

Mr. J. McC. Dickson.

MOSGIEL BOROUGH EMPOWERING.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to enable the Mosgiel Borough Council to acquire certain Lands in the Borough of Mosgiel, and to sell or lease the same. Title.

WHEREAS the parcels of land described in the Schedule hereto are situated in the Borough of Mosgiel, and are vested in the Otago Presbyterian Church Board of Property, by whom such lands are leased partly for farming purposes and partly for building sites; and it is expedient that power should be given to the Corporation of the Mayor, Councillors, and Burgesses of the said borough to acquire the said lands, and to sell or lease the same for the purposes of closer settlement in the said borough: Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Mosgiel Borough Empowering Act, 1922. Short Title.

2. In this Act—

“The Corporation” means the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Mosgiel: Interpretation.

“The Church Board” means the Otago Presbyterian Church Board of Property.

3. (1.) The Corporation is hereby empowered, at any time or times after the passing of this Act, to purchase from the Church Board the whole or any part or parts of the parcels and the Church Board is hereby empowered to sell both or either of the areas of land described in the Schedule hereto upon giving to the Church Board one calendar month’s previous notice in writing of the intention of the Corporation to do so. Power to purchase certain lands.

(2.) If the Church Board and the Corporation cannot agree as to the price to be paid for the said lands or for such part or parts thereof Price to be fixed by agreement or arbitration.

as shall be mentioned or described in any such notice, the dispute shall be referred to the determination and award of two arbitrators or their umpire pursuant to and so as to have all the incidents and consequences of an arbitration under the Arbitration Act, 1908, and so that the reasonable cost of such arbitration shall be fixed by the arbitrators, and shall be borne and paid by the Corporation :

Corporation not to be bound until consent of ratepayers obtained.

Provided always that, notwithstanding the giving of any such notice or the making of any agreement or award fixing such price, the Corporation shall not be bound to complete the purchase of such lands unless and until the Council of the said borough shall obtain the consent of the ratepayers of the said borough to raise or borrow all moneys required in connection therewith in accordance with the provisions of section seven of this Act :

Notice of intention to complete purchase.

Provided also that, if the Corporation shall obtain such consent and shall give to the Church Board, within six calendar months after the price of such lands shall have been agreed upon or fixed by arbitration, notice in writing of the Corporation's intention to complete the purchase, the Church Board shall, upon payment of the purchase-money, convey or transfer such lands to the Corporation, subject, however, to the then existing tenancies.

Power to subdivide, sell, and lease.

4. The Corporation shall have power to subdivide any lands purchased by it under the powers conferred upon it by the provisions of this Act, or any part or parts of such lands, and to lay out and form such street or streets therein as the Corporation shall think proper ; and to sell and dispose of such lands or any part thereof, either altogether or in lots, by public auction or by private contract, or partly by the one and partly by the other of such modes of sale, at such price or prices, and subject to such conditions as the Corporation shall think fit ; and to lease the said lands or such part thereof as shall for the time being remain unsold at such rents, for such terms, and subject to such conditions as to the Corporation shall seem meet ; and to execute such agreements, conveyances, transfers, leases, and other documents as may be required in connection with the purchase, sale, or lease of the said lands or any part thereof.

Recital evidence that sale lawful.

5. A recital in any conveyance or transfer from the Church Board to the Corporation or from the Corporation to any purchaser or purchasers of the said land, or any part thereof, to the effect that the sale in respect of which such conveyance or transfer is given is made in pursuance of the provisions of this Act shall be conclusive evidence that such sale is lawful.

*Struck out.*

Exemption from stamp duty.

6. Every agreement, conveyance, or transfer from the Church Board to the Corporation of the said lands or any part thereof executed in pursuance of the provisions of this Act shall be deemed to be exempt from stamp duty.

Power to borrow with consent of ratepayers.

7. The Corporation shall have power to borrow and raise such sum or sums of money as shall from time to time be required for payment of purchase-money and all costs and expenses of or incidental to the purchase, subdivision, and sale of the said parcels areas of land or any part thereof :

Provided that no money shall be borrowed under this section except with the consent of the ratepayers of the Borough of Mosgiel previously obtained in the manner prescribed by the Local Bodies' Loans Act, 1913 ; and all the provisions of that Act shall apply to every loan raised by the Corporation under this section.

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SCHEDULE.

Schedule.

DESCRIPTION OF SECTIONS 4 AND 5 AND PART OF SECTION 6, BLOCK VI, EAST TAIERI SURVEY DISTRICT.

ALL that area in the Land District of Otago, being Sections 4 and 5 and part of Section 6, Block VI, East Taieri Survey District, containing by admeasurement 154 acres, and edged green on the accompanying plan: commencing at the most southerly corner of Section 6, Block VI, East Taieri District, at the junction of Factory Road and Gordon Road, and bounded thence towards the south-west by Gordon Road, for a distance of 3500 links; thence towards the north-west by Sections 12, 11, and 10 of said Block VI, East Taieri District, for a distance of 4500 links; and thence towards the north-east by Section 3 of said Block VI, for a distance of 3500 links; and finally towards the south-east by Factory Road, for a distance of 4500 links, to the commencing-point: excluding from the area so described the railway land coloured red on plan and marked Mosgiel-Outram Railway.

DESCRIPTION OF ALLOTMENTS 1 TO 15, PARTS OF ALLOTMENTS 16 TO 21, AND ALLOTMENTS 22 TO 30, TOWNSHIP OF STUART TOWN, BEING A SUBDIVISION OF SECTIONS 23, 24, AND 384R, IRREGULAR BLOCK, EAST TAIERI SURVEY DISTRICT.

All that area in the Land District of Otago, being Allotments 1 to 15, parts of Allotments 16 to 21, and Allotments 22 to 30, Township of Stuart Town, being a subdivision of Section 23, 24, and 384R, Irregular Block, East Taieri Survey District, containing by admeasurement 95 acres 3 roods 27 perches, and coloured green on the accompanying plan: commencing at the most southerly corner of Section 23, Irregular Block, East Taieri District, and bounded thence towards the south-west by Section 22 of said Irregular Block, for a distance of 3490 links; thence towards the north-west generally by Gladstone Road, for a distance of 3082 links; thence towards the north-east by Section 25 of said Irregular Block, for a distance of 3500 links; and finally towards the south-east by a road-line and by a closed road-line numbered 53R, now included in the Township of Mosgiel Junction, for a distance of ~~2199~~ 3050·7 links, to the commencing-point: excluding from the area so described the Mosgiel to Dunedin Road, the intersecting subdivisional streets, and the Government Quarry Reserve.