



Statutory Notice 2719 - Notice Of Expropriation

Issued by the eThekweni Municipality (“the Municipality”) in terms of the Expropriation Act (Act No. 63 of 1975) as amended (“the Act”)

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 property described in the schedule attached 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 HUMAN SETTLEMENTS UPGRADE. REFER TO ATTACHED SCHEDULE.

1. Notice is given in terms of Section 7 of the Act that the Municipality hereby expropriates in terms of Section 190 of Ordinance 25 of 1974 and Section 5 of the Act, for public purposes, the land and/ or right(s) described in the following schedule and, where applicable in terms of the Act, depicted in the stated plan(s), provided that any mineral rights in respect of the said land are excluded in terms of this notice.

2. The date of expropriation shall be 1st July 2014 with effect from which date, where applicable, ownership of the said land will pass to the Municipality and/or the said rights will vest in the Municipality.

3. The date upon which the Municipality will take possession of the said property shall be 1st July 2014, or such other date as may be agreed upon between the Owner(s) and the Municipality in terms of Section 8(3) of the Act, or a date determined in terms of the provisions of Section 8(5) of the Act, as the case may be.

4. 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 and any income from the land.

5. Where a property has been partially expropriated, at the request of the Owner(s) this notice shall be deemed to include the remainder of the property or part thereof in terms of section 2 of the Act, provided that the Municipality is satisfied that such remainder has been rendered useless by the expropriation.

6. Your attention is directed to the provisions of Sections 9(1), 12(3)(a)(ii) and 12(4) [in particular sub-sections 3b (a) (ii) and (4) highlighted below of and in particular to the obligations which you must comply with under the said sections. For your convenience, the sections are





reproduced here (please read Municipality where it states Minister or State) “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 (this) notice , deliver or cause to be delivered to the (Municipality) a written statement indicating

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(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 represent each respective amounts contemplated in sections 12 (1) (a) (i) and in (ii) or (b) and full particulars as to how such amounts are made up;. (b) if no such compensation was offered, the amount claimed as compensation 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; (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) Indicate 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.”

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3. You are hereby requested within sixty [60] from the date of this notice, to – (a) Deliver or cause to be delivered to the Municipality at the address stated hereunder the Title Deeds of the properties expropriated or, if such document is not in your possession or under your control, the name and address of the person in whose possession or under whose control it is:

(b) “12 Basis on which compensation is to be determined

(1) The amount of compensation to be paid in terms of this Act to an owner in respect of the property expropriated in terms of this Act, or in respect of the taking, in terms of this Act, or a right to use the property, shall not, subject to the provisions of subsection (2), exceed- (a) in the





case of any property other than a right, excepting a registered right to minerals, the aggregate of- (i) The amount which the property would have realized if sold on the date of Notice in the open market by a willing seller to a willing buyer.

(ii) An amount to make good any actual financial loss caused by the expropriation; and (b) In the case of a right, excepting a registered right to minerals, an amount to make good any actual financial loss caused by the expropriation or the taking of the right: Provided that where the property expropriated is such nature that there is no open market thereof, compensation therefor may be determined- (aa) on the basis of the amount it would cost to replace the improvements on the property expropriated, having regard to the depreciation thereof for any reason, as determined on the date of notice; or (bb) in any other suitable manner (2) Notwithstanding anything to the contrary contained in this Act there shall be added to the total amount payable in accordance with subsection (1), an amount equal to- (a) Ten per cent of such total amount, if it does not exceed R100 000; plus (b) Five per cent of the amount by which it exceed R100 000, if it does not exceed R500 000; plus (c) Three per cent of the amount by which it exceeds R500 000, if it does not exceed R1 000 000; plus (d) One per cent (but not amounting to more than R10 000) of the amount by which it exceeds R1 000 000.

(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 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) In a case contemplated in Section 21 (4), in respect of the period calculated from the termination of the 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 and 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 of the doubt was resolved or the owner and the buyer or the mortgage or the builder notified the Municipality 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 purpose of the payment of interest, be deemed not be an outstanding amount.

(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.

(b) Interest payable in terms of paragraph (a) shall be deemed to have been paid on the date on which the amount has made available or posted to the owner concerned.

© Any deposit, payment or utilization of any amount in terms of section 11 (1) , 20 (2) or 21 (1) or (4) shall be deemed to be payment to the owner, and no interest shall in terms of paragraph (a) be payable on any such amount as from the date on which the outstanding amount as, in the opinion of the Municipality, relates to the property.





(4) If the owner of property which has been expropriated occupies or utilises that property or any portion thereof, no interest shall, in respect of the period during which he so occupies or utilises it, be paid in terms of subsection (3) on so much of the outstanding amount as, in the opinion of the (Municipality), relates to the property so occupied or utilised.”

