

## 10. PROPOSED STOPPING OF UNFORMED LEGAL ROAD ADJOINING 272 MAIN ROAD SUMNER

<b>General Manager responsible:</b>	General Manager City Environment
<b>Officer responsible:</b>	Transport and City Streets Manager
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### PURPOSE OF REPORT

1. The purpose of this report is to present to the Board for consideration and recommendation to the Council to resolve to stop under the provisions of the Public Works Act 1981, a portion of unformed legal road for amalgamation with the property adjoining at 272 Main Road, Sumner.

### EXECUTIVE SUMMARY

2. Stopping of unformed legal road and disposal to the adjoining property at 272 Main Road was carried out last year to allow certainty and formalisation of land occupied by this residence. This resulted in 106m<sup>2</sup> being added to the title at market valuation assessed by independent valuation.
3. A further parcel of Main Road (a minor arterial route) has been identified by the owners as required to accommodate the construction of a balcony/deck to complement the only flat outdoor living space available to the owners. The area of unformed road involved on to which the deck will encroach is steep rock face some 14 metres elevated above the road level.
4. Stopping and disposal of the "extra" area of road (30m<sup>2</sup> SM 1207-03 attached, subject to survey) like the previous parcel stopped will have little influence to the future shape and width of the roadway which with this latest proposal will be about 8 metres away.
5. The road stopping proposed by this report will not affect any other party other than the applicant (adjacent owners) and will not disadvantage current foot access along a formed track below to neighbouring properties. Neighbouring property owners have been consulted on the proposed decking construction and the majority of them support the concept. The road stopping process by way of consent under the Public Works Act 1981 is considered appropriate to this case.
6. Agreement has been reached with the owners on price (assessed by independent valuation) and costs conditional on Council resolution to stop this parcel of road under the Public Works Act 1981 for amalgamation to their adjoining title.

### FINANCIAL AND LEGAL CONSIDERATIONS

7. The stopping process under the Public Works Act 1981 provides for stopping of legal road by consent of affected parties (in this case the adjoining owner which consent has been given, and the Council as the Territorial Authority) and amalgamation with the adjoining title in one action by notice in the gazette.
8. There are no financial implications for Council.
9. The Board does not hold delegation and to proceed with the proposed road stopping a formal resolution of the Council is required.

### STAFF RECOMMENDATIONS

That the Board recommend the Council to pass the following resolution:

### RESOLUTION

Pursuant to Sections 116(1), 117(3)(b) and 120(3) of the Public Works Act 1981, the Christchurch City Council hereby resolves to stop that parcel of road shown on SM 1207-03 as described in the schedule below and to amalgamate that parcel with the adjoining property. The Christchurch City Council certifies that it considers it equitable to vest the road described in the schedule below, when stopped in JJ EL & CM Van Uden being the adjoining owner.

## SCHEDULE

<b>Being</b>	<b>Adjoining</b>	<b>Title Reference</b>	<b>Area</b>
Section 1	Lot 2 DP 5032 Section 1 SO 336941	The new title to issue from amalgamation of titles 450/122 and 179989	30m <sup>2</sup> (subject to survey)

## CHAIRPERSON'S RECOMMENDATION

That the recommendation be adopted.

## BACKGROUND ON PROPOSED STOPPING OF UNFORMED LEGAL ROAD ADJOINING 272 MAIN ROAD SUMNER

10. Following an approach from the owners at 272 Main Road, the Council on 1 July 2004 after recommendation by the Board, resolved to stop under the provisions of the Local Government Act 1974, part of the unformed road adjoining the frontage of their property. This stopping was successfully completed and the 106m<sup>2</sup> parcel (which is 14 metres in elevation above the existing road and 10 metres away from the existing footpath) has been disposed of to the adjoining owners on which part of the house foundation and retaining wall is situated.

The owners have now made a further approach to Council for an additional area of the unformed legal road on which to construct a proposed balcony which will be cantilevered over a portion of the unformed road. This additional area (30m<sup>2</sup> subject to survey) is rock cliff face which virtually extends down to the road level area with limited effective use. This additional road stopping as requested and drawn on SM 1027-03 is not accessible to the general public and like the initial stopping, disposal to the adjoining title will not affect or impact on foot accesses over the track below to the neighbouring properties.