

OHR-RRTF/LA/2002/593

Dear Mr. Balalic,

I refer to your letter No: M 66/01 of 27 March 2001 in which you approve and on behalf of the Municipality of Mostar Stari grad, request 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 Stari grad to allocate two land plots, registered in the land books as cadastral units 2349/2, covering the area of 198 m<sup>2</sup> and 2349/3, covering the area of 69 m<sup>2</sup> cadastral municipality of Mostar (Mostar I), to Mr. Smajo Santic for the purpose of constructing housing and business premises.

The enclosed land records demonstrate that the above mentioned cadastral number refers to socially-owned and undeveloped construction land and that the right of the land disposal and right of use rests with the Municipality of Mostar.

Based on Article 47 of the Law on Construction Land the Municipal Council of Mostar Stari grad approved the land allocation in question by its Decision number 01-02-269/01 of 2 April 2001, while the Mostar Department for Housing issues, reconstruction and building gave the urban permit for the proposed construction by its Decision number 06-23-785/2000 of 20 March 2000. The land allocation in question was also approved by the Municipal Public Attorney, Mr. Asim Balalic who states in his letters number M 66/01 of 27 March 2001 and of 1 November 2002 that there are no legal obstacles to the issuance of the requested waiver of the High Representative's Decision of 27 April 2000.

According to the Municipal Council's Decision of 2 April 2001 and based on Article 35 paragraph 2. of Decision on the conditions for and manners of construction land of the Municipal Council of Mostar "Stari grad" Mr. Smajo Santic is not obliged to pay land allocation compensation. Further, based on Article 35 paragraph 2 and Article 35a of Decision on the conditions for and manners of construction land (*"Official Gazette of the Municipality -Mostar "Stari grad", No: 1/99 and 5/99*) Mr. Smajo Santic is obliged to pay land allocation compensation for the land facilities (rent) of 5,562.00 KM.

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 blue ink, appearing to read 'Peter Bas-Backer', written over a vertical line that runs through the signature.

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

OHR-RRTF/LA/2002/593

Poštovani gospodine Balalić,

Obraćam Vam se u vezi sa pismom Br: M 66/01 od 27. marta 2001. g. u kome odobravate i u ime Općine Mostar Stari Grad zahtijevate pismeno izuzeće od Odluke Visokog predstavnika od 27. aprila 2000. godine kojom se zabranjuje dodjela imovine u državnom vlasništvu, uključujući imovinu u bivšem društvenom vlasništvu.

Posebno tražite od ovog ureda da dozvoli Općini Mostar Stari Grad da dodijeli dvije zemljišne parcele, uknjižene u zemljišnim knjigama kao katastarska čestica 2349/2, površine 198 m<sup>2</sup> i katastarska čestica 2349/3 površine 69 m<sup>2</sup> – katastarska općina Mostar, (Mostar I), gospodinu Smaji Šantiću, u svrhu izgradnje stambenoposlovnog objekta.

Zemljišno knjižni izvaci koje prilažete ukazuju na to da se gore navedeni katastarski broj odnosi na neizgrađeno građevinsko zemljište u društvenom vlasništvu i da pravo raspolaganja i pravo korištenja pripada Općini Mostar.

Na osnovu člana 47 Zakona o građevinskom zemljištu, Općinsko vijeće Mostar Stari Grad odobrilo je predmetnu dodjelu zemljišta svojim rješenjem broj 01-02-269/01 od 2. aprila 2001. g., dok je Odjeljenje za stambena pitanja, obnovu i gradnju Mostar dalo urbanističku dozvolu za predloženu gradnju svojom Odlukom broj 06-23-785/00 od 20. marta 2000. g. Predmetnu dodjelu zemljišta je također odobrio i općinski javni pravobranitelj, gospodin Asim Balalić, koji navodi u svojim pismima broj M 66/01 od 27. marta 2001. g. i od 1. novembra 2002, da nema pravnih zapreka izdavanju zahtijevanog izuzeća od Odluke Visokog predstavnika od 27. aprila 2000. g.

Prema Rješenju Općinskog vijeća od 2. aprila 2001. g. i na osnovu Člana 35 stav 2 općinske Odluke o uvjetima i načinima dodjele građevinskog zemljišta Općinskog vijeća Mostar "Stari Grad", gospodin Smajo Šantić nije obavezan platiti naknadu za dodjelu zemljišta, dok je na osnovu Člana 35 stav 2 i Člana 35a Odluke o uvjetima i načinima dodjele građevinskog zemljišta (Službeni list Skupštine grada Mostara "Stari Grad" Br: 1/99 i Br: 5/99), obavezan platiti naknadu za rentu u iznosu od 5.562,00 KM.

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