



With reference to the proposed disposal of a site at Tonlegree Road, Dublin 5 for the development of a Primary Care Centre

In 1991 Dublin City Council granted a 99 year lease of a site at Tonlegree Road to the Frederick Oznam Trust to be used as a youth centre. The lease was subsequently assigned to St Monica's Youth Resource Centre Limited on 29th March 2006.

An assessment carried out by the Health Service Executive a number of years ago identified the need for a Primary Care Centre in the Edenmore area. The site leased to St. Monica's Youth Resource Centre Limited was considered a suitable location and Report No 291/2011 approved the disposal of part of the site to Horizon Project Management t/a The Clark Partnership for the development of a Primary Care Centre.

Planning Permission (2865/12) was granted in 2012 for the proposed development however this proposal did not proceed at that time.

In 2014 the Health Service Executive again sought expressions of interest in providing a Primary Care Centre in Edenmore and following a selection process negotiations commenced with an alternative developer Beary Capital Partners, since renamed Woodbine Primary Care Limited (WPCL).

In April 2017 a planning application was lodged (2797/17) by WPCL seeking amendments to the 2012 permission. Permission was granted by Dublin City Council on 22nd June 2017 but it was appealed to An Bord Pleanala (Case Reference PL29N.248873) which on 13th November 2017 decided to grant permission for the development in accordance with the lodged plans and particulars.

St. Monica's Youth Resource Centre Limited (SMYRC) has agreed to surrender a portion of its site to Dublin City Council so that a Primary Care Centre may be built on the lands by WPCL. In return the Resource Centre premises shall be refurbished by WPCL. The refurbishment of the Resource Centre will include provision for Edenmore Boxing Club including the construction of an extension subject to planning permission.

On completion of the development WPCL will grant a 25 year lease of the Primary Care Centre to the HSE and will also grant leases of the other individual units contained in the development including those for the General Practitioners, Pharmacy and café.

It is therefore proposed to dispose of the site (formerly leased to SMYRC) to WPCL subject to the following terms and conditions:

1. The financial consideration in full and final settlement shall be the sum of €1,275,000 (one million, two hundred and seventy five thousand euro) plus VAT if applicable, less the cost of the agreed reasonable refurbishment costs of the existing community

building on the remainder of the site leased to SMYRC. These costs are estimated to be in the region of €900,000 (inclusive of VAT) for the Resource Centre and €350,000 (inclusive of VAT) in respect of the extension for the boxing club.

2. The site to be disposed of has an area of approx. 1,300 sq. m. and is shown outlined in red and shaded pink on the attached Map Index No. SM-2018-0531. Such necessary rights of way shall also be granted to WPCL to facilitate access and egress to the Primary Care Centre, access to car parking on site and access to all common areas and landscaping to entire site to include the lands occupied by St. Monica's Youth Resource Centre.
3. WPCL shall form a management company to manage and maintain the car parking and all common areas of the site. St. Monica's Youth Resource Centre shall form a key part of the Management Company. All costs shall be borne by WPCL. No income shall derive to WPCL from holding this position. Dublin City Council shall be indemnified against any costs in relation to the establishment of the management company and against the payment of management fees.
4. The Management Company shall devise a 'Car Parking Management Plan' as required in ABP Reference PL29N.241384 Condition 7(e). The purpose of the Plan will be to satisfy and regulate the parking requirements during and after normal working hours of St. Monica's Youth Resource Centre, WPCL and the Edenmore Early Education Centre each of which will have representation on the Management Company board.
5. WPCL shall carry out the development of the Primary Care Centre building in accordance with the terms and conditions of the permission granted under An Bórd Pleanála appeal reference number PL29N.248873 and planning permission number 2797/17, including those conditions relating to roads and parking, hours of construction, archaeology, water and drainage, landscaping and boundary treatments, lighting and any other conditions.
6. WPCL shall carry out the refurbishment of St. Monica's Youth Resource Centre in line with Planning Permission 2797/17 and ABP PL29N.248873 to a detailed specification which shall be agreed with and signed off by St. Monica's Youth Resource Centre and Dublin City Council. The specification for the proposed works shall include provision in the Centre for Edenmore Boxing Club including the construction of an extension subject to planning permission and the reasonable cost of all works having been approved by Dublin City Council's Quantity Surveyor. WPCL will be required to submit a planning application in respect of the additional works for the boxing club. On receipt of planning permission, SMYRC has agreed to grant the Edenmore Boxing Club a sub-lease of this area.
7. This disposal shall be by means of a building licence agreement and a subsequent grant of a 250 year lease incorporating 5 year rent reviews at a rent of €1 per annum (if demanded) on completion of the approved development (The Primary Care Centre) and refurbishment works (St. Monica's Youth Resource Centre) to the satisfaction of the City Architect. The rent review clause will be indexed to CPI. The Primary Care Centre shall not be occupied until such time as all works are completed on both buildings to the satisfaction of the City Architect. The long leasehold title shall include such terms and conditions at the Law Agent shall deem appropriate.
8. WPCL must execute the building licence documentation within four weeks of its date of issue.

