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



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 12 February 2018**

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

**Re: Proposed exchange of lands at Main Street, Rathcoole, Co. Dublin for Council owned lands at Tootenhill, Rathcoole, Co. Dublin -**

 **Patrick McAneny and South Dublin County Council**

It was brought to Council attention some years ago that Mr. Patrick McAneny was registered in error on Property Registration Authority records to ownership of former Council Roads Depot at Main Street, Rathcoole, Co Dublin since 1976 on Folio DN6516.

Subsequent arrangements to transfer the interest in this subject site to the Council failed to complete. In 2014, Mr. McAneny expressed an interest in acquiring a plot of Council owned land at Tootenhill registered on Folio DN10121 in exchange for a transfer of ownership to the Council in respect of the site at Main Street, Rathcoole. The site at Tootenhill is located between two land parcels registered in Mr. McAneny’s ownership and was previously the site of an ESB substation now relocated following road widening works. The site is overgrown and traversed by ESB poles. Following negotiations between the legal representatives of the Council and Mr. McAneny in consultation with the Council Valuer, terms were agreed for an exchange of lands to bring the matter to conclusion.

The Council Valuer has recommended the following terms and conditions which he considers to be fair and reasonable and which have been accepted by Mr. McAneny.

Accordingly, I now recommend that the Council disposes of the plot of land measuring 0.0875 hectares (875 square metres) or thereabouts at Tootenhill, Rathcoole, Co. Dublin as outlined in red on the attached Drawing No. LA/50/14 to the Applicant, Patrick McAneny, in exchange for plot of land measuring 0.0255 hectares (255 square metres) or thereabouts at Main Street, Rathcoole, Co. Dublin as outlined in red on Drawing No. LA/49/14, 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 Applicant transfers the unencumbered freehold title with vacant possession of the plot outlined in red on attached Drawing No. LA/49/14 (Map 1) comprising an area of 0.0255 hectares (255 square metres) which includes the roadbed area.
2. That in exchange for the plot of land as set out in No. 1 above, the Council transfers the unencumbered freehold title with vacant possession of 0.0875 hectares (875 square metres) outlined in red on attached Drawing No. LA/50/14 (Map 2).
3. That no consideration is payable by either party.
4. That each party is responsible for their own professional fees.
5. That each party is responsible for their own VAT, Stamp Duty or other costs arising.
6. That all parties use their best endeavours to complete the transaction within a reasonable timeframe following adoption of the disposal resolution.
7. That the Law Agent drafts the necessary legal agreements and includes any further terms deemed appropriate in Agreements of this nature.
8. That no contract enforceable at Law is created or intended to be created until such time as contracts have been exchanged.
9. That the disposal is subject to the necessary approvals and consents being obtained.

The lands being disposed of were acquired by CPO from Joseph Brady on 7/1/1968 for roads purposes.

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**Daniel McLoughlin**

**Chief Executive**