAZETTE EXTRAORDINARY — BUITENGEWONE KOERANT — IGAZETHI EYISIPESHELI

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)
(Irejistiwee njengephephandaba eposihhovisi)

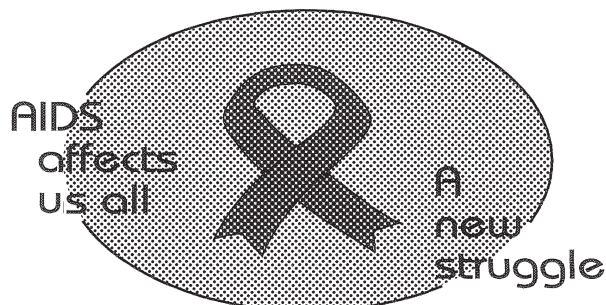
PIETERMARITZBURG

Vol. 11

24 JULY 2017
24 JULIE 2017
24 KUNTULIKAZI 2017

No. 1858

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DEPARTMENT OF HEALTH

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ISSN 1994-4558



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MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 100 OF 2017

ETHEKWINI MUNICIPALITY

Statutory Notice No. 2791

Notice of Expropriation

Issued by the eThekweni Municipality ("the Municipality") in terms of the Expropriation Act (Act No. 63 of 1975) as amended ("the Act")

TO: The Owner(s) (within the meaning of that term as defined in Section 1 of the Act) of the properties described in the schedule hereto;

AND TO: All other persons claiming any right to or interest in the properties described in the schedule hereto, whether by virtue of registration or otherwise, and particularly any lessee, buyer or builder contemplated in terms of Section 9(1) (d) of the Act.

NOTICE TO EXPROPRIATE LAND AND/OR SERVITUDE RIGHTS OVER VARIOUS PROPERTIES FOR:-

1. CONSTRUCTION OF 1 MEGALITRE SANKONTSHE RESERVOIR

2. GOATHILL ACCESS ROAD

1. Notice is given in terms of Section 7 of the Act that the Municipality hereby expropriates in terms of Section 190 of Ordinance 25 of 1974 and Section 5 of the Act, for public purposes, the right(s) described in the following schedule and where applicable in terms of the act, depicted in the stated plans, provided that any mineral rights in respect of the said land are excluded in terms of this notice.
2. The date of Expropriation shall be 1 March 2017 with effect from which date, where applicable, ownership of the said rights will vest in the Municipality.
3. The date upon which the Municipality will take possession of the said property shall be 1 March 2017, or such other date as may be agreed upon between the Owner(s) and the Municipality in terms of Section 8(3) of the Act, or a date determined in terms of the provisions of Section 8(5) of the Act, as the case may be.
4. Your attention is directed to the provisions of Sections (9)(1), 12(3)(a)(ii) and 12(4) of the Act which read as follows (please read Municipality where it states "Minister" of "State"):

“9 Duties of Owner of property expropriated or which is to be used by State

- (1) Any owner whose property has been expropriated in terms of this Act, shall, within sixty (60) days from the date of notice in question, deliver or cause to be delivered to the Minister a written statement indicating -

(a)

- (b) The amount claimed by him as compensation and how much of that amount represents each of the respective amounts contemplated in Section 12(1)(a)(i) and (ii) or (b) and the full particulars as to how such amounts are made up;

- (c) If the property expropriated is land and any amount is claimed in terms of paragraph ... (b), full particulars of all improvements thereon which, in the opinion of the owner, affect the value of such land;
- (d) If the property being expropriated is land -
- (i) Which prior to the date of notice was leased as a whole or in part by unregistered lease, the name and address of the lessee and accompanied by the lease or a certified copy thereof, if it is in writing, or full particulars of the lease, if it is not in writing;
 - (ii) Which, prior to the date of notice. Was sold by the owner, the name and address of the buyer, and accompanied by the contract of purchase and sale or a certified copy thereof;
 - (iii) On which a building has been erected which is subject to a builder's lien by virtue of a written building contract, the name and address of the builder, and accompanied by the builders contract or certified copy thereof.
- (e) the address to or at which the owner desires that further documents in connection with the expropriation may be posted or delivered or tendered.

Provided that the Minister may at his discretion extend the said period of sixty days, and that, if the owner requests the Minister in writing within thirty days as from the date of notice to extend the said period of sixty days, the Minister shall extend such period by a further sixty days.”

