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DISTRICT BUILDING	
AND	
TOWN PLANNING COMMISSION	
HAIFA	DISTRICT
District Serial No. of Scheme	HA/362
District File No.	27/478/1

HAIFA DETAILED TOWN PLANNING SCHEME No. 545 B,
PRIVATE OPEN SPACE ON CARMELITE LAND AMENDMENT
BEING AN AMENDMENT TO THE HAIFA OUTLINE (MODI-
FICATION) TOWN PLANNING SCHEME No. 229A, SUB-
MITTED BY THE DISCALCED CARMELITE ORDER AND
ADOPTED BY THE HAIFA LOCAL BUILDING AND TOWN
PLANNING COMMISSION.

1. PLAN

In this scheme "the plan" shall mean the plan drawn to the scale 1:2500 and marked "plan attached to Haifa Town Planning Scheme No. 545B". This plan shall be deemed to form an integral part of the Scheme.

2. PURPOSE OF THE SCHEME

The purpose of this Scheme is to make the following modifications in respect of zoning to the enacted Haifa Town Planning Scheme No. 545 and Haifa Outline (Modification) Town Planning Scheme No. 229A in accordance with the agreement made between the Discalced Carmelite Order and the Municipal Corporation of Haifa, dated the 16th September, 1946, which shall be deemed to form an integral part of this Scheme :

- 1) To convert part of the land marked 'D' & 'E' on the plan, enacted as Private Open Space accessible to the public in perpetuity, into Residential Zone "A".
- 2) To convert part of the land, marked 'F' on the plan, enacted as Private Open Space accessible to the public in perpetuity into site for Public Building.
- 3) To convert part of the land, marked 'B' on the plan enacted as Residential Zone "A" into Private Open Space accessible to the Public in perpetuity.
- 4) To convert parts of the land marked 'A', 'C', 'G', 'H' & 'X', comprising an area of 176 dunams, from private open space accessible to the Public in perpetuity and Residential Zone A into Public Open Space and register same in the name of the Municipal Corporation of Haifa, with the proviso that promoters shall pay the sum of LE 750.- (Seven hundred and fifty Palestine Pounds) before enactment of the Scheme as their contribution towards cost of fencing and developing of the said land.

3. AGREEMENT OF 16th September, 1946.

The agreement made between the Municipal Corporation of Haifa and the Discalced Carmelite Order, dated 16th September, 1946, shall be deemed to form an integral part of this Scheme.

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4. LOCATION

On Mount Carmel, between Wady Abu Rish and the northern slope of Mt. Carmel.

5. AREA OF THE SCHEME

The approximate total area of ~~the~~^{the} land included in this scheme, is 1416 metric dunams.

6. OWNERS OF THE LAND INCLUDED IN THIS SCHEME

Discalced Carmelite Order, Palestine Government, Keren Kayemeth Leisrael Ltd., and Heirs of Aziz Khayat.

7. BOUNDARIES OF THE SCHEME

On the North: by the enacted Haifa Town Planning Scheme No.166 (Carmelite Convent), by the property of Wakf el Khadr (Parcels 24 & 25 of Block 10816), by the enacted Haifa Town Planning Scheme No.107B, Ard el Khilweh - Carmelite by the Northern side of an existing footpath, by Allenby Road and by enacted Haifa Town Planning Scheme No.307 - Olive Groves West Haifa.

On the East : by the enacted Haifa Town Planning Scheme 257, South German Colony and by enacted Haifa Town Planning Scheme No.143, Abbas Shrine Access.

On the South : by enacted Haifa Town Planning Scheme No.334, Mt. Carmel Road Scheme, by a Public Garden (Jubilee Garden), by the property of Mr. Keith Roach (Parcel 31, Block 10814), by the property of Discalced Carmelite Order (Parcels 90/1 & 90/3, Block 10814), by enacted Haifa Town Planning Scheme No.173 - Carmelite Convent Property and by Wady Abu Rish.

On the West : by enacted Haifa Town Planning Scheme No.378 - Shikmona Land Parcellation and by the enacted Haifa Town Planning Scheme No.166 - Carmelite Convent.

