

## New Zealand.



### ANALYSIS.

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### 1934, No. 4.—*Local and Personal.*

AN ACT to empower the Vesting in the Corporation of the Borough of Timaru of certain Land in the Borough of Timaru known as the Arcade.

Title.

[18th September, 1934.]

WHEREAS the Official Assignee in Bankruptcy of the property of David Mitchell Ross is registered as the proprietor of an estate in fee-simple in the land described in the Schedule hereto, subject to certain rights of way and other rights vested in the owners of adjoining land: And whereas the Corporation of the Borough of Timaru (hereinafter called the Corporation) is desirous of acquiring the said land for the purpose of preserving access and passage for the inhabitants of the said borough and for the general public between Stafford Street and Sophia Street in the said borough, safeguarding nevertheless the rights of way and other rights aforesaid, but has no authority at law so to acquire the said land: And whereas the said Official Assignee and all persons affected are desirous that the said land should be vested in the Corporation as aforesaid: And whereas

Preamble.

it is desirable that the said land should be so vested in the Corporation and be maintained wholly or partly out of the funds of the Corporation :

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 Timaru Borough Empowering Act, 1934.

Corporation empowered to have the land in Schedule vested in it for estate in fee-simple.

**2.** Notwithstanding anything contained in any Act, the Corporation is hereby empowered to have the land described in the Schedule hereto vested in it for an estate in fee-simple, but subject, nevertheless, to such rights of way and other rights as are now encumbrances on the said land.

Powers of Borough Council in regard to land when vested.

**3.** On the said land being vested in the Corporation, the Timaru Borough Council shall have the following rights and powers with respect to the said land, namely :—

- (a) To use the said land for the purpose of providing access and passage for the inhabitants of the said borough and for the general public between Stafford Street and Sophia Street in the said borough, subject to the said rights of way and other rights as aforesaid :
- (b) To expend moneys from time to time and at all times out of its District Fund in the improvement, maintenance, repair, and upkeep of the said land either solely or in conjunction with all or any of the adjoining owners :
- (c) To exercise from time to time all such other rights and powers over the said land as if it were vested in the Corporation for the purposes of a public street.

Validation of moneys spent by Corporation on land in Schedule.

**4.** The expenditure of all moneys heretofore made by the Corporation on the said land in maintaining the same or otherwise is hereby validated.

## SCHEDULE.

Schedule.

ALL that piece of land situated in the Borough of Timaru known as the Arcade, containing  $17\frac{1}{2}$  perches, more or less, being that piece of land shown as Right-of-way No. 1 on Deposit Plan 1110, being as to part a right-of-way for pedestrians only, and being the balance of the land comprised and described in certificate of title, Register-book Volume 166, folio 246, subject to rights of way over the same or parts thereof in favour of the owners and occupiers of Lots 1, 2, 4, 5, 6, 8, 9, and 11 on the said Deposit Plan 1110, as reserved in the said certificate of title and in favour of Lot 3 on the said Deposit Plan 1110 as reserved in memorandum of transfer registered number 42520, and subject also to the rights created in and by memorandum of transfer registered number 38806, to maintain the building over that part of the said land marked 4A on the said Deposit Plan 1110, and to use for such purpose as a party-wall the wall then erected and any wall to be erected in place thereof on that part of Lot 3 on the said Deposit Plan 1110 adjoining the said Lot 4A.

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