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



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 13th June 2022**

**H-I 8 (c)**

**LD 1073 Proposed disposal of plot of land to rear 14 Bawnlea Crescent, Tallaght, Dublin 24**

Eucharia and Michael Daly have applied to purchase a plot of Council owned land to the rear of their dwelling at 14 Bawnlea Crescent to incorporate into their garden.

The matter was examined in consultation with the Council Valuer who has recommended the following terms and conditions which are considered to be fair and reasonable, and which have been accepted by the Applicants.

Accordingly, I now recommend that the Council disposes of its interest in the plot of land measuring 0.0083 hectares (83 square metres) or thereabouts to the rear of 14 Bawnlea Crescent, Jobstown, Tallaght as outlined in red on the attached Drawing No. LR/16/21 to Eucharia and Michael Daly 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 Valuer:-

1. That the subject plot comprises an area of 83 sq. metres or thereabouts as shown outlined in red on the attached Drawing No. LR/16/21.
2. That the Council disposes of the subject plot for the consideration of €10,000 (ten thousand euro) plus VAT (if applicable).
3. That wayleave over portion of the plot as coloured yellow on Drawing No. LR/16/21 is retained to access foul sewer services that exist thereon. No construction works of any kind are permitted on the wayleave area.
4. That the land is disposed of with full freehold title and vacant possession.
5. That the Applicants hold the freehold or equivalent interest in 14 Bawnlea Crescent.
6. That the Applicants incorporate the area and any boundary feature constructed shall be in accordance with the Planning & Development and the Building Control legislation. The new boundary wall should be robust concrete block and match that adjacent.
7. That due care and diligence is taken to ensure that there is no damage to Public Lighting services which run contiguous to the proposed disposal site. The Applicants will be responsible for payment of the Council’s full costs to rectify any damage caused. (The Council’s Electrical Inspector is available to meet on site to advise and indicate to Applicants where potential dangers exist).
8. That the Applicants are responsible for any VAT and stamp duty liability associated with this disposal.
9. That the Applicants pay the Council Valuer fee of €800 (eight hundred euro) plus VAT.
10. That the Applicants have agreed to pay a contribution of €1,500 (one thousand five hundred euro) towards the Council’s legal fees and outlays.
11. That the Applicants are responsible for any VAT and stamp duty liability associated with the disposal.
12. 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.
13. That each party shall use their best endeavours to complete the transaction within a reasonable timeframe following adoption of the disposal resolution.
14. That the Law Agent shall draft the necessary legal agreements and shall include any further terms deemed appropriate in Agreements of this nature.
15. That no contract enforceable at Law is created or intended to be created until such time as contracts have been exchanged.
16. 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**