

**MEMORANDUM OF AGREEMENT
BETWEEN
THE CITY OF GRAND HAVEN AND
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER
REGARDING
THE FRANKLIN STREET PARKING LOT PROJECT, GRAND HAVEN, MICHIGAN**

WHEREAS, pursuant to 24 CFR § 58, 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 the City of Grand Haven as a recipient of Community Development Block Grant funds; and

WHEREAS, the City of Grand Haven has determined that the Franklin Street Parking Lot Project (Project), will have an adverse effect upon the structures located at 25 Franklin Street and 29 Franklin Street (Structures), properties located in the Downtown Historic District which appears to meet the criteria for listing in the National Register of Historic Places; and

WHEREAS, the City of Grand Haven has consulted with the State Historic Preservation Officer (SHPO) of Michigan in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and its implementing regulations (36 CFR § 800) to resolve the adverse effect of the Franklin Street Parking Lot Project on historic properties; and

WHEREAS, in accordance with 36 CFR § 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 of Grand Haven and the SHPO agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effect of the Project on historic properties.

STIPULATIONS

The City of Grand Haven shall ensure that the following stipulations are carried out:

I. RECORDATION

- A. Prior to implementing any action that may affect the Structures, the properties shall be recorded so that there is a permanent record of their existence. The recordation package shall follow the SHPO *Documentation Guidelines (Appendix A)* and shall be submitted to the SHPO for review and approval. The SHPO must approve the recordation prior to the relocation or demolition of the Structures.
- B. An original, approved copy of the documentation package shall be submitted to the Tri-Cities Historical Museum and to the SHPO for deposit in the State Archives of Michigan.

II. INTERIM PROTECTION

The City of Grand Haven shall ensure that the Structures are immediately secured and protected against damage in accordance with National Park Service *Preservation Brief* #31, "Mothballing Historic Buildings", until all stipulations of this MOA are implemented. The City of Grand Haven shall ensure that the Structures are properly secured and protected during the period they are unoccupied on the existing sites.

III. MITIGATION PLAN (RELOCATION AND MARKETING OF BUILDINGS)

A. RELOCATION OF BUILDINGS

1. The City of Grand Haven shall obtain a relocation review from a moving contractor that is a member of the International Association of Structural Movers (IASM) or has at least ten years' experience moving similar types of structures.
2. If the structures can be moved, the Structures are to be moved in accordance with the approaches recommended in *Moving Historic Buildings* (John Obed Curtis, 1979, American Association for State and Local History), in consultation with the SHPO by a professional mover who has the capability to move historic structures properly.
3. The City of Grand Haven shall ensure that
 - a. The new site(s) for the Structures are appropriate to the character of the Structures,
 - b. That the Structures are visually and otherwise compatible with the surroundings of the new site(s),
 - c. Relocation to the site(s) does not adversely affect any archeological or other historic property occupying the proposed new site,
 - d. The new site is selected in consultation with the SHPO, and shall take the SHPO's comments on the new site into account in reaching a final decision about use of such site.

B. MARKETING

1. The City of Grand Haven shall attempt to sell the Structure(s) and have the building(s) relocated by the new owner. Prior to marketing the Structure(s), the City of Grand Haven will submit a marketing plan to the Michigan SHPO for review and approval. The marketing plan shall include the following elements:
 - a. An informational package about each property, which will include but will not be limited to:
 - Photographs of the property
 - A parcel map
 - Information on the property's significance
 - Information on the property's cost and any assistance that might be available
 - Notification that the building(s) must be moved from their current location
 - Notification that the building(s) may be subject to a preservation easement
 - b. A distribution list of potential purchasers or transferees

- c. An advertising plan and schedule
 - d. A plan and schedule for receiving and reviewing offers
2. Upon the Michigan SHPO's acceptance of the marketing plan, the City of Grand Haven shall implement the plan for a period to be determined in consultation with the SHPO.
 3. The City of Grand Haven shall review all offers in consultation with the Michigan SHPO prior to their acceptance.
 4. If there is an acceptable offer that will conform to the requirements of rehabilitation and maintenance discussed in consultation with the SHPO, the City of Grand Haven shall execute a contract with the recipient of the property ensuring that the recipient of the property will accept title to the property subject to a preservation easement and that any building is moved in accordance with the approaches recommended in *Moving Historic Buildings* (John Obed Curtis, 1979, American Association for State and Local History). The purchaser shall then submit the new location for the building(s), the plans for relocation and rehabilitation and any proposed maintenance plan to the SHPO for review prior to acceptance.
 5. If there is no acceptable offer (as determined through concurrence by the City of Grand Haven, and the Michigan SHPO) that will conform to the requirements of the easement and the requirements of the City of Grand Haven, the City of Grand Haven, with the approval of the Michigan SHPO, may transfer the property without preservation easements.
 6. If there is no acceptable offer for the building(s) within three months following the end of the marketing period, the City of Grand Haven may demolish the building(s).

