

DEPARTMENT OF HUMAN SETTLEMENTS

NOTICE 364 OF 2021

NOTICE OF EXPROPRIATION

Issued by the Kwa-Dukuza Municipality (hereinafter referred to as "the Municipality") in terms of the Housing Act No. 107 of 1997, as amended (hereinafter referred to as "the Housing Act") and the Expropriation Act, No. 63 of 1975, as amended (hereinafter referred to as "the Expropriation Act").

To the Owner(s) (within the meaning of that term as defined in Section 1 of the Expropriation Act) of ~~the~~ properties (all of **GLEDHOW, REGISTRATION FU, PROVINCE OF KWAZULU-NATAL**) described in the schedule hereto, and which expression includes, but is not limited to the Trustee or Liquidator in the insolvent estate of the owner, the executor in the estate of a deceased owner, or if the owner of the property is under legal disability, his / her legal representative and includes the authorized representative of the owner in the Republic of South Africa.

AND TO: All other persons claiming any right to or interest in the properties (all **GLEDHOW, REGISTRATION FU, PROVINCE OF KWAZULU-NATAL**) 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 Expropriation Act; including any person(s) who have claims of any nature on the property(ies) and including any person(s) who have placed Interdicts over the property(ies).

EXPROPRIATION OF LAND AND SERVITUDE RIGHTS

- PLEASE TAKE NOTICE that the Municipality in terms of the powers vested in it by Section 156 (1) (b) of the Constitution of the Republic of South Africa, 1966, Section 9(3)(a) of the Housing Act read with and in terms of Sections 1, 6 to 15 and 18 to 23 of the Expropriation Act and in terms of the powers invested in it in terms of the provisions of Section 190 (1) of the Local Authorities Ordinance Number 25 of 1974, hereby expropriates, for public purposes in general with the specific purpose of providing and delivering housing, the land and/or right(s) described in the schedule hereto together with all improvements.
- The date of expropriation shall be 02 JUNE 2021 from which date, ownership of the said land will pass to the Municipality and/or the said rights will vest in the Municipality
- The Municipality shall take possession of the said land shall be 2 JUNE 2021 or such other date as may be agreed upon between the Owner(s) and the Municipality in terms of Section 8(3) of the Expropriation Act, or a date determined in terms of the provisions of Section 8(5) of the Expropriation Act, as the case may be.
- Where land is expropriated, with effect from the date of possession of the land by the Municipality, but not before such date, the Owner(s) will be relieved of the obligation to take care of and maintain the land and to pay taxes and other charges thereon, and will no longer be entitled to the use of any income from the land.
- Your attention is directed to the provisions of Section 9(1), 12(3)(a)(ii), 12(4) and 13(3) of the Expropriation Act, which read as follows:

- "9. Duties of owner of property expropriated or which is to be used by (the Municipality). – (1)** An owner whose property has been expropriated in terms of this Act, shall, within sixty days from the date of notice....., deliver or cause to be delivered to the (Municipality) a written statement indicating-
- if any compensation was in the notice of expropriation offered for such property, whether or not he accepts the 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;
 - if no such compensation was so offered, the amount claimed as compensation by him and how much of the 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;
 - 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 values of such land;
 - if the property being expropriated is land-
 - which prior to the date of notice was leased as a whole or in part by unregistered lease, the name and writing or full particulars of the lease, the name and address of the lessee, and accompanied by the lease or a certified copy hereof, if it is not in writing;
 - 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 ad sale or a certified copy thereof.

- (ii) on which 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.
 - (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 (Municipality) may at (its) discretion extend the said period of sixty days, and that, if the owner requests the (Municipality) in writing within thirty days as from the date of notice to extend the said period of sixty days, the (Municipality) 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 28(1) of the Exchequer and Audit Act, 1975 (Act No. 56 of 1975), shall, subject to the provisions of subsection (4), be payable from the date on which the Municipality 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 utilized or any portion thereof, no interest shall, in respect of the period during which he so occupies or utilizes it, be paid in terms if subsection (3) on so much of the outstanding amount as, in the opinion of the (Municipality), relates to the property so occupied or utilized."

"13. Payment of compensation in respect of rights of unregistered leases in respect of property expropriated –

- (3) If the owner of expropriated property fails to comply with a the provisions of Section 9(1) (d)(1) and the (Municipality) did not prior to the payment of any compensation money to the owner become aware of the existence of the lease in respect of such property the (Municipality) shall not be obliged to pay compensation to the lessee concerned in respect of the termination of his rights, but such owner shall be liable to any such lessee for damages sustained by him in consequence of the termination of his rights."

6. Your attention is directed to the provisions of Section 20 of the Expropriation Act, which reads as follows:

"20. Payment of certain taxes and other moneys out of compensation monies –

- (1) If any land which has been expropriated is situated within the area of jurisdiction of a local authority, such local authority shall upon receipt or publication of a relevant notice in terms of section 7, forthwith inform the (Municipality) in writing) of any outstanding tax or other moneys in respect of the payment of which the production of a receipt or certificate is in terms of any law prerequisite for the passing of a transfer of such land by a registrar of deeds.
 - (2) The (Municipality) may utilise so much of the compensation money in question as is necessary for the payment on behalf of the owner of such land of any tax or other moneys mentioned in subsection (1) ."
7. 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 Expropriation Act to provide within sixty days of the date of this notice written particulars of the name and address of the person in whose possession or under whose control is.
8. All responses in terms of this notice of expropriation must be addressed to the Municipal Manager at the address indicated hereunder:

N J MDAKANE
The Municipal Manager
Kwa-Dukuza Municipality

Municipal Offices
P.O. BOX 72
STANGER 4450

**SCHEDULE OF PROPERTIES TO NOTICE OF EXPROPRIATION IN TERMS OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996; THE HOUSING ACT (Number 107 of 1997, as amended) AND THE EXPROPRIATION ACT (Number 63 of 1975, as amended) ALL OF portion
KWAZULU-NATAL**

Chief Albert Luthuli Street, STANGER

1. ERF 353 GLEDHOW, REGISTRATION DIVISION FU, PROVINCE OF KWAZULU-NATAL, IN EXTENT 2011 (TWO THOUSAND AND ELEVEN) SQUARE METRES
2. ERF 360 GLEDHOW, REGISTRATION DIVISION FU, PROVINCE OF KWAZULU-NATAL, IN EXTENT 1,7637 (ONE COMMA SEVEN SIX THREE SEVEN) HECTARES

Both properties held by:- GAFRAN PROPRIETARY LIMITED
Registration Number 1998/021380/07

Under Deed of Transfer Number T 3829/2003

COMPENSATION OFFERED: R 4 000 000,00 (FOUR MILLION RAND)

DATED AT DURBAN ON THIS 31ST DAY OF MAY 2021

NDWANDWE ATTORNEYS