

S652994 \$1 = 00
TE

(Approved by the District Registrar, Auckland, No. 3360)

(New Zealand)

(C)

Under the Land Transfer Act, 1952

Memorandum of Transfer

WHEREAS ROSS NIEDERER LIMITED a duly incorporated company having its registered office at Whakatane (hereinafter called "the Grantor")

is being registered as proprietor
of an estate in fee simple

subject however to such encumbrances, liens and interests as are notified by memoranda underwritten or endorsed hereon in those pieces of land situated in the Land District of South Auckland containing 1.1884 hectares

more or less being Lots 103, 104, 105, 106, 107, 108, 109, 113, 114, 117, 118, 119, and 120 on a plan of survey lodged for deposit in the Land Transfer Office under Number S.18337 being part of the land comprised and described in Certificate of Title Volume 15A Folio 957 (South Auckland Registry) (hereinafter called "the said lands")

AND WHEREAS the Grantor has agreed to transfer and grant unto THE MAYOR COUNCILLORS AND CITIZENS OF THE BOROUGH OF WHAKATANE a body corporate under and by virtue of the Municipal Corporations Act 1954 an easement over and through part of the said lands of the Grantor for the conveyance of water whether rain tempest spring surface soakage or seepage water from the Borough of Whakatane and neighbouring localities through the said lands for the disposal thereof in such manner as THE MAYOR COUNCILLORS AND CITIZENS OF THE BOROUGH OF WHAKATANE shall determine. NOW THIS MEMORANDUM WITNESSETH that IN CONSIDERATION of the premises of the Grantor DOTH HEREBY TRANSFER AND GRANT as an easement in gross unto THE MAYOR COUNCILLORS AND CITIZENS OF THE BOROUGH OF WHAKATANE (hereinafter together with its successors and assigns referred to as and included in the term "the Grantee") the following rights, easements and privileges:

- 25 III 74 04 16
1-000001.00 DTY
- (a) The right to construct erect lay excavate extend open drains and/or drainage pipes or concrete conduits of such dimensions as the Grantee shall think fit through or under those portions of the said lands marked with the letters V, W, X, B, D, G, I, Y, L, N, Z, AA, BB, CC, DD, EE, FF, GG, and HH and marked on the said plan "drainage easement" (hereinafter referred to as "the easement strips".)
 - (b) The right from time to time and at all times hereafter to discharge convey and drain into and through the said open drains and/or drainage pipes or concrete conduits all water whether rain tempest spring surface soakage or seepage in any quantities from the Borough of Whakatane and neighbouring localities for the purpose of discharging and disposing of such water.
 - (c) The right from time to time to construct alter repair maintain extend renew and cleanse the said open drains and/or drainage pipes or concrete conduits
- for

and from time to time to lay down construct erect and make on through and under the said easement strips other or larger open drains and/or drainage pipes or concrete conduits for such size as the Grantee may deem necessary for the time being for carrying and conveying the said water and also from time to time to construct on the said easement strips such manholes surface boxes pumps and pump-houses as the Grantee may deem necessary to ensure the satisfactory and continuing conveyance and discharge of the said water.

