

MEMORANDUM OF AGREEMENT
BETWEEN THE
ILLINOIS HISTORIC PRESERVATION AGENCY
AND THE
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
FOR THE BELLA OAKS DEVELOPMENT PROJECT
LOCATED IN DUPAGE COUNTY, ILLINOIS

WHEREAS, the Illinois Environmental Protection Agency (IEPA) has consulted with the Illinois Historic Preservation Agency (IHPA) concerning the Bella Oaks Development Project (the project) located in DuPage County, Illinois, in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420 et. seq.) [the Act]; and

WHEREAS, IEPA and IHPA agree that the portion of the project proposing to demolish the William Patrick Farmstead House, a building eligible for listing on the National Register of Historic Places, constitutes an adverse effect as defined in Section 3(d)(1) of the Act; and

WHEREAS, archaeological investigations concluded that no sites of archaeological significance exist within the project area; and

WHEREAS, Bella Oaks L.L.C. has been consulted with and invited to concur in this memorandum of agreement;

NOW THEREFORE, IEPA and IHPA agree that the following measures shall be implemented in order to take into account the adverse effect of the project on the cultural resources of the William Patrick Farmstead.

Stipulations

Bella Oaks L.L.C. shall ensure that the following measures are carried out.

1. Bella Oaks L.L.C. will document the William Patrick Farmstead House in accordance with Illinois Historic American Buildings Survey/Historic American Engineering Record (IL HABS/HAER) Standards and Guidelines. The general scope of work for the required IL HABS documentation is as follows:
 - A. The IL HABS documentation number will be IL HABS No. DU-2001-1.

B. Level III documentation will be required.

- (1) Site plan of the extant William Patrick Farmstead Complex. The site plan will be presented on 8.5x11" archival bond.
 - (2) CAD produced floor plans for all levels of the William Patrick Farmstead House on 8.5x11" bond.
 - (3) Large format, 4"x5" negative and 5"x7" print, photography of the William Patrick Farmstead House exterior elevations, distinctive exterior architectural features, and significant interior spaces. Approximately fifteen (15) views.
 - (4) Written contextual history regarding William Patrick, and the William Patrick Farmstead, a written historic/extant farmstead site description and an architectural description of the William Patrick Farmstead House using the IL HABS/HAER designated outline format.
2. Bella Oaks will award the IL HABS Documentation project to a consultant of its choice, provided the consultant is qualified to perform the work and agrees to meet IL HABS/HAER Standards.
 3. IHPA will review the required IL HABS/HAER Documentation submittals, and accept or reject the 100% submittal in accordance with IL HABS/HAER Standards.
 4. After IHPA acceptance, completed IL HABS/HAER Documentation will be deposited within the archives section of the Illinois State Historical Library. IHPA requires one standard and one microfiche copy of accepted documentation.
 5. No demolition or alteration of the William Patrick Farmstead Complex or William Patrick Farmstead House will be undertaken until the 100% IL HABS/HAER Documentation is accepted in writing by IHPA.
 6. If in the development of the property by Bella Oaks L.L.C. or its clients/representatives/contractors, human skeletal remains are discovered, Bella Oaks L.L.C. will halt ground disturbing activities in the project area, initiate discovery notification procedures in accordance with the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440) and consult with IHPA to establish and implement proper mitigative procedures concerning the discovered remains prior to resuming ground disturbing activities.

Execution of this Memorandum of Agreement and implementation of its terms evidences that IEPA has afforded IHPA an opportunity to comment on the Bella Oaks Development Project, and has taken into account the effects of the undertaking on the cultural resources of the William Patrick Farmstead Complex and William Patrick Farmstead House in compliance with the Act.

Bernard P. Killian 4-6-01
ILLINOIS ENVIRONMENTAL DATE
PROTECTION AGENCY

Anne E. Hood 3-13-01
ILLINOIS HISTORIC DATE
PRESERVATION AGENCY

CONCUR:

Richard Lyzard 3/16/01
AGENT DATE
BELLA OAKS L.L.C.
An Illinois Limited
Liability Company