

MEMORANDUM OF AGREEMENT

**BETWEEN THE FEDERAL TRANSIT ADMINISTRATION, CHICAGO TRANSIT AUTHORITY, AND
THE ILLINOIS HISTORIC PRESERVATION AGENCY**

**REGARDING THE WILSON TRANSFER STATION PROJECT,
CITY OF CHICAGO, COOK COUNTY, ILLINOIS**

WHEREAS, the Federal Transit Administration (FTA) intends to provide approximately \$30 million in federal funds to the Chicago Transit Authority (CTA) for the Wilson Transfer Station Project (Undertaking) in Chicago, Illinois; and

WHEREAS, the Undertaking consists of reconstructing the track structure, rehabilitating the existing Wilson Station (Gerber Building), constructing a new Wilson Station, and two auxiliary station houses and FTA has consulted with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, (16 USC 470 section f) and its implementing regulations 36 CFR part 800, "Protecting Historic Properties"; and

WHEREAS, the FTA has determined that the Undertaking will have an adverse effect upon the National Register of Historic Places (NRHP) listed Uptown Square Historic District (USHD). For a list and a map showing contributing resources in the district that will be affected, see Table 1 and Figure 1 (see Attachment A); and

WHEREAS, in accordance with 36 CFR §800.6(a)(1), the FTA notified the Advisory Council on Historic Preservation (ACHP) on December 11, 2012 of the Undertaking and its adverse effect on historic properties and invited their participation, and the ACHP declined on January 2, 2013; and

WHEREAS, FTA and CTA have consulted with the consulting parties listed in Attachment B; and

WHEREAS, consideration was given to alternatives and refinements throughout the project development process that would avoid or minimize impacts to historic properties on or eligible for the NRHP, while meeting the Project Purpose and Need; and

NOW, THEREFORE, the FTA, CTA, and SHPO, agree that, upon acceptance of this Memorandum of Agreement (MOA), the FTA and CTA shall ensure that the following stipulations are implemented in order to resolve the effects of the Undertaking on historic properties, and further agree that these stipulations shall govern the Undertaking and all its parts.

STIPULATIONS

The FTA and CTA shall ensure that the following stipulations of this MOA are carried out as follows:

I. TREATMENT MEASURES

The design of the entire new elevated structure will be compatible with the historic character of the USHD. The following treatment measures will take place in an effort to minimize and mitigate adverse effects on the USHD.

If during construction, elements of the structures identified below are damaged, the CTA and FTA will make every effort to repair or replace such elements with materials that are consistent with their historic nature and consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

1. Gerber Building (4620 North Broadway, contributing to the USHD) will be rehabilitated in accordance with the recommended approaches of the Secretary of the Interior's Standards for Rehabilitation (36 CFR part 68) to the greatest extent possible in consultation with the SHPO taking into account the following:
 - A. CTA will rehabilitate the façade to preserve historic materials and the exterior appearance of the Gerber Building to the fullest feasible extent. As part of the rehabilitation, CTA will conduct a conditions assessment and prepare a protection and stabilization plan for the Gerber Building prior to construction. As much as is feasible, the plan will safeguard the façade and exterior walls against damage or destruction both during demolition of the elevated rail line and the removal of original columns, and during construction of the new elevated rail line and the new roof of the Gerber Building;
 - B. CTA will restore the original lighted arched clock tower on the exterior of the Gerber Building;
 - C. If new conduit is run for exterior lighting, CTA will complete the work with minimum damage to existing plaster, or the plaster will be repaired/replicated with a glass fiber reinforced gypsum (GFRG). If new conduit to the exterior lighting is installed, CTA will ensure that it is hidden behind the plaster walls and the plaster will be repaired with a GFRG as part of the construction contract;
 - D. All (13) of the original bent columns will be removed for construction of the new roof. These columns will not be replaced, as they will no longer be necessary to support the track structure in the new alignment. The bent columns are at the end of their useful life and structurally will become unstable when the track structure is removed. CTA will replace, in-kind with similar materials, the decorative elements at two entry columns (adjacent to the main building entrance at Wilson and Broadway) and include the decorative elements at the three new track structure support columns;
 - E. CTA will maintain the existing stairway to the mezzanine level in its present condition during construction of the project. The mezzanine will be demolished and removed. The mezzanine is defined as the second floor of the Gerber Building. The mezzanine needs to be removed for installation of a new non-combustible roof structure;
 - F. Prior to initiation of project construction activities, CTA will undertake a photographic survey of the interior ceiling moldings, plaster, and columns which cannot be retained during the project construction. The survey will be conducted according to the Illinois Historic Preservation Agency's (IHPA) Standards and Guidelines for Historical, Architectural and Engineering Documentation; and
 - G. CTA will ensure to the greatest extent possible that future tenants adhere to the Secretary of the Interior's Standards for the Treatment of Historic Properties.

