



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

LIMERICK CITY AND COUNTY COUNCIL

N20 O'ROURKE'S CROSS ROAD IMPROVEMENT SCHEME

COMPULSORY PURCHASE ORDER 2020

LIMERICK CITY AND COUNTY COUNCIL

COMPULSORY PURCHASE ORDER 2020

Made under

SECTION 76 OF AND THE THIRD SCHEDULE TO THE HOUSING ACT, 1966,

as extended by

SECTION 10 OF THE LOCAL GOVERNMENT (NO. 2) ACT, 1960

and amended and extended by

THE PLANNING AND DEVELOPMENT ACTS, 2000 – 2019, including SECTION 213 OF THE PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED); SECTION 10 OF THE LOCAL GOVERNMENT (IRELAND) ACT, 1898, AS AMENDED BY SECTION 11 OF THE LOCAL GOVERNMENT (NO. 2) ACT, 1960, THE LOCAL GOVERNMENT ACTS, 1925-2019, INCLUDING SECTIONS 11 AND 184 OF THE LOCAL GOVERNMENT ACT, 2001, THE LOCAL GOVERNMENT (NO. 2), ACT, 1960 (AS AMENDED), THE HOUSING ACTS 1966-2015, THE ROADS ACTS, 1993 - 2015 and all other Acts thereby enabling

WHEREAS in pursuance of section 10 of the Local Government (No. 2) Act, 1960, as substituted by section 86 of the Housing Act, 1966 as amended by section 6 and the Second Schedule to the Roads Acts 1993 - 2015 as amended and extended by the Planning and Development Acts, 2000 – 2019, Limerick City and County Council (hereinafter referred to as “the Local Authority”) has decided to effect the acquisition of the land to which this order relates under the Housing Act, 1966 (as amended and extended):

NOW THEREFORE it is hereby ordered that—

1. Subject to the provisions of this order, the Local Authority is hereby authorised—
 - a) to permanently acquire compulsorily, for the purposes of road improvements comprising a new roundabout controlled junction, alteration to the present junction layout, the construction of new N20 approaches to the junction, alteration of the existing R518 approaches to the junction, a new combined cycleway/footway, relocation of the bus stops, road and drainage impact attenuation, fencing, landscaping, public lighting, accommodation works and associated site works through the townlands of Ballyfookeen and Cappanafaraha in the County of Limerick, described in the First Schedule hereto which land (hereinafter referred to as “the land”) is shown on the map marked:

map no. **15032-CPO-DM-01** marked Limerick City and County Council, N20 O'Rourke's Cross Road Improvement Scheme Compulsory Purchase Order 2020 and sealed with the seal of the Local Authority and deposited at:

- Limerick City and County Council Offices, Corporate Headquarters, Merchant's Quay, Limerick, V94 EH90.
- Limerick City and County Council, Council Offices, Dooradoyle, Limerick, V94 WV78.
- Mid West National Road Design Office, Lissanalta House, Dooradoyle, Limerick, V94 H5RR.
- Limerick City and County Council, Kilmallock Municipal District Office, Áras Mainchín Seoighe, Kilmallock, Kilmallock, Co. Limerick, V35 K497.

(hereinafter referred to as "the deposited map"),


- b) to extinguish the public and private rights of way described in the Second Schedule hereto, by order made relating to the public rights of way after the acquisition of the land, where the said rights of way are over the land so acquired or any part thereof, or over land adjacent to or associated with the land so acquired or any part thereof.
2. The land described in the First Schedule hereto and coloured grey and outlined in red on the deposited map is land other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense.
 3. Subject to any necessary adaptations, the provisions of—
 - (a) the Lands Clauses Acts (except sections 127 to 132 of the Lands Clauses Consolidation Act, 1845, and article 20 of the Second Schedule to the Housing of the Working Classes Act, 1890), and
 - (b) the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by the Acquisition of Land (Reference Committee) Act, 1925, the Property Values (Arbitrations and Appeals) Act, 1960, and the Local Government (Planning and Development) Act, 1963 (as amended) (as applied by section 265(3) of the Planning and Development Act, 2000 and the Planning and Development Acts 2000-2019

as modified by the Third Schedule to the Housing Act, 1966, are hereby incorporated in this order and the provisions of those Acts shall apply accordingly.

