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David Borman & Badenhorst Inc
1st Floor
9 Church Square
Cape Town
8001

Prepared by me

FEE
R. EXEMPT

Shandy
CONVEYANCER
STRONG, T N

DATA / CAPTURE
14 JUL 2009
MARGARETHA ELIZABETH

T 026558/09

DEED OF TRANSFER

BY VIRTUE OF SECTION 31 OF THE DEEDS REGISTRIES ACT (NO. 47 OF 1937)

KNOW ALL MEN WHOM IT MAY CONCERN :

THAT WHEREAS the undermentioned land has vested in the CITY OF CAPE TOWN in terms of Section 28 of the Land Use Planning Ordinance No. 15 of 1985, which land is at present registered in the Deeds Registry at CAPE TOWN in the names of :-

THE MILNERTON ESTATES LIMITED
Registration Number 1897/000196/06

Under Certificate of Registered Title No. T3073/2009;


DATA / VERIFY
15 JUL 2009
TALJAART DEBRA

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T 26558/09.

BY VIRTUE OF THE HOLDER OF
SERVITUDE IN CONDITION D ON PAGE
HEREOF NOW ALSO HAVING ACQUIRED THE
WITHIN MENTIONED PROPERTY THE SAID
SERVITUDE LAPSES BY MERGER

DEEDS OFFICE
CAPE TOWN
10 JUN 2009


REGISTRAR OF DEEDS

For Information Only

AND WHEREAS a Certificate has been furnished to me in terms of Section 31(4)(a) of Act No. 47 of 1937 by the Transferee to the effect that the provisions of any law in connection with the change of ownership in the land in consequence of vesting have been complied with;

NOW THEREFORE, by virtue of the authority vested in me by the said Act, I, the Registrar of Deeds at Cape Town, do, by these present, cede and transfer in full and free property to and in favour of the

THE CITY OF CAPE TOWN

Or its Assigns :

ERF 3989 PARKLANDS (PUBLIC PLACE) situate in the City of Cape Town, Cape Division, Western Cape Province

IN EXTENT : 2,9002 (TWO COMMA NINE ZERO ZERO TWO) HECTARES

AS WILL APPEAR from General Plan S.G. No 4972/2008 and HELD BY Certificate of Registered Title No T3073/2009.

- A. **SUBJECT** to such conditions as are referred to in Deed of Transfer No. T.372 dated 24th April 1890.
- B. **SUBJECT FURTHER** to the terms of the endorsement dated 27th June 1986 on Deed of Transfer No. T.11380/1960, reading as follows:-
"Remainder

By Certificate of Registered Title No. T.24715/86, the Remainder of the within property is **SUBJECT** to the following special conditions imposed by the Administrator of the Province of the Cape of Good Hope in terms of Section 9 of Ordinance No. 33 of 1934:-

- (a) The owner of this erf shall without compensation, be obliged to allow gas mains, electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage including stormwater of

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any other erf or erven to be conveyed across this erf, and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon if deemed necessary by the Local Authority in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

- (b) The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the Local Authority.

As will more fully appear from the said Certificate of Registered Title."

~~34~~ C.

SUBJECT FURTHER to the following conditions imposed by the City of Cape Town in favour of The Milnerton Estates Limited [Registration No. 1897/000196/06 ["the Transferor"], as a condition of sub-division in terms of Section 42[1] of Ordinance 15 of 1985:

1. The Transferee or its successor/s in title shall utilize erf 3989 Parklands exclusively for Conservation and Public Recreation Use purposes.
2. Should any portion of the within property become subject to a process to change the abovementioned usage, or, should the Transferee or its successor/s in title cease to utilize the property, or any portion of the within property, exclusively for Conservation and Public Recreation Use purposes, ownership of the within property shall immediately revert to the Transferor, at the discretion of the Transferor.

- D. **SUBJECT FURTHER** to a Water Pipeline Servitude 7,00 [seven] metres wide, the northern boundary of which is depicted by the line a b on General Plan 4972/2008 imposed by the City of Cape Town, in favour of the City of Cape Town, as a condition of subdivision in terms of Ordinance 15/1985, (which servitude is also indicated on Diagram 8429/1988).

②

WHEREFORE THE MILNERTON ESTATES LIMITED are entirely dispossessed of and disentitled to the said land and that by virtue of the said vesting the said

THE CITY OF CAPE TOWN

Or its Assigns, now is and hereafter shall be entitled thereto conformably to local custom, the State, however reserving it rights;

IN WITNESS WHEREOF, I the said Registrar, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

Thus done and executed at the Office of the Registrar of Deeds at Cape Town on 10 JUNE 2009

In my presence



REGISTRAR OF DEEDS

VA 000000756/2013

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T 26558 / 2009

Certified a true copy of the duplicate original filed of record in this Registry, issued to serve in place of the original thereof under the provisions of Deeds Regulation No. 68

Deeds Registry
Cape Town

Asst. Registrar of Deeds

For Information Only

VIR ENDOSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE

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Endorsement


By virtue of Notarial Agreement No
K 000000387 / 2018 S, dated 14th June 2016, the
within mentioned property has been declared a
Nature Reserve in terms of section 23(3) of The
National Environment Management: Protected
Areas Act No 57/2003, with ancillary rights.

As will more fully appear from said Notarial
Deed.

08 MAY 2018

Deeds Registry

Cape Town


Registrar of Deeds