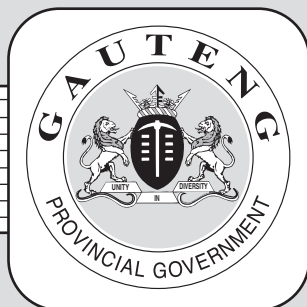


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# **Provincial Gazette Provinsiale Koerant**

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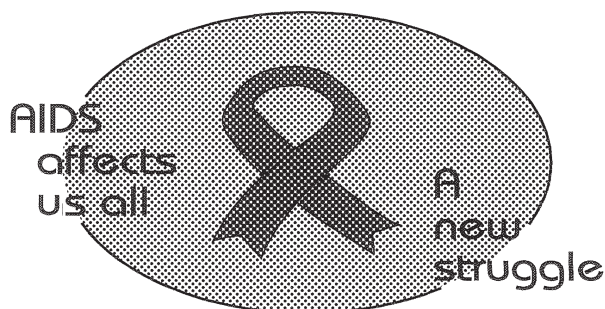
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**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS****LOCAL AUTHORITY NOTICE 434 OF 2024****CITY OF EKURHULENI METROPOLITAN MUNICIPALITY : (KEMPTON PARK SUB SECTION)  
DECLARATION AS AN APPROVED TOWNSHIP  
WITFONTEIN EXTENSION 97**

In terms of section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the City of Ekurhuleni Metropolitan Municipality, Kempton Park Sub Section hereby declares WITFONTEIN EXTENSION 97 township to be an approved township subject to the conditions set out in the Schedule hereto.

**SCHEDULE**

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY KL DEVELOPMENT 2 PROPRIETARY LIMITED REGISTRATION NUMBER 2022/394031/07 (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) 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 177 OF THE FARM WITFONTEIN 15 I.R. HAS BEEN GRANTED

**1. CONDITIONS OF ESTABLISHMENT:****1.1 NAME:**

The name of the township shall be WITFONTEIN EXTENSION 97.

**1.2 DESIGN:**

The township shall consist of erven and roads as indicated on General Plan SG No 1089/2023.

**1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to existing title conditions and servitudes, if any,

(a) including the following conditions and servitudes which will be brought forward onto the erven in the township:

B. Kragtens Notariële Akte Nr. 193/1965-S gedateer 22 Januarie 1965, is die voormalige resterende gedeelte van die gemelde plaas, groot as sodanig 1974,6104 morge (hierna genoem die dienende eiendom), waarvan die eiendom hiermee getranspoteer deel uitmaak:

(a) Onderhewig aan en geregtig tot 'n ooreenkoms betreffende watervreiding met sekere Gedeelte D van die plaas Witfontein voormeld, (hierna genoem die heersende eiendom), gehou kragtens Transporakte Nr. 907/1934, gedateer 1 Februarie 1934, in terme waarvan vanaf Maandagoggend om sesuur voormiddag in elke week die eienaar van die dienende eiendom geregtig sal wees om die water in die hiernavermelde watervoor te neem en sal die eienaar van die heersende eiendom geregtig wees om vanaf sesuur voormiddag Donderdagoggend tot sesuur voormiddag Sondagoggend in elke week die water in die gemelde voor te neem. Vir die oorblywende dag van elke week vanaf sesuur voormiddag Sondagoggend tot sesuur voormiddag Maandagoggend, sal die partye die water ongehinderd in die spruit laat vloei met die reg aan die eienaar van die dienende eiendom om na gelang van die toestand van die vlei, die water so af te keer dat dit óf in die vlei óf laer af in die spruit ingekeer word.

(b) Ten einde die eienaar van die heersende eiendom in staat te stel om water vanaf die stuwal na haar eiendom te neem, verleen die eienaar van die dienende eiendom aan die eienaar van die heersende eiendom 'n servituut van waterleiding langs die bestaande watervoor aangedui deur die lyn A-B op Kaart Nr. A.2905/63 geheg aan Notariële Akte Nr. 193/65-S en op voormelde Kaart Nr. 2453/83 deur die figuur s1 geheg aan Grondbrief gedateer 11 Julie 1859. Die gemelde watervoor sal nie wyer as sy huidige wydte gemaak word tensy die partye skriftelik andersins ooreenkom. Die bestaande afmetings van die gesementeerde gedeelte van die voor is, 0.4004 (NUL komma VIER NUL NUL VIER)

meter wyd op die bodem, 0,5037 (NUL komma VYF NUL DRIE SEWE) meter wyd bo, en 0,3616 (NUL komma DRIE SES EEN SES) meter diep.

