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



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 11th March 2019**

**H-I 8 (b)**

**LD 1481 Proposed disposal of plot of land adjacent to 1 Pinetree Grove, Kilnamanagh, Tallaght, Dublin 24**

Natasha and Alan Bramble have made an application to acquire a plot of Council owned land adjacent to 1 Pinetree Grove, Kilnamanagh, for the purpose of constructing a two storey family dwelling subject to planning application approval.

The matter was duly considered and 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 Applicants.

I recommend that the Council dispose of its interest in the plot of land outlined in red on Drawing No. LA/34/18 comprising 280 sq. m. or thereabouts, 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 subject plot comprises an area of 0.028 hectares (280 square metres) or thereabouts and is outlined in red on the attached Drawing No. LA/34/18.
2. That the Council disposes of the subject plot for the consideration of €80,000 (eighty thousand euro) plus VAT (if applicable), payable in the following manner:
3. 50% of the consideration within 3 months of the approved disposal resolution.
4. The remaining balance of 50% on receipt of full and final planning permission.
5. That the Council permits the Applicants to submit a planning application for the construction of a two storey dwelling on the subject site. The planning application to be submitted no later than 6 months following the approval of the elected members to the proposed disposal.
6. That the Applicants be responsible for all costs in relation to the planning process.
7. That in the event the Applicants fail to secure planning permission and/or if the final grant of planning permission is issued and contains conditions which the Applicants consider to be onerous, the Applicants may, by written notification on the Council within 30 days of the final grant of planning permission, withdraw from the disposal and if applicable, rescind any agreement for contract for sale. In the event of the foregoing, any monies paid to the date thereof under condition no. 3 above shall be repaid to the Applicants without payment of interest, costs or compensation less an amount of €1,500 to cover Council administration and professional costs.
8. That the Applicants pay the Council’s Valuer fee of €800 (eight hundred euro) plus VAT.
9. That the Applicants pays the Council’s legal fees plus VAT and outlay.
10. That the Applicants are responsible for any VAT and stamp duty liability associated with the disposal.
11. That the dates for the performance of any of the requirements of the proposed agreement may be amended at the absolute discretion of the Director of Economic, Enterprise & Tourism Development.
12. That the Law Agent drafts the necessary legal agreements and include any further terms deemed appropriate in Agreements of this nature.
13. That no contract enforceable at Law is created or intended to be created until such time as contracts have been exchanged.
14. That the disposal is subject to the necessary approvals and consents being obtained.
15. 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.

The lands being disposed of were acquired from John Sisk & Son Ltd. on 19/5/1980 for housing and roads purposes.

**Daniel McLoughlin**

**Chief Executive**