

7. PROPOSED ROAD STOPPING - HORSESHOE LAKE ROAD (CHRISTCHURCH GOLF CLUB)

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
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PURPOSE OF REPORT

1. The purpose of this report is to obtain the Council's authority pursuant to the Public Works Act 1981 and the Local Government Act 1974 to:
 - (a) stop Section 2 on Survey Office Plan 357821; and
 - (b) dispose of the stopped road to the Christchurch Golf Club as the adjoining landowner; and
 - (c) amalgamate the stopped road with the adjoining land owned by the Christchurch Golf Club.

EXECUTIVE SUMMARY

2. At a meeting of the Burwood/Pegasus Community Board on 17 May 2004 the Board considered a report on a proposed land exchange with the Christchurch Golf Club involving a 47m² area of land ("Section 1") owned by the club that is required by the Council for roading purposes, and a 92m² area of Horseshoe Lake Road ("Section 2") that, if acquired by the club, would enable it to widen and enhance its fairway. The attached Legalisation Plan SO 357821 ("the Plan") delineates the two areas that are the subject of the proposed land exchange.
3. In order to facilitate the land exchange the Council is required to formally stop Section 2 and accordingly the Community Board resolved to *"recommend the Council commence road stopping in principle in relation to the surplus road land as indicated as Sec 2 on Plan SM1160-4"*.
4. At its meeting on 1 July 2004 the Council adopted the Board's recommendation that the road stopping procedure be commenced.
5. All survey requirements have been met and the Council is now in a position to consent to the road being formally stopped.
6. Once this process is completed Section 2 can be transferred to the Golf Club contemporaneously with the transfer of Section 1 to the Council.

FINANCIAL AND LEGAL CONSIDERATIONS

Financial

7. Simes Ltd considered if there was any loss or gain in value as a result of the proposed land swap. It was concluded that the practical effect of the swap would be negligible and therefore no payment for value gain/loss was warranted.
8. The costs associated with the road stopping procedure are being funded from the subdivisions account controlled by the Transport and City Streets Unit. These costs are estimated to be between \$3,000 and \$5,000.

Legal

9. Section 116 Public Works Act 1981 – Stopping Roads-

This Section says that, subject to the written consent of the territorial authority and the owner(s) of the land adjoining the road, then the road can be declared formally stopped by notice in the Gazette.
10. Section 345(1)(i)(a) Local Government Act 1974 – Disposal of land not required for road-

In relation to stopped road that is no longer required by the local authority, this Section says that the Council may sell that part of the stopped road to the owner(s) of any adjoining land.

This Section goes on further to say that the price for the stopped road can be fixed by a competent valuer appointed by the Council to value that part or if the owner(s) is not prepared to pay the fixed price, the Council may sell the land by public auction or private tender.

11. Section 345(2) – Amalgamation of stopped road with adjoining land-

This Section enables the Council to require the amalgamation of stopped road with adjoining land.

STAFF RECOMMENDATIONS

It is recommended that:

1. The Christchurch City Council consent to the stopping of Section 2 on Survey Office Plan 357821 pursuant to Section 116 of the Public Works Act 1981.
2. Pursuant to Section 345(1)(a)(i) of the Local Government Act 1974, Section 2 on Survey Office Plan 357821 be transferred to the Christchurch Golf Club contemporaneously with the transfer of Section 1 Survey Office Plan 357821 from the Christchurch Golf Club to the Council for road purposes.
3. Pursuant to Section 345(2) of the Local Government Act 1974, Section 2 on Survey Office Plan 357821 be amalgamated with Part Rural Section 1456.