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



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 12th March 2018**

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

**Re: LD 670 Proposed Lease of Bolbrook Enterprise Centre, Avonmore Road, Tallaght, Dublin 24 to Partas**

PARTAS (formerly Get Tallaght Working Co-Operative Society) have been operating an Enterprise Centre at Bolbrook, Tallaght on lands and property in ownership and control of the Council since mid 1990’s under a Management Licence.

Part of the lands on which the Enterprise Centre is located are included in the Scheme of Transfers between Dublin City Council & South Dublin County Council pursuant to Local Government (Dublin) Act 1993 as approved by Order of the Minister for the Environment by order dated 22/4/96. The formal transfer of this plot into the registered ownership of South Dublin Council failed to complete to date due to mapping clarifications. These matter is now resolved and the County Law agent has been instructed to complete the transfer.

Since 1995, South Dublin has provided PARTAS with a commitment to enter into a lease agreement for the site of the Enterprise Centre pending the resolvement of the land registration matters.

It is now proposed that the Council dispose by lease of a site of 0.24 hectares or thereabouts at Avonmore Road, Tallaght as shown outlined in red on Drawing No. LD670 together with the buildings constructed thereon, comprising workshop and enterprise administration space and community services building, to Partas 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, and subject to the following terms and conditions as recommended by the Council Valuer.

1. That the subject land and property for lease disposal is shown outlined in red on attached indicative Drawing No. LD670

South Dublin County Council holds the Freehold in the area hatched red. Freehold title in the area coloured pink (Folio DN16612) was transferred to South Dublin County Council from Dublin City Council under a 1996 Transfer Order (Local Government Act 1993). South Dublin County Council has not yet registered this pink area in their name.

The Council to prepare a formal lease map on completion of registered title to the entire lands subject to the within lease disposal.

1. That the Council shall grant a 35 (thirty five) year lease commencing as soon as practically possible following completion of its registered title to the entire site for disposal as outlined in red on drawing LD670, together with a vehicular right of way over the access road shown coloured yellow on attached Drawing No LD670
2. That the rent shall be a nominal sum of €1 (one euro) per annum, if demanded, subject to five yearly rent reviews by reference to increases in the Consumer Price Index but shall not at any time be less than €1 (one euro).
3. That the subject property shall be for the purpose of an Enterprise Centre, light industrial units, training facilities, food processing units, office accommodation, community services and all associated and ancillary services and for no other purpose.
4. That the properties on the site be disposed of to PARTAS in their current condition. It is a matter for the lessee to satisfy themselves as to the condition of the properties.
5. That in the event of the demised property ceasing to be used for such purposes, it shall revert to the Council free of charge and on receipt of written notification from the Council, the Lessee will provide vacant possession of the property free from all encumbrances and shall return the property to the Council in a similar state of repair and condition to that which obtained at the commencement of the Lease, within four weeks of the date of receipt of such written notification.
6. That the subject property shall not be used for any loan or mortgage purposes.
7. That the Lessee shall not sell, assign, sublet, sub-divide, alienate or part with the possession of the property except in accordance with the Scheme of Lettings approved by the Council (see 15 below).
8. That in the event of the Lessee ceasing to trade or becoming insolvent/bankrupt the demised property shall revert to the Council free of charge.
9. That the Lessee will be responsible for payment of rates, service charges, taxes and all other outgoings arising against the property.
10. That the Lessee shall ensure its use and occupation of the property shall at all times comply with all necessary statutory requirements.
11. That the Lessee shall ensure that the subject property is adequately secured at all times.
12. That the Lessee should note that in areas of the premises where there is under-floor heating, cabling or services, that fittings/furniture should not be affixed to the floor.
13. That the Lessee shall indemnify the Council against all claims as a result of their use and occupation of the demised property and shall arrange for insurance cover as follows: Public Liability Insurance (minimum of €6.5 million) and Employers’ Liability Insurance (minimum of €13 million).
14. That the Lessee shall insure and keep insured the property and every part thereof, in the joint names of the Council and the Lessee against loss or damage by fire or other cause in an established Insurance Office to be approved by the Council and to pay all premiums or such other sum of money necessary for that purpose and within 7 days after same has become payable to produce to the Council the policy or policies of such insurance and the receipt for every such payment.
15. That the Lessee shall operate a Scheme of Lettings, in accordance with procedures and guidelines to be approved by South Dublin County Council and to be agreed with the Lessee.
16. That the Lessee shall permit the Council and its workmen at all reasonable times to enter upon the property to view the condition thereof.
17. That the property or any part thereof shall not be used as a residence.
18. That the Lessee shall be responsible for keeping the entire property including, inter alia, the lands, all buildings including external walls/gates/doors and boundaries etc. in good and substantial repair and shall carry out all necessary maintenance/repairs to the Council’s written satisfaction.
19. That the Council reserves the right to connect free of charge to any services laid or to be laid within the subject land.
20. That each party will be responsible for its own costs of this transaction.
21. That each party shall use their best endeavours to complete the transaction within a reasonable timeframe following adoption of the disposal resolution.
22. That the Law Agent shall draft the necessary documents and shall include any further terms deemed appropriate in Agreements of this nature.
23. That no contract enforceable at law is created or intended to be created until such time as contracts have been exchanged.
24. That the disposal by lease is subject to the necessary approvals and consents being obtained.

The lands being disposed of form part of the lands acquired from Dublin City Council (formerly Dublin Corporation) in 1997 under the Scheme of Transfer of Lands pursuant to the Local Government (Dublin) Act, 1993 and lands acquired from Durkan Developments in 1998 for open space purposes.

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**Daniel McLoughlin**

**Chief Executive**