

RIZOLUZZJONI DWAR TRASFERIMENT TA' PROPRJETÀ

IL-MINISTRU GHALL-AKKOMODAZZJONI SOĊJALI U AFFORDABBLI JIPPROVONI ILLI L-KAMRA TAD-DEPUTATI TAPPROVA DIN IR-RIZOLUZZJONI:-

Billi d-domanda għall-akkomodazzjoni soċjali baqgħet waħda sinifikanti u għaldaqstant kull porzjon vijabbli ta' art fil-pussess tal-Awtorità tad-Djar għandha tiġi uttilizzata bl-aqwa mod possibbli, b'tali mod li l-potenzjal sħiħ tagħha jkun jista' jitgawda mill-benefiċjarji tal-assistenza soċjali tal-Gvern ta' Malta.

U billi l-Awtorità tad-Djar għandha fil-pussess tagħha medda ta' art ġewwa Hal-Luqa, maqsuma f'żewġ porzjonijiet, sitwata fil-bnadi magħrufa bħala 'Tad-Dukkiena', liema art tikkonsisti fi spazju fabrikabbli li jkejjel b'mod kumulattiv madwar tleth elef ħames mija u disa' u sebghin punt wieħed u ħamsin metru kwadrat (3,579.51m²), liema medda ta' art hija aċċessibbli minn Triq il-Ġdida u minn Triq Mikielang Sapiano u qiegħda tiġi mmarkata fuq il-iż-żewġ pjanti tas-sit hawn annessi u mmarkati bħala 'Dok. A' u 'Dok A1'.

U billi s-soċjetà Polidano Properties Limited (bin-numru tar-registrazzjoni C 21689) għandha fil-pussess tagħha medda ta' art konfinanti ma' dik tal-Awtorità tad-Djar ġewwa Hal Luqa fl-istess bnadi u aċċessibbli mill-istess toroq, liema art konfinanti tikkonsisti fi spazju fabrikabbli li jkejjel madwar elfejn, mija u tletin metru kwadrat (2130 m²) u li qiegħda tiġi mmarkata fuq il-pjanta tas-sit hawn annessa u mmarkata bħala 'Dok. B'.

U billi kemm l-Awtorità tad-Djar u s-soċjetà Polidano Properties Limited issottomettew applikazzjonijiet separati għall-iżvilupp tal-artijiet rispettivi tagħhom quddiem l-Awtorità għall-Ippjanar, liema applikazzjonijiet għandhom in-numru tar-riferenza PA 02786/07 (Awtorità tad-Djar) u PA 06321/03 (Polidano Properties Limited). U billi l-Awtorità għall-Ippjanar iddeterminat li ż-żewġ medded ta' art jiffurmaw spazju kontigwu wieħed ta' żvilupp, u għaldaqstant dan jirrikjedi approċċ kowordinat bejn il-partijiet għall-applikazzjonijiet rispettivi tagħhom.

U billi qamet tilwima bejn il-partijiet rigward is-sjieda ta' medda ta' art li tkejjel madwar seba' mija u ħamsa u sebghin punt tlieta u sebghin metru kwadrat (775.73m²) li preżentament tiffirma parti mill-medda ta' art fil-pussess tal-Awtorità tad-Djar, liema pussess qiegħed jiġi kkontestat mis-soċjetà Polidano Properties Limited għaladarba din tal-aħħar issostni li l-art hija proprjetà tagħha. Illi dawn it-tilwimiet kienu l-bażi ta' diversi oġġezzjonijiet li saru mill-partijiet fil-konfront tal-applikazzjonijiet għall-iżvilupp sopracitati quddiem l-Awtorità għall-Ippjanar.

U billi, wara t-tmim ta' negozjati bejn il-partijiet, l-Awtorità tad-Djar u s-soċjetà Polidano Properties Limited laħqu ftehim li jirtiraw l-oġġezzjonijiet li kellhom quddiem l-Awtorità għall-Ippjanar sabiex jiffaċilitaw l-iżvilupp taż-żewġ siti, u billi t-termini u l-kundizzjonijiet ta' dan il-ftehim konċiljatarju ġie rifless, fost affarijiet oħra, fl-abbozz tal-kuntratt finali tat-trasferiment kif abbozzat, hawn anness u mmarkat bħala 'Dok. MSAA1'.

Għaldaqstant, wara li ġie meqjus l-interess pubbliku ta' dan l-iżvilupp u l-irtirar amikevoli tal-oġġezzjonijiet li kienu qiegħdin jimblukkaw tali żviluppi, l-Awtorità tad-Djar ikkusidrat li huwa ġustifikabbli li jsir trasferiment ta' żewġ porzjonijiet ta' art mis-sit tagħha a favur tas-soċjetà Polidano Properties Limited li jkejlu rispettivament madwar erba' mija u tmintax punt sitta u tmenin metru kwadrat (418.86m²) fir-rigward tal-porzjon taħt il-livell tat-triq, liema porzjon qiegħda tiġi mmarkata bil-kulur roża fuq il-pjanta hawn annessa u mmarkata bħala 'Dok. D', u l-porzjon rimanenti ta' mija u

ghaxxa punt tnejn u għoxrin metru kwadrat (110.22m²) fuq il-livell tat-triq *usque et coelum*, liema porzjon qiegħed jiġi mmarkat bil-kulur roża fuq il-pjanta hawn annessa u mmarkata bħala 'Dok. E'.

Illi l-korrispettiv finanzjarju għal dan it-trasferiment ġie maqbul fil-valur ta' hames mija u tliet elef, sitt mija u wieħed u tletin Ewro u wieħed u għoxrin ċenteżmu (€503,631.21) maqsum fis-somma ta' wieħed u hamsin elf seba' mija u disgħa u għoxrin Ewro u wieħed u għoxrin ċenteżmu (€51,729.21) bħala l-prezz tal-porzjon tal-art taħt il-livell tal-art, filwaqt li s-somma ta' erba' mija u wieħed u hamsin elf disa' mija u żewġ Ewro (€451,902) bħala l-prezz tal-porzjon rimanenti fuq il-livell tal-art *usque et coelum*, li ż-żewġ sommom huma pagabbli mad-data tal-eżekuzzjoni tal-att pubbliku finali. B'dan iżda li l-Awtorità qiegħda espressament teskludi l-garanzija tad-difetti latenti fuq iż-żewġ-porzjoni ta' art.

Illi s-soċjetà Polidano Properties Limited, apparti l-ħlas tal-korrispettiv deskritt aktar 'il fuq, qiegħda tintrabat fost affarijiet oħra li tibni l-ħajt diviżorju bejn iż-żewġ siti għas-spejjeż tagħha sa' sena mill-esekuzzjoni tal-att finali tal-bejgħ. Fin-nuqqas li tottempra ruħha ma' dan l-obbligu sat-tali data, l-Awtorità għandha l-jedd li tibni dan il-ħajt diviżorju hi u tirkupra l-ispejjeż minghand is-soċjetà Polidano Properties Limited.

Illi l-ftehim bejn il-partijiet jinkludi wkoll wegħda ta' kostituzzjoni u servitù reċiproku fejn l-Awtorità tad-Djar sejra twiegħed u tobbliga ruħha bħala servitu in perpetwu favur is-soċjetà Polidano u s-suċċessuri tagħha fit-titolu:

- a) id-dritt ta' aċċess perpetwu bir-riġel jew għal fini ta' tiswijiet u manutenzjoni biss;
- b) id-dritt ta' ftuħ ta' twieqi u aperturi, u dritt li jesporgu gallariji;
- c) id-dritt ta' dawl u arja (light and ventilation); fuq

porzjon diviża ta' art li tkejjel mija u tmienja u sebghin punt seba' u disgħin metru kwadrat (178.97m²) u oħra li tkejjel madwar disgħa u tletin punt wieħed u għoxrin metru kwadrat (39.21m²), liema żewġ porzjonijiet qiegħdin jiġu mmarkati bil-kulur aħdar fuq il-pjanta tas-sit hawn annessa u mmarkata bħala 'Dok. E'.

Illi din il-kostituzzjoni ta' servitu mill-Awtorità tad-Djar a favur is-soċjetà Polidano Properties Limited qed issir versu l-prezz ta' mitejn u tmienja u sittin elf u tlett mija u wieħed u sittin Ewro u erbghin ċenteżmu (€268,361.40).

Illi fl-istess waqt, is-soċjetà Polidano Properties Limited qiegħda tikkostitwixxi servitu bid-dritt ta' aċċess perpetwu bir-riġel, a favur l-Awtorità tad-Djar fuq porzjon diviżi ta' art li tkejjel mija u sitta u għoxrin punt disgħin metru kwadrat (126.90m²), liema porzjon qiegħed jiġi mmarkat bil-kulur isfar fil-pjanta tas-sit hawn annessa u mmarkata bħala 'Dok. E'.

Illi din il-wegħda ta' kostituzzjoni ta' servitù mis-soċjetà Polidano Properties Limited a favur tal-Awtorità tad-Djar qed issir versu l-prezz ta' sitta u sittin elf, disa' mija u tmienja u għoxrin Ewro u tlieta u sebghin ċenteżmu (€66,928.73).

Illi t-trasferiment tal-artijiet u l-kostituzzjoni ta' servitujiet qiegħdin isiru soġġett għall-obbligazzjoni da parti tal-Awtorità tad-Djar jew il-Gvern ta' Malta li fil-każ li jiġi ppruvat li s-soċjetà Polidano Properties Limited kienet fil-fatt is-sid tal-porzjon ta' art kontestata, illi jkun hemm kumpens u in kontrokambju l-art tiġi trasferita formalment lil Gvern ta' Malta għall-prezz li jiġi stabbilit minn tliet periti li jitqabdu bi qbil bejn il-partijiet.

Illi l-partijiet apparti dawn it-trasferimenti, kostituzzjonijiet u wegħdiet, qiegħdin jobligaw irwieħhom li jirtiraw irrevokabilment kwalsijasi oġġezzjoni għall-applikazzjonijiet ta' żvilupp relattivi għas-siti tal-kontroparti għall-finijiet tal-iżvilupp.


U billi fl-artikolu 31, sub-artikolu (ċ) ta' Taqsima III tal-Att dwar l-Artijiet tal-Gvern (Kapitolu 573 tal-Liġijiet ta' Malta), huwa maħsub li art li tkun proprjetà tal-Gvern jew amministrata minnu tista' tiġi trasferita skont risoluzzjoni speċjali tal-Kamra tad-Deputati li tkun fis-seħh fil-waqt tat-trasferiment.

Billi huwa xieraq li t-trasferiment fuq imsemmi jsir skont risoluzzjoni speċjali tal-Kamra tad-Deputati; Għalhekk huwa b'dan risolut illi jsir:

(i) trasferiment lis-soċjetà Polidano Properties Limited ta' żewġ porzjonijiet ta' art li jkejlu rispettivament 418.86m² fir-rigward tal-porzjon taht il-livell tat-triq u 110.22m² fir-rigward tal-porzjon fuq il-livell tat-triq, liema porzjonijiet flimkien ikejlu b'mod kumulattiv 529.08m² fl-art fil-pussess tal-Awtorità tad-Djar fl-inhawi magħrufa bħala 'Tad-Dukkiena' ġewwa Hal-Luqa, liema sit qiegħed jiġi mmarkat fuq il-pjanta annessa u mmarkata bħala 'Dok. A', bil-porzjonijiet rispettivi jiġu mmarkati separatament bil-kulur roża fuq il-pjanti annessi u mmarkati bħala 'Dok. D' u 'Dok. E' ; u

(ii) kostituzzjoni ta' servitù reċiproku bejn l-Awtorità tad-Djar u s-soċjetà Polidano Properties Limited fuq tliet porzjonijiet ta' art, l-ewwel tnejn immarkati bil-kulur aħdar (tal-Awtorità) u l-oħra bil-kulur isfar (tas-soċjetà Polidano) rispettivament fuq il-pjanta annessa u mmarkata bħala 'Dok. E';

Skont il-pattijiet u l-kundizzjonijiet imsemmija fl-abbozz hawnhekk anness u mmarkat bħala 'Dok. MSAA1'.



Onorevoli Roderick Galdes

Anness: 'Dok. A' – Pjanta tas-Sit li jinkludi porzjon mill-medda ta' art fil-pussess tal-Awtorità tad-Djar

'Dok A1' – Pjanta tas-Sit li jinkludi l-porzjon l-oħra mill-medda ta' art fil-pussess tal-Awtorità tad-Djar

'Dok B' – Pjanta tas-Sit li tirrifletti l-medda tal-art fil-pussess ta' Polidano Properties Limited

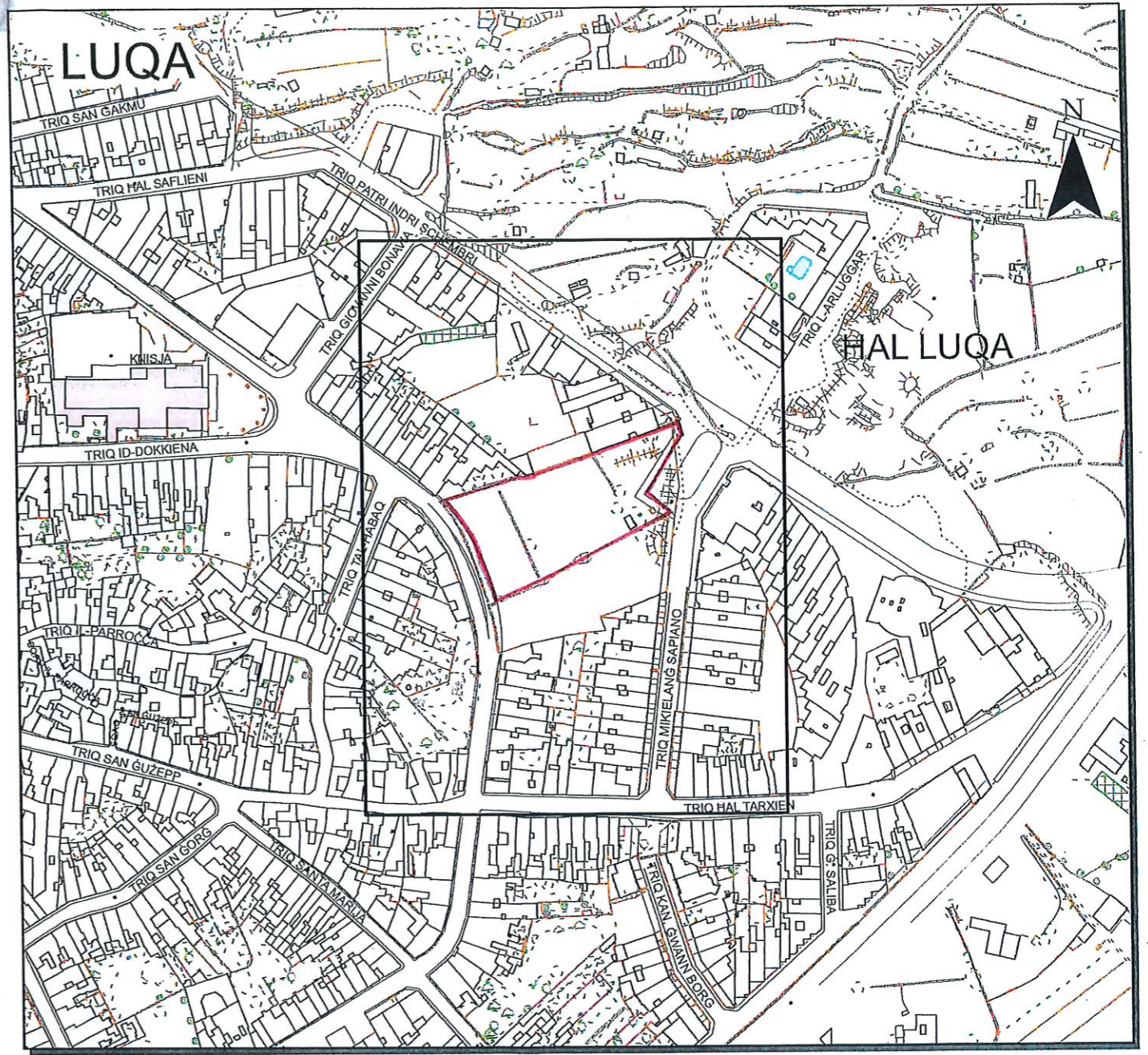
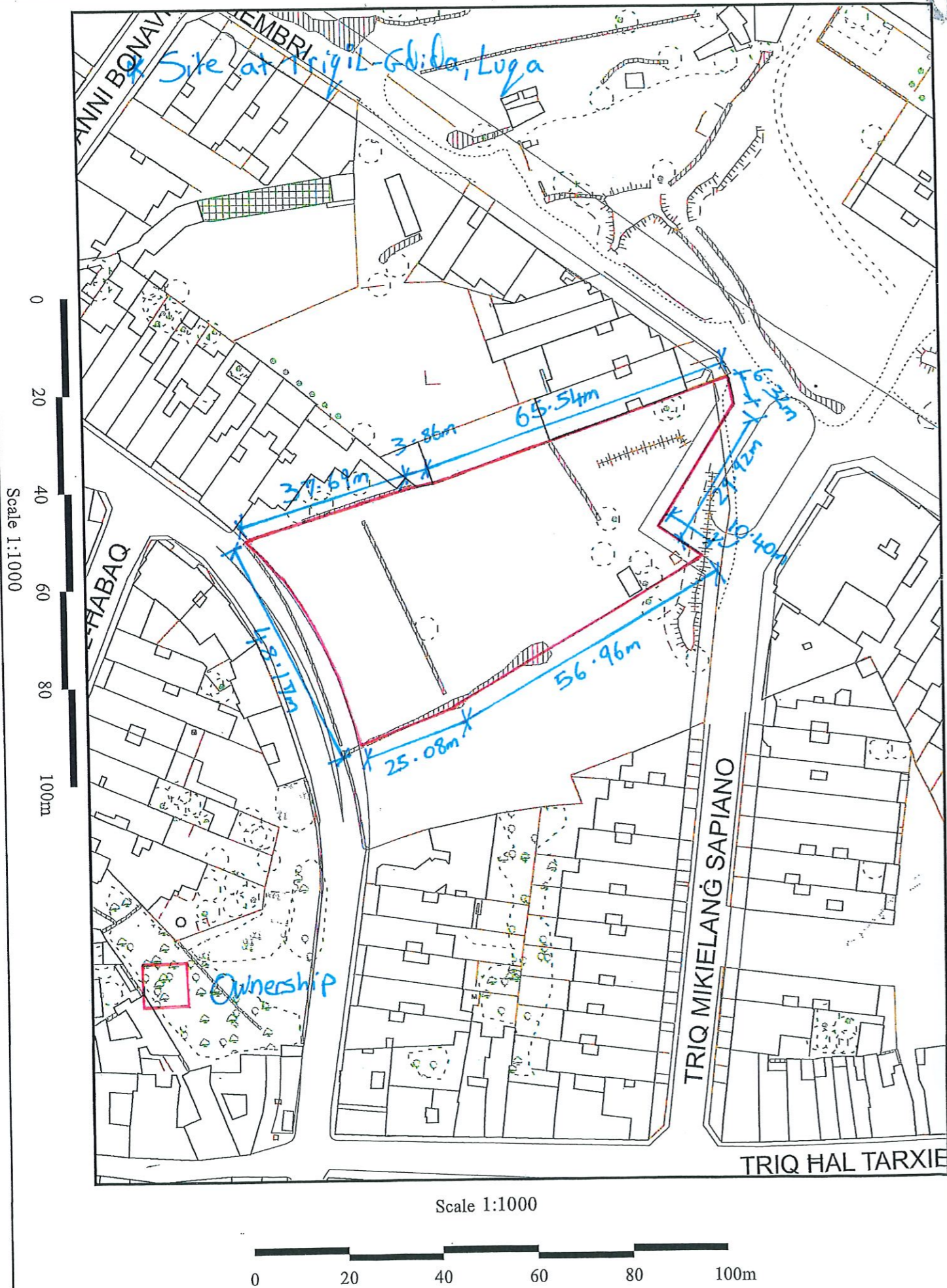
'Dok C' – Pjanta tas-Sit annessa mal-applikazzjoni li ssottomettew Polidano Properties Limited bin-numru ta' referenza tal-Awtorità għall-Ippjanar numru PA/06321/03

