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



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 12th October 2020**

**H-I 7 (a)**

**LD 1496 Proposed disposal of plot of land to rear 3 Riverside Cottages,**

**Templeogue, Dublin 6 to John Fogarty, Legal Personal Representative (LPR) of Penny Butler (deceased)**

John Fogarty, LPR of Penny Butler (deceased) has made an application to regularise the ownership of a plot of land to the rear of 3 Riverside Cottages, Templeogue, Dublin 6, which has been in possession of the family of the late Penny Butler since approximately 1960. The subject area is coloured green on attached Indicative folio map and is entirely landlocked.

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 Applicant.

Accordingly, I now recommend that the Council disposes of the plot of land measuring 74.6 square metres or thereabouts to the rear of 3 Riverside Cottages, Templeogue, Dublin 6 as coloured green on attached Indicative folio map to John Fogarty, LPR of Penny Butler (deceased) 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 of approximately 74.6 square metres or thereabouts is shown coloured green on the attached Indicative folio map.
2. That the Council disposes of the subject plot for the consideration of €4,500 (four thousand five hundred euro) plus VAT (if applicable).
3. That the Council transfers the unencumbered freehold title with vacant possession in the subject plot.
4. That the Applicant holds the freehold or equivalent interest in No.3 Riverside Cottages.
5. That any boundary feature constructed is in accordance with the Planning and Development and the Building Control legislation.
6. That the Applicant pays Council’s legal fees plus VAT and outlay.
7. That the Applicant pays Council Valuer’s fee of €800 (eight hundred euro) plus VAT.
8. That the Applicant is responsible for any VAT and stamp duty liability associated with this disposal.
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 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**