

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20060218

- 1. ACTION REQUESTED/PURPOSE:** Consider approval and authorize Chairwoman's signature on the "Fine Arts Loan Agreement between Lee County and Fort Myers' Williams Academy- Black History Society" for the loan and public display of a door-size Nigerian artwork at the Williams Academy Museum.
- 2. WHAT ACTION ACCOMPLISHES:** Board of County Commissioner approval is required to finalize the agreement with the Black History Society. Approval and execution of the agreement will allow the Black History Society to display the artwork at the William Academy Museum for five (5) years.
- 3. MANAGEMENT RECOMMENDATION:** Approval will allow the Black History Society the privilege of displaying this piece at the Museum.

4. Departmental Category: 12 **C I A B** **5. Meeting Date:** 03-14-2006

6. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify) <input type="checkbox"/> Statute <input type="checkbox"/> Ordinance <input type="checkbox"/> Admin. Code <input checked="" type="checkbox"/> Other <input type="checkbox"/> Agreement	8. Request Initiated: Commissioner _____ Department _____ County Attorney Division _____ General Services By: <u>Kristie Kroslack</u> Assistant County Attorney
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9. Background:

On December 3, 1984, Bonita Springs resident, John West, presented a door-size ebony sculpture depicting an ancient Tribal King giving his blessing at a wedding ceremony- to Roland Estwood, Chairman of the Lee County Board of County Commissioners "for the people of Lee County to promote international goodwill among local residents." The sculpture was created in 1974 by Nigerian Artist G. Ehighator, and consists of carved ebony triptych door panels with an appraised value of \$25,000.00.

The Black History Society ("Society") operates the Williams Academy as a black history museum with the purpose of the museum being to gather and preserve the history of African Americans in Lee County and to record past achievements. The Society has requested that the Board of County Commissioners grant it the privilege of displaying the Nigerian piece of artwork at the Museum for the next five years.