(5) In determining the amount of compensation to be paid in terms of this Act, the following rules shall apply, namely- (a) No allowance shall be made for the fact that the property or the right to use the property has been taken without the consent of the owner in question; (b) The special suitability or usefulness of the property in question for the purpose for which it is required by the Municipality, shall not be taken into account if it is unlikely that the property would have been purchased for that purpose on the open market or the right to use the property for that purpose would have been so purchased.

(c) If the value of the property has been enhanced in consequence of the use thereof in a manner which is unlawful, such enhancement shall not be taken into account;

(d) Improvement made after the date of notice or to the property in question (except where they were necessary for the property maintenance of existing improvement or where they were undertaken in pursuance of obligations entered into before that date) shall not be taken into account.

(e) No allowance shall be made for or any unregistered right in respect of any other property or for any indirect damage or anything done with the objective of obtaining compensation thereof;

(f) Any enhancement or depreciation, before or after the date of notice, in the value of the property in question, which may be due to the purpose for which or in connection with which the property is being expropriated or is used, or which is a consequent of any work or act which the Municipality may carry out with such purpose, shall not be taken into account;

WRITTEN STATEMENTS in terms of section 9 of the Act, detailing claims for compensation should be sent within 60 days of the date of this notice to the Head: Human settlements, PO 828, Durban, 4001.

No	PROPERTY DESCRIPTION	TOWNSHIP	EXTENT TITLE	DEED
1	E rf 2035	KwaMashu A	421 SQM	T G13059/1990KZ
2	E rf 750	N tuzuma F	945 SQM	T G961/1987KZ
3	E rf 1173	KwaMashu K	260 SQM	T G2346/1985KZ
4	E rf 2025	KwaMashu K	953 SQM	T G8686/1988KZ
5	E rf 2128	KwaMashu K	474 SQM	T G2262/1989KZ
6	E rf 2181	KwaMashu K	357 SQM	T G2266/1989KZ





7	E rf 2189	KwaMashu K	318 SQM	T G2224/1989KZ
8	E rf 2201	KwaMashu K	428 SQM	T G2323/1989KZ
9	E rf 2239	KwaMashu K	374 SQM	T G1957/1989KZ
10	E rf 2240	KwaMashu K	386 SQM	T G2030/1989KZ
11	E rf2241	KwaMashu K	386 SQM	T G6446/1989KZ
12	E rf 2242	KwaMashu K	519 SQM	T G6478/1989KZ
13	E rf 2243	KwaMashu K	453 SQM	T G6734/1989KZ
14	E rf 2244	KwaMashu K	382 SQM	T G6447/1989KZ
15	E rf 2245	KwaMashu K	598 SQM	T G6479/1989KZ
16	E rf 2246	KwaMashu K	450 SQM	T G263/1990KZ
17	E rf 2247	KwaMashu K	431 SQM	T G6465/1989KZ
18	E rf 2248	KwaMashu K	429 SQM	T G248/1990KZ
19	Erf 2249	KwaMashu K	412 SQM	TG6448/1989KZ
20	Erf 2250	KwaMashu K	396 SQM	T G6712/1989KZ
21	E rf 2251	KwaMashu K	413 SQM	T G6423/1989KZ
22	E rf 2252	KwaMashu K	410 SQM	T G6423/1989KZ
23	E rf 2253	KwaMashu K	414 SQM	T G434/1990KZ
24	E rf 2254	KwaMashu K	462 SQM	T G23/1990KZ
25	E rf 2255	KwaMashu K	479 SQM	T G6754/1989KZ
26	E rf 2256	KwaMashu K	603 SQM	T G6802/1989KZ
27	E rf 2257	KwaMashu K	712 SQM	T G24/1990KZ
28	E rf 2258	KwaMashu K	639 SQM	T G360/1990KZ
29	E rf 2259	KwaMashu K	505 SQM	T G6722/1989KZ
30	E rf 2260	KwaMashu K	412 SQM	T G6407/1989KZ
31	E rf 2261	KwaMashu K	318 SQM	T G6555/1989KZ
32	E rf 2262	KwaMashu K	588 SQM	T G6718/1989KZ
33	E rf 2263	KwaMashu K	604 SQM	T G6411/1989KZ
34	E rf 2264	KwaMashu K	679 SQM	T G592/1990KZ
35	E rf 2265	KwaMashu K	588 SQM	T G451/1990KZ
36	Erf 2266	KwaMashu K	537 SQM	T G6409/1989KZ
37	Erf 2267	KwaMashu K	506 SQM	T G6729/1989KZ
38	Erf 2269	KwaMashu K	446 SQM	T G459/1990KZ
39	E rf 2270	KwaMashu K	479 SQM	T G6702/1989KZ
40	E rf 2271	KwaMashu K	465 SQM	T G6449/1989KZ
41	E rf 2272	KwaMashu K	756 SQM	T G275/1990KZ
42	E rf 2273	KwaMashu K	553 SQM	T G6430/1989KZ
43	E rf 2274	KwaMashu K	536 SQM	T G450/1990KZ
44	E rf 2275	KwaMashu K	822 SQM	T G6650/1989KZ
45	E rf 2276	KwaMashu K	823 SQM	T G271/1990KZ
46	E rf 2277	KwaMashu K	470 SQM	T G274/1990KZ





47	E rf 2278	KwaMashu K	503 SQM	T G6554/1989KZ
48	E rf 2279	KwaMashu K	613 SQM	T G6727/1989KZ
49	E rf 2280	KwaMashu K	1076 SQM	T G6553/1989KZ
50	E rf 2281	KwaMashu K	481 SQM	T G6542/1989KZ
51	E rf 2282	KwaMashu K	575 SQM	T G6450/1989KZ
52	E rf 2283	KwaMashu K	532 SQM	T G6732/1989KZ
53	E rf 2284	KwaMashu K	658 SQM	T G6428/1989KZ
54	E rf 2285	KwaMashu K	450 SQM	T G6540/1989KZ
55	E rf 2286	KwaMashu K	450 SQM	T G6724/1989KZ
56	E rf 2287	KwaMashu K	741 SQM	TG6562/1989KZ
57	E rf 2288	KwaMashu K	965 SQM	T G6562/1989KZ
58	E rf 2289	KwaMashu K	450 SQM	TG55/1990KZ
59	E rf 2290	KwaMashu K	807 SQM	T G6756/1989KZ
60	E rf 2291	KwaMashu K	772 SQM	T G6429/1989KZ
61	E rf 2292	KwaMashu K	482 SQM	T G6812/1989KZ
62	E rf 2293	KwaMashu K	801 SQM	T G6752/1989KZ
63	E rf 2294	KwaMashu K	466 SQM	T G25/1990KZ
64	E rf 2295	KwaMashu K	718 SQM	T G6698/1989KZ
65	E rf 2296	KwaMashu K	466 SQM	T G6538/1989KZ
66	E rf 2297	KwaMashu K	604 SQM	T G427/1999KZ
67	E rf 2298	KwaMashu K	505 SQM	T G460/1990KZ
68	E rf 2299	KwaMashu K	684 SQM	T G6719/1989KZ
69	E rf 2300	KwaMashu K	853 SQM	T G6479/1989KZ
70	E rf 2301	KwaMashu K	735 SQM	T G6876/1989KZ
71	E rf 2302	KwaMashu K	477 SQM	T G6541/1989KZ
72	E rf 2303	KwaMashu K	476 SQM	T G6477/1989KZ
73	E rf 2304	KwaMashu K	546 SQM	T G425/1990KZ
74	E rf 2305	KwaMashu K	641 SQM	T G6879/1989KZ
75	E rf 2306	KwaMashu K	771 SQM	T G6750/1989KZ
76	E rf 2307	KwaMashu K	593 SQM	T G6666/1989KZ
77	E rf 2308	KwaMashu K	499 SQM	T G6699/1989KZ
78	E rf 2309	KwaMashu K	603 SQM	T G6560/1989KZ
79	E rf 2310	KwaMashu K	552 SQM	T G6551/1989KZ
80	E rf 2311	KwaMashu K	944 SQM	T G1053/1990KZ
81	E rf 2312	KwaMashu K	704 SQM	T G6749/1989KZ
82	E rf 2313	KwaMashu K	412 SQM	T G6725/1989KZ
83	E rf 2314	KwaMashu K	386 SQM	T G6444/1989KZ
84	E rf 2315	KwaMashu K	454 SQM	T G272/1990KZ
85	E rf 2316	KwaMashu K	498 SQM	T G14/1990KZ
86	E rf 2317	KwaMashu K	446 SQM	T G6440/1989KZ





