

**Reprint
as at 20 June 2011**



**Auckland City Council
(Newmarket Land Vesting)
Act 1998**

Local Act 1998 No 1
Date of assent 19 May 1998
Commencement 19 May 1998

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An Act to release certain land in Newmarket vested in the Auckland City Council from certain statutory trusts, reservations, and restrictions

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

1 Short Title

This Act may be cited as the Auckland City Council (Newmarket Land Vesting) Act 1998.

2 Vesting of land and removal of restrictions

- (1) The land described in Schedule 1 is vested in the Auckland City Council for an estate in fee simple subject to all leases, licences, easements, liens, and encumbrances existing in respect of the land immediately before the commencement of this Act, but freed and discharged from all express or implied trusts, reservations, and restrictions imposed by—
- (a) section 14 of the Reserves and Other Lands Disposal Act 1951; or
 - (b) section 4 of the Reserves and Other Lands Disposal Act 1926; or
 - (c) the Newmarket Borough Council (Car Park Development) Empowering Act 1981; or
 - (d) the Newmarket Reserve Act 1878 Amendment Act 1886—
- as the case may be, or expressed on any certificate of title to the said land.
- (2) Notwithstanding anything in this or in any other enactment, where all or part of the land described in Schedule 1 is sold, exchanged, or otherwise alienated by the Auckland Council, all money received from that sale, exchange, or alienation must as soon as practicable, be applied in or towards the purchase of land for community facilities or public open space and where appropriate, the development of that land or the development of other land held by the Council for community facilities or public open space.

Section 2(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

3 Removal of restrictions and vesting of land as reserve

- (1) The land described in Schedule 2 is freed and discharged from all express or implied trusts, reservations, and restrictions imposed by—
- (a) section 14 of the Reserves and Other Lands Disposal Act 1951; or

- (b) the Newmarket Reserve Act 1878 Amendment Act 1886,—
as the case may be, or expressed on any certificate of title to the said land.
- (2) The land first and secondly described in Schedule 2 is vested in the Auckland City Council as a reserve within the meaning of the Reserves Act 1977, and is to be held by that Council as a recreation reserve under section 17 of that Act.
- (3) The stratum estate thirdly described in Schedule 2 vests in the Auckland City Council as a reserve within the meaning of the Reserves Act 1977 as if the stratum estate were land, and is to be held by that Council as a recreation reserve under section 17 of that Act, provided that the stratum estate vests as reserve subject to the lease and sublease described in Schedule 3, and the provisions of the Reserves Act 1977 apply subject to that lease and sublease.
- (4) The unit plan creating the stratum estate thirdly described in Schedule 2 may not be cancelled in accordance with the Unit Titles Act 2010 until the reserve has been revoked in accordance with the Reserves Act 1977.
- (5) If a new unit plan is substituted, in accordance with section 68 of the Unit Titles Act 2010, for the unit plan creating the stratum estate thirdly described in Schedule 2, the reserve created in accordance with this Act then applies to the stratum estate that, on the new unit plan, contains the Newmarket olympic swimming pool and the attached memorial.
- (6) The provisions of the Reserves Act 1977 apply to the land first and secondly described in Schedule 2 vested in the Auckland City Council under this section in the same manner as if that Council had, pursuant to section 14 of that Act, declared the land to be held as a recreation reserve under section 17 of that Act.

Section 3(4): amended, on 20 June 2011, by section 233(1) of the Unit Titles Act 2010 (2010 No 22).

Section 3(5): amended, on 20 June 2011, by section 233(1) of the Unit Titles Act 2010 (2010 No 22).

4 Powers of District Land Registrar

The District Land Registrar for the North Auckland Land Registration District is authorised and directed to make all such entries in that Registrar's register, and do all such other things, as may be necessary to give effect to the provisions of this Act.

Schedule 1

s 2

- 1 All that piece of land containing 3821 m², more or less, being Lot 1 on Deposited Plan 166035, and being all the land comprised and described in certificate of title 100B/973 (North Auckland Registry), shown marked B on S.O. Plan 68333, lodged in the office of the Chief Surveyor at Auckland.
 - 2 All that piece of land containing 1859 m², more or less, being part Allotment 33 of Section 4, Suburbs of Auckland, and being part of the land comprised and described in certificate of title 897/105 (North Auckland Registry), shown marked D on S.O. Plan 68333, lodged in the office of the Chief Surveyor at Auckland.
 - 3 All that piece of land containing 595 m², more or less, being part Allotment 33 of Section 4, Suburbs of Auckland, and being part of the land comprised and described in certificate of title 51/163 (North Auckland Registry), shown marked E on S.O. Plan 68333, lodged in the office of the Chief Surveyor at Auckland.
 - 4 Principal Unit 1A on Unit Plan 173107 being all the unit described in certificate of title 106A/919 (North Auckland Registry), being part of the land shown marked B on S.O. Plan 68333, lodged in the office of the Chief Surveyor at Auckland.
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