Exhibits:
 Photograph of the Artwork
 Three (3) Fine Art Loan Agreements

10. Review for Scheduling:

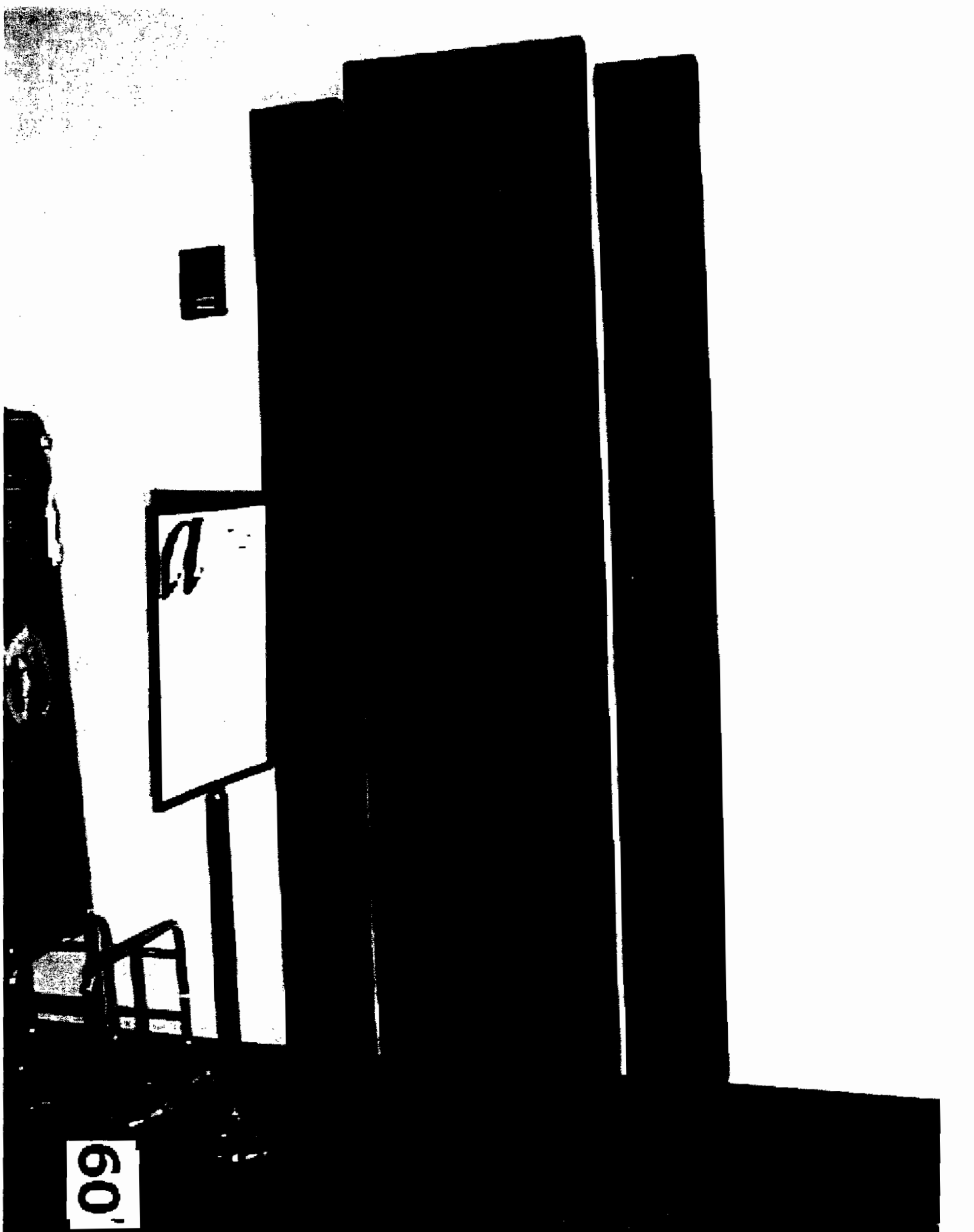
Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mer.	
				<i>[Handwritten initials]</i>	<i>[Handwritten initials]</i>	<i>[Handwritten initials]</i>	<i>[Handwritten initials]</i>	<i>[Handwritten initials]</i>	<i>[Handwritten initials]</i>

11. Commission Action:

Approved
 Deferred
 Denied
 Other

RECEIVED BY
 COUNTY ADMIN: *[Handwritten initials]*
 2-24-06
 11:31
 COUNTY ADMIN
 FORWARDED TO: *[Handwritten initials]*
 3/2/06
 9:30

CO. ATTY.
 FORWARDED
 TO CO. ADMIN.
 2/24/06 10:30 AM



60'

**FINE ARTS LOAN AGREEMENT BETWEEN
LEE COUNTY AND FORT MYERS' WILLIAMS
ACADEMY - BLACK HISTORY SOCIETY**

This Agreement entered into this _____ day of _____, 2006 between **LEE COUNTY**, a political subdivision of the State of Florida, by and through its Board of County Commissioners hereinafter called "Lender" and the **FORT MYERS' WILLIAMS ACADEMY-BLACK HISTORY SOCIETY**, a not-for-profit entity, hereinafter called "Society" and collectively called the "Parties".

WHEREAS, the Society occupies a historic building known as the Williams Academy;

WHEREAS, the Society operates the Williams Academy as a black history museum with the purpose of the museum being to gather and preserve the history of African Americans in Lee County and to record past achievements;

WHEREAS, the Museum houses exhibits on many subjects ranging from religion to business and contains photos, trophies and artifacts;

WHEREAS, Lender owns a door-size Nigerian artwork, carved from ebony, that depicts tribal King Oba giving his blessing at a wedding ceremony. This lovely wood carved piece was donated from the president of the Federated Republic of Nigeria to Bonita Springs resident John West, who donated it to the Lee County Commission in 1984; and

WHEREAS, the Society has requested that the Lender grant it the privilege of displaying this piece at the Museum;

NOW THEREFORE, the Parties agree that the artwork will be displayed at the Museum, subject to the following terms and conditions:

