

Mr. Gray.

CHRISTCHURCH CITY BETTERMENT.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to require the Owners of Lands lying adjacent to Public Streets widened by the Christchurch City Council to bear Part of the Cost of the Execution of the Works. Title.

- 5 WHEREAS by section 69 of the Public Works Act, 1905, it is enacted that in determining the amount of compensation to be awarded under the provisions of that Act the Compensation Court shall take into account by way of deduction from the compensation any increase in the value of the claimant's lands likely to be caused Preamble.
- 10 by the execution of the works: And whereas in cases of street-widening and works connected therewith the additional land required is in some cases taken on one side only of the street, whereby the owner or owners from whom land is so taken are compelled to contribute under the said section 69 towards the cost of the work,
- 15 whilst the owner or owners of land on the opposite side, whilst receiving the full benefit of the enhanced value given to their several lands through the execution of the work, make no contribution towards the cost thereof: And whereas this is inequitable:

20 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 Christchurch City Betterment Act, 1908. Short Title.

Interpretation.

2. In this Act, if not inconsistent with the context,—
 “City” means the City of Christchurch, and includes all areas to be hereafter added to the same:
 “Corporation” means the Mayor, Councillors, and Citizens of the City of Christchurch:
 “Council” means the Council of the City of Christchurch.

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PART I.

Landowners to pay compensation for increase in value derived from widening street.

3. Where the Council shall after the coming into operation of this Act widen any street in the city, or widen any part of the length of any street, and shall take or purchase or otherwise acquire land required for any such purpose from one side only of the street; then and in every such case the owner, or the several and respective owners, of land fronting upon or having any frontage to the opposite side of the street shall pay to the Corporation by way of compensation such sum or sums of money as shall represent the increased value given to such last-mentioned lands respectively or likely to be given thereto by the execution of the work of widening the said street or part of street and consequent thereon.

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Application of Part III of the Public Works Act, 1905.

4. The several amounts to be paid to the Corporation as aforesaid shall be ascertained in manner provided by Part III of the Public Works Act, 1905, or in a manner as near thereto as in the opinion of the Compensation Court set up under this present Act and that Act the circumstances of each case will admit, and the provisions of the said Part III shall, *mutatis mutandis*, be deemed incorporated in this Act; but so that the Corporation shall be the claimant and the owner or the several owners of lands so benefited or likely to be benefited as in the *last preceding* section mentioned shall be the respondents. Claims for compensation under this Act may be made in or to the effect of the form given in the *First* Schedule hereto.

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Several claims may be heard together.

5. The said Compensation Court shall have power, on the application of any party, to order that all or any claims for compensation under this Act in respect of land in which several persons have interests shall be heard and determined together; and any or all of the claims for compensation under this Act arising out of the widening of any street or part of any street and consequent thereon may, with the consent in writing of all parties, be heard and determined together. When the said Court hears and determines several compensation claims together it shall have power to apportion the compensation awarded, and the costs of the proceedings against the several respondents, in such proportions and in such manner as to the Court shall seem just.

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Compensation Court may ascertain owners.

6. For the purpose of ascertaining and awarding compensation under this Act, the President of the said Compensation Court shall have power to determine who are the owners of the lands, estates, or interests in respect of which compensation is claimed by the Corporation, or he may, if he thinks fit, state a case for the decision of the Supreme Court thereon; and such determination or decision shall be followed by the Compensation Court in making its award.

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7. Claims for compensation under this Act shall be made within one year from the execution of the work out of which they arise, and not afterwards. Claims to be made within one year.

5 8. Subject as aforesaid, the finding and award of a Compensation Court set up under this Act shall be final and conclusive as to all questions lawfully coming before it. Awards to be final.

10 9. Any respondent may, if he shall so desire, pay the compensation awarded to be payable by him, with interest at the rate of four pounds ten shillings per centum per annum, by equal half-yearly instalments extending over a period of twenty years or less, in which case he shall within fourteen days from the date of the award give notice in writing to the Town Clerk of the Corporation of the period he intends to extend payment over, and shall within one calendar month after the date of the award execute, and, such execution being
15 duly attested, shall deliver to the said Town Clerk a memorandum of charge upon the estate or interest forming the subject of the compensation claim made against him, which said charge shall be in the form given in the *Second* Schedule hereto or to the like effect, and shall pay the costs of the preparation and completion of the said
20 instrument, and thereupon such respondent shall have the right to pay such compensation by instalments as set forth in such notice and charge as aforesaid. Such memorandum of charge shall, when registered, bind the property therein described and operate as a first charge upon the estate or interest of the said respondent therein,
25 and rank in priority to all estates, encumbrances, and interests created by him or any of his predecessors in title. Any such charge may be registered without fee in the District Land Registration Office or in the Deeds Registration Office of the district wherein the land affected thereby is situate.

30 10. Notwithstanding anything to the contrary in any such charge contained, the Corporation shall receive the whole of the unpaid instalments secured by any such memorandum of charge at any time when the same may be tendered, and for the purpose of any such tender interest shall be calculated and paid up to and
35 including the day of such tender. Instalments may be paid off before due.

11. A receipt signed by the City Treasurer indorsed on any such memorandum of charge and expressed to be in full for all moneys secured thereby shall vacate such charge. Charge may be vacated.

