

The Chairman and Members of
North West Area Committee.

Development Department
Civic Offices

Meeting: 19th September 2017

Item No 19

With reference to the proposed disposal and acquisition of lands at Balbutcher Lane, Ballymun, Dublin 11.

To facilitate the road realignment at Balbutcher Lane under Part 8 of the Planning and Development Act an agreement has been reached between Dublin City Council and Mr. Edward O'Dwyer of St. Margaret's Property Limited for an exchange of land subject to the following terms and conditions:

1. That Dublin City Council shall dispose of its fee simple interest in Plot A which is shown coloured blue on attached Map Index Number **SM-2017-0041-001** for no consideration.
2. That Dublin City Council shall acquire the fee simple interest in Plot B which is shown coloured pink on attached Map Index Number **SM-2017-0041-001**, for no consideration.
3. That this transaction is subject to satisfactory proof of title by the applicant and Dublin City Council.
4. That prior to the completion of this transaction, the applicant shall complete all snagging works to the existing part of Hampton Wood Drive (shown coloured yellow on Map Index Number **SM-2017-0041-001**), to the written satisfaction of Dublin City Council's Roads and Drainage Services Departments.
5. That Dublin City Council shall complete the surface course to the existing part of Hampton Wood Drive - shown coloured yellow on Map Index Number **SM-2017-0041-001**
