New Zealand

ANALYSIS

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1944, No. 11—*Local and Personal*

Title. AN ACT to confer Additional Powers on the Carterton Borough Council in relation to Drainage and Drainage Loans and the levying and collecting of Rates in connection therewith.

[*5th December, 1944*

Preamble. WHEREAS the Carterton Borough Council has constructed certain drainage-works in and outside the borough for the purpose of draining the part of the borough described in the Second Schedule hereto and

has raised five special loans as under for the purposes aforesaid, the principal moneys of which five special loans were lent by the Minister of Finance to the Borough of Carterton in respect of the first four of these loans, under the provisions of Part II of the Local Bodies' Loans Act, 1901, and in respect of the last of these loans under the provisions of Part II of the Local Bodies' Loans Act, 1908, at an interest charge only of three and one-half per centum per annum for periods of forty-one years: And whereas the periods of such loans expire as follows:—

(1) Period of first loan, on the first day of February, nineteen hundred and forty-six:

(2) Period of second loan, on the first day of February, nineteen hundred and forty-seven:

(3) Period of third loan, on the first day of February, nineteen hundred and forty-eight:

(4) Period of fourth loan, on the first day of February, nineteen hundred and forty-nine:

(5) Period of fifth loan, on the first day of February, nineteen hundred and fifty-one:

And whereas the liability in respect of the principal moneys of each of the said five special loans ceases at the date of the expiration of the period of each such loan if all the interest payable in respect of each such loan during the said period of forty-one years has been then paid: And whereas the amount of principal moneys nominally due on the thirty-first day of March, nineteen hundred and forty-three, in respect of each of the said five special loans was shown in the accounts of the said Corporation as stated hereunder and will be shown in the accounts of the said Corporation at the same amount in respect of each of the said five special loans until the expiration of the period of such loans and will cease to be shown as soon as all interest payable in respect of the five said special loans has been paid, such amounts being stated for the respective loans as follows:—

(1) Loan due first February, nineteen hundred and forty-six—five hundred and one pounds one shilling and elevenpence:

(2) Loan due first February, nineteen hundred and forty-seven—four thousand five hundred and fifty-nine pounds eleven shillings and one penny:

(3) Loan due first February, nineteen hundred and forty-eight—two thousand and forty-four pounds twelve shillings and one penny:

(4) Loan due first February, nineteen hundred and forty-nine—six hundred and eighty-two pounds eighteen shillings and sevenpence:

(5) Loan due first February, nineteen hundred and fifty-one—one hundred and seventy-nine pounds seventeen shillings and sixpence:

And whereas it is necessary to provide further drainage-works to drain the land described in the First Schedule hereto, and for that purpose to raise additional moneys by way of special loan:—

(*a*) For the purpose of enlarging, extending, and improving the existing drainage outfall works constructed outside the borough; and

(*b*) For the purpose of providing additional drains and drainage-works for the purpose of draining portion of the borough described in the First Schedule hereto, and for the purpose of improving the drainage-works existing in the area described in the Second Schedule hereto:

And whereas it is desirable to authorize the said Council to levy a consolidated special rate to meet the interest, sinking fund, and other charges on the said five existing loans and the loan authorized to be raised as hereinafter provided:

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 Carterton Borough Empowering Act, 1944.

Definitions.

2. In this Act, unless inconsistent with the context,—

"Borough" means the Borough of Carterton:

"Council" means the Carterton Borough Council:

Council authorized to raise loan of £37,000 by way of special order for additional drainage-works within and outside the borough.

3. (1) The Council may, for the purpose of providing additional sewage-disposal works at the sewage outfall outside the borough, and for the purpose of providing additional drainage and drainage-works in the area described in the First Schedule hereto, and for the purpose of improving the drainage-works existing in the area described in the Second Schedule hereto, raise, under the provisions of the Local Bodies' Loans Act, 1926, by way of special order and without taking the steps described in sections nine to thirteen of that Act a special loan not exceeding thirty-seven thousand pounds, or such greater sum as may be approved by the Minister of Health.

(2) All moneys raised under the provisions of subsection one of this section shall be secured on a special rate made and levied on the whole of the lands described in the First and Second Schedules hereto.

Rates made and levied in respect of previous special loans for drainage-works to extend to lands described in the First and Second Schedules.

4. On the raising of the special loan authorized by section three of this Act the rates made and levied in respect of the five special loans mentioned in the preamble to this Act shall extend to and be deemed to have been made and levied and be a charge on the lands described in the First and Second Schedules hereto.

