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**Disposal of the fee simple in a site at Berkeley Street/ Berkeley Place (James McSweeney House) to Cabhrú Housing Association**

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Dublin City Council granted a lease of the above site to the Catholic Housing Aid Society now Cabhrú Housing Association for a term of 99 years, for the provision of senior citizens accommodation. Cabhrú Housing Association (Company Limited by Guarantee, registered No. 23302) propose to redevelop this site for the same purpose and have secured planning permission for 35 apartments and a community room (Planning Ref 3893/18 refers). Funding of up to 70% of costs for this development will be sought under the Capital Advance Leasing Facility, the outstanding balance will be sought from the Housing Finance Agency or a private lender. In order to secure private funding, full ownership of the site will be required by Cabhrú Housing Association.

It is proposed to dispose of Dublin City Council's fee simple interest in the site to Cabhrú Housing Association, the proposed purchaser, subject to the following terms and conditions, which the Chief Valuer considers fair and reasonable:

1. The subject property at Berkeley Street, Dublin 7 is shown outlined in red on the attached map Index No. SM-2019-0989.
2. The Council shall dispose of the fee simple title in the subject property under the terms of the Low Cost Sites Scheme for the delivery of social housing.
3. The subject property is currently held by the purchaser under a 99 year lease from 4<sup>th</sup> July 1983. At completion of the fee simple disposal the purchaser will furnish Dublin City Council with a Deed of Surrender of their leasehold interest in the subject property shown outlined red on the attached map Index No. SM-2013-0897.
4. The disposal price shall be the sum of €4,445 (four thousand, four hundred and forty five euro) no VAT applies. This equates to €127 (one hundred and twenty seven euro) per residential unit permitted by planning permission.
5. The title shall be transferred to the purchaser subject to a Building Covenant.
6. There is an inhibition on the title that the subject property can only be used for social housing purposes.
7. The Development shall comply with the planning permission granted (planning ref 3893/18) and all other necessary statutory approvals/regulations.
8. The development must be fully completed and made fit for occupation within 36 (thirty six) months of the transfer of title.

9. The purchaser shall satisfy the Council that it has adequate public liability and employer's liability insurance and shall indemnify the City Council against any claims for compensation that may be made arising from its usage of the site. The current levels of insurance are €6.5 million public liability insurance and €13 million employer's liability insurance.
10. The purchaser shall insure the buildings during construction against fire and all other insurable risks with an approved insurance company and pay all necessary premiums. The insurance shall be in the joint names of the parties and will be for such an amount as will provide cover for full reinstatement values of so much of the buildings as is erect at any time together with a sum for professional fees and removal of debris charges.
11. All roads and footpaths works shall be completed to the written satisfaction of Dublin City Council.
12. The Council shall have 100% nomination rights to all of the units constructed on site.
13. The Council shall enter into a Payment and Availability Agreement, a Capital Advance Agreement and a Continuation Agreement with the purchaser.
14. Should the subject property cease to be used for social housing purposes at any stage, then the units will revert free of charge to Dublin City Council.
15. Should the purchaser not proceed with the development or not complete the development within the agreed timeline, that the benefit/ownership of the planning permission, design of the scheme and certification shall transfer, free of charge, to the Council.
16. In the case where Cabhrú Housing Association, Approved Housing Body is obtaining a loan from the Housing Finance Agency (HFA)/Private Financial Institution to finance the development of the site and the transfer to the Approved Housing Body is subject to a building covenant, step-in arrangements will need to be provided to the HFA/Private Financial Institution, should the Approved Housing Body not be in a position to comply with the building covenant.
17. In the event of the Approved Housing Body going into bankruptcy or insolvency, Dublin City Council reserves the right to take possession of the site and all of the housing units (partially completed or otherwise) at no cost to the Council. This condition applies except in the case where the Approved Housing Body has entered into a mortgage with a private financial institution, for the purpose of financing development of the site.
18. The purchaser shall be liable for the payment Stamp Duty should any such payment arise from this disposal.
19. Each party shall be responsible for their own legal fees and professional fees.
20. The purchaser shall not sell, assign, sublet or part with possession of the property or part thereof without obtaining the written consent of the City Council, with the exception of tenancy and licence agreements with tenants or licensees for supported housing.
21. This proposal is subject to the necessary approvals and consents being obtained.

The disposal shall be subject to any such covenants and conditions as the Council's Law Agent in her discretion shall stipulate.

The site to be disposed of was acquired from Peter Paul Ryan under the Berkeley Street/Berkeley Place Area Compulsory Purchase Order 1976.

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 Central Area Committee at its meeting on the 11<sup>th</sup> of July 2023.

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 this report and assents to the proposal outlined therein".

