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



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 14th September 2020**

**H-I 11 (d)**

**LD 1409 Proposed disposal of laneway between 47 & 49 Rowlagh Park,**

 **Clondalkin, Dublin 22**

June & Michael Cullen, the houseowners of 49 Rowlagh Park, Clondalkin have applied to purchase the laneway between 47 & 49 Rowlagh Park, to incorporate into their garden. The houseowners in No. 47 Rowlagh Park have no objection to the proposed disposal and approval for the Public Right of Way in the subject laneway to be extinguished, took place at Council meeting on 9 December 2019 – Certified Minute No. H16/1219 refers.

The matter was referred to the Council’s Valuer for examination and he 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 laneway measuring 0.0038 hectares (38 square metres) or thereabouts between 47 & 49 Rowlagh Park as outlined in red on the attached Drawing No. LA/12/20 to June & Michael Cullen, 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 0.0038 hectares (38 square metres) or thereabouts as outlined in red on attached Drawing No. LA/12/20.
2. That the Council disposes of the subject plot for the consideration of €5,300 (five thousand three hundred euro) plus VAT (if applicable).
3. That the land is disposed of with full freehold title and vacant possession.
4. That the Applicants hold the freehold or equivalent interest in No. 49 Rowlagh Park.
5. That the Applicants incorporate the area and any boundary feature constructed shall be in accordance with the Planning and Development and the Building Control legislation.
6. That the Applicants pay the Council Valuer fee of €800 (eight hundred euro) plus VAT.
7. That the Applicants pay the Council’s legal fees plus VAT and outlay.
8. That the Applicants be responsible for any VAT and stamp duty liability associated with this disposal.
9. That in the event of any name change to Applicants prior to formal completion of the legal transfer, the Applicants must provide documentary evidence to the Council proving that the new named party is one and the same as the named Applicants heretofore to enable the transfer to complete.
10. That each party shall use their best endeavours to complete the transaction within a reasonable timeframe following adoption of the disposal resolution.
11. That the Law Agent shall draft the necessary legal agreements and shall include 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.

**Daniel McLoughlin**

**Chief Executive**