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Title Number LAN95965

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DATED

14th February

1968

THE LANCASHIRE COUNTY COUNCIL

to

FYLDE WATER BOARD

Duplicate

GRANT OF EASEMENT for Water

Mains through land situate on the north
easterly side of Garstang Road Garstang
in the County of Lancaster

ADOC



Land Registry
Official Copy

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SEQ81

P.A.S.

31 Dec 1968 - H. J. J.

REF. NO. PA.5.

ENTERED IN
DEED REGISTER 37673

J.A.Spencer,
Solicitor,
Fylde Water Board,
Sefton Street,
Blackpool.

THIS CONVEYANCE is made the *fourteenth* day of
February One thousand nine hundred and sixty-eight

BETWEEN THE COUNTY COUNCIL OF THE ADMINISTRATIVE
COUNTY OF THE COUNTY PALATINE OF LANCASTER (hereinafter
called "the County Council") of the one part and FYLDE WATER
BOARD whose Head Office is situate at Sefton Street in the County
Borough of Blackpool (hereinafter called "the Board") of the other
part WHEREAS:-

1. The County Council is seised of the property referred to in the
Schedule hereto in fee simple in possession free from incumbrances
2. The Board has agreed to purchase from the County Council the
easements rights and privileges hereinafter mentioned for the sum
of Thirty-seven pounds

NOW THIS DEED WITNESSETH as follows:-

1. In pursuance of the said agreement and in consideration of the
sum of Thirty-seven pounds paid by the Board to the County Council
(the receipt whereof the County Council hereby acknowledges) the
County Council as Beneficial Owner hereby grants and conveys unto
the Board ALL THAT the perpetual right or easement of constructing
laying making maintaining using cleansing repairing renewing and
replacing and of obtaining access to two lines of pipes within a space
not exceeding Nineteen feet in width for conveying water for the

purposes of the undertaking of the Board in through upon and under certain land of the County Council specified in the Schedule hereto between the points marked A and B on the plan hereto annexed each of such lines of pipes to be laid approximately Two feet from the centre of such Nineteen feet wide strip of land TO HOLD the same unto the Board in fee simple

2. The Board hereby covenants with the County Council

(a) to insert wicket gates in the fences and hedges which cross the said lines of pipes and

(b) In exercising the easement hereby granted the Board shall take all reasonable precautions to avoid obstruction to or interference with the user of the County Council's land and any damage or injury thereto

(c) The Board shall make good all damage or injury to the said land or any drains hedges gates or fences caused by the exercise by the Board of the easement hereby granted and shall make full compensation to the County Council in respect of any such damage or injury in so far as the same shall not have been made good as aforesaid

(d) The Board shall keep the said pipes in proper repair and condition so long as the same are used for the transmission of water

(e) The Board shall keep the County Council indemnified against all actions claims or demands arising by reason of the exercise of the easement hereby granted or any failure to keep the said pipes in proper repair and condition

(f) The Board shall except in the case of an emergency give to the County Council at least Fourteen days notice in writing of the Board's intention to enter on the said land for the purpose of exercising any of the rights hereby granted

(g) Subject to the provisions of Clause 3 hereof the County Council shall have the right at all times to use the said land for any purpose the County Council shall think fit without any objection thereto by the Board

3. The County Council hereby covenants with the Board that the County Council and its successors in title will not at any time hereafter erect or permit to be erected any building or wall within a distance of Seven feet six inches of the centre line of either of the said water mains on the land through which the said easements rights or privileges are hereby granted

4. If at any time the County Council or its successors in title desire to carry out any developments of the said property now belonging to the County Council it or they will before making any application to the local planning authority for planning permission:-

(a) Supply to the Board full details of such proposed development and

(b) So far as is reasonably practicable so arrange the development as to avoid the deviation of the said main and consult with the Board to this end

If following such consultations

(i) The County Council obtains planning permission to develop the said property or any part thereof but such development is or but for the provisions of this clause would be prevented solely by reason of the position of the said main or by reason of the covenant on the part of the County Council contained in Clause 3 hereof or

(ii) Planning Permission for such development is refused solely by reason of the position of the said main the County Council shall give written Notice to the Board stating whether or not it requires the deviation of the said main whereupon the Board may in its unfettered discretion elect by notice in writing to be delivered within one month of the receipt of the County Council's Notice

(a) To divert the said main along a route hereinafter called "the diversion route" to be agreed in accordance with the conditions of diversion hereinafter described or

(b) To pay to the County Council compensation for the loss of value of the said property or any part or parts thereof as the case may be by reason of the restriction of development due to the existence of the said main such compensation to be determined in default of agreement by an Arbitrator to be agreed between the parties or failing agreement to be appointed by the President for the time being of the Royal Institution of Chartered Surveyors

