

**MEMORANDUM OF AGREEMENT
BETWEEN
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER,
THE CITY OF KANSAS CITY, MISSOURI,
THE HOUSING AND ECONOMIC DEVELOPMENT FINANCIAL CORPORATION
AND
BEACON HILL DEVELOPERS, LC**

WHEREAS, the City of Kansas City, Missouri (the City) has proposed a multi-phase redevelopment (Project) in the Beacon Hill neighborhood of Kansas City, Missouri, that will include approximately 400 units of new and rehabilitated housing in keeping with neo-traditional neighborhood design principles; and

WHEREAS, the Project Area includes the area roughly bounded by 22nd Street, The Paseo, Vine Street, 27th Street, and Troost Avenue (Appendix A); and

WHEREAS, the Project Area contains nine buildings that appear eligible for listing on the National Register of Historic Places (Appendix B); and

WHEREAS, the nine eligible buildings do not include the buildings listed in Appendix B at 2419 Forest and 1304-06 East 27th Street, which were destroyed by fire in December 2002 and January 2003, respectively; and

WHEREAS, the Area of Potential Effect (APE) for the Project, as identified by the City and the Missouri State Historic Preservation Office (the SHPO), includes four resources that are excluded from the Project Area: the William Gillis Orphans Home, 2119 Tracy; the Armour Memorial Home for Aged Couples, 2125 Tracy; the Mt. Pisgah Baptist Church, 2454 West Paseo Boulevard; and the Paseo Baptist Church, 2511 The Paseo; and;

WHEREAS, the APE includes a residential enclave along West Paseo Boulevard that has significant associations with Kansas City's African-American community and the Civil Rights movement and may, upon reaching fifty years of age, meet National Register criteria as a historic district; and

WHEREAS, the Project will utilize funding from a Section 108 loan guarantee from the United States Department of Housing and Urban Development (HUD) to the City; and,

WHEREAS, the City recognizes that historic properties lend value and character to their Project and will rehabilitate all of the historic properties to the extent feasible within the Project Area; and

WHEREAS, the City has awarded the redevelopment rights for the project to the Beacon Hill Developers, LC (BHD); and

WHEREAS, the City has selected the Housing and Economic Development Financial Corporation (HEDFC) to acquire and own properties in the Project Area that will be redeveloped

using federal funds, which may include some or all of the National Register eligible properties; and

WHEREAS, the building at 1312-14 East 27th Street was damaged by fire in August 2001 and the City will assess its potential for rehabilitation; and

WHEREAS, the Project will include the rehabilitation of approximately 100 existing houses that are not considered eligible for the National Register, but that will enhance the atmosphere and character of the neighborhood; and

WHEREAS, for the purposes of Section 106 the Project will include two phases; the first phase will address the general redevelopment activities and the second phase will address the City's obligations specifically related to the Christian Church/Robinson Hospital property; and

WHEREAS, the City has determined that the project activities may have an adverse effect on the historic resources and has consulted with the SHPO pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act of 1966, 16 U.S.C. 470f, as amended (Section 106); and,

WHEREAS, the City has notified the Advisory Council on Historic Preservation (Advisory Council) and invited its comments and Advisory Council has declined to participate;

WHEREAS, BHD has been invited to participate in consultations and to concur in this Agreement; and,

WHEREAS, BHD has presented the redevelopment design plans including a discussion of the historic preservation issues at numerous public meetings, including meetings of the Beacon Hill-McFeder's Neighborhood Association, the Beacon Hill Taskforce, the Historic Kansas City Foundation, and the Kansas City, Missouri City Plan Commission and City Council. Participants at these meetings included neighborhood leaders, property owners, local preservationists, City staff, and appointed and elected City officials; and

WHEREAS, the City, to comply with the public participation process outlined in 36 CFR, Part 800.6(4), has formed, in consultation with the SHPO and the City, a Preservation Advisory Committee (PAC) to assist and advise the City regarding the process for determining economic viability of the Christian Church/Robinson Hospital property and its preservation alternatives; the PAC includes adjacent property owners; representatives of the Beacon Hill-McFeder's Neighborhood Association; City staff; professionals with expertise in real estate development, rehabilitation and finance; representatives of minority and low income groups within the APE; and representatives of the local, state and national historic preservation community.

