

**OFFICE OF THE
HIGH REPRESENTATIVE**

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

24 October 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/2002/585

Dear Mr. Rahmanovic,

I refer to your letter of 30 May 2002 requesting a written waiver of 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 one plot of land, registered in the land books as cadastral unit number 528/21, covering the area of 300 m² - cadastral municipality of Grivice, to Mr. Husein Sehic, for the purpose of housing construction.

The land records that you enclose demonstrate that the above mentioned cadastral number refers to socially-owned and undeveloped construction land, with the right of use on the Coal Mine Banovici. According to his statement of 30 September 2002, the Director of the Coal Mine, Mr. Kadrija Modric states that the registered user agrees with the land allocation in question.

Based on Article 47 of the Law on Construction Land the land allocation in question was confirmed by the Municipal Council of Banovici, in its decision number 16-02-332/02 of 30 April 2002. It was also approved by the Municipal Public Attorney in his letter number: 13/1-79/02-2 of 10 May 2002, where he states that the responsible authorities have complied with the relevant laws and regulations and that the land allocation in question has been procedurally correct. The beneficiary's request for an urban permit was approved on 6 May 2002.

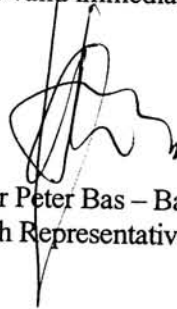
According to the Municipal Council's Decision of 30 April 2002, the beneficiary Mr. Sehic is obliged to pay the land allocation compensation of 2,160.00 KM and the compensation for the land facilities (rent) in amount of 2,940.00 KM.

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 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 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 be 'Peter Bas - Backer', written over a vertical line that extends from the signature down to the typed name below.

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

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24. oktobar 2002. g.

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/2002/585

Cijenjeni g. Rahmanoviću,

Obraćam Vam se u vezi sa Vašim pismom od 30. maja 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 g. Huseinu Šehiću dodijeli zemljišnu parcelu, uknjiženu u ZK izvatku kao k.č. broj 528/21 površine 300 m² – Katastarska Općina Grivice, u svrhu izgradnje stambenog objekta.

Zemljišno knjižni izvaci koje prilažete ukazuju da se navedena katastarska čestica odnosi na neizgrađeno građevinsko zemljište u društvenom vlasništvu te da je nosilac prava korištenja Rudnik uglja Banovići. U izjavi gospodina Kadrije Modrića, direktora Rudnika uglja, od 30. septembra 2002. g. stoji da se uknjiženi korisnici slažu sa predmetnom dodjelom.

Na osnovu člana 47 Zakona o građevinskom zemljištu Općinsko vijeće Općine Banovići je svojim rješenjem broj 16-02-332/02 od 30. aprila 2002. g. potvrdilo dodjelu predmetnog zemljišta. Dodjelu je odobrio i općinski javni pravobranilac svojim pismom broj 13/1-79/02-7 od 10. maja 2002. g., u kojem stoji da su nadležni organi ispoštovali relevantne zakone i odredbe, te da je predmetna dodjela zemljišta proceduralno ispravna. Zahtjev korisnika za izdavanje urbanističke dozvole je odobren 6. maja 2002. g.

Na osnovu Rješenja Općinskog vijeća od 30. aprila 2002. g., korisnik gospodin Šehić je obavezan platiti naknadu za zemljište u iznosu od 2.160,00 KM kao i naknadu za zemljišne pogodnosti (rentu) u iznosu od 2.940,00 KM.

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