

19.10.87

18400143

61/7/1

#59 Harbour Rd

Le Pine & Co  
Barristers and Solicitors  
P O Box 140  
TAUPO

ATTENTION: MR PETER MARTYN

Dear Sirs

RIGHT OF WAY : A G & J N PORTEOUS AND R C & A SMITH, HARBOUR ROAD, PORT  
OHOPE

At its meeting held on 19.10.87, Council considered the proposed surrendering of the right of way as set out in the Memorandum of Transfer. Council resolved as follows:

"THAT the Memorandum of Transfer relating to the surrender of the right of way over Lots 1 and 2 DPS 8517 in Block III Whakatane Survey District be executed under seal."

In considering the Memorandum of Transfer, Council noted that the right of way to be surrendered has been superseded by another right of way which was created as part of the Roger subdivision off Ocean Road. Council noted that the new right of way still gave access from Lots 1 and 2 through to Ocean Road and on to Ohope Beach. Accordingly, Council was satisfied that the existing right of way over Lot 2 was no longer required, and that the right of way could be surrendered.

It is pointed out that the above decision has been made by a Sub-Committee of Council. If you are not satisfied with the decision for any reason whatsoever, you are entitled to seek a review of the decision. Such an application for a review should be made in writing within one month after notification of the decision. Upon receipt of a request for a review, the matter will be presented as soon as practicable to the Planning Committee of Council who may then confirm, modify or reverse the original decision.

If you require any further information, please do not hesitate to contact me.