'Dok D' – Pjanta tas-Sit li tirrifletti l-porzjon tal-art taht il-livell tal-art ('Basement')

'Dok E' – Pjanta tas-Sit li tirrifletti l-porzjon tal-art fuq il-livell tal-art *usque et coelum* ('Ground Floor')

'Dok. F' – Valutazzjonijiet

'Dok. MSAA1' – Abbozz tal-att pubbliku tat-trasferiment abbozzat min-Nutar Dottor Brenda Jane Camilleri Vella



Pjanta tas-Sit 1:2500 Site Plan

Aġenzija għar-Registrazzjoni tal-Artijiet
116, Casa Bolino, Triq il-Punent, Il-Belt Valletta



Land Registration Agency
116, Casa Bolino, Triq il-Punent, Il-Belt Valletta

Nru tal-Mappa: Map Number:	389398 M	Pozizzjoni Ċentrali: Centre Coordinates:	x = 54231 y = 68815	Parti min S.S.: Extracted from S.S.:	5468	Data: Date:	08/04/2025
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Perit:
Architect:

Perit Alison Zammit

Timbru tal-Perit:
Architect's Stamp:

PERIT ALISON ZAMMIT
B.E.&A.(Hons.),Pg.Dip.Conservation Tech.
MSc.Sustainable Energy, A.&C.E.
Warrant No: 426
HOUSING AUTHORITY
22, Triq Pietro Floriani, Floriana FRN 1060

Qies (metri kwadri):
Area (square metres):

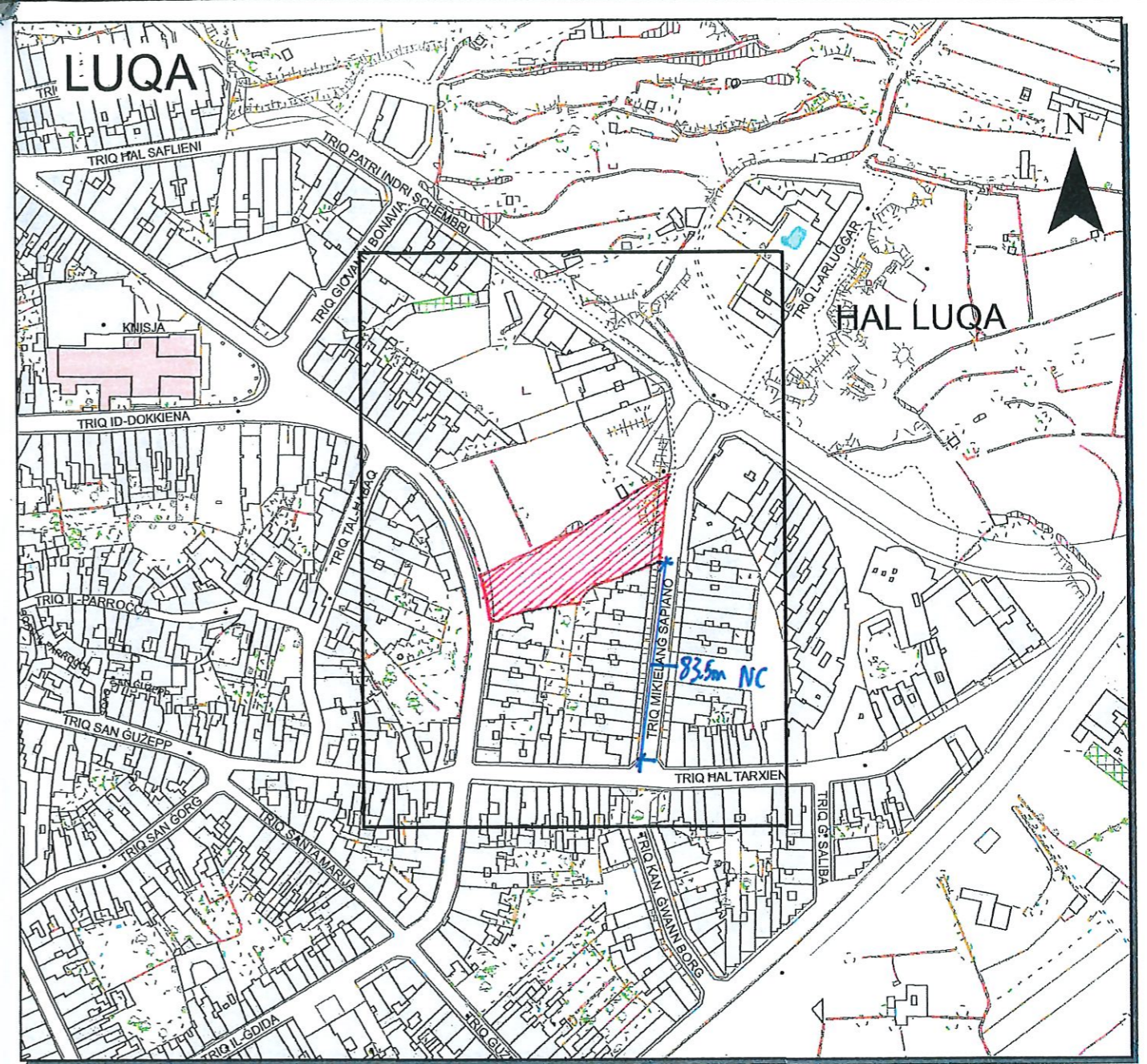
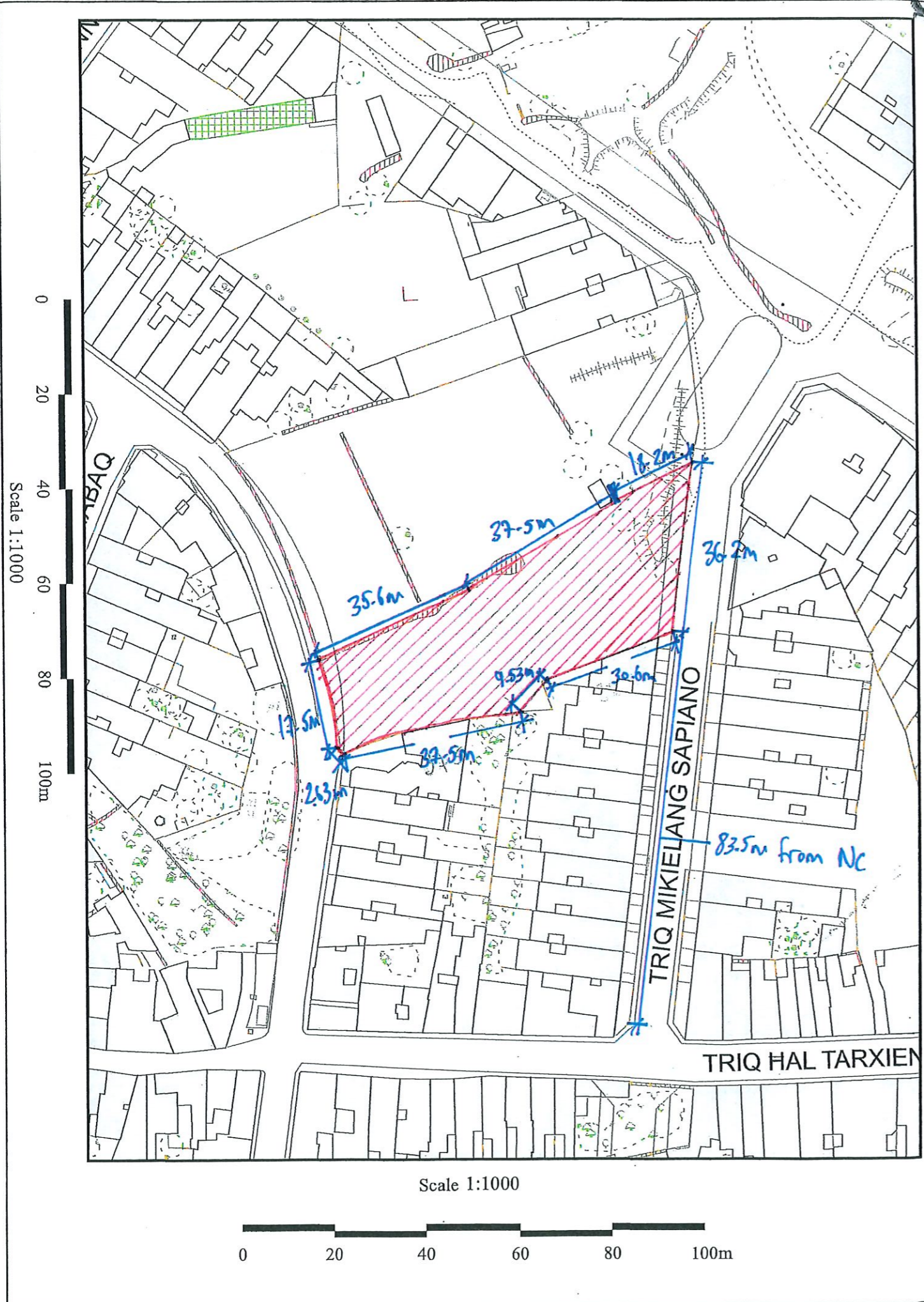
≈ 3,563.51m²

Firma ta' l-Applikant:
Applicant's Signature:

LR 332296

Dritt imħallas
Fee Paid

Doc B.



Pjanta tas-Sit 1:2500 Site Plan

Aġenzija għar-Registrazzjoni tal-Artijiet
116, Casa Bolino, Triq il-Punent, Il-Belt Valletta



Land Registration Agency
116, Casa Bolino, Triq il-Punent, Il-Belt Valletta

Nru tal-Mappa: Map Number:	389886 E	Pozizzjoni Ċentrali: Centre Coordinates:	x = 54234 y = 68797	Parti min S.S.: Extracted from S.S.:	5468	Data: Date:	11/04/2025
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Perit:
Architect:
Timbru tal-Perit:
Architect's Stamp:

Joseph Cachia
Joseph Cachia
BE&A, MSc, MEI, CEng, A&CE
Warrant No 177
20, "Blossomville",
Triq il-Hwawar, Iklun IKL 1951

Qies (metri kwadri):
Area (square metres):
Firma ta' l-Applikant:
Applicant's Signature:

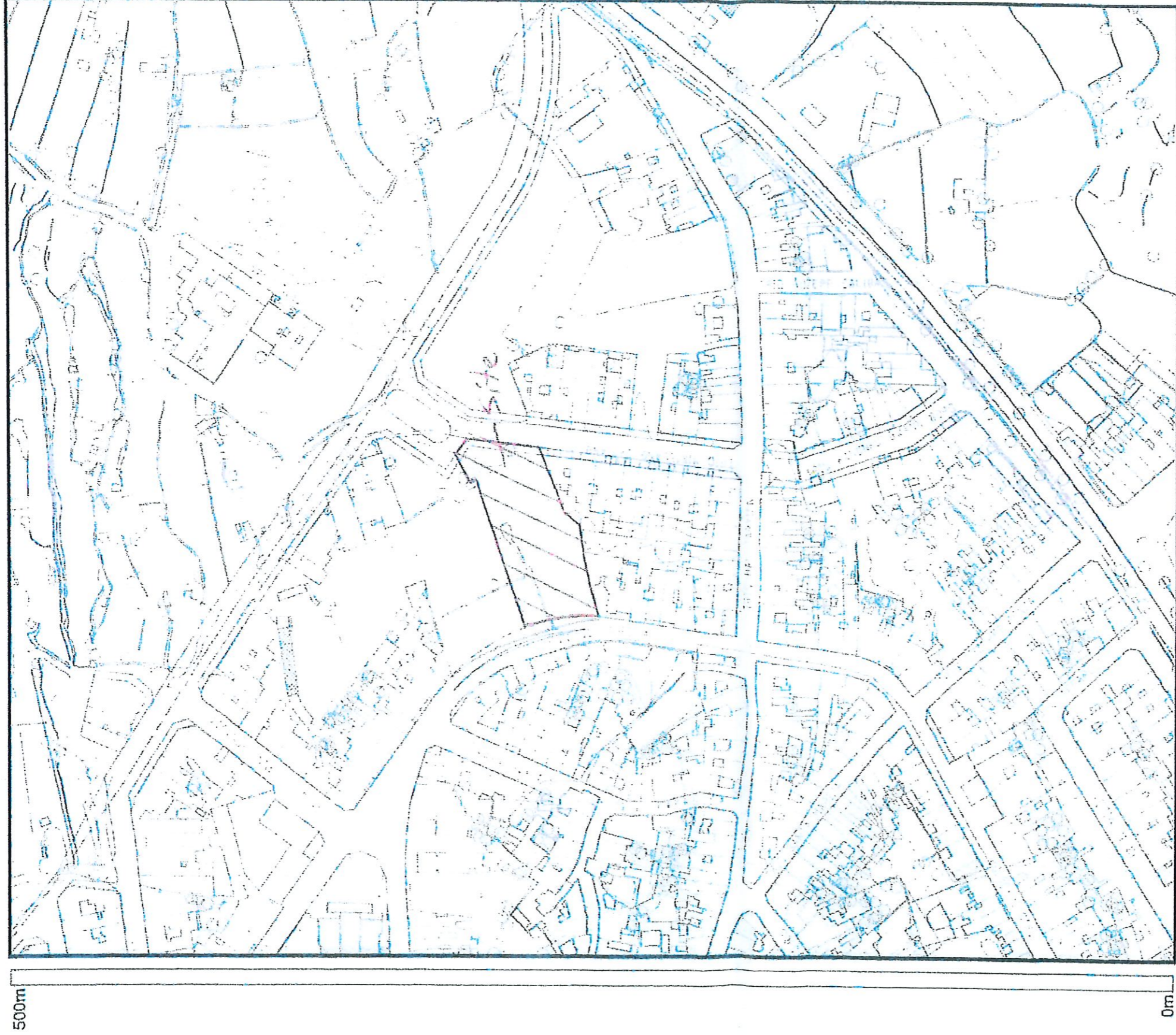
2,130m²

LR 401424

Dritt imhallas
Fee Paid

Rg.

DOC D
D
DOC C



Min Easting 54058.02, Min Northing 68515.09, Max Easting 54458.02, Max Northing 69015.09

0m

400m

MEPA - www.mepa.org.mt

St. Francis Ravelin
Floriana FRN 1230, Malta
PO Box 200, Marsa MRS 1000, Malta
Tel: +356 2290 0000 Fax: +356 22902295

Site Plan, Scale 1:2500

Printed on: Thursday, May 08, 2014

Not to be used for interpretation or scaling of scheme alignments
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Perit Catherine Galea
159 Reizun Valley
P.O. Box 1474
Tel: 22903400

