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**With reference to the proposed grant of a lease of the Kiosk Unit, Drury Street Car Park, Dublin 2.**

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By way of Indenture of Lease dated 21<sup>st</sup> November 2012 the Kiosk Unit at Drury Street Car Park, Dublin 2, which said Unit is more particularly shown on Map Index No. SM2012-003 was let by Dublin City Council to Sasha Denko Limited t/a Sasha House Petite for use as a coffee shop, delicatessen and bakery with the limited sale of alcohol (subject to restaurant licence) for a term of 5 years from 28<sup>th</sup> December 2012 and subject to a rent of €10,000 per annum.

The lessee wishes to assign their interest in the lease to Restaurant Investments Limited and there is no objection to this from the Council's point of view. However given that the lease is due to expire on 27<sup>th</sup> December 2017 the proposed assignee is seeking some security in respect of their future tenure.

In this regard it is now proposed to grant a further five year lease on the expiry of the current Agreement to Restaurant Investments Limited subject to the following terms and conditions as agreed and recommended by the Council's Chief Valuer:

1. That the proposed lessee shall enter into a lease agreement with Dublin City Council for the use of the Kiosk Unit at Drury Street Car Park which comprises an area of 51sq.m or thereabouts and is more particularly shown outlined red on Map Index No. SM2012-003.
2. That the lease shall be for a term of 5 years, effective from 28<sup>th</sup> December 2017 i.e. the expiry of the previous Agreement.
3. That the rent shall be €16,000 (sixteen thousand euro) per annum.
4. That the rent shall be paid quarterly in advance.
5. That the proposed lessee shall sign a Deed of Renunciation prior to the signing of the lease.
6. That the proposed lessee shall undertake not to use the property for any other purpose than as a café with some consumption or sale of wine, subject to licence, and for which planning permission has been granted.
7. That prior to carrying out any works to the subject Unit, including fit out works, full details shall be provided to and agreed with Dublin City Council.
8. That the proposed lessee shall indemnify the Council against any claim for compensation which might/may be made by any party arising out of the fit out works and construction works being carried out on the demised premises, or any working areas or on any access points thereto.
9. That the lessee shall use the premises for the permitted use only as set out at No. 6, and shall open the premises for 7 days per week from 9am – 10pm. or such other times as may be agreed with the consent of Dublin City Council.

10. That the proposed lessee shall pay all utilities, waste disposal and all charges applicable to the premises – incl. Taxes, rates etc.
11. That the proposed lessee shall not erect any signage on the external walls of the building without receiving the prior consent of the Council and full planning permission for same.
12. That the proposed lessee shall be responsible for fully insuring the premises and shall indemnify Dublin City Council against any and all claims arising from its use of the premises and surrounding area\curtilage. The lessee shall take out and produce Public Liability Insurance in the sum of €6.5M and Employer Liability Insurance in the sum of €13M for any one incident with a recognised Insurance Company with offices in the State and the policy shall indemnify the Council against all liability as owner of the property.
13. That the proposed lessee shall keep the premises in good condition and repair during the term of the lease.
14. That the proposed lessee shall not sell, assign, grant any sub-interests, sub-divide, alienate or part with possession of the subject property, without the prior written consent of the Council.
15. That upon expiration or sooner determination of the lease, the lessee shall at its own expense remove all materials not belonging to Dublin City Council and shall leave the property clean and cleared to the satisfaction of the City Council.
16. That each party shall be responsible for their own professional fees in this matter.
17. That the proposed lease shall contain all the covenants and conditions normally contained in City Council leases of this type and any other terms and conditions as deemed appropriate by the Council's Law Agent.
18. If the necessary statutory consents and approvals are obtained to the aforementioned proposal, Restaurant Investments Limited will be required to finalise the assignment with the existing lessee prior to the proposed new lease being executed.

The site to be disposed of was acquired in fee simple from M.E.P.C., The Norwich Union Insurance Society & Twilton Investments Limited in 1980.

The proposed disposal shall be subject to such conditions as to title to be furnished as the Law Agent in his discretion shall stipulate.

