

Mr Brown

PALMERSTON NORTH RESERVES EMPOWERING

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to empower the Corporation of the City of Palmerston North to sell and manage lands vested in it under the Palmerston North Reserves Act 1922

5 **BE IT ENACTED** by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. **Short Title**—This Act may be cited as the **Palmerston North Reserves Empowering Act 1966**.

10 2. **Interpretation**—In this Act, unless the context otherwise requires,—

“Corporation” means the Mayor, Councillors, and Citizens of the City of Palmerston North;

“Council” means the Palmerston North City Council.

3. Lands vested in the Corporation—The lands described in the Schedule to this Act are hereby vested in the Corporation for the purposes of this Act, subject to all leases, encumbrances, liens, and easements to which they are subject at the commencement of this Act but otherwise freed and discharged from all trusts and reservations affecting the same. The said lands shall no longer be subject to the provisions of the Palmerston North Reserves Act 1922 or the Reserves and Domains Act 1956; but nothing in this Act shall affect the leases or the rights of lessees in leases issued or existing in respect of the said lands.

4. Lands to be held in trust as an endowment—(1) The lands vested in the Corporation by section 3 of this Act shall be held in trust by the Corporation as an endowment for the City of Palmerston North and may be leased by the Council under the Municipal Corporations Act 1954 or under the Public Bodies Leases Act 1908.

(2) The Council is hereby declared to be a leasing authority under the Public Bodies Leases Act 1908.

(3) Extensions, variations and renewals of existing leases of the said lands or any of those transactions may be entered into and executed by the Council in accordance with the provisions of the existing leases. The rents and profits received from the said lands shall be held and may be expended by the Council in and towards the acquisition or development of land for the purposes of recreation, parks, domains, and gardens.

5. Land may be sold to lessees—(1) Where any portion of the lands vested in the Corporation by section 3 of this Act has been leased, the Council may sell and transfer for cash to the lessee thereof the fee simple of the land comprised in the lease if simultaneously the lessee, at his own cost and to the satisfaction of the Council, arranges for the registration of the effective merger of his leasehold interest in the fee simple or otherwise for the effective extinguishment of his leasehold interest.

(2) The purchase price payable by a lessee for the land he leases shall be the then current market value of the unimproved value (as defined by the Valuation of Land Act 1951) of the land as determined by the Council or as fixed by the Valuation Court together with:

- (a) The value as determined by the Council of any improvements on the said land effected by the Corporation or any previous proprietor of the fee simple estate and not previously purchased by the lessee or any previous lessee; and
- 5 (b) All valuation, survey, and other expenses of the Corporation relating to the fixation of the sale price and the sale and transfer of the fee simple to the lessee.
- 10 (3) The unimproved value of the land under subsection (2) of this section shall be the interest of the lessor in the land as assessed under section 45 of the Valuation of Land Act 1951.
- (4) On completion of any cash sale and transfer the land affected thereby shall be freed from the trusts imposed by
- 15 sections 3 and 4 of this Act.

6. Appeal to the Land Valuation Court—(1) Where a lessee notifies the Council that he desires to purchase the fee simple of the land he leases, the Council shall as soon as practicable thereafter determine the purchase price thereof

20 in accordance with the provisions of section 5 of this Act and notify the lessee in writing thereof.

(2) Any lessee so notified may, within fourteen days thereafter, appeal to the Land Valuation Court against the determination of the purchase price.

25 (3) Notice of any such appeal shall be given not less than ten clear days before the date of the hearing thereof to the Council, which shall be the Respondent in the appeal.

7. Completion of purchase—Two calendar months after the determination of the purchase price by the Council or in

30 the event of an appeal to the Land Valuation Court, two calendar months after the date of the decision thereof, the lessee shall pay to the Council the purchase price in cash.

8. Application of purchase money—Where the fee simple of land is sold to the lessee under this Act, the purchase

35 money shall be paid by the Council to a special account to be known as the Palmerston North Reserves Sales Account and the money, together with any interest accruing thereon from the investment thereof or any part thereof, may from time to time be applied by the Council in the acquisition and

40 development of land for the purposes of recreation, parks, domains, and gardens or for any of those purposes for the inhabitants of the City of Palmerston North.

9. Administration of land purchased—Where any land is acquired pursuant to section 8 of this Act, the land shall be held by the Corporation as if the land had been vested in the Corporation by section 3 of this Act; but the provisions of section 5 of this Act shall not apply to land so acquired. 5

10. Certificates of title—The District Land Registrar for the Wellington Land Registration District shall, on application under seal of the Corporation and on the deposit with him of such plans and documents as he may require, without fee, register the Corporation as the proprietor of the land vested 10 in the Corporation by this Act, or where no certificate of title for the land is in existence or where there is no duplicate of an existing certificate of title, on payment of the prescribed fee, issue a certificate of title for the land in the name of the Corporation. The said District Land Registrar is hereby 15 empowered and directed to do all such other things as may be necessary to give effect to this Act.