8. CONDITIONS

The land included in this Scheme shall be subject to the Haifa Outline (Modification) Town Planning Scheme No.229A and any additions and modifications, which have been or may from time to time be made thereto, also to the agreement made between the Discalced Carmelite Order and the Municipal Corporation of Haifa, dated the 16th September, 1946, and also the following :-

a. Zoning

The area coloured orange on the plan shall be Residential Zone "A".

b. Roads.

The areas coloured brown, light and/or dark vermilion on the plan shall be roads for vehicular and pedestrian traffic.

c. Site for Public Buildings

The area coloured yellow, hatched brown and marked 'F' on the plan shall be site for Public Building of a non-commercial character.

d. Public Open Space

The areas coloured green, hatched dark green and marked A, C, G, H & X on the plan shall be Public Open Space and shall be registered in the name of Municipal Corporation of Haifa, before enactment of this Scheme, in accordance with the terms of the Agreement.

e. Private Open Space

The areas coloured green and bordered dark green on the plan shall be Private Open Space reserved for the Diocesan Carmelite Order.

The areas coloured green and bordered red on the plan shall be Private Open Space accessible to the public in perpetuity, subject to the following terms :-

- 1) The practice of allowing the public access to the aforesaid area for the purposes of recreation will be maintained in perpetuity. The aforesaid practice will not apply to the following two days, namely Easter Day and the Day of the Feast of Our Lady of Mt. Carmel and to such special religious festive days as may be fixed by the Owners not exceeding in the aggregate ten days in any one year.
- 2) The aforesaid practice shall not preclude the Owners with the approval of Municipality from regulating the hours of admission of the public to the area and they may close the area and preclude admission at any time between sunset and sunrise.
- 3) The admission of the public to the area shall be for the purpose of bona fide recreation while maintaining the decorum and good manners compatible with the preservation of the character of the area and any person behaving in an inappropriate manner or causing any disturbance, breach of the peace, or damage, may be excluded or ejected from the area and similarly any person behaving in an unseemly and unbecoming manner or otherwise in manner to which reasonable objection may be taken shall be liable to be excluded or ejected.
- 4) No person shall climb, damage, pull down or destroy any trees, shrubs, or plants or pluck any fruits or the flowers in the gardens, or break any fence or injure the surface of the gravel walks or lawns or trample on or injure the beds or place or leave any obstructions or things on the walks or elsewhere.
- 5) No organised games shall be allowed nor any rough violent or boisterous games conducted, and any stone-throwing, unusual or disorderly conduct or other practice likely to annoy the public or to interfere with the quiet use and enjoyment of the area are strictly forbidden.
- 6) No rubbish shall be thrown or papers scattered on any part of the area or on the railings and gates thereof.

- 7) The Owners may charge a toll not exceeding 25 ~~ms~~ per vehicle in respect of vehicles entering the aforementioned area and may generally or at any specific times exclude the admission of vehicles except vehicles of Municipal officials on bona fide duty which shall be admitted free.
- 8) The owners may with the approval of the Municipal Corporation of Haifa provide such further or other by-laws in regard to the preservation and maintenance of the Private Open Space accessible to the public in perpetuity as may from time to time be reasonably required.

f. Building Restriction

No building permit shall be issued for any of the land shown as Residential Zone "A" before parcellation schemes for the relevant areas are submitted and approved by the Town Planning Authorities and put into force.

g. Construction of Roads.

The owners of the land included within the boundaries of this Scheme shall construct all roads including the necessary stormwater drains, at any time after enactment of the Scheme in accordance with the Haifa Municipality's current specification.

9. SCHEMES AFFECTED

Enacted Haifa Town Planning Scheme No. 545 - Private Open Space, Carmelite Land.

Enacted Haifa Town Planning Scheme No. 591 - Wady Jamal Extension.

Enacted Haifa Town Planning Scheme No. 583 - Carmelite Frontal Land.

Enacted Haifa Town Planning Scheme No. 548 - Carmelite Slopes.

