

15/05/2017

To the Chairperson and Members of
The Central Area Committee

With reference to the grant of a lease to the Health Service Executive for property at St. Elizabeth's Court, North Circular Road, Dublin 7

St. Elizabeth's Court is a service providing accommodation for elderly people with mental health issues (a 30 bed high dependency nursing unit). It is located off the south side of North Circular Road (Phoenix Park end) adjacent to the Grangegorman site.

Dublin City Council acquired the site by agreement, in fee simple from the Eastern Health Board in 1974 and St. Elizabeth's Court was subsequently built on these lands. Dublin City Council financed the building of St. Elizabeth's Court which was originally used as a senior citizen flats complex. Dublin City Council paid the Eastern Health Board for a period of about 5/6 years in the 1980's for maintenance of the flats at St. Elizabeth's Court. Payment was then reduced and eventually ceased as the occupants were replaced by Eastern Health Board patients from St. Brendan's Hospital.

As the Health Service Executive has been in occupation of this premises for a number of years, it is now proposed to regularise occupation. Agreement has now been reached with the Health Service Executive to grant the lease, subject to the following terms and conditions:

1. That the subject site, known as St. Elizabeth's Court, is situated on North Circular Road, Dublin 7, with an approximate area of 0.268 ha/ 0.66 acres (see map attached for indicative purposes)
2. That Dublin City Council hold the fee simple interest in the subject site.
3. That Dublin City Council proposes to dispose of a leasehold interest to the Health Service Executive for a period of 99 years, subject to an annual rent of €10 (ten euro), with the provision for five yearly rent reviews, linked to movements in the Consumer Price Index.
4. If requested, in advance of the lease to the Health Service Executive being executed, Dublin City Council will grant licences to the Grangegorman Development Agency/Health Service Executive to develop the lands in accordance with planning permissions to be obtained in accordance with the Strategic Development Zone plan.
5. That the proposed lease will include conditions preventing the subject land forming part of any private residential or commercial development, or the inclusion of the land, for density or access purposes, in any application for planning permission for private residential or commercial development of the adjoining lands.

6. That the Health Service Executive shall be responsible for any VAT or Stamp Duty arising on this transaction.
7. That each party shall be responsible for their own fees in this case.
8. That should the lease remain unexecuted by 31st December, 2017, the Council reserve the right to withdraw from this transaction.

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.

Paul Clegg

06/06/2017

Executive Manager

Date