

NOTICE 577 OF 2009

Fred Phaswana, Chairman

TRANSNET

Transnet Limited
Carlton Centre
150 Commissioner Street
Johannesburg
2001

Reference number: NMP 7748
Date: 24/04/09

Alan Manor Ltd In Liquidation

("the owner")

BY PUBLICATION IN THE GOVERNMENT GAZETTE AND NEWSPAPERS**NOTICE OF EXPROPRIATION**

1. Under section 6, as read with item 7 of Schedule 1, of the Legal Succession to the South African Transport Services Act, 1989 ("the Legal Succession Act"), read with sections 7 to 15 and 18 to 23 of the Expropriation Act, 1975 ("the Expropriation Act") and section 25 of the Constitution of the Republic of South Africa, 1996 ("the Constitution"), the Chairman of the Board of Directors ("the Chairman") of Transnet Limited ("Transnet") hereby expropriates, for the purpose of constructing and operating an underground pipeline, which will be used for the conveyance of refined petroleum products ("the pipeline"), the rights described hereunder in respect of the following land, of which you are the registered owner:

Erf 18 of the township Alan Manor;
situate in the province of Gauteng; and
held under title deed T1931/1964 (Registration division: IQ)
("the property")

Transnet Limited 49th Floor P O Box 72501
Registration Number: Carlton Centre Parkview, Johannesburg
1990/000900/06 150 Commissioner Street South Africa, 2122
Johannesburg T +27 11 308 2235
2001 F +27 11 308 2314

Directors: FTM Phaswana (Chairman) C F Wells* (Acting Group Chief Executive) Dr I Abedian Prof GK Everingham NBP Goaba MJ Hansonson
Dr ND Haste OBE* PG Joubert NNA Matyemze MP Moyo BT Ngcuka NR Ntshingila KC Ramon A Singh* (Acting Chief Financial Officer)
Executive *British

Group Company Secretary: Z Stephen

www.transnet.net

2. The following rights in the property are expropriated ("**the expropriated rights**"):
- 2.1 a perpetual servitude, 6 (six) metres wide, the route and centre line of which is indicated on the attached sketch plan marked "**A**" with an approximate extent of 1 530 m² ("**the perpetual servitude area**"). The perpetual servitude includes the rights to:
- 2.1.1 construct and install a pipeline below the surface of the perpetual servitude area; additions, appurtenances and fittings listed in annex "**B**" and designated on the alignment sheet/s marked "**C**" hereto; and any further appurtenances, additions or fittings on top of or below the surface thereof;
- 2.1.2 patrol, inspect, maintain, repair, replace, renew, remove and operate the pipeline and any appurtenances, additions or fittings which may be necessary for the operation and management of the pipeline;
- 2.1.3 clear and grade the surface of the perpetual servitude area, including removal of all structures, plants, rocks and debris;
- 2.1.4 erect and demolish gates, fences and any other barriers on and around the perpetual servitude area;
- 2.1.5 perform all acts necessary for or incidental to the effective carrying out of the acts in paragraphs 2.1.1 to 2.1.4 above; and
- 2.1.6 free and unobstructed access, at all times over any part of the property, to the perpetual servitude area, as may be required to exercise the rights referred to in paragraphs 2.1.1 to 2.1.5 above.
- 2.2 a temporary servitude, 30 (thirty) metres wide, the route and location of which is indicated on the attached sketch plan marked "**A**", with an approximate extent of 7 650 m² ("**the temporary servitude area**"). The temporary servitude includes the rights to:
- 2.2.1 establish any construction contractor's crew which will conduct the physical installation of the pipeline and related facilities;

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- 2.2.2 clear and grade the surface of the temporary servitude area, including removal of all structures, plants, rocks and debris;
- 2.2.3 erect and demolish gates, fences and any other barriers on and around the temporary servitude area;
- 2.2.4 use the temporary servitude area for all acts necessary for or incidental to the effective construction or installation of the pipeline; appurtenances, additions or fittings listed in annex "B" and designated on the alignment sheet marked "C" hereto; and any further appurtenances, additions or fittings within the perpetual servitude area; and
- 2.2.5 free and unobstructed access, at all times over any part of the property, to the temporary servitude area as may be required to exercise the rights referred to in paragraphs 2.2.1 and 2.2.4 above.
3. The pipeline will be constructed and installed within the perpetual servitude area at varying depths, but not less than 1 (one) metre and not more than 3.5 (three comma five) metres under natural ground level.
4. The temporary servitude expropriated under paragraph 2.2 will endure from the date of expropriation until the date on which construction of the pipeline is concluded and Transnet and all contractors have vacated the property.
5. The owner may not enter onto or use for any purpose the temporary servitude area for the duration of the temporary servitude, except insofar as access to temporary servitude area is reasonably required by the owner for the purposes of any activity approved in writing by Transnet prior to commencement of such activity.
6. After construction of the pipeline has been completed, the perpetual servitude area may be used by the owner subject to the rights herein expropriated by Transnet, and subject to the following:
- 6.1 no drilling, pile-driving, blasting or other activity that could damage or jeopardise the safety and integrity of the pipeline will be allowed;

