

New Zealand.



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1913, No. 8.—*Local and Personal.*

AN ACT to vest Further Powers in the Otago Harbour Board. Title.
[7th November, 1913.]

WHEREAS the parcel of land described in the Second Schedule hereto is required by the Otago Harbour Board in connection with the widening of Rattray Street Wharf, belonging to the said Board, and for the purpose of erecting storage-sheds on the said land, and for other purposes of the said Board: And whereas doubts have arisen as to whether all or some part of the said parcel of land forms part of the public street called Rattray Street, in the City of Dunedin: And whereas the said Board does not admit that any part of the said piece of land forms part of the said street, and claims that such land is the property of the said Board, but in order to enable the said wharf-widening and other purposes as aforesaid to be effected, and to set such doubts at rest, the said Board is desirous of acquiring the parcels of land described in the First Schedule hereto and of dedicating the same as a public street in lieu of the parcel of land described in the said Second Schedule: And whereas the said Board has already acquired part of the lands described in the said First Schedule: And whereas it is expedient to vest in the said Board the powers hereinafter contained in respect of the matters aforesaid and other matters:

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 Otago Harbour Board Empowering Act, 1913. Short Title.

- Interpretation.** 2. In this Act "the Board" means the Otago Harbour Board.
- Rate of interest on loans.** 3. It shall be lawful for the Board, notwithstanding any provision to the contrary contained in any other Act, to borrow any sums of money heretofore authorized to be borrowed and not borrowed in pursuance of such authority on such terms as will produce to the lender a rate of interest not exceeding five and a half pounds per centum per annum.
- Acquisition of lands.** 4. The Board may acquire by purchase, lease, or otherwise, or take under the provisions of the Public Works Act, 1908, any land, buildings, or easement, or any interest therein, for any of the purposes of this Act.
- Land in First Schedule.** 5. In particular, the Board may acquire or take in manner in the last preceding section mentioned all or any part of the parcels of land described or referred to in the First Schedule hereto.
- Powers of local authority under Public Works Act, and assessment of compensation.** 6. For the purposes of the two last preceding sections the Board shall have all the powers of a local authority under the Public Works Act, 1908, and the compensation payable for any land, buildings, or easement, or any interest therein taken by the Board, shall be assessed under that Act.
- Payment of purchase and compensation moneys.** 7. All moneys payable by the Board for any land, buildings, or easement, or interest therein acquired or taken by the Board in pursuance of this Act, may be paid out of the Harbour Fund, or out of any moneys borrowed or to be borrowed by the Board under the authority of any Act of the General Assembly of New Zealand.
- Validation of acts.** 8. All contracts, conveyances, transfers, and other assurances, proceedings, and acts already entered into, executed, and done respectively for or in relation to the vesting in the Board of any part of the respective parcels of land described in the said First Schedule, and all payments made in connection therewith, are hereby validated.
- Dedication of street.** 9. The Board, at any time after it has acquired or taken the lands mentioned in section five hereof, may dedicate the same to the use of the public as a public street. Such dedication may be effected by instrument in writing under the seal of the Board, which shall be deposited in the Lands Registry Office, at Dunedin; and from and after the deposit of such instrument as aforesaid the land so dedicated shall be and become a public street within the meaning of the Municipal Corporations Act, 1908, and form part of Rattray Street.
- Street-closure.** 10. From and after the deposit of the instrument of dedication referred to in section nine hereof the parcel of land described or referred to in the said Second Schedule shall cease to be a public street, and shall vest in the Board for an estate in fee-simple free from any right of way or other rights over or in respect of the same.
- Power to acquire and sell additional land.** 11. If and whenever the Board determines to acquire or take lands for or in connection with any purpose expressly or impliedly authorized by this or any other Act, including the dedication authorized by section nine hereof, the Board may acquire or take more land than is required for such purpose, and may at any time afterwards sell any such land not required for such purpose on such terms and in such manner as the Board shall think fit.
- Leasing-powers.** 12. Notwithstanding anything to the contrary contained in the Public Bodies' Leaseholds Act, 1886, it shall be lawful for the Board to lease lands vested in it for a term not exceeding twenty-

one years without right of renewal, and it shall not be necessary to insert in such a lease any of the provisions set forth in the Schedule to the said Act.

