

Mr. Myers.

AUCKLAND CITY EMPOWERING.

[LOCAL BILL.]

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A BILL INTITULED

AN Act to enable the Mayor, Councillors, and Citizens of the City of Auckland to acquire and deal with certain Lands in the City of Auckland for the Purpose of providing a New Traffic Outlet for the said City, to grant certain Leases, to consolidate certain Loans, to erect or retain certain Buildings on the Auckland Domain, and to take over certain Streets; and to enable the Auckland Harbour Board and the Trustees of the Kauri Point Park Reserve to exchange certain Land.

10 WHEREAS the Mayor, Councillors, and Citizens of the City of Auckland (hereinafter called "the Council") is desirous of providing a new traffic outlet for the City of Auckland by way of Jermyn Street in the said city; and, for the purpose of enabling it more effectually to do so and to deal with certain lands proposed to be acquired in connection with such scheme, it is desirable that the Council should have the powers hereinafter appearing: And whereas, for the purpose of establishing an electric-power station for the said City of Auckland, the Council acquired certain leasehold interests belonging to J. J. Craig (Limited) in respect of which the said company lodged a claim for compensation against the Council: And whereas the Council has agreed (subject to empowering legislation) to grant to the said company leases of certain other lands in partial payment and satisfaction of such claim, and it is

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desirable that the Council should be empowered to grant the said leases: And whereas the Council is authorized to raise certain loans under the provisions of the Local Bodies' Loans Act, 1913, amounting in all to one hundred and thirty-seven thousand pounds, but such loans have been authorized at different times in small sums, and it is inexpedient for the Council to raise such loans separately as provided by the Local Bodies' Loans Act: And whereas the said loans have all been authorized on the same terms, and it is desirable that the Council should be empowered to consolidate the said loans and raise the said sum of one hundred and thirty-seven thousand pounds as one loan: And whereas certain buildings forming part of the Auckland Exhibition are standing on part of the Auckland Domain, and it is desirable that such buildings should be retained on the said domain either in their present position or in some other position: And whereas certain private streets in the City of Auckland are less than sixty-six feet wide, and it is desirable that the Council should be empowered to take over some of such private streets and make the same public streets: And whereas the Trustees of the Kauri Point Park Reserve near Auckland, of whom the Mayor of the City of Auckland is one, desire to exchange a portion of the said reserve for certain land belonging to the Auckland Harbour Board (hereinafter called "the Board"), and it is desirable that they should be empowered to do so:

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 Auckland City Empowering Act, 1914.

Certain land acquired for street purposes.

2. It shall be and shall be deemed to have been lawful for the Council to acquire as for a public work any land or any interest in land in the vicinity of Beach Road or Jermyn Street, in the City of Auckland, that it may consider necessary or advisable for the purpose of providing a new traffic outlet for the said city or widening or improving the said streets or either of them including particularly all lands mentioned and described in the *First* Schedule hereto.

Notices, &c., validated.

3. All notices given and steps taken by the Council for the purpose of or in connection with acquiring the said lands or any of them are hereby validated.

Streets to be laid out prior to being declared public streets.

4. No part of the said lands shall be or be deemed to be a public street or highway unless and until the same shall be laid out by the Council as such public street or highway, and it shall not be necessary for the Council, after acquiring the same, to close any portion of such lands as a street is required to be closed before dealing with the same under the powers hereinafter contained; and any existing street or part thereof not required by reason of the carrying-out of the said scheme may be closed by the Council by resolution without further proceedings.

Power to lease, sell, &c., certain lands.

5. As regards any part or parts of the said lands acquired by the Council hereunder and not laid out as a public street or highway and any streets closed hereunder, the Council shall have the following powers:—

(a.) Power to lease or otherwise deal with such lands in the same manner and to the same extent as if such lands were general or ordinary endowment lands of the Council.

(b.) Power to sell the said lands as a whole or in portions either for cash or on terms :

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Provided that the net proceeds of any such sale or sales shall, after payment of the cost of the whole of the works hereby authorized (including compensation for land taken), be first applied in or towards payment of interest or principal owing on the loan mentioned in section *six* hereof.

(c.) Power to exchange any of the said lands for any other lands or interest in lands required by the Council for the purposes of any public work, including the works mentioned herein, with power to pay or receive any money as equality of exchange.

(d.) Power, without submitting the same to public auction or public tender, to sell or grant leases of or easements over any portion or portions of the said land at such price or rent and upon such terms and conditions as the Council shall think fit in full or partial payment or settlement of any claim for compensation that may be made by any person in respect of the taking of any of the lands above mentioned or the exercise by the Council of any of its powers hereunder.

(e.) Power to do all things necessary or incidental to the full and efficient exercise of any of the aforesaid powers.

6. The Council is hereby authorized to raise by special order a special loan of not exceeding fifty thousand pounds for the purposes of and in connection with the said proposal, and all the provisions of the Local Bodies' Loans Act, 1913, shall, *mutatis mutandis*, apply to the raising of such loan.

Power to raise special loan of £50,000.

7. The powers hereby conferred are in addition to, and not in substitution for, any powers which the Council has under or by virtue of the Municipal Corporations Act, 1908, or the Public Works Act, 1908, or any other Act.

Powers hereby conferred in addition to powers under Municipal Corporations Act, 1908, and Public Works Act, 1908. Agreement with J. J. Craig (Limited).

8. An agreement made the twenty-fourth day of February, nineteen hundred and fourteen, between J. J. Craig (Limited) and the Council for the settlement of the claim for compensation by the said company against the Council (a copy of which agreement is set out in the *Second* Schedule hereto) is hereby validated, and the Council is hereby empowered to grant and execute all such leases and other documents as may be required to effectuate the said agreement.

9. The Council is hereby authorized and empowered, instead of raising the separate loans hereinafter mentioned, to raise as one loan a sum not exceeding one hundred and thirty-seven thousand pounds for the purposes hereinafter set out, and such loan may be raised under the provisions of the Local Bodies' Loans Act, 1913; and the provisions of the said Act shall, *mutatis mutandis*, apply to the raising of such loan in the same way as if the said sum had been authorized to be raised by the ratepayers as one loan. The

Council empowered to raise separate sums as one loan of £137,000.

said loan shall have a currency of twenty-one years from the date it is borrowed, and shall be secured on the general revenues of the City of Auckland, subject to the existing loans chargeable thereon; and the Council shall make provision for a sinking fund in respect of such loan of at least one-half per centum. 5

Purposes for which
loans raised.

10. The said loan shall be raised and applied for the purposes specified in the proposals for the various loans as follows:—

(a.) Loan of twenty-five thousand pounds, being four thousand pounds for extension and improvement of waterworks, two thousand five hundred pounds for the construction of swimming-baths, three thousand pounds for the payment of the late Parnell Borough Council's overdraft, fifteen thousand pounds for the formation and improvement of streets, and five hundred pounds for the improvement of parks, all within that part of the City of Auckland lately comprising the Borough of Parnell, and the payment of the cost of raising the loan (including a proportionate part of the cost of obtaining this Act and raising the consolidated loan) authorized by the ratepayers of that part of the City of Auckland formerly comprising the Borough of Parnell on the ninth day of July, nineteen hundred and thirteen. 10 15 20

(b.) Loan of eighty thousand pounds for the execution of drainage-works in the City of Auckland, including particularly the following:— 25

(i.) The connection of existing sewers in the City of Auckland to the main and branch sewers of the Auckland and Suburban Drainage Board.

(ii.) The reticulation of the low-level areas of the City of Auckland to the proposed various pumping-stations of the Auckland and Suburban Drainage Board. 30

(iii.) To make provision for relaying and renewing existing and defective sewers in the City of Auckland.

(iv.) The payment of the cost of raising the loan including a proportionate part of the cost of obtaining this Act and raising the consolidated loan) authorized by the ratepayers of the City of Auckland on the twenty-sixth day of March, nineteen hundred and fourteen. 35

(c.) Loan of fifteen thousand pounds for the acquisition and improvement of the late Mrs. Gillies' property, being subdivision A, B, and C, of Lot 5, and portions of Lots 1 and 4, Section 2, Suburbs of Auckland, containing nine and one-half acres, more or less, as a public park, and the payment of the cost of raising the loan (including a proportionate part of the cost of obtaining this Act and raising the consolidated loan) authorized by the ratepayers on the twenty-sixth day of March, nineteen hundred and fourteen. 40 45

(d.) Loan of thirteen thousand pounds for the erection of a municipal depot, including shops and offices, stores, sheds, house for stable-foreman, and stables, in the City of Auckland, and the payment of the cost of raising the 50

loan (including a proportionate part of the cost of obtaining this Act and raising the consolidated loan) authorized by the ratepayers on the twenty-sixth day of March, nineteen hundred and fourteen.

