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

**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 17 October 2016**

**ITEM NO. H-I 8 (e)**

**Proposed disposal of two plots of land at Foxdene, Baldaddy, Clondalkin to St. Laurence O’Toole Diocesan Trust**

In 1994, Dublin Corporation disposed of a site circa 1.4 acres at Foxdene Estate, Balgaddy, Clondalkin to the St Laurence O’Toole Diocesan Trust for a site for a permanent Church. It was proposed to dispose of additional lands at a later date to provide car parking facilities. However, as a definitive arrangement hadn’t been agreed the lands were transferred to this Council in accordance with the Scheme of Transfer of Lands. The St. Laurence O’Toole Diocesan Trust subsequently applied to the Council for the purchase of the additional lands. Manager’s Order LA/96/97 dated 30th May 1997 recommended the disposal of the lands totalling 1.45 acres or thereabouts, subject to certain terms and conditions. The disposal of the lands was noted at the meeting of the Council held on 9th June, 1997, Minute No. C/235/1997 refers.

On application to the Property Registration Authority for title of the subject plots a number of complex queries arose in relation to discharges issued in respect of the plots which delayed the transfer. The disposal was reactivated by the Acting Law Agent in May 2015. Following a report to the Clondalkin ACM in February 2016 the elected members requested that proposals be put to St Laurence O’Toole Diocesan Trust to ascertain if they would be willing to enter into negotiations in respect of the land take due to various community uses established on the lands over the years.

Following agreement between the Council and St Laurence O’Toole Diocesan Trust, I recommend the Council dispose of two plots of land identified A and B on drawing reference LA/29/16 and comprising in total of .453 hectares or thereabouts, at Foxdene Estate, Balgaddy, Clondalkin to the St. Laurence O’Toole Diocesan Trust in accordance with the provisions of Section 183 of the Local Government Act 2001 and in accordance with Section 211 of the Planning & Development Act 2000 on the following terms and conditions:-

1. That St. Laurence O’Toole Diocesan Trust waive the benefit of the disposal fee simple interest on the part of South Dublin County Council, as set out at condition 1 of Chief Executive Order LA/96/97 in respect of the two plots of land shown outlined in red on Drawing No. DEV LD 708.
2. That South Dublin County Council waive the consideration on the part of St. Laurence O’Toole Diocesan Trust as set out in condition 2 of Chief Executive Order LA/96/97 in respect of the monetary consideration.
3. The Council will dispose of the interest in the two plots of land identified A and B and outlined in red on drawing ref LA/29/16 comprising in total .453 hectares or thereabouts to St. Laurence O’Toole Diocesan Trust free of monetary consideration.
4. St. Laurence O’Toole Diocesan Trust agree to transfer to Scouting Ireland their interest in the plot of land identified D on drawing reference LA/29/16 free of monetary consideration for the purpose of developing it as a scouting and community centre.
5. That St Laurence O’Toole Diocesan Trust agree that the area of land identified C on drawing reference LA/29/16 be retained in Council ownership to facilitate community uses.
6. All land being disposed of and transferred as part of this this transaction to be used for community, charitable and public beneficial purposes and in the event of the land ceasing to be used for such purposes that it shall revert to the original owners.
7. The Council will retain wayleave and right of way for maintenance and repair of the water main over a 10 metre wide portion of the plot A as shown shaded yellow on Drawing No. LA/29/16 - no buildings will be permitted thereon.
8. That in the event of the Council exercising its wayleave rights the Council will not be liable for the payment of compensation, damages, etc. save in the case of negligence on the part of the Council or its agents in carrying out the work. The Council will carry out normal reinstatement of the wayleave area.
9. St. Laurence O’Toole Diocesan Trust The trust will be responsible for the provision of adequate boundary fencing to the plots being disposed of.
10. That all outstanding charges, rates and taxes (if any) on the property shall be cleared prior to the completion of the transaction.
11. The above proposal is subject to the necessary approvals and consents being obtained.
12. That no agreement enforceable at law is created or intended to be created until exchange of contracts has taken place.
13. That each party be responsible for its own legal costs.

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**