

**NORTH LANARKSHIRE COUNCIL**  
**REPORT**

<b>To: POLICY &amp; RESOURCES (PROPERTY) SUBCOMMITTEE</b>	<b>Subject:</b>
<b>From: HEAD OF PROPERTY SERVICES</b>	<b>PROPOSED EXTENSION OF SERVITUDE RIGHT OF ACCESS AND SALE OF COUNCIL LAND</b>
<b>Date: 21 April 2011</b>	<b>65 CHAPEL STREET, CLELAND</b>
	<b>Ref: MS/SERV/ GG1727/W19</b>

**1. INTRODUCTION**

- 1.1 The purpose of this report is to seek Committee approval to dispose of the Council land at 65 Chapel Street, together with the granting of a variation to a Servitude Right of Access in relation to Numbers 65 and 67 Chapel Street, Cleland.

**2. BACKGROUND**

- 2.1 Following an approach from the tenant of 67 Chapel Street, Cleland to purchase their Council house, it was identified that the owners of 65 Chapel Street had erected an extension on the Council owned garden of 67 Chapel Street (the details of this are shown on the attached plan).
- 2.2 The application to purchase 67 Chapel Street has had to be refused in order that this matter might be resolved.

**3. TERMS**

- 3.1 Negotiations have taken place involving Housing & Social Work Services and the owner of the property at 65 Chapel Street. A provisional agreement has now been reached on the basis that the land will be sold. This will involve extending the common footpath to allow 67 Chapel Street to access their rear garden area.
- 3.2 It is proposed that the owner of 65 Chapel Street purchases the area extending to 27 square metres or thereby and hatched on the attached plan. The extended route of the footpath and the Servitude therefore required is shown stippled on the attached plan. A consideration of £490 will be paid to the Council by 65 Chapel Street.
- 3.3 It should also be noted that variation in tenancy is required by the tenant at No. 67 Chapel Street to allow this proposal to proceed. However, it is not anticipated that this will present a problem as completion of this agreement will allow the tenant to apply again to purchase their Council house.

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3.4 In addition, the owner of 65 Chapel Street will be responsible for the Council's legal and professional fees in relation to this matter, and the Council will have to be satisfied in terms of the proposed reinstatement and physical construction of the link over the new route.

**4. CORPORATE CONSIDERATIONS**

4.1 The granting of the Servitude and the sale do not impact on the Council's operations.

4.2 The transaction will generate a capital receipt and ensure that sufficient access rights are maintained for the property still within Council ownership.

**5. RECOMMENDATIONS**

5.1 It is recommended that Committee approves the sale and the required Servitude Right of Access in favour of Mr and Mrs Wallace on the terms outlined above.

5.2 All other terms and conditions to be adjusted by the Head of Property Services.



 **IAN NISBET**  
**Head of Property Services**

Members seeking further information on the contents of this report are asked to contact Ian Nisbet, Head of Property Services, on 01236 616305.



# LOCATION PLAN - For Information Only

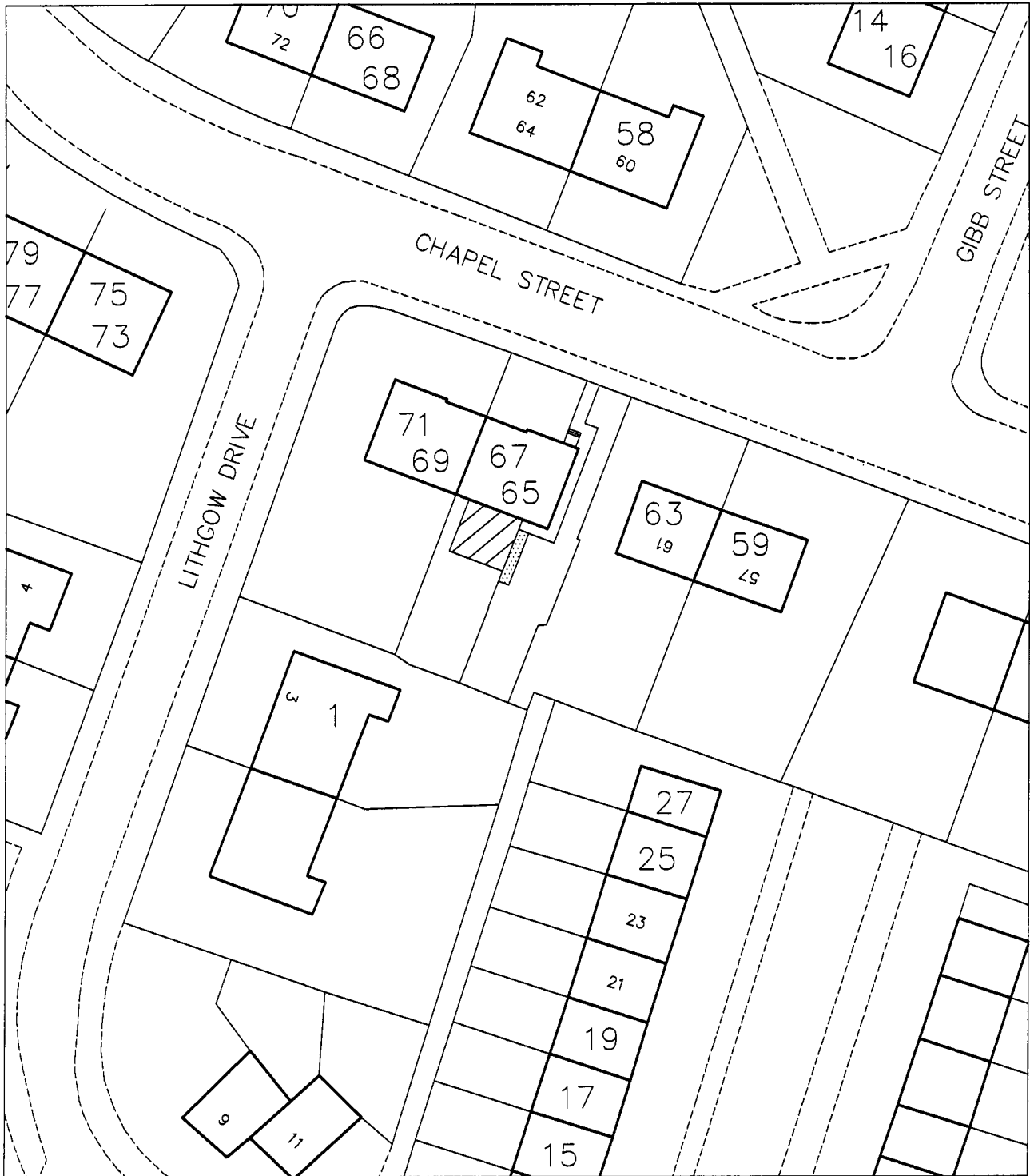
Title: Disposal of ground-65 Chapel Street Scale 1:NTS

Town: Chapelhall

Date: 15/03/2011



## CORPORATE SERVICES



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## PROPERTY SERVICES

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