- 5 (e.) Loan of four thousand pounds for the extension of the Art Gallery in Coburg Street, in the City of Auckland, and the payment of the cost of raising the loan (including a proportionate part of the cost of obtaining this Act and raising the consolidated loan) authorized by the ratepayers on the twenty-sixth day of March, nineteen hundred and fourteen.

11. The said loan shall be known as, and may be raised under the name of, "The City of Auckland Consolidated Loan, nineteen hundred and fourteen."

The City of
Auckland
Consolidated
Loan, 1914.

- 15 12. Notwithstanding the provisions of the Auckland Domain Vesting Act, 1893, or any other Act, it shall be lawful for the Council to erect, equip, and maintain upon some part of the Auckland Domain, and either in the cricket-ground or the outer domain, a building for the purposes of a cadet drill-hall and company rooms and purposes incidental thereto.

Authority to erect a
cadet drill-hall, &c.

- 20 13. The Council may hire or let such building to any person or body for shows, exhibitions, meetings, and other purposes, and may make and, or, authorize any such person or body to make such charges for admission to or for the use of such building, or any part or parts thereof, as the Council shall deem proper; and the Council may prescribe and enforce the times and conditions when and subject to which any persons shall be allowed to enter or use the said building or any part or parts thereof:

Council may hire or
let building.

- 25 Provided that it shall not be lawful to make any charge for admission to the said building on more than thirty days in any year.

- 30 14. It shall be lawful for the Council at its discretion to allow to remain in its present position in the Auckland Domain the building known as the Exhibition Art Gallery upon the following conditions:—

Council may allow
Exhibition Art
Gallery to remain
in its present
position.

- 35 (a.) That the use of the said building is limited strictly to horticultural shows and purposes incidental thereto to which a charge for admission may be made on not more than eighteen days in any one year.

- 40 (b.) That the tenant or occupier of the building will remove the same from the Domain upon receiving thirty days' notice from the Council to do so.

- 45 (c.) The Council, or any horticultural society or association authorized by it, may prescribe and enforce the times when and the conditions under which any persons shall be allowed to enter or use the said building or any part or parts thereof.

- 50 15. The Council is hereby authorized to take over and declare to be public streets the private streets and ways herein mentioned upon such streets or ways respectively being formed or put into order to its satisfaction and upon the lodging of a certificate by the Council that any of such streets or ways have been so taken over by it in the office, at Auckland, of the Registrar of Deeds or the

Power to declare
certain private
streets public
streets.

District Land Registrar, as the case may be. The streets or ways mentioned in such certificate shall be and be deemed to be public streets and to be vested in the Council as such,—

- Brunswick Lane, west of No. 8 Napier Street ; width, seventeen feet. 5
- Beckham Place, between 133 and 135 Grafton Road ; width, sixty-six feet.
- Eccles' Avenue, between 70 and 80 Cook Street ; width, from thirty-five feet to forty-two feet.
- Grosvenor Lane, between 43 and 45 Hobson Street ; width, thirty-three feet. 10
- Hohipere Street, between 180 and 182 Symonds Street ; width, from twenty feet to thirty-three feet.
- Mackay Street, between 2 and 4 Sale Street ; width, forty feet. 15
- Madeira Place, runs from Khyber Pass Road to Grafton Road ; width, twenty-five feet.
- Hill Street, between 7 and 9 Liverpool Street ; width, from ten feet to twenty feet.
- Neil's Lane or Avenue, between 38 and 40 Grey Street ; width, twenty feet. 20
- Somerset Place, between 27 and 29 Howe Street ; width, from twenty-nine feet to thirty-one feet.
- Whitson Terrace, between 43A and 45 Howe Street ; width, from twenty-seven feet to thirty feet. 25
- Whitaker Place, south of No. 78 Symonds Street ; width, from twenty feet to fifty-five feet.
- Litchfield Street, Parnell.
- Granville Terrace, Parnell.
- Park Crescent, Parnell. 30
- Monmouth Street, through Mennie's Reserve to Nixon Street.
- Hadlow Terrace, off Great North Road ; width, from twenty feet to thirty-five feet.
- Scott Street, off continuation of Tole Street, Ponsonby ; width, forty feet. 35
- Clarence Street, continuation of Clarence Street, Ponsonby ; width, fifty feet.

