

★ Roll Call Number

12-0491

Agenda Item Number

46

Date March 26, 2012

HOLD HEARING FOR 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 AND AUTHORIZING THE  
MAYOR TO EXECUTE LICENSE AGREEMENT FOR SAME

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; and

WHEREAS, it is in the best interests of the City to enter into a license agreement with the Greater Des Moines Public Art Foundation to allow the installation, display and maintenance of the Sculptures in consideration of the enjoyment of the public and the maintenance obligations to be undertaken by the Foundation; and

WHEREAS, due notice of said proposal to lease public real property interests was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed lease, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed lease of public real property as described below are hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of the conveyance of this license agreement for a period of 20 years from the date of executin to install, display and maintain 5 sculptures owned by the Greater Des Moines Public Art Foundation in the Hub Spot.
3. That the grant of this license agreement to the Greater Des Moines Public Art Foundation for the consideration of maintenance to be performed by the Foundation and in consideration for the public enjoyment of the sculptures, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Agreement Between the City of Des Moines and the Greater Des Moines Public Art Foundation for Installation and Maintenance of Jun Kaneko Dangos Sculptures in the Principal Riverwalk, a copy of which is in the City Clerk's Office, and the City Clerk is authorized and directed to attest to the Mayor's signature.

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5. The City Clerk is authorized and directed to forward the original of this license agreement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.

6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the License Agreement and copies of the other documents to the grantee Foundation.

(Council Communication 12-132)

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			

MOTION CARRIED

APPROVED

T. M. Franklin 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.

Diane Rauh City Clerk