

Crown Pastoral Land Tenure Review

Lease name : Mt HUTT

Lease number : PC 051

Due Diligence Report (including Status Report) - Part 1

This report and attachments results from a pre-Tenure Review assessment of the pastoral lease for the purpose of confirming land available for Tenure Review and any issues, rights or obligations attaching to it. The information is gathered from files and other sources available to the LINZ contractor.

Part of the information relates to research on the status of the land, resulting in a Status Report that is signed off by a LINZ approving officer. The remainder of the information is not analysed for relevancy or possible action until required, and LINZ does not guarantee its accuracy or completeness as presented.

The report attached is released under the Official Information Act 1982.

June 09

DUE DILIGENCE REPORT CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:

MT HUTT STATION

File Ref: CON/50269/09/12756/A Report No: CH0112 Report Date: 5 February 2002

Office of Agent: Christchurch LINZ Case No:

Date sent to LINZ: 5 February 2002

6.

RECOMMENDATIONS

- 1. That the Commissioner of Crown Lands or his delegate **note** this Due Diligence Report which has been prepared in accordance with the Pre Tenure Review Assessment Standard;
- 2. That the Commissioner of Crown Lands or his delegate note the following;

There are no uncompleted actions or potential liabilities.

/

Signed by Opus:

Mike Todd

Approved/Declined (pursuant to a delegation from the Commissioner of Crown Lands) by:

Name: Date of decision:

1. Details of lease:

Lease Name:	Mt Hutt
Location:	Rakaia Gorge, Mid Canterbury
Lessee:	Doug Hood Ltd as to a 5/6 share and Keith Bernard
	Hood as to a 1/6 share.
Tenure:	Land Act 1948 Pastoral Lease
Term:	33 years from 1 July 1955
Annual Rent:	\$6,187.50
Rental Value:	\$275,000.00
Date of Next Review:	30/6/2010
Land Registry Folio Ref:	CB6A/1344
Legal Description:	Part Run 277, situated in Blocks III, IV, V, VI and IX,
	Hutt survey District.
Area:	2,331.4054 Hectares

2. File Search

Files held by Agent on behalf of LINZ:

File Reference CON/50269/09/12756/A	Volume 1	From 22/08/2002	To Present
Other relevant files held	l by LINZ:		
File Reference	Volume	From	То

<i>Pc/051-SCH-01</i>	1	01/03/1953	01/12/1968
<i>Pc/051-SCH-02</i>	2	01/01/1968	01/11/1977
Pc/051-SCH-03	3	01/11/1977	01/11/1982
Pc/051-SCH-04	4	01/11/1982	01/02/1985
Pc/051-SCH-05	5	17/05/1985	31/01/1987
Pc/051-SCH-06	6	01/04/1987	30/6/2000
CON/50213/09/12756/A	1	01/07/2000	Present

3. Summary of lease document:

Terms of lease

Pastoral lease under the Land Act 1948 issued for 33 years from 1 July 1955. The lease has a base stock limit of 1,450 sheep with a personal exemption to the holder of 1,500 sheep, 200 cattle, 1,000 deer and 1,000 goats.

The lease was varied by variation registered 31 May 1978 adding the requirement for CCL consent to the transfer of shares in the lessee company.

The lease was varied again by variation registered 5 March 1990, which replaced the existing covenant to pay rent with a new one and renewed the lease for a further term of 33 years from 1 July 1988.

Area adjustments

There have been no area adjustments affecting this lease and the area of the lease as recorded in the computer interest register CB6A/1344 is correct.

Registered interests

178960.1 Variation of Lease

Adding the requirement for CCL consent to transfers of shares in the lessee company.

198672.1 Land Improvement Agreement

An agreement under the Soil Conservation and Rivers Control Act 1941 setting out a programme of fencing and soil conservation planting by the lessee and subsidised by the (then) Catchment Board. The term of the agreement is for 99 years following completion of the works and requires the lessee to continue to maintain the works during this period.

569124.1 Mortgage to the National Bank of New Zealand Ltd *Registered first mortgage*.

860116.1 Variation of Lease

Renewal and variation – renewing lease for a further term of 33 years from 1 July 1988 and replacing the covenant to pay rent with a new clause.

Unregistered interests

There is a current recreation permit over part of the property in favour of Mt Hutt Helicopters Ltd, which expires 30 June 2004. The recreation permit allows heliskiing around the Mt Hutt area in the northwestern corner of the lease.

It appears that the power supply to the Mt Hutt skifield crosses the pastoral lease and that this situation while acknowledged has not been formalised by way of an easement and that the power supplier relies on the statutory protection to protect it's interests.

