

Date September 22, 2008

APPROVAL OF A LICENSE AGREEMENT WITH EDMUNDSON ART FOUNDATION, INC., D/B/A THE DES MOINES ART CENTER FOR INSTALLATION AND MAINTENANCE OF A SCULPTURE AT “WESTERN GATEWAY PARK”

WHEREAS, the Master Plan for the park bounded by 10th Street to 15th Street and Grand Avenue and Locust Street, commonly referred to as “Western Gateway Park” (“the Park”), envisions works of art being placed in the Park; and

WHEREAS, John and Mary Pappajohn have loaned a sculpture entitled “Thinker On A Rock” by the sculptor Barry Flanagan to the Edmundson Art Foundation, Inc., d/b/a the Des Moines Art Center (“DMAC”), with the intention that such artwork be placed in the Park; and

WHEREAS, the DMAC desires to install and maintain such sculpture for a period of up to twelve months in the Park to the south of the Pappajohn Higher Education Center to be exhibited for the enjoyment of the general public; and

WHEREAS, the City desires to cooperate with the DMAC in the placement of such sculpture in the Park, and City staff have negotiated an Agreement Between the City of Des Moines and Edmundson Art Foundation, Inc. d/b/a The Des Moines Art Center for Installation and Maintenance of Flanagan Thinker Sculpture in “Western Gateway Park”, a copy of which is on file in the City Clerk’s office, which includes the payment of the City of up to \$1,000.00 for delivery and installation costs of such sculpture; and

WHEREAS, the Des Moines Art Center shall be responsible for maintenance of such sculpture; and

WHEREAS, the DMAC Board has approved the execution of said Agreement; and

WHEREAS, it is in the best interests of the City to enter into a license agreement with the DMAC to allow the installation, display and maintenance of such sculpture in consideration of the enjoyment of the public and the maintenance obligations to be undertaken by the DMAC.

★ Roll Call Number

Agenda Item Number

51B

Date September 22, 2008

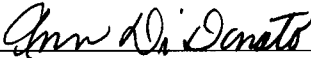
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Agreement Between the City of Des Moines and Edmundson Art Foundation, Inc. d/b/a The Des Moines Art Center for Installation and Maintenance of Flanagan Thinker Sculpture in “Western Gateway Park”, a copy of which is in the City Clerk’s Office, be and is hereby approved.

BE IT FURTHER RESOLVED that the Mayor is authorized and directed to sign said Agreement on behalf of the City of Des Moines, and the City Clerk is authorized and directed to attest to the Mayor's signature.

(Council Communication No. 08- 563)

Moved by _____ to adopt.

APPROVED AS TO FORM:



 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