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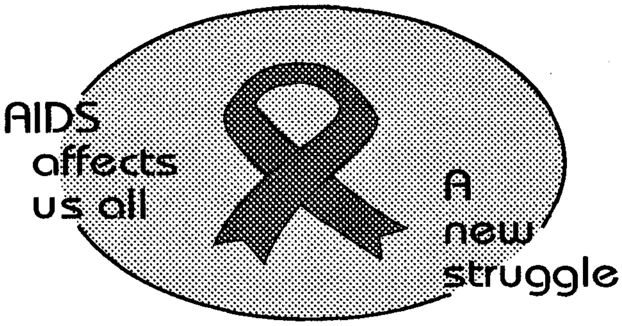

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CITY OF JOHANNESBURG

AMENDMENT SCHEME 3238

The Council hereby in terms of provisions of Section 125 of the Town-planning and Townships Ordinance, 1986, declares that it has approved the amendment scheme, being an amendment of the Sandton Town-planning Scheme 1980, comprising the same land, as included in the Township of Morningside Extension 180.

Map 3, Annexure and scheme clauses of the amendment scheme are filed with the Executive Director: Development Planning, Transportation and Environment, City of Johannesburg and are open for inspection at all reasonable times.

The amendment scheme is known as Amendment Scheme 3238.

Executive Director: Development Planning Transportation and Environment

(Notice No. 350/2002)

PLAASLIKE BESTUURSKENNISGEWING 77

STAD VAN JOHANNESBURG

WYSIGINGSKEMA 3238

Die Stadraad verklaar hierby ingevolge die bepalings van artikel 125 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, dat dit 'n wysigingskema synde 'n wysiging van Standton-dorpsbeplanningskema, 1980, wat uit dieselfde grond as die dorp Morningside Extension 180 bestaan, goedgekeur het.

Kaart 3, Bylae en die skemaklousules van die wysigingskema word in bewaring gehou deur Uitvoerende Direkteur: Ontwikkelings Beplanning, Vervoer en Omgewing, Stad van Johannesburg en is beskikbaar vir inspeksie te alle redelike tye.

Hierdie wysiging staan bekend as Sandton-wysigingskema 3238.

Uitvoerende Direkteur: Ontwikkelings Beplanning, Vervoer en Omgewing

(Kennisgewing No. 350/2002)

LOCAL AUTHORITY NOTICE 78

CITY OF JOHANNESBURG

DECLARATION AS APPROVED TOWNSHIP

In terms of section 103 (1) of the Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986) the City of Johannesburg declares **Morningside Extension 180** to be an approved township subject to the conditions set out in the Schedule hereto.

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY DE AND P72 INVESTMENTS (PTY) LIMITED UNDER THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE 1986 (ORDINANCE No. 15 OF 1986) FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 743 (A PORTION OF PORTION 119) OF THE FARM ZANDFONTEIN No. 42 IR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

(1) Name

The name of the township shall be **Morningside Extension 180.**

(2) Design

The township shall consist of erven as indicated on General Plan S.G. No. 7638/2001.

(3) Obligations in regard to essential services and street and stormwater drainage

(a) The Township owners shall install and provide all internal engineering services in the township, subject to the approval of the Council.

(b) Erven may not be alienated or be transferred into the name of a buyer prior to the Council certifying that sufficient guarantees/cash contributions in respect of the supply of services by the township owner has been made to the said Council.

(4) Formation and duties of the residents association

(a) The applicant shall properly and legally constitute a Residents Association to the satisfaction of the Council prior to or simultaneous with the sale of the first erf in the township.

(b) The access erf (Erf 1562) shall be registered in the name of the Residents Association.

(c) Each and every owner of Erven 1550 to 1561 shall become a member of the Residents Association upon transfer of the erf. Such association shall have full responsibility for the access erf and the essential services (excluding the sewerage systems) contained therein.

(d) The Residents Association shall have the legal power to levy from each and every member the costs incurred in fulfilling its function and shall have legal recourse to recover such fees in the event of default in payment by any member.

(e) The Council shall not be liable for the malfunctioning of the surfacing the access way and/or the stormwater drainage system and/or essential services, with the exception of the sewerage system.

(f) Access from Erven 1550 to 1561 to a public road shall be across Erf 1562.

(g) A servitude for municipal purposes shall be registered over Erf 1562 in favour of, and to the satisfaction of, the Council.

(h) The Council shall have unrestricted access to Erf 1562 at all times.

(5) Removal and replacement of municipal services

If, by reason of the establishment of the township, it should become necessary to remove or replace any existing municipal services, the cost thereof shall be bome by the township owner.

(6) Disposal of existing conditions of title

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

2. CONDITIONS OF TITLE

The erven mentioned hereunder shall be subject to the conditions, as indicated, imposed by the Council in terms of the provisions of the Town-planning and Townships Ordinance, 1986:

(1) *All erven*

(a) The erf is subject to a servitude, 2m 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, 2m wide across the acces 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 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.

(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.

2. *Erven 1522, 1553, 1554 and 1555*

The erven are subject to a 5 metre wide servitude for municipal services in favour of the Council.

3. *Erf 1555*

The erf is subject to a 2 metre wide sewer servitude.

4. *Erf 1556*

The erf is subject to a 2 metre wide stormwater servitude.

5. *Erf 1562*

The erf is subject to a general way leave servitude for municipal services purposes.

