

New Zealand.

ANALYSIS

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1928, No. 20.—Local and Personal.

AN ACT to enable the Napier Harbour Board and the Mayor, Councillors, and Burgesses of the Borough of Napier to raise the Level of a certain Area of Land owned by the Napier Harbour Board, and to authorize the said Corporation of the Borough of Napier to borrow Moneys for such Purpose. Title
[9th October, 1928.]

WHEREAS the Napier Harbour Board (hereinafter referred to as "the Board") is the owner of the area of land described in the First Schedule hereto, which land adjoins the Borough of Napier, and when the level of the same is raised and other works are carried out thereon will be suitable for residential and other urban purposes: And whereas owing to the congestion of population within the present limits of the said borough it has become urgently necessary that more land than that at present within such present limits should be rendered suitable for such purposes as aforesaid so as to permit of the expansion of the said borough: And whereas in order to render the area of land aforesaid suitable for the purposes aforesaid and to effect a mutual arrangement between the Board and the Corporation that the said land shall be raised as aforesaid it is proper and desirable that the Mayor, Councillors, and Burgesses of the Borough of Napier (hereinafter referred to as "the Corporation") should bear the cost of the raising of the said land to a level of twenty-five and one-half feet in terms of the Napier Borough Preamble.

datum, but subject to reimbursement to the extent and in the method to be agreed upon by the Board and the Corporation and to be specified in the agreement hereinafter mentioned :

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. This Act may be cited as the Napier Borough and Napier Harbour Board Enabling Act, 1928.

Powers of borough to raise certain lands, &c.

2. The Corporation is hereby authorized to expend a sufficient sum of money in the filling in and raising of the said land to a level of twenty-five and one-half feet in terms of the Napier Borough datum, and the construction of banks and works for the protection of the same, and the acquisition by purchase or otherwise of necessary machinery, plant, and material therefor (all of which objects, works, matters, and things are hereinafter referred to as "the said works").

Powers of borough to borrow.

3. For the purpose of carrying out the said works the Corporation is hereby authorized to raise by way of special loan under the Local Bodies' Loans Act, 1926, such sum or sums not exceeding in the aggregate the sum of thirty thousand pounds. The securities for all moneys borrowed under the authority of this Act shall rank *pari passu* as between themselves, although such moneys are borrowed at different times.

Method of carrying out works.

4. The said works or any of them may be carried out by the Corporation itself, or by contract between the Corporation and some other person, or the Corporation may authorize the Board to carry out the same at the cost of the Corporation.

Harbour Board and borough : power to enter into agreement.

5. The Corporation and the Board are hereby authorized to enter into, carry out, and perform such a mutual agreement the one with the other as they shall think fit with respect to the following purposes and matters :—

- (a) The carrying-out of the said works, and the extent and method of reimbursement of the Corporation with respect thereto by means of payment to the Corporation by the Board of an agreed proportion of the rentals of the said land :
- (b) The carrying-out of roading, sewerage, and subdivision of the said land, and the laying of water-mains to and in the said land :
- (c) Generally bringing the said land into a suitable condition for use and occupation :
- (d) The leasing of the said land by the Board :
- (e) The rating of the said land by the Corporation after the same shall become included in the Borough of Napier :
- (f) The respective portions of the cost to be borne by each party in the carrying-out of the said purposes and matters :
- (g) Any matters subsidiary or ancillary to the main purposes of the said agreement.

Inclusion of lands in borough.

6. (1) On the execution of the said agreement mentioned in section five hereof the said land, and also the area described in the Second Schedule hereto, shall *ipso facto* be excluded from the County of Hawke's Bay and be included in the Borough of Napier.

(2) Upon the execution of the agreement the Corporation shall forward a copy thereof and a description of the boundaries of the land added to the borough to the Minister of Internal Affairs for gazetting as required by the Municipal Corporations Act, 1920.

7. (1) The words "Reclamation, subdivision, and roading of fifty acres of endowment land as described in the Third Schedule hereto," occurring in the First Schedule to the Napier Harbour Board Empowering, Loan, and Constitution Amendment Act, 1927, are hereby repealed, and the words "Reclamation, roading, sewerage, and subdivision of ninety-two acres of endowment land as described in the Third Schedule hereto, and the laying of water-mains to and in the said land," are hereby substituted for the words so repealed.

Application of
Napier Harbour
Board Empowering,
Loan, and
Constitution
Amendment Act,
1927.

(2) The description of land contained in the Third Schedule to the last-mentioned Act is hereby repealed, and the description of land as set out in the First Schedule to this Act is hereby substituted for the description so repealed.

8. It shall be lawful for the Board to acquire by purchase from any lessee or sublessee of the said area of land described in the First Schedule hereto or any part thereof, whether or not including any other land of the Board, or from any lessee or sublessee of land of the Board upon which any flood protection bank in connection with the said works shall be constructed, a surrender or assignment of the lease, or sublease held by any such lessee or sublessee, upon such terms and conditions as to purchase price and otherwise as to the Board may seem fit; or the Board may acquire any such surrender or assignment in respect only of the portion of the said area included in the lease or sublease in cases where land outside the said area is also included therein, upon such terms and conditions as to purchase price, apportionment of rental, and other obligations, and otherwise as to the Board may seem fit.

Harbour Board's
powers with respect
to existing leases.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that piece or parcel of land situate in the Hawke's Bay Land District, being parts of the Napier Harbour Board's Ahuriri Lagoon and Te Whare-o-Maraenui Reserves, and containing 92 acres, more or less, and bounded as follows: commencing at a point on the south-eastern side of the Taradale-Napier Road intersected by the left bank of the Tutaekuri River; thence south-easterly by that bank of the said river about 49 chains to the north-western side of a dredged channel; thence south-westerly by that side of the said channel about $22\frac{1}{2}$ chains to the north-eastern side of the Maraenui Road; thence north-westerly by that side of the said road 4616.1 links to the south-eastern side of the aforesaid Taradale-Napier Road; and thence north-easterly by that side of the said road to the commencing-point.

SECOND SCHEDULE.

ALL that area within the following boundaries: starting at a point at the north-eastern corner of the land described in the First Schedule hereto; thence in a north-western direction following the north-eastern boundary of the said land to a point where the said boundary intersects the Taradale Road; thence east crossing the Tutaekuri River, along the southern boundary of the Taradale Road to a point being the south-western corner of the borough boundary; thence going in an easterly and southerly direction following the southern boundary of the borough to a point opposite the commencing-point; thence in a south-westerly direction, crossing the river, to the point of commencement.