



22 February 2010

Cr Andy Foster
Wellington City Council
P O Box 2199
Wellington

Dear Andy

Thank you for the opportunity to speak before the Strategy and policy Committee last Thursday 18th February.

I wish to comment on the questions from two councillors on the committee (whose names I do not remember), and would ask that this response also be distributed to all the members of the committee.

- 1. The first question asked why should the WCC pay to remove a right of passage across Janet Heineman's and our shared driveway when it is solely for our benefit?**

The answer is simply that we are not deriving the normal property rights and benefits that would accrue to the owner of private property. The right to the full use and enjoyment of our property is being curtailed by the right of passage for one vehicle to access the rear of the council owned property at 224 Karori Road.

This is because people driving across the driveway simply assume it is common to all three properties when in fact it is not. The title makes it clear there is a limited right of passage for a single vehicle only. As there is no legal ownership the upkeep of the driveway falls on Janet Heineman and us. If the property is now to be sold Janet Heineman and us consider this is an undesirable state of affairs. We are stuck maintaining an asset for the benefit of a third party on whom there is no legal obligation to share in the costs of upkeep.

It is simply untenable for WCC to ask us to take it up with the new owner because they would be reluctant to come to the party and lose a benefit that is conferred upon them with no responsibility for its upkeep.

If some members of the committee took time to visit *in situ* they would quickly realise the area where vehicles park is not a car park. It is (to be blunt), a tiny strip of bitumen overgrown by weeds with a very awkward camber. This causes considerable difficulty for vehicles entering and leaving the gravel driveway.

Cars get stuck. Their engines rev loudly; their wheels spin and gravel showers everywhere gouging the driveway. Flagstones lining the driveway are dislodged and no attempt is made to fix the mess. Sometimes we are asked to come and push which we flatly refuse to do.

This leads neatly to the second question from a committee member;

2. Is there any alternative parking for the owner of 224 Karori Road?

With respect, the councillor who asked the question is misreading the certificate of title. THERE IS NO RIGHT OF A CAR PARK conferred at all. It is a right of passage only to set down or pick up.

This right is being abused.

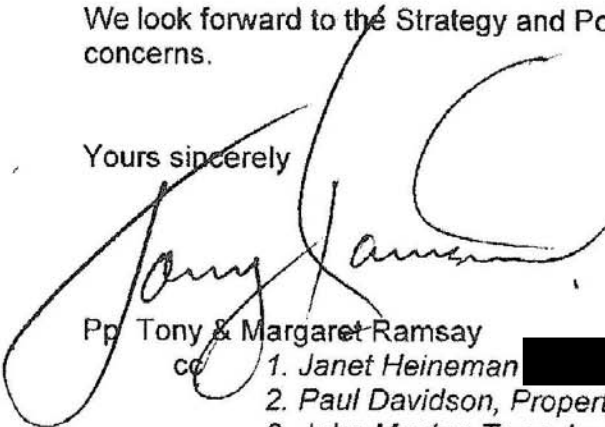
The solution is simple. The owner of 224 Karori Road (whether it is the WCC or a private citizen), can easily construct a car pad or garage with entry straight off Karori Road. Alternatively, park on the road where there is plenty of free space all day. If the council is genuinely concerned about the right for a homeowner to park at 224 Karori Road make it a Residents' parking area.

If the intention is for the WCC to market this property it needs to be made very clear to the real estate agent that the area to the rear of the property is not a car park.

We would like the WCC to come to the party and fix this problem once and for all. It is irrelevant how long this right of passage has been on the title. Two neighbours (who are the legal owners of the driveway and pay WCC rates on the land area), want the right of passage removed from the title. We are prepared to stump up and pay our 1/3 share to amend the certificate of title. We would respectfully ask that the council do the same. If WCC are unwilling to pay, the legal costs then fall on Janet Heineman and us. In that event, we ask that you do not unreasonably withhold your consent. In other words, we object to the proposed sale going ahead with the certificate of title in its current format.

We look forward to the Strategy and Policy Committee's written response to these concerns.

Yours sincerely


Pp Tony & Margaret Ramsay

- cc
1. Janet Heineman [REDACTED]
 2. Paul Davidson, Property Projects;
 3. John Muston Team Leader, Property Projects