Provided always and it is hereby agreed between the parties

(a) If the County Council obtains the Planning Permission it requires for development of the said property or such part or parts thereof as the case may be but elects not to call for deviation of the said main and in the Board's unfettered discretion the development is likely to cause damage to the said main or render reasonable maintenance thereof impracticable the Board may itself elect to divert the said main whereupon the conditions of deviation hereinafter mentioned shall apply

(b) The right given to the County Council to require the deviation of the said main is a right which shall be exercisable only once in respect of any one part of the said main in the said property

The following are the conditions of the deviation hereinbefore mentioned:-

(i) The diversion route shall be within the limits of the land for the time being belonging to the County Council and in a line and through land prescribed by the County Council

(ii) No compensation shall be payable by the Board to the County Council in respect of the diversion route whether for the taking of the easement or loss of profit or disturbance or damage reasonably resulting from the diversion provided always that the Board shall make good the said lands to the reasonable satisfaction of the County Council

(iii) The points of ingress to and egress from the said lands as marked by the letters "A" and "B" on the said plan shall not be varied and any special gates or marker stiles shall remain in situ

(iv) The said diversion shall take place once only

(v) The County Council and the Tenant if applicable shall enter into a further Deed of Grant similar in term to these presents except that there shall be no monetary consideration and this Clause shall be excluded

(vi) The Board shall indemnify the County Council against all reasonable Surveyor's fees and legal costs in

connection therewith which shall be borne by the Board

It is hereby further agreed between the parties hereto that no development which renders necessary the diversion of the said main shall be commenced until ^{the} expiration of one month after the completion of the Deed of Grant of Easement therefor or the date on which the Board shall have given notice to the County Council of the completion of the works of diversion whichever shall be the sooner and in the event of any such development being commenced before such time the County Council shall

(a) On demand pay to the Board all reasonable additional costs and expenses (as certified under the hand of their Engineer) which owing to the commencement of such development the Board may necessarily incur in carrying out the works of diverting the said main and

(b) Indemnify the Board against all claims and demands made against the Board in respect of any injury whether due to escape of water or otherwise to persons or property (including the property of the County Council) caused by or in consequence of the commencement of such development

5. The County Council hereby acknowledges the right of the Board to the production of an Indenture dated the Second day of February One thousand eight hundred and seventy-two and made between

Jonathan Jackson of the one part and The Guardians of the Poor of the Garstang Union of the other part possession of which is retained by the County Council and to delivery of copies thereof and undertakes with the Board for the safe custody thereof

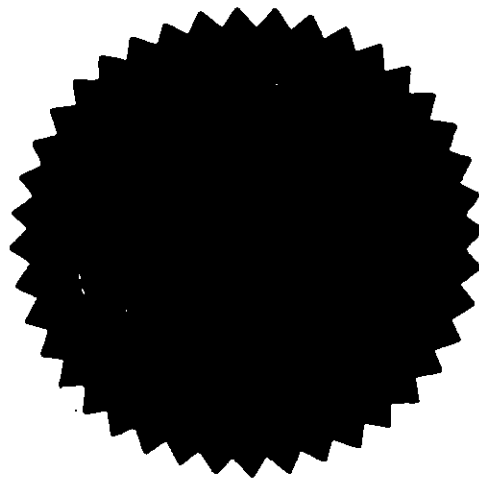
6. It is hereby certified that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds Five thousand five hundred pounds

IN WITNESS whereof the County Council and the Board have caused their respective Common Seals to be hereunto affixed the day and year first before written

THE SCHEDULE BEFORE REFERRED TO

ALL THAT plot of land (comprising the field or close of land and the piece of land containing together in statute measure Six acres two roods and ten perches or thereabouts and more precisely described in the Map or Plan in or upon the said Indenture of the Second day of February One thousand eight hundred and seventy-two drawn or endorsed edged by a red line) situate on the north easterly side of Garstang Road Garstang in the County of Lancaster

THE COMMON SEAL of the Lancashire
County Council was hereunto affixed
in pursuance of a Resolution passed at
a meeting of the County Council duly
convened and held on the *First*
day of *February* 1968



