



Memo re. Record of ownership of Tara Hill Land Strip

As part of our pre-acquisition due diligence, investigation into the ownership of the land strip to the eastern border of Silveracre Bungalow was undertaken. This involved discussions with the Vendor, online research and multiple trips to the Valuations offices and ending with a search by the Registry of Deeds.

Facts

In May 2021, I spoke with the Property Registration Authorities, in order to establish provenance of the land strip. They were unable to assist until I could establish at a minimum the names of three former owners of the land for them to complete a search in the Registry of Deeds. As such, I engaged with the vendor of the property.

The vendor of Silveracre Bungalow, Mrs. Joan Moloney, had undertaken years of extensive research regarding the provenance of her lands, including the land strip to the east. In July 2021, she summarized her years of extensive research as follows:

- 1720 - Memorial No. 25/55/16195 shows the transfer of 10,500 acres of land around Rathfarnham Castle to Adam Loftus
- Loftus' son Warrington inherits
- Memorial number 27/269/16917 shows the fee simple transfer of lands from Loftus to Warrington then on to Jacob's
- 1722 - William Connelly bought the lands from Jacobs, Connolly renewed a lease with the Presbyterians
- 14 January 1847 there was a renewal of water lease but no names mentioned in the lease.
- April 1851 - A Farm fee grant was given by John Earl of Stafford & Others. The others mentioned appear to be: William Thomas Earl of Clancarty; Thomas Connolly (heir of William Connolly); Elizabeth Pakenham; & Helen Pakenham

At the same time, I was also directed by the PRAI to the old OSI maps, and the SDCC Heritage maps online. Here I had access to maps of the area from 1816 up to present day.

The maps reviewed, as detailed in the Conservation Architect report, are as follows:

- 1816 map, known as Taylor's Map, shows limited information regarding the land strip, the area was in large part attached to Rathfarnham Castle, and was known as Brooklawn Mills.
- Duncan's map of 1821 is clearer, with the lands still indicated as part of Brooklawn Mills.
- The First Edition Ordinance Survey Map of 1843, the site was shown to be part of a pin factory with a mill pond extending on to the site. Buildings are outlined on site for the first time.
- The Second Edition map dated 1866, indicated the site was a flour mill with streams on the eastern and through the western boundary of the site. Reference numbers are now identifiable on the maps for parcels of land in the area of the site.
- The 1910 map has plot areas indicated on the map, with our site still part of the flour mill in the area. A weir to the furthest south-eastern point of our site, is indicated on the map, along with continued structures on site to the western boundary.

- The 1934 OSI map is clearer again, splitting the western residences into smaller plots, with the land strip clearly showing as a separate parcel of land from the site we purchased.
- By the 1972 map, each property in the area has another number assigned to it, representing the house numbers along the Whitchurch Road.

Using these identifiers, I visited the Valuations office hoping that the property tax records would be of use in identifying previous owners of the site. Using the historical maps available online, and the additional historical maps on file in the Valuation's Office, I was able to establish the following:

- 1899-1903 – John E Madden was the lessor / owner of Flour Mill and lands indicated and identified as 19a Willbrook, in the Townland of Rathfarnham. Patrick O'Shea was the lessor for lands indicated and identified as 19 b-j Willbrook, in the Townland of Rathfarnham. See attached map.
- 1904-1909 – John E Madden was the lessor / owner of Flour Mill and lands indicated and identified as 19a Willbrook, in the Townland of Rathfarnham. Patrick O'Shea was the lessor for lands indicated and identified as 19 b-j Willbrook, in the Townland of Rathfarnham.
- 1908-1923 – John E Madden was the lessor / owner of Flour Mill, shop and lands indicated and identified as 8 & 8a Willbrook, in the Townland of Rathfarnham. This now correlates to the OSI Maps and their identifiers for the site. 8a is the site now owned by Dungrey Limited. The red line includes the land strip which was a mill race at this time (see attached).
- 1923-1947 – Miriam Madden is the lessor of house and lands indicated and identified as 8 & 8a Willbrook, in the Townland of Rathfarnham.
- 1936-1947 – Miriam Madden was the Lessor of house and land until in 1943 a Mrs. Burke is noted as being the Lessor. No first name for Mrs. Burke is noted / determined.
- 1947-1953 – Mrs. Burke is the Lessor of House and Lands indicated and identified as 8 & 8a Willbrook, in the Townland of Rathfarnham.
- 1953-1962 – Mrs. Burke is the Lessor of House and Lands indicated and identified as 8 & 8a Willbrook, in the Townland of Rathfarnham
- 1963-1987 – Mrs. Burke is the Lessor of House and Lands indicated and identified as 8 & 8a Willbrook, in the Townland of Rathfarnham
- 1963-1987 – Dublin Corporation is first registered as lessor of 1a Tara Hill Crescent, in the Townland of Rathfarnham.
- 1993 – Mrs. Burke is the Lessor of House and Lands indicated and identified as 8 & 8a Willbrook, in the Townland of Rathfarnham
- 1994 – The lessor of this land parcel is unknown, and the Valuations Office declares that year's request type as "Struck Out".

