Memorandum of Agreement
Among the Illinois Department of Commerce and Economic Opportunity, the Illinois State Historic Preservation Officer, and the City of Keithsburg
For the Acquisition and Demolition of 402, 404, and 406 Main Street, Keithsburg, Illinois

WHEREAS, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Pub. Law 110-329), enacted on September 30, 2008, appropriated $6.5 billion through the Community Development Block Grant (**CDBG**), and the U.S. Department of Housing and Urban Development (**HUD**) was designated by Congress as the administering federal department. On November 28, 2008, HUD made an initial allocation to Illinois in the amount of $41,984,121 and a second allocation for grant funds for CDBG Disaster Recovery (**CDBG-DR**) of $127,207,128, as published in the Federal Register on August 14, 2009 (FR-5336-N-01). The State of Illinois Department of Commerce and Economic Opportunity (**DCEO**) is the recipient of these funds; and

WHEREAS, eligible activities are outlined in the State's Supplemental CDBG-DR 1800 (Ike) Funding Action Plan published September 2009 and all subsequent amendments makes funding available to eligible recipients in the State of Illinois for eligible activities as outlined in the Action Plan. Eligible applicants were determined under three federal 2008 Disaster Declarations. The City of Keithsburg submitted an application proposing to acquire and demolish specific properties that met the application requirements, including 402, 404, and 406 Main Street, Keithsburg, Illinois. On April 17, 2012, the City of Keithsburg was notified by DCEO that they were awarded funds for their project under grant award 08-358004; and

WHEREAS, the City of Keithsburg is the responsible entity and as the responsible entity the City of Keithsburg is responsible for the environmental review of their project pursuant to 24 CFR Part 58, including Section 106 of the National Historic Preservation Act; and

WHEREAS, the City of Keithsburg has determined that the acquisition and demolition of the buildings at 402, 404, and 406 Main Street, Keithsburg, Illinois will have an adverse effect on the Keithsburg Historic District, which is listed in the National Register of Historic Places, and has consulted with the Illinois State Historic Preservation Officer (**SHPO**) pursuant to 36 CFR Part 800.5 of the regulations implementing Section 106 of the National Historic Preservation Act, as amended (16 U.S.C. 470f); and

WHEREAS, the Advisory Council on Historic Preservation (**Council**) has been invited to participate in the consultation process and has declined; and

NOW, THEREFORE, the DCEO, the SHPO, and the City of Keithsburg agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

Stipulations

The City of Keithsburg will ensure that the following mitigation measures are carried out:

I. ACQUISITION AND DEMOLITION

The acquisition and demolition of 402, 404, and 406 Main Street, may commence immediately upon the ratification of this document by all signatories. These actions may occur simultaneous with the following provisions.

II. SURVEY

1. The City of Keithsburg will hire a contractor that meets the Secretary of the Interior's Professional Qualification Standards (36 CFR part 61) to conduct a historic buildings survey and revision of the National Register of Historic Places nomination form for the Keithsburg Historic District in coordination with the National Register Coordinator of the Illinois Historic Preservation Agency.

2. The contractor will present the survey results to the SHPO for written approval and, if requested by the SHPO, these results will also be presented to the Illinois State Historic Advisory Council (**IHSAC**) at one of their regular meetings for possible amendment or complete removal of the National Register designation.

3. This survey shall be completed and presented to the SHPO and, if so requested, scheduled for presentation to an IHSAC meeting for further action within 24 months of the ratification of this agreement document unless the signatories agree by amendment to this document to an extension.

III. DISPUTE RESOLUTION

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

1. Forward all documentation relevant to the dispute, including the City of Keithsburg's proposed resolution, to the Council. The Council shall provide the City of Keithsburg with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the City of Keithsburg shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the Council and signatories, and provide them with a copy of this written response. The City of Keithsburg will then proceed according to its final decision.

2. If the Council does not provide its advice regarding the dispute within the thirty (30) day time period, the City of Keithsburg may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the City of Keithsburg shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the MOA, and provide them and the Council with a copy of such written response.

3. The City of Keithsburg'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.

Execution and successful implementation of this MOA is evidence that the City of Keithsburg has afforded the Council an opportunity to comment on this undertaking pursuant to Section 106 of the National Historic Preservation Act, and that City of Keithsburg has taken into account the effects of the undertaking on historic properties.

ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

BY: _____ Date: 2-24-14
Frankie Atwater, Assistant Deputy Director

ILLINOIS STATE HISTORIC PRESERVATION OFFICER

BY: _____ Date: 2-24-14
Anne Haaker, Deputy SHPO

CITY OF KEITHSBURG

BY: _____ Mayor Date: 2-11-14
Allen Henshaw, Mayor