

**Condensed Title:**

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida de-accessioning of the "Red Sea Road" sculpture designed by the artist Barbara Neijna; and the "Speed Love Seat" sculpture designed by the artist Antoni Miraldi.

**Key Intended Outcome Supported:**

Increase community rating of cultural activities.

**Supporting Data (Surveys, Environmental Scan, etc.):**

The 2007 Community Satisfaction Survey indicated that 60% of residents and 60% of businesses feel the city has the right amount of cultural activities.

**Issue:**

Should the City Commission adopt the resolution?

**Item Summary/Recommendation:**

**Red Sea Road**  
 The sculpture by the artist Barbara Neijna was commissioned in 1976 by the City of Miami Beach. On October 24, 2005, the *Red Sea Road* sculpture was severely damaged by Hurricane Wilma, a category 3 storm. An appraisal of the sculpture was submitted on November 30, 2005, stating that the fair market value of *Red Sea Road* immediately prior to the storm damage, to the best of the evaluator's judgment, was \$500,000. On December 22, 2005, Ms. Neijna submitted a \$145,500 quotation for the cost associated with a complete restoration and reinstallation of the sculpture. In addition, claims were submitted to FEMA and the City's insurance carrier. The City's insurance carrier and FEMA rejected the claims filed by the City and would not cover the cost of restoring the sculpture.

The Neighborhoods and Community Affairs Committee discussed the de-accession on December 19, 2007 and March 26, 2008. Staff presented the history of work. Mr. Fleming advised the Committee that Ms. Neijna had a potential donor who would assume responsibility for repairing the work in partnership with Ms. Neijna. The sculpture would then be returned to the City. A letter dated October 13, 2008 sent to the City by Mr. Fleming stated that Ms. Neijna had decided not to proceed with the restoration and replacement of "Red Sea Road."

**Speed Love Seat**  
 On October 3, 1995, a Professional Artists Selection Panel was created for the visual artists' project of Lincoln Road, as part of the renovation of Lincoln Road. Subsequently, on April 12, 1996 the Professional Artists Selection Panel commissioned "Speed Love Seat" by Antoni Miralda, a sculpture made of recycled truck tires representing a double chair. The Public Works Department advised the Tourism and Cultural Developed Department, via memorandum on October 16, 2007, that on September 12, 2007, the "Speed Love Seat" artwork had been removed from its location on Lincoln Road because it had become worn and had exposed wires associated with the steel belts embedded in the radial bands of the tires. These wires had the potential of causing puncture or scratch injury when sat upon or if a person were to brush by the artwork.

**Advisory Board Recommendation:**

The AiPP Committee unanimously passed a motion recommending de-accessioning of the *Red Sea Road*.

**Financial Information:**

Source of Funds:	Amount	Account	Approved
1			
2			
<b>Total</b>			

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Max Sklar, ext. 6116

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
MAS 	HMF 	JMG 

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# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Neighborhoods and Community Affairs Committee

FROM: Jorge M. Gonzalez, City Manager

DATE: December 10, 2008

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DE-ACCESSIONING THE "RED SEA ROAD" SCULPTURE (DESIGNED BY THE ARTIST BARBARA NEIJNA); AND "SPEED LOVE SEAT' SCULPTURE (DESIGNED BY THE ARTIST ANTONI MIRALDI).**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### BACKGROUND - RED SEA ROAD

The sculpture by the artist Barbara Neijna was commissioned in 1976 by the City of Miami Beach as a "site specific," piece, meaning that the color, form, scale, location and other aspects of the sculpture were in response to the existing design elements of the plaza and the architecture of the building.

On October 24, 2005, the *Red Sea Road* sculpture was severely damaged by Hurricane Wilma, a category 3 storm with wind speeds of 111 – 130 mph.

