



**With reference to the proposed disposal fee simple interest in 35 Upper Abbey Street
(part of) to Abbey Cottages Limited**

In 1939 Dublin Corporation acquired from Simon Watchman a plot of ground comprising approx. 41 sq. metres at 35 Upper Abbey Street (part of) as shown outlined in red on Map Index No. SM-2021-0286 (the original lease Map Index No. was 3601). The title acquired was freehold subject to a Fee Farm Grant Forever indemnified against the payment of rent.

The purpose of the acquisition was for the future widening of Upper Abbey Street and the agreement by which the Corporation acquired the land provided that *“pending the utilisation of the premises hereby conveyed for the purpose of widening said street the owner shall be at liberty to occupy same free of rent or any other charge or expense of any kind and to erect thereon a one-storey shop which he hereby agrees to remove immediately after the adjoining houses are set back to the new street frontage.....”*.

As the widening of Upper Abbey Street never took place the premises erected by Mr. Watchman remained standing for many years and was continuously occupied by him and his successors in title. Dublin City Council retained a freehold interest in the property but as the aforementioned Fee Farm Grant was not ever acquired the Council's interest was nominal. A Fee Farm Grant is an old form of freehold which can be subject to rent and covenants.

Discussions were held circa 2005 with the then owners of the premises Cinema and General Publicity Limited for the acquisition of the Council's fee simple interest but agreement was not reached on a purchase price at that time.

In 2019 it came to light that the site of the by then demolished premises at 35 Upper Abbey Street (part of) was enclosed within a larger development site in the ownership of Abbey Cottages Limited. Dublin City Council had not been formally made aware of this nor was its consent to the inclusion of the land in a development sought.

Solicitors acting for Abbey Cottages Limited confirmed that their client was the successor in title to Cinema and General Publicity Limited and indicated that their client wished to enter discussions for the acquisition of the Council's title to the land.

The Chief Valuer was instructed to enter into discussions and has now advised that agreement has been reached with Mr. Adrian Power-Kelly, Chartered Surveyor, representing the applicant, Abbey Cottages Limited, for the disposal of the Council's interest subject to the following terms and conditions which he considers to be fair and reasonable and recommends for acceptance:

1. That the subject plot is situated at No 35 Upper Abbey Street, Dublin 1 (part of) as shown outlined in red on Map Index No. SM-2021-0286 and has an area of approximately 41m².

2. That the property is held by Dublin City Council under Deed of Conveyance dated 16th December 1939 from Simon Watchman.
3. That Dublin City Council's title is freehold subject to a Fee Farm Grant Forever indemnified against the payment of rent.
4. That consideration for the proposed disposal of the Council's freehold interest or equivalent, shall be in the amount of €100,000 (one hundred thousand euro) plus VAT if applicable, in full and final settlement.
5. That both parties will be responsible for their own fees in this regard.

The agreement shall contain such other covenants and conditions as deemed appropriate by Dublin City Council's Law Agent.

No agreement enforceable at law is created or is intended to be created until exchange of contracts has taken place.

The site to be disposed of was acquired from Simon Watchman in 1939.

