

MEMORANDUM OF AGREEMENT

BETWEEN THE CITY OF TULSA

AND THE

OKLAHOMA STATE HISTORIC PRESERVATION OFFICER

Regarding

Demolition of 239 North Yukon Avenue, Tulsa, Oklahoma

WHEREAS the City of Tulsa (City) plans to fund the demolition of the single family residence at 239 North Yukon Avenue, Tulsa, Oklahoma (undertaking) pursuant to the U. S. Department of Housing and Urban Development (hereinafter referred as "HUD"), Community Development Block Grant (hereinafter referred as "C.D.B.G"). Funded Demolition thru the City of Tulsa Working in Neighborhoods Department; and

WHEREAS the undertaking consists of demolition of the existing, dilapidated single family residence located at 239 North Yukon Avenue

WHEREAS, the City has defined the undertaking's area of potential effect (APE) as Lot 4 Block 1, New Irving Place Addition in the Owen Park Historic District; and

WHEREAS the City has determined that the undertaking may have an adverse effect on 239 North Yukon Avenue, listed in the National Register of Historic Places as a contributing resource to the Owen Park Historic District, and has consulted with the Oklahoma State Historic Preservation Officer (SHPO) pursuant to 36 C.F.R. part 800, the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f); 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 the 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 the SHPO that the photographs are acceptable.

The set of photographs, submitted to the SHPO on disk per the policy cited below, must contain a sufficient number of images to clearly illustrate the historic property (a minimum of two (2) exterior views). Photographs must meet the requirements set forth in the February 2010 Photograph Policy issued by the National Register available at <http://www.nps.gov/history/nr/publications/bulletins/photopolicy/> or can be obtained from the SHPO. The policy outlines the acceptable use of digital media in the National Register Program.

II. 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 the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation V below.

III. MONITORING AND REPORTING

Each year following the execution of this MOA until it expires or is terminated, the City shall provide all parties to this MOA 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.

IV. DISPUTE RESOLUTION

Should any signatory to this MOA 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 such party 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 signatories, 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 signatories to the MOA, 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.

V. AMENDMENTS

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

VI. TERMINATION

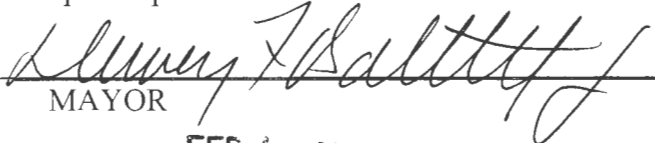
If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation V, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment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

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 signatories as to the course of action it will pursue.

Execution of this MOA by the City and the 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:

CITY OF TULSA, OKLAHOMA
a municipal corporation

By: 
MAYOR

Date: FEB 13 2013



ATTEST:

By: *Russell Hill*
Deputy CITY CLERK

APPROVED:

By: *Ann S. Davis*
Asst. CITY ATTORNEY

OKLAHOMA STATE HISTORIC PRESERVATION OFFICER

By: *Bob L. Blackburn*
Bob L. Blackburn, State Historic Preservation Officer

Date: *April 9, 2013*