Council authorized and required to make and levy annually a consolidated special rate on properties described in the First and Second Schedules.

5. (1) After the raising of the special loan authorized by section three of this Act the Council may, and shall for the purpose of providing the moneys necessary to meet the interest, sinking fund, and other charges in respect of the five special loans mentioned in the preamble and the special loan authorized by this Act, by resolution, annually make and levy a consolidated special rate on all rateable property in the portions of the borough described in the First and Second Schedules hereto.

Rate to be a general rate.

(2) Such rate shall be made and levied as if it were a general rate made under the provisions of the Municipal Corporations Act, 1933, and the provisions of that Act and the Rating Act, 1925, shall apply to such rate accordingly.

Provisional suspension of original special rates.

(3) So long as the annual charges on any of the special loans mentioned in this section are provided for and met by the rates made pursuant to the provisions of this section the Council shall not collect any special rate made and levied as security in connection with any such special loan.

Security of original special rates not affected.

6. Nothing in this Act shall be so construed as to affect in any way the security afforded to any creditor of the Council by any special rate.

Crown's liability for special rates not affected.

7. Nothing in this Act shall affect the right of the Council to collect special rates payable by the Crown under section one hundred and twenty-three of the Local Bodies' Loans Act, 1926.

Fire Board's liability for special rates not affected.

8. Nothing in this Act shall affect the right of the Council to collect any special rates payable in respect of land owned or occupied by any Fire Board.

Schedules.

SCHEDULES

FIRST SCHEDULE

FIRSTLY, all that area in the Wellington Land District, Borough of Carterton, as the same is more particularly delineated on the plan lodged in the office of the Chief Surveyor at Wellington as No. 21165, and thereon edged red, bounded by a line commencing at point "A" on the said plan, being a point on the northern boundary of Section 205, Taratahi Plain Block, 500 links from its north-eastern corner; thence southerly parallel to and 500 links from High Street to a point on the northern boundary of Lot 22, D.P. 1286; thence westerly along the northern boundary of Lots 22 to 32, D.P. 1286, to the eastern boundary of the Wellington–Napier Railway; thence southerly along the eastern side of that railway to the southern boundary of Lot 62, D.P. 1614; thence easterly along the southern boundaries of Lots 62 to 54, D.P. 1614, southerly along the western boundary of Lot 53, and easterly along the southern boundaries of Lots 53 and 52, D.P. 1614, to the eastern boundary of the said Lot 52; thence southerly to the south side of Nobel Street by the production of the eastern boundary of the said Lot 52; thence westerly along the south side of Nobel Street to the eastern boundary of the land on Plan A/1332; thence southerly and westerly along the eastern and southern boundaries of the land on Plan A/1332 to Belvedere Road;

thence southerly along the production of the western boundary of D.P. 7052 across Belvedere Road to a point distant 200 links south of Belvedere Road; thence easterly to the western-most corner of the land on Plan A/1083; thence southerly parallel to and 500 links from High Street to a point on the northern boundary of Lot 13, D.P. 753; thence westerly to the northernmost corner of Lot 11, D.P. 753; thence southerly along the western boundary of Lot 11; thence across Pembroke Street to and along the western boundary of Lot 17, D.P. 753, to its south-western corner; thence easterly along the southern boundaries of Lots 17, 18, and part Lot 19, D.P. 753, to a point 500 links from High Street; thence southerly along the eastern boundary of Lots 9 to 4, D.P. 1424; thence westerly along the northern boundaries of Lots 1 and 2, D.P. 1424; thence southerly along the western boundary of Lot 2, D.P. 1424, and its production across Victoria Street to a point 200 links south of that street; thence easterly parallel to and 200 links from Victoria Street to a point on the eastern boundary of the land in certificate of title, Volume 84, folio 89; thence southerly along the eastern boundary of the land in certificate of title, Volume 84, folio 89, and certificate of title, Volume 226, folio 6, and Lots 5, 6, and 7, D.P. 1999, Lots 1, 2, and 3, D.P. 1973, and its production across Rexwood Street, to and along the eastern boundary of Lot 18, D.P. 1973, and in a westerly direction along the northern boundary of Lot 44, D.P. 1355, to its north-west corner; thence southward along the western boundary of Lot 44 and its production across Clifton Avenue, to and along the western boundary of Lot 9, D.P. 1355, to its south-west corner; thence eastwards along its southern boundary to a point 500 links from High Street; thence southerly parallel to High Street for a distance of 1,670 links; thence westerly for a distance of 150 links parallel to Brooklyn Road; thence southerly parallel to High Street across Brooklyn Road to a point 200 links south of Brooklyn Road; thence easterly parallel to Brooklyn Road to a point 500 links from High Street; thence southerly parallel to High Street to a point 400 links south of the northern boundary of Section 212, Taratahi Plain, being point "B" on the said Plan No. 21165; thence westerly parallel to that boundary for a distance of 720 links; thence south-westerly to the north-eastern corner of Lot 45, D.P. 126; thence southerly along the eastern boundary of Lot 45, across Charles Street to and along the eastern boundary of Lots 110 and 111, D.P. 126, across Frederick Street to and along the eastern boundary of Lot 168, D.P. 126, to its south-eastern corner; thence westerly along the southern boundaries of Lots 168, 170, and 172, D.P. 126, to the south-western corner of the last-mentioned lot, and thence southerly along the eastern boundary of Lot

