



## THE CITY OF KEY WEST

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# EXECUTIVE SUMMARY

**TO:** Art in Public Places Board  
**FROM:** Art in Public Places Administrator  
**DATE:** February 13, 2017  
**SUBJECT:** Harpoon Harry's Proposed Sculpture Donation

### ACTION STATEMENT

Consider the proposed donation of Public Art by restaurant owner, Ron Heck, with the request to install the sculpture in the City of Key West's 'right of way' (ROW) directly in front of Mr. Heck's restaurant, Harpoon Harry's, on Caroline St..

### BACKGROUND

Mr. Heck was presented in December with the processes for retaining ownership of his sculpture and having it installed in the ROW or donating it to the City for installation there. The Board Chair has advised the Administrator of Mr. Heck's decision to donate the Art to the City with the request to have it installed in the proposed ROW on Caroline St.

### PURPOSE & JUSTIFICATION

The donor was provided with the following options:

"There are two different approaches to approval depending on whether the Art is donated to the City or the owner retains ownership rights:

If the sculpture is being donated, we will need:  
Internal review and approval from Engineering  
Internal review and approval from HARC  
Review and Approval from the City Commission

If the sculpture ownership is to be retained and only permission to place it on a City right-of-way is being requested, we will need:  
Completed "Revocable License Form" (attached)  
\$350 application fee  
Survey required in application (approximately \$700 in costs)  
\$200 annual fee

WSTWMS 306LMD3K3

\$1million in Commercial Liability Insurance Coverage, which could come from a revision of the coverage for the easement for the awning which you all currently hold.

approval from Engineering

approval from HARC

Review and approval from the City Commission”

The donor elected the former to donate the Art to the City and the internal review process has been initiated. (see ‘Recommendations’ below)

### **RECOMMENDATION(S)**

Further evaluation by City Departments is required to develop a complete proposal which could be internally approved.

**Tree Commission:** “there is groundcover and shrubs located in the proposed area that was recently planted as per a development plan for the reconstruction of the road. We would need to look at compensation for the replacement of the plants during construction and the impacts after construction. Compensation would be to replant what is removed in that planter bed or in adjacent planter beds. The City spent the money and planted those shrubs/groundcover within the past year. Also need to address how they are going to keep the statue from being stolen and the potential continuing damage to the planter bed from people wanting to take pictures or trying to steal the statue.”

**Building:** “Anchor it to a piling to resist turnover...”

**HARC:** “Looking at the proposal we will need the materials of the supporting element, diameter and color, as well as a site plan with the location and the application.

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**Engineering:** “A donated piece of art work should be placed at a location that is at the City’s discretion...give people the opportunity to donate art or money to help achieve the City art plan...We would review to see possible impacts to road/sidewalk projects if in the City ROW. Would likely circulate to KEYS Energy, ATT, Comcast/xfinity and FKAA to verify no impacts to their facilities...would need to still be vetted to ensure no impacts to utilities or other possible City improvements.”

**Community Services:** Need installation plans and base specs. How is the piece to be mounted? Where will funds come from for the concrete? What level of underground work will be needed? What storm water and other utilities are in the area and will they be disturbed?

**Risk Management:** Insurance will be required, with the level TBD. An upcoming discussion between Risk Management and Finance will provide greater detail.

### **FINANCIAL IMPACT**

The donor has not yet established a donor agreement with the City to determine whether the Art Donation will be accompanied by installation or maintenance funding. Installation and maintenance of donated Public Art, including costs of concrete, are permitted uses of the AIPP funds.