



---

**With reference to the proposed transfer of interest to Terence O’Keeffe (in trust) from Dublin City Council of 70 Apartments, F2 Centre, Café, 67 car parking spaces, Creche, commercial Unit (Barber Shop in Block D), 2 Enterprise Units on Reuben Plaza, and all weather Football Pitch in Reuben Plaza**

---

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 5<sup>th</sup> April 2004 approved in principle 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 at the City Council at its meeting on the 3<sup>rd</sup> 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 must now obtain marketable title to the property it acquired under the PPP project, as per the original agreement. This property is as detailed in the table below and shown on attached Map Index Number SM-2017-0128(excluding the apartments) and map of car park.

The nature of apartment ownership is that apartment owners - and indeed other property owners in a mixed use mixed ownership development - must obtain a lease interest in their property while the freehold title is held by a management company of which they become members when they purchase their property. The lease interest provides them with the right to sell but also requires them to take part in the management of the estate including paying service charges etc. All the units that were sold to individuals were dealt with in this manner

In accordance with the Multi Unit Development Act 2011 the developer must vest the common areas including the freehold title along with the common area property such as walls, windows, roofs and lifts in the apartment blocks in the apartment owners’ management company (Herberton Estate Management Company Limited). Prior to the Council transferring title of the land to the developers (so that they vest the common areas) it is necessary for the Council to obtain marketable title to the property that it acquired under the PPP project agreement including the remaining 70 apartments throughout the development, the F2 centre, crèche and enterprise units. The other 110 units were houses and duplex units in Phase 1 and therefore are already in Dublin City Council ownership and do not form part of the common area being transferred to the Management Company.

In the case of the individual apartment owners, including those purchasing affordable units from the Council, the lease was issued by the Council to the individual property owners. As part of finalising the project the Council transferred all the remaining unsold private units and commercial units to the developer,(Section 183 dated 10<sup>th</sup> September 2012) thus the only units remaining on the land that have not been leased are those owned by the Council itself.

Since the Council cannot lease the units to itself and since it must dispose of its freehold interest, it is necessary to devise a mechanism by which it can acquire marketable title to its property in Herberton by way of lease. Furthermore it must do this before it disposes of the freehold title to the land to the estate management company (Herberton Estate Management Company Ltd) to comply with the MUD Act and to meet the Council's obligations under the Project Agreement. The advice that the Council has obtained from the Law Agents is that the Council should transfer the properties listed below to Terence O'Keeffe (in trust) who will then lease them back to the Council. In this way the Council will have obtained marketable title to its property and will still be able to divest itself of the freehold title to the land on which the units are located. It will also become part of the management company and liable for service charges etc.

It is proposed to grant a lease to Terence O'Keeffe (in trust), in respect of the properties listed below who will then transfer a lease back to Dublin City Council for the purpose of registering title:

<b>Count</b>	<b>Residential Unit</b>	<b>Block</b>	<b>Developer</b>
1	Apt 1. 08 Reuben Walk	D	Terence O'Keeffe (in trust )
2	Apt 2. 08 Reuben Walk	D	ditto
3	Apt 3. 08 Reuben Walk	D	ditto
4	Apt 4. 08 Reuben Walk	D	ditto
5	Apt 5. 08 Reuben Walk	D	ditto
6	Apt 6. 08 Reuben Walk	D	ditto
7	Apt 7. 08 Reuben Walk	D	ditto
8	Apt 8. 08 Reuben Walk	D	ditto
9	Apt 1. 06 Reuben Walk	D	ditto
10	Apt 2. 06 Reuben Walk	D	ditto
11	Apt 3. 06 Reuben Walk	D	ditto
12	Apt 4. 06 Reuben Walk	D	ditto
13	Apt 5 .06 Reuben Walk	D	ditto
14	Apt 6. 06 Reuben Walk	D	ditto
15	Apt 7.06 Reuben Walk	D	ditto
16	Apt.8. 06 Reuben Walk	D	ditto
17	Apt 1, 04 Reuben Walk	D	ditto
18	Apt 2. 04 Reuben Walk	D	ditto
19	Apt 3, 04 Reuben Walk	D	ditto
20	Apt 4, 04 Reuben Walk	D	ditto
21	Apt 5. 04 Reuben Walk	D	ditto
22	Apt 6, 04 Reuben Walk	D	ditto
23	Apt 7. 04 Reuben Walk	D	ditto
24	Apt 8, 04 Reuben Walk	D	ditto
25	Apt 1, 02 Reuben Walk	D	ditto
26	Apt 2, 02 Reuben Walk	D	ditto
27	Apt 3, 02 Reuben Walk	D	ditto
28	Apt 4, 02 Reuben Walk	D	ditto
29	Apt 5, 02 Reuben Walk	D	ditto