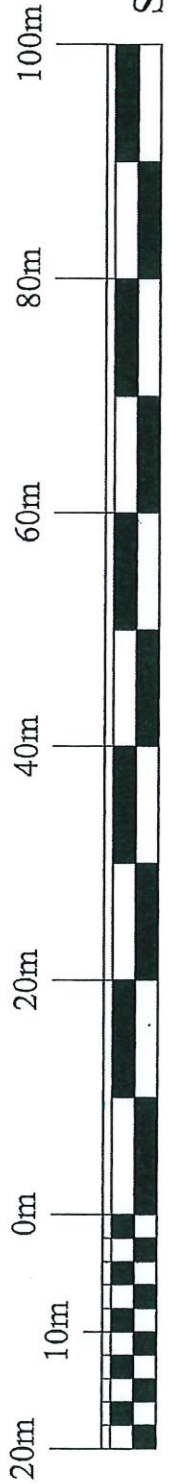


68a

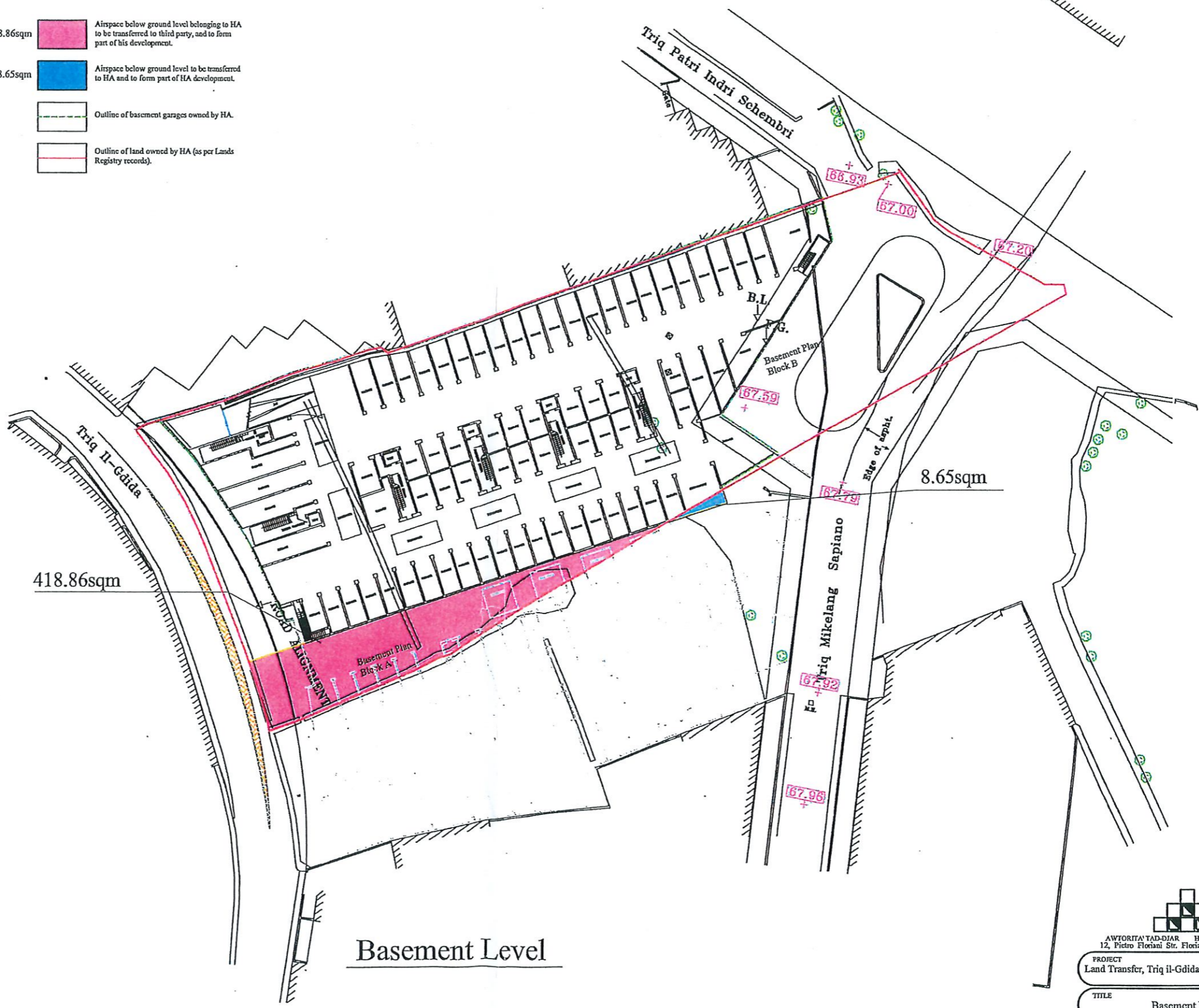
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001 D

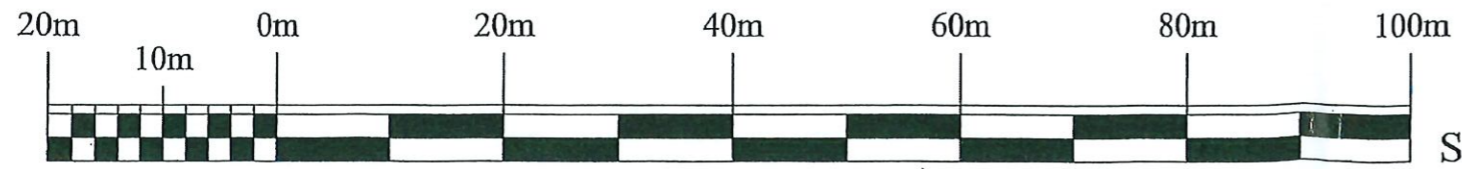
Scale 1:100



- 418.86sqm Airspace below ground level belonging to HA to be transferred to third party, and to form part of his development.
- 8.65sqm Airspace below ground level to be transferred to HA and to form part of HA development.
- Outline of basement garages owned by HA.
- Outline of land owned by HA (as per Lands Registry records).



Basement Level



Scale 1:100



AWTORITA' TAD-DJAR HOUSING AUTHORITY
12, Pietro Floriani Str. Floriana, Tel. 21248260/5

PROJECT
Land Transfer, Triq il-Gdida/ Indri Schembri, Luqa

TITLE
Basement Level

Measured on site by: N/A Drawn by: E. Laturia

Checked by: S. Magro, A & CE Approved by: S. Magro, A & CE

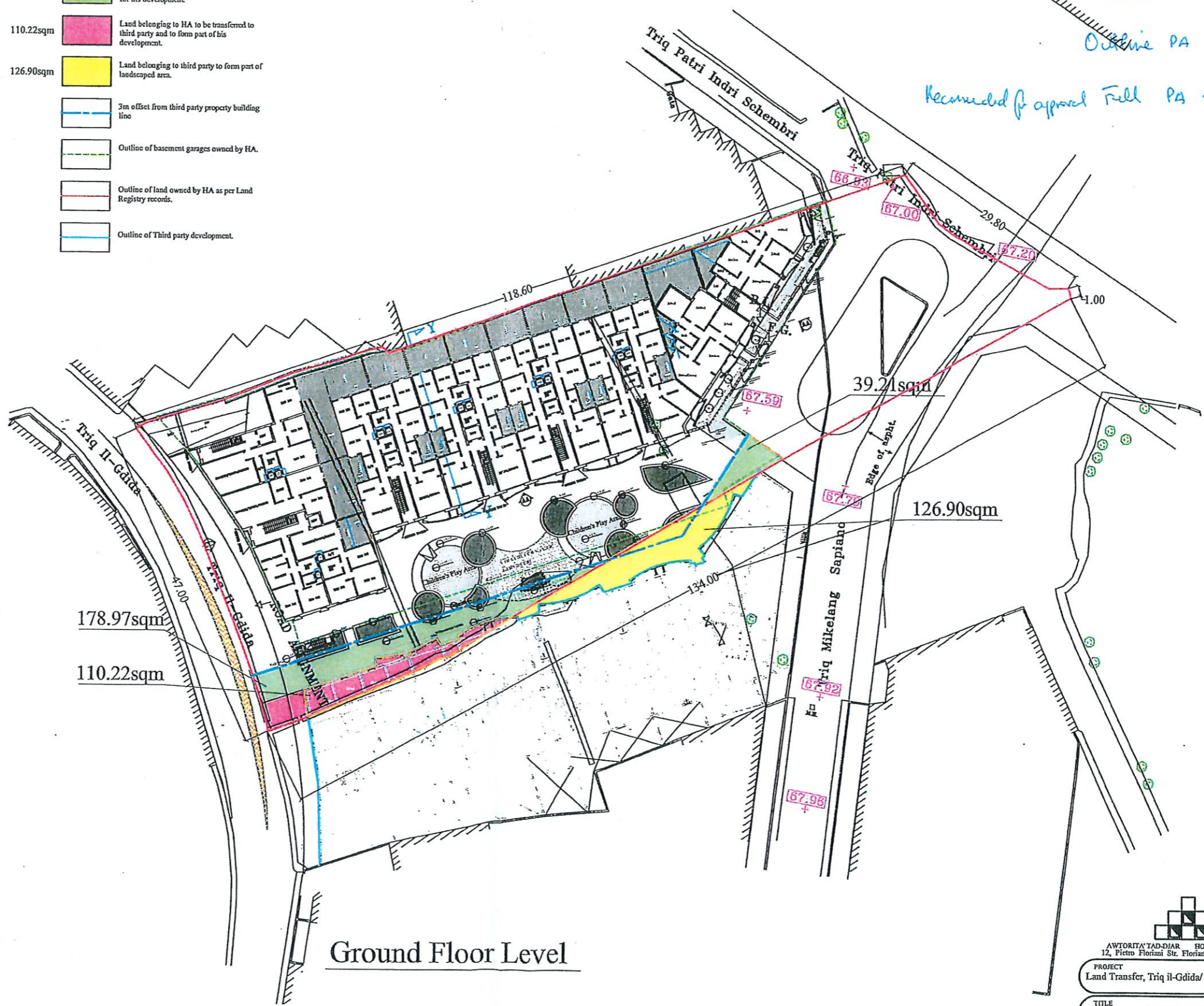
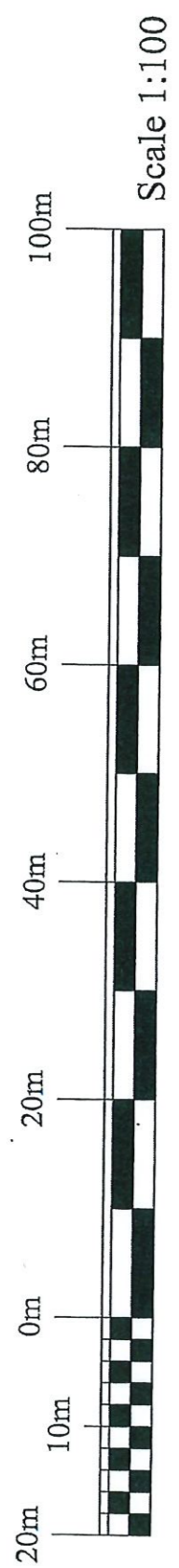
Scale: To Fit Date: 06 / 11 / 2017

REVISION
File No. HAM 17/03 vol.4
Dep. No. H.A. 1264/17

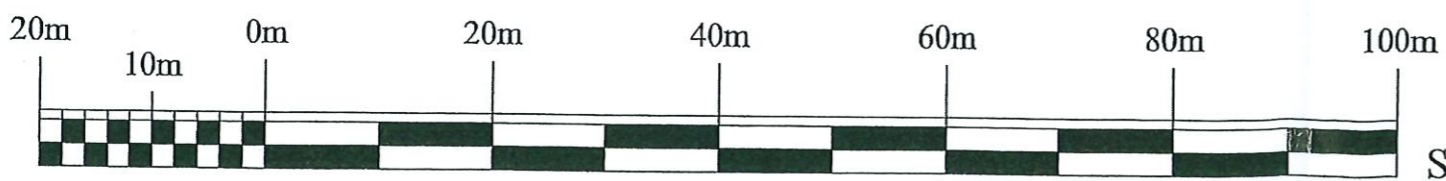
DOK E


Recommended for approval Full PA 06321/03 P. Uckens
 Outline PA 1071/04 HA approved by PA
 Outline PA 06354/04 P. Uckens refused
 Recommended for approval Full PA 2786/07 HA active

- 218.18sqm Land belonging to HA to form part landscaped area and to be utilized by third party as building frontage for his development.
- 110.22sqm Land belonging to HA to be transferred to third party and to form part of his development.
- 126.90sqm Land belonging to third party to form part of landscaped area.
- 3m offset from third party property building line
- Outline of basement garages owned by HA.
- Outline of land owned by HA as per Land Registry records.
- Outline of Third party development.



Ground Floor Level




 AWTORITA' TAD-DIAR HOUSING AUTHORITY
 12, Pietro Floriani Str. Floriana. Tel. 21 248260/5

PROJECT Land Transfer, Triq il-Gaida/ Indri Schembri, Luqa	
TITLE Ground Floor Level	
Measured on site by: N/A	Drawn by: E. Lauria
Checked by: S. Magro, A & CE	Approved by: S. Magro, A & CE
Scale: To Fit	Date: 06 / 11 / 2017
REVISION	File No. HAM 17/03 vol.4 Drg. No. H.A. 1265/17

DOK F

dhi PERITI

architects | civil engineers | valuers | sustainability consultants

Date: 08/08/2024

Client: HOUSING AUTHORITY
RE: Re-VALUATION REPORT

SITE AT TRIQ IL-GDIDA AND TRIQ MIKELANG SAPIANO, LUQA

MAIN REPORT

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Valuation Methodology	Page 5
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Appendix C – Applications	Pages X 11– X14
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SITE AT TRIQ IL-GDIDA AND TRIQ MIKELANG SAPIANO, LUQA

Date: 08th August 2024

This commission was undertaken on the instructions of Housing Authority, Malta for an updating to valuation report as undertaken as at 24th October 2022. This to ascertain the market value of airspace portions to be assigned to a third party. This is undertaken according to the *Kamra Tal-Periti Valuation Standards* as issued in 2012 for valuation of premises, with draws heavily on TEGOVA's European Valuation Standards (EVS) 2009.

The undersigned confirms that no conflict of interest arises in advising you of the opinion of the value of the property, since the undersigned or his associates will not benefit from the valuation instruction, other than the valuation fee.

I have been instructed to assume for the purpose of this valuation that no contaminants exist. I have not been made aware of any survey or report indicating the presence of contaminants or hazardous materials. No responsibility is thus assumed for the existence of any contaminant. Any subsequent identification of such substances may reduce the reported value and would be updated accordingly in an addendum report.

A cursory, not a full building structural survey has been undertaken, with buildings elements that are covered, exposed or inaccessible not inspected and assumed in a good state of repair.

Title documentation and leases were not provided although being assumed as freehold. We shall take this in regards to the matters therein but recommend that reliance should not be placed on our interpretation thereof without prior verification by your legal advisors. Unless notified to the contrary, we assume that each property has a good and marketable title and is free from any pending litigation. We further assume that all documentation is satisfactorily drawn and that unless disclosed to us, there are no unusual or onerous restrictions, easements, covenants or other outgoings, which would adversely affect the value of the relevant interest(s).

A measured site survey was not undertaken, but areas are calculated by reference to identified boundaries of the property and the appropriate as-built drawings as supplied by Housing Authority. All airspace measurements as supplied by the Housing Authority drawings HA 1264/17 & HA 1265/17 are carried out in accordance with the code of measuring practice as issued in the *Kamra tal-Periti Valuation Standards 2012*. The proposed building heights were identified, as per Housing Authority drawing numbers 08 & A14.

Note this valuation is being reported on the basis of 'Valuation Uncertainty' as defined in the European Valuation Standards 2016, and in line with the *Kamra tal-Periti Valuation Standards Covid-19 Guidance Note (May 2020)*. While the estimated value is considered to be the best and most appropriate estimate based on the available information, it is the opinion of the undersigned that less certainty – and a higher degree of caution – should be attached to this valuation than normally would be the case.

Given the unknown future impact that COVID-19 might have on the real estate market, it is recommended that the valuation of the property is under frequent review.

dhi PERITI

The report will be of use to the Housing Authority and its professional advisers and is for the sole purpose stated above. Liability cannot be accepted if it is relied upon by anyone else, whether for the stated purpose or any other.

INTRODUCTION

GENERAL DESCRIPTION OF LAND

Property in question is a vacant portion of land situated in the North Eastern part of the Luqa residential area with a 47.26m street frontage on Triq Mikelang Sapiano and 47.73m on Triq Il-Gdida, for an average depth of 121.93m, giving a total area of circa 4,706m²

Two residential developments are being proposed as noted in layout plan Appendix E. the Housing Authority proposal is as highlighted in proposed layout plan Appendix E. The facing third party proposed development is noted in greyscale.

This proposal provides for the third party developer to make use of the internal passageway, noted in the proposal. In this manner the third party developer may also make use of the internal land, as proposed units will now have a frontage onto this recreational passageway, as linking the above 2 streets.

Planning policies for each site differ in overall usage and height limitation as noted in PA considerations below. Although planning applications for the 2 sites appear to be under the same umbrella so to say with both applications awaiting changes in the planning policies.

That said, it's safe to say that both sites will benefit from an additional floor, taking into account adjacent T.P development approved under PA/02028/06, as highlighted in photo Nos 1 & 2. This has already committed the area taking advantage of the full 17.5m height limitation, as per DC2015.

PA CONSIDERATIONS

The Housing Authority property is located within the Luqa residential area however is governed by **policy SMLU 01** which says; *"MEPA rezones the road situated between Triq il-Gdida and Triq Mikelang Sapiano, as indicated in the Luqa Policy Map LU 1 and Inset Map LU A1, to residential development as part of the comprehensive development of the entire site.*

Development is to include recreational facilities in addition to the residential development provided the proposal clearly demonstrates that:

- i. It does not lead to bad neighbour impacts including unacceptable noise and light pollution;*
- ii. 5% of the site is to be landscaped, in line with provisions in the Guidelines on Trees, Shrubs and Plants for Planting and Landscaping in the Maltese Islands, 2002;*
- iii. 70% of the site is to be developed for residential development;*
- iv. 25% of the site will be designated for recreational facilities including sports facilities as appropriate;*
- v. A water reservoir of suitable size for full site irrigation purposes will be provided on site;*
- vi. The height limitation for this site will be three floors (15.4m DC2015 5 floors total); and*

vii. *The development will include a suitable children's play area.*"

The third party proposed development is located in the Residential Area, following and classified as a residential area as per a **different policy SMHO 02**. This includes for most uses on a local scale as small shops provided that: This includes for most uses on a local scale as shop/offices are not to exceed 75m² in size, although Supermarkets may be accepted if complying with SMCM07.

Acceptable light industrial use of floor area less than 50m² are to be of low impact not requiring 3-phase electrical supply, such as electronic repair servicing and maintenance.

Residential Areas are the predominant land use on the urban areas, especially on the levels above ground floor, with the range of non-resident activities, especially at ground floor tending to be a mix of uses on a local scale with tailors, cobbler, lace-making encouraged with unacceptable uses including carpenter, panel beating, mechanic, mechanical plant servicing, spray painting & bakers. However, depending on the range & scale of mix, garage businesses, schools, showrooms, bars etc may also be found in some residential areas.

The height limitation for the Housing Authority site will be three floors (15.4m DC2015 5 floors total);

The height limitation for the third party Polidano proposed development is for 3 floors + semi basement. This allows for a total building height of 17.50m as per DC2015, which includes for 4 residential floors inclusive of recessed floor and 1m high parapet wall at roof level for screening of services as required by law. From a building section as attached in Appendix B, it is noted that an overall of 5 residential floors can now be constructed as per DC2015.

The Planning history of this property is noted between the years 2003 and 2007 and reads as follows:

Planning Application Case Details PA/06321/03 Full development permission *"Construction of basement garages and overlying dwellings."* This application has been passed to a case officer to assess the development proposal in terms of the Strategic Plan for Environment and Development and other established policies as of the date of this report.

Planning Application Case Details PA/01071/04 Outline development permission *"To construct social housing residential units with underlying basement garages"* This application has been approved by the EPC/MEPA Board 07 September 2005.

Planning Application Case Details PA/02786/07 Full development permission *"Construction of basement garages and overlying dwellings."* This application has been passed to a case officer to assess the development proposal in terms of the Strategic Plan for Environment and Development and other established policies as of the date of this report.

Planning Application Case Details PA/03882/24 Full development permission *"To regenerate an unused site into a public green space incorporating accessible pathways, recreational play elements as well as parking spaces and an underlying reservoir."* The case has been forwarded to a case officer who is awaiting a response to initial consultations carried out as of the date of this report.

