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

**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 14th December 2015**

**ITEM NO. H – I (8) (d)**

**Proposed disposal of two plots of land which form part of former**

**laneway adjacent to ‘Lindos’, Mount Venus Rd., Rathfarnham, Dublin 16, to Mr. Jim O’Neill**

By Order LA/108/2003 the Council disposed of part of a laneway between Mount Venus Road and Stocking Lane to the house owner of ‘Woodstown Lodge’, Stocking Lane, for incorporation into his property. The adjacent house owner in ‘Lindos’, Mount Venus Road, Mr. Jim O’Neill, now wishes to acquire two plots of land which form part of the rest of the above laneway registered in Council ownership, for incorporation into his garden on a leasehold basis. The portion in between the two plots for disposal consideration is registered in Mr. O’Neill’s ownership. The proposed disposal would compact and define land ownerships at this location. The laneway is not subject to a public right of way.

The Council’s Valuer has recommended terms which he considers to be fair and reasonable and which have been accepted by Mr. O’Neill.

Accordingly, I now recommend that the Council disposes of its leasehold interest in two plots of land with a combined area of 0.012 hectares (120 sq. metres) or thereabouts adjacent to ‘Lindos’, Mount Venus Rd., Rathfarnham, Dublin 16 as shown outlined in red on the attached Drawing No. LA/21/13 to the respective house owner, Mr. Jim O’Neill, in accordance with Section 211 of the Planning and Development Act, 2000 and subject to the provisions of Section 183 of the Local Government Act, 2001 subject to the following terms and conditions as recommended by the Council’s Valuer.

1. That the Council shall dispose of the subject plots on a leasehold basis (for gardening purposes only).
2. That the Applicant shall pay a capital sum of €5,000 (five thousand euro).
3. That the plots are shown outlined in red on the attached Drawing No. LA/21/13 having a combined area of 0.012 hectares (120 sq. metres) or thereabouts.
4. That a lease shall be granted for a term of 20 years at a nominal rent of €1 per annum with five year reviews linked to changes in the Consumer Price Index.
5. That the Applicant shall only use the plots for gardening purposes and shall not build on the subject land.
6. That the Applicant shall not use this laneway as access to any subsequent development built within his existing garden.
7. That the Applicant shall not sublet or assign the above land.
8. That the Applicant shall incorporate the land into his existing garden and any boundary feature constructed shall be in accordance with the Planning & Development and the Building Control legislation.
9. That the Council shall maintain a wayleave over any services that exist on, over or under the above land, if any.
10. That the Applicant shall pay Council’s legal fees plus VAT and outlay.
11. That the Applicant shall pay Valuer’s fees of €250 (two hundred and fifty euro) plus VAT.
12. That the A/Law Agent shall draft the necessary legal agreements and shall include any further terms deemed appropriate in Agreements of this nature.
13. That no contract enforceable at Law is created or intended to be created until such time as contracts have been exchanged.
14. That the disposal is subject to the necessary approvals and consents being obtained.

The lands being disposed of were acquired in 1912 by the Rural District Council of the South Dublin Rural District of County Dublin which would have been a predecessor to this Council.

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**Daniel Mc Loughlin**

**Chief Executive**