“12 Basis on which compensation is to be determined

(1)

(2)

(3) (a) Interest at the standard interest rate determined in terms of Section 26(1) of the Exchequer Act, 1975 (Act No. 66 of 1975), shall, subject to the provisions of subsection (4), be payable from the date on which the State takes possession of the property in question in terms of Section 8(3) or (5) on any outstanding portion of the amount of compensation payable in accordance with subsection (1) ; Provided that –

(i)

(ii) If the owner fails to comply with the provisions of Section (9)(1) within the appropriate period referred to in the said section, the amount so payable shall during the period of such failure and for the purpose of the payment of interest be deemed not to be an outstanding amount.

(4) If the owner of property which has been expropriated occupies or utilises that property or any portion thereof, no interest shall, in respect

of the period during which he so occupies or utilises it, be paid in terms of subsection (3) on so much of the outstanding amount as, in the opinion of the Minister, relates to the property so occupied or utilised.”

If the title deed to the land is not in the possession or under the control of the Owner(s), you are further requested in terms of Section 9 (3) (a) of the Act to provide within sixty (60) days of the date of this notice written particulars of the name and address of the person in whose possession or under whose control it is.

ENQUIRIES can be directed to the Property Acquisition Team on 031-311 4405.

SERVITUDE CONDITIONS TO BE REGISTERED AND PLANS may be inspected during week day business hours from the 15th floor, 75 Dr Langalibalele Dube Street (formerly Winder Street).

DECLARATION FORMS AND INFORMATION BROCHURES are available for collection during week day business hours from the 15th floor, 75 Dr Langalibalele Dube Street (formerly Winder Street)

DECLARATION FORM detailing claim for compensation should be sent within 60 days of the date of this notice to the Head: Real Estate, PO Box 272, Durban, 4000.

SCHEDULE

(To Notice of Expropriation in terms of the Expropriation Act 63 of 1975, as amended)

NO.	DESCRIPTION	APPROXIMATE EXTENT	PLAN NUMBER	REFERENCE NUMBER
1	Proposed Portion [A] (of 256) of the farm Uitkomst & Doornrug No. 852	2 443 m ²	SJ 4611/1A	17/2/1/1/73/12/1
	Proposed water pipeline servitude 3, 00 metres wide over Proposed Remainder of Portion 256 (of 104) of the farm Uitkomst & Doornrug No. 852	767 m ²		
	Proposed road servitude 10, 00 metres wide over Proposed Remainder Portion of 256 (of 104) of the farm Uitkomst & Doornrug No. 852	2 960 m ²	SJ 4702/3	
2	Proposed water pipeline servitude 3, 00 metres wide over Portion 257 (of 104) of the farm Uitkomst & Doornrug No. 852	739 m ²	SJ 4611/2A	17/2/1/1/73/12/2
	Proposed road servitude 10, 00 metres wide over Portion 257 (of 104) of the farm Uitkomst & Doornrug No. 852	2 441 m ²	SJ 4702/2	
3	Proposed water pipeline servitude 3, 00 metres wide over Remainder of Portion 144 of the farm Woody Glen No. 1247	283 m ²	SJ 4611/4A	17/2/1/1/73/12/4
4	Proposed road servitude 10, 00 metres wide over Portion 134 (of 16) of the farm Uitkomst & Doornrug No. 852	2 789 m ²	SJ 4702/4	17/2/1/1/73/12/6
5	Proposed road servitude 10, 00 metres wide over Portion 135 (of 86) of the farm Uitkomst & Doornrug No. 852	176 m ²	SJ 4702/5	17/2/1/1/73/12/7
6	Proposed road servitude 10, 00 metres wide over Portion 796 (of 153) of the farm Woody Glen No. 1247	1 057 m ²	SJ 4702/6	17/2/1/1/73/12/8
7	Proposed road servitude 10, 00 metres wide over Remainder of Portion 153 of the farm Woody Glen No. 1247	1 497 m ²	SJ 4702/7	17/2/1/1/73/12/9

Dumisile Nene
Acting City Manager

1st Floor, City Hall
Dr Pixley Ka-Isaka Seme Street
Durban

UMASIPALA WASETHEKWINI**ISAZISO NO 2791****ISAZISO SOKUDLIWA NGOKOMTHETHO KOMHLABA**

Sikhishwa uMasipala waseThekwini (“uMasipala”) ngaphansi komthetho i-Expropriation Act, 1975 (Umthetho No. 63 ka-1975) nezichibiyelo zawo (“uMthetho)

SIYA: Kubanikazi (ngokwenzazelo yaleli gama kanjengoba lichazwe eSigabeni 1 soMthetho) bale mhlaba/izakhiwo ezichazwe kule sheduli ehambisana nalesi sazi;so;

KANYE: Nakubo bonke abanye abantu abathi bananoma yimaphi amalungelo noma amagunya kulo mhlaba ochazwe kulesi sazi, ngenxa yokuba babhalisile noma ngenye indlela, futhi ikakhulukazi noma yisiphi isiqashi, umthengi noma umakhi ophathekayo kulokhu okushiwo yisiSigaba 9(1)(d) soMthetho.

