

**MEMORANDUM OF AGREEMENT AMONG
ALBION JACOBS HIGHLAND PARK, LLC,
THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, AND THE
ILLINOIS STATE HISTORIC PRESERVATION OFFICER
REGARDING DEMOLITION AND NEW CONSTRUCTION OF
A RESIDENTIAL DEVELOPMENT AT
1850 GREEN BAY ROAD IN
HIGHLAND PARK, ILLINOIS
(SHPO LOG #008022519)**

WHEREAS, Albion Jacobs Highland Park, LLC (Owner) plans to undertake the demolition of the Highland Park Recreation Center, now called the Karger Recreation Center, at 1850 Green Bay Road (Building) in Highland Park, Lake County, IL, and construct a new building; and

WHEREAS, the project requires a National Pollutant Discharge Elimination System (NPDES) permit, a Water Pollution Control permit, and a Public Water Supply permit from the Illinois Environmental Protection Agency (IEPA), thereby making the project an Undertaking subject to review under the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420) and its implementing rules (17 IAC 4180) (Act); and

WHEREAS, the Owner has consulted with the Illinois State Historic Preservation Office (Office), a Division of the Illinois Department of Natural Resources (IDNR), pursuant to the Act; and

WHEREAS, the Office currently resides within the Illinois Department of Natural Resources (IDNR), and the Director of IDNR is the duly designated State Historic Preservation Officer (SHPO); and

WHEREAS, on December 3, 2019 the SHPO determined that the Karger Center is eligible for listing to the National Register of Historic Places (NRHP) under criteria A for its role as a center of community activity and recreation and C as a representative example of Modern architecture, both at the local levels of significance; and

WHEREAS, the SHPO has determined that the Undertaking will have an adverse effect on the Building that is eligible for the NRHP; and

NOW, THEREFORE, the Owner, IEPA, and the SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in this Memorandum of Agreement (Agreement) in order to mitigate the adverse effects of this Undertaking to the Building as a result of this project.

STIPULATIONS

I. MITIGATION

The Owner shall retain a historical contractor(s) of its choice (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 the measures described below. The Contractor must consult with the SHPO prior to the initiation of the work to ensure that expectations are understood.

- A. 1850 Green Bay Road shall be documented in accordance with the Historic Illinois Buildings Survey Standards (HIBS).
- B. The HIBS number for the building shall be -L-2019-2.
- C. Level III documentation shall be prepared by the Contractor.
- D. Sketch plans, drawn in computer assisted drafting (CAD) format shall be produced on archivally stable sheets.
- E. Digital black and white photography of the building to include building site, exterior elevations, distinctive exterior architectural features and significant interior spaces and features shall be produced on archivally stable photographic paper.
- F. Written historic narrative of the building and a written architectural description of the building using the HIBS designated outline format shall be completed.
- G. The applicant will award the recordation contract to the consultant of its choice, provided the consultant is qualified to perform the work and agrees to meet HIBS Standards and guidelines
- H. SHPO will review the draft photos and field notes and accept or reject documentation. Upon acceptance of the draft in writing, the Contractor will complete the final documentation and deliver one original and one copy on a Gold computer disc to SHPO.
- I. Upon SHPO's written acceptance of the draft HIBS documentation, Owner may commence demolition activities to the building.

II. ADDITIONAL MITIGATION

The Owner shall coordinate with the Department of Community Development in Highland Park to perform and/or fund an historic/architectural survey of the Sunset Park neighborhood, located immediately west of the Karger site which has never been surveyed. The approximately 300 properties in Sunset Park were constructed as a master planned 1920 and 1930s residential subdivision, with curvilinear street patterns, decorative parkettes, and revival housing styles, all popular in the North Shore area at the time. Examples of prewar, 1950s and 1960s modernism homes, commuting location, and adjacency to downtown make Sunset Park an ideal candidate for a survey and will greatly benefit the City of Highland Park. The Department of Community Development will provide The Owner with a formal scope of work and greater detail and the projected cost for the work will be \$20,000.

