

3. WHITELEIGH AVENUE/LONGLEY PLACE – PUBLIC WORKS ACT STATUTORY REQUIREMENTS

Officer responsible Property Manager	Author Steve Cribb, DDI 371-1520
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The purpose of this report is to obtain the Council's approval to a resolution pursuant to Section 40 of the Public Works Act 1981 in order to comply with statutory requirements before the land is sold.

The property (Sections 1 & 2 on attached Plan 23906/2) has been processed in terms of the Property Decision Making Flow Chart and was declared to be surplus at the April 1995 Council meeting. The property has since been offered for sale by public tender but an acceptable offer was not received.

The land was then held over for a possible water pumping station site and became the subject of rezoning and legal issues. The Council is now in receipt of a legal opinion from Buddle Findlay that part of the land must be offered back to the original owner (Section 1 Plan 23906/2). The remaining part parcels of land (Section 2 Plan 23906/2) are considered to be exempt from being offered back to the previous owners because it would be impracticable, unreasonable or unfair to do so. Section 2 comprises of six balance parcels of land as shown in the schedule below.

SCHEDULE

Area m ²	Appellation	Certificate of Title
52	Part Lot 22 DP1961	270/143
221	Part Lot 21 DP1961	15A/1416
293	Part Lots 20 & 21 DP1961	577/88
266	Part Lot 20 DP1961	281/39
62	Part RS18	Deeds 3c/s6 & 3c/s8
399	Gazette Notice 999559/1	

In order to formalise the exemption from offer back to the former owner, the Council needs to pass the following resolution.

RESOLUTION

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 owners the land described in the Schedule above.

Chairman's

Recommendation: That the above resolution be adopted.