

## **RESOLUTION NO.**

**WHEREAS**, in 1985 Charles and Angeline Umlauf (Umlaufs) conveyed to the City of Austin certain real property and approximately 185 sculptures subject to a life estate and conditions on the use of the property; and

**WHEREAS**, the City accepted the deeds conveying the real and personal property; and

**WHEREAS**, as permitted by the deed, the Umlaufs occupied a portion of the property in their private residence until Mrs. Umlauf's passing in June 2012; and

**WHEREAS**, upon Mrs. Umlauf's passing, the City acquired all property rights to the real property as prescribed by the deed gifting the property to the City; and

**WHEREAS**, the City proceeded to secure the real property and completed an inventory of the sculptures in order to preserve and protect the public property in accordance with standard procedures; and

**WHEREAS**, the inventory revealed a sculpture titled Madonna and Child (1960) was no longer on the property or within the City's possession, and information was provided that the piece was mistakenly removed from the property and transferred to a private citizen; and

**WHEREAS**, the Umlauf heirs have offered a substitute piece of art in exchange and in satisfaction of the missing "Madonna and Child" sculpture, titled "Maria Regina" (1985) and concur that the change in pieces is in the spirit of their parents' gift to the City; and

**WHEREAS**, staff has confirmed the value of the “Maria Regina” piece is equivalent or exceeds the value of the “Madonna and Child” sculpture, and is a greater benefit to the City due to its size, material, and year of creation. Its addition will enhance the remainder of the City’s sculpture inventory and provide greater educational and viewing enjoyment by the public; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

1. The City Council finds there is a public purpose in releasing the City’s ownership interest to the “Madonna and Child” (1960) described in the warranty deed dated April 9, 1985 and recorded in volume 09395, page 0321 of the Travis County real property records, and accepts title to the “Maria Regina” (1985) sculpture subject to the following conditions:
  - a. The Austin Community Foundation releases and waives, in writing, any and all potential claims and rights described in the warranty deed against the City of Austin due to the release of the Madonna and Child sculpture and acceptance of the Maria Regina sculpture;
  - b. All heirs of Mr. and Mrs. Charles Umlauf provide written document of their legal authority to convey title to the “Maria Regina” (1960) sculpture to the City, agree to indemnify the City against potential claims and executing any documents requested by the City necessary to convey the “Maria Regina” sculpture to the City; and

- c. All necessary parties execute an amendment to the deed or other legally binding document such as a memorandum, in a form acceptable for recording in the real property records of Travis County.

**ADOPTED:** \_\_\_\_\_, 2012    **ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk