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**With reference to the proposed grant of a further lease of the Ground Floor Retail Unit and Basement Stores of No. 4 Capel Street, Dublin 1**

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By Indenture of Lease dated 15<sup>th</sup> February 2016 the premises known as the Ground Floor Retail Unit and Basement Stores of No. 4 Capel Street, Dublin, which said premises is more particularly delineated in red on Map Index No. SM-2018-0787 was granted by Dublin City Council to Vito Jagutis for a period of 3 years commencing on 26<sup>th</sup> February 2016 subject to a rent of €20,000 per annum.

It is proposed to grant a further 5 year lease to Vito Jagutis subject to the following terms and conditions:

1. That the subject property is No.4 Capel Street and comprises the units as shown outlined in red on Map Index No. SM-2018-0787.
2. That the Council shall dispose of the property subject to a 5 year lease at the rent of €35,000 (thirty five thousand euro) per annum, exclusive of rates and outgoings.
3. That the lease shall commence on the 26th February 2019.
4. That the lease shall be on a full repairing and insuring basis.
5. The lessee shall obtain public liability insurance (€6.5 million) and employer's liability insurance (€13 million), if they have employees, and shall indemnify the City Council against any and all claims for compensation, which may arise from their use of the property.
6. That the rent is to be payable quarterly in advance by direct debit mandate.
7. That the applicant shall be liable for all rates, taxes, charges and outgoings including water and electricity relating to the demised premises.
8. That the applicant shall undertake to not use the property for any other purposes other than as a vintage collectables and antique shop.
9. That the applicant will be required to contribute 19.6% towards the annual service charge.
10. That prior to the commencement of the new lease the applicant will clear any outstanding rent and service charge.
11. That the applicant will respect the right to quiet enjoyment of the residential units located above the property.

12. That the applicant 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.
13. That the applicant shall not sublet or assign the lease without receiving the prior consent in writing of Dublin City Council, which shall not be unreasonably withheld.
14. That the applicant will be required to sign a Deed of Renunciation.
15. That the applicant shall meet each and every requirement of the City Council's Fire Officer and any Health and Safety Officer appointed by the Council, at all times. Failure to comply with this condition shall be a ground for forfeiture of the lease.
16. That each party shall be responsible for their own fees in this matter.
17. The lease will be subject to any other terms and conditions deemed appropriate by the Law Agent

The area proposed to be leased is contained in No 4 Capel Street which is built on lands which form part of the Council's City Estate (Reference AR16).

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 Central Area Committee at its meeting on the 8<sup>th</sup> January 2019.

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

**Resolution to be adopted:**

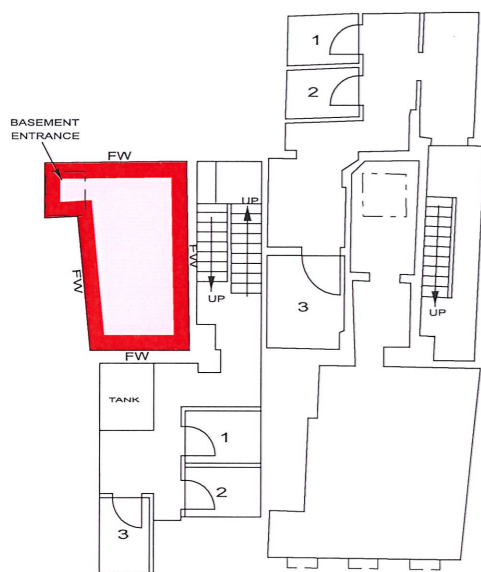
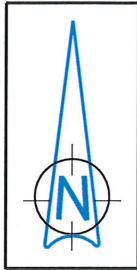
That Dublin City Council notes the contents of this report and assents to the proposal outlined therein.

Dated this the 21<sup>st</sup> day of January 2019.

