

Memorandum of Agreement
for the
Disposition of the Parcels
R-10 and R-11 in the Central West
Redevelopment Project
by the
City of Chicago

WHEREAS, the City of Chicago (City) has acquired certain real estate property designated as Disposition Parcels R-10 and R-11 within the West Jackson Boulevard Historic District (collectively referred to as the "Property") utilizing Community Development Block Grant Funds, and

WHEREAS, the City, in consultation with the Illinois State Historic Preservation Officer (SHPO), has determined that disposition of this property without adequate provisions for its preservation constitutes an adverse effect pursuant to the regulations (36 CFR Part 800) (Regulations) implementing Section 106 of the National Historic Preservation Act (Act) (16 U.S.C. 470f),

NOW, THEREFORE, the City of Chicago and the SHPO agree that if the Advisory Council on Historic Preservation (Council) accepts this Memorandum of Agreement in accordance with 36 CFR 800.6 (a)(1)(i), 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

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

1. The City shall develop a Request for Proposals (RFP) for the disposition of the Property in consultation with the SHPO which will include the following provisions:
 - a. All prospective developers seeking to submit a bid regarding the Property must obtain the approval of the SHPO in preparing their site and architectural plans. The SHPO agrees to review all such plans submitted by prospective developers within ten (10) business days of their submission to the SHPO. The SHPO shall comment in writing concerning plans to evidence compliance with the Standards. (See also paragraph 1(h) below).
 - b. The City shall offer the Property to prospective developers for a period of sixty (60) days from the date of issuance of the RFP.
 - c. The City shall select a developer ("Developer") to redevelop the Property whose site and architectural plans have been approved by the SHPO in accordance with paragraph 1(a) above and who presents, in the sole discretion of the City, but after consultation with the SHPO, the most comprehensive and detailed proposal with regard to the preservation of the historic features of the Property; and who best meets the considerations set out in Section I(B) of the "Policies and Procedures for the Sale of Project Land" (attached as Exhibit C);

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- d. If the Developer's proposal selected in accordance with paragraph 1(c) above provides for the historic rehabilitation of the building ("Building") improving the premises commonly known as 229 South Ashland Avenue, located within Parcel R-10 of the Property, then the Building shall be rehabilitated and maintained by the Developer, its successors and assigns in accordance with the Standards, the Regulations and the Act.
- e. The deed of the Property conveyed by the City to the Developer shall include restrictive covenants regarding the preservation and maintenance of the Property's historic features as more fully described in Exhibit B attached hereto.
- f. The Building may (i) be rehabilitated at its present site on the Property or (ii) be relocated either to another location on the Property or to an alternative site approved by the City in its sole discretion and be rehabilitated; provided, however, that any relocation of the Building shall be completed in accordance with the U.S. Department of the Interior's Guidelines for Moving Historic Buildings ("Guidelines"), and provided further that before the City approves any relocation of the the Building, it shall consult with the SHPO with regard to an alternative location. The SHPO, within sixty (60) days of such relocation, shall undertake an evaluation of the Building to determine whether it should remain on the National Register of Historic Places. The SHPO shall make its recommendations to the National Park Service (a copy of which to be simultaneously delivered to the City). Any decision reached by the NPS concerning the SHPO's recommendation shall be simultaneously delivered to the City and the SHPO.
- g. Once the Developer has been selected, any final plans and specifications ("Plans") prepared by the Developer shall be drafted in accordance with the Standards, the Guidelines, and the Act, and shall meet the approval of the City, which approval may be withheld by the City in its sole discretion. The Developer shall submit the Plans to the Department of Housing of the City of Chicago ("DOH"), within thirty (30) days of the execution of the Redevelopment Agreement regarding the Property. The DOH shall have thirty (30) days to approve or reject the Plans. If the Plans are approved by the DOH, the Department shall forward the Plans to the SHPO for its approval. The SHPO shall have thirty (30) days to approve or reject the Plans. The SHPO shall comment in writing concerning the documents to evidence compliance with the Standards. If the DOH or the SHPO rejects the Plans, the Developer shall have thirty (30) days to draft new documents in accordance with the City's and the SHPO's concerns.

5. Except as otherwise provided herein, the Memorandum of Agreement contains the entire agreement of the parties with respect to the Property and supersedes all prior agreements, negotiations and discussions with respect thereto, and shall not be modified, amended or changed in any manner whatsoever except by mutual consent of the parties as reflected by written instrument executed by the parties hereto.
6. The parties agree to perform their respective obligations, including the execution and delivery of any documents or approvals as may be necessary or appropriate, consistent with the terms and provisions of the Memorandum of Agreement.
7. Any notice called for herein shall be in writing and shall be mailed postage prepaid by registered or certified mail with return receipt requested, or hand-delivered and receipted, as follows:

If to the City:

Commissioner
Department of Housing
318 South Michigan Avenue
Chicago, Illinois 60604

and to:

Commissioner
Department of Public Works
Room 406, City Hall
Chicago, Illinois 60602

with a copy to:

Corporation Counsel
City of Chicago
Room 511, City Hall
Chicago, Illinois 60602

If to the SHPO:

