

Erongo Regional Council



CONDITIONS OF SALE

Sale of “single residential” erven: 20 x Erven, Wlotzkasbaken Proper

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Friday, 18 June 2021 at 07:00
at the Multi-Purpose Centre, Mondesa

Enquiries:

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○ Ms E Nakale	Tel: 064-4104215	Email: enakale@swkmun.com.na
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AT A GLANCE

Important information and tips:

Please read this entire document thoroughly and ask questions if anything is unclear.

① **Financing**

Ensure that you visit your bank prior to the sale to determine the maximum amount you qualify for, the documents they require and how long it will take to process your loan / mortgage once you provide all the necessary documents to the bank.

② **Building Plans**

Also visit your architect / engineer to get an idea what they need, what size house you can afford to build and how long they take to complete your design. Please be cognisant that even are not serviced, and that the purchaser need to consult the Regional Council on septic tank installations, water provision options and solar electricity from own account.

③ **Transfer Costs**

The purchaser is responsible for the payment of the transfer cost. Prior to registering as a bidder, please acquaint yourself with the different amounts payable for transfer and bond registration in terms of a natural person and a legal person (e.g. company / trust).

④ **On the day of the Sale**

4.1 The original Regional Council receipt must be presented on the day of the sale.

4.2 Successful bidders must submit copies of the following documents on the day of the close bid sale:

- o ID;
- o Marriage certificate(irrespective of whether marriage is in or out of community of property);
- o Registration documentation should an erf be purchased in an entity;
- o **Optional**: Financial ability to acquire an erf from a registered bank, such as "pre-approval"(see point 5.7.3 below).

4.3 **In case you are not allocated an erf:**

- o Complete and hand in the refund form in order to promptly finalize your refund of the registration fee(**Annexure "C"**)

⑤ **Monthly Rates and Taxes**

The basic monthly fees is approximately N\$ 200.00. Monthly fees are levied from **18 June 2021**. **Please note that Erongo Regional Council, at a later stage, may amend the basic monthly fees.**

⑥ **Communication**

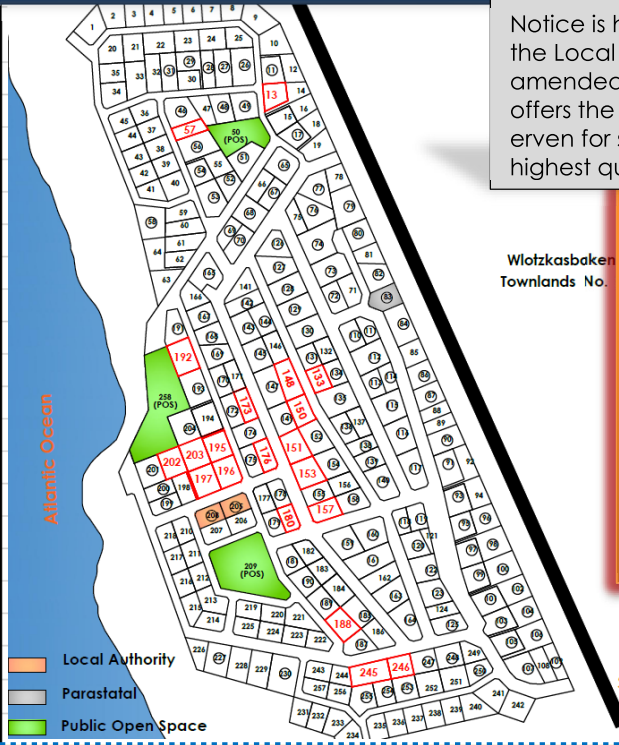
You are welcome to communicate with the Erongo Regional Council at any time. Do not remain quiet for 120 days and then request and extension of time, information etc.



