



To the Chairperson and Members of  
The South East Area Committee

Meeting: 10<sup>th</sup> December 2018  
Item No:

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**With further reference to the proposed disposal of Rathmines Square**

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Report No. 503/2007, which was assented to by Dublin City Council at its meeting on 3<sup>rd</sup> December 2007, approved the terms and conditions for the proposed redevelopment of a site at Rathmines Swimming Pool, Lower Rathmines Road, Dublin 6 by way of a Building Contract dated 25<sup>th</sup> January 2018 and separate Commercial Agreement also dated 25<sup>th</sup> January 2018 with John Paul Construction Ltd, as shown on Map Index no. PD2006-0217.

In accordance with planning permission (ref: 4778/05), John Paul Construction Ltd. demolished the existing swimming pool and constructed a new civic space, a combined sports, leisure and residential building, a childcare building and a new public park.

Under the Commercial Agreement, John Paul Construction was to acquire by way of a 500 year lease (either directly or to a nominee) 40 apartments and 40 associated car spaces (the Apartment Leases) within the completed development, subject to each individual disposal being brought to the council in accordance with Section 183 of the Local Government Act 2001. The remaining 6 apartments and associated car spaces as well as the balance of the site, consisting of a crèche, leisure centre and a public park and plaza, when redeveloped, was to remain in the ownership of Dublin City Council.

A number of issues have delayed delivery of the apartment leases to John Paul Construction Ltd. and indeed, the Multi-Unit Development Act 2011 (the MUD Act) came into operation in the intervening period. Solicitors for John Paul Construction Ltd. have sought amendments to the management structure proposed in the Commercial Agreement to reflect the requirements of the MUDs Act and have confirmed John Paul Construction Ltd's intention to call for the Apartment Leases once those amendments have been agreed and documents settled.

The MUDs Act includes the requirement to transfer the relevant parts of the common areas of the completed development to an owners. management company (OMC), in this case, called Rathmines Square Owners Management Company Ltd.

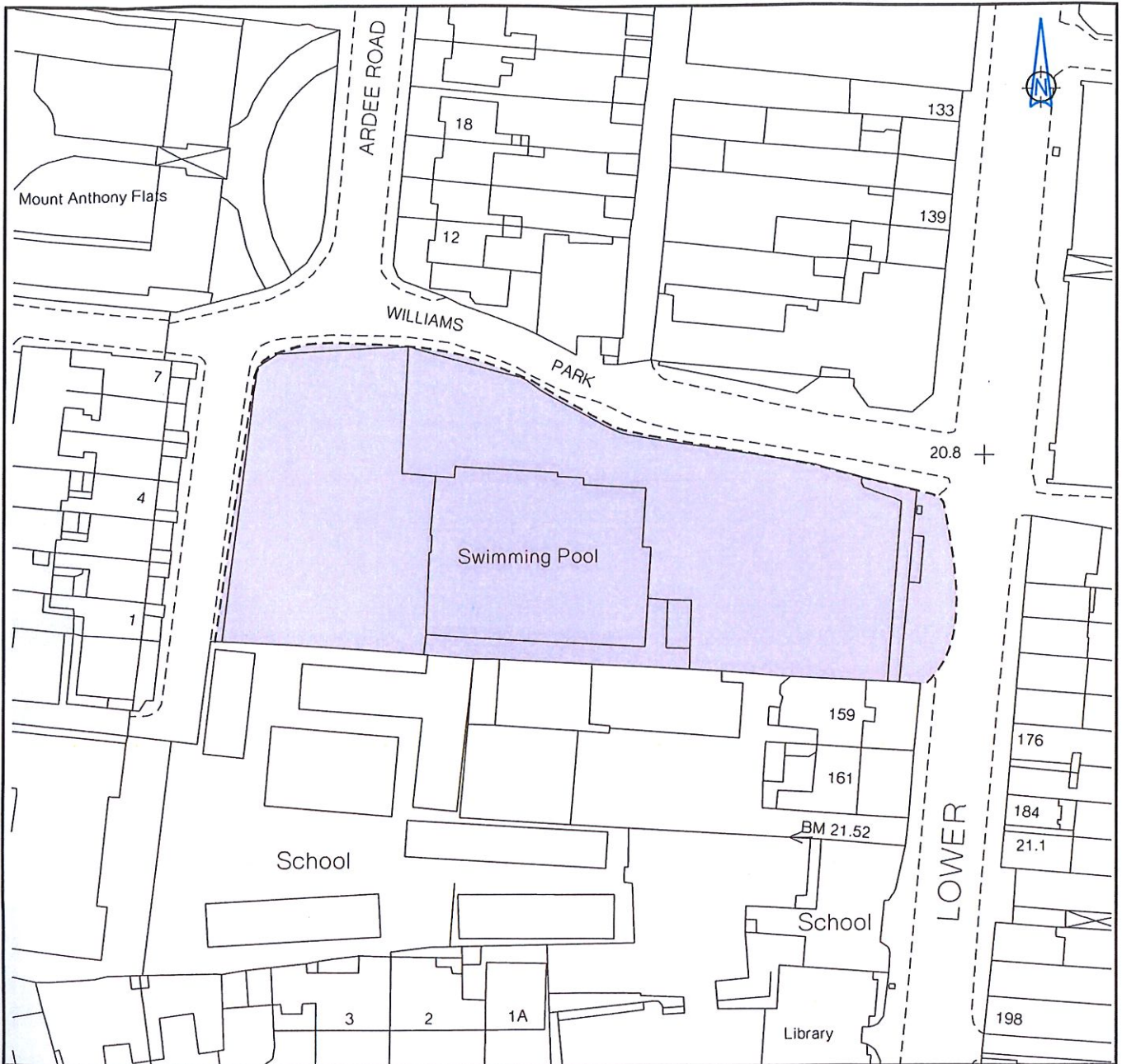
For the purposes of the future management of the scheme, contemporaneously with the granting of the 40 Apartment Leases to John Paul Construction or its nominee, it is proposed granting 500 year leases of each of the 6 remaining apartments, the swimming pool, gym, crèche, the non-structural parts of the public park and any other areas intended to be retained by Dublin City Council to the Law Agent, Terence O'Keeffe in trust for Dublin City Council. Immediately following the grant of all such leases, the freehold interest in the development (with the exception of the plaza to the front) will be transferred to the OMC.

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**  
**Executive Manager**

**Date: 28 November 2018**



Rathmines Road – Site at

Deed of conveyance 13th October 1930 shown coloured thus

# DUBLIN CITY COUNCIL

*Comhairle Cathrach Bhaile Átha Cliath*

**DEVELOPMENT DEPARTMENT**

*An Roinn Forbartha*



<b>M. PHILLIPS</b> CITY ENGINEER	<i>Date By</i>		<i>Revisions :</i>		<b>SCALE</b>  1-1000	<b>INDEX No.</b>  PD2006-0217
	DATE	O.S. REF.	3328-05	E.315584, N.231889		
SURVEYED / MADE BY C.B.	15-01-2006					

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