



Property Report – December 2006

Waimate Aero Club

Appendix A is a counter offer received from the Waimate Aero Club, and my reply dated 1 December 2006.

Roger Small came to see me and advised that the club would be seeking legal advice.

I advised him that such legal advice would cost them money that they didn't have and Council had such advice that indicated that Council could do what was being proposed. Our discussion was very amicable and I advised that what we were offering was very fair and reasonable.

Action: If the Waimate Aero Club do not agree to our offer, does Council want the land sold or leased? Legal advice indicates we can take this course of action, after following a set procedure.

Waimate District Guides

The Waimate District Guides have formally advised that they would like to have no further responsibility for their clubrooms. This is because of the high costs associated with ownership. The land which their Clubrooms is on is Council land.

Appendix B is a copy of their letter plus an area photograph.

This property has a number of uses and these will be considered in the coming months.

Waimate Stadium

I was invited to a Stadium Committee Meeting to discuss amongst other items some property concerns the Committee had.

These were to do with the overgrown shrubs, the trees at the rear of the property, and a maintenance plan.

Action taken: The overgrown shrubs will be removed and the area sown in grass. The row of trees closest to the rear of the building will be removed.

The name of a property consultant to complete a maintenance plan has been proposed and the Committee would seek a quote from that firm and one other.

Road Stopping Request

Mr & Mrs Penno are requesting consent of Council to stop a legal road contained on his property at Studholme, RD10, Waimate.

This is being referred to Council as a separate agenda item.

Waimate Pipe Band Boundary

On 1st August 2006 we received a letter from the Waimate Pipe Band Inc seeking a meeting to discuss the land boundary of their hall.

Background

1. In 1993 Council entered into an agreement for sale and purchase of real estate with the Waimate Highland Pipe Band Inc.

Some time in the past Council had allowed the Waimate Pipe Band Inc to construct a hall on the corner of a piece of land that housed Council's roading unit.

1. The agreement was standard but had a special condition of sale. The condition was as follows:

Special Conditions of Sale

14. *This Agreement is subject to and conditional upon the following conditions;*

- a. *The Purchaser shall pay;*

- (i) *All cost and expenses of subdivision*
- (ii) *The vendor's legal costs and expenses*
- (iii) *All costs involved in meeting the conditions consent to the subdivisions*

- b. *The Vendor shall retain ownership of the building situated near the southern corner of lot 1 as shown on the attached preliminary plan. The Vendor may leave the building where it is at present for a period of up to ten (ten) years and during this period the Purchaser agrees to allow the Vendor, its tenants, agents, servants, workman, licensees, invitees and employees access to the property, with and without vehicles and machines, to use the building for whatever purpose or purposes is desired by the Vendor, and the Purchaser agrees to allow full and free access to the building for such use or uses.*

The parties hereto agree that the Vendor may remove the building at any time and the Purchaser shall allow full and free access to the property, to the Vendor, its agents, servants, workman and employees to remove the building and for such purpose the Vendor shall have access to use whatever vehicles and machines are required.

The Purchaser shall make no charge to the Vendor whether by way of rent or otherwise for the rights of access contained in this Agreement.

Sometime after the subdivision and sale, the balance of the land was sold to Rooney Earthmoving Limited. The described building has never been removed as per the agreement. I am unsure if Rooney Earthmoving were ever made aware of the exact boundary and Council's obligation to remove the described building.

A copy of the land area is attached, which clearly shows the boundary going though the building.

Sometime after the sale the Waimate Highland Pipe Band constructed a fence around the shed, in affect realigning the proper boundary with actual.

In 2000 Council was aware of the problem and received a letter from Milward Finlay Lobb Ltd to adjust the boundaries. The estimated cost was \$4,800 - \$5,000.

Present

The Waimate Highland Pipe Band requested a meeting to discuss the boundaries.

I asked Milward Finlay Lobb Ltd to update the estimate which is as follows:

Updated cost estimate to adjust the boundary around the existing building following the fence line is:

Resource Consent Application	\$1,200
Council Application Fee	\$550
Land Title Survey	\$2,800
Lodging Fee to Land Information New Zealand	\$300
Legal (to be verified by solicitor)	\$1,000
Estimated Total	\$5,800
Plus GST SAY	\$6,500

John Larcombe and I met with representatives of the Pipe Band Committee and Gary Rooney and all agreed that the most practical solution was to have the actual boundary become the legal boundary. The agreement on behalf of the Pipe Band representatives was subject to the Committee agreeing.

