



With reference to the proposed lease of a ground floor unit at 78 The Coombe, Dublin 8, to Drunken Apple Woman Ltd.

Drunken Apple Woman Limited holds the subject property under a Short Term Business Letting Agreement dated 19th August 2016 for a term of four years and nine months from the 19th August 2016. The subject property is outlined red on attached Map Index SM-2019-1231.

The upper floor of No. 78 and the adjoining premises No. 77/77A The Coombe are being renovated by Housing and Residential Services to provide a 1 x 4-bedroom and 1 x 1-bedroom units of social housing accommodation.

As a result of the renovation works the footprint of the area leased to Drunken Apple Woman Limited will be altered. It is not possible to vary the existing lease to reflect the changed area footprint but the lessee is agreeable to surrender the residue of the lease in return for the grant of a new longer lease.

Drunken Apple Woman Limited successfully operates a bookshop at the premises and has proven to be a very good lessee. In view of this and the fact that significant disturbance will be caused to the lessee during the renovation, including the necessity to cease trading for a period of time, Dublin City Council is prepared to consider the grant of a new lease subject to statutory approval being granted.

The Chief Valuer has reported that agreement has been reached with Daly Lynch Crowe & Morris Solicitors, legal representatives for Drunken Apple Woman Ltd, and is prepared to recommend the grant of a new lease subject to the following terms and conditions which he considers to be fair and reasonable:

1. That the Lessee holds the premises comprising a ground floor retail unit at 78 The Coombe, Dublin 8 extending to a net internal area of approximately 27 sq. m. as outlined in red on Map Index No. SM-2015-0909 under a Short Term Business Letting agreement dated 19th August 2016 for a term of four years and nine months from the 19th August 2016.
2. That the Lessee will surrender the existing Short Term Business Letting and Dublin City Council will grant a ten year lease of the subject property effective from the earliest possible date.
3. That the new lease shall be for a term of ten years at a rent of €3,000 (three thousand euro) per annum on an internal repair and insuring basis, with a Rent Review at the end of year five linked to increases in the Consumer Price Index.
4. That the new lease shall be in respect of a revised area footprint as shown outlined in red on Map Index No. SM-2019-1231.
5. The arrangement relating to the rent review relates to this proposed ten year lease only.

6. That the rent of €3,000 (three thousand euro) per annum will continue to apply until the first rent review and that the rent shall be payable quarterly in advance by direct debit.
7. That the new ten year lease agreement will include a term requiring the Lessee to provide Dublin City Council or its Nominee with vacant possession of the property for a 4 week period to commence no later than 1st February 2020. That a commencement date for the works shall be agreed between the parties with two weeks' notice.
 - (a) If the above works overrun (beyond the agreed 4 week period), the Council will pay compensation to the Lessee of €1,000 (one thousand euro) per week in full and final settlement for the Lessee's cooperation until the unit is made available.
 - (b) That the Lessee will be granted a 4 week rent free period for the works period. There will be no compensation or reduction in rates liability for the works period.
8. That the Council shall be prepared to compensate for the Lessee's reasonable costs incurred during the works period limited to the removal and storage of the contents/stock only. That the Council will accept no responsibility for any claims for losses that may be incurred during the removal and storage period of the contents/stock. That the Lessee's fixtures/fittings (only) remaining within the unit during the works period will be re-instated to their original condition as required. The photographic schedule of the fixtures / fittings must be agreed between the parties in advance.
9. That the grant of a new lease shall be subject to the proposed Lessee signing a Deed of Renunciation, renouncing any rights under Landlord and Tenant Legislation.
10. That the subject premises shall be used solely as a bookshop and also used for literature/book related community events and meetings.
11. That the proposed Lessee shall be responsible for all outgoings, including rates, taxes, utilities that may become payable and indemnify Dublin City Council against all outgoings.
12. That the proposed Lessee shall not sell, assign, sub-let, sub-demise, sub-divide, alienate or part with the possession of the demise or any part thereof without the prior written consent under seal of Dublin City Council. That any purchaser, assignee or sub-lessee must be of good financial standing. Consent shall not be unreasonably withheld by the Council.
13. That the proposed Lessee shall obtain Public Liability Insurance indemnifying Dublin City Council in the sum of €6.5m for any one incident and Employers Liability Insurance of €13m, if applicable and shall provide proof of such insurances to Dublin City Council on request.
14. That the Council shall be prepared to contribute a sum of €3,000 (three thousand euro) in full and final settlement for the Lessee's legal cost incurred in this regard.
15. That the proposed Lessee shall be liable for the payment of stamp duty, VAT or any other statutory cost which may arise on the creation of the new lease.

The property to be disposed of was acquired from the Bayer estate in connection with the Newmarket/The Coombe Compulsory Purchase Order 1970.

The dates for the performance of any of the requirements of the proposed agreement may be amended at the absolute discretion of the Executive Manager.

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

This report was approved by the South Central Area Committee at its meeting on 11th December 2019.