Yours faithfully

J W Mandemaker  
PLANNING OFFICER

02-AM.08

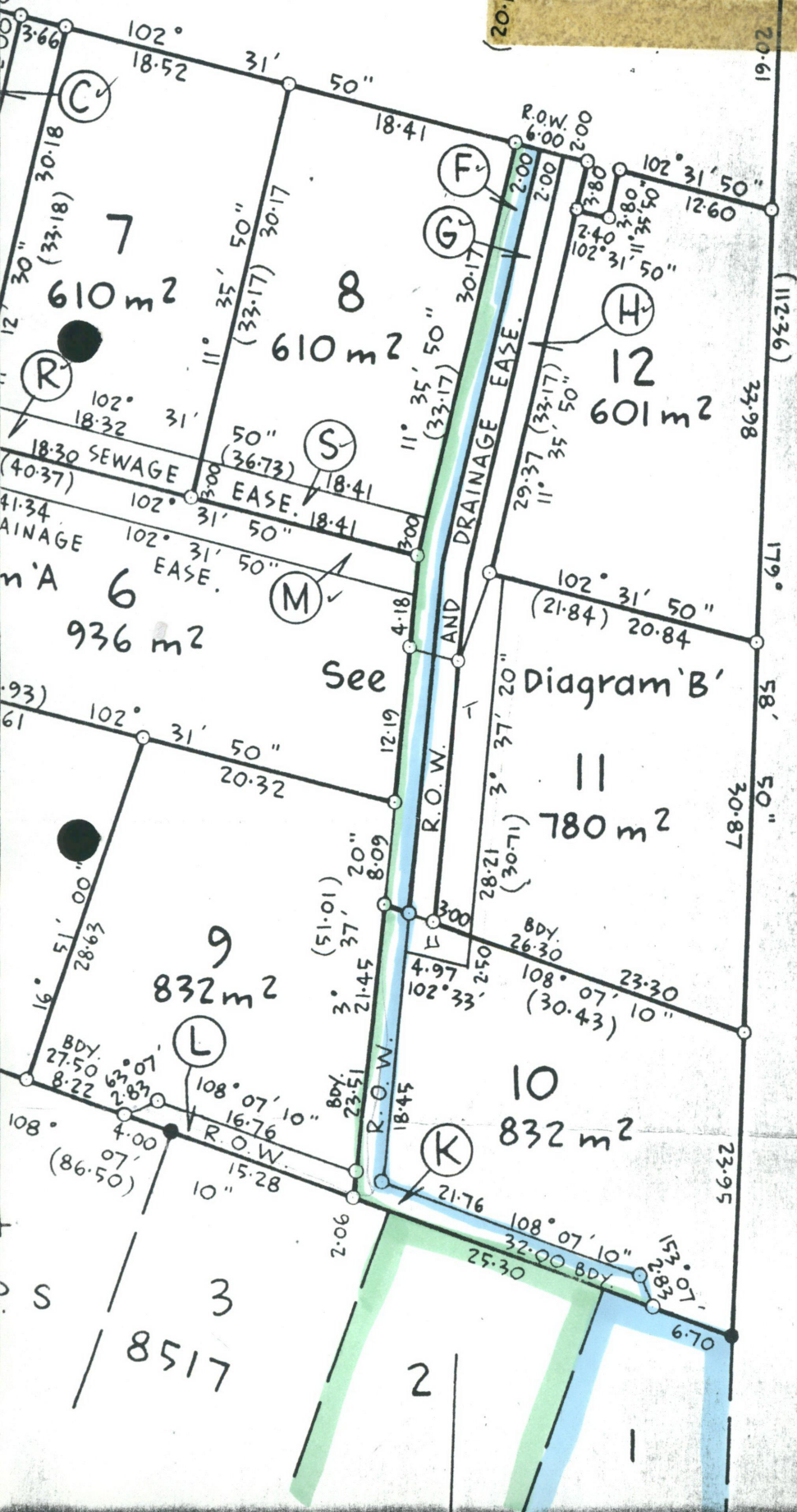






VEST 109.45 50" 8517  
 RECREATION RESERVE  
 TO VEST AS ROAD

SCHEDULE OF PROPOSED EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of Way	F & I G, J & K L	Pt. Lot 9 Pt. Lot 10 Pt. Lot 9	Lots 1, 2, 3 & 4 DP's 8517 Lots 1, 2, 3 & 4 DP's 8517 Lots 3 & 4 DP's 8517