9. Dublin City Council reserves the right to re-enter on the site and resume possession thereof in the event that WPCL delays or defaults on the terms of the building licence and / or fails to comply with the agreed redevelopment works as set out by planning permission ref. 2797/17 and ABP ref. PL29N.248873 and any subsequent planning permission granted, or in the event of WPCL's bankruptcy or insolvency, save in the case of a Financial Institution which has entered into a mortgage with WPCL for the purposes of financing development of the site.
10. The Building Licence Agreement shall not be transferable save in the case of a Financial Institution which has entered into a mortgage with WPCL which mortgage must be approved by the Council in writing and must have been entered into specifically for the purposes of financing WPCL to undertake the development of the site.
11. During the building period WPCL, or its contractors or agents, will insure all buildings on site against fire and all other insurable risks with an Approved Insurance Company and pay all necessary premiums.
12. The insurance obtained shall be in the name of WPCL, or its contractors or agents, and in respect of the Youth Resource Centre, Dublin City Council and St. Monica's Youth Resource Centre shall be named parties on the policy. The insurance will be for such an amount as will provide cover for the full Reinstatement Value of so much of the building as is erected at any time together with a sum for professional fees and removal of debris charges.
13. WPCL shall indemnify Dublin City Council and St. Monica's Youth Resource Centre against any claim for compensation which might be made by any party arising out of building works being carried out on the site, or any working areas or any access points thereto.
14. WPCL shall have a maximum of 18 months, from the receipt of statutory approvals, to complete the refurbishment works on St. Monica's Youth Resource Centre.
15. WPCL shall have a maximum of 24 months, from the receipt of statutory approvals, to complete the build programme of the new Primary Care Centre.
16. All site preparation, development and associated costs incurred in the delivery of the entire completed development shall be borne by WPCL.
17. WPCL, or its contractors or agents, shall put a Bond in place to ensure the completion of the entire project to include the refurbishment of St. Monica's Youth Resource Centre. This shall be put in place before entry on site and the level and standing of the Bond shall first be approved by the City Council Development Department.
18. WPCL shall be responsible for all stamp duty and VAT payments (if any) in relation to the granting of the lease. They shall also be responsible for any VAT or stamp duty payments in relation to the surrender of St. Monica's Youth Resource Centre interest.
19. Each party shall be responsible for its own professional fees in this case.
20. WPCL shall satisfy Dublin City Council that sufficient funds are available for both the payment of the capital premium and the undertaking and completion of the proposed development and refurbishment works prior to entry on site.

The premises known as "The Vicarage", Tonlegee Road comprised part of Reference 32 of the Kilbarrack/Swans Nest Area Compulsory Purchase Order 1963 and the freehold interest was acquired by Dublin City Council in 1967 from Noel Wentworth Taylor.

St. Monica's YRC will surrender its leasehold interest in the portion of the site which is the subject of this proposal.

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

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 the 17th July 2018.