Executive Director: Development Planning Transportation and Environment

(Notice No. 351/2002)

PLAASLIKE BESTUURSKENNISGEWING 78

STAD VAN JOHANNESBURG

VERKLARING TOT GOEDGEKEURDE DORP

Ingevolge artikel 103 (1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No. 15 van 1986) verklaar die Stad van Johannesburg hierby die dorp **Morningside Uitbreiding 180** tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

BYLAE

VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR DE AND P72 INVESTMENTS (PTY) LIMITED INGEVOLGE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986, OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 743 ('N GEDEELTE VAN GEDEELTE 119) VAN DIE PLAAS ZANDFONTEIN No. 42 IR, PROVINSIE GAUTENG, TOEGESTAAN IS

1. STIGTINGSVOORWAARDES

(1) Naam

Die naam van die dorp is **Morningside Uitbreiding 180.**

(2) Ontwerp

Die dorp bestaan uit erwe soos aangedui op Algemene Plan SG No. 7638/2001.

(3) Verpligtinge ten opsigte van noodsaaklike dienste asook die bou van strate en stormwaterdreinering

(a) Die dorpseienaar moet alle interne ingenieursdienste in die dorp voorsien, onderworpe aan die goedkeuring van die Stadsraad.

(b) Geen erwe mag vervreem of oorgedra word in die naam van 'n koper alvorens die plaaslike bestuur bevestig het dat voldoende waarborge/kontantbydraes ten opsigte van die voorsiening van dienste deur die dorpseienaar aan die Stadsraad gelewer is nie.

(4) Stigting en verpligting van inwoners-vereniging

(a) Die aansoekers moet wettiglik en volgens voorskrif die Inwoners-vereniging tot bevrediging van die Stadraad saamstel, voor of tesame met die verkoop van die eerste erf in die dorp.

(b) Die toegangserf (Erf 1562) sal in die naam van die Inwoners-Vereniging geregistreer word.

(c) Ieder en elke eienaar van Erwe 1550 tot 1561 sal 'n lid van die Inwoners-vereniging word met oordrag van die erf. Sodanige vereniging sal die volle verantwoordelikheid vir die toegangserf en noodsaaklike dienste (uitgesluit die riool stelsel) daarin dra.

(d) Die Inwoners-vereniging sal die wettige reg hê om die kostes aangegaan ter vervulling van sy doel van ieder en elke lid te hef en sal toegang hê tot regshulp ter verhaling van sodanige fooi in die geval van die wanbetaling deur enige lid.

(e) Die Stadsraad sal nie aanspreeklik wees vir die gebrekkigheid van die oppervlak van die toegangsweg en/of die vloedwater dreineringstelsel en of enige noodsaaklike dienste, met die uitsondering van die rioleringstelsel.

(f) Toegang van Erwe 1550 tot 1561 tot 'n openbare pad sal oor Erf 1562 wees.

(g) 'n Serwituut vir munisipale doeleindes, ten gunste en tot bevrediging van die Stadsraad sal oor Erf 1562 geregistreer word.

(h) Die Stadsraad sal te alle tye onbeperkte toegang hê tot die Erf 1562.

(5) Verskuiwing of die vervanging van munisipale dienste

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande munisipale dienste te verskuif of te vervang moet die koste daarvan deur die dorpseienaars gedra word.

(6) Beskikking oor bestaande titelvoorwaardes

Alle erwe moet onderhewig gemaak word aan bestaande titelvoorwaardes en serwitute, indien enige, insluitende die reservering van die mineraleregte.

2. TITELVOORWAARDES

Die erwe hieronder genoem sal onderworpe wees aan die voorwaardes soos aangedui, opgelê deur die Raad ingevolge die bepalings van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986.

(1) *Alle erwe*

(a) Die erf is onderworpe aan 'n serwituut van 2 meter breed vir riolerings- en ander munisipale doeleindes, ten gunste van die Raad langs enige twee grense, uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituut vir munisipale doeleindes 2 meter breed oor die toegangsgedeelte van die erf, indien en wanneer verlang deur die Raad: Met dien verstande dat die Raad van enige sodanige serwituut mag afsien.

(b) Geen geboue of ander struktuur mag binne die voornoemde serwituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige serwituut of binne 'n afstand van 2 meter daarvan geplant word nie.

(c) Die Raad is geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige rioolhoofpypleidings en ander werke wat hy volgens goeddunke noodsaak ag, tydelik te plaas op die grond wat aan die voornoemde serwituut grens en is voorts geregtig tot redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die Raad enige skade vergoed wat gedurende die aanleg onderhoud of verwydering van sodanige rioolhoofpypleidings en ander werke veroorsaak word.

2. ***Erwe 1522,1553, 1554 en 1555***

Die erwe is onderworpe aan 'n 5m breë serwituut vir munisipale doeleindes ten gunste van die Stadsraad.

3. ***Erf 1555***

Die erf is onderworpe aan 'n 2m breë riool serwituut.

4. ***Erf 1556***

Die erf is onderworpe aan 'n 2m breë stormwater serwituut.

5. ***Erf 1562***

Die erf is onderworpe aan 'n algemene deurgangsreg serwituut vir munisipale dienste doeleindes.

Uitvoerende Direkteur: Ontwikkelings Beplanning, Vervoer en Omgewing

(Kennisgewing No. 351/2002)

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