
REPORT 3
(1215/52/IM)

ACQUISITION OF LAND FOR SERVICE LANE – FELTEX LANE, WELLINGTON

1. Purpose of Report

This report seeks the Committee to recommend to Council the approval to acquire approximately 16m² of land at 203 Willis Street, Wellington (coloured red on the plan attached as Appendix 1). This is required to complete Feltex Lane, a two way service lane.

2. Executive Summary

The 16m² of land to be acquired is situated on a 90° corner of Feltex Lane (highlighted red in Appendix One). The land is currently formed and used as public service lane but is privately owned by 203 Willis Street.

Vehicles can presently enter either end of the service lane, and exit from the other without having to turn around. If the current owners of 203 Willis Street decide that they want to use this corner of their property themselves, this would create problems for larger vehicles to manoeuvre around the bend.

The current owners are agreeable to selling the land to Council and officers view this as an opportune time to legalise the situation and guarantee the future use of the service lane for a wide range of vehicles.

3. Recommendations

Officers recommend that the Committee:

1. *Receive the information.*
2. *Recommend that Council:*
 - (a) *Agree to acquire and vest as road approximately 16m² of 203 Willis Street being Lot 1 DP 50103, for service lane under the Public Works Act 1981.*
 - (b) *Authorise the Chief Executive Officer to carry out all further steps to acquire approximately 16m² of 203 Willis Street for service lane including completing the terms of sale and vesting the land as road.*

4. Background

4.1 History

Formation of this Service Lane commenced approximately 30 years ago from the northern entrance, off Victoria Street. Various sections of the Lane have been added as property development and willing sellers have allowed.

The land to be acquired from the owner of 203 Willis Street is situated on a 90° corner. Large vehicles are currently able to drive around this corner. Recent development of adjacent buildings that border the service lane, has meant that retaining the existing width of the service lane at this corner has become more important, to provide larger vehicles with the amount of manoeuvring space that they need.

Road and Traffic Maintenance (Roading) are concerned that if the current owners plans change, and they want to use the land themselves, then Council would either have to compulsorily acquire it or the service lane would become limited to small vehicles only. Purchase of the 16m² of land will allow Council to complete this Service Lane to a proper functional standard. A compulsory acquisition would significantly increase the cost for Council to acquire the land.

An additional point is that there is also a service lane designation over part of 162 Victoria Street, which is situated opposite the 16m² of land that this report recommends be acquired. Refer appendix 1 showing the land having the designation coloured green.

4.2 Legal Description

The land to be acquired for service lane has an approximate area of 16² being part of the rear of 203 Willis Street and is legally described as Lot 1 DP 50103 contained in Computer Freehold Register WN20A/455.

4.3 Valuation

A current market valuation for the 16m² of land is assessed by Darroch Valuation Ltd to be \$23,000 plus GST (if any)

In the event that the vendor does not agree with this assessment then both parties will instruct a third valuer, whose decision shall be binding. The costs for the third valuer to be shared equally.

4.4 Finance

Funds for the purchase and all other costs associated with the acquisition will come from Roading Operations CAPEX Budget RTCX101 Project.

If the acquisition recommended in this report is approved, no physical works to the service lane are required. Aside from the cost of the land itself which would be

determined by a current market valuation, Council would pay for the survey and transfer of the land, and the vendor's reasonable legal costs.

5. Discussion

5.1 Options

The two options available to Council are to either –

1. Purchase the land behind 203 Willis Street, now, at a reasonable cost. This would –
 - Ensure that manoeuvring space around the subject corner of the service lane was retained, or;
 - Enable Council to remove the designation over the land at the rear of 162 Victoria Street

or

2. Don't purchase the land behind 203 Willis Street now, and risk the owners using the land themselves in the future. This would either –
 - Limit the use of the service lane by larger vehicles,
 - Mean a compulsory acquisition would be necessary, or;
 - Result in the acquisition of land from the rear of 162 Victoria Street.

5.2 Sale and purchase agreement

A sale and purchase agreement has been prepared to purchase the 16m² of land from 203 Willis Street, conditional on Council's approval being obtained

5.3 Designated land at rear of 162 Victoria Street

Acquiring land at the rear of 162 Victoria Street which has the designation over it is not considered to be an attractive option. There is an existing building on this land, and Council would incur significant cost related to that should such an acquisition be pursued.

6. Conclusion

The acquisition of the 16m² of land from 203 Willis Street is recommended to finally legalise the service lane and guarantee its future usability for all types of vehicles, especially larger ones.

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Supporting Information

1) Strategic Fit / Strategic Outcome

The report supports Council's overall vision of Creative Wellington – Innovation Capital. The report supports Council's strategic direction for managing growth through provision of adequate infrastructure.

2) LTCCP/Annual Plan reference and long term financial impact

Provision for undertaking this work is contained within the overall organisational budget and is budgeted in Roading Operations CAPEX Budget RTCX101 Project in the current financial year.

3) Treaty of Waitangi considerations

There are considered to be no Treaty of Waitangi implications.

4) Decision-Making

A decision to acquire any land requires a Council resolution, and the report explains that agreement with the vendor is conditional on such resolution.

5) Consultation

a) General Consultation

Given the situation with their being no change to the service lane, Council is not required under legislation to consult with the public on this matter.

b) Consultation with Maori

As there is no change to the existing service lane, and there are considered to be no Treaty of Waitangi considerations, local Iwi have not been approached in regards to this proposal.

6) Legal Implications

Prior to execution by the Council, the Sale and Purchase Agreement will be reviewed by Council Solicitors.

7) Consistency with existing policy

Discussed in the report.

Appendix One