[Signature]
 Procured at the
 Disclosed Carmelite Order

HAIFA LOCAL BUILDING & TOWN PLANNING COMMISSION	
H. T. P. SCHEME No. 545 B	
RECOMMENDED FOR DEPOSIT	
SPECIAL JOINT	
AT THE MEETING ON 16.9.46.	
<i>[Signature]</i> CITY ENGINEER	<i>[Signature]</i> CHAIRMAN H.B. & T.P.C.

TOWN PLANNING ORDINANCE, 1936	
Haifa TOWN PLANNING AREA	
<i>Details</i> SCHEME No. 545 B	
The District Comm. at its <i>Special Joint</i> meeting held on the <i>16th</i> day of <i>Sept. 1946</i> resolved to deposit the above scheme.	
<i>[Signature]</i> Town Planning Adviser.	<i>[Signature]</i> Chairman Haifa District Building and Town Planning Commission.

A G R E E M E N T

MADE THE 16TH DAY OF SEPTEMBER, 1946, BETWEEN

DISCALCED CARMELITE ORDER

and

MUNICIPAL CORPORATION OF HAIFA.

THIS AGREEMENT is made this 16th day of September, 1946 between THE DISCALCED CARMELITE ORDER (hereinafter referred to as "the Owners") of the one part and THE MUNICIPAL COMMISSION OF HAIFA (hereinafter referred to as "the Corporation") of the other part.

WHEREAS on 29th July, 1940 an agreement (hereinafter referred to as "the principal agreement") was concluded between the Owners and the Corporation in regard to the approval of certain Town Planning Schemes of the Owners in respect of part of the Owners' land on Mount Carmel and the consideration of certain parts of the Owners' land on Mount Carmel as a private open space in accordance with the terms of the principal agreement and the bye-laws attached thereto;

AND WHEREAS pursuant to the said agreement Town Planning Scheme No. 545 was duly enacted;

AND WHEREAS the principal agreement was amended by a supplementary agreement of 20th December, 1943;

AND WHEREAS certain differences have arisen between the Owners and the Corporation in regard to part of the Land comprised in Haifa Town Planning Scheme No. 545, namely, the land comprised in the scheme submitted by the Owners as Town Planning Scheme No. 546 (Ard el Khilweh), and a Civil Case has been instituted by the Owners against the Corporation and others before the District Court of Haifa under No. 110/45, which case is still pending;

AND WHEREAS it is desired to settle all outstanding differences between the Owners and the Corporation in the manner and in accordance with the terms hereinafter set out;

NOW THIS AGREEMENT WITNESSETH as follows:-

1. THE parties hereby agree that Scheme No. 545 shall be amended in accordance with the plan attached hereto and marked as Scheme No. 545 B and that Scheme No. 545 B shall supersede the preceding Scheme No. 545.
2. The Corporation will use its best endeavours to secure the final approval simultaneously of Scheme No. 545 B as well as the detailed parcellation scheme in regard to parcel D comprised in the said Scheme No. 545 B in accordance with parcellation scheme No. 708, a copy of which is attached hereto for the purpose of identification, subject to such modifications as may be introduced by the Town Planning Authorities, provided that the number of the building plots and their aggregate area in the Scheme No. 708 shall not be reduced thereby.

3. UPON the final approval and promulgation of Scheme No. 545 B as here specified and parcellation scheme 708 and the re-zoning of parcels D and E from private open space to residential Zone A and parcel F from private open space to a site for public buildings, the Owners hereby agree in consideration of LP 1.- (One Palestine Pound) to be paid to them by the Corporation to transfer to the Corporation parcels marked A, C, G, H and X comprising an area of 176 dunams as more particularly shown on Scheme 545 B as public open spaces and the said parcels A, C, G, H and X will be registered in the name of the Corporation and the Owners further agree that parcel B previously shown in Scheme No. 545 as Zone A be added to and included in the private open space, the subject matter of the principal agreement, and the terms of the principal agreement in regard to the private open space of the Carmelites shall apply mutatis mutandis to parcel B. A copy of the bye-laws attached to the principal agreement is attached for the purpose of identification.

4. THE Owners agree to do all such acts and to sign and execute all such documents as may be required by the Corporation in order to procure the registration of the said parcels A, C, G, H and X in the name of the Corporation in conformity with the last preceding clause.

