

MACHINERY RESOLUTIONS

Recommendation:

THAT the execution of the following documents under the seal of Council be confirmed:

EASEMENTS

R S & J R Hadley – RM020650 – easement for access strip for access to existing esplanade reserve abutting Motueka River.

Lifestyle Property Developments – RM030083- easement in gross to Council for the right to drain stormwater.

B W & L McCrorie – RM040533 – easement in gross to be granted to Council for the right to drain stormwater.

Silvan Hills Limited – RM030604 – easement in gross in favour of council for sewer and water, and easement in gross granted by Council in favour of Network Tasman for power over council reserve.

COVENANT

O & P Mather – RM050401 – covenant to be registered against title stating that once dwelling is no longer required as workers or visitors accommodation, it shall be removed from site or rendered incapable of human habitation.

J W L & J E Young Family Trust – RM050417 – covenant registered against title that dwelling for dependent relative/family guests, and it is not to provide future basis for subdivision.

DEED OF SETTLEMENT

Between TDC and Hartley Contractors Ltd - TDC releases Hartley Contractors Limited and its surety from the contractor's bond.

DEED OF LEASE

TDC and skydive Abel Tasman Ltd – lease for 648m² land at Motueka Aerodrome.

FUNDING REQUIREMENTS

1 Term Loan Funding for 2004/2005 Completed Projects

THAT the loans identified in the table to this resolution are to meet the cost of completed projects identified in the 2004/2005 Annual Plan previously adopted by Council, or unbudgeted projects approved by Council.

I		The Council shall borrow the sum of one million, four hundred and thirty six thousand, two hundred and thirty seven dollars (\$1,436,207) from (Bank).	
li		The loan documentation shall comprise the following:	
	A	Existing deed of charge entered into between Tasman District Council, Bank of New Zealand, National Bank of New Zealand, WestpacTrust and ASB Bank Ltd.	
	B	A letter of offer from WestpacTrust.	
iii		The Mayor and the Chief Executive are authorised to sign the loan documentation on behalf of the Council.	
iv		The Chief Executive is authorised to sign a certificate, pursuant to s122ZG(3) of the Local Government Act 1974.	
V		The loan advance of dollars shall be used to finance the following projects identified in Council's Annual Plans:	
			\$
		Crescent Street/Oxford Street Stormwater	150,000
		Hamama Water Supply Pipe Renewal	139,225
		Hamama Seal Extension	272,732
		Pohara Stage 3 Sewerage	226,000
		Marahau Foreshore	190,000
		Richmond Sewerage Infiltration	<u>458,250</u>
			<u>1,436,207</u>
vi		The Council shall charge rates revenue as security for the loan and the performance of its obligations pursuant to the loan documentation.	
vii		The Council acknowledges that by charging rates revenue, the Council is deemed to have made a special rate of such amount each year, on the rateable value of every rateable property in the district, as is sufficient to provide in that year for the payment of its commitments in respect of the loan or loan documentation during that year plus 10% thereof until the loan is repaid or the obligations incurred under the loan documentation are fully performed.	
viii		The Council has considered the risks and benefits to the Council of the loan and loan documentation and of the security to be given in relation to the loan and loan documentation.	
ix		The Council is satisfied that the general terms and conditions of the loan and loan documentation and of the security to be given in relation to the loan and loan documentation are in accordance with the borrowing management policy adopted by the Council and, in particular, the limits and guidelines set out in that borrowing management policy.	

X		The Council delegates to the Chief Executive and the Corporate Services Manager the authority to further determine the precise terms and conditions of the loan, loan documentation and security, to be negotiated at the best current terms and conditions, such terms and conditions to be advised to the Council following the raising of the loan.
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2 Use Of General Disaster Fund

At its meeting of 14 April 2005, Council's Engineering Services Committee resolved WK05/04/05 to apply to Land Transport New Zealand for flood damage funding totalling \$350,000. This request was successful.

It is normal practice following confirmation of funding allocations in these circumstances to then resolve to draw the remaining local share from Council's General Disaster Fund.

In the case of this application Land Transport New Zealand funded \$171,500, therefore leaving \$178,500 to be drawn from Council's General Disaster Fund.

The following recommendation will effect that fund transfer from our separately banked General Disaster Fund into Council's operating cheque account from which the local share was originally funded.

Recommendation

That the sum of \$178,500 be transferred from Council's General Disaster Fund to Council's operating account, being local share of flood damage costs reported to the Engineering Services Committee meeting on 14 April 2005.