



With reference to the Disposal of Dublin City Council owned site at St Lukes Avenue, Brabazon Place, Dublin 8.

Dublin City Council is the owner of a vacant site at the junction of St Lukes Avenue and Brabazon Place Dublin 8, having an area of circa 306 sqm. The site adjoins a larger development site in the ownership of Summix FRC Developments Ltd. Summix FRC Developments Ltd (the applicant) proposes to acquire Dublin City Councils interest in the vacant site for the purpose of including it in a comprehensive mixed use development. In lieu of a financial consideration Summix FRC Developments Ltd will provide 4 one bedroom duplex residential units to Dublin City Council for the purposes of general social housing.

The Chief Valuer has reported that agreement has been reached with the applicant for the disposal of the vacant site to Summix FRC Developments Ltd. subject to the following terms and conditions:

1. That the Council will dispose of the freehold interest with vacant possession in the property at St. Lukes Avenue and Brabazon Place, having an area of 306 m² or thereabouts, as shown outlined in red on map index no. SM-2017-0727 for no monetary consideration.
2. That the disposal at No. 1 above is subject to the transfer to the Council, of the unencumbered freehold title or equivalent (to the satisfaction of the Law Agent) in four residential units outlined in yellow and numbered 1-4 on drawing index no. PL (99) 08 attached, for identification purposes only. The residential units shall be provided to the Council, for no monetary consideration and for the purposes of general social housing.
3. That the residential units, at No. 2 above, comprising 4 x one bedroom own door duplex apartments, all of which shall be a minimum of 55sq.m, shall be completed to the Council's specifications, under supervision and approval of the City Architect. Specification shall be agreed by the respective architects of each party prior to 21st December 2018 and shall be appended to heads of terms and contract.
4. That Dublin City Council shall have full control of the developed block of four residential units and ancillary services as outlined in yellow on drawing index no. PL (99) 08 attached, for identification purposes only. A formal map shall be prepared for contract purposes.
5. That Dublin City Council shall be granted a right of way from Ardee Street to the bin and bike store facilities as shown shaded yellow on drawing index no. PL (99) 08 attached, for identification purposes only.

6. That the Law Agent shall prepare the necessary contract documents, to include a Building Licence, to be ready for execution by the parties within four weeks of the date of issue of the formal approval of the transaction by the Council. The applicant must execute and return such documentation within two weeks of receipt of same.
7. That the Council's site and the applicant's adjoining site are shown shaded in red and outlined in red and yellow on drawing index no. PL (99)08 for identification purposes only. A formal map shall be prepared for contract purposes.
8. That the applicant must lodge a revised planning application for a comprehensive scheme of development of the applicant's lands at this location, to include the Council's property at No. 1 above, within three months of receipt of the requisite approvals of the City Council to this proposed disposal. If this does not occur the City Council, at its absolute discretion, may decide to rescind this agreement.
9. That the applicant will be allowed one opportunity to submit a planning application to An Bord Pleanála under Section 4 of the Strategic Housing Development Regulations 2017.
10. That if planning permission for a comprehensive development is either refused (by An Bord Pleanála), or granted subject to onerous conditions, then either party may rescind the agreement within four weeks of the refusal or final grant of planning permission, without penalty or compensation due to the other party. All related costs to be borne by the applicant.
11. That Part V obligations shall apply to any other residential blocks approved in the scheme of development, if applicable.
12. That the applicant must commence work on site within four months of the date of final grant of planning permission and must complete the Council units at No.2 and 3 above within fifteen months from that date. Works by the applicant on the Council's site will be carried out under a building licence from the City Council and they must complete the development for which planning permission has been granted under one building contract within twenty four months from the date of final grant of planning permission.
13. That the Council reserves the right to re-enter on the site at No. 1 above and resume possession thereof should the applicant fail to commence and complete the buildings at No.2, 3 & 12 above within the specified period or in the event of the applicant's bankruptcy or insolvency, save in the case of a Financial Institution, which has entered into a mortgage with the applicant for the purposes of financing development of the site.
14. That all site investigations (including archaeological investigations), ground works, services connections, planning fees, development and associated professional costs incurred in the delivery of the completed development on the site shown outlined in red and yellow on drawing index no. PL (99)08 above, shall be borne by the applicant.
15. That the applicant shall ensure that all necessary safety precautions are taken in accordance with Health & Safety Regulations and all other statutory requirements.