175, D.P. 126, across Philip Street, to and along the eastern boundary of Lot 241, D.P. 126, and its production for a distance of 430 links; thence westerly for a distance of 430 links parallel to the northern boundary of the land in certificate of title, Volume 29A, folio 174, to a point on its western boundary; thence northerly along its western boundary to a point on the southern boundary of Lot 237, D.P. 126; thence westerly along that boundary to the south-western corner of the said Lot 237; thence northerly along the western boundary of Lot 237, D.P. 126; across Philip Street, to and along the western boundary of Lots 181 and 180, D.P. 126, across Frederick Street, to and along the western boundary of Lots 99 and 98, D.P. 126, across Charles Street, to and along the western boundary of Lot 52, D.P. 126, to its north-western corner; thence northerly by a right line to a point on the northern boundary of Lot 2, D.P. 5028, 550 links from its north-western corner; thence easterly along that boundary to a point in line with the eastern boundary of the land comprised in certificate of title, Volume 354, folio 17; thence northerly across Brooklyn Road to and along the eastern boundary of the western portion of the land comprised in certificate of title, Volume 354, folio 17, to a point on the southern boundary of Lot 12, D.P. 2272; thence eastward and northward along the southern and eastern boundaries of that lot to Costley Street; thence eastward along the south side of that street to a point where the production of the eastern boundary of Lot 48, D.P. 1355, meets the southern side of Costley Street, to and along the production of that boundary and the boundary to the north-eastern corner of Lot 48 aforesaid; thence by a right line to the south-west corner of Lot 31, D.P. 1973; thence northerly along the western boundary of that lot to the southern side of Rexwood Street; thence westerly along the production of that side of Rexwood Street for a distance of 100 links; thence northerly to a point on the southern side of Victoria Street, 700 links from the Wellington–Napier Railway; thence westward along the south side of Victoria Street to a point in line with the eastern boundary of the land in certificate of title, Volume 449, folio 123; thence to and along that boundary and along the eastern boundary of the land in certificate of title, Volume 167, folio 262; thence westerly along the northern boundary of that land and its production to the western side of the Wellington–Napier Railway, along the western side of that railway to the southern boundary of the land in certificate of title, Volume 354, folio 53; thence westerly along the southern boundary of the said title and the southern boundaries of Lots 42 and 41, D.P. 2213, to the south-western corner of the said Lot 41; thence northerly along the western boundary of Lot 41 to Pembroke Street; thence across Pembroke Street

to the south-western corner of Lot 44, D.P. 2213; thence northerly along its western boundary to its north-western corner; thence westerly along the southern boundary of Lot 76, D.P. 2213, to its south-western corner; thence northerly along the western boundaries of Lots 76 to 64 inclusive to the north-western corner of the last-mentioned lot; thence easterly along its northern boundary to the south-western corner of Lot 63; thence northerly along the western boundary of Lots 63 and 61, D.P. 2213, and its production to the northern side of Belvedere Road; thence westerly along that side to the south-west corner of the land on Plan A/2132; thence northerly along its western boundary to the south side of Potts Street; thence easterly along that side to the production of the western boundary of Lot 14, D.P. 1570; thence northerly across Potts Street along the western boundaries of Lots 14 to 1 inclusive, D.P. 1570, to the north-western corner of Lot 1, D.P. 1570; thence westerly along the southern side of Lot 61, D.P. 1459, to its south-western corner; thence northerly along the western boundaries of Lots 61, 62, and 63, D.P. 1459, to the north-western corner of Lot 63; thence westerly by a right line parallel to Kent Street to a point 298·4 links south of Kent Street on the production of the western boundary of Lot 51, D.P. 1459; thence northerly across Kent Street and along the western boundary of Lot 51 to its north-western corner; thence easterly along the northern boundaries of Lots 51 to 33 inclusive, D.P. 1459, to the western side of the Wellington–Napier Railway; thence northerly along the western side of that railway to the northern boundary of Section 205, Taratahi Plain Block; thence easterly along that boundary to the point of commencement marked "A" on the plan.

