

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).

The building wall itself has now 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. The current Council action is to hold a public hearing regarding vacation of this easement.

The Public Art Commission previously discussed this situation and recommended that the City Council deaccession the mural artwork and vacate this easement. These building repairs are in part being funded through a City Façade Improvement Grant, so a separate agenda item addresses related changes in that approval.

It was staff's intention to include deaccession of the mural artwork on this agenda along with the easement vacation. However, deaccession was listed on the April 14 consent agenda, so this step has already been accomplished. Nonetheless, two communications from the artists are attached stating their approval of the deaccession.

ALTERNATIVES:

1. Approve a resolution vacating the historic mural 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 approving a resolution vacating the historic mural wall easement at 400 Main Street.

It should be noted that the Ames Historical Society has issued the following press release related to this mural:

Historic Mural Farewell Program

Saturday, May 2, 10am

Tom Evans Plaza, located at Main Street & Burnett Avenue

Local residents are invited to a farewell gathering for the Historic Ames Mural painted on the side of the building 400 Main Street that houses Bar La Tosca and The Spice. Sometime after May 2, the mural will be removed during repairs to the east wall of the structure. The program will coincide with the first Main Street Farmer's Market and will honor the artists, Jane Graham of Nevada and Ursula Ruedenberg of Ames, who will be present to relate the story of the mural's creation.

Free; Public Welcome

Painted by Jane Graham and Ursula Ruedenberg in 2003, the two-story mural features portraits of city founders John Blair and Cynthia Duff; paintings detailing scenes from Ames' early years; and, on the second story, a prairie scene that includes a chipmunk Ruedenberg said she saw on a daily basis while painting the mural. - See more at: <http://amestrib.com/news/downtown-mural-faces-removal#sthash.1roVDsui.dpuf>

Program will last 30 to 40 minutes.

For more information, contact Kathy Svec, 515-232-4877; kathysvec@msn.com

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

02-18789

INST. NO. _____
STORY COUNTY, IOWA
FILED FOR RECORD

RETURN TO:
CITY OF AMES (env.)
BOX 811
AMES IA 50010-0811

NOV 21 2002. JM
SUSAN L. VANDE KAMP, RIC On: ler eM)
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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**

TIDS AGREEMENT, made and entered into effective the 1st day of Nov, 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,
Mayor

Attest by _____

Diane Voss, City Clerk

STATE OF IOWA, STORY COUNTY ss:

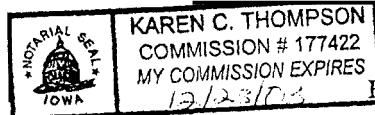
On this day of Nov, 2002

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. 11 adopted by the City Council on the 1st day of Nov, 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.

/s/ _____ (r/t...t') l-p.!(A.)

Notary Public in and for Story County, Iowa

By: _____
Harold Schnormeier



GRANTORS

Dorothy A. Schnormeier
By: Dorothy A. Schnormeier

STATE OF IOWA, STORY COUNTY ss:

On this 1st day of 77rue.mbv., 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



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From: **Jane Graham** <jane@sevenoaksstudio.com>

Date: Wed, Apr 15, 2015 at 6:41 AM

Subject: Re: Mural update

To: Ursula Ruedenberg <ursula@pacific.org>, Kate Greder <katharineceliagreder@gmail.com>

Cc: Ursula Ruedenberg <ursula@pacific.org>

Dear Ms. Greder,

I have discussed the issue of the Ames Historical Mural with Ursula Ruedenberg and have made a review of the "Agreement Between Owner and Artists Tom Evans Plaza Historical Mural" dated 11/12/02 and "Easement Agreement Wall Mural Tom Evans Plaza" dated 1/24/02. We the Artists were under agreement with the City of Ames for a period of 10 years for the execution of the Artwork and its continued maintenance. That obligation expired for us in 2013.

Last year (2014) Ursula and I discussed with a City official the plan for the termination of the Ames Historical Mural by the new building owners. We acknowledged the intent of the mural and agreed the building owners have the prerogative to treat their building as they wish and since that does not include survival of the mural, so be it. So sad.

By our discussion with the City official last year and these email communications, Ursula and I acknowledge official notification of the termination of the "Ames Historical Mural". We have no further obligation in regard to the mural. Please present this communication to the City Council on 4/28/15.

The Easement Agreement is of no concern nor responsibility of ours, Jane Graham nor Ursula Ruedenberg. The termination of the Easement of record is solely a function of the City of Ames to perform.

I trust this clears all questions of our involvement concerning the Ames Historical Mural.

Very truly yours,

Jane Graham

From: Ursula Ruedenberg <ursula@pacific.org>

Date: Tue, Apr 14, 2015 at 11:17 AM

Subject: Vacating easement of Tom Evans Plaza Mural

To: Katharine Greder <katharineceliagreder@gmail.com>

Dear Katharine,

You consulted with myself and Jane Graham, artists of the Tom Evans Plaza Historical mural with a meeting at the site last fall. This is to confirm my agreement to vacate the easement.

Thank you for your offer to help with a farewell celebration for the mural.
I am stretched a bit thin but if I can get it together, I will contact you
shortly about that.

Thanks

Ursula Ruedenberg

April 14, 2015