

**SECTION 106
MEMORANDUM OF AGREEMENT**

**between
the City of Duluth and the Minnesota State Historic Preservation Office
regarding
construction of a Domiciliary Housing Project**

WHEREAS, the City of Duluth (CITY) is proposing to assist the Center City Housing Corporation in the construction of a domiciliary housing project at West 3rd Street and 3rd Avenue West, with funds from the US Department of Housing and Urban Development (HUD) (from the HOME program [24 CFR part 92] and/or the Section 8 Project Based Assistance Program), and

WHEREAS, one building on the project site, the San Marco Apartments (222-224 West 3rd Street), constructed in 1908, meets the criteria of the National Register of Historic Places, and

WHEREAS, assessment of the San Marco Apartments has established that it is not feasible to rehabilitate the building as part of the housing project, and

WHEREAS, other similar apartment buildings in the downtown area of Duluth are historically significant and are good candidates for rehabilitation, and

WHEREAS, the CITY has consulted with the Minnesota State Historic Preservation Office (MnSHPO) with regard to the effects of the project on historic properties pursuant to 36CFR800, and

WHEREAS, the CITY has notified the Advisory Council on Historic Preservation (COUNCIL) of the adverse effect on historic properties pursuant to 36CFR800.6, and

WHEREAS, the Duluth Heritage Preservation Commission has participated in the consultation on this project and has been invited to concur in this agreement;

NOW, THEREFORE, the CITY and MnSHPO agree that the following stipulations are an appropriate means of taking into account the effect of the undertaking on historic properties.

STIPULATIONS

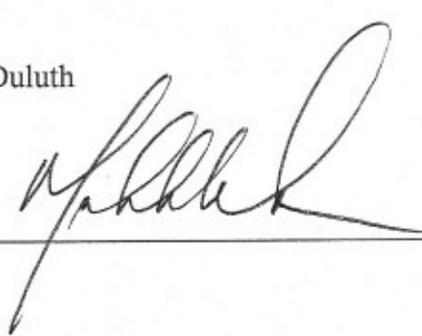
The CITY will assure that the following actions are carried out:

1. The CITY will record the San Marco Apartments (1908) to the standards of the MnSHPO for 35mm mitigation documentation.
2. In consultation with MnSHPO, the City will develop and implement a preservation strategy to encourage the rehabilitation of similar masonry apartment buildings in the central city area. The strategy will be submitted to MnSHPO for review and concurrence. The strategy will identify planning and economic issues related to rehabilitation of these types of buildings and will stipulate appropriate actions.
3. Should the MnSHPO object within 45 days to any plans or specifications provided pursuant to this agreement, the CITY shall consult with the MnSHPO to resolve the objection. If the CITY determines that the objection cannot be resolved, the CITY shall request the further comments of the COUNCIL pursuant to 36 CFR 800. Any COUNCIL comment provided in response to such a request will be taken into account by the CITY in accordance with 36 CFR 800 with reference only to the subject of the dispute. The CITY's responsibility to carry out all actions under this agreement that are not the subjects of the dispute will remain unchanged.
4. This agreement shall be in effect until December 31, 2006. If work remains to be completed on December 31, 2006, the parties to the agreement will consult to extend or amend the agreement.

Execution of this Memorandum of Agreement and implementation of its terms evidence that the CITY has taken into account the effects of the domiciliary housing project on historic properties.

City of Duluth

By: _____



Date: _____

5/9/05

Minnesota State Historic Preservation Office

By: Anna M. Archbold Date: 5/5/05

Concur:

Duluth Heritage Preservation Commission

By: Debra Kuehnt Date: 5-24-05