



AREA: <i>Kabokweni</i>	PROJECT NO. <i>Magwaratsane pegging</i>
FEEDER: <i>Clau Clau 11KV</i>	Item <i>1</i> of <i>1</i>
SUPPLY TO: <i>Eskom</i>	
ESKOM REPRESENTATIVE: <i>J.A. Mallam</i>	TEL: <i>0736014328</i>
DISTRIBUTION	FAX: <i>0862727168</i>

WAY LEAVE AGREEMENT OVERHEAD POWER LINE/UNDERGROUND CABLE(S)

I/We, the undersigned (full names)

.....in my capacity as.....

.....of.....and duly thereto authorized

(* If Company/CC/Trust, complete capacity of authorised persons)

(Identity number: married in/out of community of property
with/without accrual/marital power)

Address:Postal Code.....

Tel No.:

being the REGISTERED OWNER/S

and *Bheki Zwane*in my capacity as.....

Secatry of *Mbuyane Traditional Council* and duly thereto authorized

(Identity number: *2405185803080* married in/out of community of property with/without
accrual/marital power)

Address: *P.O. Bok's 321 Kabokweni* Postal Code *1245*

Tel No.: *079 169 0488*

being the *PURCHASER/LESSEE/USUFRUCTUARY/HEIR/OCCUPANT

(hereinafter referred to jointly or individually as the "Owner") of the following property/properties:


Unsurveyed state land

situate in the Administrative District of held by virtue of Title Deed/s
number/s extent

(* Delete if not applicable)

(hereinafter referred to as the "Property") hereby grant/s to Eskom Holdings Limited, Registration Number 2002/015527/06, its successors in title, assignees, licensees, (hereinafter referred to as "Eskom") an irrevocable right of way leave in perpetuity free of charge to transmit electricity over the property.

1. The right of WAY LEAVE shall be binding on the Owner, its heirs, assignees and successors in title and shall include the following rights in favour of Eskom:
 - 1.1 the right to erect an overhead power line/underground cable(s) together with such structures, works, appliances, apparatus, conductors and overhead cables ("works") on the property or to erect or lead such conductors or appliances or other equipment on, under or over the property substantially on the route as indicated by the letters *Numerous*... on the sketch attached hereto, as may at any time be necessary or convenient in exercising the right of way leave for overhead power line(s) / underground cable(s) (hereinafter together with the restriction area referred to in 3.1, referred to as the "Servitude Area").
 - 1.2 the right to enter and be upon the property at any time in order to construct, erect, operate, use, maintain, repair, re-erect, remove, alter or inspect the structures, works, appliances, apparatus, conductors or cables ("works") on the property, or in order to gain access to any adjacent properties in the exercise of similar rights.
 - 1.3 the right to have access to and egress from the power lines and the right to use existing roads giving access to and egress from the property or roads running across the property and gates on the property and to erect in any fence such gates as may be necessary or convenient to gain access to and egress from any power line/underground cable or accessory equipment.
 - 1.4 the right to remove any trees, bush, grass, material or structures within the restricted area defined in clause 3 hereof and the right to cut or trim any trees in order to comply with the restrictions referred to in clause 3 hereof, after consultation with the land owner/s.
2. Eskom shall exercise its rights subject to the following terms and conditions -
 - 2.1 Eskom shall ensure that any gates used by its personnel shall be kept closed.
 - 2.2 Eskom shall pay compensation:
 - 2.2.1 where damage or injury is caused by any negligent act or omission on the part of Eskom, its employees or contractors;
3. The following special restrictions are placed on the use of the property namely -
 - 3.1 No building or structure may be erected or installed above or below the surface of the ground, neither may any material which might endanger the safety of this power line/underground cable be placed within ...9 (nine)... metres of the centre line of this power line/underground cable without the prior written permission of Eskom.
 - 3.2 No tree shall be planted within the servitude area.
 - 3.3 No tree which will grow to a height in excess of the horizontal distance of that tree from the nearest conductor of any power line shall be planted within the vicinity of the power line
 - 3.4 No material which may in the opinion of Eskom endanger the safety of any transmission line shall be placed within the servitude area.
 - 3.5 No mining activities or blasting operations shall be permitted within 500 metres of any power line/underground cable without the prior written permission of Eskom.
4. The right of way leave hereby granted to Eskom -
 - 4.1 shall be binding on the heirs, assignees and successors in title of the owner.



