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**With reference to the disposal of site at Poplar Row, Ballybough, Dublin 3 to Oaklee Housing Trust Limited**

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Housing and Community Services has requested the disposal of a property at Poplar Row, Ballybough, Dublin 3 to Oaklee Housing Trust Limited, an approved housing body and registered charity, who propose to construct 29 units of residential accommodation on the property. Oaklee Housing Trust Limited is funding the development with private finance under the Social Housing Leasing Initiative. Dublin City Council will enter into a Payment and Availability Agreement with Oaklee Housing Trust and in turn the Council will have 100% nomination rights to the units. The site comprises an area of circa 4028 sq. m and is shown delineated in red on Map Index No. SM-2016-0296.

The Chief Valuer has reported that agreement has now been reached with Oaklee Housing Trust Limited to dispose of the City Council's fee simple interest in this property, subject to the following terms and conditions:

1. That the property shall be disposed of under the terms of the Low Cost Sites Scheme.
2. That the disposal price shall be €127 (one hundred and twenty seven euro) plus VAT if applicable per residential unit (29 units in total).
3. That the development complies with the planning permission 4124/15.
4. Oaklee to carry out a dilapidation survey of adjacent Dublin City Council properties on each side of the Oaklee development and of the structure remaining after the stair core has been demolished. This survey to be provided to the Executive Manager, Housing and Community Services, Dublin City Council, prior to commencement of any construction work near these boundaries.
5. Oaklee to provide structural calculations for the combined foundation of Dublin City Council's remaining wall and the new stanchions to the Oaklee development to the Executive Manager, Housing and Community Services, Dublin City Council.
6. Oaklee to provide that the new Dublin City Council wall is to comprise insulated cavity wall. Details of proposed construction to be provided including wall ties and weathering at the top of the wall at the junction with the Oaklee building. Details of the treatment of the vertical joint between both buildings to be provided. All details and Method Statement to be provided and agreed with the Executive Manager Housing and Community Services, Dublin City Council.
7. Oaklee and its contractor to facilitate staff of the City Architect's Division of Dublin City Council in carrying out any inspections necessary to ensure that Dublin City Council's requirements are being met.

8. Oaklee and its contractor to be responsible for any temporary works, barriers, signage, screening etc that may be required during the part demolition.
9. Oaklee to liaise with Dublin City Council's tenants in respect of the demolition works.
10. Oaklee and its contractor to indemnify Dublin City Council against any claims arising from the design and construction of its development on the site, including any damage to Dublin City Council's adjacent structures and remaining structure following removal of the staircore and any claims from nearby residents or Oaklee's tenants.
11. That prior to the transfer of title, the Proposed Purchaser and its contractor and professional team shall be permitted to enter onto the property under a Building Licence agreement, on standard terms to be agreed, for the purposes of commencing the approved development.
12. That there is an inhibition on the title that the property can only be used for social housing purposes with 100% nomination rights by Dublin City Council.
13. That should the property cease to be used by Oaklee Housing Trust Limited for social housing it will transfer free of charge to Dublin City Council subject to any outstanding borrowing from the Housing Finance Agency being discharged to the HFA in advance of such a transfer.
14. That Dublin City Council will provide a side letter agreeing to consult with the HFA before exercising its step-in rights under the Building Covenant.
15. That the title to be transferred to Oaklee Housing Trust Limited is subject to a Building Covenant and the execution of a Payment and Availability Agreement and a Capital Advance Agreement between Dublin City Council and Oaklee Housing Trust Limited.
16. That Oaklee Housing Trust Limited shall not sell, assign, sublet or part with possession of the premises or part thereof without obtaining the written consent of the City Council.
17. That each party shall be responsible for their own legal fees.
18. That Oaklee Housing Trust Limited shall be liable for the payment of VAT or Stamp Duty should any payments arise from this disposal.
19. That the City Council reserves the right to re-enter the property and resume possession thereof should the purchaser fail to commence and complete the development for which planning permission has been granted or in the event of the purchaser's bankruptcy or insolvency save in the case of a Financial Institution which has entered into a mortgage with the purchaser for the purpose of financing the development.

Dublin City Council acquired this site under the Poplar Row Spring Garden Street Area CPO 1962 from the Lyndon Estate, Ruth Lyster and by Vesting Order.

The dates for the performances of any of the requirements of the proposed agreement may be amended at the absolute discretion of the Executive Manager.

The disposal shall be subject to any such covenants and conditions as the Law Agent in his discretion shall stipulate.

