



Legislation Text

File #: 67596, **Version:** 1

Fiscal Note

No City appropriation required.

Title

Authorizing the City of Madison to accept ownership of art sculptures from the Friends of Sid Boyum, to be placed on City-owned property, in exchange for ongoing maintenance of the sculptures by an established Neighborhood Association, after City staff review and approval of the sculptures and their locations at the time of each request. (6th AD)

Body

WHEREAS, Resolution Number 56507, File ID No. 25488, adopted on September 7, 1999, authorized the City of Madison ("City") to accept ownership of thirteen (13) outdoor sculptures from the family of Sid Boyum, who is in possession of numerous sculptures created by Sid Boyum, a renowned local artist and sculptor (now deceased), with the sculptures being located at various locations throughout the City's east side neighborhoods; and

WHEREAS, the family has since organized the Friends of Sid Boyum, Inc., a Wisconsin non-stock corporation dedicated to conserving Sid Boyum's art and legacy; and

WHEREAS, the Friends of Sid Boyum, with support from the Marquette Neighborhood Association ("MNA") and financial assistance in the form of an endowment established through the Madison Community Foundation, placed an additional three (3) additional sculptures on public property, as authorized by Resolution Enactment No. RES-19-00581, File ID 56471, adopted on August 6, 2019; and

WHEREAS, another sculpture piece, commonly known as Fu Dog, is coming out of storage and the MNA would like to include this sculpture in the agreement for all the other sculptures on public property (collectively, the "Sculptures"), as illustrated on attached Exhibits A & B; and

WHEREAS, various City agencies, including the City Attorney's office, Engineering Division, Planning, Traffic Engineering, Madison Metro, and the Risk Manager have reviewed this request and conditionally approved the addition of the Fu Dog sculpture in the proposed location; and

WHEREAS, the City will accept ownership of the Fu Dog sculpture after installation is complete, in exchange for the perpetual ongoing maintenance and repair of the sculptures by the MNA, as evidenced by an amended Letter of Agreement between the City and the MNA; and

WHEREAS, if an established Neighborhood Association wishes to sponsor and place any additional Sculptures on City property, the request shall be reviewed by City staff prior to placement, and the respective Neighborhood Associations shall sign Letters of Agreement with the City.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison authorizes the City's acceptance of ownership of any Sid Boyum sculptures to be located on public property, in exchange for the commitment for ongoing maintenance and cost of the Sculptures by an established Neighborhood Association ("Association"), provided they sign a Letter of Agreement with the City, subject to conditions which include, but are not limited to, the following:

1. The Association shall be responsible for all costs of installation, maintenance and repair of the

Sculptures.

2. A representative from City Engineering and/or Traffic Engineering shall be present at the time of installation to finalize the exact location of the Sculptures.
3. The Association shall contact Diggers Hotline to have all underground utility services properly marked prior to any excavation activities in the area where the Sculptures are to be placed.
4. The Association shall comply with all Madison General Ordinances, including any and all applicable City permits for excavation and installation of Sculptures on City property.
5. The City shall not be held responsible for any damage to the Sculptures that may be caused by the City, its employees, contractors, or others.
6. The City may remove the Sculptures if not properly maintained, by giving the Association sixty (60) days written notice prior to removal. The Association is responsible for any and all costs associated with such removal.
7. The City may remove the Sculptures if the area occupied by said items is required for transportation or other public purposes, by giving the Association sixty (60) days written notice prior to removal. Transportation purposes include, without limitation because of enumeration, public alleys, streets, highways, bike paths, sidewalks, and facilities for the development, improvement and use of public mass transportation systems.
8. The Association is required to sign a Letter of Agreement with the City, which shall be memorialized by an Affidavit of Recording with the Dane County Register of Deeds.