

**MEMORANDUM OF AGREEMENT
BETWEEN THE UNITED STATES ARMY CORPS OF ENGINEERS,
CHICAGO DISTRICT,
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE
THE DEMOLITION OF THE
CRAWFORD ELECTRICAL GENERATING PLANT AND
NEW CONSTRUCTION AT 3501 SOUTH PULASKI ROAD IN CHICAGO, ILLINOIS
(SHPO LOG #005012419)**

WHEREAS, in accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and its implementing regulations (36 CFR § 800), the United States Army Corps of Engineers, Chicago District (hereinafter, District) proposes to grant a permit (LRC-2019-00385) in accordance with Section 10 of the Rivers and Harbors Appropriations Act of 1899 (33 USC 403) and/or Section 404 of the Clean Water Act (33 USC 1251 et seq.) to HILCO Redevelopment Partners (hereinafter, HILCO), authorizing the redevelopment of 3501 South Pulaski Road, Chicago, Cook County, Illinois and construction of a commercial development on the site (hereinafter, the Undertaking); and,

WHEREAS, the District has consulted with the Illinois SHPO and the parties have come to an agreement on the undertaking's area of potential effects (hereinafter, APE), as the footprint of the project (Appendix A); and,

WHEREAS, the Commonwealth Edison Crawford Electrical Generating Plant at 3501 South Pulaski Road in Chicago, Cook County, IL (hereinafter, Crawford Plant), has been determined eligible for listing in the National Register of Historic Places; and,

WHEREAS, the District has determined, and SHPO concurs, that the undertaking will have an Adverse Effect on the Crawford Plant; and,

WHEREAS, the Chicago Sanitary and Ship Canal Historic District was entered in the National Register of Historic Places on December 20, 2011 and is immediately adjacent to the project area and is included in the APE for the project; and,

WHEREAS, the District has determined, and SHPO concurs, that the undertaking will have No Adverse Effect on the Chicago Sanitary and Ship Canal Historic District; and,

WHEREAS, no other properties of historic, architectural, or archaeological significance are known to exist within the APE, nor are human remains likely to be encountered; and,

WHEREAS, the District has consulted with HILCO, the City of Chicago Department of Planning and Development Historic Preservation Division (hereafter Chicago DPD), and Preservation Chicago regarding the effects of the undertaking on the Crawford Plant and has invited them to sign this Memorandum of Agreement (hereafter MOA); and,

WHEREAS, all parties mutually agree that there is no prudent or feasible alternative to the undertaking as proposed; and,

WHEREAS, all parties recognize that prior to recognizing the need for and submitting an application for a federal permit from the District, HILCO and the SHPO were working on state level documentation of the Crawford Plant and that demolition of the Crawford Plant had commenced prior to the completion of an agreement; and,

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the District has notified the Advisory Council on Historic Preservation (hereafter ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, the District, SHPO, HILCO as an invited signatory, and the City DPD and Preservation Chicago as concurring parties, 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 the historic property.

STIPULATIONS

I. TERMS

A. The District shall ensure that issuance of Permit No. LRC-2019-00385 is withheld until this MOA has been executed by all signatories.

B. MITIGATION

As demolition of the Crawford Plant had commenced at the time HILCO submitted an application for the Undertaking, HILCO shall retain a historical contractor(s) of its choice (hereafter Contractor) who meets the Secretary of the Interior's Qualifications (36 CFR Part 61, https://www.nps.gov/history/local-law/arch_stnds_9.htm) to complete as many of the measures described in Section I.C. as possible for the Crawford Plant.

In addition, HILCO shall ensure that the measures described in Section I.C. (following mitigation and Historic American Building Survey [hereafter HABS] recordation [see: <https://www.nps.gov/hdp/standards/index.htm>]), are completed by the Contractor for the Fisk Street Generating Station at 1111 West Cermak Road in the City of Chicago.

C. The Contractor must consult with the SHPO prior to the initiation of the work to ensure that expectations are understood.

Recordation

1. Fieldwork: Site Visit, Photography, Measurements
 - a. The Contractor shall take site, interior, and exterior digital images of the Building. These photos should be used for reference in developing the architectural description outlined in I.A.2.d. Field notes/sketches should be used to create the digital sketch plans outlined in I.A.2.a.
 - b. The Contractor shall submit draft digital images of the same or very similar views that are proposed for HABS photography to the SHPO for comment. Selection of view and quantity of images shall be done in consultation with the SHPO. Images must include site, elevations, distinctive exterior and interior architectural features, primary interior spaces, and representative non-primary interior spaces. Upon SHPO concurrence in writing of the selected draft views, the Contractor may proceed with taking the final HABS photography as outlined in I.A.1.c.
 - c. Final HABS photographs must be taken by a professional photographer and must include all the views agreed to in I.A.1.b. Photographs must be taken with a large-format film camera using 4" x 5" or larger black-and-white negatives, processed according to HABS guidelines, with in-camera perspective correction (as needed).
 - d. Upon completion of I.A.1.a, b, and c, the Contractor shall digitally submit the images and copies of field notes to the SHPO for review and comment. Upon SHPO confirmation in writing that all of the information necessary to complete HABS recordation has been collected, the demolition of the Building may commence.
2. HABS recordation of the Building shall consist of the following items.
 - a. Sketch plans, as defined by HABS and digitally drawn, of the Building in its current condition printed drawing-size on vellum with either a large-format inkjet printer using a HABS-designated ink set or with a large-format laser printer (i.e., photocopier).
 - b. HABS photographs. Prints from the negatives taken in I.A.1.c must be either wet processed on regular (not resin-coated) photo paper or inkjet-printed, according to HABS guidelines. The size of the final prints shall be the size of the negatives, and their

mounting and labeling shall be done in accordance with guidance provided by the NPS. Final recordation package must contain the photo prints, original negatives, and a contact sheet, per HABS standards.

