

9. BLENHEIM ROAD DEVIATION – FOSTER STREET ROAD STOPPING

General Manager responsible:	General Manager City Environment Jane Parfitt-, DDI 941-8656
Officer responsible:	Michael Aitken, Unit Manager Transport and Greenspace
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PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's recommendation to the Council to resolve to stop, pursuant to Section 116(1) of the Public Works Act 1981, part of Foster Street and to amalgamate the land with the adjoining title.

EXECUTIVE SUMMARY

2. The Council on 14 December 2000 resolved to proceed with the development of the Blenheim Road Deviation. In doing so it approved the purchase of the required properties as well as authorising the subsequent stopping and subsequent sale of several parcels of road which would become redundant following the completion of the road.
3. To facilitate the construction of the new intersection at the junction of Foster / Mandeville Streets and Blenheim Road it was necessary to acquire part of the former BP garage site from Ngai Tahu Properties Limited for road. It was also necessary to create a new entrance way to the Tower Junction shopping centre. As a consequence of these alterations part of Foster Street became redundant to requirements and was closed to traffic (the land concerned is depicted as Section 1 on the **attached** survey office plan 389042). The agreement reached with Ngai Tahu Properties Limited provided that in return for the land required for road from the BP site (shown as parcels 2, 3, 4, 5 and 6 on the attached office survey plan), the portion of Foster Street when stopped would be amalgamated with its adjoining title.
4. With the opening of the deviation to traffic and the completion of the intersection it is now in order to legally stop the road and amalgamate it with adjoining title.
5. The Council as owner of the land needs to formally resolve to stop the road.

FINANCIAL IMPLICATIONS

6. The cost of the land required for the road from the BP site (\$88,888 plus GST) was allowed for within the overall project cost as was the sale of the stopped road (\$67,500 plus GST). The net cost to the Council of \$21,388 has been provided for and is covered within the current budget and project costs.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

7. As indicated above the net cost to the Council has been allowed for within the budget.

LEGAL CONSIDERATIONS

8. Given there are no other parties affected by the road stopping coupled with the fact there were no objections received during the designation process it is intended to proceed with the stopping by way of consent under the Public Works Act 1981. Section 116 of the Public Works Act 1981 provides:
 - (a) "Subject to the written consent of the territorial authority and the owner of the land adjoining the road then the road can be declared formally stopped by notice in the gazette."
 - (b) As the consent of Ngai Tahu Properties Limited has been obtained this requirement has been complied with.

Have you considered the legal implications of the issue under consideration?

9. Given this matter was considered during the designation process and that no objections were received to the proposal and as there are no other effected parties there are no legal issues that could prevent the Council from proceeding with the stopping. However, as there are a number of services laid within the road there will be a need to protect these by way of easements following the stopping and prior to the disposal of the land to the adjoining owner.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. The proposal aligns with the general provisions of the LTCCP and Management Plans.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

11. The recommendation complies with page 152 of the LTCCP to provide public street frontage to properties.

ALIGNMENT WITH STRATEGIES

12. The proposal supports the Christchurch Road Safety Strategy and Metropolitan Christchurch Transport Statement.

Do the recommendations align with the Council's strategies?

13. Yes as above.

CONSULTATION FULFILMENT

14. Full consultation was undertaken as part of the designation process and no objections were received.

STAFF RECOMMENDATION

It is recommended that the Board recommend that the Council resolve as follows:

- (a) That pursuant to section 116(1), 117(3) (b), 120(3) of the Public Works Act 1981, the Council hereby resolve to stop that parcel of road shown as Section 1 on Survey Office Plan 389042 containing 26m² and to amalgamate that parcel with the adjoining property comprised in Certificate of Title 813/69.
- (b) That the Council certifies that it considers it equitable to vest road described above when stopped, in Ngai Tahu Properties Limited, being the adjoining owner.