



With reference to the proposed grant of a further licence of land for a community garden at the rear of Summer Street North, Dublin 1.

By way of Agreement dated 12th December 2014 a plot of land at the rear of Summer Street North, Dublin 1 which said plot is more particularly delineated outlined red and coloured pink on Map Index No. 17505 was let under licence by Dublin City Council to Mr. Kevin Downey & Mr. Garvan Gallagher on behalf of the Summer Street North Residents Committee for use as a community garden for a term of 2 years commencing on 7th November 2014 and subject to a licence fee of €200.

This licence expired on 6th November 2016. The Area Manager has confirmed that there is no objection from an operational point of view to the licence being renewed.

Accordingly it is proposed to grant a further licence of the land at Summer Street North to Mr. Barry McGee (Mr. Downey & Mr. Garvan are no longer involved in the group) on behalf of the Summer Street North Residents Committee subject to the following terms and conditions:

1. The licence shall be for a period of two years from 7th November 2016.
2. The land to be licensed which is more particularly shown outlined red and coloured pink together with an access area shown coloured yellow on Map Index No. 17505 shall be used solely as a community gardening facility.
3. The land may be used between the hours of 9am and 5pm daily during the winter months and from 9am to 9pm during the summer months.
4. The Council is entitled to terminate the licence at any time (upon giving one months notice).
5. The licence fee shall be €200.00 payable in advance upon execution of the licence.
6. The licensee shall be responsible for fully insuring the property and shall indemnify Dublin City Council against any and all claims arising from its use of the property. Public Liability Insurance in the amount of €6.5M and Employers Liability Insurance (if applicable) in the amount of €13M shall be required.
7. The licence shall be personal to the licensee and shall not be capable of transfer, sub-licence, assignment, mortgage or charge.
8. The licensee will be responsible for the maintenance and upkeep of the property and any boundary treatments.
9. Existing access rights of the residents whose properties back onto the land shall not be compromised and walkways kept clear.

10. The licensee will be responsible for ensuring that the access points to the property are secured appropriately and that the gate onto Summer Street North is kept closed.
11. The licensee must comply with the manufacturer's recommendations in the use of any chemical herbicide or pesticide and take all necessary safety precautions to ensure that the gardeners, Council staff and members of the public are not exposed to the effects of chemicals used.
12. The licensee shall comply with Health and Safety laws and exercise a "Duty of Care" towards themselves and the general public.
13. Any outgoings which may be charged on the land, such as rates, taxes etc. shall be the responsibility of the licensee.
14. The licensee shall not erect any buildings or structures whatsoever on the land.
15. The licensee shall be responsible for the removal of all weeds from the land.
16. That the licensee shall be required to sign a Deed of Renunciation in respect of the licensed area.
17. Each party shall be responsible for its own legal costs in this matter.
18. Should the property cease to be used for community gardening purposes it will revert free of charge to Dublin City Council.
19. The licence will be subject to any other terms and conditions deemed appropriate by the Council's Law Agent in Agreements of this type.

The land proposed to be granted was vested in the City Council under the Rutland Street Upper / Summerhill Area Compulsory Purchase Order 1979.

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

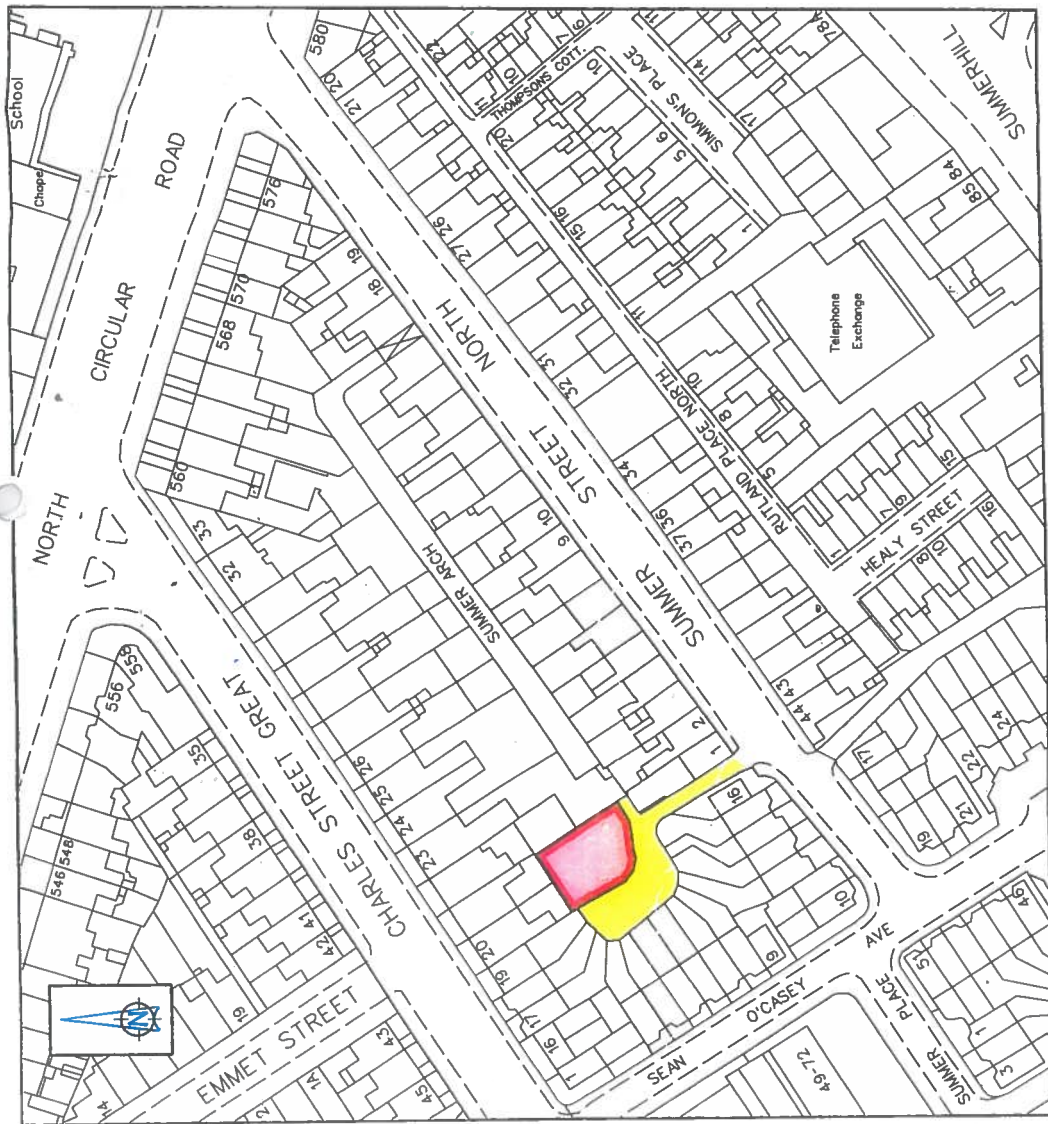
No Agreement enforceable at law is created or intended to be created until an exchange of contracts has taken place.

