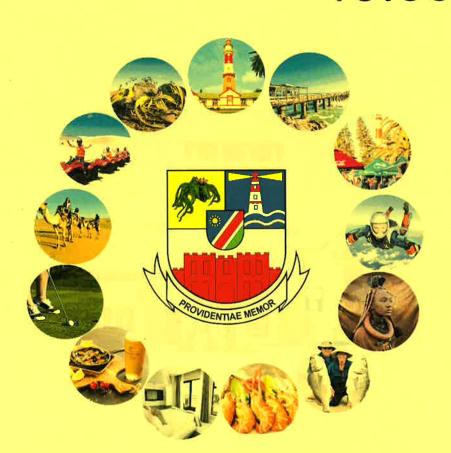
Municipality of Swakopmund

SUPPLEMENTARY AGENDA NO. 2

COUNCIL MEETING

ON TUESDAY **30 APRIL 2024** AT 19:00



CONTACT US:

Telephone: +264 64 410 4206 Email: <u>akahuika@swkmun.com.na</u> Website: www.swkmun.com.na

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11.1.22 CLAIM FOR WATER DAMAGED HOUSEHOLD PROPERTIES – ERF 121 MONDESA

(C/M 2024/04/30 - 3/14/2)

Special Management Committee Meeting of 30 April 2024, Addendum 10.1 page 04 refers.

A. This item was submitted to the Management Committee for consideration:

INTRODUCTION

FA Developers was appointed by Messrs. Erongo Red for excavating works which were carried out in OB Street on the 9th of January 2024 installing telecom cables. Resultantly a 90mm pipe burst occurred and was reported to our Water Works section to close the water supply for the repairs to the water pipe of which the report is attached for ease of reference.

Mr. Herman J Gonteb, residing in erf 121, OB Street in Mondesa claimed water damages to his properties at the loss of N\$12 000 against Council on the 16th February 2024.

The claim was submitted to Hollard, Council's insurance and was declined as per attached letter dated 5th March 2024. Mr, Gonteb did not accept the outcome of his claim has been visiting Finance and CEO's offices claiming his losses.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That it be noted that a pipe was damaged by FA Developers who was appointed by Erongo Red and not by Council to do excavation in OB Street on 24 January 2024.
- (b) That it be noted that a claim, was submitted to the insurances, however they rejected, since Council is not liable for the damage suffered of N\$12 000.00 by Mr. Gonteb.
- (c) That Mr. Gonteb be notified to engage with FA Developers and E-RED to find an amicable solution to his loses.



🕓 +264 64 410 4111 | 🎯 swkmun@swkmun.com.na | 🙆 P O Box 53, Swakopmund, Namibia

Ref No.:

3/14/2

Enquiries: Mrs Gaudensia Mukena

25 April 2024

Owner Erf 121 OB Street Mondesa **SWAKOPMUND** 13001

Dear Mr Herman Gonteb,

CLAIM FOR WATER DAMAGED HOUSEHOLD PROPERTIES - ERF 121 MONDESA

We make reference to the subject matter.

We acknowledge receipt of your letter dated 15 February 2024.

A liability claim was lodged with Council's Insurers (Marsh Namibia (Pty) Ltd) under claim number: L03/02-2024.

Pursuant to an independent investigation executed by the Insurance team, it was found that Council is not liable for the water damages caused to your household properties. With the latter stated, Council therefore does not have any financial obligation towards payment of the estimated N\$12 000.00 loss of property claim.

However, Council is hereby informing that there were excavating works carried out in OB Street on the 9th of January 2024 by FA Developers, who were appointed by Erongo Red and not Swakopmund Municipality. Resultantly, a pipe burst occured and was reported to our Water Works Section. Thus, we kindly advise you to consider engaging FA Developers to find an amicable solution to your claim.

Hereunder is the contact details of FA Developers should you wish to pursue our recommendation.

FA Developers cc 3957 Industrial Area Swakopmund - Namibia +264 64 460 143

I trust that you will find the above in order-



Yours faithfully

Mrs Gaudensia Mukena MANAGER FINANCE

HN/afs





5 March 2024

Mr HJ Gonteb Erf 121 OB Street Mondesa

Our Ref: 294374

"Without Prejudice"

Dear Sir/ Madam

RE: MUNICIPALITY OF SWAKOPMUND - WATER DAMAGE DATED 10/1/2024 CLAIM 294374

With reference to the above claim lodge with Hollard:

It is the view of Hollard that Municipality of Swakopmund, herein after referred to as *our client*, did not act negligently in the circumstances in question. The event that occurred were outside of our client's control and not deliberate.

Therefore, Hollard will not propose a settlement in this approach.

Sincerely

Zelda Buitendag

Bcom. (Law) LLB (Stel) Attorney Legal Officer | Legal | Namibia

T: +264 61 422 600 E: ZBuitendag@hollardnam.com

15 February 2034

P.O. Box

SWAKOPMUND NAMIBIA

THE CHIEF EXECUTIVE OFFICER SWAKEPMUND MUNICIPALTY 1 5 550 MM

SiR

RE: Claim for damaged Household Properties

REFERENCING the CITTAChed Sworn Declaration, the below claim is hereby formally submitted for consideration by my Estermed Municipality.

ON the Might of 10 JANUARY 2024 I was awoken by a STORM water that Entered my ahette. Upon closure inspection & Moted that the main waterpipe in the STREET bursted resulting in a volume of water Entering my ahette. This resulted in me Suffering Substantial loses as a result of damage to my Personal Property, being my TV, 2x cellphones, STOVE, Floor covering and some shoes.

I do NOT have any INSURANCE ON the MENTIONED ITEMS thus my LUNITIEN reQUEST for compensation from the MUNICIPALTY.

My Estimated ucilité for the MEMS SO d'AMAGE by the water is M&12,000-00 the thus my humble but vigent toquest that the Municipality compensate me as such.

Your favourable considerations of my claim will be highly appreciated and kindly note that I am open for any meeting and discussion on this matter

Yours forTHFilly

HERMAN, J. CONTEB

OB STREET MONDESA

Cell 081 763 11 00

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I certify that the deponent acknowledged that he/ste know and understand the contents of this declaration, which was read through and swom/affirmed to before me and signature placed on it in my presence at Swakopmund on this							
	Swakopmund on this day of	COMMISSIONER OF DATE	about (A)HZ T.				
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Ordinary Council Meeting - 30 April 2024

