

DATED

10th August

1990

SOUTH NORFOLK DISTRICT COUNCIL

(1)

SMITH & PARTNERS EAST ANGLIA (1987) LIMITED (2)

Counterpart/

DEED OF EASEMENT

relating to
Drainage Rights
at Dickleburgh, Norfolk

BIRKETT
WESTHORN
& LONG
SOLICITORS

(Our ref: NJB531W)

T H I S D E E D is made the 10th day of August

One thousand nine hundred and ninety

B E T W E E N:

1. THE COUNCIL (which expression includes the Council's successors in title, the owners for the time being of the Blue Land defined below): SOUTH NORFOLK DISTRICT COUNCIL of Swan Lane, Long Stratton, Norwich, NR15 2XE
2. SMITHS (which expression includes its successors in title, the owners for the time being of the Red Land defined below): SMITH & PARTNERS EAST ANGLIA (1987) LIMITED whose registered office is at Smiths Mill, Rectory Road, Dickleburgh, Norfolk

N O W THIS DEED W I T N E S S E T H as follows:-

1. Definitions:

In this Deed:

"the Plan" means the plan annexed hereto

"the Blue Land" means the land to the north of Rectory Road, Dickleburgh, Norfolk shown for identification only edged blue on the Plan, and each and every part thereof. The Council owns the freehold interest in the Blue Land

"the Brown Land" means the land to the east of the Blue Land and shown for identification only edged brown on the Plan, and each and every part thereof. The Council owns the freehold interest in the Brown Land

"the Red Land" means the land on the south side of Rectory Road, Dickleburgh, Norfolk shown for identification only edged red on the Plan, and each and every part thereof. Smiths own the freehold interest in the Red Land, with the benefit of Planning Consent for residential development on the Red Land

"the 1974 Conveyance" means a Conveyance made 7th March 1974 between Dalgety Franklin Limited (1) and Depwade Rural District Council (2) whereby the freehold interest in the Blue Land was conveyed to Depwade Rural District Council. Title to the Blue Land is now vested in the Council. There was reserved out of the

PIPE

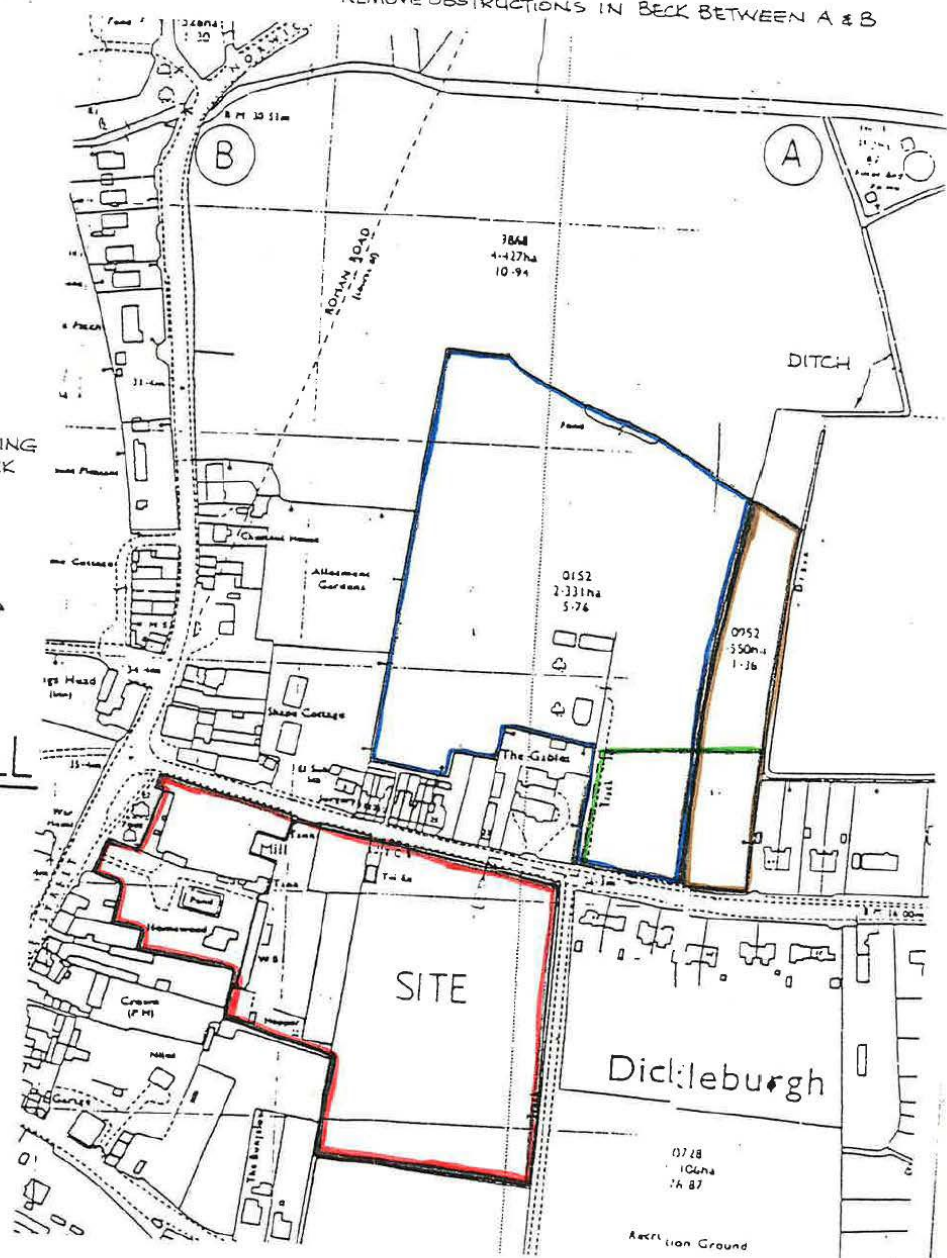
REMOVE OBSTRUCTIONS IN BECK BETWEEN A & B

