

Mr. Kidd.

CITY OF AUCKLAND EMPOWERING AND RESERVES
EXCHANGE (No. 2).

[LOCAL BILL.]

ANALYSIS.

Title. Preamble. 1. Short Title. 2. Power to lease Auckland City Market for a term not exceeding ten years. 3. Power to Council to lease certain land for a term not exceeding fifty years. 4. Land in Second Schedule released from security for repayment of loan. 5. Land in First Schedule vested in His Majesty the King. 6. Certificate of title to issue.	7. Land to be held as an endowment for hospital. 8. Annual payment to be made to City Council. 9. Land in Second Schedule to vest in City Council. 10. Certificate of title to issue. 11. Land to be held subject to existing lease. 12. Upon expiry of present tenancy land to be held by City Council as a public recreation-ground. Schedules.
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A BILL INTITULED

AN ACT to enable the Mayor, Councillors, and Citizens of the City of Auckland (hereinafter called "the City Council") (a) to lease the Auckland City Market for any Term not exceeding Ten Years; (b) to lease a Part of the Land formerly known as Fort Britomart Reserve and Public Road for any Term not exceeding Fifty Years; and (c) to make a certain Exchange of Properties with the District of Auckland Hospital and Charitable Aid Board (hereinafter called "the Hospital Board").

WHEREAS it is expedient that, notwithstanding the provisions of "The Municipal Corporations Act, 1900," and the amendment thereof, and "The Auckland Domain Vesting Act, 1893," the City Council should have the powers above referred to: And whereas the land mentioned in the *First* Schedule hereto is part of the Auckland Domain vested in the City Council by "The Auckland Domain Vesting Act, 1893," for the purposes and upon the trusts therein specifically set out: And whereas the land mentioned in the *Second* Schedule hereto was vested in the Superintendent of the Province of Auckland upon trust as an endowment for a hospital or hospitals at Auckland, but now by the operation of "The Abolition of Provinces Act, 1875," the same is vested in His Majesty the King upon the same trusts: And whereas the same is part of the lands included in the charge referred to in the Third Preamble to "The Auckland Hospital Reserves Act, 1883": And whereas such last-mentioned lands have since the charge thereon was created been greatly increased

2 *City of Auckland Empowering and Reserves Exchange (No. 2).*

in value by the said Hospital Board, and though the amount of the said charge has been greatly reduced, yet the same still exists: And whereas the said Hospital Board are desirous of obtaining the land mentioned in the *First* Schedule hereto as a site for a hospital for the treatment of infectious diseases other than small-pox, leprosy, or plague in exchange for the land mentioned in the *Second* Schedule hereto, and the said City Council and Hospital Board are willing to make such exchange: And whereas, in order to make such exchange, the Hospital Board are desirous that the said land mentioned in the said *Second* Schedule hereto shall be released and discharged from the operation of the said Act of one thousand eight hundred and eighty-three, and of the charge and security therein referred to, and of the trusts and conditions upon or subject to which the same is now held by virtue of the grants thereof or the operation of any statutory provision affecting the same, with the object of simultaneously including in lieu thereof in the last-mentioned Act, and such charge and security therein mentioned, the land mentioned in the *First* Schedule hereto: And whereas it would be to the advantage of the public that the said exchange should be made: And whereas it is expedient for the purposes aforesaid to alter the provisions of "The Public Reserves Act, 1881," section eight, "The Auckland Hospital Reserves Act, 1883," and "The Auckland Domain Vesting Act, 1893," and any other Acts that may in any way be inconsistent with the full operation and effect hereof:

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

Short Title.

1. The Short Title of this Act is "The City of Auckland Empowering and Reserves Exchange Act, 1903 (No. 2)."

Power to lease Auckland City Market for a term not exceeding ten years.

2. The power vested in the Council of the said City of Auckland by section three hundred and sixty-nine of "The Municipal Corporations Act, 1900," shall, with reference to the property now known as the Auckland City Market, and having entrances from Queen, Cook, Albert, and Wellesley Streets, be hereinafter read and construed as though the words "three years" where they occur in the said section had been deleted therefrom and the words "ten years" inserted in lieu thereof.

Power to Council to lease certain land for a term not exceeding fifty years.

