

FEB 19 2002

Date 1-28-2002

Agenda Item 111

Roll Call # 02-293

**MEMORANDUM OF AGREEMENT
Former Curtis School
401 SE 6th
Des Moines, Iowa
R & C #010677118**

WHEREAS, the City of Des Moines (hereafter City) has determined that the buildings located at 401 SE 6th Street are public nuisances and pose a threat to the public safety;

WHEREAS, the City has determined that the demolition of 401 SE 6th Street will have an adverse effect on property eligible for inclusion in the National Register of Historic Places because it is the former Curtis School and important to the earliest development of the Southeast side of Des Moines,

WHEREAS, the demolition will be funded by Community Development Block Grant dollars 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,

WHEREAS, the City, in consultation with the SHPO, proposes to involve the Public by disseminating information about the undertaking and its effects on historic properties in a proper and timely fashion and will seek public participation as mandated by federal law by utilizing HUD procedures for soliciting public involvement found at 24 CFR Part 58.43; --58.45-46; --58.59 and other applicable sections of this part;

NOW, THEREFORE, the City and the SHPO agree that the demolition of the buildings at 401 SE 6th Street will be mitigated 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:

A. RECORDATION

1. Record the exterior of the property at 401 SE 6th Street to the Iowa Historic Property Standards, Appendix C Commercial Buildings. Because of the condition of this building, an interior survey can not be allowed.
2. Produce a reproducible report on the history and development of the East Side School District. The report shall include graphics and blue prints on many of the early schools from the East Side District. The report will be distributed to the Des Moines Public Library and the Des Moines Public School System. The report will be available to the public in written format for the cost of the printing or through a CD Rom Format.

B. SALVAGE

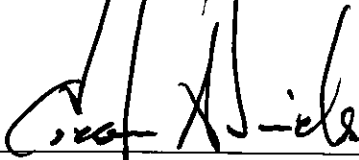
1. If the City of Des Moines takes ownership of the building and site, decorative gingerbread work in the front gable and at least one cast iron lintel from the original building should be salvaged for reuse in future neighborhood park landscaping or for sale to the public.

C. ADMINISTRATIVE

1. **UNANTICIPATED DISCOVERIES.** The City shall ensure that all provisions of NAGPRA are observed. No human remains or other artifacts are anticipated to be discovered during the demolition of this property. However, if any human remains and/or grave-associated funerary objects are encountered during the demolition they will be protected by provisions of the Iowa Codes 144.34 and 263B.7 through 263B.9, the Iowa Administrative Code Section 685, Chapter 11 and by the Native American Graves Protection and Repatriation Act of 1990 (PL 101-601; 25 U.S.C. 3001-3013; 104 Stat. 3048-3058) and its implementing regulations at 43CFR part 10. The City shall ensure that, if human remains and/or grave associated objects are encountered, all construction and excavation activities will cease immediately within the area. The area will be secured; the material will be left in place with no further disturbance. A tarp, plastic sheeting, or other appropriate covering will be placed over the exposed remains and weighted with loose soil along the edges and the top. The SHPO and the Director of the Burials Program at the Office of the State Archaeologist of Iowa (319) 384-0740 will be contacted immediately. In the event that other discoveries of historical, architectural, or archaeological significance are encountered all construction and excavation activities will cease immediately within the area. The area will be secured, the material will be left in place with no further disturbance and

the SHPO will be contacted immediately. The SHPO will respond within 48 hours of the discovery.

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.



Preston A. Daniels, Mayor
City of Des Moines

2-12-02

Date

Attest:



Donna V. Boetel Baker, City Clerk

2-12-02

Date



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

2-22-02

Date