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

**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 25 September 2017**

**ITEM NO. H-I (9) F**

**Proposed exchange of lands between South Dublin County Council and Clonmel Enterprises Ltd. – Weatherwell Industrial Estate, Clondalkin, Dublin 22**

Clonmel Enterprises Ltd. have applied to acquire title to a plot of Council owned land, contained within their boundary at the entrance to Weatherwell Industrial Estate, Clondalkin, Dublin 22, in exchange for disposal of two plots of land in their ownership, to the Council, in order to regularise land ownerships and their registration. The Council’s Senior Engineer – Land Use, Planning & Transportation Department, recommends the proposed exchange which will facilitate the future development of cycle tracks in the area.

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 Applicant.

Accordingly, I now recommend that the Council disposes of the plot of land measuring 0.0105 hectares (105 square metres) or thereabouts adjacent to entrance to Weatherwell Industrial Estate, Clondalkin, Dublin 22 as outlined in red on the attached Drawing No. LA/03/17 to the Applicant, Clonmel Enterprises Ltd., in exchange for two plots of land with combined area of 0.0305 hectares (305 square metres) as outlined in red on Drawing No. LA/04/17, 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 its freehold interest in the plot of land comprising an area of 0.0105 hectares (105 square metres) outlined in red on Drawing No. LA/03/17 to the Applicant.

1. That in exchange for the plot of land above, the Applicant will transfer the unencumbered freehold title with vacant possession of the two plots of land outlined in red on Drawing No. LA/04/17, comprising a combined area of 0.0305 hectares (305 square metres) together with a consideration of €4,000 (four thousand euro) plus VAT (if applicable), to the Council.
2. That the above proposal is subject to proof of satisfactory title.
3. That the Council shall retain a wayleave and right-of-way over the area coloured yellow on Drawing No. LA/03/17.
4. That all boundary features shall be in accordance with the Planning & Development and the Building Control legislation.
5. That each party shall be responsible for their own professional fees.
6. That each party shall be responsible for their own VAT, Stamp Duty or other costs arising.
7. That each party shall use their best endeavours to complete the transaction within a reasonable timeframe following adoption of the disposal resolution.
8. That the Law Agent shall draft the necessary legal agreements and shall include any further terms deemed appropriate in Agreements of this nature.
9. That no contract enforceable at Law is created or intended to be created until such time as contracts have been exchanged.
10. That the disposal is subject to the necessary approvals and consents being obtained.

The lands to be disposed of form part of lands acquired from Weatherwell on 1 August 1994 for roads purposes.

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**Daniel McLoughlin**

**Chief Executive**