

RESOLUTION NO. R- 3870

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ACCEPTING THE SCULPTURE ENTITLED "WINTER" FROM ARTIST PETER SKINNER.

WHEREAS, artist Peter Skinner desires to donate the granite sculpture entitled "Winter" to the citizens of Kirkland for the enjoyment of all; and

WHEREAS, the City Council desires to accept said sculpture on behalf of the City of Kirkland; and

WHEREAS, said sculpture shall be placed for public enjoyment at the south end of Houghton Beach Park;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS by the City of Kirkland as follows:

Section 1. The City Manager is hereby authorized and directed to execute an agreement between Mr. Skinner and the City of Kirkland for acceptance of the artwork "Winter" for permanent display at Houghton Beach Park.

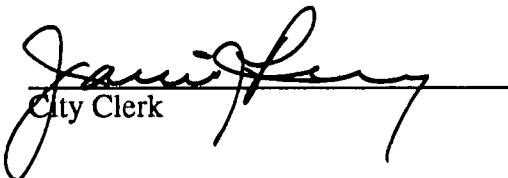
PASSED by majority vote of the Kirkland City Council in regular, open meeting this 5th day of April, 1994.

SIGNED IN AUTHENTICATION THEREOF this 5th day of April, 1994.



Mayor

Attest:



City Clerk

DRAFT



CONDITIONAL GIFT AGREEMENT

THIS GIFT AGREEMENT (the "Agreement") is entered into as of the date written below by and between Peter Skinner, whose address is 702 Overlake Drive East, Bellevue, Washington 98044 (collectively referred to as "Donor") and the City of Kirkland whose address is 123 5th Avenue, Kirkland, Washington 98033 ("Donee").

WHEREAS, Donor desires to make a gift to Donee of the property described below based on certain conditions contained herein; and

WHEREAS, Donee desires to accept such gift from Donor and comply with the conditions contained herein.

NOW, THEREFORE, the parties do hereby agree as follows:

I. PROPERTY DESCRIPTION

The property ("Property") which is the subject of this Agreement is currently owned by Donor and described as that certain sculpture entitled "Winter" by Peter Skinner.

II. DECLARATION OF GIFT

As of the date hereof, Donor hereby gives and delivers to Donee the Property, subject to the conditions contained in Section 4 below.

III. ACCEPTANCE OF GIFT

As of the date hereof and subject to the conditions contained in Section 4 below, Donee hereby accepts Donor's gift of the property and all its benefits.

IV. CONDITIONS OF GIFT

The gift of the Property is conditioned upon and shall be used by Donee in compliance with the following provisions:

- a. Location - The Property shall be located at Houghton Beach Park, at 5811 Lake Washington Boulevard in the City of Kirkland.
- b. Maintenance - Donee shall treat the Property as a work of art and maintain the Property in substantially the same condition as it is on the date of this Agreement. If the Property is damaged or vandalized in any way, Donee shall, at its sole cost, take the steps necessary to return the Property to its original condition. Donee shall take reasonable steps to protect the Property from vandalism. Donee shall also maintain the Property and the area surrounding the Property in good and clean condition. Donor shall provide the Donee with written instructions as to the proper maintenance of the Property.
- c. Identification - The property may be tastefully and appropriately labelled and identified as mutually agreed upon by the parties. The City shall bear the cost of such labelling and identification.

V. REMEDIES

If any of the conditions contained in Section 4 of this Agreement are not complied with by Donee, the Property shall be returned to Donor upon thirty (30) days written notice by Donor, their heirs, successors, or legal representative. If donee ceases to display the Property, or if the Property is determined by Donee to constitute a nuisance or a hazard to the public, then the Property shall be returned to Donor, their heirs, successors, or legal representatives upon thirty (30) days' written notice by Donee. If the Property is returned to Donor, it shall be delivered to the location so requested at Donee's sole cost and expense.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the _____ day of _____, 1994.