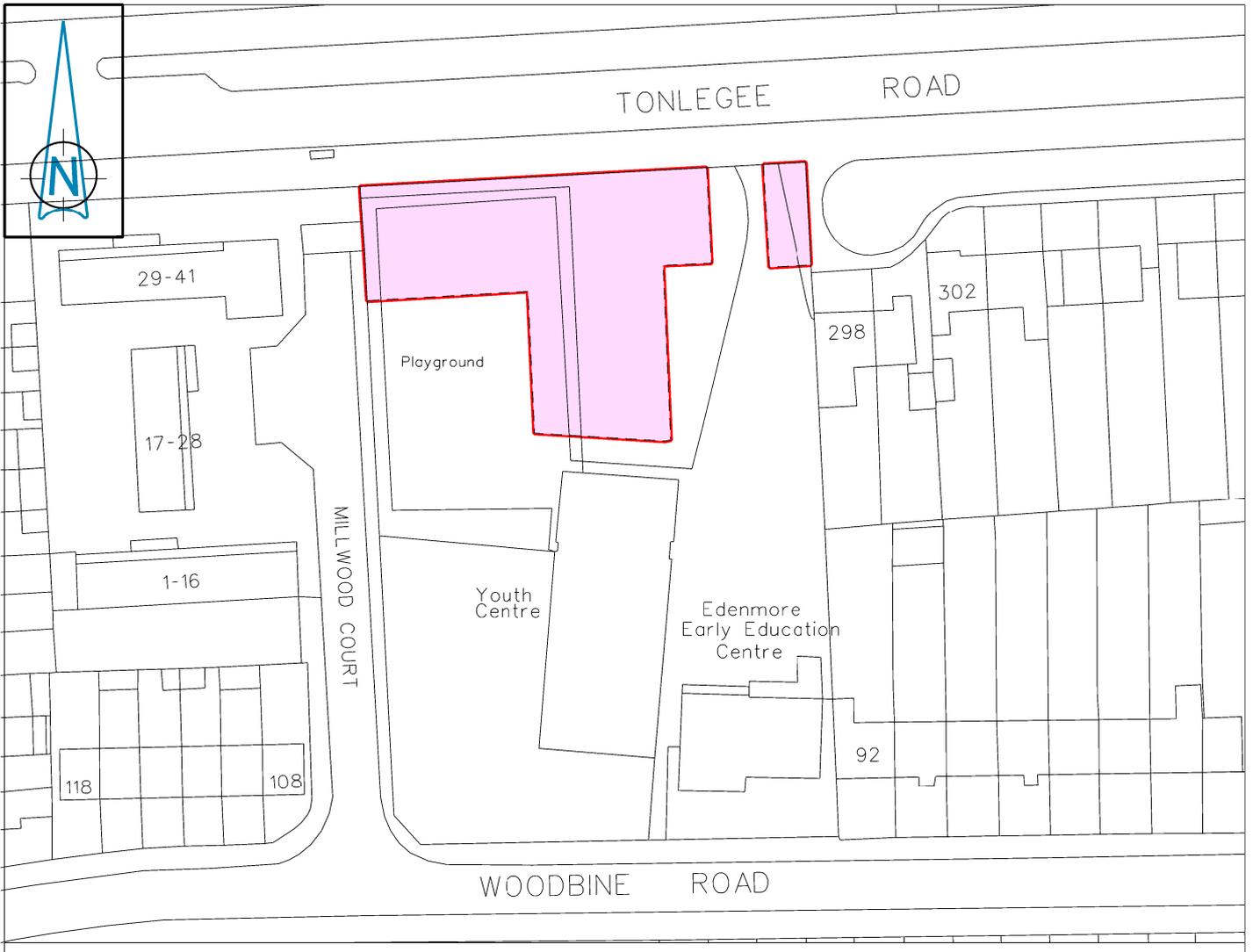
This report is submitted in accordance with the requirements of Section 183 of the Local Government Act, 2001.

Resolution to be adopted

"That Dublin City Council notes the contents of this report and assents to the proposal outlined therein".

Dated 22nd August of 2018.

Paul Clegg
A/Assistant Chief Executive
22nd August 2018



"THE VICARAGE" TONLEEGEE ROAD, DUBLIN 5

St. Monica's Youth Resource Centre Ltd., to Dublin City Council
Surrender of portion of lease

Dublin City Council to Woodbine Primary Care Ltd.
Grant of building licence and 250 year lease on completion.

MAP FOR COUNCIL



Comhairle Cathrach
 Baile 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
 3133-12

SCALE
 1-1000

DATE
 20-08-2018

SURVEYED / PRODUCED BY
 PMcGinn

Dr JOHN W. FLANAGAN
 CEng FIEI FICE
 CITY ENGINEER

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 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

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