- 4.2 shall be brought in writing to the attention of any purchaser or transferee of the property (or of any portion of the property) by the owner or the seller (at that time) of the property before the property (or any portion thereof) is sold and/or transferred to such purchaser or transferee.
- 4.3 shall, if Eskom so requests, be incorporated into a notarial deed of servitude and be registered against the title deed under which the property is held; on Eskom's costs the owner and/or its heirs, assignees and successors in title shall perform all necessary actions and sign all necessary documents to achieve the notarial execution and registration (in the office of the Registrar of Deeds) of a deed of servitude, as envisaged above.

5. Remarks / Special Conditions:

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There are at present giraffes on the property..... ~~Yes~~ No

In the future there will be giraffe on the property..... ~~Yes~~ No

 X..... X

Signed at Mbuyane on this 12 day of August 2014

AS WITNESSES:

1. 

MBUYANE TRADITIONAL COUNCIL
P.O. BOX 371
2014-08-12
REGISTERED OWNER(S)/PURCHASER/ LESSEE/USUFRUCTUARY/HEIR/ OCCUPANT*/SPOUSE IF MARRIED IN COMMUNITY OF PROPERTY
KABOKWENI 1245 TEL: 015 796 0284

2.

Signed at on this Day of 20.....

AS WITNESSES:

1.

REGISTERED OWNER(S)/PURCHASER/
LESSEE/USUFRUCTUARY/HEIR/
OCCUPANT*/SPOUSE IF MARRIED IN
COMMUNITY OF PROPERTY

2.

For Office use:

Signed at on this day of 20.....

AS WITNESSES:

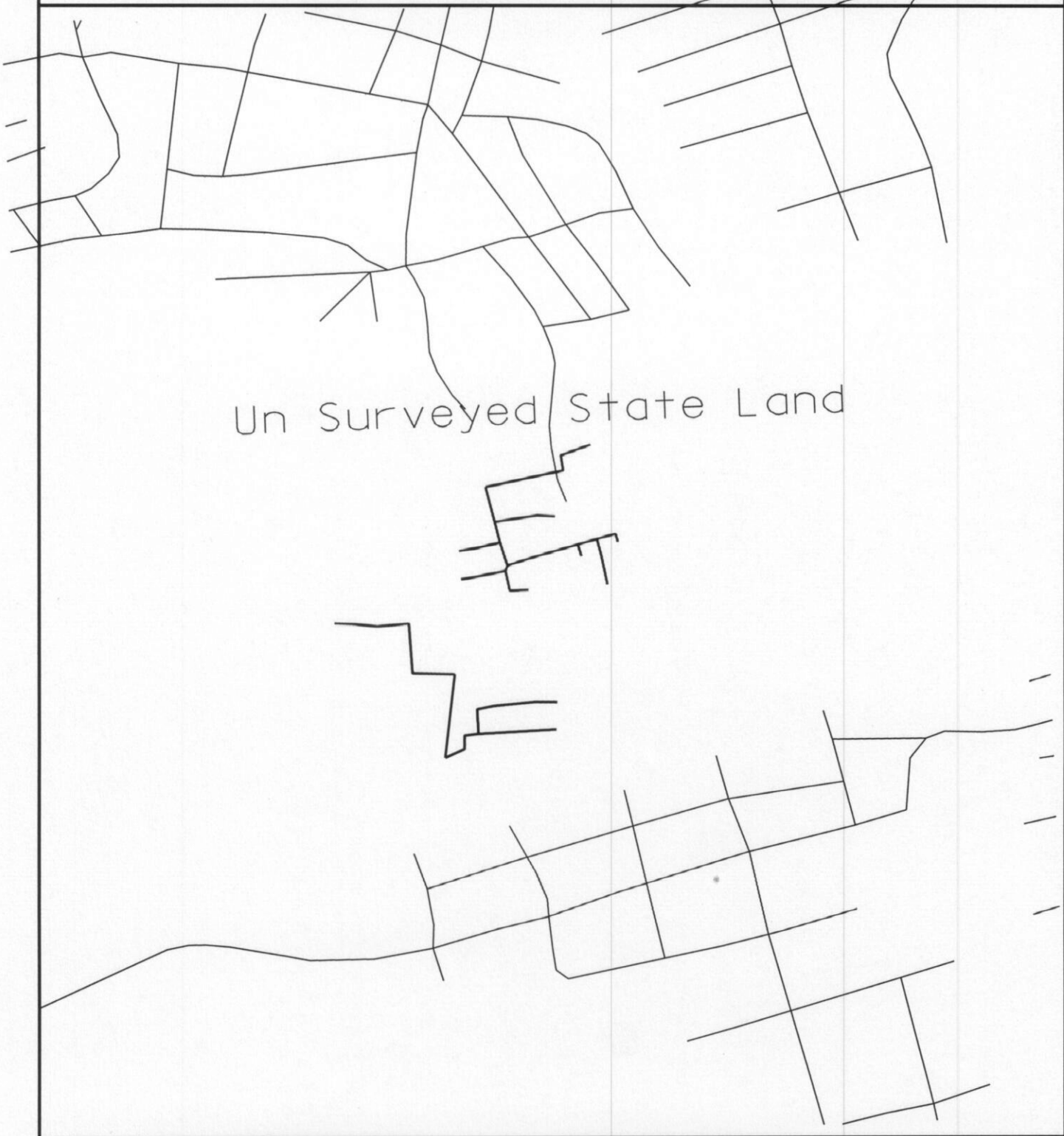
1.

