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

**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 13 February 2017**

**ITEM NO. H-I 8(d)**

**Proposed disposal of freehold interest in Avoca site, Rathcoole, Co. Dublin to Aramark Ireland, Northern Cross, Malahide Rd., Dublin 17**

By resolution of the Council at meeting of 14/2/2005, the elected members approved of the disposal under a 999 year lease of island site at Rathcoole as identified outlined in red on drawing ref. SRD 37/100/13 to Avoca Handweavers Ltd. for the consideration of €4 million euro (minute ref. C/0118/05 refers). Avoca successfully developed the site as a substantial retail outlet for speciality food/crafts with restaurant facilities and complied with the Council’s objective for tourism oriented commercial activity within the County. The lease was completed and signed by both parties in March 2011.

The approved disposal arrangement further provided for the lease back to the Council under a proposed 998 year lease of an internal space within the completed development which in turn the lessor agreed to accept from the Council a 25 year lease of the identified unit on commercial terms at an agreed annual rent of €36,000 per annum. Avoca Handweavers have complied with the terms agreed and all agreed rent paid to date.

The formal execution of both the 998 year and 25 year lease arrangements has not completed.

Avoca Handweavers Limited was subsequently purchased by Aramark Ireland who have acquired the 999 year lease.

Aramark Ireland have now applied to acquire the free simple interest in the subject overall site as identified outlined in red on drawing LOO2 (map 1) and comprising 1.56 hectares (3.85 acres) or thereabouts. The matter was referred to the Council’s Valuer for examination and he has recommended the following terms which he considers to be fair and reasonable and which have been accepted by the applicants.

Accordingly, I now recommend that the Council disposes of its freehold interest in Avoca site comprising an area of 1.56 hectares (3.85 acres) at Naas Rd., Rathcoole as outlined in red on the attached Indicative Copy Map ref LOO2 (map 1) to Aramark Ireland, in accordance with Section 211 of the Planning and Development Act, 2000 and subject to the provisions of Section 183 of the Local Government Act, 2001 subject to the following terms and conditions as recommended by the Council’s Valuer:

1. That by indenture of lease dated 23 March 2011 made between South Dublin County Council and Avoca Handweavers Ltd., the property at Rathcoole was demised for a term of 999 years from 22 October 2006 subject to a yearly rent of €50 (fifty euro) per annum.

The subject lease has subsequently been acquired by Aramark Ireland.

1. That the Council disposes of its freehold interest in the site outlined in red on attached Indicative Copy Map ref L002 (Map No. 1) comprising 1.56 hectares (3.85 acres) or thereabouts.
2. That as a result of the disposal outlined at Nos. 1 & 2 above, the Council shall relinquish any right to a 998 years lease of the Enterprise Unit as outlined in red on Indicative Copy Map L003 (Map no. 2).
3. That the purchase price shall be €800,000 (eight hundred thousand euro) plus VAT payable as follows:
4. 10% on signing of a contract
5. 90% on the date of closing which the Council will endeavour to be no later than the 28 April 2017.
6. That the Applicants shall pay any charges which they are liable for under the relevant legislation and shall clear all outstanding rent, rates and taxes (if any) on the property prior to the completion of sale.
7. That the above proposal is subject to satisfactory proof of title.
8. That the Applicants shall pay the Council’s legal fees plus VAT and outlay.
9. That the Applicants shall pay the Council’s Valuer’s fees of €4,000 (four thousand euro) plus VAT.

The subject fees at Nos. 7 & 8 above will only be discharged if the disposal is approved by the Council and the transaction is finalised.

1. That the Law Agent shall draft the necessary legal agreements and shall include any further terms deemed appropriate in Agreements of this nature.
2. That no contract enforceable at Law is created or intended to be created until such time as contracts have been exchanged.
3. That the disposal is subject to the necessary approvals and consents being obtained.

The lands to be disposed of form part of lands acquired from Northstar Ltd. in 1991 and Maura Ryan in 2000 for roads and open space purposes.

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**Daniel McLoughlin**

**Chief Executive**