

5. Le Brun – Purchase of part road reserve

Council has received an application to close a part of Merimbula Lane to formalise a retaining wall structure and landscaping developed on the road reserve.

Group Manager, Infrastructure Waste & Water

BACKGROUND

10 During the early construction phase of E & P Le Brun's dwelling, located upon 22-24 Beverley Street, Merimbula (Lot 1 DP1017135), the site cut caused potential undermining of a section of Merimbula Lane, which is a section of road reserve parallel to Merimbula Drive and adjacent to it. During subsequent site inspections with Council's Engineers and the owner's engineers, a course of action to retain the affected land was put in place. As a result there is a loss of part of an unused section of Merimbula Lane. Consultation with the owners and council staff resulted in a commitment by the owners to purchase the piece of land.

The owners have approached Council through their solicitor to formalise this situation by requesting a road closure, land purchase and boundary adjustment of their property.

The area in question is some 440 square metres and forms a wedge of land situated on a steep embankment on the northern side of the Merimbula Lane Road reserve.

20 A review of the requested area by Council's Engineering and Building sections has not raised any operational impediments to the road closure and subsequent land transfer as requested.

A copy of the Valuation Report and survey plan will be tabled at the Council meeting of 24 March 2009.

ISSUES

Legal

If the recommendation of this report is adopted the application for road closing will follow due process including lodgement of the application with the Department of Lands and advertising in the local papers. Subject to the approval of the road closure by the Department of Lands the sale to the adjacent owners can proceed.

30 **Asset**

Some reduction in the area required to be maintained by Council.

Consultation

Following an initial approach by the Le Bruns, Council staff have visited the site and undertaken their assessment. The Le Bruns have had a land valuation undertaken by a Certified Practising Valuer and have had a survey of the area undertaken. The valuation has come in at \$5,000.

Financial

All cost associated with the road closure, purchase and transfer of the land will be met by E & P Le Brun.

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CONCLUSION

The land which is the subject of this report has limited value to Council in terms of providing services to the community. It is recommended that Council's General Manager be authorised to execute the necessary documents to effect the closure of part of the Merimbula Lane road reserve and subsequent transfer of the land to E & P Le Brun.

RECOMMENDATION

That Council authorise the General Manager to execute the necessary documents to affect the closure of part of the Merimbula Lane road reserve and subsequent transfer of the land to E & P Le Brun, subject to all costs being borne by them and to payment of \$5,000 by them to Council for the land acquisition.

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