

Mr. Myers.

AUCKLAND ELECTRIC-POWER STATION SITE.

[LOCAL BILL.]

ANALYSIS.

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| Title. | |
| Preamble. | |
| 1. Short Title. | 6. Power of Council to grant lease for balance of unexpired term of Lot 2. |
| 2. Power to form right-of-way. | 7. Power of Council to grant lease of Lot 7. |
| 3. Power of Council to grant right to use right-of-way. | 8. Power of District Land Registrar to register leases granted under this Act. |
| 4. Power of Council to grant lease for balance of unexpired term of Lots 4 and 5. | 9. Power to deal with Lot 1 by way of lease or otherwise. |
| 5. Power of Council to grant lease of Lots 1 and 3. | Schedules. |

A BILL INTITULED

AN ACT to enable the Auckland City Council to lease and otherwise deal with Part of the Auckland Electric-power Station Site. Title.

5 WHEREAS the Mayor, Councillors, and Citizens of the City of Preamble.
Auckland (hereinafter called "the Auckland City Council"), under
the powers contained in the Public Works Act, 1908, took the land
described in the *First* Schedule hereto (hereinafter called "the
10 generating-station for the supply of electrical light and power to
the inhabitants of the said city and other persons: And whereas
certain persons, firms, and companies were then or are now in actual
occupation of parts of the said power-station site, and had and were then
and still are using a certain right-of-way over part of the said power-
15 station site as tenants, sub-tenants, lessees, or sub-lessees under an
original lease from the Auckland Harbour Board, the then owners
of the fee-simple of the said power-station site and the adjoining
lands: And whereas the Auckland City Council may not require
20 with the said supply of electricity until the expiration of the term
or terms of years held by the said tenants or lessees: And whereas
the Auckland City Council for its own purposes intends and will be
satisfied to allow the said right-of-way to remain and be used until
the expiration of the said term of years as well by the said tenants
25 and lessees, their executors, administrators, and assigns as by itself:
And whereas the said persons, firms, and companies have made
claims against the Auckland City Council for compensation under
the said Public Works Act for the injury and loss sustained or likely
30 City Council of the said power-station site and the injury to or

deprivation thereby of their rights and interests therein: And whereas it will greatly facilitate the amicable adjustment of such claims if the provisions hereinafter contained are vested in the Auckland City Council:

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 Electric-power Station Site Act, 1911.

Power to form right-of-way.

2. The Auckland City Council shall have full power, right, and authority and is hereby empowered to lay out and form the right-of-way described in the *Second Schedule* hereto and shown on the plan referred to in the said *Second Schedule* and thereon marked "Right-of-way."

Power of Council to grant right to use right-of-way.

3. The Auckland City Council shall have full power, right, and authority, and is hereby empowered, and with or without consideration, to grant to any lessee, tenant, or occupier for the time being of any part of the said power-station site or of any land adjoining or abutting on such right-of-way, and for such term and subject to such rental and to the observance and performance of such conditions as it thinks fit, the right to go, pass, and repass, and with or without carriages or other vehicles, over and along the said right-of-way and every part thereof, or such part or parts thereof as the Auckland City Council thinks fit, and to lay tram or railway rails thereon, and run trucks, carriages, and engines on, over, or along such rails.

Power of Council to grant lease for balance of unexpired term of Lots 4 and 5.

4. The Auckland City Council may, and it is hereby authorized and empowered so to do, without first putting the same up by public auction or tender, and as part of the consideration agreed to be given by it to the Premier Joinery Manufacturing Company (Limited), of Auckland, timber-merchants, for such company having vacated and given up to the Auckland City Council immediate possession of the piece of land shown on the plan referred to in the *Second Schedule* hereto, and numbered Lot 6, and having agreed to withdraw its claim for compensation in respect of being deprived of its lease or sublease of the said Lot 6 and of the adjoining Lot marked 5 on the said plan, for which two said pieces of land the said company had at the time of such taking by the said Auckland City Council of the said power-station site a subsisting lease for a term of years expiring on the twelfth day of November, nineteen hundred and thirty-three, grant and execute to the said company, its successors and assigns, a new lease of the said Lot 5 and of the adjoining lot marked 4 on the said plan, or of such portion or portions thereof as may be agreed upon by the said company and the Auckland City Council, such lease to be for the balance unexpired of the said term and at the same rent and upon the same terms and conditions as are contained in the present lease of the said Lots 5 and 6 to the said company, but with such reservation to the said Auckland City Council of the right to lay underground electric-cable mains upon and through the same or some specified portion thereof as may be agreed upon by the said company and the Auckland City Council; the intention hereof being

that the said company shall be entitled to obtain and the Auckland City Council to grant to it a memorandum of lease of the said Lots 4 and 5 or the portion or portions thereof so agreed, and with such reservation as aforesaid, in exchange for and in substitution of the said lease of the said Lots 5 and 6 which it held at the time when the said Auckland City Council so took the said power-station site.

