

APPLICATION TO ESTABLISH A TELEPHONE EQUIPMENT ROOM FOR NAMIBIA POST AND TELECOM HOLDINGS LTD. IN EXTENSION 11, SWAKOPMUND

During August 2004 an application was received from Namibia Post and Telecom Holdings Ltd and submitted to Council who on 29 September 2004 resolved:

- (a) That a public open space measuring 200m x 200m, 40 000m², in extent be created on the site as indicated on Annexure "D" on file.***
- (b) That Namibia Post and Telecom Holdings Ltd be informed that Council is not in favour of selling the property at this stage.***
- (c) That a lease of 9 years and 11 months be entered into with Namibia Post and Telecom Holdings Ltd in respect of a site measuring 30m x 35m, 1 050m² in extent, on a portion of the public open space.***
- (d) That the exact area be determined on site by the Town Engineer's Department.***
- (e) That a rental fee of N\$5.00/m² + VAT (1 050m² x N\$5.00/m² per month = N\$5 250.00 + 15% VAT = N\$6 037.50), with an escalation of 10% per annum on 1 July every year be applicable; and further subject to the following conditions:***
 - (i) The applicant to provide all infrastructures of services to the premises for its own account and to the specifications of the civil- and electrical engineers.***
 - (ii) That the requirements regarding the lease of immovable property as prescribed in the Local Authorities Act 23 of 1992, be dealt with successfully.***
 - (iii) That all costs related to this transaction (advertising- and any legal costs, etc. that may arise from this transaction) shall be borne by the applicant.***
 - (iv) That the applicant shall indemnify Council and keep Council indemnified against any public claims/liability related to the use of the above area.***

It is the policy of Namibia Post and Telecom Holdings Ltd not to install any infrastructure on property which does not belong to NPTH and therefore they never entered into a lease agreement with Council. The reason why Council at this stage cannot alienate the land to them was explained to them in a letter dated 14 January 2005. (Copy available on file).

This area is now in the process of being proclaimed as a township. Alienation of a portion of land to Namibia Post and Telecom Holdings Ltd can therefore only be considered once the area is proclaimed as a township or if they for their own account do the subdivision of the portion of land allocated to them.

They have now again applied for the land allocated to them as per Council's resolution 11.1.15 of 28 September 2004, paragraph 1 above.

At a Council Meeting held on Thursday 31 May 2007 the following was resolved:

- (a) That Namibia Post and Telecom Holdings Ltd be informed that Council in principle approves the alienation of the portion of land measuring 30m x 35m, (1 050m² in extent), as indicated on the plan on file, provided that they are responsible for all statutory cost related to the subdivision of the said portion of land.
- (b) That for the interim period the said portion of land be leased to Namibia Post and Telecom Holdings Ltd at a rental of N\$5, 50/m² (1 050m² x N\$5,50/m² per month = N\$5 775,00 + 15% VAT (N\$866,25) = N\$6 641,25/month) escalating with 10% annually on 1 July and further subject to the following conditions:
 - (i) That the purchase price of the said portion of land, be determined by calculating the average value received for the property by three sworn valuers.
 - (ii) That the exact area be determined on site by the Engineer's Department.
 - (iii) The applicant to provide all infrastructures of services to the premises for its own account and to the specifications of the Engineering Services and E-RED.
 - (iv) That the requirements regarding the lease of immovable property as prescribed in the Local Authorities Act 23 of 1992, be dealt with successfully.
 - (v) That all costs related to this transaction (advertising- subdivision, legal or any costs, etc. that may arise from this transaction) shall be borne by the applicant.
 - (vi) That the applicant shall indemnify Council and keep Council indemnified against any public claims/liability related to the use of the above area.