

5. ROAD STOPPING OF UNFORMED LEGAL ROAD – CLEARWATER RESORT

Officer responsible City Streets Manager	Author Bill Morgan, Property Services Officer, DDI 3711-581, LD-001-45
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The purpose of this report is to resolve to proceed by way of consent under the Public Works Act 1981 to stop portions of unformed road adjoining Clearwater Resort and its adjacent properties as depicted on the attached Survey Office Plans.

BACKGROUND

The Council at its meeting on 23 September 1999 adopted a report from the City Services Committee recommending:

“That the portion of unformed legal road as shown in Plan ‘A’ as attached be stopped”.

The Council was advised that the portion of unformed legal road was not required for the City Roding Network and as such could be stopped and sold to the adjoining owners.

GENERAL

The unformed road bisects two adjoining farm properties and runs through the newly developed Clearwater Resort. As agreement has been reached with all of the parties concerned it is proposed to stop the road by consent under the provisions of the Public Works Act 1981. It should be noted that public access to the waterways has been protected through the provision of Esplanade Strips and public pedestrian access through the Resort linking Johns Road to Coutts Island Road has been negotiated and is to be formed shortly.

In accordance with Section 342(1)(a) of the Local Government Act 1974 where any road in a rural area is to be stopped the prior consent of the Minister of Lands is required. This is currently being sought and it is not envisaged any problems will be encountered given that the consent of all affected parties has been obtained.

In order to give effect to the proposal it will be necessary for the Council to pass the following resolution.

RESOLUTION

Pursuant to the provisions of Sections 116 and 117 of the Public Works Act 1981 the Christchurch City Council hereby resolves to stop those portions of road shown on the plans and described in the Schedule hereto.

SCHEDULE

All those parcels of land situated in Blocks II and III of the Christchurch Survey Districts and shown as “Road to be Stopped” and described as follows:

Plan	Shown	Adjoining	Title Area	Area
SO20281	Section 1	Pts Lot 1 DP 11371 Lot 1 DP 9789 Lot 2 DP 4008	456/246 23K/696 32B/1040	4832 m ²
SO20281	Section 2	Lots 1 & 2 DP 9789	23K/696	4193 m ²
SO20281	Section 3	Lots 2 & 3 DP 54108	32B/1040	3157 m ²
SO20283	Section 1	Lots 6 & 8 DP 81756 Lots 3 & 9 DP 81756	46C/1292 48A/1240	8045 m ²
SO20283	Section 2	Lot 113 DP 83358 Lot 4 DP 301870	48A/1243 7616	2008 m ²
SO20283	Section 3	Lot 2 DP 54108	32B/1040	3815 m ²
SO20283	Section 4	Lots 108, 109, 112 DP 83358	48A/1245	5440 m ²
SO20283	Section 5	Lot 107 DP 83358 Lots 108 & 112 DP 83358	48A/1244 48A/1245	565 m ²
SO20283	Section 6	Lot 1 DP 81756 Lots 3 & 9 DP 81756 Lot 5 DP 301870	48A/1241 48A/1240 7617	1.3525 ha
SO20283	Section 7	Lot 1 DP 81756 Lot 5 DP 30170	48A/1241 7617	3064 m ²

SO303202	Section 1	Lot 1 DP 23592 Pts Lot 3 DP 4007	4C/429 4C/452	3117 m ²
SO303202	Section 2	Pts Lot 3 DP 4007 Pt Lot 2 DP 49243	4C/425 31F/1055	6238 m ²

- Recommendation:**
1. That the above resolution be adopted.
 2. That the stopped road be sold to the adjoining owners pursuant to Section 345(1)(a)(i) of the Local Government Act 1974 and amalgamated with their Certificate of Title pursuant to Section 345(2) of the Local Government Act 1974.