

**7. PROPOSED ROAD STOPPING
DISPOSAL OF STOPPED ROAD AND PURCHASE OF LAND FOR RESERVE
PURPOSES (BARKERS ROAD)**

Map Reference: D18

Officer responsible City Streets Manager	Author Lester Reilly, Legal Surveyor Design Dave Falls, Property Services Officer
Corporate Plan Output: Roading Land page 9.5 text 14	

The purpose of this report is to commence the legal procedures to stop portions of legal road; to transfer portions of stopped road to the adjoining owners and to purchase a portion of land for addition to a reserve.

A portion of Barkers Road was stopped a number of years ago with the condition that the physical stopping would not take place until the new expressway between Travis Road and New Brighton Road was open to traffic. This opening should take place in the next couple of months. It is now appropriate to start the legal procedures to stop more portions of Barkers Road. Negotiations between the Property Unit and the adjoining landowners have been concluded subject to a successful stopping procedure.

RESOLUTION 1

Pursuant to the provisions of Section 319 (h) and 342 of the Local Government Act 1974, the Christchurch City Council hereby resolves to stop those portions of legal road as shown on the attached plan and described in schedule 1 hereto.

Reason for the Road Stopping

The portions of land are no longer required for legal road purposes with the legalisation of the new road between Travis Road and New Brighton Road. Traffic will continue to use Barkers Road until the new expressway is open to traffic.

Purpose to which the stopped road will be put

The portions of road when stopped will be actioned as noted in schedule 2 hereto pursuant to Section 345 of the local Government Act 1974.

SCHEDULE 1

Portions of Barkers Road being all those parcels of land situated in the City of Christchurch and shown as “*Road to be Stopped*” and described as follows:

Plan	Shown	Adjoining	Title Reference	Area
SO 20231	Section 1	Lot 1 DP 80464	46A/990	1,901m ²
SO 20231	Section 2	Lot 1 DP 71267	Too many to list	1,845m ²
		Lot 1 DP 76805		
		Lot 1 DP 72122		
SO 20231	Section 3	Lot 1 DP 76805	Too many to list	
		Lot 1 DP 80360		
		Sec 1 SO 19327	40A/298	1,913m ²
SO 20231	Section 4	Lot 1 DP 72663	40D/951	3,117m ²
		Sec 2 SO 19361	40D/85	
		Pt RS 1801	GN A168517/1	
		Sec 1 SO 19361	40A/298	

SCHEDULE 2

Section 1 - Land to be retained by Council for future access to the adjoining wetlands reserve.

Section 2 - Land to be retained by Council for future access to the adjoining wetland reserve together with a right of way easement in favour of the adjoining landowners (Section 3, lot 1 DP 80360, Lot 1 DP 76805, Lot 1 DP 71267)

Section 3 - Land to be sold at a price to be assessed by a Council appointed valuer and amalgamated with the adjoining owner's land (CT 46A/945).

Section 4 - Land to be exchanged for a new road on a preferred alignment as part of a proposed adjoining subdivision. The stopped road is to be amalgamated with CT 40D/85.

OTHER LEGAL ACTIONS TO BE COMPLETED AT THE SAME TIME

It is proposed to sell portions of the previously stopped road to the adjoining owners and one portion to be retained in the name of the Council owners pursuant to the provisions of Section 345 of the Local Government Act 1974.

RESOLUTION 2

Pursuant to the provisions of Section 345 of the Local Government Act 1974, the Christchurch City Council hereby resolves to action the previously stopped road as described in schedule 3 below.

SCHEDULE 3

Portions of stopped road being all those parcels of land situated in the City of Christchurch and shown on survey office plan SO 20232 (*page 43*) and described below:

Section 1 - Containing 1,663m². The land is to be declared for "Housing Purposes" and to be transferred at a price to be assessed by a Council appointed valuer to the adjoining owners of CT 46A/945.

Section 2 - Containing 857m². The land is to be retained by Council and declared a "Recreation Reserve".

Section 3 - Containing 925m². The land is to be declared for "Housing Purposes" and to be transferred at a price to be assessed by a Council appointed valuer to the adjoining owners of CT 40D/85.

LAND TO BE PURCHASED FOR “RECREATION RESERVE”

Negotiations by the Council have been concluded with the landowner for the purchase of a portion of land for amalgamation with the recreation reserve. The land is to be purchased at a price to be assessed by a Council appointed valuer and declared a “Recreation Reserve” and amalgamated with the adjoining reserve. (CT 46A/946)

RESOLUTION 3

Pursuant to Section 17 of the Public Works Act the Christchurch City Council hereby resolves to purchase at valuation the land as described in the schedule below and containing 2,120m² or thereabouts for “Recreation Reserve” and amalgamation of the land with the adjoining reserve. (CT 46A/946)

SCHEDULE 4

All that parcel of land shown as Section 4 on SO 20232 and containing 2,120m² and shown as “land to be set apart for recreation reserve.”

DISPOSAL OF PREVIOUSLY STOPPED ROAD

In order for the disposal of sections 1 and 3 shown on plan SO 20232 to proceed and to comply with the provisions of the Local Government Act 1974 it will be necessary to adopt the following resolution.

RESOLUTION 4

Pursuant to Section 230 of the Local Government Act 1974 the Christchurch City Council hereby resolves to dispose of the land described in schedule 5 below.

SCHEDULE 5

Portions of stopped road being all of those parcels of land situated in the City of Christchurch and shown on survey office plan 20232 as “land to be set apart for Housing Purposes” and described as follows:

Plan	Shown	Legal Description	Title Reference	Area
SO	Sec 1	Part section 1 SO 19327	CT 40A/298	1,663m ²
SO	Sec 3	Part section 1 SO 19327	CT 40A/298	925m ²

CREATION OF AN EASEMENT

To Grant the right of way easement over a portion of stopped road, it is necessary for the following resolution to be adopted.

RESOLUTION 5

Pursuant to section 235 of the Local Government Act 1974 the Christchurch City Council hereby resolves to grant a right of way easement over the land described in schedule 6 below and resolves that the rights, easements or privileges proposed to be granted will not interfere with the proper use of the land.

SCHEDULE 6

Portion of stopped road being all of that parcel of land situated in the City of Christchurch and shown as “road to be stopped “ and described as follows:

Plan	Servient tenement	Dominant tenement	Area
SO 20231	Sec 2	Lot 1 DP 71267 Lot 1 DP 72122 Lot 1 DP 76805 Lot 1 DP 80360	1,845m ²

- Recommendations:**
1. That the Council proceed with the recommendations above.
 2. That if objections are received, the Resource Management Hearing Panel consider the objections and recommend appropriate actions to the Council.

Chairperson’s

Recommendation: That the Board support the Council proceeding with the aforementioned recommendations.