

Napier Harbour Board Amendment and Endowment Improvement Act 1899

Local Act 1899 No 3
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Contents

	Page
Title	1
Preamble	1
1 Short Title	2
2 Interpretation	2
3 Repeal	2
4 Board may sell land for certain purposes	3
5 How purchase-moneys to be applied	3
6 Board may lease land conditionally	3
7 Sale or lease to be by auction	4
8 Board may combine a sale with a lease	4
9 Board may take over part of the land reclaimed in lieu of purchase-money	4
10 Power to borrow \$26,000	4
11 Power to lay out roads	5
Schedule	5

An Act to amend The Napier Harbour Board Amendment and Endowment Improvement Act 1887, and The Napier Harbour Board Amendment and Further Empowering Act 1889, and to give Further Powers to the Napier Harbour Board to deal with the Lands described in the said Acts.

Preamble

WHEREAS it has been found that the powers given to the Napier Harbour Board by The Napier Harbour Board Amendment and

Endowment Improvement Act 1887, and The Napier Harbour Board Amendment and Further Empowering Act 1889, are insufficient to provide for the effectual reclamation and improvement of the lands mentioned in the said Act: And whereas it is expedient that such reclamation and improvement of the said lands be carried out, inasmuch as such reclamation and improvement would add materially to the value and productiveness of the said lands, and for such purpose it is expedient that a power to sell portion of the said lands should be given to the Napier Harbour Board, and that more extended powers than are now vested in the said Board of leasing the whole or part of the said lands should be also given to the said Board:

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 Napier Harbour Board Amendment and Endowment Improvement Act 1899.

2 Interpretation

In this Act—

The said Act of one thousand eight hundred and eighty-seven means The Napier Harbour Board Amendment and Endowment Improvement Act 1887

The said Act of one thousand eight hundred and eighty-nine means The Napier Harbour Board Amendment and Further Empowering Act 1889

The Board means the Napier Harbour Board

Public notice means a notice published in some newspaper having circulation in Napier, Hawke's Bay.

3 Repeal

Sections ten, eleven, twelve, thirteen, fourteen, and sixteen of the said Act of one thousand eight hundred and eighty-seven, Schedules 6, 7, 8, and 9 to the said Act of one thousand eight hundred and eighty-seven, and sections four, five, six, seven,

eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, and sixteen of the said Act of one thousand eight hundred and eighty-nine, and the Schedules to the said Act of one thousand eight hundred and eighty-nine, are hereby repealed.

4 Board may sell land for certain purposes

It shall be lawful for the Board from time to time to sell and dispose of the whole or any part or parts of the land described in the Schedule hereto (which land is part of the land described in Schedules 3 and 4 to the Act of one thousand eight hundred and eighty-seven) for such price or prices as it shall think fit; or the Board may grant and convey to the Mayor, Councillors, and Burgesses of the Borough of Napier a portion of the said land, not exceeding thirty acres in extent, for the purposes of a public park or recreation-ground, and upon such terms (if any) as to the reclamation and improvement of such land by the said Mayor, Councillors, and Burgesses of the Borough of Napier as the Board shall think fit.

5 How purchase-moneys to be applied

The purchase-moneys to be received upon any such sale or sales as aforesaid shall be applied in or towards the reclamation or improvement of the whole or any part of the lands described in Schedules 3 and 4 to the said Act of one thousand eight hundred and eighty-seven, other than any part thereof so sold as aforesaid.

6 Board may lease land conditionally

In addition to, and not by way of substitution for, the leasing powers already vested in the Board by law, the Board may from time to time let the whole or any part or parts of the lands described in Schedules 3 and 4 to the said Act of one thousand eight hundred and eighty-seven, subject to the conditions following:—

- (1) Any such lease may be for a term of not more than forty-two years.
- (2) Any such lease may contain such provisions as the Board may think fit—
 - (a.) For the determination thereof by the Board or the lessee as the Board may think fit;

- (b.) For the payment to the lessee by the Board of the value of all or any improvements caused by reclamation, not exceeding in the whole the sum of twenty-six thousand dollars; and the Board may, at the determination of any such leases of this block and the reletting of such lands, add to the upset rental of such lands the value of any buildings or fences then on such lands;
 - (c.) Compelling the lessee to reclaim all or any portion or portions of the land leased.
- (3) Any such lease may contain such other covenants and conditions as the Board shall think fit.

The reference to “twenty-six thousand dollars” was substituted, as from 10 July 1967, for a reference to “thirteen thousand pounds” pursuant to section 7(1) of the Decimal Currency Act 1964 (1964 No 27).

7 Sale or lease to be by auction

Any sale or lease provided for by sections four and six aforesaid shall be by public auction or public tender, of which public notice shall be given.

8 Board may combine a sale with a lease

The Board may, if it shall think fit, combine a sale under section four aforesaid with a lease under section six aforesaid, on such terms and conditions as the Board shall think fit.

9 Board may take over part of the land reclaimed in lieu of purchase-money

The Board may make such provisions as it may think fit in any such sale or lease as aforesaid for the taking-over by the Board of part or parts of the land reclaimed or improved in lieu of the whole or any part of the purchase-money or rent.

10 Power to borrow \$26,000

In order to provide moneys for the purpose of paying to the lessee any sum for improvements in case of determination of any lease or otherwise, the Board may borrow, on the security of the whole or any part of the lands described in Schedules 3 and 4 to the said Act of one thousand eight hundred and eighty-seven, such sum or sums of money as it shall think fit,

not exceeding in the whole the sum of twenty-six thousand dollars.

The reference to “twenty-six thousand dollars” was substituted, as from 10 July 1967, for a reference to “thirteen thousand pounds” pursuant to section 7(1) of the Decimal Currency Act 1964 (1964 No 27).

11 Power to lay out roads

The Board shall have power to lay out roads through all or any part of the lands described in Schedules 3 and 4 to the Act of one thousand eight hundred and eighty-seven.

Schedule

ALL that piece of land situated in the Provincial District of Hawke’s Bay, containing by admeasurement 300 acres, more or less, being part of Te Whare-o-Maraenui Block or Reserve and the Ahuriri Lagoon, the said piece of land being bounded as follows: Commencing at a point on the western side of Hastings Street 400 links south of the southern boundary of the Borough of Napier; thence bounded on the south-west by a line bearing $317^{\circ} 30'$, 10900 links, more or less, to the Railway Reserve between Napier and the Spit; thence bounded on the north, north-east, and east by the Borough of Napier, to the commencing point.