87	E rf 2318	KwaMashu K	770 SQM	T G6563/1989KZ
88	E rf 2319	KwaMashu K	286 SQM	T G6408/1989KZ
89	E rf 2320	KwaMashu K	373 SQM	T G6700/1989KZ
90	E rf 2321	KwaMashu K	312 SQM	T G6539/1989KZ
91	E rf 2322	KwaMashu K	421 SQM	T G6416/1989KZ
92	E rf 2323	KwaMashu K	317 SQM	T G6410/1989KZ
93	E rf 2325	KwaMashu K	317 SQM	T G6751/1989KZ
94	E rf 2326	KwaMashu K	412 SQM	T G3077/1990KZ
95	E rf 2327	KwaMashu K	535 SQM	T G6809/1989KZ
96	E rf 2328	KwaMashu K	384 SQM	T G6801/1989KZ
97	E rf 2329	KwaMashu K	504 SQM	T G6502/1989KZ
98	E rf 2330	KwaMashu K	663 SQM	T G428/1990KZ
99	E rf 2331	KwaMashu K	423 SQM	T G6805/1989KZ
100	E rf 2332	KwaMashu K	349 SQM	T G6804/1989KZ
101	E rf 2333	KwaMashu K		
102	E rf 2334	KwaMashu K	366 SQM	T G6721/1989KZ
103	E rf 2335	KwaMashu K	370 SQM	T G6543/1989KZ
104	E rf 2336	KwaMashu K	314 SQM	T G53/1990KZ
105	E rf 2338	KwaMashu K	380 SQM	T G358/1990KZ
106	E rf 2339	KwaMashu K	415 SQM	T G6748/1989KZ
107	E rf 2340	KwaMashu K	416 SQM	T G6806/1989KZ
108	E rf 2341	KwaMashu K	416 SQM	T G6426/1989KZ
109	E rf 2361	KwaMashu K	609 SQM	T G6810/1989KZ
110	E rf 2363	KwaMashu K	408 SQM	T G58/1990KZ
111	E rf 2364	KwaMashu K	543 SQM	T G356/1990KZ
112	E rf 2371	KwaMashu K	377 SQM	T G269/1989KZ
113	E rf 2372	KwaMashu K	292 SQM	T G6412/1989KZ
114	E rf 2373	KwaMashu K	405 SQM	T G273/1990KZ
115	E rf 2374	KwaMashu K	259 SQM	T G6321/1990KZ
116	E rf 2375	KwaMashu K	549 SQM	T G266/1990KZ
117	E rf 6125	KwaNdengezi A	1141 SQM	T G5047/1987KZ
118	E rf 1914	KwaMashu D	310 SQM	T G1478/1990KZ
119	E rf 1938	KwaMashu D	99 SQM	T G1787/1990KZ
120	E rf 1264	Umlazi L	320 SQM	T G11713/1987KZ
121	E rf 2337	KwaMashu K	534 SQM	T G13035/1990KZ
122	E rf 2342	KwaMashu K	468 SQM	T G359/1990KZ
123	E rf 2343	KwaMashu K	436 SQM	T G6807/1989KZ
124	E rf 2344	KwaMashu K	1513 SQM	T G6808/1989KZ
125	E rf 2345	KwaMashu K	340 SQM	T G6811/1989KZ
126	E rf 2347	KwaMashu K	432 SQM	T G6427/1989KZ





127	E rf 2348	KwaMashu K	569 SQM	T G6442/1989KZ
128	E rf 2349	KwaMashu K	581 SQM	T G6413/1989KZ
129	E rf 2350	KwaMashu K	450 SQM	T G6501/1989KZ
130	E rf 2351	KwaMashu K	514 SQM	T G580/1990KZ
131	E rf 2352	KwaMashu K	576 SQM	T G6638/1989KZ
132	E rf 2353	KwaMashu K	572 SQM	T G6559/1989KZ
133	E rf 2354	KwaMashu K	450 SQM	T G6433/1989KZ
134	E rf 2355	KwaMashu K	398 SQM	T G6795/1989KZ
135	E rf 2356	KwaMashu K	518 SQM	T G6814/1989KZ
136	E rf 2357	KwaMashu K	514 SQM	T G6422/1989KZ
137	E rf 2358	KwaMashu K	398 SQM	T G603/1990KZ
138	E rf 2359	KwaMashu K	433 SQM	T G6667/1989KZ
139	E rf 1433	KwaMashu J	522 SQM	T G237/1991KZ
140	E rf 392	KwaMashu N	424 SQM	T G207/1991KZ
141	E rf 2122	KwaMashu D	7.1623 SQM	T G1791/990KZ

ENQUIRIES can be directed to the Land Assembly Branch on 031- 311 3487/ 031- 311 3433 or to Human Settlements Department, 3rd Floor, Shell House, 221 Anton Lembede Street, Durban.

WRITTEN STATEMENTS detailing any objections should be sent within 30 days of the date of notice to the Municipal Manager, eThekweni Municipality, 1st Floor City Hall, Dr Pixley KaSeme Street, Durban, 4001.

Sibusiso Sithole

Municipal Manager

EThekweni Municipality, 1st Floor City Hall, Dr Pixley KaSeme Street, Durban

