

20 December 2022

Invercargill City Council
Private Bag 10904
INVERCARGILL 9840

Report re the status of Lot 1, DP 470999 - 91 Earn Street, Invercargill - RT 637615

This land was originally part of Section 1, Block XXXVI, Town of Invercargill, and was part of the land granted to the Superintendent of the Province of Southland in trust as an Endowment for the improvement and benefit of the Borough of Invercargill, by Crown Grant 12862 (Deeds Register 28 folio 676) and recorded in Deeds Index D folio 585.

Implementation of the Abolition of Provinces Act 1876 caused the ownership of this Endowment land to revert to the Crown.

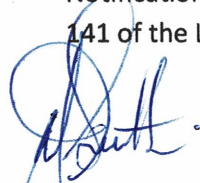
The Crown subsequently conveyed this Endowment land to The Mayor Councillors and Burgesses of the Town of Invercargill, in trust as an endowment for the improvement and benefit of the Town of Invercargill, by way of Conveyance 12863, dated 14 August 1879, which is recorded in Deeds Register Vol 28 folios 690 – 707.

Section 1, Block XXXVI, Town of Invercargill, together with other parcels described in Conveyance 12863, were brought under the Land Transfer Act by way of Applications 2142 and 2143. Certificate of title SL34/109 issued from these applications on 16 October 1884, in the name of the Invercargill Borough Council.

Section 1 was still held as endowment and comprised in Record of Title SL210/23, when subdivided into Lots 1 and 2, DP 470999 in December 2014. The current Record of Title, 637615, issued for Lot 1, DP 470999, in the name of Invercargill City Council 'in trust as an as endowment for the benefit and improvement of the City of Invercargill'. A lease of Lot 1 was registered on the same date [Lease 9470273.2 recorded under RT 687876].

Conclusions

1. That Record of Title 637615 correctly records the status of Lot 1, DP 470999 as, land owned by the Invercargill City Council 'in trust as an endowment for the improvement and benefit of the City of Invercargill '.
2. I see no reason why the Council should not convert this property asset to another form of asset by way of sale of the fee simple interest.
3. Disposal of this land would require :-
 - A formal decision of Council to authorise the proposed disposal, including a statement as to how the proceeds of such sale would be applied.
 - Notification of the intention to dispose of this endowment land, as required by section 141 of the Local Government Act 2002.



Milton Smith
LINZ accredited supplier