

**The Chairman and Members of
North West Area Committee**

Meeting: 17th October 2017

Item No: 24

With further reference to the proposed disposal of land at Balcurris Road/Main Street, Ballymun, Dublin 11.

Report No.57/2017 which was assented to by the City Council at its meeting on 6th February 2017 contained a proposal to dispose of lands at Balcurris Road / Main Street, Ballymun, Dublin 11 to Lidl Ireland GMBH subject to terms and conditions.

The legal formalities have not yet been completed and agreement has now been reached with the proposed purchaser in respect of a proposal to dispose of additional adjoining land which abuts the Ballymun Horizon Building. The subject land is shown outlined in red on Map Index No SM-2017-0613-001, a copy of which is submitted with this report.

Accordingly, it is now proposed to dispose of this land to Lidl Ireland GMBH subject to the following terms and conditions:

1. That the property is located at Balbutcher Lane/Balcurris Road, Ballymun, Dublin 11 and has an area of approximately 0.013 ha/0.032 acres or thereabouts and is shown outlined in red on Map Index No SM-2017-0613-001.
2. That the disposal price shall be the sum of €26,000 (twenty six thousand euro) plus VAT, payable in the following manner:
 - a) 20% upon signing of the Agreement for Lease. A draft Agreement for Lease shall be issued to the proposed purchaser within two (2) weeks of Council approval to the disposal of the site. The proposed purchaser will endeavour to sign and return the Agreement for Lease in the form to the vendor's Solicitor within fifteen (15) working days of issue;
 - b) Eighty percent (80%) upon grant of leasehold title of the property to the proposed purchaser by the Council.

A 12% p.a. interest rate shall apply to any outstanding sums after they became due under the agreements.

