

## **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

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