MEMORANDUM OF AGREEMENT

BETWEEN

THE UNITED STATES ARMY RESERVE, 88TH REGIONAL SUPPORT COMMAND

AND

THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER

FOR BUILDING 141 DEMOLITION AT THE

COL P. SCHULSTAD UNITED STATES ARMY RESERVE CENTER (USARC)

1515 WEST CENTRAL ROAD, ARLINGTON HEIGHTS, ILLINOIS

This Memorandum of Agreement (the "Agreement") is hereby mutually entered into by and among the United States Army Reserve 88th Regional Support Command (hereinafter referred to as the "88th RSC") and the Illinois State Historic Preservation Officer ("ILSHPO").

WHEREAS, the 88th RSC has current control and accountability of the COL P. Schulstad United States Army Reserve Center at 1515 West Central Road, Arlington Heights, Cook County, Illinois, 60005-2475; and

WHEREAS, the 88th RSC has that deemed Building 141 on the Property to be excess to the needs of their mission; and

WHEREAS, the Property has been determined to be potentially eligible for the National Register of Historic Places **(see Attachment 1)**; and

WHEREAS, the demolition of a historic building is an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and its implementing regulations, 36 C.F.R. Part 800; and

WHEREAS, the 88th RSC has determined that the demolition of Building 141is an adverse effect as defined in 36 Code of Federal Regulations (CFR) 800.5(a)(2)(vii) of the regulations implementing Section 106 of the National Historic Preservation Act (16 United States Code (USC) 470f); and

WHEREAS, the 88th RSC has defined the undertaking's area of potential effect (APE) as within the Property enclave; and

WHEREAS, the 88th RSC has consulted with the ILSHPO pursuant to 36 CFR 800 **(see Attachment 2)**; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), the 88th RSC has notified the Advisory Council on Historic Preservation (Council) of its adverse effect determination providing the specified documentation, and the Council has chosen not to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii) **(see Attachment 3)**;

NOW, THEREFORE, the 88th RSC and ILSHPO hereby mutually 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 88th RSC shall ensure that the following stipulations are carried out:

1. The 88th RSC will continue to consult with the ILSHPO under the Section 106 Consultation Process until the Stipulations below are satisfied or until the agreement expires, whichever comes first.

2. MITIGATION MEASURES

A. The will be documented in accordance with the Illinois Historic American Buildings Survey Standards (IL HABS).

B. The IL HABS number for the building shall be CK-2012-2.

C. Level III documentation shall be required.

D. Sketch plans of the building shall be produced on archivally stable 8" x 11" sheets

E. Acceptable reproductions of digital photography of the building to include building site, exterior elevations, distinctive exterior architectural features and significant interior spaces and features.

F. Written historic narrative of the building and a written description of the building using the IL HABS designated outline format.

G. The US Army Reserve will award the recordation contract to the consultant of its choice, provided the consultant is qualified to perform the work and agrees to meet IL HABS Standards and guidelines.

H. IHPA will review the 95% draft and accept or reject the submittal in accordance with IL HABS Standards. Upon acceptance of the draft in writing, the 88th RSC will complete the final documentation and deliver one original and one copy to IHPA on a Gold CD.

I. Upon IHPA's written acceptance of the 95% draft documentation, the 88th RSC may commence demolition activities on the building.

3. EFFECTIVE DATES

All mitigation stipulated above will be completed within five (5) years of the last signatory date of this agreement. By mutual agreement of the signatories, this Agreement may be renewed for an additional five (5) year period, if required.

4. EXECUTION AND IMPLEMENTATION

Execution and implementation of this Agreement evidences the 88th RSC's compliance with 36 CFR Part 800 for the proposed disposal of the Property. The 88th RSC has also afforded the Council a reasonable opportunity to comment on the proposed undertaking.

5. ANTI-DEFICIENCY ACT

The stipulations of this agreement are subject to the provisions of the Anti-Deficiency Act. If compliance with the Anti-Deficiency Act alters or impairs the Army Reserve's ability to implement the stipulations of this agreement, the 88th RSC will consult in accordance with the amendment and termination procedures found in Stipulations 7 and 8.

6. DISPUTE RESOLUTION

A. Should the ILSHPO reject any of the mitigation documentation within the time frames provided by this Agreement, the 88th RSC will consult further with the ILSHPO to seek resolution. If the 88th RSC

determines that the objection cannot be resolved, the 88th RSC shall forward to the Council all documentation relevant to the dispute, including proposed resolution to the objection. Within 30 calendar days after receipt of all pertinent documentation, the Council will either:

1. Advise that it concurs with resolution to the objection.

2. Provide recommendations which will be taken into account in reaching a final decision regarding the dispute; or

3. Notify that it will comment pursuant to 36 CFR 800.7(c), and proceed to comment. Any Council comment provided will be taken into account by the 88th RSC in accordance with 36 CFR Part 800.7(c)(4) with reference to the subject of the dispute.

B. Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute; and responsibility to carry out all actions under this Agreement that is not the subject to the dispute will remain unchanged.

C. Failure to carry out the terms of this Agreement requires that the 88th RSC consult with the ILSHPO to amend or terminate the agreement.

7. AMENDMENTS

Any signatory to this Memorandum of Agreement may request that it be amended, whereupon the signatories will consult in accordance with 36 CFR 800.6 (c)(7) to consider such amendment. If any of the signatories to this Agreement believes that the terms of the Agreement cannot be carried out, or that an amendment to the terms of this Agreement must be made, that signatory shall immediately consult with the other signatories to develop amendments to this Agreement. The process of amending this Agreement shall be the same as that exercised in creating the original Agreement. If an amendment cannot be agreed upon, the dispute resolution process set forth in Stipulation 5 will be followed.

8. TERMINATION

Any signatory to this Memorandum of Agreement may request that it be terminated, whereupon the signatories will consult in accordance with 36 CFR 800.6 (c)(8) to consider such termination.

9. FILING WITH THE COUNCIL

Filing of the Agreement with the Council evidences that the 88th RSC has met the requirements of 36 CFR Part 800.6 (b) (iv), and has afforded the Council an opportunity to comment on the Agreement.

FOR THE U.S. ARMY RESERVE

By:_____ Date:_____
Kurt F. Wagner
Colonel, US Army
Director, Public Works

FOR THE ILLINOIS STATE HISTORIC PRESERVATION OFFICE

By: Anne E Haaker Date: Nov. 9, 2012

Anne Haaker.
Deputy State Historic Preservation Officer
Illinois Historic Preservation Agency