NOW, THEREFORE, the SHPO, the City and HEDFC agree, and BHD concurs, that the development of the Project shall be implemented in accordance with the following stipulations to satisfy the City's Section 106 responsibilities.

STIPULATIONS

The City will ensure that the following measures are carried out:

I. Phase I – New Construction/General Residential Redevelopment Activities

A. Existing Buildings

1. The SHPO has determined that nine buildings in the project area may be eligible for listing on the National Register of Historic Places (Appendix B).
2. The City or its designee will rehabilitate all National Register eligible buildings shown on Appendix B, except Christian Church/Robinson Hospital and the Nurses' Home, according to the *Secretary of the Interior's Standards for Rehabilitation*. The SHPO shall review and approve all rehabilitation plans prior to the start of rehabilitation.
3. Within six months of the execution of this agreement, the City shall submit to the SHPO a structural report and feasibility study regarding the potential for rehabilitation of 1312-14 East 27th Street, which was damaged by fire.
4. Within six months of the execution of this agreement, the City or its designee shall mothball all vacant buildings that are listed on or Determined Eligible for the National Register according to the guidelines presented in National Park Service *Preservation Brief 31: Mothballing Historic Buildings*.
5. Within six months following the completion of Project Phase 1, the City shall nominate all eligible buildings shown on Appendix B, except Christian Church Hospital/Robinson Hospital (2635 West Paseo Boulevard) and the Nurses Home (1414 East 27th Street) to the National Register of Historic Places.
6. If they are determined by the SHPO in consultation with the City to retain eligibility for listing on the National Register, the colonnaded apartments on 27th Street shall be nominated as part of the Multiple Property Submission for Colonnaded Apartments in Kansas City, which was listed on the National Register in 2003.

B. Documentation

1. In the event a National Register eligible property is determined by the SHPO in consultation with the City to be beyond repair or if it cannot be rehabilitated as part of the Project, the City shall document the current condition of the building. Documentation shall be in accordance with the standards described in the following "Section C. Documentation Standards."
2. The City shall ensure that significant building materials and architectural elements from demolished buildings that can be economically salvaged and reused shall be stored in a secure location. These materials will be used where appropriate during the rehabilitation of surviving historic buildings within the Project Area. If there are salvaged materials that remain unused at the conclusion of the Project, the City will consult with the SHPO to identify alternate disposal options.
3. Modifications to the standards described below may only be made subject to issues of personal safety and after consultation with the SHPO.
4. The SHPO shall review and approve the photographs, floorplans, and narrative text prior to any demolition or rehabilitation of the buildings.
5. The City shall provide copies of the final documentation, including narrative text, floor plans and photographs, to the SHPO and to the Kansas City Landmarks Commission. The SHPO shall receive the original negatives.

C. Documentation Standards

1. A minimum of eight (8) exterior and four (4) interior 35mm black and white 8x10 photographs will be made of each building. These photographs will include significant details. Photographs delivered to the SHPO shall be printed on archivally stable paper. Photographs delivered to the Kansas City Landmarks Commission will be printed on standard photographic paper.
2. Sketch floorplans will be made of the building. The drawings will be produced on an archivally stable medium, will be at least approximately to scale, and will be appropriately labeled.
3. A written history will be produced of the building, placing it within the context of the Beacon Hill neighborhood.
4. The SHPO will review each of the above-mentioned products in draft form and will respond within thirty days of receipt, or will be seen as accepting the documentation as presented.

D. Professional Qualifications

All work in the stipulations above will be conducted by individuals who meet, at minimum, *The Secretary of the Interior's Professional Qualifications and Standards* (36 CFR Part 61).

E. New Construction

All new construction adjacent to buildings Determined Eligible for the National Register of Historic Places shall be designed to be compatible with the massing, scale, materials and features of the historic buildings. All plans for new construction adjacent to eligible buildings will be submitted to the SHPO for review and approval. The SHPO will review and comment on the plans within thirty days of receipt, or will be seen as accepting the plans as presented.

F. Public History

The BHD shall provide copies of the public history document prepared by Ella Tolbert that describes the history and development of the Beacon Hill neighborhood to the SHPO, the Kansas City Landmarks Commission, and the Kansas City Public Library.

