

**The Chairman and Members of
North West Area Committee.**

**Development Department
Civic Offices**

Meeting: 21st March 2017

Item No: 16

With reference to the proposed disposal of lands at Gateway Crescent, Ballymun, Dublin 11.

It is proposed to dispose of lands located at Gateway Crescent, Ballymun, Dublin 11 to Clúid Housing Association (the applicant), an approved housing body, for the provision of social housing accommodation. The lands are shown hatched red and green on the attached Map Index No.SM-2015-0780.

The area coloured red was developed by Clúid with Capital Loan Subsidy Scheme (CLSS) funding, providing nineteen social housing units. The development included the provision of all internal access roads, completion of Gateway Crescent road, the provision of car parking spaces within the curtilage of the site and on Gateway Crescent.

Clúid Housing Association has obtained planning permission to provide 8 units on the area hatched green. These units are being funded with private finance under the Social Housing Leasing Initiative. Dublin City Council will enter into a Payment and Availability Agreement with Clúid Housing Association in respect of these 8 units and in turn the Council will have 100% nomination rights to the units.

It is therefore proposed to dispose of the fee simple in this land to Clúid Housing Association subject to the following terms and conditions:

(A) Plots hatched red & blue

1. That the subject plots are located at Gateway Crescent, Ballymun, Dublin 11 and are shown hatched red & blue on attached Map Index No.SM-2015-0780.
2. That the applicant has constructed 19 social housing units on the plot hatched red which were funded by the Capital Loan Subsidy Scheme.
3. That the Council shall dispose of the fee simple title in the plot hatched red under the terms of the Low Cost Sites Scheme to the applicant.
4. That title in the plot hatched red will transfer to the applicant following the receipt of the requisite approvals and upon written confirmation from the Council's Roads & Traffic Department that all roads, footpaths and car parking spaces on the plot hatched blue have been completed to taking in charge standard.
5. That Dublin City Council shall retain ownership to the plot hatched blue.

6. That the disposal price for the plot hatched red shall be €127 (one hundred and twenty seven euro) plus VAT (if applicable) per residential unit i.e.19 units in total.
7. That a charge in favour of Dublin City Council for the Capital Loan Subsidy Scheme (CLSS) shall remain on the title for the plot hatched red for a term of thirty years. The applicant shall comply in full with the Deed of Mortgage in respect of the CLSS charge (see terms 10 & 11 below).
8. That the development on the plot hatched red complies with the planning permission granted and all other necessary statutory approvals.
9. That there is an inhibition on the title that the property can only be used for social housing purposes.
- 10 That should the property cease to be used for social housing purposes at any stage, then the land and the units will revert free of charge to Dublin City Council subject to and with the burden of the Capital Loan Subsidy Scheme charge.
- 11 That should the applicant become bankrupt or insolvent, Dublin City Council reserves the right to take possession of the site and all of the housing units, at no cost to the Council subject to and with the burden of the Capital Loan Subsidy Scheme charge.
12. That Clúid Housing Association shall not sell, assign, sublet or part with possession of the property or part thereof without obtaining the written consent of the City Council.
13. That each party shall be responsible for their own legal fees.
14. That Clúid Housing Association shall be liable for the payment of VAT or Stamp Duty should any payments arise from this disposal.
15. That the legal agreement shall include any amendments and / or conditions deemed appropriate by Dublin City Council's Law Agent.

(B) Plot hatched green

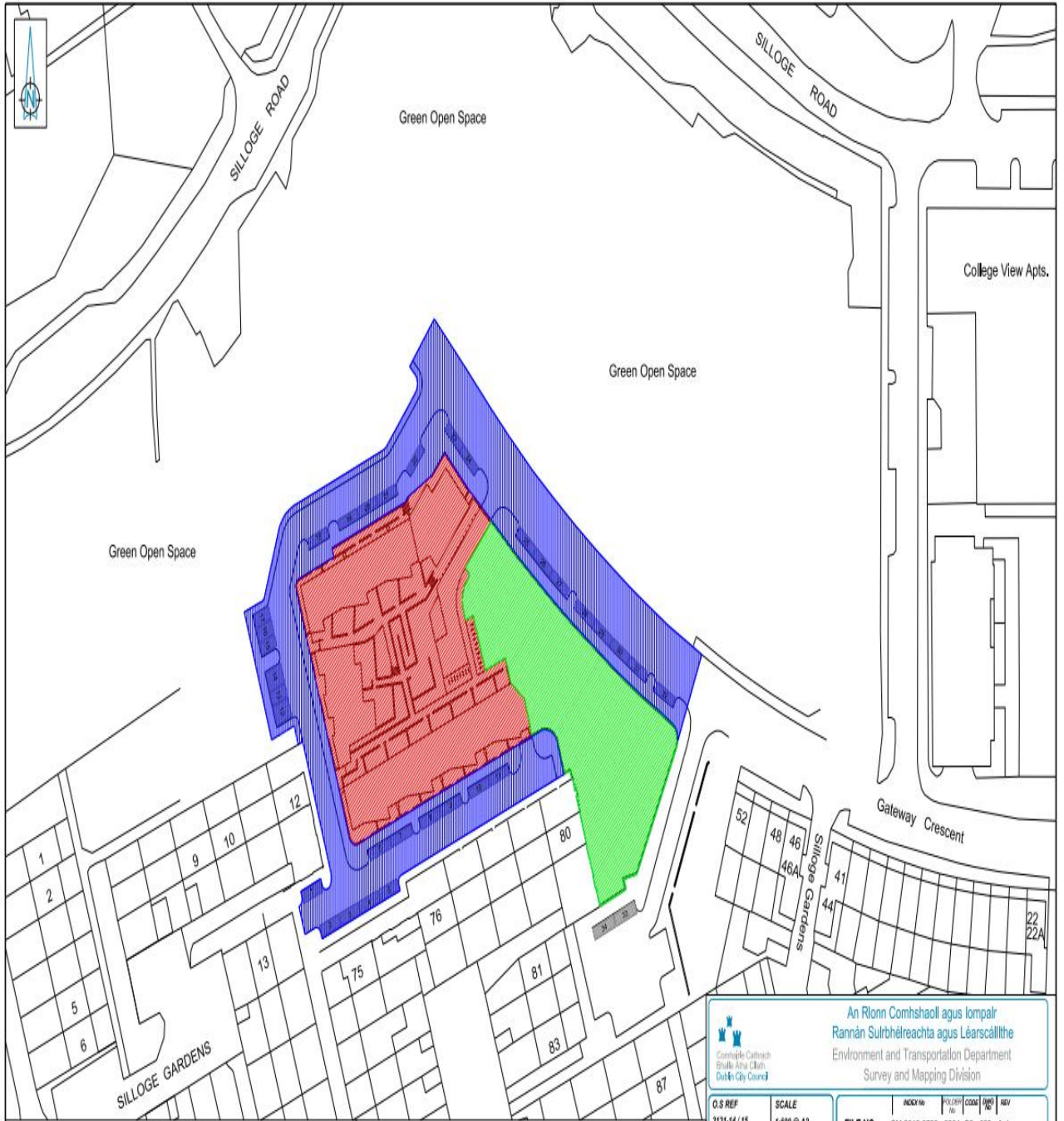
1. That the subject plot is located at Gateway Crescent, Ballymun, Dublin 11 and is shown hatched green on attached map SM-2015-0780.
2. That the applicant has obtained planning permission (Ref. 2661/15) for the construction of 8 social housing units on the plot hatched green, which will be part funded by private finance under the Social Housing Leasing Initiative.
3. That the Council shall dispose of the fee simple title in the plot hatched green under the terms of the Low Cost Sites Scheme, to the applicant, following the receipt of the requisite approvals.
4. That the disposal price shall be €127 (one hundred and twenty seven euro) plus VAT (if applicable) per residential unit i.e. 8 units in total.
5. That title to be transferred shall be subject to a building covenant that the development on the subject plot shall comply with the planning permission (Ref. 2661/15) granted and all other necessary statutory approvals.

6. That should development of the plot hatched green not be practically complete within 18 months following the transfer of title, or, in the event of the applicant's 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, save in the case of a financial institution which has entered into a mortgage with the purchaser.
7. That prior to the transfer of title, the proposed purchaser and its contractor and professional team shall be permitted to enter onto the green plot under a Building Licence agreement, on standard terms to be agreed, for the purposes of commencing the approved development.
8. That there is an inhibition on the title that the plot hatched green can only be used for social housing purposes.
9. That the applicant shall enter into a Capital Advance Agreement with Dublin City Council.
10. That Dublin City Council shall enter into a Continuation Agreement and a Payment and Availability Agreement with the applicant and the Council shall have 100% nomination rights to all of the units constructed on site.
11. That Clúid Housing Association shall not sell, assign, sublet or part with possession of the property or part thereof without obtaining the written consent of the City Council.
12. That each party shall be responsible for their own legal fees.
13. That Clúid Housing Association shall be liable for the payment of VAT or Stamp Duty should any payments arise from this disposal.
14. That the legal agreement shall include any amendments and / or conditions deemed appropriate by Dublin City Council's Law Agent.

The dates for the performance of any of the requirements of the proposed agreement may be amended at the absolute discretion of the Assistant Chief Executive.

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

Declan Wallace
Assistant Chief Executive



LEGEND

	Clúid Housing to bring services up to Taking In Charge standard
	Disposal to Clúid Housing and Charge in favour of Dublin City Council
	Disposal to Clúid Housing

Clúid Housing Ballymun Map for Disposal

An Roinn Comhshaolta agus Iompair Rannán Sulbhéireachta agus Léarscálithe Environment and Transportation Department Survey and Mapping Division					
O.S REF 3131-14 / 15	SCALE 1:500 @ A2	INDEX No SM-2015-0780_0204-C3-003-A.dgn	PROJECT No SM-2015-0780	CODE C3	REV 003
DATE September 2016	SURVEYED / PRODUCED BY Owen Lloyd	THIS MAP IS DESIGNED TO BE COMPATIBLE WITH THE DATA PROVIDED BY DUBLIN CITY COUNCIL FROM ORIGINALLY ACQUIRED DATA. SURVEY, MAPPING AND RELATED RESEARCH APPROVED			
MICHAEL PHILLIPS CITY ENGINEER		APPROVED THOMAS CURRAN ACTING MANAGER, LAND SURVEYING & MAPPING DUBLIN CITY COUNCIL		INDEX No. SM-2015-0780	
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