

3/29/2017

34-R-17

A RESOLUTION

**Authorizing the City Manager to Accept the Donation of
“Up Down East West (Wacker Lobby Molecule)” and “Up Down East
West (South Franklin Molecule),” Paintings by Artist Keith Tyson**

WHEREAS, the City of Evanston implemented a public art program in 1989 encouraging the acquisition of works of art for public places pursuant to Ordinance 112-O-89; and

WHEREAS, Irvine Company desires to donate “Up Down East West (Wacker Lobby Molecule)” and “Up Down East West (South Franklin Molecule)” by artist Keith Tyson to the City of Evanston; and

WHEREAS, “Up Down East West (Wacker Lobby Molecule)” was appraised by Joel Straus of Joel Straus Consulting on January 25, 2017 at a value of \$375,000.00, attached hereto and incorporated herein as Exhibit A; and

WHEREAS, “Up Down East West (South Franklin Molecule),” was appraised by Joel Straus of Joel Straus Consulting on January 25, 2017 at a value of \$375,000.00, attached hereto and incorporated herein as Exhibit A; and

WHEREAS, accepting this donation is in the best interest of the City of Evanston; and

WHEREAS, the City Council desires to accept the donation.

**NOW BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

SECTION 1: The donation from Irvine Company of two pieces of artwork by artist Keith Tyson entitled “Up Down East West (Wacker Lobby Molecule)” and “Up Down East West (South Franklin Molecule)” is hereby accepted into the public art collection of the City.

SECTION 2: The City Manager is hereby authorized and directed to execute such deed of gift, agreement, or other documents that may be required to receive the pieces of artwork entitled “Up Down East West (Wacker Lobby Molecule)” and “Up Down East West (South Franklin Molecule)” as he may determine to be in the best interests of the City and in a form acceptable to the Corporation Counsel.

SECTION 3: Resolution 33-R-17 will be in full force and effect from and after the date of its passage and approval in the manner provided by law.


Elizabeth B. Tisdahl, Mayor

Attest:


Rodney Greene, City Clerk

Adopted: _____, 2017

EXHIBIT A

**Replacement Value Appraisal Report
Prepared by Joel Straus Consulting**

EXHIBIT A

Replacement Value Appraisal Report



Prepared for the Irvine Company

March 10, 2017

TABLE OF CONTENTS

COVER LETTER AND SCOPE OF WORK 4
GENERAL CONDITIONS 8
LIMITING CONDITIONS AND CRITICAL ASSUMPTIONS 10
USPAP PLEDGE 12
APPRAISAL ITEMS 14
REPORT TOTALS 20
ADDENDUM 22
 CREDENTIALS 24
 BIBLIOGRAPHY 30

JOEL STRAUS CONSULTING

610 N. Fairbanks Ct., 3rd Fl. Chicago • Illinois 60611 • jtstraus@jsartconsulting.com • Office 773.769.1997 • Cell 773.769.1166

Report Date: March 10, 2017

Appraisal Objective: Replacement Value Appraisal

Appraiser: Joel Straus Consulting

Client: James Sinsheimer
Irvine Company Office Properties
111 Innovation Drive
Irvine, California 92617

Art Location: 170 S Wacker Dr.
Chicago, Illinois 60606

Inspection Date: January 25, 2017

Effective Date of Appraisal: January 25, 2017

Total Replacement Value: \$750,000

Appraisal Scope of Work

The Client requested that JSC develop this USPAP compliant Appraisal Report for the **Intended Use** of updating the Replacement Value for Insurance Coverage of the Client's two (2) paintings by Artist, Keith Tyson (the "Art"). The Client has warranted that they are the owners of the Art and the Art is free and clear of any claims, liens, encumbrances or interests of others.

Intended Use and Users

This Appraisal Report is to be used **ONLY** for the Intended Use as of the Effective Date of this Report. This Appraisal Report is for the exclusive use of the Intended User(s) who are you, the Client, the Client's Building Manager and the Client's insurance broker, and underwriter.

Appraisal Objective Considerations

In consultation with the Client, the Appraiser determined that the **Objective of this Appraisal** is to establish the Retail Replacement Value Used (Comparable) for the two (2) Subject Properties listed herein.

