

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
20 August 2019
(Also the agenda for the Mayoral Committee Meeting: 28 August 2019)**

3.

HERMANUS, STANFORD: RECTIFICATION CONDITIONS 2(a), (b) AND (c) OF COUNCIL RESOLUTION DATED 27 MARCH 2019 FOR THE ALIENATION AND TRANSFER OF SEVERAL PORTIONS OF LAND TO THE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS (WESTERN CAPE) FOR THE UPGRADE OF TRUNK ROAD 28/2 BETWEEN HERMANUS AND STANFORD

7/2/3/2/

A le Roux

(028) 316 - 3724

Hermanus Administration

25 July 2019

1. Executive Summary

To obtain approval for the rectification of Council approval dated 27 March 2019 for the alienation and transfer of several portions of land to the Department of Transport and Public Works (Western Cape) for the upgrade of Trunk Road 28/2 between Hermanus and Stanford.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Property Administration

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
The encouragement of structured community participation in the matters of the municipality
Promotion of tourism, economic and social development

4. Delegated Authority

None

5. Legal Requirements

- Local Government: Municipal Finance Management Act (Act 56 of 2003) ("MFMA")
- Municipal Asset Transfer Regulations (R. 878 of 2008)
- Administration of Immovable Property Policy of the Overstrand Municipality, as amended

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6. Background/Discussion/Evaluation/Conclusion

Council on 27 March 2019 resolved as follows:

1. *that the direct alienation (sale) and transfer of the following properties to the Western Cape Government (Department of Transport and Public Works) for road widening purposes **be approved**;*
 - (a) *a portion of Erf 5327 Hermanus, ±555m² in extent, at payment of a market related purchase price of R100.00/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);*
 - (b) *a portion of Erf 4831 Hermanus, ±28475m² in extent, at payment of a market related purchase price of R20.00/m² (TWENTY RAND PER SQUARE METRE) (VAT excluded);*
 - (c) *a portion of Erf 4831 Hermanus, ±2892m² in extent, at payment of a market related purchase price of R20.00/m² (TWENTY RAND PER SQUARE METRE) (VAT excluded);*
 - (d) *a portion of Erf 4833 Hermanus, ±3074m² in extent, at payment of a market related purchase price of R15.00/m² (FIFTEEN RAND PER SQUARE METRE) (VAT excluded);*
 - (e) *a portion of Remainder Erf 294 Stanford, ±1548m² in extent, at payment of a market related purchase price of R5.00/m² (FIVE RAND PER SQUARE METRE) (VAT excluded);*
 - (f) *a portion of Erf 594 Stanford, ±688m² in extent, at payment of a market related purchase price of R50.00/m² (FIFTY RAND PER SQUARE METRE) (VAT excluded);*
 - (g) *a portion of Erf 1177 Stanford, ±662m² in extent, at payment of a market related purchase price of R5.00/m² (FIVE RAND PER SQUARE METRE) (VAT excluded);*
2. *that the following portions of properties revert back to the Overstrand Municipality at the cost of the Western Cape Government (Department of Transport and Public Works):*
 - (a) *a portion of Erf 4833 Hermanus, ±2839m² in extent, at a value of R3.75/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);*
 - (b) *a portion of Erf 4831 Hermanus, ±7748m² in extent, at a value of R5.00.00/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);*
 - (c) *a portion of Erf 4831 Hermanus, ±223m² in extent, at a value of R5.00.00/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);*

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3. *that the amounts listed in 1(a) to (g) and 2(a) to (c) be paid to the Municipality in lieu of final settlement of the purchase price;*
4. *that a condition be registered in the title deeds of the said portions of properties to be alienated and transferred that no structures of any kind may be erected thereon;*
5. *that the alienation and transfer of the said portions of properties be subject to obtaining the necessary subdivision, rezoning and consolidation approvals;*
6. *that the costs of the valuation, subdivision and possible consolidation, rezoning, transfer of and cancellation of endorsements against the properties and the and related costs be paid by the Western Cape Government (Department of Transport and Public Works);*
7. *that, where necessary, servitudes be registered in favour of and to the satisfaction of the Overstrand Municipality in relation to any existing services on the properties, at the cost of the Western Cape Government (Department of Transport and Public Works);*
8. *that a condition be included in the Deed of Sale that the Western Cape Government (Department of Transport and Public Works), its agents and contractors must at own cost attend to the relocation of services where requested;*
9. *that a condition be included in the Deed of Sale that the sale of the portions situated in the Fernkloof Nature Reserve be subject to the successful de-proclamation thereof OR be subject to the Western Cape Government: Department of Environmental Affairs and Development Planning providing written confirmation that it is not necessary to attend to a de-proclamation; and*
10. *that it be noted that the portions of municipal properties envisaged to be alienated is not required for the provision of the minimum level of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).*

