



ANALYSIS

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1951, No. 20—*Local*

AN ACT to empower the Oamaru Harbour Board to dedicate portion of Harbor Street within the Borough of Oamaru as a public street, and to contribute one-third of the cost of reconstruction of such street and of the legal costs incidental to the dedication, and to lease the remaining portion, and also to empower the Oamaru Borough Council to accept such dedication and to contribute similarly conditionally upon the tenants of the Board making a like contribution.

[1 December 1951

WHEREAS the Oamaru Harbour Board (hereinafter called the Board) is the registered proprietor of the lands situated in the Borough of Oamaru and described in the First Schedule to this Act: And whereas portion of the said lands is used for access purposes and is known as Harbor Street: And whereas the Board is desirous of dedicating portion of the said access land known as Harbor Street as a public street, and of granting a lease of the remaining portion of the

said access land: And whereas doubts have arisen as to whether such a dedication would be valid in law, Harbor Street being only fifty links in width, and as to the powers of the Board to grant such lease, and it is desirable that such doubts be removed: And whereas the Oamaru Borough Council (hereinafter called the Council) is prepared to accept the dedication of Harbor Street (hereinafter called the said street) as a public street on condition that two-thirds of the cost of reconstruction of the said street to a permanently maintainable standard at the present width of the street, together with two-thirds of the appropriate legal expenses in connection with such dedication, are defrayed by the Board and its tenants and the remaining one-third by the Council: And whereas doubts have arisen as to whether the Board and the Council may each lawfully expend or contribute one-third of the cost of reconstruction of the said street and of such legal expenses out of their funds, and it is desirable that such doubts be removed:

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 Oamaru Borough Council and Oamaru Harbour Board Empowering Act 1951.

Special Act.

2. This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950.

Land vested in Council as public street.

3. (1) Notwithstanding anything in the Public Works Act 1928, or in any other Act, that portion of the access land known as Harbor Street described in the Second Schedule to this Act (hereinafter in this Act referred to as the said street) is hereby vested in the Council as a public street.

(2) The said street shall hereafter be known as Harbour Street, and, subject to the provisions of sections five and six of this Act, shall be reconstructed and maintained thereafter by the Council as a public street.

(3) The provisions of section one hundred and twenty-eight of the Public Works Act 1928 shall not apply to the said street.

(4) The District Land Registrar for the Land Registration District of Otago is hereby authorized and directed, on the deposit of such plan or plans as he may require, to make such entries in the register books as may be necessary to give effect to the vesting in the Council of the said street.

4. No building or part of a building shall at any time be erected or enlarged on the land fronting the eastern, northern, and north-eastern sides of the said street within a distance of twenty-three feet six inches measured from the centre line of the said street.

Building line
restriction
imposed.

5. On the removal, demolition, or substantial destruction of any building or part thereof erected on any land fronting the eastern, northern, and north-eastern sides of the said street within a distance of twenty-three feet six inches from the centre line thereof, the Board or its successors in title shall from time to time, as the circumstances may require, dedicate for the purposes of a public street such land as may be necessary to increase the width of the said street to forty feet. The Council shall accept any such dedication, and shall not be liable to pay any compensation in respect thereof.

Widening of
street.

6. The Board may grant a lease or leases of the land described in the Third Schedule to this Act, and all existing rights of the tenants of the Board over the said land are hereby determined.

Board
authorized
to lease certain
land.

7. The Board may contribute out of its funds and pay to the Council a sum equivalent to one-third of the cost of reconstruction of the said street to a permanently maintainable standard, and of the legal expenses incidental to the vesting of the said street in the Council.

Board
authorized to
contribute
towards cost of
reconstruction.

8. The Council may on the receipt by it of the contribution by the Board, and of a similar contribution by the tenants of the Board, expend out of its funds one-third of the cost of reconstruction of the said street and of the legal expenses incidental to the vesting of the said street in the Council.

Council
authorized to
accept
dedication and
to contribute
similarly.

Schedules.

SCHEDULES

FIRST SCHEDULE

LANDS OF WHICH THE BOARD IS THE REGISTERED PROPRIETOR

ALL those parcels of land situated in the Borough of Oamaru, containing together 3 acres 2 roods 19 perches, more or less, being Allotments 1 to 32, both inclusive, and Harbor Street, and two ways, as delineated on the plan deposited in the Land Registry Office at Dunedin as No. 88, and being part of the Harbour Board Endowment, Town of Oamaru, the said land being the whole of the land comprised and described in certificates of title, Vol. 294, folio 243, Vol. 295, folio 33, and Vol. 303, folio 238, Otago Registry.

SECOND SCHEDULE

LAND VESTED IN COUNCIL AS STREET

THE land delineated as Harbor Street on the plan deposited in the Land Registry Office at Dunedin as No. 88, exclusive of that portion described in the Third Schedule to this Act.

THIRD SCHEDULE

LAND AUTHORIZED TO BE LEASED

ALL that parcel of land situated in the Borough of Oamaru, containing 8·4 perches, more or less, being part of Harbor Street on the plan deposited in the Land Registry Office at Dunedin as No. 88, and being part of the Harbour Board Endowment, Town of Oamaru, bounded as follows: Commencing at the north-eastern corner of Lot 30, Deposited Plan 88; thence south-easterly along an arc of radius 856·3 links for a distance of 67·88 links; thence southerly along the eastern side of Harbor Street on a bearing of 191° 26' for a distance of 82·4 links; thence westerly on a bearing of 281° 26' for a distance of 50 links; thence northerly along the western side of Harbor Street on a bearing of 11° 26' for a distance of 128·25 links to the point of commencement, and being part of the land comprised and described in certificate of title, Vol. 303, folio 238, Otago Registry.