Illinois Historic Preservation
Agency
Old State Capitol
Springfield, Illinois 62701

If to the ACHP:

Advisory Council on Historic
Preservation
1100 Pennsylvania Avenue
N. W. #809
Washington, D.C. 20004

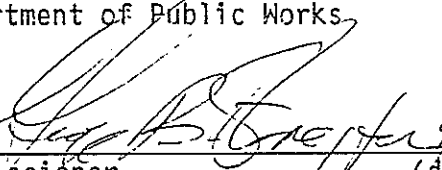
8. The Memorandum of Agreement shall be governed by and construed in accordance with the laws of the State of Illinois.
9. The terms of the Memorandum of Agreement shall be binding upon the City, the Agency, and the ACHP and their respective successors and assigns.

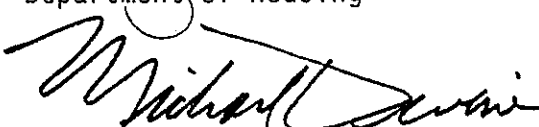
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Execution of this Memorandum of Agreement by the City of Chicago and the SHPO and its subsequent acceptance by the Council and the City of Chicago carrying out the terms of the Memorandum of Agreement evidences that the City of Chicago has afforded the Council an opportunity to comment on the undertaking and its effects on historic properties and that the City of Chicago has taken into account the effects of the project on historic properties.


Commissioner,
Department of Public Works 4/13/89
(date)


Commissioner,
Department of Housing 4/16/89
(date)


Illinois State Historic
Preservation Officer 3-21-89
(date)

ACCEPTED:


Advisory Council on
Historic Preservation 4/8/89
(date)

DEPARTMENT OF PUBLIC WORKS
BUREAU OF TRANSPORTATION
PLANNING & PROGRAMMING

JUN 12 1989

ACTION _____
FILE _____

**Advisory
Council On
Historic
Preservation**

DEPARTMENT OF PUBLIC WORKS
BUREAU OF TRANSPORTATION
PLANNING & PROGRAMMING

JUN 12 1989

ACTION _____

FILE _____

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

FILE COPY

JUN 9 1989

Mr. Gregory Tatara
Director of Project Development
Chicago Department of Public Works
320 North Clark Street
Chicago, IL 60610

REF: Disposition of Parcels R-10 and R-11

Dear Mr. Tatara:

The enclosed Memorandum of Agreement (MOA) for the referenced project has been accepted by the Council. This acceptance completes the requirements of Section 106 of the National Historic Preservation Act and the Council's regulations. A copy of the Agreement has also been sent to the Illinois State Historic Preservation Officer (SHPO).

As a follow-up to the recent telephone conversation between you and Charlene Dwin Vaughn of the Council, we would like to bring to your attention several concerns that we have with the City's handling of this project. First of all, the City did not provide the Council with the notification required in accordance with 36 CFR Section 800.5(e). We remind you that whenever it is determined that an undertaking may result in an adverse effect on National Register properties, the City must notify the Council that it has initiated the consultation process with the Illinois SHPO and afford us an opportunity to participate in discussions if we deem it necessary. In the event that we do not participate in the consultation process, we expect the documentation which accompanies the MOA to be prepared in a manner that provides us with a comprehensive summary of the history of the undertaking; an analysis of alternatives considered; the City's efforts to solicit comments from the public; and, a discussion of the direct and indirect effects that are mitigated or avoided by execution of the Agreement.

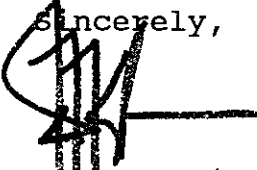
While the MOA is basically acceptable, it contains language in some of the Stipulations that is somewhat unclear. So as to avoid confusion in the future, we would appreciate seeing a draft MOA before it is signed for complex or long-term projects. Stipulation 1.h. of the MOA includes language regarding the

Illinois SHPO's approval of the demolition of 229 South Ashland Avenue in the event no acceptable proposals for rehabilitation or relocation are received. However, it does not establish what course of action will be taken if the Illinois SHPO disagrees with the selected developer's proposal to demolish the building. In accordance with 36 CFR Section 800.6(b), the City must request the further comments of the Council when there is a dispute among the City and the Illinois SHPO regarding the terms of the Agreement. Even though the MOA does not include a provision for dispute resolution, the City should be aware that if we are notified of a dispute, we will request that it forward to us documentation related to the point of contention for our review and comment.

Because of the nature of this undertaking and the need for ongoing consultation with the Illinois SHPO, we request that the City provide us with a status report on the results of the marketing effort. We would be particularly interested in who the successful bidder is; their plans for the treatment of 229 South Ashland Avenue; and, the preliminary plans for the design of new construction on the parcels. If at all possible, we would appreciate receiving this report by January 1990 or when the City has completed its review of the bids.

If we can be of further assistance, please contact Charlene Dwin Vaughn at 202-786-0505. We appreciate your cooperation.

Sincerely,



Don L. Klima
Director, Eastern Office
of Project Review