

**To ratify certain property  
encroachments and agree related  
rights with St Mark's Church Trust  
and John Hayward House  
Association**

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**For consideration by the Parish  
Assembly  
on 18 December 2013 at 7.00pm**

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**PARISH OF ST HELIER**

**P.05/2013**



## **PROPOSITION**

**THE PARISHIONERS are asked to take into consideration and if deemed advisable to approve**

the recommendation of the Connétable, Dean and Procureurs du Bien Public that the Parish and Rectorat enter into an agreement with “St Mark’s Church Trust” and “John Hayward House Association” to ratify certain property encroachments and agree related rights. St Mark’s Church Trust and John Hayward House Association to pay the Parish’s reasonable legal fees involved in the transaction.

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## **REPORT**

### **History;**

In 2004 the Trustees of St Mark's Church Hall Trust undertook a small development of four flats and a new Vicarage. The four flats have been sold to individual purchasers and the Vicarage has been retained by the Trust.

During the sale of the flats it was noted that there were a number of windows, both in the new flats and in the new Vicarage for St Mark's Church, which were within three feet of the boundary of the flats and Vicarage with the Deanery, which is owned by the Rectorat of St Helier.

Accordingly St Mark's Church Hall Trust and John Hayward House Association have approached the Rectorat requesting that a contract be passed before the Royal Court to permit that the windows and other openings and roof parts which may encroach on to the Deanery may remain as presently

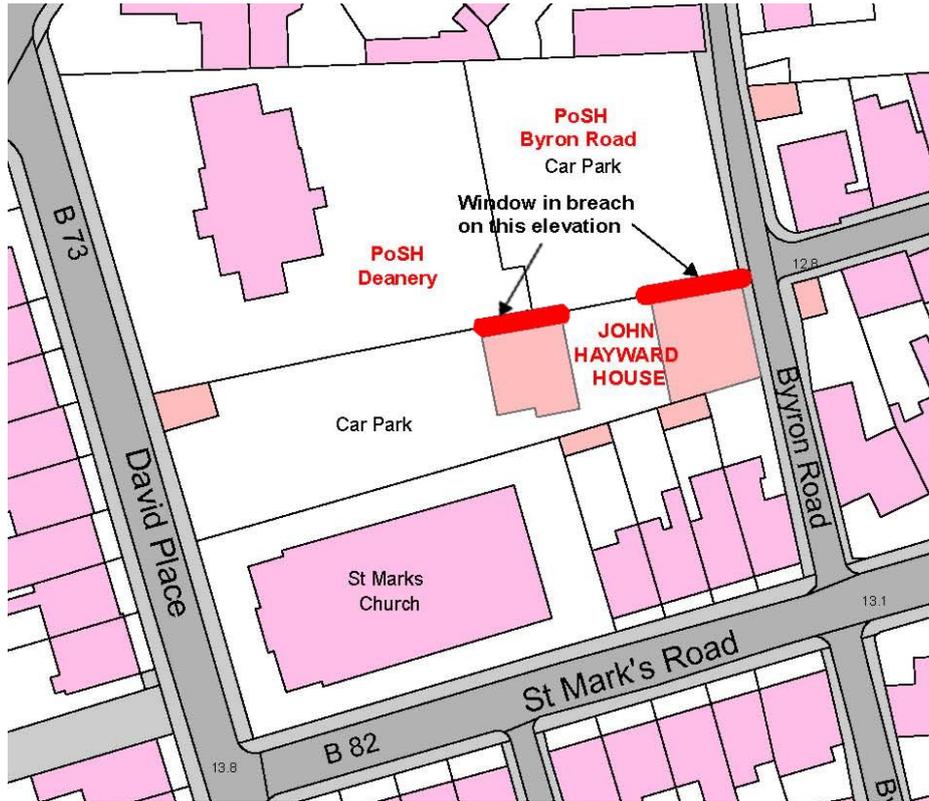
established with commensurate rights of access to repair and maintain those parts.

**Proposal;**

In summary the contract will record:-

1. That the windows and other parts of the building constituting John Hayward House may remain as presently established.
2. That the north wall of the new St Mark's Vicarage, non-opening windows and other parts as presently established may remain.
3. That there be rights of access on to the Deanery for the maintenance of John Hayward House and the Vicarage, such rights to be cancelled if there is any development on the Deanery which would render the rights of access impossible or impractical to exercise.

The draft contract has been considered by the Rectorat who are minded to grant the necessary rights. Permission of the Lieutenant Governor and the Bishop of Winchester is required for the Rectorat to pass a contract pursuant to the terms of the "Loi (1839) sur l'acquet de la Propriété Fonciere par Les Rectorats". Both the Lieutenant Governor and the Bishop have confirmed that they are content with the passing of the contract.



**LOCATION MAP**



**PHOTOGRAPH SHOWING WINDOW TO JOHN HAYWARD HOUSE**