

3. EXCHANGE OF LAND – COX’S AND McLEANS ISLAND ROADS

Officer responsible City Streets Manager	Author Bill Morgan, Property Services Officer, DDI 941-8581 File RO-008-130
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The purpose of this report is to:

1. Seek a resolution to proceed by way of consent under the Public Works Act 1981 to stop Cox’s Road and to dispose of the land to the adjoining owner and
2. Acquire land adjoining McLeans Island Road for road and road diversion purposes.

BACKGROUND

Cox’s Road is a legal but unformed road running northwards from McLeans Island Road to link with McArthurs Road which similarly is legal but unformed as depicted on the attached plan. The roads were originally laid off when the land was first subdivided and settled but have never been formed and now serve no purpose. Currently the road is farmed and incorporated within the property owned by Lady Isaac. As the road is no longer required it is proposed to stop and dispose of the area to the adjoining owner. The area concerned is shown and depicted as Section 1 on the attached plan SO 306938 and contains 1.2154 hectares.

Within the Transitional City Plan major road works are planned for McLeans Island Road, effectively to remove two right-hand bends at the western end which have been the cause of a number of accidents. To remedy the problem it is proposed to acquire from Lady Isaac those parcels of land depicted on the attached SO plan 6938 as Sections 2, 3, 4 and 5. While the road works are not proposed to be undertaken for another seven to eight years the opportunity is now being taken to acquire the above land required for road by way of exchange for the road to be stopped, (Section 1 on the plan).

GENERAL

To determine the land’s value the Council engaged the services of Simes & Co, Registered Public Valuers, who have indicated that while there is a small difference between the values of the respective parcels in favour of Lady Isaac this would be offset by the Council meeting the survey and legalisation costs involved. Agreement has been reached with the owner to exchange the respective parcels of land on this basis.

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 the only affected party has been obtained.

In order to give effect to the proposal it will be necessary for the Council to adopt the following recommendation.

- Recommendation:**
1. That the Council acquire Sections 2 and 3 on SO plan 306938 containing 5,607m² and 1,985m² respectively for road and Sections 4 and 5 on SO plan 306938 containing 8,297m² and 1,450m² respectively for road diversion purposes.
 2. The Christchurch City Council hereby resolves pursuant to the provisions of Section 116 and 117 of the Public Works Act 1981 to stop that portion of road shown on the plan and described in the Schedule hereto.

Schedule

All that parcel of land being Section 1 SO 306938 and containing 1.2154 ha and shown as road to be stopped.

3. That the land contained in recommendations 1 and 2 be exchanged with no equality of exchange being payable, with the Council meeting the full survey and legalisation costs.