There are two types of Replacement Values: Retail Replacement Value New and Replacement Value Used. Appraiser considered using Replacement Value New for this Report, which is not appropriate for the Subject Properties. The Replacement Value Used is the value employed herein.

Replacement Value New is defined as the value "necessary to replace an item of personal property with a new item of like kind, quality, and utility."ⁱⁱ

Replacement Value Used (Comparable) is defined as: "the value necessary to replace the items being appraised with similar items of property of like kind, age, quality, and utility, having similar wear and tear, decay or defects, and obsolescence as the items being appraised."ⁱⁱⁱ

State sales tax, packing, shipping, and installation costs has not been included in the Replacement Value.

Appraisal Approaches

There are three Approaches or methods to measure the worth or cost of a property:

Sales Comparison Approach: Compares the, "Subject Property with similar properties, which have been sold in the past"ⁱⁱⁱ

Cost Approach: "Compares the item being appraised with the cost to replace (by purchase, production, or reproduction) the item with a new comparable substitute."^{iv}

Income Approach: "Involves the comparison with the income producing record of similar property and/or the application of the present value formula to determine the present value formula to determine present worth of an income anticipated to be generated in the future through sale or lease."^v

This Appraisal makes use of the **Sales Comparison Approach** to determine the Replacement Values. Consideration has been given to the Cost Approach and the Income Approach, and the Appraiser has determined that these approaches are not appropriate for use in this report because the Cost Approach infers that the Subject Property can be faithfully reproduced with an identical new item. The Income Approach infers that the Subject Properties are income producing, but the Subject Properties are not.

Market Considerations

The Determination of Replacement Value requires analyzing and selecting the appropriate market place or "Market" to research the sales data. The choice of Market is based on the Intended Use and Objective of the Appraisal. Considering this Appraisal's Intended Use and Objective, the primary consideration in selecting the market is based on where the Client has purchased and would most likely replace the Subject Properties. There are four primary Markets: **Orderly Liquidation, Distressed Liquidation, Wholesale, and Retail**. Both Liquidation Markets are the result of imposed time limitations needed to complete the sales. This is not the situation for the Client, therefore, these Markets would not be appropriate for this Appraisal. The Client is not a wholesaler or dealer therefore the Wholesale Market is not appropriate. The "**Retail Market** is the market in which properties are sold at retail, i.e. to the end consumer"^{vi}

It is the understanding of the Appraiser that the Client purchased the Subject Properties directly from the Artist retail, therefore, the **Retail Market** has been selected. Auction Databases Artnet and Blouin Art Index were used to help substantiate the Value, but there were not appropriate comparable properties. Appraiser contacted Pace Gallery, London who is the Artist's primary dealer and the source most appropriate to assist in the determination of the Replacement Value.

Appraiser's analysis has been made with consideration of the art market on the Effective Date of this Appraisal and generally reflects the current nature of the market for the Art. As of the Effective Date, the market conditions are reported to be stable except as noted.

Inspection of Art

Appraiser inspected the Subject Properties to obtain details, descriptions and to evaluate the general condition of the Subject Properties. The Condition of the Property is noted in the Property description. Appraiser inspected the Art on January 25, 2017 at 170 S Wacker Dr., Chicago, Illinois 60606.

GENERAL CONDITIONS

This Appraisal is subject to the following General Conditions:

- Statements by the Client, Dealers, and others associated with this Appraisal are taken to be true and accurate.
- No liens, fractional interests or other encumbrances are understood to exist.
- This Appraisal is not an indication of the Ownership of the Subject Properties.
- The images reproduced here in the body of this document were taken by the Appraiser. The images in this Report have not been altered except for cropping, correcting parallax, exposure, and color balance.
- The descriptions were written by JSC.
- The Subject Properties contained in this Appraisal are readily identifiable and authentication has not been performed.
- Replacement Values are in US Dollars and have been rounded to the nearest amount.
- No change to any item in this Appraisal shall be made by anyone other than the Appraiser. Misuse or alteration of this Appraisal, such as using the Appraisal for any purpose or Intended Use other than that stated above, is prohibited and shall render this Appraisal null and void.
- With the exception of the Client, possession of this report or its copy does not carry with it the right of publication. If this report is reproduced, copied or otherwise used it must be done so in the report's entirety including the cover document and all attachments or it shall be considered invalid. This Report cannot be used by anyone other than the Client or Intended Users without Appraiser's previous written consent.
- The contents of this Appraisal are considered confidential and the Appraiser shall not disseminate this report except to the Client, or to a third party with the Client's written permission, or for peer review, or as ordered by a jurisdictional or legal authority.
- Field Measurements were not undertaken.
- The values expressed are based on the Appraiser's best judgment and opinion and

are not a representation or warranty that the Items will realize that value if offered for sale at auction or otherwise. The values expressed are based upon information available as of the Effective Date of the Appraisal, and no opinion is expressed as to any future values or Values subsequent to the Effective Date, unless otherwise stated.

LIMITING CONDITIONS

Limiting Conditions are conditions that materially affect the appraisal process and materially affect the value conclusion.

The following are **LIMITING CONDITIONS** pertaining to this Appraisal:

- Subject Property was inspected in available light and was not subject to Infrared light inspection.
- Extensive Condition Reports were not undertaken by the Appraiser but were sufficient to note any impact of Value.
- The large scale of the Subject Property prevented field measurements and so the dimensions were provided by the Client and are assumed to be correct.

CRITICAL ASSUMPTIONS

Critical Assumptions are assumptions directly related to a specific assignment that could be contrary to actual fact and which, if contrary to actual fact, could result in a different value conclusion.

- All information imparted by the Client is assumed to be correct, true, and accurate.
- All information imparted by the Market Sources is assumed to be correct, true, and accurate.
- Appraiser assumes authorship of the Art to be authentic.

HYPOTHETICAL CONDITIONS

Hypothetical Conditions are conditions that are contrary to what exists as of the effective date of the Appraisal, but that is supposed for the objective of analysis.

- There are no Hypothetical Conditions.

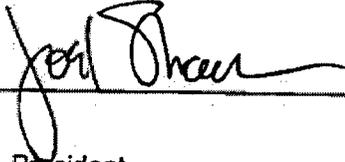
The remainder of this page is intentionally left blank.

**UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE PLEDGE
USPAP CERTIFICATION**

"I certify, to the best of my knowledge and belief, that:

1. The statements of fact in this Report are true and correct.
2. The reported analyses, opinions and conclusions are limited only by the reported Critical Assumptions and Limiting Conditions are the Appraiser's personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. Appraiser has no undisclosed past, present financial interest in the Property that is subject of this Appraisal, and has no personal interest with respect to the Parties involved.
4. Appraiser has performed no services, as an appraiser or in any other capacity, regarding the Subject Properties under review within the three-year period immediately preceding the acceptance of this assignment.
5. Appraiser has no bias with respect to the Property that is subject of this report or to the Parties of this assignment.
6. Appraiser has not misrepresented his role while providing Appraisal services.
7. Appraiser's engagement in this assignment is not contingent upon developing or reporting pre-determined results.
8. Appraiser's compensation for this Appraisal is not contingent upon development or reporting of pre-determined values or directions in value that favor the cause of the Client, the amount of the value opinion, the attainment of stipulated results, or the occurrence of a subsequent event directly related to the intended user of this Appraisal.
9. No one provided significant appraisal, appraisal review, or appraisal consulting assistance to the Appraiser signing this certification.
10. Appraiser has personally inspected the Subject Property of this report except as noted on the entry of specific Subject Properties.
11. This Appraiser's analysis, opinions and conclusions were developed in conformity with both ISA Report Writing Standards and the 2016-2017 versions of USPAP Report Writing Standards and Ethics.^{vii}

Appraiser: _____


Joel Straus, President
Joel Straus Consulting, Ltd
ISA Appraiser
EIN 61-1447734
USPAP Compliant 5/4/15

³ *Core Course in Appraisal Studies* (International Society of Appraisers, 2016), GL-9.

⁴ Ibid.