C. CONTINUED CONSULTATION WITH THE SHPO

If efforts to fulfill Stipulations III A and/or B are partially or wholly unsuccessful, the City of Grand Haven shall consult with the SHPO to determine a course of action. The parties shall agree in writing to the level of success in fulfilling Stipulation III and to alternate mitigation.

IV. AMENDMENT

The City of Grand Haven or the SHPO may propose to the other parties that this MOA be amended, whereupon the parties will consult in accordance with 36 CFR § 800.6(c)(7) to consider such an amendment.

V. DISPUTE RESOLUTION

Should any party to this agreement object within thirty (30) days to any of the proposed actions pursuant to this agreement, the City of Grand Haven shall consult with the objecting party to resolve the objection. If the City of Grand Haven determines that the objection cannot be resolved pursuant to 36 CFR § 800.7(b), the City of Grand Haven shall forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council). Within forty-five (45) days after receipt of all pertinent documentation, the Council will either:

- A. Provide the City of Grand Haven with recommendations, which the City of Grand Haven will take into account in reaching a final decision regarding the dispute (36 CFR § 800.7(b)); or
- B. Notify the City of Grand Haven 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 of Grand Haven in accordance with 36 CFR § 800.7(c)(4) with reference to the subject of the dispute.

Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute. The City of Grand Haven's responsibility to carry out all actions under this MOA that are not subjects of the dispute will remain unchanged.

VI. TERMINATION

- A. If the City of Grand Haven determines that it cannot implement the terms of this MOA, or if the SHPO determines that the MOA is not being properly implemented, the City of Grand Haven or the SHPO may propose to the other parties to this MOA that it be terminated.
- B. The party proposing to terminate this MOA shall so notify all parties to this MOA explaining the reasons for termination and affording at least sixty (60) days to consult and seek alternatives to termination. The parties shall then consult.
- C. Should such consultation fail, the City of Grand Haven or the SHPO may terminate the MOA by so notifying all parties.
- D. Should this MOA be terminated, the City of Grand Haven shall either:
 - 1. Consult in accordance with 36 CFR Part 800.6 to develop a new MOA
 - 2. Request the comments of the Council pursuant to 36 CFR § 800.7.

Execution and implementation of this MOA and submission to the ACHP evidences that the City of Grand Haven has afforded the ACHP a reasonable opportunity to comment on the Franklin Street Parking Lot Project and that the City of Grand Haven has taken into account the effects of the project on historic properties.

SIGNATORIES:

THE CITY OF GRAND HAVEN

By: Roger A. Bergman Date: _____
 Roger A. Bergman, Mayor

By: Leah M. Spinner Date: _____
 Leah M. Spinner, City Clerk/Treasurer

MICHIGAN STATE HISTORIC PRESERVATION OFFICER

By: Brian D. Conway Date: 10/13/05
Brian D. Conway,
State Historic Preservation Officer

**Appendix A
Documentation Guidelines**

**MICHIGAN STATE HISTORIC PRESERVATION OFFICE
DOCUMENTATION GUIDELINES**

The following guidelines provide instruction for producing permanent documentation of historic properties. Following submittal to the State Historic Preservation Office, the photos produced will be transferred to the State Archives, where they will be maintained and made available to the public for research purposes. In many cases, this documentation will constitute the only visual public record of a resource. It is therefore important that reports, drawings and photographs adequately depict the salient visual characteristics of the resource, and that they be produced using archivally stable materials and procedures.

The specifications outlined in this memorandum are intended to ensure that the material will be of high quality and remain in usable condition for many years to come. The guidelines were adapted from those used for submitting nominations to the National Register of Historic Places, as described in **National Register Bulletin 16: Guidelines for Completing National Register of Historic Places Forms**. The complete text of this and other National Register Bulletins may be found on the web at <http://www.cr.nps.gov/nrlpublications/bulletins.htm>.

I. REPORTS - GENERAL INSTRUCTIONS

Reports should be printed on archival paper and be 8½ by 11 inches in size.