Erongo Regional Council

Sale of "single residential" erven:
20 x Residential Erven, Wlotzkasbaken Proper
on Friday, 18 June 2021

ERF NR	SIZE (m ²)	UPSET PRICE N\$
246	2256	303,896.74
245	4346	585,432.28
203	4011	540,305.77
202	3736	503,261.62
197	3917	527,643.40
196	3582	482,516.89
195	3359	452,477.45
192	4188	564,148.73
188	3387	456,249.22
180	2159	290,830.25
176	2594	349,427.36
173	2473	333,127.94
157	2954	397,921.52
153	3908	526,431.05
151	3713	500,163.38
150	3094	416,780.36
148	3835	516,597.51
133	2442	328,952.05
57	2298	309,554.39
13	2937	395,631.52



Notice is hereby given in terms of Section 63 of the Local Authorities Act 23 of 1992, as amended that the Erongo Regional Council offers the following "single residential" zoned erven for sale by means of a closed bid to the highest qualifying bidder

The erven are sold "as is". Erven are **not serviced** with water, sewer & electricity connections. Purchasers must acquaint themselves with the location of the erven and specifications regarding services. Council will not enter into negotiations after the sale and purchasers accept responsibility for earthworks required and / cost in order to make the erf suitable for use

Please note that a person/legal entity owning an erf in Wlotzkasbaken will not be permitted to partake in this sale.

GENERAL:

The Conditions of Sale can be obtained from the reception at Erongo Regional Council OR downloaded from <http://www.erc.com.na> or <http://www.swakopmun.com>. In order to take part in the bid, a registration fee in the amount of N\$5 000.00 is payable as set-out in the Conditions of Sale document. The last day for registration is Friday, **11 June 2021**. EFT payment or direct bank deposits must reflect on Council bank account on **10 June 2021** at 23:59. After payment of the registration fee, your original Regional Council receipt should be obtained from Finance Department (Ms Coetzee/Ms Niilenge) at Erongo Regional Council.

The pre-registration of bidders commences on **Monday, 17 May 2021 until Friday, 11 June 2021**. For this purpose you need to visit the Property Section at Swakopmund Municipality. The sale will take place on **Friday, 18 June 2021** at the **Multi-Purpose Centre, Mondesa**. Door open for registration at 07:00 and will continue until 09:00. All bids must be placed in the respective boxes before 09:15. The submission of bids must comply with the process prescribed in the Conditions of Sale document and erven are allocated on the basis of 1 erf per person (married couples are regarded as one person irrespective of the marital regime) / entity. The prospective purchaser or duly appointed proxy must attend the registration for the sale in person on **18 June 2021**, with the necessary documents.

The Erongo Regional Council is not obliged to accept the highest, or in fact, any closed bid offer received in respect of any of the erven and reserves the right to withdraw any or all the erven from the closed bid sale.

Enquiries:

- Ms A Uushona ☎ 064-4104216 ✉ auushona@swkmun.com.na
- Ms E Nakale ☎ 064-4104215 ✉ enakale@swkmun.com.na
- Ms N Gustaf ☎ 064-4104214 ✉ ngustaf@swkmun.com.na
- Ms M Sheehama ☎ 064-4104213 ✉ msheehama@swkmun.com.na

Ms LH DOËSES
Chief Regional Officer

Notice no. 32/2021

1. INTRODUCTION

The Erongo Regional Council intends to sell 20 erven located in Wlotzkasbaken. These erven are zoned "single residential".

2. PROPERTY DESCRIPTION

Erven available for sale are listed as per Notice 32/2021 on page 3. **Annexure "B"** prescribes the land usage for a "single residential" erf.

The prospective bidder must ascertain the proposed final level of all roads which border on the erf and the Erongo Regional Council accepts no responsibility for any costs or loss arising from any innocent or negligent misrepresentation on the part of the purchaser in this respect.

Also refer to the voetstoots clause, Clause 5.5 below.

3. PAYMENT OF REGISTRATION FEE

In order to take part in the closed bid sale, the following procedure is summarized and must be complied with:

- 3.1 The refundable registration fee in the amount of N\$ 5 000.00 per bidder is payable into the Erongo Regional Council's bank account. Payments by EFT or bank transfers must reflect on the Regional Council bank account before 23:59 on , **10 June 2021**.

Payment can be done by way of EFT or direct bank deposit into Council's bank account:

Account Name	:	Erongo Regional Council Wlotzkasbaken Account
Bank Name	:	Nedbank Namibia
Account Number	:	129 9014 3909
Branch Number	:	461 052
Reference	:	Your initials and surname

Please e-mail proof of payment whether by EFT or direct deposit to kcoet@erongorc.gov.na and to eniilenge@erongorc.gov.na clearly stating the entity / name and surname of the prospective bidder. Also provide contact details for the collection of the original Regional Council receipt at the cashiers. A receipt will be issued in the name of the entity / the name & surname provided and the refund (if required) will only be made in the said name.

