

Mr Luxton

**TE AROHA BOROUGH ENDOWMENT
EMPOWERING**

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to empower the Council of the Borough of Te Aroha to sell and manage lands vested in it originally under the Te Aroha Borough Reserve Act 1899, section 81 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1910, and by Proclamation published in 1911 in the *New Zealand Gazette*, No. 67, at page 2549

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 Te Aroha Borough Endowment Empowering Act 1970.

No. 28—1

Price 5c

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

“Corporation” means the Mayor, Councillors, and Citizens of the Borough of Te Aroha:

“Council” means the Te Aroha Borough Council. 5

3. Land vested in the Corporation—(1) The land described in the Schedule to this Act is 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, restrictions as to sale, and reservations affecting the same. 10

(2) Nothing in this Act shall affect the leases or the rights of lessees in leases issued or existing in respect of the said lands. 15

4. Land to be held as an endowment—(1) The land vested in the Corporation by section 3 of this Act shall be held as an endowment for the general purposes of the Borough of Te Aroha and may be leased by the Council under the Municipal Corporations Act 1954 or under the Public Bodies Leases Act 1969. 20

(2) Extensions, variations, and renewals of existing leases of the said land 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 land shall be held and from time to time be expended by the Council as it may from time to time in its sole discretion think fit for the general purposes of the Borough of Te Aroha. 25

5. Land may be sold to lessees—(1) Where any portion of the land vested in the Corporation by section 3 of this Act is held under lease, the Council may in its sole discretion 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. 30
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(2) Any such sale shall be on the basis of the current market value of the unimproved value (as defined by the Valuation of Land Act 1951) of the land, either as determined by the Council or as fixed by the arbitration of two arbitrators in manner provided by the Arbitration Act 1908, 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 and not previously purchased by the lessee or any previous lessee; and

(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:

Provided that, where the lessee elects to have the value fixed by arbitration, notwithstanding any of the provisions of the Arbitration Act 1908 (including the Second Schedule thereto), all costs of the reference and award including arbitrators' and umpires' fees and charges shall be paid by the lessee.

(3) On completion of any cash sale and transfer the land affected thereby shall be freed from the provisions of sections 3 and 4 of this Act.

6. Purchase price to be notified to the lessee—Where the 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 in accordance with the provisions of section 5 of this Act and notify the lessee in writing thereof and the amounts making up the same.

7. Completion of purchase—Two calendar months after determination of the purchase price by the Council or by arbitration as the case may be, the lessee shall pay to the Council the purchase price in cash.

8. Land not leased may be sold—The Council may from time to time, in the name and on behalf of the Corporation, sell for cash, by way of transfer, any of the endowment land which is for the time being vested in it and which is not for the time being subject to any lease as defined in section 11 of this Act.

9. Application of purchase money—Where the fee simple of land is sold under this Act the purchase money shall be paid by the Council to a special account and may be invested by the Corporation as the Council in its sole discretion thinks fit and in accordance with any laws from time to time governing such investment by a municipal corporation and the capital together with any interest thereon or any part thereof may from time to time be applied by the Council as it in its sole discretion thinks fit for the general purposes of the Borough of Te Aroha. 5 10

10. Certificates of title—On application by the Council, the District Land Registrar for the South Auckland Land Registration District shall without fee register the Corporation as the proprietor of the land vested in it under this Act freed from any restriction on or prohibition of sale, and the said District Land Registrar is hereby authorised and directed to make such entries or corrections (without payment of any fee) in the relevant register books and in the outstanding relevant duplicate certificates of title and to do all such other things as may be necessary to give effect to the provisions of this Act. 15 20

11. Definition of lease—In section 5 of this Act the word “lease” means a lease granted or held under the provisions of the Municipal Corporations Act 1954 (except section 155 thereof) or under the provisions of the Public Bodies Leases Act 1969 (except paragraph (a) or paragraph (b) of subsection (1) of section 7 thereof or paragraph (a) of section 11 thereof) the registered proprietor whereof is not for the time being the Corporation, and the word “lessee” shall have a corresponding meaning. 25 30



SCHEDULE

ALL those pieces of land in the Borough of Te Aroha, South Auckland Land District, containing 61 acres and 30.9 perches, more or less, being:

Lots 5 to 18, 23 to 29, 38, 39, and 45 to 48, D.P. 9205, being Part Section 128, Block IX, Aroha Survey District (all certificates of title 656/239, 656/240, 656/241, 656/242, 656/243, 656/244, 656/245, 656/246, 656/247, 656/248, 656/249, 656/250, 656/251, 656/252, 656/257, 656/258, 656/259, 656/260, 656/261, 656/262, 656/263, 656/272, 656/273, 656/279, 656/280, 656/281, and 656/282).

Lot 1, D.P. 9205, being Part Section 18, Block IX, Aroha Survey District (all certificate of title 656/235).

Lots 2, 3, and 4, D.P. 9205, being Part Sections 118 and 129, Block IX, Aroha Survey District (all certificates of title 656/236, 656/237, and 656/238).

Lots 20 to 22, and 31 to 34, D.P. 9205, being Part Section 129, Block IX, Aroha Survey District (all certificates of title 656/254, 656/255, 656/256, 656/265, 656/266, 656/267, and 656/268).

Lots 35, and 40 to 44, D.P. 9205, being Part Sections 128 and 129, Block IX, Aroha Survey District (all certificates of title 656/269, 656/274, 656/275, 656/276, 656/277, and 656/278).

Lots 36 and 37, D.P. 9205, being Part Sections 119 and 128, Block IX, Aroha Survey District (all certificates of title 656/270 and 656/271).

Lots 1, 2, and 3, D.P. S. 1171, being Part Section 129, Block IX, Aroha Survey District (all certificate of title 656/264 and balance certificate of title 656/253).

Part Section 128, Block IX, Aroha Survey District, and Lots 1, 2, and 3, D.P. 27037, being Part Section 129, Aroha Survey District (balance certificate of title 96/263).