

**OFFICE OF THE
HIGH REPRESENTATIVE**

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12 November 2002

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

OHR-RRTF/LA/2002/600

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, you request this office to allow the Municipality of Ljubuški to allocate by direct agreement and in accordance with Article 23, paragraph 1, Item 3 of the Decision of the Municipality of Ljubuški on terms and conditions of allocation of socially-owned construction land for constructing permanent structures and subleasing of town construction land for construction of temporary structures, a plot of land, registered in the land books as cadastral unit 355/805, site number 273 called "Novo Naselje" of undeveloped construction land, covering the area of 645 m², recorded in land record number 294, cadastral municipality of Humac, to Investor Ivica Grbavac from Ljubuški, for the purpose of constructing a family house.

The land records that you enclose demonstrate that the above mentioned cadastral number refers to undeveloped land, marked as general 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, the Municipal Council of Ljubuški approved the land allocation in question by its Decision number 01/2-02-114/01 of 31 August 2001, while the Department for construction, spatial planning and housing communal affairs issued the urban permit for the construction of a family house at cadastral unit 355/805. 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 of Ljubuški confirmed by its certificate number Su: 276/01 of 18 December 2001 that there are no legal disputes regarding the land in question.

According to the Municipal Council's Decision of 31 August 2001, the Investor is obliged to pay the land allocation compensation in the amount of 17,415 KM to the Municipality of Ljubuški.

Mr Ivica Grbavac from Ljubuški, 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