Lands described in Third Schedule may be exchanged.

16. It shall be lawful for the Board and the Trustees of the land described in the *Third* Schedule hereto to agree for the exchange of the areas described in the *Third* and *Fourth* Schedules hereto upon such terms and conditions as to the Board and such Trustees shall seem proper, and thereupon all that area of land described in the *Third* Schedule hereto shall vest in the Board for an estate in fee-simple, and the District Land Registrar at Auckland shall issue a certificate of title therefor to the Board, and thereupon all that area of land described in the *Fourth* Schedule hereto shall vest in and be held by the Trustees of the land described in the *Third* Schedule hereto for an estate in fee-simple, to be held by such Trustees upon the trusts upon which the land described in the *Third* Schedule hereto has prior to the date of this Act been held ; and the said District Land Registrar shall issue a certificate of title therefor to the said Trustees. 40 45 50

SCHEDULES.

Schedules.

FIRST SCHEDULE.

Approximate Area of each of the Parcels required to be taken.	Number of Section or Part of Section.	Shown on Plan No. in Colour
A. R. P.		
0 0 4.5	Part of Allotment 1 of Section 8, City of Auckland ...	Red.
0 0 6.5	Part of Allotment 2 of Section 8, City of Auckland ...	Green.
0 0 8.4	Part of Allotment 3 of Section 8, City of Auckland ...	Blue.
0 0 34.5	Lot 1 of Allotment 4 of Section 8, City of Auckland ...	Yellow.
0 1 24.8	Allotment 5 of Section 8, City of Auckland ...	Purple.
0 2 15	Part of Allotments 7 and 8 of Section 8, City of Auckland	Blue.
0 0 16	Part of Allotment 8a of Section 8, City of Auckland ...	Yellow.
0 0 16	Part of Allotment 8a of Section 8, City of Auckland ...	Green.
0 0 36.6	Part of Allotment 9 of Section 8, City of Auckland ...	Blue.
0 0 7.4	Part of Allotment 10 of Section 8, City of Auckland ...	Purple.
0 1 38	Allotment 11 and part of 29 of Section 8, City of Auckland	Green.
0 1 37	Allotment 12 and part of 29 of Section 8, City of Auckland	Brown.
0 2 10	Allotments 13 and 28 of Section 8, City of Auckland	Yellow.
0 3 15	Part of Allotments 15 and Allotments 14 and 27 of Section 8, City of Auckland	Blue.
0 0 33	Part of Allotment 15 of Section 8, City of Auckland ...	Purple.
0 2 33.9	Part of Allotments 15 and 26 of Section 8, City of Auckland	Brown.
0 2 13	Allotments 16 and 25 of Section 8, City of Auckland ...	Green.
0 2 10	Allotments 17 and 24 of Section 8, City of Auckland ...	Red.
0 1 8	Lots 4, 5, and 6 of Allotments 18 and 23 of Section 8, City of Auckland	Brown.
0 0 37	Lots 1 and 2 of Allotment 18 of Section 8, City of Auckland	Yellow.
0 0 15	Lot 3 of Allotment 18 of Section 8, City of Auckland ...	Blue.
0 0 39	Part of Allotments 19 and 22 of Section 8, City of Auckland	Purple.
0 1 37	Part of Allotment 19 of Section 8, City of Auckland ...	Green.
0 2 13.5	Part of Lot 4 of Allotment 30, and Lots 1 to 5 of Allotments 20 and 21, of Section 8, City of Auckland	Brown.
0 1 36.5	Lots 1, 2, 3, and part of 4 of Allotment 30 of Section 8, City of Auckland	Red.
0 0 18	Part of Allotment 32 of Section 8, City of Auckland ...	Green.
0 0 5.7	Part of Allotments 33, 34, and 35 of Section 8, City of Auckland	Purple.
0 0 2.8	Part of Allotment 36 of Section 8, City of Auckland ...	Blue.
0 0 3.8	Part of Allotment 37 of Section 8, City of Auckland ...	Brown.
1 0 33	Allotment 1 of Section 12, City of Auckland ...	Red.
1 0 38	Allotments 2 and 3 of Section 12, City of Auckland ...	Green.
0 3 2	Allotment 4A of Section 12, City of Auckland ...	Brown.
0 0 9	Part Supreme Court site	Red.
0 0 0.5	Part of Allotment 4 of Section 12, City of Auckland ...	Yellow.
0 0 5.2	Part of Auckland Harbour Board Reserve, Section 8, City of Auckland	Red.