G. Expenditure of Funds

As required by City Charter, all City funding described in this Memorandum of Agreement must be appropriated by City Council prior to the commitment and expenditure of funds.

II. Phase II – Robinson Hospital

A. Existing Buildings

1. The SHPO has determined that two buildings associated with the Christian Church/Robinson Hospital complex (the hospital building and the Nurses Home at 1414 East 27th Street) are eligible for listing on the National Register of Historic Places (Appendix B). The Nurses Home building was sold in the 1970s and is privately owned and is therefore not subject to this agreement. The City has conveyed ownership of the Christian Church/Robinson Hospital Building to HEDFC.
2. If not prior to the execution of this agreement, within six months BHD shall solicit proposals for redevelopment of the Christian Church/Robinson Hospital Building. All proposed reuse alternatives shall be evaluated and given reasonable consideration by the signatories to this document. To ascertain the economic viability of the proposals, each will be evaluated by the City in consultation with the SHPO and the PAC as to whether the buildings can be rehabilitated using available local, state and federal incentives. This evaluation will utilize the "Decision Making Criteria: Determination of Economic Viability for Rehabilitation" outlined in *A Plan for Meaningful Communities: Preservation Plan, FOCUS Kansas City*, a component of the City of Kansas City's comprehensive plan. These criteria include:

- a. Existing market demands and potential adaptive reuse alternatives
 - b. Zoning and other regulatory issues
 - c. Costs associated with compliance with ADA, building, code, and hazardous waste removal
 - d. Flexibility of the building/site to accommodate modern or proposed needs
 - e. Condition of the existing infrastructure and cost of necessary infrastructure improvements
 - f. Current exterior and interior condition of the buildings and associated costs and treatment alternatives for rehabilitation
 - g. Expected income generating levels
 - h. Legal entanglements
 - i. Actual cost of rehabilitation using the *Secretary of the Interior's Standards for Rehabilitation* and other available incentives, including all pertinent federal, State and local incentives
 - j. Taxes
 - k. Available financing
 - l. Viability of redevelopment scenarios
3. If a viable reuse proposal is identified, the City shall prepare a preservation plan to assist the developer in complying with the *Secretary of the Interior's Standards for Rehabilitation* and HEDFC shall require, in the development contract, the following:
- a. Rehabilitation of the hospital building according to the *Secretary of the Interior's Standards for Rehabilitation*. The SHPO shall review and approve all rehabilitation plans prior to the start of rehabilitation. The City shall make a timely, good faith effort to work with the owner of the hospital property and to assist potential developers/owners in the rehabilitation of the building by providing technical assistance and/or financial support subject to the appropriation of funds; and
 - b. That the developer nominates the property to the National Register of Historic Places. The nomination shall include a historic context describing segregation by race and creed in private and public healthcare facilities as it relates to this property and its period of significance; and

- c. That the developer installs interior and/or exterior interpretive signage that addresses the historical significance of Christian Church/Robinson Hospital, including the historic contexts associated with segregation by race and creed in private and public healthcare facilities as documented in the National Register nomination as well as information related about the role of Kansas City's African-American community in the surrounding neighborhood.
4. Within six months of the execution of this agreement, the City or its designee shall mothball all vacant buildings that are listed on or Determined Eligible for the National Register according to the guidelines presented in National Park Service *Preservation Brief 31: Mothballing Historic Buildings*.
5. HEDFC shall execute a contract with the selected developer within six (6) months of notification of the developer of the selection and rehabilitation work shall begin within twelve (12) months of signing of the development agreement. Should the selected developer default on the development agreement, the City, HEDFC, and BHD shall make a good faith effort to solicit and select a new developer for rehabilitation of the buildings within six (6) months after the default by the original developer. A good faith effort shall consist of the following:
 - a. Issuance of a Request for Proposals (RFP) seeking developers interested in rehabilitating the buildings through public advertisement, posting on the City's WEB page and a press release. The RFP shall include this MOA, any findings by the Missouri State Historic Preservation Office and/or the National Park Service, the Preservation Plan developed as a part of this MOA, demographic information for the project area, physical planning data and maps, information about available applicable economic development incentives, historic survey or National Register information and an analysis of economic and physical development issues.
 - b. The City, HEDFC, BHD shall receive responses to the RFP up to sixty (60) days after publication of the RFP.
 - c. The City and the PAC shall review proposals and make appropriate determination of viable responses within forty-five (45) days after the end of the sixty (60) day response period.