- 6.2 no trees or plants are to be planted in such a position that the roots of such trees or plants encroach upon the perpetual servitude area;
 - 6.3 the perpetual servitude area may be cultivated for gardening, pastoral or crop farming purposes, excluding any trees or other deep-rooted plants;
 - 6.4 no digging, ploughing or the like shall be permitted below 0,5 (zero comma five) metres of the prevailing natural ground level within the perpetual servitude area;
 - 6.5 soil deposits over the pipeline may not be reduced or increased;
 - 6.6 no dam wall or any other structure which may obstruct the natural flow of water may be erected in such a way that the perpetual servitude area is inundated or eroded;
 - 6.7 where roads, fencing, gates, pipes, pipelines, cables or anything else is to be erected across or within the perpetual servitude area, Transnet's prior written directives and approval regarding the type, extent, design, location, method and time of construction are to be obtained; and
 - 6.8 the pipeline may not be damaged in any manner whatsoever and Transnet's rights may not be impeded in any way.
7. Under section 7(2)(a) of the Expropriation Act, read with item 7 of Schedule 1 to the Legal Succession Act, *"whenever only a portion of a piece of land or a real right in or over any such portion is expropriated, or a right is taken to use only such a portion, the owner may, within thirty days from the date of notice, request the [Chairman] by registered post to furnish ... further particulars of such portion so as to enable the owner to determine the position or extent of the said portion, and upon the furnishing of such particulars the date of the notice in which such particulars were furnished, shall, for the purposes of [the Expropriation Act], be deemed to be the date of notice."*
8. The date of expropriation is 28 May 09, on which date the expropriated rights pass to Transnet ("the date of expropriation").
9. Transnet will take possession of the expropriated rights on the date of expropriation or on such later date as may be agreed upon.

10. The perpetual servitude area will be surveyed by a professional land surveyor appointed by Transnet, after construction of the pipeline over the property. The said land surveyor will frame a servitude diagram depicting the centre of the perpetual servitude in accordance with the Land Survey Act, 1997, and lodge such diagram with the Surveyor General for approval and the perpetual servitude will be registered against the title deed of the property.
11. The owner's attention is directed to section 9(1) of the Expropriation Act which, read with the necessary amendments in item 7 of Schedule 1 to the Legal Succession Act, provides as follows:

9 Duties of owner of property expropriated or which is to be used by Transnet

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

- (a) if any compensation was in the notice of expropriation offered for such property, whether or not he accepts that compensation and, if he does not accept it, 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 full particulars as to how such amounts are made up;*
- (b) if no such compensation was so offered, the amount claimed as compensation by him and how much of that amount represents each of the respective amounts contemplated in section 12 (1) (a) (i) and (ii) or (b) and 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 (a) or (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 building contract or a certified copy thereof;

(iv)

[Sub-para. (iv) deleted by s. 8 (b) of Act 45 of 1992.]

- (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 Chairman of the board of directors of Transnet may at his discretion extend the said period of sixty days, and that, if the owner requests the Chairman of the board of directors of Transnet in writing within thirty days as from the date of notice to extend the said period of sixty days, the Chairman of the board of directors of Transnet shall extend such period by a further sixty days.

12. The owner's attention is also directed to section 12(3)(a)(ii) of the Expropriation Act which, read with the necessary amendments in item 7 of Schedule 1 to the Legal Succession Act, provides as follows:

12(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 Transnet 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) in a case contemplated in section 21 (4), in respect of the period calculated from the termination of thirty days from the date on which-*

(aa) the property was so taken possession of, if prior to that date compensation for the property was offered or agreed upon; or

(bb) such compensation was offered or agreed upon, if after that date it was offered or agreed upon,

to the date on which the dispute was settled or the doubt was resolved or the owner and the buyer or the mortgagee or the builder notified the Chairman of the board of directors of Transnet in terms of the said section 21 (4) as to the payment of the compensation money, the outstanding portion of the amount so payable shall, for the purposes of the payment of interest, be deemed not to be an outstanding amount; and

- (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.*

13. Under section 9(5) of the Expropriation Act, read with the necessary amendments in item 7 of Schedule 1 to the Legal Succession Act:

9(5) Any person who wilfully furnishes false or misleading particulars in any written instrument which he by virtue of the provisions of subsection (1) or (3) (a) delivers or causes to be delivered to the Chairman of the board of directors of Transnet, shall be guilty of an offence and liable on conviction to be punished as if he had been convicted of fraud.

14. You are further requested, under section 9(3) of the Expropriation Act, to deliver or cause to be delivered to the Chairman, within 60 days of the date of expropriation, your title deed to the property or, if it is not in your possession or under your control, written particulars of the name and address of the person in whose possession or under whose control it is.
15. Any written statement under section 9(1)(a) of the Expropriation Act as well as all correspondence and information in relation to this expropriation notice must be directed to the following address:

By hand: **The Chairman
Transnet Limited
c/o Webber Wentzel
Mr Igno Gouws
10 Fricker Road
Illovo Boulevard
Johannesburg
2196**

and / or

By registered post: **The Chairman
Transnet Limited
c/o Webber Wentzel
Mr Igno Gouws
PO Box 61771
Marshalltown
2107**

and / or

By e-mail: **igno.gouws@webberwentzel.com**

and / or

By fax: **(011) 530 6368**

Kind regards



FRED PHASWANA

Chairman of the Board of Transnet Limited