Please Note:

- (a) A cheque attached to the bid form does not qualify as payment of the registration fee.
- (b) Ensure that your entity's name as it appears per registration documents / initials and surname matches your names and surname as it appears on your ID.
- (c) Should the registration fee not be paid and the original municipal receipt not be provided on the date of sale you will not be allowed to take part in the closed bid sale.
- (e) The Cashiers(to obtain original Regional Council receipt) close at 12H00 on Friday, **11 June 2021**.
- ⇒ (f) After **obtaining your original Regional Council receipt from the cashier at Erongo Regional Council please visit the Property Section at the Swakopmund Municipality** in order to be listed for the sale.
- (g) Should you bid in the name of an entity, such entity must legally exist on the date of the sale.

3.2 **Registration Fee - Successful Bids**

Should an erf be allocated to you, the registration fee will be deducted from the purchase price and the balance of the purchase price is payable as set-out under **point 5.7** of the General Conditions of Sale below.

3.3 **Unsuccessful Bids**

Should your bid be unsuccessful, the registration fee must be claimed by completing the refund form attached as **Annexure "C"** and attaching the proof of payment thereto. This form should be handed in after the finalisation of the Closed Bid Sale.

No refund for an unsuccessful bid can be made without an original Regional Council receipt. Refunds can only be made to an account reflecting the name appearing on the receipt.

4. **BID PROCEDURE ON DAY OF SALE**

4.1 **Registration of Bidders**

Registration of bidders starts at 07:00 on Friday, **18 June 2021** at Multi-Purpose Center, Mondesa. The doors close at 08:30. All persons in the queue at 08:30 will be accommodated.

For this purpose, please provide your entity's registration document / Identity Document (or certified copy), marriage certificate (if applicable) and original Regional Council receipt of the N\$5 000.00 registration fee. The original receipt must be available for verification purposes. Where after **3 blank bid forms** will be issued.

Registered bidders must remain in the hall. Depending on attendance and the finalization of the registration process the last bids will be accepted at 09:15.

4.2 **Closing Date and Time**

The closing date and time for submitting the bids is Friday, **18 June 2021** at **09:15**. No late submissions of bids will be accepted and only bids on the provided bid forms will be considered.

4.3 **Submission of Bids**

All bidders or their duly appointed proxies must be present at Multi-Purpose Center, Mondesa, at 07:00 on Friday, **18 June 2021**.

After the welcoming and explanation of conditions, bidders will be granted the opportunity to make bids on **3 erven** (the name on the bid form must be the same as the name appearing on the original receipt).

Thereafter bidders must place their completed Regional Council bid forms in three separate boxes provided for the erven. The Regional Council does not accept any responsibility for bids placed in incorrect boxes.

4.3.1 The upset price for the respective erven is indicated in Notice 32/2021, page 3 of this document. Bids for an amount less than the upset price will be **disqualified**.

4.3.2 **Nominees** The purchaser will not be permitted to nominate a nominee, therefore all prospective purchasers must ensure that the Bid Form is completed in the personal name / name of the entity into which the property will be transferred as indicated on the official receipt. **No changes to the name will be considered.**

Therefore clearly state your correct entity name or names and surname on the 3 bid forms.

4.4 **Opening of Bids**

4.4.1 Attendance at the opening of the closed bids on Friday, **18 June 2021** at Multi-Purpose Center, Mondesa is compulsory. If personal attendance is not possible, a duly appointed proxy can attend the proceedings. **If no representative is present the bid will be disqualified.**

4.4.2 **Allocation:** The erven will be allocated to the highest qualifying bidder on each erf based on one erf per person / entity. Once the bidder accepts the allocation, a withdrawal of acceptance will lead to disqualification and forfeiture of the registration fee.

4.4.3 **Deadlock:** In the event that a deadlock arises, i.e. two or more successful bidders offer the same price for an erf, the deadlocked bidders will immediately be given an opportunity to bid against one another by means of written offers. The resultant highest bidder will be allocated the erf.

4.4.4 No negotiations will be entered into after the bids have been opened and prospective purchasers are cautioned to make adequate provision with their registered bank prior to the proceedings, as no other arrangement will be accepted than indicated herein. *Please also take note of point 5.7 below.*

4.4.5 If a bidder submits multiple bids on one erf, only the highest offer will be considered and all subsequent bids from the same bidder will be disqualified.

