MEMORANDUM OF AGREEMENT
BETWEEN THE ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY
AND THE
ILLINOIS STATE HISTORIC PRESERVATION OFFICER AND
THE CITY OF CAIRO
REGARDING DEMOLITION OF CERTAIN PROPERTY IN
CAIRO, ALEXANDER COUNTY, ILLINOIS

THIS MEMORANDUM OF AGREEMENT ("MOA") is effective as of the 7th day of June, 2010, by the Illinois State Historic Preservation Officer ("SHPO"), the Illinois Department of Commerce and Economic Opportunity ("DCEO"), and the City of Cairo ("City"), in connection with the demolition activities described below.

WHEREAS, under DCEO's Community Development Assistance Program funded by the U.S. Department of Housing and Urban Development ("HUD"), DCEO approved the City's grant application and will award a grant (#07-248001) to the City for demolition of certain commercial property on Commercial Street in the Cairo downtown business district, provided this MOA becomes effective; and

WHEREAS, DCEO has defined the undertaking's area of potential effect ("APE") as the Cairo Business District between Washington Street and the River and Twelfth Street to Second Street; and

WHEREAS, DCEO has determined that the undertaking will have an adverse effect on the Cairo Historic District, which is listed in the National Register of Historic Places, and has consulted with the SHPO pursuant to 36 C.F.R. part 800, of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f); and

WHEREAS, DCEO has consulted with the City regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as a party; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), DCEO has notified the Advisory Council on Historic Preservation ("ACHP") of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, in consideration of the forgoing and other valuable consideration, the receipt and sufficiency are hereby acknowledged, DCEO, SHPO and the City agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertakings on historic properties.

STIPULATIONS

DCEO shall ensure that the following measures are carried out:

I. DEMOLITION ACTIVITIES

The City shall be allowed to demolish vacant, structurally unsound buildings within the area of the City as defined above. The individual addresses shall be approved by the SHPO. The City shall provide the SHPO with a copy to DCEO the following information when requesting approval for demolition:

A. photograph
B. owner name and address
C. list of code violations
D. reasons for demolition

The SHPO will assess the information and respond within fifteen (15) calendar days after date received. If the SHPO does not give permission for the demolition, it will notify the City, with a copy to DCEO, of its reasons. If the City or DCEO disagrees with the SHPO, they can provide more information to the SHPO. If the SHPO continues to object to the demolition, either the City or DCEO can appeal to HUD.

The following addresses have already been reviewed and approved by the SHPO and may be demolished:

206 Commercial Avenue (Block 16 Lots 1, 2, 3, 4 & 5)
Commercial Avenue (Block 16 Lots 6, 7, 8, 9 & 10)
614 Commercial Avenue (Block 14 Lot 8)
616 Commercial Avenue (Block 4 Lot 9)
706 Commercial Avenue (Block 14 Lot 14)
708 Commercial Avenue (Block 14 Lot 15)
710 Commercial Avenue (Block 14 Lot 16)
712 Commercial Avenue (Block 14 Lot 17)
714 Commercial Avenue (Block 14 Lot 18)
Railroad Addition (Block 14)
814 Commercial Avenue (Block 13 Lots 8 & 9)
904 Commercial Avenue (Block 13 Lots 13 & 14)
908 Commercial Avenue (Block 13 Lots 15 & 16)
912 Commercial Avenue (Block 13 Lots 17 & 18)
1005 Commercial Avenue (Block 12 Lot 3 & 4)

II. AMENDMENT OF NATIONAL REGISTER OF HISTORIC PLACES HISTORIC DISTRICT DESIGNATION

A. The City in consultation with the SHPO, shall undertake a building by building historic structures survey of the business district within the boundaries delineated above. The

purpose shall be to assess location, style and structural condition of remaining buildings in the business district for purposes of amending the boundaries of the historic district.

B. After the survey, the City and SHPO shall agree upon a new boundary for the historic district and the City shall prepare the appropriate documentation for submission to the Keeper of the National Register of Historic Places.