III. DURATION

This Agreement shall terminate if its stipulations are not carried out within two (2) years from the date of its execution. Prior to such time, the Owner may consult with the other

signatories to reconsider the terms of the Agreement and amend it in accordance with Stipulation VII AMENDMENTS below. The Owner shall notify the signatories as to the course of action it will pursue.

IV. POST-REVIEW DISCOVERIES

If potential historic properties are discovered or unanticipated effects on historic properties found, the Owner shall consult with the SHPO immediately and make reasonable efforts to avoid, minimize, or mitigate adverse effects to such properties. In the event of an unanticipated discovery of human remains or burials, the Owner understands and agrees that it must immediately stop work within the area of discovery, consult with the SHPO, and comply with the Human Skeletal Remains Protection Act (20 ILCS 3440) and its implementing rules (17 IAC 4170) as administered by IDNR, which provides that no human skeletal remains shall be disturbed without a permit issued by IDNR.

V. MONITORING AND REPORTING

Each six (6) months following the execution of this Agreement until it expires or is terminated, the Owner shall provide all parties to this Agreement a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the Owner's efforts to carry out the terms of this Agreement.

VI. DISPUTE RESOLUTION

Should any signatory to this Agreement object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, the Owner shall consult with the signatories to resolve the objection. If the signatories cannot agree regarding a dispute, the signatories shall utilize the procedures provided in 20 ILCS 3420/4e.

VII. AMENDMENTS

This Agreement 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 is signed by all of the signatories.

VIII. TERMINATION

If any signatory to this Agreement determines that its terms become impossible to carry out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulations V and VI above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other signatories.

IX. COUNTERPARTS; FACSIMILE OR .PDF SIGNATURES

This Agreement may be executed in counterparts, each of which shall be considered an original and together shall be one and the same Agreement. A facsimile or .pdf copy of this Agreement and any signatures thereon will be considered for all purposes as an original.

X. EFFECTIVE DATE

This Agreement is effective on the date signed by the Owner.


EXECUTION of this Agreement and the implementation of its terms evidences that the Owner and IEPA have afforded the SHPO an opportunity to comment on the effects of the Undertaking in compliance with the Act.

[Signature Pages to follow]

MEMORANDUM OF AGREEMENT AMONG
ALBION JACOBS HIGHLAND PARK, LLC,
THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, AND THE
ILLINOIS STATE HISTORIC PRESERVATION OFFICER
REGARDING DEMOLITION AND NEW CONSTRUCTION OF
A RESIDENTIAL DEVELOPMENT AT
1850 GREEN BAY ROAD IN
HIGHLAND PARK, ILLINOIS
(SHPO LOG #008022519)

SIGNATORY

ALBION JACOBS HIGHLAND PARK, LLC (Owner)

Signature:  Date: 12.4.2020
Name: Andrew J. Gut
Title: UP of Development

**MEMORANDUM OF AGREEMENT AMONG
ALBION JACOBS HIGHLAND PARK, LLC,
THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, AND THE
ILLINOIS STATE HISTORIC PRESERVATION OFFICER
REGARDING DEMOLITION AND NEW CONSTRUCTION OF
A RESIDENTIAL DEVELOPMENT AT
1850 GREEN BAY ROAD IN
HIGHLAND PARK, ILLINOIS
(SHPO LOG #008022519)**

SIGNATORY

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (IEPA)

Signature: _____ Date: _____

Name: _____

Title: _____

MEMORANDUM OF AGREEMENT AMONG
ALBION JACOBS HIGHLAND PARK, LLC,
THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, AND THE
ILLINOIS STATE HISTORIC PRESERVATION OFFICER
REGARDING DEMOLITION AND NEW CONSTRUCTION OF
A RESIDENTIAL DEVELOPMENT AT
1850 GREEN BAY ROAD IN
HIGHLAND PARK, ILLINOIS
(SHPO LOG #008022519)

SIGNATORY

ILLINOIS DEPUTY STATE HISTORIC PRESERVATION OFFICER

By: Carey L. Mayer Date: 05/22/2023
Carey L. Mayer, AIA
Deputy State Historic Preservation Officer
Illinois Department of Natural Resources