

★ Roll Call Number

20-0374

Agenda Item Number

50 B

Date February 24, 2020

HOLD HEARING FOR APPROVAL OF LICENSE AGREEMENT WITH EDMUNDSON ART FOUNDATION, INC., D/B/A THE DES MOINES ART CENTER FOR THE DISPLAY AND MAINTENANCE OF A SCULPTURE AT LONG LOOK CIVIC GARDENS AND APPROVAL OF LICENSE AGREEMENT AND AUTHORIZING MAYOR TO EXECUTE AGREEMENT

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 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 Joel Shapiro “Unnamed” sculpture (the “Sculpture”); and

WHEREAS, on April 10, 2006, by Roll Call No. 06-692, the City Council approved the Agreement Between the City of Des Moines and the Des Moines Riverfront Development Authority (“RDA”) and Edmundson Art Foundation, Inc. d/b/a/ the Des Moines Art Center for Installation and Maintenance of Unnamed Shapiro Sculpture in the Principal Riverwalk (“the Agreement”); and

WHEREAS, RDA desired to terminate the Agreement, which termination agreement was approved by the City Council on February 24, 2020 by Roll Call No. 20- 0375 and

WHEREAS, the City and DMAC desire to continue the display and of the Sculpture for the enjoyment of the public and to enter into a new agreement for the display and installation of the Sculpture at Long Look Garden; and

WHEREAS, an agreement has been prepared which provides that the Des Moines Art Center will retain ownership of the Sculpture and will have maintenance responsibility for the Sculpture for a 20 year term until December 31, 2040; and

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

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WHEREAS, on February 10, 2020, by Roll Call No. 20 - 0230, it was duly resolved by the City Council that the proposed license agreement with Edmundson Art Foundation, Inc., d/b/a the Des Moines Art Center for a term until December 31, 2020 for display and maintenance of a sculpture owned by the Des Moines Art Center in Long Look Civic Gardens be set down for hearing on February 24, 2020, at 5:00 p.m., in the City Council Chambers was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, due notice of said proposal to enter into such agreement to allow use of 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 this proposed conveyance, 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:

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed grant of this license agreement 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 for a period of twenty years until December 31, 2040 to display and maintain a sculpture owned by the Des Moines Art Center in Long Look Civic Gardens on the west side of City Hall.
3. That the grant of this license agreement to Edmundson Art Foundation, Inc., d/b/a the Des Moines Art Center for the consideration of maintenance to be performed by the grantee and in consideration for the public enjoyment of the sculpture, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Agreement Between the City of Des Moines and Edmundson Art Foundation, Inc. d/b/a the Des Moines Art Center for Display and Maintenance of Unnamed Shapiro Sculpture 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.
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.

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Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDEBAUN, VOSS, WESTERGAARD, and TOTAL.

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.

MOTION CARRIED APPROVED

J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk