

STRATFORD DISTRICT COUNCIL

SECTION: PROPERTY	
<u>POLICY: DISPOSAL OF PROPERTIES WITH LIMITED OPTIONS FOR SALE</u>	
RESPONSIBILITY: Operations	REVIEW DATE: December 2007
VERSION: 1	APPROVED DATE: 14 December 2004
FILE NUMBER: 19063	
DELEGATIONS REGISTER NO: [Click here]	

BACKGROUND

Legal requirements for the sale of Council land include:

- (a) Section 140 of the Local Government Act 2002, "Restrictions on the disposal of endowment land."
- (b) Section 40 of the Public Works Act 1981 where property that has previously been acquired by Council for a public work has to be offered back to that previous owner.

The following policy includes these requirements and is considered to be transparent and consistent.

POLICY

1. That if a property is subject to a perpetually renewable lease, the freehold title be offered to the lessee at a registered valuation for free holding purposes.
2. That if a property is subject to a lease containing a right of purchase, the freehold title be offered at a registered valuation for free holding purposes or in accordance with the purchase procedure set out in the lease.
3. That if a property is of a size or shape unsuitable for an independent use in accordance with the District Plan, it be offered to an adjoining owner at a registered valuation for free holding purposes.
4. That in each of the above cases the Chief Executive in consultation with the Executive Committee be authorised to negotiate and accept the final sale price.
5. That each party to a sale bear their own legal costs.
6. That Council complies with the provisions of Section 140 of the Local Government Act 2002 when disposing of endowment property and Section 40 of the Public Works Act 1981 when disposing of a property that was acquired for a public work and is no longer required for that purpose.