

City of Dunedin Lands Vesting Act 1906

Local Act 1906 No 35
Date of assent 29 October 1906

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An Act to vest in the Corporation of the Mayor, Councillors, and Citizens of the City of Dunedin certain Parcels of Land in the Otago Peninsula District in Trust for Purposes of Public Recreation and for the Purposes of a Cemetery respectively.

Preamble

WHEREAS the lands described in Schedules 1 and 2 hereto are vested in the Dunedin Ocean Beach Domain Board (hereinafter called **the Board**) by virtue of the provisions of The Ocean Beach Public Domain Act 1892: And whereas it is expedient to vest the lands described in Schedules 1 and 2 hereto in the Corporation of the Mayor, Councillors, and Citizens of the City of Dunedin (hereinafter

called **the Corporation**) for the purposes hereinafter expressed: And whereas the Board is willing that the said lands shall be vested in the Corporation for such purposes upon the terms hereinafter expressed:

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

1 Short Title

The Short Title of this Act is the City of Dunedin Lands Vesting Act 1906.

2 Land vested in Corporation for recreation purposes

- (1) The parcel of land described in Schedule 1 hereto is hereby vested in the said Corporation, their successors and assigns (all hereinafter, unless repugnant to the context, included in the expression **the Corporation**), in trust for purposes of public recreation.
- (2) The said land shall be deemed to be a recreation reserve within the meaning of the Reserves and Domains Act 1953.
- (3)
- (4)

Subsection (2) was substituted, as from 20 August 1965, by section 2 City of Dunedin Lands Vesting Amendment Act 1965 (1965 No 4(L)).

Subsections (3) and (4) were repealed, as from 20 August 1965, by section 2 City of Dunedin Lands Vesting Amendment Act 1965 (1965 No 4(L)).

3 Land for cemetery

The parcel of land described in Schedule 2 hereto is hereby vested in the said Corporation, their successors and assigns, in trust for the purposes of a cemetery.

4 Lands not to be subject to certain Acts

[Repealed]

Section 4 was substituted, as from 20 August 1965, by section 3 City of Dunedin Lands Vesting Amendment Act 1965 (1965 No 4(L)).

Section 4 was repealed, as from 18 December 1992, by section 5 Ocean Beach Public Domain (Repeal and Vesting) Act 1992 (1992 No 7(L)).

5 Roads to be kept in repair

The Corporation shall at all times keep the respective roads on the boundaries of the said respective parcels of land for the whole length thereof in good repair, order, and condition, and so as to be fit for wheeled traffic of every description.

6 Board may perform certain duties if Corporation fail to do so

In case default shall be made by the Corporation in performing any of the obligations contained in the preceding section, it shall be lawful for the Board or its successors (but without prejudice to any other remedy in relation to such default) to perform the same, and the Corporation shall upon demand repay to the Board or its successors all moneys expended by it or them in or about performing such obligation, and such moneys may be recovered by the Board or its successors from the Corporation in any Court of competent jurisdiction.

7 Board may institute proceedings

The Board may in its own name institute proceedings for the purpose of securing the performance of the said obligations.

8 Issue of certificates of title

The District Land Registrar of Otago shall, on the deposit with him of a copy of this Act, issue certificates of title to the Corporation for the said parcels of land subject to the aforesaid trusts.

Schedule 1

All that parcel of land in the Otago Land District, containing by ad-measurement 36 acres 2 roods 2 perches, more or less, being part of Section No 28, Block VII, Otago Peninsula Survey District: bounded towards the south and south-west by Lower Tomahawk Road, commencing at the south-west corner of the land described in Schedule 2 hereto, bounded towards the south and south-west by Lower Tomahawk Road as following—by a line on a bearing of 281° 40½' for a distance of 1704 links to an angle, thence by a line on a bearing of

292° 7' for a distance of 196 links to an angle, thence by a line on a bearing of 315° 29' for a distance of 788 links to an angle, thence by a line on a bearing of 306° 28' for a distance of 787 links to an angle at the junction of Lower Tomahawk Road with Victoria Road; thence bounded towards the north by Victoria Road as following—by a line on a bearing of 82° 40' for a distance of 1111 links to an angle, thence by a line on a bearing of 83° 58' for a distance of 456 links to an angle, thence by a line on a bearing of 65° 5' for a distance of 445 links to an angle, thence by a line on a bearing of 82° 8' for a distance of 1086 links to the north-west corner of the land described in Schedule 2; thence towards the east by the western boundary of said last-mentioned land on a bearing of 180° for a distance of 1976 links to the starting-point: be all the aforesaid bearings and linkages a little more or less.

Schedule 2

All that parcel of land in the Otago Land District, containing by ad-measurement 23 acres 2 roods 1 perch, more or less, being part of Section No 28, Block VII, Otago Peninsula Survey District: bounded towards the south and south-west by Lower Tomahawk Road, commencing at the south-west corner of Section No 31, Block VII, Otago Peninsula Survey District, as following—by a line on a bearing of 262° 30' for a distance of 112 links to an angle, thence by a line on a bearing of 276° 30' for a distance of 657 links to an angle, thence by a line on a bearing of 281° 40½' for a distance of 467 links to a point on the northern boundary of the said Tomahawk Road; thence towards the west by a line leaving the Lower Tomahawk Road on a bearing of 360° for a distance of 1977 links to Victoria Road; thence along Victoria Road as following—by a line on a bearing of 82° 8' for a distance of 113 links to an angle, thence by a line on a bearing of 104° 8' for a distance of 260 links to the south-west boundary-line of original Section No 8, Block III, Anderson's Bay Survey District; thence towards the north-east by the south-west boundary-line of said Section No 8 on a bearing of 130° 8' for a distance of 431 links to an angle; thence towards the north-west by the south-east boundary-line of said Section No 8 on a bearing of 40° 8' for a distance of 210 links to the aforesaid Victoria Road; thence along the Victoria Road as fol-

lowing—by a line on a bearing of $104^{\circ} 8'$ for a distance of 224 links to an angle, thence by a line on a bearing of $116^{\circ} 45'$ for a distance of 192 links to an angle at the north-west corner of Section No 26, Block VII, Otago Peninsula Survey District; thence bounded towards the east by the western boundaries of said Sections Nos 26 and 31, Block VII, Otago Peninsula Survey District, said boundaries of Sections Nos 26 and 31 being one straight line on a bearing of 180° for a distance of 1825 links to the starting-point: be all the aforesaid bearings and linkages more or less.