D.P. 32393

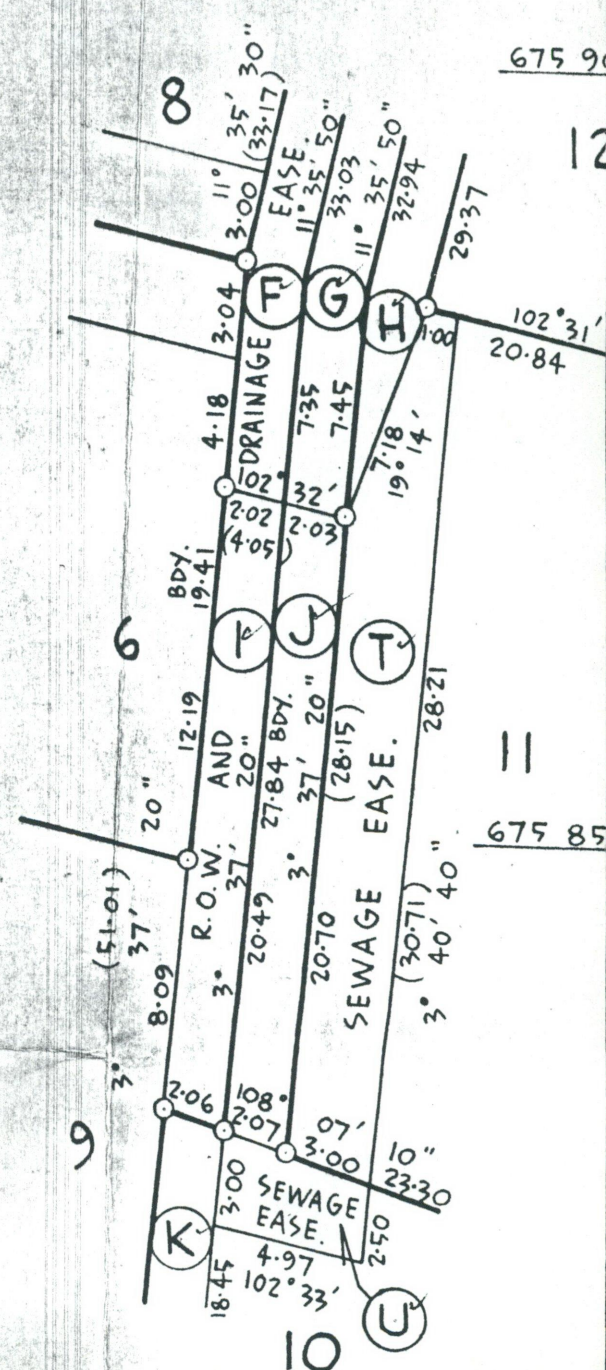
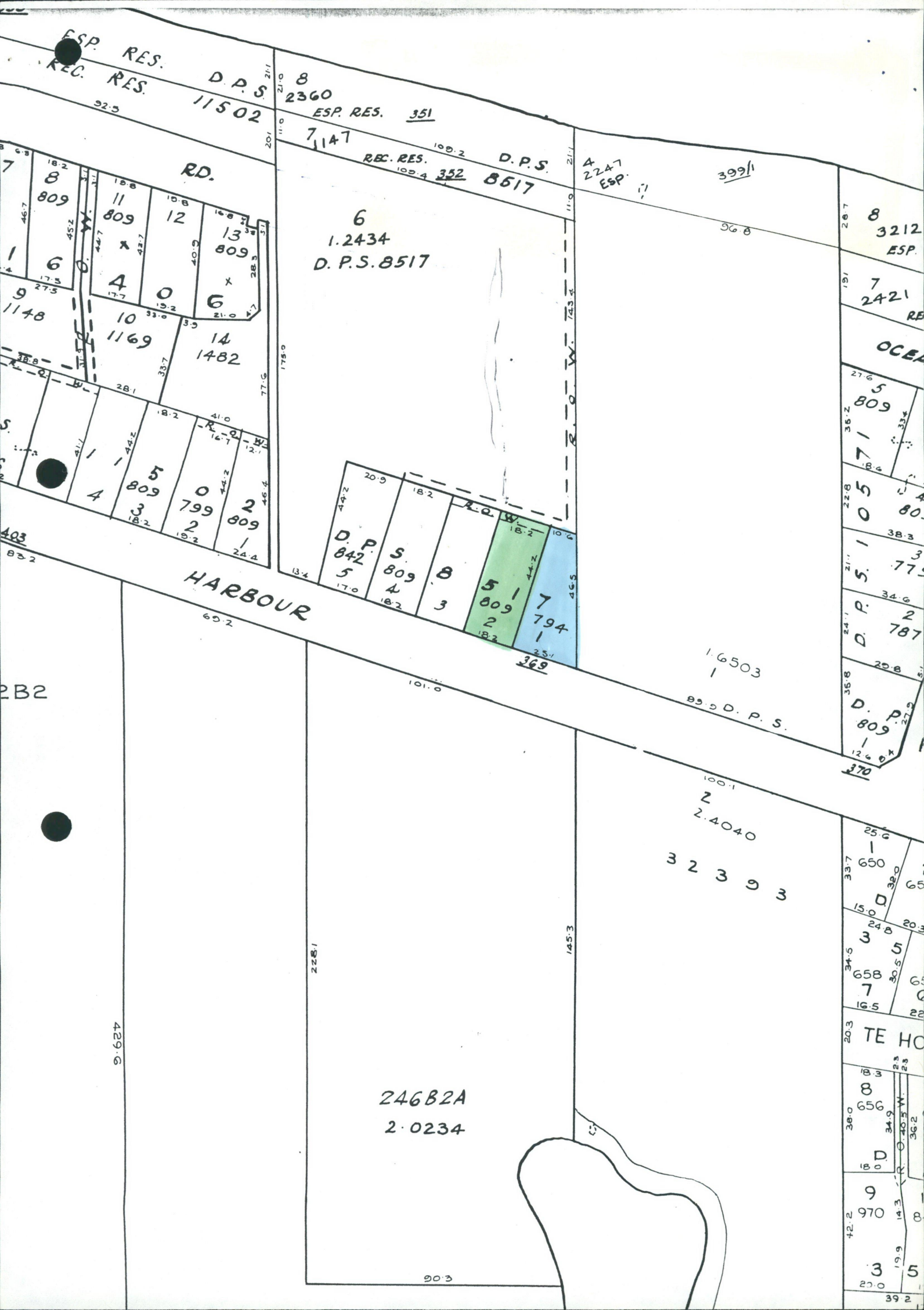


