

## 5. DISPOSAL OF FORMER ROAD RESERVE – ANFIELD STREET, BROOKLANDS

<b>Officer responsible</b> Parks Manager	<b>Author</b> Property Services Officer, Lewis Burn
Corporate Plan Output: Consents 9.4.8	

The purpose of this report is to obtain a Council resolution pursuant to Section 230 of the Local Government Act 1974 to enable the disposal of a former road reserve in Brooklands in exchange for land fronting Brooklands Domain.

### BACKGROUND

In 1991 the Council gave approval to use Lot 164 DP 8475 1,059m<sup>2</sup> as an exchange in a proposed subdivision by the then private owner (Barker Estate) for an equivalent area of land fronting Brooklands Domain. The proposal was that the land received in exchange for Lot 164, together with the reserve contribution and the road reserve Lot 156, be held as one contiguous parcel to form a wider entrance from Anfield Street to the Domain. The parcels of land proposed for exchange are shown on the tabled plan. The subdivision contemplated was not proceeded with by the Barker Estate, which subsequently transferred its title to a Mr E J L Woolf in May 1995. Mr Woolf applied for and was granted subdivision consent on 27 March 1997 on the same basis that Lot 164 would be exchanged to make up a wider frontage to the Brooklands Domain.

### CURRENT SUBDIVISION PROPOSED

The plan DP 77045 (copy tabled) was approved by Council pursuant to Section 223 RMA 1991 on 2 April 1997 and has yet to deposit under the Land Transfer Act 1952. Lot 164 DP 8475 is comprised partly in Lots 3 and 4 on the plan while the area to be received in exchange is comprised in Lot 12 (1,061m<sup>2</sup>) on the plan. On completion of the exchange, the land received in Lot 12 together with reserve contribution (Lots 11 and 13) and the existing road reserve (Lot 156 DP 8475) will form a contiguous 53.15 metre wide entrance to the Brooklands Domain.

The plan must deposit by 2 April 2000 otherwise a new subdivisional resource consent will be required. For the plan to deposit the transfer of Lot 164 DP 8475 from the Council to Mr Woolf must first be completed.

### LOT 164 DP 8475 – STATUS

This lot is considered to be vested in the former Waimairi District Council in terms of Section 44 of the Counties Amendment Act 1961. By gazette notice in 1966 the reservation as road reserve over this land was revoked. Notwithstanding this revocation Section 25(4) of the Reserves Act 1977 provides that Council's title to this lot (for the purposes of disposal) shall not be deemed to have been derived from the Crown. An application is being made to the Crown to be registered as proprietor of the former road reserve in terms of the vesting provisions of the Counties Amendment Act 1961 and the Local Government (Canterbury Region) Reorganisation Order 1989.

There is ample precedent and legal opinion to confirm this is the appropriate procedure for Council to be registered as proprietor of Lot 164 which will be necessary before a transfer to effect the exchange can be effected.

#### **SECTION 230 LOCAL GOVERNMENT ACT 1974**

In order that the exchange can proceed it will also be necessary for Council to pass the following resolution. The intended disposal was publicly notified in the Christchurch Press on Wednesday 2 February 2000.

#### **Resolution**

Pursuant to Section 230 of the Local Government Act 1974 the Christchurch City Council hereby resolves to dispose of the land described in the following Schedule.

#### **Schedule**

All that parcel of land containing 1,059m<sup>2</sup> being Lot 164 DP 8475 and contained in Certificate of Title 336/344.

**Recommendation:** That the above resolution be adopted subject to an agreement for sale and purchase between the Council and Mr EJM Woolf being entered into on terms and conditions satisfactory to the Legal Services Manager in respect of the exchange.