30	Apt 6, 02 Reuben Walk	D	ditto
31	Apt 7. 02 Reuben Walk	D	ditto
32	Apt 8. 02 Reuben Walk	D	ditto
33	Apt 1, 74 Reuben Street	D	ditto
34	Apt 2, 74 Reuben Street	D	ditto
35	Apt 3, 74 Reuben Street	D	ditto
36	Apt 4, 74 Reuben Street	D	ditto
37	Apt 5, 74 Reuben Street	D	ditto
38	Apt 6, 74 Reuben Street	D	ditto
39	Apt 7, 74 Reuben Street	D	ditto
40	Apt 8, 74 Reuben Street	D	ditto
41	Apt 1, 76 Reuben Street	D	ditto
42	Apt 2, 76 Reuben Street	D	ditto
43	Apt 3, 76 Reuben Street	D	ditto
44	Apt 4, 76 Reuben Street	D	ditto
45	Apt 5, 76 Reuben Street	D	ditto
46	Apt 6, 76 Reuben Street	D	ditto
47	Apt 7, 76 Reuben Street	D	ditto
48	Apt 8, 76 Reuben Street	D	ditto
49	Apt 9, 76 Reuben Street	D	ditto
50	Apt 10, 76 Reuben Street	D	ditto
51	Apt 11, 76 Reuben Street	D	ditto
52	Apt 3, 78 Reuben Street	D	ditto
53	Apt 1, 78 Reuben Street	D	ditto
54	Apt 6, 78 Reuben Street	D	ditto
55	Apt 7, 78 Reuben Street	D	ditto
56	Apt 17, 86 Reuben Street	D	ditto
57	Apt 1, 82 Reuben street	D	ditto
58	Apt 6, 82 Reuben Street	D	ditto
59	Apt 2, 13 Clarke's Terrace	B	ditto
60	Apt 1, 13 Clarke's Terrace	B	ditto
61	Apt 3, 30 James's Walk	B	ditto
62	Apt 8, 40 Herberton Street	B	ditto
63	Apt 5, 49 St. Anthony's Road	A	ditto
64	Apt 1, 4 Herberton Street	B	ditto
65	Apt 1, 29 James's Walk	B	ditto
66	Apt 12, 4 Herberton Street	B	ditto
67	Apt 7, 29 James' s Walk	B	ditto
68	Apt 6, 49 St. Anthony's Road	A	ditto
69	Apt 2, 6 Reuben Plaza	A	ditto
70	7 Reuben Plaza	A	ditto
71	8a Reuben Plaza	A	ditto
72	8 Reuben Plaza (Enterprise unit)	A	ditto
73	41 St. Anthony's Road (Enterprise unit)		
74	Café	D	ditto
75	F2 Centre	D	ditto
76	Creche	D	ditto
77	Barber Shop	D	
78	67 Car Park Spaces	Various	ditto
79	All-weather Football Pitch – Reuben Plaza		ditto

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.


This proposal was approved by the South Central Area Committee at its meeting on 19<sup>th</sup> April 2017.

