



VICTOR STAFF REPORT

Decision Item Agenda Documentation

PREPARATION DATE: March 6, 2019

MEETING DATE: March 13, 2019

SUBMITTING DEPARTMENT: Administration

DEPARTMENT DIRECTOR: Olivia Goodale

PRESENTER: Olivia Goodale, City Administrator

SUBJECT: Placemakers Sculpture Park Property License Agreement

Re: Applicable Victor Values:

- | | | |
|---|---|---|
| <input type="checkbox"/> Culturally Historic | <input type="checkbox"/> Sustainable | <input checked="" type="checkbox"/> Connected to Nature |
| <input checked="" type="checkbox"/> Small Town Feel | <input checked="" type="checkbox"/> Family Friendly | X Administrative Need |
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STATEMENT/PURPOSE

The purpose of this item is for Council to consider a Property License Agreement for a Sculpture Park on private property located at 82 South Main, north of the Post Office.

BACKGROUND/ALTERNATIVES

The Victor Placemakers have been conceptualizing a new project which is to create an interactive Sculpture Park on private property located at 82 South Main, north of the Post Office. Elements could include sculptures from local professional artists, a rebar/wood totem pole public art piece created by students attending the Art Council's summer camp, an area for park visitors to build rock cairns, an oversized Jenga game, an oversized golf Chinese Checkers game, and seating/table elements.

The landowner is willing to allow the use of the land but is requesting a property license agreement associated with the project due to liability concerns. Once these concerns are addressed, the Placemakers will continue to refine the concept.

There are several options to proceed:

1. Approve the agreement as presented or amended
2. Continue the item.
3. Other

ATTACHMENTS

License Agreement

FISCAL IMPACT

There is no financial request made to the City at this time. The Placemakers generally intend to request donations for the project and grant opportunities may exist.

STAFF IMPACT

Ongoing

LEGAL REVIEW

Complete

RECOMMENDATION

Staff recommends approval of the agreement as presented.

SUGGESTED MOTION

I move to approve the Property License Agreement for a Placemaking project located at 82 South Main, subject to minor changes approved by the City Attorney.

[Roll call vote]

PROPERTY LICENSE AGREEMENT

The City of Victor, a political subdivision of the State of Idaho (the "City"), and RTE LLC (the "LLC") with an address of 1117 Beech Road, Bryn Mawr, PA 19010, hereby enter into this Property License Agreement (the "Agreement") as of the 13th day of March 2019.

In consideration of the mutual covenants contained herein and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged the parties hereby agree as follows:

- 1) That the City shall have the right to use property commonly known as 82 South Main Street, Victor, Idaho (the "Property") as a recreational park until such time as the LLC terminates this Agreement by giving the City at least 90 days written notice of its intention to terminate this agreement.
- 2) That at the end of this Agreement the City will clean the Property to at least as clean of a condition that it was in prior to the Agreement.
- 3) That the City will maintain general liability insurance insuring against liability arising from use of the Property by the City as a recreational park.
- 4) That this license is meant to be construed such that it fits within the definitions contained in Idaho Code 36-1604 regarding LIMITATION OF LIABILITY OF LANDOWNER.
- 5) That the City, during the term of this license, agrees to indemnify, defend and hold harmless the LLC from any and all liability, claims, damages, causes of action, suits, claims or judgments arising from injury to person or property, on the Property, caused by the negligent acts of the City which are related to the City's use of the Property.

City of Victor

RTE, LLC

By: _____

By: _____

Name: Jeff Potter

Name:

Title: Mayor

Title:

City of Victor Attest:

By: _____

Name: Michelle Smith

Title: City Clerk