



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SA KWAZULU-NATALI

Provincial Gazette • Provinciale Koerant • Igazethi Yesifundazwe

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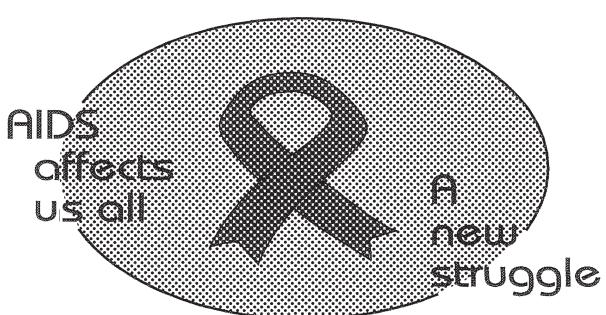
PIETERMARITZBURG

Vol. 13

6 JUNE 2019
6 JUNIE 2019
6 KUNHLANGULANA 2019

No. 2087

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AIDS
HELPLINE

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DEPARTMENT OF HEALTH

Prevention is the cure

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MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 60 OF 2019

ETHEKWINI MUNICIPALITY

STATUTORY NOTICE NO. 2809

NOTICE OF EXPROPRIATION

Issued by the eThekwini Municipality ("the Municipality") in terms of Section 9(3) of the Housing Act, 1997 (Act No. 63 of 1997); the Expropriation Act (Act No. 63 of 1975) as amended ("the Act") and Section 25 of the Constitution of the Republic of South Africa, 1996 ("the Constitution").

TO: The owner(s) (within the meaning of that term as defined in Section 1 of the Act) of the property described in the schedule hereto;

AND TO: All other persons claiming any right to or interest in the properties 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 Act.

EXPROPRIATION OF LAND FOR VARIOUS PROPERTIES: LOWER MALUKAZI HOUSING AND CORNUBIA HOUSING DEVELOPMENT PROJECTS

1. Notice is hereby given in terms of Section 7, read with Section 5(2) of the Expropriation Act No. 63 of 1975 (the Act) that the Municipality, being unable to purchase the properties described in the schedule hereto on reasonable terms through negotiation with the owners of the properties and having obtained the permission of the Member of the Executive Committee of the Province of KwaZulu-Natal responsible for Housing matters in the province on 13 May 2019, hereby expropriates the said properties under powers vested in it by Section 9(3) of the Housing Act No. 107 of 1997 (the Housing Act) and Section 5 of the Act, for public purposes, in particular for the purposes of a national housing programme as defined in Section 1 of the Housing Act.
2. The date of expropriation shall be 15th June 2019 with effect from which date, ownership of the said properties will vest in the Municipality.
3. The Municipality shall take possession of the said properties on 15th June 2019, in terms of Section 8(3) of the Act.
4. Your attention is directed to the provisions of Sections 9(1) of the Act and Section 25 (3) of the Constitution, 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 the Act, shall, within sixty days from the date of notice in question, deliver or cause to be delivered to the (Municipality) a written statement indicating -

(a)

- (b) the amount claimed by him as compensation and full particulars as to how such amount determined taking into account Section 25 (3) of the Constitution;
- (c) if the property expropriated is land and any amount is claimed in terms of paragraph ... (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.
- (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."

"25 (3) Basis on which compensation is to be determined

(3) The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including—

- (a) the current use of the property;
- (b) the history of the acquisition and use of the property;
- (c) the market value of the property;
- (d) the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and
- (e) the purpose of the expropriation."

5. 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 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 it is.

ENQUIRIES can be directed to Deeran Govender on Tel. No. 031-311 4416 or Jeffrey Naidoo on Tel. No. 031-311 3433.

SCHEDULE A

(To Notice of Expropriation in terms of the Expropriation Act 63 of 1975, as amended)