- (c) Elk van die partye sal verantwoordelik wees vir die instandhouding van een-helfte van die gemelde watervoor, te wete, die eienaar van die heersende eiendom vir helfte naaste aan haar eiendom geleë en die eienaar van die dienende eiendom die ander helfte wat strek tot by die stuwal. Die eienaar van die heersende eiendom en/of haar werknemers sal te alle tye toegang tot die betrokke voor hê om haar regte en verpligtinge uit te oefen. Die partye sal gesamentlik verantwoordelik wees vir die herstel en instandhouding van die bogenoemde stuwal, wanneer nodig.
- (d) Die partye wie se beurt aanbreek sal die sluise verander sodat die water vir haar eiendom aangewend word en die plig om die verandering aan te bring wanneer die beurt omruil, sal nie op die persoon rus wie se beurt dan verstreke is nie.

H. FURTHER SUBJECT TO THE FOLLOWING CONDITIONS IN FAVOUR OF AND ENFORCEABLE BY THE RIVERFIELDS MANAGEMENT ASSOCIATION (RF) NPC, REGISTRATION NUMBER 2014/173516/08:

- (i) Every owner of the Erf, or any subdivided portion thereof, or any person who has an interest therein, shall become and shall remain a member of the Riverfields Management Association and be subject to its constitution until he/she ceases to be an owner of the aforesaid. Neither the property nor any subdivision thereof nor any interest therein shall be transferred to any person who has not bound himself / herself to the satisfaction of the Riverfields Management Association to become a member of the Association.
- (ii) The owner of the property, or of any subdivision thereof, or any person who has an interest therein, shall not be entitled to transfer the property or any subdivision thereof or any interest therein without a clearance certificate from the Association confirming that the provisions of the Articles of Association of the Riverfields Management Association have been complied with.
- (iii) The terms "Association" in the aforesaid Conditions of Title shall mean the RIVERFIEDLS MANAGEMENT ASSOCIATION (RF) NPC, Registration Number 2014/173516/08, an Association established in terms of Item 1(1) of Schedule 1 of the Companies Act, Act 71 of 2008.

(b) but excluding the following conditions and servitudes, which do not affect the township due to its locality:

- A. Die voormalige resterende gedeelte van die gemelde plaas, groot as sodanig 2023 morg 410 vierkante roede (waarvan die eiendom hiermee getranspoteer deel uitmaak), is onderworpe aan 'n reg ten gunste van die VICTORIA FALLS AND TRANSVAAL POWER COMPANY LIMITED om elektrisiteit te vervoer oor hierdie eiendom, tesame met sodanige bykomende regte, soos meer ten volle sal blyk uit Notariële Akte Nommer K646/1928S.
- C. Die voormalige resterende gedeelte van die gemelde plaas groot as sodanig 1985,4234 morge, waarvan die eiendom hiermee getranspoteer deel uitmaak, is onderhewig aan 'n ondergrondse elektriese kabelroete 3,15 meter wyd ten gunste van die Regering van die Republiek van Suid-Afrika (in sy Spoorweë en Hawens Administrasie hoedanigheid), tesame met sodanige bykomstige regte soos meer volledig sal blyk uit Notariële Akte van Serwituut Nr 1071/1953-S gedateer 14 November 1953.

