

DATE:

13 November

2013

CAMBRIDGE CITY COUNCIL
to
GREENE KING RETAILING LIMITED

GRANT OF RIGHT OF WAY

over land at
MIDSUMMER COMMON
CAMBRIDGE



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Head of Legal Services
The Guildhall
CAMBRIDGE CB2 3QJ

Ref: RWC/PR/LI/1/93

HM LAND REGISTRY

LAND REGISTRATION ACT 2002

Administrative area: City of Cambridge

Title numbers: CB290098 (part) and CB160091 (whole)

THIS DEED is made the 13th day of November 2013

BETWEEN

CAMBRIDGE CITY COUNCIL of The Guildhall, Cambridge CB2 3QJ ("the Council")
and

GREENE KING RETAILING LIMITED company number 05265451 whose registered office is at Westgate Brewery, Bury St Edmunds, Suffolk IP33 1QT ("Greene King").

1. INTERPRETATION

1.1 In this deed—

"Midsummer Common" is all the land in title number CB290098

"the Fort St George " is all the land in title number CB160091

"the track" is the land coloured blue on the attached plan, and is part of Midsummer Common

"the access" is the entry point from the highway known as Victoria Avenue to the track.

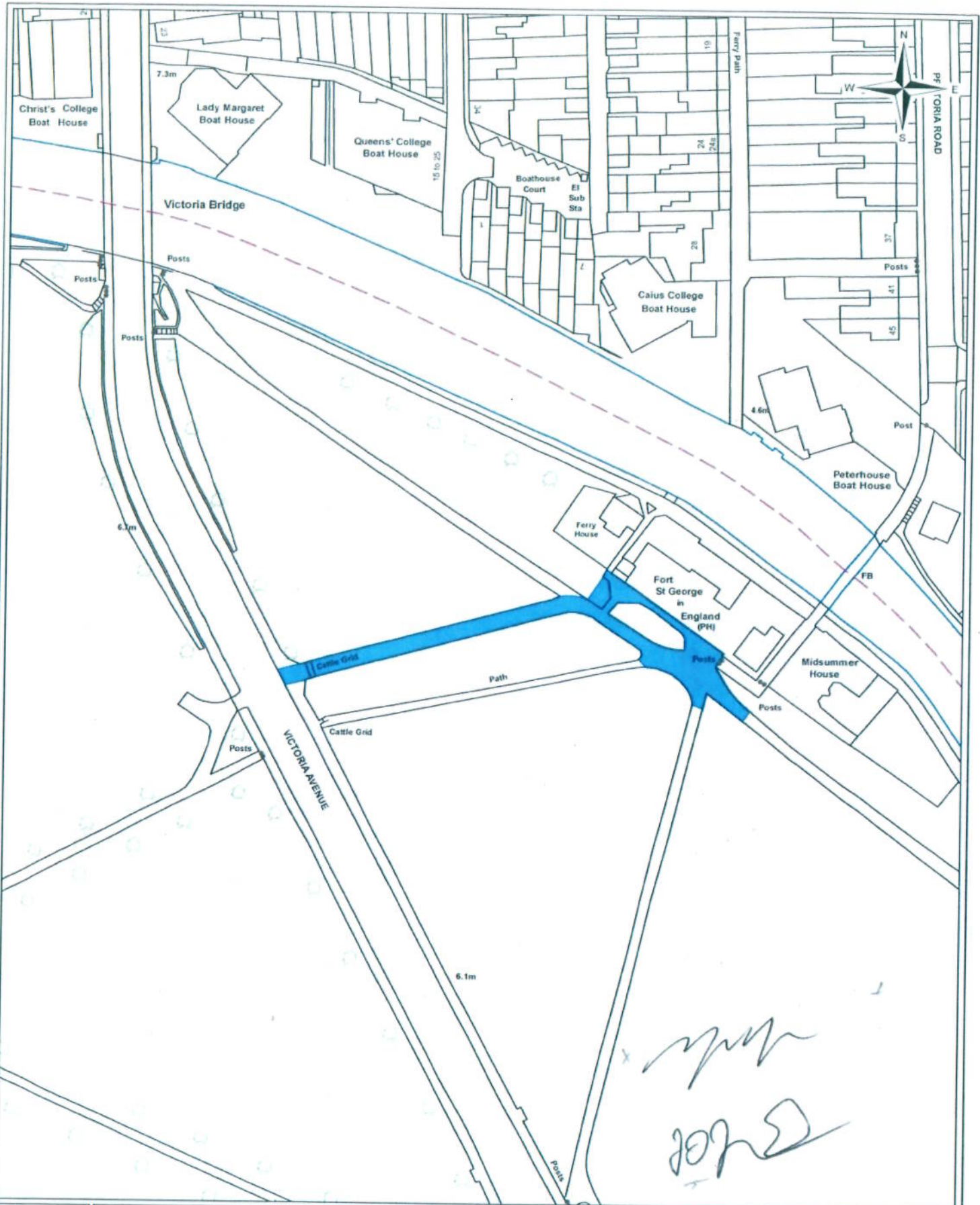
1.2 References to the Council and Greene King include that party's successors in title.