↳ a person or married couple may not bid on the same property in their personal name as well as in the name of legal entities in which they hold an interest, share or equity.

4.4.6 Should any erven remain unsold after all bids have been processed, a second round will be held where such remaining erven will be sold to the highest bidder on the day and at the venue of the closed bid sale, only to bidders that were unsuccessful in the first round.

4.5 **Declaration of Purchaser**

The successful purchaser must sign the 'Declaration of Purchase' before leaving the premises where the bids are opened. Please have your entity's registration documentation / identity card available.

4.6 **Disqualification of Bids**

The following will result in bids being disqualified:

4.6.1 Bids not submitted on a duly completed bid form.

- 4.6.2 Bids not placed in the correct boxes marked with the erf number on **18 June 2021** during the bidding process.
- 4.6.3 Bids for amounts lower than the upset price.
- 4.6.4 If bidders/proxies of bidders are not present at the opening of the bids in Multi-Purpose Center, Mondesa from the start until the erf is allocated.
- 4.6.5 If attending the closed bid sale on behalf of a bidder and not written proof of authorization / power of attorney can be presented by the proxy on behalf of a successful bidder.
- 4.6.6 In the discretion of the Regional Council ; if it is found that false and or incorrect and or incomplete information was provided on the bid form.
- 4.6.7 Non-compliance with any other condition contained in the Conditions of Sale document.
- 4.6.8 If a person accepts an allocation and signs the declaration of purchase and then cancels he /she/it is disqualified and loses the registration fee.
- 4.6.9 If bidding is done in the name of a legal entity (Close Corporation, Company, Trust, etc.) and no Power of Attorney is presented by the representative
- 4.6.10 or the entity must still be incorporated.
- 4.6.11 If the registered bidder/entity owns an erf in Wlotzkasbaken already

4.7 **Signing of the Deed of Sale**

The standard Deed of Sale will be drawn up and forwarded to the purchaser. The purchaser must sign and return the Deed of Sale to the Erongo Regional Council within 21 days from date of receipt thereof. (The contract is deemed to have been received 2 days after it was posted or e-mailed to the postal address or e-mail address as indicated on the Declaration of Purchase.) **Failure to do so shall entitle (but not oblige) the Erongo Regional Council to cancel the sale of the property, in which event all and any payments made to the Regional Council on account of the sale may be forfeited in favour of the Regional Council.**

The bidder / purchaser is responsible to pay for all costs of transfer.

5. **GENERAL CONDITIONS OF SALE**

- 5.1 The conditions of the Erongo Regional Council **Standard Deed of Sale, Conditions of Establishment as well as the conditions as set out in this document** are applicable to this transaction. Should the purchaser not fulfil any or all of the conditions required in terms hereof, the Erongo Regional Council reserves the right to cancel the transaction without the need to place the purchaser on terms.

5.2 **Date of Sale**

The date of sale is the date for submitting of bids, i.e. Friday, **18 June 2021**

5.3 **Minimum Building Value**

The minimum building value requires structural improvements to at least 4 times the Municipal valuation of the property. Structural improvements shall not include the construction of boundary walls or any changes to the subterranean composition of the property.

5.4 **Building Period**

The purchaser is required to improve the property as aforesaid, within a period of 24 months from the date of transfer of the property to the successful purchaser. The improvement of the property shall be deemed to be completed once the Erongo

Regional Council has issued a certificate of completion for the buildings erected on the property.

5.5 **Voetstoots**

The properties are sold "voetstoots" or "as is" and in the condition it presently is or shall be at the date of sale. The Regional Council gives no warranty or guarantee, whether express or implied, oral or tacit, as to the suitability of the lay-out or situation or subterranean composition of the property or any improvements thereon. It is therefore the obligation of the purchaser to verify the ground levels of the erf is capable of dealing with storm water from the erf and surrounding area. **The erven are un-serviced. It is the responsibility of the purchaser to acquire specifications from the Regional Council on septic tank installations and water provision options.** The Regional Council does not accept any responsibility for any work required to make the erf suitable for the purchasers' use or needs.

