

AGREEMENT

This Agreement is made and entered into this _____ day of January, 2006 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 one (1) life size bronze statue: the piece represents a boy looking down at a dalmatian. The boy is wearing firefighter's boots and a firefighter's helmet.
2. A dip and cast procedure will be implemented by January 5, 2006.
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.

2. Village shall pay to Sculptor a total sum of \$12,000.00 which amount will be payable as follows:
- a. One-third (1/3) thereof \$4,000.00 upon execution of this agreement.
 - b. One-third (1/3) thereof \$4,000.00 on the date life size sculpture is delivered to the Foundry and upon receipt of invoice from Sculptor – December 15, 2005.
 - c. One-third (1/3) thereof \$4,000.00 shall be payable on the date the finished statue is delivered to the Village of Lombard, Illinois – February 20, 2006.
3. 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

Attest: _____
Brigitte O'Brien
Village Clerk