

**MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF MONTEREY AND THE CALIFORNIA STATE HISTORIC
PRESERVATION OFFICER REGARDING THE REHABILITATION OF THE
THOMAS COLE HOUSE, 230 OLIVIER STREET,
MONTEREY, CALIFORNIA**

WHEREAS, the City of Monterey (City) has determined that the development of historic structure reports and project development plans and subsequent rehabilitation of 230 Olivier Street, Monterey, California resulting from those reports and plans (undertaking) will have an effect on a property eligible for listing on the National Register of Historic Places and has consulted with the California State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f);

WHEREAS, the City of Monterey is a Certified Local Government pursuant to Section 101 of the National Historic Preservation Act and its implementing regulations found at 36 CFR 61; and

WHEREAS, the City through Title 1 of the Housing and Community Development Act of 1974 (42 U.S.C. Section 5301 et seq.) (Community Development Block Grant Program) will assist in the undertaking;

WHEREAS, the Garris, Friedman and Son (Property Owner) has been invited to concur in the Memorandum of Agreement (Agreement);

NOW, THEREFORE, the City and the California State Historic Preservation Officer agree that the undertaking will 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 will ensure that the following measures are carried out:

1. The City, through its Historic Preservation Ordinance and Historic Preservation Commission, shall ensure that any historic structure reports and project development plans and subsequent rehabilitation resulting from those reports and plans are consistent with the recommended approaches set forth in the Secretary of the Interior's Standards for the Treatment of Historic Properties. If the City is unable to carry out the terms of this stipulation, it will consult further with the Advisory Council on Historic Preservation (ACHP) and SHPO pursuant to 36 CFR Section 800.6.
2. If an archeological resource is discovered at the historic property, the City shall stop all work in the discovery area that might adversely affect the archeological property and comply with 36 CFR 800.13 (b-c).
3. Should any signatory object at any time to the manner in which the terms of this Agreement are implemented, the City shall consult with the objecting parties to resolve the objection. If the City determines within fifteen days of receipt that such objection cannot be resolved, the City will forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council) in accordance with 36 CFR Section 800.2(b)(2). The City in reaching a final decision regarding the dispute shall take any Council comment provided into account.

