

1. LOOKAWAY PLACE: CREATION OF STORMWATER EASEMENT OVER PRIVATE ACCESS LANE

Officer responsible
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The purpose of this report is to seek Council approval to the creation of a new stormwater easement in gross over a private access lane off Lookaway Place, Huntsbury, in order to overcome flooding problems on the hill. The easement will legally protect the installation of stormwater pipes and enable future maintenance to be carried out.

DESCRIPTION OF EASEMENT LINE

Defined as areas 'C' and 'D' on DP55688.

PROPERTIES AFFECTED

19 Lookaway Place – owner Wayne Alistair Munro
19a Lookaway Place – owner Walter Ritchie Carston and Sheila Carston
21 Lookaway Place – owner Frank William Marquette, Heather Mae Marquette and Barry James Florence-Bennett

BACKGROUND

In order to resolve serious drainage problems further downhill the Council early last year installed new pipes and sumps in the private lane serving 19, 19a and 21 Lookaway Place. It is essential, therefore, that the work carried out by the Council is formalised by way of an easement in gross, as the drainage pipes serve a wider area, including properties in Huntsbury Avenue.

GENERAL

Agreement has now been reached with all the abovementioned owners to create and register a stormwater easement in gross under the Land Transfer Act over their private lane at a nominal consideration (\$0-10). The Council is to pay the owners reasonable legal expenses for the creation and registration of the easement. The agreement also provides for the Council to register a compensation certificate under the Public Works Act against the various landowners' titles, pending registration of the easement transfer.

Recommendation: That the Council approve the proposed stormwater easement in gross outlined above and confirm the agreements with the affected landowners accordingly, subject to confirmation that Lots 69 and 72 do not have an interest in the area described above.