



Legislation Text

File #: RES 16-1009, **Version:** 1

Approving the installation of a mural in the public right-of-way "ROW" under the Maryland Avenue Railroad Bridge.

WHEREAS, COMPAS (Community Programs in the Arts) "Applicant" wishes to utilize the area under the Maryland Avenue Railroad Bridge located on Maryland Avenue between Kent and Makubin Streets for a public art mural "Project"; and

WHEREAS, installation of the Project will take place between June 20, 2016 and August 20, 2016, with the ability to extend the permit once for an additional 90 day period contingent upon the approval of the Director of Public Works and the Director of the Department of Safety and Inspections, and

WHEREAS, the Project will consist of two brightly colored murals, each approximately 1,500 sq. ft. on the abutments underneath the Maryland Avenue Railroad Bridge. Each wall (abutment) will be painted with whimsical nature scenes, in a coloring-book-like style depicting flora and fauna local to the area. In addition to the two large murals, the five columns parallel to each abutment will be painted with cityscapes in a coordinating style and color palette, 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, 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, the Director of Public Works and the Director of the Department of Safety and Inspections are recommending approval of the application, and

WHEREAS, the District 6 Planning Council and adjacent property owners have been consulted regarding the project and their input has been included in the conditions upon which the Permit for the Project is granted set forth below; and

WHEREAS, the City of Saint Paul will own the artwork, and

WHEREAS, COMPAS will maintain and repair the work for up to 5 years and a budget of \$3,000 for that time period, after which the City is responsible for maintenance, and

WHEREAS, Applicant understands that any related programming during the Project, including celebrations will need separate permits through DSI or any other applicable city department; and

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

THEREFORE BE IT RESOLVED, that the Council of the City of Saint Paul hereby grants approval to Public Works to issue a Permit to Applicant for the Project.