

OHR-RRTF/LA/2001/221

Dear Ms. Soldo,

I refer to your letter of 23 October 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 Mostar West to allocate one plot of land, registered in the land books as cadastral unit 2756/6, covering the area of 261 m<sup>2</sup> - cadastral municipality of Mostar, to Mr. Drago Lasic, permanently residing at 91 Rudarska Street, Mostar, for the purpose of legalizing the existing housing and business premises.

The land books records that you enclose demonstrate that the above mentioned cadastral number refers to socially-owned land and that the right of use rests with the Mostar Housing Construction Directorate.

The Municipal Council of Mostar West confirmed the land allocation in question by its decision number 0VZ-I-06-269/01 of 28 September 2001, stating that all the legalization requirements referred to in Article 66 of the Law on Construction Land had been met. The land allocation was also approved by the municipal public attorney, Mr. Stanko Cvitanovic, who stated in his Opinion, number M 31/2001 of 24 October 2001, that the responsible authorities had complied with the relevant laws and regulations and that the land allocation in question had been procedurally correct. The beneficiary's request for an urban permit was approved by the decision of the Municipal Department for Construction, Property, Legal and Housing Issues and Environment, number 02-V-03-25-1-264/01 of 27 August 2000.

In light of the information that you have provided, this office authorizes the Municipality of Mostar West 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 90 days from the date of 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,

A handwritten signature in black ink, appearing to read 'Peter Bas - Backer', written over a light blue rectangular stamp. The signature is somewhat stylized and overlaps the stamp.

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

Općina Mostar Zapad  
Hercegovačko-neretvanska županija  
Federacija Bosne i Hercegovine  
Bosna i Hercegovina

OHR-RRTF/LA/2001/221

Poštovana gospođo Soldo,

Obraćam Vam se u svezi Vašeg pisma od 23. listopada 2001. godine u komu zahtijevate pismeno izuzeće od Odluke Visokoga predstavnika od 27. travnja 2000. godine kojom se zabranjuje dodjela zemljišta u državnom vlasništvu, uključujući imovinu u bivšem društvenom vlasništvu.

Posebito tražite od ovoga ureda da dozvoli općini Mostar Zapad dodjelu jedne zemljišne parcele, uknjižene u zemljišnim knjigama kao katastarska čestica 2756/6, površine 261 m<sup>2</sup> – katastarska općina Mostar, gospodinu Dragi Lasiću, trajno nastanjenomu u ulici Rudarska broj 91, Mostar, u svrhu legaliziranja postojećeg stambeno - poslovnog objekta.

Zemljišnoknjižni izvaci koje dostavljate u prilogu prilažete ukazuju na to da se gore pomenuti katastarski broj odnosi na zemljište u društvenom vlasništvu i da pravo korištenja pripada Direkciji za stambenu gradnju Mostar.

Općinsko vijeće Mostar Zapad potvrdilo je predmetnu dodjelu zemljišta svojom odlukom broj 0VZ-I-06-269/01 od 28. rujna 2001. godine, navodeći da su ispunjeni svi uvjeti za legalizaciju shodno članku 66. Zakona o građevinskom zemljištu. Dodjelu zemljišta je također odobrio općinski javni pravobranitelj, gospodin Stanko Cvitanović, navodeći u svom Mišljenju broj M 31/2001 od 24. listopada 2001. godine da su nadležne vlasti postupile sukladno važećim zakonima i propisima i da je predmetna dodjela zemljišta bila proceduralno točna. Korisnikov zahtjev za izdavanje urbanističke suglasnosti je odobren odlukom općinskog Odjela za gradnju, imovinsko-pravna i stambena pitanja i zaštitu okoliša, broj 02-V-03-25-1-264/01 od 27. kolovoza 2000. godine.

Kako je ovo izuzeće dodijeljeno na osnovu valjanosti dokumentacije koju ste dostavili, ovo izuzeće će samo po sebi prestati važiti ako nadležni sud konačnom i obavezujućom odlukom dovede u pitanje vjerodostojnost ili točnost ove dokumentacije i/ili informacija koje sadrži.

Ovo izuzeće je također dodijeljeno na osnovu shvaćanja i pod uvjetom da će gore imenovani korisnik, ukoliko su on osobno i/ili članovi njegove bliže obitelji korisnici napuštene imovine/imovine za koju je podnijet zahtjev za povrat, on osobno i/ili članovi njegove bliže obitelji, u roku ne dužem od 90 dana od dana Vašeg prijema ove odluke, u potpunosti isprazniti ovu imovinu. Dodatno, u naznačenom roku, on mora dostaviti Vašem uredu točnu dokaznu dokumentaciju, potvrđenu od strane nadležnog stambenog organa, da su on osobno i/ili članovi njegove bliže obitelji u potpunosti ispraznili svu takvu imovinu i da ona ostaje u takvom stanju da je u njoj moguće stanovati. Ukoliko ovi uvjeti nisu ispunjeni, ovo izuzeće će samo po sebi prestati važiti neposredno po proteku naznačenog roka.

S poštovanjem,

Ambasador Peter Bas - Backer  
Zamjenik Visokoga predstavnika za povratak i obnovu