.....
for and on behalf of
ESKOM HOLDINGS LIMITED

2.

(* Delete whichever is not applicable)

RED LINE INDICATES PROPOSED ROUTE



Un Surveyed State Land

DISTRIBUTION
ENGINEERING (NORTHERN REGION)

EngSurv cc.

Pieter du Preez

Tel : 082 448 3978
FAX: (015) 2988 306



WITNESS

REGISTERED OWNER

1. _____
2. _____

ROUTE/SITE *Clan Clan Ilke*

PROJECT NO. *Magwarantsane pegging*

PROPERTY *Un Surveyed*

State land

COMP *2531 ACM* SCALE *1:10000*



ESKOM NORTHERN REGION POLOKWANE AREA

Checked by Contractor: S.A. Mallam Date: 14/8/14 PROJECT No.: Magwaredsane Item 1 of 1
 Checked by Eskom: _____ Date: _____ PROJECT No.: J pegging

	Contractor	Eskom
Item no	✓	
Eskom representative, the person presenting the wayleave	✓	
Owners name, address, id number and contact details	✓	
Widowed, unmarried or married out of community of property	✓	
Portion number on front page	—	
Farm name on front page	—	
Size and transport number	—	
Letters indicating route at "1.1"	✓	
Building restriction	✓	
Date signed	✓	
Signature of property owner	✓	
Signature of witnesses	✓	
Signature on plan	✓	
Witnesses on plan	✓	
North sign	✓	
Scale	✓	
Plan number	✓	
Route in red	✓	
Route marked by letters (a, b, c...) on plan	✓	
Parallel distance from border or other powerlines	—	
Farm name on plan	—	
Portion name on plan	—	
Deeds report attached	—	
All signatures must be original, no signatures faxed or copied will be accepted		

Signed by contractor _____

Signed by Eskom _____

NOTES

- 1.1 If the owner is the registered owner of an Institution, a Government Department, or a Company etc, the full names and capacity of the undersigned must also be filled in. The full names and capacity also applies for a Lessee, Buyer, User, Heir, Occupant, Guardian etc
- 1.2 In the event of Closed Corporation, the member signing for the CC, must have power of attorney for all members
- 1.3 Please "Highlight" the portion number, border and farm name on the plan
- 1.4 Plan numbers must be according to the new system, e.g. 2527 AA (N), etc and not the old 97.18/466 number
- 1.5 Show the planned routes in red on the sketch plan
- 1.6 All alterations made on the Wayleave form must be initialled.
- 1.7 Only 1:2500 compilation plans will be accepted else 1:1000 computer drawn plan. Any plan not to scale will not be accepted
- 1.8 If you do the wayleave the first time right, you do not have to go back a second time to a property owner. Usually at that stage the line is constructed and the owner not supportive!
- 1.9 You are responsible to deliver a correct wayleave up and until it is received by the relevant Land Development Office