



Text File

Introduced: 6/1/2018

Bill No: 2018-0538, **Version:** 1

Committee: Committee on Public Works

Status: Passed Finally

Resolution amending Resolution 69 of 1994 to authorize the Mayor and the Directors of the Department of Finance and Public Works to enter into a Transfer and Maintenance Agreement with the Korean War Veterans Of Western Pennsylvania Memorial Fund, Inc. in order to finalize the transfer of the Korean War Veterans Memorial to the City of Pittsburgh and the concurrent acceptance of the transfer of a maintenance fund to the City for assisting with its future maintenance obligations for the Memorial.

WHEREAS, in 1995, pursuant to Resolution 69 of 1994, City Council authorized the City of Pittsburgh (the "City") to enter into an agreement or agreements with the Korean War Veterans of Western Pennsylvania Memorial Fund, Inc. (the "Memorial Fund") to authorize the Memorial Fund to erect the Korean War Veterans Memorial (the "Memorial") on property then-owned by the City and known as Roberto Clemente Park and to accept monetary assistance for the care and maintenance of the Memorial; and

WHEREAS, at that time, the parties entered into a License Agreement dated March 7, 1995, which provided, *inter alia*, that the Memorial Fund would transfer the completed Memorial to the City for One Dollars (\$1.00) and would further pay to the City, through a trust, a maintenance fund equal to five percent (5%) of the total construction costs for purpose of perpetual care, maintenance, repair, and preservation of the Memorial (the "Maintenance Fund"); and

WHEREAS, thereafter, the Memorial Fund constructed and dedicated the Memorial in 1999, around which time the City notified the Memorial Fund that the original Memorial and its site would potentially need to be modified in conjunction with the upcoming construction of PNC Park and Heinz Field; and

WHEREAS, Resolution 484 of 2000 authorized the City to transfer real property along the North Shore of the Allegheny River for the purpose of developing a public park; and

WHEREAS, in 2001, in conjunction with the development of the new stadiums and the new public park, the City and the Memorial Fund entered into a second agreement dated January 25, 2001 (the "Second Agreement") with the Sports & Exhibition Authority of Pittsburgh and Allegheny County ("SEA") in which the Memorial Fund agreed to allow the SEA to redesign, reconstruct, and modify the Memorial and original site at the SEA's cost; and

WHEREAS, the Second Agreement also contained terms regarding the title of the redesigned Memorial being transferred to the City upon its completion and the further transfer to the City, in trust, of the earlier-agreed upon Maintenance Fund amount of five percent (5%) of the total construction costs of the original Memorial for purpose of perpetual care, maintenance, repair, ad preservation of the Memorial; and

WHEREAS, the redesigned Memorial has been completed and the Memorial Fund now wishes to finalize the

transfer of the Memorial to the City and further wishes to transfer the Maintenance Fund directly to the City without a trust requirement via execution of a Transfer and Maintenance Agreement; and

WHEREAS, the City also wishes to enter into the Transfer and Maintenance Agreement at this time in order to accept the ownership of the Memorial and to accept the Maintenance Fund.

Be it resolved that the Council of the City of Pittsburgh as follows:

Section 1: That the Mayor and the Directors of the Department of Finance and Public Works are authorized to enter into a Transfer and Maintenance Agreement with the Korean War Veterans Of Western Pennsylvania Memorial Fund, Inc. in order to finalize the transfer of the redesigned Korean War Veterans Memorial to the City of Pittsburgh for the sum of One Dollar (\$1.00).

Section 2: Upon the execution of the Transfer and Maintenance Agreement, the Korean War Veterans Of Western Pennsylvania Memorial Fund, Inc. shall transfer Thirty-Five Thousand Dollars (\$35,000.00) to the City via a check made out to Treasurer, City of Pittsburgh for purposes of providing funds for maintenance of the Korean War Veterans Memorial. Funds will be deposited into the Korean War Veterans Memorial Fund, JDE No.4029400220.48311.00 and will be used by the Department of Public Works as needed to assist in caring for and maintaining the Korean War Veterans Memorial.

Section 3: These funds will be used to assist in caring for and maintaining the Korean War Veterans Memorials under the terms of the agreement between the City of Pittsburgh, Department of Public Works, and the Korean War Veterans of Western Pennsylvania; chargeable to and payable from the Grant Trust Fund account 4029400220.50000.00.