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

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Under Indenture of Lease dated 23<sup>rd</sup> 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 24<sup>th</sup> March 1931 for an annual rent of £45.

Under Indenture of Sub-Lease dated 16<sup>th</sup> 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 25<sup>th</sup> March 1958 for an annual rent of £45.

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 23<sup>rd</sup> July 1931 between Dublin Corporation, The Minister for Local Government and Health and Thomas Michael for a period of 150 years commencing on the 24<sup>th</sup> March 1931, for an annual rent of £45. By Indenture of Sub-Lease dated 16<sup>th</sup> 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 25<sup>th</sup> March 1958 for an annual rent of £45, and that the applicant, Bryan Moloney, currently holds the subject property under Deed of Assignment effective 21<sup>st</sup> 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.

The property proposed to be disposed of is City Estate property (A.H.1).

The proposed disposal shall be subject to such conditions as to title to be furnished, 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.

This proposal was approved by the North Central Area Committee at its meeting on the 19<sup>th</sup> October 2020.

This report is submitted in accordance with the requirement of Section 183 of the Local Government Act 2001.

**Resolution:**

"That Dublin City Council notes the contents of Report No. 300/2020 and assents to the proposal outlined therein."

**Helen McNamara**  
**Senior Executive Officer**

**Dated: 20/10/2020**



# MALAHIDE ROAD - No. 111D

Dublin City Council to the Bryan Moloney

Disposal of Fee Simple



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

<b>O.S REF</b> 3198-08	<b>SCALE</b> 1:1000
<b>DATE</b> 27-08-2020	<b>SURVEYED / PRODUCED BY</b> L. Butler

<b>INDEX No</b>	<b>DWG No</b>	<b>REV</b>
<b>FILE NO</b>	F:\SM-2020-0382- 001 - A.dgn	

**Dr JOHN W. FLANAGAN**  
CEng FIEI FICE  
CITY ENGINEER

THIS MAP IS CERTIFIED TO BE COMPUTER GENERATED BY  
DUBLIN CITY COUNCIL FROM ORDNANCE SURVEY DIGITAL MAPBASE  
SURVEY, MAPPING AND RELATED RESEARCH APPROVED

APPROVED \_\_\_\_\_  
**THOMAS CURRAN**  
ACTING MANAGER LAND SURVEYING & MAPPING  
DUBLIN CITY COUNCIL

**INDEX No.**  
**SM-2020-0382**