

**Executive – 4 September 2008****PROPOSED TRANSFER OF LAND ADJACENT TO THE FLAVEL CENTRE, DARTMOUTH****Report of the Head of Property Services**

**Statutory Powers:** Local Government Act 1972

**Financial Implications:** This small area of land produces no income and thus there are no anticipated revenue implications.

**Purpose**

1. This report is to inform Members that although this Council is the registered Proprietor to Title No. DN536894, this small parcel of land is, in fact, the access ramp to the Flavel Centre and is the subject of a Stopping Up Order dated 4 January 2008. Devon County Council's Solicitors have stated that under a Building Agreement which was completed in 2003, the Stopped Up land was unregistered, and at that time it was believed it would revert to the County. The County is now seeking to have this land transferred to itself (at a nominal consideration of £1) so that legal formalities can be completed.
2. The Council's priorities are not relevant in this particular case.

**RECOMMENDATION**

**That the Executive RESOLVES that the land is disposed of as set out in this report.**

**Background/The Issues**

3. It is unfortunate that HM Land Registry, no doubt acting in good faith, registered this Council as the Registered Proprietor of the subject land in error, whereas it should have gone to Devon County Council under the terms of a Building Agreement between the County and the Trustees of the Flavel Centre. Members are asked to note that South Hams was not a party to the Building Agreement, which might have given Officers time to alert the Land Registry before the registration occurred.
4. This report is seeking authority to transfer the land to the County to restore the land to the right proprietor.

**Risk Assessment**

5. The subject land forms part of the access ramp to the Flavel Centre and, whilst in this Council's ownership, the Council could be liable for any third party claims resulting from a fall on the ramp. The transfer out will remove this risk, and the transfer itself will be further proof of the good working relationship between South Hams and the County.

## **Conclusion**

6. Given the situation which this Council finds itself in, it makes economic sense to release the land to the County at the nominal sum quoted above, especially so in that the land has no intrinsic value to the County Council.

Paul Abrey  
Principal Valuer

Executive  
4 September 2008

James Stubbs  
Head of Property Services

### **Background Documents:**

Legal Section's Case File reference: 06628

Property Services File reference D-15/1