

**Housing, Community & Emergency Services Department
South East Area Office**

**To the Chairperson and Members of the
South East Area Committee**

**With reference to a proposal to initiate procedures to have Purser Gardens,
Rathmines, Dublin 6 taken in charge by Dublin City Council**

Proposal

Purser Gardens is a private road in Rathmines. By letter dated 9th February 2018 The Representative Church Body and representatives of owners of properties abutting the road have requested that the road be taken in charge by Dublin City Council. The extent of the proposal is shown on the attached Drawing No. R.M. 36437D dated 16th November 2017.

Purser Gardens was in Dublin City Council's charge until 1970 when it was closed to public use at the request of an adjoining property owner, The Representative Church Body. In 1977 the Church Body sold the road to Belgrave Homes Limited and thereafter following development the road was retained by the developer. Belgrave Homes Limited is now a dissolved company and its assets are the property of the State. The State has no objection to the taking in charge of the road.

The taking in charge of this road is governed by the Roads Act 1993 Section 11. Under Section 11 (b) where a road authority proposes to declare a road to be a public road it must satisfy itself that the road is of a general public utility and it must consider the financial implications of the authority of the proposed declaration. In considering these requirements the Environment and Transportation Department is satisfied that the section of road in question is of general utility. Road Maintenance Services and Public Lighting Section have identified that some works are required to bring the road up to taking in charge standard. The estimated cost of these works is €145,750. The applicants have agreed, in principle, to pay €145,750 for remedial works, provided that the road is taken in charge. The Environment and Transportation Department recommends that the taking in charge process be commenced.

Service Check

A service check has been initiated.

Statutory Requirement

The statutory procedure requires that public notice of the proposal is placed in one or more newspapers circulating in the city and that the relevant documents in relation to the proposal to declare the road to be a public road go on public display for a period of 1 month. Objections or representations in relation to the proposal can then be made by members of the public within 2 weeks of the end of that period.

Taking in Charge is a function reserved to the elected members of the City Council who shall consider any objections or representations made and not withdrawn

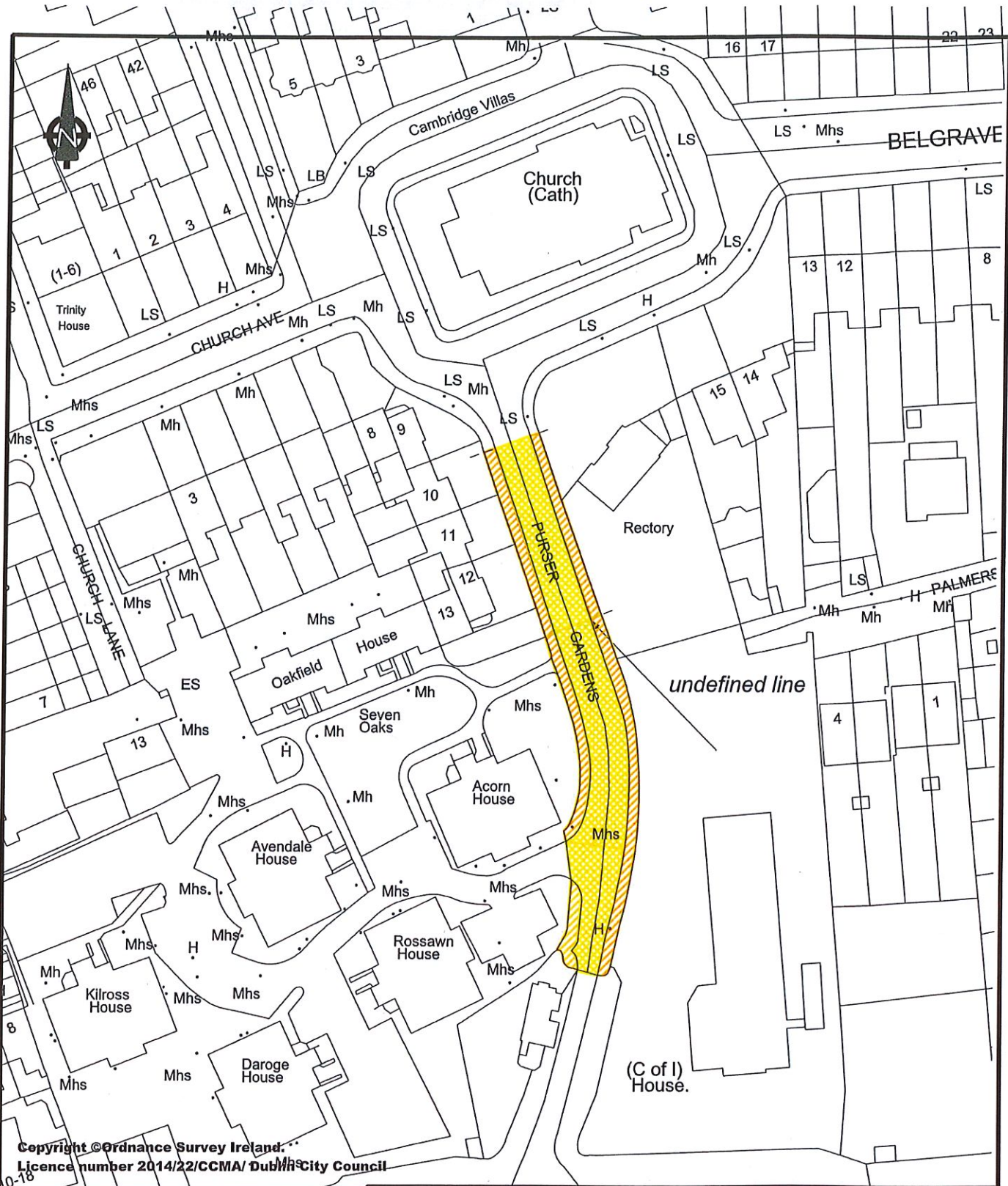
Recommendation

I recommend that procedures be initiated under Section 11 of the Roads Act 1993 to have Purser Gardens, Rathmines, Dublin 6 taken in charge by Dublin City Council as indicated on Drawing No.R.M.36437D.

Taking in charge is a function reserved to the City Council.

Rose Kenny

Area Manager



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DUBLIN CITY COUNCIL

Comhairle Chathair Bhaile Átha Cliath

ENVIRONMENT & TRANSPORTATION DEPARTMENT,

CIVIC OFFICES,

WOOD QUAY, DUBLIN 8.

'Purser Gardens', Rathmines.
 Proposed taking in charge.
 Location map.

ROADS MAINTENANCE DIVISION

R.M. 36437D

John Flanagan
 EXECUTIVE MANAGER (ENGINEERING)

C.A.D. BY	DATE	REVISED	SCALE

