

**OFFICE OF THE
HIGH REPRESENTATIVE**

Emerika Bluma 1, 71000 Sarajevo
Tel: 387 33 283500 Fax: 387 33 283501

7 December, 2001

Mr. Ismet Rahmanovic
Assistant Mayor
Department for Geodetic, Property and Legal Issues
Municipality of Banovici
Tuzla Canton
Federation of Bosnia and Herzegovina
Bosnia and Herzegovina

OHR-RRTF/LA/2001/231

Dear Mr. Rahmanovic,

I refer to your letter of 5 November 2001 requesting a written waiver from the High Representative's Decision of 27 April 2000 that bans the reallocation of state owned property, including former socially-owned property.

In particular, you request this office to allow the Municipality of Banovici to allocate seven plots of land (i.e. 7 locations), registered in the land books as cadastral unit number 1113/237, covering the area of 30 m² to Mr. Mujo Krekic, cadastral unit number 1113/238, covering the area of 30 m² to Mr. Miroslav Pendic, cadastral units number 1113/239 and 113/240, covering the area of 60 m² to the Limited Liability Company "Henkoprom", cadastral unit number 1113/241, covering the area of 30 m² to Mr. Suljic Mustafa and cadastral units number 1113/242 and 1113/287, covering the area of 60 m² to Mr. Ekrem Balkic – all of cadastral municipality of Repnik, for the purpose of constructing business premises.

The land records that you enclose demonstrate that the above mentioned cadastral numbers refer to socially-owned and undeveloped construction land, and that the right of use and of the land disposal rests with the Municipality of Banovici, with no other users registered.

Department for the property and legal issues has announced an advertisement for allocation of the land in question in accordance with the Urban Plan of the Municipality of Banovici. Advertisement has been announced in the newspaper "Dnevni Avaz", in the media RTV Banovici and on the Public Board of the Municipality of Banovici. Based on the Article 30 of the Municipal Decision on the Construction Land on 12 June 2001 the Advertise Commission upon opening bids and based on established criteria, by the Minutes no: UP 11/8-31-832/01 has decided on the best offers and has elected the beneficiaries, mentioned above.

Based on the Articles 47 and 48 of the Law on Construction Land, and on the Article 17 of the Municipal Decision on the Construction Land, the land allocation in question was confirmed by the Municipal Council of Banovici, in its decision number 16-800-220/01 of 4 September 2001.

The Municipal Public Attorney, in his opinion number 13/1-195/2001 of 2 November 2001 also approved the land allocation in question. According to President of the Municipal Court of Banovici, Mr. Abid Mulic's Statement no: SU-274/01, there are no pending complaints or requests before this court regarding the property in question. The beneficiary's request for an urban permit was approved on 31 October 2001.

According to the Municipal Council's Decision of 4 September 2001 the beneficiaries mentioned above are obliged to pay the land allocation compensation and compensation for the land facilities in accordance with the correct price zone for the area in question, each as follows:

Mr. Krekic Mujo for location no 1 is obliged to pay 6,299.00 KM,
Mr. Pendic Miroslav for location no 2 is obliged to pay 6,000.00 KM,
LLC "HENKOPROM" for location no3 are obliged to pay 5,510.00 KM, while for location no 4, they are obliged to pay amount of 5,320.00 KM,
Mr. Suljic Mustafa for location no 5 is obliged to pay 4,950.00 KM, and
Mr. Balkic Ekrem for location no 6 is obliged to pay 6,010.00 KM, while for location no 24, he is obliged to pay amount of 7,010.50 KM.

In light of the information that you have provided, this office authorises the Municipality of Banovici to allocate the aforesaid land for the purpose described above.

To the extent that this waiver is granted on the basis of the validity of the documentation you have provided, this waiver shall itself cease to be valid if a court of competent jurisdiction, under a final and binding decision, brings into question the authenticity or accuracy of this documentation, and/or the information that it contains.

This waiver is also granted on the understanding and condition that the beneficiaries named above, inasmuch as they themselves or their immediate family members are users of abandoned/claimed property, they and/or their immediate family members will, in a period of not more than 150 days from the date of your receipt of this decision, fully vacate this property. In addition, within the period stated, they must provide to your office correct documentary evidence, approved by the relevant housing body, that they themselves and/or immediate family members have fully vacated all such property, and that the property remains in a habitable condition. Inasmuch as these conditions are not met, this waiver ceases to be valid immediately upon the expiry of the period stated.

Sincerely,



Ambassador Peter Bas – Backer
Deputy High Representative for Return and Reconstruction