

Realignment of Accessway and Boundary Adjustments

TO	Thames-Coromandel District Council
FROM	Paul Davies - Legal Counsel/Manager
DATE	15 September 2014
SUBJECT	Realignment of Accessway and Boundary Adjustments

1 Purpose of Report

To seek a resolution from Council under section 111 of the Reserves Act 1977 to enable the officers to give effect to a land exchange finally resolving a property dispute where Council has formed an access way over private land.

2 Background

At its 27 November 2013 meeting Council received a report explaining a proposed resolution to a long standing dispute over the formed location of a council access way in Tuatawa. The formed location of the access way is outside the legal boundaries shown on the survey plan.

Council resolved the following:

1. Approves the proposal and endorses the Agreement for Realignment of Accessway and Boundary Adjustments.
2. Delegates to the Chief Executive authority to complete all necessary steps to give effect to the proposal as outlined in the Officers report.

The agreement referred to in the resolution contemplates aligning the legal boundaries of the access way with the formed alignment of the access way.

3 Issue

As the process of giving effect to the agreement continues it is necessary for council to resolve that the access way be dedicated access way under section 111 of the Reserves Act 1977. This will enable all of the associated land swaps to be dealt with in one gazette notice.

4 Discussion

The proposed resolution will enable officers to finalise this long standing dispute.

5 Suggested Resolution(s)

That the Thames-Coromandel District Council:

1. Receives the report.
2. Resolves that the local purpose (access way) reserve vested in it and described as lot 107 DPS 26718 be dedicated as access way pursuant to section 111 of the Reserves Act 1977.