4. Summarise any Government programmes approved for the lease:

As noted above there is a Soil and Water Conservation Plan registered against this lease as 198672.1 on 18 October 1978. The agreement is for the holder to carry out fencing and soil conservation tree planting (subsidised by the catchment board of the time) and to maintain these works for a period of 99 years from completion. While it is reasonable to suppose that the works have been completed clearly the maintenance provisions of the agreement would still be in force and therefore the agreement itself would still be 'live'.

5. Summary of Land Status Report:

A Land Status Report was undertaken by Opus in October 2001. The following items were identified for consideration in the context of Due Diligence:

A field inspection may be required to ascertain if Little River, and other streams within this pastoral lease could be subject Section 24 of the Conservation Act 1987. No evidence has been found that this aspect was considered on renewal of this lease on 1 July 1988.

It is noted that the renewal of this lease preceded the passing of the Conservation Law Reform Act 1990 therefore there was no statutory requirement to advise the Department of Conservation of the disposition of the land by pastoral lease. The wording of section 24 prior to the passing of the Conservation Law Reform Act 1990 is such that it is not considered that there would have been any requirement to consider marginal strips on renewal of the lease.

The file shows that the Ashburton Electric Power Board investigated the provision of a power supply to the Mt Hutt Ski Field by way of underground cable over this pastoral lease. No evidence of formal documentation has been found to support that an easement was granted for this right. (Such works are covered in the Electric Power board Act 1925 Section 84 and do not require an easement).

It appears from the file that this power supply has probably been installed but as indicated the power supplier has relied upon statutory protection of it's rights rather than an easement.

File contains applications for recreation permits, no evidence as to formal granting of these permits has been found on the file.

One recreation permit has been granted (as detailed above). There is no evidence that the other permit which was considered has ever been granted and as this was under consideration in the mid 1980's even if it had been it would almost certainly have expired before now.

6. Review of topographical and cadastral data:

The only items of interest shown on these plans are a formed but not legal road that follows generally along the eastern side of the property inside the boundary, and a track (which appears as though it is associated with the adjoining Mt Hutt skifield) which encroaches over the western boundary.

7. Details of any neighbouring Crown or conservation land

The Mt Hutt State Forest, which is conservation land, adjoins this property to the west. The only adjoining Crown land is a small piece adjoining the north- east corner boundary, which is Crown land riverbed.

8. Summarise any uncompleted actions or potential liabilities:

While there are a number of matters that should be noted in this report I do not consider that there are any uncompleted actions or potential liabilities relevant to this property.

<u>Appendices</u> Appendix 1 – Status Check and Plan

Appendix 1 – Status Check and Plan

RELEASED UNDER THE OFFICIAL INFORMATION ACT RELEASED UNDER THE OFFICIAL INFORMATION ACT" OPUS INTERNATIONAL CONSULTANTS LIMITED APPENDIX A DUNEDIN OFFICE

Project Number 6NLITR.02/126YC



This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50269 dated September 2001 and is undertaken for the purposes of Tenure Review in terms the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Mount Hutt LIPS Ref 12756		
Property 1 of 1		
Land District	Canterbury	
Legal Description	Part Run 277 situated in Blocks III, IV, V, VI and IX, Hutt Survey District.	
Area	2331.4054 hectares (subject to survey)	
Status	Crown Land subject to Pastoral Lease P. 51	
Instrument of title / lease	Pastoral Lease CB6A/1344 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal 860116.1	
Encumbrances	 Subject to Land Improvement Agreement pursuant to Section 30 and 30A Soil Conservation and Rivers Control Act 1941. Part IVA of the Conservation Act 1987 	
Mineral Ownership	The Crown owns Mines and Minerals because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Purchase.	
Statute	Land Act 1948 and Crown Pastoral Land Act 1998	

Data Correct as at	31 October 2001	
[Certification Attached]	Yes	

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Prepared by	John Kirk	Ĺ
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Crown Accredited Supplier	Owner International Congultanta I tal Duradia	í.
CLOWIE ACCLEDITED SUDDIEL	Opus International Consultants Ltd, Dunedin	1

LAND STATUS REPORT for Mount Hutt Property 1 of 1

LIPS Ref 12756

Notes: This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6 paragraph 6.	Ø	A field inspection may be required to ascertain if Little River, and other streams within this pastoral lease could be subject to Section 24 of the Conservation Act 1987. No evidence has been found that this aspect was considered on renewal of this lease on 1 July 1988. The file shows that the Ashburton Electric Power Board investigated the provision of a power supply to Mt Hutt Ski field by way of underground cable over this pastoral lease. No evidence of formal documentation has been found to support that an easement was granted for this right. (Such works are covered in the Electric Power Board Act 1925 Section 84 and do not require an easement) File contains applications for recreation permits, no evidence as to formal granting of these permits has been found on file.
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LAND STATUS REPORT for Mount Hutt