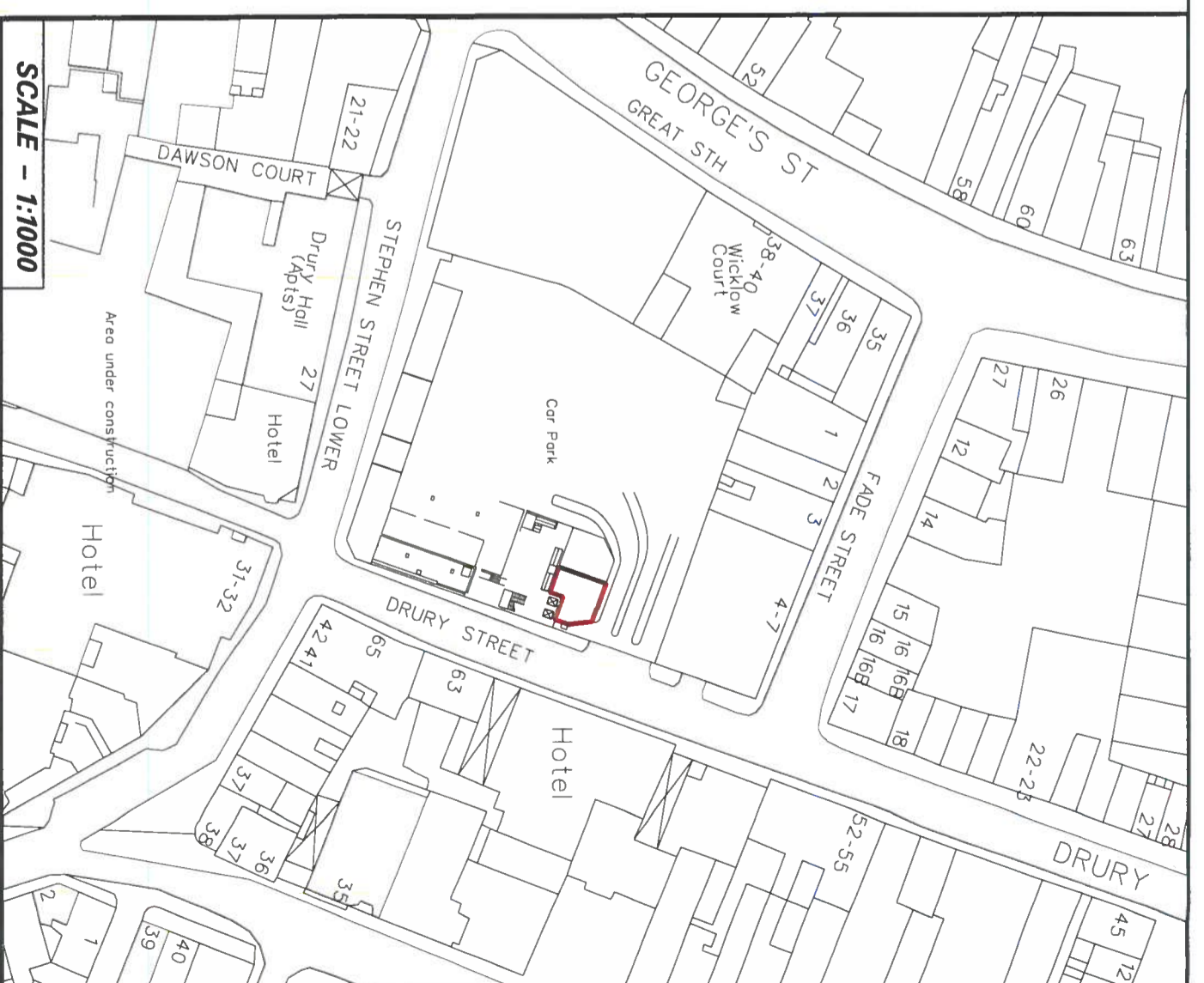
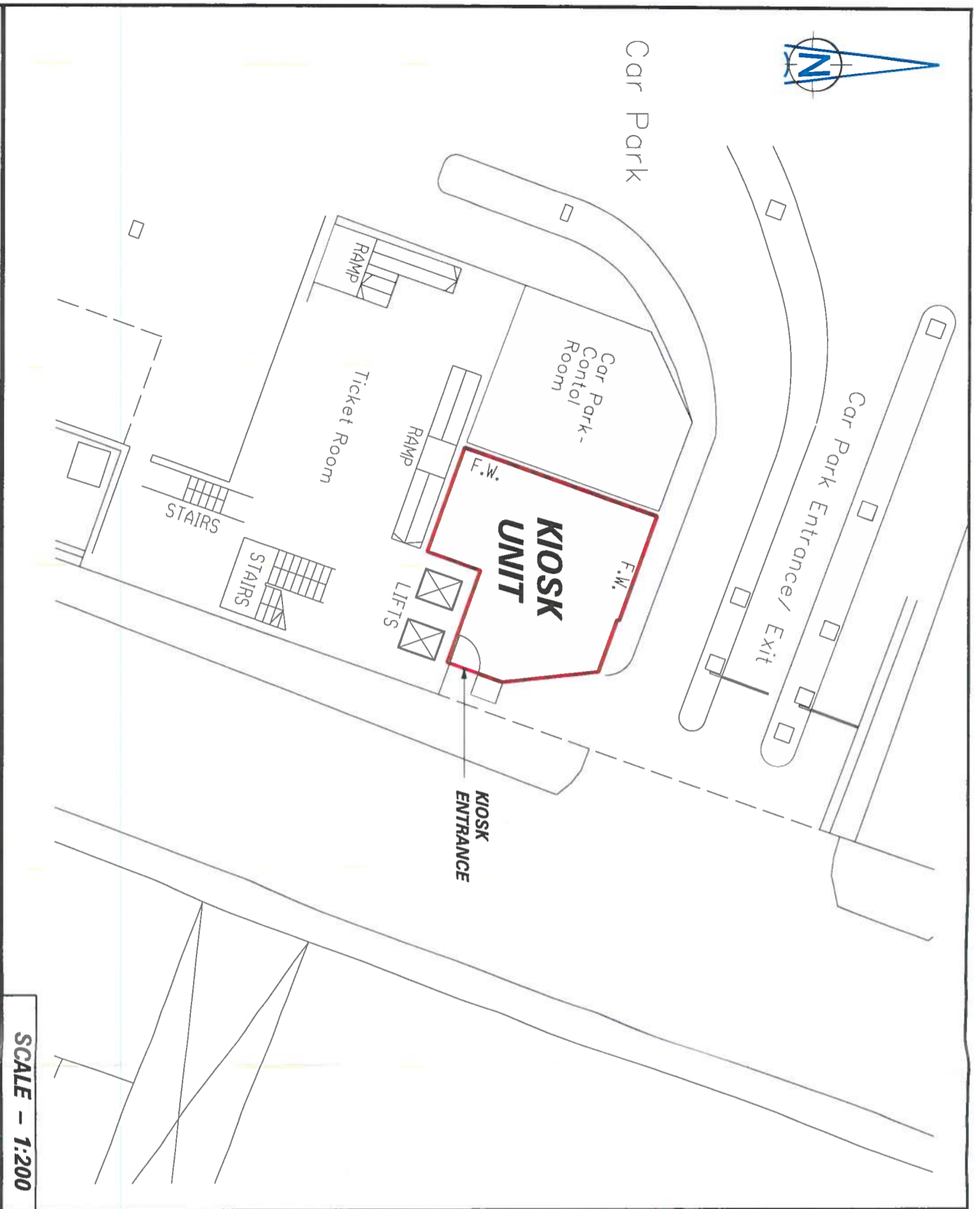
No agreement enforceable at law is created or intended to be created until an exchange of contracts has taken place.

