

MEMORANDUM OF AGREEMENT  
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
PURSUANT TO 36 CFR PART 800.6(a)

WHEREAS, the United States Department of Agriculture (USDA), Farmers Home Administration (FmHA) has determined that the marketing and sale of the FmHA-acquired property, FmHA Case Number 0602-93; 720 North 7th, Tonkawa, Oklahoma 74653, will have an effect upon said property and has consulted with the Oklahoma State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C 470f); and


NOW, THEREFORE, FmHA and the Oklahoma SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS:

FmHA will ensure that prior to any sale or transfer of title of the property located at 720 N. 7th, Tonkawa, Oklahoma 74653, the Preservation Covenant (Attached as Appendix A) will be attached to the deed of subject property.

Execution of this Memorandum of Agreement by FmHA and the Oklahoma SHPO, its subsequent acceptance by the Council, and implementation of its terms, evidence that FmHA has afforded the Council an opportunity to comment on the marketing and sale of 720 N. 7th, Tonkawa, Oklahoma and its effects on historic properties, and that FmHA has taken into account the effects of the undertaking on historic properties.

UNITED STATES DEPARTMENT OF AGRICULTURE, FARMERS HOME ADMINISTRATION

  
BY JAMES L. MCDANIEL, JR.  
Acting County Supervisor  
FmHA Kay County Office

Date: 5-18-93

OKLAHOMA STATE HISTORIC PRESERVATION OFFICER

  
BY BLAKE WADE  
State Historic Prservation Officer

Date: 5-18-93

ACCEPTED for the Advisory Council on Historic Preservation

By: \_\_\_\_\_

Date: \_\_\_\_\_

APPENDIX A.

PRESERVATION COVENANT

In consideration of the conveyance of certain improved real property, hereinafter referred to as 720 N. 7th, located in the City of Tonkawa, County of Kay, State of Oklahoma, which is more fully described as:

Lot 16, Block 2, Rence Addition to the  
City of Tonkawa, Kay County, Oklahoma, according  
to the recorded plat thereof.

The U.S. Department of Agriculture, Farmers Home Administration hereby covenants on behalf of itself, its heirs, successors, and assigns at all times to the Oklahoma State Historic Preservation Officer to maintain and preserve 720 N. 7th as follows:

1. The U.S. Department of Agriculture, Farmers Home Administration shall preserve and maintain 720 N. 7th, in accordance with approaches in Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (National Park Service, 1983) in order to preserve and enhance those qualities that make 720 N. 7th eligible for inclusion in the National Register of Historic Places.

2. No construction, alteration, remodeling/disturbance of the ground surface or any other thing shall be undertaken or permitted to be undertaken on 720 N. 7th which would affect the structural integrity or the appearance of 720 N. 7th without the express prior written permission of the Oklahoma State Historic Preservation Officer, signed by a fully authorized representative thereof.

3. The Oklahoma State Historic Preservation Officer shall be permitted at all reasonable times to inspect 720 N. 7th in order to ascertain if the above conditions are being observed.

4. In the event of a violation of this covenant, and in addition to any remedy now or hereafter provided by law, the Oklahoma State Historic Preservation Officer may, following reasonable notice to the U. S. Department of Agriculture, Farmers Home Administration, institute suit to enjoin said violation or to require the restoration of 720 N. 7th. The successful party shall be entitled to recover all costs or expenses incurred in connection with such a suit, including all court costs and attorney's fees.

5. The U.S. Department of Agriculture, Farmers Home Administration agrees that the Oklahoma State Historic Preservation Officer may at its discretion, without prior notice to the U.S. Department of Agriculture, Farmers Home Administration, convey and assign all or part of its rights and responsibilities contained herein to a third party.

6. This covenant is binding on the U.S. Department of Agriculture, Farmers Home Administration, its heirs, successors, and assigns for five years. Restrictions, stipulations, and covenants contained herein shall be inserted by the U.S. Department of Agriculture, Farmers Home Administration verbatim or by express reference in any deed or other legal instrument by which it divests itself of either the fee simple title or any other lesser estate in 720 N. 7th or any part thereof.

7. The failure of the Oklahoma State Historic Preservation Officer to exercise any right or remedy granted under this instrument shall not have the effect of waiving or limiting the exercise of any other right or remedy or the use of such right or remedy at any other time.

The covenant shall be binding servitude upon 720 N. 7th and shall be deemed to run with the land for a period of five years from the date of transfer of title from the U. S. Department of Agriculture, Farmers Home Administration. Execution of this covenant shall constitute conclusive evidence that the U. S.. Department of Agriculture agrees to be bound by the foregoing conditions and restrictions and to perform to obligations herein set forth.