

## **Easements in Gross for an Electrical Sub-station and Right to Convey Electricity Acquired in Tauranga District**

Pursuant to section 20 of the Public Works Act 1981, and to a delegation from the Minister of Lands, the District Solicitor of the Department of Survey and Land Information, Hamilton, declares that, an agreement between The Tauranga District Council (hereinafter called "the council") and the National Trading Company of New Zealand Limited (hereinafter called "the owner"), to that effect having been entered into, easements in gross for an electrical sub-station and the right to convey electricity as described in the First Schedule hereto are hereby acquired over the land described in the Second Schedule hereto (hereinafter called "the land") and further declares that the said easements shall vest in the council on the date of publication hereof in the *Gazette*.

### **First Schedule**

#### **South Auckland Land District**

##### **Description of Easements**

1. To install, maintain, inspect, repair, replace or add to electrical equipment on the easement (including lines, conduits, cables, terminals, supply points, transformers, manholes, boxes or any other equipment the council considers necessary or desirable for the transmission and distribution of electricity);
2. To transmit and distribute electricity through transformers, equipment, cables and wires installed on or in the easement to nearby consumers;

And for both the above easements the council, its employees, contractors or agents and all persons having business with it concerning the transmission or distribution of electricity shall have the full, free and unrestricted liberty and licence:

- (a) to enter and re-enter on the land and into any building on the land containing any works or installations installed on the easements by the council on foot or by any reasonable mode of transport;
- (b) to take on to the land and into buildings on the land all necessary tools, materials, machinery and equipment;
- (c) to carry out on the easements such works as are required for the exercise of the powers and authorities granted;

Together with the right of ingress, egress or regress across the land and through buildings on the land to and from the public road adjoining the land;

And the following conditions and restrictions shall apply in respect of the easements:

1. The council will, in exercise of the powers granted, take reasonable and proper care not to damage property of the owner, and will immediately repair any damage that may occur as a result of its works, at its cost entirely.
2. The owner shall not permit the growth of trees, shrubs or other vegetation or the erection or establishment of any structure on the easements which in the reasonable opinion of the council or its appropriate officer:

- (a) may hamper the council's operations; or
- (b) endanger or cause nuisance to the council's operations, works, employees, agents or contractors in the course of their duties; or
- (c) transgress any bylaw of the council or any statutory regulation relating to the council's electricity works, installations, distribution, equipment or other property.

3. All works and installations constructed by the council on the easements shall remain at all times subject to the supervision and control of the council and shall be deemed to remain the property of the council.

4. The owner will ensure the council can gain access at any

time it requires to all works and installations constructed by the council on the easements to carry out any act authorised by this grant.

5. The council shall be deemed to have and to be free to exercise in connection with these easements all authority, power, rights and remedies vested in it by law with regard to its works and installations and the supply of power and its operations generally.

6. The council may exercise and enjoy the rights, immunities from liability, powers and remedies which it now or in the future may possess or be entitled to or have vested in it by any statute or at common law without being limited or restricted by anything in this grant.

7. The council may exercise the rights, privileges, liberties and licences contained or implied in these easements either together with or independently of any of such as may be vested in the council at common law or by statute.

8. The cost of such work and installations as the council may require on the easements shall be borne by the council.

9. If any dispute or difference arises between the parties in any way arising out of or in connection with these easements, it is agreed that the dispute or difference shall be referred to at the request of any party to arbitration on the following terms:

- (a) A sole arbitrator is to be jointly agreed upon by the parties;
- (b) If the parties fail to agree upon an arbitrator within 7 days of the issue being submitted to them any party may require the president or other chief presiding officer of the Hamilton District Law Society to nominate the arbitrator and that nomination will bind the parties;
- (c) The arbitration is to be conducted under the Arbitration Act 1908;
- (d) The arbitrator's decision is final and may include:
  - (i) An order for costs;
  - (ii) an order for enforcement;
  - (iii) interest on moneys payable.

### **Second Schedule**

#### **\*South Auckland Land District**

##### **Land Over Which Easements Are Acquired**

##### **Electrical Sub-station**

All those pieces of land, situated in Block X, Tauranga Survey District, being part Lot 1, D.P. S. 21391 and part Allotment 409 of Section 2, Town of Tauranga; as shown marked "A" and "B" respectively on D.P. S. 62320.

##### **Right to Convey Electricity**

All that piece of land situated in Block X, Tauranga Survey District, being part Allotment 409 of Section 2, Town of Tauranga; as shown marked "C" on D.P. S. 62320.

Dated at Hamilton this 2nd day of October 1992.

W. G. KORVER, District Solicitor.

(DOSLI Hn. 98/9/0/20)

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#### **Land Acquired for Soil Conservation and River Control Purposes in Hauraki District Subject to Easements**

Pursuant to sections 20 and 28 of the Public Works Act 1981, and to a delegation from the Minister of Lands, the District Solicitor, Department of Survey and Land Information, Hamilton, declares that, an agreement to that effect having been entered into, the land described in the First Schedule is acquired for soil conservation and river control purposes and shall vest in The Waikato Regional Council on the date of publication hereof in the *Gazette*, subject to a right of way and