- c. Archival digital photography. This set of labeled photos are those taken as a part of the reconnaissance and agreed to as stated in I.A.1.a. They should be printed as directed by HABS staff.
 - d. Narrative and description. A written historic narrative and an architectural description of the Building using HABS-designated outline format printed single sided on regular-weight, archival (non-recycled, with 25% cotton fiber content) bond paper.
 - e. Original and/or historic drawings. Any original and/or historic drawings of the Building scanned at a minimum of 400 dpi, dropped full-size onto HABS title blocks, and printed on vellum with either a large-format inkjet printer using a HABS-designated ink set or with a large-format laser printer (i.e., photocopier). The Contractor must consult with the SHPO to determine which extant plans warrant scanning and inclusion in the recordation package.
 - f. Original field notes, if applicable (i.e., field sketches, laser-scan info, photogrammetric data info.)
 - g. Historic images and maps. Photographic copies of illustrative historic images and maps must be scanned, and printed, and labeled according to HABS guidelines. The Contractor must consult with the SHPO to determine which historic images and maps warrant inclusion in the recordation package.
 - h. CD/DVD. Digital versions of items I.A.2.a through I.A.2.g must be saved onto an archival CD/DVD.
3. Draft submission. The Contractor shall email in pdf format and mail a hardcopy of the 95% draft of the items in I.A.2.a through g to the SHPO for review and comment. When the SHPO accepts in writing the 95% draft submission, the Contractor will complete the final documentation as directed in I.A.4.
 4. Final submission. Upon completion of the final documentation, the Contractor shall submit the following to the SHPO:
 - a. One (1) HABS recordation package containing items I.A.2.a, b, c, d, e, f, g, and h.

- b. One (1) recordation package containing items I.A.2.a, c, d, e, g, and h in an archival clamshell.
- c. Upon final approval, the SHPO will submit the HABS recordation package to the Heritage Documentation Programs in the National Park Service for eventual deposit in the Library of Congress, and the SHPO will deposit the recordation package with the Abraham Lincoln Presidential Library in Springfield, Illinois.

II. DURATION

This MOA will be null and void if its terms are not carried out within three (3) years from the date of its execution. Prior to such time, the District may consult with the other signatories to reconsider the terms of this MOA and amend it in accordance with Stipulation IV below.

III. DISPUTE RESOLUTION

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the District shall consult with such party to resolve the objection. If the District determines that such objection cannot be resolved, the District will:

- A. Forward all documentation relevant to the dispute, including the District's proposed resolution, to the ACHP. The ACHP shall provide the District with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the District shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, and concurring parties, and provide them with a copy of this written response. The District will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the District may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the District shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.
- C. The District's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

IV. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories and is filed with the ACHP.

V. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation IV, above. If after thirty (30) days an amendment has not been reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, the District must either (a) execute another MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The District shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the District, SHPO, and HILCO, and implementation of its terms, is evidence that the District has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

This agreement is binding upon the signatories hereto not as individuals, but solely in their capacity as officials of their respective organizations, and acknowledges proper action of each organization to enter into the same.

(Signature Pages Follow)

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(SHPO LOG #005012419)**

SIGNATORY:

United States Army Corps of Engineers, Chicago District

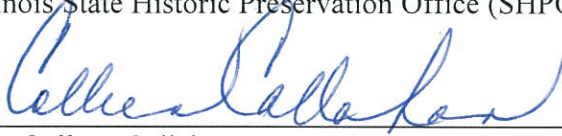
Date 29 October 2019

Mr. Keith Wozniak
Chief, Regulatory Branch
United States Army Corps of Engineers, Chicago District

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SIGNATORY:

Illinois State Historic Preservation Office (SHPO)



Date 10-28-19

Ms. Colleen Callahan
Director and State Historic Preservation Officer
Illinois Department of Natural Resources

APPROVED FOR EXECUTION

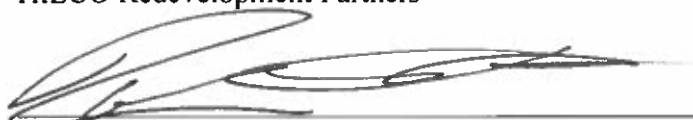
Date: 10/24/2019

Legal Counsel: 

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INVITED SIGNATORY:

HILCO Redevelopment Partners



Date 10/3/19

Mr. Roberto Perez
Chief Executive Officer
HILCO Redevelopment Partners

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CONCURRING PARTY:

City of Chicago, Department of Planning and Development, Historic Preservation Division

[Declined via email 8-Oct-2019] _____ Date _____

Name

Position

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CONCURRING PARTY:

Preservation Chicago

[Presumed to have declined
by lack of response]

Date _____

Mr. Ward Miller
Executive Director
Preservation Chicago

APPENDIX A: Map Showing Area of Potential Effects (APE)

