

December 22, 2008  
Date.....

ACCEPTANCE OF DONATION OF "EARS OF JOY" SCULPTURE FROM BARBARA AND MICHAEL GARTNER FOR DISPLAY AT PRINCIPAL PARK

WHEREAS, the City of Des Moines owns Principal Park Stadium and the vicinity and has entered into a lease with Greater Des Moines Baseball Co. for the lease of Principal Park Stadium and the vicinity; and

WHEREAS, Barbara and Michael Gartner own a sculpture entitled "Ears of Joy" by Jane DeDecker, with an appraised value of \$37,500, which has been displayed at Principal Park Stadium since the Spring of 2008; and

WHEREAS, Barbara and Michael Gartner desire to donate to the City of Des Moines such sculpture for the enjoyment of the public and desire that such continue to be displayed at Principal Park, and have prepared a proposed Deed of Gift of Entire Interest, a copy of which is on file in the City Clerk's Office, such gift subject at all times to the final authority of the City Council; and

WHEREAS, the Park and Recreation Board at its December 9, 2008 meeting approved the acceptance of the "Ears of Joy" sculpture and recommend its continued display at Principal Park.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the above described Deed of Gift of Entire Interest, which is on file in the City Clerk's Office, be and is hereby approved and the City Clerk is authorized and directed to note such acceptance and approval on said Deed on behalf of the City and such donated sculpture is hereby accepted, subject at all times to the final authority of the City Council and the City Council's determination as to the best interests of the City.

(Council Communication No. 08-739)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Ann M. DiDonato  
Ann M. DiDonato, Assistant City Attorney

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

## DEED OF GIFT OF ENTIRE INTEREST

We, Barbara and Michael Gartner, residing at 100 Market Street (#515), Des Moines, Iowa, being the absolute owners of the sculpture "Ears of Joy" by the artist Jane DeDecker, do hereby give, assign, and transfer over to the City of Des Moines all of our right, title and interest in and to said sculpture, including any copyright interest therein, if any, absolutely and forever. It is our intention that this transfer of the above-described sculpture shall constitute a gift of the same by us to the City of Des Moines and that the sculpture shall be prominently displayed on City of Des Moines property at Principal Park.

12/2/2008

  
Barbara M. Gartner

  
Michael G. Gartner

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, do hereby certify that the within and foregoing Deed of Gift of Entire Interest was duly approved and accepted by the City Council of said City of Des Moines by Resolution and Roll Call No. 08-\_\_\_\_\_ passed on the 22nd day of December 2008, and this certificate is made pursuant to authority contained in this Resolution.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Diane Rauh, City Clerk