

1. **LEGALISATION OF ROAD AND EXCHANGE OF SURPLUS LAND
OPAWA EXPRESSWAY, GARLANDS ROAD INTERSECTION**

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The purpose of this report is to seek the Council's approval to the exchange of the residual areas of land held for road diversion at the intersection of Garlands and Opawa Roads with Transit New Zealand following the completion of the legalisation of the road widening and the installation of the new traffic lights.

BACKGROUND

The properties described in the following schedules were purchased by the Council and Transit New Zealand, some jointly and some separately, over the last 20 years for the Opawa Expressway.

Transit New Zealand is currently carrying out the legalisation of the areas required for Road (State Highway) and following the completion of this it is proposed to exchange some of the Council and Transit owned residual areas for amalgamation with the adjoining land of the respective owners to maximise the use or value of their land holdings.

Details of the respective properties are as follows:

First Schedule		
Council Properties to be Legalised as Road		
20 m ²	Pt Lot 1 DP 10073	
196 m ²	Pt Lot 1 DP 10073	
365 m ²	Pt Lot 1 DP 2893	
354 m ²	Pt Lot 2 DP 2893	
350 m ²	Pt Lot 3 DP 2893	
378 m ²	Pt Lot 4 DP 2893	
787 m ²	Pt Lot 5 DP 2893	
581 m ²	Pt Lot 1 DP 2128	
429 m ²	Pt Lot 5 DP 2128	
289 m ²	Pt Lot 1 DP 389	
308 m ²	Pt Lot 1 DP 42482	
		All as shown marked A on the attached plan 22695/B1a

Second Schedule		
Council's Land to be Retained for Road Diversion (Landscaping)		
162 m ²	Pt Lot 1 DP 2893	
259 m ²	Pt Lot 2 DP 2893	
362 m ²	Pt Lot 3 DP 2893	
486 m ²	Pt Lot 4 DP 2893	
158 m ²	Pt Lot 5 DP 2893	
		All as shown marked B on the attached plan 22695/B1a

Third Schedule		
Council's Land to be Acquired by Transit by Exchange		
111 m ²	Pt Lot 1 DP 2128	
398 m ²	Pt Lot 5 DP 2128	
		All as shown marked C on the attached plan 22695/B1a

Fourth Schedule		
Transit's Properties to be Legalised as Road		
387 m ²	Pt Lot 6 DP 2893	
274 m ²	Pt Lot 7 DP 2893	
212 m ²	Pt Lot 8 DP 2893	
242 m ²	Pr Lot 9 DP 2893	
311 m ²	Pt Lot 1 DP 2128	
60 m ²	Pt Lot 2 DP 2128	
65 m ²	Pt Lot 3 DP 42213	
55 m ²	Pt Lot 1 DP 4893	
		All as shown marked D on the attached plan 22695/B1a

Fifth Schedule		
Transit's Land to be acquired by Council for Road Diversion (Landscaping) by Exchange		
539 m ²	Pt Lot 6 DP 2893	
544 m ²	Pt Lot 7 DP 2893	
497 m ²	Pt Lot 8 DP 2893	
629 m ²	Pt Lot 9 DP 2893	
		All as shown marked E on the attached plan 22695/B1a

VALUATION

The current market value of the respective parcels of land has been assessed by the mutually appointed valuers, Darroch Limited as follows:

The value of the Council land being acquired by Transit NZ has been assessed at \$393,327.

The value of the Transit land being acquired by the Council has been assessed at \$16,572.

Agreement has been reached and settlement can be achieved with Transit NZ on their payment to the Council of an equality of exchange payment of \$376,755 plus GST.

OBLIGATION TO FORMER OWNERS

Section 40 of the Public Works Act 1981 requires that land which is surplus to a public work must be offered back to the former owner unless there are grounds for exemptions in terms of the Act.

The two parcels of Council owned land being offered to Transit for exchange being, firstly, 111m² Pt Lot 1 DP 2128 acquired from A E and R I Rich in 1983, secondly, 398m² Pt Lot 5 DP 2128 acquired from A K and H I Matsis in 1977, are non complying lots in terms of the City Plan and are each proposed for amalgamation with the adjoining Transit owned land. It is considered impracticable to offer the land back to the respective previous owners.

In order for the exchange of land to comply with the provisions of Section 230 of the Local Government Act 1974 and of Sections 40 and 50 of the Public Works Act 1981 it will be necessary to adopt the formal resolutions set out in the recommendation which follows:

- Recommendation:**
1. That pursuant to the provisions of Section 50 of the Public Works Act 1981, the land described in the Fifth Schedule hereto as shown marked E on plan 22695/B1a, be acquired by the Council from Transit New Zealand for Road Diversion.
 2. That the land described in the Third Schedule hereto as shown marked C on plan 22695/B1a, not be offered back to A E & R I Rich and A K & H I Matsis because it is impractical, unreasonable and/or unfair to do so in terms of Section 40(2)(a) of the Public Works Act 1981.

3. That pursuant to the provisions of Section 230 of the Local Government Act 1974, the Council dispose of the land described in the Third Schedule hereto as shown marked C on plan 22695/B1a to Transit New Zealand for the equality exchange payment of \$376,755 (plus GST) to the Council.