

**MEMORANDUM OF AGREEMENT
AMONG THE
FEDERAL HIGHWAY ADMINISTRATION,
ILLINOIS STATE HISTORIC PRESERVATION OFFICER,
ILLINOIS DEPARTMENT OF TRANSPORTATION,
AND
CITY OF WARSAW
REGARDING THE REPLACEMENT OF THE
MIDDLE ROAD BRIDGE OVER SHUHART CREEK
WARSAW VICINITY, HANCOCK COUNTY, ILLINOIS**

WHEREAS, the City of Warsaw, in conjunction with the Illinois Department of Transportation (IDOT) plans to replace the Middle Road Bridge over Shuhart Creek (Structure #034-6010) near Warsaw, Hancock County, Illinois (IDOT Sequence #25635, SHPO Log #010032824 {Project}); and

WHEREAS, the Federal Highway Administration (FHWA) will fund the Project thereby making the Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. Section 306108, and its implementing regulations, 36 CFR Part 800; and

WHEREAS, FHWA has defined the undertaking's area of potential effects (APE) as the corridor shown in Exhibit A; and

WHEREAS, FHWA, in consultation with State Historic Preservation Officer (Officer), have determined that the Middle Road Bridge over Shuhart Creek (Structure #034-6010) is eligible for the National Register of Historic Places (NRHP), and its replacement will cause an adverse effect to this historic property pursuant to 36 CFR Part 800 (Exhibit B); and

WHEREAS, FHWA has determined that the undertaking will not have an effect on historic properties other than the Middle Road Bridge, and the Officer concurred with this finding on November 25, 2024; and

WHEREAS, FHWA and IDOT provided the public opportunities to comment on the undertaking and to become consulting parties. Consulting party letters were sent out October 2024, to four parties: Hancock County Historical Society, Landmarks Illinois, Historic Bridge Foundation, and HistoricBridge.org. No comments were received from the public nor did any organization express interest of involvement; and

WHEREAS, pursuant to 23 USC 144(o)(4), no responsible parties expressed an interest in taking ownership of the bridge to maintain and preserve the bridge in perpetuity; and

WHEREAS, IDOT, on behalf of FHWA, in accordance with 36 CFR Part 800.6(a)(1), notified the ACHP of the adverse effect in an email dated July 13, 2025, and the ACHP has chosen not to participate in consultation per a letter dated July 29, 2025, pursuant to 36 CFR Part 800 6(a)(1)(iii); and

WHEREAS, execution and implementation of this MOA evidences that FHWA has satisfied its Section 106 responsibilities for the Project; and

NOW, THEREFORE, FHWA, IDOT, and SHPO agree that the Project shall be implemented in accordance with the following stipulations to ensure that potential effects on historic properties are considered.

STIPULATIONS

The FHWA, Officer, and IDOT agree that the following steps will be undertaken for the Project:

I. ARCHITECTURAL AND HISTORICAL RESOURCE MITIGATION

- A. Prior to beginning of construction activities, IDOT shall complete Historic American Engineering Record (HAER) Level III recordation of the existing Middle Road Bridge.
- IDOT will submit the draft HAER to Officer.
 - Officer must provide written concurrence to IDOT stating the draft HAER is acceptable prior to initiating demolition of the bridge.
 - IDOT will submit the final documentation to Officer for concurrence.
 - If there is no response within forty-five (45) days, it will be presumed that the Officer has found the documentation to be acceptable.

II. PROFESSIONAL STANDARDS

For the purpose of implementing this MOA, IDOT shall continue to employ departmental staff with qualifications that meet the requirements of 36 CFR Part 61. IDOT shall ensure that the professional staff responsible for the implementation of the mitigation measures meet the requirements of 36 CFR Part 61.

III. DURATION

This MOA will expire if its stipulations are not carried out within five (5) years from the date of its execution, unless otherwise amended or terminated pursuant to Stipulations VI or VII. In such an event, IDOT shall notify all parties to this MOA and, if it chooses to continue with the Project, then FHWA shall reinstate review of the Project in accordance with 36 CFR Part 800.

