

**The Chairperson and Members
South Central Area Committee**

With reference to the proposed transfer of all common areas in the Herberton Development, Rialto, Dublin 8 to Herberton Estate Management Company Ltd

Dublin City Council's Masterplan for the regeneration of Fatima Mansions included proposals for the demolition of all existing buildings and the construction of public and private units of accommodation, community/leisure facilities and some commercial and enterprise space. Maplewood Elliott J.V. Ltd. was selected as the Developer for this project.

Report No.105/2004 which was assented to by the City Council at its meeting held on 5th April 2004 approved the transfer of title from Dublin City Council, by way of lease, to the purchasers of the private dwellings and commercial spaces subject to each individual disposal being brought to the Council in accordance with section 183 of the Local Government Act 2001.

Reports 253-265/12 assented to by the City Council at its meeting on the 3rd. September 2012 approved the transfer of title to all unsold private residential units, commercial units and the Leisure Centre to the developer Maplewood Elliott J.V. Ltd., as per the original agreement.

Dublin City Council now proposes to dispose of the fee simple in the common areas to the management company, known as *Herberton Estate Management Company Ltd*, in compliance with the Multi-Unit Developments Act 2011.

The common areas are shown shaded in pink and yellow on the attached map index number SM-2017-0126. The common areas, being transferred "shall exclude those parts which shall be retained or taken in charge by the Council and shall be subject to and with the benefit of (a) the leases of the apartments and commercial units, where appropriate (b) any other easements, rights and privileges granted or reserved by the Council in, over or under the managed area and (c) the leases of any electricity substation serving the development".

The development and common areas are built on lands acquired under the Rialto Area C.P.O. 1936.

No agreement enforceable by law is created or intended to be created until exchange of contracts has taken place.

That the agreement shall be subject to any other such terms and conditions as deemed appropriate by Dublin City Council's Law Agent.

Paul Clegg
Acting Assistant Chief Executive