

22 January 2024

To the Chairperson and Members of
The South East Area Committee

Meeting: 12th February 2024

Item No:

Disposal of 11 Bass Place and plot to the rear of Fenian Street, Dublin 2

Dublin City Council are redeveloping the former St Andrews Court on Fenian Street for the provision of 33 housing units. During the design phase the Law Department advised that an adjacent landowner had submitted a possessory title claim with PRAI (now Tailte Éireann) for a part of the site being developed by DCC and which would impact significantly on the housing proposal by reducing the potential number of units to 27 thereby making the development uneconomically viable. The Law Department advised that in order to progress the development and to maximise its full potential, agreement should be sought with adjacent land owner, Gold Run Properties Limited, in respect of Council-owned lands, the subject of the possessory title claim.

The outcome of the engagement has resulted in Gold Run Properties Ltd agreeing to:

- i. withdrawing their possessory title claim in the laneway fronting Fenian Street, PRAI dealing number D2023LR127041T, coloured red on Map 2 (OSI Map accompanying PRAI application)
- ii. providing Dublin City Council with a completed turnkey one bed ground floor apartment (over and above any Part V requirement) at no financial cost to the City Council (including VAT)

In exchange for:

- iii. an area of land to the west of the physical boundary line between St. Andrews Court and the adjoining Gold Run Properties Ltd development site with a site area of c. 39.9 sqm (Lot B shown on SM-2023-0515-008) to Gold Run Properties Ltd
- iv. 11 Bass Place, Dublin 2 with a site area of c. 95 sqm (Lot A shown on SM-2023-0515-008).

The agreement is subject to the following terms and conditions which the Chief Valuer considers fair and reasonable:

1. That Dublin City Council will dispose of its freehold interest with vacant possession in (i) 11 Bass Place, Dublin 2 with a site area of c. 95 sqm (Lot A shown on SM-2023-0515-008) and (ii) an area of land to the west of the physical boundary line between St. Andrews Court and the adjoining Gold Run Properties Ltd development site with a site area of c. 39.9 sq.m. (Lot B shown on SM-2023-0515-008) to Gold Run Properties Ltd.
2. That as full and final consideration Gold Run Properties Ltd will (i) withdraw their possessory title claim in the laneway fronting Fenian Street, PRAI dealing number D2023LR127041T coloured red on Map 2 (OSI Map accompanying PRAI application) and (ii) provide Dublin City Council with a completed turnkey one bed ground floor

apartment (over and above any Part V requirement) at no financial cost to the City Council (including VAT) within the proposed Gold Run Properties Limited development at Bass Place and Fenian Street. The apartment will be completed to a turnkey state, to include the fixtures and fittings as per the rest of the scheme.

3. That Dublin City Council will provide Gold Run Properties Ltd with a letter of consent to include the areas mentioned at No.1 above in their planning application.
4. That the disposal of Lots A and B as outlined in red on SM-2023-0515-008 are conditional on the withdrawal of the Gold Run Properties Ltd possessory title claim, which must be confirmed before the exchange of contracts. Title will transfer from the Council to Gold Run Properties Limited once the proposed development is substantially commenced i.e. first floor slab level.
5. That in the event that Gold Run Properties Limited's development at Bass Place/Fenian Street is not substantially commenced within 3 years of the signing of contract i.e. first floor slab level, the contract will become null and void.
6. That both parties will agree the boundary at Fenian Street with a view to making a joint application (the Council and Gold Run Properties Ltd) to the PRAI to register title based on this agreement.
7. That a contract to reflect the agreed terms and conditions will be issued by Dublin City Council's Law Agent within 3 months of City Council approval.
8. The above agreement is exclusive to Gold Run Properties Limited and cannot be assigned prior to the disposal.
9. That any of the dates in this transaction can be extended at the absolute discretion of the Executive Manager, Planning and Development Department, Dublin City Council.
10. That each party shall be responsible for their own taxes or charges liabilities arising with this transaction but having due regard to the provisions of 2 above.
11. That each party shall be responsible for their own professional costs in this case.
12. That the above proposal is subject to satisfactory proof of title by Gold Run Properties to the adjoining development site.

The disposal shall be subject to any such covenants and conditions 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.

Maire Igoe
Máire Igoe
A/Executive Manager

Date: 31/01/2024