



550858 TE
Stamp Duty Act

2004955

-7-IV-55 04425 --CPT *****-3-0

[New Zealand.

Memorandum of Transfer.

I, WHEREAS ROBERT MURRAY HUTCHENCE of Auckland insurance representative (hereinafter with his executors administrators and assigns called "the transferor") 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 (inter alia) or endorsed hereon, in/all that piece of land containing 3 roods 10 perches more or less being Lot 6 on Deposited Plan 22144 and being the whole of the land comprised and described in Certificate of Title Volume 1005 folio 99 Auckland Registry SUBJECT to agreements as to fencing in Transfers numbers 255586 and 495817 AND WHEREAS the transferor has for the consideration hereinafter appearing agreed to grant to THE BODY CORPORATE called THE MAYOR COUNCILLORS AND CITIZENS OF THE CITY OF AUCKLAND a municipal corporation duly constituted under the provisions of the Municipal Corporations Act 1933 (hereinafter with its successors and assigns called "the transferee") as and in the nature of an easement in gross for ever the right to lay and maintain water pipes and mains through under and across the said piece of land shown coloured blue on the plan hereon (hereinafter called "the said land") and to convey water through the same for and in connection with the waterworks system of the transferee NOW THEREFORE in pursuance of the said agreement and in consideration of the sum of FOUR POUNDS (£4) paid by the transferee to the transferor (the receipt of which sum is hereby acknowledged) the transferor DOTH HEREBY TRANSFER AND GRANT unto the transferee in perpetuity as an easement in gross full free and uninterrupted right liberty authority and license from time to time and at all times hereafter to lay construct remove relay reconstruct cleanse repair and maintain a water pipe-line and main or any number of water-pipe lines and mains of such size and type as the transferee shall think fit through under and across the said land and to convey water in unimpeded flow through the said pipes and mains and for such purpose by its engineers surveyors servants agents employees workmen and contractors to enter upon and to pass and repass over the said land with or without vehicles laden or unladen and materials machinery and implements to make on the said land any cuttings fillings grades batters or trenches and to reopen any such trenches and to lay construct place remove relay reconstruct cleanse repair and maintain any water pipes and mains or lay lift repair and relay any substitutional or additional pipes and mains and to do all and singular upon through under or across the said land such acts deeds matters and things as the transferee its engineers surveyors servants agents employees workmen or contractors may consider necessary or desirable for or in any wise in connection with the laying constructing placing inspecting removing relaying reconstructing cleansing repairing and maintaining or using such water pipes and mains and the transmission of water through under and across the said land AND IN CONSIDERATION of the foregoing grant by the transferor the transferee DOTH HEREBY COVENANT AND AGREE with the transferor that it will:-

- (a) Lay and relay such pipes and mains at a depth of not less than twelve inches below the surface of the said land.
- (b) At all times repair and maintain all such pipes and mains as may be laid or constructed through under and across the said land in pursuance of these presents in a good and efficient state of repair for the purposes for which the same are designed and will prevent the same from becoming a nuisance.
- (c) Cause as little damage as possible to the surface of the said land.

- (d) Repair and make good all damage to fences gates or drains in upon or around the said land caused by the carrying out by the transferee of any of the works hereinbefore mentioned.
- (e) At the cost of the transferee restore the surface of the said land as nearly as possible to its former condition or state not only immediately upon the said pipe line but also on either side thereof to the full extent that the soil shall have been disturbed in the course of the said works.
- (f) Spread all surplus spoil over the said land and adjoining land of the transferor as may be agreed upon between the transferor and the transferee.
- (g) As an alternative to its obligations under the foregoing subclauses (e) and (f) hereof and in lieu of carrying out the work of reinstatement thereby envisaged at its sole option pay and compensate the transferor for all damage caused to the said land in carrying out any such works.

AND for the consideration aforesaid the transferor DOTH HEREBY COVENANT AND AGREE with the transferee:-

- (a) That he will not place any buildings of any nature on or over the said land and will not at any time hereafter do permit or suffer any act whereby the rights powers licenses and liberties hereby granted to the transferee may be interfered with or affected or whereby the said pipe lines and mains may be interfered with or damaged.
- (b) Nothing herein contained or implied shall be deemed to compel the transferee to convey water through the said pipes and mains and the transferee may from time to time discontinue the conveyance of water through the same at will.