LIPS Ref 12756

Property 1 of 1

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Research Data: Some Items may be not applicable

SDI Print Obtained	Yes
NZMS 261 Ref	K35, K36
Local Authority	Ashburton District Council
Crown Acquisition Map	1848 Kemp Purchase
SO Plan	SO 5457- Plan of subdivision of Run 100 Hutt and
	Somers Survey Districts [August 1917]
	SO 6139- Plan of part R.S. 28843 and part Run 100A
	[now 277] R.S. 37123 and R.S 36984 Hutt Survey
	District [February 1927]
	SO 8757- Plan of Res. 4760 formerly Pt Run 100A to
	be declared State Forest & Part Reserves 3117 &
	3118, to be declared Crown Land. Hutt, Somers &
	Spaxton Survey District. [September 1954] (this is for
	adjoining land)
	SO 8870 Plan of roads to alored in That and in
	SO 8870- Plan of roads to closed in Hutt and Spaxton Survey Districts [March 1955]
	Survey Districts [march 1955]
	SO 10624- Plan of Reserve 5200 situated in Blocks
	VI & IX Hutt Survey District. [December 1965]
	SO 11991- Plan of Survey Traverses in Block IX Hutt
	Survey District. [Survey data only October 1972-May
	1974]
	SO 17637- Plan of Sections 1,4, 18, 21, 24, 25, & 26
	being part subdivision of Run 266. [Definition of
	adjoining pastoral lease formerly known as Run 266.
Palavant Caratta Nationa and / on Computer	June 1988]
Relevant Gazette Notices and / or Computer interest register.	Part Reserve 5200 adjoining land (surrendered area)
interest register.	New Zealand Gazette 1971 page 16.
CT Ref / Lease Ref	CB6A/1344, CB529/67 [former lease].
Plan Index	SO's 5457, 6139, 8757, 8870, 10624, 11991.
Legalisation Cards	No Cards found
Statutory Actions (Landonline)	SO 8757 Reserve 3316 State Forest, Mount Hutt
	State Forest 33 NZ Gazette 1898 page 1457.
	[Adjoining land]
	SO 8757 part Reserve 4760 State Forest, Mount Hutt

LAND STATUS REPORT for Mount Hutt Property 1 of 1

LIPS Ref 12756

	State Forest 33 NZ Gazette 1955 page 276.
	[Adjoining Land]
	SO 10624 part Reserve 5200 Permanent State Forest Mount Hutt State Forest 33 NZ Gazette 1971 page 16. [Adjoining land]
CLR	Supports Pastoral Status
Allocation Maps (if applicable)	Adjoining parcel (part R 4760) allocated to the Department of Conservation under Section 62 of the Conservation Act 1987. LARES Reference K35*16*CO.
VNZ Ref - if known	24390/2400
Crown Grant Maps	Not applicable
If Subject land Marginal Strip: a) Type [Sec 24(9) or Sec 58]	No evidence found
b) Date Created	
c) Plan Reference	
Marine	