**ISAZISO SOKUDLIWA NGOKOMTHETHO KOMHLABA/NAMALUNGelo
ENDLELA YOKUDLULA EMIHLABENI EHLUKAHLUKENE UKUZE:-****1. KWAKHIWE IDAMU LAMANZI ELIMUMATHA 1 MEGALITRE ESANKONTSHE
2. KWAKHIWE UMGWAQO WOKUNGENA NOKUPHUMA EGOATHILL**

1. Lesi yisazi so ngaphansi kweSigaba 7 soMthetho sokuthi uMasipala ngalokhu udla ngokomthetho ngokulawula kweSigaba 190 sika-Odinensi 25 ka-1974 kanye neSigaba 5 soMthetho, ngenhloso yokuhlinzekela umphakathi ngezidingo ezithile, umhlaba kanye/noma ilungelo/amalungelo achazwe kule sheduli ephezelela lesi sazi futhi, lapho kufanelekile ngokulawula koMthetho, nakanjengoba kuchazwe kule pulani (noma amapulani) ephelezela lesi sazi, kweyame embandeleni wokuthi noma yimaphi amalungelo okumbiwa phansi amaqondana nalo mhlaba kawathinteki kulesi sazi.
2. Usuku lokudla lo mhlaba/amalungelo okusebenzisa lo mhlaba umhla ka 1 Mashi 2017 okuyosukela ngawo, lapho kufanelekile, ubunikazi balo mhlaba osushiwo ayothathwa nguMasipala.
3. Usuku uMasipala azothatha ngalo lo mhlaba oshiwo kuyokuba ngumhla ka-1 Mashi 2017, noma olunye usuku okungavunyelwana ngalo phakathi komnikazi/kwabanikazi noMasipala ngaphansi kweSigaba 8(3) soMthetho, noma ngosuku oluyonqunywa ngaphansi kwemibandela yeSigaba 8(5) soMthetho, ngokufanelekile.
4. Bheka imibandela yeZigaba 9(1), 12(3)(a)(ii) kanye no-12(4) zoMthetho” kulo mthetho ofundeka kanje (Uyacelwa ukuba ufunde uthi uMasipala lapho kuthiwe khona “uNgqongqoshe kaHulumeni”):

“9. Izibopho zomnikazi womhlaba odliwayo noma ozosetshenziswa nguMasipala. –

(1) Umnikazi umhlaba wakhe odliwe ngokulawula koMthetho, kuyothi, zingakapheli izinsuku ezingu 60 kusukela osukwini okuphume ngalo lesi sazi, athumele noma enze ukuba kuthunyelwe kuNgqongqoshe isitatimende esibhaliwe esikhombisa –

- a.
- b. Imali ayibizayo njengesinxephezelo nokuthi ingakanani kuleso samba imali eyileyo ebalulwe eSigabeni 12(1)(a)(i) no (ii) noma (b) kanye neminingwane ephelele yokuthi le mali ibalwe kanjani;
- c. uma okudliwa ngokomthetho kungumhlaba futhi kubizwa noma yisiphi isamba sibizwa njengokulawula kwesigatshana (a) noma (b), iminingwane ephelele ephathelene nokwakhiwe kulo mhlaba/nokulungiswa okwenziwe kuwo, ngokubona komnikazi, okunomthelela enanini lalowo mhlaba;
- d. uma okudliwa ngokomthetho kungumhlaba-
- (i) okwathi ngaphambi kosuku lwesaziso wawuqashisiwe, wona wonke noma ingxenye yawo, ngesivumelwano esingabhalisiwe, igama nekheli lesiqashi, bese lokhu kuphelezelwa yisivumelwano noma ikhophi yaso eqinisekisiwe, uma sibhalwe phansi, noma iminingwane ephelele yesivumelwano, uma singabhalisiwe phansi;
- (ii) okwathi ngaphambi kosuku lwesaziso, wadayiswa ngumniniwo, igama nekheli lomthengi, liphelezelwe yisivumelwano sokuthengiselana noma ikhophi yaso eqinisekisiwe;
- (iii) okwakhiwe kuwo ibhilidi elingaphansi kwesibambiso sikamakhi kuze kukhokhwe imali akweletwa yona ngaphansi kwesivumelwano sokwakha esibhalwe phansi, igama nekheli likamakhi futhi lokhu kuphelezelwe yisivumelwano sokwakha noma yikhophi yaso eqinisekisiwe;
- e. ikheli lalapho umnikazi afisa ukuba ezinye izincwadi eziphathelene nokudliwa komhlaba ziposelwe, zihanjiswa noma zithunyelwe khona.