- D. Die voormalige gedeelte van genoemde plaas, groot 644,9544 (SES HONDERD VIER EN VEERTIG komma NEGE VYF VIER VIER) hektaar, waarvan die eiendom hierby getransporeer 'n deel uitmaak, is onderhewig aan 'n pyplynserwituut, tesame met sodanige bykomende regte, ten gunste van die Republiek van Suid-Afrika (in sy Spoorweë en Hawens Administrasie hoedanigheid) soos meer volledig sal blyk uit Notariële Akte van Sessie K341/1976S gedateer 19 Januarie 1976.
- E. The former remaining extent of the Farm Witfontein No 15 I.R., Registration Division, Province of Gauteng in extent 525,8526 (Five Hundred and Twenty -Five comma Eight Five Two Six) hectares (of which property hereby transferred forms a part) is subject to:
- (i) By virtue of Notarial Deed of Servitude K5309/2012S, dated the 20<sup>th</sup> of September 2012, the withinmentioned property is subject to a right of way servitude for access and services 2,6593 (TWO comma SIX FIVE NINE THREE) hectares and 952 (NINE HUNDRED AND FIFTY TWO) square meters in extent respectively, in favour of the Local Authority, which servitude diagrams S.G. No. 4858/2011 and S.G. No. 4857/2011, attached to said Notarial Deed, which servitudes has ancillary rights, as will more fully appear from said Notarial Servitude.
  - (iii) By virtue of Notarial Deed of Servitude K7109/2017S dated 4 December 2017 the withinmentioned property is subject to a servitude for municipal purposes, 5 473 (FIVE THOUSAND FOUR HUNDRED AND SEVENTY THREE) square metres in extent, together with ancillary rights, as indicated by the figure ABCDEF on diagram S.G. No. 2180/2016 in favour of the CITY OF EKURHULENI METROPOLITAN MUNICIPALITY. As will more fully appear on the said Notarial Deed.
- F. The former remaining extent of the Farm Witfontein No. 15, Registration Division I.R., Province of Gauteng, measuring 480, 5117 (Four Hundred and Eighty comma Five One One Seven) hectares, of which property hereby transferred forms a part) is subject to the following:
- (iii) By virtue of Notarial Deed of Sidewalk and Air Right Servitude K3559/2022S dated 31 March 2022 the withinmentioned property is subject to a sidewalk and air right servitude, together with ancillary rights, in favour of Riverfields Management Association (RF) NPC, as indicated by the figure "A B C D E F G H J K L M N P Q R S A" on servitude diagram S.G. No. 1098/2021 annexed to the said Notarial Deed, which servitude is 1,6325 (One comma Six Three Two Five) Hectares in extent. As will more fully appear from the said Notarial Deed.
- (c) but excluding the following entitlement which will not be passed on to the erven in the township:
- E. The former remaining extent of the farm Witfontein No. 15 IR, Registration Division, Province of Gauteng in extent 525,8526 (Five Hundred and Twenty Five comma Eight Five Two Six) hectares (of which the property hereby transferred forms a part) is subject to:
- (ii) Kragtens Notariële Akte K6616/2013S gedateer 26 September 2013 is die hierinvermelde eiendom geregtig op 'n serwituut van Reg van Weg oor Gedeelte 76 Witfontein No. 15, Registrasie Afdeling I.R., Provinsie van Gauteng, welke serwituut aangedui word deur die figuur ABCDEFGH op diagram L.G. Nr 6326/1995 aangeheg by die genoemde Notariële Akte. Soos meer volledig sal blyk uit gemelde akte.
- (d) but excluding the following servitudes which only affect Serengeti Boulevard and Express Way (public roads) in the township:

- F. The former remaining extent of the Farm Witfontein No. 15, Registration Division I.R., Province of Gauteng, measuring 480,5117 (Four Hundred and Eight comma Five One One Seven) hectares, of which property hereby transferred forms a part) is subject to the following:
- (i) By virtue of Notarial Deed K7882/2019S dated 5 July 2019 the withinmentioned property is subject to a sidewalk servitude, together with ancillary rights, in favour of Riverfields Management Association (RF) NPC, Registration Number 2014/173516/08, which servitude is indicated by the figure SbdefghjkHJKLMNPQRS on the annexed subdivisional diagram S.G. No. 1088/2023 annexed to the said Notarial Deed. As will more fully appear from the said Notarial Deed.
  - (ii) By virtue of Notarial Deed of Sidewalk Servitude K7883/2019S dated 5<sup>th</sup> July 2019 the withinmentioned property is subject to a right of way servitude, for access and servitudes, together with ancillary rights, in favour of Riverfields Management Association (RF) NPC, Registration Number 2014/173516/08 and Serengeti Golf and Wildlife Property Owners Association (RF) NPC, Registration Number 2007/013033/08, which servitude is indicated by the figure SbdefghjkHJKLMNPQRS on the annexed subdivisional diagram S.G. No. 1088/2023 annexed to the said Notarial Deed. As will more fully appear from the said Notarial Deed.
- (e) but excluding the following servitude which only affects Express Way (public roads) in the township:
- G. The former remaining extent of the Farm Witfontein No. 15, Registration Division I.R., Province of Gauteng, measuring 460,7975 (Four Hundred and Sixty comma Seven Nine Seven Five) hectares, of which property hereby transferred forms a part) is subject to the following:
- (i) By virtue of Notarial Deed of Sidewalk Servitude K3560/2022S dated 31 March 2022 the withinmentioned property is subject to a Sidewalk Servitude, together with ancillary rights, in favour of Riverfields Management Association (RF) NPC, which servitude is indicated by the figure AbaSA on the annexed subdivisional diagram S.G. No. 1088/2023, annexed to the said Notarial Deed, which servitude is 1.0868 (One comma Zero Eight Six Eight) Hectares in extent. As will more fully appear from the said Notarial Deed.
- (f) but excluding the following servitude which only affects Pasture Street (public roads) in the township:
- G. The former remaining extent of the Farm Witfontein No. 15, Registration Division I.R., Province of Gauteng, measuring 460,7975 (Four Hundred and Sixty comma Seven Nine Seven Five) hectares, of which property hereby transferred forms a part) is subject to the following:
- By virtue of Notarial Deed of Sidewalk Servitude K3561/2022S dated 31 March 2022 the withinmentioned property is subject to a Sidewalk Servitude, together with ancillary rights, in favour of Riverfields Management Association (RF) NPC, Registration Number 2014/173516/08, which servitude is indicated by the figure E.F.G.k.j.h.E on the annexed subdivisional diagram S.G. No. 1088/2023, annexed to the said Notarial Deed, which servitude is 5656 (Five Thousand Six Hundred and Fifty Six) Square Metres in extent. As will more fully appear from the said Notarial Deed.

