



July 17, 2024

Dr. Kelly Baum, John and Mary Pappajohn Director
Edmundson Art Foundation, Inc., d/b/a Des Moines Art Center
4700 Grand Avenue
Des Moines, Iowa 50312
By Email and U.S. Mail: kbaum@desmoinesartcenter.org

RE: Greenwood Park - MaryMiss Double Site

Dear Dr. Baum,

The City, through its Development Services Department and Parks and Recreation Department, inspected the MaryMiss Double Site in Greenwood Park in May 2024. A copy of the resulting inspection report is attached for reference. As you determined that the MaryMiss Double Site boardwalk


unsafe for public use, due to dilapidation, decay, and structural instability. The inspection found that the boardwalk cannot support designed structural loads due to decay and deterioration; the guardrails and boardwalk are missing spindles and floorboards; and the structure's wooden railings, beams, and surface are experiencing severe decay. The current condition of said structural elements of the MaryMiss Double Site violates the City's Building Code as well as the Operating Agreement.

In accordance with Section III.A of the Operating Agreement, the Art Center is solely responsible, at its expense, to "perform necessary maintenance to assure that the designated portion of the sculptures for which it is responsible shall not become damaged, deteriorated or unsafe." The structural integrity of elements of the MaryMiss Double Site, as detailed in the attached report of the City Building Official and Plans Examiner, is compromised and said elements are unsafe, therefore, as provided in said Section III.A of the Operating Agreement, the City is requiring the Art Center to repair or remove the unsafe structural elements of the MaryMiss Double Site in a timely fashion and in a manner and to the extent consistent with the requirements of the Order Granting Motion for Preliminary Injunction, Case No. 4:24-cv-00123-SHL-SBJ.



In addition, certain key design elements of the Mary Miss Double Site including the retaining walls (also known as terraces) exhibit deterioration, separation, and missing stonework. The warming huts, which the Art Center has informed the City are not structurally sound, have been closed off to the public by the Art Center. The water trough (concrete channel built into Greenwood Pond), is missing boards, is often filled with mud and debris, and has a largely nonfunctional pump required to prevent pondwater and rainwater infiltration, leaving this feature inaccessible to the public and appears to be unsafe for the public and the environment. The Art Center is -

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3. Structural instability

- a. Due to the severe wood decay the boardwalk floor framing is missing boards and the wood framingsystem that holding up the boardwalk has lost its design strength and appears to not be able to handle the weight of people walking on top of it
- b. The wood decay has also caused obvious signs of heaving and buckling in the framing system making the system structurally unstable.

