



2 March 2010

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Wellington

Hello Paul

Thank you for your email with the attached paper prepared for the Strategy and Policy Committee.

Please note the following:

1. Clause 5.4 Darroch (NZ) Ltd have valued the property to have a current market value of \$600,000. The valuer estimates that if the right of way was removed from the title the current market value would then be \$540,000.

With respect, this is pure fantasy. I spent four years working as a commercial property agent for Julian Associates MREINZ Ltd (now Ray White United), on the Terrace. Prior to that I was a residential property agent in Karori. Valuers phone up real estate agents for current market information to write these reports. It's how the system works.

I am not sure who Darrochs contacted but soundings within my own networks suggest this is a grossly inflated estimate designed to please the bill payer; WCC. In other words, the *Strategy and Policy Committee* have been told what the valuer suspects you want to hear based on a flimsy rationale. It is how the system works. It is also the reason why both purchaser and vendor normally commission independent valuations. The truth usually lies somewhere in between the two conflicting opinions.

The issue (as I have independently stated to Cr Andy Foster), is that this is NOT 224 Karori Road's driveway or even a car park. The \$60,000 added

value would only apply if the property at 224 Karori Road had ownership rights. It is a right to cross only.

Shared driveways are problematic and are unattractive to purchasers. The figures being bandied about by Darrochs would apply if there was a driveway onto 224 Karori Road. The path down to the property is a curving camber that could easily be redeveloped as a driveway. That is where added value lies.

Talk of a garage and the “difference in ground levels” resulting in “significant costs” [clause 5.6.3] is an unimaginative response from someone who has not visited the sight, or if they have, then they are blind to more obvious solutions.

2. The tone of your report suggests the committee and its advisors have closed their minds and that the intention is to market it with a right of passage despite the protestations of the legal owners of the driveway.

We consider this high handed and unreasonable. Assuming Darroch’s estimate is reliable (which I do not for one moment believe), WCC are conferring a benefit on the owner of 224 Karori Road (themselves), at our expense. It is (to use the legal term), *unjust enrichment*. You don’t own the driveway. To state it plainly, you are enjoying a free ride at our expense.

If Council genuinely believe the right of passage confers an economic benefit upon the legal owner of 224 Karori Road then pay Janet Heineman and us the \$60,000 in equal shares you say the driveway is worth. That surely is the only fair and just outcome. 224 Karori Road then have a legal ownership (as opposed to a de facto benefit) and can be prevailed upon for its upkeep as an equal partner.

3. It does seem to us that there are legal issues here as well as future problems for an estate agent in marketing the property. For example your assertion in the last bullet point of clause 5.6.3 that the use of the driveway would become “minimal in comparison” to when it was a Kohanga Reo is pure supposition.

If an owner has more than one car he will park them behind each other. Why wouldn’t he? We will be in exactly the same position as before trying to enforce what is one the title; the right of passage for ONE vehicle only.

One’s home is one’s castle. It is a lottery who becomes your neighbour and disputes between neighbours can cause stress and unhappiness for all concerned.

We are opposed to Council's plan to market the property without amending the title. We believe there is a case for WCC paying their one third share but if not, the Heineman's and ourselves will pick up the legal costs involved.

Please do not be captured by the clever sophistry and short sighted fiscal view in the position paper prepared for the Strategy and Policy Committee Meeting on 11 March.

Recognise and respect the wishes of your two ratepayers who are the legal owners of the driveway.

Go out and see the aspect for yourselves. Through time there is every opportunity for the new owner at 224 Karori Road to develop their frontage. The value to them will be far more than a bitumen weed encrusted square with the potential for much conflict and unpleasantness.

We desire to be kept informed of developments and wish to know the outcome of the Strategy and Policy Committee meeting on 11 March.

Yours sincerely

Tony & Margaret Ramsay, 222a Karori Road
pp Janet Heineman, 222b Karori Road