J. McDonald
Deputy Clerk of the County Council

Health Committee
15th November 1968

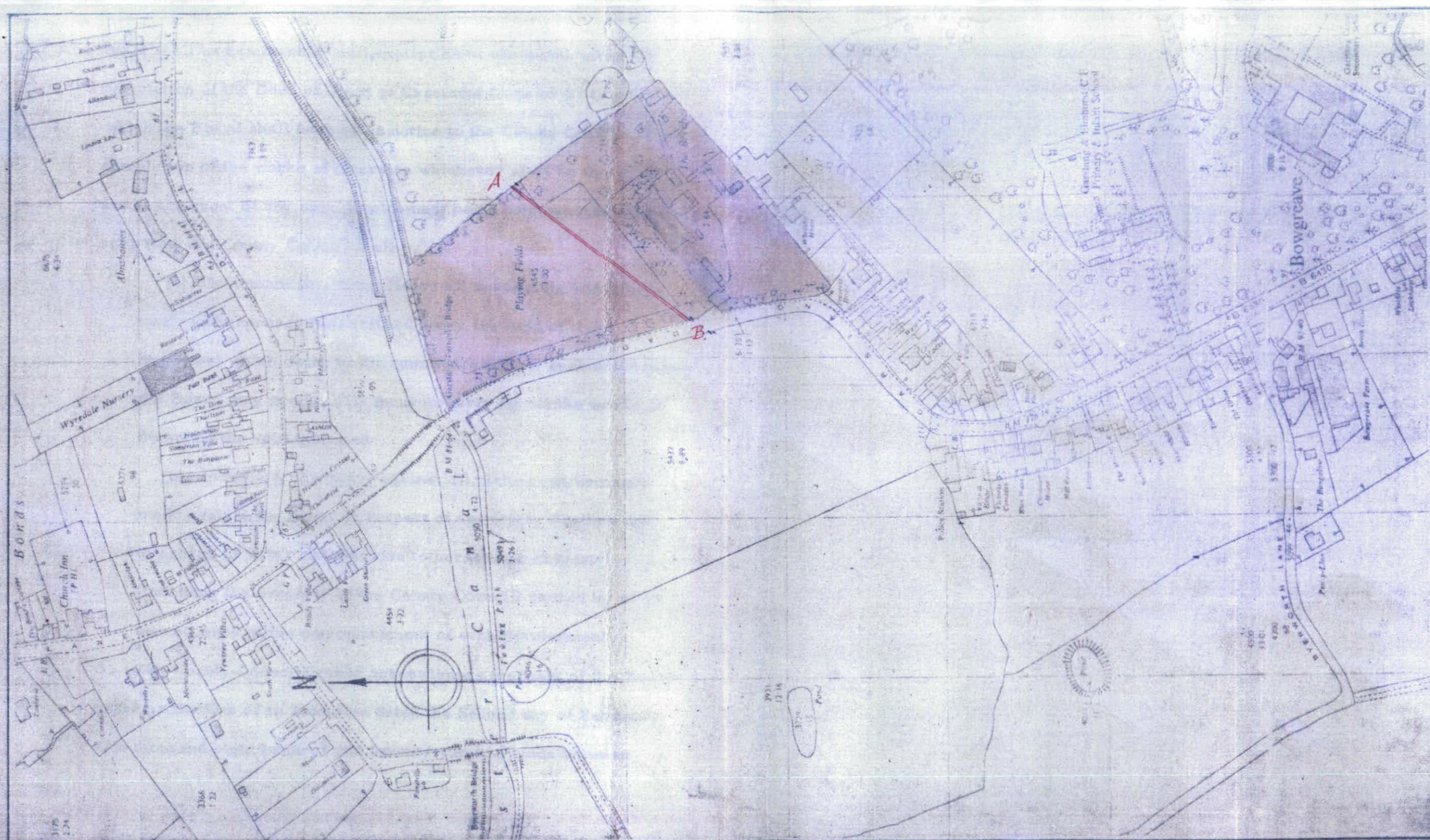
645621.

THE COMMON SEAL of Fylde Water)
Board was hereunto affixed in the)
presence of)

Ernest Libbman

Chairman

L. D. Spencer
Deputy Clerk to the Board



SCALE 1: 2500

Length of Easement A to B 154 Lin Yds. or Thereabouts.

ARTS OF ORDNANCE SHEETS NOS:-
D 4843 & 4948
E 4844 & 4944

REPRODUCED FROM THE ORDNANCE
SURVEY MAP WITH THE SANCTION
OF THE CONTROLLER OF H.M.S.O.
DWG NO. 8626A / 119

<p>SCALE 1: 2500</p>	<p>FYLDE WATER BOARD 27" COLLECTING MAIN M-Z AND 18" BARNACRE REPLACEMENT MAIN</p>		<p>DRAWING No. 8626 A. DRAWER 119 FRANK LAW B.Sc. TECH. MICE ENGINEER</p>
<p>BY E.L. OWNER:- LANCS. C.C. HEALTH AUTH. 1967</p>			