

## 9. BELLVUE AVENUE – DISPOSAL OF PROPERTY

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Corporate Plan Output: New Assets (Waterways and Wetlands) 9.3.45.	

The purpose of this report is to seek Council approval to sell the property situated at 19 Bellvue Avenue which was acquired for water enhancement purposes.

### BACKGROUND

At its meeting on 23 March 2000, the Council adopted the following recommendation of the Parks and Recreation Committee:

1. That the above property being all of the land contained and described in Certificate of Title 714/20 be acquired by the Council for stream enhancement purposes subject to:
  - (a) The terms and conditions outlined in the public excluded section of the report.
  - (b) The feasibility of retaining the existing house after the stream enhancement works have been completed being confirmed.
2. That the property be on-sold once capacity augmentation and restoration work had been completed and protected by an appropriate legal instrument such as an esplanade strip.
3. That any residual concerns be the subject of consultation between the affected residents and the Water Services Unit.

At the time this matter was considered by the Parks and Recreation Committee a deputation was received from a number of concerned residents seeking an assurance that public access through the property to St James Park would be prohibited. The property concerned is a rear section serviced by a mutual right-of-way off Bellvue Avenue which the neighbours were anxious to ensure did not become a public accessway to the park. The Committee agreed with their views and recommended that once the enhancement work to Dudley Creek had been completed that the property be sold. The work has now been completed with an esplanade strip being registered against the title to protect the enhancement work but excluding any public rights of access over the property. As a consequence the property can now be disposed of.

Circulation of other units of Council, for expressions of alternative use for the property, as provided in the property decision making flowchart, has not been undertaken in this instance because the Council resolution was specific as to disposal.

## **SECTION 230 LOCAL GOVERNMENT ACT**

The land concerned is held by the Council in fee simple and before it may be disposed of Section 230 of the Local Government Act 1974 requires public notice to be given and for the Council to formally pass a resolution to dispose of the land. In compliance with this requirement public notice was given in the Christchurch Press on Saturday 2 September 2000 and it is now in order to proceed to adopt the resolution contained in the recommendation.

## **SECTION 40 PUBLIC WORKS ACT 1981**

In accordance with Section 40 of the Public Works Act, before land may be disposed of the Council is required to offer it back to the original owner. However, in this instance at the time of acquisition the Council obtained from the owner a waiver under Section 40(2) of the Public Works Act 1981 whereby he agreed that he did not wish to reacquire all or any part of the land from the Council and as such this requirement has been met.

## **DISPOSAL**

In accordance and compliance with Council policy the property is to be offered for sale by tender at a price not less than the minimum reserve price as assessed by Ford Baker on behalf of the Council.

- Recommendation:** 1. That the Council pass the following resolution:

### **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 schedule below.

### **Schedule Canterbury Land District Christchurch City**

All that parcel of land comprising 754 square metres being Lot 2 DP 16969 and being all of the land contained and described in Certificate of Title 714/20.

2. That the property be offered for sale by public tender at a price not less than the minimum reserve price as assessed by Ford Baker, Registered Public Valuers, on behalf of the Council.

3. That, if a satisfactory tender price is not obtained, the property be marketed for sale and the Property Manager be authorised to sell the property at not less than the minimum reserve price as indicated in recommendation (2) above or if this price is unachievable because of market conditions, at such lesser price to be authorised jointly by the Property Manager and the Chairman of the Parks and Recreation Committee and decision reported to the Council.