5.6 **Payment of Availability Services and Property Taxes**

In terms of Section 73 of the Local Authorities Act 23 of 1992, availability services and property taxes on a property purchased at the Closed Bid Sale will be payable by a purchaser as from the month following the allocation of the erf. The basic monthly fees is approximately N\$ 200.00. Monthly fees are levied from **18 June 2021**. **(Please note that Erongo Regional Council, at a later stage, may amend the basic monthly fees).**

5.7 **Method of Payment**

No negotiations will be entered into after the bids have been opened and prospective purchasers are cautioned to make adequate provision with their financial institutions prior to the proceedings, as no other arrangement will be accepted than indicated herein.

The balance of the purchase price shall become due and payable to the Erongo Regional Council within 120 calendar days from the date of the closed bid procedure, i.e. by Monday, **18 October 2021**.

PLEASE NOTE: Notwithstanding the method of payment as set-out below, the Purchaser may only take possession of the property once it has been transferred into the name of the purchaser.

5.7.1 **Electronic Fund Transfer:**

Participants must make payment by way of EFT considering that funds do not reflect on the bank account immediately. It must be done in time to reflect as available funds in the bank account of the Erongo Regional Council not later than **23:59 on Monday, 18 October 2021**. Please quote the erf number and the name of the purchaser of the property as reference.

Instruction to transfer will only be given once the funds reflect as available funds on the bank account of the Erongo Regional Council.

Cancellation:

Should the balance of the purchase price not be received by the Municipality or not reflect on its bank account on the said date and time,

the transaction is cancelled without the need to demand performance from the purchaser. **The erf will then be offered for sale to the next qualifying bidder in terms of Clause 5.8, at the Regional Council's discretion.**

Proof of payment must be e-mailed to Erongo Regional Council at kcoet@erongorc.gov.na and to eniilenge@erongorc.gov.na. The Regional Council Bank Details are quoted under point 3.1 of this document. Please quote the erf number and name of the purchaser as reference.

5.7.3 Bank Guarantee issued by a Registered Bank only

An acceptable written bank guarantee must be provided to the attorneys of the Erongo Regional Council as soon as possible in order to register transfer in the name of the purchaser on or **before Monday, 18 October 2021**.

The guarantee must be issued in favour of the Erongo Regional Council and be payable upon registration of the transfer of the erf and is to be worded in accordance with the wording quoted in (b) below.

Cancellation:

Should an acceptable written bank guarantee not be received by the Regional Council's attorneys by **Monday, 18 October 2021**, the transaction is cancelled without the need to demand performance from the purchaser. **The erf will then be offered for sale to the next qualifying bidder in terms of Clause 6.8, at the Regional Council's discretion.**

Penalty Interest:

Should an acceptable written bank guarantee have been received by **Monday, 18 October 2021** but the transfer of the property has not been registered by **Monday, 18 October 2021**, the transaction will proceed but the balance of the purchase price shall attract interest with effect from **Friday, 18 June 2021**, calculated at a rate per annum equal to the prime lending rate of the Regional Council's bank as on **Monday, 18 October 2021** and calculated so until the date of transfer.

Closed bid sales are subject the conditions of sale for closed bid sales contained in the deed of sale; and the following amendment in cases where the purchaser provides a valid pre-approval or pre-qualification from a registered bank prior or on the date of the sale:

(a) *Penalty interest is levied from the date of sale until date of transfer (in the case of a bank guarantee) or until date of payment within the notice period (in the case of cash payment). However penalty interest will be amended to be calculated from the date of default, and not backdated from the date of sale; in instances where the purchaser provides a valid pre-approval from a bank.*

(b) Prior written permission must be obtained from the Erongo Regional Council should the wording or conditions of the guarantee be amended in any way including any additions thereto or omissions there from. The wording of the guarantee required is as follows:

The Guarantee is issued in favour of the Erongo Regional Council (for credit: PURCHASER) for payment in the amount of N\$... (purchase price) (in words:...) plus interest on the purchase price in the event of transfer being registered after Monday, 18 October 2021 at the prime lending rate of the Erongo Regional Council's bank as at Friday, 18 June 2021 and so calculated from Friday, 18 June 2021 until date of transfer, both dates included; to be paid by electronic fund transfer into the bank account held by the Erongo Regional Council."

Should the wording be incorrect or differ and the staff accept the guarantee and or act on it, the transaction remains voidable at the election of the Erongo Regional Council.

- (c) In the case of cancellation for whatever reason by either party, all moneys paid to Erongo Regional Council shall be forfeited (including the applicable registration fee).

