

**MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF OKLAHOMA CITY**

AND THE

OKLAHOMA STATE HISTORIC PRESERVATION OFFICER

**REGARDING THE DEMOLITION OF 1017 N.E. 16th STREET
OKLAHOMA CITY**

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) provides formula grant funding to the City of Oklahoma City (City); and

WHEREAS, due to the City's acceptance of federal environmental review responsibility, in accordance with section 104 (g) of the Housing and Development Act of 1974 [42 U.S.C. 5104 (g)], the City assumes federal agency responsibility for compliance with the National Historic Preservation Act of 1966 as amended, 54 U.S.C. 306108; and

WHEREAS, the City plans to demolish the single family residence at 1017 Northeast 16th Street, Oklahoma City, and prepare the lot for construction of a new single family residence at this location (undertaking) with Capital Funds Program funds from HUD; and

WHEREAS, the property at 1017 Northeast 16th Street, Oklahoma City, is a contributing resource to the Gast Heights-Culbertson Heights Historic District, a property determined eligible for the National Register of Historic Places by consensus; and

WHEREAS, the City has determined the single family residence at 1017 Northeast 16th Street to be a dilapidated structure, unfit for human occupancy in accordance with Article V §60-35-17 of the City of Oklahoma City's municipal code; and

WHEREAS, the City has defined the undertaking's area of potential effect (APE) as Block 013 Lots 23 & 24 in the Gast Heights-Culbertson Heights Historic District and determined that the undertaking may have adverse effects on historic properties; and

WHEREAS, the Oklahoma City Housing Authority (as a sub-recipient of the City) held "Resident Council" meetings between the Authority and concerned residents on December 12, 2016 where the demolition of 1017 Northeast 16th was discussed in order to comply with [36 CFR Section 800.2(c)(5)] where no objections to the demolition were received; and

WHEREAS, the City has consulted with the Oklahoma State Historic Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) and its implementing regulations, 36 CFR Part 800; and

WHEREAS, the City has notified and requested comments from the Tribal Historical Preservation Officer (THPO) of the Apache Tribe of Oklahoma, the Cheyenne and Arapaho Tribe, the Citizen Potawatomi Nation, the Kickapoo Tribe of Oklahoma and the Wichita and Affiliated Tribes pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108 and its implementing regulations, 36 CFR Part 800 where no objections to the demolition were received; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), the City has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, the City and the 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

The City shall ensure that the following measures are carried out:

I. DOCUMENTATION

Before any demolition work begins, the City shall submit to SHPO one (1) set of high quality digital photographs documenting the historic property. The demolition work shall not begin until the City receives written concurrence from SHPO that the photographs are acceptable.

The set of photographs, submitted to the SHPO on disk per policy cited below, must contain sufficient number of images to clearly illustrate the historic property (minimum of two (2) exterior views). Photographs must meet the requirements set forth in the May 2013 Photograph Policy issued by the National Register available online at the National Park Service website <http://nps.gov/history/nr/publications/bulletins/photopolicy/> or can be obtained from SHPO. The policy outlines the acceptable use of digital media in the National Register Program.

II. PLANS FOR NEW CONSTRUCTION

In accordance with the instructions set forth in the SHPO's *Review and Compliance Manual*, the City shall submit documentation of the proposed new construction at 1017 Northeast 16th Street for the SHPO review and comment. The documentation shall demonstrate that the new construction is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Properties, which include guidance for new construction on/within historic property such as Gast Heights-Culbertson Heights Historic District. The SHPO shall have 30 days from receipt of adequate documentation to comment. No contractual obligations shall be executed nor shall any construction begin until the City has received the SHPO's written comments. The City understands that the SHPO may require revisions to the documentation initially

submitted for review.

III. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, the City may consult with SHPO to reconsider the terms of the MOA and amend it in accordance with Stipulation VII below.

IV. MONITORING AND REPORTING

Each year following the execution of this MOA until it expires or is terminated, the City shall provide any party to this MOA and the ACHP a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the City's efforts to carry out the terms of this MOA.

V. DISPUTE RESOLUTION

Should the SHPO object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the City shall consult with the SHPO to resolve the objection. If the City determines that such objection cannot be resolved, the City will:

- A. Forward all documentation relevant to the dispute, including the City's proposed resolution, to the ACHP. The ACHP shall provide the City with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the City shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the SHPO and provide them with a copy of this written response. The City will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the City may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the City shall prepare a written response that takes into account any timely comments regarding the dispute from the SHPO and provide them and the ACHP with a copy of such written response.
- C. The City's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

VI. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by the signatories. The amendment will be effective on the date a copy signed by both of the signatories is filed with the ACHP.

VII. TERMINATION

If either signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other party to attempt to develop an amendment per Stipulation VI, above. If within thirty (30) days (or another time period agreed to by the signatories) an amendment cannot be reached, either signatory may terminate the MOA upon written notification to the other signatory.

Once the MOA is terminated, and prior to work continuing on the undertaking, the City must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The City shall notify the SHPO as to the course of action it will pursue.

Execution of this MOA by the City and SHPO and implementation of its terms evidence that the City has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

OKLAHOMA STATE HISTORIC PRESERVATION OFFICER

Bob L. Blackburn *Nov. 2, 2017*
Bob L. Blackburn, State Historic Preservation Officer Date

ADOPTED by the City Council and **SIGNED** by the Mayor of the City of Oklahoma City this

24th Day of October, 2017

Mick Cornett
Mick Cornett, Mayor of Oklahoma City

ATTEST:

Travis Kersey _____
City Clerk Date



REVIEWED for form and legality,

Paul Brunner _____
ASSISTANT MUNICIPAL COUNSELOR Date