

Memo

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From: Patrick Rozendaal / Kate Mitchell
Duncan Cotterill

Client matter #: MAN338-004 / Mansell

Date: 5 April 2023

Subject: **Neighbouring properties to Mansell Development**

We have been requested to provide a high-level summary regarding certain access and easement rights affecting neighbouring properties to the proposed Mansell development (coloured yellow at Annexure 1).

All properties identified in Annexure 1 have existing easements relating to the supply of various services. All properties (except 37 Tiekō Street) have access to a legal road. With reference to the colour-coded aerial view at Annexure 1, we have addressed the following properties specifically:

- 1 68 Tiekō Street, contained in Record of Title 888433 – coloured **green**;
- 2 65 Tiekō Street, contained in Record of Title 880598 – coloured **red**;
- 3 5 Toroa Road, contained in Record of Title 44160 – coloured **pink**;
- 4 7 Toroa Road, contained in Record of Title WN20B/1475 – coloured **purple**;
- 5 37 Tiekō Street, contained in Record of Title 315405 – coloured **blue**; and
- 6 59 Tiekō Street, contained in Record of Title 886151 – coloured **orange**.

Copies of the Records of Title are attached as Annexure Schedules 2-1 to 2-6 (inclusive). We have not conducted a detailed review of all easements and interests noted against these titles due to limited timeframes, but please let us know if this is required.

This memo sets out, at a high-level, a summary of:

- (a) the physical outline of each property;
- (b) the details of landowners for each property; and
- (c) the details of existing easements which provide for the supply of services to each property.

1 – 68 Tiekō Street (green)

The registered owners of 68 Tiekō Street are Paula Dale Keene and John Francis Rice. The title reference for this property is 888433 and it is legally described as Section 3 Survey Office Plan 520369 and Lot 2 Deposited Plan 517102.

Lot 2 is the smaller section and Section 3 is the larger section. Both lots are held together in one title as they are subject to section 241(2) of the Resource Management Act 1991 (**RMA 1991**), meaning they cannot be disposed of individually or held under separate records of title without the Kapiti Coast District Council's (**KCDC**) approval. Section 3 has access to legal road (Makora Road) to the north.

Both lots have the benefit of a historical drainage right (from April 1906). Section 3 has the benefit of a historical drainage right (from July 1918). Lot 2 has the benefit of a right of way, and both lots have the benefit of a stormwater drainage right and a right of way (all from June 1982). Lot 2 has the benefit of a water and electricity supply right (from September 1996).

The relevant narrations from the title are below:

- *Appurtenant hereto is a drainage right created by Transfer 57300 - 20.4.1906 at 12:30 pm*
- *Appurtenant to Section 3 SO 520369 formerly Lot 2 DP 44753 contained in RT WN21D/206 is a drainage right created by Transfer 113927 - 29.7.1918 at 10:30 am*
- *Appurtenant to Lot 2 DP 517102 is a right of way and appurtenant hereto is a stormwater drainage right specified in Easement Certificate 496728.2 - 17.6.1982 at 10:28 am*
- *Appurtenant hereto is a right of way specified in Easement Certificate 496727.2 - 17.6.1982 at 10:28 am*
- *Appurtenant to Lot 2 DP 517102 is a water and electricity supply right created by Transfer B539248.3 - 17.9.1996 at 10.02 am*
- *10933767.1 Variation of the conditions of the easement specified in Easement Certificate 496728.2 - 17.12.2018 at 3:32 pm*
- *10933767.2 Variation of the conditions of the easement specified in Easement Certificate 496727.2 - 17.12.2018 at 3:32 pm*

2 – 65 Tieko Street (red)

The registered owner of 65 Tieko Street is Macspatch Limited. The directors of this company are John McKay and Kathleen Anne McKay, the same owners (with an additional co-owner) as 5 Toroa Road (coloured pink). The title reference for this property is 880598 and it is legally described as Lot 1 Deposited Plan 534361. This property has access to legal road (Makora Road) to the north.

The property has the benefit of historical drainage rights (from April 1906 and July 1918). The property also has the benefit of a right of way (from June 1982) and has the benefit of a stormwater drainage right and a right of way (also from June 1982). The property further has the benefit of a water and electricity supply right (from September 1996).

