

**OFFICE OF THE
HIGH REPRESENTATIVE**

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30 January 2003

Mr Atif Džafo
Speaker of the Municipal Council Vogošća
Municipal Council Vogošća
Canton Sarajevo
Federation of Bosnia and Herzegovina
Bosnia and Herzegovina

OHR-RRTF/LA/2003/645

Dear Mr Džafo,

I refer to your letter of 13 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 Vogošća to allocate one plot of undeveloped construction land, registered in the land books as cadastral unit 1678/6 called "plamudze" covering the area of 683 m², land record number 1172, cadastral municipality of Gornja Vogošća, to the Investor Limited Liability Company "Autohladnjak Gabelic" for the purpose of extension of the existing business premises.

The land books records that you enclose demonstrate that the above mentioned cadastral number refers to undeveloped socially-owned town construction land and that the right of the land use rests with the Municipality of Vogošća, with no other users registered.

Based on Article 47 of the Law on Construction Land, Article 13 Item 5 of the Decision on Construction Land and Article 67 of the Statute of the Municipality of Vogošća, the Municipal Council of Vogošća approved the land allocation in question by its Decision number 01-31-3715/01 of 27 December 2001, while the Department for urbanism, spatial planning, communal affairs and construction of Vogošća Municipality issued the urban permit for the proposed extension by its Decision number 05-23-2118/01 of 1 August 2001. The land allocation in question was also approved by the Municipal Public Attorney, Mr. Adem Sjenar, who states in his legal opinion number 10-08-9 of 24 January 2002 that the allocation in question is in accordance with the relevant laws and regulations.

The compensation for the proposed allocation of construction land in the amount of 21,254.11 KM was determined by the special Contract on compensation for the allocated construction land number 02-23-249/02 of 1 February 2002 on the basis of Article 4 of the Decision on land allocation.

LLC "Autohladnjak Gabelic" from Vogošća will be registered in the land books as the new user of the land in question upon the enforcement of the Municipal Council's Decision.

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

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,

A handwritten signature in black ink, appearing to read "Peter Bas - Backer". The signature is written in a cursive style with some loops and a small flourish at the end.

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