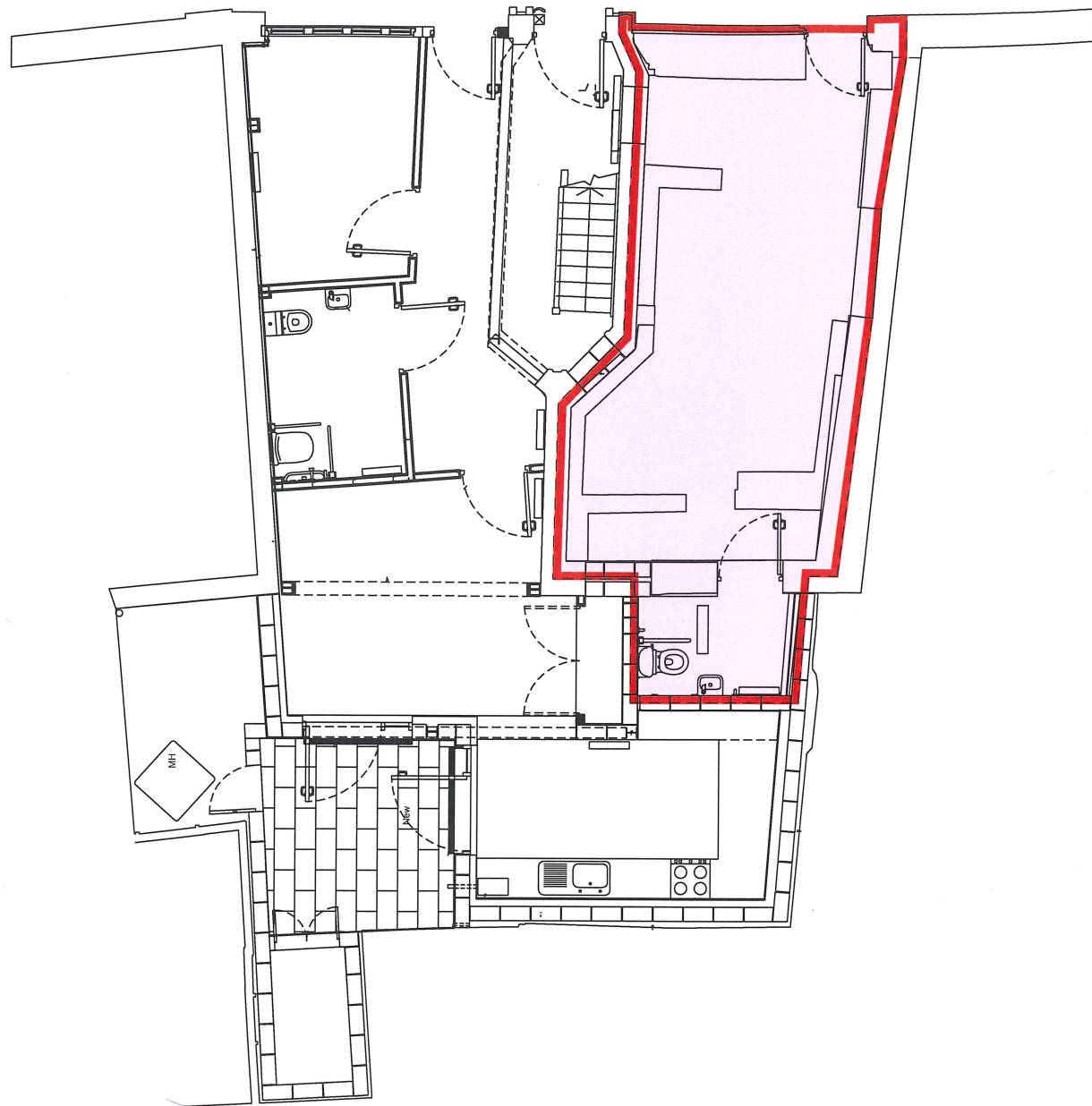
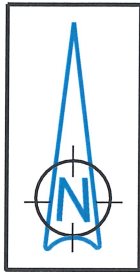
This report is submitted in accordance with the requirements of Section 183 of the Local Government Act, 2001.

Resolution to be adopted

"That Dublin City Council notes the contents of Report No. 26/2020 and assents to the proposal outlined therein".

Dated: 13th December 2019.

Paul Clegg
Executive Manager



Scale 1:100

THE COOMBE - No. 78

Ground Floor

Dublin City Council to 'The Drunken Apple Woman Limited'

Grant of 10 year Lease

Area: 38m²



Location Map 1:1000



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Comhshaoil agus Iompair
Rannán Suirbhéireachta agus Léarscáilthe
Environment and Transportation Department
Survey and Mapping Division

O.S REF	SCALE
3263-14	1:100, 1:1000

DATE	SURVEYED / PRODUCED BY
12-12-2019	T. Curran

Dr JOHN W. FLANAGAN
CEng FIEI FICE
CITY ENGINEER

INDEX No	FOLDER No	CODE	DWG No	REV
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SURVEY, MAPPING AND RELATED RESEARCH APPROVED

APPROVED **THOMAS CURRAN**
ACTING MANAGER LAND SURVEYING & MAPPING
DUBLIN CITY COUNCIL

INDEX No.

SM-2019-1231