5.8 **Allocation of an Erf to the Next Qualifying Bidder**

In the event of the cancellation of a transaction, the following will apply:

5.8.1 The erf will be offered to the next qualifying bidder. Such bidder must confirm in writing that he/she/it still wants to purchase the property within 10 days from the date that the offer was sent failing which the property will be offered to the following qualifying bidder.

5.8.2 A new 'Declaration of Purchase' will be forwarded to the next qualifying bidder which must be signed and returned to the Erongo Regional Council together with proof of the payment of the applicable refundable registration fee within 10 days from the date the offer was made (in case the registration fee was refunded).

5.8.3 The 120 day period within which the purchase price must be secured is calculated from the date of sale, which is the day following the expiry of the 10 day period in point (b) above.

5.8.4 Only the next 3 qualifying bidders will be considered, where after the property will be submitted to Council to determine the way forward.

6. **FURTHER CONDITIONS OF SALE**

6.1 **The erven are sold on the basis of one erf per individual / entity.**

A bidder may **not** purchase an erf in his / her personal name as well as an additional erf in the name of an entity.

It shall not be permissible for any bidder to purchase another property at the same closed bidding process through another person or through the vehicle of a corporate entity, partnership or trust in which the bidder or another person to which the bidder is related to within the third degree of consanguinity (blood) or affinity (by marriage) or hold an interest *qua* member, shareholder, director, trustee or beneficiary (irrespective of the size of the interest or whether it is a vested interest or not); unless such person is *bona fide* doing business for own account.

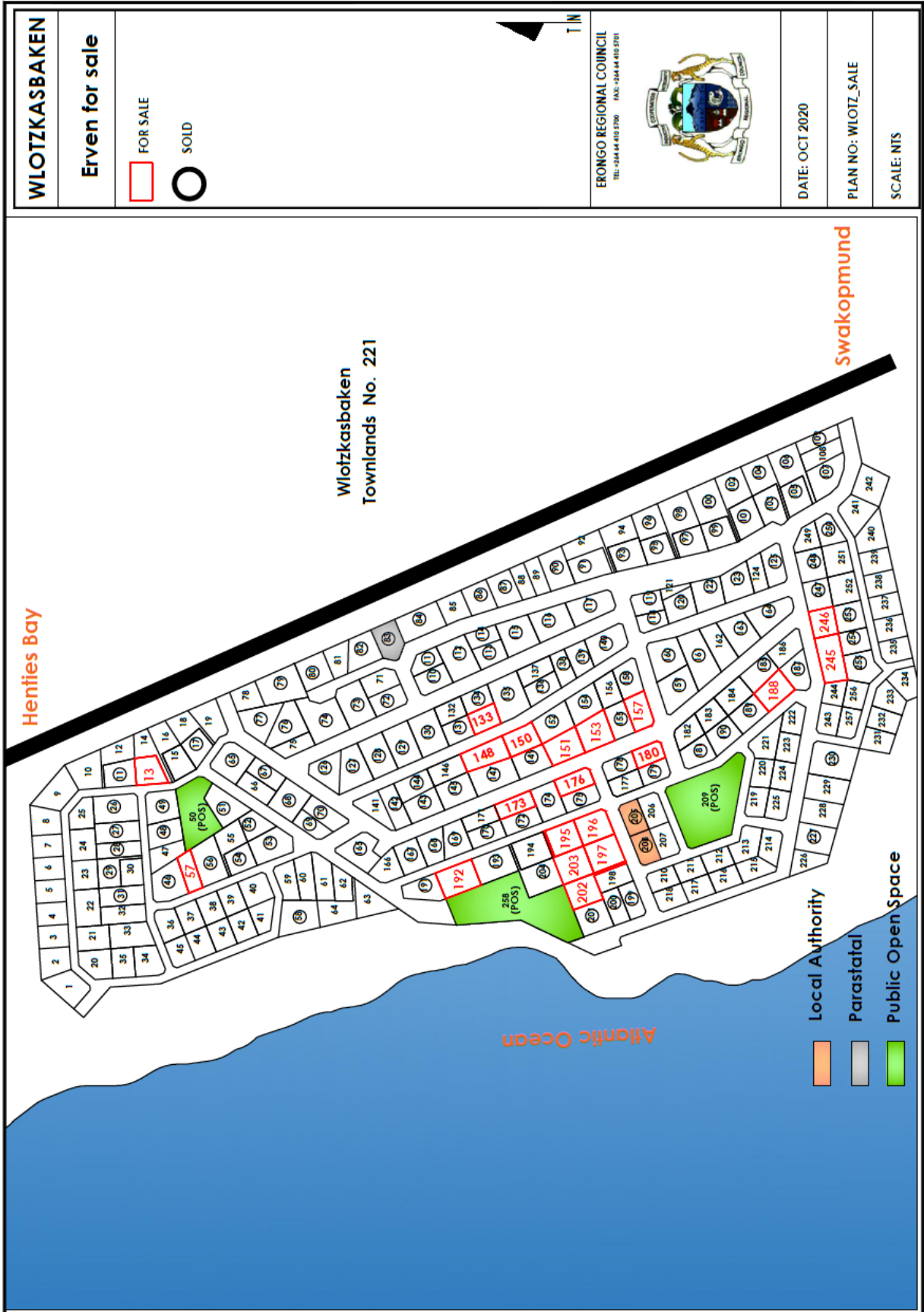
E.g. a person may not bid on the same property in their personal name as well as in the name of legal entities in which they hold an interest, share or equity, or spouses