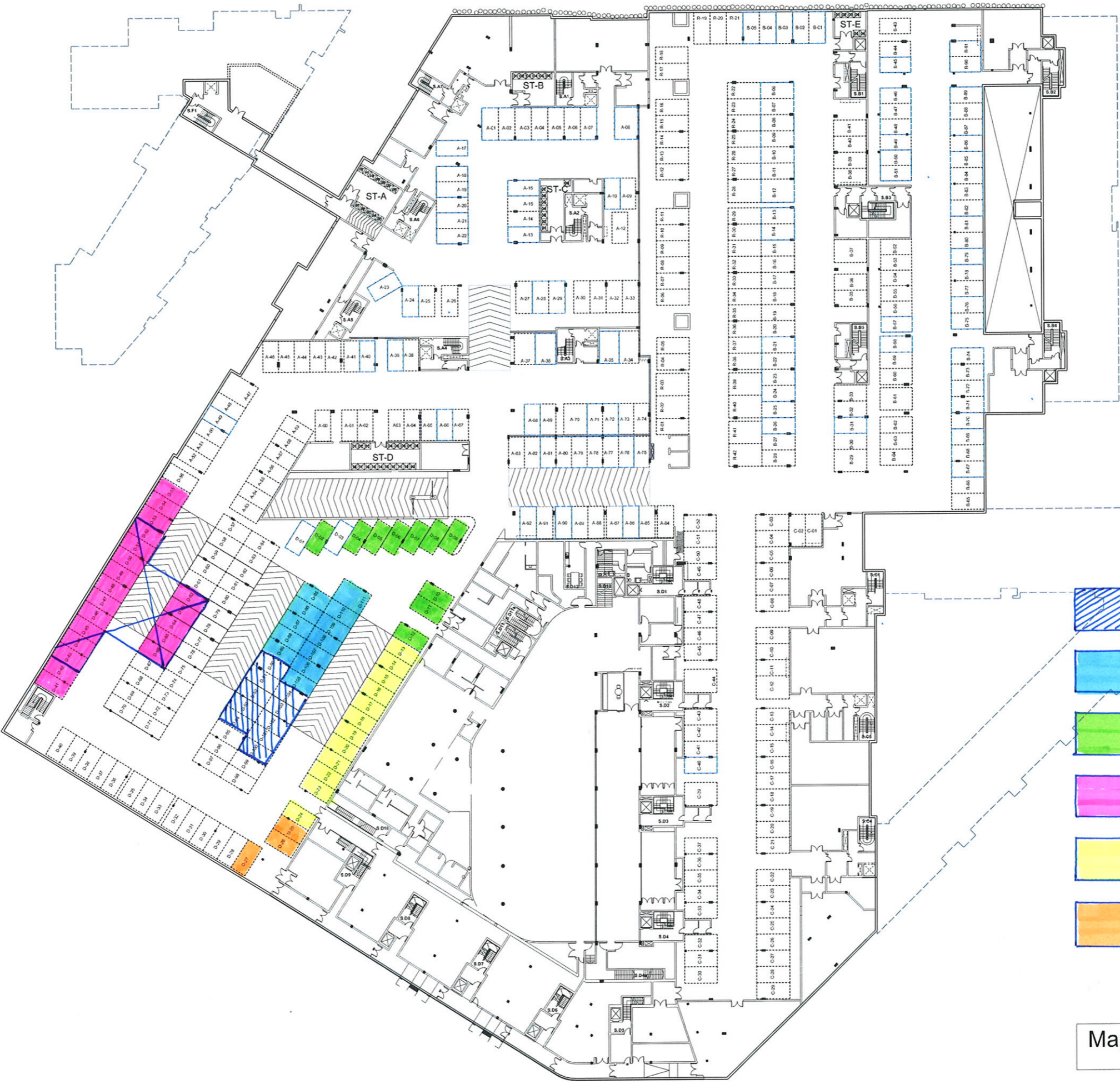
This report is submitted in accordance with the requirements of Section 183 of the Local Government Act, 2001.

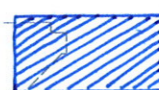

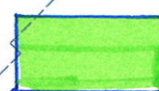

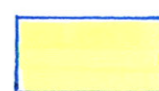

Dated 24th day of April 2017

**Declan Wallace**  
**Assistant Chief Executive**

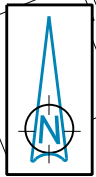
Name of Development - **Herberton NTS**  
 Scale:  
 This Map Was Created Electronically.  
 FOR IDENTIFICATION PURPOSES ONLY

