

**OFFICE OF THE
HIGH REPRESENTATIVE**

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

15 January, 2002

Mr. Mersudin Kozo
Mayor
Municipality of Gorazde
Bosnia-Podrinje Canton
Federation of Bosnia and Herzegovina

OHR-RRTF/LA/2002/279

Dear Mayor Kozo,

I refer to your letter No: 06/IV-31-511/00 of 11 December 2000 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 Gorazde to allocate one plot of land, registered in the land books as cadastral unit: number 706/1, covering the area of 100 m², cadastar municipality of Gorazde to the Public Company "ELEKTROPRIVREDA" for constructing Electric Power Station for the purpose of providing electricity for "SOS-Kinderdofinternacionale".

The cadastar records that you enclose demonstrate that the above mentioned cadastral number 706/1, refers to socially-owned land and that the right of disposal and the right of use rests with the Municipality of Gorazde, with no other users registered.

According to the Statement of the Municipal Court of Gorazde of 29 November 2000, there are no claims or requests, before this court, for the land in question.

Based on Articles 6., 47 and 48 of the Law on construction land, the land allocation in question was confirmed by the Municipal Council of Gorazde Decision number 01-23-952/00 of 17 October 2000. It was also approved by the municipal public attorney, Mr. Hamso Lakovic, who states in his Opinion, number M 08-5/01 of 3 May 2001, that the responsible authorities have complied with the relevant laws and regulations and that the land allocation in question has been procedurally correct. The beneficiaries' request for an urban permit was approved on 29 September 2000.

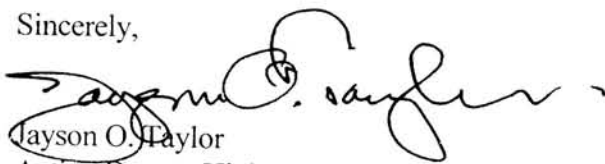
According to the Municipal Council's Decision of 17 October 2000, and based on the Decision on the conditions of establishing the compensation for the construction land of the Municipality of Gorazde (Official Gazette BPK-a Gorazde 9/99) the Investor named

above is obliged to pay the land allocation compensation and compensation for the land facilities (rent), in amount of 1,744.00 KM.

In light of the information that you have provided, this office authorizes the Municipality of Gorazde 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Jayson O. Taylor", with a stylized flourish at the end.

Jayson O. Taylor
Acting Deputy High Representative for Return
Deputy Head of Department
Reconstruction and Return Task Force

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-radni prijevod-

15 January, 2002

Gosp. Mersudin Kozo
Načelnik općine
Općina Goražde
Bosansko-podrinjski kanton
Federacija Bosne i Hercegovine

OHR-RRTF/LA/2002/279

Poštovani načelnice Kozo,

Obraćam Vam se u vezi sa pismom Br: 06/IV-31-511/00 od 11 decembra 2000 u kome zahtijevate pismeno izuzeće od Odluke Visokog predstavnika od 27 aprila 2000 kojom se zabranjuje dodjela imovine u državnom vlasništvu, uključujući imovinu u bivšem društvenom vlasništvu.

Konkretno, tražite od ovog Ureda da dozvoli Općini Goražde dodjelu jedne zemljišne parcele uknjižene u zemljišnim knjigama kao katastarska čestica: broj 706/1, površine 100 m², katastarska općina Goražde - Javnom preduzeću "ELEKTROPRIVREDA" radi gradnje električne trafo stanice za dovod struje objektu "SOS-Kinderdofinternacionale".

Katastarski izvodi koje prilažete ukazuju da se gore pomenuti katastarski broj 706/1, odnosi na zemljište u društvenom vlasništvu i da pravo raspolaganja i pravo korištenja pripada Općini Goražde, bez drugih uknjiženih korisnika.

Prema Izjavi Općinskog suda Goražde od 29 novembra 2000, nema zahtjeva za predmetno zemljište pred ovim sudom.

Na osnovu članova 6, 47 i 48 Zakona o građevinskom zemljištu, predmetna dodjela zemljišta je potvrđena Odlukom Općinskog vijeća Goražde broj 01-23-952/00 od 17 oktobra 2000. Također ju je potvrdio i općinski javni pravobranitelj, gospodin Hamšo Laković, koji navodi u svom Mišljenju broj M 08-5/01 od 3 maja 2001, da su nadležne vlasti postupile u skladu sa važećim zakonima i propisima, te da je predmetna dodjela zemljišta bila proceduralno tačna. Korisnikov zahtjev za izdavanje urbanističke dozvole je odobren 29 septembra 2000.

Prema Odluci Općinskog vijeća od 17 oktobra 2000 i na osnovu Odluke o načinima utvrđivanja naknade za građevinsko zemljište Općine Goražde (Službeni list BPK-a Goražde 9/99), gore imenovani Investitor je obavezan platiti naknadu za dodjelu zemljišta i naknadu za rentu u iznosu od 1,744.00 KM.

U svjetlu informacija koje ste dostavili, ovaj Ured ovlašćuje Općinu Goražde 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 ukoliko nadležni sud konačnom i obavezujućom odlukom dovede u pitanje vjerodostojnost ili tačnost ove dokumentacije i/ili informacija koje ona sadrži.

S poštovanjem,

Jayson O. Taylor
Vršitelj dužnosti Zamjenika Visokog predstavnika za povratak
Zamjenik šefa odjela
Radna grupa za povratak i obnovu