13. Notwithstanding anything to the contrary in this Act contained, the powers and authorities expressed by this Act and the exercise thereof shall be subject to the terms, stipulations, and conditions contained in any deed or contract already or hereafter entered into between the Board and the Mayor, Councillors, and Citizens of the City of Dunedin with reference to the construction, doing, and maintenance of the works, matters, and things hereby authorized, and all such terms, stipulations, and conditions shall be faithfully observed and performed by the Board.

Limitation of powers of Act.

14. The provisions of section ninety-five of the Trustee Act, 1908, shall, in respect of trusts heretofore and hereafter created, apply to all bonds, debentures, or other securities issued or to be issued by the Board and forming the whole or any portion or portions of any loan which has been or may hereafter be raised by the Board under the authority of any Act or Acts of the General Assembly of New Zealand already or hereafter to be passed.

Investment of trust fund.

15. Nothing herein contained shall affect or prejudice any of the powers of the Board under or by virtue of the Harbours Act, 1908, or any other Act.

Other powers not affected.

16. This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1908.

Special Act.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

ALL that parcel of land in the Otago Land District, containing by admeasurement 32·38 perches, being part of Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12, Block XLVII, City of Dunedin, and comprised within the following boundary-lines: Commencing at a point distant 54·21 links south and 358·54 links east of base stone at intersection of Thomas Burns and Rattray Streets, and extending from the point of commencement by a line running in an east-southerly direction, bearing $111^{\circ} 38' 42''$, for a distance of 53·5 links; thence by a line running in an east-northerly direction, bearing $86^{\circ} 0' 42''$, for a distance of 553·6 links, by portion of Rattray Street; thence by a line running in a north-westerly direction, bearing $355^{\circ} 15' 42''$, for a distance of 42·02 links, by portion of Fish Street; thence by lines running in west-southerly direction, bearing $264^{\circ} 46' 42''$, for a distance of 404·15 links, and bearing $263^{\circ} 3' 50''$, for a distance of 197·5 links, by part of Sections 12, 11, 10, 9, 8, 7, 6, 5, and 4, Block XLVII, City of Dunedin, back to the commencement-point: be all the aforesaid linkages and area a little more or less.

Also all that parcel of land in the Otago Land District, containing by admeasurement 1 rood 15·05 perches, being part of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, Block XLVIII, City of Dunedin, and comprised within the boundary-lines following: Commencing at a point distant 15·52 links north and 1056·67 links east of base stone at intersection of Thomas Burns and Rattray Streets, and extending from the point of commencement by a line running in a south-easterly direction, bearing $175^{\circ} 15' 42''$, for a distance of 41·56 links, by portion of Fish Street; thence by a line running in an east-northerly direction, bearing $84^{\circ} 30' 42''$, for a distance of 870·8 links, by portion of Rattray Street; thence by a line running in a north-westerly direction, bearing $354^{\circ} 30' 42''$, for a distance of 37·5 links, by portion of Tewsley Street; thence by a line running in a west-southerly direction, bearing $264^{\circ} 46' 42''$, for a distance of 870·25 links, by part of Sections 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, and 1, Block XLVIII, City of Dunedin, back to the commencement-point: be all the aforesaid linkages and area a little more or less.

SECOND SCHEDULE.

ALL that parcel of land in the Otago Land District, containing by admeasurement 1 acre and 32·2 perches, and comprised within the following boundary-lines: Commencing at a point distant 160·2 links south and 320·3 links east of base stone at intersection of Thomas Burns and Rattray Streets, and extending from the point of commencement by a line running in a south-westerly direction, bearing $201^{\circ} 38' 42''$, for a distance of 21·04 links, by portion of Wharf Street; thence by a line running in an east-southerly direction, bearing $111^{\circ} 38' 42''$, for a distance of 80·26 links; thence by a line running in an east-northerly direction, bearing $86^{\circ} 0' 42''$, for a distance of 585·6 links, and bearing $84^{\circ} 30' 42''$, for a distance of 1072·5 links, by portion of Rattray Street Wharf; thence by a line running in a north-westerly direction, bearing $354^{\circ} 30' 42''$, for a distance of 70·04 links, by land belonging to the Otago Harbour Board; thence by lines running in a west-southerly direction as follows—bearing $264^{\circ} 46' 42''$, distance 1473·37 links; bearing $263^{\circ} 3' 50''$, distance 246·5 links—by portion of Rattray Street back to the commencement-point: be all the aforesaid linkages and area a little more or less.
