

**3. PROPOSED ROAD STOPPING:
UNFORMED PORTION OF ERNLEA TERRACE
RETENTION OF STOPPED ROAD BY THE COUNCIL
FOR LOCAL PURPOSE (ESPLANADE) RESERVE**

RR 5642

Map Reference: L 12

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Corporate Plan Output: Roading Budget - Land Legalisation	

The purpose of this report is to start the legal procedures necessary to stop a portion of unformed legal road alongside the Heathcote River.

The unformed portion of Ernlea Terrace between Cashmere Road and the formed portion of Ernlea Terrace is shown in the notified City Plan as '*road to be stopped*'. The Council wishes to develop the area as a riverside reserve and walkway. As this portion of legal road is now redundant for road purposes it can therefore be stopped and declared a local purpose (esplanade) reserve and held in the name of the Council.

The width of the present reserve is 10 metres. Two of the adjoining owners are occupying part of the road to be stopped and have objected to the road stopping procedure.

The width of the proposed esplanade reserve in the notified City Plan is 20 metres. If subdivision of land adjoining is contemplated it will be necessary to top up the width to ensure a total width of 20 metres. The occupiers of the legal road have no rights to occupy the land and by law, should move their fences back to the true legal road boundary.

The plan is attached.

The land is not formed as road but occupied by the Council (except for the encroachment) and used as a riverbank reserve.

Prior to stopping the road, the following resolution is necessary to initiate the stopping action:

Resolution

Pursuant to the provisions of Sections 319 (h) and 342 of the Local Government Act 1974, the Christchurch City Council hereby resolves to stop those unformed portions of road as shown on the plan and described in the Schedule hereto.

Reason for the Road Stopping

The reason for the road stopping is to implement the designation as shown in the notified City Plan and to hold the land for the purpose for which it is being used.

Purpose to which the stopped road will be put

The portion of road (A) when stopped, will be held by the Council pursuant to Section 345 (3) of the Local Government Act 1974 as a local purpose (esplanade) reserve.

The land is situated alongside the Heathcote River and is to be occupied by the Council for a riverside reserve.

The portions shown as B-E when stopped will be declared 'bed of Heathcote River'.

Schedule

Unformed portion of Ernlea Terrace being all those parcels of land situated in the City of Christchurch and shown as '*Road to be Stopped*' and described as follows:

Shown	Area	SO	Adjoining Land
A	5100 m ²	19795	Lot 1 DP 70550 Part Lot 3 DP 11381 Lot 4 DP 11381 Lot 5 DP 11381 Lot 2 DP 28523 Sec 2 SO 19483 Lot 2 DP 28786 Lot 4 DP 11273 Lot 5 DP 11273 Lot 6 DP 11273 Lot 1 DP 21343 Lot 2 DP 21343 Lot 2 DP 9284 Lot 2 DP 11960 Lot 1 DP 11960 Bed of Heathcote River
B	79 m ²	19795	Bed of Heathcote River
C	106 m ²	19795	Bed of Heathcote River
D	49 m ²	19795	Bed of Heathcote River
E	206 m	19795	Bed of Heathcote River

- Recommendation:**
1. That the above resolution be adopted by Council.
 2. That the stopped road shown as (A) be held by the Council pursuant to Section 345 (3) of the Local Government Act 1974 as a local purpose (esplanade) reserve and parcels shown as B-E as 'bed of Heathcote River'.