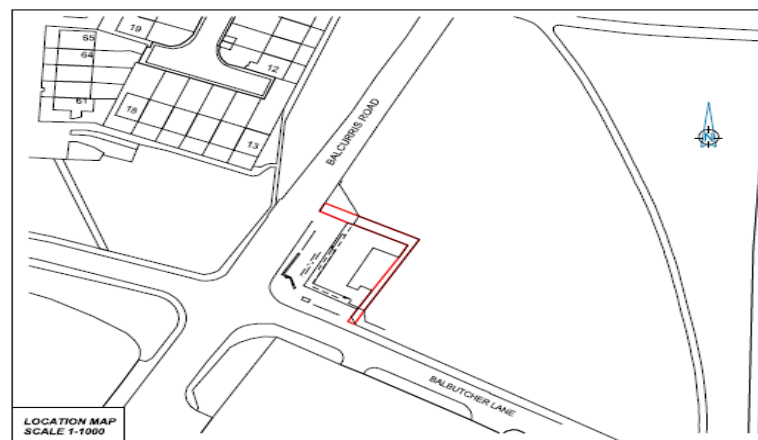
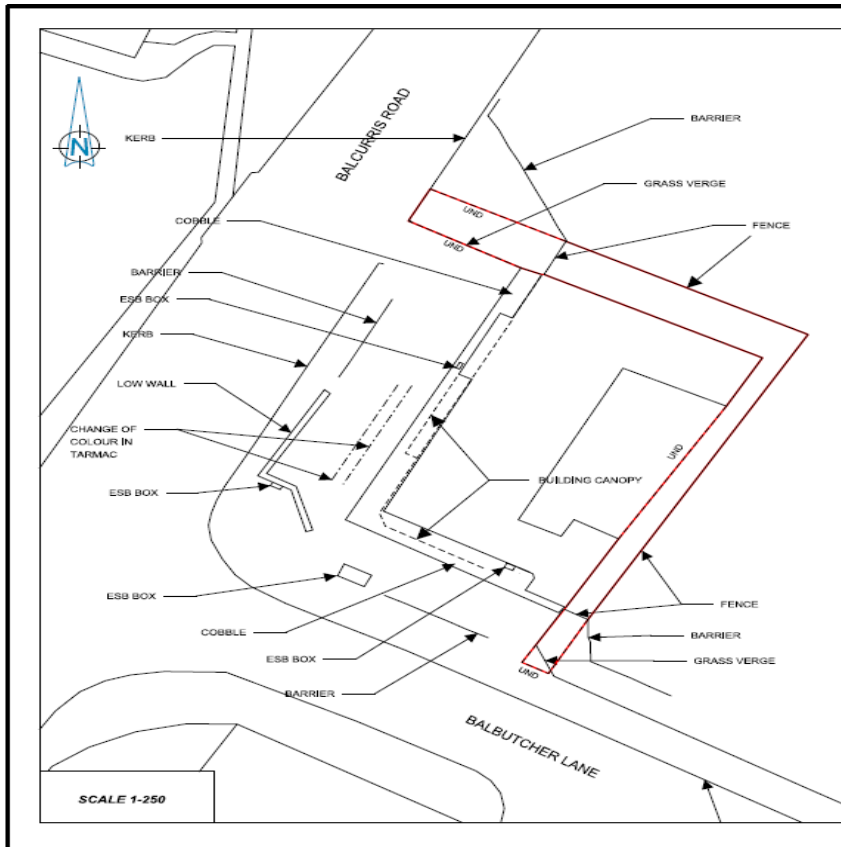
3. That the proposed purchaser is Lidl Ireland GMBH.
4. That the vendor holds full unencumbered registered Freehold Title in the entire together with full vacant possession. The proposed purchaser's solicitors must be fully satisfied that the vendor has proven good and marketable title to the property.
5. That the disposal is subject to the receipt of satisfactory planning permission in a form acceptable to the proposed purchaser, for a mixed use scheme in conjunction with the adjoining Council site, located to the north and east ("the adjoining site") and which has an area of approximately three acres or thereabouts.
6. That this transaction is subject to all of the remaining terms and conditions (as appropriate) as set out in Report No.57/2017, for the adjoining site.
7. That prior to lodging a planning application for the subject site and the adjoining site, the proposed purchaser shall consult and obtain a written agreement from the occupiers and the managers of the Horizons Building. *The Horizons Building is owned by Dublin City Council. Ballymun Horizons Company Limited manage the building and it is currently occupied by Ballymun Youth Action Project Limited and The Star Project Ballymun Limited.*
8. That the proposed purchaser shall satisfy the Council that it has adequate public liability and employers liability insurance and shall indemnify the City Council against any claims for compensation that may be made arising from its usage of the site. The current levels of insurance are €6.5m public liability insurance and €13m employer's liability insurance.
9. That prior to entry on the subject site to commence construction of the approved development, the proposed purchaser shall consult and agree all aspects of the construction project that will impact on the Horizon Building including, inter alia, entry on site, timelines, erection of scaffolding, construction details etc.
10. That prior to the commencement of construction works, a dilapidation report and monitoring regime shall be agreed between the proposed purchaser and Dublin City Council for the Horizons Building. The proposed purchaser shall be liable for remedying any damage or defects caused to the Horizon Building, as a result of the building works.
11. That the proposed purchaser and his design team shall indemnify Dublin City Council against any claim for compensation which may be made by any party arising out of the building works being carried out on the site, or any working areas or on any access points thereto.
12. That title to be granted upon practical completion will be a 500 year lease. The subject property and the adjoining site shall be merged into one lease.

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

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 is intended to be created until exchange of contracts has taken place.

Richard Shakespeare
Assistant Chief Executive



BALBUTCHER LANE - BALCURRIS ROAD JUNCTION, BALLYMUN, DUBLIN 11 - Site at

Map for Committee

Proposed Boundary of Additional Lands to be disposed to Lidl Ireland GMBH delineated in red shown thus.....



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

O.S REF 3131-10	SCALE 1-1000 1-250 @A3
DATE 04/10/2017	SURVEYED / PRODUCED BY Conor O'Reilly

FILE NO	INDEX No	FOLDER No	CODE	DATE	REV
SM-2017-0613_0204-	C3 - 001 - A.dgn				

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

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APPROVED **THOMAS CURRAN**
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DUBLIN CITY COUNCIL

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