



Legislation Text

File #: RES PH 18-10, **Version:** 1

Approving the application to MNDOT for installation of a mural in the public right-of-way on the sidewalk in front of 205 West 7th Street.

WHEREAS, Jit Bhatia “Applicant” wishes to utilize the sidewalk in front of his property at 205 West 7th Street for a public art mural “Project”; and,

WHEREAS, the Project will consist of a brightly colored mural on the sidewalk; and,

WHEREAS, resolution #02-1108 adopted by City Council on November 27, 2002, provides the permitting policy and process for the review and approval of public art proposed in the ROW; and,

WHEREAS, resolution #02-1108 sets forth the following general conditions for Artwork Installation:

(1) Artworks approved for installation in the public ROW must be of an appropriate size, scale and material to withstand the weather, traffic and other rigors of public ROW conditions, (2) it is preferable that works be fabricated off-site, (3) all costs and arrangements for the transportation of the work to the site shall be the responsibility of the applicant, (4) all costs of, and arrangements for, the removal of the artwork from the site shall be the responsibility of the applicant, (5) the City shall require applicants to warranty that the works of art shall not require any extraordinary maintenance during the term of the installation in the public ROW, (6) the risk of loss or damage to the work of art shall be born solely by the applicant. The applicant must provide proof of appropriate liability insurance coverage; and

WHEREAS, resolution #02-1108 also sets forth an application process that includes a written request to the Director of Public Works that includes:

(1) a description of the artwork proposed for installation in the public ROW; its size (height, width, depth), general shape, colors and materials, (2) a description of the proposed location of the installation, including notations on a city map of all the elements referenced below for the applicable skyway, (3) a description of the structural and mechanical aspects of the artwork and related appurtenances, (4) a description of the qualifications of the artist and of those involved in its installation, (5) an illustration of the artwork in a scale drawing of the work in its proposed location or locations, (6) identification of the owner of the artwork (7) a statement pledging that the applicant will properly maintain the artwork for the duration of its installation in the public ROW, (8) a schedule of the artwork installation, specifying the date of its arrival and installation at the site, the term of its exhibition, and the anticipated date of its removal, (9) a certificate of insurance as proof of general liability coverage of not less than \$1,000,000 per occurrence, which shall not exclude explosion, collapse, and underground property damage, and not contain an “aggregate” policy limit. The general liability coverage shall contain an endorsement naming Saint Paul Public Works as additional named insured as to acts committed by the applicant for which the City could be held responsible; and

WHEREAS, Applicant has submitted complete and proper applications for the Project which meet all conditions laid out in resolution #02-1108; and,

WHEREAS, Applicant has submitted a Certificate of Insurance as proof of general liability coverage of \$1,000,000 per occurrence, which does not exclude explosion, collapse, and underground property damage, and does not contain an “aggregate” policy limit; and,

WHEREAS, Applicant further understands engaging in unpermitted activity or failure to follow any term outlined in this policy and approved permit will result in revocation of the Project's permit; and,

WHEREAS, as outlined in the approval process of resolution #02-1108, Public Works has reviewed Applicant's application and the Director of Public Works has convened a panel to evaluate the proposal; and,

WHEREAS, West 7th Street is also known as State Trunk Highway 5 and the ROW along the Highway is governed under jurisdiction of the Minnesota Department of Transportation "MNDOT"; and,

WHEREAS, MNDOT policy regarding public art in the ROW requires an application from a city or governing agency with an accompanying resolution recommending approval before MNDOT will evaluate and permit the installation of art within ROW under their jurisdiction; and,

WHEREAS, the Director of Public Works recommends submission of an application to MNDOT for final approval;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Saint Paul hereby grants permission to Public Works to submit an application to MNDOT for final approval of the Project and to issue any necessary ROW permits required for the Project.