OVERALL AREA OF PROPERTY – with portions of land to be transferred to respective owners.

As noted, total land area is of approx. 4,706m², as relating to both the Housing Authority & third party's portions of land. On a typical floor layout, third party appears to be proposing 12 in number residential apartments.

For third party's proposal to be realisable the Housing Authority has to transfer some land/airspace to third party as indicated & highlighted in colour on their drawing Nos. H.A. 1264/17 & H.A. 1265/17, as attached in Appendix E.

The portion of land/airspace to be transferred relate to acquiring land solely at basement level, indicated as items 4 & 5 in table No. 1 below, for the sole use of parking facilities. Land is then to be acquired for the construction of an overall 5 residential floors, as noted in item No. 2. Land is also to be acquired for the necessary central landscaping works, whilst also serving as an internal frontage to third party's proposed development.

VALUATION METHODOLOGY

This is undertaken according to the *Kamra Tal-Periti Valuation Standards* as issued in 2012 for valuation of premises based on a comparative analysis for residential premises. The relative airspace values are obtained via a residual valuation as undertaken in table No. 1. The present going rate for completed residential units for Luqa, as noted from estate agents listings for an adjacent residential block is estimated at €2,150/m². The workings of table No. 1 then estimate the airspace value for 1 residential floor at €820/m².

TABLE 1: RESIDUAL METHOD TO OBTAIN AIRSPACE VALUE.						
	Market Value of completed units at today's date	Unit	Qty	Rate €	Estimated value in €	Asking price in €
1	Luqa apartments					2,150.00
Development Costs						
1	Construction & Finishing Costs	sqm	1	446.25	446.25	
2	Professional fees @ 12%				53.55	
					499.80	
3	VAT @ 18%				89.96	
4	MEPA Levy	sqm	1.00	5.66	5.66	
5	Total Construction & Finishing Costs				595.42	
					595.42	
6	Interest costs @5.75% for Dev Costs for ½ the dev period taken at 27 months				38.52	
7	Estate Agent fees taken @ 3½% of Market Value				75.25	
8	Developers' profit taken at 17.5 % of Market Value				483.75	
9	TOTAL DEVELOPMENT COSTS					1192.94
10	Residual value for land value considered in 15 months time					957.06
11	Vacant Land Value today considering PV for 15 months development period + 6 months selling period @ 5.75%					820.67
	AIRSPACE VALUE - €/sqm.					820

Similar workings for the basement level at a parking market rate of €885/m² as per table No. 2, yields a basement airspace market rate of €61.75/m². This includes for a present upper basement 1-car garage on an overall floor area of 35m²/garage estimated at €31,000. Construction costs at €410/m², also includes for the site excavation works.

TABLE 2: RESIDUAL METHOD TO OBTAIN CAR PARKING AIRSPACE VALUE.						
	Market Value of completed units at today's date	Unit	Qty	Rate €	Estimated value in €	Asking price in €
1	Luqa basement garages					885
Development Costs						
1	Excavation, Construction & Finishing Costs	sqm	1	410.00	410.00	
2	Professional fees @ 12%				49.20	
					459.20	
3	VAT @ 18%				82.66	
4	MEPA Levy	sqm	1.00	5.66	5.66	
5	Total Construction & Finishing Costs				547.52	
					547.52	
6	Interest costs @5.75% for Dev Costs for ½ the dev period taken at 27 months				35.42	
7	Estate Agent fees taken @ 3½% of Market Value				30.98	
8	Developers' profit taken at 17.5 % of Market Value				199.13	
9	TOTAL DEVELOPMENT COSTS					813.03
10	Residual value for land value considered in 15 months time					71.97
11	Vacant Land Value today considering PV for 15 months development period + 6 months selling period @ 5.75%					61.71
	AIRSPACE VALUE - €/sqm.					61.75

For those areas which form part solely of the central landscaped passageway, the total land market rate is to be taken at 30% of the total airspace values, as it provides a direct frontage of proposed development onto central passageway.

With respect to the land as belonging to third party as highlighted in yellow in table 3, it is noted that this portion of land is within the 3m width of land, as designated to provide airspace rights for the proposed TP apartment development facing onto the proposed internal courtyard, as owned by the HA. In this instance the total land market rate is to be taken at 10% of the total airspace values. This value is being assigned, due to the HA, also enjoying use of this proposed enlarged courtyard area. On the other hand the yellow triangular portion falling outside of the 3m width is valued again at 30%.

Table No. 3 now includes for the estimate of the above portions to be transferred to the relative parties. It is noted that the relative airspace areas have been taken off directly as quoted in the Housing Authority drawings as attached in Appendix E.

TABLE 3: VALUE OF LAND IN LUQA TO BE TRANSFERRED				
USE OF LAND	AREA IN m ²	AIRSPACE RATE €/m ²	NUMBER OF AIRSPACES	VALUE IN €
Land belonging to HA to form part of landscaped area & to be utilized by TP as building frontage	218.18	€ 246.00	5	€ 268,361.40
Land belonging to HA to be transferred to TP to form part of TP development	110.22	€ 820.00	5	€ 451,902.00
Land belonging to TP to form part of landscaped area	18.17	€ 246.00	5	-€ 22,349.59
Land belonging to TP providing Courtyard's airspace to proposed TP development	108.73	€ 82.00	5	-€ 44,579.14
Airspace below ground level belonging to HA to be transferred to TP to form part of TP development	418.86	€ 61.75	2	€ 51,729.21
TOTAL VALUE OF AIRSPACES TRANSFER				€ 705,064

CONCLUSIONS & RECOMMENDATIONS

Considering the above, the value of the airspaces to be transferred as outlined above, on a freehold basis are estimated to have a present market value at **€705,000**.

Table 4 notes that affordable Malta residential premises over the past 42-year period have increased in value on an average annual basis at 6.82% p.a., increasing to 9.05% p.a. over the immediate past 10-year, standing at 10% p.a. for Luqa. Over the past 7-year period 2017 - 2024 residential property had increased in value at an overall 6.35% p.a., with this annual growth rate increasing to 6.94% p.a. for the Luqa area.

TABLE 4 –Affordable property over the past 42-year period

Locality	1982	1987	1992	1997	2002	2004	2007	2012	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Luqa	116	175	373	373	505	808	1001	881	980	992	998	1260	1585	1891	2060	2022	2051	2120	2218
Malta	163	212	349	512	629	841	1211	1134	1203	1282	1336	1718	1856	2214	2336	2336	2403	2585	2741

Source: DHI Periti in-house valuations: (2024)

YEAR	1982	1987	1992	1995	1997	2002	2005	2007	2012	2014	2016	2017	2018	2019
LAND	100	120	369	720	1080	1680	2892	3400	3000	3183	3405	4475	5370	5619

Source: DHI Periti in-house valuations: (2019)

On the other hand, land rates over the periods have increased at 11.11% (1982 – 2019), 5.29%pa (2002 - 2019) & 11.29%pa (2012 – 2019). The highest land increase to have occurred was over the 1992 – 2002 at 16.01%pa.

POST COVID

Foreseeing above uncertainties, in truth this pandemic has globally not affected the global property market, where a 6% property price increase averaged out over 2021. This unlike the previous 2008 financial meltdown, when substantial losses were incurred in the residential property market.

If the market rates in 2 – 3 years' time further compounded by the European wars, were to reduce by 5.25%, land value would then read **€668,000**.

Further, since the Housing Authority site will be excavated immediately but shall remain undeveloped for a number of years, the exposed basement walls in third party property, should be made watertight at third party's expense.

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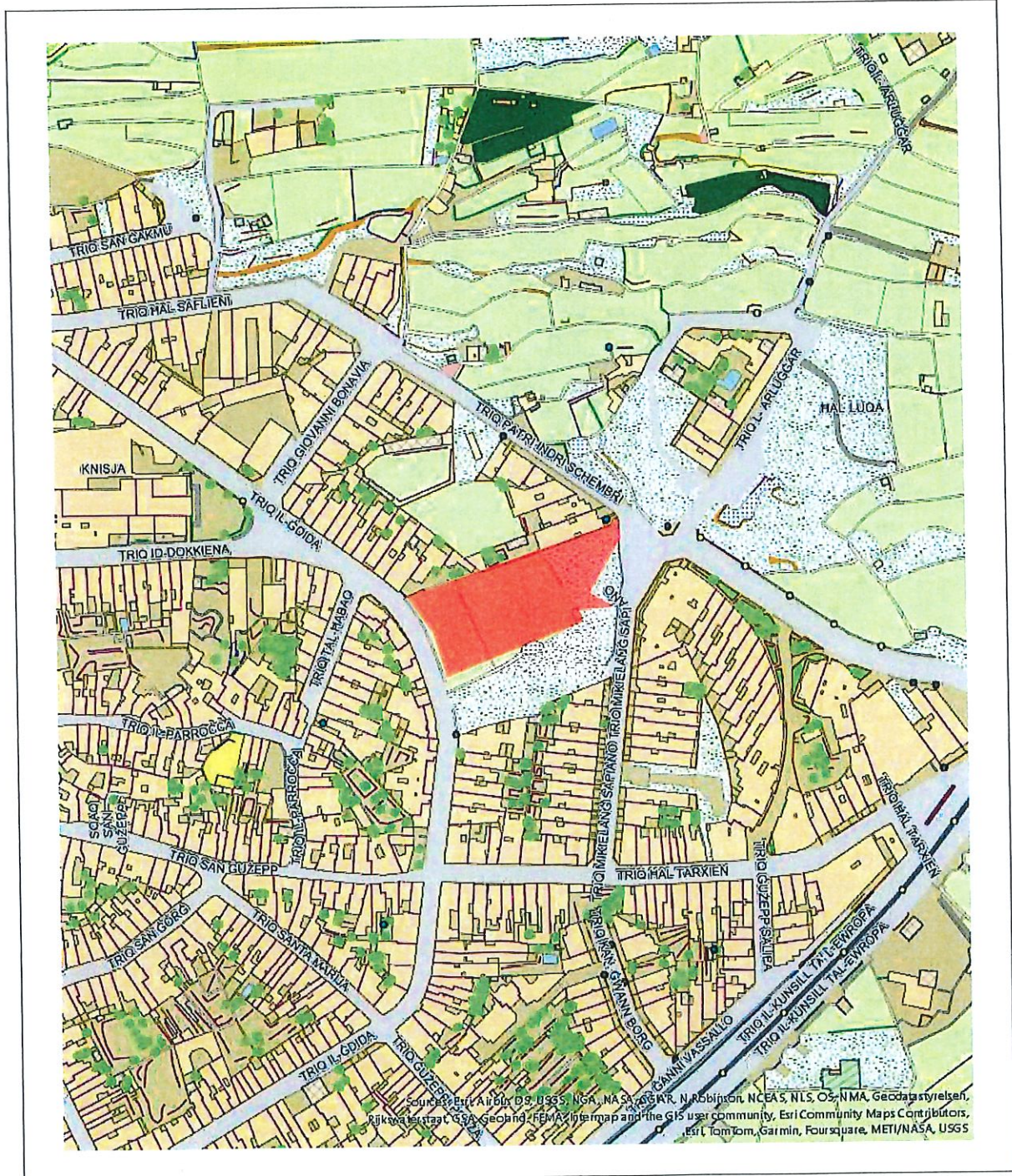
D.H. Camilleri – Eur. Ing, A & CE
 B.Sc. (Eng.), B.A. (Arch.), C.Eng., A.C.I.Arb., F.I.Struct.E., F.I.C.E.
 Founding Partner

dhi PERITI

APPENDICES

APPENDIX A

STREET PLAN



Location Plan: Site marked in Red

APPENDIX A

AERIAL PHOTOS

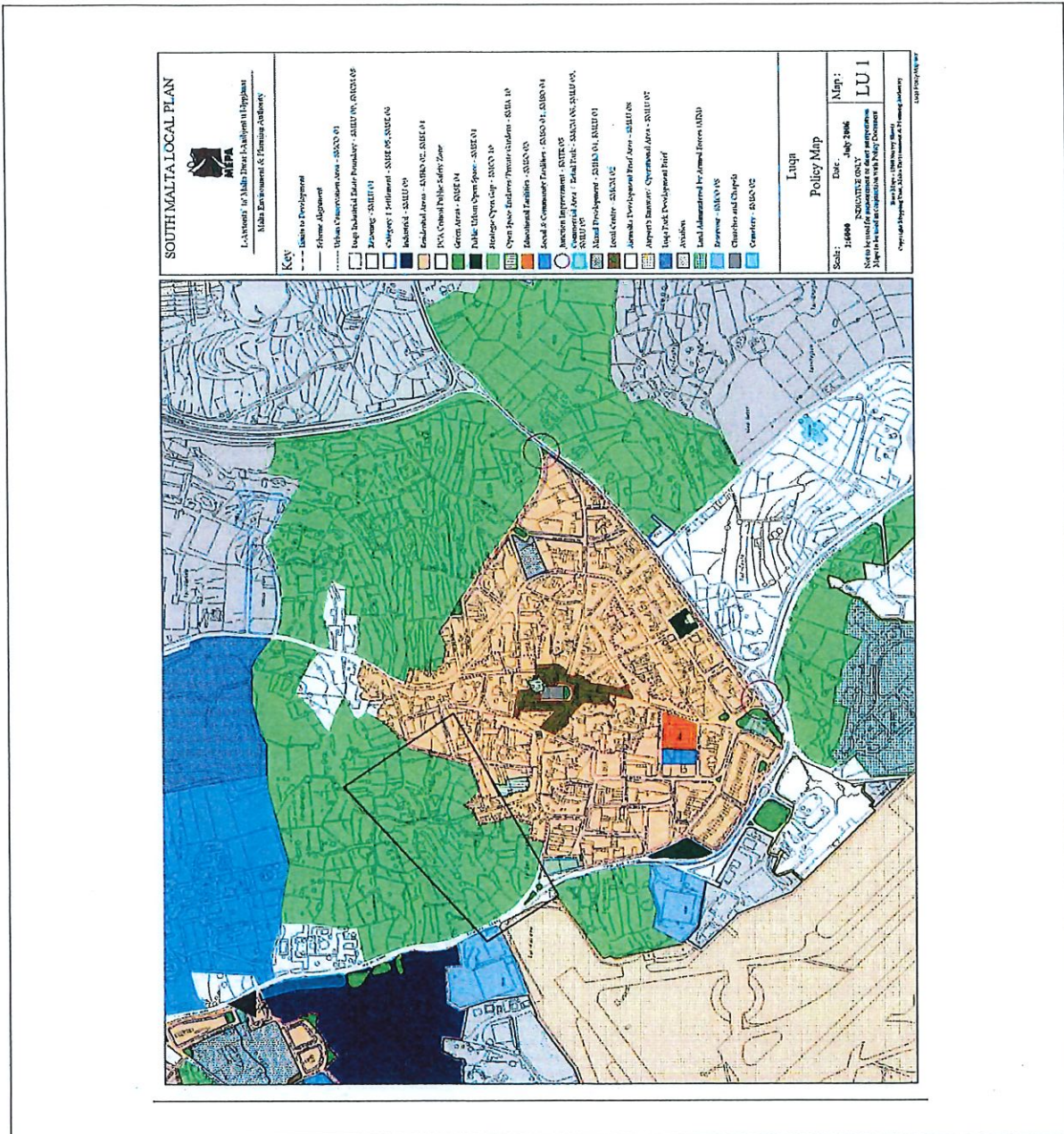


Location Plan: Site marked in Red – overview of the site in question.

APPENDIX B

LOCAL PLANS

SMLU 01 Rezoning of site at Triq il-Gdida and Triq Mikelang Sapiano



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APPENDIX B

LOCAL PLANS

SMLU 01 Rezoning of site at Triq il-Gdida and Triq Mikelang Sapiano

MEPA rezones the road situated between Triq il-Gdida and Triq Mikelang Sapiano, as indicated in the Luqa Policy Map LU 1 and Inset Map LU A1, to residential development as part of the comprehensive development of the entire site. Development is to include recreational facilities in addition to the residential development provided the proposal clearly demonstrates that:

- i. It does not lead to bad neighbour impacts including unacceptable noise and light pollution;
- ii. 5% of the site is to be landscaped, in line with provisions in the Guidelines on Trees, Shrubs and Plants for Planting and Landscaping in the Maltese Islands, 2002;
- iii. 70% of the site is to be developed for residential development;
- iv. 25% of the site will be designated for recreational facilities including sports facilities as appropriate;
- v. A water reservoir of suitable size for full site irrigation purposes will be provided on site;
- vi. The height limitation for this site will be three floors (15.4m DC2015 5 floors total); and
- vii. The development will include a suitable children's play area.

17.4.1

Following consultation with the Local Council, and as stated in the Report of Survey and the Recreation Topic Paper, urban population density in Luqa is high. In contrast, provision of recreational facilities has not matched up this demographic growth with the locality experiencing under-provision even when compared to other localities within the SMLP area.

Although the Leisure and Recreation Topic Study indicates that Luqa has an urban recreational provision of 2.4 m² per person, which is above the average figure for the plan area, most of this provision is in Hal-Farrug, although in the form of wooded areas, which is quite distant from the main settlement of Luqa.

17.4.2

This site, which is still undeveloped and owned by the Joint Office, measures approximately 4,000 m². This proposal effectively encourages the introduction of additional sports and recreational facilities in order to reduce this deficiency. In fact, Luqa residents usually have to cross the busy Vjal L-Avjazzjoni and Triq San Tumas in order to utilise the sport grounds administered by the Armed Forces near the old airport terminal. The frequent use of such facilities depends on prior permission sought by the Local Council, on behalf of residents, with AFM. This policy seeks to provide for the much needed recreational facilities in conjunction with the residential development. A schemed street which cuts the site is considered unnecessary and therefore the area will now be allocated for recreational/sports facilities. The development conditions adequately make up for the land taken up for sports facilities.

APPENDIX B

LOCAL PLAN

SMHO 02 Residential Areas and Residential Priority Areas

The Local Plan designates Residential Areas (RAs) and/or Residential Priority Areas (RPAs) as shown on the relevant Policy Maps. The following is a list of acceptable land-uses (new uses, extensions to existing uses, and change of uses) within all frontages located within the RAs.

