



With reference to the proposed disposal of the Councils freehold interest in 42, 43 and 44 (formerly 41) Chamber Street, Dublin 8.

Dublin City Council is the registered freehold owner of the premises 42, 43 and 44 (formerly known as 41) Chamber Street, Dublin 8, as shown outlined in red on Map Index No. SM-2021-0704, under PRAI Folio DN98994F.

The fee simple which was acquired by Dublin City Council in 1983 as part of a settlement relating to the Cork Street Road Widening Scheme is subject to, in the case of 42 and 43 Chamber Street, (a) a fee farm grant dated 3rd March 1856 granted by the Earl of Meath to Rev. C. Archbold at a rent of £35.39 but indemnified against the payment thereof, and (b) a lease dated 19th February 1879 granted by Frederick Morton to Patrick Callan for a term of 999 years at an annual rent of £12, adjusted to £11.47 (€14.57). The Council never acquired this lease for 999 years.

The fee simple held by Dublin City Council in respect of 44 Chamber Street (formerly 41) Chamber Street is subject to a Lease dated 17th March 1877 from Frederick Pemberton Morton to Richard Howell of part of the property formerly known as 44 Chamber Street together with the rights specified therein and together with unregistered property for a term of 999 years from 1st March 1877 at an annual rent of £6.00 (€7.62) adjusted to £5.74 (€7.29). The Council never acquired this lease for 999 years.

These leases are registered as burdens on the Council's registered title under Folio DN98994F. The holders of these leases have the beneficial interest in the properties and the Council's interest is nominal as a result.

On the acquisition of the premises in 1983 the lease held in respect of 44 (formerly known as 41) Chamber Street was held by Henry Costello. It was later assigned to John Bolger and Paul Bolger in 2006. The Bolger's business went into receivership in 2013 and their interest in the property was acquired by Chamber Street Developments Limited in 2019.

In the case of 42 and 43 Chamber Street, on the date of acquisition in 2013 the reputed holder of the 1879 lease was Patrick Bolger who was then under the name of W&J Bolger Limited operating a builders yard on the site. More recent title research indicated that the W&J Bolger Limited did not in fact hold the lease but had been in possession of the land for many years and would have been entitled to lodge an adverse possession claim with the PRAI. In March 2021 W&J Bolger Limited disposed of its interest in 42 and 43 Chamber Street to Chambers Street Developments Limited.

Chambers Street Developments Limited is now in possession of the entire site and has applied to acquire the Council's freehold title. The Law Agent has advised that a 999 year lease is effectively freehold and that the lessee has an entitlement to seek to acquire the fee simple interest held by Dublin City Council in 44 (formerly 41) Chamber Street. In addition, while Chambers Street Developments Limited does not hold the lease on 42 & 43 Chamber

Street the Law Agent has advised that the company is entitled to the benefit of the possessory title claimed by the previous occupants W&J Bolger Limited.

It is proposed therefore to dispose of the freehold interest in the premises 42, 43 and 44 (formerly 41) Chamber Street, Dublin 8 to Chambers Street Developments Limited subject to the following terms and conditions:

1. That Dublin City Council holds the Fee Simple interest in the premises as outlined in red on the attached Map Index No: SM-2021-0704.
2. That the disposal price for the Council's interest shall be the sum of €19,000 (nineteen thousand euro), plus VAT if applicable in full and final settlement, apportioned in the sums of €12,000 in respect of Nos. 42 and 43 and €7,000 in the case of No. 44 (formerly No. 41).
3. That the Applicant shall be prepared to pay all rent, rates and charges outstanding up to and including the date of sale, if any.
4. That the Applicant shall pay the Council's Valuer's fee of €3,000 plus VAT and legal costs of transfer plus VAT.
5. That the disposal shall be subject to satisfactory proof of title.

The fee simple interest to be disposed was acquired from Relda Investments Limited in 1978.

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

The disposal shall be subject to any such covenants and conditions as the Law Agent in her discretion shall stipulate.

This proposal was noted by the South Central Area Committee at its meeting on 8th December 2021.

