

**COUNCIL ACTION FORM**

**SUBJECT: VACATION OF WALL EASEMENT AT 400 MAIN STREET –  
AMES HISTORICAL MURAL**

**BACKGROUND:**

In cooperation with the Public Art Commission and other private parties, in 2002 the City Council approved creation of a historical mural to be painted on the east wall of the building at 400 Main Street adjacent to Tom Evans Plaza. In order to place this publicly owned mural on a privately owned building, the property owner and the City entered into a 15-year easement agreement which extends to 2017 (Copy attached).

Unfortunately, the building wall itself has deteriorated and needs major maintenance that will involve destruction of the mural. The attached letter from building owners Kristin and Randy Pyle provides greater detail on this need. Since the wall deterioration is already damaging the mural, it seems timely to vacate this easement agreement and allow the owners to make the necessary repairs to the building.

**A public hearing must be held before this easement can be vacated.** It is proposed that the hearing be held at the next regularly scheduled City Council meeting on April 28. A recommendation from the Public Art Commission to deaccession the mural artwork will also be considered at that meeting. In addition, these building repairs are in part being funded through a City Façade Improvement Grant. Since the building work now being proposed differs somewhat from the project approved with the façade grant, that change will also be brought to the City Council for action on April 28.

**ALTERNATIVES:**

1. Set April 28 as the date of a public hearing to vacate the wall easement at 400 Main Street.
2. Choose to retain the wall easement until the 15-year agreement expires in 2017.

**MANAGER'S RECOMMENDED ACTION:**

The Ames Historical Mural has been a highly valued part of the City's downtown ambience for over 12 years. However, deterioration of the wall needs to be addressed immediately to preserve the structural integrity of the building itself.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby setting April 28 as the date of a public hearing to vacate the wall easement at 400 Main Street.

March 31, 2015

Dear Public Arts Commission,

We are the owners of the building at 400 Main Street in Ames that is currently painted with the Ames Historical Mural. This letter is to address the issues that are present with the mural, which is located on the east exterior wall of the building facing Tom Evans Plaza.

The appearance of the mural is deteriorating. There is cracking along much of the surface. The paint is blistering on the surface in areas, and the sealant is delaminating. At the base of the mural, some color is starting to bleed beyond the border of the mural. The last maintenance on the surface of the mural was in June 2013. This was the final repair scheduled in the contract between the artist and the City of Ames. With an expired maintenance contract and no future maintenance plans provided by the City, the situation will only continue to worsen.

The cracking occurring along the surface of the mural is more than an aesthetic problem. This building is a poured concrete structure built in 1911. The mural covers up two original windows in the concrete structure. The joints around these windows are a point of weakness for water intrusion in the structure and must be treated properly. The building and these joints need periodic maintenance to prevent water from traveling into the walls, which can weaken the structure and cause water damage on the interior. The north, east, and south walls of the building were properly repaired and sealed against water intrusion in the summer/fall of 2014. These repairs necessarily excluded the mural area. There is serious concern about leaving these cracked areas unrepaired. Not only is water intrusion most likely the cause for the areas of delamination in the mural itself, but the interior of the building behind the mural was majorly remodeled in 2014. Signs of water damage to the interior base structure were already evident at this time. While measures have been taken on the interior, there is still a serious concern about the possibility of future water damage to the freshly refinished walls and floors. These concerns could be alleviated by proper repair of the exterior; however, this requires removal of large parts of the mural.

Additionally, there were two obvious areas of the mural that have been repaired with permission of the City of Ames where sections of concrete were falling from the wall and creating a potentially dangerous situation. Without a complete repair of the exterior, this type of situation will continue to arise.

We very much appreciate this beautiful mural feature for the color and history that it adds to Tom Evans Plaza. Unfortunately, the current state of repair of the structure and the mural itself is providing a less than appealing view for the public. At this time, we feel that a full removal and full repair is warranted. We would like to request that the City of Ames terminate the mural easement agreement immediately. We plan to finalize the rest of the exterior repairs and repaint the structure this spring. This would be an opportune time for the slate to be wiped clean and provide room for future plans.

Thank you,

Kristin & Randy Pyle

02-18783

INST. NO. \_\_\_\_\_  
STORY COUNTY, IOWA  
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RETURN TO:  
CITY OF AMES (env.)  
BOX 811  
AMES IA 50010-0811

11/48 AM NOV 21 2002 PM  
SUSAN L. VANDE KAMP, Recorder  
REC. FEE \$ 11.00 AUD. FEE \$ \_\_\_\_\_

FILED FOR RECORD

DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER  
Prepared by: John R. Klaus, City of Ames Legal Department, 515 Clark Avenue, Ames, Iowa 50010 (Phone: 515-239-5146)

EASEMENT AGREEMENT  
WALL MURAL  
TOM EVANS PLAZA

THIS AGREEMENT, made and entered into effective the 17<sup>th</sup> day of November, 2002, by and between the City of Ames, Iowa (hereinafter called City) and Harold Schnormeier and Dorothy A. Schnormeier, husband and wife (hereafter called Grantors),

WITNESSES THAT:

1. For One dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, the Grantors do hereby grant to the City and to the invitees and permittees of the City, the right to paint, construct, affix and otherwise install and maintain a mural on the east exterior wall of the building on property legally described as:

Lots 1 and 2 of Block 15, Blair's Addition to Ames, Iowa

locally known as 400 Main Street, Ames, Iowa, for a term of fifteen years.

2. The Grantors, for the said term of fifteen years, shall maintain the said exterior wall in a structurally sound condition.

3. The Grantors shall, for the said term of fifteen years, not cover or remove the said mural or cause or permit any other person or persons, except the City, to cover or remove the said mural.

4. The Grantors shall cause or permit the preparation of the said wall for the mural, to the satisfaction of the artists.

WHEREFORE, the parties hereto have executed this agreement effective as of the date first above written.

THE CITY OF AMES, IOWA

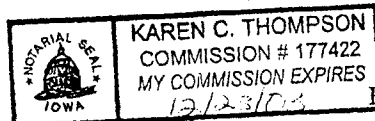
By: Ted Tedesco  
Ted Tedesco,  
Mayor

Attest by: Diane Voss  
Diane Voss, City Clerk

STATE OF IOWA, STORY COUNTY ss:

On this 17<sup>th</sup> day of November, 2002, before me, a Notary Public in and for the State of Iowa, personally appeared Ted Tedesco and Diane R. Voss, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ames, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Resolution No. 02-586 adopted by the City Council on the 12<sup>th</sup> day of November, 2002, and that Ted Tedesco and Diane R. Voss acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Karen C. Thompson  
Notary Public in and for Story County, Iowa



By: Harold Schnormeier  
Harold Schnormeier

GRANTORS

By: *Dorothy A. Schnormeier*  
Dorothy A. Schnormeier

STATE OF IOWA, STORY COUNTY ss:

On this 4<sup>th</sup> day of November, 2002, before me, a Notary Public in and for Story County, personally appeared Harold Schnormeier and Dorothy A. Schnormeier, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

*Suzanne Thompson*  
Notary Public in and for Story County, Iowa

Tom Evans Plaza - Easement Agreement Wall Mural - 122001  
Rev. 102802

