

**MEMORANDUM OF AGREEMENT (MOA) BETWEEN
THE COUNTY OF LUZERNE (County), AND
THE PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER (PA SHPO),
FOR THE PROPOSED DEMOLITION OF THE E.A. ENCKE ELEMENTARY SCHOOL,
WEST HAZLETON BOROUGH, LUZERNE COUNTY, PENNSYLVANIA.**

WHEREAS, pursuant to 24 CFR 58, the United States Department of Housing and Urban Development (HUD) has delegated the responsibility for compliance with the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended (16 USC 470f) to recipient agencies receiving funds from the Community Development Block Grant Program (CDBG) Program; and

WHEREAS, the County, a federally funded urban county, proposes to grant CDBG funds (\$109,280.00) to West Hazleton Borough, to provide funding for the demolition of the E.A. Encke Elementary School; and

WHEREAS, the E.A. Encke School at 30 West Monroe Avenue, West Hazleton Borough, was determined eligible for the National Register of Historic Places; and

WHEREAS, the County has determined that the Project will have an adverse effect upon the historic and architectural qualities that make the E.A. Encke Elementary School eligible for the National Register of Historic Places; and

WHEREAS, the County will provide written notification to the community and will accept and consider the public's comments submitted within 15 days after the date of publication; and

WHEREAS, the County has consulted with the PA SHPO pursuant to 36 CFR 800 regulations implementing Section 106 of the National Historic Preservation Act of 1966, as amended;

NOW THEREFORE, the County, and the PA SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the Project on the historic property.

STIPULATIONS

The County will ensure that the following measures are completed prior to the demolition of the E.A. Encke Elementary School, West Hazleton Borough, Luzerne County, Pennsylvania.

I. RECORDATION

- A. ***Building Description and History:*** The County shall ensure that the information required to supplement the recordation data already contained in the Pennsylvania Historic Resource Survey Form is prepared. That supplemental information shall consist of interior photographs and exterior photographs showing all exterior elevations of the building that are accessible for photography. Photographs will be taken with a 35mm camera with black and white print film. Negatives will be housed in polypropylene sleeves, labeled with the same information as the photographs, and submitted to PHMC/Bureau for Historic Preservation. Unless otherwise agreed to, the County shall ensure that the additional photographic documentation is accepted by the SHPO prior to authorizing any conversion activities.

II. PENNSYLVANIA HISTORIC RESOURCE SURVEY FORM

- A. A Pennsylvania Historic Resource Survey form must be completed for each public and private school and/or former school in West Hazleton, Pennsylvania. The PA SHPO will be provided drafts of each form for review and comment. Forms must be completed and submitted to the County by July 15, 2005.

III. PUBLIC OBJECTION

- A. During implementation of the measures stipulated in this Agreement, should a timely and substantive objection to any such measure or its manner of implementation be raised by a member of the public, the County shall take the objection into account and consult as needed with the objecting party, the PA SHPO, or the Council to resolve the objection.

IV. DISPUTE RESOLUTION

- A. Should the PA SHPO object within thirty (30) days to any products provided for review pursuant to the Memorandum of Agreement, the County shall consult with the PA SHPO to resolve the objection. If the County determines that the objection cannot be resolved, the County shall request further comments or recommendations of the Advisory Council concerning the dispute pursuant to 36 CFR Part 800.6(b)(2). Any Advisory Council comment provided in response to such a request will be taken into account by the County in accordance with 36 CFR Part 800.6(c) with reference only to the subject of the dispute; the County's responsibility to ensure that all actions under this Memorandum of Agreement that are not subject of the dispute are carried out will remain unchanged.

Execution of this Memorandum of Agreement by the County of Luzerne and the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation and implementation of its terms is evidence that the County has afforded the Bureau for Historic Preservation an opportunity to comment on the conversion and its effect on the historic property, and the County has taken into account the effect of the undertaking on the historic property.

County of Luzerne

By: *August A. Shapoval*
Chairman, Luzerne County Board of Commissioners

Date: 7-20-05

Pennsylvania State Historic Preservation Officer

By: *Jean H. Cutler*
PA State Historic Preservation Officer

Date: 7-25-05