⁵ Ibid., GL-10.

⁶ Ibid., GL-3.

⁷ Ibid., GL-6.

⁸ Ibid., GL-10.

⁹ Ibid., 19–10.

APPRAISAL ITEMS

1.

Replacement Value:

\$375,000.00



Artist: Tyson, Keith (b. 1969)
Title: Up Down East West (Wacker Lobby Molecule)
Date: 2004
Medium: Acrylic on Aluminum Panels
Dimension: 480 x 120 in.
Description: Vertical framed acrylic painting on four aluminum panels. Floating on a field of yellow, multicolored spheres are linked together referencing atoms that are bonded to form a large complex molecule or molecules. Most of the atoms appear to have a white nucleus which visually serves as a highlight and enhances the illusion of spherical dimension. Ascending about one third up from the bottom is a blue gray vertical rectilinear form that is in the same depth of field as the yellow field background. The atoms generally are less dense and smaller at the lower regions of the painting. The atomic forms increase in size and density from the lower to the upper regions on the painting. At the top of the painting the number of atoms fill the field and almost completely obscure the yellow field.

The Wacker Lobby Subject Property is distinguished by a large teal sphere that is occupying most of the top sixth of the painting.

2.

Replacement Value:

\$375,000.00



Artist: Tyson, Keith (b. 1969)
Title: Up Down East West (South Franklin Molecule)
Date: 2004
Medium: Acrylic on Aluminum Panels
Dimension: 480 x 120 in.
Description: Vertical framed acrylic painting on four aluminum panels. Floating on a field of yellow, multicolored spheres are linked together referencing atoms that are bonded to form a large complex molecule or molecules. Most of the atoms appear to have a white nucleus which visually serves as a highlight and enhances the illusion of spherical dimension. Ascending about one third up from the bottom is a blue gray vertical rectilinear form that is in the same depth of field as the yellow field background. The atoms generally are less dense and smaller at the lower regions of the painting. The atomic forms increase in size and density from the lower to the upper regions on the painting. At the top of the painting the number of atoms fill the field and almost completely obscure the yellow field.

The Franklin Street Subject Property is distinguished by a saturated magenta sphere that is in the upper left corner which appears to have one third of its body floating off the frame with smaller atoms in the foreground. Additionally, the Subject Property has two bold and saturated blue spheres.

Biography: Keith Tyson (b. 1969, Ulverston, Cumbria, England) began working as an apprentice engineer making nuclear submarines after leaving high school at age 15. Deciding to pursue art, he quit the shipyards and gained admission to the Carlisle College of Art, England, graduating in 1990. He earned his M.A. in Alternative Practice at the University of Brighton, England in 1993. Incorporating systems of logic, scientific methodology and chance into his artistic oeuvre, Keith Tyson captivates audiences with his quest for comprehension, while evaluating the limits and infinities of his environment. His expression of both hypotheses

and conclusion is conceptually founded and expressed in varying media, such as painting, drawing and sculpture. Tyson's paintings, drawings, and sculptures have been the subject of more than 20 solo exhibitions since 1995 and over 100 group shows since 1990. In addition to receiving the 2002 Turner Prize for his show 'Supercollider' at the South London Gallery, Tyson received an Honorary Degree of Doctor of Letters from the University of Brighton (2005) and the ICA Arts and Innovation Award, London (1996). He presently lives and works in London, UK.

REPORT TOTALS

Total Replacement Value: \$750,000.00

ADDENDUM

CREDENTIALS

Professional Profile

Founder and CEO of Joel Straus Consulting, Ltd. (JSC)
Professional Appraiser

Joel Straus established Joel Straus Consulting Ltd. in 1996 to provide a complete range of art-related services, including art appraisal, art programming, and collection management, to municipalities, private collectors, corporations, foundations, and hotels nationwide.

Joel Straus offers professional fine art appraisal reports in accordance with Uniform Standards of Professional Appraisal Practice (USPAP) for estate planning, charitable donations, resale, and insurance purposes. Straus has over 30 years combined experience in premier contemporary art galleries and with public art collections. His advanced knowledge of contemporary art makes him uniquely qualified in the appraisal of fine art in all media. Particularly experienced in site-specific and installation artwork, Straus is well-versed in the technical aspects of suspended, relief, and free-standing sculpture as well as various other forms of large-scale public art. Straus is a member of the International Society of Appraisers.