CLASS B
ENGINEERING
BRICKWORK

HEADWALL
DETAILS

20

CONCRETE BASE



LOCATION PLAN 1/2500

1984 Conveyance a right of drainage in favour of the Red Land, and this present Deed is entered into to amplify that reservation

"the Sewer" means the sewer to be laid by Smiths pursuant to the following provisions of this Deed

"the Drainage Rights" means the following rights for Smiths and their successors in title:

- to lay a sewer through the Blue Land and the Brown Land in the approximate position marked in green on the Plan
- to enter on the Blue Land and the Brown Land with contractors, machinery and the like so far as necessary for the purposes of surveying for, laying, inspecting, repairing, maintaining and replacing the Sewer
- to use the Sewer for the disposal of surface water from the Red Land

2. THE Council as beneficial owners hereby grant and confirm to Smiths ALL AND SINGULAR the Drainage Rights TO HOLD the same to Smiths in fee simple

3. SMITHS undertake that they and their successors in title will:

- carry out the work of laying the Sewer in a good and workmanlike manner, and to carry out the said work once commenced as expeditiously as reasonably practicable
- following completion of the laying of the Sewer or any subsequent works to restore the surface of the Blue Land and/or the Brown Land and to make good any damage caused to the Blue Land and/or the Brown Land

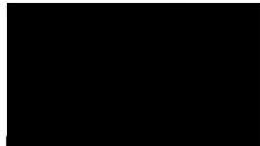
4. THE Council hereby acknowledges the right of Smiths to production of the 1974 Conveyance and a conveyance made the 16th September 1975 between Lily Kendall of the one part and the Council of the other part, and to delivery of copies thereof, and undertakes to keep the original conveyances safe

5. IT IS HEREBY CERTIFIED that the transaction hereby effected does not

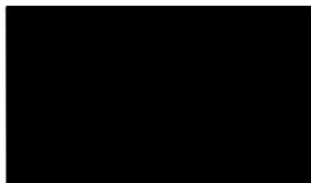
form part of a larger transaction or of a series of transactions

IN WITNESS whereof the parties have executed this Deed

THE COMMON SEAL of)
SMITH & PARTNERS EAST ANGLIA)
(1987) LIMITED)
was hereunto affixed in)
the presence of:-)



Director



Secretary