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

**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 12th October 2015**

**ITEM NO. H – I (8) (c)**

**RE: Proposed disposal of site(s) at Old Knocklyon Road and Castlefield Avenue, Knocklyon, Dublin 16**

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(s) (Minute No. SOPF/1014 refers).

A market brief in accordance with the agreed resolution of the elected members was prepared and the site(s) advertisied for public sale on 29/05/2015.

The sites have a combined area of 0.808 hectares(2 acres) or thereabouts and are shown delineated in red on drawing references LR/23/15 and LR/24/15.

A total of seven bids were received in respect of the subject site(s). 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 €3,935,075 (three million, nine hundred and thirty five thousand and seventy five euro) subject to the following terms and conditions:

1. That the Council dispose of the sbject site(s) to Tolmac Construction Limited for the consideration of €3,935,075 (three million, nine hundred and thirty five thousand and seventy five euro) plus VAT if applicable.
2. That the subject site(s) are shown outlined in red on drawing reference LR/23/15 and LR/24/15 comprising of 0.808 hectares(2 acres) or thereabouts.
3. That the purchaser shall show proof of funding and 10% of the purchase prices shall be paid on the signing of the contracts with the balance paid on the completion of same 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 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.
6. That the Council shall dispose of the unencumbered freehold title with full vacant possession save for wayleaves (if any) required.
7. That the purchase price offered is exclusive of any taxes including VAT and stamp duty which the purchasers are properly liable for.
8. That each party shall be liable for their own fees incurred in this transaction.
9. That the disposal is subject to any further terms and conditions deemed appropriate by the Council’s Law Agent.
10. That the disposal is subject to the necessary consents and approvals of the Council.
11. That the Council is satisfield that any planning or urban design parameters will be achieved through planning permission.
12. That the Council will retain ownership of any boundary walls or sound barriers that adjoins the M50/LUAS and a wayleave to access these walls.
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(s) outlined in red on drawing references LR/23/15 and LR/24/15 to Tolmac Construction Limited, 6 Robinhood Road, Clondalkin, Dublin, 22 in accordance with Section 211 of the 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 sites being disposed of form part of lands acquired from Mc Inerney & Company Ltd and Meade Plant Hire in 1977 and 1980 respectively for roads requirements.

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Daniel Mc Loughlin

Chief Executive