**COMHAIRLE CHONTAE ÁTHA CLIATH THEAS
SOUTH DUBLIN COUNTY COUNCIL**

**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 12th October 2015**

**ITEM NO. H – I (8) (b)**

**RE: Proposed disposal of land at Commons Road, Clondalkin, Dublin 22 to Tolmac Construction Limited.**

At a meeting of the Special Organisation Procedure and Finance Committee of the Council on 23/10/2014 approval was granted for market consideration of the above named site (Minute SPOF/1014 refers).

A marketing brief in accordance with the agreed resolution of the elected members was proposed and the site advertised for public sale on 29/05/2015.

The site has an area of 0.105 hectares (0.26 acres) and is outlined in red on drawing reference LR/21/15.

A total of six (6) bids were received in respect of the subject site. The City Valuer examined all bids received and has recommended acceptance of the bid received from Tolmac Construction Limited, 6 Robinhood Road, Clondalkin, Dublin, 22 in the sum of €168,200 (one hundred and sixty eight thousand two hundred euro) subject to the following terms and conditions:

1. That the Council dispose of the subject site to Tolmac Construction Limited for the consideration of €168,200 (one hundred and sixty eight thousand two hundred euro) plus VAT if applicable.
2. That the subject site is outlined in red on drawing reference LR/21/15 comprising 0.105 hectares (0.26 acres) or thereabouts.
3. That the purchaser shall show proof of funding and 10% of the purchase price shall be paid on the signing of contracts with the balance paid on the completion of sale which shall be within three months of the signing of contracts.
4. That the purchaser shall satisfy the Council that they have sufficent funds to develop the site in accordance with the permitted proper planning and development of the area.
5. That the development shall bein line with the criteria set out in the briefing document.
6. That the Council’s Law Agent shall within 4 weeks of receipt of the necessary statutory consents and approvals issue a contract of sale to the purchasers who will return the contracts within 2 weeks to the Council fully executed together with a bank draft for 10% of the purchase price.
7. That the Council shall dispose of the unencumbered freehold titles with full vacant possession save for wayleaves (if any) required.
8. That the purchase price offered are exclusive of any taxes including VAT and stamp duty which the purchasers will shall liable for.
9. That each party shall be liable for their own fees incurred in this transaction.
10. That the disposals are subject to any terms and conditions deemed appropriate by the Council’s Law Agent.
11. That the disposals are subject to the necessary consents and approvals of the Council.
12. Tolmac Construction Limited to engage in local consultation for site development at pre planning stages.
13. That it is a requirement of the Council that the purchaser submit a planning application on the subject site within 3 months of the completed disposal
14. That development of the subject site to commence no later than 6 months from the date of final grant of planning permission.
15. That if no development has been substantially commenced on the subject site within 2 years of the completion of the sale, the Council reserve the the right or option at any time during the third year following the date of completion of the sale, to acquire the site back at the same consideration for which it was sold, In the event that the Council wishes to exercise this right or optionit shall notify the purchaser in writing.

I recommend that the Council disposes of the site outlined in red on drawing reference LR/21/15 to Tolmac Construction Limited, 6 Robinhood Road, Clondalkin, Dublin, 22 in accordance with Section 211 of the Local Government Planning & Development Act 2000 subject to the provisions of Section 183 of the Local Government Act 2001 in accordance with the recommendation of the City Valuer as set out in the terms and conditions outlined above.

The land being disposed of forms part of lands acquired from Ryan, Fitzgerald & Kearns in 1985 for roads purposes..

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Daniel Mc Loughlin

Chief Executive