

1. DISPOSAL OF LAND ADJOINING QUEEN ELIZABETH II DRIVE/MAIN NORTH ROAD

Officer responsible City Streets Manager	Author Property Service Officer, Stephen Cribb, DDI 371-1520
Corporate Plan Output: City Street Capital Outputs – Fixed Assets - New	

The purpose of this report is to obtain the Council's approval of an amendment to a Council resolution dated 25 March 1999 which approved the sale of land to the adjoining owners.

BACKGROUND

The previous report referred to the adjoining owner being the owners of 25C Ramore Place but did not mention the other two adjoining owners being 25D Ramore Place and 204 Main North Road. The land was originally offered to both adjoining Ramore Place owners in July 1999 but no sale eventuated. Subsequently the third adjoining owner at 204 Main North Road has approached the Council and is prepared to purchase the land at the Council's valuation price and amalgamate the land with theirs pursuant to Section 40(4) of the Public Works Act 1981.

SECTION 40 PUBLIC WORKS ACT

The land described in the schedule below was acquired from the St Bedes College Trust Board ("the Board") in 1994 for road diversion and is subject to section 40 of the Public Works Act 1981. The Council has resolved that the land is surplus to its public works purpose.

The land will be exempt from being offered back to the Trust Board if the Council resolves that section 40(4) of the Public Works Act 1981 applies. That section authorises the Council to sell the land to an adjoining owner if due to the size, shape or situation of the land the Council could not expect to sell the land to any person who did not own land adjacent to the land being sold. The land described in the following schedule is below the minimum allotment size for the underlying zone and is irregular in shape. These are sufficient grounds for the Council to resolve that the land could only be sold to an adjoining owner. The Trust Board is not an adjoining owner.

Schedule

All that parcel of land containing 392m² being Part Lot 1 DP 74636 and contained in part of Certificate of Title 41B/731.

To effect the proposed land disposal it is therefore necessary for the Council to rescind its previous resolution.

Officer's

- Recommendation:**
1. That for reasons set out above the Christchurch City Council resolves to rescind Resolution 3 of the City Services report adopted by the Council on 25 March 1999.
 2. That pursuant to Section 40(4) of the Public Works Act 1981 the Christchurch City Council resolves that due to the shape and size of the land described in the Schedule above it could not expect to sell the land to any person who did not own land adjacent to the land to be sold.
 3. That pursuant to section 40(4) of the Public Works Act 1981 the Christchurch City Council resolves to dispose of the land described in the Schedule above to the adjoining owner at 204 Main North Road for amalgamation with that owner's land.

The Board considered that it would be more appropriate to retain this land as additional green space to avoid any future building on the site.

Recommendation: *That the officer's recommendation be declined and that the Council retain this land as green space.*

Robin Booth asked that it be recorded that he voted against this recommendation.