

RESOLUTION NO. 19-22

Resolution Of The City Council Of The City Of Emeryville Approving The Installation Of Jeppe Hein's Artwork *Your Way* In The Public Park To Be Developed At The Former Sherwin Williams Site At 1450 Sherwin Avenue

WHEREAS, Article 4 of Chapter 2 of Title 3 of the Emeryville Municipal Code establishes the Contributions for the Art in Public Places Program; and

WHEREAS, a goal of the Public Art Program is to locate public art in distinct neighborhoods throughout the City and thereby introduce the City's public art to a larger audience; and

WHEREAS, LMV II Emeryville Holdings, LP (successor to SWACE, LLC), ("Developer") in developing the site formerly known as Sherwin Williams located at 1450 Sherwin Avenue (the "Sherwin Williams Site") is subject to the Art in Public Places Program; and

WHEREAS, in developing the Sherwin Williams Site, the Developer plans to include a public park which will be maintained by the City upon completion and acceptance; and

WHEREAS, the Developer is proposing to comply with the Public Art Program in part through installation of a privately maintained piece of public art in the public park; and

WHEREAS, the Developer and the City entered into that certain Operation and Maintenance Agreement and Obligation Regarding Master Association, recorded October 18, 2018, which states 'the cost of maintenance of the art located on City Property...shall be the sole fiscal responsibility of the Developer'; and

WHEREAS, per the Sherwin Williams Site's final development plan Conditions of Approval II.B.2 Public Art Program, City Council approval is required if the artwork on the city parcel constitutes more than 25% of the public art fee. The piece on the city parcel represents approximately 35% of the public art fee for the development; and

WHEREAS, as a condition of approval of Final Development Plan No. FDP17-002, the Developer must seek the recommendation of the Public Art Committee (PAC) and the City Council for the art work to be installed in the public park; and

WHEREAS, on February 21, 2019 the PAC made a recommendation that the City Council approve Jeppe Hein's artwork entitled *Your Way* for installation in the public park to be developed at the Sherwin Williams Site; now, therefore be it

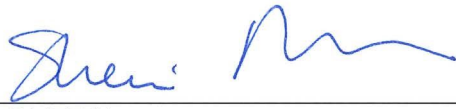
RESOLVED, that the City Council of the City of Emeryville hereby approves Jeppe Hein's *Your Way* for installation in the public park to be developed at the former Sherwin Williams Site at 1450 Sherwin Avenue; and

FURTHER RESOLVED, that the City Council of the City of Emeryville hereby approves the cost of the work account for 35% of the of the public art fee for the site be used for installation in the public park;

AYES:	<u>4</u>	Mayor Medina, Vice Mayor Patz, and Council Members Donahue and Martinez
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	
RECUSE:	<u>1</u>	Council Member Bauters


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY