

DISCHARGE AGREEMENT

between

SCOTTISH WATER

and

NETWORK RAIL INFRASTRUCTURE LIMITED

re: Closure of Bogton Sewage Works Level Crossing, Forres.

DISCHARGE AGREEMENT

between

- (1) **SCOTTISH WATER**, a body corporate established under section 20 of the Water Industry (Scotland) Act 2002 and having its principal office at Castle House, 6 Castle Drive, Carnegie Campus, Dunfermline, KY11 8GG (hereinafter referred to as "Scottish Water") (who and whose successors in ownership of the Lands aftermentioned are all together hereinafter referred to as "the Land Owners") and
- (2) **NETWORK RAIL INFRASTRUCTURE LIMITED**, incorporated under the Companies Acts (Company Number 2904587) and having its registered office at 1 Eversholt Street, London, NW1 2DN (who and whose successors in the ownership of Network Rail's Land aftermentioned are hereinafter referred to as "Network Rail")

WHEREAS:

- A. The Land Owners are owner of ALL and WHOLE the lands ("the Lands") described in Part 1 of the Schedule annexed and signed as relative hereto ("the Schedule") and the Land Owners as such proprietors, have or may have the benefit of rights to use the Level Crossing as aftermentioned;
- B. Network Rail is owner of ALL and WHOLE Network Rail's Land more particularly described in Part 2 of the Schedule, all as Network Rail's Land incorporates Bogton Sewage Works Level Crossing, Forres ("the Level Crossing") at the location coloured red on Plan 1 annexed and signed as relative hereto;
- C. Network Rail wishes to close the Level Crossing situated within Network Rail's Land and which gives access to and from those parts of the Lands lying on either side of Network Rail's Land; and
- D. The Land Owners have agreed to Network Rail's closure of the Level Crossing and to the renunciation and discharge of their rights of access and others over Network Rail's Land by way of the Level Crossing and that on certain terms and conditions to which Network Rail has agreed,

NOW THEREFORE the Land Owners and Network Rail Do Hereby AGREE as follows:

1. The Land Owners as from and after the last date of signing of this Discharge Agreement and for all time coming renounce and discharge all rights of access, egress and passage by way of the Level Crossing whether by vehicles, pedestrians or otherwise howsoever, being all such rights in

respect of which the Lands may benefit whether granted or reserved by title deed or other instrument or established by prescriptive use or by statute or howsoever otherwise created, and the Land Owners hereby disburden Network Rail's Land of all such rights and others and discharge Network Rail absolutely of and from any obligation to provide any replacement or other such rights whether to be exercised or exercisable by the Land Owners or any third parties under or by the authority of, or deriving right from, the Land Owners.

2. The Land Owners warrant and declare that neither they nor their predecessors in title have granted any rights of access or others to any third parties in respect of the Level Crossing and are not aware of any other parties having any rights to use Level Crossing for any purpose.
3. The Land Owners and Network Rail shall each be responsible for their own legal fees and outlays in relation to this transaction.
4. The Land Owners and Network Rail consent to the registration hereof for preservation and execution: IN WITNESS WHEREOF these presents comprising this and the preceding page together with the Schedule and Plans annexed, are subscribed as follows:

BY SCOTTISH WATER

by Simon PARSONS
 on 6 / 10 2017
 at DUNFERMLINE


 Director


before the witness

NATALIE McLAUCHLAN (Name)
6 CASTLE DRIVE (Address)
DUNFERMLINE

Natalie McLauchlan
 Witness

BY NETWORK RAIL INFRASTRUCTURE LIMITED

by DAVID JAMES DAWSON
 on 6th November 2017
 at GLASGOW


 Director

before the witness

RACHEL ELIZABETH SHAW (Name)
1 GEORGE SQUARE (Address)
GLASGOW G2 1AL


 Witness

This is the Schedule referred to in the foregoing Discharge Agreement between Scottish Water and Network Rail Infrastructure Limited in respect of Bogton Sewage Works Level Crossing, Forres.

SCHEDULE

PART 1

THE LANDS

ALL and WHOLE the subjects known as Forres Waste Water Treatment Works, Forres being those subjects to be registered in the Land Register of Scotland under Title Number MOR17403

SCHEDULE**PART 2****NETWORK RAIL'S LAND**

ALL and WHOLE that area of ground shown coloured green and red on Plan 2 annexed and subscribed as relative hereto being part and portion of ALL and WHOLE the subjects more particularly described in and disposed by the Conveyance by The Provost Magistrates and Town Council of Forres in favour of The Inverness and Aberdeen Junction Railway Company dated 6 February and recorded 2 April in the General Register of Sasines applicable to the County of Aberdeen on 2 April, both dates in the year 1860.



