

7. SHIRLEY/PAPANUI AREA - LAND FOR ROAD

General Manager responsible:	General Manager of Corporate Services
Officer responsible:	Corporate Support Manager
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PURPOSE OF REPORT

1. This report is submitted to the Community Board for information and to add its views as appropriate, for consideration by the Council with the balance of the report.
2. To discuss and obtain the Council's authority to purchase three separate areas of land for road, one in Papanui and two in St Albans, to facilitate planned kerb and channel improvements in the area.

EXECUTIVE SUMMARY

3. The Transport and City Streets Unit requires the acquisition of three parcels of land for road in the Papanui and St Albans area for proposed kerb and channel renewals. This report seeks the consent of Council to purchase the areas as follows:

Property Address	Area (m ²)	Plan Reference
140A St Albans Street	8m ²	C on SO 19135
171 St Albans Street	8m ²	A on SO 19087
39 Wyndham Street	55m ²	Section 1 on SM1492-01

Note: Property location maps are **attached** to this report.

140A St Albans Street

4. The area to be acquired comprises 8m² and is shown as Area C on the **attached** Survey Office Plan 19135.
5. It appears that the acquisition was contemplated by the Council in 1993 but not completed.
6. Simes Limited has assessed a compensation value of \$200 including GST for the 8m² area. The value is low because they considered the effect of taking the land was virtually nil, there would merely be a change of ownership of part of the front part of the driveway, and no appreciable impact on the property.
7. This offer was made to the landowners who subsequently advised they would accept \$300 including GST for the area. This is acceptable to Staff subject to obtaining the appropriate Council approval.

171 St Albans Street

8. Area A on Survey Office Plan 19087 comprises 8m². This acquisition was contemplated by the Council in 1990 but not completed.
9. Simes Limited has assessed a compensation value of \$1,600 including GST and an approach has been made to the landowners on this basis.
10. As at the date this report was submitted to the Community Board Agenda, the landowners are still considering the offer.

39 Wyndham Street

11. The subject land is shown as Section 1, containing 55 square metres, on Scheme Plan SM149201, and comprises part of a larger site that has been developed with three ownership flats.
12. The subject area was identified as land for future street widening at the time that the parent title was subdivided and, consequently, the flats were developed together with supporting landscaping improvements on the expectation that Section 1 had been removed from the title. In conclusion, Section 1 forms part of the existing road berm.

13. Simes Limited were mindful that the strip of land has to all intents and purposes been used as part of the road for a considerable period of years, and change of ownership would not have any practical effect on the owners of the flats.
14. Therefore they assessed a market value for Section 1 of \$3,000 including GST and suggested that it be split equally between the three flat owners resulting in a payment to each owner of \$1,000.
15. This offer has been made to the owners of flats 1,2 and 3, and has been accepted by two of the owners. Staff are endeavouring to make contact with the third landowner.

FINANCIAL AND LEGAL CONSIDERATIONS

Financial

16. The following table shows the value of each parcel as assessed by Simes Limited in April 2005.

Property Address	Area (m ²)	Plan Reference	Valuation (April 2005)
140A St Albans Street	8m ²	C on SO 19135	\$200
171 St Albans Street	8m ²	A on SO 19087	\$1,600
39 Wyndham Street	55m ²	Section 1 on SM1492-01	\$3,000
TOTAL			\$4,800

Note: The values given are inclusive of GST.

17. As discussed in 6. above, the owners of 140A St Albans Street agreed to accept compensation of \$300.00, which equates to a total of \$100.00 more than Simes' recommendation for compensation of \$200.00. The increased compensation amount is acceptable on the basis that it is nominal in the context of the cost of the total project.
18. The purchase of these areas of land for road will be funded from the capital streets budget controlled by the Transport and City Streets Unit.

Legal

19. The Community Board does not have delegated authority to authorise the acquisition of land – such a decision needs to be made by the full Council.
20. It is proposed that the land will be taken for road by agreement under the Public Works Act 1981.

STAFF RECOMMENDATIONS

It is recommended:

- (a) That pursuant to the Public Works Act 1981, the Council confirms the purchase of the areas in the following schedule, for the purpose of road:

Schedule		
Property Address	Area (m ²)	Plan Reference
140A St Albans Street	8m ²	C on SO 19135
171 St Albans Street	8m ²	A on SO 19087
39 Wyndham Street	55m ²	Section 1 on SM1492-01

- (b) That the Council confirms a purchase price for Area C on Survey Office Plan 19135 situated at 140A St Albans Street of \$300.00 inclusive of GST.
- (c) That in respect of the properties at 171 St Albans Street and 39 Wyndham Street, the Corporate Support Services Unit Manager be given delegated authority to accept a purchase price of not more than 10% above the market values assessed by Simes Limited in April 2005.
- (d) That the land purchase will be funded from the capital streets budget held by the Transport and City Streets Unit.

CHAIRPERSON'S RECOMMENDATIONS

That the staff recommendations be adopted.