



With reference to the proposed grant of a licence for a plot of ground adjacent to 1 Strand Terrace, Milltown, Dublin 6.

By way of Temporary Convenience Letting Agreement dated 24th April 2009, Dublin City Council demised a plot of ground, more particularly delineated and outlined in red on Map Index No. PD2008-239, to Joanie and John Farrelly of 1 Strand Terrace, Milltown, Dublin 6 for gardening purposes and for a period of 10 years commencing on 24th April 2009 at a rent of €100.00 per annum.

This agreement was granted to alleviate anti-social behaviour on the plot of ground and included permission to enclose the site. The site was enclosed by the licensees and has been maintained as a garden in a neat and orderly fashion to date. The agreement expired on 23rd April 2019.

The Environment and Transportation Department has confirmed that the subject plot of ground located adjacent to the River Dodder is within Flood Zone A which renders it unsuitable for development. It most recently flooded in 2011.

Housing and Residential Services has advised that the site is not suitable for social housing and the Area Manager has confirmed there has been no interest from any party seeking to use the plot for any other purpose.

The plot lies close to the existing public open space between Milltown Road and the River Dodder and is separated from that open space by the Strand Terrace roadway which renders incorporation with it impossible.

The plot of ground is enclosed and is linked to 1 Strand Terrace and has been used for gardening purposes for over 10 years. As it is deemed unsuitable for alternative use it is proposed to renew the agreement with Joanie and John Farrelly and to grant them a 10 year licence for the use of the plot of ground adjacent to 1 Strand Terrace, Milltown, Dublin 6 as shown on Map Index SM-2021-0087 subject to the following terms and conditions:

1. That John and Joanie Farrelly shall enter into a licence agreement with Dublin City Council for the plot of ground at 1 Strand Terrace, Milltown, Dublin 6. The subject plot is shown outlined red on the attached Map Index SM-2021-0087.
2. That the licence fee shall be €500 per annum, plus VAT if applicable and exclusive of all outgoings.
3. The Licence shall be for a term of 10 years, effective from 24th April 2019.
4. The Licensee shall be required to sign a Deed of Renunciation.

5. During the continuance of the said agreement the Licensee shall pay to the Council the sum of €500 (five hundred euro) per annum in each and every year of the term of the Licence.
6. The licence fee shall be payable upon signing of the Licence and shall be backdated to the commencement date of the Licence.
7. That the annual fee shall be renewed at the end of year 5 in line with changes in the consumer price index (CPI) over the preceding 5 year period.
8. The Licensee shall not erect any buildings or structures on the said plot of ground.
9. The Licensee shall use the said plot of ground for gardening purposes only and shall not be used for the parking of cars.
10. That the subject plot has been enclosed by the Licensee with a masonry wall.
11. That the proposed Licensee shall be responsible for appropriate insurances as determined by Dublin City Council, including Public Liability Insurance minimum €6.5m (six million five hundred thousand euro), and Employer's Liability Insurance minimum €13m (thirteen million euro), and shall indemnify Dublin City Council against any and all claims arising from its use of the demised plot. It shall not do or suffer to be done any activity in any part of the plot which would render void or voidable the insurances of the plot.
12. That the Licensee shall keep the premises in good condition and repair during the term of the licence.
13. The Licensee shall not deposit goods or rubbish upon the plot of ground and shall not use or permit same to be used for any purpose which might grow to be an annoyance or nuisance to the occupants of the neighbouring or adjoining property.
14. That the Licensee shall not sell, assign, grant any sub interests, sub-divide, alienate or part with the possession of the subject property.
15. The Licensee shall on the determination of the licence surrender possession of the said plot of ground to the Council and will not make any claim for compensation for disturbance or loss of any nature whatsoever and shall be responsible for all reinstatement works then found to be necessary as a result of his occupation of the plot of ground, including any boundary works.
16. That each party shall be responsible for their own professional fees in this matter.
17. That in the event of the Licensee failing to comply with any of the terms and conditions herein contained, the Council may revoke the licence by giving the Licensee notice in writing.
18. That the transaction shall include any other such terms and conditions as Dublin City Council's Law Agent shall deem appropriate.

The property to be disposed was acquired by CPO in 1952.

The proposed disposal shall be subject to such conditions as to title to be furnished, as the Law Agent in her discretion shall stipulate.

