

**PROGRAMMATIC AGREEMENT
AMONG
THE CITY OF CLEVELAND HEIGHTS, OHIO,
THE OHIO HISTORIC PRESERVATION OFFICE
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
FOR THE CITY'S PROGRAMS FUNDED THROUGH
THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, the City of Cleveland Heights, Ohio (hereinafter "City") receives funds for the Community Development Block Grant (CDBG) and Home Investment Partnership (HOME), as administered by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the City has determined that these programs administered by the Department of Planning and Development and the Housing Preservation Office through December 31, 2006, may have an affect on properties included in or eligible for inclusion in the National Register of Historic Places (hereinafter "National Register"), and has consulted with the Advisory Council on Historic Preservation Office (hereinafter "Council") and the Ohio Historic Preservation Office (hereinafter "OHPO") pursuant to Section 106 and Section 110(f) of the National Historic Preservation Act (16 U.S.C. 470) and its implementing regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800); and

WHEREAS, the City's Director of Planning and Development will administer the terms of this Programmatic Agreement (hereinafter "PA") and shall assign qualified City staff (hereinafter "Qualified Staff") or shall assign City personnel from the Department of Planning and Development (hereinafter "Staff") to assist a qualified consultant (hereinafter "Consultant") in the review of all programs covered within this agreement; and,

WHEREAS, all capitalized terms shall have the meaning ascribed to them by 36 CFR Part 800 unless otherwise defined by this agreement.

NOW, THEREFORE, the City, the OHPO, and the Council agree that these programs shall be administered in accordance with the stipulations stated in this PA to take into account the effect of individual Undertakings carried out under these programs on Historic Properties:

STIPULATIONS

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

I. Qualified Personnel

The City shall ensure that its Department of Planning and Development shall employ the services of full- or part-time staff (hereinafter "Qualified Staff") or a consultant (hereinafter "Consultant") each of whom meets the Secretary of the Interior's *Professional Qualifications Standards*, found in Appendix A to 36 CFR Part 61. The City shall ensure that all historic preservation work

carried out pursuant to this Agreement is conducted by or under the direct supervision of the Qualified Staff or Consultant. The City will provide the OHPO with the qualifications and name of the Qualified Staff or Consultant the City intends to designate to carry out the PA terms.

The City will notify the OHPO of any proposed changes in the Qualified Staff/Consultant position. If the City does not have a Qualified Staff/Consultant in place, the City will comply with 36 CFR Sections 800.3 through Section 800.13 with regard to individual undertakings covered by this PA. The City will provide the OHPO with the name(s) of staff person(s) assigned to assist the Qualified Staff/Consultant in the review of programs and will notify the OHPO of any changes in the staff position(s).

MJE
4/18/06
RD
3/7/06

II. Exempt Activities Which Have Limited Potential to Affect Historic Properties

If, on the basis of the information submitted under Stipulation III. A. (Determination of Historic Eligibility Form), the Staff determines that the undertaking is an exempt activity, as defined by Stipulation II. B. and C., then the undertaking shall be deemed exempt and require no further review under this PA. The Staff will keep the completed Determination of Historic Eligibility Form (Attachment A) on file with other project documentation as evidence that the historic review process has been completed.

A. If the proposed Undertaking falls within one of the following categories, the activity shall be deemed exempt:

(1) Non-Construction Work

- (a) Public service program that does not physically impact buildings or sites.
- (b) Architectural and engineering fees and other non-construction fees and costs.
- (c) Rental or purchase of equipment.
- (b) Repairs to include only: temporary repairs to floor framing or flooring, temporary repair of falling ceilings, temporary bracing or shoring of structural members to prevent collapse, or temporary repairs to prevent water damage provided that such work is done without permanent damage to the building.

(2) Site Work

- (a) Maintenance, repair, replacement, line painting, and resurfacing of existing streets, roads, alleys, sidewalks, curbs, ramps, and driveways; maintenance, repair, replacement or new installation of street lights, traffic signals and traffic signs; and maintenance, repair or replacement in place of existing drainage systems.
- (b) Maintenance and repair of existing landscape features, including planting, fences, retaining walls and walkways. Also to include removal of dead plant material.