

7. CLEARBROOK STREET - ROAD RESERVE REVOCATION

General Manager responsible:	General Manager, Corporate Services
Officer responsible:	Corporate Services Manager
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PURPOSE OF REPORT

1. To seek a resolution to revoke the Road Reserve classification for No. 12 Clearbrook Street.

EXECUTIVE SUMMARY

2. The Council owns two adjoining sections at 10 - 12 Clearbrook Street (the property). This property is no longer required for its previous use. It carries no strategic value in terms of retention for operational purposes and disposal is likely on completion of steps 3-5 below. Before disposal can be undertaken or a decision to use it for another purpose is made, the section at No. 12 requires processing in terms of the Reserves Act 1977 and this report
4. Consideration of any objections and Ministerial approval

5.	Council to consider options for the future of the property. Either retain or sell including offer back issues under the Public Works Act.
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FINANCIAL AND LEGAL CONSIDERATIONS

3. The section at No. 12 is held as Road Reserve pursuant to the Reserves Act 1977. It is no longer required for use as a road and therefore revocation of the road reserve status pursuant to s24 of the Reserves Act 1977 is required.
4. The administrative cost associated with revocation of the reserve status is estimated at not more than \$1,000. The property is part of a total budgeted revenue of \$500,000 for the sale of surplus property for 2004/05

STAFF RECOMMENDATIONS

It is recommended that the Council resolve:

- (a) That the section described in the schedule below be processed for road reserve revocation in terms of s24 of the Reserves Act 1977
- (b) That following the revocation process a report back to Council is made to decide on the future of the property

Schedule

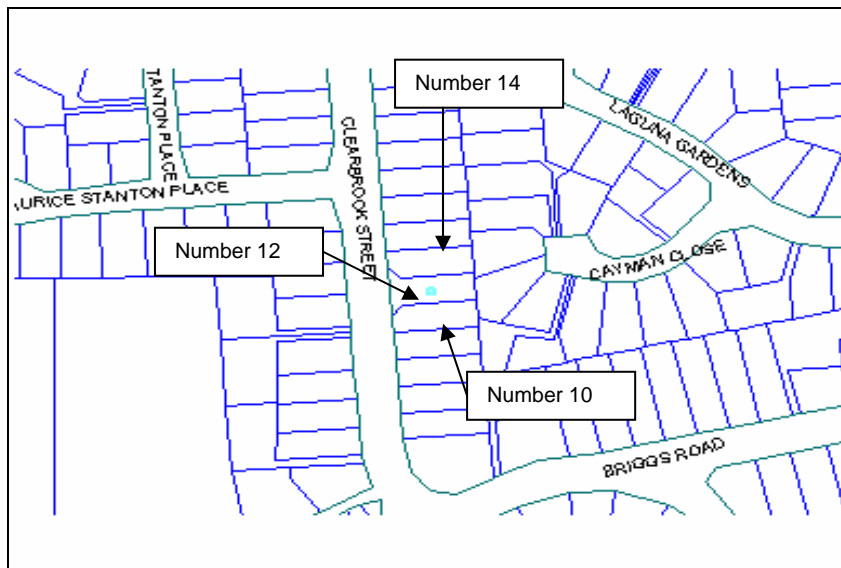
All that parcel of land containing 627m² or thereabouts being Lot 5 DP 20518 and being all the land contained and described in Certificate of Title 2B/667

CHAIRPERSON'S RECOMMENDATION

That the Board consult with all Units and the community to consider possible future use of the property.

BACKGROUND CLEARBROOK STREET ROAD RESERVE REVOCATION

5. The property is sited in the L-1 zone of Mairehau and is made up of two sections at numbers 10 and 12 Clearbrook Street (see map below)



6. **Number 10**

This section was originally purchased for the purpose of establishing a stormwater pipe down the boundary of the site. This has long since been completed and the site is affected by a five metre wide easement down the south boundary. An Orion kiosk is sited on the front of the section. In May 2000 a resolution to sell the section was made by Council. A subsequent legal opinion in regard to the Public Works Act requirements advised that offer back to the previous owner is not required. A further resolution to that effect is necessary. Sale of the section was not undertaken because Council staff became aware that the neighbouring section at No. 12 would probably not be required for road and that disposal of both sites together should be considered.

7. **Number 12**

This section vested in the Council from the Crown as Road Reserve pursuant to s44 of the Counties Amendment Act 1960. It vested as Road Reserve for the purpose of providing a road link for the land to the north east of Clearbrook Street when subdivision of the area was undertaken. In 2002 subdivision of the block was completed with houses built to the rear of No. 12. A road link is therefore not required and the road is not to be formed. The adjoining privately owned property at No. 14 has a garage sited at the rear of the section. Building consent was granted on the basis that formal access would be gained when the road was formed. The Council has a legal obligation to guarantee access to the garage and any future use other than a road will require specific provision in this regard.

8. If the section at No. 12 is to be used for a purpose other than a road then a change of purpose pursuant to s24 of the Reserves Act 1977 is required. If the section is to be sold then revocation of the reserve status is required pursuant to the Reserves Act statutory process. We have also been advised in relation to possible sale, that pursuant to s40 of the Public Works Act 1981, the section should be offered in the first instance to the neighbour at No. 14.

9. The property was processed internally in October 2004 by the Property Consultancy Team in terms of the property decision making flow chart. There was no interest in retaining the property expressed by any Unit. The property has been considered by a valuer in terms of potential sale. He has advised that given the encumbrances on both sections, that a successful sale and maximising return would best be achieved if the two sections were sold as one. This would also enable a better outcome in terms of urban design. To enable sale as one property, it is first necessary to clear the issues associated with the section at No. 12. This means that first the road reserve classification requires revocation in accordance with the Reserves Act 1977. Secondly following successful revocation it needs to be established whether the neighbour wishes to purchase No. 12.

OPTIONS

10. The following options have been considered:
 - (a) Do nothing and retain property for an undetermined purpose
 - (b) Revoke the road reserve status as a first step in determining its future use

PREFERRED OPTION

11. The Council is incurring a small but ongoing maintenance cost associated with holding the property and there is no strategic reason to hold it for operational purposes. The Council is also exposed to risk under the Public Works Act 1981 in holding No. 12 without a specific purpose. It is likely that the property will be considered for disposal but before that can be undertaken, or if the property is to be used for some other purpose then the road reserve status requires revocation and option (b) is therefore recommended. It is important to note that this is not a final decision as to the future use of the property but a step in the process to determining the future use. Following successful revocation a further report will be brought to Council for that purpose.

12. Process Moving Forward

Step	To Do	Timeframe-
1	Property identified as no longer required for original purpose.	2000/2002
2.	Property circulated internally- no expression of interest expressed by any Unit.	October 2004
3..	Reserves Act public notification- 5 weeks	February- 2006
4.	Consideration of any objections and Ministerial approval- 2-4 months	July- 2006
5.	Council to consider options for the future of the property. Either retain or sell including offer back issues under the Public Works Act.	August- 2006