

## Section 47 Management Agreement

**THIS INDENTURE** made on the \_\_ day of \_\_\_\_\_, 20\_\_

**BETWEEN** \_\_\_\_\_

with Registered Offices at \_\_\_\_\_

in the County of \_\_\_\_\_

(hereinafter called “the Developer”) of the First Part, **and**

\_\_\_\_\_

with Registered Offices at \_\_\_\_\_

in the County of \_\_\_\_\_

(hereinafter called “the Management Company”) of the Second Part, **and**

**KERRY COUNTY COUNCIL** of County Buildings, Tralee, in the County of Kerry, Planning Authority (hereinafter called “the Council”) of the Third Part.

**WHEREAS**

Planning \_\_\_\_\_ under the Planning and Development Acts 2000 to 2010 has been granted to the Developer for the \_\_\_\_\_

\_\_\_\_\_

at \_\_\_\_\_

in the County of Kerry pursuant to Planning Reg. No. \_\_\_\_\_ subject, inter alia Condition No. \_\_\_\_\_ of the aforesaid Planning Permission, a copy of which Condition is attached hereto.

**NOW THIS INDENTURE WITNESSETH** that in accordance with the said Condition No. \_\_\_\_\_ and in consideration of the grant of the said Planning Permission the Developer for so long as it has an interest in the development and the Management Company for themselves and their successors covenant with the Council and its successors as Planning Authority for the County of Kerry under the said Act or any extension, amendment or replacement thereof that the Management Company will be responsible for and liable for the costs of the following:

- (i) *The maintenance of roads and car parking areas.*
- (ii) *The maintenance of watermains, sewers, including gravity mains, pumping station and rising main, surface water drainage, electrical and telephone underground services.*
- (iii) *The maintenance of open space/play area, including grass cutting and re-planting as necessary.*

- (iv) *The provision and maintenance of adequate litter receptacles throughout the development.*
- (v) *Security services, in order to ensure the continued maintenance of the development*

*AND will bring so far as is practicable this covenant to the notice of all persons acquiring any interest in the said lands.*

**AND WHEREAS** the Developer desires to enter into this Agreement with the Planning Authority to comply with the provisions of the aforesaid planning conditions **AND WHEREAS** the Developer has entered into certain contracts for the sale of a number of sites to individual purchasers and has caused to be inserted in various contracts for sale a condition to the effect that each purchaser will become a member of

**AND WHEREAS** the Developer has entered into an Agreement with the Management Company for the transfer to the Management Company of the remainder of the Estate not forming part of various sales which property is more particularly delineated on the Map annexed hereto thereon outlined in red and coloured green and yellow (hereinafter referred to as '*the Common Areas*') consisting of the entrance road, footpaths and the area designated as green areas **AND WHEREAS** a communal water supply, electricity supply, telephone connections to the development of each dwelling house located underground under the said Common Areas and the individual water supply, electricity supply and telephone service supplied individually to each dwelling house from the common source same being laid from the central communal point to each dwelling house underneath the front footpath **AND WHEREAS** the Management Company on completion of the sale of the last site will have a vested legal interest in the Common Areas **AND WHEREAS** the Management Company shall be liable for the costs of the ongoing management and maintenance of the Common Areas after same have been transferred to the Management Company.

**IN WITNESS WHEREOF** the parties have hereunto set their hands and affixed their seals the day and year first herein written.

**PRESENT WHEN THE COMMON SEAL OF:**

was affixed hereto.

**PRESENT WHEN THE COMMON SEAL OF:**

was affixed hereto.

**PRESENT WHEN THE SEAL OF KERRY  
COUNTY COUNCIL** was affixed hereto:

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S.E.O. Corporate Services

Mayor or Nominated Employee of Kerry County Council