

**OFFICE OF THE
HIGH REPRESENTATIVE**

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

13 November 2002

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/2002/603

Dear Mr. Rahmanovic,

I refer to your letter of 10 April 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 Banovici to allocate two plots of land, registered in the land books as cadastral unit number 1001/56, covering the area of 1020 m² to Mr. Emsad Lacic – cadastral municipality of Banovici Selo and cadastral unit number 310/4, covering the area of 715 m² to Ms. Azra Turic - cadastral municipality of Podgorje, for the purpose of housing construction.

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 the land disposal rests with the Municipality of Banovici, with no users registered.

Based on Article 47 of the Law on Construction Land and on Article 16 of the Municipal Decision on Construction Land of 9 April 1997, the Municipal Council of Banovici approved the land allocation in question by its Decision No: 16-800-140/01 of 23 April 2001. The Municipal Public Attorney, Mr. Rajif Delic, also approved the land allocation in question by his opinion number 13/1-75/2001 of 9 May 2001, where he states that the municipal authorities of Banovici have complied with all relevant laws and regulations. The beneficiary's request for an urban permit was approved on 31 October 2002.

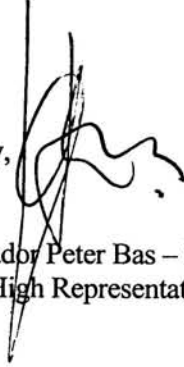
Based on the Municipal Decision on Construction land and according to the Municipal Council's Decision of 23 April 2001, Mr. Emsad Lacic is obliged to pay the compensation for the land allocation of 2,448.00 KM, and Ms. Azra Turic is obliged to pay the compensation for the land allocation in the amount of 1,716.00 KM. In addition, the beneficiaries are also obliged to pay compensation for the land facilities (rent), in amount of 400.00 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 60 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,

A handwritten signature in black ink, appearing to be 'Peter Bas - Backer', written over a vertical line.

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

**OFFICE OF THE
HIGH REPRESENTATIVE**

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

13. novembar, 2002

G. Ismet Rahmanović
Pomoćnik načelnika
Odsjek za geodetske i imovinsko-pravne poslove
Općina Banovići
Tuzlanski kanton
Federacija Bosne i Hercegovine
Bosna i Hercegovina

OHR-RRTF/LA/2002/603

Cijenjeni g. Rahmanoviću,

Obraćam Vam se u vezi sa Vašim pismom od 10. aprila 2002. godine u kome tražite pismeno izuzeće od Odluke Visokog predstavnika od 27. aprila 2000. g. kojom se zabranjuje dodjela imovine u državnom vlasništvu, uključujući imovinu u bivšem društvenom vlasništvu.

Konkretno, tražite od ovog ureda da dozvoli Općini Banovići da dodijeli dvije zemljišne parcele, uknjižene u ZK izvatku kao k.č. broj 1001/56 površine 1020 m² – katastarska općina Banovići Selo, g. Emsadu Lačiću i k.č. broj 310/4 površine 715 m² – katastarska općina Podgorje, gđi Azri Turić u svrhu stambene izgradnje.

Zemljišno knjižni izvaci koje prilažete ukazuju da se navedene katastarske čestice odnose na neizgrađeno građevinsko zemljište u društvenom vlasništvu te da je nosilac prava raspolaganja Općina Banovići i da nema uknjiženih korisnika.

Na osnovu člana 47 Zakona o građevinskom zemljištu i Člana 16 Općinske odluke o građevinskom zemljištu od 9. aprila 1997. g., Općinsko vijeće Općine Banovići je svojim rješenjem broj 16-800-140/01 od 23. aprila 2001. g. odobrilo dodjelu predmetnog zemljišta. Dodjelu je odobrio i općinski javni pravobranilac, g. Rajif Delić svojim pismom broj 13/1-75/2001 od 9. maja 2001. g., u kojem stoji da su nadležni organi ispoštovali relevantne zakone i odredbe. Zahtjev korisnika za izdavanje urbanističke dozvole je odobren 31. oktobra 2002. g.

Na osnovu Rješenja Općinskog vijeća od 23. aprila 2002. g., gospodin Emsad Lačić je obavezan platiti naknadu za zemljište u iznosu od 2.448,00 KM, a gđa Azra Turić je obavezna platiti naknadu za zemljište u iznosu od 1.716,00 KM. Pored toga, korisnici su takođe obavezni platiti i naknadu za zemljišne pogodnosti (rentu) u iznosu od 400,00 KM.

U svjetlu informacija koje ste dostavili, ovaj Ured ovlašćuje Općinu Banovići da dodijeli ranije pomenuto zemljište u gore opisanu svrhu.

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

Ovo izuzeće se takođe dodjeljuje pod pretpostavkom i uslovom da gore imenovani korisnik, ako su on lično ili članovi njegove najuže porodice korisnici napuštene/potraživane imovine, on i/ili članovi njegove najuže porodice će, u roku ne dužem od 60 dana od datuma Vašeg prijema ove odluke, potpuno napustiti ovu imovinu. Pored toga, u navedenom roku, on mora dostaviti Vašem uredu tačnu dokaznu dokumentaciju, koju je odobrio nadležni stambeni organ, da su on lično i/ili članovi njegove najuže porodice potpuno napustili svu takvu imovinu, te da imovina ostaje u useljivom stanju. Ako ovi uslovi nisu ispunjeni, ovo izuzeće prestaje važiti neposredno po isteku navedenog roka.

S poštovanjem,

(potpisao)

Ambasador Peter Bas - Backer

Zamjenik Visokog predstavnika za povratak i rekonstrukciju