



## Legislation Text

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**File #:** 56471, **Version:** 1

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### **Fiscal Note**

No additional City appropriation required.

### **Title**

Authorizing the City of Madison to accept ownership of (3) three art sculptures from the Friends of Sid Boyum, to be located in a portion of the public right-of-way of E. Wilson Street, as well as a portion of a City Engineering parcel located at 320 Division Street, in exchange for maintenance by the Marquette Neighborhood Association. (6th A.D.)

### **Body**

WHEREAS, resolution File ID 25488, Resolution Number 56507, adopted on September 7, 1999, authorized the City of Madison ("City") to accept ownership of (13) thirteen outdoor sculptures from the family of Sid Boyum in possession of sculptures created by Sid Boyum, a renowned local artist and sculptor (now deceased), with said sculptures being located at various locations throughout the Schenk-Atwood neighborhood; 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 ("Association") and financial assistance in the form of an endowment established through the Madison Community Foundation, request the installation of (3) additional sculptures ("Sculptures") to be located on public property, as depicted and shown on attached Exhibit A; 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 installation of the Sculptures, as well as the City's acceptance of the Sculptures; and

WHEREAS, the City will accept ownership of the Sculptures after installation is complete, in exchange for the perpetual ongoing maintenance and repair of the Sculptures by the Association.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison authorizes the acceptance of ownership from the Association of a Sculptures to be located on public property, as depicted and shown on attached Exhibit A; subject to the following conditions:

1. The Association shall be responsible for all costs of installation, maintenance and repair of the Sculptures.
2. A representative from City Traffic Engineering, as well as City 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 within the City's public right-of-way or City Engineering parcel.

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 shall sign a Letter of Agreement that shall be memorialized by an Affidavit of Recording with the Dane County Register of Deeds.