

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 - Walgreens

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 Walgreens (southwest corner of St. Charles Road and Elizabeth). (DISTRICT #1)

Staff recommends approval of this request.

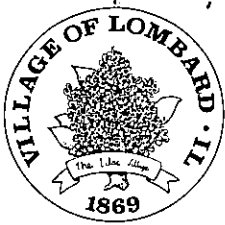
Please place this item on the November 3, 2005 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W.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 – St. Charles and Elizabeth**

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 \$7,000 in Village TIF funds towards the creation of artwork to be located at Walgreens (the southwest corner of Elizabeth Street and St. Charles Road). The sculpture known as “An Apple a Day” was originally designed to be made of fiberglass at a proposed cost of \$14,000 but thereafter had been changed to bronze.

Staff has now received an Agreement from local artist Bud Swanson who is creating this bronze sculpture. The total cost of the artwork is \$20,000. The Village of Lombard has collected Walgreens’ contribution of \$10,000.

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 “An Apple a Day” in the amount of \$20,000.

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 "An Apple a Day" 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: _____

Nays: _____

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 25 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 one (1) life size bronze statue: the piece represents a grandfather carrying his granddaughter on his shoulders with the girl picking an apple.
2. A mold ready life size image of the sculpture shall be made available to the Foundry by November 15, 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 \$20,000.00 which amount will be payable as follows:
- a. One-third (1/3) thereof \$6,666.00 upon execution of this agreement.
 - b. One-third (1/3) thereof \$6,666.00 on the date life size sculpture is delivered to the Foundry and upon receipt of invoice from Sculptor – November 15, 2005.
 - c. One-third (1/3) thereof \$6,668.00 shall be payable on the date the finished statue is delivered to the Village of Lombard, Illinois – March 1, 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