C. The City or the SHPO shall then present the documentation to the Illinois Historic Sites Advisory Council for their recommendation and ensure that the documentation is appropriately amended, if necessary, for submission to the National Register.

III. STOREFRONT DESIGNS

The City shall prepare a minimum of six (6) storefront renderings that meet the Secretary of the Interior's Standards for Rehabilitation as determined by the SHPO. The buildings shall be remaining contributing buildings to the historic district within the boundaries of the business district.

IV. NEW CONSTRUCTION STIPULATIONS

The proposed plan for the downtown area shall be completed in consultation with the SHPO to ensure that it contains design provisions that are reflective of the Secretary of the Interior's Standards and Guidelines for new construction within historic districts.

V. DURATION

This MOA will be null and void if its terms are not carried out within five (5) years from the effective date of the MOA. Prior to such time, DCEO or the City may consult with the other parties to reconsider the terms of the MOA and amend it in accordance with Stipulation VIII below.

VI. MONITORING AND REPORTING

Within forty five (45) days of each twelve month period following the effective date of this MOA until it expires or is terminated, the City shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in DCEO's efforts to carry out the terms of this MOA. The annual summary reports shall be sent to the persons identified in Section X (Notice Section) hereof.

VII. DISPUTE RESOLUTION

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

A. Forward all documentation relevant to the dispute, including DCEO's proposed resolution, to HUD. HUD shall provide DCEO 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, DCEO shall prepare a preliminary written response that takes into account any timely advice or comments regarding the dispute from HUD and/or the parties, and provide all parties with a copy of the preliminary written response. Thereafter, DCEO will then proceed according to its final decision and forward a copy of the final decision to all parties.

B. If HUD does not provide its advice regarding the dispute within the thirty (30) day time period, DCEO may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, DCEO shall prepare a preliminary written response that takes into account any timely comments regarding the dispute from the parties and provide all parties and HUD with a copy of the preliminary written response. Thereafter, DCEO will then proceed according to its final decision and forward a copy of the final decision to all parties and HUD.

C. DCEO'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.

VIII. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all parties. The amendment will become effective on the date set forth in the amendment, signed by all parties and filed with the ACHP.

IX. TERMINATION

If any party to this MOA determines that its obligations will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VIII, above. If within thirty (30) days (or another time period agreed to by all parties) an amendment cannot be reached, any signatory may terminate the MOA upon written notice to the other parties.

Once the MOA is terminated, and prior to work continuing on the undertaking, DCEO must either (a) execute a MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. DCEO shall notify all parties as to the course of action it will pursue.

Execution of this MOA by DCEO and SHPO and implementation of its terms evidence that DCEO has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

X. NOTICE

All notices given under this MOA shall be in writing and shall be either (a) served personally during regular business hours; (b) served by electronic transmission during regular business hours with the mailing of the originals using the U.S. Mail on the same day, postage prepaid; or (c) served by certified or registered mail, return receipt requested, properly addressed with postage prepaid and deposited in the U.S. Mail. Notices served personally or by electronic transmission shall be effective upon receipt, and notices served by mail shall be effective upon receipt as verified by the U.S. Postal Service. Notices shall be served at the following addresses:

Illinois Department of Commerce
and Economic Opportunity
Attn.: Maureen Palmer, Deputy Director
500 E. Monroe, 2nd Floor
Springfield, Illinois 62701
Fax: 217-782-1206

Illinois State Historic Preservation Officer

Attn.: Anne Haaker
One Old State Capitol Plaza
Springfield, Illinois 62701
Fax: 217-524-7525

City of Cairo
Attn.: Judson Childs, Mayor
1501 Washington Avenue
Cairo, Illinois 62914
Fax:

IN WITNESS WHEREOF, each of the parties has caused this MOA to be executed and delivered as of the date first above written.

Illinois Department of Commerce and Economic Opportunity

Warren Ribley

Warren Ribley, Director by [illegible]

Date: 16 Jun 2010

Illinois State Historic Preservation Officer

Anne E Haaker

Anne HAAKER, DSHPO

Date: June 30, 2010

City of Cairo

Judson Childs

Judson Childs, Mayor

Date: 6-7-10