

6. LAND EXCHANGE AND DISPOSAL OF LAND AT 1 WHITELEIGH AVENUE/LINCOLN ROAD

Officer responsible Property Manager	Author Property Services Officer, Stephen Cribb RO-007-002-34
Corporate Plan Output: City Streets 9.5.0 (Property Purchase)	

The purpose of this report is to obtain approval for the disposal of 161m² of Council owned land at 1 Whiteleigh Avenue to Orion in exchange for 29m² of land owned by Orion at 197 Lincoln Road (see attached plan).

The property has not been processed in accordance with the surplus property decision making flowchart because in November 1998 the Council was advised that Orion required a replacement site for an electrical substation that was to be demolished because of the widening of Lincoln Road.

It is proposed to complete this exchange pursuant to Section 107 of the Public Works Act 1981. However Section 40 of the Public Works Act 1981 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 it back to the former owner.

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 Schedule 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 Schedule.

Schedule

All that parcel of land containing 161m² being Section 1 SO20068 and contained in Certificate of Title 46C/86.

Chairman's

Recommendation: That the above resolutions be adopted.