

Contract NO. 2020-054.

Public Art Mural Agreement

The Agreement is between Richard T. Serrano, Thomsen (Property Owner) and the City of Prescott, a municipal corporation of the State of Arizona (City).

RECITALS

1. The Property Owner owns the real property situated at 209 W. Gunley St. (physical address) and is willing to make an exterior wall (Wall) available for a public art mural.
2. The mural becomes the property of the City of Prescott and may be removed by either party after a period of 10 years.

The parties agree as follows:

The Property Owner grants the City permission to install, maintain and remove the Mural on and from the Wall.

The Property Owner will indemnify and hold the City harmless from any and all claims, including the cost of defending claims relating to the painting, installation, maintenance and removal of the Mural.

This agreement is in effect for 10 years. After 10 years, this agreement may be terminated by either party upon 90 days written notice to the other party. Upon termination, the Wall will be restored as close as reasonably possible to its prior condition at the expense of the party who initiated the termination.

The City is responsible for the maintenance and, if necessary, repair of the Mural during the life of the Agreement. The City shall have the right to access the Mural and the Wall for maintenance purposes. The City, without penalty, may remove the Mural, if in the sole judgment of the City, the Mural is being excessively damaged.

In the event of any dispute in any manner relating to this Agreement, the parties shall submit to a bench trial in a court of competent jurisdiction, foregoing any right to a jury trial. The parties hereto expressly covenant and agree that in the event of litigation arising from this Agreement, neither party shall be entitled to an award of attorney fees, either pursuant to the Agreement, pursuant to A.R.S. Section 12-341.01(A) and (B), or pursuant to any other state or federal statute, court rule, case law or common law.

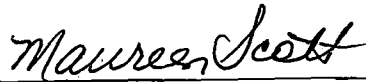
City of Prescott, AZ

Michael Lamar, City Manager:



Date: 8/26/2019

ATTEST:



Maureen Scott, City Clerk

APPROVED AS TO FORM"



Matthew Podracky, Interim City Attorney

Property Owner

Name: Patricia & Terving Thandup

Mailing Address: 403 Canyon Rd., Santa Fe N.M. 87501

Phone: 928-775-4227

Email Address: Cooper @ Summercre. Com

Date: 8/17/19

CONTRACT TRACKING SHEET



CONTRACT NO: 2020-054

For Contract Review –

1st Step: City Clerk will assign a contract number (if Council action is required, get number first and include in Council Agenda Memo)

2nd Step: Route Contract and applicable documents through Legal Department

*** Certificate of Liability/Insurance **MUST** be attached. Please include the expiration date.

PROCESS – NOTE: The Legal Department **MUST** review all IGAs, Easements, Lease/Property Acquisition and Development Agreements as well as all Contracts. Must be reviewed and signed off by both Risk Manager & Legal Department prior to any action taken.

Please fill out this form completely or it will be returned to you prior to review, approval, or scanning in OnBase. If a response is not applicable, please use "N/A" - Do Not Leave Any Blanks.

Type (check one):

- ☒ Contract
☐ Change Order/Modification (How many change orders are connected to this contract? _____)
ORIGINAL CONTRACT NO: _____ **for this change order**
- ☐ Amendment (How many amendments are connected to this contract? _____)
ORIGINAL CONTRACT NO: _____ **for this amendment**
- ☐ IGA ☐ Lease/Property Acquisition
☐ General Services ☐ Development Agreement
☐ Professional Services ☐ License Agreement
Other: please specify: ☐ Construction ☐ Easement

IDENTIFYING INFORMATION: (Please fill in each field)

Requesting Dept., Contact Name, Ext. #:

Tyler Goodman, City Manager's Ofc., x1340

Contractor or Vendor Name, Address, Tel. No.:

Paljor Tsering Thondup

Project Name

Public Art Mural Agreement

Ord/Res No: _____ **if applicable**

Brief Summary of the Services to be provided:

Public Art Mural Agreement at 209 W. Gurley St. Property, after 10 years the mural become the property of the City of Prescott and may be removed by either party after a period of 10 years.

Terms:

Start: 08/26/19 Expire:

Contract Amount: \$

Does contract require Council approval? ☐ Yes ☒ No

Scheduled Council Date:

Does document need to be recorded ☐ Yes ☐ No

ADDITIONAL COMMENTS/INSTRUCTIONS? _____

INSURANCE & BONDS

None Required ☐

Insurance Certificate:

☐ Attached

Initial

Date: _____ Exp. Date _____

Bid Bond:

☐ Attached

Initial

Date: _____

Performance Bond:

☐ Attached

Initial

Date: _____

Payment Bond:

☐ Attached

Initial

Date: _____

FINAL REVIEW AND APPROVAL: Please initial

☐ Legal:

Date: _____

Contracts/Procured Services

☐ Risk Mgmt:

Date: _____

Contracts and Certificates

☐ City Manager:

Date: _____

when required