4. This order may be cited as:-


**N20 O'Rourke's Cross Road Improvement Scheme
Compulsory Purchase Order 2020**

The Seal of Limerick City and County Council was affixed hereto by:

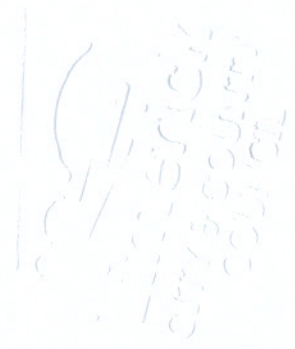


CHIEF EXECUTIVE

Authenticated by:



ACTING SENIOR EXECUTIVE OFFICER, CORPORATE SERVICES



This 18th day of February 2020

FIRST SCHEDULE

FIRST SCHEDULE

LAND TO BE PERMANENTLY ACQUIRED

(other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense)

Number on map deposited in the offices of the Local Authority	Quantity, Description and Situation of the Land		Owners or Reputed Owners	Lessees or reputed Lessees	Occupiers (except tenants for a month or a lesser period than a month)
101a.01	Area (ha) Description Townland ED County	1.058 Land Ballyfookeen Rockhill Limerick	James Feane Cappanafaraha Bruree County Limerick Mary Feane Cappanafaraha Bruree County Limerick	Michael Lyons Ballyfookeen Bruree County Limerick	Owners Lessee
101b.01	Area (ha) Description Townland ED County	0.210 Public Road Ballyfookeen Rockhill Limerick	James Feane Cappanafaraha Bruree County Limerick Mary Feane Cappanafaraha Bruree County Limerick	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick
101c.01	Area (ha) Description Townland ED County	0.004 River Ballyfookeen Rockhill Limerick	James Feane Cappanafaraha Bruree County Limerick Mary Feane Cappanafaraha Bruree County Limerick	Michael Lyons Ballyfookeen Bruree County Limerick	Owners Lessee The Office of Public Works Head Office Jonathan Swift Street Trim County Meath Department of Agriculture, Food and the Marine Agriculture House Kildare Street Dublin 2

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Number on map deposited in the offices of the Local Authority	Quantity, Description and Situation of the Land		Owners or Reputed Owners	Lessees or reputed Lessees	Occupiers (except tenants for a month or a lesser period than a month)
102a.01	Area (ha) Description Townland ED County	0.610 Land Ballyfookeen Rockhill Limerick	Patricia O'Rourke 40 Abbeycourt Ballykeeffe County Limerick	Thomas Joseph Murphy Ballyfookeen Bruree County Limerick	Owner Lessee
102a.03	Area (ha) Description Townland ED County	0.003 Land Ballyfookeen Rockhill Limerick	Patricia O'Rourke 40 Abbeycourt Ballykeeffe County Limerick	Thomas Joseph Murphy Ballyfookeen Bruree County Limerick	Owner Lessee
102a.04	Area (ha) Description Townland ED County	0.005 Land Ballyfookeen Rockhill Limerick	Patricia O'Rourke 40 Abbeycourt Ballykeeffe County Limerick	Thomas Joseph Murphy Ballyfookeen Bruree County Limerick	Owner Lessee
102a.05	Area (ha) Description Townland ED County	0.033 Land Ballyfookeen Rockhill Limerick	Patricia O'Rourke 40 Abbeycourt Ballykeeffe County Limerick	Thomas Joseph Murphy Ballyfookeen Bruree County Limerick	Owner Lessee

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	Area (ha)	Description Townland ED County			
102a.06	0.694	Land Ballyfookeen Rockhill Limerick	Patricia O'Rourke 40 Abbeycourt Ballykeeffe County Limerick	Thomas Joseph Murphy Ballyfookeen Bruree County Limerick	Owner Lessee
102a.07	0.016	Land Ballyfookeen Rockhill Limerick	Patricia O'Rourke 40 Abbeycourt Ballykeeffe County Limerick	Thomas Joseph Murphy Ballyfookeen Bruree County Limerick	Owner Lessee
102b.01	0.140	Public Road Ballyfookeen Rockhill Limerick	Patricia O'Rourke 40 Abbeycourt Ballykeeffe County Limerick	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick
102b.02	0.737	Public Road Ballyfookeen Rockhill Limerick	Patricia O'Rourke 40 Abbeycourt Ballykeeffe County Limerick	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick

