

Otago Harbour Board Empowering Act 1913

Local Act 1913 No 8
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Contents

	Page
Title	1
Preamble	2
1 Short Title	2
2 Interpretation	2
3 Rate of interest on loans	2
4 Acquisition of lands	3
5 Land in Schedule 1	3
6 Powers of local authority under Public Works Act, and assessment of compensation	3
7 Payment of purchase and compensation moneys	3
8 Validation of acts	4
9 Dedication of street	4
10 Street-closure	4
11 Power to acquire and sell additional land	4
12 Leasing-powers	5
13 Limitation of powers of Act	5
14 Investment of trust fund <i>[Repealed]</i>	5
15 Other powers not affected	5
16 Special Act	6
Schedule 1	6
Schedule 2	7

An Act to vest Further Powers in the Otago Harbour Board.

Preamble

WHEREAS the parcel of land described in Schedule 2 hereto is required by the Otago Harbour Board in connection with the widening of Rattray Street Wharf, belonging to the said Board, and for the purpose of erecting storage-sheds on the said land, and for other purposes of the said Board: And whereas doubts have arisen as to whether all or some part of the said parcel of land forms part of the public street called Rattray Street, in the City of Dunedin: And whereas the said Board does not admit that any part of the said piece of land forms part of the said street, and claims that such land is the property of the said Board, but in order to enable the said wharf-widening and other purposes as aforesaid to be effected, and to set such doubts at rest, the said Board is desirous of acquiring the parcels of land described in Schedule 1 hereto and of dedicating the same as a public street in lieu of the parcel of land described in the said Schedule 2: And whereas the said Board has already acquired part of the lands described in the said Schedule 1: And whereas it is expedient to vest in the said Board the powers hereinafter contained in respect of the matters aforesaid and other matters:

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 Otago Harbour Board Empowering Act 1913.

2 Interpretation

In this Act **the Board** means the Otago Harbour Board.

3 Rate of interest on loans

It shall be lawful for the Board, notwithstanding any provision to the contrary contained in any other Act, to borrow any sums of money heretofore authorized to be borrowed and not borrowed in pursuance of such authority on such terms as will produce to the lender a rate of interest not exceeding five dollars fifty cents per centum per annum.

The words “five dollars fifty cents” were substituted, as from 10 July 1967, for the words “five and a half pounds” pursuant to section 7(2) Decimal Currency Act 1964 (1964 No 27).

4 Acquisition of lands

The Board may acquire by purchase, lease, or otherwise, or take under the provisions of the Public Works Act 1981, any land, buildings, or easement, or any interest therein, for any of the purposes of this Act.

A reference to the Public Works Act 1928 was substituted, as from 6 October 1928, for a reference to the Public Works Act 1908 pursuant to section 346 Public Works Act 1928 (1928 No 21). That reference was in turn substituted, as from 1 February 1982, by a reference to the Public Works Act 1981 pursuant to section 248(1) Public Works Act 1981 (1981 No 35).

5 Land in Schedule 1

In particular, the Board may acquire or take in manner in the last preceding section mentioned all or any part of the parcels of land described or referred to in Schedule 1 hereto.

6 Powers of local authority under Public Works Act, and assessment of compensation

For the purposes of the two last preceding sections the Board shall have all the powers of a local authority under the Public Works Act 1981, and the compensation payable for any land, buildings, or easement, or any interest therein taken by the Board, shall be assessed under that Act.

A reference to the Public Works Act 1928 was substituted, as from 6 October 1928, for a reference to the Public Works Act 1908 pursuant to section 346 Public Works Act 1928 (1928 No 21). That reference was That Act was in turn substituted, as from 1 February 1982, by a reference to the Public Works Act 1981 pursuant to section 248(1) Public Works Act 1981 (1981 No 35).

7 Payment of purchase and compensation moneys

All moneys payable by the Board for any land, buildings, or easement, or interest therein acquired or taken by the Board in pursuance of this Act, may be paid out of the Harbour Fund, or out of any moneys borrowed or to be borrowed by the Board under the authority of any Act of the General Assembly of New Zealand.

8 Validation of acts

All contracts, conveyances, transfers, and other assurances, proceedings, and acts already entered into, executed, and done respectively for or in relation to the vesting in the Board of any part of the respective parcels of land described in the said Schedule 1, and all payments made in connection therewith, are hereby validated.

9 Dedication of street

The Board, at any time after it has acquired or taken the lands mentioned in section five hereof, may dedicate the same to the use of the public as a public street. Such dedication may be effected by instrument in writing under the seal of the Board, which shall be deposited in the Lands Registry Office, at Dunedin; and from and after the deposit of such instrument as aforesaid the land so dedicated shall be and become a public street within the meaning of the Local Government Act 1974, and form part of Rattray Street.

A reference to the Municipal Corporations Act 1920 was substituted, as from 1 April 1921, for a reference to the Municipal Corporations Act 1908 pursuant to section 385(1) Municipal Corporations Act 1920 (1920 No 48). That reference was in turn substituted, as from 20 December 1933, by a reference to the Municipal Corporations Act 1933 pursuant to section 393(1) Municipal Corporations Act 1933 (1933 No 30). That reference was in turn substituted, as from 1 April 1955, by a reference to the Municipal Corporations Act 1954 pursuant to section 413 Municipal Corporations Act 1954 (1954 No 76). That reference was in turn substituted, as from 1 April 1980, by a reference to the Local Government Act 1974 pursuant to section 9(1) Local Government Amendment Act 1979 (1979 No 59).

10 Street-closure

From and after the deposit of the instrument of dedication referred to in section nine hereof the parcel of land described or referred to in the said Schedule 2 shall cease to be a public street, and shall vest in the Board for an estate in fee-simple free from any right of way or other rights over or in respect of the same.

