

Application to Occupy Unformed Legal Road



Applicants Contact details: (Please Print)

Name: _____

Address: _____

Phone _____ Cell _____

Email: _____

| | | |
|--|--------------|-------|
| I can confirm that this application is made for the unformed legal road, which fronts my property. | | Y / N |
| Road name | Rapid number | |
| Location of Unformed Legal Road: | | |
| Note: <ul style="list-style-type: none">• A \$200.00 fee is payable for the licence application• Please attach a detailed map of the road location | | |

Applicants signature

Date

Print full name

| | | |
|-----------------------|----------------|---|
| For office use | |  46300158 ; GL \$200.00 |
| Referred to Council: | Date inspected | |
| Council Officer: | | |
| Property comments: | | |
| | | |
| | | |
| Signed: | | |

What is an Unformed Legal Road and can people use it?

A unformed legal road is a road that is legally established and recorded in survey plans to provide access to land. Unformed legal roads are commonly referred to as 'Paper Roads'.

As unformed roads are legal roads the public has the same rights to access as a formed legal road. Therefore, all members of the public have a right of access over an unformed legal road either on foot or by vehicle if possible.

However it should be noted that in many cases unformed legal roads are unmarked and it is often difficult for users to work out where the unformed legal road is on the ground which means that users may stray onto private property, resulting in trespass.

An adjoining property owner of a unformed legal road may apply to the District Council for a licence to occupy the unformed legal road for the purposes of stock grazing only. When a licence is in place and stock are grazing it is expected that public will not distress the grazing stock and make sure they close all gates behind them.

An unformed legal road may not be used for storage of any kind, or the long term parking of any vehicles.

Licence to Occupy Unformed Legal Roads

The Council from time to time may issue a licence to the adjoining property owner to occupy an unformed legal road for stock grazing purposes. A licence to occupy an unformed legal road does not give the adjoining property owner the exclusive right to the unformed legal road it only gives a stock grazing right. A condition of the licence to occupy is that the unformed legal road is accessible to the public and that signage is fixed on all gates across the unformed legal road stating 'Public Road'.

If there are two different property owners on each side of the unformed legal road, a licence to occupy may only be issued for the half of the unformed legal road that adjoins the applicant until such time as either the other adjoining property owner has given his/hers written consent for the applicant to obtain a licence for the entire unformed legal road.

This licence does not transfer with the property.

Stopping of unformed / paper roads

A property owner whose property adjoins an unformed legal road may apply to the Council to stop a road under Local Government Act 1974.

A \$300.00 deposit is payable to the Council at the time the application is submitted. This enables the application to be considered by the Council. The Council may resolve to accept the application and begin the Road Stopping Process in accordance with the 10th Schedule of the Local Government Act 1974.

The consent of all adjoining property owners will be required, and all adjoining property owners have the right to half of the unformed legal road that adjoins their property. In some circumstances it may prudent to obtain consent from the adjoining property owners, prior to making an application to the Council.

The applicant is also responsible for all costs associated with the road stopping process; this includes but is not limited to: surveyor's fees, legal fees, advertising costs and LINZ fees. The applicant is then required to enter into a sale and purchase agreement to purchase the stopped road from the Council at market value.