

New Zealand.

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1885, No. 19.—*Local.*

AN ACT to empower the Corporation of the Mayor, Councillors, and Citizens of the City of Dunedin to grant Building Leases of the Land situate within the said City, originally reserved and now vested in the said Corporation for the purpose of a Cattle Market, and also of other adjacent Lands. Title.
[14th September, 1885.]

WHEREAS by virtue of a certain certificate of title bearing date on or about the thirteenth day of June, one thousand eight hundred and eighty-five, Register-book volume seventy-five, folio two hundred and nineteen, under the hand of Hanson Turton, the District Land Registrar of the District of Otago, the lands described in the First Schedule hereto are now vested in the Corporation of the Mayor, Councillors, and citizens of the City of Dunedin, for an estate in fee-simple in trust for the purposes of a cattle market for the City of Dunedin and its inhabitants: And whereas it has been found that the said lands are unsuitable for the purpose of a cattle market; and it is expedient to change the purpose for which the said lands are now held by the said Corporation by empowering that body to grant building leases thereof, and to apply all rents derived therefrom in or towards the planting, improvement, and ornamentation of the Town Belt of Dunedin, and of all or any other lands in the said city reserved for the purpose of public recreation: And whereas the piece of land described in the Second Schedule hereto was originally reserved for the purpose of a public roadway or street of the width of one hundred links, and is now vested in the said Corporation for that purpose by virtue of "The Municipal Corporations Act, 1876:" And whereas the gradient of the said public roadway or street having been found too steep, the Council of the City of Dunedin have laid out and dedicated to the use of the public a new line of roadway or street of the Preamble.

width of one hundred links in lieu of the said public roadway or street so reserved as aforesaid: And whereas the said new line of road or street comprises the piece of land described in the Third Schedule hereto: And whereas the said two lines of roadway intersect each other, and each of them comprises a portion of land common to both: And whereas it is expedient to empower the said Corporation to grant building leases of the said piece of land described in the said Second Schedule hereto, save and except the said portion thereof which forms part of the said roadway or street described in the said Third Schedule hereto, and to apply the rents derived therefrom in the improvement of the said town belt and such other lands as aforesaid:

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

Short Title.

1. The Short Title of this Act is “The Dunedin Cattle-market Reserve Leasing Act, 1885.”

Interpretation.

2. In this Act, if not inconsistent with the context,—

“The Corporation” means the Corporation of the Mayor, Councillors, and citizens of the City of Dunedin.

“The Council” means the Council of the City of Dunedin.

“The said lands” mean and include all the lands described in the said First Schedule hereto; and also all the land described in the said Second Schedule hereto, save and except the said portion of the last-mentioned land which forms part of the said roadway described in the said Third Schedule hereto.

Power to grant building leases.

3. It shall be lawful for the Corporation from time to time to lease the said lands, or any part or parts thereof, for building purposes by public auction, at an upset rental to be fixed by the Council, for any term of years not exceeding twenty-one years, to take immediate effect in possession, and such leases (hereinafter called “original leases”) may, in addition to all such covenants, agreements, conditions, and provisions as are usual in such leases, at the option of the Council, contain provisions to the following effect, that is to say: That three months previous to the expiration of the respective terms of such original leases two separate valuations shall be made by three indifferent persons to be appointed in writing as follows: One by the said Corporation, one by the lessee, his executors, administrators, or assigns, and the third by the two valuers to be appointed as aforesaid; that the decision of such three valuers, or any two of them, shall be binding on all parties; that one of such valuations shall be made of all the buildings and improvements then on the land demised, and the other of the fair annual ground-rent of the said lands only, without any building or improvements, for a further term not exceeding twenty-one years from the expiration of the term granted by such original lease as aforesaid; that before the expiration of such original lease a new lease of the said land and premises for a further term not exceeding twenty-one years, containing similar covenants and provisions to those contained in such original lease as aforesaid, shall be put up to public auction at the upset price of the annual rent of the said land so valued as aforesaid, without buildings and improvements,

