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

**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 10 September 2018**

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

**LD 1474 Proposed disposal of portion of laneway to the rear of**

 **250 Killinarden Estate, Tallaght, Dublin 24**

The houseowner of 250 Killinarden Estate wishes to purchase a portion of laneway to the rear of his dwelling to incorporate into his existing garden. The Public Right of Way in the laneway was extinguished by approval of the elected members at Council meeting of 14 September 1998.

The matter was referred to 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 Applicant.

Accordingly, I now recommend that the Council disposes of the plot of land measuring 0.0024 hectares (24 square metres) to the rear of 250 Killinarden Estate as outlined in red on the attached Drawing No. LA/24/18 to the Applicant, Leonard Mc Dermott, 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 0.0024 hectares (24 square metres) or thereabouts and is outlined in red on the attached Drawing No. LA/24/18.
2. That the Council disposes of the subject plot for the consideration of €300 (three hundred euro) plus VAT (if applicable).
3. That the subject plot is disposed of with full freehold title and vacant possession.
4. That the Applicant holds the freehold or equivalent interest in 250 Killinarden Estate, Tallaght, Dublin 24.
5. That the Public Right of Way over the subject plot has been extinguished.
6. That all boundary features shall be in accordance with the Planning & Development and the Building Control legislation.
7. That the Applicant pays the Council’s legal fees plus VAT and outlay.
8. That the Applicant pays the Valuer’s fees of €250 plus VAT
9. That in the event of any name change to Applicant prior to formal completion of the legal transfer, the Applicant must provide documentary evidence to the Council proving that the new named party is one and the same as the named Applicant heretofore to enable the transfer to complete.
10. That all parties use their best endeavours to complete the transaction within a reasonable timeframe following adoption of the disposal resolution.
11. That the Law Agent drafts the necessary legal agreements and includes any further terms deemed appropriate in Agreements of this nature.
12. That no contract enforceable at Law is created or intended to be created until such time as contracts have been exchanged.
13. 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.

**D McLoughlin**

**Chief Executive**