On October 27, 2005, staff took photographs of the sculpture, documented the damage caused by the hurricane, and sought appraisals. An appraisal of the sculpture was submitted on November 30, 2005 by Marsha Orr, President of Marsha Orr Contemporary Fine Art, stating that the fair market value of *Red Sea Road* immediately prior to the storm damage, to the best of the evaluator's judgment, was \$500,000. A copy of the appraisal is attached for your reference. On December 7, 2005, the appraisal was submitted to Clifton Leonard, Manager, Risk Management, and he advised that a second appraisal would be needed. Simultaneously, the artist was also contacted to assess the damage and provide original blueprints which were needed for another appraisal.

On December 22, 2005, Ms. Neijna submitted a \$145,500 quotation for the cost associated with a complete restoration and reinstallation of the sculpture, excluding a new structural foundation if required. A copy of the quote is attached for your reference. In addition, claims were submitted to FEMA and the City's insurance carrier. The artist would not provide the original blue prints for fabricating the piece, which prevented the City from procuring a second estimate. However, it should be noted that it is customary for a living artist to repair their own original work.

At the August 24, 2006 Art in Public Places (AiPP) meeting, Max Sklar, Director, Tourism & Cultural Development, reported that the City's insurance carrier and FEMA rejected the claims filed by the City and would not cover the cost of restoring the sculpture.

On April 12, 2007 the AiPP committee met and unanimously passed a motion to de-accession the *Red Sea Road*.

On December 19, 2007, the Neighborhoods and Community Affairs Committee discussed the de-accession. Staff explained that this item was originally referred to them in June 2007 and has been deferred since then because the artist had approached the city in an effort to save the piece. The artist, represented by her attorney, Mr. Joseph Z. Fleming, advised the city that they were going to work out something and attempt to recoup funding from FEMA for the repairs. In deference to them, they were provided that opportunity. The committee directed the administration to explore ways to maximize the value, short of spending the repair costs up front, and report back at the next Neighborhoods/Community Affairs Committee meeting

Following the December 2007 Neighborhoods and Community Affairs Committee meeting, staff researched the City's ability to sell the piece in its current condition. Staff contacted Sotheby's and Christie's, the leading international art auction houses, to determine if the piece had any secondary market value in its current condition. Both companies advised us that based on their professional experience the damaged piece has no secondary market value. Furthermore, the artist's work has never sold on the international auction market and, as such, they recommended a private, local sale if the City was still interested in attempting to sell it.

Staff also contacted the artist in an effort to determine if Ms. Neijna would work with the City to restore the piece for purposes of resale. Her attorney Mr. Fleming advised that, without waiving rights, Ms. Neijna would be willing to do the work without charging artists' fees and just charge for hard and out-of-pocket expenses for the restoration, including repair, rebuilding and reinstalling.

At the artists request, discussion of this item was deferred from the January and February 2008, Neighborhoods and Community Affairs Committee meetings.

On March 26, 2008, the Neighborhoods/Community Affairs Committee met and Mr. Joseph Z. Fleming, the attorney representing artist Barbara Neijna, was present. Again, staff presented the history of work, including the efforts to try to obtain FEMA funds, insurance funds and other creative options to restore the piece since its destruction by Hurricane Wilma. Mr. Fleming advised the Committee that Ms. Neijna had a potential donor who would assume responsibility for repairing the work in partnership with Ms. Neijna. The sculpture would then be returned to the City. The Committee felt this was a win-win for both parties and then began discussing location of the piece. The Committee unanimously moved to refer the item to the Art in Public Places committee to discuss the location of the work of art if it is restored.

A letter dated October 13, 2008 sent to the City by Mr. Fleming stated that Ms. Neijna had decided not to proceed with the restoration and replacement of "Red Sea Road." A copy of the letter is attached for your reference.

#### **BACKGROUND - SPEED LOVE SEAT**

On October 3, 1995, a Professional Artists Selection Panel was created for the visual artists' project of Lincoln Road, as part of the renovation of Lincoln Road. Subsequently, on April 12, 1996, the Professional Artists Selection Panel commissioned "Speed Love Seat" by Antoni Miralda, a sculpture made of recycled truck tires representing a double chair.