11 Power to acquire and sell additional land

If and whenever the Board determines to acquire or take lands for or in connection with any purpose expressly or impliedly

authorized by this or any other Act, including the dedication authorized by section nine hereof, the Board may acquire or take more land than is required for such purpose, and may at any time afterwards sell any such land not required for such purpose on such terms and in such manner as the Board shall think fit.

12 Leasing-powers

Notwithstanding anything to the contrary contained in the Public Bodies Leaseholds Act 1886, it shall be lawful for the Board to lease lands vested in it for a term not exceeding twenty-one years without right of renewal, and it shall not be necessary to insert in such a lease any of the provisions set forth in the Schedule to the said Act.

13 Limitation of powers of Act

Notwithstanding anything to the contrary in this Act contained, the powers and authorities expressed by this Act and the exercise thereof shall be subject to the terms, stipulations, and conditions contained in any deed or contract already or hereafter entered into between the Board and the Mayor, Councillors, and Citizens of the City of Dunedin with reference to the construction, doing, and maintenance of the works, matters, and things hereby authorized, and all such terms, stipulations, and conditions shall be faithfully observed and performed by the Board.

14 Investment of trust fund

[Repealed]

This section was repealed, as from 1 January 1957, by section 89(1) Trustee Act 1956 (1956 No 61).

15 Other powers not affected

Nothing herein contained shall affect or prejudice any of the powers of the Board under or by virtue of the Harbours Act 1950, or any other Act.

A reference to the Harbours Act 1923 was substituted, as from 1 January 1924, for a reference to the Harbours Act 1908 pursuant to section 259(1) Harbours Act 1923 (1923 No 40). That reference was in turn substituted, as from 15

October 1950, by a reference to the Harbours Act 1950 pursuant to section 269(1) Harbours Act 1950 (1950 No 34).

16 Special Act

This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950.

A reference to the Harbours Act 1923 was substituted, as from 1 January 1924, for a reference to the Harbours Act 1908 pursuant to section 259(1) Harbours Act 1923 (1923 No 40). That reference was in turn substituted, as from 15 October 1950, by a reference to the Harbours Act 1950 pursuant to section 269(1) Harbours Act 1950 (1950 No 34).

Schedule 1

ALL that parcel of land in the Otago Land District, containing by admeasurement 32.38 perches, being part of Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12, Block XLVII, City of Dunedin, and comprised within the following boundary-lines: Commencing at a point distant 54.21 links south and 358.54 links east of base stone at intersection of Thomas Burns and Rattray Streets, and extending from the point of commencement by a line running in an east-southerly direction, bearing $111^{\circ} 38' 42''$, for a distance of 53.5 links; thence by a line running in an east-northerly direction, bearing $86^{\circ} 0' 42''$, for a distance of 553.6 links, by portion of Rattray Street; thence by a line running in a north-westerly direction, bearing $355^{\circ} 15' 42''$, for a distance of 42.02 links, by portion of Fish Street; thence by lines running in west-southerly direction, bearing $264^{\circ} 46' 42''$, for a distance of 404.15 links, and bearing $263^{\circ} 3' 50''$, for a distance of 197.5 links, by part of Sections 12, 11, 10, 9, 8, 7, 6, 5, and 4, Block XLVII, City of Dunedin, back to the commencement-point: be all the aforesaid linkages and area a little more or less.

Also all that parcel of land in the Otago Land District, containing by admeasurement 1 rood 15.05 perches, being part of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, Block XLVIII, City of Dunedin, and comprised within the boundary-lines following: Commencing at a point distant 15.52 links north and 1056.67 links east of base stone at intersection of Thomas Burns and Rattray Streets, and extending from the point of commencement by a line running in a south-easterly direction, bearing $175^{\circ} 15' 42''$, for a distance of 41.56 links, by

portion of Fish Street; thence by a line running in an east-northerly direction, bearing $84^{\circ} 30' 42''$, for a distance of 870.8 links, by portion of Rattray Street; thence by a line running in a north-westerly direction, bearing $354^{\circ} 30' 42''$, for a distance of 37.5 links, by portion of Tewsley Street; thence by a line running in a west-southerly direction, bearing $264^{\circ} 46' 42''$, for a distance of 870.25 links, by part of Sections 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, and 1, Block XLVIII, City of Dunedin, back to the commencement-point: be all the aforesaid linkages and area a little more or less.

Schedule 2

ALL that parcel of land in the Otago Land District, containing by admeasurement 1 acre and 32.2 perches, and comprised within the following boundary-lines: Commencing at a point distant 160.2 links south and 320.3 links east of base stone at intersection of Thomas Burns and Rattray Streets, and extending from the point of commencement by a line running in a south-westerly direction, bearing $201^{\circ} 38' 42''$, for a distance of 21.04 links, by portion of Wharf Street; thence by a line running in an east-southerly direction, bearing $111^{\circ} 38' 42''$, for a distance of 80.26 links; thence by a line running in an east-northerly direction, bearing $86^{\circ} 0' 42''$, for a distance of 585.6 links, and bearing $84^{\circ} 30' 42''$, for a distance of 1072.5 links, by portion of Rattray Street Wharf; thence by a line running in a north-westerly direction, bearing $354^{\circ} 30' 42''$, for a distance of 70.04 links, by land belonging to the Otago Harbour Board; thence by lines running in a west-southerly direction as follows—bearing $264^{\circ} 46' 42''$, distance 1473.37 links; bearing $263^{\circ} 3' 50''$, distance 246.5 links—by portion of Rattray Street back to the commencement-point: be all the aforesaid linkages and area a little more or less.