

August 8, 2012

WHEREAS, on May 16, 2012, Resolution No. 12-1357, authorized a Design/Build Contract with Heery International, Inc. for the Cotton Bowl – 2013 Improvements, including the public art fee at the Cotton Bowl in Fair Park located at 3750 Midway Plaza, in an amount not to exceed \$2,150,570; and.

WHEREAS, the Copyright License Agreement between City of Dallas and James Carpenter Design Associates, Inc., attached to the Design/Build Contract, gives the City of Dallas, ownership of all tangible, written and/or electronic materials related to the artwork, and any Benchmarked Portion, including, but not limited to mock-ups, models, drawings, plans, renderings, photographs, and partial constructions thereof; and

WHEREAS, the City shall at all times solely own all personal and/or real property rights in the physical artwork and all constructed portions thereof, whether or not completed; and

WHEREAS, Carpenter shall at all times own all right, title and interest in and to the copyright in the artwork, including, but not limited to the copyright in any and all Benchmarked Portions. Benchmarked Portion shall mean any part, portion or component of the artwork completed by Carpenter, accepted by the City or Heery, as applicable, and paid for by the City pursuant to the then-current City of Dallas and Historical Agency Review and Approvals.

WHEREAS, this action will authorize a Copyright License Agreement with James Carpenter Design Associates, Inc. for the public art project at the Cotton Bowl in Fair Park.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a Copyright License Agreement with James Carpenter Design Associates, Inc. for the public art project at the Cotton Bowl in Fair Park, after approval as to form by the City Attorney's Office.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED BY
CITY COUNCIL

AUG 08 2012


City Secretary