

**OFFICE OF THE
HIGH REPRESENTATIVE**

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25 February 2003

Mr. Budimir Dragoljub
Assistant Mayor
Municipality of Vogošća
Canton Sarajevo
Federation of Bosnia and Herzegovina
Bosnia and Herzegovina

OHR-RRTF/LA/2003/670

Dear Mr Budimir,

I refer to your letter of 21 January 2003 requesting on behalf of the Municipality of Vogošća 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 by direct agreement one plot of land, registered in the land books as cadastral unit 35/743, called "strana" of undeveloped city construction land, covering the area of 755 m², land record number 3280, cadastral municipality of Koševo, to Investor Kremo Anela from Vogošća, for the purpose of construction of the housing premises.

The land records that you enclose demonstrate that the above mentioned cadastral number refers to undeveloped state-owned city land and that the right of the land use rests with the total of seven persons registered in the land books records. The previous holders of the right to land use agreed with the land allocation to Ms. Kremo Anela in their statement for the Minutes of the public hearing number 06-31-710/02 of 31 October 2002. They also renounced their rights to pecuniary compensation.

Based on Articles 47 and 48 of the Law on Construction Land, the Municipal Council of Vogošća approved the land allocation in question by its Decision number 01-31-710/02 of 28 November 2002, while the Department for Urbanism, Spatial Planning, Communal Affairs and Construction of Vogošća Municipality issued the urban permit for the proposed construction by its Decision number 05-23-1147/01 of 24 October 2001. The Municipal Public Attorney, Mr. Adem Sjenar, who states in his letter number 10-08-205/02 of 25 December 2002 that the allocation in question is in accordance with the relevant laws and regulations, also approved the land allocation in question.

According to the Municipal Council's Decision of 28 November 2002, and Article 14, paragraph 1, Item 1 of the Decision on conditions, manners and criteria for allocation of undeveloped city construction land for use and construction, the land was allocated by

direct agreement and the Investor is exempted from payment of rent of up to 200 m² of net construction surface. The rent for the remainder of surface shall be determined in a subsequent procedure if the Investor submits the project design that anticipates that useful surface will exceed 200 m².

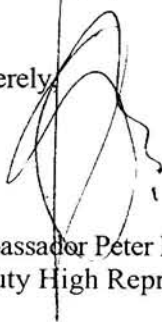
Ms Kremo Anela, daughter of Nezir from Vogošća, will be registered in the land books as the new user of the land in question upon the enforcement of the Municipal Council's Decision.

In the 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,



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