 DENOTES LOCATION OF PREVIOUSLY ALLOCATED SPACES

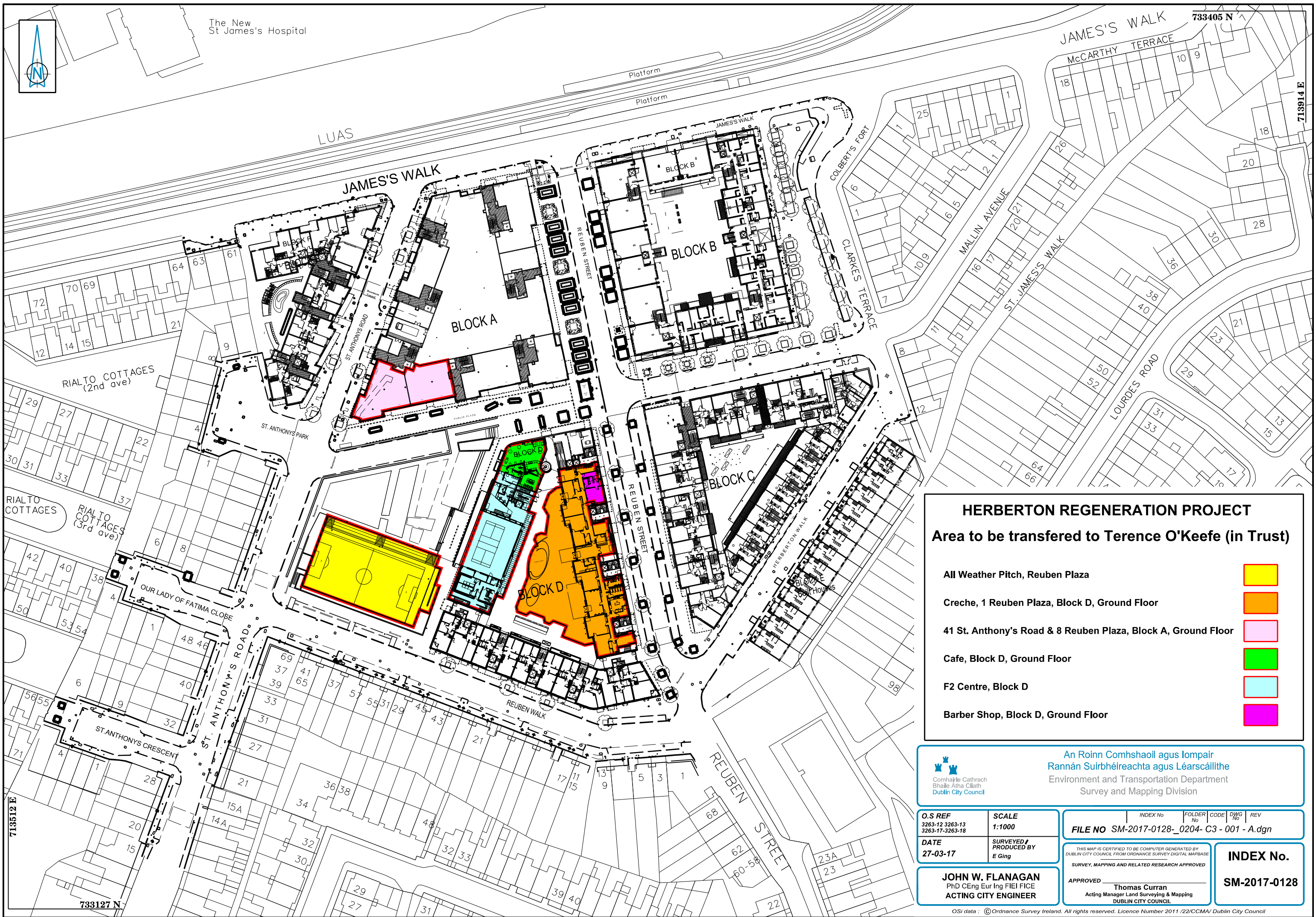


-  F2 Centre Staff (10).
  -  DCC Allocation For 24 Blocks D (12).
  -  DCC Rent to Buy Units (10).
  -  DCC Retail (20).
  -  DCC Affordable (used by F2) (12)
  -  DCC Affordable (unused) (3)
- 
- 67

Map A



The New St James's Hospital



**HERBERTON REGENERATION PROJECT**  
**Area to be transferred to Terence O'Keefe (in Trust)**

- All Weather Pitch, Reuben Plaza
- Creche, 1 Reuben Plaza, Block D, Ground Floor
- 41 St. Anthony's Road & 8 Reuben Plaza, Block A, Ground Floor
- Cafe, Block D, Ground Floor
- F2 Centre, Block D
- Barber Shop, Block D, Ground Floor

**An Roinn Comhshaoil agus Iompair**  
**Rannán Suirbhéireachta agus Léarscáilithe**  
 Environment and Transportation Department  
 Survey and Mapping Division

<b>O.S REF</b> 3263-12 3263-13 3263-17-3263-18	<b>SCALE</b> 1:1000
<b>DATE</b> 27-03-17	<b>SURVEYED / PRODUCED BY</b> E Ging

<b>INDEX No</b>	<b>FOLDER No</b>	<b>CODE</b>	<b>DWG No</b>	<b>REV</b>
<b>FILE NO</b> SM-2017-0128_0204-C3-001-A.dgn				

THIS MAP IS CERTIFIED TO BE COMPUTER GENERATED BY DUBLIN CITY COUNCIL FROM ORDNANCE SURVEY DIGITAL MAPBASE SURVEY, MAPPING AND RELATED RESEARCH APPROVED

**JOHN W. FLANAGAN**  
 PhD CEng Eur Ing FIEI FICE  
 ACTING CITY ENGINEER

**APPROVED**  
 Thomas Curran  
 Acting Manager Land Surveying & Mapping  
 DUBLIN CITY COUNCIL

**INDEX No.**  
**SM-2017-0128**