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

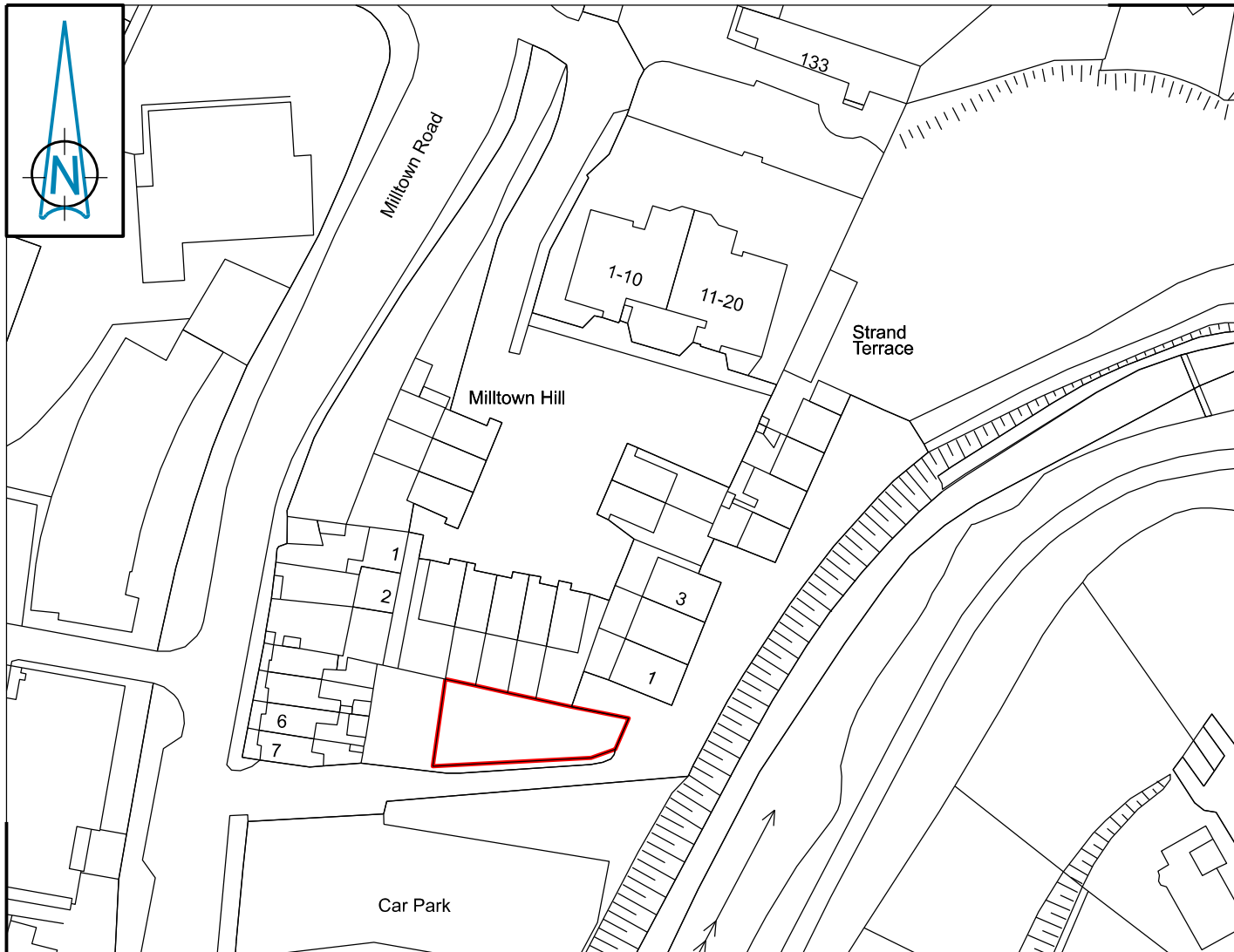
This proposal was approved by the South East Area Committee at its meeting on the 14th June 2021.

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

Resolution:

That Dublin City Council notes the contents of Report No, 202/2021 and assents to the proposal outlined therein.

Paul Clegg
Executive Manager
22nd June 2021



STRAND TERRACE, MILLTOWN - SITE ADJOINING No.1

Dublin City Council to John and Joanie Farrelly

Area = 264 sq.m.



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 3329-12	SCALE 1:1000
DATE 16-03-2021	SURVEYED / PRODUCED BY S. Fador

INDEX No	DWG No	REV
FILE NO	F:\SM-2021-0087 - 001 - A.dgn	

Dr JOHN W. FLANAGAN
CEng FIEI FICE
CITY ENGINEER

THIS MAP IS CERTIFIED TO BE COMPUTER GENERATED BY
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SURVEY, MAPPING AND RELATED RESEARCH APPROVED

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

INDEX No.
SM-2021-0087