

# **New Plymouth Huatoki Stream Diversion and Exchange Act 1912**

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**An Act to enable the New Plymouth Borough Council to effect an Exchange of Lands.**

**Preamble.**

WHEREAS the whole of the lands described in the First Schedule hereto is believed to be the property of the Mayor, Councillors, and Burgesses of the Borough of New Plymouth (hereinafter styled the Corporation), and the whole of the lands described in the Second Schedule hereto is believed to be vested in Collett and Company (Limited), a private company duly incorporated under the provisions of the Companies Act, 1908, in fee-simple: And whereas the Corporation are desirous of improving Carrington Road and Courtenay Street, and have agreed with Collett and Company (Limited) for an exchange of the lands described in the First Schedule for the lands described in the Second Schedule: And whereas the Huatoki Stream was diverted over five years ago by the predecessor in title of Collett and Company (Limited) with a view of ultimately effecting the said exchange by mutual conveyances, but such exchange was not proceeded with owing to the parties being advised that the same could not safely be effected without the authority of an Act of Parliament: And whereas doubts have arisen as to the title of the parties to such portions of the land described in the First, Second, Third, and Fourth Schedules as originally formed part of the bed of the Huatoki Stream, and it is desirable to remove such doubts:

**Be it 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 New Plymouth Huatoki Stream Diversion and Exchange Act, 1912.

**2 Land Transfer certificate to be issued to Corporation for lands in Second and Third Schedules, and to Collett and Company (Limited) for lands in First and Fourth Schedules.**

Upon the joint request in writing under the seal of the Corporation and of Collett and Company (Limited), and upon payment of the sum of one pound each, the District Land Registrar of the District of Taranaki shall make and issue to the Corporation a certificate of title under the Land Transfer Act, 1908, for the lands described in the Second Schedule and also in the Third Schedule, and to Collett and Company (Limited) a similar certificate of title for the lands described in the First Schedule and also in the Fourth Schedule.

**3 Corporation certificate to be expressed to be for purposes of public street.**

The certificate of title to the Corporation so to be made and issued as provided in the last preceding section shall be expressed to be made to the Corporation as and for the purposes of a public street.

**4 Certificate to Collett and Company (Limited) to be in ordinary form, and rights of public to be extinguished.**

The certificate of title so to be made and issued to Collett and Company (Limited), as provided in section two, shall be in the ordinary form of a certificate of title as if the land the subject of the same had never been or formed part of a public street or bed of a stream, the rights of the public (if any) therein being hereby absolutely extinguished.

**SCHEDULES**

**FIRST SCHEDULE**

**Corporation Land to be vested in Collett and Company (Limited).**

All that area in the Borough of New Plymouth, containing by admeasurement 4.4 perches, being part of Carrington Road and part of the original bed of the Huatoki Stream: bounded by lines commencing at a point on the north-eastern boundary of Section No. 941, distance 22 links from the north-eastern corner of that section; thence bearing  $102^{\circ} 19'$ , distance 71.2 links; bearing  $122^{\circ} 50'$ , distance 29.1 links; bearing  $257^{\circ} 52'$ , distance 15.3 links; bearing  $242^{\circ} 42' 40''$ , distance 61.6 links, to a point in line with the north-eastern boundary of Section No. 941; and thence bearing  $338^{\circ} 43'$ , distance 67 links, to the place of commencement.

Also all that area in the Borough of New Plymouth, containing by admeasurement 4.3 perches, being part of Carrington Road and part of the original bed of the Huatoki Stream: bounded by lines commencing at the intersection of the middle of the bed of the Huatoki Stream by the northern side of Vivian Street; thence bearing  $352^{\circ} 36'$ , distance 44.6 links; bearing  $9^{\circ} 39'$ , distance 77 links; bearing  $355^{\circ} 10'$ , distance 46.1 links; bearing  $167^{\circ} 46'$ , distance 44.9 links; bearing  $171^{\circ} 44'$ , distance 112.1 links; and bearing  $248^{\circ} 44' 32''$ , distance 31 links, to the place of commencement.

**SECOND SCHEDULE**

**Land belonging to Collett and Company (Limited) to be vested in the Corporation.**

All that area in the Borough of New Plymouth, containing by admeasurement 2.1 perches, being part of Section No. 941: bounded by lines commencing at the north-eastern corner of the said Section No. 941; thence along the north-eastern boundary of that section, bearing  $158^{\circ} 43'$ , distance 22 links; thence bearing  $259^{\circ} 10'$ , distance 122.5 links, to the southern side of Courtenay Street; and thence along the southern side of that street, bearing  $68^{\circ} 49'$ , distance 120.5 links, to the place of commencement.

Also all that area in the Borough of New Plymouth, containing by admeasurement 3.7 perches, being part of the original bed of the Huatoki Stream and part of Section No. 723: bounded by lines commencing at the easternmost corner of the area of 4.4 perches described in the first part of the First Schedule hereto; thence bearing  $77^{\circ} 52'$ ,

distance 30·6 links; bearing 132° 07', distance 69·2 links; bearing 146° 15', distance 56·7 links; bearing 161° 14', distance 50 links; bearing 332° 07', distance 50·5 links; bearing 316° 45', distance 55·9 links; bearing 308° 25', distance 51 links; and bearing 302° 50', distance 32 links, to the place of commencement.

### **THIRD SCHEDULE**

#### **Land (Part of the Original Bed of the Huatoki Stream) to be vested in the Corporation as a Street.**

All that area in the Borough of New Plymouth, containing by admeasurement 8 perches, being part of the original bed of the Huatoki Stream bounded by lines commencing at the easternmost corner of the area of 4·4 perches described in the first part of the First Schedule hereto; thence bearing 302° 50' to Carrington Road; thence north-easterly, south-easterly, and southerly along the south-eastern, south-western, and western boundaries of Carrington Road to the eastern boundary of the area described in the second part of the First Schedule hereto; thence along the eastern boundary of that area, and the north-eastern and northern boundaries of the area described in the second part of the Second Schedule hereto to the place of commencement.

### **FOURTH SCHEDULE**

#### **Land (Part of the Original Bed of the Huatoki Stream) to be vested in Collett and Company (Limited) absolutely.**

All that area in the Borough of New Plymouth, containing by admeasurement 1·9 perches, being part of the original bed of the Huatoki Stream: bounded by lines commencing at a point in the middle of the original bed of the Huatoki Stream, being the southernmost corner of the area described in the first part of the First Schedule hereto; thence along the south-eastern boundary of the aforesaid area, 61·6 links and 15·3 links; thence along the south-western boundary of the area described in the second part of the Second Schedule hereto, 26 links; thence along the north-western boundaries of Sections Nos. 723 and 722 to a point in line with the north-eastern boundary of Section No. 941; and thence bearing 338° 43', distance 14 links, to the place of commencement.

Also all that area in the Borough of New Plymouth, containing by admeasurement 5 perches, being part of the original bed of the Huatoki Stream: bounded by lines commencing at the southernmost corner of the area of 4·3 perches described in the second part of the First Schedule hereto; thence along the north-western side of Vivian Street to Section No. 723; thence along the eastern boundary of that section to the south-western boundary of the area described in the second part of the Second Schedule hereto; thence along the south-western boundary of the aforesaid area, and the western and the north-western boundaries of the area described in the second part of the First Schedule hereto to the place of commencement.