16. That the applicant shall undertake not to use the said site at No.1 for, or build on the site, anything other than the buildings shown on the approved drawings and for which planning permission is obtained.
17. That during the building period, the applicant will insure the buildings on the entire development to include at No.1, 2 & 3 above against fire and all other insurable risks with an appropriate insurance policy and pay all necessary premiums.
18. That the insurance will be in the joint names of the applicant and the City Council and will be for such an amount as will provide cover for full reinstatement value of so much of the building as is erected at any time together with a sum for Professional Fees and removal of debris charges. The applicant's financial institution may be a mentioned party on this insurance policy.
19. That the applicant shall be responsible for fully insuring the premises and shall indemnify Dublin City Council against any and all claims arising from its use of the premises. The applicant shall take out and produce Public Liability Insurance in the sum of €6.5million and Employers Liability Insurance in the sum of €13million for any incident with a recognised insurance company with offices in the state and the policy shall indemnify Dublin City Council against all liability as part owner of the property.
20. That the applicant and it's design team shall indemnify the City Council against any claim for compensation which may be made by any party arising out of building works being carried out on the entire development to include No. 1 & 2 above or any working areas or on any access points thereto.
21. That this agreement is non-assignable or transferable to any other party, save the associated student accommodation entity Nido Collection and/or save in the case of a Financial Institution which has entered into a mortgage with the applicant for the purposes of financing development of the site at No.1 & 2 above, which mortgage must be approved by the City Council in writing, and must have been entered into specifically for the purpose of financing the applicant to undertake the development of the property at no.1 above.
22. That the fee simple title to the lands at No.1 & 2 shall be transferred on full completion of the entire development for which planning permission has been granted, as certified by the City Architect.
23. That as a condition of this disposal the purchaser shall provide evidence that they hold the unencumbered freehold title with full vacant possession in the site shown outlined in red and yellow on drawing index no. PL (99)08, for identification purposes only, save for the interest held by the Council in the site.
24. That the applicant shall satisfy the Council that sufficient funds are available to undertake and complete the proposed development. This information is required with your acceptance of the terms and conditions of this letter.
25. That each party shall be responsible for their own professional fees arising in this transaction.
26. That all VAT payable and any Stamp Duty liabilities, on this transaction and any proposed development and upon the transfer of four residential units at 1 & 2 above, shall be the responsibility of the applicant.

27. That any of the dates/time frames outlined above may be extended by the Chief Executive at his absolute discretion and all notices must be given in writing.
28. Please note that no agreement enforceable at law is created or intended to be created until exchange of contracts has taken place.

Dublin City Council acquired the land in leasehold ref 86 Newmarket -The Coombe area CPO 1970 and freehold through Vesting Order dated 16/4/1981.

