

**MEMORANDUM OF AGREEMENT
AMONG
CTB REAL ESTATE HOLDINGS LLC – MAYWOOD SERIES,
MAYWOOD SUPPORTIVE CARE 2018 SLF, LLC,
THE ILLINOIS HOUSING DEVELOPMENT AUTHORITY,
THE ILLINOIS DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES,
AND
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER
REGARDING
PARTIAL DEMOLITION AND REHABILITATION OF
BAPTIST RETIREMENT HOME
316 RANDOLPH STREET
MAYWOOD, COOK COUNTY, ILLINOIS
(SHPO LOG # 038040418)**

WHEREAS, CTB Real Estate Holdings LLC – Maywood Series (Owner), in coordination with Maywood Supportive Care 2018 SLF LLC (Developer), plans to undertake partial demolition and rehabilitation (Project) of the Baptist Retirement Home at 316 Randolph Street in Maywood, Cook County, Illinois (Property), which was determined eligible for listing in the National Register on November 29, 2016 and listed in the National Register of Historic Places (NRHP) on October 26, 2017; and

WHEREAS, the Project will utilize the Low-Income Housing Tax Credit (LIHTC) administered in Illinois by the Illinois Housing Development Authority (IHDA), thereby making the Project an Undertaking subject to review under the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420) (Act); and

WHEREAS, the Project requires certification as a Supportive Living Facility (SLF) by the Illinois Department of Healthcare and Family Services (IDHFS), thereby making the Project an Undertaking subject to review under the Act; and

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

WHEREAS, the responsibilities of the SHPO under the Act are (1) to assist, to the fullest extent possible, the State agencies in their identification of properties for inclusion in an inventory of historic resources, including provision of criteria for evaluation; (2) provide information concerning professional methods and techniques for preserving, improving, restoring, and maintaining historic resources when requested by State agencies; and (3) help facilitate State agency compliance with this Act.

WHEREAS, the SHPO has determined that the Undertaking will have an adverse effect on the Property; and

WHEREAS, the Owner and the Developer, in coordination with IHDA, have consulted with the SHPO concerning the Undertaking, as per the Act; and

WHEREAS, the Owner and IHDA have invited the City of Maywood to participate in consultation and to become an invited signatory to this Agreement;

NOW, THEREFORE, the Owner, the Developer, the IHDA, IDHFS, and SHPO agree that the Undertakings shall be implemented in accordance with the following stipulations in order to mitigate the adverse effects of these Undertakings to historic properties as a result of this Project.

STIPULATIONS

I. MITIGATION

Prior to the completion of the rehabilitation of the Baptist Retirement Home, the IHDA, the Owner and the Developer will ensure that the following measure is carried out and completed:

The Owner and Developer shall fund an update of the 1989-1991 Maywood Historic Property Survey to be executed by a qualified historic preservation professional who meets the Secretary of the Interior's Qualifications (36 CFR 61). The survey should cover the same geographic area as the initial survey, and it should be placed on a digital platform.

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, the Owner and Developer may consult with the other signatories to reconsider the terms of the agreement and amend it in accordance with Stipulation V (Amendments) below. The Owner and the Developer 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 Owner and Developer 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 and Developer understand and agree that they 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, the Owner and Developer shall consult with the signatories to resolve the objection. If the signatories cannot agree regarding a dispute, any one of the signatories may request the participation of the Mediation Committee as per the Act. The Owner's and Developer's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

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 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 Stipulation 5 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 Owner, the Developer, IHDA, and IDHFS have afforded the SHPO an opportunity to comment on the effects of the Undertaking in compliance with the Act.

SIGNATORIES

CTB REAL ESTATE HOLDINGS LLC – MAYWOOD SERIES (Owner)

By: *James J. McArthur* Date: 8/8/2018
Name and Title MANAGER MEMBER

MAYWOOD SUPPORTIVE CARE 2018 SLF, LLC (Developer)

By: *[Signature]* Date: 8-15-2018
Name and Title [Signature]

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ILLINOIS HOUSING DEVELOPMENT AUTHORITY

By: _____ Date: _____
Audra Hamernik, Executive Director, Illinois Housing Development Authority

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ILLINOIS DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

By: _____ Date: _____
Patricia R. Bellock, Director, Illinois Department of Healthcare and Family Services

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ILLINOIS STATE HISTORIC PRESERVATION OFFICER

By:  Date: 8/17/18
Wayne A. Rosenthal, Director, Illinois Department of Natural Resources,
and Illinois State Historic Preservation Officer

APPROVED FOR EXECUTION

Date: 8-16-18

Legal Counsel: 



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INVITED SIGNATORY

VILLAGE OF MAYWOOD

By: _____ Date: _____
Edwenna Perkins, Mayor, Village of Maywood