may not both bid on the same property in their personal names and / or in the name of an entity in which either or both of them hold an interest, share or equity.


- 6.2 The Erongo Regional Council shall not accept under any circumstances any process whereby the purchaser of the property will be allowed to nominate a third party as the eventual purchaser of the property. To be more specific, the Council shall not entertain any agent bidding on behalf of a principal or any nominee acting on behalf of a legal entity still to be incorporated.

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Annexure "A"



Annexure “B”

 SINGLE RESIDENTIAL (WLOTZKASBAKEN PROPER)				
PERMITTED USES	COVERA GE	BULK	HEIGHT	PARKING REQUIREMENTS
Dwelling House	Full developm ent not to exceed 500 square meters	N/A	Two Storeys with a maximu m of 8 meters in height	1 bay per unit
Supplementary Dwelling with a maximum size of 120 m²		N/A		1 additional bay for supplementary unit
CONSENT USES	COVERA GE	BULK	HEIGHT	PARKING REQUIREMENTS
Occupational Practice as per the definition	Full developm ent not to exceed 500 square meters	N/A	Two Storeys with a maximu m of 8 meter in height	1 bay for every 30 m Gross Leasable Area
Home Based Business		N/A		1 bay for every 30 m Gross Leasable Area
Place(s) of Instruction		N/A		Minimum of 2 bays for 1 - 6 students plus 0,5 bays per additional student
Place(s) of Assembly		N/A		1 bay per 4 seats
ADDITIONAL PROVISIONS				
Density:	1 dwelling per erf			
Minimum erf size:	As per the approved General Plan for Wlotzkasbaken Proper.			
Street building line(s):	At least 5 m			
Side and rear space(s):	At least 3 m			
Special Conditions:	Building lines may be relaxed with special consent of Council, but only to rectify existing encroachments.			
	Fenced or walled courtyards not to exceed 200 square meters.			
	No erf boundary fences to be erected.			



Annexure "C"

ERONGO REGIONAL COUNCIL

**APPLICATION FOR REFUND OF REGISTRATION FEE BY
UNSUCCESSFUL BIDDER: CLOSED BID SALE OF 18 JUNE 2021**

- 1) As per attached proof of payment, name in which payment was made:
.....
- 2) Contact person:.....
- 3) Tel no: E-mail:
- 4) Bank:
- 5) Account No:
- 6) Branch Code: Account type:
- 7) Payment was made to the Erongo Regional Council by: (Please tick the appropriate box)
 Electronic Funds Transfer (EFT) Deposit into bank account
- 8) Refund by Erongo Regional Council will only be done with Electronic Funds Transfer (EFT)

Please ensure you attach the original receipt to this application form to complete your application.

Conditions of Refund

- 1) A refund cannot be made without the original receipt issued at the Cashiers attached to this form.
- 2) Refunds for payments can only be made into the name from which payment was received.
- 3) Refunds will be done within 7 working days from the date of receipt of the completed application form with the required proof of payment attached.
- 4) Please attach a copy of your identity document

.....
Date

.....
Signature

Official stamp – date received