**COMHAIRLE CHONTAE ÁTHA CLIATH THEAS
SOUTH DUBLIN COUNTY COUNCIL**

**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 9th November 2015**

**ITEM NO. H – I (7) (a)**

**Proposed disposal of residential shop at 13 Deansrath Avenue, Clondalkin, Dublin 22**

In May 2014 consent was granted to the assignment of the leasehold interest in the residential shop premises at 13 Deansrath Avenue from Martin Reddy to John Flynn, 51 Ballynakelly Green, Newcastle, County Dublin. The lease on the premises exists for a period of 20 years from 1st January 2006. Manager’s Order LA/165/2006 and Minute No. C/0319/06 refer.

Despite the Council’s substantial engagement with the previous occupier of the premises prior to Mr Flynn, efforts to manage and recover arrears failed.

Mr. Flynn made an application to the Council for purchase of the freehold interest in the premises together with a proposal on addressing the rent arrears.

The matter was referred to the City Valuer and following a negotiation process the following terms and conditions are recommended for acceptance:

1. That the subject property is held under a lease by the above lessee for a term of 20 years from 1st January 2006 and is as outlined in red on drawing reference LA/32/15.
2. That the applicant pays the Council the sum of €160,000 (one hundred and sixty thousand euro) for the freehold interest in the subject premises shown outlined in red on drawing reference LA/32/15.
3. That the applicant agrees to make a contribution of €15,000 (fifteen thousand euro) towards arrears on the premises for the period of his occupation from mid October 2010 to 30/06/2015 and make payment of all subsequent rent due on the premises up to time of completed transfer.
4. That the applicant pays the Council’s legal fees in this matter and Valuer’s fees of €800 (eight hundred euro) plus VAT.
5. That the above proposal is subject to satisfactory proof of title.
6. That the above proposal is subject to obtaining the necessary consents and approvals.
7. That the applicant agrees that the premises is disposed of in its current condition.
8. That the acting Law Agent shall draft the necessary legal documents and shall include any further terms deemed appropriate in Agreements of this nature.

I recommend acceptance of the above named terms and conditions for disposal of the freehold interest in the residential shop premises – 13 Deansrath Avenue, Clondalkin as outlined in red on drawing reference LA/32/15 subject to the provisions of Section 183 of the Local Government Act 2001 and in accordance with Section 211 of the Planning & Development Act 2000.

The lands on which the premises is located forms part of lands which were acquired from Deansrath Investment Company Ltd in December 1972 for purposes of housing and community development.

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Daniel Mc Loughlin

Chief Executive