

Appendix 1



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Disposal of Land to the Ulster Museum
Date:	24 September 2010
Reporting Officer:	Gerry Millar, Director of Property and Projects, Ext. 6217.
Contact Officer:	Cathy Reynolds, Estates Manager, Property & Projects Department, Ext. 3493.

Relevant Background Information

The Ulster Museum have been utilising a portion of Botanic Gardens, to the rear of the Ulster Museum, since they were granted a temporary Licence by the then Belfast Corporation under a Licence Agreement dated 4 September 1967. The land has been fenced off from Botanic Gardens and has not formed part of the Park, approximately since that time. The only current access to it is via land in Museum ownership.

At its meeting on 13 May 1971 the Corporation's, Parks and Cemeteries Committee, approved the disposal of 825 square yards at this location to the Trustees of the Ulster Museum, for use as a staff car park, on a 999 year lease for a premium of £1150 (assessed by the District Valuer). This decision was ratified at full Council on 1 June 1971. Following this a draft lease was prepared by the Town Solicitor, signed by the Lord Mayor and Town Clerk and then issued to the Museum for completion and return of cheque. There followed some correspondence between the Museum and their solicitor apparently culminating in a letter dated 9 May 1974 from the Museum to the Town Solicitor which raised some queries on the Council's ability to dispose of the land for car parking and stating that the Museum would be happy to complete the transaction once the queries had been cleared. There is no record of any subsequent correspondence and the lease was never completed and the monies never paid. Legal Services Department have recently confirmed that the Council are at liberty to dispose of the land for the intended use as car parking.

Current legal advice is that the Museum's occupation of the car park has been with Council consent and in such circumstances the Museum could not claim possessory title. Given the aforementioned scenario, Legal advice is that this arrangement could be terminated by the Council if there was a desire to do so.

In recent years Council officers had been seeking to regularise the Museum's use of the

aforementioned car park area but were unaware of the previous legal arrangements until copy correspondence was provided by the Museum. Officers then conducted further research at the Public Records Office in an effort to piece together the Committee approvals which preceded the legal correspondence of 1974.

The present boundary on site is formed by a 2 metre high fence the precise location of which would require verification as part of any future arrangements.

The area referred to in the 1974 uncompleted lease was 825 Square yards. The area currently enclosed within the car park fence is approximately 670 square yards.

Officers of the Council and the Museum wish to proceed with clarification of the legal arrangements in relation to the car park area. A number of options appear to be available at this stage.

Option 1. Do nothing. This would allow the loosely regulated present arrangement to continue. This would leave the Museum in an uncertain position and could thwart any further investment in the parking area by the Museum and may limit their options for use of their adjoining land. The Council would continue to lose use of the land without receiving any payment to compensate for that loss.

Option 2. Recover Possession. While legal advice is that the Council could recover possession of the land, this may be challenged by the Museum. While recovery of the land could be a fall-back position in the event of the Museum being unwilling to agree financial terms, it is considered inappropriate on account of the Council's previous clear commitment to sell the land. Council use of the land for car parking is unlikely to be practical as the present vehicle access is via adjoining land in Museum ownership. Recovery of the land could potentially allow it to be restored as part of Botanic Gardens.

Option 3. Agree Terms for Disposal. There is scope for agreement on current boundaries and incorporation of these and revised financial terms in a revised lease. The financial terms could themselves be approached from a number of perspectives (each of which would be adjusted on a pro rata basis to take account of the actual area to be leased) as follows:

- i) Disposal at original price.
- ii) Disposal at original price plus inflation or interest.
- iii) Disposal at current market value to be assessed by the District Valuer.

Each method will be considered further and quantified prior to discussions with Museum personnel.

Key Issues

Previous disposal of land at Botanic Gardens to the Trustees of the Ulster Museum in 1974 was stalled and did not complete. The Museum have occupied the land since 1967 and both parties now wish to clarify the legal arrangements. Financial and other terms to be agreed subject to Committee 'in principal' approval to proceed with disposal.

Resource Implications

Financial

Not know at this stage. Could be a range of financial incomes dependant upon agreement of terms with Ulster Museum and potentially approval of same by the DOE if the arrangement is deemed to fall below 'best price'.

Human Resources

No additional human resources required.

Asset and Other Implications

Option 1 would permit partially regulated use of part of Botanic Gardens to continue and is undesirable from an asset management perspective. Options 2 and 3 would bring greater clarity to the arrangements. Option 2 (recovery of possession) would enlarge the space available within the park (although the land area is relatively modest) whereas Option 3 would realise a capital income as originally intended in 1971.