SCHEDULE

Description	Area			Register Book, Volume and Folio (Wellington Registry in each case)
	A.	R.	P.	
Lots 4, 18, and part Lots 13, 39, 40, 41, 46, 47, 48, D.P. 2494, part Section 1536, Town of Palmerston North	4	2	25.13	606/21 part, 606/164 part, 619/72 part, 619/73 part.
Lots 1 to 65, 67 to 74, and 77 to 87, D.P. 6873, part Section 1536, Town of Palmerston North	23	1	39.47	463/19, 463/20, 463/21, 463/22, 463/23, 463/24, 463/25, 463/26, 463/27, 463/28, 463/29, 463/30, 463/31, 463/32, 463/33, 463/34, 463/35, 463/36, 463/37, 463/38, 463/39, 463/40, 463/41, 463/42, 463/43, 463/44, 463/45, 463/46, 463/47, 463/48, 463/49, 463/50, 463/51, 463/52, 463/53, 463/54, 463/55, 463/56, 463/57, 463/58, 463/59, 463/60, 463/61, 463/62, 463/63, 463/64, 463/65, 463/66, 463/67, 463/68, 463/69, 463/70, 463/71, 463/72, 463/73, 463/74, 463/75, 463/76, 463/77, 463/78, 463/79, 463/80, 463/81, 463/82, 463/83, 463/85, 463/86, 463/87, 463/88, 463/89, 463/90, 463/91, 463/92, 463/95, 463/96, 463/97, 463/98, 463/99, 463/100, 463/101, 463/102, 463/103, 463/104, 463/105.
Part Lots 1 to 3, D.P. 9824, part Section 1536, Town of Palmerston North	1	1	31.96	941/86 part.
Lots 2 to 18, D.P. 11820, part Section 1536, Town of Palmerston North	3	3	32.62	941/82, 941/83.
Lots 1 to 4, D.P. 12393, part Section 1536, Town of Palmerston North	0	3	19.9	941/85.
Lots 4 to 24 and 26 to 33, D.P. 12394, part Section 1536, Town of Palmerston North	6	0	10.98	606/163 part, 606/164 part, 619/71.
Lots 36 to 52, D.P. 13263, part Section 1536, Town of Palmerston North	3	1	16.67	619/69, 619/70,
Lots 61 to 65, 82 to 84, and 92, 93, D.P. 13529, part Section 1536, Town of Palmerston North	2	0	34.93	606/162 part, 606/163 part.

SCHEDULE—continued

Description	Area			Register Book, Volume and Folio (Wellington Registry in each case)
	A.	R.	P.	
Lots 53 to 60, D.P. 13810, part Section 1536, Town of Palmerston North	1	2	39·18	538/291.
Lots 1 to 4, D.P. 14215, part Section 1536, Town of Palmerston North	1	0	3·36	619/74 part.
Lots 1 to 3, D.P. 15502, part Section 1536, Town of Palmerston North	0	3	17·22	606/162 part.
Lots 67 to 81 and 85 to 95, D.P. 15192, part Section 1536, Town of Palmerston North	6	2	16·52	C3/6.
Lots 1 to 8, D.P. 15809, part Section 1536, Town of Palmerston North	1	1	31·04	619/66 part.
Lots 1 to 4, D.P. 15912, part Section 1536, Town of Palmerston North	0	3	39·8	606/21 part.
Lots 1 to 6, D.P. 17197, part Section 1536, Town of Palmerston North	1	1	14·14	619/74 part.
Lots 1 to 4, D.P. 17249, part Section 1536, Town of Palmerston North	0	3	39·68	606/21 part.
Lots 1 to 4, D.P. 17397, part Section 1536, Town of Palmerston North	1	0	3·84	619/70 part.
Lots 1, 2, and 4 to 7, D.P. 17455, part Section 1536, Town of Palmerston North	2	3	6·7	619/22 part.
Lots 1 to 5, D.P. 18271, part Section 1536, Town of Palmerston North	1	1	32·48	619/72 part, 619/73 part.
Lots 1 to 4, D.P. 19123, part Section 1536, Town of Palmerston North	0	3	8·0	941/87 part.
Lots 1 to 3, D.P. 19861, part Section 1536, Town of Palmerston North	0	3	20·47	619/66 part.
Lots 1 to 5, D.P. 20075, part Section 1536, Town of Palmerston North	0	3	2·56	606/162 part.
Lot 2, D.P. 20252, part Section 1536, Town of Palmerston North	0	1	0	949/17 part.
Lots 1 and 2, D.P. 21016, part Section 1536, Town of Palmerston North	0	1	0	949/17 part.
Lots 1 and 2, D.P. 23469, part Section 1536, Town of Palmerston North	0	2	35·77	941/86 part.
Lots 1 and 2, D.P. 23723, part Section 1536, Town of Palmerston North	0	1	27·65	463/93, 463/94.