II. DESCRIPTIVE AND HISTORICAL NARRATIVES

The report should contain a descriptive and historical narrative about the resource(s). The descriptive overview should concisely but thoroughly describe the resource, including discussion of its site and setting; overall design and form, dimensions, structural character, materials, decorative or other details, and alterations. The historical narrative should provide an account of the resource's history and explain its significance in terms of the national register criteria (information about the criteria for listing a resource in the national register may be found on the web at <http://www.cr.nps.gov/nrl/listing.htm>). Published and unpublished sources should be used as needed to document the resource's significance. For bridges and public structures, public records and newspapers should be used for information concerning the historical background and construction of the resource and to identify those involved in its design and construction. All sources of information (including author, title, publisher, date of publication, volume and page number) should be listed in a bibliography.

III. DRAWINGS - GENERAL INSTRUCTIONS

Drawings should be drawn or printed on archival paper and folded to fit an archival folder approximately 8½ by 11 inches. Use coding, crosshatching, numbering, transparent overlays, or other standard graphic techniques to indicate the information. Do not use color because it can not be reproduced by microfilming or photocopying. Drawings should be used to document the existing condition of the resource, the evolution of a resource, alterations to a building or complex of buildings, floor plans of interior spaces. - Site plans should have a graphic north arrow and include locations and types of trees, shrubs and planting beds. All architectural and site plans should include dimensions indicating the overall size of buildings, sizes of major interior spaces and distances between major site features. If original drawings of the resource(s) exist, add a graphic scale the drawings and reproduce them to fit on 8½ by 11

inch archival paper. Photographic reductions are permissible provided they meet the photographic requirements specified in these guidelines.

IV. **PHOTOGRAPHS - GENERAL INSTRUCTIONS**

Submit clear and descriptive black and white photographs and negatives in acid-free envelopes. Photographs should provide a clear visual representation of the historic integrity and significant features of the resource. The number of photographs needed will vary according to the project and the nature of the resource. The attached article by David Ames, *A Primer on Architectural Photography and the Photo Documentation of Historic Structures* (Vernacular Architecture Forum News, no date) provides helpful information for photographing buildings and structures. This article is available on the web at <http://www.vernaculararchitecture.org/Features/photography/article.htm>.

GUIDELINES FOR PHOTOGRAPHIC COVERAGE

The number of photographic views required depends on the size and complexity of the resource. Submit as many photographs as needed to depict the current condition and significant aspects of the resource. When available, prints of historic photographs may supplement documentation.

Buildings, Structures and Objects

- Submit one or more views to show the principal facades and the environment or setting in which the resource is located;
- Additions, alterations, intrusions, and dependencies should appear in the photographs;
- Include views of interiors, outbuildings, landscaping, or unusual details if the significance of the resource is entirely or in part based on them.

Historic and Archaeological Sites

- Submit one or more photographs to depict the condition of the site and any aboveground or surface features and disturbances;
- If they are relevant to the site's significance, include drawings or photographs that illustrate artifacts that have been removed from the site;
- At least one photograph should show the physical environment and configuration of the land making up the site.

BASIC REQUIREMENTS

Photographs must be:

- at least 5 x 7 inches, preferably 8 x 10 inches, unmounted (do not affix the photographs to paper, cards, or any other material); photographs with borders are preferred;
- printed on double or medium-weight black-and-white paper having a matte, glossy, or satin finish; fiber-based papers are preferred; resin-coated papers that have been processed automatically will be accepted provided they have been properly processed and thoroughly

- washed; we recommend the use of a hypo-clearing or neutralizing agent, and toning in selenium or sepia to extend the useful life of the photographs;
- submitted in acid free envelopes; the envelopes should be labeled in pencil (see labeling instructions below).

ENVELOPE LABELING INSTRUCTIONS

Neatly print the following information on the upper right corner of the envelope in soft **lead pencil**:

1. Name of the resource;
2. Street Address, township, county, and state where the resource is located;
3. Name of photographer;
4. Date of photograph;
5. Description of view indicating direction of camera;
6. Photograph number.

Do not use adhesive labels for this information.

NEGATIVE SUBMISSION INSTRUCTIONS

The negatives must be submitted with the prints. Each strip of negatives should be submitted in acid free envelopes that have the following information submitted in soft lead pencil in the upper right corner of the envelope.

1. Name of the resource;
2. Name of the photographer;
3. Date of photograph;
4. Negative numbers

V. ADDITIONAL ITEMS

In addition to the items described in these guidelines, the SHPO may request additional documentation, depending on the nature and, significance of a particular resource.

If you have any questions, please contact the Environmental Review Coordinator at 517-335-2721.

State Historic Preservation Office
Michigan Historical Center
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PO Box 30740
Lansing, MI 48909-8240