

Dear Sir

Kindly find the Council's resolution :

**11.1.22 MESSRS DEMSHI - REQUEST TO LEASE LAND FOR INSTALLATION OF TELECOMMUNICATION TOWERS**

(C/M 2021/09/30 - 13/3/1/7, M 4653, E 5031, E 1248 M, E 7238 M)

**RESOLVED:**

(a) That the following portions of land measuring as indicated in the table below, zoned "Public Open Space" be leased to Messrs Demshi Investment Holdings (Pty) Ltd:

<i>Location</i>	<i>Erf Number</i>	<i>Erf Size</i>	<i>BTS Size</i>
<i>DRC</i>	<i>8664</i>	<i>1 739</i>	<i>100 m<sup>2</sup></i>
<i>Tamariskia</i>	<i>1248</i>	<i>26 135</i>	<i>100 m<sup>2</sup></i>
<i>Mondesa</i>	<i>4653</i>	<i>...</i>	<i>100 m<sup>2</sup></i>
<i>Ocean View</i>	<i>5031</i>	<i>3 999</i>	<i>100 m<sup>2</sup></i>
<i>Tulinawa</i>	<i>7238</i>	<i>1520</i>	<i>100 m<sup>2</sup></i>

(b) That Messrs Demshi Investment Holdings (Pty) Ltd be granted permission to sublease space on all towers indicated in the table above.

(c) That Messrs Demshi Investment Holdings (Pty) Ltd adheres to the following requirements:

- *Consent letter from the neighbours*

- *Environmental Impact Assessment (EIA)*
- *That only camouflaged towers may be used*

**(d) That the following standard lease conditions be applicable to the leasing of the lease portion in (a) above.**

*(i) Lease period of 5 years.*

*(ii) That building plans of all proposed buildings must be submitted to the Engineering and Planning Services Department.*

*(iii) That the portion of land is leased on the explicit condition that the lessee indemnifies Council against any claim for damages resulting from its occupation by the lessee.*

*(iv) That the lease be at the current tariff of N\$ 39.64m<sup>2</sup> per month with an annual escalation of 7% every July (first being 1 July 2022).*

**(e) That permission is granted to Messrs *Demshi Investment Holdings (Pty) Ltd* to sublease the sites applied for as it forms part of their business model.**

**(f) That the Engineering & Planning Services Department provides a lay-out plan for the exact location on the identified erf to be used for the tower.**

**(g) That Messrs *Demshi Investment Holdings (Pty) Ltd* installs their own electrical meter so that any expenses and costs generated be allocated to Messrs *Demshi Investment Holdings (Pty) Ltd*.**

**(h) That the proposed lease of the site be dealt with in terms of section 63 of the Local Authorities Act 23 of 1992, as amended.**

**(i) That Council's standard lease conditions be made applicable to the lease.**

(i) That all costs relating to the lease, including, but not limited to advertising costs, be for the account of the lessee.

(k) That the following conditions be made applicable in addition to points (c) to (i) above to the lease:

*(i) That Council will not reimburse Messrs Demshi Investment Holdings (Pty) Ltd for any costs relating to the installation or removal of its properties or any other expense incurred during or after the termination of the lease agreement.*

*(ii) That any damages that may be caused to the lease site be for the account of Messrs Demshi Investment Holdings (Pty) Ltd and shall be repaired at their cost and on demand.*

*(iii) That Messrs Demshi Investment Holdings (Pty) Ltd be responsible for the proper maintenance of the equipment, failure to maintain the water tower and equipment on a structural and aesthetic level satisfactory to the GM: Engineering and Planning Services will result in the cancellation of the lease and the removal of the lease equipment at the cost of the lessee.*

## **Ndiili Gustaf**

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