

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, ACCEPTING A DONATION OF THE STEEL SCULPTURE "GROWING II" AS A GIFT OF ART BY ARTIST JESSE SWICKARD WITHOUT TERMS, CONDITIONS OR RESTRICTIONS.

WHEREAS, artist Jesse Swickard has offered to donate and convey to the City of Olympia a gift of art titled "Growing II," which is a steel sculpture measuring 10' x 4' x 3'; and

WHEREAS, the Olympia Arts Commission reviewed the proposed gift of art and unanimously recommended the gift and donation of "Growing II" for approval and acceptance by the Olympia City Council; and

WHEREAS, pursuant to RCW 35.21.100, every city and town by ordinance may accept any property donated if within its powers granted by law; and

WHEREAS, the Olympia City Council has considered the recommendation of the Olympia Arts Commission (OAC), in addition to the recommendation of the Olympia Parks Arts and Recreation Department (OPARD), to accept the donation of "Growing II" from Jesse Swickard; and

WHEREAS, the Olympia City Council finds this gift and donation of the steel sculpture "Growing II" is in the public interest and serves the public welfare;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Acceptance of Donation. As recommended by the OAC and OPARD and under the terms and conditions contained in the Agreement attached hereto as Exhibit "A," the Olympia City Council, pursuant to RCW 35.21.100, hereby accepts the gift and donation from Jesse Swickard of "Growing II" as herein described.

Section 2. Authorization. The City Manager is authorized to execute all documents necessary to effect the transfer of the gift and donation of "Growing II" to the City of Olympia, and to make any modifications or to correct any scrivener's errors in said documents that are consistent with the acceptance of the gift and donation by Jesse Swickard to the City of Olympia.

Section 3. Terms, Conditions and Restrictions. The gift and donation of "Growing II" is without restriction, except if the City decides to remove "Growing II" permanently from public view, the City will notify Jesse Swickard by sending a letter to the artist's most recently provided contact information and offer to return the artwork. If the artist fails to respond to the offer within sixty (60) days of such notification, the City may dispose of "Growing II" as the City deems fit.

Section 4. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary technical corrections to this Ordinance to include the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 6. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 7. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: