

1st October 2020

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

Meeting: 19th October 2020

Item No.

With reference to the proposed disposal of the Council's freehold interest in the property known as 111D Malahide Road, Dublin 3.

Under Indenture of Lease dated 23rd July 1931 The Right Honourable the Lord Mayor Alderman and Burgesses of Dublin, The Minister for Local Government and Health demised the property known as Marino Villas to Thomas Michael for a period of 150 years commencing on the 24th March 1931 for an annual rent of £45.00.

Under Indenture of Sub-Lease dated 16th June 1958 Henry Michael (successor in title to Thomas Michael) the property now known as 111D Malahide Road, which forms part of the lands demised in the 1931 Head Lease, was demised to Elizabeth Doyle for a period of 120 years commencing 25th March 1958 for an annual rent of £45.00.

The current assignee to this sub-lease, Bryan Moloney, applied to Dublin City Council to acquire the Council's fee simple interest in the property.

The Law Agent has confirmed that the lessee has a statutory entitlement to purchase of the freehold in this property in accordance with the Landlord and Tenant (Ground Rents) No.2 Act 1978. Furthermore in consideration of the intermediate interest in title, the Law Agent has also confirmed that the Council can dispose of its fee simple interest by virtue of Section 72 of the Landlord and Tenant (Amendment) Act 1980 to the applicant.

Accordingly, it is proposed to dispose of the Council's freehold interest in the property known as 111D Malahide Road, Dublin 3, subject to the following terms and conditions:

1. That Dublin City Council holds the Fee Simple Interest in the property as outlined in red in attached copy map, Map Index SM-2020-0382
2. That the property is held under Indenture of Lease dated 23rd July 1931 between Dublin Corporation, The Minister for Local Government and Health and Thomas Michael for a period of 150 years commencing on the 24th March 1931, for an annual rent of £45. By Indenture of Sub-Lease dated 16th June 1958 between Henry Michael (successor in title to Thomas Michael) and Elizabeth Doyle the subject property, now known as 111D Malahide Road, was demised for a period of 120 years commencing on 25th March 1958 for an annual rent of £45, and that the applicant, Bryan Moloney, currently holds the subject property under Deed of Assignment effective 21st May 2020.
3. That the disposal price for the City Council's interest shall be the sum of €2,650 (two thousand six hundred and fifty euro), plus VAT if applicable.
4. That the applicant is statutorily entitled to purchase the Fee Simple Interest and shall be prepared to pay all rent, rates and charges outstanding up to and including the date of sale.
5. That the applicant shall pay the City Council's Valuer's fees of €800 plus VAT and legal costs of transfer plus VAT.
6. That the transaction shall include any other such terms and conditions as Dublin City Council's Law Agent shall deem appropriate.

Helen McNamara
Senior Executive Officer

05/10/2020
Date