6. That in order to facilitate the completion of Hampton Wood Drive and the construction of a new junction at Balbutcher Lane/Hampton Wood Drive ("**the road construction works**"), the applicant shall permit Dublin City Council and its nominees access to the areas shown hatched in green on Map Index Number **SM-2017-0041-003** for the purposes of carrying out site investigation works.
7. That in order to facilitate the road construction works, the applicant shall permit Dublin City Council and its nominees access to the areas shown hatched orange on Map Index Number **SM-2017-0041-002** for the purposes of completing site surveys and road construction works. The final boundary of the working areas shall be confirmed and agreed between the parties prior to the commencement of construction works.

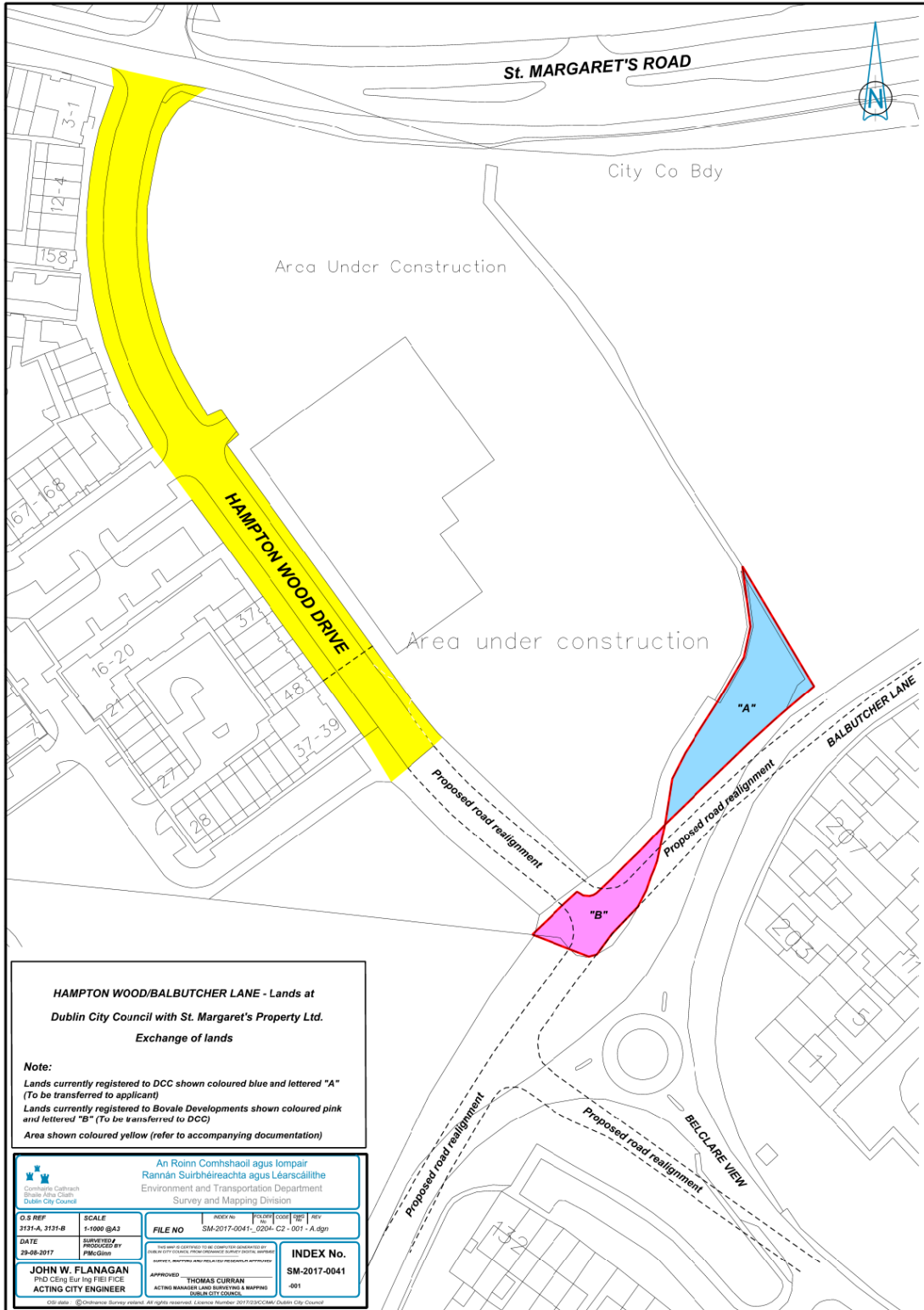
8. That prior to the commencement of the road construction works, the applicant and Dublin City Council shall engage with a view to agreeing a road construction timeline and approximate construction period. Dublin City Council and its nominees shall complete all road construction works in an efficient and reasonable timeframe once entry is made on the applicant's land.
9. That all outstanding charges, rates and taxes (if any) on the plots shall be cleared prior to the completion of the transaction.
10. That each party shall be responsible for their own costs (including any VAT and stamp duty liability) in this matter.
11. That this proposal is subject to the necessary approvals and consents being obtained.
12. That no agreement enforceable at law is created or intended to be created until exchange of contracts has taken place.

