

**MEMORANDUM OF AGREEMENT
BETWEEN
THE CITY OF ST. JOSEPH, MISSOURI AND
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER
REGARDING 2739 PENN 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. 4702); and

WHEREAS, The City has determined that demolition of the building at 2739 Penn, St. Joseph, Buchanan County, Missouri will have an adverse effect upon said building, a property that has the potential of being 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:

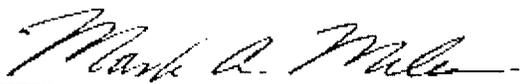
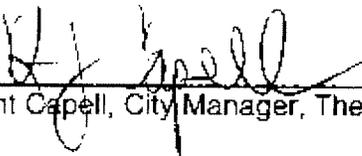
- A. *Documentation.* A recordation report shall be completed by a 36CFR61 qualified Historian or Architectural Historian, which, at a minimum, shall include the following:
- (1) At least Ten (10) 8" x 10" black and white 35 mm photographs of the building. These will be exterior photographs including 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 8x10 archivally stable paper, and labeled on the back with soft lead pencil;
 - (2) A sketch floor-plan of the floors;
 - (3) A narrative description of the building, including a history of the neighborhood;
 - (4) A narrative report detailing the history of the building, its designer(s) and/or builder(s) and uses.
- B. The City 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.

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 project at 2739 Penn 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).
- F. Any new construction planned within three (3) years of the date of demolition shall be reviewed by SHPO for appropriateness according to the Secretary of the Interior's standards

Signatories:

	
_____ Missouri State Historic Preservation Officer	_____ Vincent Capell, City Manager, The City of St. Joseph, Missouri
Date	Date
12/03/08	11/17/08