Recommendations

Option 3 is recommended for Committee approval, that is, approval of disposal of an area of approximately 670 square yards (0.138 acres) (precise area to be confirmed) as indicated approximately on the attached map, Appendix 1, subject to a further report on financial and other terms of disposal being brought to Committee in due course.

Decision Tracking

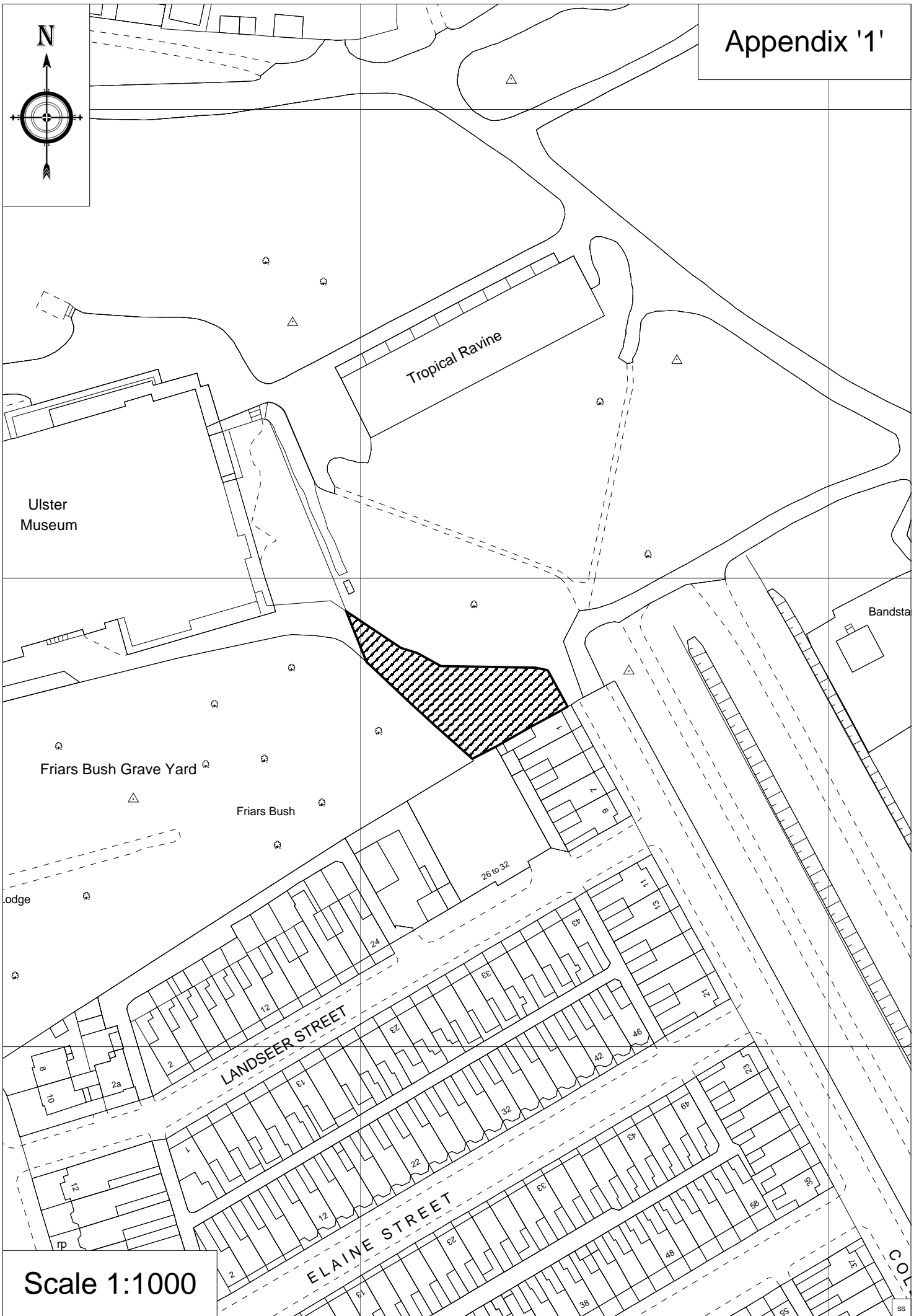
Director of Property and Projects to bring a further report to Committee by 30 June 2011 to provide an update on the progress of negotiations with the Ulster Museum.

Key to Abbreviations

None.

Documents Attached

Appendix 1. Map showing (hatched black) the approximate area of the exiting car park used by the Ulster Museum.



Scale 1:1000