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



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 14th November 2022**

**H-I 7 (a)**

**LD 1530 Proposed disposal of plot of land adjacent to Dun Ard House, Blackchurch, Rathcoole, Co. Dublin to Mr. John Dempsey**

Mr. John Dempsey has applied to purchase a plot of Council owned land adjacent to his property at Dun Ard House, Blackchurch, Rathcoole, Co. Dublin. The subject plot remains in the ownership of the Council under Folio DN187665F although as part of previous CPO road widening works, a wall/railing was built incorporating it into the Applicant’s curtilage.  The Applicant now wishes to acquire this plot legally through the disposal process.

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 Mr. John Dempsey.

Accordingly, I now recommend that the Council disposes of its interest in the plot of land measuring 0.098 hectares (980 square metres) or thereabouts at Dun Ard House, Blackchurch, Rathcoole, County Dublin as outlined in red on the attached Drawing No. LR/07/21 to Mr. John Dempsey in accordance with Section 211 & 212 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 0.098 hectares (980 sq. metres) or thereabouts as shown outlined in red on the attached Drawing No. LR/07/21.
2. That the Council disposes of the subject plot for the consideration of €22,000 (twenty two thousand euro) plus VAT (if applicable).
3. That the land is disposed of with full freehold title and vacant possession.
4. That the Applicant holds the freehold or equivalent interest in Dun Ard House, Blackchurch, Rathcoole, Co Dublin.
5. That the Applicant pays the Council’s Valuer fee of €1,200 plus VAT.
6. That the Applicant pays a contribution of €1,500 towards the Council legal fees.
7. That the Applicant is responsible for any VAT and stamp duty liability associated with this disposal.
8. 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.
9. That each party shall use their best endeavours to complete the transaction within a reasonable timeframe following adoption of the disposal resolution.
10. That the Law Agent shall draft the necessary legal agreements and shall include any further terms deemed appropriate in Agreements of this nature.
11. That no contract enforceable at Law is created or intended to be created until such time as contracts have been exchanged.

14. That the disposal is subject to the necessary approvals and consents being obtained.

The lands being disposed form part of the lands acquired by Compulsory Purchase Order from M. Fallon on 22 October 2007 for road improvement works.

**Daniel McLoughlin**

**Chief Executive**