It came to our attention that the wording of the purchase prices in recommendations 2(a), (b) and (c) are incorrect as it refers to ONE HUNDRED RAND PER SQUARE METRE where it should read as follows:

2. *that the following portions of properties revert back to the Overstrand Municipality at the cost of the Western Cape Government (Department of Transport and Public Works):*

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- (a) a portion of Erf 4833 Hermanus, $\pm 2839\text{m}^2$ in extent, at a value of R3.75/m² (**THREE RAND AND SEVENTY FIVE CENTS PER SQUARE METRE**) (VAT excluded);
- (b) a portion of Erf 4831 Hermanus, $\pm 7748\text{m}^2$ in extent, at a value of R5.00/m² (**FIVE RAND PER SQUARE METRE**) (VAT excluded);
- (c) a portion of Erf 4831 Hermanus, $\pm 223\text{m}^2$ in extent, at a value of R5.00/m² (**FIVE RAND PER SQUARE METRE**) (VAT excluded);

This was a mere typing error which needs to be rectified.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION TO THE COUNCIL:

that recommendations 2(a), (b) and (c) as contained in the Council resolution of 27 March 2019 be rectified to stipulate as follows:

- 2. that the following portions of properties revert back to the Overstrand Municipality at the cost of the Western Cape Government (Department of Transport and Public Works):
 - (a) a portion of Erf 4833 Hermanus, $\pm 2839\text{m}^2$ in extent, at a value of R3.75/m² (**THREE RAND AND SEVENTY FIVE CENTS PER SQUARE METRE**) (VAT excluded);
 - (b) a portion of Erf 4831 Hermanus, $\pm 7748\text{m}^2$ in extent, at a value of R5.00/m² (**FIVE RAND PER SQUARE METRE**) (VAT excluded);
 - (c) a portion of Erf 4831 Hermanus, $\pm 223\text{m}^2$ in extent, at a value of R5.00/m² (**FIVE RAND PER SQUARE METRE**) (VAT excluded);

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RESPONSIBLE OFFICIAL :	A LE ROUX
TARGET DATE FOR IMPLEMENTATION:	N/A
TARGET DATE TO INFORM APPLICANT:	14 SEPTEMBER 2019
TARGET DATE TO INFORM OBJECTOR:	N/A

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Hermanus Administration

25 July 2019

THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON 20 AUGUST 2019, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:

RECOMMENDATION TO THE COUNCIL:

that recommendations 2(a), (b) and (c) as contained in the Council resolution of 27 March 2019 be rectified to stipulate as follows:

2. that the following portions of properties revert back to the Overstrand Municipality at the cost of the Western Cape Government (Department of Transport and Public Works):
 - (a) a portion of Erf 4833 Hermanus, $\pm 2839\text{m}^2$ in extent, at a value of R3.75/m² (THREE RAND AND SEVENTY FIVE CENTS PER SQUARE METRE) (VAT excluded);
 - (b) a portion of Erf 4831 Hermanus, $\pm 7748\text{m}^2$ in extent, at a value of R5.00/m² (FIVE RAND PER SQUARE METRE) (VAT excluded);
 - (c) a portion of Erf 4831 Hermanus, $\pm 223\text{m}^2$ in extent, at a value of R5.00/m² (FIVE RAND PER SQUARE METRE) (VAT excluded);

RESPONSIBLE OFFICIAL :

A LE ROUX

TARGET DATE FOR IMPLEMENTATION:

N/A

TARGET DATE TO INFORM APPLICANT:

14 SEPTEMBER 2019

TARGET DATE TO INFORM OBJECTOR:

N/A