



6. EASEMENTS OVER RESERVE AT 19-20 PORTMAN STREET

Officer responsible Legal Services Manager	Author Karilyn Shutt
Corporate Plan Output:	

The purpose of this report is to request the Council's consent under Section 48 of the Reserves Act 1977 to the creation of easements over the Council owned reserve adjoining Steam Wharf Stream (19-20 Portman Street).

The pipes are already in the ground, but it is appropriate to formalise the position by registering easements in the Land Transfer Office.

The easements are all shown in the "Schedule of Easements" on Deposited Plan 82125 (copy attached). They are:

- (a) A right to drain sewerage over Parcels AA and AB in favour of Lot 2 DP 82125;
- (b) A right to drain water over Parcel Z in favour of Lot 2 DP 82125 and CT 33B/482;
- (c) A right to drain sewerage in gross over Parcel AA in favour of the Christchurch City Council; and
- (d) A right to drain water in gross over Parcel AC in favour of the Christchurch City Council.

The above easements arise as a result of land being vested in the Council for reserve. The Subdivisions Unit advise that the installation of the pipes was necessary for the development of the reserve and adjoining land.

Officers therefore recommend the easements be created over the above mentioned parcels of land on the basis that the easement documents record that all existing or new pipes must be laid underground.

The Department of Conservation has consented to the creation of the above mentioned easements.

- Recommendation:**
1. That the Council consent, pursuant to Section 48 of the Reserves Act 1977, to the creation of registered easements over:
 - (a) A right to drain sewerage over Parcels AA and AB in favour of Lot 2 DP 82125.
 - (b) A right to drain water over Parcel Z in favour of Lot 2 DP 82125 and CT 33B/482.
 - (c) A right to drain sewerage in gross over Parcel AA in favour of the Christchurch City Council.
 - (d) A right to drain water in gross over Parcel AC in favour of the Christchurch City Council.

2. That the above mentioned easement documents record that all pipes must be laid underground.
3. That the Council resolve not to publicly notify the creation of the easements as:
 - (a) The reserve is vested in the Council and is not likely to be materially altered or permanently damaged by the creation of the easements; and
 - (b) The rights of the public in respect of the reserve are not likely to be permanently affected by the creation of the easements.

Chairman's

Recommendation:

That the above recommendation be adopted.