3. The power vested in the City Council by section two hundred and one of the said last-mentioned Act shall, with reference to such part of the property described in the Schedule to the local Act called "The Auckland Harbour Act 1874 Amendment Act, 1883," as is now vested in the City Council and is not now laid out or used as a public road, be read and construed as though the words "twenty-one years" where they occur in the said section had been deleted therefrom and the words "fifty years" inserted in lieu thereof.

Land in Second Schedule released from security for repayment of loan.

4. The land mentioned in the *Second* Schedule hereto is hereby released and discharged from the charge and security referred to in the said Third Preamble to the Act of one thousand eight hundred and eighty-three, and from all liability whatever in respect thereof, and from the trusts and conditions upon or subject to which the same was originally granted, or upon or subject to which the same is now held.

5. The land described in the *First* Schedule hereto is hereby vested in His Majesty the King, and shall be held by his said Majesty subject to the last-mentioned charge and security, but freed and discharged from the trusts and conditions heretofore attaching to the same under the provisions of "The Auckland Domain Vesting Act, 1893."

Land in First Schedule vested in His Majesty the King.

6. The District Land Registrar at Auckland is hereby empowered and directed to issue a Land Transfer certificate of title for the land described in the *First* Schedule hereto to His Majesty the King.

Certificate of title to issue.

7. Upon the issue of a certificate of title to His Majesty the King for the land described in the *First* Schedule hereto such land shall be held by His Majesty upon trust as an endowment for a hospital at Auckland for the treatment of infectious diseases other than small-pox, leprosy, or plague.

Land to be held as an endowment for hospital.

Struck out.

8. The Public Trustee is hereby authorised and empowered to pay to the City Council out of any income he may receive from the land described in the *Second* Schedule hereto, or in default of his so doing the Hospital Board shall pay to the City Council in respect of the land described in the *First* Schedule hereto, on the twenty-fourth days of April and October in each year until the twenty-fourth day of October, one thousand nine hundred and sixteen, the sum of twenty pounds per annum, the first of such payments to be made in advance on the twenty-fourth day of October, one thousand nine hundred and three: Provided always that if possession of the land described in the *Second* Schedule hereto shall at any time prior to the said twenty-fourth day of October, one thousand nine hundred and sixteen, be given by the said Public Trustee or the Hospital Board to the said City Council free from any lease thereover or right to the possession thereof by any other person then, from and after such possession shall be given, all payments hereinbefore provided for shall cease to be payable.

Annual payment to be made to City Council.

9. The land described in the *Second* Schedule hereto is hereby vested in the City Council.

Land in Second Schedule to vest in City Council.

10. The District Land Registrar at Auckland is hereby empowered and directed to issue a Land Transfer certificate of title for the land described in the *Second* Schedule hereto to the City Council.

Certificate of title to issue.

11. The said land described in the *Second* Schedule hereto shall be held by the City Council subject to the tenancy thereof of one Ah Chee, expiring on the twenty-fourth day of October, one thousand nine hundred and sixteen, ~~and subject to the Public Trustee receiving the rent thereof from the said Ah Chee during the said period,~~ and the said District Land Registrar shall on presentation of the lease to the said Ah Chee register the same upon the certificate of title mentioned in the *last preceding* section hereof.

Land to be held subject to existing lease.

12. Upon the issue of a certificate of title to the City Council for the land described in the *Second* Schedule hereto such land shall be held by the City Council after the expiration of the said tenancy of Ah Chee thereof as a place of public recreation and enjoyment for the inhabitants of the City of Auckland and the

Upon expiry of present tenancy land to be held by City Council as a public recreation-ground.

public generally as if the same had been included and specifically mentioned in paragraph four of the Schedule to "The Auckland Domain Vesting Act, 1893," and had vested in the City Council by virtue of such Act; and all the rent accruing from the tenancy of the said Ah Chee shall be placed to the credit of the Domain Account of the City Council, and be spent only on the Auckland Domain. 5

Schedules.

SCHEDULES.

Struck out.

FIRST SCHEDULE.