DIAGRAM 'B'

Not to scale





Valuation Reference <b>724 369</b>	extns. <b>0</b> change <b>F/D</b> Computer Codes indic. <b>111000</b>	Date of Revision <b>1/ 7/84</b>	Date form printed <b>27/ 8/85</b>
Special Values 51500 21500 73000	Nature of Improvements <b>DWG 0/1</b>	Occupier (within the meaning of the Rating Act) <b>SMITH RODNEY CRAWFORD &amp; ARLENE</b> <b>49 MCLEANS RD</b> <b>BUCKLANDS BEACH</b> <b>AUCKLAND</b>	
<b>SQ METRES</b> <b>794</b>	Address of Property/Situation <b>51 HARBOUR RD</b>	Name of District <b>WHAKATANE DISTRICT</b> <b>116</b>	

The sequence of data here is: Owner (if other than Occupier), Special Rating Area information (if any), Description of Property.

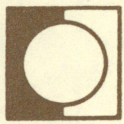
**LOT 1 D P S 8517 BLK III WHAKATANE S D**

Valuation Reference <b>724 368</b>	extns. <b>0</b> change <b>F</b> Computer Codes indic. <b>111000</b>	Date of Revision <b>1/ 7/84</b>	Date form printed <b>30/10/85</b>
Special Values 39000 21000 60000	Nature of Improvements <b>DWG 0/1</b>	Occupier (within the meaning of the Rating Act) <b>FORTEOUS ALBERT GEORGE</b> <b>FORTEOUS JACQUELINE MARY</b> <b>49 HARBOUR RD</b> <b>CHOPE</b>	
<b>SQ METRES</b> <b>809</b>	Address of Property/Situation <b>49 HARBOUR RD</b>	Name of District <b>WHAKATANE DISTRICT</b> <b>116</b>	

The sequence of data here is: Owner (if other than Occupier), Special Rating Area information (if any), Description of Property.

**LOT 2 D P S 8517 -PT SUBJ TO R/W-**  
**LAND FORMERLY VALUED AT ????? ???? ?? ??**





7627

As/mme

# Le Pine & Co

BARRISTERS AND SOLICITORS

4 Horomatangi Street, Taupo (074) 85-030, Towncentre, Turangi (0746) 7676. P.O. Box 140, Taupo New Zealand

FAX NO. (074) 86-523

WHAKATANE  
28 SEP 1987  
DISTRICT COUNCIL

Our ref: 18400143

Your ref:

24th September 1987


The Manager,  
Whakatane District Council,  
Corner Commerce Street & Strand East,  
WHAKATANE.

Dear Sirs,

re: A.G. & J.M. Porteous & R.C. & A. Smith - Harbour Road,  
Ohope

We act for Mr and Mrs Porteous who have received agreement with Mr and Mrs Smith regarding the surrender of the Right-of-Way between their properties and we accordingly enclose a Memorandum of Transfer surrendering the Right-of-Way and should be grateful if you would obtain execution by the Council on page three and return the document to us as soon as possible.

Yours faithfully,  
LePINE & CO.



Peter Martyn

PMM/MJG

Encl.

Partners:  
Marian Jozef Glazewski, LL.B.  
Alan Fredric Spencer Vane, LL.B.  
John David Leeming Corry, LL.B. Not. Pub.  
Robert Vigor-Brown, LL.B.  
Peter McLean Martyn, LL.B.