LOWER MALUKAZI HOUSING PROJECT		
NO.	PROPERTY DESCRIPTION	APPROXIMATE EXTENT
1	ERF 169 ISIPINGO	2,2181HA
2	ERF 170 ISIPINGO	2.2776HA
3	ERF 171 ISIPINGO	2,5479HA
4	ERF 172 ISIPINGO	3,0169HA
5	ERF 173 ISIPINGO	3,5728HA
6	ERF 174 ISIPINGO	2,4281HA
7	ERF 176 ISIPINGO	1,2141HA
8	ERF 178 ISIPINGO	2,4281HA
9	ERF 179 ISIPINGO	1,2141HA
10	ERF 180 ISIPINGO	1,2141HA
11	ERF 181 ISIPINGO	3,6209HA
12	ERF 183 ISIPINGO	1,2141HA
13	ERF 186 ISIPINGO	2,4281HA
14	ERF 187 ISIPINGO	2,4281HA
15	ERF 188 ISIPINGO	4047M ²
16	ERF 190 ISIPINGO	2,4281HA
17	REMAINDER OF ERF 192 ISIPINGO	2,2732HA
18	PORTION 1 OF ERF 192 ISIPINGO	4595M ²
19	REMAINDER OF ERF 193 ISIPINGO	7681M ²
20	PORTION 1 OF ERF 193 ISIPINGO	8506M ²
21	ERF 195 ISIPINGO	2,4281HA
22	ERF 196 ISIPINGO	2,4281HA
23	ERF 197 ISIPINGO	4047M ²
24	ERF 198 ISIPINGO	8094M ²
25	PORTION 1 OF ERF 199 ISIPINGO	4047M ²
26	ERF 201 ISIPINGO	9053M ²
27	ERF 202 ISIPINGO	1,5228HA
28	ERF 203 ISIPINGO	5596M ²
29	ERF 204 ISIPINGO	4524M ²
30	ERF 205 ISIPINGO	3901M ²
31	ERF 206 ISIPINGO	2438M ²
32	ERF 207 ISIPINGO	2301M ²
33	ERF 208 ISIPINGO	4047M ²
34	ERF 209 ISIPINGO	4047M ²
35	ERF 210 ISIPINGO	4047M ²
36	ERF 211 ISIPINGO	2542M ²
37	ERF 212 ISIPINGO	2023M ²
38	ERF 213 ISIPINGO	4047M ²
39	ERF 215 ISIPINGO	1,1703HA
40	ERF 216 ISIPINGO	2,1246HA
41	ERF 217 ISIPINGO	2,5797HA

42	ERF 219 ISIPINGO	1,2678HA
43	PORTION 1 OF ERF 220 ISIPINGO	4936M ²
44	REMAINDER OF ERF 220 ISIPINGO	5824M ²
45	PORTION 2 OF ERF 220 ISIPINGO	4590M ²
46	PORTION 3 OF ERF 220 ISIPINGO	4720M ²
47	ERF 221 ISIPINGO	4047M ²
48	ERF 222 ISIPINGO	4067M ²
49	ERF 223 ISIPINGO	4047M ²
50	ERF 224 ISIPINGO	4191M ²
51	ERF 225 ISIPINGO	1,6895HA
52	ERF 226 ISIPINGO	8094M ²
53	REMAINDER OF ERF 227 ISIPINGO	2018M ²
54	PORTION 1 OF ERF 227 ISIPINGO	6073M ²
55	ERF 228 ISIPINGO	4049M ²
56	ERF 230 ISIPINGO	2023M ²
57	ERF 231 ISIPINGO	2023M ²
58	ERF 232 ISIPINGO	2023M ²
59	ERF 233 ISIPINGO	2023M ²
60	ERF 261 ISIPINGO	2,0234HA
61	ERF 263 ISIPINGO	1,9458HA
62	ERF 264 ISIPINGO	7642M ²
63	ERF 265 ISIPINGO	8095M ²
64	ERF 266 ISIPINGO	1,2170HA
65	ERF 267 ISIPINGO	1,2148HA
66	ERF 268 ISIPINGO	1,2397HA
67	ERF 269 ISIPINGO	1,2162HA
68	ERF 270 ISIPINGO	1,2143HA
69	ERF 271 ISIPINGO	1,2143HA
70	REMAINDER OF ERF 272 ISIPINGO	4,1469HA
71	PORTION 1 OF ERF 272 ISIPINGO	1034M ²
72	REMAINDER OF ERF 274 ISIPINGO	2,9096HA
73	REMAINDER OF ERF 275 ISIPINGO	1,6265HA
74	PORTION 1 OF ERF 275 ISIPINGO	2187M ²
75	PORTION 2 OF ERF 275 ISIPINGO	2173M ²
76	PORTION 4 OF ERF 275 ISIPINGO	2181M ²
77	ERF 276 ISIPINGO	2176M ²
78	ERF 277 ISIPINGO	2187M ²
79	ERF 278 ISIPINGO	2187M ²
80	ERF 280 ISIPINGO	2500M ²
81	REMAINDER ERF 281 ISIPINGO	4080M ²
82	PORTION 1 OF ERF 281 ISIPINGO	2023M ²
83	PORTION 2 OF ERF 281 ISIPINGO	2024M ²
84	PORTION 3 OF ERF 281 ISIPINGO	4047M ²
85	ERF 282 ISIPINGO	4050HA
86	ERF 283 ISIPINGO	8094M ²
87	REMAINDER OF ERF 284 ISIPINGO	2206M ²
88	PORTION 1 OF ERF 284 ISIPINGO	2023M ²