**Máire Igoe**  
**A/Executive Manager**  
**18<sup>th</sup> August 2023**



# JAMES McSWEENEY HOUSE

## Berkeley Street

### Dublin City Council to Cabhru Housing Association

Disposal of Fee Simple

Area: 1,055m<sup>2</sup>



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

3197-25

SCALE

1:1000

DATE

23-06-2023

SURVEYED /  
PRODUCED BY

T. Curran

INDEX No

FOLDER  
No

CODE

DWG  
No

REV

FILE NO

SM-2018-0989-0204- C3 - 001 - B.dgn

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 26/06/2023*  
THOMAS CURRAN

ACTING MANAGER LAND SURVEYING & MAPPING  
DUBLIN CITY COUNCIL

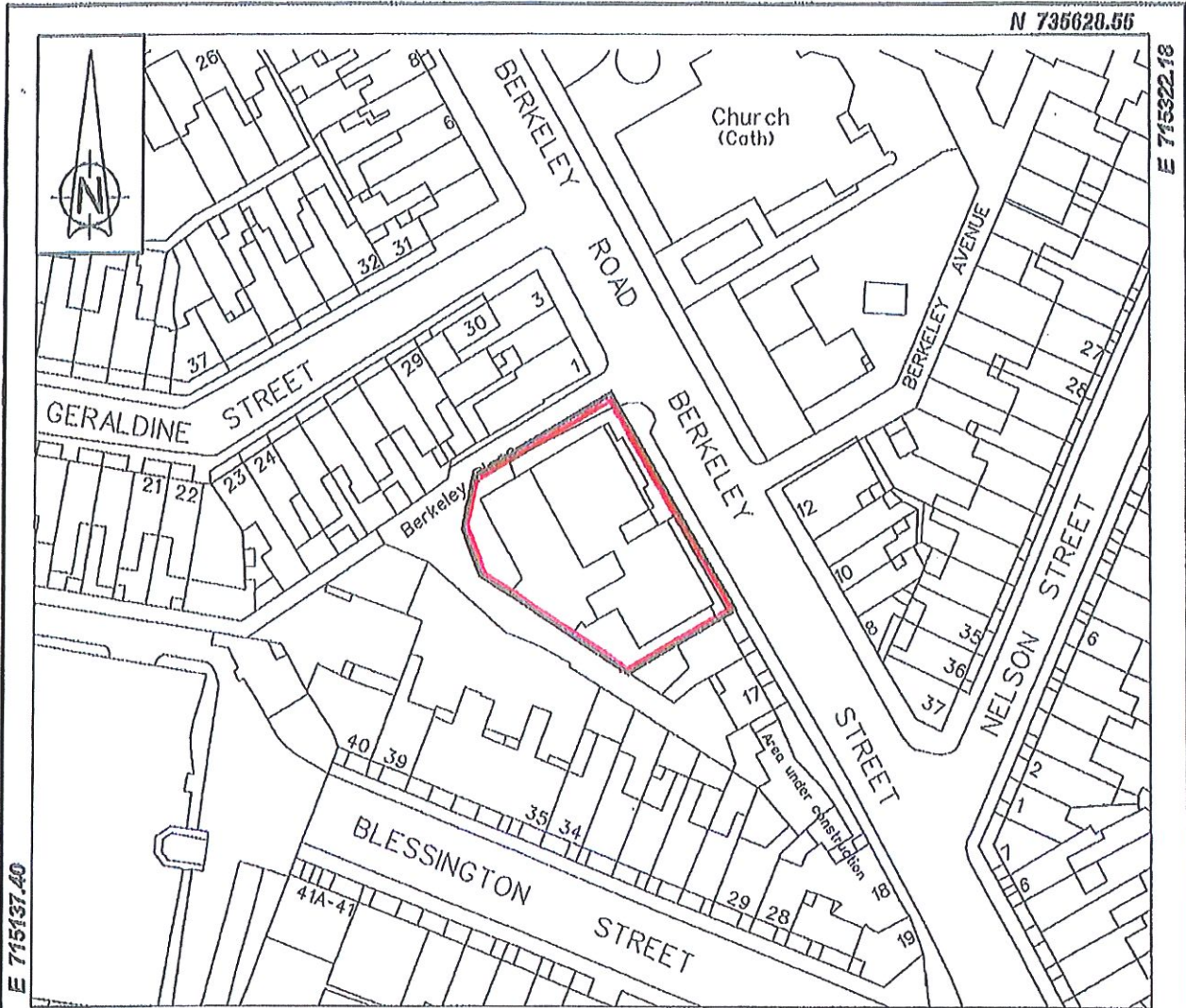
INDEX No.

SM-2019-0989


**Dr JOHN W. FLANAGAN**

CEng FIEI FICE

CITY ENGINEER



**BERKELEY STREET / BERKELEY PLACE - SITE AT  
DUBLIN CITY COUNCIL TO CATHOLIC HOUSING AID SOCIETY  
GRANT OF LEASE FOR 99 YEARS  
MAP FOR LAND REGISTRATION PURPOSES**

 <b>Dublin City Council</b> Comhairle Cathrach Balle Átha Cliath	<b>SURVEY AND MAPPING DIVISION</b> <i>Rannán Suirbhéireachta agus Léarscailithe</i> <b>ENVIRONMENT AND ENGINEERING DEPARTMENT</b> <i>An Roinn Comhshaoll agus Innealtóireachta</i>
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<b>O.S REF</b> 3197-25	<b>SCALE</b> 1-1000
<b>DATE</b> 0-12-2013	<b>SURVEYED / PRODUCED BY</b> J.KELLY

<b>INDEX No</b>	FOLDER No	CODE	DWG No	REV
<b>FILE NO</b>	SM-2013-0897-__0204- CX - 001 - A.dgn			

**MICHAEL PHILLIPS**  
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-2013-0897**  
(Refer to 9661/6A)