Practice Manager:  
Miles Anthony Green, B.A. (Hons)  
Reg. Psychologist.



IN THE MATTER of the Land  
Transfer Act 1952

A N D

IN THE MATTER of Lot 1 DPS8517  
Certificate of  
Title Volume 2D  
Folio 1387 (South  
Auckland Registry)  
and Lot 2 DPS8517  
Certificate of  
Title Volume 3A  
Folio 263 (South  
Auckland Registry)

MEMORANDUM OF TRANSFER BEING SURRENDER OF RIGHT OF WAY

WHEREAS RODNEY CRAWFORD SMITH of Whakatane, Mechanic Draughtsman and ARLENE SMITH his wife (hereinafter called "the Transferor") are registered as proprietors of an estate of freehold in fee simple subject however to such encumbrances liens and interests as are notified by memorandum underwritten or endorsed hereon in that piece of land containing 794 square metres more or less being Lot 1 Deposited Plan S8517 and being part 246B2B1 parish of Waimana and contained in Certificate of Title Volume 2D Folio 1387 (South Auckland Registry) SUBJECT TO Mortgage S369944, together with the right of way created by Transfer S277740 over part of the land contained in Certificate of Title Volume 3A Folio 263 (South Auckland Registry)

AND WHEREAS ALBERT GEORGE PORTEOUS of Taupo, Retired and JACQUELINE MARY PORTEOUS his wife (hereinafter called "the Transferee") are registered as proprietors of an estate of freehold in fee simple subject however, to such encumbrances

liens and interests as are notified by memorandum underwritten or endorsed hereon in that piece of land containing 809 square metres more or less being Lot 2 Deposited Plan S8517 and being part 246B2B1 parish of Waimana and contained in Certificate of Title Volume 2A Folio 263 (South Auckland Registry) SUBJECT TO Fencing Covenant in Transfer S279663, right of way created by Transfer S2777740, and Easement Certificate H596490.3

AND WHEREAS the right of way created by Transfer S277740 is no longer used or required by the Transferor, it having been substituted by the right of way in Easement Certificate H596490.3 and it is therefore intended that the right of way created by Transfer S277740 be released surrendered and extinguished

NOW THEREFORE to give effect to the said intention the Transferor DOETH HEREBY transfer release and surrender to the Transferee all the Transferor's right title estate or interest in and over the said land of the Transferee secondly above described created by the said Transfer S277740 to the intent that the right of way created thereby is wholly extinguished and shall merge in the fee simple of the land secondly above described

IN WITNESS WHEREOF these presents have been executed this 18<sup>TH</sup> day of DECEMBER 1986.

SIGNED by the abovenamed RODNEY )  
CRAWFORD SMITH and ARLENE SMITH )  
in the presence of *R. B. Smith*

*R. B. Smith*  
*Arlene*

*Notary Public*  
**18 DEC 1986**

SIGNED by the abovenamed ALBERT )  
GEORGE PORTEOUS and JACQUELINE )  
MARY PORTEOUS in the presence of *George Porteous*  
*B. G. P. M.*

*George Porteous*  
*Jacqueline Porteous*



The Trusteebank Bay of Plenty,  
entitled under Memorandum of  
Mortgage S369944 hereby consents  
to the right of way created by  
Transfer S277740 being surrendered  
and removed from the within des-  
cribed land pursuant to Section  
70 Land Transfer Act 1952.

The Whakatane District Council  
hereby consents to the right of  
way created by Transfer S277740  
being surrendered and removed  
from the within described land.

*G. Hammond*  
COUNCILLOR  
*John Pearson*  
ACTING PRINCIPAL ADMINISTRATIVE OFFICER  
GENERAL MANAGER





MEMORANDUM OF TRANSFER BEING SURRENDER  
OF RIGHT OF WAY

Certified as correct for the  
purposes of the Land Transfer  
Act 1952

LePINE & CO  
SOLICITORS  
TAUPO.