40 12. Moneys received by the Corporation under or by virtue of this Act shall be applied in carrying out the particular street-widening work in respect of which such moneys were received, and for no other purpose. Application of compensation.

PART II.

WIDENING AND EXTENDING STREETS.

45 13. For the purpose of widening, diverting, altering the course of, or extending any street in the city the Council shall have the following powers :— Power to improve streets, and for that purpose to acquire lands; to borrow moneys, and sell or lease surplus lands.

(1.) To take, under the Public Works Act, 1905, or purchase, or otherwise acquire the land required for widening,
50 diverting, altering the course of, or extending the street,

together with land to any depth on either or both of the sides of such widened, diverted, or altered street or of such extension of street :

- (2.) To extend any street ; but in so extending any street it shall not be lawful for the Council to make the width of such extension less than sixty-six feet : 5
- (3.) To borrow from time to time for any of the purposes aforesaid any moneys by way of special loan under the said Act or this Act :
- (4.) Either to sell and convey all or any of the surplus lands left after effecting such widening, diverting, altering, or extension ; or to lease all or any of the same under the provisions of the Public Bodies' Powers Act, 1887, or of the Municipal Corporations Act, 1900. 10
- (5.) The foregoing powers shall extend to any private streets and rights-of-way provided the Council shall make them respectively at least sixty-six feet wide, and take them over as public streets, which the Council is hereby empowered to do. 15

Rents and sale-moneys to be applied to purpose of paying off loans. Special rates to be levied.

14. The powers conferred by the *last preceding* section are to be subject to the following conditions :— 20

- (1.) That the net rents of all lands leased as aforesaid shall be applied exclusively towards meeting the interest and sinking fund on the loan raised for the purposes of widening, diverting, altering, or extending the particular street, private street, or right-of-way in connection wherewith the lease lands shall have been acquired as aforesaid : 25
- (2.) That the net sale-moneys of any land sold as aforesaid shall be applied exclusively towards meeting the principal moneys so raised : 30
- (3.) That the total amount of the special rate or special rates levied in connection with any such loan or loans as aforesaid shall not at any time exceed in the aggregate two-pence-halfpenny in the pound per annum upon the rateable value of all rateable property in the city. 35

How and when this Part of the Act is to be brought into operation.

15. This Part of this Act shall come into force if and when a proposal to bring the same into force shall be carried by a poll of the electors to be taken in as nearly as may be the manner provided by the Local Elections Act, 1904, with respect to taking a poll on a proposal submitted to the vote of the electors. 40

PART III.

Power to borrow to pay compensation under section 117 of the Public Works Act, 1905, or section 238 of the Municipal Corporations Act, 1900. Lands in respect of which compensation so paid to be deemed to be land acquired and required under Part I.

16. For the purpose of providing funds wherewith to meet any claim or claims to compensation or costs which may hereafter be awarded against the Council under or by virtue of section one hundred and seventeen of the Public Works Act, 1905, or section two hundred and thirty-eight of the Municipal Corporation Act, 1900, it shall be lawful for the Council from time to time as occasion may require by special order and in manner provided in the Local Bodies Act, 1901, but without the necessity of complying with the provisions contained in sections seven to thirteen, inclusive, of the 50

5 said Act, to borrow moneys to the amount of any such award or awards. Lands in respect of which compensation is paid by the Council under or by virtue of section one hundred and seventeen of the Public Works Act, 1905, or section two hundred and thirty-eight of the Municipal Corporations Act, 1900, shall, when brought into use for any purpose of widening the street or part of the street whereon it fronts, be deemed, and taken, and held to be land acquired and required for such purpose within the meaning of section three of this Act.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

FORM OF CLAIM TO COMPENSATION

Under the Authority of the Christchurch City Betterment Act, 1908, and Part III of the Public Works Act, 1905.

To _____, owner of an estate or interest in fee-simple [or as tenant for life or as leaseholder, or as the case may be] in the land described below.

WHEREAS the Mayor, Councillors, and Citizens of the City of Christchurch (hereinafter called the Corporation) have widened or are about to widen _____ Street, in the City of Christchurch, whereby the value of lands described below, which front the said street and in which you are interested as aforesaid, has been increased or is likely to be increased: This is to give you notice that the Corporation claims from you the sum of £ _____ as compensation for the said increase in value of the said lands.

[Description of lands.]

Given under my hand, this _____ day of _____, 1908.

_____, Town Clerk.

SECOND SCHEDULE.

FORM OF CHARGE.

I, the undersigned _____, do hereby, in pursuance of the Christchurch City Betterment Act, 1908, charge my estate or interest as [Here describe the same] in [Here describe land] with the payment to the Mayor, Councillors, and Citizens of the City of Christchurch (hereinafter called the Corporation) of [Number] equal half-yearly payments of £ _____ each payable on the _____ day of the months of _____ in each year; the first payment to be made on the _____ day of _____, 190 . Such charge to be a first charge upon my said estate and interest in priority to all estates, encumbrances, and interests created by me or any of my predecessors in title, as provided by the said Act: And I, the said _____, hereby covenant with the Corporation to pay to the Corporation the said several instalments on the respective dates aforesaid.

Given under my hand, this _____ day of _____, 190 .