DONOR:

DONEE:

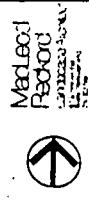
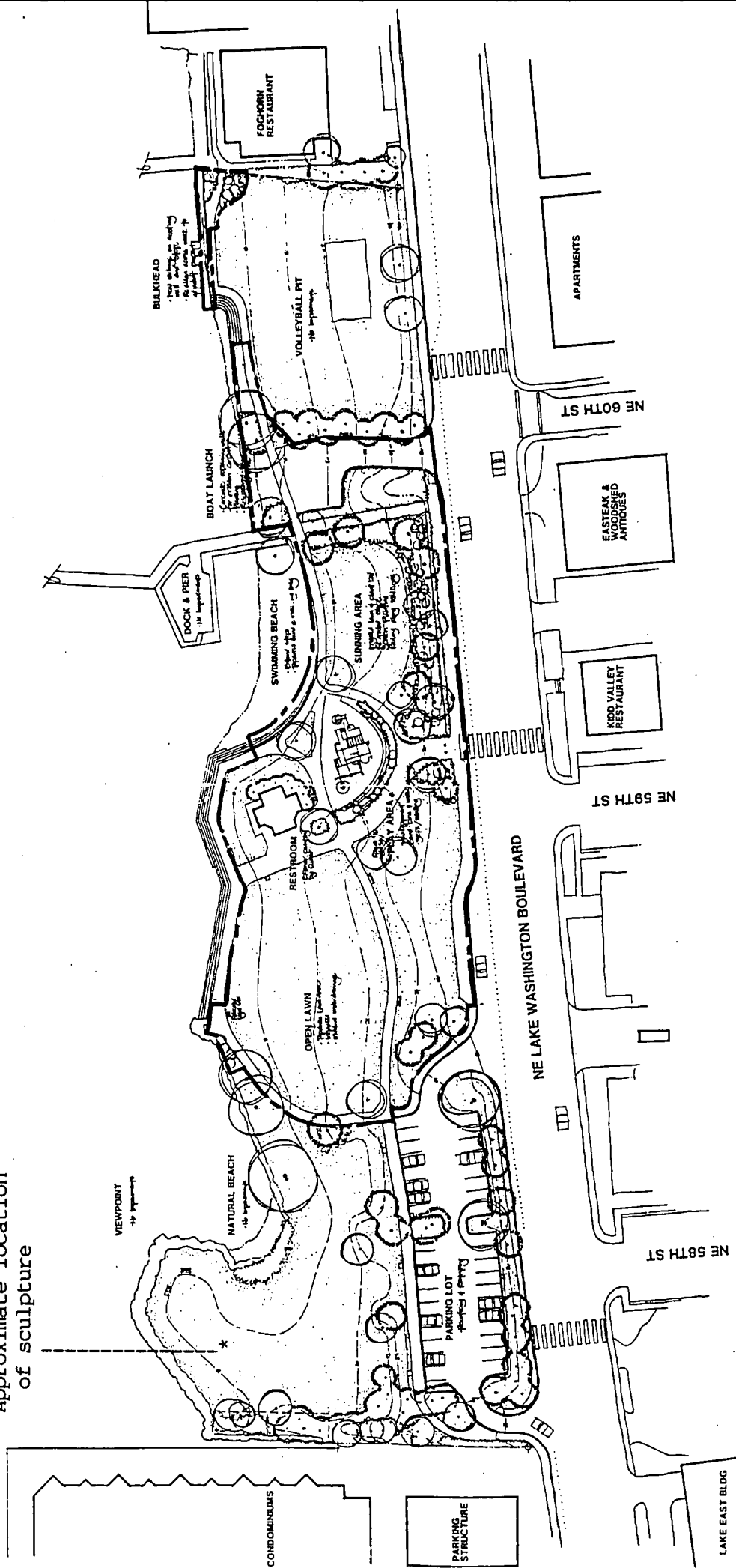
By: _____
Peter Skinner

By: _____
City Manager

Date: _____

Date: _____

Approximate location of sculpture



HOUGHTON BEACH PARK

CITY OF KIRKLAND DEPARTMENT OF PARKS AND RECREATION
HOUGHTON BEACH

R-3870

MARCH 1990
PHASE I
RENOVATION PLAN