Appraisal Experience

- 2009-present Appraisal Services to Corporate and Private Clients
(Client names are held in confidence per USPAP requirements)
- 2010 "Chicago Picasso," Chicago Public Building Commission, Chicago, Illinois
- 2004-2009 Washington D.C. Convention Center Art Collection, Washington, District of Columbia
- 1999-2007 McCormick Convention Complex Art Collection, Chicago, Illinois

Professional Experience

- 2015-2016 Advisor to Ritz Carlton, Chicago, IL
- 2015-2016 Advisor, 1788 Holdings, Bethesda, MD.
- 2014 Art Advisor, L2 Hotel, Chicago, IL
- 2013-2014 Project Director Sculptural Water Feature National Center of Civil and Human Rights, Atlanta, GA
- 2012- Advisor, Estate of Dawn Clark Netsch, Chicago, Illinois
- 2011-2012 Partner, Director of Special Programs, Expo Chicago, Chicago, Illinois
- 2010-2011 Master Planner, Consultant, Nashville Music City Center Art Collection, Nashville, Tennessee
- 2005-2011 Project Planner, Director, Consultant to the Meridian Group, LLC, National Gateway at Potomac Yard, Arlington, Virginia
- 2004-2009 Managing Curator, Washington D.C. Convention Center Art Collection, Washington, D.C.
- 2003-2006 Project Planner, Director, Consultant to the City of Palm Beach Gardens, Palm Beach Gardens Viaduct Sculptures, Palm Beach Gardens, Florida
- 1999-2007 Managing Curator, McCormick Convention Complex Art Collection, Chicago, Illinois
- 2000-2004 Master Planner, Curator, Consultant to the Washington D.C. Convention Center Authority, Washington D.C. Convention Center Art Collection, Washington, District of Columbia
- 2001-2003 Project Planner, Director, Consultant to the City of Palm Beach Gardens, Palm Beach Gardens City Hall Complex, Palm Beach Gardens, Florida

- 1998-2000 Project Planner, Director, Consultant to the Dow Foundation, Dow Centennial Garden and Sculpture, Midland, Michigan
- 1997-1998 Consultant to the Frey Foundation, Maya Lin / Monroe Center Re-development, Grand Rapids, Michigan
- 1996-1998 Master Planner, Curator, Consultant to Larson Associates Architects, McCormick Convention Complex Art Collection, Chicago, Illinois
- 1999 - 2006 Collection Consultant, Eugene von Bruenchenhein Estate, Chicago, Illinois
- 1984 -1995 Assistant Director, Richard Gray Gallery, Chicago, Illinois

Education

- 2015 Uniform Standards of Professional Appraisal Practice Course, Appraisers Association of America
- 2009 Uniform Standards of Professional Appraisal Practice Course, Appraisers Association of America
- 2009 Core Course in Appraisal Studies, International Society of Appraisers
- 1984 Wake Forest University, BA, magna cum laude, Art History and Studio Art, Winston-Salem, North Carolina
- 1979 Penland School of Crafts, Penland, North Carolina
- 1977-1978 Washington University, St. Louis, Missouri

Honors and Awards

- 2004 Americans for the Arts, Year in Review Selection: Most innovative public art project of the year: Washington Convention Collection, Washington, DC, 2003
- 2004 Americans for the Arts, Year in Review Selection: Most innovative public art project of the year: Costas Varotsos, "Contiguous Currents" Palm Beach Gardens Florida, 2003
- 1984 Phi Beta Kappa, Wake Forest University Chapter
- 1983 Judges Award, Wake Forest University award for outstanding work in studio art

