

**5.9 TRANSFER TITLE TO COUNCIL OF THE LAND FROM THE DISCONTINUED PART OF ROAD ABUTTING THE REAR OF CLAYTON MALL AT 371 CLAYTON ROAD, CLAYTON**

(TRAF187:SY:JWP)

Responsible Director: Don Cameron

Ward: **Oakleigh**

***RECOMMENDATION:***

*That Council:-*

- 1. Transfer to itself the land from the former road abutting the rear of the Clayton Mall, at 371 Clayton Road, Clayton, which land vested in Council pursuant to the Victoria Government Gazette Notice dated 23 October, 1974 [being the land shown on the plan attached];*
- 2. Authorise the Chief Executive Officer or his duly appointed delegate on behalf of Council to prepare and sign a Transfer of Land and all other documentation required to effect registration of the land by the Registrar of Titles in the name of Monash City Council.*

***INTRODUCTION***

The purpose of this report is for Council to acquire title to the land from the discontinued road currently vested in Council and used as part of the constructed right of way abutting the rear of the Clayton Mall at 371 Clayton Road Clayton and located abutting the precinct of the existing Clayton Library and Auditorium [and being the land indicated on the plan attached].

***BACKGROUND***

In accordance with the Local Government Act 1958, the former Oakleigh City Council discontinued the section of the Right of Way [the Road] abutting the rear of the Clayton Mall located at 371 Clayton Road Clayton and vested the land from the Road in Council on 23 October 1974 upon publication of the Road Discontinuance Notice in the Victoria Government Gazette.

This section of land currently functions as a constructed right of way and is located within the proposed redevelopment of the car park after the proposed demolition of the Clayton Library and Auditorium. Hence it is considered an appropriate time to transfer the title of the part of the former road land [indicated on the plan attached] in Council's name prior to the car park development works being undertaken.

***CONCLUSION***

It is suggested Council transfer the land from the former road to itself and submit a Transfer of Land application to the Land Registry for registration. Accordingly, it is recommended that Council proceeds with an application to the Registrar of Titles to have the title to the land transferred to and registered in the name of Council.