

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign the Display Agreement, by and among the City of El Paso, the El Paso Community Foundation, and John Verlander, regarding the public display of a piece of art entitled "El Torero" by the artist Manuel Acosta Adame in the Plaza Theatre, El Paso, Texas, with said Agreement to be effective as of August 16, 2006 and expiring August 16, 2016 and providing for an option to extend for an additional 10 years.

ADOPTED this _____ day of _____, 2009.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

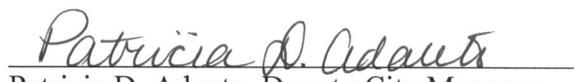
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Marie A. Taylor
Assistant City Attorney

APPROVED AS TO CONTENT:



Patricia D. Adauto, Deputy City Manager
Development & Infrastructure

DISPLAY AGREEMENT

This Display Agreement is made and entered into the _____ day of _____, 2006 by and between the CITY OF EL PASO ("City"), the EL PASO COMMUNITY FOUNDATION (the "Foundation") and JOHN VERLANDER (the "Owner").

WHEREAS, the City and the Foundation owns and operates the Plaza Theatre Performing Arts Centre (the "Plaza Theatre");

WHEREAS, the Owner owns a piece of art entitled "El Torero" by the artist Manuel Acosta Adame that he desires to display at a location where it might be viewed by the public and has requested that the City and the Foundation allow it to be placed in the Plaza Theatre;

WHEREAS, the City and the Foundation have determined that the display would be of benefit to the City and the Foundation; is of interest to citizens of El Paso; and is appropriate for public display at the Plaza Theatre.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein, the receipt and sufficiency of which is hereby acknowledged, the Owner agrees to display, and the City and the Foundation agree to accept the art for display at the Plaza Theatre under the conditions set forth below:

1. **Description of Artwork.** The piece of art (the "Artwork") by the artist Manuel Acosta Adame that will be displayed at the Plaza Theatre is described as:

Title: "El Torero" circa 1959

Artist: Manuel Acosta Adame (USA)

Medium: Oil on board

Edition: Original

Year: 1959

Size: 56 x 29 inches

Value: \$18,000.00

2. **Delivery.** The Owner agrees to deliver the Artwork to the Plaza Theatre within thirty (30) days of the execution of this Display Agreement by the parties.

3. **Display.** The City and the Foundation agree to accept delivery of the Artwork with the intent to display it within the Plaza Theatre at an appropriate site designated by the City and the Foundation. The parties agree that the City and the Foundation shall have full discretion as to the location and the manner of the display of the Artwork and that the City and the Foundation may at their discretion relocate the Artwork during the term of this Agreement.

4. **Term.** The term of this Agreement shall be 10 years commencing on 8/16/ 2006 and expiring on 8/16/ 2016 provided, however, that either party may terminate this Agreement by providing at least thirty (30) days' prior written notice to the other party.

5. **Option.** At the end of the 10 year term, the City and the Foundation shall have the option to extend this Agreement for an additional 10 years by providing the Owner thirty (3) days' prior written notice of its intention to

exercise the option to extend.

6. **Insurance.** The City and the Foundation will be responsible for any loss or damage to the Collection while it is in the possession and control of the City and the Foundation and will insure the Artwork for the term of the Agreement and any option to extend.

7. **Consideration.** The Owner acknowledges that the opportunity to have the Artwork displayed at the Plaza Theatre to be viewed by the public and the residents of the City constitutes sufficient and full consideration for this Agreement.

8. **Removal.** Upon termination of this Agreement, whether by way of expiration or early termination as provided for in Paragraph 3, the Owner will be responsible for removing the Artwork from the Plaza Theatre.

9. **Notice.** Notices required under this Agreement shall be provided as follows:

City:

El Paso, TX 79901

Foundation: El Paso Community Foundation

Attn: Mrs. Janice Windle

310 N. Mesa, 10th Floor

El Paso, Texas 79901

The Owner: Mr. John VerLander

5800 Onyx, Suite 300

El Paso, Texas 79922

JOHN VERLANDER

5835 ONYX DR. STE 300

EL PASO, TX 79912

EXECUTED, this _____ day of _____, 2006.

CITY OF EL PASO

Joyce A. Wilson

City Manager

APPROVED AS TO FORM: APPROVED AS TO CONTENT:

Maura A. Firth for
Sylvia Borunda Firth

Assistant City Attorney

Patricia D. Adauto

Patricia D. Adauto
Deputy City Manager
Development &
Infrastructure Services

THE EL PASO COMMUNITY FOUNDATION

Janice Windle

OWNER:

John VerLander

[Handwritten signature of John VerLander]

ACKNOWLEDGMENT

THE STATE OF TEXAS)

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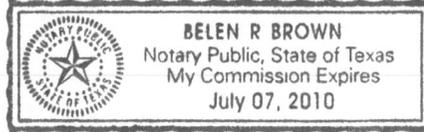
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 14th day of August, 2006, by John VerLander.

Notary Public, State of Texas

My Commission Expires:

July 7, 2010



BeLEN R. BROWN