

## **A Water Supply Easement in Gross Acquired in Auckland City**

Pursuant to section 20 of the Public Works Act 1981, and to a delegation from the Minister of Lands, the Manager, Lands and Property, Department of Survey and Land Information, Auckland, declares that agreements to that effect having been entered into, the water supply easement in gross described in the First Schedule is hereby acquired over the land described in the Third Schedule and the said easement shall vest in perpetuity in The Auckland Regional Council for water supply purposes on the date of publication in the *Gazette*.

### **First Schedule**

#### **North Auckland Land District**

##### *Description of Easement*

1. The full, free uninterrupted, and unrestricted right, liberty, and privilege for The Auckland Regional Council (hereinafter called "the council") from time to time and at all times to take, convey and lead water in a free and unimpeded flow (except when the flow is halted for any reasonable period necessary for essential repairs) and in any quantity, consistent with the rights of other persons having the same or similar rights, from the point of entry and following the course of the land described in the Third Schedule (hereinafter called "the easement land") together with the following additional rights incidental thereto:

2. To use any line of pipes already laid in or on the said easement land or any pipe or pipes in addition, in replacement or in substitution for or of those pipes.

3. Where no such line of pipes, exist, to lay, place and maintain, or to have laid, placed and maintained, a line of pipes of a sufficient internal diameter and of suitable material for the purpose under the surface of the easement land.

4. In order to construct or maintain the efficiency of any such pipe line, the full free uninterrupted and unrestricted right, liberty and privilege for the council, its servants, agents, and workmen, with any tools, implements, machinery, vehicles, or equipment of whatsoever nature necessary for the purpose, to enter upon the land over which the easement is granted or created and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining and renewing pipe line or any part thereof and of opening up the soil of that land to such extent as may be necessary and reasonable in that regard, subject to the condition that as little disturbance as possible is caused to the surface of the easement land and that the surface is restored as nearly as possible to the condition in which the land was in immediately prior to any works being undertaken and any other damage done by reason of the aforesaid operations is repaired.

5. Her Majesty the Queen, for the purposes of the Housing Act 1955, the registered proprietor of the land described in the Third Schedule hereto (hereinafter together with her heirs, successors, officers and assigns called "the owner") shall not at any time on or over the said easement land and without the prior written consent of the council:

(a) Place any buildings, building additions, erections or fences or permanent improvements of any nature excepting the improvements in situ as at the 2nd day of October 1991, and itemised in the Second Schedule hereto and as shown on the plan marked "Schedule B" affixed hereto provided however that should these improvements be destroyed by whatever cause the owner shall not reinstate upon the easement area;

(b) Do permit or suffer any act whereby the rights, powers licences and liberties hereby granted to the council may be interfered with or affected; or

(c) Do permit or suffer any act whereby the said water pipes may be interfered with or damaged;

(d) Nothing herein contained or implied shall be deemed to compel the council to convey water through the said pipes and

mains and the council may from time to time to discontinue the conveyance of water through the same at will.

6. Where the terms herein require the consent of the council to be obtained in respect of any matter herein referred to then the council shall not unreasonably or arbitrarily withhold such consent.

7. The council will:

(a) At all times repair and maintain such pipes and mains and associated works as may be constructed or laid through or under the easement land in pursuance of these presents in a good and efficient state of repair for the purposes of which the same are designed and will prevent the same from becoming a nuisance.

(b) Cause as little damage as possible to the surface of the easement land and repair and make good all damage caused by any such works to all or any improvements to the land in, upon or around the easement land;

(c) Indemnify the owner from and against any loss or damage caused to the easement land or anything on or upon the easement land directly or indirectly arising from the construction, maintenance or operation of the easement;

(d) At all times use its best endeavours to ensure access to the easement land is maintained for the owner and invitees while the council is performing or having the work performed which is more particularly described in Clause 4 herein;

(e) Ensure that any spoil from excavation or work will be removed from the land on a regular basis as the work progress.

8. The rights and powers specified in the Seventh Schedule of the Land Transfer Act 1952 and implied in all registered easements by section 90D of the said Act, shall apply in respect of the water supply easement hereby created.

### **Second Schedule**

#### **North Auckland Land District**

##### *The Easement Land*

1. Dwelling house.
2. Concrete pavement and footpath.
3. Double garage.

Shown on plan marked "Schedule B".

### **Third Schedule**

#### **North Auckland Land District**

##### *The Easement Land*

134 square metres, being part Lot 127, D.P. 48399; shown marked "A" on S.O. Plan 65318, lodged in the office of the Chief Surveyor at Auckland.

Dated at Auckland this 22nd day of January 1992.

G. A. DAWSON, Manager, Lands and Property.

(DOSLI Ak. D.O. S.O. 65318)

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### **Declaring Land to be Limited Access Road, Road to be Stopped and Land to be Taken for Severance in the Hurunui District**

Pursuant to the Public Works Act 1981, and to a delegation from the Minister of Lands, the Manager (Lands and Property), Department of Survey and Land Information, Christchurch, declares that:

(a) Pursuant to section 114, the land described in the First Schedule hereto to be a limited access road. The land has, pursuant to section 88 (2) of the Transit New Zealand Act 1989, become road, limited access road, and State highway, and shall vest in the Crown on the date of publication hereof in the *Gazette*.