09 January 2003

Mr Jasmin Imamovic
Mayor
Tuzla Municipality
Canton Tuzla
Federation of Bosnia and Herzegovina
Bosnia and Herzegovina

OHR-RRTF/LA/2003/628

Dear Mr Imamovic,

I refer to your letter of 14 August 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 Tuzla to allocate, by direct agreement with compensation, one plot of socially-owned land, registered in the land books as cadastral unit 4/1300, as undeveloped city construction land, covering the area of 113 m^2, land record number 3462, cadastral municipality of Tuzla, to the Investor Kravić Semir from Tuzla, for the purpose of constructing business premises.

The land records that you enclose demonstrate that the above mentioned cadastral number covering the area of 113 m^2, registered in the land books as cadastral unit 4/1300 (corresponding to 37/2 of the new land survey) refers to undeveloped socially-owned city construction land and that the right of the land disposal rests with the Municipality of Tuzla.

Based on Articles 47 and 48 of the Law on Construction Land, and in connection with Article 6 paragraph 2 item 2 of the Decision on the conditions for and manners of the construction land allocation, and on Article 26 of the Statute of the Municipality of Tuzla, the Municipal Council of Tuzla approved the land allocation in question by its Decision number 01/07-31-1558 of 27 June 2002. Regarding the conditions proscribed by Article 6, paragraph 2, item 2 of Decision on the conditions for and manners of construction land allocation, you enclosed copies of: the Decision on expropriation number 3/48-9 of 19 March 1951, the decision number 11/51-1 of 11 September 1953 and the Contract on regulation of mutual relations number 010-3462 of 16 August 1977.

The land allocation in question was also approved by the Cantonal Public Attorney, who states in his letter number M-09/02 of 17 July 2002 that there are no legal impediments to the proposed allocation of undeveloped socially owned city construction land. The Department for spatial planning, and environment of Tuzla Municipality issued the urban permit for the proposed construction of business premises by its Decision number 06-23-005694-2001-SB of 4 February 2002.
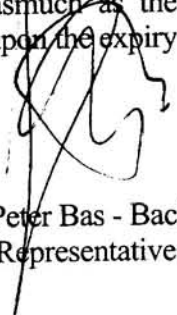
According to the Article 2 of the Municipal Council's Decision of 27 February 2002, the Investor is obliged to pay the land allocation compensation of 2,870.20 KM and the compensation for the land facilities (rent) in amount of 12,660.48 KM

In light of the information that you have provided, this office authorises the Municipality of Tuzla 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 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 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