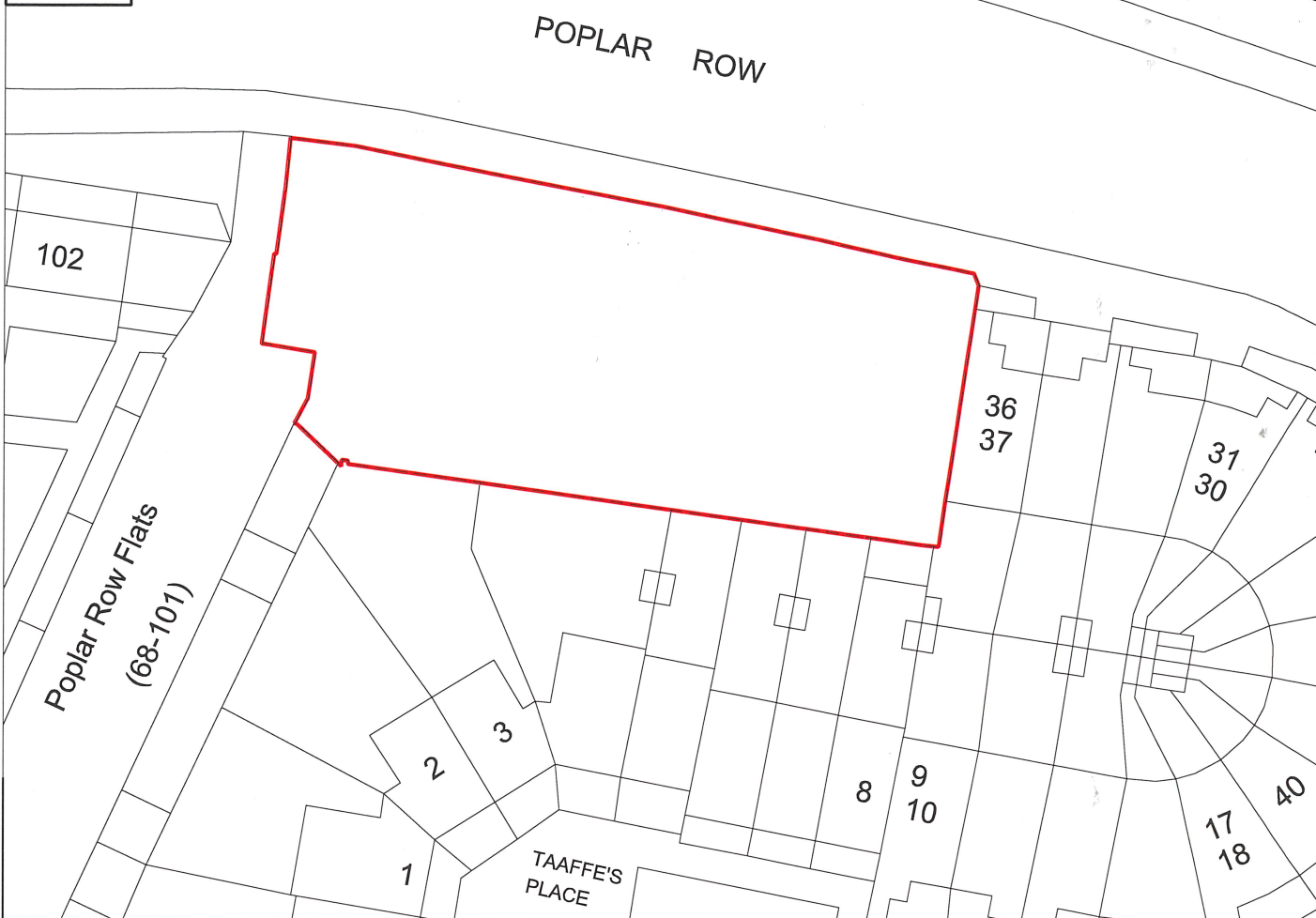
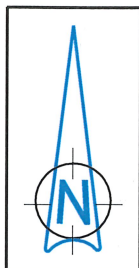
No agreement enforceable at law is created or intended to be created until an exchange of contracts has taken place.

This proposal was approved by the Central Area Committee meeting at its meeting on 11<sup>th</sup> April 2017.

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

Dated 20th day of April 2017.

**Paul Clegg**  
**Executive Manager**



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N: 735944.98

**POPLAR ROW SITE  
MAP FOR DISPOSAL  
DUBLIN CITY COUNCIL TO OAKLEE HOUSING TRUST**

----- BOUNDARY LINE BASED ON COONEY ARCHITECTS SURVEY

AREA: 4028m<sup>2</sup>



Comhairle Cathrach  
Bhaile Átha Cliath  
Dublin City Council

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

<b>O.S REF</b>	<b>SCALE</b>
3198-17 ITM	1:500
<b>DATE</b>	<b>SURVEYED / PRODUCED BY</b>
24.06.2016	T.J.C.

<b>FILE NO</b>	INDEX No	FOLDER No	CODE	DWG No	REV
SM-2016-0296 - 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-2016-0296**