2. Majestic Building (4701 North Broadway, contributing to the USHD)
 - A. CTA will dismantle the Majestic Building. CTA will reconstruct the façade of the Majestic Building and replace/repair the terra cotta associated with the building. SHPO will review and comment on the plans prior to construction to ensure that the building reconstruction is done in a manner that will allow for future access and advertising; and
 - B. The design will not exclude the future inclusion of community billboards and/ or advertisements. CTA will work with any Consulting Party to develop a lease agreement for the installation and maintenance of the community billboards and/ or advertisements, if pursued.
3. Uptown Broadway Building (4703-4715 North Broadway, individually listed in the NRHP and a contributing resource to the USHD)
 - A. CTA will conduct a conditions assessment for the Uptown Broadway Building and prepare a protection and stabilization plan prior to construction. As much as is feasible, the assessment and plan will safeguard the façade against damage or destruction both during demolition of the elevated rail line and 4701 North Broadway, as well as during construction of the new elevated rail line; and
 - B. Construction activities will be temporary and will be conducted in accordance with the Chicago Environmental Noise Ordinance (Article XXI, "Environmental Noise and Vibration Control", Section 11-4-2835); and
 - C. SHPO and the owners of the building (Theus Holdings, LLC) will be given an opportunity to comment in writing on the adequacy of these plans.
4. The Wilson Transfer Station Project will improve street and sidewalk sightlines and views of contributing buildings within the Uptown Square Historic District through the removal of the existing large concrete and steel columns located in Broadway's roadway and on sidewalks which obstruct views of the Gerber, Majestic, Uptown Broadway, Barry, Kresge, and 4647-4651 North Broadway Buildings, reducing the existing number of columns from 37 to 9. Specifically, three bent columns in front of the Gerber Building on Broadway will be removed. The Track 1 columns located in Broadway's roadway, which obstruct views of the Gerber, Majestic, Uptown Broadway, Barry, Kresge, and 4647-4651 North Broadway Buildings will be removed. The Wilson Transfer Station Project removes three sidewalk bent columns and large track structure members overhead that encapsulate the Gerber Building along Broadway. The project also relocates sidewalk and street bent columns toward the west on the north side of the Gerber Building.

The Wilson Transfer Station Project will also reduce the number of existing columns from 8 to 4 in front of the Kresge Building and from 5 in Broadway to 1 in front of 4647-4651 North Broadway. However, the Undertaking includes the widening of four bents of the proposed track structure to span Broadway. These bents would partially extend outside of the CTA's existing rail right-of-way in four areas, including the installation of four bent columns that will be located in proximity to four historic properties.