- on A*
[Signature]
- (d) The right to dig^{and} excavate the soil of the said easement strips to such extent and depth as the Grantee shall deem to be necessary for the carrying out or performing of all or any of the work aforesaid.
- (e) The right for the Grantee its surveyors engineers agents workmen and servants with or without horses carts and motor vehicles of all kinds and machinery from time to time to enter upon the land of the Grantor for the purpose of exercising all or any of the foregoing works on the said easement strips and for the purpose of from time to time inspecting the said works and generally for doing and performing of all acts and things as may be necessary or proper for or in relation to any of the purposes aforesaid and for the consideration aforesaid the Grantee and the Grantor DO HEREBY COVENANT AND AGREE the one with the other as follows:
- i. That the Grantee shall and will at all times at its costs repair cleanse and maintain all such open drains and/or drainage pipes or concrete conduits including any manholes and/or surface boxes as may be constructed laid down or erected in or under the said easement strips pursuant to these premises in a good and sufficient state of repair for the purpose for which the same are designed and will prevent the same from becoming a nuisance.
- ii. That in the event of the Grantee entering into and upon the said easement strips for the purpose of maintaining cleaning or repairing the said open drains and/or pipes or concrete conduits or any of the other works authorised to be carried out hereunder the Grantee shall and will carry out and complete the same with as little disturbance as to the surface of the said easement strips as possible and shall and will immediately upon completion of any such work thereon restore the surface of the said easement strips as nearly as possible to their original condition and will sow in pasture grasses to be approved by the Grantor such part as shall require the same by reason of disturbance thereof.
- iii. That the Grantee will from time to time repair and make good all damage to the land of the Grantor and the improvements thereon caused by the carrying out by the Grantee of any of the works hereinbefore mentioned and will carry out and complete all repairs maintenance cleaning and other works herein authorised to be carried out with as little disturbance as possible to the land of the Grantor.
- iv. The Grantor covenants not to place any buildings erections or fences on the said easement strips without the written consent of the Grantee first had and obtained and will not at any time hereafter do permit or

In Consideration of

(the receipt of which sum is hereby acknowledged)

Do hereby Transfer

to the said

all

estate and interest in the

said piece of land above described

suffer and act whereby the rights powers licenses or liberties granted to the Grantee may be interfered with or affected.

- v. Nothing herein contained or implied shall be deemed to compel the Grantee to convey or conduct water through the said open drains and/or pipes or concrete conduits and the Grantee may discontinue such conveyance at will and nothing herein contained or implied shall in any way limit or derogate the many rights powers or privileges vested in or imposed upon the Grantee or any other local authority in its capacity as a local authority having the control or oversight of works of the nature of those hereinbefore described by any statute statutory regulation or by-law for the time being in force.

In witness whereof these presents have been executed this

21st

day of

March

19 74.

Signed ~~XXXXXX~~
THE COMMON SEAL of ROSS NIEDERER
LIMITED was hereunto affixed
in the presence of

Ross Niederer Director
J. Niederer Director



THE COMMON SEAL of THE MAYOR
COUNCILLORS AND CITIZENS OF
THE BOROUGH OF WHAKATANE was
hereunto affixed in the presence
of :-

A. T. Marshall MAYOR
[Signature] TOWN CLERK



S

652994

REGISTERED IN
TRIPLICATE

No.

TRANSFER OF
RIGHT TO DRAIN WATER

Correct for the purposes of the Land Transfer Act.

Atkinson

Solicitor for the Transferee.

ROSS NIEDERER LIMITED

Transferor

THE MAYOR COUNCILLORS AND
CITIZENS OF THE BOROUGH OF
WHAKATANE

Transferee

I HEREBY CERTIFY THAT THIS TRANSACTION DOES NOT CONTRAVENE THE PROVISIONS OF PART IIA OF THE LAND SETTLEMENT PROMOTION AND LAND ACQUISITION ACT 1952.

SOLICITOR FOR THE TRANSFEE (OR LESSEE)

HAMERTON & CHAPPELL
6020/7

Particulars entered in the Register-Book Vol. 15A

Folio 957

the 1st day of April 1974
at 2:50



Assistant Land Registrar

of the District of
South Auckland

This instrument is filed in the within
Transfer is subject to the provisions
of Section 35(1) of The Municipal
Corporations Act 1954.

Hamerton
D.L.R.

(2)

done!
55

*The District Land Registrar
Hamerton*

*Please retain this copy of
easement for your records*

Atkinson
per Hamerton

Solicitors for the Transferee

THE LAW SOCIETY OF THE DISTRICT OF AUCKLAND

Pennington 17826(S)
Name: T
Ref: HAMPTON
Date: 7 APR 1974
Time: 2:50
Loc: 5
Abstract No: 51

S

