

**MEMORANDUM OF AGREEMENT AMONG
THE VILLAGE OF LODA,
THE ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY,
AND THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER
REGARDING THE DEMOLITION OF AN ELEVATED WATER-STORAGE TANK
IN LODA, ILLINOIS
(SHPO LOG #003112818)**

WHEREAS, the Village of Loda (Village) plans to demolish the elevated water-storage tank (Tank) located in the area bounded by Locust Street, 1st Street, Poplar Street, and 2nd Street and replace it with a new elevated water storage tank on the site in Loda, Iroquois County; and

WHEREAS, the project will utilize a Community Development Block Grant (CDBG) from the U.S. Department of Housing and Urban Development (HUD) and administered by the Illinois Department of Commerce and Economic Opportunity (DCEO), which makes it an Undertaking subject to review under Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. § 306108, and its implementing regulations (36 CFR Part 800) (Act); and

WHEREAS, DCEO and the Village have consulted with the Illinois State Historic Preservation Office, a Division of the Illinois Department of Natural Resources (DNR), pursuant to the regulations promulgated at 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) (Act); and

WHEREAS, the State Historic Preservation Office currently resides within DNR, and the Director of DNR is the duly designated State Historic Preservation Officer (SHPO); and

WHEREAS, on December 13, 2018 the SHPO determined that the Tank is eligible for listing on the National Register of Historic Places (NRHP) under criteria A and C at the local level of significance; and

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

WHEREAS, in accordance with 36 CFR § 800.6(a)(1) and 36 CFR § 800.10(b), DCEO has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect determination, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii);

NOW, THEREFORE, the Village, DCEO, and SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in order to mitigate the adverse effects of this Undertaking to the NRHP-eligible property.

STIPULATIONS

I. MITIGATION

The Village in coordination with DCEO shall retain a historical contractor(s) of its choice (Contractor) who meets the Secretary of the Interior's Qualifications (36 CFR 61) to complete the mitigation measures described below. The Contractor must consult with the SHPO prior to the initiation of the work to ensure that expectations are understood.

A. Recordation

Prior to the completion of the construction of the new structure, the Village will ensure that the following HABS recordation (see: www.nps.gov/hdp/standards/index.htm) of the Tank is carried out and completed by the Contractor:

1. Sketch plan and elevations, drawn in computer-assisted-drafting (CAD) format, of the building in its current condition printed on vellum with either a large-format inkjet printer using a HABS-designated ink set or with a large-format laser printer (i.e., photocopier)
2. Black and white film photography of the site, elevations, and distinctive features of the Tank. Photos must be taken using 4" x 5" negatives, processed according to HABS guidelines, with in-camera perspective correction (as needed). Prints must be either wet processed on regular (not resin-coated) photo paper or inkjet printed according to HABS guidelines.
3. Written historic narrative and an architectural description of the Tank using HABS-designated outline format printed single sided on regular-weight, archival (non-recycled, with 25% cotton fiber content) bond paper
4. Original drawings of the Tank scanned at a minimum of 400 dpi, dropped full-size onto HABS title blocks, and printed on vellum with either a large-format inkjet printer using a HABS-designated ink set or with a large-format laser printer (i.e., photocopier)
5. Original field notes, if applicable (i.e., field sketches, laser-scan info, photogrammetric data info.)
6. Archival CD/DVD with electronic files of above materials

Upon completion of the fieldwork portion of the HABS documentation (I.A 1 and 2), the Contractor shall submit digitally printed versions of the HABS recordation photos and copies of field notes to the SHPO for review and comment. Upon SHPO confirmation in writing that all of the information necessary to complete HABS recordation has been collected, the demolition of the Tank may commence.

The Contractor shall submit 95% recordation draft in writing to the SHPO for review and comment. When the SHPO accepts in writing the 95% submission, the Village and the Contractor will complete the final documentation as directed above. Upon completion of the final documentation, the Contractor will submit the following to the SHPO:

1. One (1) HABS recordation package containing 1, 2, 3, 4, 5, and 6 of the above list
2. One (1) recordation package containing 1, 3, 4, and 6 of the above list and 8" x 10" images of the HABS photographs digitally printed on archivally stable photographic paper

The SHPO will submit the HABS recordation package to the Heritage Documentation Programs in the National Park Service for eventual deposit in the Library of Congress, and the SHPO will deposit the recordation package with the Abraham Lincoln Presidential Library in Springfield, Illinois.

II. DURATION

This agreement will be null and void if its stipulations are not carried out within two (2) years from the date of its execution. Prior to such time, DCEO may consult with the other signatories to reconsider the terms of the agreement and amend it in accordance with Stipulation V AMENDMENTS below. DCEO shall notify the signatories as to the course of action it will pursue.

III. POST-REVIEW DISCOVERIES

If potential historic properties are discovered or unanticipated effects on historic properties found, the Village 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 Village understands and agrees that it must immediately stop work within the area of discovery, notify the SHPO, and comply with the Human Skeletal Remains Protection Act (20 ILCS 3440) as administered by the SHPO, which provides that no human skeletal remains shall be disturbed without a permit issued by the SHPO.

IV. 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, DCEO 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.

V. 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.

VI. TERMINATION

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

EXECUTION of this Memorandum of Agreement and implementation of its terms evidences that the Village and DCEO have afforded the SHPO 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 #003112818)**

SIGNATORY

Village of Loda

Signature: Carol J. Arseneau Date: 7-17-19
Name: CAROL J. ARSENEAU
Title: Loda Village President

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SIGNATORY

Illinois Department of Commerce and Economic Opportunity

Signature:  Date: July 12, 2019

Name: Wendy Bell

Title: Deputy Director, Office of Community Development

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SIGNATORY

Illinois State Historic Preservation Officer

By: Colleen Callahan Date: 7-11-19
Colleen Callahan, Director and State Historic Preservation Officer
Illinois Department of Natural Resources

APPROVED FOR EXECUTION

Date: 7/9/2019

Legal Counsel: [Signature]