subject to the payment by the purchaser of the value of the said buildings and improvements so fixed by the valutors as aforesaid; that in the event of any person or persons other than the original lessee, his executors, administrators, or assigns becoming entitled to such new lease, such person or persons shall forthwith pay in cash to the said Corporation, for the benefit of the original lessee, his executors, administrators, or assigns, the amount of the value of the buildings and improvements so fixed as aforesaid, and that the said Corporation shall pay over to the said original lessee, his executors, administrators, or assigns the amount so paid to them by the purchaser of such new lease without any deduction whatsoever: Provided that the said original lessee, his executors, administrators, or assigns shall have previously paid all rent and other charges payable under the original lease.

4. All rents reserved by any and every lease granted by the Corporation under the authority of this Act shall from time to time as, and when the same shall be received by or on behalf of the Corporation, be paid into such bank as the Council shall appoint or direct to the credit of an account to be called "The Dunedin Town Belt and Recreation Reserves Improvement Account" (hereinafter referred to as "the said account"), anything in "The Municipal Corporations Act, 1876," or any Act amending the same to the contrary notwithstanding.

Rents to be deposited to special account at bank.

5. The provisions contained in sections one hundred and twenty-six to one hundred and thirty-eight inclusive of "The Municipal Corporations Act, 1876," so far as they are applicable, shall apply to the said account in the same manner as if such account were a "separate account" within the meaning of that Act.

Sections 126 to 138 of "The Municipal Corporations Act, 1876," to apply.

6. All moneys belonging to the said account shall be held in trust by the Corporation for the purpose of being expended in such sum or sums, and in such manner in all respects as the Council shall from time to time determine, in or towards the planting, improvement, and ornamentation of the Town Belt of Dunedin, and of all or any other lands in the said city reserved for the purpose of public recreation.

How money to be expended.

7. The Council may from time to time invest the whole or any part of the moneys standing to the credit of the said account in such securities as they may direct or approve of, and the Council may at any time sell and convert any such securities into money, provided that all interest accruing from such securities, and all moneys arising out of the sale thereof, shall be duly paid into the said account.

Moneys may be invested.

8. If any person into whose hands any portion of the moneys mentioned in sections four and seven shall at any time come fails to pay the same into the said account forthwith, or if any Councillor or officer of the Council shall at any time directly or indirectly consent to, or in any way authorize or sanction the payment or expenditure of, the whole or any portion of the moneys standing to the credit of the said account for any purpose other than the purposes hereinbefore mentioned, he shall be liable to be sued in any Court of competent jurisdiction, or if there shall be more than one such person, then they shall be liable to be sued jointly or severally, by any individual member of the Corporation, for any moneys which he or they

Penalty for non-compliance.

shall have so failed to pay into the said account, or the payment or expenditure of which, contrary to the provisions of this Act, he or they shall have so consented to or in any way authorized or sanctioned, together with a penalty not exceeding one hundred pounds and all costs of the proceedings.

How amount
recovered to be paid.

9. The amount recovered by a judgment in any such action as aforesaid, less the sum awarded by way of penalty and costs, shall be paid by the defendant or defendants into the said account, and the residue of the amount so recovered shall be paid to the plaintiff, and unless and until such payments shall be duly made such judgment shall not be deemed to be satisfied.

In case money paid
under *feri facias* or
distress warrant.