The relevant narrations from the title are below:

- *Appurtenant hereto is a drainage right created by Transfer 57300 - 20.4.1906 at 12:30 pm*
- *Appurtenant to part formerly Lot 2 DP 44753 is a drainage right created by Transfer 113927 - 29.7.1918 at 10:30 am*
- *Appurtenant hereto is a right of way specified in Easement Certificate 496727.2 - 17.6.1982 at 10.28 am*
- *Appurtenant hereto is a right of way and stormwater drainage rights specified in Easement Certificate 496728.2 - 17.6.1982 at 10:28 am*
- *Appurtenant hereto is a water and electricity supply right created by Transfer B539248.3 - 17.9.1996 at 10.02 am*
- *10933767.1 Variation of the conditions of the easement specified in Easement Certificate 496728.2 - 17.12.2018 at 3:32 pm*
- *10933767.2 Variation of the conditions of the easement specified in Easement Certificate 496727.2 - 17.12.2018 at 3:32 pm*
- *10933767.3 Surrender of the right of way over part marked B on DP 524032 specified in Easement Certificate 496728.2 appurtenant hereto - 17.12.2018 at 3:32 pm*

3 – 5 Toroa Road (pink)

The registered owners of 5 Toroa Road are Brent Daniel Buckler, John McKay and Kathleen Anne McKay. The owners of this property are the same as the directors of the company owner of 65 Tieko Street (coloured red). The title reference for this property is 44160 and it is legally described as Lot 2 Deposited Plan 311209. This property has access to legal road (Toroa Road) to the north.

The property has the benefit of historical drainage rights (from April 1906 and July 1918). The property also has the benefit of a stormwater drainage right (from June 1982).

The relevant narrations from the title are below:

- *Appurtenant hereto are drainage rights created by Transfer 57300*
- *Appurtenant hereto are drainage rights created by Transfer 113927*
- *Appurtenant hereto is a stormwater drainage right specified in Easement Certificate 496728.2 - 17.6.1982 at 10.28 am*

4 – 7 Toroa Road (purple)

The registered owners of 7 Toroa Road are Lisa Jane White and Nigel Kenneth White. The title reference for this property is WN20B/1475 and it is legally described as Lot 1 Deposited Plan 51039. This property has access to legal road (Toroa Road) to the north.

The property has the benefit of historical drainage rights (from April 1906, July 1906 and July 1918). The property also has the benefit of power and telephone rights (from July 1984).

The relevant narrations from the title are below:

- *Appurtenant hereto are drainage rights created by Transfer 57300*
- *Appurtenant hereto are drainage rights created by Transfer 58646*
- *Appurtenant hereto are drainage rights created by Transfer 113927*
- *Appurtenant hereto are power and telephone rights created by Transfer 633936.1 - 13.7.1984 at 9.08 am*

5 – 37 Tieko Street (blue)

The registered owner of 37 Tieko Street is Paul John Larkin. The title reference for this property is 315405 and it is legally described as Lot 3 Deposited Plan 378541. This property is landlocked but has the benefit of various easements.

The property has the benefit of historical drainage rights (from April 1906 and July 1918). The property also has the benefit of a stormwater drainage right and rights of way (both from June 1982). The property further has the benefit of a right of way, right to convey water, electricity, telecommunications and computer media, and right to drain sewage (from August 2007).

The relevant narrations from the title are below:

- *Appurtenant hereto are drainage rights created by Transfer 57300*
- *Appurtenant hereto are drainage rights created by Transfer 113927 (Affects part)*
- *Appurtenant hereto is a stormwater drainage right specified in Easement Certificate 496728.2*
- *Appurtenant hereto are rights of way specified in Easement Certificate 496727.2*
- *Appurtenant hereto is a right of way and a right to convey water, electricity, telecommunications and computer media easements and a right to drain sewage created by Easement Instrument 7497690.4 - 10.8.2007 at 9:00 am*
- *10933767.2 Variation of the conditions of the easement specified in Easement Certificate 496727.2 - 17.12.2018 at 3:32 pm*

59 Tiek Street (orange)

The registered owners of 59 Tiek Street are PML Trustees (2015) Limited, Yan Naing Aung and Yin Yin Waing. The title reference for this property is 886151 and it is legally described as Lot 100 Deposited Plan 378541 and Lot 6 Deposited Plan 534361.

Lot 100 is the larger section and Lot 6 is the smaller section. Both lots are held together in one title as they are subject to section 241(2) of the RMA 1991, meaning they cannot be disposed of individually or held under separate records of title without KCDC's approval. Lot 100 has access to legal road (Tiek Street) to the south.

Both lots have the benefit of historical drainage rights (from April 1906 and July 1918). Lot 6 has the benefit of a right of way, and the property (both lots) has the benefit of stormwater drainage right (from June 1982). Both lots have the benefit of a right of way (from June 1982). Lot 6 has the benefit of a water and electricity supply right (from September 1996). Lot 100 has the benefit of a right of way, and a right to convey water, electricity, telecommunications and computer media, and right to drain sewage (from August 2007).