- 4635-4643 North Broadway (Property ID 26/27)
- 4647-4651 North Broadway (Property ID 24)
- 4657-4663 North Broadway (Kresge Building, Property ID 22)
- 4660-4668 North Broadway (Barry Building, Property ID 38)

As a result of this action, CTA will implement the following measures:

- A. Prepare an interpretive exhibit for installation in the new Wilson Main Station discussing the history and context of the elevated North Red Line in the Uptown neighborhood and the Uptown Square Historic District. The interpretive exhibit would be designed in consultation with a qualified historian or architectural historian who would assess the content and presentation to

ensure that the important history and associations that contribute to the significance of the site are incorporated.

- B. Further, as presented at the public hearing on February 18, 2014, the Project will relocate Bent 7128N from the east side of Broadway in front of the 4635-4643 North Broadway properties, to the west side of Broadway by extending the west sidewalk approximately 9 feet; and relocate Bent 7130N in front of the Barry Building 7 feet farther also by extending the west sidewalk. These modifications are reflected in the Broadway/Leland Structure Plan included in the February 2014 construction bid set (Attachment C).
5. CTA will provide an opportunity for SHPO to review and comment on new construction components of the Undertaking to ensure compatibility with the USHD.

II. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, FTA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VI below.

III. MONITORING AND REPORTING

Every year on June 1 following the date of the signing of this MOA, FTA and the CTA shall provide the SHPO with a summary report detailing the work undertaken pursuant to the terms of this MOA. The last report will be submitted upon completion of the construction of the improvements. The report shall include any tasks undertaken that relate to the Treatment Measures outlined in Stipulation I above, shall include any updates on the lease of the building, scheduling changes, problems encountered, and any disputes and objections received in FTA and CTA's efforts to carry out the terms of this MOA.

IV. POST-REVIEW DISCOVERIES

FTA and the CTA will notify the SHPO as soon as possible if it appears that the Undertaking will affect a previously unidentified property that may be historic, or affect a known historic property in an unanticipated manner. FTA and the CTA will stop work and take all reasonable measures to avoid or minimize harm to the property until the consultation with the SHPO is concluded.

V. DISPUTE RESOLUTION

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

- A. Forward all documentation relevant to the dispute, including the FTA's proposed resolution, to the ACHP. The ACHP shall provide FTA 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, FTA and CTA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories, and provide them with a copy of this written response. FTA 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, FTA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FTA and CTA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the MOA, and provide them and the ACHP with a copy of such written response.
- C. FTA's and CTA'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.

VI. AMENDMENTS

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

VII. TERMINATION


If the FTA or CTA determines that the terms of this MOA will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VI, above. If within (30) days (or another time period agreed to by the signatories) an amendment cannot be reached, FTA or CTA 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 FTA, CTA, and SHPO must execute an alternate MOA. The FTA and CTA shall notify the SHPO as to the course of action it will pursue.

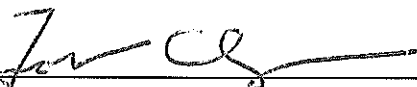
This MOA will terminate in 5 years or upon completion of its terms.

Execution of this MOA by FTA, CTA, and SHPO, and implementation of its terms, evidences that FTA has taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment.