10. In case the moneys recovered by a judgment in any such action be paid under a writ of *feri facias* or a distress warrant, the Sheriff or other officer of the Court receiving the same shall thereupon in the first place pay to the plaintiff the amount awarded as costs in the action; and, secondly, shall pay in to the credit of the said account the moneys which should have been paid by the defendant into, or which shall have been so improperly paid or expended from, the said account as aforesaid; and, lastly, shall pay to the plaintiff any balance remaining after making such payments as aforesaid.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL those parcels of land in the Provincial District of Otago and Colony of New Zealand, situate in the City of Dunedin, and containing in the whole by admeasurement nine (9) acres one (1) rood and twelve (12) poles, more or less, being lands reserved for a cattle market, as shown on the record map of the said city, and bounded and admeasured as follows, viz. :—

PIECE No. 1.—All that parcel of land being the southern portion of the said lands reserved for a cattle market, containing by admeasurement four (4) acres two (2) roods and twenty-eight (28) poles, more or less. Bounded towards the North by a street-line, one thousand (1000) links; towards the North-east by Alva Street, one hundred and eighty-five (185) links; towards the South-east by Sections numbered respectively 1, 2, and 3, Block II., City of Dunedin, three hundred (300) links; again towards the North-east again by said Section numbered 1, two hundred and fifty (250) links; towards the South by the Town Belt of Dunedin, eight hundred and seventy-five (875) links; and towards the West by the said town belt, five hundred (500) links: save and except a road-line one hundred (100) links wide, being a continuation of the road through the town belt from Mornington; also a road-line, one hundred (100) links wide, being a continuation of the main drive through the town belt.

PIECE No. 2.—All that parcel of land being the north-western portion of the said lands, reserved for a cattle market, containing by admeasurement two (2) acres three (3) roods and thirty-two (32) poles, more or less. Bounded towards the North by the Town Belt of Dunedin, five hundred and ninety (590) links; towards the East by a street-line, five hundred (500) links; towards the South by a street-line, five hundred and ninety (590) links; and towards the West by the said town belt, five hundred (500) links; save and except a road-line one hundred (100) links wide, being a continuation of the main drive through the town belt; also a road-line, one hundred (100) links wide, being a continuation of the road through the town belt from Arthur Street.

PIECE No. 3.—All that parcel of land being the north-eastern portion of the said lands, reserved for a cattle market, containing by admeasurement one (1) acre two (2) roods and thirty-two (32) poles, more or less. Bounded towards the North by

the Town Belt of Dunedin, three hundred and forty (340) links; towards the East by the said town belt, five hundred (500) links; towards the South by a street-line, three hundred and forty (340) links; and towards the West by a street-line, five hundred (500) links: save and except a road-line one hundred (100) links wide, being a continuation of the road through the town belt from Arthur Street.

SECOND SCHEDULE.

All that parcel of land in the Provincial District of Otago and Colony of New Zealand, situate in the City of Dunedin, and containing by admeasurement two (2) roods, more or less, being a street-line lying between the north-eastern and north-western portions of the lands reserved for a cattle market, as shown on the record map of the said city. Bounded towards the East by the north-eastern portion of the said reserve, five hundred (500) links; towards the North by the town belt, one hundred (100) links; towards the West by the north-western portion of the said reserve, five hundred (500) links; and towards the South by a street-line, one hundred (100) links.

THIRD SCHEDULE.

All that parcel of land in the Provincial District of Otago and Colony of New Zealand, situate in the City of Dunedin, and containing by admeasurement two (2) roods fifteen (15) poles, more or less, being a road-line in continuation of the road through the town belt from Arthur-Street, and bounded and admeasured as follows: Commencing at a point on the northern boundary of the lands reserved for a cattle market, distant one hundred and ninety (190) links from the north-eastern angle of the said reserve; thence by a line in a south-westerly direction and bearing of $210^{\circ} 9'$, five hundred and ninety-three and six-tenths (593.6) links to a street-line; thence in a westerly direction and bearing of $267^{\circ} 32'$ along the said street-line, one hundred and eighteen and seven-tenths (118.7) links; thence in a north-easterly direction and bearing of $30^{\circ} 9'$, five hundred and ninety-three and six-tenths (593.6) links to the northern boundary of the said reserve; thence in an easterly direction and bearing of $87^{\circ} 32'$ along the said boundary, one hundred and eighteen and seven-tenths (118.7) links to the starting point.