

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

  X   Resolution or Ordinance (Blue) \_\_\_\_\_ *Waiver of First Requested*  
\_\_\_\_\_ Recommendations of Boards, Commissions & Committees (Green)  
\_\_\_\_\_ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: October 25, 2005 (B of T) Date: November 3, 2005

TITLE: Downtown Public Art Program - Tribute Park (Southwest Corner of Main Street and St. Charles Road)

SUBMITTED BY: The Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration a resolution authorizing signatures of Village President and Clerk on an Agreement relative to the creation of the artwork to be located at Tribute Park (southwest corner of Main Street and St. Charles Road). (DISTRICT #1)

Staff recommends approval of this request.

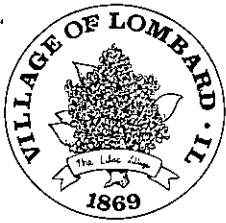
Please place this item on the November 3, 2005 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X *William T. Lichter* \_\_\_\_\_ Date *10/26/05*

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



## MEMORANDUM

**TO:** William T. Lichter, Village Manager

**FROM:** David A. Hulseberg, Director of Community Development *DAH*

**DATE:** October 24, 2005

**SUBJECT:** **Downtown Public Art Program - Tribute Park**

### **BACKGROUND**

In May 2005, a Downtown Public Art Program was established per the actions of the Economic and Community Development Committee and by the Village Board of Trustees. This program allows works of art to be placed throughout the Downtown TIF and St. Charles Road TIF 1 West Districts. There is no limit on either the maximum project cost or the share of costs to be borne by the Village.

On August 18, 2005 The Board of Trustees approved \$12,000 in Village TIF funds towards the creation of artwork to be located at Tribute Park (the southwest corner of Main Street and St. Charles Road). Staff has now received an Agreement from local artist Bud Swanson who is creating the bronze sculpture known as "Hometown Pledge". The total cost of the artwork per the Agreement is \$22,400. The Village has received contributions to offset the remaining balance.

### **ACTION REQUESTED**

That the Village Board of Trustees authorize the Village President and Clerk to sign the Agreement for the creation of the artwork known as "Hometown Pledge" in the amount of \$22,400.

**RESOLUTION**  
R \_\_\_\_\_06

**A RESOLUTION AUTHORIZING SIGNATURES OF  
VILLAGE PRESIDENT AND CLERK ON AN AGREEMENT**

WHEREAS, the Corporate Authorities of the Village of Lombard have received an Agreement, attached as Exhibit A, for the creation of artwork known as "Hometown Pledge" from Earl "Bud" Swanson, Sculptor, in conjunction with the Village's Downtown Public Art Program; and

WHEREAS, the artwork will complement and support the Village's plans to maintain a quality Downtown; and

WHEREAS, the Corporate Authorities deem it to be in the best interest of the Village of Lombard to approve such Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS, as follows:

**SECTION 1:** That the Village President be and hereby is authorized to sign on behalf of the Village of Lombard said Agreement as attached hereto.

**SECTION 2:** That the Village Clerk be and hereby is authorized to attest said Agreement as attached hereto

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2005.

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
William J. Mueller  
Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien  
Village Clerk

## **AGREEMENT**

This Agreement is made and entered into this \_\_\_\_\_ day of November, 2005 by and between Earl Swanson Sculptor, of Lombard, Illinois (hereinafter referred to as "Sculptor") and the Village of Lombard, an Illinois Municipal Corporation of DuPage County, Illinois (hereinafter referred to as "Village").

### **Witnesseth:**

In consideration of the mutual promises and undertakings hereinafter set forth and other good and valuable considerations, Sculptor and Village agree as follows:

1. Sculptor shall undertake and execute two (2) life size bronze statues: one shall be 60" tall girl and one 46" boy saluting flag in place at location.
2. A mold ready life size image of both sculptures shall be made available to the Foundry by November 1, 2005.
3. Sculptor shall supervise the casting and patination of the final product.
4. Sculptor shall retain all rights to the statues under and by virtue of the copyright laws of the United States of America; provided, however, the Village may with the consent of the Sculptor, which consent shall not be unreasonably withheld, reproduce or permit the reproduction of said statues in any form or medium for municipal or governmental purposes of the Village, including but not by way of limitation, fundraising efforts and events by and for the Village of Lombard, for special civic projects or otherwise.

5. Village shall pay to Sculptor a total sum of \$22,400.00 which amount will be payable as follows:
- a. One-third (1/3) thereof \$7,466.00 upon execution of this agreement.
  - b. One-third (1/3) thereof \$7,466.00 on the date life size sculptures are delivered to the Foundry and upon receipt of invoice from Sculptor - March 1, 2005.
  - c. One-third (1/3) thereof \$7,468.00 shall be payable on the date the finished statues are delivered to the Village of Lombard, Illinois – May 23, 2006.
6. Any disputes arising under the terms and provisions of this Agreement shall be governed under the laws of the State of Illinois, and venue for any dispute shall lie in DuPage County, Illinois.

Village of Lombard  
an Illinois Municipal Corporation

Earl Swanson  
Sculptor

By: \_\_\_\_\_  
William J. Mueller  
Village President

By: Earl Swanson  
Earl Swanson

Attest: \_\_\_\_\_  
Brigitte O'Brien  
Village Clerk

