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

Dublin City Council are redeveloping the former St. Andrew's 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 the PRAI (now Tailte Éireann) for a part of the site being developed by the Council 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 Limited 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. Andrew's Court and the adjoining Gold Run Properties Limited development site with a site area of c. 39.9 sqm (Lot B shown on SM-2023-0515-008) to Gold Run Properties Limited
- 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. Andrew's Court and the adjoining Gold Run Properties Limited development site with a site area of c. 39.9 sq.m. (Lot B shown on SM-2023-0515-008) to Gold Run Properties Limited.
2. That as full and final consideration Gold Run Properties Limited 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/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 Limited 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 Limited 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 contracts 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 Limited) 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 property to be disposed of was vested under the Derelict sites Act 1990 from William Ryan Marshall, Percy Hamilton Marshall, Walter Vernon Villiers Ryan, Denis Simpson Gunning, John Hanafin and Esther Leah Welles.

No agreement enforceable at law is created or is 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 12th February 2024.

The Land Development Agency has advised that it is not intended to acquire the land for the purposes of Section 53(4) of the Land Development Agency Act 2021 and has notified the Council in writing to this effect.

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".

Maire Igoe
A/Executive Manager
16th February 2024

Land Registry Compliant Map



CENTRE COORDINATES:
ITM 716804,733869

PUBLISHED: 09/03/2021
ORDER NO.: 50177150_1

MAP SERIES: 3264-06
1:1,000
3264-07
1:1,000
3264-11
1:1,000
3264-12
1:1,000

Lee Conolly 13/04/2023

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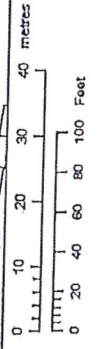
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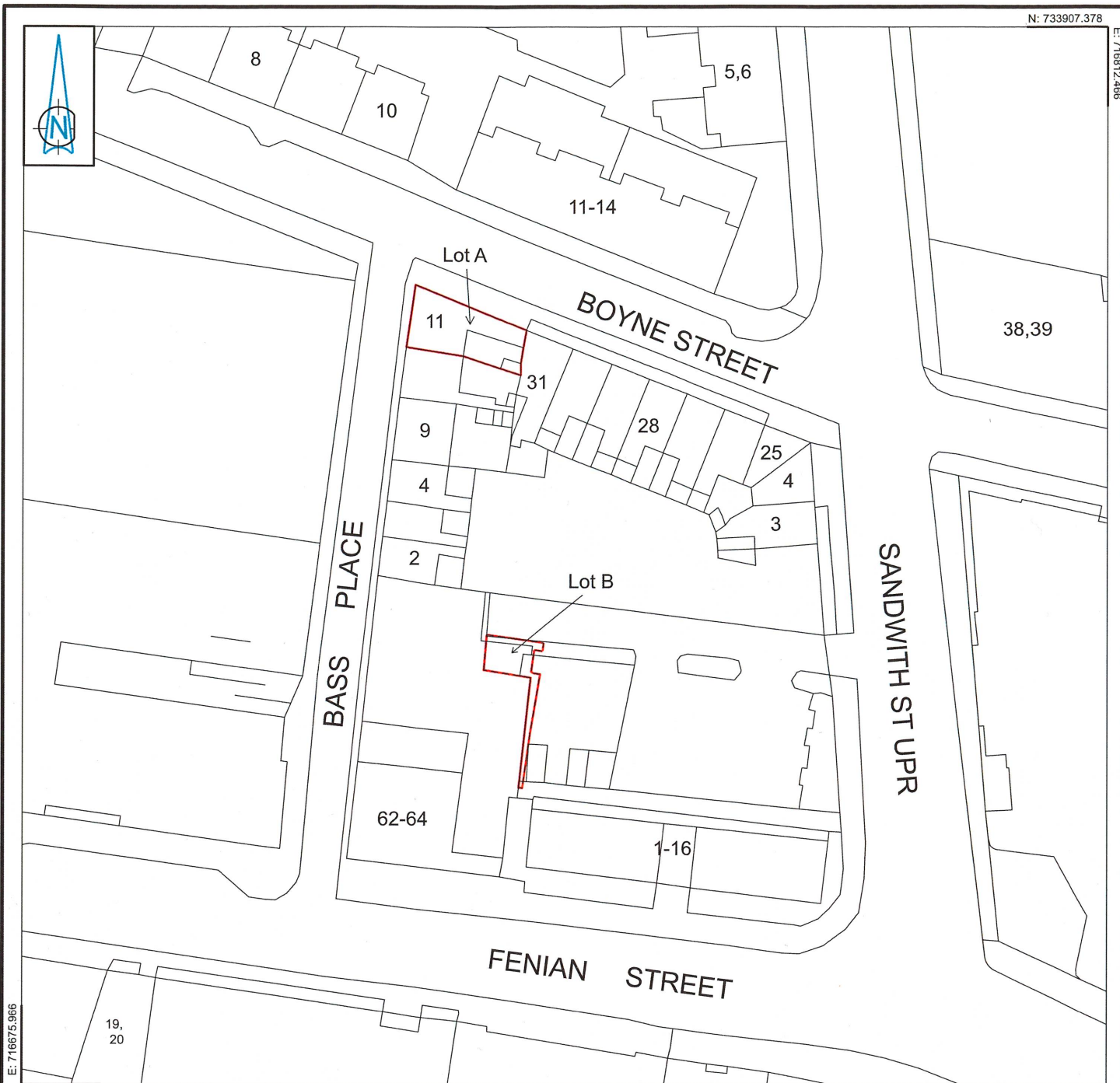


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OUTPUT SCALE: 1:1,000




Map 2.



E: 716875.966

N: 733774.166

FENIAN STREET - Lands at
 Dublin City Council to Goldrun Properties
 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 3264-07, -12	SCALE 1:500 @A3	FILE NO	INDEX No DWG No REV F:\SM-2023-0515 - 008 - A.dgn
DATE 16-01-2024	SURVEYED / PRODUCED BY D.White / M.Victory	THIS MAP IS CERTIFIED TO BE COMPUTER GENERATED BY DUBLIN CITY COUNCIL FROM ORDNANCE SURVEY DIGITAL MAPBASE SURVEY, MAPPING AND RELATED RESEARCH APPROVED	
Dr JOHN W. FLANAGAN CEng FIEI FICE CITY ENGINEER		APPROVED THOMAS CURRAN ACTING MANAGER LAND SURVEYING & MAPPING DUBLIN CITY COUNCIL	INDEX No. SM-2023-0515-008

No. 11 Bass Place
 shown as Lot A - Area 95m²
 Plot at Fenian St/Sandwith St
 shown as Lot B - Area 39.9m²

Area 134.9m²