The Tourism and Cultural Development Department received a letter on October 16, 2007 from the Public Works Department advising that on September 12, 2007, the "Speed Love Seat" was removed for safety reasons. A copy of the letter is attached for your reference. According to the letter from the Public Works Department, the artwork had become worn and had exposed wires associated with the steel belts embedded in the radial bands of the

tires. These wires had the potential of causing puncture or scratch injury when sat upon or if a person were to brush by the artwork.

**CONCLUSION**

Based on the above information, the Administration recommends de-accessioning the "Red Sea Road" sculpture designed by the artist Barbara Neijna; and "Speed Love Seat" sculpture designed by the artist Antoni Miralda.

Attachment

November 30, 2005

The following is a true and accurate description of *Red Sea Road* by Barbara Neijna as it was installed on the plaza in front of the Miami Beach City Hall:

Title: *Red Sea Road*

Date: 1976

Medium: Fabricated aluminum with an interior structured space frame and coated with Dupont Inron, a polyurethane enamel

Dimensions: 20 feet high x 40 feet wide x 20 feet deep

At the request of the City of Miami Beach for a fair market value of *Red Sea Road*, the following represents, to the best of the evaluator's judgment, that value immediately prior to the storm damage:..... \$500,000.

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Historical Notes: The sculpture was chosen from three alternative models that Barbara Neijna was asked to present to the Miami Beach City Commission for their consideration and selection in the mid 1970's. *Red Sea Road* was site specific, meaning that the color, form, scale, location and other aspects of the sculpture were in response to the existing design elements of the plaza and the architecture of the building. This integration of the sculpture into the surrounding environment created a dialogue with the work of City Hall architects Bouterse, Perez & Fabrigas, and gave an extra depth of idea to the art work. *Red Sea Road* established Neijna in the forefront of this "site specific" development in large scale exterior sculpture. Her inclusion in Donald Thalaker's The Place of Art in the World of Architecture and other public art survey texts and articles supports this view and adds to the historical importance and value of this sculpture. See attached resume for a selected bibliography.

Artist Note: Barbara Neijna ( b.1937, Philadelphia, PA) has shown a steady and strong increase in market value of her work over her continuing career. The included resume shows a selection of her exhibition history in prestigious museums and institutions, her public commissions by important commissioning bodies, such as The Federal General Services Administration and The Philadelphia Re-Development Authority, and her inclusion in notable public and private collections.

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Evaluation Basis Note: Two of several categories of research for comparison included public art commissions and private sales within five years. One example of each of these categories follows.

Miami Dade County Art in Public Places commission for Miami International Airport, Concourse J (in progress): \$5 million budget to the artist

Private sale of one, recent installation sculpture, fee to the artist, not including installation costs: \$500,000

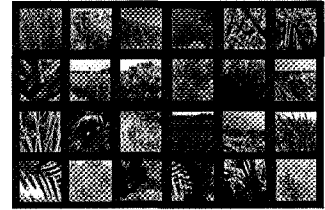
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Date: November 30, 2005

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Marsha Orr

Marsha Orr  
Marsha Orr Contemporary Fine Art  
P O Box 221  
Tallahassee, FL 32302  
(850) 224-1106  
[Morrart@aol.com](mailto:Morrart@aol.com)



barbara neijna . 123 san lorenzo avenue . coral gables . florida . 33146 . ph. 305 443 5662 fax 305 448 6955

12-22-05

To:  
Dennis Leiva  
City of Miami Beach  
Washington Avenue  
Miami Beach, Florida

### QUOTATION

Per your request the following is my proposal for the complete restoration and reinstallation of the sculpture, "Red Sea Road", originally commissioned by the City of Miami Beach in 1976. All reconstruction, surface preparation and repair will be done with the original fabricator of the sculpture under the direction and supervision of Barbara Neijna. All work will be accomplished according to the Artists original vision and set of plans.

1. Transportation and delivery of sculpture from the current location at Flamingo Park (loading to be done by others) to the fabrication plant in New York.
2. Examine and evaluate
3. New sections and parts to be constructed as is required.
4. All salvageable parts will be stripped and resurfaced and new internal connections will be created as required.
5. All fittings will be reworked or replaced as needed
6. All parts will be tested for proper assembly at the plant before return shipment
7. The visible surface will be painted with a two part polyurethane system meeting the artist's requirements for both color and appearance.
8. Transportation to the Miami Beach Site
9. Erection and installation at the Site

Prices do not include new structural foundation if required.