The Owners further agree within 7 (seven) days as from the signing of this agreement to deliver to the Corporation an irrevocable power of attorney duly executed before the Public Notary, as per draft attached, appointing Mr. Girgis Khoury, the Town Clerk of Haifa, and/or Dr. Abraham Weinshall, Advocate, of Haifa, as the agents of the Owners for the purpose of transferring and/or ceding to and/or renouncing in favour and/or registering in the name of the Corporation all rights of the Owners in the said parcels A, C, G, H and X, which power of attorney may be used only upon the final approval of Scheme No. 545 B as well as the parcellation scheme No. 708.

5. ALL costs connected with the preparation of the necessary parcellation in order to give effect to the transfer to the Corporation of parcels A, C, G, H and X will be borne by the Owners except the Land Registry transfer fees, if any, which shall be borne by the Corporation.

The Owners being interested as proprietors of the adjacent land in fencing and development of the said parcels A, C, G, H and X will pay to the Corporation at the time of the signing of this agreement a sum of LP 750.- (Seven hundred and fifty Palestine Pounds) as their contribution towards costs of fencing and development of the said parcels A, C, G, H and X and/or some or any of them, and the Corporation shall be entitled to use the said amount in such manner and at such times as the Corporation in its free discretion may decide.

The Owners shall deposit the said sum of LP 750.- with S. Horowitz & Co., Advocates, of Haifa, on the signing of this agreement and the said amount will be paid over by the said Advocates to the Corporation on the final approval and promulgation of Scheme 545B and Parcellation Scheme 708 as hereinbefore set out.

6. THE provisions of the principal agreement and of the Schedule of Bye-laws attached thereto in respect of private open spaces shall apply to any private open spaces demarcated on the Town Planning Scheme No. 545B and the detailed parcelation scheme No. 708, but in any other respect the said principal agreement shall be deemed to be substituted by the present agreement.

7. THIS agreement shall form part of Scheme 545 B as if embodied therein. Both parties will take all such steps as may be required in order to give effect to the terms of this agreement.

8. THIS Agreement settles the disputes and differences between the owners and the Corporation, and the action brought by the Owners against the Corporation and other defendants in the District Court of Haifa as Civil Case No. 110/45 shall stand dismissed, each party to bear their own costs.

IN WITNESS whereof the parties hereto have hereunto set their respective hands the day and year first hereinbefore written.

SCHEDULE OF BYE-LAWS APPLYING TO THE PRIVATE OPEN
SPACE HEREINAFTER MORE PARTICULARLY DESCRIBED

- Private Open Space 1. These bye-laws shall apply at all times to the private open space of the Discalced Carmelite Order which is subject to the terms of an agreement between the Discalced Carmelite Order and the Municipal Corporation of Haifa dated the 29th day of July, 1940, which shall be deemed to be incorporated herein.
- Description 2. The area hereinbefore referred to shall be that part of the land of the aforesaid Carmelite Order measuring approximately 675 metric dunams shown in green bordered blue on the plan deposited with the Municipality, marked Haifa Town Planning Scheme No. 545, excluding the areas coloured brown inside the area.
- Maintenance of Existing Practice. 3. The practice of allowing the public access to the aforesaid area for the purposes of recreation will be maintained in perpetuity.
- Exceptions 4. The aforesaid practice will not apply to the following two days, namely Easter Day and the Day of the Feast of our Lady of Mt. Carmel and to such special religious festive days as may be fixed by the Owners not exceeding in the aggregate ten days in any one year.
- Hours of Admission 5. The aforesaid practice shall not preclude the Owners with the approval of the Municipality from regulating the hours of admission of the public to the area and they may close the area and preclude admission at any time between sunset and sunrise.
- Recreation purposes and exclusion of certain purposes. 6. The admission of the public to the area shall be for the purpose of bona fide recreation while maintaining the decorum and good manners compatible with the preservation of the character of the area and any person behaving in an inappropriate manner or causing any disturbance, breach of the peace, or damage, may be excluded or ejected from the area and similarly any person behaving in an unseemly and unbecoming manner or otherwise in a manner to which reasonable objection may be taken shall be liable to be excluded or ejected.
- Damage to Property 7. No person shall climb, damage, pull down or destroy any trees, shrubs, or plants or pluck any fruits or the flowers in the gardens or break any fence or injure any of the seats or any other property belonging thereto or cut up or injure the surface of the gravel walks or lawns or trample on or injure the beds or place or lease any obstructions or things on the walks or elsewhere.
- Restriction on Games, etc. 8. No organised games shall be allowed nor any rough, violent or boisterous games conducted, and any stone-throwing unusual or disorderly conduct or other practice likely to annoy the public or to interfere with the quiet use and enjoyment of the area are strictly forbidden.
- Rubbish 9. No rubbish shall be thrown or papers scattered on any part of the area or on the railings and gates thereof.
- Toll 10. The Owners may charge a toll not exceeding twenty-five mils per vehicle in respect of vehicles entering the aforementioned area and may generally or at any specific times exclude the admission of vehicles except vehicles of municipal officials on bona fide duty which shall be admitted free.
- Bye-Laws 11. The Owners may with the approval of the Municipal Corporation of Haifa provide such further or other bye-laws in regard to the preservation and maintenance of the aforesaid area as may from time to time be reasonably required.