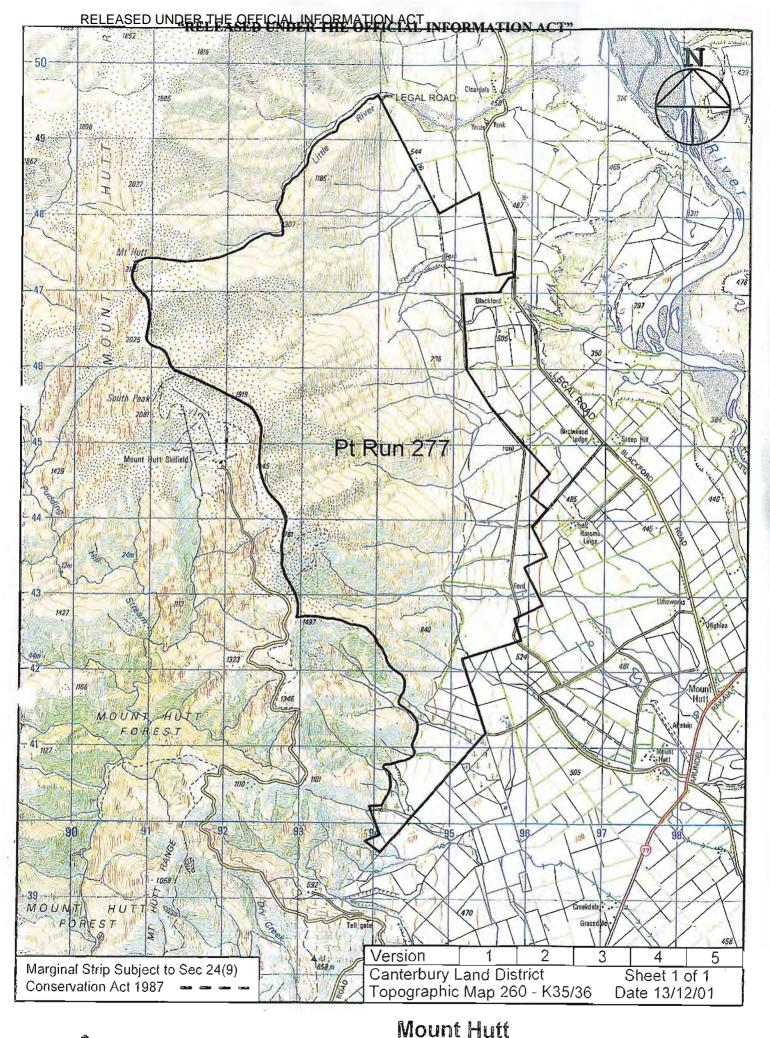
RELEASED UNDER THE OFFICIAL INFORMATION ACT **LAND STATUS REPORT for Mount Hutt** LIPS Ref 127

LIPS Ref 12756

Property 1 of 1

Research - continued

If Crown land – Check Irrigation Maps.	Not applicable
Mining Maps	No licences registered.
If Road	-) CO Plan Nationalizable
a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989	a) SO Plan Not applicable
b) By Proc	b) Proc Plan
	c) Gazette Ref
Other Relevant Information a) Concessions – Advice from DOC or Knight Frank.	a) The Department of Conservation has been consulted and no concessions or DOC interests have been
	identified within the boundary of this property. There are no plans in the survey system that shown reservation of marginal strips.
b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998	b) Searched nothing found
c) Mineral Ownership	c) The Crown owns mines and Minerals because the land has never been alienated from the Crown since its
	acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Purchase.
d) Other Info	d)





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LAND STATUS REPORT

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Project Number 6NLITR.02/126YC

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INTERNATIONAL CONSULTANTS

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Data Correct as at	31 October 2001
[Certification Attached]	Yes

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Prepared by	John Kirk Murz.
rioparoa oj	John Kirk
Crown Accredited Supplier	Opus International Consultants Ltd, Dunedin
Commence of the second se	Opus international Consultants Ltd, Dunedin

LAND STATUS REPORT for Mount Hutt

LIPS Ref 12756

Property 1 of 1

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at the due diligence stage: See		lease on 1 July 1988.
Crown Pastoral Standard 6	0	The file shows that the Ashburton Electric Power Board
paragraph 6.		investigated the provision of a power supply to Mt Hutt Ski
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LIPS Ref 12756

Property 1 of 1

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Crown Grant Maps	Not applicable
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Property 1 of 1

Research - continued

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d) Other Info	d)		

OPUS INTERNATIONAL CONSULTANTS LIMITED

APPENDIX B

Project Number 6NLITR.02/126YC



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Encumbrances	 Subject to: - 198672.1 Land Improvement Agreement pursuant to Section 30 and 30A Soil Conservation and Rivers Control Act 1941.
Statute	Land Act 1948 and Crown Pastoral Land Act 1998

Data Correct as at	31 October 2001
[Certification Attached]	Yes
Prepared by	John Kirk
Crown Accredited Supplier	Opus International Consultants Ltd, Dunedin

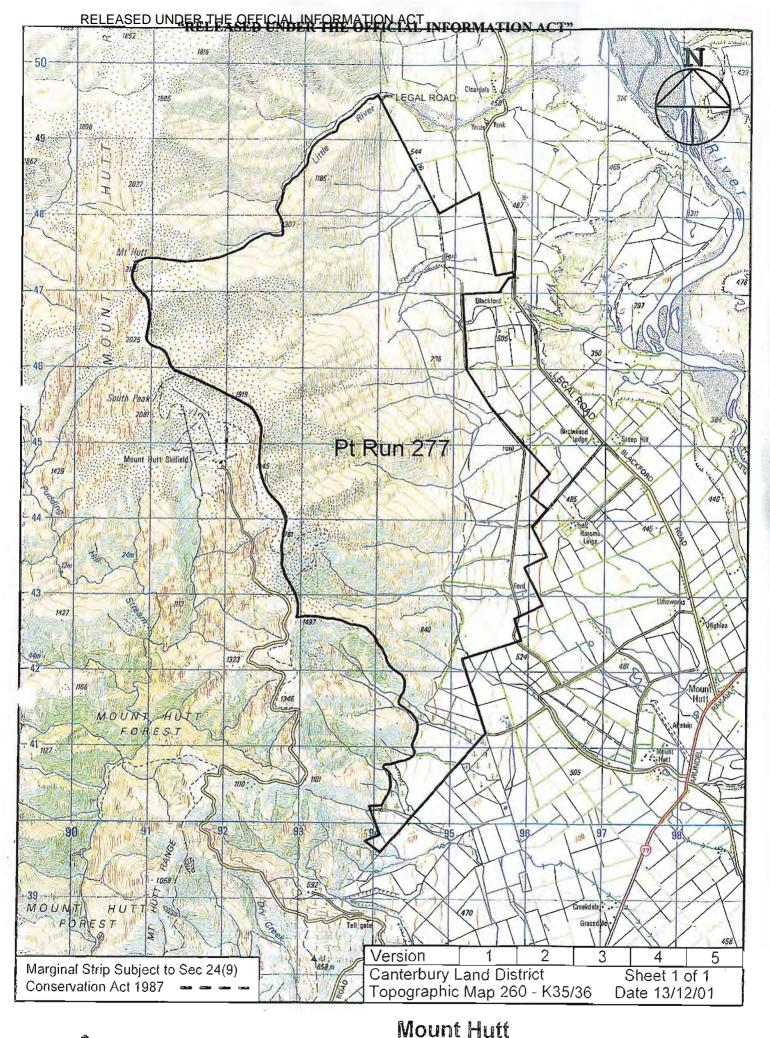
Certification

Pursuant to Section 11(1)(*l*) of the Survey Act 1986 and acting under delegated authority of the Surveyor-General pursuant to Section 11(2) of that Act, I hereby certify that the land described above is Crown Land under the Land Act 1948 subject to a Pastoral Lease registered as CB6A/1344

R. Mauller 5

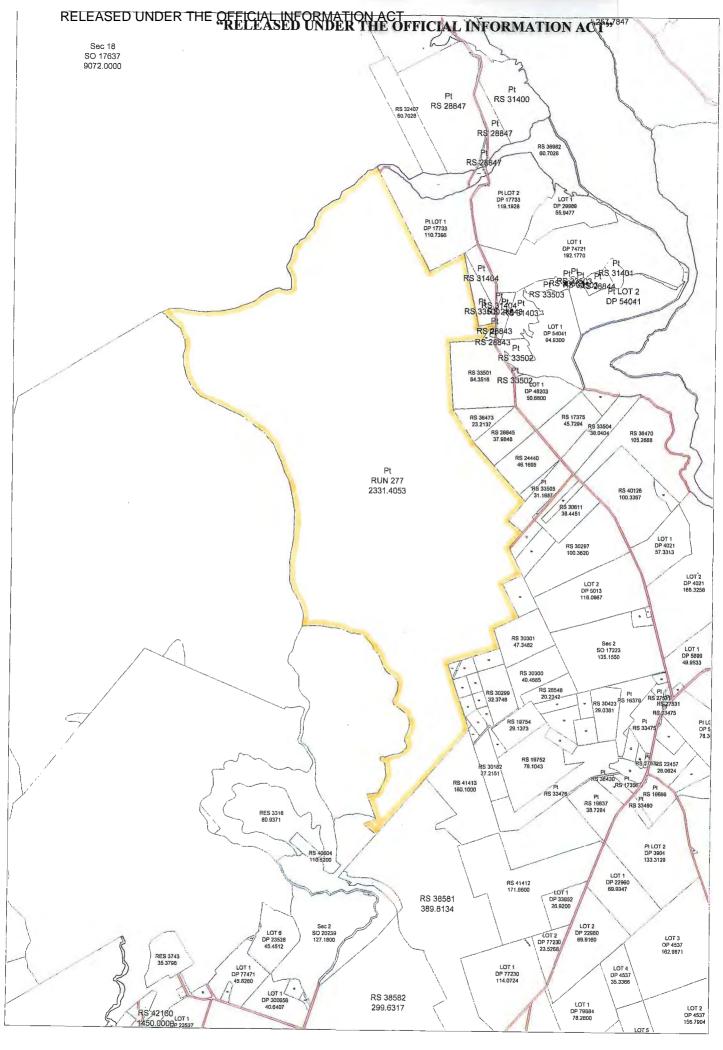
Ross Moulton, Chief Surveyor Canterbury Land District Land Information New Zealand.

