

Tapanui Commonage Reserve Exchange and Leasing Act 1911

Local Act 1911 No 38
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An Act to enable the Tapanui Borough Council and the Otago Hospital and Charitable Aid Board to effect an Exchange of Lands, and to confer on the Tapanui Borough Council Power to lease certain Lands.

Preamble

WHEREAS the piece of land described in Schedule 1 hereto is, together with other lands, vested in the Mayor, Councillors, and Burgesses of the Borough of Tapanui (hereinafter called the Borough Council) for a commonage for the inhabitants of Tapanui:

And whereas the piece of land described in Schedule 2 hereto is vested in the Otago Hospital and Charitable Aid Board (hereinafter called the Hospital Board) as a site for a hospital: And whereas the Borough Council is desirous of exchanging the lands described in Schedule 1 for the lands described in Schedule 2, and the Hospital Board has agreed to such exchange:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title

This Act may be cited as The Tapanui Commonage Reserve Exchange and Leasing Act 1911.

2 Vesting of lands in Schedules 1 and 2

On the passing of this Act the piece of land described in Schedule 1 shall, without any conveyance or other assurance, vest in the Hospital Board as a reserve for hospital purposes, and the piece of land described in Schedule 2 shall, without any conveyance or other assurance, vest in the Borough Council as a recreation reserve.

3 District Land Registrar to cancel existing certificate of title, and issue fresh ones of land included in Schedule 1

The District Land Registrar of the District of Otago shall cancel the certificate of title, Volume 48, folio 164, comprising, *inter alia*, the land described in Schedule 1, and shall without charge issue to the Hospital Board a certificate of title for the land described in Schedule 1, and such certificate shall state that the said piece of land is vested in the Hospital Board for hospital purposes; and shall without charge issue to the Borough Council a new certificate of title for the balance of the land included in the said certificate of title, Volume 48, folio 164, such certificate to be subject to the trust declared in or noted on the said certificate of title, Volume 48, folio 164, respecting the said land.

4 Same for land included in Schedule 2

The said District Land Registrar shall cancel the certificate of title for the land described in Schedule 2, and without charge shall issue to the Borough Council a new certificate of title for the said land, and such certificate shall state that the said land is vested in the Borough Council for a recreation reserve.

5 Declaration that Borough Council is a leasing authority

With regard to the remaining portion of Section 62, Block XIII, Glenkenich District, being the balance of the land included in certificate of title, Volume 48, folio 164, and notwithstanding the trust upon which the same is held, the Borough Council is hereby declared to be a leasing authority thereof under The Public Bodies Leases Act 1969, over all the land, save and excepting an area of seventy-five acres (more particularly described in Schedule 3 hereto) which shall continue as a commonage reserve, and the said Borough Council is hereby directed and empowered to hold the same upon trust for such purposes.

A reference to The Public Bodies Leases Act 1908 was substituted, as from 1 January 1970, by a reference to The Public Bodies Leases Act 1969 pursuant to section 28(a) Public Bodies Leases Act 1969 (1969 No 141).

6 Power to subdivide and road, subject to consent of electors

For the purpose of more effectually leasing the said land or any part thereof, it shall be lawful for the Borough Council to subdivide the land mentioned in the last preceding section, save and excepting the said area of seventy-five acres, and for the purpose of subdivision, but subject to the provisions of any Act for the time being in force relating to roads, to lay off roads and to dedicate the same to the public:

Provided that the two preceding sections shall not apply until a poll of the electors of the borough has been taken under The Local Elections and Polls Act 1908, and such electors have assented thereto:

Provided also that on receipt of a petition from fifty per centum of the electors of the borough a poll shall be taken having for its object the reversion of the land to its original intention or otherwise, but the result of such poll shall not affect any lease then existing.

7 Notice of result of poll to be published in *Gazette*

The Returning Officer at such poll shall immediately thereafter publish in the *Gazette* a notice of the number of votes recorded for and against the proposal, and in such notice shall declare the proposal to be carried or rejected, as the case may be; and if the proposal is carried such notice thereof so published in the *Gazette* shall be conclusive evidence of the assent of the electors, and that all proceedings and things under this Act in relation thereto have been lawfully taken and done.

Schedule 1

ALL that parcel of land, containing 4 acres 3 roods 34 poles, more or less, situated in Glenkenich District, being part of Section 62, Block XIII, on the map of the said district, and being part of the land comprised and described in certificate of title, Register-book, Volume 48, folio 164, Otago Registry District: bounded as follows—towards the north-east and south by other parts of said Section 62, 613.4 links, 715.9 links, and 746.2 links respectively; and towards the west by the main road-line intersecting said Section 62, and by part of the old road-line intersecting the said section, 27.8 links, 390 links, 215 links, and 163.3 links.

Schedule 2

ALL that parcel of land, containing 5 acres, more or less, situated in the Glenkenich District, being Section 63, Block XIII, on the public map of the said district, and being all the land comprised and described in certificate of title, Register-book, Volume 112, folio 142, Otago Registry.

Schedule 3

ALL that area of land in the Otago Land District, containing by ad-measurement 75 acres, more or less, being part of Section 62, Block XIII, Glenkenich Survey District, and being part of the land com-

prised and described in certificate of title, Register-book, Volume 48, folio 164, Otago Registry District: bounded towards the east by a public road which intersects the said Section 62, from the north-eastern corner of Section 17, for a distance of 2450 links (scaled); thence towards the north by a right line, 3630 links (scaled); thence towards the west by a right line, 2420 links (scaled), to a point on the northern boundary of Section 12, distant 190 links (scaled) from the north-western corner of that section; and thence towards the south by Sections 12, 13, 14, 15, 16, and 17, Block XIII aforesaid: excluding the Tapanui Pastoral and Agricultural Association's land, Section 65.