

Napier Borough Endowments Amendment Act 1999

Local Act 1999 No 3
Date of assent 8 September 1999

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An act to amend the Napier Borough Endowments Act 1876 and to empower the Napier City Council to sell and lease land vested in it pursuant to that Act

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title

This Act may be cited as the Napier Borough Endowments Amendment Act 1999, and is part of the Napier Borough Endowments Act 1876 (“the principal Act”).

2 Interpretation

The principal Act is amended by inserting, after section 1, the following section:

“1A

In this Act, unless the context otherwise requires, **Council** means the Napier City Council as constituted by clause 52 of the Local Government (Hawke’s Bay Region) Reorganisation Order 1989 (*Gazette*, 1989, Volume III, page 2334).”

3 Power to lease

Section 4 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

“(2) May lease the land in accordance with the Public Bodies Leases Act 1969.”

4 Certain land may be sold

The principal Act is amended by inserting, after section 4, the following section:

“4A

(1) This section applies to any land described in Schedule 3 that is vested in the Council.

“(2) Subsections (1) to (7) of section 230 of the Local Government Act 1974 apply to any land to which this section applies.

“(3) For so long as—

“(a) Any land to which this section applies is leased by the Council; and

“(b) There is erected on it a building that, in the opinion of the Council (whose decision is final) is designed for residential purposes and occupied exclusively as a home by the lessee and the lessee’s family (if any),—

the Council must not sell the land to any person other than the lessee.

“(4) A lessee from the Council of any land to which this section applies who buys it from the Council must, at the lessee’s own cost and to the Council’s satisfaction, ar-

range for the registration of the effective merger of the leasehold interest in the fee simple of the land, or otherwise for the effective extinguishment of the leasehold interest.

“(5) Subsection (2)—

“(a) Is subject to subsection (3); but

“(b) Overrides section 230(8) of the Local Government Act 1974.”

5 New Schedule 3 added

The principal Act is amended by adding Schedule 3 set out in the Schedule.

6 Repeal of spent provisions

The following enactments are repealed:

- (a) Section 63 of the Hawkes Bay Earthquake Act 1931:
- (b) Section 18 of the Local Legislation Act 1942:
- (c) Section 14 of the Reserves and Other Lands Disposal Act 1955.

Schedule

section 5

New Schedule 3 of principal Act

Schedule 3

Section 4A(1)

Legal Description	Area m2	Certifi- cate of Title Ref- erence (Hawke’s Bay Registry)	Street Address
1. Lots 1 and 2, Deposited Plan 8884	1800	81/55 (Balance)	465 Hastings Street.

2. Lot 2, Deposited Plan 22967	6537	P3/823 (All)	Council Flats between Carlyle and Thackeray Streets.
3. Lot 1, Deeds Plan 960	344	58/162 (All)	512 Hastings Street.
4. Lot 2, Deeds Plan 960	287	58/163 (All)	439 Marine Parade.
5. Lots 3 and 4 of a Subdivision of Town Section 533, Town of Napier	1264	58/164 (All)	514 Hastings Street.
6. Lot 1, Deposited Plan 20159	324	L4/1143 (All)	510 Hastings Street.
7. Lot 2, Deposited Plan 20159	313	L4/1144 (All)	435 Marine Parade.
8. Part Town Section 576, Town of Napier (SO 10312) being Lots 1, 2, and 3, and part Lots 4, 5, 6, and 13, Deposited Plan 4182	2098	L2/977 (All)	56 McGrath Street.
		L2/978 (All)	54 McGrath Street.
		L2/979 (All)	52 McGrath Street
		L2/980 (Part)	50 McGrath Street.
		L2/981 (Part)	48 McGrath Street.
		L2/982 (Part)	46 McGrath Street.