\$145,500.00

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Barbara Neijna

# Barbara Neijna

## RESUME 2005

### **EDUCATION**

1960 - 1961 Academia di Belle Arte di Brera Milan, Italy Graduate Program  
1959 Syracuse University , Syracuse, NY BFA

### **FELLOWSHIPS AND AWARDS**

1999 South Florida Cultural Consortium Fellowship  
1975 National Endowment for the Arts/Hillsborough County  
1959 - 1961 Louis Comfort Tiffany Traveling Fellowship

### **TEACHING**

1968 - 1974 Ft Lauderdale Museum of Art School of Art  
1962 - 1974 New School of Fine Arts Miami, Florida  
1962 - 1968 University of Miami, Department of Fine Arts, Sculpture

### **SELECTED EXHIBITIONS**

2003 Locust Gallery Miami, Florida  
2002 Bijou Contemporain XXXIII International Cagnes-Sur-Mer, France  
2002 Neuberger Museum of Art, Purchase, N.Y.  
2001 Bass Museum Inaugural Outdoor Sculpture Exhibition Miami Beach, FI  
2000 Florida Atlantic University Richter Gallery  
2000 Sarasota Biennial Ringling Museum of Art  
2000 Neijna/Installation "Water" Ambrosino Gallery, Miami, Florida  
1999 South Florida Cultural Consortium/Ft. Lauderdale Museum Award Exhibition  
1998 Ambrosino Gallery Group Show Miami, Florida  
Gramercy Art Fair, Guadalajara, Mexico Ambrosino Gallery  
Gramercy International New York, NY Ambrosino Gallery  
Art in Public Places Exhibition Metropolitan Dade County  
Public Art/ Art International Exposition, Miami Beach Convention Center Florida  
Frederick Snitzer Gallery Group Show / Miami, Florida  
1996 Miami Art Museum / Dreams and a Few Hidden Desires  
1995 Miami Art Museum of Dade County New Works Installation / "Interior Landscape"  
Museum of Contemporary Art / MOCANorth Miami, Florida Art + Architecture =  
Miami  
Riches" Museum of Contemporary Art MOCA/ North Miami, Florida "Between Love and  
Snitzer Gallery / Coral Gables, Florida Barbara Neijna/Installation  
Snitzer Gallery / Coral Gables, Florida Gallery Artists  
1993 Rubel IGallery / Miami Beach, Florida  
1991 Ft. Lauderdale Museum of Art / Thriving in Change 1949 - 1990  
Florida International University / ArtPark  
1990 Miami Dade Community College, South Campus Twenty Five in Miami  
University Museum, University of Florida / Gainesville Florida "Neijna"  
1986 Fort Lauderdale Museum of Art Ft. Lauderdale Florida "Site Walk" Installation  
1985 Musee du Pantheon National, Hatien Port au Prince, Haiti "Neijna et  
l'Environment"  
Gloria Luria Gallery Bay Harbor Florida "Neijna"  
1982 Aaron Berman Gallery, New York, NY "Women's Art Miles Apart"  
Valencia Community College, East Campus, Orlando Florida  
1980 Museum of Art Fort Lauderdale Ft. Lauderdale, Florida "Neijna"  
National Collection of Fine Arts / Smithsonian "Across the Nation/ Fine Art in Public  
Buildings"  
1979 Gran et Jeune d'Augourd'hui GranPalais, Paris, France



#### SELECTED COMMISSION

2004 Bal Harbour Plaza Bal Harbour Florida  
2003 Ice Condominium Miami, Florida  
2000 Downtown Now, St. Louis Mo. WRT-Obata  
1998 Miami International Airport Concourse "J", Miami Florida  
1997 Department of Communications Tallahassee, Florida  
1996 Tamiami Airport Artpark Environmental Park Miami, Florida  
1993 Broward Judicial Complex Collaboration, Ft. Lauderdale,  
1991 West Regional Courthouse, Pine Island Center Plantation, Florida  
1990 Rhode Government Facility Miami, Florida  
1989 General Development Corporation, Miami Florida  
1988 Florida International University Miami, Florida  
1988 University of Florida Gainesville, Florida Department of Nemotology and

