

**OFFICE OF THE
HIGH REPRESENTATIVE**

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5 August, 2002

Mr. Rados Grgo
Assistant Mayor
Department for property –legal issues
Municipality of Tomislavgrad
Canton 10

OHR-RRTF/LA/2002/526

Dear Mr. Grgo

I refer to your letter of 31 July 2002 in which you on behalf of the Municipality of Tomislavgrad, 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 Tomislavgrad to allocate one land plot, registered in the land books as cadastral unit 9/95 parcelled of 9/1 (new land survey 35/1), covering the are of 1,505 m² – cadastral municipality of Stipanici to Mr. Ljupko Juric, for the purpose of constructing business premises.

The land records that you enclose demonstrate that the above mentioned cadastral number refers to socially-owned land, and that the right of use rests with the Municipality of Tomislavgrad.

According to the enclosed document the land allocation in question was advertised on the Radio Tomislavgrad on 14 October 1997. According to the Minutes of the Municipal Commission of 30 October 1997, as Mr. Juric was the only bidder and as he fulfilled all relevant advertised conditions, his offer for the land in question was accepted.

Based on articles 76 and 78 of the Law on Construction Land, the Municipal Council of Tomislavgrad approved the land allocation in question by its Decision number 01-12-1/103/97 of 18 December 1997. The beneficiary's request for an urban permit was approved on 23 February 1998. The land allocation in question was also approved by the Cantonal Public Attorney, Ms. Sofija Vrdoljak who states in her letter number M 58/02 of 9 July 2002 that there are no legal obstacles to the issuance of the requested waiver from the High Representative's Decision of 27 April 2000.

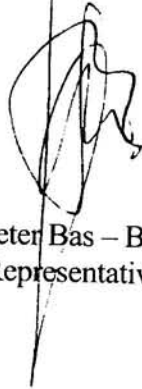
According to the Municipal Council's Decision of 18 December 1997, the beneficiary is obliged to pay the compensation for the land allocation in amount of 6,321.00 DM. On the other hand, your Certificate number 06-475.176/97 of 6 August 2002 states that the beneficiary is released from paying the land facilities compensation (rent) and clarifies that

this decision is based on Article 8 of the Law on Construction Land and that it results from the fact that there is no increased value of public funds that are to be invested in the land in question in order to use it for construction purposes.

In light of the information that you have provided, this office authorises the Municipality of Tomislavgrad 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 be 'Peter Bas - Backer', written over a vertical line that extends from the text below.

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