

Date April 10, 2006

CONTINUATION OF HEARING TO GRANT A LICENSE TO EDMUNDSON ART FOUNDATION, INC., D/B/A THE DES MOINES ART CENTER AND THE DES MOINES RIVERFRONT DEVELOPMENT AUTHORITY, FOR INSTALLATION, DISPLAY AND MAINTENANCE OF A SCULPTURE OWNED BY THE DES MOINES ART CENTER AT LONG LOOK CIVIC GARDENS AND APPROVAL OF LICENSE AGREEMENT

WHEREAS, the Phase One Master Plan for Principal Riverwalk design, development and improvement of riverfront public amenities and public spaces was approved by the City Council pursuant to the Chapter 28E Agreement Between the City of Des Moines and the Des Moines Riverfront Development Authority for Planning, Constructing and Maintaining Riverfront Improvements in the Downtown Area, approved by the City Council by Roll Call 04-599 on March 22, 2004, (hereafter “the RDA Agreement”); and

WHEREAS, such Master Plan anticipates that public art will be included within the Principal Riverwalk; and

WHEREAS, the Des Moines Art Center is the owner of the Joel Shapiro “Unnamed” sculpture; and

WHEREAS, the Des Moines Art Center and the Des Moines Riverfront Development Authority (“RDA”) desire to install and display the Shapiro sculpture within the Civic Gardens on the west side of City Hall; and

WHEREAS, the Des Moines Art Center will retain the ownership of the Shapiro sculpture; and

WHEREAS, the Greater Des Moines Public Art Foundation has determined that the placement of the Shapiro sculpture at such location is consistent with the Principal Riverwalk Master Plan; and

WHEREAS, on September 27, 2004, by Roll Call No. 04-2052, the City Council approved the placement of the Shapiro sculpture within the proposed Principal Riverwalk improvements and authorized and directed the City Manager to determine the precise location of the sculpture, review all schematic drawings and site plans, and execute all required agreements for the sculpture installation, maintenance, insurance and indemnification by the RDA; and

WHEREAS, the Des Moines Art Center and the RDA notified the city that they desired to install the Shapiro sculpture in the Long Look Civic Gardens on April 19; and

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WHEREAS, in order to meet this April 19 installation date, notice of a proposed license agreement was published pursuant to state law and City staff and the RDA and the Des Moines Art Center began to negotiate the terms of a license agreement to allow the installation, display and maintenance of the Shapiro sculpture in consideration of the enjoyment of the public and the maintenance obligations to be undertaken by the RDA and the Des Moines Art Center; and

WHEREAS, on April 1, 2006, due notice of a proposal to grant a license for the term of 20 years to Edmundson Art Foundation, Inc., d/b/a the Des Moines Art Center and the Des Moines Riverfront Development Authority, for installation, display and maintenance of a sculpture owned by the Des Moines Art Center in Long Look Civic Gardens be set down for hearing on April 24, 2006, at 5:00 p.m., in the City Council Chambers was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, THE City Manager has requested that the hearing on the proposed license agreement be continued until April 24, 2006 at 5:00 p.m. to permit the license agreement to be finalized.

IT IS THEREFORE,

(Council Communication No. 06-177)

Moved by _____ to continue the public hearing until April 24, 2006 at 5:00 p.m. in the Council Chambers.

APPROVED AS TO FORM:

WILL NOT CONTINUE - WILL HOLD HEARING.

Ann DiDonato
Ann DiDonato
Assistant City Attorney

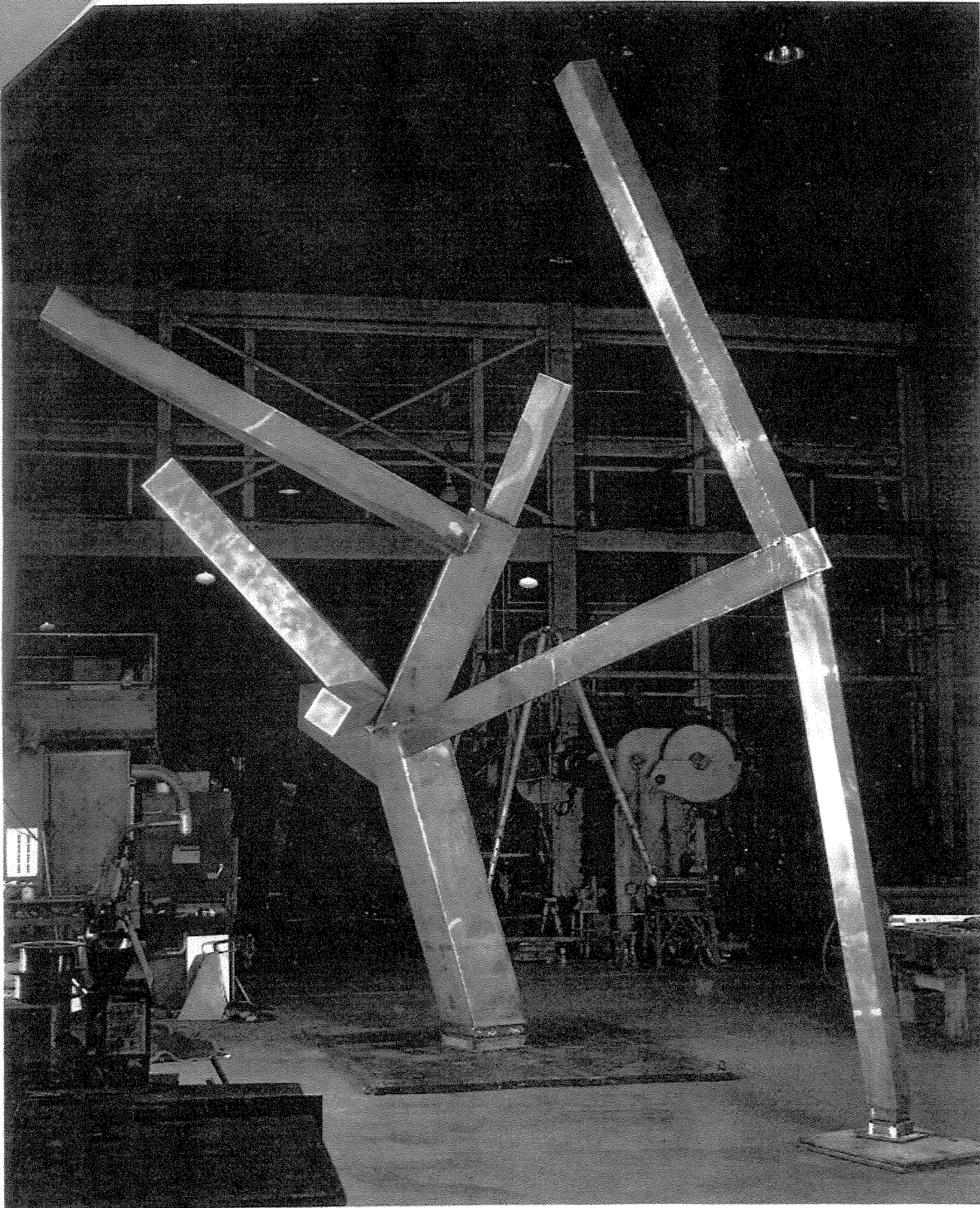
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
BROOKS				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk



PLANTING DESIGN