10 / 12 /2001





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PT RUN 277 - MT HUTT TERRALINK INTERNATIONAL 2001 - CRS Survey and Title Data as at 04.08.2001Valuation Data as at 08.08.2001Geodetic data as at 11.10.97 Cadastral Information from LINZ Core Record System (CRS). CROWN COPYRIGHT RESERVED.



COMPUTER INTEREST REGISTER UNDER LAND TRANSFER ACT 1952

Search Copy



IdentifierCB6A/1344Land Registration DistrictCanterburyDate Registered30 May 1966 12:00 am

Prior References CB529/67

TypeLease under s83 Land Act 1948Area2331.4054 hectares more or less

Term

33 years from 1.7.1955 and extension of the term for 33 years commencing on 1.7.1988

Legal Description Part Run 277

Proprietors

Doug Hood Limited as to a 5/6 share Keith Bernard Hood as to a 1/6 share

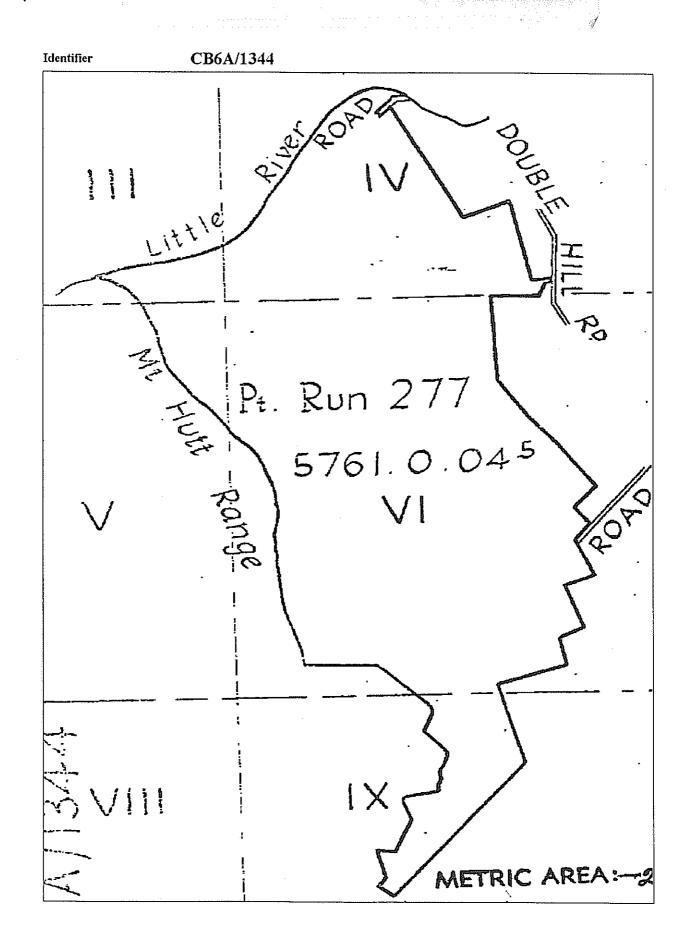
Interests

178960.1 Variation of the terms of the within Lease - 31.5.1978 at 9.04 am

198672.1 Land Improvement Agreement pursuant to Section 30 and 30A Soil Conservation and Rivers Control Act 1941 - 18.10.1978 at 9.09 am

569124.1 Mortgage to The National Bank of New Zealand Limited - 2.10.1985 at 10.00 am

860116.1 Variation of the within Lease - 5.3.1990 at 11.24 am



<u>John S Kir</u>k

From: Sent: To: Subject: loladmin@linz.govt.nz Wednesday, 29 August 2001 16:05 john.kirk@opus.co.nz MT HUTT



CDE Search -Search Copy Repor..

The following images are delivered to you: CDE Search - Search Copy Report for CB6A-1344



COMPUTER INTEREST REGISTER UNDER LAND TRANSFER ACT 1952

Historical Search Copy



Identifier	CB6A/1344
Land Registration District	Canterbury
Date Registered	30 May 1966 12:00 am

Prior References CB529/67

Туре
Area

Lease under s83 Land Act 1948 2331.4054 hectares more or less

Term

33 years from 1.7.1955 and extension of the term for 33 years commencing on 1.7.1988

Legal Description Part Run 277 Original Proprietors Doug Hood Limited as to a 5/6 share Keith Bernard Hood as to a 1/6 share

