

**OFFICE OF THE
HIGH REPRESENTATIVE**

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14 November, 2002

Mr. Zoran Sopta
Assistant Mayor
Municipality of Mostar SW
Herzegovina-Neretva Canton
Federation of Bosnia and Herzegovina
Bosnia and Herzegovina

OHR-RRTF/LA/2002/606

Dear Mr. Sopta,

I refer to your letter of 25 June 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 Mostar SW to allocate one plot of land, registered in the land books as cadastral unit number 460/61 (parcelled of 460/2), covering the area of 109 m² – cadastral municipality of Mostar, to Mr. Miro Alilovic for establishing the permanent right of use for the purpose of legalizing the existing business premises.

The land records that you enclose demonstrate that the above mentioned cadastral number refers to socially-owned construction land and that the right to use the land in question rests with the Company for managing housing premises "Dom". According to your letter of 6 November 2002, although the Company "Dom" was registered as the user of the land in question, they lost the right of use upon the finalisation of the housing construction works as the Company with the only purpose of managing the housing premises. In addition, and based on the Deputy Municipal Public Attorney's letter of 28 February 2002, you state that the Company "Urbing" is formally legal successor of the Company "Dom" but that the only user of the land in question is the Municipality of Mostar SW.

Based on the Article 66 of the Law on Construction Land the land allocation in question was confirmed by the Municipal Council of Mostar SW, in its decision number OV-01-264/2002 of 12 June 2002, and approved by the Deputy Municipal Public Attorney, Ms. Nina Culanic, in her opinion number: M 49/02 of 22 May 2002, who states that the land allocation in question is in accordance with the relevant laws and regulations. The beneficiary's request for an urban permit was approved on 3 April 2002.

According to the Municipal Council's Decision of 12 June 2002, Mr. Alilovic is obliged to pay the land allocation compensation of 3,270.00KM and the compensation for the land facilities (rent) in amount of 15,066.00 KM.

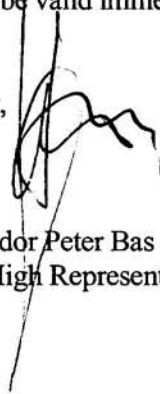
In light of the information that you have provided, this office authorises the Municipality of Mostar SW to allocate the aforesaid land for the purpose described above.

This waiver is granted under the following understandings and conditions:

- 1) The documentation you have provided is authentic and accurate. Such will not be the case 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.
- 2) If the above mentioned registered user/its legal successor approach the Municipality with the relevant claims requesting their property rights, the Municipality of Mostar SW shall act in accordance with the Law on Construction Land respecting property users rights.

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,



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