

**NORTH LANARKSHIRE COUNCIL
REPORT**

To: POLICY & RESOURCES (PROPERTY) SUBCOMMITTEE		Subject: PROPOSED EXTENSION OF SERVITUDE RIGHT OF ACCESS AND SALE OF COUNCIL LAND 7 KILNBURN ROAD, MOTHERWELL
From: HEAD OF PROPERTY SERVICES		
Date: 18 April 2011	Ref: MS/SERV/ GG1775/W16	

1. INTRODUCTION

1.1 The purpose of this report is to seek Committee approval to dispose of the Council land at 7 Kilburn Road, together with the granting of a variation to a Servitude Right of Access in relation to Numbers 5 and 7 Kilburn Road, Motherwell.

2. BACKGROUND

2.1 Following an approach from the tenant of 5 Kilburn Road, Motherwell to purchase their Council house, it was identified that the owners of 7 Kilburn Road had erected an extension over the common footpath and on the communal drying green (the details of this are shown on the attached plan).

2.2 The application to purchase 5 Kilburn Road 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 7 Kilburn Road. A provisional agreement has now been reached on the basis that the land will be sold and the common footpath will be re-routed.

3.2 It is proposed that the owner of 7 Kilburn Road purchases the Council's interest in the common drying green, extending to 1.2 square metres or thereby and shaded on the attached plan. The new route of the footpath and the Servitude therefore required is shown hatched on the attached plan. A consideration of £712 will be paid to the Council by the owner of 7 Kilburn Road.

3.3 It should also be noted that variation in tenancy is required by the tenant at 5 Kilburn Road 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 7 Kilburn Road 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 McNaughton, 7 Kilburn Road, Motherwell on the terms outlined above.

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



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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: 7 Kilnburn Road

Scale 1:NTS



Town: Motherwell

Date: 27/04/11



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Property Services

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