- i. A mix of Class 1 (Use Classes Order, 1994) terraced residential development as detailed in the DC 2005, Part 3, and in accordance with the specific zoning conditions indicated in the same guidance, unless otherwise stated by a policy in this Local Plan;
- ii. Class 2 (Use Classes Order, 1994) residential institutions, provided that:
 - they are of a small scale and do not create adverse impacts on the residential amenity of the area;
 - Class 2 (a) institutions are located in close proximity to a town or local centre; and,
 - Class 2 (b) nursing homes and clinics are easily accessible from the arterial and distributor road network.
- iii. Class 3 (Use Classes Order, 1994) hostels provided that these uses are in accordance with all other relevant Local Plan policies.
- iv. Class 4 (Use Classes Order, 1994) small shops provided that:
 - the small shops (of any nature) are not to exceed a total floor area of 50 m² each, and convenience shops are not to exceed a total floor area of 75 m² each;
 - they comply with all the provisions of paras. 1.4.16 to 1.4.18 of the Interim Retail Planning Guidelines (2003); and
 - they comply with any relevant section of the DC2005 (design, access, amenity, etc.).
- v. Supermarkets provided that they comply with all the provisions of Policy SMCM 07.
- vi. Class 5 (Use Classes Order, 1994) offices provided that:
 - the floorspace does not exceed 75 m²;
 - they do not unacceptably exacerbate parking problems in a residential street that already has an acute under provision of parking spaces for residents; and,
 - they comply with any relevant section of the DC 2005 (design, access, amenity, etc.).
- vii. Classes 7 and 9 (Use Classes Order, 1994) non-residential institutions, swimming bath or pool, skating rink, health club, sauna, sports hall, other indoor or outdoor land based sports or recreation uses not involving motorised vehicles or firearms, and interpretation centres, provided the facility:
 - is of a small scale and does not create adverse impacts on the residential amenity of the area;
 - is located on land already occupied by buildings and will replace these buildings provided they are not worthy of retention due to their historic/architectural merit and/or their contribution to the character of the area, unless land is specifically allocated for the facility by this Local Plan; and,
 - the immediate surroundings of the site are already of a mixed use character.
- viii. Class 8 (Use Classes Order, 1994) educational facilities, provided that access and the character of the area are taken into account and are deemed adequate by MEPA to allow the safe and neighbour compatible use of such facilities.

ix. Class 11 (Use Classes Order, 1994) business and light industry provided that:

- The gross floor area of the premises does not exceed 50 m² (including storage of materials and/or finished products);
- The activity conducted within the premises does not use heavy duty and/or noisy electrical/mechanical (including pneumatic) equipment, and equipment which requires a 3 phase electricity supply;
- The activity conducted within the premises does not entail extensive and/or prolonged use of percussion hand tools (eg. Hammers, mallets etc);
- The activity employs less than 5 people; and
- The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products. Examples of acceptable uses considered by MEPA include tailor, cobbler, lace making and computer and electronic repair. Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing, spray painting and bakery.

Proposals to convert from existing Class 12 (Use Classes Order, 1994) general industry to Class 11 (Use Classes Order, 1994) business and light industry within designated Residential Areas shall only be considered acceptable by MEPA if all the conditions listed above are adhered to, and provided that it can be proven that the Class 12 Use (general industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.

x. Taxi Business or for the hire of motor vehicles as per para. 6.15 of DC 2005. Land-uses falling outside those mentioned above will not be considered favourably within the designated RAs, unless there are overriding reasons to locate such uses within these areas.

The acceptable land-uses (new uses, extensions to existing uses and change of uses) within all frontages located within the RPAs are:

i. A mix of Class 1 (Use Classes Order, 1994) terrace houses, maisonettes and flats on sites zoned in the relative Area Policy Maps for these specific forms of residential development. This development is to be in accordance with the relevant conditions as detailed in the DC2005, Part 3, unless otherwise stated by a policy in this Local Plan.

ii. A mix of Class 1 (Use Classes Order, 1994) detached and semi-detached dwellings on sites zoned in the relative Area Policy Maps for these specific forms of residential development. This development is to be in accordance with the relevant conditions as detailed in the DC 2005, Part 3, unless otherwise stated by a policy in this Local Plan.

iii. Class 5 (Use Classes Order, 1994) offices provided that all the provisions in point vi above with regard to Residential Areas are adhered to.

In the Residential Areas of Kirkop, including Residential Priority Areas and Xghajra no dwelling unit will be permitted having a net floor area less than 120 m². However, where proposals will result in the creation of more than two units on the same footprint, smaller units may be permitted provided that the difference between the built footprint and the 120 m² is left as open space in addition to the statutory side cartilage or back/front garden as the case may be. The additional open space shall be secured by a planning obligation.

4.4.2

This policy seeks to safeguard the residential amenity within the localities in the plan area, whilst offering an opportunity for specific developments which would enhance and complement the residential use without creating adverse impacts. The range of activities at ground floor level tends to be a mix of uses and includes shops and offices, mostly of a local scale and serving local needs. The policy specifically excludes land-uses that are deemed to be incompatible with Residential Areas due to their nature and scale of activity, such as bad neighbour industrial uses. In this regard, acceptable light industrial uses in residential areas shall only include very low impact industrial activities such as electronic repair, servicing and maintenance as well as handcrafts that do not inherently require the use of electrical machinery, especially those related to textiles. Activities which require the extensive use of manual percussive tools (eg. Hammers, mallets etc) are not deemed compatible with residential areas.

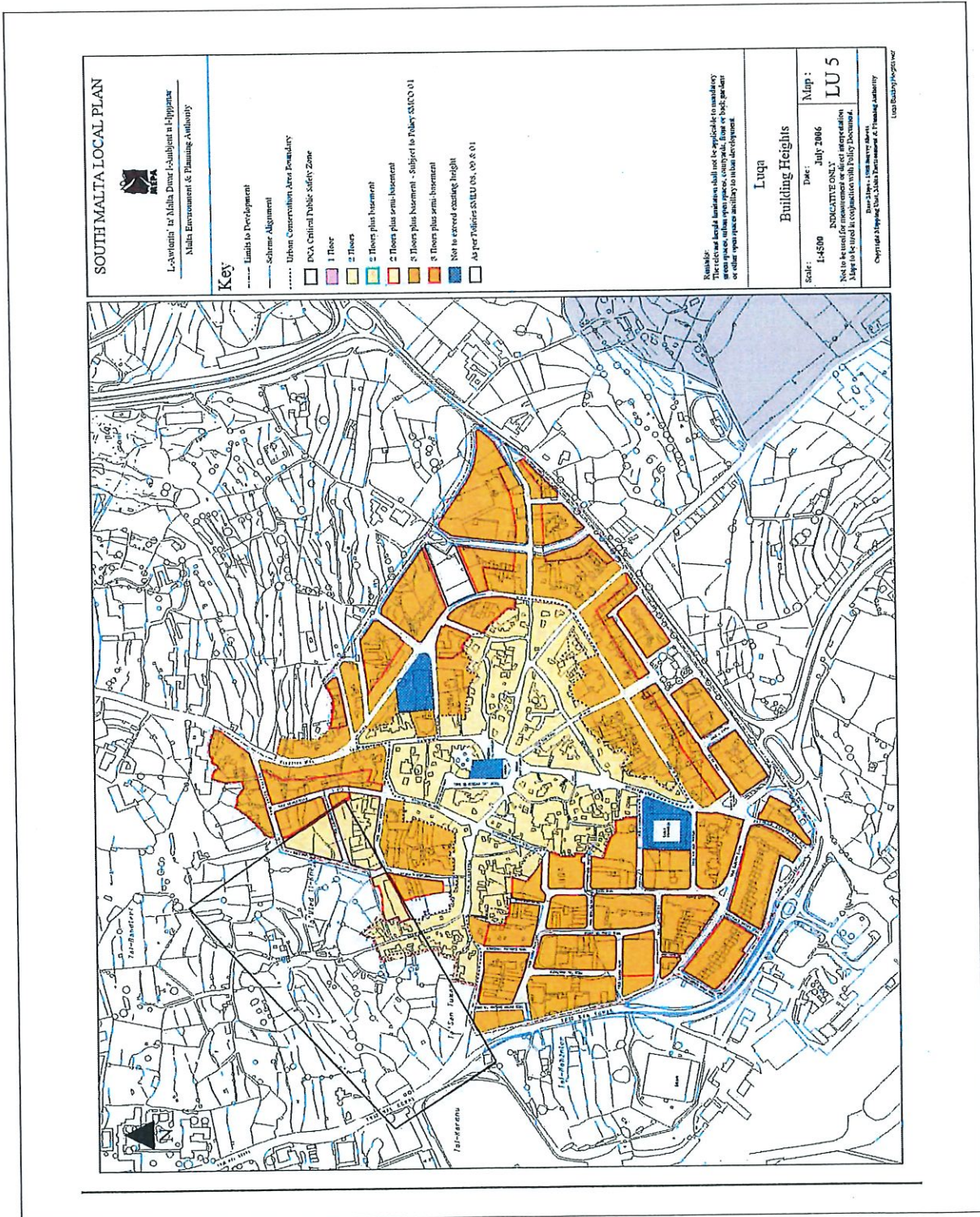
4.4.3

Residential Priority Areas (RPAs) refer to specific residential areas which are characterised by distinct building types (e.g. villa and bungalow development) or a quality urban area which is distinct from the rest of the urban area within the locality particularly with respect to building design (semi-detached/detached dwellings), lower densities (villa areas) or clusters of buildings exhibiting special characteristics. These specific characteristics enhance the residential function of these areas and this policy seeks to protect this quality aspect by not permitting uses which may significantly affect the residential nature of such areas.

APPENDIX B

LOCAL PLANS

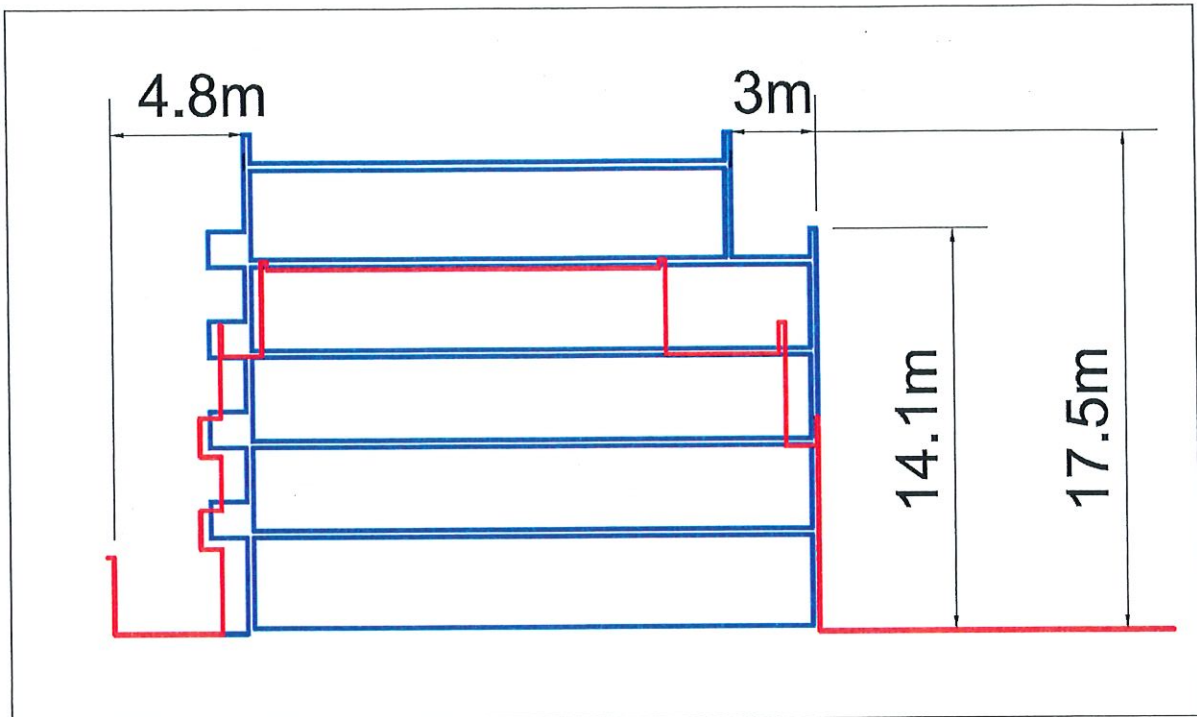
Three floors (15.4m DC2015 5 floors total)



APPENDIX B

LOCAL PLANS

Three floors plus semi-basement (17.5m DC2015 5 floors total)



Proposed section in Red
Acceptable section as per DC2015 in Blue

APPENDIX C

PLANNING APPLICATIONS

Planning Application Case Details PA/06321/03 – third party application

Result output on 15 March 2018

Case Status

This application has been passed to a case officer to assess the development proposal in terms of the Strategic Plan for Environment and Development and other established policies.

Application Details

Location of development:

Site at , Triq Mikielang Sapiano /, Triq Il- Gdida, Luqa, Malta

Description of works:

Construction of basement garages and overlying dwelling units .

Applicant:

Mr Charles Polidano obo Polidano Bros Ltd

Architect:

Perit Catherine Galea

Reception date:

04 November 2003

Initial Processing

Validation Date:

12 January 2004

Target Date:

21 June 2019

Application Type:

Full development permission

Case Category:

Within Development Zone

Publication

Date Published in Newspapers:

20 September 2014

Representation Expiry Date:

10 October 2014

Recommendation

Case Officer:

Norbert Gerada Dip. Planning

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APPENDIX C

PLANNING APPLICATIONS

Planning Application Case Details PA/01071/04 – Housing Authority application.

Result output on 05 March 2018

Case Status This application has been approved by the EPC/MEPA Board.

Application Details

Location of development: Site at, Triq Il-Gdida, Luqa
Description of works: To construct social housing residential units with underlying basement garages
Applicant: Ms Marisa Micallef Leyson
Architect: Perit Mangion, Mangion & Partners
Reception date: 25 February 2004

Initial Processing

Validation Date: 09 March 2004
Target Date: 17 September 2004
Application Type: Outline development permission
Case Category: Within Development Zone

Publication

Date Published in Newspapers: 27 March 2004
Representation Expiry Date: 11 April 2004

Recommendation

Case Officer: Perit Marvienne Camilleri BE&A(Hons)
DPA Report Endorsed Date: 29 August 2005
DPA Report Endorsed By: Silvio Farrugia
Recommended Decision: Grant Permission
Report Last Updated: 29 August 2005
Commission/Board Agenda Date: 07 September 2005

Decision

Decision: Grant Permission
Decision Date: 07 September 2005
Decision posted date: 20 September 2005

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APPENDIX C

PLANNING APPLICATIONS

Planning Application Case Details PA/02786/07 – Housing Authority application.

Result output on 05 March 2018

Case Status This application has been passed to a case officer to assess the development proposal in terms of the Strategic Plan for Environment and Development and other established policies.

Application Details

Location of development: Site at, Triq il-Gdida, Triq Mikielang Sapiano, Triq Patri Indri Schembri, Luqa, Malta

Description of works: Construction of basement garages and overlying dwellings.