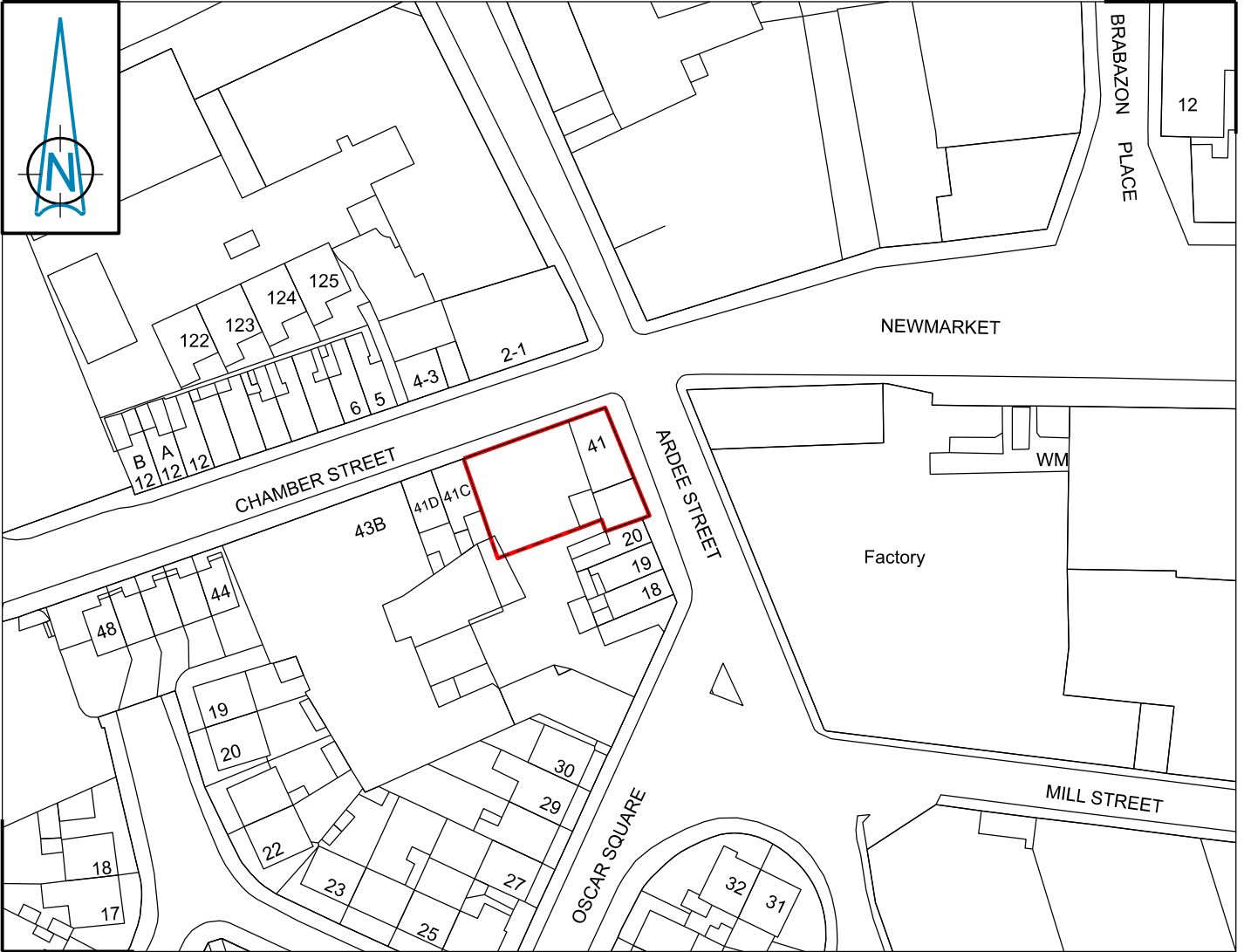
This report is submitted in accordance with the requirements of Section 183 of the Local Government Act, 2001.

Resolution:

That Dublin City Council notes the contents of Report No. 13/2022 and hereby approves the contents therein.

Dated this the 16th day of December 2021.

Paul Clegg
Executive Manager



CHAMBER STREET No. 41, 42 & 43

Dublin City Council to Chambers Street Developments Limited

Disposal of Fee Simple

Area 382.7m²



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

3263-14, 3263-19

SCALE

1:1000

DATE

07-10-2021

**SURVEYED /
PRODUCED BY**

D.White

INDEX No

DWG
No

REV

FILE NO

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SURVEY, MAPPING AND RELATED RESEARCH APPROVED

APPROVED

THOMAS CURRAN

ACTING MANAGER LAND SURVEYING & MAPPING
DUBLIN CITY COUNCIL

INDEX No.

SM-2021-0704

Dr JOHN W. FLANAGAN

CEng FIEI FICE
CITY ENGINEER