

FORM B



**CITY OF EL SEGUNDO CULTURAL DEVELOPMENT PROGRAM
DEVELOPER'S ACKNOWLEDGMENT & AGREEMENT**

Upon the Building Official's approval, Ordinance No. 1671 requires developers of commercial and industrial projects (including but not limited to new construction and tenant improvement) valued over \$2,000,000 to contribute to the Cultural Development program. The developer will be required to complete and submit 1. Developer's Acknowledgment & Agreement form and 2. Cultural Development Program Application by selecting one of three options:

1. Option (a): Commission or acquire and install new artwork either on or near the project site, with the appraised value of the artwork and any direct expenses, as outlined in the ordinance, totaling at least 1% of the project cost, as determined by the Building Official, up to a maximum of \$1,000,000
2. Option (b): Pay the City an amount equal to 1% of the project cost, as determined by the Building Official, up to a maximum of \$1,000,000
3. Option (c): Make the 1% contribution requirement by a combination of on-site artwork and a cash payment into the CDP fund. The total contribution should not exceed \$1,000,000

More details about the Cultural Development Program may be found in the ordinance and in the administrative guidelines. Copies of these documents may be provided upon request.

ACKNOWLEDGMENT & AGREEMENT

I, as the developer or property owner for this project, agree to the following (*check one*):

Option (a):

_____ I agree to commission or acquire and install new artwork either on or near the project site, with the appraised value of the artwork and any direct expenses, as outlined in the ordinance, totaling at least 1% of the project cost, as determined by the Building Official, up to a maximum of \$1,000,000

- If the undersigned is not the property owner, I agree to submit a letter from the property owner, in a form acceptable to the City, acknowledging the property owner’s understanding and acceptance of this agreement.
- I agree to apply for the Public Art Plan to the City’s Cultural Arts Coordinator by: _____(date). The application will include preliminary plans that include the proposed location of the artwork and any other documents reasonably required pursuant to the guidelines.
- I acknowledge that the Arts and Culture Advisory Committee shall review the completed application for the Public Art Plan and approve, approve with conditions, or deny the proposed artwork, and its proposed location, based on the “Standards for Artworks” outlined in ESMC Section 15-34-6. The committee’s decision is subject to appeal pursuant to ESMC Section 15-34-9. The ACC meets monthly on the 4th Tuesday at 5:30 PM at the El Segundo Public Library. Please confirm meeting dates in advance of your submittal of the Public Art plan.
- I agree to fully comply with the City’s Cultural Development Ordinance
- I acknowledge that the City will not issue a certificate of occupancy unless and until (a) the application for the Public Art Plan has been approved, the artwork has been installed at the project site, and the artwork complies with the Cultural Development Ordinance and (b) the property owner executes and records with the Los Angeles County Registrar-Recorder’s office, a covenant regarding the maintenance of the artwork, as required by Section 15-34-7.
- I, along with my successors and assigns, agree to defend, indemnify and hold harmless the City of El Segundo, and its officers, volunteers, employees and representatives, from and against any liability, loss, damage, costs, or expenses arising from any claim, action, or liability related to the artwork.

Project Name: _____ Project Location: _____

Project Description:

Option (b):

_____ I agree to pay the City an amount equal to 1% of the project cost, as determined by the Building Official, up to a maximum of \$1,000,000

Option (c):

_____ I agree to make the 1% contribution requirement by a combination of on-site

artwork and a cash payment into the CDP fund. The total contribution should not exceed \$1,000,000

Owner: _____ Phone: _____

Developer: _____ Phone: _____

Address: _____ Email: _____

Staff Use Only:

Estimated 1% of the building cots according to building official: _____

I attest to the fact that I have read and understand, and agree to be bound by, the requirements of City of El Segundo’s Cultural Development Program as a condition of approval of my Project. I further understand and agree that once I have submitted this acknowledgement and agreement form to the City, that the agreement is irrevocable, the selection made above cannot be changed and that any amounts paid to the City of El Segundo pursuant to this form are non- refundable.

Signature: _____ Date: _____