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

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

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

Paul Clegg
Executive Manager

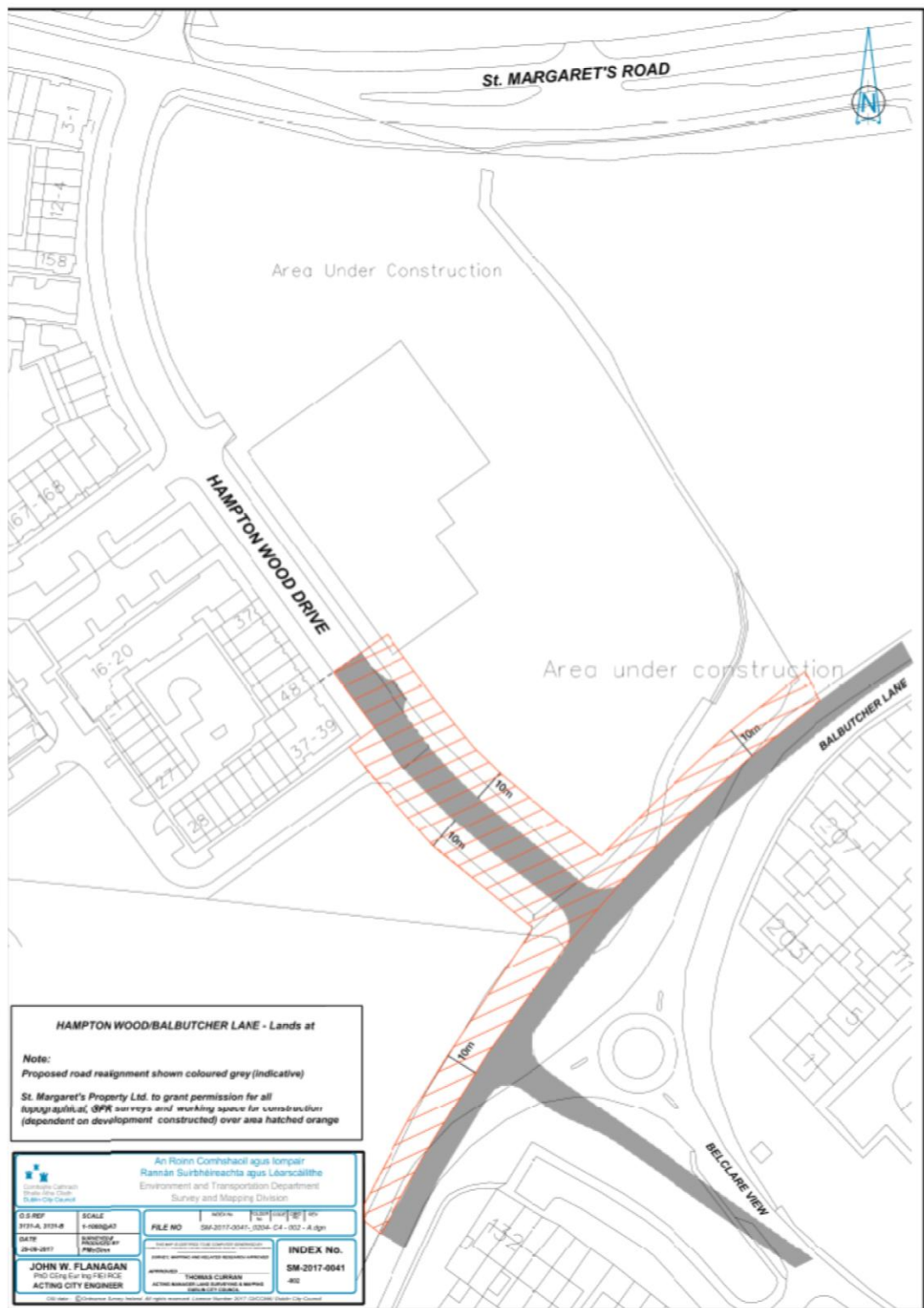


**HAMPTON WOOD/BALBUTCHER LANE - Lands at
Dublin City Council with St. Margaret's Property Ltd.
Exchange of lands**

Note:
Lands currently registered to DCC shown coloured blue and lettered "A"
(To be transferred to applicant)
Lands currently registered to Bovale Developments shown coloured pink
and lettered "B" (To be transferred to DCC)
Area shown coloured yellow (refer to accompanying documentation)

<p>An Roinn Comhshaoil agus Iompair Rannán Suirbhéireachta agus Léarscálithe Environment and Transportation Department Survey and Mapping Division</p>			
<p>D.S. REF. 3131-A, 3131-B</p>	<p>SCALE 1:1000 @A3</p>	<p>FILE NO. SM-2017-0041_0204-C2-001 - A.dgn</p>	<p>INDEX No. SM-2017-0041</p>
<p>DATE 29-08-2017</p>	<p>SURVEYED BY P.McGlinchey</p>	<p>APPROVED: THOMAS CURRAN ACTING MANAGER, LAND SURVEYING & MAPPING DUBLIN CITY COUNCIL</p>	<p>001</p>
<p>JOHN W. FLANAGAN PhD CEng Eur Ing FIEI FICE ACTING CITY ENGINEER</p>			

