

# Waiver of Proprietary Rights for Artwork Placed Upon City Property

## **Waiver of Proprietary Rights for Artwork Placed Upon City Property Under VARA and CAPA**

Artist has designed a work of visual art [9'x20' mural]. In consideration of the City's approval of the Artist design of visual art [spray paint-on-plywood mural that will be displayed in the Proxy lot in Hayes Valley on the southeast corner of Octavia and Hayes. The design will use a series of colorful shapes to coalesce into one stunning, central image] entitled: "Free Art," ("the Work") for the City artist agrees to waive and does hereby waive voluntarily all rights to attribution and integrity with respect to the Work and any and all claims as may arise under the Visual Artists Rights Act of 1990, 17 U.S.C. §§106A and 113(d) ("VARA"), the California Art Preservation Act (Cal. Civ. Code §§987 and 989)("CAPA"), or any other local, state, foreign or international law, as currently drafted or as may be hereafter amended, that conveys the same or similar rights ("Moral Rights Laws"), with respect to the Work, its display, removal from display, exhibition, installation, conservation, storage, study, alteration and any other activities conducted by the City, its officers, employees, agents, contractors, licensees, successors or assigns. If the Work is incorporated into a building such that the Work cannot be removed from the building without physical defacement, mutilation, alternation, distortion, destruction, or other modification (collectively, "Modification") of the Work, artist waives any and all such claims under any Moral Rights Laws arising out of or against any current or future owners of the site, and its agents, officers and employees, for Modification of the Work.

The City has the absolute right to change, modify, destroy, remove, relocate, move, replace, transport, repair or restore the Work, in whole or in part, in City's sole discretion.

The City has no obligation to pursue claims against third parties for modifications or damage to the Work done without the City's authorization. However, the City may pursue claims against third parties for modifications or damage or to restore the Work if the work has been modified without the City's authorization. In the event that the City pursues such a claim, it shall notify the Artist, and Artist shall cooperate with the City's efforts to prosecute such claims.

If the City modifies the Artwork without the Artist's consent in a manner that is prejudicial to Artist's reputation, Artist retains the right to disclaim authorship of the Artwork in accordance with 17 U.S.C. § 106A (a) (2).

Artist bears the sole responsibility for providing the City with any changes to the Artist's Address for Notice. Notice of changes must be mailed to the Arts Commission, 25 Van Ness Avenue, Suite 240, San Francisco, CA 94102 and to the City Agency with jurisdiction over the property:

Agency Contact \_\_\_\_\_

City Agency \_\_\_\_\_

Address \_\_\_\_\_

Phone  
Number \_\_\_\_\_ Email \_\_\_\_\_

Artist understands the effect of this waiver and hereby acknowledges that Artist is surrendering the rights described herein with respect to the Work.

Artist Name: Ricardo Richey

Signature:  \_\_\_\_\_ Date: September 15, 2014

Address: 1724 Mission St. / San Francisco, CA 94103

Phone: 415.748.1990 Email: oneapex@gmail.com

By: ARTS COMMISSION

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_