This proposal was approved by the Central Area Committee at its meeting on the 13th December 2016

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

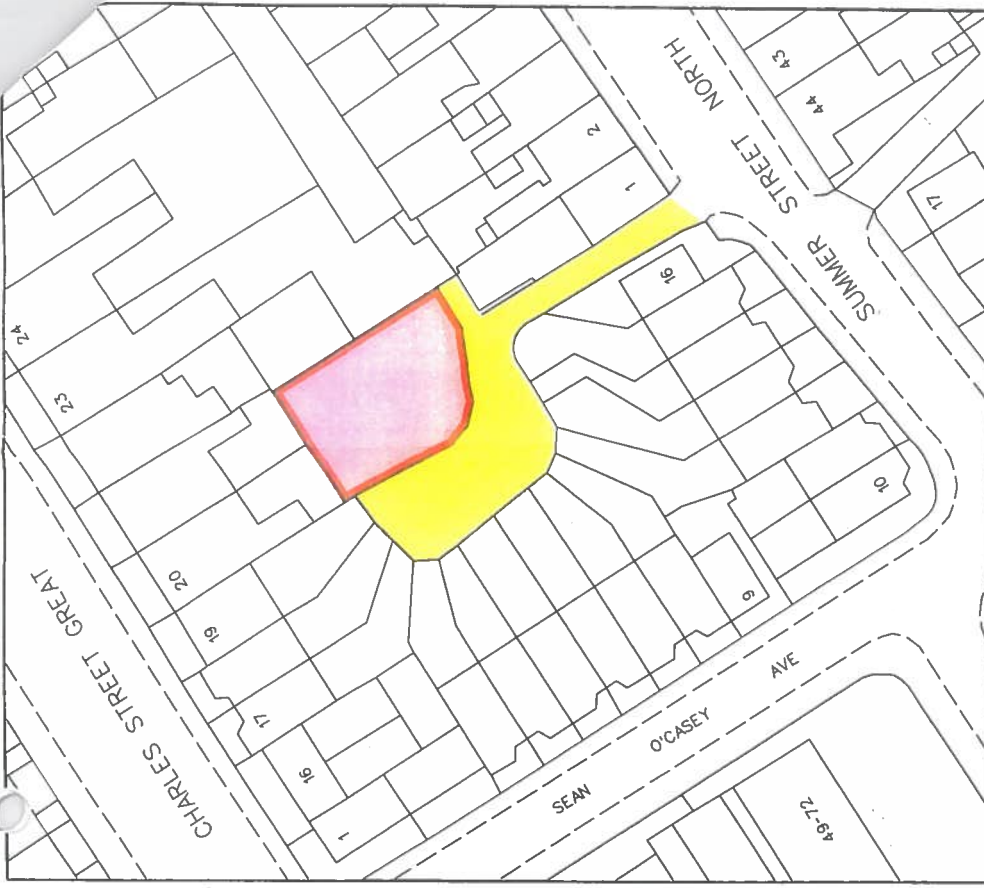
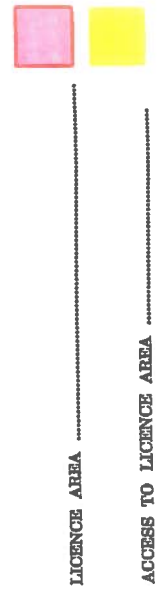
Dated this the 16th day of December 2016.

Paul Clegg
Executive Manager




LOCATION MAP Scale 1:1000

LAND AT REAR OF SUMMER STREET NORTH
 2 YEAR LICENCE TO KEVIN DOWNEY AND GARVAN GALLAGHER ON
 BEHALF OF THE SUMMER STREET NORTH RESIDENTS COMMITTEE



ENLARGEMENT Scale 1:500



DUBLIN CITY COUNCIL
 Comhairle Cathrach Bhaile Átha Cliath
 ENVIRONMENT AND ENGINEERING DEPARTMENT
 An Roinn Comhshaoil agus Innealtóireachta
 SURVEY AND MAPPING SERVICES DIVISION
 Rannán Seirbhíse Suirbhéireachta agus Learscailithe

SCALE INDEX No.
 1:500 17505
 1:1000
 CODE C 27

M. PHILLIPS
 CITY ENGINEER

DATE
 04-11-2008

DATA BY
 18-07-2007 JEC LICENCE UPDATED

REVISIONS :

SURVEYED / MADE BY
 FC

O.S. REF.
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