

21st January 2019

**To: The Chairman and Members of
South Central Area Committee**

Meeting: 20th February 2019

Item No.

With reference to the proposed disposal of the Council's fee simple interest in two sites at Davitt Road, Inchicore, Dublin 8.

Under Indenture of Lease dated 17th of July 1948 The Right Honourable Lord Mayor Alderman and Burgesses of Dublin of the first part and The Minister for Local Government of the Second part demised a site at Davitt Road, shown outlined in red and shaded pink on Map Index No. SM-2018-0754-001, to Thomas Parsons and Sons Limited for a term of 150 years from 25th March 1947 subject to a yearly rent of €190.46 (one hundred and ninety euro forty six cent).

Under Indenture of Lease dated 7th of April 1952, The Right Honourable Lord Mayor Alderman and Burgesses of Dublin of the first part and The Minister for Local Government of the Second part demised a site at Davitt Road, shown outlined in red and shaded pink and blue on Map Index No. SM-2018-0754-002, to JAS Hennessy & Company Limited for a term of 150 years from 23rd February 1952 subject to a yearly rent of €285.69 (two hundred and eighty five euro sixty nine cent).

Dublin City Council does not hold the fee simple interest in the area shaded blue on Map Index No. SM-2018-0754-002. However, the Law Agent has advised that as the Council has been in receipt of rent in respect of this plot for in excess of 30 years it is entitled to claim full possessory title and to dispose of its right, title and interest in the plot.

The above mentioned leases were the subject of a number of assignments over the years and the current lessees in both cases are Durkan (Davitt Road) Limited.

The Law Agent has confirmed that the applicant has a statutory entitlement to acquire the Council's fee simple interest in the two sites and accordingly it is proposed to dispose of said interest together with the Council's right, title and interest in the plot shaded blue on Map Index No. SM-2018-0754-002 to Durkan (Davitt Road) subject to the following terms and conditions:

1. That the applicant shall pay the Council the sum of €120,000 (one hundred and twenty thousand euro) plus VAT (if applicable) in full and final settlement.
2. That the applicant shall pay any outstanding rent, rates or charges (if any) which are liable under the relevant legislation on the subject sites prior to the completion of sale.
3. That the applicant shall pay the Council's Valuer's fee of €1,500 (one thousand five hundred euro) plus VAT and the Council legal fees which shall be agreed with the Council Law Agent.
4. That the above proposal is subject to satisfactory proof of title.

P. Clegg

Executive Manager