

Date.....November 23, 2009.....

SETTING DATE OF HEARING ON GRANT OF A LICENSE TO EDMUNDSON ART FOUNDATION, INC., D/B/A THE DES MOINES ART CENTER, AND THE RIVERFRONT DEVELOPMENT AUTHORITY FOR THE INSTALLATION, DISPLAY AND MAINTENANCE OF A SCULPTURE AND FOUNTAIN AT HANSEN TRIANGLE

WHEREAS, on November 23, 2009, by Roll Call No. 09-____, the City Council approved a lease agreement between MidAmerican Energy Company and the City of Des Moines for use of “Hansen Triangle” as parkland (the Lease Agreement”) and as part of the Principal Riverwalk; and

WHEREAS, the Phase One Master Plan for the 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; and

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

WHEREAS, the Edmundson Art Foundation, Inc. (“Des Moines Art Center”) is the owner of the Quantum Leaf sculpture and fountain by Sally Pettus (the “sculpture”); and

WHEREAS, the Des Moines Art Center and the Des Moines Riverfront Development Authority (“RDA”) desire to install, maintain and display the sculpture on the southwest corner of Hansen Triangle; and

WHEREAS, on September 27, 2004, by Roll Call No. 04-2052, the City Council approved the placement of the 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, in 2007 the Des Moines Art Center installed and is displaying the sculpture within the Hansen Triangle for the enjoyment of the public; and

WHEREAS, the Lease Agreement authorized the City to allow the installation, operation, display and maintenance of the sculpture within the leasehold; and

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WHEREAS, a License Agreement has been prepared which provides that the Des Moines Art Center will retain the ownership of the sculpture and the Des Moines Art Center will have maintenance responsibility for the sculpture, and RDA will be responsible for the maintenance of the fountain for the time period of the Lease Agreement which is until December 31, 2028, with the option of a ten year renewal.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City of Des Moines, Iowa proposes to grant a license to Edmundson Art Foundation, Inc., d/b/a the Des Moines Art Center and the Des Moines Riverfront Development Authority until December 31, 2028, with an option for a ten year renewal, for the installation, display and maintenance of a sculpture owned by the Des Moines Art Center in the southwest corner of "Hansen Triangle", located at the northeast corner of 2nd and Grand Avenues, to the licensee and for the consideration of the enjoyment by the public by the display of the sculpture on public grounds and in consideration of the maintenance of such sculpture and fountain to be provided the Des Moines Art Center and the Des Moines Riverfront Development Authority.

2. A public hearing shall be held on December 7, 2009 at 5:00 pm in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

3. The City Clerk is authorized and directed to publish notice of the proposal and hearing in the form hereto attached not less than four or more than twenty days from the date of the hearing.

(Council Communication 09-809)

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