#### Etymology

1986 Department of Education Tallahassee, Florida  
1985 Metropolitan Atlanta Rapid Transit Department Garnet Station Atlanta, GA  
1984 Haskell Corporation Jacksonville, Florida  
1982 Redevelopment Authority Philadelphia PA Independence Place  
1981 Central Business District Parking Facility Ft. Lauderdale, Florida  
1979 Heavy Equipment Authority Miami, Florida  
1978 General Services Administration Strom Thurmond Federal Building /Columbia SC.  
1977 Jackie Gleason Theater of the Performing Arts Miami Beach, Florida  
1977 Omni International Hotel Miami, Florida  
1976 Palm Springs North Pool and Recreation Center Palm Springs, Florida  
1976 City Hall of Miami Beach, Miami Beach, Florida

#### SELECTED COLLECTIONS

Columbus Museum of Art, Columbus, Ohio  
University of Iowa, Ames, Iowa  
Smithsonian Institution, National Collection, Washington, DC  
Boca Raton Museum and Art Center Boca Raton, Florida  
Miami Art Museum of Dade County Miami, Florida  
Fort Lauderdale Museum of the Arts, Ft. Lauderdale, Florida  
Musee du Pantheon National Hatien Port au Prince, Haiti  
Miami Dade Community College Miami, Florida  
Southeast Collection, Miami, Florida  
Syracuse University, Lowe Art Museum, Syracuse, NY  
Bass Museum of Art, Miami Beach, Florida  
Martin Z. Margulies, Miami, Florida

#### SELECTED BIBLIOGRAPHY

Anderson, Julie. "Summer 1990 Artistic Collaboration." *Florida Landscape Architecture*  
Clearwater, Bonnie, "Reviews." *Art at Auction*, 6 January 1993  
"Commission. Barbara Neijna." *Sculpture Magazine*, March - April 1995  
*Contemporary American Women Sculptors*, Phoenix Arizona: Oryx Press, 1988  
Edward, Ellen. "South Florida: No Longer a Last Resort for Art." *Art News* December 1979  
Thomas Davenport. *Art in Public Places in the United States*  
Bowling Green, Ohio: Bowling Green University Press, 1975  
Kohen, Helen. "Art Looks for a Place in the Sun." *Art News*, February 1983  
Kuspit, Donald B. "Barbara Neijna, Un Concept de l'Environnement"  
*Institut Haitian de La Culture et des Arts*, November 1985  
-----"Barbara Neijna at the Museum of Art". *Art in America*, March 1981  
-----."Neijna," *Florida November Catalogue*, Museum of Art, Fort Lauderdale 1980  
-----."Barbara Neijna *New Work: Interior Landscape* " October 1995 Miami Art Museum  
Mecklenberg, Virginia, *Across the Nation: Fine Art for Federal Building 1972-79* Washington, DC  
Plagens, Peter. "Report from Florida." *Art In America*, November 1986  
Schwarz, Joyce Pomerantz "Art in the Environment." *Exhibition Catalogue Boca Museum of Art*  
Thalaker, Donald W. "The Place of Art in the World of Architecture." New York, Chelsea House, 1980  
"Tracking Art in Atlanta: *Art Today*, 1990  
Valdez, Karen. "Site Walk" *exhibition Catalogue, Museum of Art*, Ft. Lauderdale, 1986  
"Year in Review: Public Art" *Art in America*, 1989 - 1990

# Greenberg Traurig

Joseph Z. Fleming  
Tel. 305.579.0517  
Fax 305.579.0717  
flemingj@gtlaw.com

October 13, 2008

Max A. Sklar (Via Email)  
Director  
City of Miami Beach  
Tourism and Cultural Development  
1700 Convention Center Drive  
Miami Beach, Florida 33139

Re: "Red Sea Road"

Dear Max:

Unfortunately, Barbara Neijna has determined not to proceed with the restoration and replacement of "Red Sea Road" in view of the negative position taken by the City. I deeply regret this. As I told you, I was committed to protecting her interests and that of the citizens of Miami Beach on a *pro bono publico* basis because I know that this work of art was a valuable as well as an historical work of art, significant to the Miami Beach public. It was very much connected with the original intent and construction of the City Hall. I feel badly.