IN WITNESS WHEREOF these presents have been executed the 30th day of *March* One thousand nine hundred and fifty-five.

SIGNED by the said ROBERT MURRAY HUTCHENCE in the presence of:-

[Handwritten signatures]
[Signature]
[Signature]
[Signature]

[Handwritten signature]

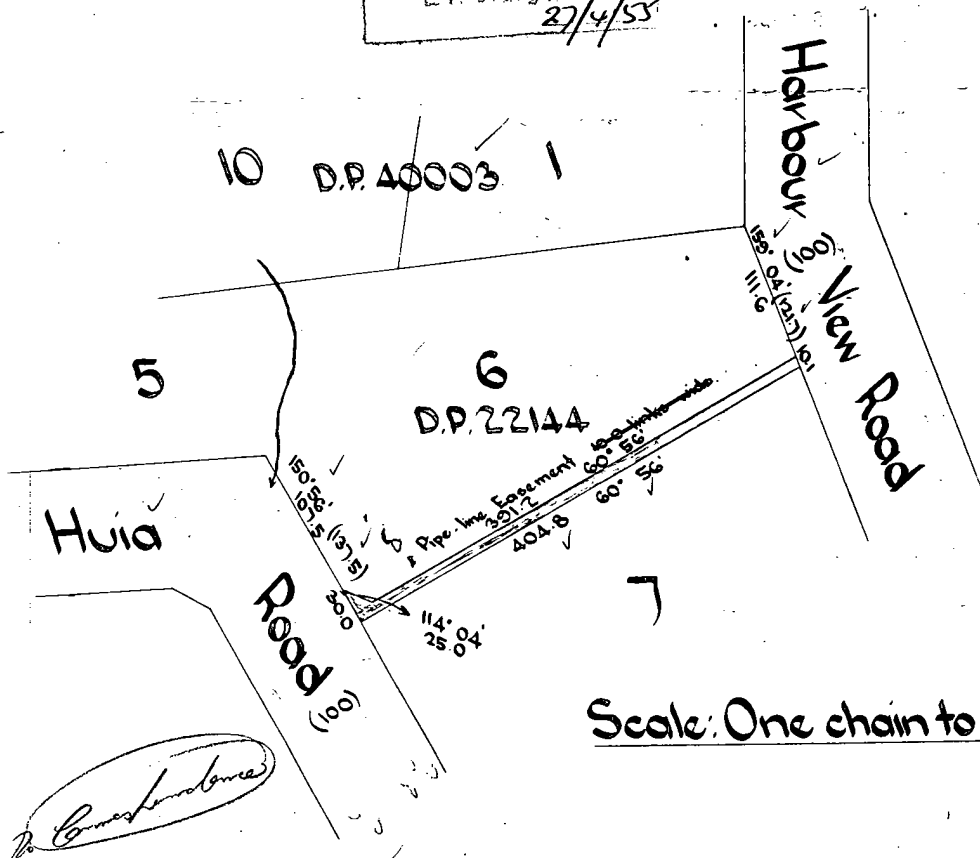
THE COMMON SEAL of THE BODY CORPORATE called THE MAYOR COUNCILLORS AND CITIZENS OF THE CITY OF AUCKLAND was hereunto affixed pursuant to a resolution passed at a meeting of the Auckland City Council held on the 30th day of *March* 1955, in the presence of:-

[Handwritten signature] Mayor
[Handwritten signature] Town Clerk.



556858 TE
20041955
FNL13384

Correct
J. Beard
L.T. Draughtsman
27/4/55



Plan of D^t Allot. 32, Parish of Waikomiti
Comprised in C.T. 1005/99.

J. Beard
Reg^d Surveyor
27/4/55

556858

64

No.

TRANSFER of
GRANT OF EASEMENT.

Correct for the purposes of the Land Transfer Act.

Rept: in duplicate

ROBERT MURRAY HUTCHENCE Transferor.

Solicitor for Transferee.

AUCKLAND CITY COUNCIL. Transferee.

Particulars entered in the Register-Book, Vol. 1005

Fol. 99

the 20th day of April

1955, at 10.15 o'clock.



J. Braithwaite
Assistant Land Registrar of the
District of Auckland.



LAND & DEEDS	
Notes:	<i>T. B. H.</i>
Firm:	BUTLER, WHITE & HANNA.
	20 APR 1955 SOLICITORS,
Time:	10.15 AUCKLAND.
Fee: £	1
Al-	379

