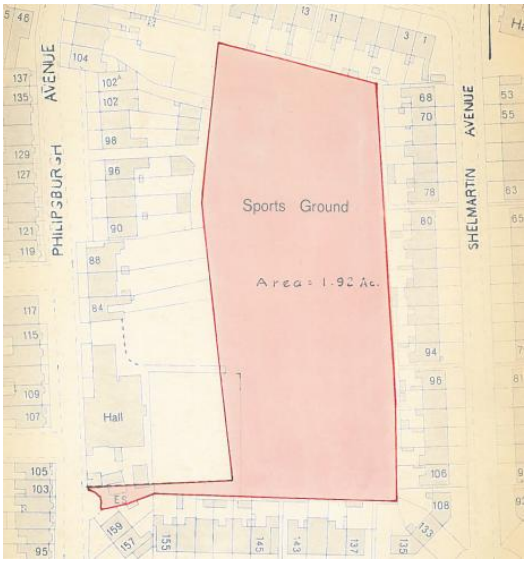
Report:

By way of Indenture of Lease dated 2nd May 1988, a plot of ground at the rear of Nos. 80-108 Philipsburgh Avenue, Fairview was demised by Dublin City Council to the Trustees of Christian Young Men's Club (CYMC) for a term of 99 years from 25th March 1984 subject to an initial annual rent of €14,601.99 per annum abated to €190.46 provided the land are used for sporting and recreational community purposes only. The current passing rent is €106,000 per annum abated to €190.50 per annum.

The area in DCC ownership and the subject of the lease is shown outlined in red and coloured pink in the following map extract:



The Council has no interest in the CYMC Building fronting onto Philipsburgh Avenue itself.

The lease held by CYMC was assigned a number of years ago without seeking the consent of the Council and is now held in the personal names of former Trustees of CYMC.

When the property was advertised for sale earlier this year there was no notification to or prior consultation with the Council's Property Management Section or North Central Area Office.

On being informed of the proposed sale the Property Management Section requested that the Law Agent write to the lessee's Solicitors to remind them of the covenant in the lease which states that the lessee shall "*not to assign sublet or part with possession of the premises or any part thereof without the prior written consent of the Corporation".*

The Solicitors replied to confirm that their client was fully aware of their obligations under the lease held in respect of the ground used as the Pitch & Putt course.

The Solicitors named in the Sales Brochure are a different firm and the Law Agent wrote to them setting out Dublin City Council's interest in the property and the restrictions in the lease on any proposed disposal of the lessee's interest in the land. A response to this letter was not received.

The property remains advertised for sale and the Law Agent has again written to the lessee's Solictors seeking an update on their client's proposals.