

5. DISPOSAL OF LAND AT 177 AND 179 MONCKS SPUR ROAD

Officer responsible Property Manager	Author Property Services Officer, Stephen Cribb UT-002-001-12
Corporate Plan Output: Supply of Water	

The purpose of this report is to obtain the Committee's recommendation to the Council for the disposal of land at 177 and 179 Moncks Spur Road (see attached plan).

The property has not been processed in terms of the surplus property decision making chart because in July 1999 the Council resolved to exchange part of Council owned land at 177 and 179 Moncks Spur Road for an equivalent area of land at 183 Moncks Spur Road for a water supply reservoir site.

It is proposed to complete this exchange pursuant to Section 107 of the Public Works Act 1981. However Section 40 Public Works Act requires the land to be first offered back to the former owner unless as provided in Section 40(2)(a) the local authority considers that "it would be impracticable, unreasonable, or unfair to do so." In this case the land does not comply with the City Plan as to minimum size and shape and it is considered unreasonable to offer back to the former owner. Section 40(4) of the Public Works Act provides that where the local authority believes on reasonable grounds that because of the size, shape or situation of the land it could not expect to sell the land to any person who did not own land adjacent to the land to be sold, the land may be sold to an owner of adjacent land.

To effect the proposed land disposal and exchange, the Council must pass the following resolutions:

1. For the reasons set out above the Christchurch City Council resolves pursuant to Section 40(2)(a) of the Public Works Act 1981 not to offer back to the former owner the land described in the First and Second Schedules below.
2. Pursuant to section 230 of the Local Government Act 1974, the Christchurch City Council hereby resolves to dispose of the land described in the following Schedules.

First Schedule

All that parcel of land containing 235m² being Part Lot 1 DP 19078 and contained in Certificate of Title 10B/316.

Second Schedule

All that parcel of land containing 430m² being Part Lot 2 DP 19078 and contained in Certificate of Title 10B/317.

Chairman's

Recommendations: That the above resolutions be adopted.