Applicant: Mr. Stephen McCarthy CEO obo Housing Authority

Architect: Perit Catherine Galea

Reception date: 24 April 2007

Initial Processing

Validation Date: 14 May 2007

Target Date: 01 July 2016

Application Type: Full development permission

Case Category: Within Development Zone

Publication

Date Published in Newspapers: 20 September 2014

Representation Expiry Date: 10 October 2014

Recommendation

Case Officer: Norbert Gerada Dip. Planning

APPENDIX D

PHOTOGRAPHS



Photo 1: Triq il-Gdida noting T.P. Development



Photo 2: Triq il-Gdida noting T.P. Development

APPENDIX D

PHOTOGRAPHS

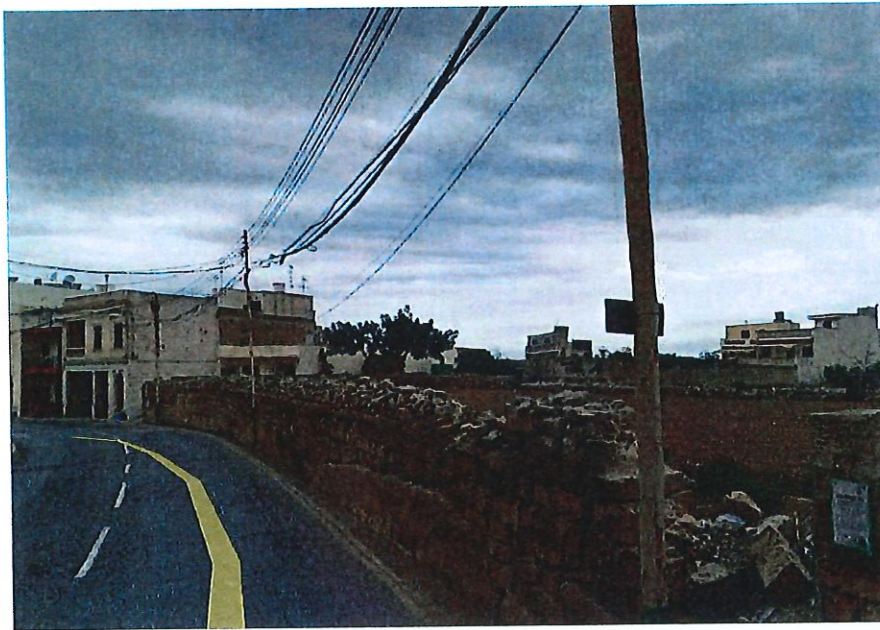


Photo 3: Triq il-Gdida



Photo 4: Triq Mikelang Sapiano

APPENDIX D

PHOTOGRAPHS

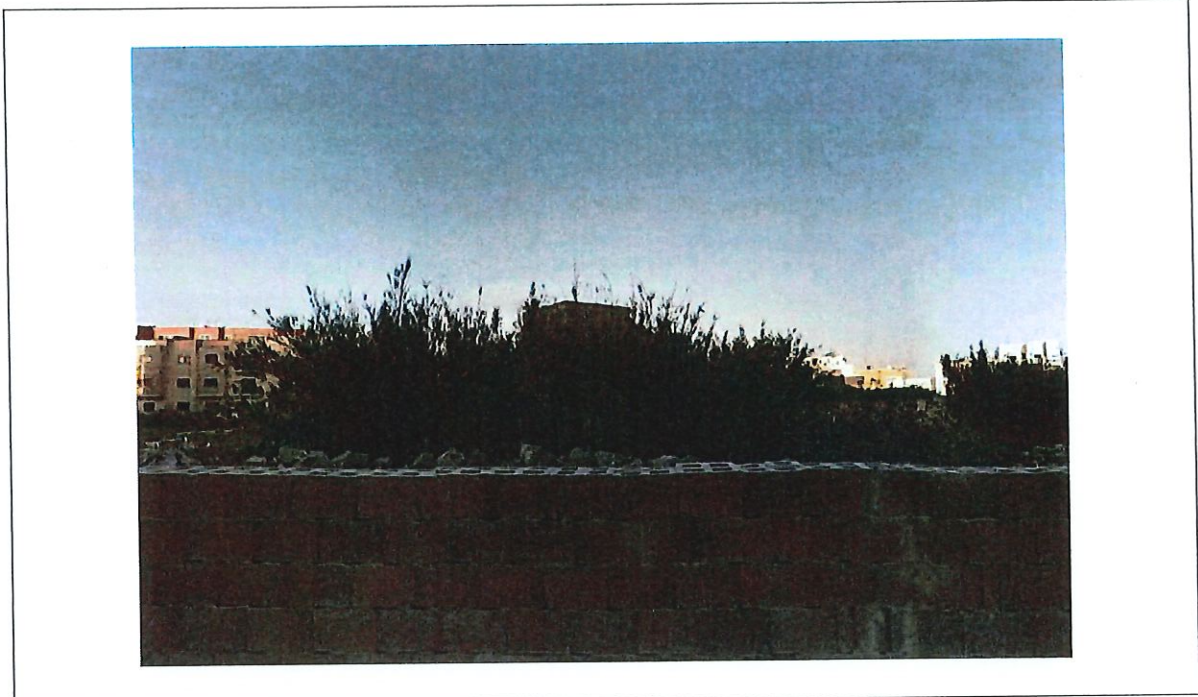


Photo 5: Triq Mikelang Sapiano

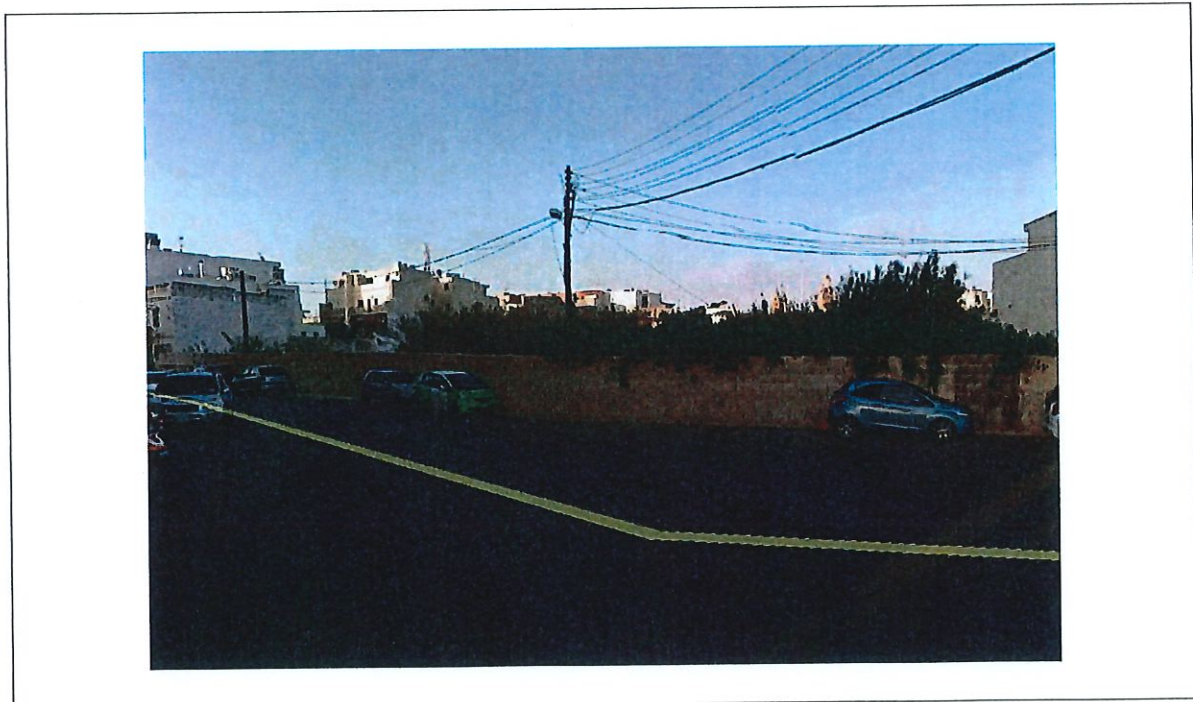
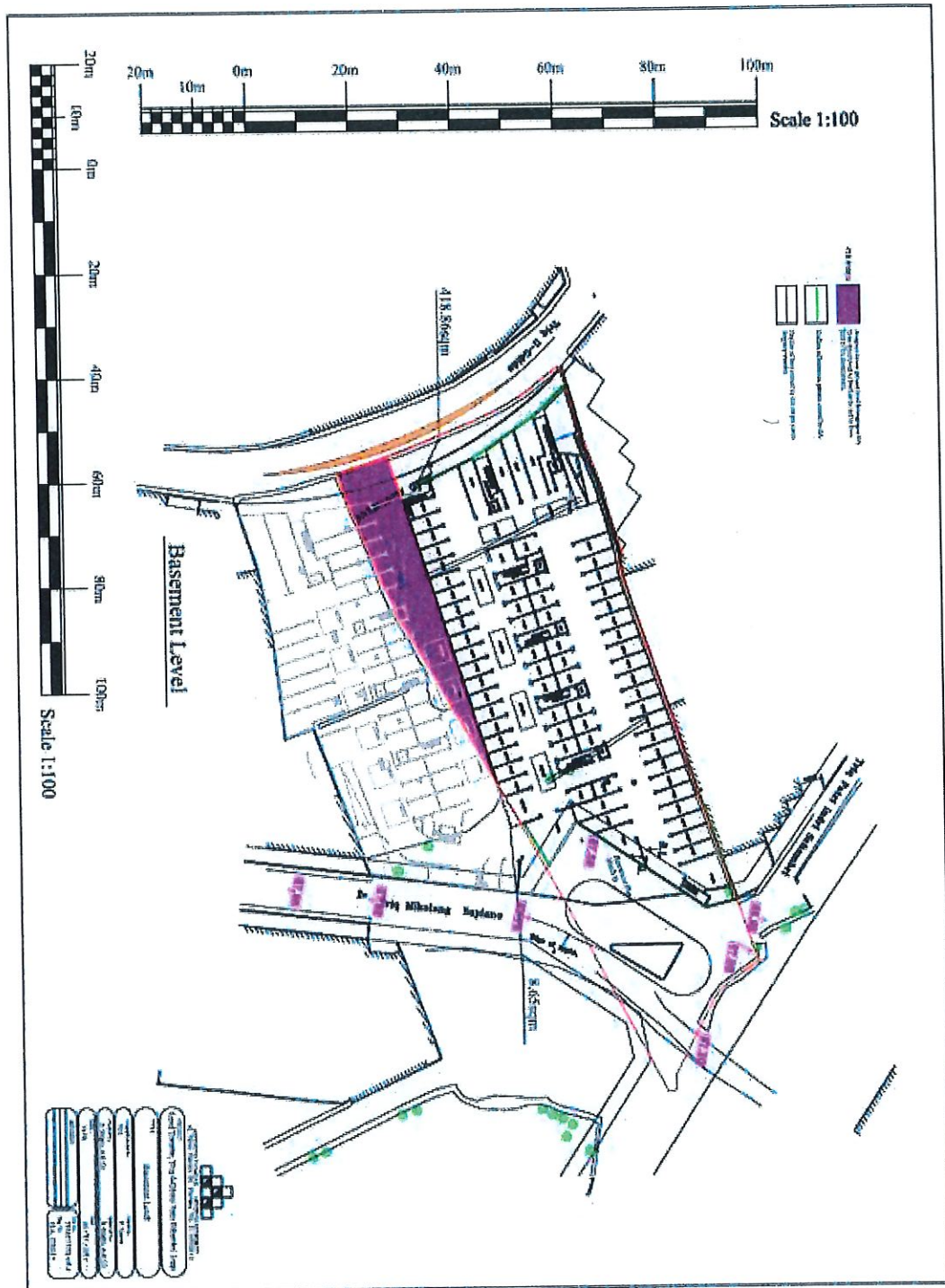


Photo 6: Triq Mikelang Sapiano

APPENDIX E

H A DRAWINGS



Quddiemi Nutar Dottor Brenda Jane Camilleri Vella qiegħdin jidhru personalment wara li vverifikajt l-identita' tal-partijiet permezz tad-dokumenti ufficjali hawn msemmija:

Att:

Minn naha wahda :

**Bejgh, Qbil fuq
Kundizzjonijiet u
Obbligazzjonijiet u
Kostituzzjoni ta' Servitu'
Reċiproku**

Insinwat fil:

Insinwa Numru:

li qiegħed jidher fuq dana l-att, in rappreżentanza tal-**'AWTORITA' TAD-DJAR**, kif debitament awtorizzat permezz ta' _____, f'dan l-att imsejha l-**'AWTORITA'**.

Vol I: (GPP)

Minn naha l-oħra

għan-nom u in rappreżentanza ta' **Polidano Properties Limited** li għandha n-numru tar-reġistrazzjoni C-21689, bl-indirizz irreġistrat 'Polidano Holdings Limited', Hal-Farruġ Road, Luqa, kif debitament awtorizzat bil-Memorandum and Articles of Association tal-Kumpanija, hawn isfel msejha **'POLIDANO'**.

F'kull parti ta' dan l-att kull referenza għall-partijiet cioè l-**'AWTORITA'** u **POLIDANO** hija mifhuma wkoll li tinkludi s-suċċessuri tagħhom fit-titolu fir-rigward tal-obbligazzjonijiet reċiproċi tagħhom.

Premessi

Illi jġi premess illi l-partijiet huma sidien ta' porzjonijiet diviżi ta' art ġewwa Hal-Luqa, msejha it-tnejn 'Tad-Dukkiena', liema porzjonijiet huma

adjacenti għal xulxin, u it-tnejn huma aċċessibbli minn Triq il-Ġdida u Triq Mikielang Sapiano, Luqa.

Illi l-Awtorita' hija propjetarja ta' porzjoni diviża ta' art li għandha l-kejl superficjali ta' cirka tlett elef u ħames mittmetru kwadru (3,500 m.k.), magħrufa bhala 'Tad-Dukkiena', liema art tinsab gewwa Luqa, Malta aċċessibbli minn Triq il-Ġdida u minn Triq Mikielang Sapiano, Luqa, ikkonfinata minn nofsinhar ma' beni ta' Polidano jew l-aventi kawża minnha, mill-Grigal ma' Triq Mikielang Sapiano u mill-Lbiċ ma' Triq il-Ġdida, jew irjeh aktar korretti u verjuri, libera u franka, bid-drittijiet u l-pertinenzi kollha tagħha. Din l-art hija murija fuq il-pjanta annessa u mmarkata **Dokument 'A'** u **Dokument 'A1'**, hija hawn isfel msejha **'Sit 'A'**.

Illi Polidano hija propjetarja ta' porzjoni diviża ta' art tal-kejl superficjali ta' cirka elfejn u mija u tletin (2,130 m.k) magħrufa 'Tad-Dukkiena', kkonfinata mill-Punent ma' Triq il-Ġdida, mit-tramuntana ma' beni tal-Awtorita' tad-Djar, u mill-Lvant ma' Triq Mikielang Sapiano jew irjeh aktar korretti u verjuri, libera u franka, bid-drittijiet u l-pertinenzi kollha tagħha. Din l-art hija murija fuq il-pjanta annessa u mmarkata **Dokument 'B'** u hija hawn isfel msejha **'Sit 'B'**.

Illi l-Awtorita' u Polidano it-tnejn kienu applikaw mal-Awtorita tal-Ippjanar għall-iżvilupp taż-żewġ siti.

L-applikazzjoni inizjali magħmula minn Polidano iġġib n-numru 'P' 'A' sitt elef tlett mija u wiehed u għoxrin tas-sena elfejn u tlieta (PA 06321/03) fir-rigward ta' Polidano u l-applikazzjoni magħmula mill-Awtorita' iġġib ir-referenza ittri PA żero tnejn sebgħa tmienja sitta tas-sena elfejn u sebgħa (02786/07).

Minħabba l-posizzjoni tal-artijiet hawn fuq deskritti u murija bordurati fuq il-pjanti annessi u mmarkata bhala **Dokument 'A'** u **'A1'** u **Dokument 'B'**, propjeta' tal-Awtorita' u ta' Polidano rispettivament, l-Awtorita' tal-Ippjanar ikkunsidrat dawn l-artijiet bhala żvilupp kontigwu u b'hekk gie rakkomandat jinħarġu żewġ permessi flimkien għal żvilupp kontigwu fiż-żewġ siti.

Illi Polidano tippetendi illi parti mill-porzjoni diviża mill-art, propjeta' tal-Awtorita' tal-kejl superficjali ta' cirka tlett elef u hames mitt metru kwadru (3,500 m.k.), hija infatti propjeta' ta' Polidano. Illi din l-art li kienet sogġett ta' din il-kwistjoni għandha l-kejl superficjali ta' seba' mija u hamsa u sebghin punt sebgha tlieta metri kwadri (775.73 m.k.) u hija aċċessibbli minn Triq Mikielang Sapiano, Luqa. Illi din l-art giet mgħoddija mill-Gvern ta' Malta lill-Awtorita' b'Avviż Legali mitejn u tnejn u erbghin tas-sena elfejn u sitta (A.L. 242/2006). L-Awtorita' intavolat oġġezzjoni għall-permess li jgħib ir-referenza PA 06321/03 peress illi din il-konfigurazzjoni tal-iżvilupp propost kien jaqa' fuq propjeta' tal-Awtorita' stess, kif ukoll illi aċċess għall-iżvilupp propost minn Polidano kien ser ikun bilfors minn fuq il-propjeta' tal-Awtorita' u ma kien sar l-ebda ftehim jew trasferiment rigward dan l-aċċess bejn Polidano u l-Awtorita'.

Illi Polidano għamlet oġġezzjoni għall-applikazzjoni tal-iżvilupp propost mill-Awtorita' fuq il-pretest zbaljat li parti mis-sit li fuqu gie propost żvilupp mill-Awtorita' huwa propjeta' tiegħu. L-applikazzjoni ta' Polidano (PA 06321/03) gie mibdul sabiex jeskludi l-parti li fuqha kien hemm kontestazzjoni, u dan skont ma' turi s-site plan annessa u immarkata **Dokument 'C'** sottomessa mill-Perit Arkitett u Inġinier Ċivili Catherine Galea fl-ghoxrin (20) ta' Awwissu tas-sena elfejn u erbatax (2014) u dan għan-nom ta' Polidano.

Illi kemm l-Awtorita' u kif ukoll Polidano kienu intavolaw oġġezzjonijiet għall-iżvilupp tal-parti l-oħra kif spjegat hawn fuq, u għaldaqstant ma seta jsir l-ebda żvilupp sakemm il-partijiet fuq dan l-att jagħmlu negozjati sabiex issir transazzjoni bejniethom. Illi issa wara negozjati bejn il-partijiet, huma waslu fi qbil sabiex jissorvolaw l-oġġezzjonijiet ta' bejniethom, u b'hekk sar ftehim bejn il-partijiet biex isir bejgħ ta' porzjonijiet diviżi liema porzjonijiet diviżi jaqgħu f'art propjeta' tal-Awtorita' kif ukoll kostituzzjoni ta' servitujiet reciproci fuq porzjonijiet ta' art rispettivi tal-Awtorita' u ta' Polidano, versu l-parti l-oħra. Il-partijiet qieghdin hawn għaldaqstant, jaqblu illi b'dan l-att huma ser jgħaddu għat- trasferiment b'titolu oneruż ta' porzjonijiet diviżi mis-siti rispettivi tagħhom hawn fuq deskritti sabiex il-koll ikunu jistgħu jagħmlu l-iżvilupp propost sogġett

għall-ħruġ tal-permessi skont kif applikati u rakkomandati, filwaqt illi ż-zewġ partijiet qiegħdin jobbligaw ruħhom li jirtiraw l-oġġezzjonijiet li saru mal-Awtorita' tal-Ippjanar fuq l-applikazzjonijiet rispettivi u fil-konfront tal-art u l-iżvilupp tal-parti l-oħra qabel.

L-Ewwel Parti: Bejgħ ta' Propjeta' mill-Awtorita' lil Polidano

Bis-saħħa ta' din l-ewwel parti ta' dan l-att l-Awtorita' qiegħda tbiegħ, tassenja u titrasferixxi a favur Polidano li bis-saħħa ta' din l-ewwel parti qiegħda taċċetta, tixtri u takkwista:

(1) Il-porzjoni diviża tal-art li tinsab immedjatament taħt il-livell tat-triq jġifieri mil-livell tat-triq l-isfel, *usque ad inferos*, tal-kejl superficjali ta' ċirka erba' mija u tmintax punt tmienja sitta metri kwadri (418.86 m.k), kkonfinata mill-Lbiċ ma' Triq il-Ġdida, mit-tramuntana ma' beni tal-Awtorita' u min-nofsinar ma' beni ta' Polidano jew irjeh aktar korretti u verjuri, liema porzjoni diviża ta' art deskritta f'dan il-paragrafu hija murija immarkata bil-kulur roża fuq il-pjanta annessa u immarkata **Dokument 'D'**;

(2) Il-porzjoni diviża tal-art li tinsab mil-livell tat-triq 'il fuq *usque ad coelum*, tal-kejl ċirka mija u għaxra punt tnejn tnejn metri kwadri (110.22 m.k), kkonfinata mill-Lbiċ ma' Triq il-Ġdida, tramuntana ma' beni tal-Awtorita' jew l-aventi kawża minnha u nofsinar ma' beni ta' Polidano jew l-aventi kawża minnu, jew irjeh aktar korretti u verjuri, liema porzjoni diviża ta' art deskritta f'dan il-paragrafu hija murija immarkata bil-kulur roża fuq il-pjanta annessa u immarkata **Dokument 'E'**;

Liema porzjonijiet diviżi ta' art jiffurmaw parti minn 'Sit A' hawn fuq deskritt, parti mill-art msejha 'Tad-Dukkiena', fi Triq il-Ġdida u Triq Mikielang Sapiano, Ffal-Luqa.

Dan il-bejgħ qiegħed isir u jġi aċċettat bil-pattijiet u kundizzjonijiet msemmija f'dan l-att, skont kif maqbula bejn il-partijiet:

1. Versu l-prezz ta' hames mija u tlett elef sitt mija u wiehed u tletin Ewro u wiehed u għoxrin ċenteżmu (€503,631.21) li minnhom is-somma ta' wiehed u hamsin elf seba' mija u disgħa u għoxrin Ewro u

wiehed u għoxrin centezmu (€51,729.21) huwa l-prezz tal-propjeta' deskritta fil-paragrafu (1) u s-somma ta' erba' mija u wiehed u hamsin elf disa' mija u zewg Ewro (€451,902) huwa l-prezz tal-propjeta' deskritta fil-paragrafu (2), liema prezz qiegħed jithallas wara li ssir tpaċija mal-ammonti dovuti mill-Awtorita' lil Polidano fuq dan l-att stess.