89	ERF 285 ISIPINGO	2023M ²
90	ERF 286 ISIPINGO	2433M ²
91	REMAINDER OF ERF 287 ISIPINGO	1,1668HA
92	PORTION 1 OF ERF 287 ISIPINGO	4543M ²
93	REMAINDER OF ERF 291 ISIPINGO	8888M ²
94	REMAINDER OF ERF 292 ISIPINGO	3339M ²
95	REMAINDER OF ERF 293 ISIPINGO	1165M ²
96	REMAINDER OF ERF 294 ISIPINGO	1037M ²

CORNUBIA HOUSING PROJECT		
NO.	PROPERTY DESCRIPTION	APPROXIMATE EXTENT
1	ERF 43 BLACKBURN	4047M ²
2	ERF 44 BLACKBURN	4047M ²

SC Nzuza
City Manager

1st Floor, City Hall
Dr Pixley Ka-Isaka Seme Street
Durban

UMASIPALA WASETHEKWINI**Isaziso No. 2809****Isaziso sokudliwa ngokomthetho komhlaba**

Sikhishwa uMasipala waseThekwini (“uMasipala) ngaphansi kweSigaba 9(3) soMthetho weZezindlu, ka-1997 (Umthetho No. 63 ka-1997); uMthetho i-Expropriation Act, ka-1975 (Umthetho No. 63 ka-1975) nezichibiyelo zaho (“uMthetho”) neSigaba 25 soMthethosisekelo waseRiphabhliki yaseNingizimu Afrika, ka-1996 (“uMthethosisekelo”)

SIYA: Kubanikazi (ngokwencazelo yaleli gama kanjengoba lichazwe eSigaben 1 soMthetho) bale mihlaba/izakhiwo ezichazwe kule sheduli ehambisana nalesi saziso;

KANYE: Nakubo bonke abanye abantu abathi bananoma yimaphi amalungelo noma amagunya kulo mhlaba ochazwe kulesi saziso, ngenxa yokuba babhalisile noma ngenye indlela, futhi ikakhulukazi noma yisiphi isiqashi, umthengi noma umakhi ophathekayo ngokwemibandela yeSigaba 9(1)(d) somthetho i-Expropriation Act ka-1975.

ISAZISO SOKUDLIWA NGOKOMTHETHO KOMHLABA UKUZE KWAKHIWE IZINDLU E-LOWER MALUKAZI

Lesi yisaziso ngaphansi kweSigaba 7, sifundwa neSigaba 5(2) soMthetho i-Expropriation Act No. 63 ka-1975 (uMthetho) sokuthi uMasipala, ngenxa yokungakwazi ukuthenga le mihlaba echazwe kule sheduli ephelezela lesi saziso ngokuxoxisana nabanikazi bayo nasemva kokuba ethole igunya kuNgqongqoshe weZezindlu eSifundazweni saKwaZulu-Natali mhla ka 13 Meyi 2019, ngalokhu uyazidla ngokomthetho lezi ziqephu zomhlaba ngegunya alinikwe yiSigaba 9(3) somthetho i-Housing Act No. 107 ka-1997 sifundwa neSigaba 5 soMthetho i-Expropriation Act, ngenjongo yokuba kusizakale umphakathi ngaphansi kohlelo lukazwelonek lokwakhela umphakathi izindlu kanjengoba kuchaziwe eSigaben 1 soMthetho i-Housing Act.

2. Usuku lokudla lo mhlaba umhla ka-15 Juni 2019 kanti kusukela ngalolo suku ubunikazi balo mhlaba buzodlulela kuMasipala.
 3. Usuku uMasipala azothatha ngalo lo mhlaba oshifo umhla ka-15 Juni 2019, ngaphansi kweSigaba 8(3) soMthetho.
 4. Niyaxuswa ukuba niqaphele le mibandela elandelayo yeSigaba 9(1) soMthetho, neSigaba 25 (3) soMthethosisekelo, ezifundeka kanje:
- "9 Izibopho zomnikazi womhlaba odliwe noma ozosetshenziswa (uMasipala)

