

## 1. PROPOSED DISPOSAL OF LAND FOR AN ORION KIOSK SITE – JERROLD STREET NORTH

<b>General Manager responsible:</b>	General Manager Corporate Services
<b>Officer responsible:</b>	Corporate Support Manager
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### PURPOSE OF REPORT

1. To obtain the Council's authority to transfer Lot 1 shown on Scheme Plan 1484-01 situated at 28-30 Jerrold Street North, Addington, to Orion New Zealand Limited for the purpose of a kiosk site.

### EXECUTIVE SUMMARY

2. This report seeks the consent of the Council to transfer 11m<sup>2</sup> of land in Jerrold Street North, Addington, occupied by an electrical kiosk, to Orion New Zealand Limited (Orion).
3. In 1986 the Council stopped part of Jerrold Street North, Addington shown as Lots 1 and 2 on the attached plan. An area of the stopped road comprising 5m<sup>2</sup> is occupied by an electrical kiosk and at the time of the stopping, the Council agreed to transfer this area to the predecessor of Orion for consideration of \$320. This amount was paid by Orion in June 1999. However, the title to the kiosk was never transferred from the Council to Orion.
4. At the same time as negotiating the sale of the 5m<sup>2</sup> area, Orion advised that a further 6m<sup>2</sup> was required as the initial area of 5m<sup>2</sup> did not allow access to the old type doors on the north and east side of the kiosk. To accommodate this oversight, the Council agreed to an easement over a further 6m<sup>2</sup> area. However, the easement was never actioned.
5. In an effort to tidy up the physical situation, staff have recently entered into discussions with Orion. Orion have indicated a preference to acquire the additional 6m<sup>2</sup> rather than take an easement
6. In summary, the proposal is to transfer a total area of 11m<sup>2</sup> to Orion to accommodate the existing kiosk on site.
7. It is not considered that there are any persons affected or likely to have an interest in this matter. The Transport and City Streets Unit is of the view that a transfer of the total 11m<sup>2</sup> area is the only practical solution and, as such, this is the only option being considered.

### FINANCIAL AND LEGAL CONSIDERATIONS

#### Financial

8. Orion has already paid consideration of \$320 being the purchase price for the initial 5m<sup>2</sup> area.
9. Orion has agreed to pay the cost of the survey associated with the acquisition of the additional 6m<sup>2</sup> area, with the Council and Orion being responsible for its respective legal fees. In view of the minimal value of the land involved and the necessity to tidy this issue up, this is believed to be a fair compromise.

#### Legal

10. There is no delegated authority on this matter, therefore the decision needs to be made by the full Council.
11. Section 345 (1)(d) of the Local Government Act 1974 provides that in relation to stopped road which is no longer required by the local authority, the Council may transfer that part for any purpose of public convenience or utility.
12. The disposal of the subject area to Orion falls within the ambit of this section of the Act

## **RECOMMENDATION**

It is recommended that pursuant to Section 345(1)(d) of the Local Government Act 1974, the Council resolve to dispose of Lot 1 shown on Scheme Plan 1484-01 and situated at 28-30 Jerrold Street North, Addington, to Orion New Zealand Limited for the purpose of an electrical kiosk subject to:

- (a) Orion New Zealand Limited being responsible for all costs associated with the survey of Section 1; and
- (b) The Christchurch City Council and Orion New Zealand Limited bearing the respective legal costs of approximately \$300 associated with the physical transfer of Lot 1 to Orion.