



With reference to the proposed Disposal of 61 and 63 Ratoath Avenue Finglas, Dublin 11 to Arlington Novas CLG Approved Housing Body

It is proposed to dispose of Dublin City Councils Fee Simple interest in no's 61 and 63 Ratoath Avenue, Finglas, Dublin 11 to Arlington Novas Ireland CLG under the terms of the Low Cost Sites Scheme. The proposal is to facilitate the demolition of the two dwellings to be replaced by 6 x1 bed apartments, for provision of senior citizen accommodation to comply with the approved planning permission Ref. No 3639/18 granted 15 January 2019. The proposed sites are outlined red on the attached Map SM- 2018-0179. Agreement has now been reached which is considered fair and reasonable subject to the following terms and conditions:

1. That the subject property comprises a site with two buildings at 61-63 Ratoath Avenue, Finglas, Dublin 11, which is shown outlined in red on the attached map SM-2018-0179.
2. That the Council shall dispose of the fee simple title in the subject property under the terms of the Low Cost Sites Scheme, to the proposed purchaser.
3. That the disposal price shall be the sum of €762 (seven hundred and sixty two euro) plus VAT @ 13.5%
4. That the Development shall comply with the approved planning permission, Ref. No. 3639/18 granted on the 15th January 2019 and all other necessary statutory approvals.
5. That the Development will be funded through the Capital Assistance Scheme (CAS). That the Development must be fully completed and made fit for occupation within the time frame agreed between the Executive Manager, Housing and Community Service and the Purchaser.
6. That the Purchaser and their contractors and professional team shall be permitted to enter onto the subject property under an 18 (eighteen) month Building Licence agreement, on standard terms to be agreed, for the purposes of commencing the approved development.
7. That the Developer shall commence development on site within six months subject to the necessary statutory approvals.
8. That the timelines may be extended with the agreement of the Executive Manager, Housing and Community Service.

9. That the Purchaser shall satisfy the Council that it has adequate public liability and employers insurance and shall indemnify the City Council against any claims for compensation that may be made arising from its usage of the site. The current levels of insurance are €6.5m public liability insurance and €13m employer's liability insurance.
10. That the Purchaser shall insure the buildings during construction against fire and all other insurable risks with an approved insurance company and pay all necessary premiums. The insurance shall be in the joint names of the parties and will be for such an amount as will provide cover for full reinstatement values of so much of the buildings as is erect at any time together with a sum for professional fees and removal of debris charges.
11. That the all roads and footpaths works shall be completed to the written satisfaction of the Council.
12. That the subject property can only be used for social housing purposes and no other use.
13. That the Council shall have 100% nomination rights to all of the units constructed on site.
14. That should the subject property cease to be used for social housing purposes at any stage, then the units will revert free of charge to Dublin City Council, save in the case of a financial institution which has entered into a mortgage with the purchaser for the purpose of financing development of the site.
15. That a charge in favour of Dublin City Council for the CAS shall remain on the title for a term of 30 years. The applicant shall comply in full with the Deed of Mortgage in respect of the CAS charge.
16. That should the Purchaser not proceed with the development or complete the development within the agreed timeline that the benefit/ownership of the planning permission, design of the scheme and certification shall transfer, free of charge, to the Council.
17. That in the event of the Purchaser'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 subject to and with the burden of the Capital Assistance Scheme Charge.
18. That the Purchaser shall not sell, assign, sublet or part with possession of the property or part thereof without obtaining the written consent of the City Council, with the exception of tenancy and licence agreements with tenants or licensees for supported housing.
19. That each party shall be responsible for their own legal fees.
20. That the applicant shall be liable for the payment of VAT or Stamp Duty should any payments arise from this disposal.
21. That the legal agreement shall include any amendments and / or conditions deemed appropriate by Dublin City Council's Law Agent.

The property to be disposed of was acquired in Fee Simple in 1954 from John F Sheppard.

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 North West Area Committee at its meeting on 16 Apr 2019.

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

Resolution to be adopted:

That Dublin City Council notes the contents of Report No. 171/2019 and assents to the proposal outlined therein.

Dated 19th April 2019

Paul Clegg
Executive Manager



N: 738668.360

RATOATH AVENUE, FINGLAS, DUBLIN 11- No. 61 & 63

Dublin City Council to Arlington NOVAS Ireland CLG

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	SCALE
3130-20	1:1000
DATE	SURVEYED / PRODUCED BY
20-04-2018	D.White (PMcG)

FILE NO	INDEX No	FOLDER No	CODE	DWG No	REV
SM-2018-0179-0204- C3 - 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

THOMAS CURRAN

ACTING MANAGER LAND SURVEYING & MAPPING
DUBLIN CITY COUNCIL

Dr JOHN W. FLANAGAN
CEng FIEI FICE
CITY ENGINEER

INDEX No.

SM-2018-0179