

MAY 22 2001

Date MAY 7 2001  
Agenda Item 95  
Roll Call # 01-1421

**MEMORANDUM OF AGREEMENT**  
**Grocery Store**  
**801 University Avenue**  
**Des Moines, Iowa**

WHEREAS, the City of Des Moines (hereafter City) has determined that the construction of a grocery store to be located at 801 University Avenue will have an adverse impact on property eligible for inclusion in the National Register of Historic Places,

WHEREAS, the grocery store is adjacent to the 9th Street Historic District that is listed in the National Register of Historic Places (hereafter NR) and may have an adverse impact on the historic district,

WHEREAS, the grocery store will receive loan and grant money from the U.S. Department of Housing and Urban Development (hereafter HUD) but HUD has delegated the section 106 compliance responsibilities to the City for this project,

WHEREAS, the City has consulted with the State Historic Preservation Office of Iowa (hereafter SHPO) pursuant to the regulations (36 CFR 800) that implement Section 106 of the National Historic Preservation Act; and,

WHEREAS, the Advisory Council on Historic Preservation (hereafter Council) has been informed of the project and concluded that its participation in the consultation process was not needed to resolve the adverse effects,

NOW, THEREFORE, the City and the SHPO agree that the grocery store undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the project on architectural, historic, and archaeological resources.

**STIPULATIONS:**

The City shall ensure that the following measures are implemented:

**I. HOUSE MOVING**

A. The following properties will be moved and made available for purchase within the 1300 block of 7th Street and 9<sup>th</sup> Street in the River Bend Neighborhood.

1. 1227 8th Street will be moved to 1330 7th Street. Eligible under NR Criterion B as the Emanuel Reigelman House.
2. 1234 7th Street will be moved to 1300 7th Street. Eligible under NR Criterion B as the Bartlett House.
3. 1234 8th Street will be moved to 1338 7th Street. Eligible under NR Criterion C as a double canted bay house.
4. 812 Indiana will be moved to 1309 9th Street. Eligible as a contributing structure in the 9th Street Historic District.

- B. The City shall ensure that these properties are moved in accordance with the recommended approaches in the Department of Interior's publication, *Moving Historic Buildings*, in consultation with SHPO, by a professional mover who has the capability to move historic standing structures in such a way that damage or destruction to significant architectural features will be minimized.

## II. DOCUMENTATION

- A. The City will develop a brochure for the River Bend Neighborhood featuring the neighborhood's history and architecture that can be distributed for marketing to businesses and future home buyers.
- B. The City will ensure that all final archaeological reports resulting from actions pursuant to this agreement will be provided to the State Historic Preservation Office. The City shall ensure that all such reports meet contemporary professional standards and the Department of the Interior's Format Standards for Final Reports (42 FR 5377-79), and the *SHPO Guidelines for Archaeological Investigations in Iowa*.

## III. ARCHAEOLOGY

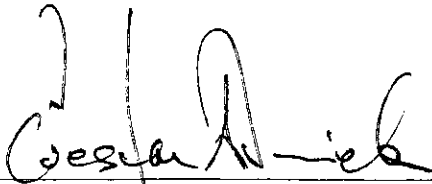
- A. The City will conduct archaeological testing on the sites of the 1227 8th Street and 1234 7th Street prior to house moving to identify any intact archaeological deposits, features, or architectural remains that may contribute to the historic significance of these properties. Each property has a lot that measures 50' by 133'. In executing this agreement, the City shall ensure that:
- Determinations of site significance will take into account the integrity of archaeological resources identified, the ability of those resources to contribute to a better understanding of the site, the overall integrity of the site, and the site's potential to contribute to a better understanding of the historic context to which it relates;
  - The archaeological investigation, recordation, and reporting will be performed in accordance with the Secretary of Interior's *Standards for Archaeology Research* and the *Iowa State Historic Preservation Office's Guidelines for Archaeological Investigations in Iowa*;
  - The City's archaeological services vendor, in consultation with the SHPO, will develop a research design utilizing methods and procedures that are the most appropriate for this level of investigation;
  - That the historic preservation work pursuant to this agreement is carried out by, or under the direct supervision of, an archaeologist(s) meeting the *Secretary of Interior's Professional Qualifications Standards for Historic Archaeology* (48 FR 44738-9);
  - If either site is determined to be significant then a Data Recovery Plan will be developed as an amendment to this agreement and the results of the data recovery will be summarized for inclusion in the River Bend Neighborhood brochure (see stipulation II.A. above); and,

- In the event that human remains, burials, burial mounds, potential mounds, or possible mounds are encountered during archaeological investigations or construction activities, the City or its designated representative shall cease work in the area, take appropriate steps to secure the site, and notify local authorities, the Director of the Burials Program (515) 384-0740 at the Office of the State Archaeologist pursuant to Chapter 263 B of the Iowa Code or the Department of Health pursuant to Chapter 566 of the Iowa Code.

IV. DESIGN REVIEW

- A. The SHPO has reviewed drawings submitted on the design of the grocery store and is of the opinion that if the City implements the structural design as proposed on plans and specifications dated \_\_\_\_\_ the undertaking will not adversely effect the historic integrity of 9<sup>th</sup> Street Historic District.

Execution of the Memorandum of Agreement and carrying out its terms evidences that the City, acting on behalf of HUD has afforded the Council and the SHPO an opportunity to comment on the undertaking and its effects on historic properties.



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Preston A. Daniels, Mayor  
City of Des Moines

MAY 7 2001

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Date

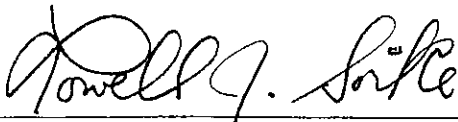
Attest:



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Donna V. Boetel Baker, City Clerk

MAY 7 2001

\_\_\_\_\_  
Date



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Lowell Soike, Deputy State Historic Preservation Officer  
State Historic Preservation Office of Iowa

May 30, 2001

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Date