2. L-ebda garanzija ma hi qed tingħata mill-Awtorita' għal difetti latenti, li b'hekk qiegħda tiġi espressament eskluża. L-Awtorita' ser tagħti l-garanzija tal-paċifiku pussess favur Polidano.

3. Dan il-bejgħ ma hux qiegħed bl-ebda mod jikkrea obbligu fuq il-partijiet sabiex jiżviluppaw is-siti rispettivi tagħhom (kemm dawk li huma diġa propjetarji tagħhom kif ukoll dawk li ser jakkwistaw bl-att) skont l-iżvilupp irrakkomandat u skont l-eventwali permess jew permessi maħruġa skont l-istess żvilupp irrakkomandat, u l-partijiet mhux qed jintrabtu b'ebda perjodu li fih għandhom jagħmlu skavar u/jew żvilupp tal-propjeta' tagħhom. Il-partijiet jew is-successuri tagħhom fit-titolu, reċiprokament ma jistgħux jiġu obbligati li jagħmlu ebda żvilupp minn Polidano u/jew is-successuri tiegħu u ma humiex obbligati jagħmlu ebda xogħol u, jew svilupp, l-anqas in vista ta' l-iżvilupp li jkun jinhtiegħu jagħmel il-parti l-oħra fuq l-art tiegħu. Il-partijiet jobbligaw ruhhom biss illi jagħmlu kwalunkwe żvilupp skont permessi approvati mill-Awtorita' tal-Ippjanar, jew kull Awtorita' minn żmien għal żmien kompetenti skont permessi maħruġa u approvati.

4. Illi f'każ li l-iskavar u l-iżvilupp minn Polidano tas-Sit B u tal-propjeta' akkwistata b'dan l-att isir qabel l-iskavar u l-iżvilupp mill-Awtorita' allura, l-Awtorita' ma hijiex responsabbli sabiex tikkreja aċċess għall-fondi residenzjali mill-art propjeta' tagħha, cioe is-Sit A, u dan irid ikun ssopportat u pprovdut unikament minn Polidano. L-ebda użu jew aċċess ta' parti li skont l-applikazzjoni għall-permess u l-eventwali permess, hija intenzjonata għall-użu komuni, ma hu permess minn Polidano jew is-successuri tiegħu fit-titolu sakemm l-Awtorita' tagħmel l-iżvilupp tagħha, salv għal dak li jingħad iktar 'i isfel. Illi pero' l-partijiet jaqblu li l-aċċess eżiatenti għal propjeta' żviluppata minn Polidano fis-sit u f'siti oħra adjaċenti sal-gurnata tal-llum ma għandhom bl-ebda mod jiġi

mfixkel u m'ghandux jiġi mittiefes f'każ ta' żvilupp futur mill-Awtorita' jew il-Gvern ta' Malta.

5. Sakemm is-sit A propjeta' tal-Awtorita' tibqa mhux żviluppata, Polidano tibqa' unikament responsabbli għal kwalunkwe danni li jistgħu jiġu kawżati fuq Sit A, propjeta' tal-Awtorita', jew fuq is-Sit B propjeta' ta' Polidano, jew lil kwalunkwe agent ta' Polidano jew suċċessuri tagħha fit-titolu li jaċċedu għall-propjeta' ta' Polidano minn Sit A.

6. Polidano huwa obbligat illi a spejjez tiegħu jibni il-ħajt diviżorju bejn iż-żewġ siti li għandu jibda' mill-ewwel livell ta' bini, cioè is-Sit A u Sit B, bis-sengħa u l-arti u b'materjal ta' kwalita tajba u b'mod li huwa strutturalment stabbli għall-iżvilupp intenzjonat miż-żewġ partijiet l-Awtorita' u Polidano, kif ukoll li jirrendi is-sit mill-livell tat-triq il-fuq b'mod sigur. Il-ħajt diviżorju għandu jinbena eżatt fuq il-linja diviżorju kif muri fuq il-pjanti, u li tiġi approvata mill-Awtorita' bil-miktub fuq is-sit qabel ma jinbena. Illi kull xogħol li jirriżulta neċessarju sabiex irendi il-ħajt diviżorju bejn iż-żewġ siti, cioè is-Sit A u Sit B, adegwat u protett kontra dħul ta' ilma għandu jsir biss minn Polidano a spejjez tagħha. Dan il-ħajt irid jinbena sa sena mill-esekuzzjoni ta' dan l-att, u jkun a sodisfazzjon tall-Awtorita' jew ta' Perit imqabbad mill-istess Awtorita'. Jekk l-istess ħajt ma jkunx lest sa sena mid-data ta' dan l-att, allura l-Awtorita' jew is-suċċessuri tagħha fit-titolu ikollha dritt li tibni dan il-ħajt hi a spejjez ta' Polidano li jkun obbligat iħallas lill-Awtorita' jew is-suċċessuri tagħha fit-titolu sa zmien gimgħa minn meta jircievi il-kont bil-miktub. Dan il-kont ikun finali u Polidano ma jkollu ebda dritt li jikkontesta b' xi mod l-istess kont.

7. Illi f'każ li jsir l-iskavar tal-art mibjugħa kif ukoll tas-Sit B propjeta' ta' Polidano, l-Awtorita' ma tkunx responsabbli għall kwalunkwe ħsara li tista' issehh u, jew ta' kull ipperkolar ta' ilma mis-Sit A propjeta' tal-Awtorita' li jista' jgħaddi għal go Sit B propjeta' ta' Polidano.

8. Illi f'każ li jsir l-iskavar tal-art mibjugħa kif ukoll tas-Sit B propjeta' ta' Polidano u jinbena l-iżvilupp mill-istess Polidano, allura kwalunkwe ħsara li ssir fis-saqaf tal-basement, li tagħmel parti mill-iżvilupp ta'

Polidano anke mill-art mibjugħa mill-Awtorita' u għaldaqstant hija sottoposta għal propjeta' tal-Awtorita', għandha tkun a karigu u spejjeż tal-istess Polidano.

It-Tieni Parti: Kundizzjonijiet Maqbula rigward Żvilupp Prospettiv min-naħa tal-Awtorita'.

Il-partijiet jaqblu li kwalunkwe bejgħ li qieghed isir b'dan l-att ma hux qieghed bl-ebda mod jikkrea obbligu fuq il-partijiet sabiex jiżviluppaw is-siti rispettivi tagħhom (kemm dawk li huma diġa propjetarji tagħhom kif ukoll dawk li ser jakkwistaw bl-att) skont l-iżvilupp irrakkomandat u skont l-eventwali permess jew permessi maħruġa skont l-istess żvilupp rrakkomandat, u l-partijiet mhux qed jintrabtu b'ebda perjodu li filh għandhom jagħmlu skavar u/jew żvilupp tal-propjeta' tagħhom. Il-partijiet reciprokament ma jistgħux jiġu obbligati li jagħmlu ebda żvilupp minn Polidano u/jew is-successuri tiegħu fit-titolu u ma humiex obbligati jagħmlu ebda xogħol u, jew sivilupp, l-anqas in vista ta' l-isvilupp li jkun jinhtiegħu jagħmel il-parti l-oħra fuq l-art tiegħu. Il-partijiet jobbligaw ruhhom biss illi jagħmlu kwalunkwe żvilupp skont permessi approvati mill-Awtorita' tal-Ippjanar, jew kull Awtorita' minn żmien għal żmien kompetenti skont permessi maħruġa u approvati.

1. Illi f'każ li l-iskavar u l-iżvilupp minn Polidano tas-Sit B u tal-propjeta' akkwistata b'dan l-att isir qabel l-iskavar u l-iżvilupp mill-Awtorita' allura, l-Awtorita' ma hijiex responsabbli sabiex tikkreja aċċess għall-fondi residenzjali mill-art propjeta' tagħha, cioè is-Sit A, u dan irid ikun ssopportat u pprovdut unikament minn Polidano. L-ebda użu jew aċċess ta' parti li skont il-permess hija intenzjonata għall-użu komuni, ma hu permess minn Polidano jew is-successuri tiegħu fit-titolu sakemm l-Awtorita' tagħmel l-iżvilupp tagħha, salv għal dak li jingħad iktar 'l isfel.

2. Sakemm is-sit A propjeta' tal-Awtorita' tibqa' mhux żviluppata, Polidano tibqa' unikament responsabbli għall-kwalunkwe danni li jistgħu jiġui kawżati fuq Sit A, propjeta' tal-Awtorita', jew lil kwalunkwe agent ta' Polidano jew successuri tagħha fit-titolu li jaċċedu għall-propjeta' ta' Polidano minn Sit A.

3. Polidano huwa obbligat illi a spejjez tieghu jibni il-ħajt diviżorju bejn iż-żewġ siti li għandu jibda' mill-ewwel livell ta' bini, cioè is-Sit A u Sit B, bis-sengħa u l-arti u b'materjal ta' kwalita tajba u b'mod li huwa strutturalment stabbli għall-iżvilupp intenzjonat miż-żewġ partijiet l-Awtorita' u Polidano, kif ukoll li jirrendi is-sit mill-livell tat-triq il-fuq b'mod sigur. Il-ħajt diviżorju għandu jinbena eżatt fuq il-linja diviżorju kif muri fuq il-pjanti, u li tiġi approvata mill-Awtorita' bil-miktub fuq is-sit qabel ma jinbena. Illi kull xogħol li jirrizulta neċessarju sabiex irendi il-ħajt diviżorju bejn iż-żewġ siti, cioè is-Sit A u Sit B, adegwat u protett kontra dħul ta' ilma għandu jsir biss minn Polidano a spejjeż tagħha. Dan il-ħajt irid jinbena sa sena mid-data ta' dan l-att u jkun a sodisfazzjon tall-Awtorita' jew ta' Perit imqabbad mill-istess Awtorita'. Jekk l-istess ħajt ma jkunx lest sa sena mid-data ta' dan l-att allura l-Awtorita' jew is-suċċessuri tagħha fit-titolu ikollha dritt li tibni dan il-ħajt hi a spejjeż ta' Polidano li jkun obbligat iħallas lill-Awtorita' jew is-suċċessuri tagħha fit-titolu sa zmien gimgħa minn meta jircievi il-kont bil-miktub. Dan il-kont ikun finali u Polidano ma jkollu ebda dritt li jikkontesta b' xi mod l-istess kont.

4. Illi f'każ li jsir l-iskavar tal-art mibjugħa kif ukoll tas-Sit B propjeta' ta' Polidano, l-Awtorita' ma tkunx responsabbli għall kwalunkwe ħsara li tista' issehh u, jew ta' kull ipperkolar ta' ilma mis-Sit A propjeta' tal-Awtorita' li jista' jgħaddi għal go Sit B propjeta' ta' Polidano.

5. Illi f'każ li lli jsir l-iskavar tal-art mibjugħa kif ukoll tas-Sit B propjeta' ta' Polidano u jinbena l-iżvilupp mill-istess Polidano, allura kwalunkwe ħsara li ssir fis-saqaf tal-basement, li tagħmel parti mill-iżvilupp ta' Polidano anke mill-art mibjugħa mill-Awtorita' u għaldaqstant hija sottoposta għal propjeta' tal-Awtorita', għandha tkun a karigu u spejjeż tal-istess Polidano.

It-Tielet Parti: Kostituzzjoni ta' Servitu' Reċiproku

Premessi

Peress illi l-iżviluppi tal-partijiet fuq is-siti rispettivi huwa intenzjonat li jsir in linea ma' żewġ permessi ta' żvilupp kontigwu, il-partijiet qablu li

jkkostitwixxu favur xulxin u fuq is-suċċessuri tagħhom fit-titolu servitu reċiproku ta' dritt ta' aċċess bir-rigġel in perpetwu għalihom u għas-suċċessuri tagħhom fit-titolu, u trasferibbli mal-immobbli li ser jinbnew fl-iżvilupp intier intenzjonat.

B'hekk bis-saħħa tat-tielet parti ta' dan l-att, fl-ewwel lok l-Awtorita' qiegħda tikkostitwixxi bħala servitu in perpetwu favur Polidano u is-suċċessuri tagħha fit-titolu li taċċetta:

- (a) id-dritt ta' aċċess in perpetwu bir-rigġel jew għal fini ta' tiswijiet u manutenzjoni biss;
- (a) Id-dritt ta' ftuh ta' twieqi u aperturi, u dritt li jesporgu gallariji;
- (b) Id-dritt ta' dawl u arja (light and ventilation); fuq

ill-porzjoni diviża ta' art mil-livell tat-triq 'il fuq usque ad coelum, tal-kejl superficjali ċirka mija u tmienja u sebgħin punt disgħa sebgħa metri kwadri (178.97 m.k.) kkonfinata minn-nofsinar ma' beni ta' Polidano akkwistati bit-tieni parti ta' dan l-att, punent ma' Triq il-Ġdida, u tramuntana ma' beni tal-Awtorita', jew irjeh aktar verjuri u il-porzjoni diviża ta' art mil-livell tat-triq 'il fuq usque ad coelum, tal-kejl superficjali ċirka disgħa u tletin punt tnejn wiehed metri kwadri (39.21 m.k.), kkonfinata min-Nofsinar u u Lbiċ ma' beni ta' Polidano, u Majjistral ma' beni tal-Awtorita' jew irjeh aktar verjuri;

Liema żewġ porzjonijiet it-tnejn jidhru ikkuluriti bl-aħdar fuq il-pjanta annessa u mmarkata **Dokument 'E'**;

Din il-kostituzzjoni ta' servitu mill-Awtorita' favur Polidano qed issir versu l-prezz ta' mitejn u tmienja u sittin elf tlett mija u wiehed u sittin Ewro u erbgħin ċenteżmu (€268,361.40).

Bis-saħħa tat-tielet parti ta' dan l-att, fit-tieni lok, Polidano qiegħda tikkostitwixxi bħala servitu in perpetwu favur l-Awtorita' u is-suċċessuri tagħha fit-titolu li taċċetta id-dritt ta' aċċess in perpetwu bir-rigġel tal-porzjonijiet diviżi ta' art mil-livell tat-triq *usque ad coelum* tal-kejl superficjali ċirka mija u sitta u għoxerin punt disgħa zero metri kwadri

(126.90 m.k.) ikkonfinata minn-Nofsinhar u Lvant ma' beni ta' Polidano u mit-Tramuntana ma' beni tal-Awtorita.

Din il-porzjoni li fuqha qiegħed jiġi kostitwit is-servitu' qiegħda tidher mmarkata bil-kulur isfar fuq il-pjanta hawn annessa u mmarkata **Dokument 'E'**.

Dan il-kostituzzjoni ta' servitu minn Polidano a favur l-Awtorita' qed issir **versu l-prezz ta' sitta u sittin elf disa' mija u tmienja u għoxrin Ewro u tlieta u sebghin centezmu (€66,928.73).**

Din il-kostituzzjoni ta' servitujiet reciproci bejn il-partijiet qed issir u tiġi aċċettati mill-partijiet bejniethom kif maqbul fuq dan l-att u bis-segwent i pattijiet u kundizzjonijiet:

1. Il-partijiet qiegħdin jaqblu illi peress illi l-ispazju komuni forma ta' pjazzetta bejn il-propjetajiet rispettivi ser ikun qed jintuza kemm mis-suċċessuri fit-titolu jew l-assenjanti tal-Awtorita' u Polidano, dawn jobbligaw ruħhom li jmantnu dan l-ispazju komuni li jista' jiġi kkreat skont il-permess li għad irid jiġi maħruġ mill-Awtorita' tal-Ippjanar u dan nofs bin-nofs bejn Polidano u l-Awtorita, jew is-suċċessuri tagħhom fit-titolu, indivizament bejniethom. Għal dan il-għan, ladarba ikun sar żvilupp miż-żewġ partijiet għandha tiġi iffurmata Owners' Association sabiex l-iskop ewlieni tagħha jkun il-manteniment, kemm ordinarju kif ukoll straordinarju, fi stat tajjeb l-ispazju komuni bejn il-partijiet. 'Spazju Komuni' ma għandhiex tfixxer li seta' kien hemm xi trasferiment ta' propjeta' salv fejn speċifikament indikat b'dan l-att.

2. Il-partijiet u cioè l-Awtorita' kif ukoll Polidano jobbligaw ruħhom li jimponu dawn il-kundizzjonijiet li ser jirregolaw l-ispazju komuni hawn fuq deskritt fuq is-suċċessuri tagħhom fit-titolu kif ukoll fuq kerrejja u/jew possessuri bi kwalunkwe titolu li ser jużaw il-fondi residenzjali u l-garaxxijiet li jistgħu jinbnew fl-intenzjonat żvilupp.

Ir-Raba Parti: Kundizzjonijiet li jirregolaw l-Ewwel, it-Tieni u t-Tielet Parti ta' dan l-att

Permezz tar-raba' parti ta' dan l-att u b'referenza għall-Ewwel, it-Tieni u t-Tielet Parti ta' dan l-att, il-partijiet qieghdin jaqblu fuq is-segwenti kundizzjonijiet:

1. L-Awtorita' u Polidano qieghdin hawn jaqblu illi it-trasferimenti li saru b'dan l-att għalkemm qed isiru f'partijiet separati u bil-valur ta' kull trasferiment distint mill-iehor, għandhom jitqiesu bħala transazzjoni waħda u b'hekk kull trasferiment ta' propjeta' jew drittijiet li saret b'dan l-att hija marbuta waħda mal-oħra.

2. Bis-saħħa ta' din ir-raba' parti tal-att, il-partijiet jaqblu illi Polidano hija dovuta thallas lill-Awtorita' is-somma ta' seba' mija u wiehed u sebghin elf disa' mija u tnejn u disghin Ewro u wiehed u sittin centezmu (€771,992.61) in vista tal-ewwel u t-tielet parti tal-att, filwaqt li l-Awtorita' hija dovuta thallas is-somma ta' sitta u sittin elf disa' mija u tmienja u ghoxrin Ewro u tieta u sebghin centezmu (€66,928.73) in vista tat-tielet parti tal-att, u li għaldaqstant, bi tpacija ta' dawn l-ammonti Polidano qieghda thallas lill Awtorita' accettanti is-somma ta' seba' mija u hamest elef u tieta u sittin Ewro u tmienja u tmenin centezmu (€705,068.88) liema pagament qieghed isir permezz ta' Bank Draft mahrug mill-Bank

u jgib in-numru . Issa bil-ħlas ta' din is-somma Polidano u l-Awtorita' qieghdin jagħtu d-debita ricevuta u kwittanza għas-saldu tal-prezz tal-propjeta' immobbli u drittijiet reali fuq propjeta' immobbli trasferiti minnhom b'dan l-att, u jiddikjaraw li m'għandhomx pretensjonijiet kontra xulxin fir-rigward ta' ħlasijiet dovuti għall-prezz tat-trasferiment b'dan l-att.

