



With reference to the proposed disposal of the Council's fee simple interest in a site in the Ballyfermot Industrial Estate (now known as Unit 3C Kylemore Park South), Ballyfermot, Dublin 10

Under Indenture of Lease dated 27th March 1980 Dublin City Council demised a plot of land at Ballyfermot Industrial Estate (now known as Unit 3C Kylemore Park South), Dublin 10 to Emerald Fashions Limited for a term of 99 years from 5th January 1977 subject to the payment of a capital premium of €10,538.83 (£8,300) and the payment of an initial annual rent of €1,333.23 (£1,050) with rent reviews every 5 years. The current passing rent is €6,750 per annum effective from 5th January 2012.

Mr Christopher Caldwell, the current lessee has applied to Dublin City Council to acquire the Council's fee simple interest therein. The Law Agent advises that the applicant does not have a statutory entitlement to acquire the Council's fee simple interest and the Council's Chief Valuer was instructed to enter into negotiations with the applicant on this basis.

The Chief Valuers Office reports that terms and conditions have been agreed and accordingly it is proposed to dispose of the Council's fee simple interest in a site in the Ballyfermot Industrial Estate (now known as Unit 3C Kylemore Park South), Ballyfermot, Dublin 10 to Christopher Caldwell subject to the following terms and conditions:

1. That the subject site proposed to be disposed measures an area of approximately 1,594 sq. m and is more particularly shown outlined in red on Map Index No. SM2016-0124.
2. That the subject site is held under indenture of lease dated 27th March 1980 between Emerald Fashions Limited and Dublin City Council for a term of 99 years from 5th January 1977.
3. That the applicant currently holds the leasehold interest in the subject property and the proposed disposal shall be subject to satisfactory proof of title.
4. That the disposal price shall be a sum of €85,000 (eighty five thousand euro), in full and final settlement.
5. That the applicant shall pay any charges which they are liable for under the relevant legislation and shall clear all outstanding rent, rates and taxes (if any) on the property prior to the completion of the sale.
6. That a deposit of 10% shall be required upon the signing of contracts.

7. That the balance shall be paid upon closing which shall be within 3 months of statutory approvals being obtained.
8. That the applicant shall be responsible for any VAT liability associated with this disposal and indemnify Dublin City Council against same.
9. That the applicant shall pay the City Council's Valuer fee of €1,500 (one thousand five hundred euro) plus VAT together with legal costs of transfer which shall be agreed with the Council's Law Agent.
10. That the above proposal is subject to the necessary approvals and consents being obtained.

The site proposed to be disposed was acquired in fee simple from Thomas Rafter.

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

The proposed disposal shall be subject to such conditions as to title to be furnished, as the Law Agent in his discretion shall stipulate.

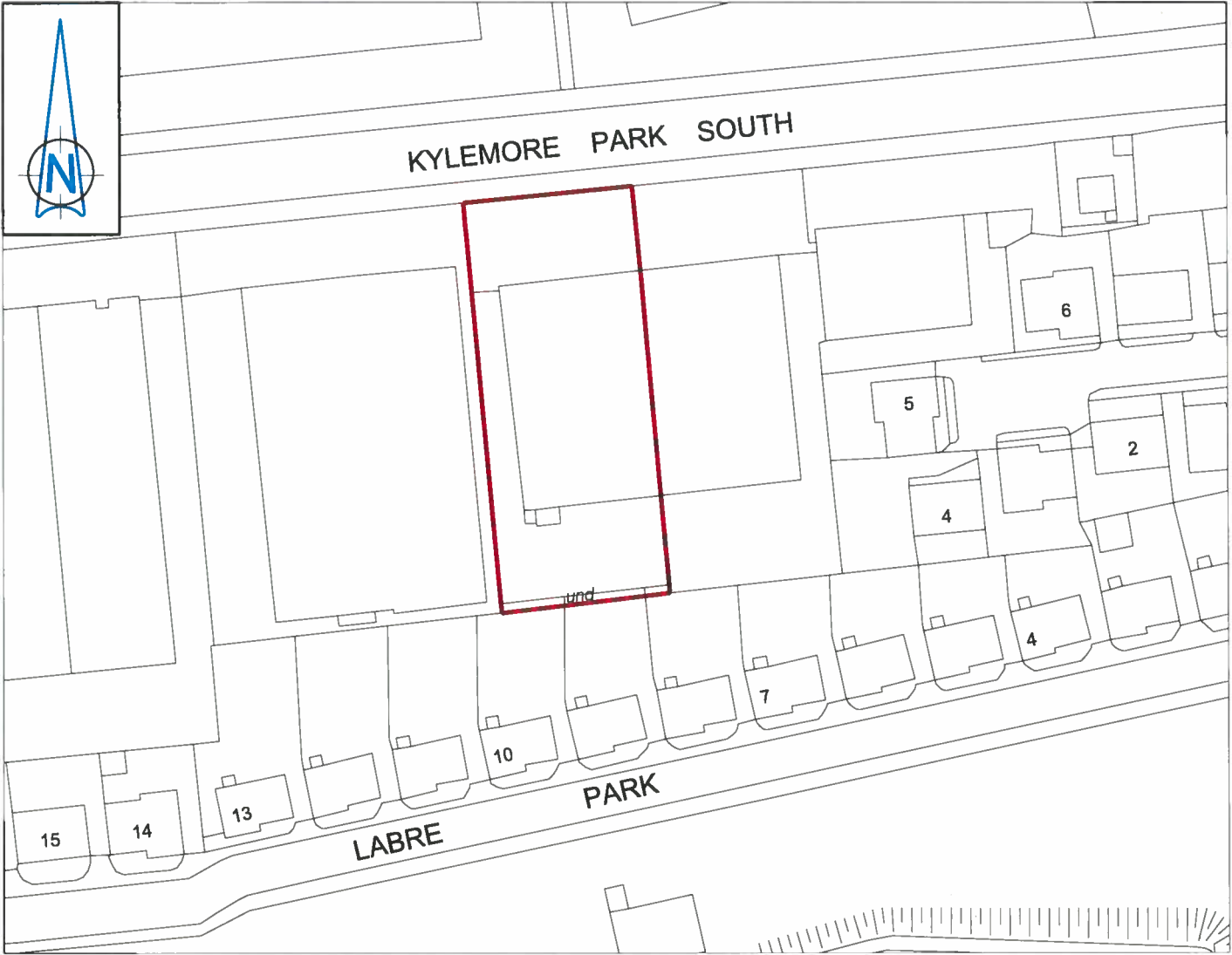
No agreement enforceable at law is created or intended to be created until an exchange of contracts has taken place.

This proposal was approved by the South Central Area Committee at its meeting of the 16th March 2016.

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

Dated this the 18th day of March 2016.

Paul Clegg
Executive Manager



Ballyfermot Industrial Estate – Kylemore Park South

Dublin City Council to Christopher Caldwell

Disposal of Fee Simple

Area: 1594 sq m



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

O.S REF 3262-18	SCALE 1:1000
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SURVEY, MAPPING AND RELATED RESEARCH APPROVED

APPROVED *Thomas Curran 08/03/2016*
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ACTING MANAGER LAND SURVEYING & MAPPING
DUBLIN CITY COUNCIL

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