At this stage I reverted to Mrs. Moloney, who clarified that her Father-in-Law, Richard Roche, was the occupier of the land identified as 8a, in the Valuations Office records. This is confirmed by the Valuations Office records.

A resulting search in the Registry of Deeds was unable to clearly establish the current ownership of these unregistered lands.

Repeated requests to the SDCC legal department have gone unanswered as to whether SDCC own or claim ownership to this land.

A point to note, the maps online and in the Valuations Office were not updated to reflect land sales, and as such, it is unclear from the tax records at what point this land strip ceased to be owned by the Lessor of the site 8a.

Pipe & Recent Boundary History

In 1972, Mrs. Moloney moved to the property in question. At this time, she noted that there was a body of water running through the area that is now a land strip. This natural boundary provided the separation of Silveracre Bungalow from Tara Hill Crescent.

Mrs. Moloney noted that in the early 1990's she and her husband bought the freehold of the site, having acquired the leasehold through adverse possession by way of her husband's family occupying the site since 1947. The Registry of Deeds records the "assent to vesting" granted by Vincent Moloney to Vincent Moloney & Another in March 1990, and in October 1990, a mortgage being granted by AIB to Vincent & Joan Moloney, thus establishing them as registered owners of the lands by 1990.

In 1989/1990, Mrs. Moloney and her husband were approached by the Parks Department requesting permission to pipe the, now minor, stream in order to service the lakes at Rathfarnham Castle. At this time, The Moloney's were experiencing anti-social activity directed at their site, from the residents of Tara Hill Crescent. This anti-social behaviour continued to worsen after the pipe was installed, as there was now no natural barrier separating the property from Tara Hill Crescent.

Between 1990 and 1994, Mrs. Moloney wrote to the Parks Department and her TD on numerous occasions regarding the need for a boundary wall to be erected between Tara Hill Crescent and Silveracre Bungalow. In 1994 SDCC became the administrative authority of the area.

Between 1994-1996, Mrs. Moloney continued to write to SDCC regarding a boundary fence. In 1996, SDCC offered to erect a palisade fence, but permission was not granted by Mrs. Moloney, as in her view SDCC would not maintain this.

In October 2001, SDCC commenced work to cover the pipe, including on the Moloney's "side of the pipe" which was, at the time determined by a hedgerow. This hedgerow was removed during the SDCC works to fill in the area housing the pipe. Around this time, a palisade fence was erected on the Tara Hill Crescent side of the pipe.

Mrs. Moloney continued, via her solicitor, to attempt to establish the boundaries of her site in agreement with SDCC, to no avail.

In 2013, Mr & Mrs. Moloney applied for, and were granted, planning permission to erect a wall on the line that they deemed their boundary to be. This created the land strip now in question.

Despite extensive research, by Mrs. Moloney and I, to establish the ownership of the land, this land is unregistered and as such, no records publicly available indicate ownership.

If the Moloney's had not erected the wall in 2013, the land could possibly have been claimed via adverse possession, given the palisade fence being erected in 2001 on the far side of the pipe. However, the wall being built voided this potential to incorporate the land strip into our site.

The land continues to be unregistered. No owner has been established.

Appendix A – Map c. 1899-1909 of rateable lands 19 a-j in Townland of Rathfarnham



Appendix B - 1932 Rateable lands 8 & 8a in Townland of Rathfarnham

