

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

WHEREAS, the Federal Highway Administration (FHWA) has determined that Federal-aid project BRP-394(50), construction of a new bridge on US 59 over the Grand River in Ottawa and Delaware counties, Oklahoma, will have an effect upon the Sailboat Bridge, a property determined eligible for inclusion in the National Register of Historic Places, 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);

NOW, THEREFORE, FHWA 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
SAILBOAT BRIDGE**

FHWA will ensure that the following measures are carried out:

1. Construction of the new US 59 bridge will proceed as planned following execution of this MOA and completion of the Section 4(f) Statement by the Oklahoma Department of Transportation. The Sailboat Bridge will be maintained in place during construction of the new facility. During this period, it will be used as a traffic detour. ODOT will make no modifications or rehabilitation to the structure that detract from those attributes that lend the structure its architectural and engineering significance while it is serving as a detour.
2. In cooperation with the SHPO, the Oklahoma Department of Transportation (ODOT) will attempt to identify a public or private agency that would be willing to take over the ownership and maintenance of the Sailboat Bridge once its use as a public highway detour is completed. The following plan will be followed in this effort:
 - a. An information packet will be prepared, containing a description and photographs of the bridge, a discussion of its importance in the history of northeastern Oklahoma, requirements regarding safe and appropriate vehicular use, maintenance, rehabilitation, and the estimated costs to maintain the structure. Relevant sections of The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings will be included.
 - b. In cooperation with the SHPO, ODOT will contact

appropriate Federal, State, and private agencies that may be willing to undertake ownership and maintenance of the Sailboat Bridge, including (but not necessarily limited to) the National Trust for Historic Preservation, the National Park Service, the Grand River Dam Authority, the Oklahoma State Parks Department, the city of Grove and the counties of Ottawa and Delaware. The purpose of these contacts will be to identify groups that have the willingness and financial ability to take over the maintenance of the Sailboat Bridge.

- c. If the above contacts fail to identify an organization or group of organizations willing and able to preserve the bridge, a press release will be submitted to regional news outlets indicating the State of Oklahoma's desire to have a responsible private or governmental agency assume ownership and/or maintenance of the Sailboat Bridge. Legal advertisements will be placed in the Oklahoma City and Tulsa daily papers, as well as in appropriate local papers.
- d. Information packets will be provided to all respondents to the above advertisement process. The respondents will then be required to submit a written rehabilitation, maintenance, and adaptive reuse plan for the Sailboat Bridge, describing in detail the proposed use of the bridge, all maintenance and modifications that are intended, and methods to be used to financially support the operations. In general, preference will be given to those respondents who can demonstrate the willingness and financial ability to undertake a long-range historic preservation project.
- e. A period of 60 days following execution of this Memorandum of Agreement will be allowed for the above negotiation and advertisement process. Should any serious offers be still in the process of negotiation at the conclusion of this period, an additional period will be agreed upon to allow completion of the review.
- f. If a proposal is accepted by FHWA and SHPO for the transfer of the Sailboat Bridge to another party, the FHWA shall confer with the SHPO regarding the effect of this proposal on the continued eligibility of the bridge to the National Register of Historic Places. If requested by SHPO, FHWA shall create a preservation agreement which will apply to subsequent maintenance and adaptive use of the bridge after title is transferred.
- g. A grant, equal to the estimated demolition cost of Sailboat Bridge, will be offered by FHWA to the party agreeing to assume ownership and maintenance of the

Execution of this Memorandum of Agreement by the FHWA and the Oklahoma SHPO, its subsequent acceptance by the Council, and implementation of its terms, evidence that the FHWA has afforded the Council an opportunity to comment on the replacement of Sailboat Bridge and its effects on historic properties, and that the FHWA has taken into account the effects of the undertaking on historic properties.

Federal Highway Administration

BY: *Samuel Smith* DATE: *8/19/91*
for Division Administrator

Oklahoma State Historic Preservation Officer

BY: *Blake Wade* DATE: *18 June 1991*

ACCEPTED for the Advisory Council on Historic Preservation

BY: *Robert D. Bush* DATE: *9-20-91*