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Approved by the District Land Registrar, Auckland, No. 2155.

(New Zealand)

Memorandum of Transfer

W H E R E A S

THE ST. JOHNS COLLEGE TRUST BOARD (hereinafter called "the

Grantor")

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 all ~~that piece of land~~ those pieces of land situated in the

City of Auckland containing FIRSTLY 5 Acres 1 Rood 37.3 Perches more

or less being Lots 50 to 73 (both inclusive) 77 and 137 and 148 to 155

(both inclusive) on plan lodged for deposit in the Land Registry Office

at Auckland under number 53562 (hereinafter called "the said plan") and

being part of Allotment 5 District of Tamaki and being part of the land

comprised and described in Certificate of Title Volume 769 Folio 160

North Auckland Registry LIMITED as to parcels and SECONDLY 2 Roods

4 Perches more or less being Lots 74, 75 and 76 on the said plan and

being part of Allotments 2 and 5 District of Tamaki and being part of

the land comprised and described in Certificates of Title Volume 970

Folio 181 and Volume 769 Folio 160 North Auckland Registry both said

titles being limited as to parcels (hereinafter called "the said lands")

AND WHEREAS the Grantor has for the consideration hereinafter appearing

agreed to grant to THE BODY CORPORATE called THE MAYOR COUNCILLORS

AND CITIZENS OF THE CITY OF AUCKLAND (hereinafter with its successors

and assigns called "the Grantee") as and in the nature of an easement

in gross for ever the drainage easements hereinafter set forth and in

connection with the drainage system of the Grantee NOW THEREFORE THIS

INSTRUMENT WITNESSETH that in consideration of the sum of One Shilling

(1/-d) paid by the Grantee to the Grantor (the receipt whereof is

hereby acknowledged) the Grantor DOETH HEREBY TRANSFER AND GRANT unto

the Grantee as an easement in gross for ever full right liberty and

license :-

- (1) To drain carry away discharge convey or allow to escape in any quantities to or from Simkin Avenue, Strong Street and Caulton Street into open drains pipes and concrete conduits or any combination thereof through under over and across all or any of those portions of the said lands (a) coloured sepia on the said plan being part Lots 50 to 60 (both inclusive) and part Lots 62 to 73 (both inclusive) (b) coloured sepia and yellow on the said plan being part Lot 61 thereon (c) coloured blue and sepia on the said plan being part Lot 75 thereon (d) coloured blue on the said plan being part Lots 74, 76, 77 and 137 thereon, and (e) coloured yellow on the said plan being part

Lots 148 to 155 (both inclusive) thereon which said portions of the lands so coloured as aforesaid being marked "proposed drainage easement to be created in favour of the Auckland City Council" (such portions of land being hereinafter referred to as the "Drainage Easements"),

^{all}
~~All~~ water whether from rain tempest spring seepage soakage or otherwise howsoever which shall from time to time fall upon or otherwise make its way to or upon or collect or be collected directed or diverted by the Grantee on to or from the said Simkin Avenue, Strong Street and Caulton Street.

- (ii) From time to time and at any time for the aforesaid purposes to dig up to any depth and again fill in the soil of the drainage easements and to lay down construct erect and make in through or under the drainage easements open drains pipes and concrete conduits of such size as the Grantee shall think fit for draining, carrying discharging conveying and permitting to escape the said water with such man-holes valves and surface boxes as the Grantee shall think fit, and from time to time to inspect open drains pipes concrete conduits man-holes valves and surface boxes and to have for the same for any such purpose access to and from the said Simkin Avenue, Strong Street and Caulton Street across the remainder of the said lands and from time to time to repair ~~and maintain all works in connection therewith and also by itself its~~ surveyors engineers contractors workmen agents and servants with or without horses carts and other vehicles and machinery from time to time ~~and at all times to enter and remain for any of the purposes~~ aforesaid upon such portions of the said lands as shall be necessary for such purposes and generally to do and perform such acts things in or upon the said lands as may be necessary proper or desirable in the Grantee's opinion for or in relation to any of the purposes aforesaid AND for the consideration aforesaid the Grantee DOETH HEREBY COVENANT with the Grantor as follows :-

1. THAT the Grantee shall and will execute such works and repair and maintain all such open drains pipes and concrete conduits manholes valves and surface-boxes as may be laid down constructed or erected in or under the drainage easements in pursuance of these presents in such state of repair for the purposes for which the same are designed as may be necessary in its sole opinion to prevent the same from becoming a nuisance.

2. THAT in entering into and upon the said lands for the purpose of and in carrying out any of the works herein referred to or incidental thereto, the Grantee shall and will carry out and complete the same with as little disturbance to the surface of the said lands as possible, and shall and will immediately upon the completion of any such work thereon restore the

surface of the said lands as nearly as possible to the condition it was in prior to the Grantee entering thereupon for such purposes.

3. THAT the Grantee will from time to time repair and make good all damage to fences gates or drains of the Grantor in upon or around the said lands caused by the carrying out by the Grantee of any of the works herein before mentioned AND the Grantor DOETH HEREBY COVENANT with the Grantee

4. THAT the Grantor will not at any time hereafter do permit or suffer any act or omission whereby the rights powers licenses and liberties hereby granted to the Grantee may be interfered with or prejudicially affected.

5. THAT nothing herein contained or implied shall be deemed to compel the Grantee to use the drainage easements for the purposes herein provided AND the Grantee may at will and from time to time and at any time or times use or discontinue to use the same for such purposes.

6. THAT these presents are in addition to and are in no way derogative of or prejudicial to any rights and powers now or at any time hereafter vested in or exercisable by the Grantee enabling it to direct divert and discharge all or any such water into and carry and convey the same by means of the said drainage easements under cover and across the said lands.

7. THAT the rights and immunities from liability which the Grantee may now or hereafter possess by virtue of any statute or at common law shall not be prejudiced by the foregoing grant.

IN WITNESS WHEREOF these presents have been executed this 12th day of October 1964.

THE COMMON SEAL of THE ST. JOHNS COLLEGE TRUST BOARD was hereunto affixed in the presence of :-

..... Trustees

and of :-

Secretary to the said Board, Auckland.

THE COMMON SEAL of THE BODY CORPORATE called THE MAYOR COUNCILLORS AND CITIZENS OF THE CITY OF AUCKLAND was hereunto affixed pursuant to a resolution of the Auckland City Council passed at a meeting of the said Council held on the 12th day of October 1964, in the presence of :-

..... MAYOR

..... TOWN CLERK

No. A 38931

TRANSFER ~~of~~ and Grant of
Drainage Easements affecting
land in C.T.s 769/1.0 and
970/1.1

Correct for the purposes of the Land Transfer Act.

THE ST. JOHNS COLLEGE TRUST BOARD ~~XXXXXX~~ Grantor

THE AUCKLAND CITY COUNCIL ~~XXXXXX~~ Grantee

A. J. G. [Signature]
Solicitor for ~~XXXXXX~~
Grantee

Particulars entered in the Register-Book, Vol. 76

Fol. 160, 970/1.1

the 22nd day of October

1964, at 9.45 o'clock.

W. Carr
Assistant Land Registrar of the

District of Auckland



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DEEDS
Notary: <i>T. J. [Signature]</i>
Firm: <i>Butler White</i>
22 OCT 1964
Time: 9.45
Fee: £ 16: -
Abstract No. 24532

BUTLER, WHITE & HANNA,
Solicitors,
AUCKLAND


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