

Mr. Fish.

DUNEDIN SOUTHERN MARKET RESERVE LEASING.

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Power to lease.</p>	<p>3. Rents to be set apart to form building fund to erect market-houses on residue of Southern Market Reserve. Schedule.</p>
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A BILL INTITULED

AN ACT to amend "The Dunedin Reserves Management Ordinance, 1867." Title.

WHEREAS by a certain Ordinance, passed by the Superintendent of the Province of Otago, with the advice and consent of the Provincial Council thereof, intituled "The Dunedin Reserves Management Ordinance, 1867," it was enacted that the lands and hereditaments mentioned and described in the First Schedule thereto should be, and the same were thereby, transferred to and vested in the Corporation of the City of Dunedin and its successors as a corporate body, to be held by the said Corporation and its successors in trust for the like purposes for which such lands were then held, which purposes were severally named and set forth in the First Schedule thereto immediately before the lands to which they respectively applied: And whereas it was further enacted in and by the said Ordinance that it should be lawful for the said Corporation of the City of Dunedin to manage the said lands and hereditaments in such manner in every respect as to them should seem fit, and, with the sanction and consent of the Superintendent for the time being of the Province of Otago, to lease the same lands and hereditaments at such rents, issues, and profits as they might deem expedient, so that such leases were for any term not exceeding twenty-one years, to take effect from the time of the execution thereof: And whereas, in pursuance of "The Municipal Corporations Act, 1876," by a certain Proclamation under the hand of the Governor, bearing date and published in the *New Zealand Gazette* on or about the twentieth day of December, one thousand eight hundred and seventy-seven, it was proclaimed and declared that from the twenty-first day of December, one thousand eight hundred and seventy-

seven, the said City of Dunedin should be a Borough constituted under the said "Municipal Corporations Act, 1876": And whereas, by "The Municipal Corporations Act Amendment Act, 1878," it was enacted that the City of Dunedin was thereby declared to be, and to have been from the twenty-first day of December, one thousand eight hundred and seventy-seven, a Borough constituted under "The Municipal Corporations Act, 1876," under the name of "The City of Dunedin": And whereas the said First Schedule to the said "Dunedin Reserves Management Ordinance, 1867," comprises *inter alia* a certain parcel of land commonly called or known, and hereinafter referred to, as "The Southern Market Reserve," and the same parcel of land is therein described in the words and figures following, that is to say,—

"10. *Reserve for Market*.—All that parcel of land in the Province of Otago, containing by admeasurement three acres and six perches, more or less, situate in the Town of Dunedin, and being land reserved for a market, as shown on the map of the said Town of Dunedin, bounded towards the north-west by Manor Place, seven hundred and seventy-nine and three-tenths links; towards the east by Princes Street, eleven hundred and two links; and towards the south-west by sections numbered respectively sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, and seventy-two, Block III., seven hundred and seventy-nine and three-tenths links": And whereas it is expedient to alter, amend, and extend the leasing powers conferred by the said Ordinance, so far as the same relate to such parts of the said Southern Market Reserve as are described in the Schedule hereto, and to make such other provisions as are hereinafter contained :

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 Southern Market Reserve Leasing Act, 1882."

Power to lease.

2. It shall be lawful for the Corporation of the mayor, councillors, and citizens of the City of Dunedin (hereinafter referred to as "the Corporation"), with the sanction and consent of the Governor of New Zealand, from time to time to lease such parts of the Southern Market Reserve as are described in the Schedule hereto, or any subdivisions of such parts, for any term of years not exceeding twenty-one years, to take immediate effect in possession, at or for such rents as the Corporation shall deem sufficient; 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 Corporation, 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

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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 cove-

5 nants 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

10 of the said buildings and improvements, so fixed by the valuator 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

15 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 shall have previously paid all rent and

20 other charges payable under the original lease.

3. The Corporation shall from time to time set apart and accumulate all rents which shall accrue and be received by the Corporation under or by virtue of such original or new leases as aforesaid, for the purpose of forming a fund, to be called "The Southern Market

25 Building and Maintenance Fund," to be expended in erecting, placing, and maintaining in good condition upon that portion of the said Southern Market Reserve which is not included in the said Schedule hereto, all such market-houses, stalls, buildings, fences, weighbridges, and other conveniences and appliances as shall be needful or

30 expedient for the purpose of providing a commodious market-place for the citizens of Dunedin.

Rents to be set apart to form building fund to erect market-houses on residue of Southern Market Reserve.

SCHEDULE.

Schedule.

PIECE No. 1.

ALL that parcel of land in the Provincial District of Otago, in the Colony of New Zealand, containing by admeasurement two roods and twenty-five perches, more or less, situate in the City of Dunedin, and being part of reserve for market, numbered ten in the First Schedule of "The Dunedin Reserves Management Ordinance, 1867." Bounded by a line commencing at a point in the line of Princes Street, distant from the north-eastern corner of the said reserve along the said line of Princes Street in a south-south-westerly direction one hundred and ninety-six links and eighteen-hundredths of a link, and proceeding thence in a south-south-westerly direction along the line of Princes Street, bearing two hundred and one degrees thirty-eight minutes forty-two seconds, six hundred and twenty-four links; thence in a west-north-westerly direction, bearing two hundred and ninety-one degrees thirty-eight minutes forty-two seconds, fifty-four links and seventy-six hundredths of a link; thence in a north-north-westerly direction, bearing three hundred and thirty-six degrees thirty-eight minutes forty-two seconds, seventy-eight links and twelve-hundredths of a link; thence in a north-north-easterly direction, bearing twenty-one degrees thirty-eight minutes forty-two seconds, five hundred and thirteen links and fifty-

two hundredths of a link; thence in an east-north-easterly direction, bearing sixty-six degrees thirty-eight minutes forty-two seconds, seventy-eight links and twelve-hundredths of a link; thence in an east-south-easterly direction, bearing one hundred and eleven degrees thirty-eight minutes forty-two seconds, fifty-four links and seventy-six hundredths of a link, to the point of commencement.

PIECE No. 2.

All that parcel of land in the Provincial District of Otago, in the Colony of New Zealand, containing by admeasurement one rood and sixteen perches, more or less, situate in the City of Dunedin, and being part of reserve for market, numbered ten in the First Schedule of "The Dunedin Reserves Management Ordinance, 1867." Bounded by a line commencing at a point in the line of Manor Place, distant from the north-eastern corner of the said reserve along the said line of Manor Place in a west-south-westerly direction three hundred and sixty-eight links and sixty-nine hundredths of a link, and proceeding thence in a west-south-westerly direction along the said line of Manor Place, bearing two hundred and forty-six degrees thirty-eight minutes forty-two seconds, three hundred and fifty links; thence in a south-south-easterly direction along the line of Market Street, bearing one hundred and fifty-six degrees thirty-eight minutes forty-two seconds, one hundred links; thence in an east-north-easterly direction, bearing sixty-six degrees thirty-eight minutes forty-two seconds, three hundred and fifty links; thence in a north-north-westerly direction, bearing three hundred and thirty-six degrees thirty-eight minutes forty-two seconds, one hundred links, to the point of commencement.