

18. KINLEYS LANE



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The purpose of this report is to update the Board on progress on the issues related to legal matters and ownership of Kinleys Lane, and necessary maintenance.

BACKGROUND

In March 1998 Mr Andrew Crossland, property owner of Kinleys Lane, addressed the Board on the state of Kinleys Lane which is a private unsealed lane off St Albans Street. The Board requested that the relevant Council Units address the issues and report back.

In September 1998 the Board considered a report which set out the status of the lane and possible solutions. A copy of that report is **attached**. The situation is that the land is not legal road, nor is it owned by the Council. The lane is privately owned with the owners names being recorded in the Deeds Index at the Land Registry Office.

For the land to be taken out of the Deeds Index and brought into different ownership under the Land Transfer system, the District Land Registrar requires to be satisfied that sufficient attempts have been made to trace the successors in probate of the original owners, and to supply statutory declarations detailing the searches.

ACTIONS FOLLOWED TO DATE

Several meetings have been held between staff and the original resident who raised the matter with the Board over the past two years.

In July 1999 Council officers agreed that the following action be followed for the immediate future:

- Legal opinion to be obtained from Council’s Legal Services Unit on Kinleys Lane, including: approved and future subdivision consents for the Lane; CCC ability to take over/acquire underwidth “road” – options and implications of City Plan variation; CCC ability to form and seal the Lane.
- Completion of Wills searches and possible contact with any living heirs.
- Title searches of all lots adjoining to ascertain implied rights of easement, right-of-way, etc.
- If implied rights ascertained, check possibility of acquiring clean title.

Further discussions have been held and it is fair to say that the searches involved to contact any living heirs is a slow process. The process required by the Land Transfer Act is, however, being followed.

In October 1999 all adjoining property owners were notified by letter of the status of the lane and the process being followed to resolve the matter.

CURRENT SITUATION

The Council's solicitors, Buddle Findlay, have now established a clear process to complete the ownership searches and preparation of formal application to the District Land Registrar. The solicitors are confident that this can be completed within a short time.

Issues which will need to be addressed including funding the application to the District Land Registrar and upgrade of the lane, once ownership is agreed. Detailed costs are being prepared. Unfortunately for the residents the rough state of the lane is a concern, as is the legal issue relating to access and ownership, which does cause problems for property owners wishing to sell and move.

Recommendation: That discussions continue with the residents and progress on the ownership issues continue as a priority.

Chairperson's

Recommendation: That the officer's recommendation be adopted.