- (1) Umnikazi umhlaba wakhe odliwe ngokulawula koMthetho, kuyothi, zingakapheli izinsuku ezingama-60 kusukela osukwini okuphume ngalo lesi saziso, athumele noma enze ukuba kuthunyelwe kuMasipala isitatimende esibhaliwe esikhombisa –
- (a)
 - (b) imali ayibizayo njengesinxephezelo nokuthi le mali ibalwe kanjani ebe ebeke emqondweni iSigaba 25(3) soMthethosisekelo;
 - (c) uma okudliwa ngokomthetho kungumhlabu futhi kubizwa noma yisiphi isamba sibizwa njengokulawula kwesigatshana ... (b), imininingwane ephelele ephathelene nokwakhiwe kulo mhlaba/nokulungiswa okwensiwe kuwo, ngokubona komnikazi, okunomthelela enanini lalowo mhlaba;
 - (d) **uma okudliwa ngokomthetho kungumhlabu –**
 - (i) okwathi ngaphambi kosuku lwesaziso wawuqashisiwe, wona wonke noma ingxenye yawo, ngesivumelwano esingabhalisiwe, igama nekheli lesiqashi, bese lokhu kuphelezewa yisivumelwano noma ikhophi yaso eqinisekisiwe, uma sibhalwe phansi, noma imininingwane ephelele yesivumelwano, uma singabhalive phansi;
 - (ii) okwathi ngaphambi kosuku lwesaziso, wadayiswa ngumniniwo, igama nekheli lomthengi, liphelezewa yisivumelwano sokuthengiselana noma ikhophi yaso eqinisekisiwe;
 - (iii) okwakhiwe kuwo ibhilidi elingaphansi kwesibambiso sikamakhi kuze kukhokhwe imali akweletwa yona ngaphansi kwesivumelwano sokwakha esibhalwe phansi, igama nekheli likamakhi futhi lokhu kuphelezewa yisivumelwano sokwakha noma yikhophi yaso eqinisekisiwe.
 - (e) ikheli lalapho umnikazi afisa ukuba ezinye izincwadi eziphathelene nokudliwa zposelwe, zihanjiswe noma zithunyelwe khona.

Kweyame ekuthini uMasipala ngokubona kwakhe angasengeza lesi sikhathi esishiwo esiyizinsuku ezingamashumi ayisithupha, nokuthi futhi uma umnikazi embhalela uMasipala emcela zingakapheli izinsuku ezingamashumi amathathu kusukela osukwini lokuphuma kwesaziso, ukuba uMasipala aselule lesi sikhathi esesishiwo esiyizinsuku ezingamashumi ayisithupha, uMasipala uyoselula lesi sikhathi ngokwengeza ezinye izinsuku ezingamashumi ayisithupha."

"25(3) Isisekelo okuklanyelwa phezu kwaso isinxephezelo

- (3) Inani lesinxephezelo kanye nesikhathi nendlela esikhokhwa ngayo kufanele kube nobulungiswa nokulingana, kukhombise imizamo yokulunganisa izidingo zomphakathi kanye nezalabo abathintekayo, kubhekwe konke okuthintekayo, phakathi kwako okungabalwa –
- (a) indlela umhlaba osetshenziswa ngayo ngaleso sikhathi;
- (b) umlando wokuthengwa kwalowo mhlaba nowokusetshenziswa kwavo;

- (c) intengo yomhlaba ngokwezimakethe;
- (d) ubungako botshalomali noxhasomali olwensiwe umbuso ekutholakaleni kwalowo mhlaba nasekuthuthukisweni kwavo ukuze ube nenzuzo; kanye
- (e) nenhloso yokudliwa kwalowo mhlaba.”

5. Uma itayitela lobunikazi balo mhlaba lingekho kumnikazi noma lingekho ngaphansi kolawulo lwakhe, uyanxuswa futhi ngaphansi kweSigaba 9(3)(a) soMthetho ukuba zingakapheli izinsuku ezingamashumi ayisithupha kusukela osukwini lwalesi saziso anikeze imininingwane ebhalwe phansi yegama nekheli lalowo elikuye noma lowo elingaphansi kolawulo lwakhe leli tayitela.

IMIBUZO kufanele ibhekiswe kuDeeran Govender kule nombolo: 031-311 4416 noma kuJeffrey Naidoo kule nombolo: 031-311 3433.

ISHEDULI A

(Yesaziso sokudiwa ngokomthetho komhlaba ngaphansi komthetho u-Expropriation Act,
uMthetho 63 ka-1975, nezichibiyelo zawo)

IPHROJEKTHI YEZINDLU E-LOWER MALUKAZI		
NO.	INCAZELO YOMHLABA	UBUKHULU
1	ERF 169 ISIPINGO	2,2181HA
2	ERF 170 ISIPINGO	2,2776HA
3	ERF 171 ISIPINGO	2,5479HA
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78	ERF 277 ISIPINGO	2187M ²
79	ERF 278 ISIPINGO	2187M ²
80	ERF 280 ISIPINGO	2500M ²
81	REMAINDER ERF 281 ISIPINGO	4080M ²
82	PORTION 1 OF ERF 281 ISIPINGO	2023M ²
83	PORTION 2 OF ERF 281 ISIPINGO	2024M ²
84	PORTION 3 OF ERF 281 ISIPINGO	4047M ²
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2	ERF 44 BLACKBURN	4047M ²

SC Nzuza
IMenenja yeDolobha

1st Floor, City Hall
Dr Pixley Ka-Isaka Seme Street
eThekwini

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