- | | | |
|------|------------------------|--|
| I. | Purpose of Loan: | To Preserve Art and History |
| II. | Owner of Artwork: | Lee County Board of County Commissioners |
| III. | Title of Work & Value: | "Door Artwork" Tribal King - three (3) carved ebony Triptych Door Panels by G. Ehigiator - Appraised Value \$25,000.00 |

- IV. Display Dates: The described item(s) are on loan for a period of five (5) years beginning on the date this agreement is signed by both Parties.
- V. Name of Lender: Lee County Board of County Commissioners
- VI. Address of Lender: P. O. Box 398, Fort Myers, FL 33902
- VII. Artist's Name: G. Ehigiator
- VIII. Date of Work: 20th Century, Nigeria
- IX. Medium: Carved Ebony Triptych Door Panels
- X. Photographs Attached: Yes
- Permission to Reproduce Photos: Yes
- XI. Arrival Date of Shipment: March 1, 2006
- XII. Insurance: Artwork to be insured by the Society for \$25,000, which reflects the current (2005) appraised value of the piece. The Artwork will be housed at the Museum. The Society shall provide Lee County Risk Management with proof of insurance, naming the Lee County Board of County Commissioners as "Loss Payee" on their policy for this piece.
- XIII. Name of Person(s) Doing Condition Check Upon Arrival at Museum:
- Wayne Fiyalko, Risk Management
Daisy Upshaw-Benjamin, Society

LOAN CONDITIONS

1. Under the terms of this Agreement, the Fort Myers' Williams Academy, Black History Society (the "Society") will exercise the same care in respect to all lent artwork or artifacts, as it does in the safekeeping of its own property.
2. Objects lent to the Society for exhibition or extended loan shall remain in its possession for the time specified in the Loan Agreement. Loans will be returned only to the Owner or Lender, or to his or her authorized agent or representative.
3. Objects lent to the Society will be insured by the Society at the written valuation provided by the Lender. However, the Society and/or its insurer reserve the right to substantiate the value of any artwork that is damaged prior to settling a claim with the owner of the art. All objects lent will be insured under the Society's fine arts all-risk, wall-to-wall coverage.
4. If the Lender elects to insure the objects on loan to the Society with its fine arts insurance, the Society accepts no responsibility for damaged artwork, except in cases involving negligence by the Society and its employees and agents.
5. If legal ownership of the item(s) shall change during the period of the loan, whether by reason of sale, gift or otherwise, the new owner may, prior to its return, be required to establish his or her legal right to receive the item(s) by proof satisfactory to the Society.
6. Attributions, dates and other information shown on the face of this Loan Agreement are as given by the Lender. Any valuations shown are those stated by the Lender and are not to be considered as appraisals by the Society.
7. The Society accepts this loan with the understanding that the Lender has full authority to make the same.

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IN WITNESS WHEREOF, the parties have set their hands and seals, the day and year first above written.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
County Attorney's Office

WITNESSES

FORT MYERS' WILLIAMS ACADEMY
BLACK HISTORY MUSEUM-SOCIETY

Jolene Jacobs
Witness Printed Name

By: Daisy Upshaw-Benjamin
Society Director

Jolene Jacobs
Witness Signature

MARIA M. ENCARNACION
Witness Printed Name

Maria M. Encarnacion
Witness Signature

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, an officer duly authorized by law to administer oaths and take acknowledgments, personally appeared Daisy Upshaw-Benjamin, Authorized Representative of Ft. Myers' Williams Academy Black History Museum Society, and acknowledged that he/she executed the foregoing Agreement for the use and purposes mentioned in it and affixed the official seal of the Society, and that the instrument is the act and deed of that Society.

IN WITNESS WHEREOF, I have set my hand and official seal at Fort Myers in the State and County aforesaid on the 17th day of February, 2006.

Carolyn Diana Delgiacco
Notary Public

My Commission Expires: 5/29/08
(SEAL)



Carolyn Diana Delgiacco
My Commission DD287373
Expires May 29, 2008