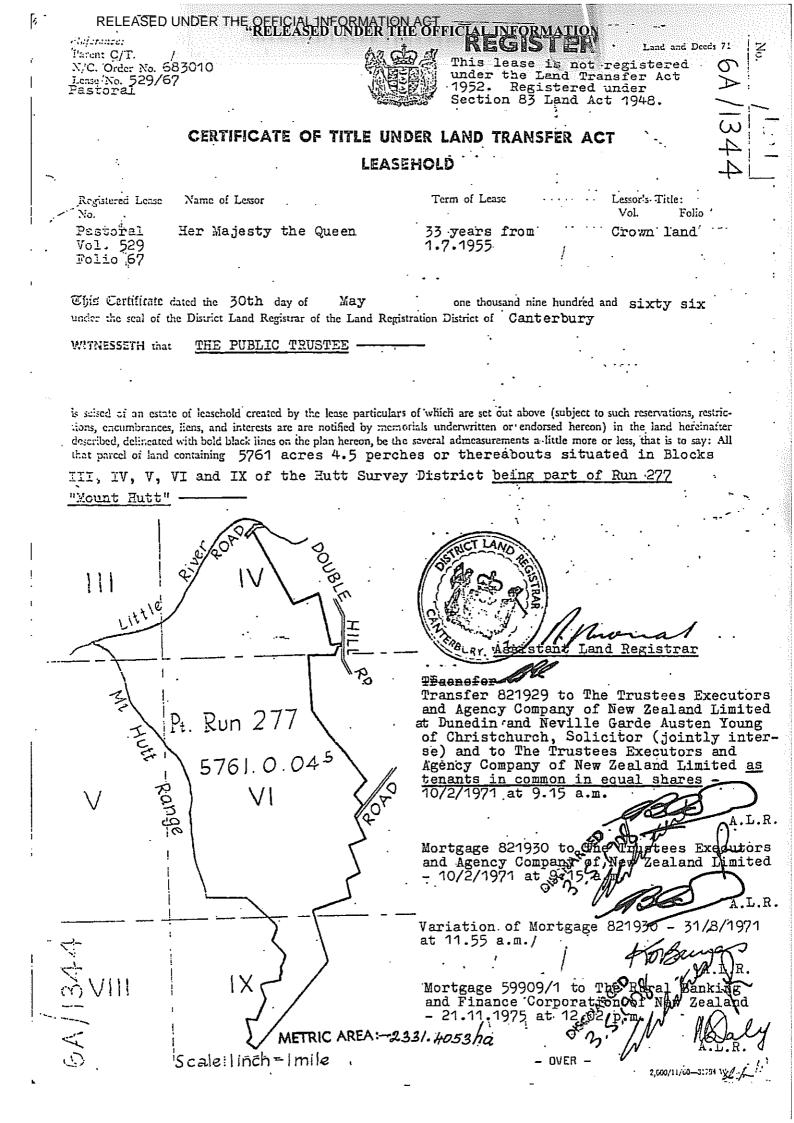
Interests

√178960.1 Variation of the terms of the within Lease - 31.5.1978 at 9.04 am

16295 198672.1 Land Improvement Agreement pursuant to Section 30 and 30A Soil Conservation and Rivers Control Act 1941 - 18.10.1978 at 9.09 am

569124.1 Mortgage to The National Bank of New Zealand Limited - 2.10.1985 at 10.00 am \checkmark 860116.1 Variation of the within Lease - 5.3.1990 at 11.24 am

LTP 300896



No.178960/1 Variation of the terms of the within Lease - 31.5.1978 at 9.04 am.

for A.L.R.

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6.0.

Transfer 180746/2 to Doug Hood Limited at Ashburton (<u>as to a 5/6th share</u>) and to Keith Bernard Hood of Ashburton, Farmer (<u>as to a 1/6th share</u>) <u>as tenants in common in the shares stated</u> -

13.6.1978 at 1.31 pm.

Jor R.L.R.

Mortgage 186566/1 to The Franscess Executors and Agency Company of New Zealand and Neville Garde Austen Young (jgc)tly inter and and the said The Trustees and Executors and Francy Company of New Zealand <u>if shares</u> - 24,721978 at 11.01 am.

No. 198672/1 Agreement under Sections 30 and 30A of the Soil Conservation and Rivers Control Act 1941 - 18.10.1978 at 9.09 a.m.

Mortgage 212305/1 to the fural Banking and Finance Corporation - 5-2-1979 19/54a.m.

Mortgage 265398/1 to he Rural Banking and Finance Corporation - 7-3 980 4 P.23a.m.

Variation of Mortgage 212305/1 26.5.1981 at 9.51 am.

