

10. PROPOSED ROAD STOPPING - 62 RICHMOND HILL ROAD

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Transport and City Streets Manager
Author:	Deborah Harris, Property Consultant

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's recommendation to the Council to consent to stop the portion of Richmond Hill Road adjoining the property at 62 Richmond Hill Road shown as Section 1 on Survey Office Plan 370606 (**Attachment 1**).

EXECUTIVE SUMMARY

2. Following a meeting of the Hagley/Ferrymead Community Board on 9 November 2005, the Council, on 8 December 2005, considered a staff report discussing an exchange of land with the owner of 62 Richmond Hill Road. The areas of land for exchange are shown on the attached Scheme Plan SM1436-02 (**Attachment 2**).
3. The exchange provides for the Council to obtain ownership of the land (Section 2) that is currently occupied and used as part of the adjoining Council accessway, and the owner of 62 Richmond Hill Road to obtain ownership of the area of road occupied by a single garage and appurtenances (Section 1) servicing the property.
4. In order to facilitate the proposed land exchange, the Council is required to go through a road stopping process in respect of Section 1.
5. The Council, and the owners of 62 Richmond Hill Road have entered into an Agreement to Exchange Land and the Council is now in a position to declare the road stopped to enable the exchange to be completed by way of contemporaneous transfer.

FINANCIAL AND LEGAL CONSIDERATIONS

Financial

6. There will not be any exchange of monies on the basis that there is significant benefit to Council to acquire ownership of Section 2.
7. Costs associated with the road stopping process (in the order of approximately \$5,000) will be funded from the subdivisions account controlled by the Transport and City Streets Unit.

Legal

8. The Board does not have authority to consent to stopping a road, such decisions can only be made by the full Council. The Board does, however, have recommendatory powers.
9. In December 2005 the Council agreed to stop the road pursuant to the Public Works Act 1981. The relevant sections of the Act are outlined below.
10. Section 116 Public Works Act 1981 - Stopping Roads

This Section says that, subject to the consent of the territorial authority and the owner(s) of the land adjoining the road in writing to the stopping, then the road can be declared formally stopped by notice in the Gazette.

11. Section 120 Public Works Act 1981 - Registration

This Section provides for the road to be amalgamated with the adjoining land and vesting of the same in the registered proprietor for the time being of the land in that certificate of title.

STAFF RECOMMENDATIONS

That the Board recommends that the Council pass the following resolution:

1. That the area of legal road adjoining 62 Richmond Hill Road and described as Section 1 on Survey Office Plan 370606 be declared stopped pursuant to Section 116 of the Public Works Act 1981.
2. That pursuant to Section 120(3) of the Public Works Act 1981, Section 1 on Survey Office Plan 370606 be amalgamated with Certificate of Title CB510/20.

CHAIRPERSON'S RECOMMENDATIONS

For discussion.