

**OFFICE OF THE
HIGH REPRESENTATIVE**

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11 November 2002

Mr Markan Zelić
Municipality Mayor
Ljubuški Municipality
Herzegovina-Neretva Canton
Federation of Bosnia and Herzegovina
Bosnia and Herzegovina

OHR-RRTF/LA/2002/598

Dear Mr Zelić,

I refer to your letter of 23 January 2002 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, pursuant to a public bid held on 14 June 2002, you request this office to allow the Municipality of Ljubuški to allocate a plot of land, registered in the land books as cadastral unit 110/1224, called "Lovrec" of undeveloped construction land, covering the area of 1500 m², land record number 152, cadastral municipality of Hardomilje, to Investor Ivan Rupčić from Hardomilje, for the purpose of constructing a residential building.

The land records that you enclose demonstrate that the above mentioned cadastral number refers to undeveloped land, marked as public property with 1/1 share.

Based on Article 47, paragraph 2 of the Law on Construction Land, and Article 103, paragraph 1 of the Statute of Ljubuški Municipality, and pursuant to results of the public bid number 06/6-31-72/01 of 14 June 2001, the Municipal Council of Ljubuški approved the land allocation in question by its Decision number 01/2/-02-137/01 of 17 October 2001, while the Department for construction, spatial planning and housing communal affairs issued the general urban permit for the establishment of site number one for a residential building by its Decision number 05/1-23-404/99 of 29 March 1999. The land allocation in question was also approved by the Municipal Public Attorney, who states in his opinion number M-28/01 of 6 December 2001 that the allocation in question is in accordance with the relevant laws and regulations. The Municipal Court in Ljubuški by its certificate number Su: 276/01 of 18 December 2001 confirmed that there are no legal disputes regarding the land in question.

According to the Municipal Council's Decision of 17 October 2001, the Investor is obliged to pay the land allocation compensation in an amount of 4,520 KM to the Municipality of Ljubuški.

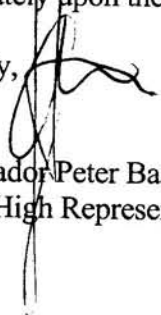
Mr Ivan Rupčić from Hardomilje, will be registered in the land books as the new user of the land in question upon the enforcement of the Municipal Council's Decision.

In light of the information that you have provided, this office authorises the Municipality of Ljubuški 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 beneficiary named above, inasmuch as he himself or his immediate family members are users of abandoned/claimed property, he and/or his immediate family members will, in a period of not more than 60 days from your receipt of this decision, fully vacate this property. In addition, within the period stated, he must provide to your office correct documentary evidence, approved by the relevant housing body, that he himself 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