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



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 10 December 2018**

**ITEM NO. H-I**

**LD 1487 Proposed disposal of substation site in North Clondalkin**

 **Library, Rowlagh, Dublin 22 to the ESB**

The Council is developing a new library facility in Rowlagh, North Clondalkin, Dublin 22 on lands in its registered ownership.

The Electricity Supply Board (ESB) have made an application to acquire the freehold interest in an area of the library facility for the erection of an indoor substation which will provide essential service to serve the library development. The application also includes (i) a request for a Right-of-Way over Council owned land to provide service and emergency access to the substation and (ii) a request for a wayleave over Council owned land for the laying and maintenance of electrical cabling servicing the substation.

I recommend that the Council dispose of its freehold interest in the plot of land outlined in red, grant a Right-of Way for area of land shaded yellow and grant a Wayleave for an area of land identified along dark green dashed line on Indicative Drawing No. 3261-09, 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:-

1. That the Council dispose of its interest in the plot of land outlined in red on Indicative Drawing No. 3261-09 comprising 0.002217 hectares (22 square metres) or thereabouts for the consideration of €10 (ten euro).
2. That the Council grant a Right-of-Way over land shaded yellow on Indicative Drawing No. 3261-09.
3. That the Council grant a 5 m width wayleave over land identified along dark green dashed line on Indicative Drawing No. 3261-09.
4. That the ESB shall pay a contribution in respect of the Council’s legal fees.
5. 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.
6. That each party shall use their best endeavours to complete the transaction within a reasonable timeframe following adoption of the disposal resolution.
7. That the Law Agent shall draft the necessary documents and shall include 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 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**