

Report on	Rectification of boundaries for Lands at Oaks Road, Dungannon
Reporting Officer	Claire McNally
Contact Officer	Claire McNally

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To seek members' approval to progress an application to Land Registry for the rectification of boundaries of lands adjacent to the Council's Depot at Oaks Road, Dungannon.
2.0	Background
2.1	In or around 1991, the then Dungannon and District Council sold the abattoir site at Oaks Road, Dungannon to Dungannon & District Co-Operative Enterprises Limited ("the Co-Op").
2.2	The abattoir site subsequently came on the market for sale in or around May 2017 and the Co-Op is progressing that sale to a purchaser.
2.3	It has come to the Co-Op's attention during the course of this sale, that the boundaries of the Co-Op's and the Council's lands are incorrectly registered with Land Registry. The area outlined in red and marked A-B-C on the map attached at Appendix 1 is the area where the boundaries require rectification, because the area outlined in red is incorrectly registered in the Council's name.
3.0	Main Report
3.1	A request has been received by the Co-Op's Solicitors asking that the Council agrees to apply to Land Registry to rectify the boundaries of the lands.
3.2	<p>Council officers have carried out a number of enquiries and have ascertained the following:-</p> <ul style="list-style-type: none"> • The solicitor that acted for the Council in the 1991 sale of the abattoir site has reviewed his file and provided a copy of the map attached to the signed contract between the Council and the Co-Op ("the contract map"). Refer to Appendix 2; • The Contract map shows that the parties agreed under contract that the entire site, including the area outlined in red on the map at Appendix 1, would be sold to the Co-Op; • There is nothing on his file to suggest that a lesser area to that shown in the Contract Map was to be transferred; • The Co-Op would have lodged the transfer (along with transfer map) with Land Registry and it would appear that an error arose around this stage. There isn't a copy of same on the Council's file;

3.3	<ul style="list-style-type: none"> • The area outlined in blue on the map at Appendix 1 was since 1991 used exclusively by the Co-Op as packaging stores for boxes and other packaging materials; • The Co-Op also confirmed it solely maintained the area outlined in red to the exclusion of the Council and had always treated this area, for the last 26/27 years, as its own without acknowledging the title of any other party or receiving any claim from any other party in respect of title; • The fence separating the subject area and the Council property has been in situ throughout this period and the gates have been locked. There has been no vehicular access between the sites; • As the Co-Op have been in occupation and possession of the area since 1991, possessory title to the area outlined in red on the map at Appendix 1 is likely to have been acquired some time ago. <p>Based on the information available and considered, it would appear that an error arose in relation to the map that was lodged along with the transfer deed in Land Registry at the time of transferring the land to the Co-Op. Therefore, the boundaries have been incorrectly reflected in Land Registry and it would appear proper for the Council to agree to make an application to rectify the boundaries.</p>
4.0	Other Considerations
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial: The Council's reasonable legal costs in the application to be borne by the Co-Op.</p> <p>Human: N/A</p>
4.2	<p><u>Equality and Good Relations Implications</u></p> <p>N/A</p>
4.3	<p><u>Risk Management Implications</u></p> <p>N/A</p>
5.0	Recommendation(s)
5.1	<p>That the Council agrees that an application for rectification of the boundaries to accord with the map attached at Appendix 1 relating to lands at Oaks Road, Dungannon be progressed to completion.</p>
6.0	Documents Attached & References
6.1	<p>Appendix 1 – Boundary Rectification Map dated December 2017; Appendix 2 – The Contract Map dated 1991 between the Council and the Co-Op.</p>