

Internal Affairs

Local Government Act 1974

Hawke's Bay County - Napier City Boundary Alteration Order 1988

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 22nd day of February 1988

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 36 of the Local Government Act 1974, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order:

Order

1. Title and commencement—(1) This order may be cited as the Hawke's Bay County - Napier City Boundary Alteration Order 1988.

(2) This order shall come into force on 1 April 1988.

2. Boundaries of Hawke's Bay County and Napier City altered—The boundaries of the district of Hawke's Bay County and the district of Napier City are hereby altered by excluding from the district of Hawke's Bay County and including in the district of Napier City those areas of land described in the Schedule hereto (hereinafter referred to in this order as "the said areas").

3. Mayor and principal administrative officer—The mayor and principal administrative officer of the Napier City Council shall exercise the duties, powers, and functions of the chairman and principal administrative officer of the Hawke's Bay County Council in respect of the said areas.

4. Transfer of responsibilities—The Napier City Council in respect of the said areas:

(a) Shall have and may exercise and be responsible for all the powers, duties, acts of authority, and functions which were previously exercised, or which would have been so exercised, by the Hawke's Bay County Council;

(b) Shall have and may exercise and be responsible for all liabilities, obligations, engagements, and contracts which previously were, or which would have been, the responsibility of the Hawke's Bay County Council;

(c) Shall have and may exercise and be responsible for all actions, suits, and proceedings pending by or against, or which would have been the responsibility of, the Hawke's Bay County Council;

(d) Shall succeed to the bylaws which are in force and which are applicable to its altered circumstances and, until revoked or altered by the Napier City Council, every such bylaw shall remain in force in the areas in which it was in force immediately before the alteration of boundaries; and every bylaw which cannot be restricted to the said areas shall be deemed inapplicable and revoked in respect of the said areas by the alteration of boundaries; and

(e) Shall succeed to the valuation rolls, electoral rolls, and rate records in force in the said areas, and these shall remain in force until such rolls or records are made by the Napier City Council, and until that time Part IX of the Rating Act 1967 shall apply in the said areas as if the district in which the said areas were included was the district of a special purpose authority and the areas from which it was formed were constituent districts.

5. Vesting of property—The corporation of the district of Napier City shall, in respect of the said areas, have vested in it, subject to all existing encumbrances, all land in those areas

vested in the corporation of the district of Hawke's Bay County.

6. Title of property—Any reference, express or implied, to the "Hawke's Bay County Council" in any instrument or other document whatever, or any entry or record made on any register in relation to any instrument or other document whatever, relating to the said areas shall, unless the context otherwise requires, be read as a reference to the "Napier City Council".

7. Creditors—Subject to section 37F of the Local Government Act 1974, the right or interests of creditors of any district affected by this order shall not be affected.

8. Apportionment of assets and liabilities—There should be no apportionment of assets and liabilities including loan liabilities pursuant to clause 2 of this order.

Schedule

All that area in the Hawke's Bay Land District, Hawke's Bay County, *firstly* containing 7300 square metres, more or less, bounded by a line commencing at a point being the south-easternmost corner of Lot 2, D.P. 19496; thence northerly along the eastern boundaries of the said Lot 2, Lot 1, D.P. 19496, Lot 1, D.P. 10922 and part Lot 1, Deeds Plan 714 to its westernmost corner; thence south-easterly along the production of the north-eastern boundary of the said part Lot 1 to the western boundary of part Lot 7, D.P. 7087; thence southerly along the western boundary of the said Lot 7 to a point in line with the southern boundary of Lot 2, D.P. 19496; thence westerly along a right line to the point of commencement.

Secondly, containing 48.5 hectares, more or less, bounded by a line commencing at a point, being the northernmost corner of Lot 5, D.P. 11897; thence northerly generally along right lines bearing 31° distance 58.34 metres, bearing 11° distance 226.83 metres to a point on the western boundary of part Suburban Section 60, Meeanee; thence northerly along the said boundary to the northernmost corner of part Suburban Section 60, Meeanee; thence northerly along a right line to the south-west corner of Lot 1, D.P. 6502; thence easterly along the southern boundary of the said Lot 1 to the western side of Church Road; thence northerly along the western side of Church Road to a point in line with the southern boundary of Suburban Section 113, Meeanee; thence easterly along a right line to the south-western corner of Suburban Section 113, Meeanee; thence southerly along the eastern side of Church Road to and easterly along the Taipo Stream to the north-western corner of Lot 4, D.P. 17195; thence south-westerly along the north-western boundary of Lot 4 aforesaid to the easternmost corner of Lot 3, D.P. 15019; thence western and south-westerly along the northern and north-western boundaries of the said Lot 3 to the northernmost corner of Lot 2, D.P. 13228; thence south-westerly along the north-western boundaries of Lot 2, D.P. 13228, Lot 2, D.P. 12650, Lot 1, D.P. 19585, Lots 10 and 9, D.P. 11649 and Lot 5, D.P. 11734 to the westernmost corner of Lot 5 aforesaid; thence easterly along the southern boundary of the said Lot 5 to and southerly along the Taipo Stream to the south-eastern corner of Lot 1, D.P. 6685; thence westerly along the southern boundary of the said Lot 1 and its production to the western side of Church Road; thence northerly along the western side of Church Road to the easternmost corner of Lot 1, D.P. 10160; thence westerly along the northern boundaries of Lots 1, 6, 7, 8, 9, and 10, D.P. 10160 and Lots 1, 2, 3, 4, and 5, D.P. 11897 to the point of commencement.

Thirdly, containing 75.2 hectares, more or less, bounded by a line commencing at a point being the intersection between the middle of Meeanee Road and the western boundary of the proposed Napier-Hastings Motorway as shown on S.O. 6709; thence southerly generally along the western boundary of the proposed motorway and motorway as shown on S.O. 6709 and S.O. 6710, to the middle of the Tutaekuri River; thence