

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE – 15TH SEPTEMBER 2004

MURRAY PARK, CUMNOCK – TRANSFER TO COUNCIL OWNERSHIP

Report by Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To advise the Committee on progress with the transfer of ownership of Murray Park, Cumnock to the Council from the Agnes and Annie Murray Trust.

2. BACKGROUND

- 2.1 On March 5th 1996, Cumnock and Doon Valley Council agreed to accept ownership of Murray Park in Cumnock from the Agnes and Annie Murray Trust in response to a request from Solicitors acting for the Trustees.
- 2.2 The park area is shown on the map in Appendix 1.

3. CONSIDERATIONS

- 3.1 The Council has responsibility for the maintenance of Murray Park, Cumnock and this function was previously carried out by Cumnock and Doon Valley Council.
- 3.2 The park is a valuable local amenity and the Trustees are prepared to transfer ownership to the Council at no cost to the Council other than part payment of the Trustees' legal fees. This is because the Trust is now devoid of funds and the Trustees wish to see the park remain as a public park for the good of the community, and envisage that transfer to Council ownership will ensure that.
- 3.3 The transfer of the park has been delayed while an appropriate legal process has been determined and a cy-pres scheme agreed to implement the transfer.
- 3.4 The Agnes and Annie Murray Trust will be wound up and the Trust's funds utilised to pay associated legal fees. The Council was asked to fund the difference between the Trust's assets and the total legal fees as the Trust had become devoid of funds after the process had been initiated.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications attached to this report other than the part payment of legal fees noted in 3.2 above.

5. LEGAL IMPLICATIONS

- 5.1 The Cy Pres application requires to be completed before legal title to the park is transferred to the Council. The park must thereafter remain as a public park for the benefit of the community.

6. POLICY IMPLICATIONS

- 6.1 Nil

7. CONCLUSIONS

- 7.1 The transfer of ownership of Murray Park, Cumnock to the Council will secure this valuable asset for ongoing community use. As noted at paragraph 3.1 above, the Council has already assumed responsibility for the maintenance of Murray Park and this maintenance has been carried out for quite a number of years. There will, therefore, be no additional burden on the Council once the title is transferred.

8. RECOMMENDATIONS

- 8.1 It is recommended that the Committee:-
- i) approve the transfer of ownership of Murray Park, Cumnock to the Council from the Agnes and Murray Trust; and
 - ii) otherwise note the contents of this report.

William Stafford

Executive Director of Neighbourhood Services

WS/JAG/KH

19th August 2004

LIST OF BACKGROUND PAPERS

1. Letter from the Department of Administrative and Legal Services to Messrs D W Shaw Solicitors dated 13th October 2003.
2. Memo from the Department of Administrative and Legal Services dated 13th October 2003 to the Department of Neighbourhood Services.
3. Memo from the Department of Administrative and Legal Services dated 19th November 2003 to the Head of Leisure Services with enclosures.

4. Memo from the Department of Administrative and Legal Services to the Head of Leisure Services dated 1st March 2004.
5. Memo from Head of Admin and Legal Services to Head of Leisure Services dated 5th May and 14th May 2004.
6. Letter from Balfour and Manson Solicitors dated 10th May 2004.
7. E-mail from Head of Leisure Services to Administration and Legal Department dated 31st March 2004.
8. Letter from D W Shaw Solicitors dated 28th April 2004.

Any person wishing to inspect the background papers listed above, please contact John Griffiths, Head of Leisure Services on 01563 576264.

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