The Pipe Band Committee met and resolved that they want the legal boundary not the adjusted boundary.

I then met with Messers Graeme Sullivan and Gavin Cain to seek an opportunity to revisit the original suggestion. They couldn't imagine the Committee agreeing to review their recent resolution. I asked if the Pipe Band would consider selling the affected area (47m²) but the answer was a polite 'no'.

There are a number of options and the suggestion has been made to write to the Pipe Band and advise that there is no economic real, or practical justification to make any changes.

The other option is to offer to demolish the offending point of the shed and rebuild it on Mr Rooney's property. This could in fact be cheaper than realigning the boundary.

Sale of Surplus Land

Gorge Road Water Bore

Council have previously consented to the sale of this land area to a prospective purchaser then living in the United States, Mr Gary Morgan.

Following on from this decision, the other immediate affected land owner, Mr Greg Macmillan, voiced concern that he had not also been given the opportunity to purchase.

The land contains an area of 500m², and is therefore valuable as a stand alone building section.

Its current value is \$15,000 as a bore site, but we would expect to realise significantly more as a building site.

Allied to this, the area also has a separate title and can therefore be sold free and un-encumbered without the need for re-survey or consents.

The old water bore on the section shows as a designated "water supply" in Council's operative District Scheme, but is not an encumbrance on the title.

Formal notification to Council that the designation is no longer required will uplift the District Scheme designation.

Council will need to protect itself against any possible liability arising from the existing bore on the section.

This is achieved by the bore being filled and compacted to NZS 4431 standards and signed off by a certified Engineer and to the satisfaction of Council.

Given the current situation, any disposal would be best achieved by public tender of the site.

Council's Engineering Department will investigate the bore site with regard to its potential as a water supply.

In that consents are not easy to obtain for water bore sites, it may well be that there could be sufficient water available at this site which would negate Council wanting to sell. Council will be updated accordingly in this regard.

Queen Street Subdivision

As at date of writing we have nine expressions of interest on the proposed subdivision.

We have yet to have a firm timetable from our surveyors, but we are meeting with them shortly. Possibly a verbal update can be provided at the Council meeting.

The subdivision proposal is at an early stage and a decision to proceed will only be made by Council when the subdivision costs are known.

Cnr Holmes & William Streets

Council had an approach to sell a piece of land at the corner of Holmes and William Streets and after going through the process we expect a sale to occur.

Otaio Cemetery

Associated with the Otaio cemetery is a section of land, approx 10 acres, that is used by Mr Stowell who, in lieu of rental, looks after the maintenance of the cemetery.

The upkeep and maintenance hasn't been to an acceptable level and we are attempting to begin with negotiations to improve the maintenance plus get a close to market rental on the 10 acres.

Dawsons Building

To create some public awareness of Council's recycling efforts we have accepted a request from the Whitehorse Recycling team to allow them to use the area to hold a silent auction plus have educational displays.

On 11 December 2006 we had a visit from two independent land agents who have a client/s interested in inspecting the site with a view to purchase. This is at a very early stage, and awaits an onsite visit to ascertain the degree of interest.

Bushtown

We have received a letter from Bushtown asking if they can extend the area of their lease to incorporate a "Farm style implement shed", which they would use as a workshop and storage area.

At this stage we are checking to ensure that the building doesn't impede access to the main urban stormwater open drain.

We are awaiting a reply from Buddle Findlay, confirming we can increase the leased area. The main reason being to ensure that we don't legally have to get permission from Ngai Tahu and/or the previous owner.

Because of a number of factors this reasonable request cannot be given a simple yes. We are working to achieve an outcome where we can assist the Bushtown group.

St Andrews Golf Club

The St Andrews Golf Club is requesting consent to stop the portion of legal road (unused road reserve) contained adjacent to their golf course at St Andrews.

This is being referred to Council as a separate agenda item.

John Larcombe and Tony Alden
11 December 2006