ALL that piece or parcel of land, containing by admeasurement 5 acres 3 roods 1 perch, being part of "the Auckland Domain," mentioned in paragraph 1 of the Schedule to "The Auckland Domain Vesting Act, 1893," and being bounded (commencing 262.9 links to the westward of the north-eastern corner of the land vested in the Hospital Board under and by virtue of the provisions of "The Auckland Hospital Reserves Act, 1890," measured along the north-eastern boundary of such land) towards the south-west by such north-eastern boundary as aforesaid, bearing $115^{\circ} 46'$, 732 links; towards the west by a creek to the abutment of the southern boundary-line of a road leading from Grafton Road into the Auckland Domain; towards the north by other portion of the Auckland Domain, by a line bearing $99^{\circ} 53'$, 141.5 links; towards the west by other part of the Auckland Domain, by a line bearing $12^{\circ} 15'$, 352.8 links; towards the north-east by other part of the Auckland Domain, by a line bearing $115^{\circ} 46'$, 789.9 links; and towards the south-east by other part of the Auckland Domain, by a line bearing $25^{\circ} 46'$, 756.8 links, to the point of commencement: as the same is delineated on map deposited in the Lands and Survey Department at Auckland under No. 12812 in blue.

SECOND SCHEDULE.

ALL that piece or parcel of land in the Provincial District of Auckland, in New Zealand, containing by admeasurement 6 acres 3 roods 30 perches, be the same a little more or less, and being portions of Sections 98 and 99 of the Suburbs of Auckland. Bounded (commencing at a point 79 links from the south-western corner of the said Section 99) towards the north-west by Section 96, 1125 links; generally towards the north and north-east by other part of said Section 98 taken by Proclamation No. 1014 for railway purposes, 115.9 links, 125.6 links, 328 links, 424 links, and 402.1 links; towards the south-east by the Auckland Domain, 212.4 links; towards the south-west by the said Domain, 235 links; towards the south by the said Domain, 392 links and 300 links; again towards the south-east by the said Domain, 235 links and 134.8 links; again towards the south by the said Domain, 130 links; again towards the north-west by the said Section 96, 37 links; again towards the north by other part of said Section 99, 88 links; again towards the north-west by other part of said Section 99, 46 links; and again towards the south-west by said other part of said Section 99 to the commencing-point, 78 links: as the same is delineated on plan No. 3419A in the Land Transfer Office at Auckland.

New schedules.

FIRST SCHEDULE.

ALL that parcel of land in the Auckland Land District, containing by admeasurement 5 acres 3 roods 1 perch, more or less, being part of the Auckland Domain, bounded as follows: Commencing at a point on the northern boundary-line of the land vested in the Auckland Hospital Board by "The Auckland Hospital Reserves Act, 1890," distant 262.9 links to the westward of the north-eastern corner of the said land, measured along its north-eastern boundary-line; thence towards the south-west by the said hospital land to the Domain Boundary Creek, 732 links; thence towards the west generally by that creek to the southern side of the abutment of a road leading from Grafton Road into the Auckland Domain; thence towards the north-

east by a right line bearing south $80^{\circ} 07'$ east, 141.5 links; thence towards the north-west by a right line bearing north $12^{\circ} 15'$ east, 352.8 links; thence towards the north-east by a right line bearing south $64^{\circ} 14'$ east, 789.9 links; and thence towards the south-east by a right line bearing south $25^{\circ} 46'$ west, 756.8 links, to the place of commencement: be all the aforesaid linkages a little more or less.

SECOND SCHEDULE.

ALL that parcel of land in the Auckland Land District, containing by admeasurement 6 acres 3 roods 30 perches, more or less, being parts of Sections Nos. 98 and 99 of the Suburbs of Auckland, bounded as follows: Commencing at a point on the north-western boundary-line of Section No. 99, distant 79 links from the south-western corner of the said Section No. 99; thence towards the north-west by Section No. 96, 1125 links; thence towards the north by the abutment of a public road, 115.9 links; thence towards the north-east by land taken for railway purposes by Proclamation, *New Zealand Gazette* No. 65, 29th November, 1888, 125.6 links, 328 links, 424 links, and 402.1 links; thence towards the south generally by the Auckland Domain, 212.4 links, 235 links, 392 links, 300 links, 235 links, 134.8 links, and 130 links; thence again towards the north-west by Section No. 96 aforesaid, 37 links; thence again towards the north-east, north-west, and south-west by other part of Section No. 99 aforesaid, 88 links, 46 links, and 78 links respectively, to the place of commencement: be all the aforesaid linkages a little more or less: as the same is delineated on the plan No. 3419A, deposited in the Land Transfer Office, at Auckland.

By Authority: JOHN MACKAY, Government Printer, Wellington,—1903.