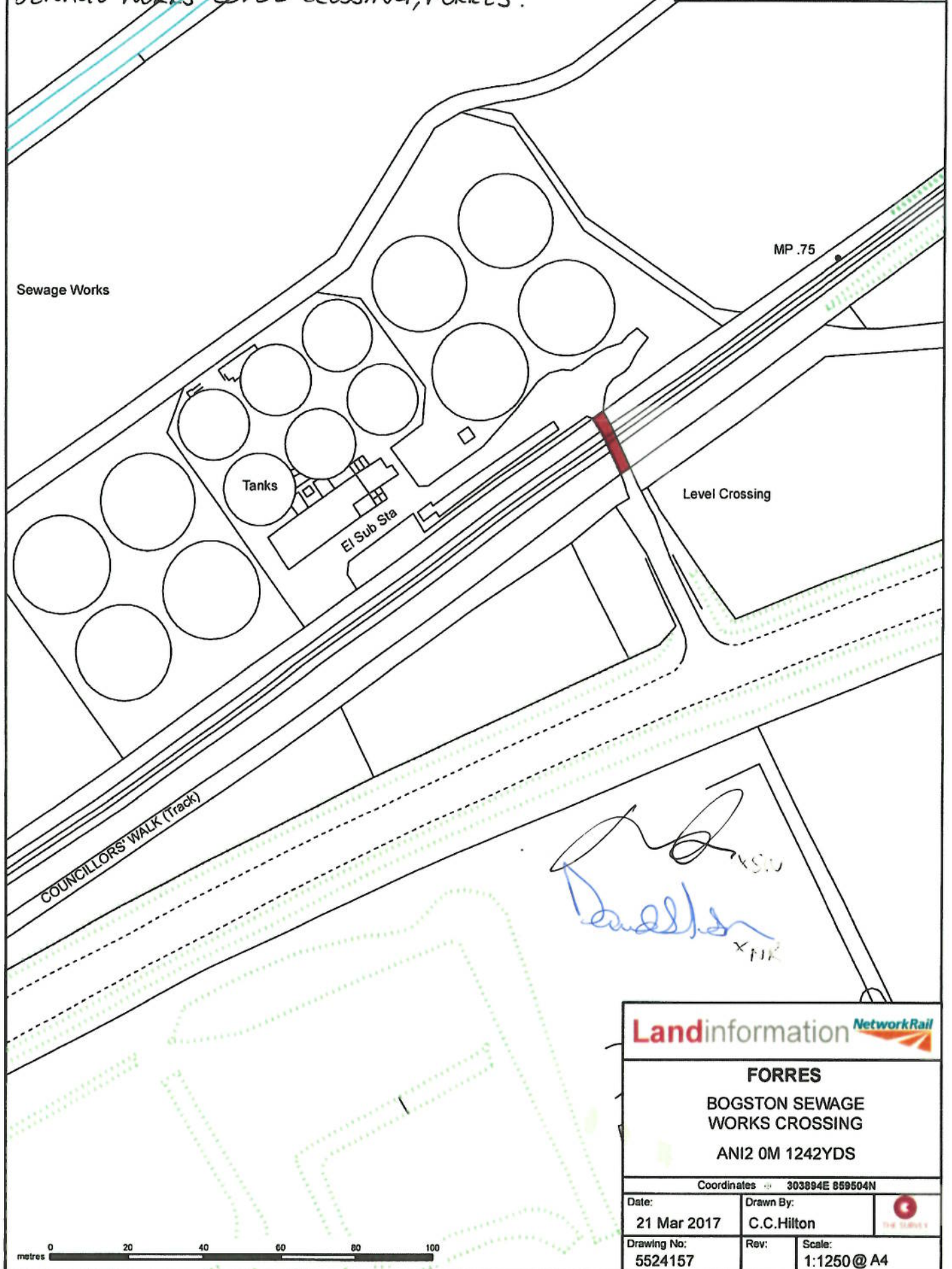
x 966

x N2

THIS IS PLAN 1 REFERRED TO IN THE FOREGOING DISCHARGE AGREEMENT
 BETWEEN SCOTTISH WATER AND NETWORK RAIL
 INFRASTRUCTURE LIMITED IN RESPECT OF BOGSTON
 SEWAGE WORKS LEVEL CROSSING, FORRES.



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Landinformation 

FORRES
BOGSTON SEWAGE
WORKS CROSSING
AN12 0M 1242YDS

Coordinates 303894E 859504N

Date:
 21 Mar 2017

Drawn By:
 C.C.Hilton



Drawing No:
 5524157

Rev:

Scale:
 1:1250 @ A4

THIS IS PLAN 2 REFERRED TO IN THE FOREGOING DISCHARGE AGREEMENT
BETWEEN SCOTTISH WATER AND NETWORK RAIL
INFRASTRUCTURE LIMITED IN RESPECT OF BOGSTON
SEWAGE WORKS LEVEL CROSSING, FORRES.



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Sewage Works

MP .75



Tanks

El Sub Sta

Level Crossing

COUNCILLORS' WALK (Track)

[Handwritten signature] x SW
[Handwritten signature] x NR

Landinformation 		
FORRES BOGSTON SEWAGE WORKS CROSSING AN12 0M 1242YDS		
Coordinates: 303894E 859504N		
Date: 21 Mar 2017	Drawn By: C.C.Hilton	
Drawing No: 5524157	Rev: 	
		Scale: 1:1250 @ A4

metres 0 20 40 60 80 100

