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



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 14 October 2019**

**H-I 7 (a)**

**LD 1458 Proposed disposal of plot of land at junction of Commons Road and St. John’s Road, Clondalkin, Dublin 22**

Planning permission dated 4 September 2017 was granted to Mr. Paul Crowley for a residential development at Commons Road and St. John’s Road, Clondalkin, Dublin 22 on a site in his ownership – Reg. Reference: SD17A/0139 refers. As part of the planning permission, access to the proposed residential development will be by way of that part of Commons Road over which the right of way was extinguished in 2004 and which is in the ownership of the Council as outlined in red on attached Drawing No. LA/08/15.

The matter was referred to the Council Valuer to act in the negotiation process with the Applicant’s Valuer and the former 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 dispose of the plot of land at the junction of Commons Road and St. John’s Road, Clondalkin, Dublin 22 as outlined in red on the attached Drawing No. LA/08/15 to the Applicant, Mr. Paul Crowley, 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 agreed terms and conditions:-

1. That the subject plot is outlined in red on the attached Drawing No. LA/08/15.
2. That the Council dispose of the subject plot for the consideration of €140,000 (one hundred and forty thousand euro) plus VAT (if applicable).
3. That the subject plot is disposed of with full freehold title and vacant possession.
4. That the subject plot forms part of planning permission Reg. Reference SD17A/0139.
5. That any boundary feature constructed is in accordance with the Planning & Development and the Building Control legislation.
6. That the Applicant pays the Council’s legal fees plus VAT and outlay.
7. That the Applicant pays the Council Valuer’s fees of €1,500 (one thousand, five hundred euro) plus VAT.
8. That the Applicant be responsible for any VAT liability associated with the disposal and indemnify the Council against same.
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 were acquired in 1985 from Ryan, Fitzgerald and Kearns for roads purposes.

**Daniel McLoughlin**

**Chief Executive**