



The proposed grant of a further Lease of the Clontarf Road Car Park, Dublin 3 to Templeville Developments Limited T/A Westwood Club

Under Indenture of Lease dated the 26th May 2010, the Clontarf Road Car Park, Dublin 3 shown coloured in pink on the attached map SM-2020-0218, was demised by Dublin City Council to Templeville Developments Limited for a term of 20 years from the 26th April 2000 with a passing rent of €35,000 per annum. This Lease expired on the 25th April 2020.

The original lease formed part of an agreement by DCC to Templeville Developments Ltd for the provision of a 50m swimming pool facility, the first in Ireland. The construction of the larger pool impacted on the footprint of the building and subsequently on parking. In order for the facility to provide adequate parking Dublin City Council proposed to lease the lands the subject of this agreement.

The proposed grant of a further lease was previously brought before the Elected Members. A number of questions were raised by the Councillors regarding the potential use of the Clontarf Road Car Park site as a future site for housing. The matter was referred to the Housing Development Section of Dublin City Council for review who reported that the site does not have development potential for the following reasons –

- the site is zoned Z9 which does not allow for residential use
- the site is land locked between two surface car parks and is in close proximity to a busy rail line
- access to the car park is by wayleave across lands owned by CIE.

Environment and Transportation, Drainage Section has reported the existence of a large main sewer pipe on the site which would further prohibit construction at this location. A presentation was made directly to the area Councillors on the 27th September 2023 by Alan Leech Managing Director of Templeville Developments Limited. The presentation was to provide Councillors further clarification and opportunities to address further questions. The presentation was subsequently circulated electronically to Councillors by the North Central Area Office.

It is now proposed to grant a new Lease to Templeville Developments Limited T/A Westwood Club of the Clontarf Road Car Park, Dublin 3, subject to following terms and conditions which the Chief Valuer's Office considers to be fair and reasonable:

1. That the subject property, an overflow short term parking area, is shown outlined in red on the attached map SM-2020-0218
2. That a right of way is shown coloured in yellow on the attached map. The Lessee shall maintain the right of way and allow the Council and its nominees to use/access the area at any time.
3. That the lessee holds a lease from Dublin City Council for a term of 20 years from 26th April 2000, which is now expired.

4. That the new lease shall be for a term of 15 (fifteen) years commencing on 26th April 2020, subject to five yearly rent reviews.
5. That the subject area shall be used by the Lessee solely for the purposes of parking.
6. The Lessee shall engage a Traffic Management Specialist to devise a plan and subsequently implement the plan to maximise traffic flow and the safety of the travelling public in the vicinity of the car park entrance. The plan to be agreed by the Dublin City Council Environment and Transportation, Roads and Traffic section in advance of implementation.
7. That the market rent shall be a sum of €40,000 (forty thousand euro) per annum, effective from 26th April 2020.
8. That the Lessee shall be responsible for the payment of all outgoings including rates, charges, fees, bills, etc. that may become due on the leased area during the period of the lease.
9. That the Lessee shall be responsible for keeping the entire property (land, and boundaries) in good repair and shall carry out all necessary maintenance/repairs to the Council's written satisfaction.
10. That the Lessee shall keep the subject property area free from soil contamination.
11. That the subject property shall not be used for any loan or mortgage purposes without landlord's written consent.
12. That the Lessee shall not sell, assign, sublet, sub-divide, alienate or part with the possession of the property without landlord's written consent, which consent shall not be unreasonably withheld or delayed.
13. That the Lessee shall not carry out any development of the leased area or erect any signage, structure or mast without prior consent of Dublin City Council.
14. That the Lessee shall at all times ensure the leased area is not used in such a way to be a nuisance to the public or adjacent occupiers.
15. That the Lessee shall ensure that its use and occupation of the property shall at all times comply with all necessary statutory requirements.
16. That the Lessee shall ensure that the subject property is adequately secured and kept clean at all times.
17. That the Lessee shall indemnify the Council against all claims as a result of their use and occupation of the demised property and shall arrange for insurance cover as follows: Public Liability Insurance (minimum of €6.5 million) and Employers Liability insurance (minimum of €13 million).
18. That the Lessee shall insure and keep insured the property and every part thereof.
19. That the Lessee shall sign a Deed of Renunciation.
20. That the Lease shall contain such other terms and conditions as contained in Leases of this type and as are deemed appropriate by the County Solicitor.
21. That each party shall be responsible for their own legal fees in this matter.
22. That no agreement enforceable at law is created or intended to be created until exchange of contracts has taken place.

Part of the property to be disposed of was acquired from Francis Donnelly on the 11th August 1921 with the remainder of the site acquired from Francis Donnelly on the 18th May 1953

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This proposal was approved by the North Central Area Committee at its meeting on the 16th October 2023.

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

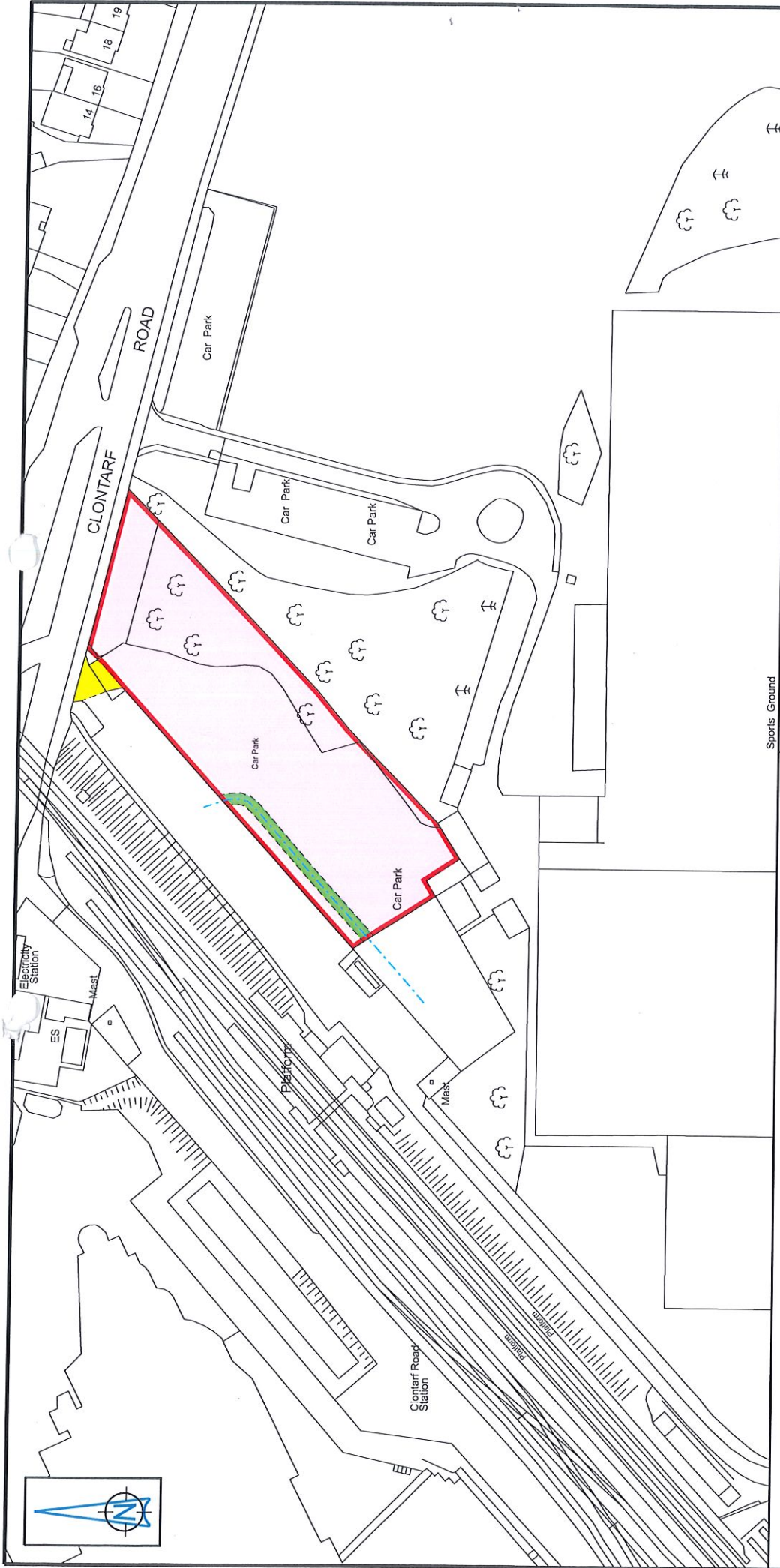
Resolution:

That Dublin City Council notes the contents of this report and assents to the proposal outlined therein.

Máire Igoe

A/Executive Manager

29th October 2023



Clontarf Road - Car Park

Dublin City Council to Templeville Developments Limited t/a Westwood Club

Grant of Lease

Area: 4418m²

Right of way for access purposes shown coloured yellow
 E.S.B. cable Wayleave shown coloured green

Sports Ground



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 3198-13, 3198-18	SCALE 1:1000
DATE 28-02-2020	SURVEYED/ PRODUCED BY T. Curran

INDEX No	FILE NO
REV	F:\SM-2020-0218 - 001 - A.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	INDEX No.
THOMAS CURRAN ACTING MANAGER LAND SURVEYING & MAPPING DUBLIN CITY COUNCIL	SM-2020-0218

Dr JOHN W. FLANAGAN
 CEng FIEI FICE
 CITY ENGINEER

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