



FENCING COVENANT dated

30th May

2005

PARTIES:

1. **TAURANGA CITY COUNCIL** a local authority constituted under the Local Government Act 2002 ("the Council")
2. **PYES PA HOLDINGS LIMITED** ("the Owner")

BACKGROUND:

- A. The Owner is the registered proprietor of all the land contained in Lot 46 on Deposited Plan 350083 contained Certificate of Title 205038 ("the Land").
- B. Lot 148 DP 345333^{CT 185862} is vested in the Council as Local Purpose Reserve ("Pedestrian Accessway") ("the Reserve").
- C. The Reserve is to be protected from the cost of boundary fencing and to achieve this the parties wish this covenant to be registered in the Land Transfer Office.

THE PARTIES COVENANT:

1. The Council, and its successors in title, shall not be liable nor called on to erect or repair or contribute the cost of work as defined in the Fencing Act 1978 on any dividing or boundary fence between the Reserve and any part of the Land. The benefit of this covenant shall not inure for the benefit of any subsequent purchaser for value of the Reserve.
2. This covenant runs with the land and binds the Owner and all subsequent owners and occupiers of the Land.

SIGNED by PYES PA HOLDINGS LIMITEDby two of its directors:
one

Peter Cooney
 (Name of Director)

[Signature]
 (Signature of Director)

in the presence of:
 (Name of Director)

[Signature]
 (Signature of Director)

Michelle Louise Robertson
 Solicitor
 Tauranga



SIGNED by
TAURANGA CITY COUNCIL
by affixing its common seal
in the presence of:

Mayor: 

Chief Executive: 



FENCING COVENANT

~~Correct for the purposes of the
Land Transfer Act~~

~~Solicitor for the Council~~

TAURANGA CITY COUNCIL

AND

PYES PA HOLDINGS LIMITED

Particulars entered in the Register as
shown in the Schedule of land herein
on the date and at the time stamped
below

**Assistant/District Land Registrar
of the District of South Auckland**



COONEY LEES MORGAN
BARRISTERS SOLICITORS NOTARY PUBLIC

87 First Avenue
P O Box 143
Tauranga

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