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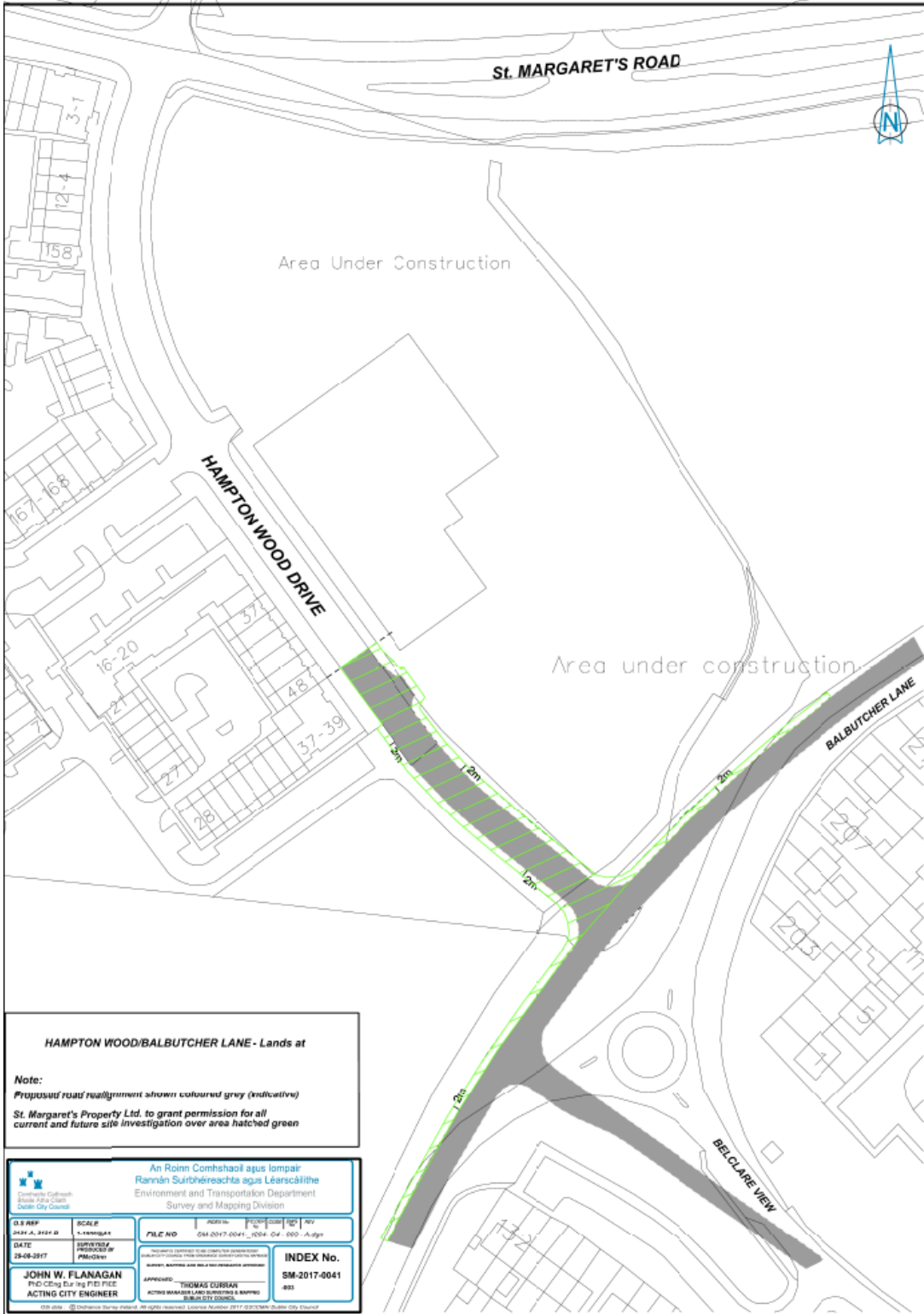


HAMPTON WOOD/BALBUTCHER LANE - Lands at

Note:
Proposed road realignment shown coloured grey (indicative)

St. Margaret's Property Ltd. to grant permission for all (subject to) OPH surveys and working space for construction (dependent on development constructed) over area hatched orange

<p>An Roinn Comhachaí agus Tomair Rannán Suidhneachta agus Líonraíochta Environment and Transport Department Survey and Mapping Division</p>			
G.S. REF. 317A, 317B	SCALE 1:1000	FILE NO. SM-2017-0041-0204-C4-002-A.dgn	INDEX No. SM-2017-0041
DATE 20-08-2017	SURVEYOR PMB/Clm	APPROVED THOMAS CURRAN ACTING MANAGER - SURVEY AND MAPPING ENVIRONMENT AND TRANSPORT DEPARTMENT	
<p>JOHN W. FLANAGAN PHD CEng Eur Ing FEI FICE ACTING CITY ENGINEER</p>			



HAMPTON WOOD/BALBUTCHER LANE - Lands at

Note:
 Proposed road realignment shown coloured grey (indicative)
 St. Margaret's Property Ltd. to grant permission for all
 current and future site investigation over area hatched green

<p>An Roinn Comhshaol agus Iompar Rannán Suirbhéireachta agus Léarscálithe Environment and Transport Department Survey and Mapping Division</p>			
D.S. REF. 2487.A. 2487.D	SCALE 1:10000000	FILE NO. 084-2017-0041_004-04-000-A.dgn	INDEX No. SM-2017-0041
DATE 29-08-2017	SUPERVISOR PMB/chen	APPROVED THOMAS CURRIAN ACTING MANAGER LAND SURVEYING & MAPPING DUBLIN CITY COUNCIL	
<p>JOHN W. FLANAGAN P.E.C. Chief Surveying P.E.I. P.E.C. ACTING CITY ENGINEER</p>		<p>030 2000 0000 030 2000 0000 030 2000 0000 030 2000 0000</p>	