



**9. HUMPHREYS DRIVE: SAIL VIEW PROPERTIES**

<b>General Manager responsible:</b>	General Manager City Environment
<b>Officer responsible:</b>	Transport and City Streets Manager
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**PURPOSE OF REPORT**

1. The purpose of this report is to request the Council to adopt a formal resolution pursuant to the Public Works Act 1981, to stop road and declare land for road. The parcel of road to be stopped and land for road is as shown on the attached plan (SM1463-06).

**EXECUTIVE SUMMARY**

2. The area of road proposed to be stopped comprises 66m<sup>2</sup> of unformed road and the area of land to be declared as road takes in various parcels with a total area of 125m<sup>2</sup>.
3. At its meeting on 22 June 2005, the Hagley/Ferrymead Community Board recommended to the Council that the road stopping procedure be commenced. This recommendation was subsequently ratified by the Council at its meeting on 7 July 2005.
4. The Council is now in a position to consent to the road being formally stopped. Agreement has been reached with Sail View Properties Ltd for the “road” and “land” swap subject to all statutory obligations being fulfilled with the road stopping process.
5. The outcome of this road for land swap is to enable the Council’s footpath network to be constructed along the Humphreys Drive frontage of Sail View Properties Ltd.

**FINANCIAL AND LEGAL CONSIDERATIONS**

**Financial**

6. The consideration for the road to be stopped and land required for road has been agreed on the basis of an assessment by the Council’s Valuer, Ford Baker Ltd of \$350 per m<sup>2</sup>.
7. A sum of \$5,000 as payment to Sail View Properties Ltd has been agreed for the consideration for the additional road land required and contribution to the design changes to their development.
8. The surveying and procedural costs for the road stopping and declaration of land for road is approximately \$6,000 and this will be met within the existing budget of the Transport and City Streets subdivision code.

**Legal**

9. For clarity:

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. There will be no loss of public access to this small section of unformed road and the outcome of this project is an enhanced public access by forming a footpath along the property frontage.

10. Section 117(1) Public Works Act 1981 – Dealing with Stopped Roads.

This Section says that the Council may deal with roads stopped under the Public Works Act in the same manner as if the road has been stopped pursuant to the Local Government Act 1974. Subsection (3) provides that stopped road may be vested in or otherwise disposed of to the owner of any adjoining land if the Council considers it equitable to do so. The parcel of “stopped road” will be transferred to Sail View Properties Ltd

11. Section 120(3) 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.

12. Section 114 Public Works Act 1981 – Declaring Road to be Land

This Section provides that any land with the consent of the owner(s) and all other parties who have an interest, may be declared to be road. On publication of a notice in the gazette the land vests in the Local Authority.

**STAFF RECOMMENDATIONS**

It is recommended that the Council pass the following resolution:

- (a) That pursuant to Section 114(1) of the Public Works Act 1981, the Christchurch City Council hereby resolves to declare as land for road those parcels of land shown on SM 1463-06 (attached) as Sections 2, 3 and 4 (125m<sup>2</sup> subject to survey) being part of Lot DP 12424 being part of land comprised in CFR CB482/60.
- (b) That pursuant to Sections 116(1), 117(3) (b) and 120(3) of the Public Works Act 1981, the Christchurch City Council hereby resolves to stop that parcel of road shown on SM 1463-06 (attached) as described in the schedule below and to amalgamate that parcel with the adjoining property. The Christchurch City Council certifies that it considers it equitable to vest the road described in the schedule below, when stopped, in Sail View Properties Ltd, being the adjoining owner.

**SCHEDULE**

<b>Being</b>	<b>Adjoining</b>	<b>Title Reference</b>	<b>Area</b>
Section 1	Pt Lot 1 DP 12424	CB482/60	66m <sup>2</sup> (subject to survey)