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

**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 11th April 2016**

**ITEM NO. H – I (7) (a)**

**Re: Proposed disposal of plot of land adjacent to 1 Dargle Wood, Knocklyon, Dublin 16**

The houseowners at 1 Dargle Wood, Knocklyon, Dublin 16 applied to the Council to acquire a plot of Council owned land adjacent to their property.

Following consultation with Public Realm, the matter was referred to the Council’s Valuer who has recommended terms for disposal which he considers to be fair and reasonable and which have been accepted by the Applicants.

Accordingly, I now recommend that the Council disposes of the plot of land measuring 0.006 hectares (60 square metres) or thereabouts adjacent to 1 Dargle Wood, Knocklyon, Dublin 16 as shown outlined in red on the attached Drawing No. LA/08/16 to the respective houseowners, Michael & Nuala Kennedy, 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 subject plot comprises an area of 0.006 hectares (60 square metres) or thereabouts as shown outlined in red on the attached Drawing No. LA/08/16.
2. That the Council disposes of the subject plot for the consideration of €2,000 (two thousand euro) plus VAT (if applicable).
3. That the land is disposed of with full freehold title and vacant possession.
4. That the Applicants hold the freehold or equivalent interest in 1 Dargle Wood.
5. That the Applicants incorporate the area and that as part of the boundary treatment, construct a 1.8m high wall of solid blocks laid on the flat, suitably rendered and capped in situ. All works to be carried out in accordance with the Planning & Development and the Building Control legislation.
6. That the Applicants agree with the Council’s Public Realm Section on the number of trees to be removed in advance of the wall construction above. The number of trees to be removed to be determined by the area required to facilitate the wall construction and the need to keep the remaining trees at a suitable distance from the new wall. The cost of the tree removal shall be borne by the Applicants.
7. That the Applicants shall pay the Council’s legal fees plus VAT and outlay.
8. That the Applicants shall pay the Council’s Valuer’s fees of €250 (two hundred and fifty euro) plus VAT.
9. That each party shall use their best endeavours to complete the transaction within 3 months, or as soon as practical thereafter, of adoption of the disposal resolution.
10. That the A/Law Agent shall draft the necessary legal agreements and shall include any further terms deemed appropriate in Agreements of this nature.
11. That no contract enforceable at Law is created or intended to be created until such time as contracts have been exchanged.
12. That the disposal is subject to the necessary approvals and consents being obtained.

The lands being disposed of form part of the lands acquired by the Council from Abbey Homes for open space purposes.

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**Daniel McLoughlin**

**Chief Executive**