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102c.01	Area (ha) Description Townland ED County	0.005 River Ballyfookeen Rockhill Limerick	Patricia O'Rourke 40 Abbeycourt Ballykeeffe County Limerick	Thomas Joseph Murphy Ballyfookeen Bruree County Limerick	Owner Lessee The Office of Public Works Head Office Jonathan Swift Street Trim County Meath Department of Agriculture, Food and the Marine Agricultural House Kildare Street Dublin 2
103a.01	Area (ha) Description Townland ED County	0.721 Land Ballyfookeen Rockhill Limerick	Declan Quain Kilbreehy West Kilmallock County Limerick	None	Owner
103a.02	Area (ha) Description Townland ED County	0.027 Land Ballyfookeen Rockhill Limerick	Declan Quain Kilbreehy West Kilmallock County Limerick	None	Owner
103b.01	Area (ha) Description Townland ED County	0.380 Public Road Ballyfookeen Rockhill Limerick	Declan Quain Kilbreehy West Kilmallock County Limerick	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick

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104a.01	Area (ha) Description Townland ED County	0.317 Land Ballyfookeen Rockhill Limerick	Eamonn O'Sullivan Kilmallock Road Charleville County Cork	None	Owner Mid Western Forestry Services Limited Abbeyfeale West Abbeyfeale County Limerick
104b.01	Area (ha) Description Townland ED County	0.063 Public Road Ballyfookeen Rockhill Limerick	Eamonn O'Sullivan Kilmallock Road Charleville County Cork	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick
104b.02	Area (ha) Description Townland ED County	0.007 Public Road Ballyfookeen Rockhill Limerick	Eamonn O'Sullivan Kilmallock Road Charleville County Cork	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick
105a.01	Area (ha) Description Townland ED County	0.135 Land Ballyfookeen Rockhill Limerick	Thomas Joseph Murphy Ballyfookeen Bruree County Limerick	None	Owner
105b.01	Area (ha) Description Townland ED County	0.165 Public Road Ballyfookeen Rockhill Limerick	Thomas Joseph Murphy Ballyfookeen Bruree County Limerick	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick

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106b.01	Area (ha) Description Townland ED County	0.041 Public Road Ballyfookeen Rockhill Limerick	James Beechinor Ballyanna Sherins Cross Kilmallock County Limerick	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick
106b.02	Area (ha) Description Townland ED County	0.056 Public Road Ballyfookeen Rockhill Limerick	James Beechinor Ballyanna Sherins Cross Kilmallock County Limerick	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick
107a.01	Area (ha) Description Townland ED County	0.134 House Curtilage Ballyfookeen Rockhill Limerick	James O'Connell Ballyfookeen Bruree County Limerick Eileen Hickey Ballyfookeen Bruree County Limerick	None	Owners
107b.01	Area (ha) Description Townland ED County	0.016 Public Road Ballyfookeen Rockhill Limerick	James O'Connell Ballyfookeen Bruree County Limerick Eileen Hickey Ballyfookeen Bruree County Limerick	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick

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108b.01	Area (ha) Description Townland ED County	0.089 Public Road Ballyfookeen Rockhill Limerick	Representatives of John Joseph O'Rourke c/o Patricia O'Rourke 40 Abbeycourt Ballykeeffe County Limerick	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick
109b.01	Area (ha) Description Townland ED County	0.054 Public Road Cappanafaraha Rockhill Limerick	Donal O'Riordan Garranroe Patrickswell County Limerick	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick
110b.01	Area (ha) Description Townland ED County	0.037 Public Road Cappanafaraha Rockhill Limerick	Noel Crowley Cappanafaraha Bruree County Limerick	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick
111b.01	Area (ha) Description Townland ED County	0.019 Public Road Ballyfookeen Rockhill Limerick	Elaine O'Driscoll Ballyfookeen Bruree County Limerick	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick
112b.01	Area (ha) Description Townland ED County	0.021 Public Road Ballyfookeen Rockhill Limerick	Gerard Carey Ballyfookeen Bruree County Limerick	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick

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113b.01	Area (ha) Description Townland ED County	0.022 Public Road Ballyfookeen Rockhill Limerick	Eimear Carey Newtownshandrum Charleville County Cork	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick
114b.01	Area (ha) Description Townland ED County	0.005 Public Road Ballyfookeen Rockhill Limerick	John O'Connor 25 Kylemore Road West Hampstead London NW6 2PS United Kingdom	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick
115b.01	Area (ha) Description Townland ED County	0.013 Public Road Ballyfookeen Rockhill Limerick	Denis Crean Ballyfookeen O'Rourke's Cross Bruree County Limerick Betty Crean Ballyfookeen O'Rourke's Cross Bruree County Limerick	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick
116b.01	Area (ha) Description Townland ED County	0.024 Public Road Ballyfookeen Rockhill Limerick	Roderick Gallagher Ballyfookeen Bruree County Limerick Mai Gallagher Ballyfookeen Bruree County Limerick	None	Limerick City and County Council Corporate Headquarters Merchant's Quay Limerick

Second Schedule

Part I

SECOND SCHEDULE PART I
PUBLIC RIGHTS OF WAY PROPOSED TO BE EXTINGUISHED

Reference No.	Description of the Rights of Way
A1-A1 to A2-A2	The public right of way within the townland of Ballyfookeen in the Electoral Division of Rockhill in the County of Limerick and between the lines coloured green A1-A1 to A2-A2 for a distance of approximately 250m on the map entitled 'N20 O'Rourke's Cross Road Improvement Scheme Deposit Map For Compulsory Purchase Order 2020' - with the map reference No. 15032-CPO-DM-01.
B1-B1 to B2-B2	The public right of way within the townland of Ballyfookeen in the Electoral Division of Rockhill in the County of Limerick and between the lines coloured green B1-B1 to B2-B2 for a distance of approximately 70m on the map entitled 'N20 O'Rourke's Cross Road Improvement Scheme Deposit Map For Compulsory Purchase Order 2020' - with the map reference No. 15032-CPO-DM-01.
C1-C1 to C2-C2	The public right of way within the townland of Ballyfookeen in the Electoral Division of Rockhill in the County of Limerick and between the lines coloured green C1-C1 to C2-C2 for a distance of approximately 130m on the map entitled 'N20 O'Rourke's Cross Road Improvement Scheme Deposit Map For Compulsory Purchase Order 2020' - with the map reference No. 15032-CPO-DM-01.
D1-D1 to D2-D2	The public right of way within the townland of Ballyfookeen in the Electoral Division of Rockhill in the County of Limerick and between the lines coloured green D1-D1 to D2-D2 for a distance of approximately 350m on the map entitled 'N20 O'Rourke's Cross Road Improvement Scheme Deposit Map For Compulsory Purchase Order 2020' - with the map reference No. 15032-CPO-DM-01.

Second Schedule

Part II

SECOND SCHEDULE PART II
PRIVATE RIGHTS OF WAY PROPOSED TO BE EXTINGUISHED

Reference No.	Description of the Rights of Way
W1-W1 to W2-W2	The private right of way within the townland of Ballyfookeen in the Electoral Division of Rockhill in the County of Limerick and between the lines coloured blue W1-W1 to W2-W2 on the map entitled 'N20 O'Rourke's Cross Road Improvement Scheme Deposit Map For Compulsory Purchase Order 2020' - with the map reference No 15032-CPO-DM-01.
X1-X1 to X2-X2	The private right of way within the townland of Ballyfookeen in the Electoral Division of Rockhill in the County of Limerick and between the lines coloured blue X1-X1 to X2-X2 on the map entitled 'N20 O'Rourke's Cross Road Improvement Scheme Deposit Map For Compulsory Purchase Order 2020' - with the map reference No 15032-CPO-DM-01.
Y1-Y1 to Y2-Y2	The private right of way within the townland of Ballyfookeen in the Electoral Division of Rockhill in the County of Limerick and between the lines coloured blue Y1-Y1 to Y2-Y2 on the map entitled 'N20 O'Rourke's Cross Road Improvement Scheme Deposit Map For Compulsory Purchase Order 2020' - with the map reference No 15032-CPO-DM-01.
Z1-Z1 to Z2-Z2	The private right of way within the townland of Ballyfookeen in the Electoral Division of Rockhill in the County of Limerick and between the lines coloured blue Z1-Z1 to Z2-Z2 on the map entitled 'N20 O'Rourke's Cross Road Improvement Scheme Deposit Map For Compulsory Purchase Order 2020' - with the map reference No 15032-CPO-DM-01.

