The City of Brevard North Carolina

Date Received: _____
DTMPC Meeting: _____
City Council Meeting: _____

APPLICATION FOR PUBLIC ART

APPLICANT: Kristie Nichols

Contact Information:

Mailing Address: 360 Whitmire St City: Brevard State: NC ZIP: 28712
Email: info@theyardbrevard.com Phone: 828-237-1081

Property Owner Information (Not applicable for artwork proposed on City Property):

Property Owner Name: Arcade Brevard
Mailing Address: 360 Whitmire City: Brevard State: NC ZIP: 28712
Email: info@theyardbrevard.com Phone: 828-237-1081

Location of Property: See attached

Property Identification Number (PIN): See attached

8586-53-1004-000

Type of Artwork:

- [x] Mural
- [ ] Sculpture
- [ ] Memorial
- [ ] Functional Art (i.e. bike rack)
- [ ] Other: _____

Proposed location(s) for the art (side wall, rear yard, alcove, etc): See attached

Following must be included with All Applications:

- [ ] **Description and images or other illustrative graphics** of the artwork to be installed. Dimensions (height, width, etc.) must be included in these descriptions.
- [ ] **Narrative** describing the theme and design.
- [ ] **Photograph** of the proposed location (if specific location in mind).
- [ ] **Signed Maintenance Agreement** provided by the City.
- [ ] **Cost estimate:** 5K
- [ ] **Project Installation Timeline:** 2 months

Following must be included with Mural Applications:

- [ ] **Dimensions** of any logos, symbols or text within the mural. - See attached

SIGNATURES

If the Applicant is other than the property owner, proof of the owner's consent is required, unless the property owner is the City of Brevard. Owner's signature proves consent. The applicant will be the liaison with the City and will be the party to receive official notice. Notice communicated to the applicant will be deemed communicated to the owner. By signing this application, the applicant is consenting to the designation for these purposes.

Property Owner: _____ Date 9/25/24

Applicant: _____ Date 9/25/24

PUBLIC ART MAINTENANCE AGREEMENT

THIS Agreement is made as of the 25 day of ~~Month~~ September, ~~Year~~ 2024 by and between:

City of Brevard (hereinafter "City")
95 West Main Street
Brevard, NC 28712

and

Kristie Nichols ("Owner").
284 Railroad Avenue ("Physical Address of project")
360 Whitmire St. ("Mailing Address of Owner)
828-231-1081 ("Telephone Number")
info@theyarchworld.com ("Email Address")

WHEREAS, the City has determined in order to beautify public areas, enhance the quality of life for Brevard citizens, attract tourism, promote arts and culture, and encourage businesses to locate within the city, thus expanding Brevard's economic base, it is the policy of the City of Brevard to promote public art, where appropriate, through the implementation of a clarified process and design guidelines, and

WHEREAS, the Owner desires to facilitate this policy by installing public art as approved by the Brevard City Council pursuant to Ordinance 42-16 of the Brevard City Code and Chapter 12 of the Unified Development Ordinance;

WHEREAS, the Owner is aware that as a condition of being allowed to install any public art, the Owner must agree to certain maintenance and other requirements as set forth in the policy.

NOW THEREFORE, the Owner, subject to the approval of the said public art project by the Brevard City Council, agrees as follows:

1. Owner agrees to complete the installation work within one calendar year from the date of approval by City and all work shall be completed according to state and local building codes and ordinances, and approved, when necessary, by the proper authorities.
2. Owner accepts the sole responsibility of maintenance during the lifetime of the artwork and authorizes the City to perform such maintenance if these responsibilities are not fulfilled by the Owner. In the event the City is required to perform maintenance on the said project due to the Owners failure to maintain, the Owner shall reimburse the City for the reasonable costs of the maintenance. Maintenance shall include, but is not limited to, re-painting/touch-up painting to keep the art looking current and not faded, as determined by the DMPC, and abating graffiti, or other forms of vandalism, within 48 hours from the time the property owner has been notified. Owner maintenance may also include painting over the mural effectively ending its lifetime if no public funds were used in its creation and if there is no prior, conflicting agreement between the City and the property owner unless both parties are in agreement. Owner further agrees to follow the maintenance

guidelines set forth in Section VIII of the Public Art Policy and Application Process manual.

3. Once a project is complete, Owner shall apply an anti-graffiti coating to protect its surface if determined by the DMPC to be feasible.
4. The Owner agrees to allow images and video of the completed installation to be placed on the City of Brevard's web pages, social media, publications/videos, and local media.
5. Any disputes that arise between the parties with respect to the performance of this agreement shall be submitted to mediation prior to either party invoking the court system.
6. This agreement shall be governed by the laws of the State of North Carolina and shall be subject solely to the jurisdiction of the District or Superior Court of Transylvania County North Carolina.

IN WITNESS WHEREOF, the Owner hereto has signed this Agreement as of the date first above written.

OWNER, Kristie Nichols by:

_____(SEAL)
Owner Signature

Photograph:



Physical description:

37 ft wide x 11 ft tall Mural applied to the primed side of the grey outbuilding located within The Yard. Local artist Todd Weinkam will use Belton Molotow Artist's Spraypaint and a Sherwin Williams UV protecctive/Anti-Graffiiti topcoat for longevity and vibrance.

Location:

Mural will be applied to the North-facing side of The Yard's grey outbuilding located at 35.23930, -82.73501.

Narrative:

A vivid celebration of our local flora and fauna, with a focus on some of our most striking and inspiring fungi.

Prominintly displayed among a dramatic bouquet of local mushrooms (chanterelles, chicken of the woods, yellow staghorn and more) are an eastern newt, monarch butterfly and gray tree frog. These species, revered in our greater mountain region, are also commonly encountered as close as the city's Bracken Preserve. Nature lovers will immediately recognize the species showcased here while the we pique the curiosity of more casual viewers.

This mural intends to both beautify the Railroad Ave and Bike Path Corridor as well as invite close-up exploration of the piece at eye level. It is aimed to excite and inspire all people and all ages.