Secondly, all that land in the Wellington Land District, Borough of Carterton, being part of Section 205, Taratahi Plain Block, and being part Lot 2 on Plan A/395, bounded by a line commencing at a point on the northern boundary of the said Lot 2, distant 328 links from its north-western corner; thence easterly along its northern boundary to a point 500 links west of High Street; thence southerly parallel to High Street to its southern boundary; thence westerly along the southern boundary to a point 348 links east of its south-western corner; thence northerly to the point of commencement.

SECOND SCHEDULE

ALL that land in the Wellington Land District, Borough of Carterton, more particularly delineated on the plan lodged in the office of the Chief Surveyor at Wellington as No. 21165, and thereon edged green: bounded by a line commencing at point "A" referred to in the description of the land first described above; thence as first described above to point "B,"

also in the same description; thence southerly to the north-western corner of Lot 33, D.P. 126; thence southerly along the western boundary of the said Lot 33, across Charles Street, to and along the western boundaries of Lots 134 and 135, D.P. 126, across Frederick Street, to and along the western boundaries of Lots 144 and 145, D.P. 126, across Philip Street, to and along the eastern boundary of Lot 255, D.P. 126; thence westerly along the southern boundary of the said Lot 255 to a point 500 links west of High Street; thence southerly parallel to High Street, to the north side of Dalefield Road; thence easterly along that side and its production to the eastern side of High Street; thence southerly along that side to the northern side of Portland Road; thence easterly along that side of Portland Road to a point 500 links east of High Street; thence northerly parallel to High Street to a point in Section 17, Township of Carterton, 200 links south of Moreton Road; thence easterly parallel to Moreton Road for a distance of 500 links; thence northerly parallel to High Street to a point in Section 16, Township of Carterton, 200 links north of Moreton Road; thence westerly parallel to Moreton Road to a point 500 links east of High Street; thence northerly parallel to High Street to the northern boundary of Section 12, Township of Carterton; thence easterly along the northern boundary of the said Section 12 for a distance of 500 links; thence northerly parallel to High Street to the southern boundary of Lot 11, D.P. 1838; thence easterly along the southern boundaries of Lots 11 to 18 inclusive and 32 to the south-eastern corner of the last-mentioned lot; thence northerly along the eastern boundary of Lot 32, across Wakelin Street at its eastern extremity, along the eastern boundary of Lot 34 to its north-eastern corner; thence westerly along the northern boundary of Lots 34 and 33 and Lots 19 to 29 inclusive of D.P. 1838 and of Lot 2, D.P. 4601, to a point 500 links east of High Street; thence northerly parallel to High Street to the southern boundary of Section 3, Township of Carterton; thence easterly and northerly along the southern and eastern boundaries of the said Section 3; thence northerly and westerly along the eastern and northern boundaries of Section 2, Township of Carterton, to the south-western corner of Lot 7, Deeds Plan 414; thence northerly along the western boundary of the said Lot 7 to Park Road; thence westerly along the southern side of Park Road to Dixon Street; thence northerly parallel to High Street to a point 200 links north of Park Road; thence westerly parallel to Park Road to a point 500 links east of High Street; thence northerly parallel to High Street to the southern boundary of Section 143, Taratahi Plain; thence easterly along that boundary for a distance of 25 links; thence northerly parallel to High Street for a distance of 290 links; thence westerly parallel to the southern boundary of Section 143 aforesaid

to a point 500 links east of High Street; thence northerly to a point on the northern boundary of the said Section 143, 500 links east of High Street; thence westerly along the northern boundary of Section 143 aforesaid to High Street; thence across High Street to and along the northern boundary of Section 205, Taratahi Plain, to the point "A," the point of commencement, excepting therefrom the land secondly described in the First Schedule.