#### 1.4 PRECAUTIONARY MEASURES

The township owner shall at his own expense make arrangements with the local authority in order to ensure that the recommendations as laid down in the geological report of the township must be complied with and, when required, engineer certificates for the foundations of the structures must be submitted.

#### 1.5 ACCESS

Access to the township shall be to the satisfaction of the Department of Roads and Stormwater as well as the Gauteng Department of Roads and Transport.

**1.6 ENGINEERING SERVICES**

- (i) The applicant shall be responsible for the installation and provision of internal engineering services.
- (ii) Once water, sewer and electrical networks have been installed, same will be transferred to the Local Council, free of cost, who shall maintain these networks.

**1.7 DEMOLITION OF BUILDINGS AND STRUCTURES**

The township owner shall at his own expense cause all existing buildings and structures situated within the building line reserves, side space or over common boundaries to be demolished to the satisfaction of the local authority, when required by the local authority to do so.

**1.8 ACCEPTANCE AND DISPOSAL OF STORMWATER**

The township owner shall arrange for the drainage of the township to fit in with that of the existing road and stormwater infrastructure in the vicinity and for all storm water running off or diverted from the roads to be received and disposed of.

**1.9 REMOVAL OF LITTER**

The township owner shall at his own expense cause all litter within the township area to be removed to the satisfaction of the local authority when required by the local authority to do so.

**1.10 CONSOLIDATION OF ERVEN**

The township owner shall at his own expense cause Erven 1908 and 1909 in the township to be consolidated.

**2. CONDITIONS OF TITLE**

Conditions imposed by the Ekurhuleni Metropolitan Municipality in terms of the provisions of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

**2.1 All Erven**

- (i) The erf is subject to a servitude, 2 metres wide, in favour of the Local Authority, 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 Local Authority: Provided that the Local Authority may dispense with any such servitude.
- (ii) 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 two metres thereof.
- (iii) The Local Authority shall be entitled to temporarily deposit 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.

**2.2 Erf 1908**

- (i) The erf is subject to a Servitude for Electrical Purposes in favour of the Local Authority, 18 (eighteen) square metres in extent, as indicated by the figure d.e.f.g.d. on the General Plan.
- (ii) The erf is subject to a Servitude for Electrical Purposes in favour of the Local Authority, 18 (eighteen) square metres in extent, as indicated by the figure h.j. 107.k.h. on the General Plan.



CITY OF EKURHULENI METROPOLITAN MUNICIPALITY  
CITY OF EKURHULENI AMENDMENT SCHEME K0877C  
WITFONTEIN EXTENSION 97

It is hereby notified in terms of the provisions of Section 125(1) of the Town Planning and Townships Ordinance, 1986, that the City of Ekurhuleni Metropolitan Municipality has approved and hereby adopted the land development application for the amendment scheme with regard to the properties in the township of WITFONTEIN EXTENSION 97 Township, being an amendment of the City of Ekurhuleni Land Use Scheme, 2021.

The approved Amendment Scheme documents will lie for inspection at the Manager: Town Planning, Kempton Park Sub Section during normal office hours.

This amendment is known as City of Ekurhuleni Amendment Scheme K0877C and shall come into operation on the date of publication of the notice.

(Reference number: CP016.2024) CITY OF EKURHULENI METROPOLITAN MUNICIPALITY 27/03/2024









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