

Date April 20, 2009

APPROVAL OF AN AGREEMENT WITH EDMUNDSON ART FOUNDATION, INC., D/B/A THE DES MOINES ART CENTER AND NATIONWIDE MUTUAL INSURANCE COMPANY FOR DONATION OF SECURITY EQUIPMENT AND SERVICES FOR JOHN AND MARY PAPPAJOHN SCULPTURE PARK

WHEREAS, John and Mary Pappajohn are the owners of the original art sculptures and have agreed to donate several pieces of sculpture to the Edmundson Art Foundation, Inc. d/b/a The Des Moines Art Center ("DMAC") with the intention that the pieces be placed in the John and Mary Pappajohn Sculpture Park within that portion of "Western Gateway Park" bounded by 13th Street to 15th Street and Grand Avenue and Locust Street ("the Sculpture Park") for the enjoyment of the general public; and

WHEREAS on March 24, 2008, by Roll Call No. 08-533, the City entered into an agreement with the DMAC, authorizing the installation, display, and maintenance of such sculptures in the Sculpture Park; and

WHEREAS, per such Agreement, the City is responsible for providing security in the Sculpture Park, including the sculptures placed therein; and

WHEREAS, Nationwide Mutual Insurance Company, 1100 Locust Street, Des Moines, ("Nationwide"), as one of several downtown businesses supporting such community activities and acting as Good Corporate Neighbors, has agreed to donate certain security services to the City; and

WHEREAS, Nationwide previously issued a Commitment Agreement ("Commitment Agreement") in which they agreed to make a one time financial contribution for the purchase of security related equipment in an amount not to exceed \$560,000.00 donated directly to DMAC, and to donate existing staff and security services, including limited on-site patrols in the Sculpture Park, to the City for a period of ten (10) years; and

WHEREAS, DMAC is responsible for the installation of such security related equipment on City property pursuant to a Private Construction Contract approved by the City Council by Roll Call No. 09- on April 20, 2009 and desires to donate the security equipment installed on Nationwide property to the City; and

WHEREAS, the Park and Recreation Department staff, DMAC and Nationwide have negotiated an agreement which authorizes Nationwide to provide such donated services and transfers ownership of certain security related equipment on Nationwide property owned by DMAC to the City upon installation of such equipment, a copy of which is on file in the City Clerk's Office.

★ **Roll Call Number**

Agenda Item Number

32B

April 20, 2009

Date

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the above described Agreement Between the City of Des Moines and Edmundson Art Foundation, Inc. d/b/a The Des Moines Art Center, and Nationwide Mutual Insurance Company Regarding Donation of Security Services For John and Mary Pappajohn Sculpture Park, a copy of which is on file in the City Clerk's Office, be and is hereby approved and the Mayor is authorized and directed to sign said Agreement on behalf of the City and the City Clerk is authorized and directed to attest to his signature.

(Council Communication No. 09-**256**)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
 Ann DiDonato
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
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