2. BACKGROUND

2.1 The Council is the registered proprietor of Midsummer Common, and Greene King is the registered proprietor of the Fort St George.

2.2 Differences have arisen between the parties relating to the use of Midsummer Common by Greene King (in particular, vehicles associated with the Fort St George driving off the track on to Midsummer Common and the parking on Midsummer Common by occupiers of and visitors to the Fort St George) and this deed is executed in full and final settlement of those differences.

2.3 The parties have agreed to create rights over the track set out in clause 3 for the benefit of the Fort St George in substitution for all other vehicular rights of way over Midsummer Common to the Fort St George, whether arising of necessity,



Information Systems Team

Vehicle Access from Victoria Avenue to the Fort St George

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Produced by	Steve Udall
Section/Department	Informations Systems Team
Scale	1:1,250 @ A4

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Layer J WORKING
 Template J:\Projects\ArcGIS_Templates\ist_portrait_a4
 Plan ref N:\PROPERTY\GIS\GENERAL\PDFs mc_va_fsg

by prescription, under statute or otherwise.

3. RIGHTS GRANTED

3.1 General

With full title guarantee, the Council grants the rights set out in this clause to Greene King for an interest equivalent to an estate in fee simple absolute in possession and for the benefit of the Fort St George. All other vehicular rights of way in favour of Greene King to the Fort St George over Midsummer Common are extinguished.

3.2 Right of way over track

(a) The right to pass and repass with or without vehicles over the access and the track for the following purposes relating to the use of the Fort St George as a public house with accommodation:

- delivery of goods or services, or both;
- access for occupiers; and
- access for the registered disabled.

(b) To avoid misunderstanding: this right does not carry with it the right to place services under, on or over the track.

3.3 Loading and unloading

The right to park vehicles on the track between the hours of 8 am and 11pm (but for the minimum time reasonably practicable) for the sole purpose of delivering goods and services to and from the Fort St George as a public house with accommodation.

3.4 Other parties

So far as possible Greene King will ensure that all persons who access the Fort St George by vehicle do not act beyond the rights granted by this deed.

3.5 Parking

This grant carries with it no right to park on any part of Midsummer Common, except as expressly provided by this deed. Greene King abandons its former claim to park on Midsummer Common.

3.6 Midsummer Fair and Strawberry Fair

For the duration of Midsummer Fair and Strawberry Fair each year, the Council may suspend the rights granted by this deed provided alternative means of

vehicular access to the Fort St George reasonably acceptable to Greene King are made available to Greene King.

4. BENEFIT RUNS WITH SITE AND BURDEN IS ON MIDSUMMER COMMON

The benefit of this grant is attached to the Fort St George and passes to the successors in title to Greene King as owners and occupiers for the time being of the Fort St George. Midsummer Common bears the burden of this grant, which passes to the successors in title to the Council as owners and occupiers for the time being of Midsummer Common.

5. SECURITY OF MIDSUMMER COMMON

Greene King covenants with the Council as follows.

- 5.1 So far as reasonably practicable, Greene King will comply with the security arrangements relating to the access reasonably made by the Council from time to time and notified to Greene King in writing at its registered office.
- 5.2 In particular, Greene King will use all reasonable endeavours to keep safe any key or other security device for the access given to Greene King by the Council; will use reasonable endeavours to ensure that the access and the key or other device are used only by those persons entitled to use them by virtue of the rights granted by this deed; and will immediately report to the Council any theft or loss of the key or security device.
- 5.3 Greene King will use all reasonable endeavours to ensure that the gate or other barrier at the access is closed immediately after each vehicle has passed through it.
- 5.4 Greene King will use all reasonable endeavours to bring the contents and effect of this deed to the notice of every licensee, landlord or manager of the Fort St George.

6. KEY TO BE RETURNED ON TERMINATION

If the rights granted by this deed are lawfully terminated, Greene King will promptly return to the Council the key or other security device supplied for the access.

7. NO THIRD PARTY RIGHTS

Except as envisaged by clause 4, only the parties to this deed may enforce its

