

CHESHIRE EAST COUNCIL

Cabinet Member for Procurement , Assets and Shared Services

Date of Meeting:	22 March 2010
Report of:	Assets Manager
Subject/Title:	Disposal of Cheshire East Owned Land at 5 Moreton Close, Sandbach
Portfolio Holder:	Councillor Peter Mason

1.0 Report Summary

- 1.1 To consider a previous report and approval by Congleton Borough Council (Appendix 1) for the sale of garden land within the curtilage of 5 Moreton Close, Sandbach, as shown edged in red on the attached plan (Appendix 2)

2.0 Decision Requested

- 2.1 To approve the sale of land at 5 Moreton Close to Mr and Mrs Dyke on terms and conditions to be determined by the Asset Manager and the Borough Solicitor.

3.0 Reasons for Recommendations

The land in question has been within the curtilage of 5 Moreton Close since 1971, when the current owners/applicant acquired the property. As such Legal Services have confirmed that they would have a robust case for an adverse possession claim.

The Head of Health and Wellbeing has confirmed that their Portfolio Holder has been consulted, and that the land in question is surplus to their service requirements.

4.0 Wards Affected

- 4.1 Sandbach

5.0 Local Ward Members

Cllr Stella Furlong
Cllr Gillian Merry
Cllr Barry Moran

**6.0 Policy Implications including - Climate change
- Health**

6.1 N/A

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 N/A

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)
N/A

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 The Council will be disposing of the Freehold Title of the land in question, however the land has been enclosed within the cartilage of the property since it was acquired by the current owner in 1971. As such it is highly likely that they would be successful in making an adverse possession claim for the land.

10.0 Risk Management

10.1 Legal Services have advised that the current owner is in a very strong position to make a successful adverse possession claim for the land. In this respect it is considered that rather than incur costs attempting to defeat such a claim, a negotiated sale of the land at a discounted rate is the most effective use of resources.

11.0 Background and Options

11.1 The attached report provides the background to the request, which was approved at a meeting with the Executive Member for the Prosperity and Community Portfolio, dated 26 March 2009.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Marc Jones
Designation: Senior Estates Surveyor
Tel No: 01270 686134
Email: marc.jones@cheshireeast.gov.uk