I represented Barbara Capitman and the Miami Design Preservation League years ago and I did (in the course of efforts to list approximately 800 buildings on the National Registry to protect them) understand that we had to let a few buildings be demolished to demonstrate the blatant loss and convince the City that it should take more effective action to preserve the Art District. But, there was a method used in that prior situation, which enabled us to obtain benefits by some partial sacrifices. Here, unfortunately, it appears that the City created a situation in which its decision to delist, or to destroy (and do so by intentional neglect), rather than "repair", this valuable "icon" to the Miami Beach landscape creates what I perceive to be the essential abandonment and destruction of the work of art with no benefits to either the City, its residents or the artist. In fact it is a clear loss to all.

I felt strongly about this and was willing to provide *pro bono publico* legal assistance. Regrettably, the City has chosen to part with the Red Sea work of art (in spite of the fact that it was appraised two years ago by an art consultant of the City's choice, at a fair market value of \$500,000.00 and that the repair of this work of art as estimated by the artist would cost approximately \$150,000.00). The artist's reputation continues to advance in stature since she has just completed a \$5,000,000.00 installation of art at the Miami International Airport. She is currently considering other works of equal magnitude. In as much as the artist is still alive and was available to remedy the work, it is most regrettable that the City of Miami Beach, in view

Max A. Sklar  
October 13, 2008  
Page 2

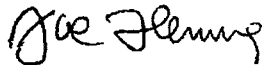
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of the beneficial experience regarding the Art Deco Saga and the Basel Art Fair, would choose to not preserve and not restore this work of art.

The artist decided it would be pointless to pursue a privatized repair of the sculpture in view of the decision of the very owners of "Red Sea Road."

I appreciated the efforts you personally made, and regret this result.

Sincerely,



Joseph Z. Fleming

JZF/bjs



# MIAMI BEACH

Public Works Department  
Property Management Division

## MEMORANDUM

TO: Dennis Leyva  
Redevelopment Specialist  
Tourism and Cultural Development

FROM: Robert T. Halfhill   
Property Management Director

DATE: October 16, 2007

SUBJECT: Removal of Artwork on Lincoln Road Mall

It is requested that the tire furniture items located on the 800 and 1000 blocks of Lincoln Road Mall be removed from the asset list of artwork.

On September 12, 2007, the tire furniture was removed for safety reasons. The artwork items had become worn and were damaged. The wear and damage had exposed wires associated with the steel belts embedded in the radial bands of the tires. These wires had the potential of causing puncture or scratch injury when sat upon or if a person were to brush by the items.

It was determined that the it was uneconomical to replace the rubber tire portions of the items because the frame supporting the rubber sections had also experienced wear and also required replacement. This would result in the complete rebuild of the item with the replacement of virtually all components.

If there are any questions concerning this request, please contact me at extension 7631.

c: Fred H. Beckmann, Public Works Director

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DE-ACCESSIONING THE "RED SEA ROAD" SCULPTURE (DESIGNED BY THE ARTIST BARBARA NEIJNA); AND "SPEED LOVE SEAT' SCULPTURE (DESIGNED BY THE ARTIST ANTONI MIRALDI).**

**WHEREAS**, the "Red Sea Road" sculpture, by the artist Barbara Neijna, was commissioned in 1976 by the City as a "site specific" piece; meaning that the color, form, scale, location and other aspects of the sculpture were in response to the existing design elements of the plaza and the architecture of the City Hall building; and

