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

**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 14 November 2016**

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

**Proposed exchange of lands to rear of Scoil Chronain, Rathcoole,**

**Co. Dublin with Minister for Education & Skills**

The Council has been in active negotiations with the Minister for Education & Skills since 2013 in order to progress a land swap to cater to the growing needs of Scoil Chronain, Rathcoole, Co. Dublin.

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 Minister for Education & Skills.

Accordingly, I now recommend that the Council disposes of the plot of land measuring 1,750 square metres (0.175 ha) or thereabouts to the rear of Scoil Chronain as outlined in red on the attached Indicative Drawing No. LA/24/12 to the Minister for Education & Skills in exchange for the plot of land measuring 650 square metres (0.065 ha) as outlined in red on Indicative Drawing No. LR/15/12, in accordance with Section 211 of the Planning & 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 plot of land outlined in red on Indicative Drawing No. LA/24/12 having a net area of 1,750 square metres (0.075 ha).
2. That in exchange for the land set out at No. 1 above, the Minister for Education & Skills disposes to the Council of the plot of land outlined in red on Indicative Drawing No. LR/15/12 having a net area of 650 square metres (0.065 ha), together with a consideration of €135,000 (one hundred and thirty five thousand euro) plus VAT (if applicable).
3. That the plots of land are disposed of with full freehold title and vacant possession.
4. That the Minister for Education & Skills is responsible for the taking down and erection of the palisade fence along the eastern boundary of the school’s playing fields which was erected as part of the N7 upgrade works. Details of these works to be agreed with the Council and the costs incurred by the Minister for Education & Skills to be deducted from the consideration set out in No. 2 above.
5. That the Minister for Education & Skills incorporates the area and any boundary feature constructed is in accordance with the Planning and Development and the Building Control legislation.
6. That each party is responsible for their own legal fees.
7. That each party is responsible for their own VAT, Stamp Duty or other costs arising.
8. That each party shall use their best endeavours to complete the transaction as soon as practical following the adoption of the disposal resolution.
9. That the A/Law Agent drafts the necessary legal agreements and includes 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 exchange is subject to the necessary approvals and consents being obtained.

The lands being disposed of form part of the lands acquired from Vincent & Frances Cosgrave in 2004 as part of the N7 road improvement works.

**Daniel McLoughlin**

**Chief Executive**