



Legislation Details (With Text)

**File #:** 2015-2201    **Version:** 1  
**Type:** Resolution    **Status:** Passed Finally  
**File created:** 11/6/2015    **In control:** Committee on Urban Recreation  
**On agenda:** 11/9/2015    **Final action:** 11/23/2015  
**Enactment date:** 11/23/2015    **Enactment #:** 755  
**Effective date:** 11/25/2015

**Title:** Resolution authorizing the Mayor, the Director of Finance, and the Director Parks and Recreation to enter into agreements with the Clayton Corporation and/or the Frick Art and Historical Center, Inc. to 1) confirm the assignment of the 1968 License Agreement for the Frick Art Museum from the Helen Clay Frick Foundation to the Clayton Corporation, and 2) to amend the 1968 License Agreement for the Frick Art Museum to allow for the imposition of admission fees for special or temporary exhibitions of works of art and other objects within the Museum while keeping admission to the Museum itself and the Museum’s permanent exhibitions free and open to the public.

**Sponsors:** Dan Gilman  
**Indexes:** AGREEMENTS  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
11/25/2015	1	Mayor	Signed by the Mayor	
11/23/2015	1	City Council	Passed Finally	Pass
11/18/2015	1	Standing Committee	AFFIRMATIVELY RECOMMENDED	Pass
11/9/2015	1	City Council	Read and referred	

Resolution authorizing the Mayor, the Director of Finance, and the Director Parks and Recreation to enter into agreements with the Clayton Corporation and/or the Frick Art and Historical Center, Inc. to 1) confirm the assignment of the 1968 License Agreement for the Frick Art Museum from the Helen Clay Frick Foundation to the Clayton Corporation, and 2) to amend the 1968 License Agreement for the Frick Art Museum to allow for the imposition of admission fees for special or temporary exhibitions of works of art and other objects within the Museum while keeping admission to the Museum itself and the Museum’s permanent exhibitions free and open to the public.

**WHEREAS**, on August 20, 1968, with the consent of City Council, the City of Pittsburgh (the “City”), The Helen Clay Frick Foundation (the “Foundation”), and with the consent of Helen Clay Frick (“Miss Frick”) entered into a license agreement (the “Agreement”) a License Agreement pursuant to which the City granted to the Foundation under certain terms and conditions the right to use certain real property of the City (the “Premises”) to construct thereon an art museum and appurtenances; and

**WHEREAS**, the Foundation constructed an art museum on the Premises as contemplated by the Agreement and the museum (the “Frick Art Museum”) has been operating the same since September 1970; and

**WHEREAS**, the Foundation caused the incorporation of the Clayton Corporation on July 11, 1988

under the Pennsylvania Nonprofit corporation Law of 1972 (the “Clayton Corporation”); and

**WHEREAS**, Miss Frick conveyed certain real property to the Foundation during her lifetime and at her death devised other real property to it, her intention being that the Foundation hold and operate such property; and

**WHEREAS**, on June 26, 1990, the Foundation passed a resolution approving the assignment of the Agreement to the Clayton Corporation; and

**WHEREAS**, on July 16, 1990, at No. 1013 of 1985, the Orphan’s court Division of the Court of Common Pleas of Allegheny County ordered distribution of the Frick Art Museum and the contents of the Frick Art Museum and certain real estate from the Helen Clay Frick Foundation to the Clayton Corporation; and

**WHEREAS**, on July 27, 1990, the Foundation delivered a Bill of Sale to the Clayton Corporation by which all tangible personal property of the Foundation not otherwise transferred by the July 16, 1990 Decree of the Orphan’s Court was transferred to the Clayton Corporation; and

**WHEREAS**, the Clayton Corporation changed its name to The Frick Art and Historical Center, Inc. as evidenced by the Articles of Amendment-Domestic Nonprofit Corporation filed with the Pennsylvania Department of State on January 20, 1993; and

**WHEREAS**, the Corporation has operated the Frick Art Museum on the Premises since July 16, 1990; and

**WHEREAS**, the City has never objected to the corporation’s operation of the Frick Art Museum on the premises; and

**WHEREAS**, under the terms of the Agreement the Foundation must secure from the City its consent to confirm any assignment of the Agreement; and

**WHEREAS**, the Frick Art & Historical Center has expanded substantially since 1968, and the Frick Art Museum now has an active program of changing exhibitions not originally contemplated in the Agreement; and

**WHEREAS**, the Corporation and the City desire to keep the Museum’s permanent exhibitions of works of art open to the public, free of charge, as required by the Agreement; and

**WHEREAS**, the Corporation now desires to charge an admission fee solely for special or temporary exhibitions of works of art and other objects within the Museum while keeping admission to the Museum itself and the Museum’s permanent exhibitions free and open to the public; and

**WHEREAS**, the Corporation has represented to the City that the revenue generated by these admission fees for special or temporary exhibitions of works of art or other objects within the Museum would allow the Corporation to secure more important and appealing special and temporary exhibitions in furtherance of Miss Frick’s goal to expose the public to a broad range of artwork; and

**WHEREAS**, the City does not object to the Corporation's assignment request or its request to impose admission fees for special or temporary exhibitions of works of art or other objects.

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PITTSBURGH AS FOLLOWS:**

**Section 1.**

1. The Executive Director of the Frick Art and Historical Center, Inc. hereby is authorized to secure from the City its affirmation and consent to the assignment of the existing Agreement from the Foundation to the Corporation. The Mayor, Director of Finance, and the Director of Parks and Recreation are hereby authorized to execute the form of Affirmation of Assignment and Consent and all other documents or instruments as may be necessary to carry out to intent of this resolution.
2. The Mayor, Director of Finance, and the Director of Parks and Recreation are hereby authorized to enter into an agreement amending the 1968 License Agreement to allow the Corporation to charge admission fees to view special or temporary works of art or other objects at the Museum.