

**OFFICE OF THE
HIGH REPRESENTATIVE**

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14 January 2003

Ms Selvedina Uljić
Mayor
Zavidovici Municipality
Zenica-Doboj Canton
Federation of Bosnia and Herzegovina
Bosnia and Herzegovina

OHR-RRTF/LA/2003/632

Dear Ms Uljić,

I refer to your letter of 18 December 2002 requesting on behalf of the Municipality of Zavidovići 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 Zavidovići to allocate by direct agreement one plot of undeveloped infertile construction land, registered in the cadastral records as cadastral unit 695/7 called "Radnička", covering the area of 147 m², cadastral municipality of Zavidovići, to Investor Momkovic (Salih) Asif for the purpose of constructing a housing premises.

The copy of cadastral records that you enclose demonstrate that the above mentioned cadastral number refers to undeveloped state-owned city land and that the registered right of the use rests with the Municipality of Zavidovići and that there are no other registered users. The Public Communal Company "Radnik" Zavidovići as the previous holder of the registered right of use agreed with the transfer of the land plot in question to the Municipality of Zavidovići without compensation stating for the Minutes of 1 October 2002 that there have been no investments made upon the land in question nor has the possession of the land been a condition for the operations of the PCC "Radnik".

Based on Articles 47 and 48, paragraphs 1 and 3 of the Law on Construction Land, and Articles 6, 12 and 13, paragraph 5 of the Decision on Construction Land, and Article 55, Item 2 of the Zavidovici Municipal Statute, the Municipal Council of Zavidovići approved the land allocation in question by its Decision number 01-31-2731 of 30 October 2002. Further, the Department for geodetic, legal-property affairs and urbanism of the Municipality of Zavidovići issued the urban permit for the proposed construction by its decision number UTU-06-23-5271/02 on 1 October 2002. The land allocation in question was also approved by the Municipal Public Attorney, Mr Bahrija Muminović who states in his opinion number R: 71/02 of 12 December 2002 that the proposed land allocation is in

accordance with all the relevant laws and regulations. According to the Municipal Council's Decision on construction land Article 13. Paragraph 5, the Investor is exempted from payment of the land allocation compensation and the compensation for the land facilities (rent).

Mr Momkovic Asif, son of Salih from Zavidovici 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 Zavidovići 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