

July 17, 2024

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

RE: Greenwood Park - MaryMiss Double Site

Dear Dr. Baum,

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

unsafe f r public use, due to dilapidation, decay, and structural instability. The inspection f und that the boardwalk cannot support designed structural loads due to decay and deterioration; the guardrails and boardwalk are missing spindles and foorboards, and the structure's wooden railings, beams, and surf ce are experiencing severe decay. The current condition of said structural elements of theM aryM iss Double Site violates the City's Building Code as well as the Operating A greement.

In accordance with Section III.A of the Operating Agreement, the A 11 Center is solely responsible, at its expense, to "perform necessary maintenance to assure that the designated portion of the sculptures f r which it is responsible shall not become damaged, deteriorated or unsaf." The structural integrity of elements of the Mary M iss Double Site, as detailed in the attached report of the City Building Oficial 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 Mary M iss Double Site in a timely f shion and in a manner and to the extent consistent with the requirements of the Order Granting Motion f r Preliminary Injunction, Case No. 4:24-cv-00123-SHL -SBJ.



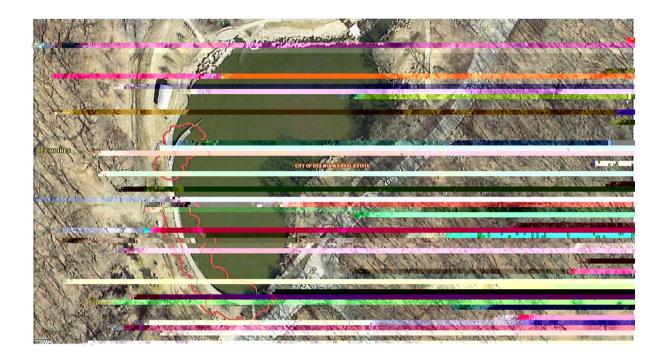
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In addition, certain key design elements of the Mary Miss Double Site including the retaining walls (also known as terraces) exhibit deterioration, separation, and missing stonework. The warming huts, which the Art Center has informed the City are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



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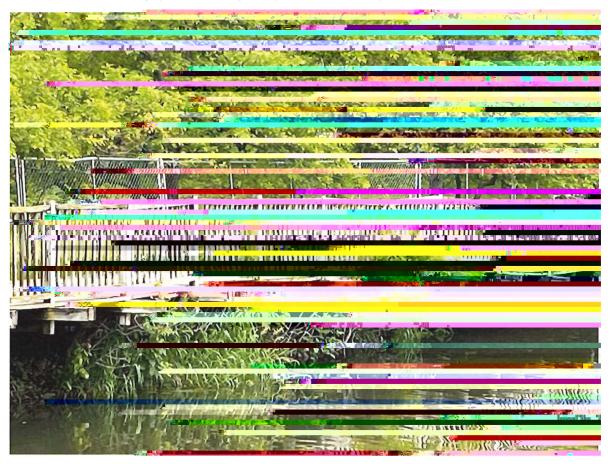
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- 3. Structural instability
 - a. Due to the severe wood decay the boardwalk floor framing is missing boards and the wood framing system that holding up the boardwalk has lost its design strength and appears to not be able to handle the weight of people 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.



Per Chapter 26-101 & 26-157 of City Cobe

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