3. Il-partijiet jiddikjaraw li l-Prezz jirrifletti l-valur gust u reali tal-Propjeta' u li huwa bbazat fuq stima peritali, kopja ta' liema hija hawn annessa u mmarkata bhala **Dokument 'F'**.

4. Illi f'każ li f'xi żmien jiġi ppruvat li Polidano hija s-sid tal-art hawn fuq indikata liema art tal-kejl ta' seba' mija u hamsa u sebghin punt sebgha tieta metri kwadri (775.73 m.k.) u li hija accessibbli minn Triq Mikielang Sapiano, Luqa, il-partijiet jaqblu li l-Awtorita' jew il-Gvern ta' Malta ikun obligat iħallas kumpens lil Polidano għal tali art u in kontrakambju l-art

tigi trasferita formalment lil Gvern ta' Malta għall-prezz ta' tali kumpens li għandu jhi stabbilit minn tlett periti li jintagħzlu bi qbil bejn il-partijiet.

5. Polidano u l-Awtorita' qieghdin formalment jobbligaw ruhhom li mal-iffirmar ta' dan l-att u f' kull kaz sa zmien gimgha mill-lum jirtiraw irrevokabbilment kwalsiasi oġġezzjoni li saret minn kwalunkwe parti fuq l-iżvilupp propost tal-parti l-oħra li huwa sugġett ta' applikazzjoni mal-Awtorita' tal-Ippjanar skont ir-riferenzi li saru aktar kmieni f'dan l-att. Qieghdin ukoll jobbligaw ruhhom reciprokament illi ma jxekkklux u ma jfixklux lill-parti l-oħra milli tagħmel l-iżvilupp propost u intenzjonat u li ser jagħmlu dak kollu neċessarju sabiex il-pendenzi ta' bejniethom jigu risolti u biex jigi facilitat u ottenut il-ħruġ tal-permessi rispettivi irrakkomandati favorevoli għal kull parti f'dan il-kuntratt, jew kwalunkwe permess ieħor li jista' johroġ f'dan ir-rigward biex iz-zewg partijiet ikunu jistgħu jagħmlu l-iżvilupp kif propost minnhom, jekk applikabbli. U għalhekk jobbligaw ruhhom li ma jagħmlu ebda oġġezzjoni oħra formali purché iz-zewg partijiet jaderixxu ma' dak maqbul f' dan il-kuntratt. B'rabta ma din l-obbligazzjoni il-partijiet qieghdin jobbligaw ruhhom li jintavolaw l-inkartament neċessarju sabiex jitwaqqgħu l-oġġezzjonijiet mal-Awtorita' tal-Ippjanar fi zmien gimgha m'illum, u li fin-nuqqas li dan isir minn kwalunkwe parti, din għandha tkun soġġetta għal penali ta' mitt Ewro (€100) għal kull jum ta' dewmien, bħala danni pre-likwidati – dan il-penali mhux sindikabbli minn kwalunkwe Qorti/tribunal jew awtorita'.

6. Dan il-att u t-trasferimenti ta' propjeta' u drittijiet reali kif ukoll l-obbligazzjonijiet maqbula fuqu gie approvat mill-Parlament u mill-Kumitat tal-Kontijiet dwar l-Ufficcju Nazzjonali tal-Verifika.

7. Taxxa fuq Dokumenti u Trasferimenti u Taxxa fuq id-Dħul jew Trasferiment tal-Propjeta' tiffallas minn kull parti kif dovuta fejn applikabbli.

Dikjarazzjonijiet Statutorji

Dan l-att ġie magħmul wara l-approvazzjoni ta' dan il-bejgħ mill-Awtorita' b'riżoluzzjoni speċjali tal-Kamra tad-Deputati skont l-Artikolu 31(c) tal-Kapitlu 573 tal-Liġijiet ta' Malta.

Għall-finijiet tal-Att dwar it-Taxxa fuq Dokumenti u Trasferimenti kapitolu numru tlett mija u erbgha u sittin (364) tal-Liġijiet ta' Malta u wara d-debita twissija dwar l-importanza tal-veracita' tad-dikjarazzjonijiet tagħhom u dwar il-konsegwenzi ta' xi dikjarazzjoni falza, qarricqa u/jew inkompluta il-partijiet jiddikjaraw illi:

- a) L-Awtorita' akkwistat il-propjeta minnha mibjugħa fit-tieni parti ta' dan l-att u li fuqha ġew konċessi drittijiet reali permezz tar-raba' parti ta' dan l-att, permezz tal-Avviz Legali mitejn u u tnejn u erbghin tas-sena elfejn u sitta (A.L. 242/2006) transfuz fl-Att dwar l-Awtorita' tad-Djar, Kapitolu mitejn u wiehed u sittin (Kap 261) tal-Liġijiet ta' Malta.
- b) Polidano tiddikjara u tigarantixxi li hija propjetarja tal-propjeta' li fuqha ġew konċessi drittijiet reali permezz tar-raba' parti ta' dan l-att stante li akkwistat l-intier tas-Sit B li kienet tiffirma parti minn art akbar ossia l-ghalqa fabbrikabbli imsejha "Tad-Dukkiena" f'*Tarxien Road*, Hal Luqa, tal-kejl superficjali ta' *circa* hamest' itmien siegħ u sitt kejljet (5T 1S 6K) ekwivalenti għal hamest' elef disa' mija u ghoxrin punt tnejn sitta metri kwadri (5,920.26m.k.), drabi ohra jinghad hamest' elef disa' mija u dsatax punt sebgha wiehed metri kwadri (5,919.71m.k.), konfinanti mill-punent ma' *New Street*, mit-tramuntana ma' propjeta' ta' Paolo Briffa u ohrajn u mil-Lvant ma' propjeta' tal-Artal ta' San Duminku erett Knisja Parokkjali ta' Hal Luqa, jew irjeh verjuri u iktar precizi, libera u franka bid-drittijiet u l-pertinenzi kollha tagħha, murija bin-numri tnejn (2), tlieta (3) u erbgha (4) u delinejata bil-kulur ahmar fuq il-pjanta annessa ma' kuntratt fl-atti tan-Nutar Dottor Pierre Attard tal-hamsa u ghoxrin (25) ta' April tas-sena elf disa' mija u erbgha u disghin (1994) flimkien ma' propjetajiet ohra bis-sahha ta' diversi kuntratti ta' *komprovendita* u cioe' in kwantu:
 - i. Sebgha punt tmienja disgha sitta fil-mija (7.896%) minghand Letterina Zampa bis-sahha ta' kuntratt ta' bejgħ fl-atti tan-Nutar Dottor Clyde La

Rosa tat-tnejn u ghoxrin ta' Novembru tas-sena elfejn u tlieta (22/11/2003).

- ii. Tlieta punt wiehed fil-mija (3.1%) minghand l-eredi ta' Grace Felice Gay bis-sahha ta' kuntratt ta' bejgh fl-atti tan-Nutar Dottor Joseph Henry Saydon tad-dsatax ta' Dicembru tas-sena elfejn u tlieta (19/12/2003).
- iii. Wiehed punt disgha hamsa fil-mija (1.95%) minghand il-konjugi Briffa bis-sahha ta' kuntratt ta' bejgh fl-atti tan-Nutar Dottor Mario Bugeja tat-tlieta u ghoxrin ta' Dicembru tas-sena elfejn u tlieta (23/12/2003).
- iv. Zero punt sitta hamsa fil-mija (0.65%) minghand il-konjugi Briffa bis-sahha ta' kuntratt ta' bejgh fl-atti tan-Nutar Dottor Mario Bugeja tat-tnejn u ghoxrin ta' Jannar tas-sena elfejn u erbgha (22/01/2004).
- v. Tnejn punt sitta fil-mija (2.6%) minghand il-konjugi Cachia bis-sahha ta' kuntratt ta' bejgh fl-atti tan-Nutar Dottor Mario Bugeja tad-dsatax ta' Frar tas-sena elfejn u erbgha (19/02/2004).
- vi. Sittax punt disgha erbgha erbgha fil-mija (16.944%) minghand il-konjugi Zampa bis-sahha ta' kuntratt ta' bejgh fl-atti tan-Nutar Dottor Clyde La Rosa tat-tnejn ta' Gunju tas-sena elfejn u erbgha (02/06/2004).
- vii. Sitta u sittin punt tmienja sitta fil-mija (66.86%) minghand Polidano Brothers Limited bis-sahha ta' kuntratt ta' bejgh fl-atti tan-Nutar Dottor Mario Bugeja tad-disgha u ghoxrin ta' Lulju tas-sena elfejn u erbgha (29/07/2004).

Minn liema kuntratti tirrizulta provenjenza ulterjuri.

Ghall-finijiet tal-istess att qiegħed jiġi ddikjarat mill-Awtorita u minn Polidano rispettivament illi m'hemm l-ebda "kostruzzjoni" (kif iddefinita fil-ligi) fuq is-Sit 'A' u s-Sit 'B' kif fuq deskritti.

Ghall-finijiet tal-istess att jiġi ddikjarat illi l-valuri msemmija fuq dan l-att huma ġusti u reali u dan wara li jiena Nutar sottofirmat fehimthom bl-importanza ta' din id-dikjarazzjoni tagħhom.

Għall-fini tal-istess it-taxxa jew boli li għandu jkun mhallas fuq dan l-att huwa kif ġej:

(a) Taxxa (boll) dovuta mill-Kumpanija Polidano Properties Limited (Polidano) ta' dan l-att kkalkolata bir-rata ta' hamsa fil- mija (5%) tammonta għal tmienja u tletin elf u sitt mija u hames Ewro (€38,605) liema somma qiegħda titihallas presenzjalment u tirrappreżenta:

- (i) Hamsa fil- mija (5%) fuq il-valur tal-bejgħ bl-ewwel parti ta' dan l-att u cioè fuq €503,631.21 li tammonta għal hamsa u għoxrin elf mija u hamsa u tmenin Ewro (€25,185).
- (ii) Hamsa fil-mija (5%) fuq il-valur tas-servitujiet kostitwiti bit-tielet parti tal-att, cioè fuq €268.361.40 li tammonta għal tlettax-il elf erba' mija u għoxrin Ewro (€13,420).

(b) L-ebda taxxa (boli) ma huwa dovut jithallas mill-Awtorita' fuq it-tielet parti ta' dan l-att.

Għall-fini tal-capital gains tax qiegħed jigi ddikjarat illi :

- a) L-Awtorita' hija eżenti mill-ħlas ta' taxxa fuq il-bejgħ li sar bit-tieni parti tal-att.
- b) Il-Kumpanija qegħdha thallas sitt elef sitt mija u tnejn u disgħin Ewro u sebgha u tmenin centezmu (€6,692.87) kalkolabli bir-rata ta għaxra fil-mija (10%) fuq il-valur tas-servitujiet konċessi minn Polidano u cioè €66,928.73, liema somma qiegħda titihallas presenzjalment.

Għall-finijiet tal-Att dwar l-Akkwist ta' Proprjeta` Immobili minn **Persuni Mhux Residenti**, kapitolu mitejn sitta u erbghin (246) tal-Ligijiet ta' Malta;

- i. nomine għall-Kumpanija Polidano Properties Limited jiddikjara illi Polidano tikkwalifika sabiex jakkwistaw il-proprjeta bit-tieni parti ta' dan l-att mingħajr il-bżonn ta' permess ta' l-akkwist ta' proprjeta immobili minn persuni mhux residenti u dana peress illi Polidano hija registrata f'Malta u l-indirizz registrat tagħha u l-operat tagħha huwa f'Malta u li mhux inqas minn hamsa u għoxrin fil-mija (25%) tal-ishma

fl-istess huma ta' persuni li huma residenti cittadini ta' Malta, stat membru ta' l-Unjoni Ewropeja, u li għexu f'Malta għal perjodu kontinwu matul hajjithom ta' aktar minn hames (5) snin konsekuttivi. Dina id-dikjarazzjoni qiegħda ssir wara li jiena Nutar sottofirmata spjegajt l-importanza ta' din id-dikjarazzjoni u l-veracita tagħha skond il-Ligi; u

ii. L-Awtorita' bhala organu tal-Istat tar-Repubblika ta' Malta ma tehtiegx permess biex takkwista l-propjeta' mibjugħa fit-tielet parti tal-att taht tali Ligi.

Għall-fini tas-sub-artikolu tnax (12) tal-artikolu hamsa ittra A (5A) tal-Att dwar l-Income Tax, Kapitolu mija tlieta u ghoxrin (123) tal-Ligijiet ta' Malta, il-partijiet jiddikjaraw illi huma sqarru l-fatti kollha li jiddeterminaw jekk dan it-trasferiment hux wiehed li għalih japplika l-artikolu hamsa ittra A (5A) u li huma relevanti sabiex jigi stabbilit l-ammont ta' taxxa dovuta jew kwalunkwe ezenzjoni, inkluż il-valur li fl-opinjoni tagħhom jirrifletti ragionelvoment il-valur fis-suq tal-imsemmija proprjeta, jekk dan il-valur hu oghla mill-prezz ta' dan it-trasferiment. Il-partijiet għamlu din id-dikjarazzjoni wara li jien Nutar sottofirmata wissejthom bl-importanza parikolari tal-veracita ta' din id-dikjarazzjoni tagħhom. Dan kollu qiegħed jigi ri-kkonfermat permezz ta' rapport tal-Perit Denis Camilleri b'valutazzjoni tal-propjeta' li hija s-sugġett ta' dan l-att, liema rapport gie kkummissjonat mill-Awtorita' u qiegħed jigi hawn anness u mamrkat **Dokument 'F'**, għal kull buon fini.

Oltre għan-nom ta' Polidano jiddikjara illi hu u anki d-diretturi u azzjonisti tal-Kumpanija Polidano Properties Limited huma cittadini Maltin u li m'ghandhom l-ebda intenzjoni li huma jigi reallokati jew jistabilixxu r-residenza tagħhom barra minn Malta, u li se jrin jissottomettu d-dikjarazzjoni tal-imsemmija qliegħ għas-sena kurrenti fil-mument opportun liema dikjarazzjoni qed issir għall finni ta Avviz Legali erba mija u tlettax tas sena elfejn u hdax (413/2011) u dana wara li iccerzjoratu mill-obbligu tiegħu dwar il-veracita ta' tali dikjarazzjoni. Din id-dikjarazzjoni qegħda ssir wara li jien, Nutar sottoffirmat, spjegajtlu u wissejtu dwar l-importanza tagħha skont il-ligi.

Għall-fini tal-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, Kapitolu hamsa u hamsin (KAP 55) tal-Ligijiet ta' Malta jigi ddikjarat:

- i. Illi Jien Nutar sottofirmat niddikjara espressament ai termini tar-Regoli erbgha (4) paragrafu ittra 'd' tar-Regoli dwar l-Ezaminazzjoni tat-Titolu tas-sena elfejn u tnax (2012), Avviz Legali tlett mija hamsa u hamsin (355) tas-sena elfejn u tnax (2012), li jiena *ipso iure* ezenti mill-ezaminazzjoni tat-titolu tal-proprjeta' immobbli li saret bit-tieni parti ta' dan l-att, u tal-kawzi ta' preferenzi tal-kredituri li jaffettwaw l-istess titolu u li jiena spjegajt l-importanza u l-konsegwenza lill-Polidano ta' din l-ezenzjoni. Polidano kif debitament rappreżentata tikkonferma illi n-Nutar sottofirmat spjegatilna l-importanza u l-konsegwenza ta' din id-dikjarazzjoni u tal-ezenzjoni.
- ii. Għall-finijiet tar-Regolamenti dwar l-Ezami tat-Titolu Legislazzjoni Sussidjarja numru hamsa u hamsin punt zero sitta (L.S. 55.06), jigi ddikjarat li jien in-Nutar sottofirmat ninsab *ipso iure* ezenti mill-obbligu li nezamina t-titolu tal-propjeta' li tagħha sar il-bejgħ fit-tielet parti ta' dan l-att stante li dan huwa akkwist minn enti morali mwaqqfa bil-ligi skont ir-regola numru erbgha (4) paragrafu ittra 'f' u li jiena spjegajt l-importanza u l-konsegwenzi ta' din l-ezenzjoni lill-Awtorita' li tikkonferma tali spjegazzjoni u taccetta din l-ezenzjoni. Oltre minn hekk l-Awtorita' qiegħda teżenta espressament lin-Nutar sottofirmata mill-obbligu illi teżamina t-titolu tal-proprjeta' trasferita bit-tielet parti ta' dan l-att, ai termini tas-subartikolu hamsa tal-artikolu erba u tmenin ittra 'C' (84C[5]) tal-istess att u tar-regolament numru għoxrin (20) tal-Avviz Legali tlett mija hamsa u hamsin tas-sena elfejn u tnax (A.L. 355/2012) u dan wara illi n-Nutar sottofirmata fehmthom sewwa l-importanza u l-konsegwenza ta' din id-dikjarazzjoni u l-ezenzjoni ai termini tal-Att u tas-subartikolu wiehed tar-Regolament tnejn u għoxrin (22[1]) tal-istess Avviz Legali.

Għal kull buon fini u effetti tal-ligi, in partikolari tal-Att kontra *Money Laundering*, Kapitolu tlett mija tlieta u sebghin tal-Ligijiet ta' Malta,

nomine għal Polidano jiddikjara illi il-proprjeta minnha akkwistata in forza ta' dan l-att, mhix qiegħda tigi mixtrija bi flus derivanti b'money

Dokument 'X'

Elenku ta' Dokumenti

- Dokument 'A' - Site Plan - Awtorita' tad-Djar
- Dokument 'A1' - Site Plan - Awtorita' tad-Djar
- Dokument 'B' - Site Plan - Polidano
- Dokument 'C' - Site Plan tal-Awtorita' tal-Ippjanar
- Dokument 'D' - Pjanta - Livell Basement
- Dokument 'E' - Pjanta - Livell tat-Triq
- Dokument 'F' - Stima Peritali