B. Documentation

1. In the event that the Christian Hospital/Robinson Hospital building is determined by the SHPO in consultation with the City to be beyond repair or not economically viable for rehabilitation, the City shall document the current condition of the buildings. Documentation shall be in accordance with the standards described in the following "Section C. Documentation Standards."

2. Modification to the standards described below may only be made subject to issues of personal safety and after consultation with the SHPO.
3. The SHPO shall review and approve the photographs, floorplans, and narrative text prior to any demolition or rehabilitation of the building.
4. Copies of the final documentation, including narrative text, floor plans and photographs, shall be provided to the SHPO and to the Kansas City Landmarks Commission. The SHPO shall receive the original negatives.

C. Documentation Standards

1. A minimum of eight (8) exterior and four (4) interior 35mm black and white 8x10 photographs will be made of each building. These photographs will include significant details. Photographs delivered to the SHPO shall be printed on archivally stable paper. Photographs delivered to the Kansas City Landmarks Commission shall be printed on standard photographic paper.
2. Sketch floorplans will be made of each building. The drawings will be produced on an archivally stable medium, will be at least approximately to scale, and will be appropriately labeled.
3. A written history will be produced of the hospital property, placing it within the context of the Beacon Hill neighborhood and within the context of the Kansas City medical community.
4. The SHPO will review each of the above-mentioned products in draft form and will respond within thirty days of receipt, or will be seen as accepting the documentation as presented.

D. Professional Qualifications

All work in the stipulations above will be conducted by individuals who meet, at minimum, *The Secretary of the Interior's Professional Qualifications and Standards* (36 CFR Part 61).

E. Public Participation

The PAC shall continue to function as a part of the public participation processes as described in this document until the terms of the MOA are fulfilled.

F. Expenditure of Funds

As required by City Charter, all City funding stipulated to fulfill activities described in this Memorandum of Agreement must be appropriated by City Council prior to the commitment and expenditure of funds.

III. Coordination for Other Federal Funding

Should other Federal agencies provide financial assistance to the City, BHD, or HEDFC for implementation of the Beacon Hill Redevelopment Project or other related project activities within the APE, they may satisfy their Section 106 compliance responsibilities by accepting and complying with the terms of the Memorandum of Agreement. The Federal agency shall notify BHD, HEDFC, the City, the SHPO, and the Advisory Council in writing of its intent to adhere to this MOA in lieu of preparing case-by-case Section 106 reviews.

IV. Dispute Resolution

1. Should the SHPO object within 30 days after receipt to any plans or actions provided for review pursuant to this Agreement, the City will consult with the SHPO to resolve the objection. If the City determines that the objection cannot be resolved, the City shall request comment from the federal Advisory Council on Historic Preservation (ACHP) pursuant to 36 C.F.R. Part 800.7.
2. At any time during implementation of the measures stipulated in this MOA, should an objection to any such measure or its manner of implementation be raised by a member of the public, the City shall take the objection into account and consult as needed with the objecting party and the SHPO to resolve the objection.

Signed:

MISSOURI STATE HISTORIC PRESERVATION OFFICER

By: Mark A Miles

Date: 07/22/09

Title: DSHPO

CITY OF KANSAS CITY, MISSOURI

By: Way M. Schulte

Date: 8-23-09

Title: BUDGET OFFICER

Approved as to form:

[Signature]
Assistant City Attorney

HOUSING AND ECONOMIC DEVELOPMENT FINANCIAL CORPORATION

By: *K. D. Baehler*

Date: *Sept. 2, 2004*

Title: *President/CEO*

Concur:

BEACON HILL DEVELOPERS, LC

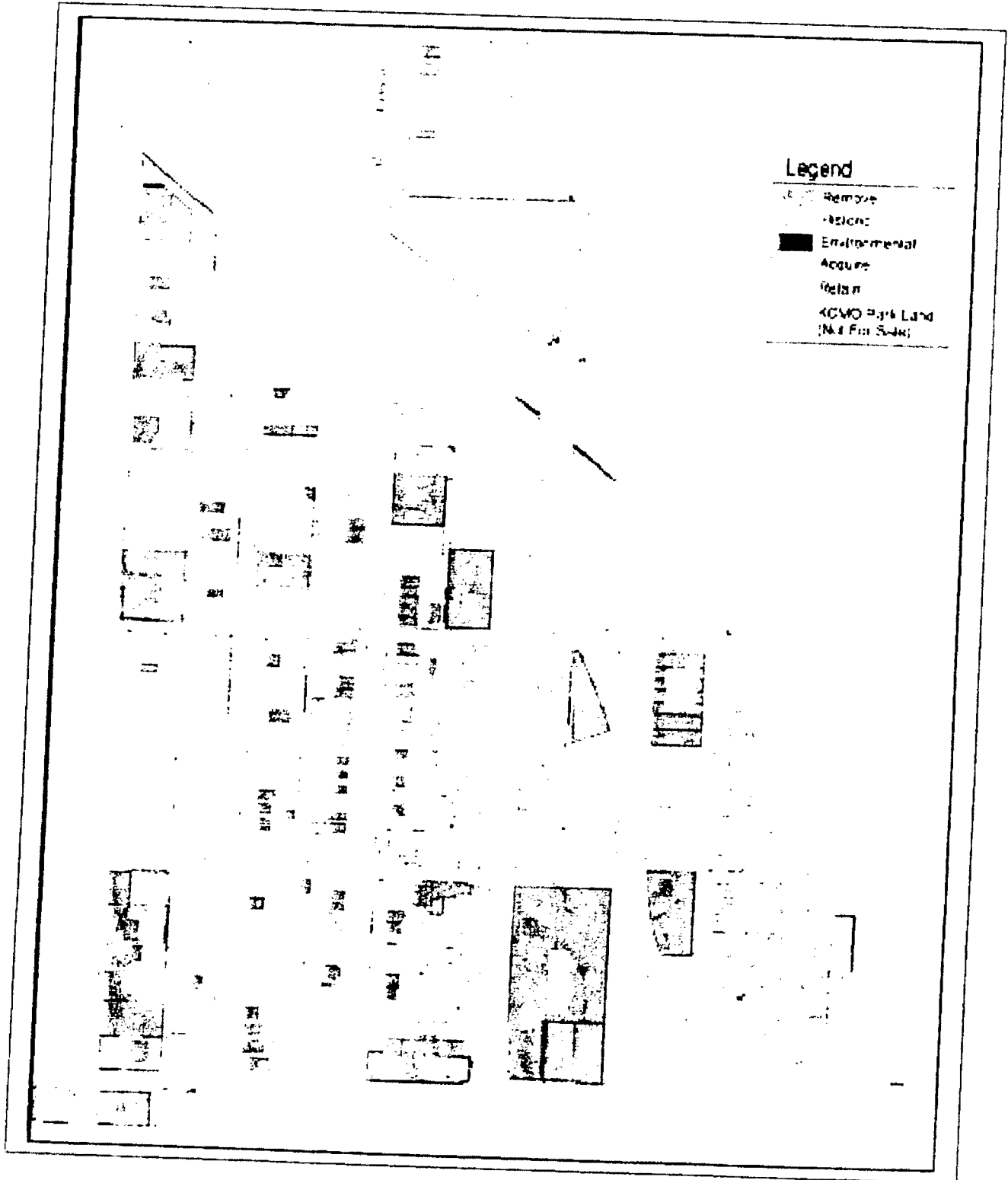
By: *Donald Munn*

Date: *8-26-04*

Title: *VICE PRESIDENT*

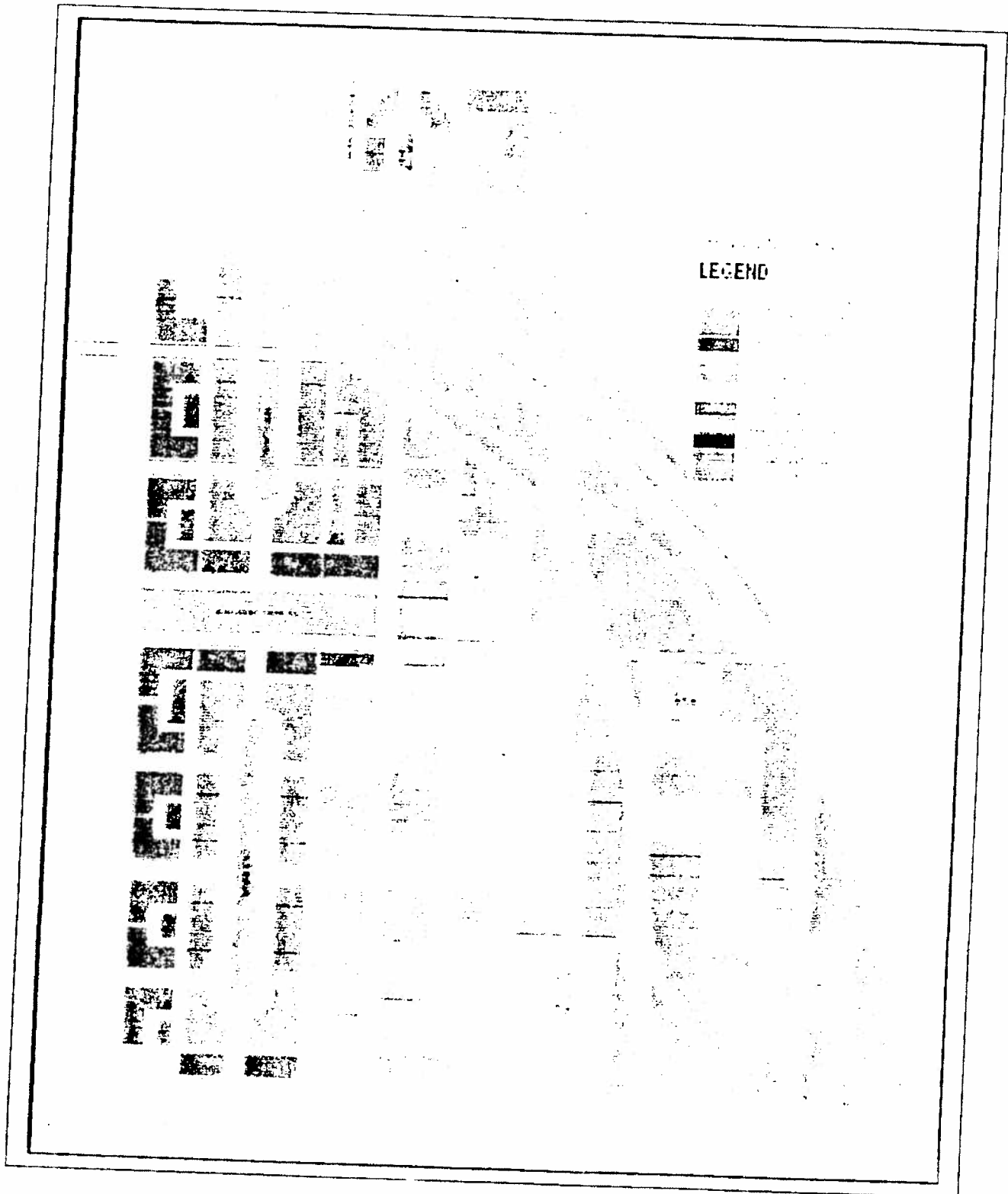
APPENDIX A

Beacon Hill Redevelopment Project Area -- Existing Conditions



APPENDIX A

Beacon Hill Redevelopment Project Area -- Proposed Land Use Plan



APPENDIX B

Properties Within the Beacon Hill Redevelopment Project Area
That Have Been Determined Eligible for Listing
on the National Register of Historic Places
by the City and the Missouri State Historic Preservation Office
(36 CFR Part 800.4(c)(2))

- 1) 2635 West Paseo Boulevard (Christian Church Hospital/Robinson Hospital)
- 2) 1414 East 27th Street (Christian Church Hospital Nurses' Home)
- 3) 2419 Forest (Single-Family Residence)
- 4) 2429 Tracey (Single-Family Residence)
- 5) 2433 Tracy (Single-Family Residence)
- 6) 2437 Tracy (Single-Family Residence)
- 7) 1300-02 East 27th Street (Multi-Family Residence)
- 8) 1304-06 East 27th Street (Multi-Family Residence)
- 9) 1312-14 East 27th Street (Multi-Family Residence)
- 10) 1320-22 East 27th Street (Multi-Family Residence)
- 11) 2700 Troost (Commercial/Residential)