5. The Auckland City Council may, and it is hereby authorized and empowered so to do, and without first putting the same up by public auction or tender, and at such rental and upon such terms and conditions and with such reservation as it may think fit, and for such term as shall expire not later than the said twelfth day of November, nineteen hundred and thirty-three, grant and execute to J. J. Craig (Limited), of Auckland, merchants, or John Burns and Co. (Limited), also of Auckland, merchants, who were also at the time the said Auckland City Council took the said power-station site lessees of certain parts thereof, and who are now claiming compensation for the losses they thereby sustained, a lease of either or both of the pieces or parcels of land shown on the said plan as Lots 1 and 3; or, in case the said Auckland City Council cannot make satisfactory terms with either of the said companies, then to David Goldie, of Auckland, merchant, who is the lessee and occupier of the adjoining lot marked 2 on the said plan.

Power of Council to grant lease of Lots 1 and 3.

6. The Auckland City Council may, and is hereby authorized and empowered so to do, and without first putting the same up by public auction or tender, grant and execute to the said David Goldie, of Auckland, merchant, his executors, administrators, and assigns a new lease of the said lot marked 2 on the said plan now occupied by him and which was so occupied and held by him when the said power-station site was so taken by the said Auckland City Council and held by him under a subsisting lease thereof for a term expiring on the said twelfth day of November, nineteen hundred and thirty-three, at the yearly rent of one hundred and fifteen pounds one shilling, or of such portion or portions thereof as may be agreed upon between the said David Goldie and the Auckland City Council, such new lease to be for the balance unexpired of the term of his said lease, and at the same rent and upon the same terms and conditions as are contained in the said lease, and with such reservation to the said Auckland City Council of the right to lay underground electric-cable mains upon and through the same, or some specified portion thereof, as may be agreed upon by the said David Goldie, his executors, administrators, or assigns and the said Auckland City Council.

Power of Council to grant lease for balance of unexpired term of Lot 2.

7. The Auckland City Council may, and it is hereby authorized and empowered so to do, and without first putting the same up by public auction or tender, grant and execute to the said J. J. Craig (Limited) and its assigns a lease of the Lot No. 7 on the said plan for a term expiring not later than the said twelfth day of November, nineteen hundred and thirty-three, at such rent and upon such conditions as the said Auckland City Council may think fit, and as in part compensation for the loss sustained by such company owing to the taking by the said Auckland City Council of the said power-station site.

Power of Council to grant lease of Lot 7.

Power of District
Land Registrar to
register leases
granted under
this Act.

8. The District Land Registrar for the District of Auckland is hereby authorized and empowered, notwithstanding the provisions of the Public Works Act, 1908, or any other Act, to register any lease granted in pursuance of the provisions in this Act hereinbefore contained, notwithstanding that the land comprised in such lease may not have a frontage to an existing road or street or to a road or street sixty-six feet in width. 5

Power to deal with
Lot 1 by way of
lease or
otherwise.

9. The Auckland City Council shall also have and may exercise with reference to the said Lot 1 shown on the said plan the same power of leasing and otherwise dealing with the said lot as it has with respect to other lands belonging to it under and by virtue of sections one hundred and thirty-five to one hundred and forty-three, inclusive, of the Municipal Corporations Act, 1908; and the said Auckland City Council may lease or otherwise deal with the said land in the same way and to the same extent as if such land were an endowment vested in the Auckland City Council for its general purposes. 10 15

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that piece or parcel of land, containing 3 acres 3 roods 34·7 perches, more or less, being part of the land in the Auckland Harbour which has been reclaimed from the sea, and which was originally granted to the Auckland Harbour Commissioners on the 9th day of January, 1855, and being the whole of the land comprised and described in certificate of title Volume 159, folio 66, of the Land Register-book at Auckland.

SECOND SCHEDULE.

ALL that piece or parcel of land situated in the Provincial District of Auckland and Dominion of New Zealand, being part of the land described in the First Schedule hereto: bounded on the west by the western boundary of the said land included in the said certificate of title, 835·97 links; on the north-west by Lot 7 of the subdivision by the said Auckland City Council of the said land included in the said certificate of title, 100·25 links; on the north by the northern boundary of the said land, 297·18 links; on the east by the eastern boundary of the said land, 30·3 links; on the south and on the south-east by lines running parallel to but distant 30·3 links from the said first-mentioned northern and north-western boundaries, 285·71 links and 43·94 links; again on the east by a line 54·04 links from but parallel to the said western boundary, 212·13 links; again on the south by a line parallel to the said northern boundary, 8·96 links; again on the east by a line parallel to but distant 45·45 links from the said western boundary-line, 662·92 links; and on the south-west by a public road called "King's Drive," 56·18 links: be the said several measurements a little more or less: as the same is shown by the plan deposited herewith, prepared by Lester George Radcliffe Hunt, a duly authorized surveyor, and marked thereon "Right-of-way."