IV. POST-REVIEW DISCOVERIES

If potential historic properties are discovered or unanticipated effects on historic properties found, FHWA shall make reasonable efforts to avoid, minimize, or mitigate adverse effects to such properties and follow the requirements of 36 CFR Part 800.13(b).

V. DISPUTE RESOLUTION

Should any signatory of this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FHWA shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, FHWA will:

- A. Forward all documentation relevant to the dispute, including any timely advice or comments regarding the dispute from the ACHP and signatories and the FHWA's proposed resolution, to the ACHP in accordance with 36 CFR Part 800.2(b)(2). The ACHP shall provide FHWA with its advice on the resolution of the objections within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories and provide them with a copy of this written response. FHWA will then proceed according to its final decision.
- B. If ACHP does not provide its advice regarding the dispute within the thirty (30)-day period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to

reaching such a final decision, FHWA shall prepare a written response that considers any timely comments regarding the dispute from the signatories to the MOA and provide them and ACHP with a copy of such written response.

- C. FHWA'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.

VI. AMENDMENTS

This MOA 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 the signatories is filed with the ACHP.

VII. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories. Once the MOA is terminated and prior to work continuing on the undertaking, FHWA must request, take into account, and respond to the comments of the ACHP under 36 CFR Part 800.7. FHWA shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by FHWA, Officer, and IDOT and implementation of its terms evidence that FHWA has considered the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

(Signature Pages Follow)

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AMONG THE
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ILLINOIS STATE HISTORIC PRESERVATION OFFICER,
AND
ILLINOIS DEPARTMENT OF TRANSPORTATION
REGARDING THE REPLACEMENT OF THE
MIDDLE ROAD BRIDGE OVER SHUHART CREEK
WARSAW VICINITY, HANCOCK COUNTY, ILLINOIS**

Signatory

FEDERAL HIGHWAY ADMINISTRATION

By: DARIEN GREGORY SIDDALL Digitally signed by DARIEN GREGORY SIDDALL
Date: 2026.02.24 06:57:48 -06'00' Date: _____

Print Name: **Darien Siddall**

Title: **FHWA, IL Division Environmental Unit**

Invited Signatory

ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Teresa C Price Date: 2/5/26

Print Name: Teresa C. Price

Title: Region 4 Engineer

Signatory

ILLINOIS STATE HISTORIC PRESERVATION OFFICER

By: Carey L. Mayer Date: 2/23/2026

Print Name: **Carey L. Mayer, AIA**

Title: **Deputy State Historic Preservation Officer
Illinois Department of Natural Resources**