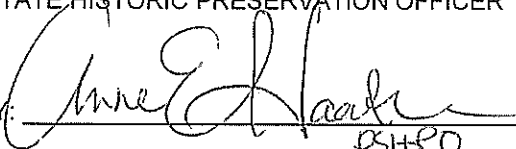
FEDERAL TRANSIT ADMINISTRATION

SIGNED BY:  DATE: 6-10-2014

CHICAGO TRANSIT AUTHORITY

SIGNED BY:  DATE: 5/29/2014

ILLINOIS STATE HISTORIC PRESERVATION OFFICER

SIGNED BY: 
SHPO DATE: May 20, 2014

ATTACHMENT A

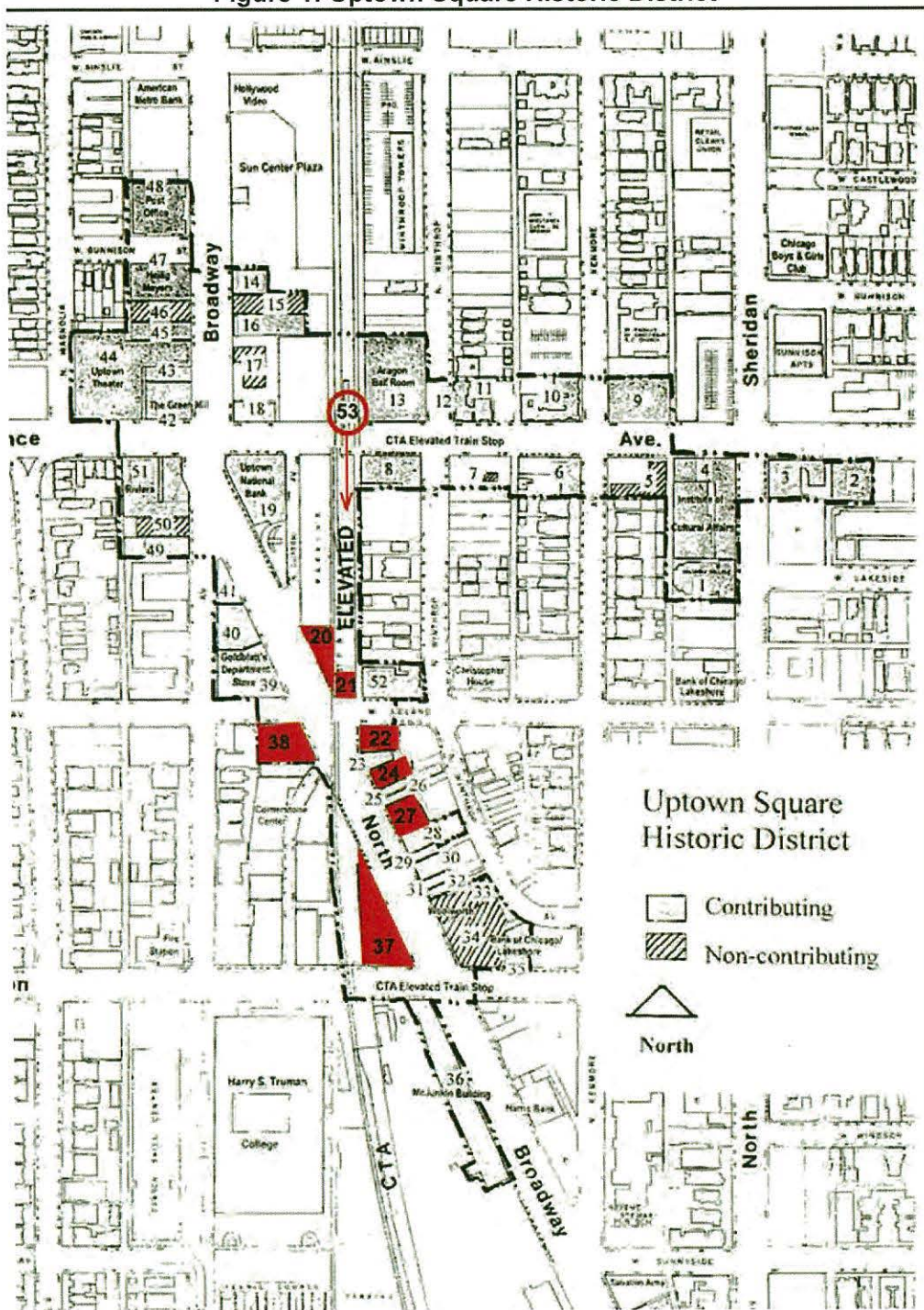
The Undertaking will cause an **adverse effect** to the USHD. See Table 1 and Figure 1 below for a list of the specific historic properties within the historic district that will be affected.

