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



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 11th April 2022**

**H-I 7 (B)**

**LD 1539 Disposal of and regularisation of plots of land at Esker, Lucan, Co. Dublin - SDCC & St Laurence O'Toole Diocesan Trust**

At a meeting held on the 22June 1988, Dublin County Council agreed terms for a disposal and exchange of lands at Esker, Lucan, Co. Dublin - Minute No. C/0469/88 refers. The basis of the exchange was that the Council required portions of land for the construction of the Lucan Bypass and for improvement works to the Newcastle Road which were owned by the St. Laurence O’Toole Diocesan Trust and the Trust in turn required lands owned by the Council for the development of the schools.

However, this land exchange did not reach conclusion.

The Council was subsequently approached with a request to dispose of an additional portion of land to the Trust and in the course of consideration and engagement with the schools and the parish on this request, it became clear that it was not practical to progress the aspects of the original exchange proposal.

It has been agreed by both parties that the residual matters of outstanding title issues need to be resolved. This will regularise title, provide security for the school’s building projects and footprint, and secure a wider beneficial community use appropriate in this case as Council owned land is involved. In addition, it will regularise two residual plots in this area that now form part of the local Road Infrastructure.

Following examination of the matter and consideration by the Council’s Valuer, the Council is prepared, subject to the necessary approvals being obtained, to dispose of 2 plots of land, as shown marked ‘A’ and ‘A1’ on the attached Disposal Drawing No. LA/03/22 subject to the following terms and conditions:-

1. That the Council disposes, by way of a Lease, 2 plots of land to the St. Laurence O’Toole Diocesan Trust for ceding to the School’s Authority, the details of which are as follows:-
	1. Marked ‘A’ on attached Disposal Drawing No. LA/03/22 having an area of 0.35 hectares/0.86 acres or thereabouts
	2. Marked ‘A1’ on attached Disposal Drawing No. LA/03/22 having an area of 0.23 hectares/0.56 acres or thereabouts

for the total ameliorated consideration of €22,000 (twenty-two thousand euro) plus VAT (if applicable).

1. That the St. Laurence O’Toole Diocesan Trust transfers to the Council the freehold title to the lands marked ‘X’ and ‘Y’ on the attached Disposal Drawing No. LA/03/22.
	* Plot ‘X’has an area measurement of 0.008hectares/0.02 acres approximately and was required for the N4 Upgrade Scheme.
	* Plot ‘Y’has an area measurement of 0.093 hectares/0.23 acres approximately and was required for the realignment of the adjoining local road.
2. For the purposes of clarity and completeness of the historic agreements, it is intended that the balance of the lands hatched in red and marked ‘B’ on Disposal Drawing No. LA/03/22 comprising 0.378 hectares/0.934 acres be retained by St. Laurence O’Toole Diocesan Trust for ceding to the School’s Authority.
3. That the Council retains wayleave over areas coloured yellow on plots marked ‘A1’ and ‘A’ on Disposal Drawing No. LA-03-22. No building works of any kind are permitted on the wayleave areas.
4. That the ameliorated consideration referred to at No. 1 above reflects the wider community benefit accruing by virtue of the provision of facilities for Community uses including the Esker Community Initiative, Liffey Valley Sound FM, St. Patrick’s Academy and Esker Scouts.
5. That the Council grants a 300-year Lease at an initial annual rent of €100 per annum subject to review at 5 yearly intervals linked to variations in the Consumer Price Index.
6. That the proposed Lessee grants a Right of Way (both pedestrian and vehicular) to the Council and its nominees from Cannonbrook Lawn, through the plot hatched in red and marked ‘B’. This Right of Way if required, is solely for the purpose of providing an access to the lands identified as Plot A1.
7. That plots ‘A1’ and ‘B’ be used to accommodate non-profit community and recreational purposes for the widest possible community benefit and in particular for the groups comprising the Esker Community Initiative and those identified in Community Department Report. In the event of a breach of this term, the Council reserves the right to terminate the Lease and to resume possession and occupation of the lands, together with any buildings erected thereon.
8. That all boundary features shall be in accordance with the Planning & Development and the Building Control legislation.
9. That the above proposal is subject to satisfactory title being held.
10. That the Lessee shall pay the Council’s legal fees plus VAT and outlay.
11. That the Lessee shall pay the Council Valuer’s fees of €800 (eight hundred euro) plus VAT.
12. That in the event of any name change to Applicant prior to formal completion of the legal transfer, the Lessee 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.
13. That the Law Agent shall draft the necessary legal agreements and shall include any further terms deemed appropriate in Agreements of this nature.
14. That each party shall use their best endeavours to complete the transaction within a reasonable timeframe following adoption of the disposal resolution.
15. That no contract enforceable at Law is created or intended to be created until such time as contracts have been exchanged.
16. That this proposed disposal and exchange is subject to the necessary approvals and consents being obtained.

The lands being disposed of were acquired from Joseph and Elaine Blake in 1980 for housing and open space purposes.

**D. McLoughlin**

**Chief Executive**