

19. LEASE OF UPPER RICCARTON WAR MEMORIAL LIBRARY

General Manager responsible:	Michael Aitken, General Manager Community Services
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PURPOSE OF REPORT

1. The purpose of this report is to seek the approval of the Riccarton/Wigram Community Board to issue a ground lease to the Upper Riccarton War Memorial Library Incorporated to occupy the Upper Riccarton War Memorial Library at 372 Riccarton Road (Reserve 4620) for the primary purposes of a volunteer library service and a place for local community organisations to meet.

EXECUTIVE SUMMARY

2. The Upper Riccarton War Memorial Library land was gazetted in 1951 as a reserve for municipal building purposes.
3. A Memorandum of Agreement dated 30 December 1972 outlines the terms and conditions of the lease of the land. The agreement was made with Mary Dobbs, William Burdett and Joseph Vivian as Trustees of the Upper Riccarton War Memorial Library.
4. Ownership of the Library building and Plunket building vests with the Library Trustees.
5. The Upper Riccarton War Memorial Library became an incorporated society in June 2009. The Memorandum of Agreement should now be replaced with a Deed of Lease to better reflect the arrangement between the parties.
6. The proposed lease is for a term of ten years with two further rights of renewal of ten years making a total term of 30 years if the rights of renewal are exercised.
7. The recommended annual rent is \$1 plus GST.

FINANCIAL IMPLICATIONS

8. Since amalgamation in 1989 the Council has provided budget for the Library in the belief it owned the Library building. Having determined that the ownership in both buildings rests with the Trustees, the Council no longer budgets for the maintenance or insurance of these buildings.
9. The Society would be responsible for rates and insurances. The rates levied for 2012-2013 is \$1019.71.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

10. Yes.

LEGAL CONSIDERATIONS

11. It has been established that the Library Trustees have equity in the buildings and Council needs to readdress the responsibilities of the Trustees that currently exist under the Memorandum of Agreement.
12. The Memorandum of Agreement should be replaced with a new lease to the Society to better reflect the arrangement between parties to the Agreement.
13. The current Agreement clearly states amongst other conditions:

The Trustees have an exclusive right to occupy the land

- (a) Provided they perform the covenants and condition the Trustees will be granted a renewal of their rights under this agreement.

- (b) The Trustees will be responsible for maintaining the building and fences, and must not carry out structural alteration to the buildings without obtaining the written consent of Council, insuring against loss or damage by fire.
 - (c) Comply with all laws, regulations, bylaws and lawful requirements to the land, improvements, fencing and shall pay rates and taxes.
14. The Community Board has delegated authority to approve the granting of a lease under Section 61(2A)a of the Reserves Act 1977. This section of the Act empowers the Council to grant a lease to any person, body, voluntary organisation or society for the following purposes – community building, playcentre, kindergarten, plunket room, or other like purposes. Such a lease may be granted for a term of up to 33 years.

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

15. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

16. Christchurch City Council is committed to providing a city of lifelong learning.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

17. Yes – Activity 3.1 Libraries.

ALIGNMENT WITH STRATEGIES

18. This lease is aligned with the Libraries 2025 Facilities Plan, by providing a network of libraries that offers lifelong learning opportunities for all and helps to sustain community life. In this instance the library is run by a volunteer organisation.

Do the recommendations align with the Council's strategies?

19. Yes.

CONSULTATION FULFILMENT

20. A formal notification process under the Reserves Act 1977 is not required as the intended lease use is consistent with the classification for municipal building use. Consultation is not required under the Reserves Act 1977.

STAFF RECOMMENDATION

That the Riccarton/Wigram Community Board under delegated authority from the Council:

- (a) Approve the granting of a new lease to Upper Riccarton War Memorial Library Incorporated over Reserve 4620 located at 372 Riccarton Road, a reserve in trust for municipal building purposes for a total period of up to 30 years, comprising an initial term of ten years with two rights of renewal of ten years each. The right of renewal being subject to the Council being satisfied that the terms and conditions of the lease have been complied with, and that there is sufficient need for the activity specified in the lease, and that in the public interest some other municipal activity should not have priority.
- (b) That the lease allows for the sublease or casual hire of the "Plunket" building to not-for-profit community group(s) with such use to be in accordance with Section 61(2A) of the Reserves Act 1977.
- (b) Authorise the Corporate Support Unit Manager to conclude and administer the terms and conditions of the lease.

BACKGROUND

21. The library opened in 1919 as a memorial to those who died in the Great War of 1914-18.
22. The land now vests with the Christchurch City Council and is subject to the Ngai Tahu Claims Settlement Act 1998, and is subject to that Act if Council wishes to divest itself of the land.
23. Ownership in the Plunket and Rest Room building also vest with the Library Trustees, now the Society, although it was built by the Waimairi County Council, Clause 9 of the Memorandum of agreement (dated 30 December 1972) clearly states:

'That the buildings and other improvements now and hereafter to be erected upon the land are in equity the property of the Trustees.'
24. Prior to amalgamation in 1989 the Library Trustees were responsible for both external and internal maintenance. However, from this time the Council have provided a budget to cover the maintenance. This will now be addressed in a Deed of Lease.
25. Maintenance on the Plunket and Rest Rooms building has been the responsibility of Plunket. Now that the ownership issue has been resolved the Society will be responsible for the building. Having determined the ownership of the Plunket, Rest Rooms, and Plunket's interest ceased, it is up to the Library Trustees as to what happens to the building.
26. The Memorandum of Agreement we have with the Library Trustees expires on 31 December 2014. A Deed of Lease will give security of tenure to the Society.
27. Upper Riccarton War Memorial Library Incorporated became an incorporated society in 2009. The main objectives are to maintain the existing library building and books in good condition as a memorial to those fallen in both World Wars and to provide further suitable reading materials for the residents of Upper Riccarton and surrounding districts as the Society thinks fit.
28. The library is run by a committee of 16 volunteers and has approximately 90 members.
29. The library hosts dawn Anzac services and Armistice Day services each year.
30. Groups and organisations that have been displaced from their normal meeting rooms are now meeting at the library – for example Alcoholics Anonymous and Aspergers Syndrome support groups.
31. The library is open three days per week.