

NOTICE 579 OF 2009

Fred Phaswana, Chairman

TRANSNET



Transnet Limited
Carlton Centre
150 Commissioner Street
Johannesburg
2001

Reference number: NMP 7931

Date: 24/04/09

Helen Zora and Sonya Nada Zenic

67 Boersma Street
Universitas
Bloemfontein
9301

and to:
1104 Philberta Court
42 van der Merwe Street
Hillbrow
2038

("the owner")

BY REGISTERED MAIL
BY SHERIFF
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 16 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

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Registration Number
1930/000900/06

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Directors: FTM Phaswana (Chairman) C F Webb* (Acting Group Chief Executive) Dr I Abedien Prof GK Everingham MSP Gcube MJ Mankson
Dr MD Hlatshway GBC* PG Joubert NMA Matyemza MP Moyo BT Ngwenya NR Ntshingila KC Ramona A Singh* (Acting Chief Financial Officer)
Executive: British

Group Company Secretary: Z. Stephen

www.transnet.net

petroleum products ("the pipeline"), the rights described hereunder in respect of the following land, of which you are the registered owner:

Remaining extent of portion 136 of the farm Olifantsvlei, No 327;
situate in the province of Gauteng; and
held under title deed T105053/1995 (Registration division: IQ)
("the property")

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 600 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 3 000 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;
 - 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 the temporary servitude area is reasonably required by the owner for the purpose 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*