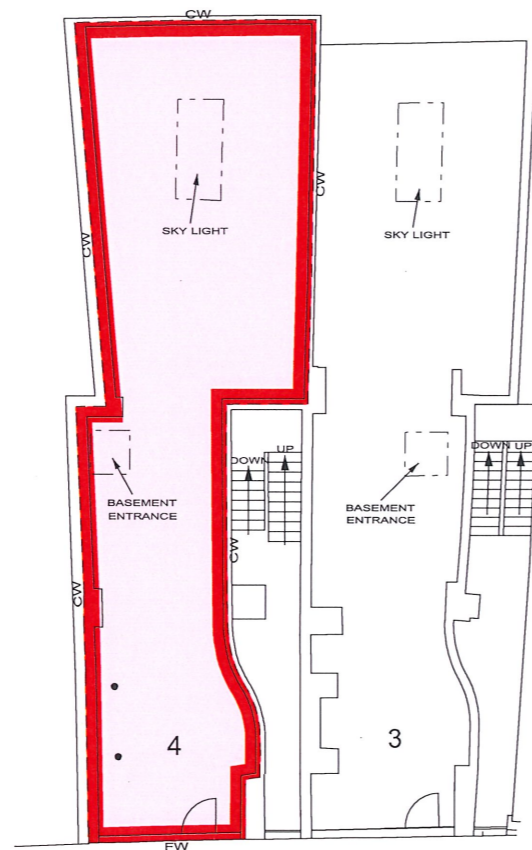
**P. Clegg**

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**Executive Manager**

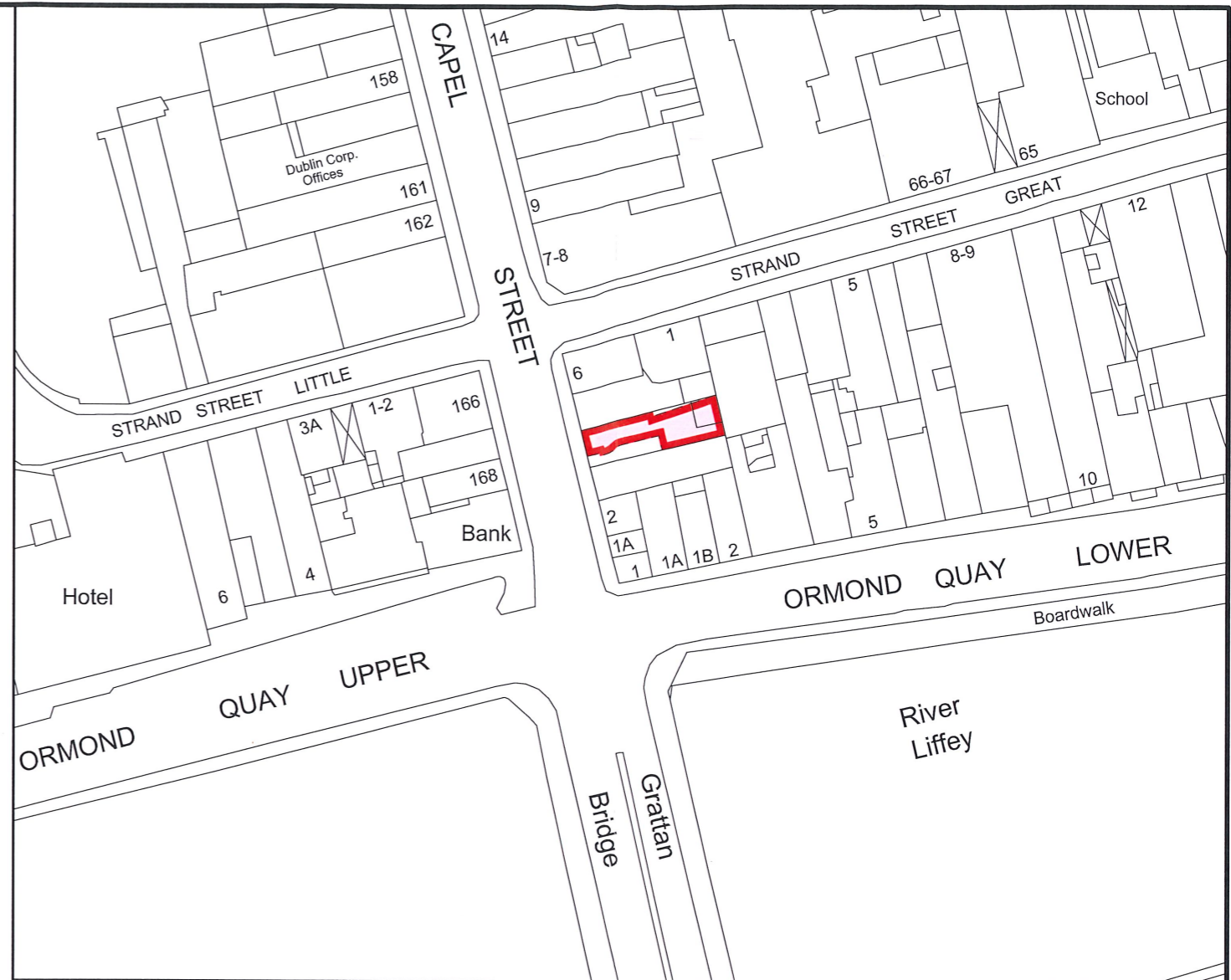


BASEMENT PLAN



GROUND FLOOR PLAN

SCALE 1:200



# CAPEL STREET, No. 4 - RETAIL UNIT

Dublin City Council to Vito Jagutis  
Grant of 5 year Lease

Area: 123 m<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

<b>O.S REF</b> 3263-10	<b>SCALE</b> 1:200, 1:1000
<b>DATE</b> 09-11-2015	<b>SURVEYED / PRODUCED BY</b> T. Curran

<b>FILE NO</b>	INDEX No	FOLDER No	CODE	DWG No	REV
SM-2018-0787-_0204- C3 - 001 - B.dgn					

**Dr JOHN W. FLANAGAN**  
CEng FIEI FICE  
CITY ENGINEER

THIS MAP IS CERTIFIED TO BE COMPUTER GENERATED BY 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

**INDEX No.**  
**SM-2018-0787**