Mortgage 326778/5 to The South British Life Assurance Consary Lighted - 26.5.1981 at 9.52 am.

for A.L.R.

for A.L.R.

for A.L.R.

No.326778/6-Memorandum of Priority making mortgages 326778/5, 212305/1 and 265398/1 first, second and third mortgages respectively -26.5.1981 at 9.52 am.

for A.L.R.

Mortgage 569124/1 to The National Bank of New Zealand Limited-2.10.1985 at 10.00am.

A.L.R. No. 860116/1 Variation of the within Lease and extension of the term for 33 years commencing on 1.7.1988 - 5.3.1990 at 11.24am

for A.L.R.

John S Kirk

From: Sent: To: Subject:

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loladmin@linz.govt.nz Wednesday, 29 August 2001 16:05 john.kirk@opus.co.nz MT HUTT





The following images are delivered to you: Image for Titles - CB6A-1344 - Historic Title

Area Calculation

		To + and -	
		Areas.	
			Run 277 Original in pencel on SO 5457[6647 acres] Part of Run 277 (formerly RS 37904 Blk IX Hutt
Acres to ha	:	1.6301	SD SO 8870)[4a-0r- 04.5p]
(<u></u>)			Reserve 5200, blk VI & IX Hutt
Acres/roods 890.0000 360.1702196		-360.1702	SD.[890 acres]
Perches .0000000	360.1702 ha		
Ha to Acres			
0	0.00 acres		
		2331.4053	

31/10/2001

"RELEASED UNDER THEOFINGHAL

" SREEASED UNDER THE REFICIAL INFORM P-ALTERATION Partial Surrender as at 1-5-64 The Public Truster (Est. L. L. Kichards) Lessee/Licensee: Description of Land: lular Area: Lee helow Rating Authorities: Ashbuston to. to. ' Whitecombe Asherton R.Z CTION Full Details of Alteration PREV. Past Run 277 "Mit Hutt" :196 Blocks TT and Reserve 5200 IV, V, VI + IX Hutt 6651aco. Or: 4.5 Jurrender Reserve 5200 Blocks VI vIX 5.D. 890ar. 0. 00 Now: Part Run 277 "MIT Hutt" Blocks III, IV, V, VI & IX Hult SD. 576 lac. 0. 4.5% 1 Annal Limitetu JUN 1900 bernensati. £150 Reason and Authority for Alteration Land Un Section 145 Trea required 1948-Conservatio Parposis \$ 6. 6 L. Case No 66/171 J 1 No. . Alena 5, ll. Prepared by Checked by: _ **ACTION REQUIRED:** LEASES SEC.: ACCOUNTS DIV .: TITLES SEC .: RECORDS SEC.: G. 13 🦌 25/5/66. Ledgers: Documents: 910 91/5 Fil C.L. Regr. C./register: Inder 1 1 Insurance:

VED FROM FILE J.&. S. FILE: P. 51 ALTERATION to expellation Lessee/Licensee: L.L. Richards Est. Description of Land: hun 24rd (" Int. "Hutt") situated in Blocks 111. IV. V. VI - 1X Hutt S.D. Area: 6651 - 0 - 4.5 Rating Authorities: asthuriten / Kounty resumed Full Details of Alteration Formerly Run 277 and R.S. 37904 ; ; J ۰. CHECKED 22 APR 1963 latists Reason and Authority for Alteration Simplification of appillations on necord make. R.S. 37904 an eld closed more is more deemed to absorbed in Run 277 and so loses it identity Any is unchanged. J 13 No. J.D. mapp 221 2 163 Checked by: Braden Prepared by: 22/4 165 ACTION REQUIRED: Recorder. (لابل). LEASES SEC .: ACCOUNTS DIV.: TITLES SEC .: **RECORDS SEC:** G 13 . Ledgers. / / / / . Documents. 1 1 File

RELEASED UNDER THE OFFICIAL ilir maffey 126. Run 27? mount Autt (6657.0.04.5). The after area of the above Run was recently indeased by the addition of a closed hoad (50.8870 -) which was numbered R.S. 37904 an 4.0-04.5 The area of the Run was 6647.0-0 The area of the Run was 6647.0-04 plus RS 37904 4. 0-04-5-6651-0-04.5-& described as Run 277 also Rural Section 37904 ske It is proposed to amend this description so that it reads simply Run 277 (area). 5-6651-0-04.5-I discussed this with Mr moust (H. D. A.R.) who is agreeable to this action so in Anture where a closed hoad or such is dided to the Run the change of appellition Can refer to the area merely as the lend described in Proc ... thus obbiating the allotting of a rural section humber. Hayward a good iten. 5/4/63

C. 11 prepared see falso 127