SECOND SCHEDULE.

MEMORANDUM of settlement of claim by J. J. Craig (Limited) against the Auckland City Council for compensation in respect of land taken and injuriously affected for the purpose of an electric-power station.

1. The City Council to pay the claimant three thousand pounds in cash within one month from this date upon the execution by the claimant of a proper release.

2. The Council to grant and the claimant to accept a lease of the triangular section on the south side of the proposed extension of Quay Street as shown on the attached plan to the claimant for a period of sixty-six years from the date when the term of the lease thereof to the Council from the Auckland Harbour Board commences free of rental. No compensation for buildings erected will be paid at the end of the term.

3. The rectangular forty-one foot section shown on the annexed plan is to be leased to the claimant for twenty-three years from the first day of March, 1914, free of rental, subject to a reservation by the Council of the right to lay cable trenches on and along a strip thirteen feet wide on the eastern side of the section as shown on the said plan. No building is to be erected on this strip. Claimant to have the right to transfer the galvanized-iron building belonging to it on an adjoining section to this section.

4. Claimant is to have a right-of-way over the roadway shown on the annexed plan until the fifteenth day of November, 1933, together with a right-of-way over twenty feet of the Council's land adjoining his wharf as also shown on the annexed plan. The last-mentioned right-of-way shall be exclusive, except that the Council and its servants and contractors shall also have the right to use same.

5. The claimant is to be entitled to a lease free of rental for a term expiring on the fifteenth day of November, 1933, of a small triangular section at the northern end of the above-mentioned roadway as also shown on the said plan, but this land is to be used for storage purposes only, and no building is to be erected thereon. The claimant may construct an elevated tramway thereover.

6. The City Council will equip with electric power claimant's two existing wharf winches and will supply these two winches or two other winches of equivalent horse-power used in any part of the claimant's building with power free for ten years from the date of equipment, but the Council does not undertake to maintain these winches during that time.

7. The Council will not interfere with the portion of the railway-siding at present passing over the southern end of the above-mentioned roadway.

8. The claimant to pay the sum of twenty pounds per annum towards the maintenance of the roadway as from January first, 1914, while he continues to have the right to use any part of it.

9. The granting of the leases above mentioned is subject to the Council obtaining legislative authority enabling it to do so, which power the Council will apply for and use its best endeavours to obtain at the next-ensuing session of Parliament. In the event of such authority not being obtained during the next-ensuing session, then the question as to what compensation the claimant should be paid in lieu of the lease or leases which cannot be granted shall, if the parties cannot agree, be referred to the arbitration of two arbitrators, and their umpire under the provisions of the Arbitration Act, 1908.

10. The above-mentioned leases to be prepared by the City Solicitor at the cost of the Council, and to contain, in addition to the terms herein contained, such usual terms and provisions as are generally inserted in Auckland City Council leases including particularly a covenant by the lessee to pay all rates in respect of the said lands, but without any obligation to build and without any restrictions as to assigning or subletting.

Dated this 24th day of February, 1914.

H. DEAN BAMFORD,
Solicitor for Claimant.

J. STANTON,
Solicitor for Respondent.

THIRD SCHEDULE.

ALL that area of land, comprising 68 acres and 3 roods, more or less, being Section No. 163, and part of Section No. 162, being portion of the reserve known as the Kauri Point Park Reserve in the Parish of Takapuna.

FOURTH SCHEDULE.

ALL that area of land, containing 48 acres, more or less, being Section No. 157 in the Parish of Takapuna.