

Timaru Harbour Board Act 1876 Amendment Act 1881

Local Act 1881 No 12
Date of assent 19 September 1881

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An Act relating to certain Reserves vested in the Timaru Harbour Board.

Preamble

WHEREAS by the thirty-seventh section of The Timaru Harbour Board Act 1876 *[Repealed]*, the lands mentioned in the Schedule to

such Act were vested in the Timaru Harbour Board for an estate in fee-simple: And whereas it is desired to more clearly define the lands intended to be thereby vested in the said Board, and also to provide for the vesting in the Board of all lands which by the action of the sea are reclaimed from the sea and abut on the said lands, and also to reserve to the Governor the powers hereinafter reserved:

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

The Short Title of this Act is The Timaru Harbour Board Act 1876 Amendment Act 1881.

2 Lands in Schedule vested in the Board

The lands more particularly described in the Schedule hereto shall, without any conveyance or assurance, vest in the Timaru Harbour Board (hereinafter called “the said Board”,) for an estate in fee-simple, subject to all the provisions of The Harbours Act 1878, relating to lands vested in Harbour Boards.

3 Lands reclaimed by the action of the sea to be vested in the Board

Any lands to the seaward of the lands described in the said Schedule, which by the action of the sea are reclaimed from the sea, and situated above low-water mark from time to time, shall also, from the time of the same being reclaimed as afore-said, be vested in the said Board for an estate in fee-simple.

4 Land comprised in Schedule to The Timaru Harbour Board Act 1876 [Repealed], and not comprised in Schedule to this Act, to vest in the Queen

Any lands which were comprised in the description set forth in the Schedule to The Timaru Harbour Board Act 1876 [Repealed], and are not comprised in the description set forth in the Schedule to this Act, shall be deemed to be absolutely

vested in Her Majesty the Queen, her successors and assigns, for railway purposes.

- 5 Governor may at all times enter upon the lands referred to**
The Governor may, on behalf of Her Majesty the Queen, at all times and from time to time, enter upon the lands referred to in the second and third sections hereof, and take therefrom any earth, stone, or other material above the level of the formation of the railway line contiguous thereto, or may erect thereon any protective or other works needful, necessary, or expedient for protection from damage by the sea of the railway now or hereafter to be laid on the lands abutting the said lands.

- 6 Compensation not to be paid to Board in respect of any lands so taken**
No compensation shall be paid to the said Board in respect of any action taken in pursuance of the powers conferred by this Act.

Schedule

All the land situated between the present low-water mark and a boundary-line defined as follows, that is to say: Commencing at high-water mark in the stream which flows from the Waimataitai Lagoon, and thence following along high-water mark to the seaward extremity of the dividing-line between Rural Section 1298 and Reserve No 884 (in red); thence along the seaward boundary-line of the said reserve to the south-eastern corner thereof; thence by a straight line, in a south-easterly direction, to a point opposite 104 miles 78 chains on the railway mileage, and 110 feet distant seaward from the centre-line of the railway; thence in a straight line to a point opposite 105 miles 6 chains, and 60 feet distant seaward from the said centre-line; thence in a straight line to a point opposite 105 miles 12 chains, and 55 feet seaward from the said centre-line; thence in a straight line to a point in the front line of the masonry abutment wall, at the south end of Whale's Creek Viaduct, produced seaward, and 44 feet from the centre-line of the railway; thence in a straight line to a point opposite 105 miles 20 chains, and 47 feet distant seaward

from the centre-line aforesaid; thence in a straight line to a point opposite 105 miles 25 chains, and 50 feet distant seaward from the said centre-line; thence in a straight line to a point opposite 105 miles 29 chains, and 48 feet distant seaward from the said centre-line; thence in a straight line to a point opposite 105 miles 32 chains, and 46 feet distant seaward from the said centre-line; thence in a straight line to a point opposite 105 miles 35 chains, and 44 feet distant seaward from the said centre-line; thence in a straight line to a point opposite 105 miles 38 chains, and 42 feet distant seaward from the said centre-line; thence in a straight line to a point opposite 105 miles 40 chains, and 40 feet distant seaward from the said centre-line; thence in a straight line to a point opposite 105 miles 43 chains, and 38 feet distant seaward from the said centre-line; thence in a straight line to a point opposite 105 miles 45 chains, and 53 feet distant seaward from the said centre-line; thence in a straight line to a point in the northern boundary of the land vested in the Timaru Harbour Board by The Timaru Harbour Board Endowment Act 1878, and 105 feet distant in a straight line from the south-eastern corner of Section 110; thence in a straight line to a point in the south-eastern side-line of the breakwater, and 51 feet distant seaward from the seaward face of the retaining wall at the shore end of the breakwater; thence running in a north-easterly direction, along the south-eastern side-line of the breakwater, a distance of 178 feet; thence by a straight line running in a south-easterly direction to a point in the north boundary-line of Section 9, abutting on George Street, produced seaward, and distant 615 feet or thereabouts eastward from the north-west corner of Section 9 aforesaid; thence by a straight line running south-easterly and parallel to the east side of the Great North Road, and distant 614 feet therefrom, to the point of its intersection with a line parallel to and 462 feet distant from the east sideline of High Street, where it passes the Market Place; thence southerly, by the last-mentioned line, to the point of its intersection with a line parallel to and 429 feet distant from the east side of that part of High Street which lies between Queen Street and the Market Place; thence along the line last above mentioned to the point of its intersection with the north side-line of Queen Street, produced; and thence in a straight line to the northern extremity of the dividing-line between Sections 100 and 101 on the Cliff Road Reserve: as the same is more particularly delineated by a red line upon the plans marked MD 504 and 509, deposited in

the office of the Minister for Public Works, at Wellington, in the Provincial District of Wellington.