

**MEMORANDUM OF AGREEMENT
BETWEEN THE
CITY OF MARQUETTE
AND THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 CFR § 800.6(b)(1)
REGARDING THE EXPANSION OF THE PINE RIDGE APARTMENTS
SURFACE PARKING LOT
MARQUETTE, MARQUETTE COUNTY, MICHIGAN**

WHEREAS, pursuant to 24 CFR § 58.4, the United States Department of Housing and Urban Development (HUD) has delegated the responsibility for compliance with the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f) to recipient State agencies and local Participating Jurisdictions receiving funds; and

WHEREAS, the City of Marquette (City) is recognized as a Participating Jurisdiction; and

WHEREAS, the Marquette Housing Commission (Commission) proposes to expand the surface parking lot of the Pine Ridge Apartments at 316 Pine Street, in the City of Marquette, Marquette County, Michigan (Project); and

WHEREAS, the Commission is a recipient of HUD funds and authority for the Commission's compliance with Section 106 has been assigned to the City; and

WHEREAS, the City has determined that the Project will have an adverse effect upon the Arch and Ridge Historic District, which is listed in the National Register of Historic Places; and

WHEREAS, the City has consulted with the Michigan State Historic Preservation Officer (SHPO) pursuant to 36 CFR § 800, regulations implementing Section 106 of the National Historic Preservation Act of 1966, as amended; and

WHEREAS, the Commission and representatives from the Arch and Ridge Historic District (District) have participated in the consultation, and have been invited to concur in this Memorandum of Agreement (MOA);

NOW THEREFORE, the City and the SHPO agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effects of the Project on historic properties.

STIPULATIONS

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

I. Parking Lot Design (Phase I)

- A. The parking lot shall be designed to accommodate 101 vehicles.
- B. The parking design shall incorporate design elements that will provide drainage and water barriers to protect neighboring property from accumulated snow and water run-off.

- C. The parking lot design shall incorporate an entry gate to the residential parking area with a mechanism to restrict access.
- D. Lighting to illuminate the parking area shall be designed to deliver light towards the parking area and away from neighboring historic houses.
- E. Streetlights to be located on Pine, Arch and Ridge Streets shall match the existing standard globe style found in the neighborhood.
- F. Trees will have a minimum 5-6" caliper at planting and shrubs will be a minimum of 3-4' high at planting.
- G. The Commission shall consult with the SHPO and adjacent property owners to identify acceptable fencing and landscaping for the eastern property line. The Commission shall finance and maintain the fencing and landscaping.
- H. The SHPO shall review and approve of all plans for the parking lot design, including plans for drainage, snow removal and landscaping, as they are developed.

II. Phase II Parking Lot Development

- A. The Commission has designated an area (Phase II area) in the southeast quadrant of the Pine Ridge Apartments site as an area for future paved parking to accommodate up to eighteen 18 additional spaces.
 - 1. The Commission may prepare the property considered under Phase II development for future surface parking, but may not develop the property as surface parking until the criteria outlined in Stipulation II.B. have been satisfied. Until that time, the Commission shall maintain the Phase II area with appropriate landscaping.
- B. The Commission may consider future development of the Phase II area for parking provided the following criteria have been met:
 - 1. The Commission must have a waiting list for parking that is equal to or greater than 50 percent of the expanded area's capacity (i.e. 9 spaces).
 - 2. Trial Period: The Commission shall suspend its policy of assigned residential parking spaces for a trial period of at least eighteen months from the date Phase I development is completed as outlined in Stipulation I. The Commission shall notify in writing all consulting parties at the commencement of the trial period.
 - a. During the trial period, the Commission shall implement a parking permit system. One permit shall be available as requested per apartment unit and parking shall be available on a first-come, first-served basis. Special accommodation may be made to guarantee parking for residents with disabilities and an appropriate disability tag on the vehicle.
 - b. During the trial period, the consulting parties to this agreement shall evaluate the year-round use of the parking lot, the peak times of use, and the necessity for additional

parking. Any of the parties may hire a professional parking consultant to complete this evaluation phase.

- c. After the eighteen-month trial period, the results of the parking evaluation shall be submitted to the SHPO for review and approval. The opinions and information of the consulting parties may be submitted to the SHPO for consideration in its decision.
- C. If after the trial period the results of the evaluation demonstrate that there is adequate parking to meet the needs of the residents of the Pine Ridge Apartments, then the SHPO shall inform the Commission that it shall continue its parking operations as it did during the trial period.
- E. If after the trial period the results of the evaluation demonstrate that there is still a need for additional parking and there is a waiting list for parking that is equal to or greater than 50 percent of the expanded area's capacity (i.e. 9 spaces), then the SHPO shall inform the Commission that it may expand the parking area.
- F. Plans and specifications for Phase II expansion shall be developed in consultation with the SHPO.

III. AMENDMENT

Any party to this MOA may propose to the other parties that it be amended whereupon the parties will consult in accordance with 36 CFR § 800.6(c)(7) to consider such an amendment.

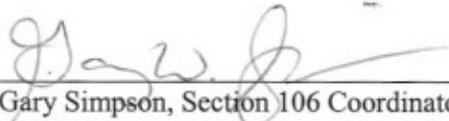
IV. DISPUTE RESOLUTION

Should the SHPO object within thirty (30) days to any plans, specifications, or actions proposed pursuant to this MOA, the City and the Commission shall consult with the SHPO to resolve the objection. If the City determines that the objection cannot be resolved, the City shall forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council). Within forty-five (45) days after the receipt of all pertinent documentation, the Council will either:

- A. Provide the City with recommendations, which the City will take into account in reaching a final decision regarding the dispute; or
- B. Notify the City that it will comment pursuant to 36 CFR § 800.7(c), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the City in accordance with 36 CFR § 800.7(c)(4) with reference to the subject of the dispute. The responsibilities of the City and the SHPO to carry out all actions of this agreement that are not the subjects of the dispute will remain unchanged.

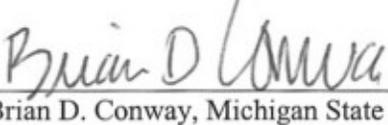
Execution of this Memorandum of Agreement (MOA) by the City and the SHPO, and implementation of its terms, evidence that the City has afforded the Council an opportunity to comment on the Project and its effects on historic properties, and that the City has taken into account the effects of the Project on historic properties.

THE CITY OF MARQUETTE

By: 
Gary Simpson, Section 106 Coordinator

Date: 10-21-05

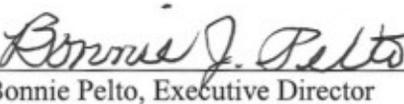
MICHIGAN STATE HISTORIC PRESERVATION OFFICER

By: 
Brian D. Conway, Michigan State Historic Preservation Officer

Date: 9/14/05

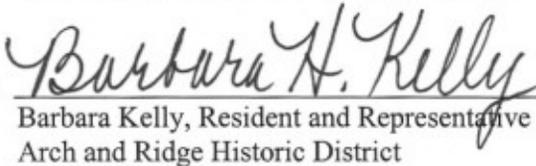
CONCURRING PARTIES:

THE MARQUETTE HOUSING COMMISSION

By: 
Bonnie Pelto, Executive Director

Date: 10/21/05

ARCH AND RIDGE HISTORIC DISTRICT

By: 
Barbara Kelly, Resident and Representative
Arch and Ridge Historic District

Date: 10-21-05