Lectures and Panels

- 2011 Workshop Leader, "How to Respond to an RFQ" and "How to Present a Winning Finalist Proposal," Metro Arts Commission, Nashville, Tennessee
- 2010 Workshop Leader, "Art in Public Places," City of Austin, Austin, Texas
- 2009 Workshop Leader, "Public Art Project Management," New England Foundation for the Arts, Boston, Massachusetts
- 1999 Lecturer, "The American Market," Canadian Consulate, SOFA Exposition; Chicago, Illinois
- 1999 Lecturer, "Developing Successful Artist's Portfolios," Chicago Artist's Coalition; Chicago, Illinois
- 1997 Panelist, "Public Art: How Far Is Too Far," The American Art Dealers Association, Art Chicago International Exposition; Chicago, Illinois

Professional Affiliations

- 2011-Present Chicago Artists Coalition, Board Member, Chicago, Illinois
- 2009-Present International Society of Appraisers
- 2000-Present The Arts Club, Chicago, Illinois

- 2000-2001 The Renaissance Society, Annual Benefit Committee, Chicago, Illinois
- 1999-2008 The Society for Contemporary Art, The Art Institute of Chicago; Chicago, Illinois

Selected Bibliography

- Koff, Art. "How to sell, gift and bequeath cherished artwork," MarketWatch.com, March 27, 2015.
- Bryant, Eric. "10 Things to Know About Choosing an Art Adviser," Art and Auction, Blouin Art Info, October, 2013.
- Julia Halperin, "Was Expo Chicago a Success? Dealers Dish on the Fair's Ambitious First Edition," Blouin Art Info, September 2012.
- Basa, Lynn, The Artist's Guide to Public Art. New York: Allworth Press, 2008.
- Bastian, Kevin M., "Mural Art Casting: A Step-By-Step Look," Modern Casting, July 2000: Pg. 42-44
- Cub, Christine, "WCVA Budgets \$4M for New Center's Artwork," *The Washington Business Journal*, May 12-18, 2000: Pg. 3, 117
- Hassebroek, Ashley, "Lack of Art Could Hurt Convention Center: While Omaha Lacks Funds for Art, Other Cities Say it is Needed to Define and Enhance the Image of the Facilities," *The Omaha World-Herald*, June 24, 2002: Living; 1e
- Lassar, Terry J., "Unconventional Art Spaces: A New Crop of Convention Centers is Connecting with the Surrounding Community Through Art," *Urban Land*, October 2003: Pg. 125-129
- Lawrence, Lee, "Redistricted: A Shaw Renaissance, New Convention Center and Burgeoning Little Arts Venues are Making Gains on the Capital's Treasures," *Americanstyle*, April 2004: Pg. 46-53
- Levere, Jane, "In the Loftiest of Buildings, High Art Still Finds a Home," The New York Times, December 30, 2009: Pg. B5
- Magner, Jim, "Art on Capitol Hill: The New Convention Center," *Hillrag*, March 2003: Pg. 68
- McCormick, Brian, "Asset Appreciation: Art and Commerce," *Crain's Chicago Business*, June 18, 2001: Pg. 15, 18, 20
- Newman, Christine. "Rooms with Memories," *Chicago Magazine*, April 2008: 60-68
- Richards, Chris, "Where Size Matters: At the Convention Center, the Art Fits the Space," *The Washington Post*, Nov. 13. 2003: C5
- Shaw-Eagle, Joanne, "Convention Center Hires Art Consultant," *The Washington Times*, Feb. 1, 2001: D5
- Shaw-Eagle, Joanne, "Center Gets Human Touch: \$4 Million Worth of Artworks to Help Convention Behemoth Take on a More Intimate Feel," *The Washington Times*, Jan. 1, 2003: D1, 5
- Shaw-Eagle, Joanne, "Convention Center Offers Dramatic Art: \$4 Million Collection Fits Site," *The Washington Times*, Nov. 15, 2003: B1-2
- Williams, Kevin M., "Art Gains a Place at McCormick Place South," *The Chicago Sun-Times*, March 3, 1999: 47

BIBLIOGRAPHY

"Keith Tyson." *Artspace*. Accessed March 9, 2017. http://www.artspace.com/keith_tyson.

"Pace Gallery - Keith Tyson." *Pace Gallery*. Accessed March 9, 2017. <http://www.pacegallery.com/artists/477/keith-tyson>.