

**MEMORANDUM OF AGREEMENT AMONG
MCLEAN COUNTY HIGHWAY DEPARTMENT
THE ILLINOIS DEPARTMENT OF TRANSPORTATION, THE ILLINOIS
DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY,
THE FRIENDS OF THE CONSTITUTION TRAIL, AND THE
ILLINOIS STATE HISTORIC PRESERVATION OFFICER
REGARDING CONSTRUCTION OF A 1.75-MILE EXPANSION OF A BIKE AND
PEDESTRIAN TRAIL IN LEXINGTON, MCLEAN COUNTY, ILLINOIS
(SHPO LOG #008102723)**

WHEREAS, the McLean County Highway Department (Agency) plans to undertake the 1.75-mile expansion of a bike and pedestrian trail in Lexington, IL; and

WHEREAS, the project requires a grant from the Illinois Department of Commerce and Economic Opportunity (DCEO) and Right of Way (ROW) clearance from the Illinois Department of Transportation (IDOT), 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 Agency 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 IDNR, and the Director of IDNR is the duly designated State Historic Preservation Officer (Officer); and

WHEREAS, on November 13, 2023, the Officer determined the extant roadbed and the concrete bridge along the proposed bike trail eligible for inclusion in the “Historic and Architectural Resources of Route 66 Through Illinois” multiple property survey (MPS), listed to the National Register of Historic Places (NRHP) on November 19, 1997; and

WHEREAS, on December 22, 2023, the Officer determined that the proposed project plans for milling the historic concrete and replacement with hot-mix asphalt do not meet the Secretary of the Interior’s Standards for Rehabilitation and will result in an adverse effect to the NRHP-eligible sections of Route 66; and

NOW, THEREFORE, the Agency, DCEO, and IDOT, and the Officer 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 NRHP-eligible properties.

STIPULATIONS

I. MITIGATION

The Agency shall ensure the following mitigation actions are fulfilled:

- A. The Friends of the Constitution Trail agree to erecting permanent interpretive signage, in cooperation with the McLean County Government.
- B. The educational signage will display information on the sequential development of SBI 4/US Route 66, including its historical relevance, concrete pavement, and structures.
- C. The signage will be permanently located at the trailhead/parking lot on the north side of the City of Lexington.
- D. The signage will be funded by The Friends of the Constitution Trail and be maintained by The Friends of the Constitution Trail.
- E. The Agency shall send a digital draft rendering of the signage for approval by the Officer before signage is completed and installed.
- F. The Agency shall send digital images of the installed signage and completed bike and pedestrian path to the Officer for display on the SHPO website.
- G. Digital images of the interpretive signage and information about the history of Route 66 shall be made available on the McLean County website for educational and tourism purposes.
- H. Upon signature of this agreement that mitigation shall take place, the project undertaking may begin.

II. DURATION

This Agreement shall be effective until such time as all of its terms are satisfied, or it is amended or terminated and replaced. Prior to such time, the Agency may consult with the other signatories to reconsider the terms of the Agreement and amend it in accordance with Stipulation VI AMENDMENTS below. The Agency shall notify the signatories as to the course of action it will pursue.

III. POST-REVIEW ENCOUNTERS

If potential historic properties are encountered or unanticipated effects on historic properties found, the Agency shall consult with the Officer 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 Officer, and comply with the Human Remains Protection Act (20 ILCS 3440) and its implementing rules (17 IAC 4170) as administered by IDNR, which provides that no human remains shall be disturbed without a permit issued by IDNR.

IV. MONITORING AND REPORTING

Following the execution of this Agreement and installation / completion of the above-mentioned mitigation actions, the Agency, shall provide the Illinois State Historic Preservation Office 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 Agency's efforts to carry out the terms of

this Agreement.

V. 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 Agency 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.

- A. The Agency's responsibility to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged.

VI. 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.

VII. TERMINATION / EXPIRATION

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.

This Agreement shall expire within six (6) months of completion / installation of said educational signage, the addition of photos and historical information to the McLean County website, required reporting, and approval from the Illinois State Historic Preservation Office. The expiration of this Agreement does not absolve the Agency and the Friends of the Constitution Trail maintenance responsibility of said trail and signage.

VIII. 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.

EXECUTION of this Agreement by signatories and invited signatories, and the implementation of its terms evidence that the signatories and invited signatories have afforded the Officer an opportunity to comment on the effects of the Undertaking in compliance with the Act.

[Signature Pages to follow]

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(SHPO LOG #008102723)

SIGNATORY

MCLEAN COUNTY HIGHWAY DEPARTMENT (AGENCY)

Signature: *Jerry Stokes* Date: *4-12-2024*
Name: *JERRY STOKES*
Title: *COUNTY ENGINEER*

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SIGNATORY

ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT)

Signature: *Kensil A. Garnett* Date: 043024

Name: Kensil A. Garnett

Title: Region 3 Engineer

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SIGNATORY

THE FRIENDS OF THE CONSTITUTION TRAIL

Signature: Patrick J. Dullard Date: 4/17/24
Name: PATRICK J. DULLARD
Title: PRESIDENT

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SIGNATORY

ILLINOIS DEPUTY STATE HISTORIC PRESERVATION OFFICER (OFFICER)

By: Carey L. Mayer Date: 4/12/2024
Carey L. Mayer, AIA
Deputy State Historic Preservation Officer
Illinois Department of Natural Resources

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SIGNATORY

ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY (DCEO)

Signature:  By 
Garrett C. Carter
General Counsel Date: 5/7/2024

Name: Kristin Richards

Title: Director