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

**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 26 September 2016**

**ITEM NO. H-I 7 (d)**

**Proposed disposal of plot of land adjacent to 37 Neilstown Avenue, Clondalkin, Dublin 22**

The houseowners of 37 Neilstown Avenue, Clondalkin, Dublin 22, Derek Maher and Deborah Dunne, applied to the Council to acquire a plot of land which is subject to dumping and anti-social behaviour, adjacent to their dwelling.

The matter was referred to the Council’s Valuer for examination and he has recommended the following terms 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 0.0055 hectares (55 square metres) or thereabouts adjacent to 37 Neilstown Avenue, Clondalkin, Dublin 22 as outlined in red on the attached Drawing No. LA/01/16 to the respective houseowners, Derek Maher and Deborah Dunne, 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 disposes of the subject plot for the consideration of €4,000 (four thousand euro) plus VAT (if applicable).
2. That the subject plot is outlined in red on the attached Drawing No. LA/01/16 having a net area of 0.0055 hectares (55 square metres).
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 37 Neilstown Ave., Clondalkin, Dublin 22.
5. That the Applicants shall incorporate the area into their property and construct a boundary feature strictly in accordance with Council requirements and in accordance with the Planning & Development and the Building Control legislation – see note below \*\*.
6. That the Applicants shall pay the Council’s legal fees plus VAT and outlay.
7. That the Applicants shall pay the Council’s Valuer’s fees of €250 (two hundred and fifty euro) plus VAT.
8. That each party shall use their best endeavours to complete the transaction within 3 months of adoption of the disposal resolution.
9. That the A/Law Agent shall draft the necessary legal agreements and shall include any further terms deemed appropriate in Agreements of this nature.
10. That no contract enforceable at Law is created or intended to be created until such time as contracts have been exchanged.
11. That the disposal is subject to the necessary approvals and consents being obtained.

\*\* The Applicants be required to construct a new 1.8m high minimum boundary wall with laid on the flat concrete blocks, capped in situ and dashed on both sides.

The wall to be sited on the inside of the existing pedestrian path adjacent to

No. 37. No space to remain between the path and the wall following

construction and any space to be filled with concrete and finished smoothly

to tie in with the existing path.

If disposal is approved, the Applicants to make contact with the Public Realm

Section at least one month prior to undertaking any works on the boundary.

This wall may require planning permission.

Any damage to the existing footpath during boundary works to be rectified by Applicants.

The lands being disposed of form part of the lands acquired from Dublin City Council (formerly Dublin Corporation) in 1997 under the Scheme of Transfer of Lands pursuant to the Local Government (Dublin) Act, 1993.

**Daniel McLoughlin**

**Chief Executive**