NOTE: This is the Schedule attached to the agreement of 29th July, 1940 and referred to in para. 3 of the agreement of the 16th September, 1946.

THIS IRREVOCABLE POWER OF ATTORNEY is executed this 17th day of September, 1946 by the Very Rev. Father Edmond O'Callaghan, Vicar Provincial of Mount Carmel, for and on behalf of the Discalced Carmelite Order, (hereinafter referred to as "the Owners").

WHEREAS the Owners are the owners of five parcels of land more particularly shown on the plan attached hereto and thereon designated as parcels A, C, G, H and X, respectively comprising an area of 176 dunams or thereabouts (hereinafter referred to as "the five parcels").

AND WHEREAS the Owners agreed with the Municipal Commission of Haifa (hereinafter referred to as "the Corporation") to transfer the five parcels to the Corporation upon the final approval and promulgation of Town Planning Scheme 545B and Parcel-lation Scheme 708, copies of which schemes are attached hereto, in accordance with the terms of the agreement between the Owners and the Corporation dated the 16th day of September, 1946;

AND WHEREAS it is desired to secure the transfer by the Owners to the Corporation of the five parcels;

NOW BY THIS POWER OF ATTORNEY the Owners HEREBY APPOINT DR. ABRAHAM WEINSHALL, Advocate, of Haifa, and GIRGIS KHOURY, Town Clerk of Haifa, (hereinafter referred to as "the Attorneys") and each of them jointly and severally as the Attorneys and Attorney of the Owners for the following purposes:-

1. To transfer the five parcels and each of them to the Corporation and for such purpose to take all such steps as may be required in that behalf and to represent the Owners at the Land Registry and before any Department as the Attorneys or Attorney may deem necessary in order to secure the transfer aforementioned.
2. In or about the premises to sign all such plans, petitions and deeds of transfer, including any parcellation plans and any other documents relating to parcellation in respect of the five parcels and each of them as the Attorneys or Attorney may deem advisable.
3. To admit the receipt by the Owners of the consideration agreed upon between the Owners and the Corporation under the aforesaid agreement.

It is confirmed that -

(a) The Attorneys or Attorney shall be entitled to act under this power of attorney only upon the final approval and promul-gation of Scheme No. 545B and Parcellation Scheme 708 and not earlier;

(b) A certificate in writing by the City Engineer of Haifa or his Deputy and the said Dr. A. Weinshall, one of the Attorneys herein, that Scheme No. 545B and Parcellation Scheme 708 have been finally approved and promulgated, and any certificate by them identifying the said five parcels or any of them shall be sufficient for the purpose of this power of attorney.

This power of attorney is hereby declared to be irrevocable, being connected with the rights of a third party, namely, the Muni-cipal Commission of Haifa, and shall be binding upon the Owners and their respective successors.

IN WITNESS whereof the Owners have hereunto set their hand and seal at Haifa, this 17th day of September, 1946.