

MEMORANDUM OF AGREEMENT NEIGH DEV.
BETWEEN THE CITY OF HAMILTON
AND THE
OHIO STATE HISTORIC PRESERVATION OFFICE JAN 20 P 3: 15
REGARDING THE REHABILITATION FOR HAMILTON CONVENTION & VISITORS BUREAU
10 HIGH STREET, HAMILTON, OHIO

WHEREAS, the City of Hamilton, OH – Department of Planning, Neighborhood Development Division (City) has determined that the rehabilitation (project) of the northern one-story wing of the former Anthony Wayne hotel located at 10 High Street, Hamilton, OH 45011 (Building) will constitute an adverse affect on this property, a contributing resource in the Hamilton Historic Civic Center District, which is listed in the National Register of Historic Places, and has consulted with the Ohio State Historic Preservation Office (SHPO) pursuant to 36 CFR. Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the City will use Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development to perform this undertaking, and the City has been delegated environmental review responsibilities under 24 CFR Part 58; and

WHEREAS, the City has consulted with the Greater Hamilton Convention & Visitors Bureau, the potential tenants of this property regarding the effects of the undertaking on historic properties; 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:

A. INTERPRETIVE EXHIBIT

The City shall produce an interpretive exhibit to be displayed in the lobby area that will be created in the north wing of the Anthony Wayne Hotel. The City shall submit a mock-up of the exhibit to the SHPO for review and approval prior to installation.

The interpretive exhibit shall include:

- 1 Historic images and plan drawings of the Anthony Wayne Hotel, including photographs of interior public spaces and the exterior of the building. At least one historic image of both the interior and exterior of the north wing shall be included, if available. If a historic image of the interior of the north wing is not available, a recent photograph documenting the decorative columns and ornamental plaster molding that will be obscured by the proposed project may be used. Captions describing each image shall be developed and included in the exhibit.
2. A brief narrative, including construction date, architect's name, architectural description, and any available information regarding the building's historic use and physical alterations when such information is available.

B. DURATION

This MOA will be null and void if its terms are not carried by December 31, 2007. 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 D below.

C. DISPUTE RESOLUTION

Should any signatory or concurring party 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:

1. 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, signatories and concurring parties, and provide them with a copy of this written response. The City will then proceed according to its final decision.
2. 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 and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.
3. 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.

D. 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.

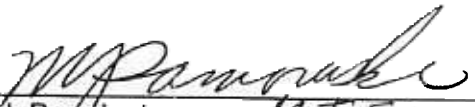
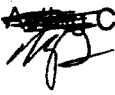
E. TERMINATION

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 D, above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

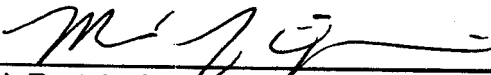
Once the MOA is terminated, and prior to work continuing on the undertaking, the City must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The City shall notify the signatories as to the course of action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

Execution of this Memorandum of Agreement by the City and SHPO, the submission of documentation and filing of this Memorandum of Agreement with the Council pursuant to 36 CFR

Section 800.6(b)(1)(iv) prior to City's approval of this undertaking, and implementation of its terms evidence that the City has taken into account the effects of this undertaking on historic properties and afforded the Council an opportunity to comment.

By: 
~~Mark Brandenburger~~ M.J. SAMOVISKI
~~Assistant~~ City Manager, City of Hamilton


Date: 12/23/04

By: 
Mark Epstein, Department Head
Resource Protection and Review,
Ohio State Historic Preservation Office

Date: 1/14/05