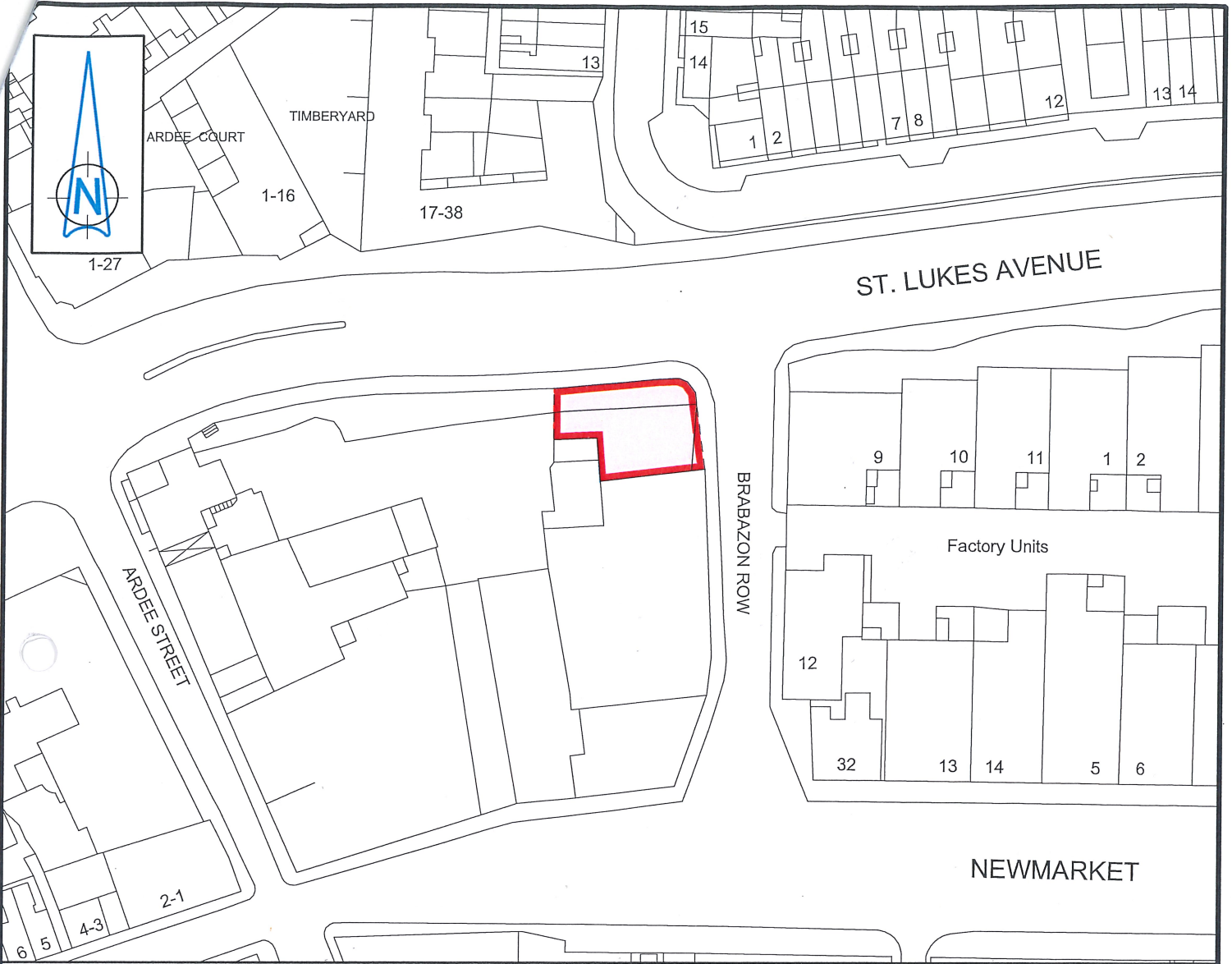
This report is submitted in accordance with the requirements of Section 183 of the local Government Act 2001.

Resolution to be adopted

“That Dublin City Council notes the contents of this report and assents to the proposal outlined therein”.

Dated 24th October 2018

Paul Clegg
Executive Manager



ST. LUKES AVENUE - BRABAZON PLACE

Lands at

Dublin City Council to Summix FRC Developments Limited
Disposal of Fee Simple

Area: 306m²



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 3263-14	SCALE 1:1000
DATE 01-12-2017	SURVEYED / PRODUCED BY T. Curran

FILE NO	INDEX No	FOLDER No	CODE	DWG No	REV
SM-2017-0727- <u>0204</u> - C3 - 001 - A.dgn					

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SURVEY, MAPPING AND RELATED RESEARCH APPROVED

APPROVED _____
THOMAS CURRAN
ACTING MANAGER LAND SURVEYING & MAPPING
DUBLIN CITY COUNCIL

INDEX No.
SM-2017-0727

JOHN W. FLANAGAN
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ACTING CITY ENGINEER