**WHEREAS**, on October 24, 2005, the *Red Sea Road* sculpture was severely damaged by Hurricane Wilma; and

**WHEREAS**, an appraisal of the sculpture was submitted on November 30, 2005 by Marsha Orr, President of Marsha Orr Contemporary Fine Art, stating that the fair market value of *Red Sea Road* immediately prior to the storm damage, to the best of the evaluator's judgment, was \$500,000; and

**WHEREAS**, on December 7, 2005, the appraisal was submitted to the City's, Risk Manager, and he advised that a second appraisal would be needed; simultaneously, the artist was also contacted to assess the damage and provide original blueprints which were needed for the second appraisal; and

**WHEREAS**, on December 22, 2005, Ms. Neijna submitted a \$145,500 quotation for the cost associated with a complete restoration and reinstallation of the sculpture, excluding a new structural foundation if required; and

**WHEREAS**, at the August 24, 2006 Art in Public Places (AiPP) meeting, Max Sklar, Director, Tourism & Cultural Development, reported that the City's insurance carrier and FEMA rejected the claims filed by the City and would not cover the cost of restoring the sculpture; and

**WHEREAS**, on April 12, 2007 the AiPP committee met and unanimously passed a motion to de-accession the *Red Sea Road*; and

**WHEREAS**, on December 19, 2007, the Neighborhoods and Community Affairs Committee discussed the de-accession, and the Committee directed the Administration to explore ways to maximize the value, short of spending the repair costs up front, and report back at its next meeting; and

**WHEREAS**, following the meeting, staff researched the City's ability to sell the piece (in its current condition); Sotheby's and Christie's, the leading international art auction houses, advised the City that, based on their professional experience the damaged piece has no secondary market value; the artist's work had never sold at the international auction market; and, as such, they recommended a private, local sale (if the City was still interested in attempting to sell it); and

**WHEREAS**, at the March 26, 2008, Neighborhoods/Community Affairs Committee meeting, Mr. Joseph Z. Fleming, the attorney representing artist Barbara Neijna, was present and advised the Committee that Ms. Neijna had a potential donor who would assume responsibility for repairing the work, in partnership with Ms. Neijna; Committee unanimously moved to refer the item to the AiPP committee to discuss the location of the work of art, restored; and

**WHEREAS**, in a letter, dated October 13, 2008, sent to the City by Mr. Fleming, he stated that Ms. Neijna had decided not to proceed with the restoration and replacement of "Red Sea Road;" and

**WHEREAS**, on October 3, 1995, a Professional Artists Selection Panel was created for the visual artists' project of Lincoln Road, as part of the renovation of Lincoln Road; and

**WHEREAS**, on April 12, 1996 the Professional Artists Selection Panel commissioned "Speed Love Seat," by Antoni Miralda; a sculpture made of recycled truck tires representing a double chair; and

**WHEREAS**, the Tourism and Cultural Development Department received a letter on October 16, 2007 from the Public Works Department advising that, on September 12, 2007, the "Speed Love Seat" was removed for public safety reasons; and

**WHEREAS**, the Public Works Department stated that the artwork had become worn and had exposed wires (associated with the steel belts embedded in the radial bands of the tires) and these wires had the potential of causing injury when sat upon, or if a person were to brush by the artwork; and

**WHEREAS**, accordingly the Administration hereby would recommend that the Mayor and City Commission approve the de-accessioning of the "Red Sea Road" sculpture (designed by the artist Barbara Neijna), and the "Speed Love Seat" sculpture (designed by the artist Antoni Miralda).

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH FLORIDA**, that the Mayor and City Commission hereby approve the de-accessioning of "Red Sea Road" sculpture, designed by Barbara Neijna, and the "Speed Love Seat" sculpture designed by Antoni Miraldi.

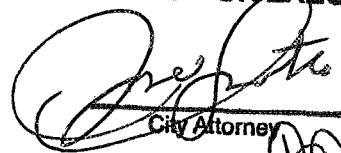
**PASSED and ADOPTED** this \_\_\_\_\_ day of December, 2008.

\_\_\_\_\_  
**MAYOR**

**ATTESTED BY:**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

11/25/08  
\_\_\_\_\_  
Date

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