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



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 12 February 2018**

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

**Re: Proposed disposal of plot of land adjacent to 14 Kilclare Crescent, Tallaght, Dublin 24**

The houseowners of 14 Kilclare Crescent, Tallaght, Dublin 24 have applied to purchase a plot of Council owned land adjacent to their dwelling for incorporation into their existing garden. The area is currently in use for incidental off street car parking and has been the subject of ongoing antisocial behaviour for a long number of years.

The matter was examined in consultation with the Council’s Valuer who has recommended the following terms and conditions 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 0.0048 hectares (48 square metres) or thereabouts adjacent to 14 Kilclare Crescent, Tallaght, Dublin 24 as hatched in red on the attached Indicative Drawing No. DEV. 6192 to the Applicants, Miriam Amraoui and Mark Ryan, 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 subject plot comprises an area of 0.0048 hectares (48 square metres) or thereabouts and is hatched in red on the attached Indicative Drawing No. DEV. 6192.
2. That the Council disposes of the subject plot for the consideration of €12,000 (twelve thousand euro) plus VAT (if applicable).
3. That the subject plot is disposed of with full freehold title and vacant possession.
4. That the Applicants hold the freehold or equivalent interest in 14 Kilclare Crescent, Tallaght, Dublin 24.
5. That the Applicants incorporate the area into their existing garden and any boundary features constructed shall be in accordance with the Planning & Development and the Building Control legislation.
6. That a public lighting column lies adjacent to the plot in question and the Applicants should contact the Council’s Public Lighting Section to arrange a survey to be carried out by qualified personnel to ascertain the location of any public lighting equipment e.g. cables, within the subject plot. In the event of any public lighting equipment found, work can only proceed subject to agreement with the Council’s Public Lighting Section. The Applicants shall be responsible for the cost of survey, relocation/replacement/alteration or any damage caused to public lighting equipment as deemed necessary by the Council’s Public Lighting Section.
7. That the Applicants pay the Council’s legal fees plus VAT and outlay.
8. That the Applicants pay the Council’s Valuer’s fees of €250 plus VAT.
9. That all parties use their best endeavours to complete the transaction within a reasonable timeframe following adoption of the disposal resolution.
10. That the Law Agent drafts the necessary legal agreements and includes any further terms deemed appropriate in Agreements of this nature.
11. That no contract enforceable at Law is created or intended to be created until such time as contracts have been exchanged.
12. That the disposal is subject to the necessary approvals and consents being obtained.

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.

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**Daniel McLoughlin**

**Chief Executive**