

First Schedule**North Auckland Land District***Easements Surrendered*

Area			Being
m ²			
554	Part Lot 2, D.P. 126868;	cable easement marked "H" on S.O. Plan 64702.	
85	Part Lot 2, D.P. 126868;	water pipeline marked "I" on S.O. Plan 64702.	
Area			Being
A.	R.	P.	
0	0	9.6	Parts Lot 2, D.P. 126868; right of way easement coloured yellow on S.O. Plan 43085.
1	1	13.8	
0	1	25.6	
0	0	0.8	Parts Lot 2, D.P. 126868; right of way easement coloured yellow, edged yellow, on S.O. Plan 43085.
0	0	2.4	
0	0	2.4	Part Lot 2, D.P. 126868; cable easement coloured yellow, edged yellow on S.O. Plan 43085.
0	1	2.3	
0	0	6.4	Parts Lot 2, D.P. 126868; cable easement coloured yellow on S.O. Plan 43085.

Shown marked and coloured on the plans as above mentioned and lodged in the office of the Chief Surveyor at Auckland.

Second Schedule**North Auckland Land District***Land Acquired*

Area		Being
ha		
3.3468	Part Lot 2, D.P. 126868; marked "A" on S.O. Plan 64702.	
1.9322	Part Lot 2, D.P. 126868; marked "B" on S.O. Plan 64702.	

Shown marked on the plan as above mentioned and lodged in the office of the Chief Surveyor at Auckland.

Third Schedule**North Auckland Land Registry**

Her Majesty the Queen (hereinafter together with her heirs, successors and assigns called "the Crown") is the proprietor of the land described in the Seventh Schedule hereto (hereinafter called "the dominant tenement") and John Hight Gray of Auckland, farmer and Shirley Rae Gray, his wife (hereinafter together with their heirs, successors and assigns called "the owners"), are the registered proprietors of the land described in the Eighth Schedule (hereinafter called "the servient tenement") over which the following described easements have been acquired with the condition that if any of the easements taken by Proclamation 18942 or acquired herein should no longer be required by the Crown, then the Crown may by notice published in the *Gazette* either wholly or partially surrender the said easements.

Firstly*Line of Sight Easement*

Granting to the Crown a clear unrestricted, unobstructed and unimpeded line of sight maintaining visibility from and above a horizontal plane 95 metres above mean sea level provided that the owners shall not erect, cause, permit or suffer any buildings, structures, objects, shrubs or trees to intrude within the plane along or above the land described in the Fourth Schedule hereto or shall not at any time on or over the

servient tenement cause, permit or suffer any act whereby the rights, powers, licenses and liberties of the Crown may be interfered with or affected.

Secondly*Right of Way Easement*

Granting to the Crown a right of way easement including the rights and powers contained in the first paragraph of the Seventh Schedule of the Land Transfer Act 1952 (hereinafter called "the beach access" or "the easement") and the easement shall be a vehicular easement as referred to in section 126B of the Property Law Act 1952, twenty (20) metres wide except that the easement shall be used only for access by navy personnel and duly authorised agents of the New Zealand Navy employed on navy business.

The easement shall not be used by vehicles until a track has been drained, graded, formed and metalled to a standard sufficient to provide reasonable all-weather access for four-wheel drive vehicles provided that the sixty eight decimal eight two (68.82) metres of the beach access, part of the area marked "F" on S.O. Plan 64702, nearest the seaward end, shown on diagram "C" of the said plan, shall be used for pedestrian access only (hereinafter called the "pedestrian access") and shall be limited to a width not exceeding one decimal five (1.5) metres and the pedestrian access shall be fenced on both sides to prevent stock intrusion, with appropriate gates at each end.

For so long as the owners or either or both of their children, Barbara Shirley Gray and Darren John Gray, are registered as the proprietors of the land over which the beach access easement is acquired, then the Crown shall not call upon the owners to contribute to the maintenance of the beach access, but this condition shall not apply to any future owners of the servient tenement other than the aforementioned children of the said John Hight Gray and Shirley Rae Gray.

Thirdly*Cable Easement*

Granting to the Crown the full right, liberty, licence, and authority in perpetuity to lay, construct, place, reconstruct, repair and maintain lines of cables along, under or over the land described in the Sixth Schedule hereto together with the additional rights and powers set forth in the fifth paragraph of the Seventh Schedule to the Land Transfer Act 1952, to the extent that the cable easement herein acquired is a variation of the cable easement taken by Proclamation 18942.

The Crown shall maintain the cable easement to the reasonable satisfaction of the owners to ensure the minimum disruption to the land over which the cable easement is acquired.

When and if the existing cable put on or under the cable easement taken by Proclamation 18942 and the cable easement herein acquired is no longer required by the Crown it shall be removed by the Crown at its own expense. This shall not in any way detract from the Crown's right to lay, relay, repair and maintain cables, or to lay any new cable or cables in substitution of the existing cable, though the laying or removal of any cables placed in substitution shall be done by the Crown and at its own expense.

Fourth Schedule**North Auckland Land District***Line of Sight*

All that piece of land being part of Lot 2, D.P. 126868; shown marked "A" on S.O. Plan 64883, lodged in the office of the Chief Surveyor at Auckland.