

12-0388

17

Date..... March 12, 2012

SETTING DATE OF HEARING ON GRANT OF A LICENSE TO THE GREATER
DES MOINES PUBLIC ART FOUNDATION FOR THE INSTALLATION, DISPLAY AND
MAINTENANCE OF 5 SCULPTURES AT THE HUB SPOT

WHEREAS, the Phase One Master Plan for 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 05-1062 on April 25, 2005; and

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

WHEREAS, on December 22, 2003, by Roll Call No. 03-2902, the City Council approved the negotiation of a contract for the establishment and administration of a Public Arts Program with the Greater Des Moines Community Foundation ("GDMCF"), which contract was entered into by the City and the GDMCF on March 19, 2004 ("the Contract"); and

WHEREAS, the GDMCF formed the Greater Des Moines Public Art Foundation ("Foundation") to conduct the affairs and activities of the Public Art Program under the Contract pursuant to the Clarifying Amendment dated July 12, 2004 and approved by the City Council by Roll Call No. 04-1451 on July 12, 2004; and

WHEREAS, the Foundation is the owner of five (5) large scale ceramic sculptures titled "Dangos" by artist Jun Kaneko (the "Sculptures"); and

WHEREAS, the Foundation desires to install and display the Sculptures on the Riverwalk within the block on the northeast corner of Water Street and Court Avenue ("the Hub Spot"), near the Kiosk Building at the Hub Spot for the enjoyment of the public; and

WHEREAS, the Foundation has determined that the placement of the Sculptures at such location is consistent with the Principal Riverwalk Master Plan; and

WHEREAS, the Riverfront Development Authority approved the placement of the Sculptures at the Hub Spot at its April 13, 2010 meeting; and

WHEREAS, the Urban Design Review Board approved the placement of the Sculptures at the Hub Spot at its November 17, 2009 meeting; and

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WHEREAS, the Access Advisory Board approved the placement of the Sculptures at its May 18, 2011 meeting; and

WHEREAS, a License Agreement has been prepared which provides that the Foundation will retain the ownership of the Sculptures and the Foundation will have maintenance responsibility for the Sculptures for a period of 20 years.

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 the Greater Des Moines Public Art Foundation for a period of 20 years, for the installation, display and maintenance of 5 sculptures owned by the Foundation in the Hub Spot, located at the northeast corner of Water Street and Court Avenue, 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 sculptures to be provided by the Foundation.

2. A public hearing shall be held on March 26, 2012 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 12-110)

Moved by Hensley to adopt.

APPROVED AS TO FORM:
Ann DiDonato
Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

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.

MOTION CARRIED APPROVED
T. M. Franklin Mayor

Diane Rauh City Clerk