

1. NURSES CHAPEL LAND EXCHANGE

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Corporate Plan Output: Legal Advice	

The purpose of this report is to seek confirmation by the Council of a resolution it passed at its meeting on 28 July 1994 to promote a local Bill to amend the Christchurch City (Reserves) Empowering Act 1971 by removing 1520 square metres of land from what is legally Hagley Park. The land has been used for approximately 75 years by Christchurch Hospital and in recent years as tennis courts for Hospital staff. It is currently being used for public car parking.

As can be seen from the 1994 report to the Council (copy attached) it has long been proposed that this land be exchanged for the land on which is situated the Nurses Chapel. The Nurses Chapel is legally owned by the Hospital.

The effect would be that Christchurch Hospital would become the owner of the area of land which is currently situated in Hagley Park and the Council would become the owner of the land on which the Nurses Chapel is situated. A copy of a survey plan showing the land involved is attached.

The reason for the lengthy delay on this matter is since that 1994 resolution was passed, there has been a need for the areas of land involved to be surveyed before a local Bill can be promoted, and also the need for negotiations between the Council and the Hospital to be concluded regarding the agreement for sale and purchase to be entered into to give effect to the land exchange. A draft agreement has now been prepared between the Council and the Hospital setting out the basis of the exchange and which is subject to a local Bill being promoted by the Council.

Given the length of time since the 1994 resolution was passed, the City Manager and I consider it appropriate that the Council should be given an opportunity to reconsider this matter and reaffirm its original resolution to promote a local Bill to give effect to the proposed land exchange.

The attached 1994 report refers to the areas of land involved being 1200 square metres for both the car park and the Chapel. With the survey work that has now been carried out, it has become apparent that it is proposed to take 1520 square metres from Hagley Park to be transferred to the Hospital in exchange for the Council acquiring 1063 square metres from the Hospital. The discrepancy between the two areas of land historically appears to have arisen through a plan that was relied upon by the Council in considering its 1994 report which had been produced by the Hospital's traffic engineers, and which had inaccurately defined the eastern boundary of Hagley Park. This inaccuracy had resulted in the old tennis court area being under-estimated by 400 square metres.

The Chapel grounds have also been reduced because some of the land was being used for legal road and the pathway around the outside of the Chapel has not been included in the proposed transfer.

An updated valuation has been obtained as at August 2000 which gives a current market value, exclusive of chattels, of \$526,000 for the Nurses Chapel land to be transferred to the Council, and a current market value of \$524,000 for the land to be transferred by the Council to Christchurch Hospital. The valuations have been based on the correct land area.

- Recommendation:**
1. That the Council sign an Agreement for Sale and Purchase to give effect to the land exchange subject to a local Bill being enacted.
 2. That the Council promote a local Bill to amend the Christchurch City (Reserves) Empowering Act 1971 by removing the 1520 square metres of land from Hagley Park.