

# **CENTRAL OTAGO DISTRICT COUNCIL**

## **POLICY: ENCROACHMENT OF ROAD ON PRIVATE PROPERTY**

This policy was adopted by a resolution of the Roothing Sub Committee on 20 February 2007.

### ***Purpose***

- To set a policy and procedure for managing instances where roads encroach onto private property

### ***Policy***

1. If the road is a gravel road and it is practical to realign the road within the legal boundaries, then realignment will be undertaken as part of the next programmed metalling on the road.
2. Where a property owner identifies a possible encroachment of a sealed road on private property the following process will be followed for:
  - i). A legal survey must be undertaken by the property owner to identify and quantify any actual road encroachment. If the survey identifies that there is an encroachment then Council will refund the property owner the cost of reasonable survey expenses. Council will refund expenses when annual budget provisions allow.
  - ii). Where a road encroachment has been identified by legal survey, purchase of the land will be prioritised based on the extent of the encroachment, the length of time since the encroachment was identified to Council, and the availability of funding.
2. Properties where the extent of the encroachment is a larger proportion of the total area of the property, or the encroachment may have an injurious effect on the property owners ability to use the land, will be prioritised over those where the encroachment is of a lesser nature.
3. The value of compensation will be calculated using the Public Works Act calculation.