

1 [Settlement of Claim - Amy Blackstone - \$28,544]

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3 **Resolution approving the settlement of the unlitigated claim filed by Amy Blackstone**
4 **against the City and County of San Francisco for \$28,544; claim was filed on March 3,**
5 **2014, additional material terms of said settlement include title transfer to the City of the**
6 **artwork created by Amy Blackstone as a sculptural fence for Father Alfred E.**
7 **Boeddeker Park, the guaranteed physical delivery of the artwork to the City on or**
8 **before June 30, 2014, and an intellectual property license to the City for the artwork.**

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10 WHEREAS, Amy Blackstone has filed a claim on March 3, 2014, against the City and
11 County of San Francisco; and

12 WHEREAS, The Arts Commission of the City and County of San Francisco, through its
13 Director of Cultural Affairs, has recommended settlement of said claim by payment of \$28,544
14 and (1) title transfer to the City of the artwork created by Amy Blackstone (“Artist”) as a
15 sculptural fence (the “Artwork”) for Father Alfred E. Boeddeker Park the (“Site”), (2)
16 guaranteed physical delivery of the Artwork to the City on or before June 30, 2014, (3) an
17 intellectual property license to the City for the Artwork, (4) Artist’s waiver of artist’s rights
18 under federal and state law, (5) warranties by Artist regarding the original authorship of the
19 unique Artwork, (6) City indemnification of the Artist upon final delivery of the Artwork for
20 personal injury arising out of the Artwork or its installation at the Site, (7) Artist indemnification
21 of the City for intellectual property claims, and (8) the opportunity for a meeting between the
22 Artist, the Director of Cultural Affairs and/or the Deputy Director of Cultural Affairs, and a
23 representative from the Office of the Risk Manager, to discuss the public art contracting
24 process and insurance and indemnification requirements in contracts with individual artists, as

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1 provided in the proposed Settlement and Release Form dated April 28, 2014 (the "Settlement
2 Agreement") which is incorporated herein by reference; and

3 WHEREAS, The Artist has agreed to the terms of the City's Settlement Agreement and
4 the City Attorney's Office in the process of obtaining the Artist's final signature on the
5 Settlement Agreement; now, therefore, be it

6 RESOLVED, That pursuant to Administrative Code, Section 10.22, the Board of
7 Supervisors hereby authorizes the City Attorney to settle and compromise the claim by
8 payment of \$28,544 and (1) title transfer to the City of the Artwork created by Artist Amy
9 Blackstone for the Site, (2) guaranteed physical delivery of the Artwork to the City on or before
10 June 30, 2014, (3) an intellectual property license to the City for the Artwork, (4) Artist's waiver
11 of artist's rights under federal and state law, (5) warranties by Artist regarding the original
12 authorship of the unique Artwork, (6) City indemnification of the Artist upon final delivery of the
13 Artwork for personal injury arising out of the Artwork or its installation at the Site, (7) Artist
14 indemnification of the City for intellectual property claims, and (8) the opportunity for a
15 meeting between the Artist, the Director of Cultural Affairs and/or the Deputy Director of
16 Cultural Affairs, and a representative from the Office of the Risk Manager, to discuss the
17 public art contracting process and insurance and indemnification requirements in contracts
18 with individual artists, as provided in the Settlement Agreement.

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APPROVED:

DENNIS J. HERRERA
City Attorney

BUCK DELVENTHAL
Deputy City Attorney

FUNDS AVAILABLE:

BEN ROSENFELD
Controller

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RECOMMENDED:

DEPARTMENT NAME

TOM DECAIGNY
Director of Cultural Affairs
San Francisco Arts Commission