

Felicity Foy

From: Felicity Foy <Felicity.Foy@fndc.govt.nz>
Sent: Wednesday, 19 June 2019 8:35 AM
To: Felicity Foy
Subject: Fwd: Recind motion of June 28 Access to Kauri Dam

From: John Vujcich <John.Vujcich@fndc.govt.nz>
Date: 18 June 2019 at 7:46:14 PM NZST
To: Felicity Foy <Felicity.Foy@fndc.govt.nz>, Dave Hookway <Dave.Hookway@fndc.govt.nz>, Coliin Kitchen MNZM <Coliin.Kitchen@fndc.govt.nz>, Mate Radich <Mate.Radich@fndc.govt.nz>, Kelly Stratford <Kelly.Stratford@fndc.govt.nz>
Subject: Recind motion of June 28 Access to Kauri Dam

Hi,

To make sure this item is included in the upcoming agenda I have decided to formally make the following request to Shaun. As councillors charged to look find a resolution to Ngakahu issues and/or those who have been involved with Ngakahu, please let me know if you agree with the formal notice of motion below. I need 3 other councillors to agree to support the notice of motion to insure this becomes an agenda item. Also this needs to be sent in tomorrow morning.

I hereby formally make a notice of motion to rescind the Council decision of 28th June 2018 item 4.1 (under separate cover) part a) stated as follows:

"That Council:

- a) Proceeds with the regularisation of the right of way easement to regularise the access over the pipeline easement, by variation and extension of easement over 4D to ensure that vehicle access does not encroach on land not included in the right of way over the pipeline easement and pays any compensation as determined by a registered valuer or as determined by a Court."*

The reasons are:

Firstly, Since George has already notified the Maori land court stating "Council will formally file an application with the Court to withdraw A20180004178 after the Council meeting on 27th June 2019 where it has been recommended that Council rescind its resolution to seek to acquire an easement over the 'dogleg'" it would be prudent therefore to do as promised to the court.



Secondly, we have a Court case coming on the 8th July and taking this action would I'm sure help our case.

Thirdly the Maori Land Court has ruled that we do not have a right of way over the pipeline easement, which means we no longer have any legal access to the "dogleg" and no use for the dogleg.

Fourthly, we have a legal rightofway and have recently upgraded it to a all weather access road.

Elected members supporting this notice of motion are: ???

MARE RADICIT.

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Felicity Foy

John Foy

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Far North District Council | Te Kaunihiera o Tai Tokerau Ki Te Raki
Ph. 09 401 5200 | Fax. 09 401 2137 | Email. ask.us@fndc.govt.nz
Address. Memorial Avenue, Private Bag 752, Kaikohe 0440, New Zealand

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