Table 1: Historic Properties in the USHD that will be Adversely Affected

Figure 1 ID No.	Resource Name/Address	Status	Description of Improvements	Proximity to Project Area	Effect Determination
53	Elevated Rail Line	Contributing	Demolish; New track structure reconstructed between W. Sunnyside Avenue and just north of W. Leland Avenue	Within	Adverse Effect (Direct)
21	Majestic Men's Wear Store 4701 N. Broadway (H.W. Rubloff Building, 4701 N. Broadway)	Contributing	Dismantle building and rebuild the façade; Four new columns to carry the new track structure will be constructed in the footprint	Within	Adverse Effect (Direct)
37	Gerber Building 4620 N. Broadway	Contributing	Three new columns to carry the new track structure will be constructed in the footprint; Station use will be discontinued and property will be leased to developer; New track structure will intersect roof above the mezzanine level making the mezzanine level unusable as an occupied space; Notches will be cut out of west elevation masonry parapet to accommodate new track structure; All (13) of the original bent columns will be removed for construction of the new roof	Within	Adverse Effect (Direct)
20	Uptown Broadway Building 4703-4715 N. Broadway (4703-4715 N. Broadway)	Contributing ¹	Building may be physically effected by proposed improvements; Majestic Men's Wear Store (No. 21) to be demolished; elevated line (No. 53) to be demolished and rebuilt	Within	No Adverse Effect (With Conditions)
27	4635-4643 N. Broadway (4635-4641 N. Broadway)	Contributing	New column to be built on the sidewalk in front of building	<10 feet east	Adverse Effect (Indirect)
24	4647-4651 N. Broadway (4647-4651 N. Broadway)	Contributing	New column to be built on the sidewalk in front of building	<10 feet east	Adverse Effect (Indirect)
22	Kresge Building 4657-4663 N. Broadway	Contributing	New column to be built on the sidewalk in front of building	<10 feet east	Adverse Effect (Indirect)
38	Barry Building 4660-4668 N. Broadway	Contributing	New column to be built on the sidewalk in front of building	<10 feet west	Adverse Effect (Indirect)

¹ The Uptown Broadway Building is also individually listed in the NRHP.

Figure 1: Uptown Square Historic District²



² Source: Uptown Community Development Corporation 2000

ATTACHMENT B

Consulting Parties

As part of the Section 106 process, CTA sent out invitations on October 10, 2012 and in June 2013 to a number of organizations and invited them to become a Section 106 Consulting Party for the Wilson Transfer Station Project located at 4620 N. Broadway, Chicago, Illinois 60640. The following is a list of those organizations that accepted the invitation to become a Consulting Party for this Project:

Terry Tatum
Department of Housing and Economic
Development
Historic Preservation Division
33 N. LaSalle, Suite 1600
Chicago, Illinois 60602

Ward Miller
Executive Director
Preservation Chicago
4410 N. Ravenswood
Chicago, Illinois 60640

Lisa DiChiera
Director of Advocacy
Landmarks Preservation Council of Illinois
53 W. Jackson Boulevard, Suite 1315
Chicago, Illinois 60604

Martin Tangora
Uptown Historical Society
4636 N. Magnolia Avenue
Chicago, Illinois 60640

Cindi Anderson
Uptown Chicago Commission
937 W. Lakeside Place
Chicago, Illinois 60640

Andy Pierce
Friends of the Uptown Theater
13208 S. Exchange Avenue
Chicago, Illinois 60633

Alyssa Berman-Cutler
Uptown United
4753 N. Broadway, Suite 822
Chicago, Illinois 60640

Matthew Denny
Owner, Uptown Recording, LLC
4654-4656 N. Clifton Avenue
Chicago, IL 60640

Wayland, LLC
Owner, Barry Building
4660-4668 N. Broadway
Chicago, IL 60640

Not all Consulting Parties originally notified in October 2012 returned an application to participate. The following is the only organization that did not respond to the invitation:

Gary Johnson
President
Chicago History Museum
1601 N. Clark Street
Chicago, Illinois 60614