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**With reference to proposed lease of 2 Sites adjacent to Mellow Spring Crèche,  
Mellowes Road, Finglas, Dublin 11 to Mellow Spring Childcare Development Centre  
Limited.**

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Mellow Spring Childcare Development Centre have a 20 year Lease of the purpose built property at the Finglas Civic Centre Ltd, due to expire in 2031. In an effort to improve their service offering and to maintain and attract funding, they have requested a lease of additional plots with a total area of 812 m<sup>2</sup>. to run coterminous with their existing lease. Agreement has now been reached with Mellow Spring Childcare Development Centre Ltd (the applicant) in respect of the additional plots subject to the following terms and conditions which the Chief Valuer considers to be fair and reasonable:

1. That the Council shall be prepared to grant a lease of the 2 plots to expire on 31<sup>st</sup> December, 2031.
2. That the subject plots comprises the areas as shown marked A and B on attached copy map SM-2019-0204.
3. The lease will include a clause which states use of the subject property be restricted as follows:
  - i. Area A: for gardening purposes only
  - ii. Area B: development granted as per planning reference 2564/19
4. That the lease shall be subject to an annual rent of:
  - i. Area A: €15,500 (fifteen thousand and five hundred euro)
  - ii. Area B: €1,500 (one thousand and five hundred euro)

Totalling **€17,000** (seventeen thousand euro) per annum plus VAT if applicable.

5. That this rent shall be abated to **€850** (eight hundred and fifty euro) per annum plus VAT @23% **€195.50** Total **€1045.50** provided that the terms of the lease are complied with.
6. That the applicant will be required to sign a deed of renunciation.
7. That the applicant will erect and maintain a boundary fence between the subject plots and the adjoining properties. The proposed boundary treatment on both plots will require approval from Dublin City Council Parks Department and also Dublin City Council Northwest Area Office. The applicant shall maintain the demised property for the duration of the Lease to its current state and shall undertake any improvement works deemed necessary by the Council or agents/inspectors acting on their behalf.

8. That the applicant shall maintain public liability insurance and employer's liability insurance, indemnifying Dublin City Council against any and all claims arising from its use of the premises. The Council will have an absolute right to set a minimum level of public liability and employer's liability insurance and to review the figures on a yearly basis (the current minimum levels are €6.5 million – public liability and €13 million – employer's liability). The interests of Dublin City Council are to be noted on all policies and to be fully indemnified.
9. That this agreement shall include any amendments and / or conditions deemed appropriate by Dublin City Council's Law Agent.
10. That the applicant shall pay Dublin City Councils legal fees of €1,500 (one thousand and five hundred euro) plus VAT and Valuer fee of €800 (eight hundred euro) plus VAT.
11. That the applicant shall also be responsible for their own fees in the matter.

Dublin City Council acquired fee simple title in the property from the Kearney Estate in 1950 and is registered to Dublin City Council under Folio DN216269F

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

This proposal was approved by the North West Area Committee at its meeting on 17 Sep 2019.

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 19<sup>th</sup> day of September 2019.

**Paul Clegg**  
**Executive Manager**



N: 739062.178

# MELLOW SPRING CHILDCARE

Dublin City Council to Mellow Spring Childcare Development Centre Ltd.  
 Grant of Lease  
 Area A - 762m<sup>2</sup>  
 Area B - 50m<sup>2</sup>



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

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| <b>O.S REF</b><br>3131-16 | <b>SCALE</b><br>1:1000 |
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| <b>DATE</b><br>22-03-2019 | <b>SURVEYED / PRODUCED BY</b><br>L. Butler |
|---------------------------|--------------------------------------------|

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 DUBLIN CITY COUNCIL FROM ORDNANCE SURVEY DIGITAL MAPBASE  
 SURVEY, MAPPING AND RELATED RESEARCH APPROVED

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 ACTING CITY ENGINEER

APPROVED \_\_\_\_\_  
**THOMAS CURRAN**  
 ACTING MANAGER LAND SURVEYING & MAPPING  
 DUBLIN CITY COUNCIL

**INDEX No.**  
**SM-2019-0204**