

FILE

17 September 1998

Please Quote:p07671

Doc No: 98571

Jocelyn Eriksen
45 Mountain Road
ROTORUA

Dear Ms Eriksen

re: STORMWATER RUNOFF - MOUNTAIN ROAD

Further to our discussions on the 14 September 1998 about the increase of surface water discharging from the outlet point on your property. I have raised your concerns with Mr Murray Callingham, our Stormwater Technician, who will be your contact within the Council. I can confirm that investigations including field survey work will be undertaken within the next 2 weeks to analyse flow rates, flow paths, adequacies of pipe sizing and design. In the meantime mitigating works are proposed with our Roading Engineers on Mountain Road.

Mr Callingham will be in contact with you when we have this information to hand.

Yours faithfully

Don Morrison
Services Projects Engineer

2. THE ROTORUA DISTRICT COUNCIL a body corporate under the Local Government Act 1974 (hereinafter called "the Grantee") approved the said Deposited Plan S.68031 on the basis that the servient lands be subject to certain restrictions, conditions and agreements as herein contained.

3. THE Grantor has agreed to transfer and grant unto the Grantee an easement in gross for water drainage over and through that part of the servient lands marked "B" and "F" on Deposited Plan S.68031 (hereinafter referred to as "the easement strip").

NOW THIS MEMORANDUM WITNESSETH that pursuant to such agreement and in consideration of the premises the Grantor DOES HEREBY TRANSFER AND GRANT unto the Grantee as a perpetual easement in gross the right to drain water subject to and in accordance with the terms and conditions contained in the Schedule hereto, the provisions of which to the extent that they are applicable each party hereby covenants with the other shall be observed and performed by that party in the manner therein required.

SCHEDULE OF TERMS AND CONDITIONS
FOR EASEMENT TO DRAIN WATER

1. THE Grantee shall have the following rights:

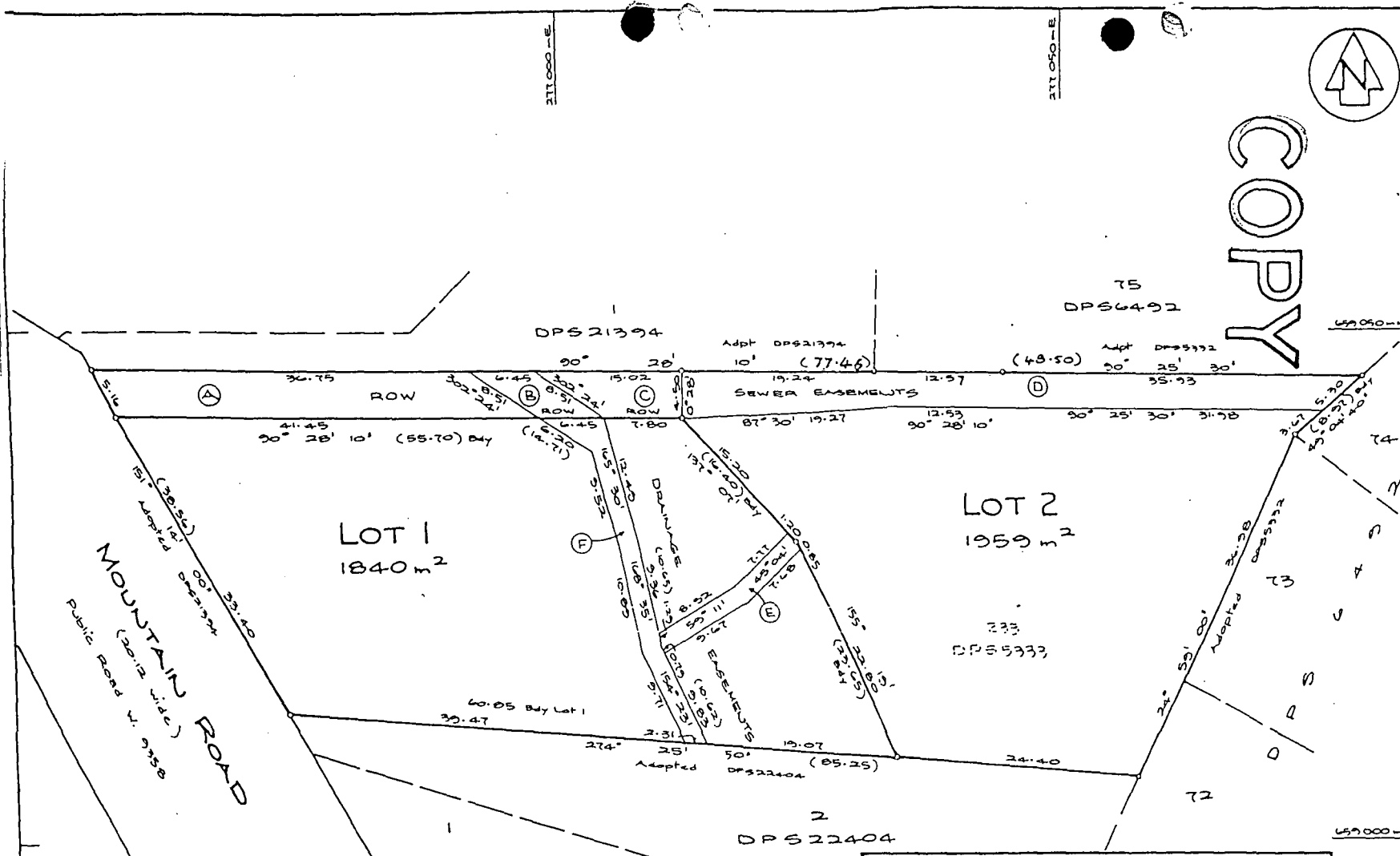
- (a) To drain and discharge water (whether rain, tempest, spring, soakage or seepage water) in any quantities through the easement strip whether by way of closed pipes, open pipes or water channels (such water channels being land shaped in a way designed to act as a secondary flow path for excess water) as agreed by the parties.
- (b) To use any pipes already laid or water channels already established along the path of the easement strip for the purpose of draining and discharging water and which are suitable for that purpose, or any pipes or water channels in replacement or in substitution therefor.

