

## 6. 79 ANDOVER STREET - PROPOSED ROAD STOPPING

<b>General Manager responsible:</b>	General Manager of Corporate Services
<b>Officer responsible:</b>	Corporate Support Manager
<b>Author:</b>	Deborah Harris, Property Consultant, DDI 941-8940

### PURPOSE OF REPORT

1. This report is submitted to the Board for information and to add its views as appropriate, for consideration by the Council with the balance of the report.
2. To discuss and obtain the Council's authority to declare Section 1 on Survey Office Plan 345239 formally stopped.
3. To discuss and obtain the Council's authority to sell Section 1 on Survey Office Plan 345239 to the adjoining landowners with an amalgamation provision.

### EXECUTIVE SUMMARY

4. The area of road proposed to be stopped is a regular shaped site comprising 63 square metres that adjoins 79 Andover Street in Merivale. A property location map (Attachment 1) is appended to this report.
5. For all intents and purposes the area of road is incorporated into the property at 79 Andover Street and is laid out with lawn, shrubs and is fenced. Survey Office Plan 345239 (**Attachment 2**) delineates the exact area of road that is the subject of this report.
6. In mid 2004, both the Fendalton/Waimairi Community Board and the Council respectively agreed that Section 1 on Survey Office Plan 345239 ("Section 1") was surplus to roading requirements and consequently the Council resolved to commence the road stopping process set out in the Tenth Schedule to the Local Government Act 1974 (LGA).
7. Negotiations between Council officers and the adjoining landowners have been satisfactorily concluded at the price assessed by a Council appointed registered valuer, subject to a successful road stopping procedure.
8. Pursuant to the Tenth Schedule LGA, the proposed road stopping was publicly notified in The Press calling for submissions by 31 May 2005. No submissions were received and as a result the Council is now (by) 2ha9((by)2hhe pr)-6.ition(s)-de pa13.5(o)-0.5(r)-0.027.4(A, t(ed(ling )-12(f)-13.5(No s

### Financial

9. To determine the property's value the Council engaged the services of George Anderson & Co who commented that the subject was an important piece of land for the adjoining property to secure given the zoning and intensive development nearby. After taking the above factors into consideration a market value of \$20,000 including GST was arrived at.
10. Staff have negotiated an Agreement for Sale and Purchase of Section 1 with the adjoining landowners for the purchase price assessed by George Anderson & Co. Survey, LINZ, advertising and legal fees (total rough cost order estimate of \$5,000) are to be deducted from this purchase price and therefore the financial implication of the road stopping and sale action will be a net gain.

### Legal

11. The Community Board does not have authority to declare road stopped - such a decision needs to be made by the full Council.

*Clause 4 Tenth Schedule Local Government Act 1974 – Declaration that the road is stopped-*

12. This Section says that if no objections are received, the Council may by public notice declare that the road is stopped and the road shall thereafter cease to be a road.

*Section 345(1)(i)(a) Local Government Act 1974 – Disposal of land not required for road-*

13. In relation to stopped road that is no longer required by the local authority, this Section says that the Council may sell that part of the stopped road to the owner(s) of any adjoining land.
14. This Section goes on further to say that the price for the stopped road can be fixed by a competent valuer appointed by the Council to value that part or if the owner(s) is not prepared to pay the fixed price, the Council may sell the land by public auction or private tender.

*Section 345(2) – Amalgamation of stopped road with adjoining land-*

15. This Section enables the Council to require the amalgamation of stopped road with adjoining land.

**STAFF RECOMMENDATIONS**

It is recommended:

- (a) That pursuant to Section 342 and the Tenth Schedule of the Local Government Act 1974, the Christchurch City Council resolves to stop that portion of road shown as Section 1 on Survey Office Plan 345239.
- (b) That pursuant to Section 345(1)(a)(i) of the Local Government Act, Section 1 on Survey Office Plan 345239 is sold to the adjoining landowner and amalgamated with their certificate of title pursuant to Section 345(2) of the Local Government Act 1974.

**CHAIRMAN'S RECOMMENDATION**

That staff recommendation (a) and (b) above be endorsed for recommending to the Council.