

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE CITY OF ST. JOSEPH, MISSOURI AND  
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER  
REGARDING 439 N 17TH STREET  
ST. JOSEPH, BUCHANAN COUNTY, MISSOURI**

**WHEREAS**, the City of St. Joseph, hereinafter referred to as "The City" acting on behalf of the U.S. Department of Housing and Urban Development, hereinafter referred to as "HUD" using HUD provided Community Development Block Grant funds, has consulted with the Missouri State Historic Preservation Officer, hereinafter referred to as "Missouri SHPO" or "SHPO", pursuant to the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 4701); and

**WHEREAS**, The City has determined that demolition of the building at 439 N 17th Street, St. Joseph, Buchanan County, Missouri will have an adverse effect upon said building, a property listed on the National Register of Historic Places, hereinafter referred to as "Register";

**NOW, THEREFORE**, The City and the Missouri SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

**STIPULATIONS**

1. **Duties of The City.** The City shall ensure that the following measures are carried out:
  - A. *Documentation.* A recordation report shall be completed by a 36CFR61 qualified Historian or Architectural Historian, which, at a minimum, shall include the following:
    - (1) At least ten (10) 8" x 10" black and white 35 mm photographs of the building. These will be exterior and interior photographs including views of each façade and significant architectural details. Photographs should include representative views of architectural details, and other significant features of the property including interior features. Photographs shall be processed in an appropriate manner, printed on archivally stable paper, and labeled on the back with soft lead pencil.
    - (2) A sketch floorplan of the floors; (See Attached)
    - (3) A narrative description of the building; (See Attached) and
    - (4) A narrative report detailing the history of the building, its designer(s) and/or builder(s) and uses. (See Attached)

- B. HUD shall ensure that all documentation is compiled and accepted by the Missouri SHPO in writing and copies of this documentation are made available to the SHPO and any appropriate local archives designated by the SHPO.
- C. *Design Review.* The City agrees to seek review and approval of the St. Joseph Landmark Commission and the SHPO for future new construction on this lot for its appropriateness in form, scale, materials, massing, and architectural style. Review of such construction shall be in the form of a Certificate of Appropriateness.

## 2. **Terms: Amendment and Termination**

- A. Either The City or the Missouri SHPO may terminate said agreement by providing thirty (30) days written notice to the other party, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination in accordance with 36 CFR 800.6 (c)(8).
- B. Either The City or the Missouri SHPO may request in writing that the agreement be amended, whereupon the proposed changes shall be submitted to the other party and the Advisory Council on Historic Preservation, hereinafter referred to as "Council", in accordance with 36 CFR 800.6 (c)(7).
- C. Failure to carry out the terms of this Memorandum of Agreement requires that The City again request the Council comments in accordance with 36 CFR Part 800. If The City cannot carry out the terms of this Agreement, it will not take or sanction any action or make any irreversible commitment that would result in adverse effects with respect to properties listed in, or eligible to be listed in, the National Register of Historic Places covered by the agreement, or would foreclose the Council's consideration of modifications or alternatives that could avoid or mitigate the adverse effects until the commenting process has been completed.
- D. Execution of this Memorandum of Agreement by The City and the Missouri SHPO and implementation of its terms constitutes evidence that The City has taken into account the effects of the undertaking on historic properties and afforded the Council an opportunity to comment on the proposed The City project 439 N 17th Street in St. Joseph, Buchanan County, Missouri.
- E. This agreement shall be terminated if the undertaking has not been implemented within two years from the date this agreement takes effect in accordance with 36 CFR 800.6(c)(5).

Signatories:

Mark A. Miller 2/24/05  
Missouri State Historic Preservation Officer Date

Vincent Capell 1/28/05  
Vincent Capell, City Manager, The City of St. Joseph, Missouri Date