The relevant narrations from the title are below:

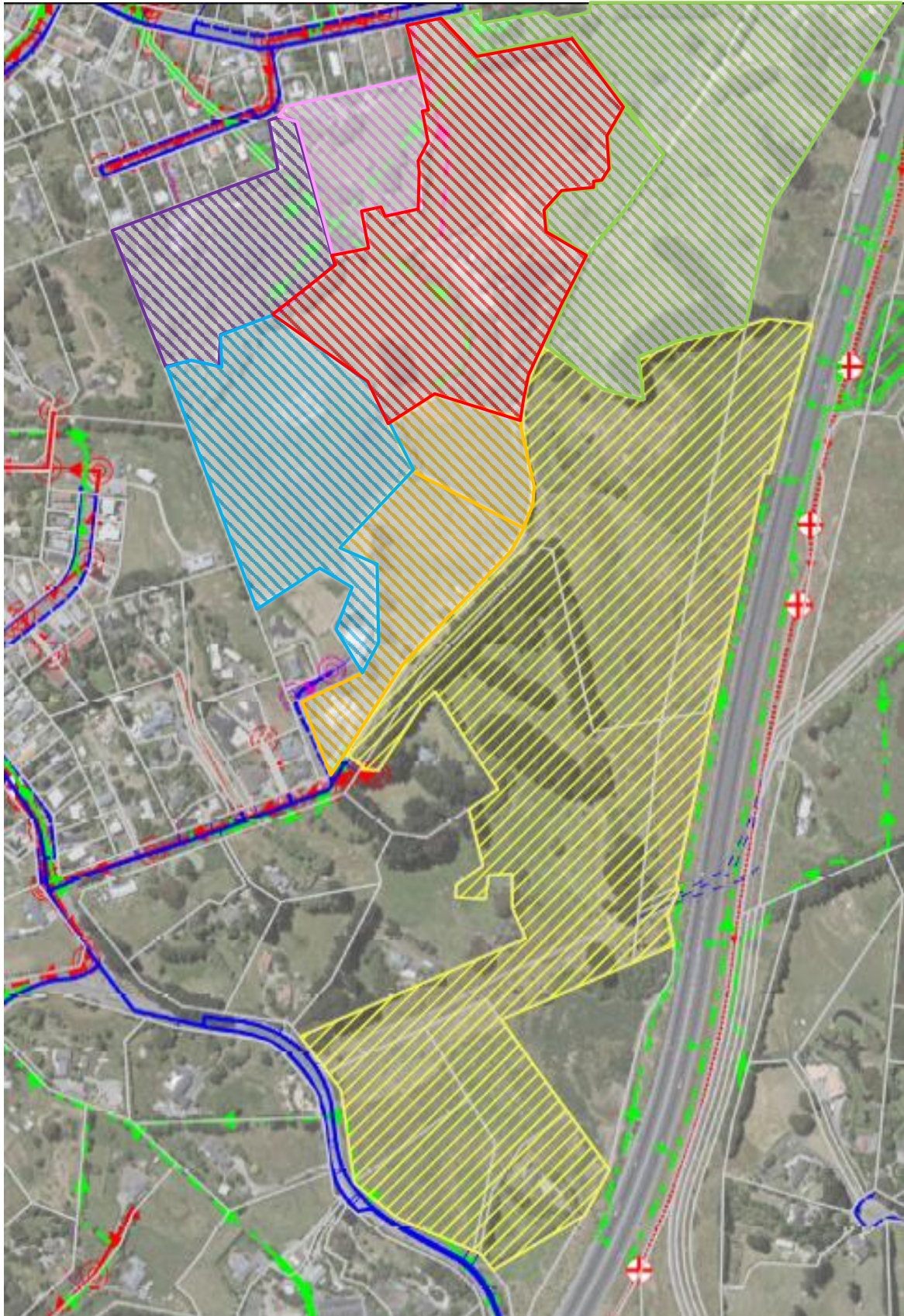
- *Appurtenant hereto is a drainage right created by Transfer 57300 - 20.4.1906 at 12:30 pm*
- *Appurtenant hereto is a drainage right created by Transfer 113927 - 29.7.1918 at 10:30 am*
- *Appurtenant to Lot 6 DP 534361 is a right of way and appurtenant hereto is a stormwater drainage right specified in Easement Certificate 496728.2 - 17.6.1982 at 10:28 am*
- *Appurtenant hereto is a right of way specified in Easement Certificate 496727.2 - 17.6.1982 at 10:28 am*
- *Appurtenant to Lot 6 DP 534361 is a water and electricity supply right created by Transfer B539248.3 - 17.9.1996 at 10.02 am*
- *Appurtenant to Lot 100 DP 378541 is a right of way and a right to convey water, electricity, telecommunications and computer media easements and a right to drain sewage created by Easement Instrument 7497690.4 - 10.8.2007 at 9:00 am*
- *10933767.3 Surrender of the right of way over part marked B on DP 524032 specified in Easement Certificate 496728.2 appurtenant to Lot 6 DP 534361 herein - 17.12.2018 at 3:32 pm*

Summary

All properties have the benefit of various existing easements which provide for the supply of services to each property. All properties except 37 Tiek Street (coloured blue) have access to legal road, which allows for direct connection to easement services in the future.

Given the high-level nature of our memo (to meet required deadlines), please let us know if you have any questions or concerns or if you require further information.

ANNEXURE 1
Colour-coded aerial view



ANNEXURE SCHEDULES 2-1 TO 2-6 (INCLUSIVE)

Records of Title for neighbouring properties