This proposal was approved by the South East Area Committee at its meeting on the 12<sup>th</sup> June 2017.

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

Dated this the 16<sup>th</sup> day of June 2017.

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



**DRURY STREET (CAR PARK) - KIOSK UNIT**

Dublin City Council to Sasha Denko Ltd.  
Map for 5 Year Lease Agreement

**AREA:** 49.8m<sup>2</sup>

  
**DUBLIN CITY COUNCIL**  
*Comhairle Cathrach Bhaile Átha Cliath*  
**ENVIRONMENT AND ENGINEERING DEPARTMENT**  
*An Roinn Comhshaoil agus Inealltóireachta*  
**SURVEY AND MAPPING SERVICES DIVISION**  
*Rannán Seirbhísi Suirbhéireachta agus Léaráilíthe*

<b>O/S REF</b> 3263-15	<b>SCALE</b> 1:200	<b>INDEX No</b>	<b>FOLDER No</b>	<b>CODE</b>	<b>DWG No</b>	<b>REV</b>
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**MICHAEL PHILLIPS**  
CITY ENGINEER

SIGNED \_\_\_\_\_ **PATRICK SHINE**  
MANAGER LAND SURVEYING & MAPPING  
DUBLIN CITY COUNCIL

**INDEX No.**  
**SM 2012 003**

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