

**NORTH LANARKSHIRE COUNCIL
REPORT**

To: POLICY AND RESOURCES (REGENERATION AND INFRASTRUCTURE) SUB-COMMITTEE		Subject: ACQUISITION OF ADDITIONAL SERVITUDE RIGHTS AT KILBOWIE OUTDOOR CENTRE, OBAN
From: HEAD OF REGENERATION & INFRASTRUCTURE SERVICES		
Date: 16 May 2013	Ref: A1390379/IM	

1. INTRODUCTION

1.1 The purpose of this report is to seek Committee approval for the acquisition of additional Servitude rights at Kilbowie Outdoor Centre, Oban.

2. BACKGROUND

2.1 The council's title to Kilbowie Outdoor Centre is by way of a disposition by Argyll & Bute Council in favour of North Lanarkshire Council Recorded 5 September 2000. The title provides the council with certain Servitude rights over Argyll & Bute Council's neighbouring land, including a right of access leading from Gallanach Road to the Outdoor Centre, via the route shown hatched on the attached plan, and general rights to lay, use and maintain and where necessary repair, relay or replace service connections.

2.2 During an inspection of the site carried out by Regeneration & Infrastructure Services, it was noted that a septic tank serving the council's outdoor centre has been partially installed in land within Argyll & Bute Council's ownership. It was also noted that the access route to the outdoor centre has been altered to include an area outwith the council's existing Servitude right of access.

2.3 Following a consultation with Legal Services it was determined that, as there is no specific reference in the council's title to the right to install a septic tank over land owned by Argyll & Bute Council, it would be prudent to obtain a Servitude right in this respect over the area impacted by the septic tank.

2.4 Argyll & Bute Council no longer occupy the neighbouring Kilbowie House and are preparing to sell the building and associated land. It is therefore considered appropriate at this stage to acquire the necessary additional Servitude rights in relation to the septic tank and access prior to the sale of the neighbouring property.

3. DESCRIPTION

3.1 The ground affected by the septic tank is located to the north of the Kilbowie Outdoor Centre main building and is covered with a mixture of rough grass and gravel. The area extends to 104 square metres or thereby, shown cross-hatched on the attached plan.

3.2 The ground impacted by the revised access route has been covered with tarmac and is located close to the entrance to the outdoor centre. The subject ground extends to 19 square metres or thereby, shown shaded on the attached plan.

4. TERMS

4.1 Terms have been provisionally agreed with Argyll & Bute Council for the granting of the additional Servitude rights which are detailed below:-

- A consideration of £1,000 will be payable for the granting of the Servitude rights.
- The council will be responsible for the payment of Argyll & Bute Council's reasonably incurred Legal fees and Surveyors fees in relation to this transaction.

5. CORPORATE CONSIDERATIONS

5.1 The acquisition of the additional Servitude rights will formalise the servicing and access arrangements as they exist on the ground at present and will limit the potential for dispute in the future.

5.2 Learning & Leisure Services have confirmed that the costs involved can be met from existing budgets.

6. RECOMMENDATIONS

6.1 It is recommended that Committee approves the acquisition of the additional Servitude rights at Kilbowie Outdoor Centre on the terms outlined in 4. above.

6.2 All other terms and conditions to be adjusted by the Head of Regeneration & Infrastructure Services.



ERIC HISLOP
Head of Regeneration and Infrastructure Services

Members seeking further information on the contents of this report are asked to contact Mary Anne Robb, Section Manager, on 01236 632667.

LOCATION PLAN - For Information Only

Title: Kilbowie Outdoor Centre

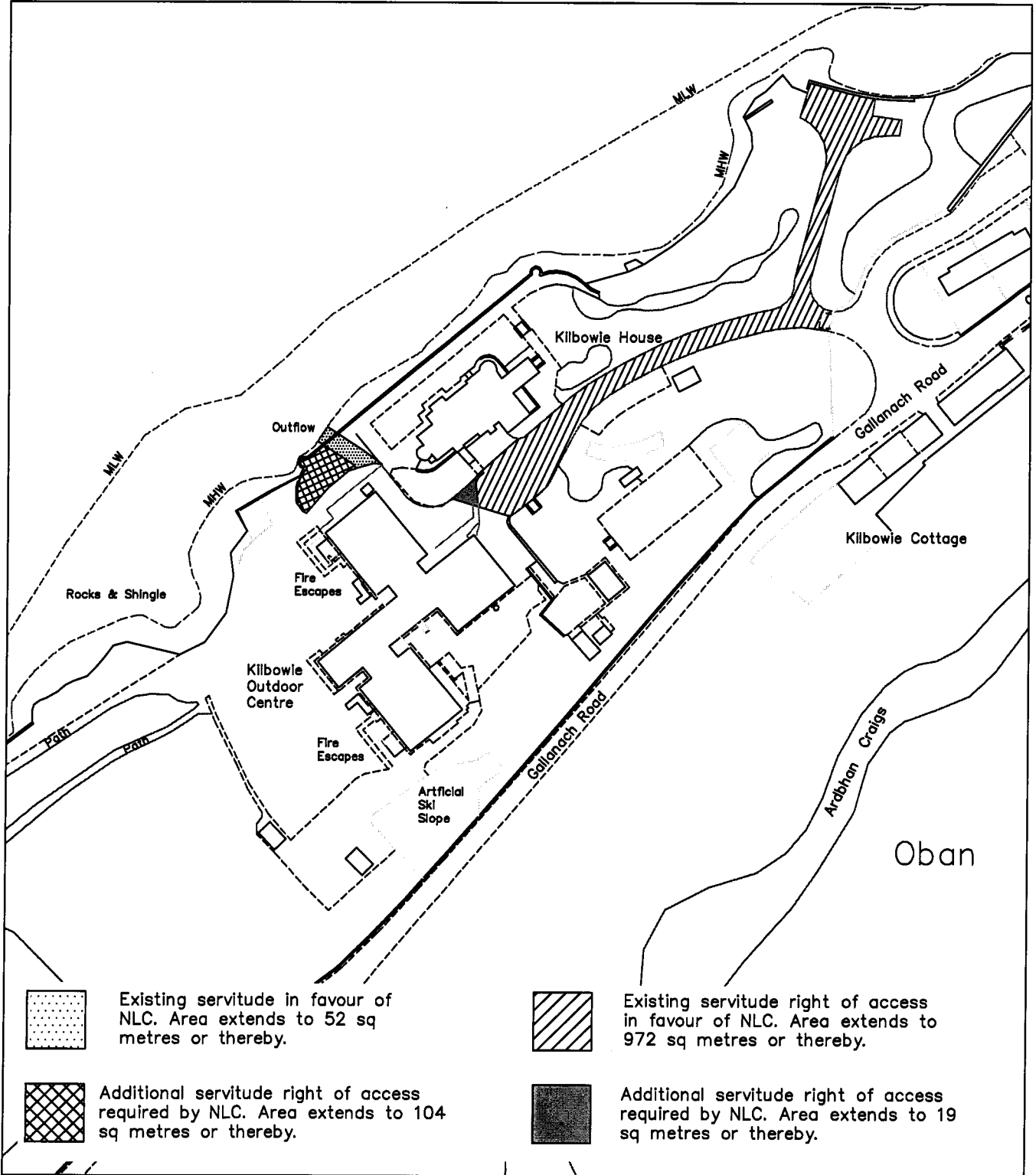
Scale 1:n.t.s



Town: Oban

Date: 12/4/13

ENVIRONMENTAL SERVICES



CARTOGRAPHIC SERVICES

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