

**Date** February 24, 2020

TERMINATION OF AGREEMENT WITH EDMUNDSON ART FOUNDATION,  
INC., D/B/A THE DES MOINES ART CENTER AND RIVERFRONT DEVELOPMENT  
AUTHORITY FOR DISPLAY AND MAINTENANCE OF QUANTUM LEAF SCULPTURE  
AND FOUNTAIN IN HANSEN TRIANGLE

WHEREAS, on November 23, 2009, by Roll Call No. 09-2136, 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 Lease Agreement authorized the City to allow the installation, operation, display and maintenance of a sculpture within the leasehold; and

WHEREAS, the Edmundson Art Foundation, Inc. d/b/a Des Moines Art Center (DMAC) is the owner of the Quantum Leaf sculpture and fountain by Sally Pettus; and

WHEREAS, on December 7, 2009, by Roll Call No. 09-2227, the City Council approved the Agreement Between the City of Des Moines and the Des Moines Riverfront Development Authority and Edmundson Art Foundation, Inc. d/b/a/ the Des Moines Art Center for Display and Maintenance of Quantum Leaf Sculpture and Fountain in Hansen Triangle (“the Agreement”); and

WHEREAS, the parties now desire to terminate the Agreement and the City and DMAC desire to enter into a separate agreement for the continued display and maintenance of the Quantum Leaf sculpture and fountain at the southwest corner of Hansen Park; and

WHEREAS, a termination agreement has been prepared, a copy of which is on file in the City Clerk’s Office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Agreement for Termination of Previously Executed Agreement between the City of Des Moines and The Des Moines Riverfront Development Authority and the Edmundson Art Foundation, d/b/a The Des Moines Art Center for Display and Maintenance of Quantum Leaf Sculpture and Fountain in Hansen Triangle, a copy of which is on file in the City Clerk’s Office, is hereby approved and the Mayor is authorized and directed to execute such termination agreement on behalf of the City and the City Clerk is directed to attest to his signature.



**Roll Call Number**

**Agenda Item Number**

.....  
**Date** February 24, 2020

(Council Communication 20- )

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

APPROVED AS TO FORM:

*Ann DiDonato*  
Ann DiDonato  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, P. Kay Cmelik, 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