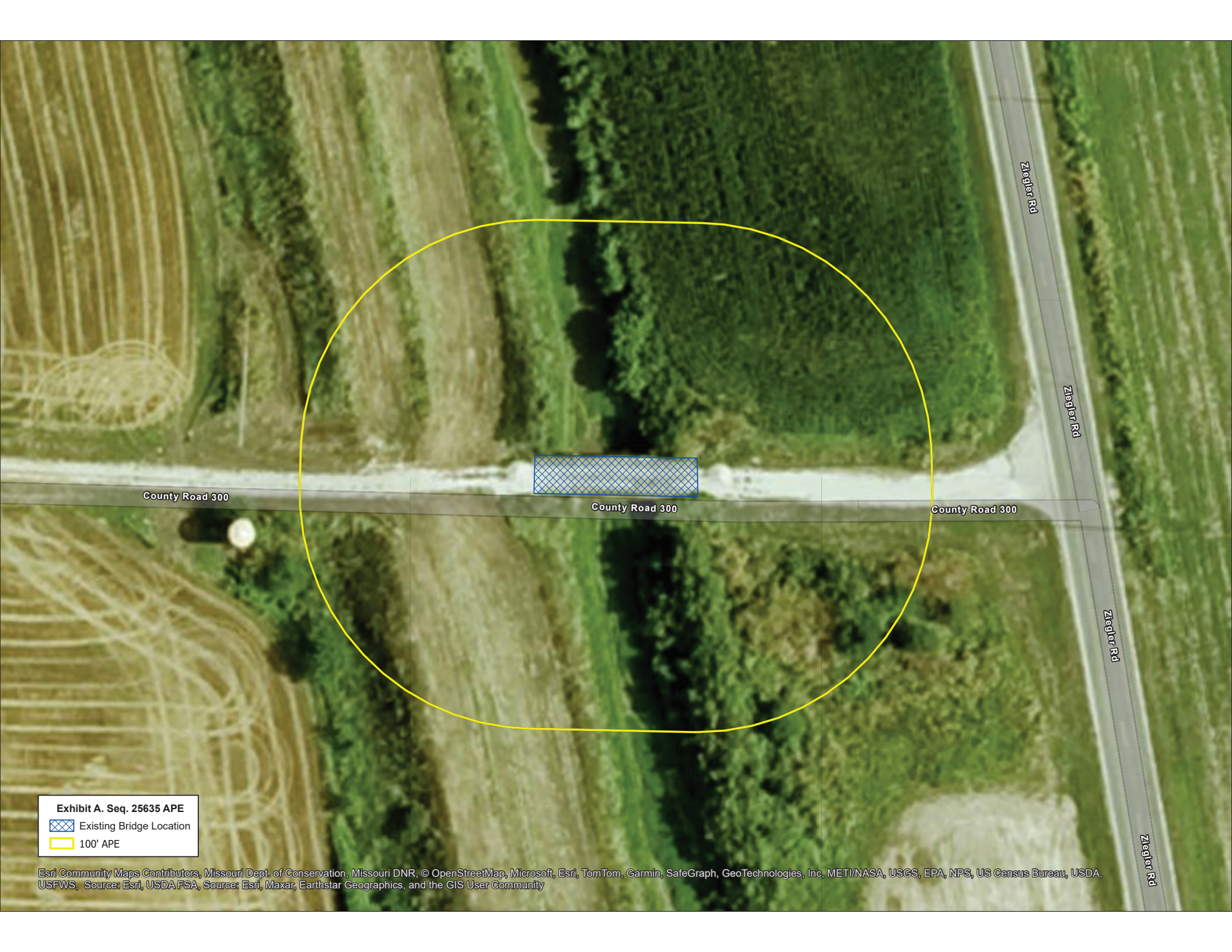
Invited Signatory

CITY OF WARSAW

By:  Date: 1 28 26

Print Name: Glenn Powell McLaughlin

Title: Mayor of Warsaw IL



County Road 300

County Road 300

County Road 300

Ziegler Rd

Ziegler Rd

Ziegler Rd

Ziegler Rd

Exhibit A. Seq. 25635 APE

 Existing Bridge Location

 100' APE



Illinois
Department of
**Natural
Resources**

JB Pritzker, Governor • Natalie Phelps Finnie, Director
One Natural Resources Way • Springfield, Illinois 62702-1271

www.dnr.illinois.gov

Hancock County

Warsaw

Bridge Replacement (SN 034-6010)

Middle Road over Shuhart Creek

Eligible Site (NAE): 11HA1029

IDOT-P-6-005-23, IDOT Sec #-22-00014-00-BR, IDOT Seq #-25635, ISAS-2023-170

SHPO Log #010032824

November 6, 2024

Dr. Joseph Galloy

Illinois Department of Transportation

Bureau of Design and Environment

2300 S. Dirksen Parkway

Springfield, IL 62764

We have reviewed the information provided for the above referenced project. Our review is required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties."

There will be No Adverse Effect to archaeology site 11HA1029 with this undertaking.

The current bridge carrying Middle Road over Shuhart Creek (SN 034-6010) in Warsaw, that was built in 1904, has been determined eligible for listing on the National Register of Historic Places on April 19, 2024.

The proposal to demolish this bridge constitutes an adverse effect as defined in 36 CFR 800.5.

You should continue to work with this office to develop a plan to mitigate this adverse effect. Please note that the bridge must not be demolished prior to the resolution of the disposition of this historic property.

Please contact CJ Wallace, Cultural Resources Coordinator, at (217) 785-5027 or at Carol.Wallace@illinois.gov with any questions.

Sincerely,

Carey L. Mayer, AIA

Deputy State Historic Preservation Officer