- (c) To install, where no such pipes exist, closed pipes of a sufficient internal diameter and of suitable material for the purpose along the path of the easement strip.
- (d) To install, where no such pipes exist, open pipes of suitable material for the purpose along the path of the easement strip.
- (e) To create, where no such channels exist, water channels by shaping and altering the easement strip in a way suitable for a secondary flow path or paths for the purpose of handling water overflow.
- (f) To dig and excavate the soil of the easement strip to such extent and depth as the Grantee may deem necessary in the exercise of the rights hereby conferred.
- (g) To enter upon the servient land together with its employees, workmen and agents with any tools, implements, machinery, vehicles or necessary equipment and to remain there for the purpose of exercising all or any of the foregoing rights and for the further purposes of inspecting, cleaning, repairing, maintaining and renewing the pipes and water channels and generally for doing and performing anything which is incidental to such rights.

2. THE Grantee shall exercise any of the rights hereby conferred with a little disturbance as possible to the easement strip and will upon the completion of any work immediately restore the easement strip as nearly as is reasonably possible to its prior condition including, where required, the sowing of pasture grasses as approved by the Grantor.

3. THE Grantor shall not place or erect any buildings, fences or other improvements on the easement strip and shall not carry out any landscaping, planting or earthworks on the easement strip without the prior written consent of the Grantee which consent may be refused by the Grantee at its sole discretion.

4. THE Grantee shall be responsible for all repairs and maintenance to the pipes, but shall have no responsibility for the day to day care of the easement strip whether by mowing or by any other means whatsoever, the responsibility for which shall remain with the Grantor.



COPY

Approvals
 J. Erickson
 Registered Owner
 Approved pursuant to Section 223 of the Resource Management Act 1991 on the 11th day of MAY 1996.
 Subject to the granting or reserving of the easements set out in the memoranda hereon.
 The Common Seal of the Rotorua District Council is affixed hereto in the presence of:
 Mayor
 District Manager

SCHEDULE OF PROPOSED EASEMENTS

PURPOSE	SERV TIT	SHOWN	DOM TIT
Right of way	Lot 2	(A) (B) (C)	Lot 1

MEMORANDUM OF EASEMENTS

PURPOSE	SERV TIT	SHOWN	DOM TIT
Right to drain water	Lot 1	(E)	Lot 2

MEMORANDUM OF EASEMENTS IN GROSS

PURPOSE	SERV TIT	SHOWN	DOM TIT
Right to drain water	Lot 2	(B)	Rotorua District Council
Right to drain sewage	Lot 2	(C) (D)	Rotorua District Council

Total Area 3799 m²
 Comprised in CT 20/176 (A11)

Paul Jeffrey Andrews
 Registered Surveyor and holder of an annual practising certificate for who may act as a registered surveyor pursuant to section 25 of the Survey Act 1986) hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.
 Dated at Rotorua this 21st day of April 1996 Signature

Field Book Traverse Book
 Reference Plans
 Examined Correct

Approved as to Survey
 14/6/96 Chief Surveyor
 Deposited this day of 19 ..
 District Land Registrar
 DP 62031

"Pursuant to Section 224(c) of the Resource Management Act 1991 I hereby certify that all the conditions of the subdivision consent have been complied with to the satisfaction of the Rotorua District Council.

Dated this 12 day of July 19 96
 District-Manager

REDUCED COPY
 Not to scale shown

FILE

ROTORUA
DISTRICT
COUNCIL



17 September 1998

Please Quote:p07671

Doc No: 98571

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Jocelyn Eriksen
45 Mountain Road
ROTORUA

Address all
communications to:
District Manager
Rotorua District Council

Dear Ms Eriksen

re: STORMWATER RUNOFF - MOUNTAIN ROAD

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Mr Callingham will be in contact with you when we have this information to hand.

Yours faithfully

Don Morrison
Services Projects Engineer

Don for future reference
murray is the

Land Drainage
manager

title.

Sheryl

SISTER CITIES:
Klamath Falls, Oregon, U.S.A.
Beppu City, Oita, Japan.
Lake Macquarie, NSW, Australia

FILE

17 August 2000

Please Quote: P07671

Doc No: 154850

Jocelyn Eriksen
45 Mountain Road
ROTORUA

Dear Mrs Eriksen

RE: STORMWATER MAINTENANCE - OPEN DRAIN

Further to our site meeting on the 16 August 2000 I wish to confirm the following.

The Rotorua District council will undertake the reestablishment and cleaning of the open drain across the lower portion of y our property.

This work will commence at the outlet of the stormwater main below the driveway and continue along the previous route of the drain. The drain will terminate in the vicinity of the lowest flax bush allowing the runoff to disperse into the natural gully/watercourse, which takes flows further down stream to Turner Drive.

As discussed, it is hoped to have this work undertaken in approximately 4 – 5 weeks time.

If you have any further queries regarding this matter please contact the writer.

Yours faithfully



Murray Callingham
Land Drainage Manager