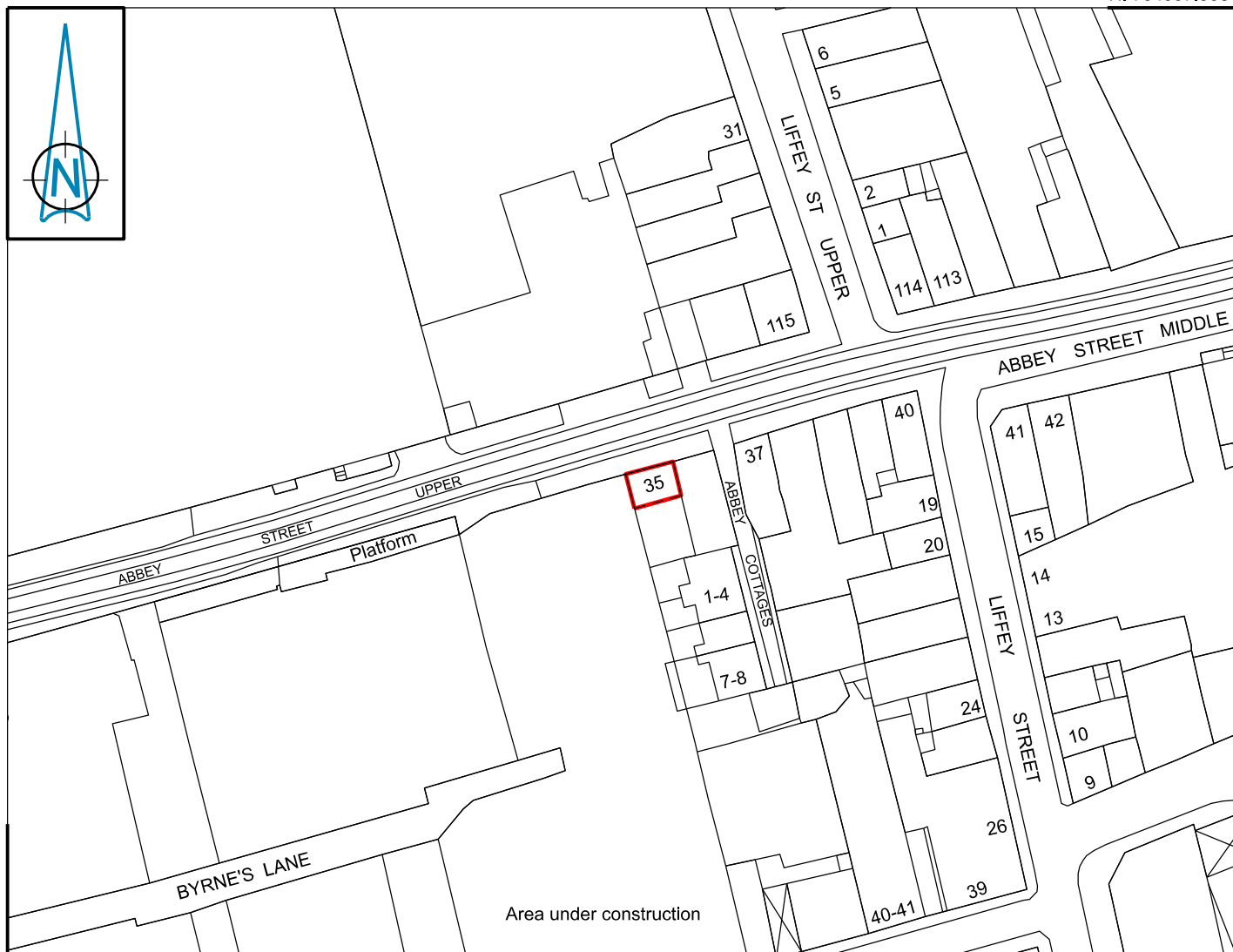
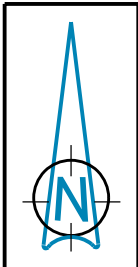
This proposal was approved by the Central Area Committee at its meeting on 8th June 2021.

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

Resolution:

That Dublin City Council notes the contents of Report No. 210/2021 and assents to the proposal outlined therein.

Paul Clegg
Executive Manager
22nd June 2021



UPPER ABBEY STREET No. 35 - Lands at

Dublin City Council to Abbey Cottages Limited

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

O.S REF 3263-05, -10	SCALE 1:1000
DATE 06-05-2021	SURVEYED / PRODUCED BY D.White

INDEX No	DWG No	REV
FILE NO	F:\SM-2021-0286 - 001 - A.dgn	

Dr JOHN W. FLANAGAN
CEng FIEI FICE
CITY ENGINEER

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

INDEX No.
SM-2021-0286