

Memorandum

To: Marton Community Committee

From: Michael Hodder, Community & Regulatory Services Group Manager

Date: 8 April 2019

Subject: **Frae-Ona Park – proposed easement**

File: 6-RF-1-7

- 1.1 Private land totalling 1.2 hectares adjoining the rear (western) boundary of Frae Ona Park, valuation number 13450 26500 (outlined red on the attached aerial has no legal road access. The owners, Nigel and Arthur Fitler, wish to sell their block and requested formalisation of the current physical access shown yellow crossing the block fronting Bredins Line (outlined green). That request proved impracticable because of the multiple ownership of the Bredins Line block. As an alternative, the Fitler's asked whether formal easement access could be granted across the north-eastern side of Frae Ona Park, shown yellow on the attached aerial. Council's Parks Team Leader has confirmed this as viable, if the proposal provided public vehicular access to the undeveloped area of the park.
- 1.2 Discussions with the owners and a potential purchaser have been on the basis that Council would consider it only if the owners (or purchaser) met all costs of creating the access and legalising it. The net effect would be that a greater area of the park could be made available to the public and off-street vehicle parking could also be created.
- 1.3 Section 138 of the Local Government Act requires a local authority to first consult on any proposed sale or other disposition of a park or part of a park. This proposal is such a disposition. The current owners and the purchaser are aware of the need for public consultation. They are at the point of entering into an agreement, subject to the access matter being resolved, and seek Council's commitment to enabling the matter to progress.
- 1.4 At its meeting on 28 March 2019, Council made a resolution authorising the Chief Executive to progress discussions with the owners of the property at the rear of Frae-Ona Park (valuation 13450 26500) requesting access and (subject to agreement from the Marton Community Committee) to commit the Council to granting an easement of rights of way in favour of that rear block of privately owned land on the following terms:
 - a. there will be no cost to the Council;
 - b. the physical works are completed to standards prescribed by Council's Roading Manager;
 - c. the end result will provide public vehicle access to the currently undeveloped area of the park; and

- d. an easement is to be created to protect both the Council and the owner of the property.

1.5 If agreed to, the Marton Community Committee would be asked (at its next meeting, on 10 April) for its view. Accordingly, the Committee is asked for its view.

Recommendations

1. That the memorandum 'Frae-One Park – proposed easement' be received
2. That the Marton Community Committee EITHER agrees or DISAGREES with Council's proposed easement through Frae-Ona Park to provide access to the land behind the park and to provide public vehicle access to the currently undeveloped area of the park

Michael Hodder
Community & Regulatory Services Group Manager

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 Project Name: Rangitikei District Council
 Date: 24/10/2018
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 Author: Rangitikei District Council
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