Kweyame ekuthini uNgqongqoshe ngokubona kwakhe angasengeza lesi sikhathi esishiwo esiyizinsuku ezingamashumi ayisithupha, nokuthi futhi uma umnikazi embhalela uNgqongqoshe emcela zingakapheli izinsuku ezingamashumi amathathu kusukela osukwini lokuphuma kwesaziso, ukuba uNgqongqoshe aselule lesi sikhathi esesishiwo esiyinsuku ezingamashumi ayisithupha, uNgqongqoshe uyoselula lesi sikhathi ngokwengeza ezinye izinsuku ezingamashumi ayisithupha.

"12 Isisekelo okuklanyelwa phezu kwaso isinxephezelo

(1)

- (2)
- (3) (a) Inzalo eklanywe ngokulawula kweSigaba 26(1) sika-Exchequer and Audit Act, 1975 (uMthetho 66 ka-1975), ngaphansi kwemibandela yesigatshana (4), iyokhokhwa kusukela ngosuku uMasipala athatha ngalo ubunikazi bendawo leyo ngokulawula kweSigaba 8(3) noma (5) kunoma iyiphi ingxenye esilele yesamba sesinxephezelo okumele sikhokhwe ngokwesigatshana (1): Kweyame ekuthini –
- (i)
- (ii) uma umnikazi ehluleka ukulandela izimiso zeSigaba 9(1) singakadluli lesi sikhathi esinqunyiwe okukhulunywa ngaso kulesi Sigaba esesishiwo, leyo mali okuyobe kumele ikhokhwe ngaleso sikhathi salokho kwehluleka futhi maqondana nokukhokhwa kwenzalo kuyothathwa ngokuthi akuyona imali engakhokhiwe edinga ukukhokhwa.
- (4) Uma umnikazi womhlaba odliwe ehlala noma esebenzisa lowo mhlaba noma ingxenye yawo, akukho nzalo, maqondana naleso sikhathi ahlala ngaso kulowo mhlaba noma asebenzisa ngaso lowo mhlaba, eyokhokhwa ngaphansi kwesigatshana (3) kuleyo mali esasele, ngokubona kukaNgqongqoshe, emaqondana nalowo mhlaba osetshenziswayo.”

Uma itayitela lobunikazi balo mhlaba lingekho kuye noma lingekho ngaphansi kolawulo loMnikazi, uyanxuswa futhi ngaphansi kweSigaba 9(3)(a) soMthetho ukuba zingakapheli izinsuku ezingamashumi ayisithupha kusukela osukwini lwalesi saziso unikeze imininingwane ebhalwe phansi yegama nekheli lalowo elikuye noma lowo elingaphansi kolawulo lwakhe leli tayitela.

IMIBUZO kufanele ibhekiswe kwi-Property Acquisition Team kule nombolo yocingo: 031-311-4405.

AMALUNGELO AZOBHALISWA KANYE NAMAPULANI angabonwa ngezikhathi zomsebenzi ehhovisi leNhloko: Real Estate, 15th Floor, 75 Dr Langalibalele Dube (Winder) Street, eThekwini.

AMAFOMU OKUPHENDULA NAMAPHESHANA OLWAZI angalandwa ngezikhathi zomsebenzi ehhovisi leNhloko: Real Estate, 15th Floor, 75 Dr Langalibalele Dube (Winder) Street, eThekwini.

IZITATIMENDE EZIBHALWE PHANSI ezinayo yonke imininingwane yezibizo

zezinxephezelo kumele zifike zingakapheli izinsuku ezingama-60 kusukela ngosuku okukhishwe ngalo lesi saziso kuleli kheli: The Head: Real Estate, PO Box 272, Durban 4000.

ISHEDULI

(Yesaziso sokudliwa ngokomthetho komhlaba ngaphansi komthetho i-Expropriation Act (uMthetho No. 63 ka-1975), nezichibiyelo zayo).

NO.	INCAZELO	UBUKHULU	IPULANI	INKOMBA
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Dumisile Nene
Ibamba leMenenja yeDolobha

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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065