

MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF COLUMBUS AND
THE INDIANA STATE HISTORIC PRESERVATION OFFICER
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 C.F.R. § 800.6(b)(iv)
REGARDING THE KIDSCOMMONS RENOVATION/ACCESSIBILITY PROJECT
AT 309 WASHINGTON STREET IN COLUMBUS, COLUMBUS TOWNSHIP, BARTHOLOMEW
COUNTY, INDIANA

WHEREAS the City of Columbus ("City") proposes to use a Federal grant through the Indiana Department of Commerce ("IDOC") for the renovation including accessibility upgrades of the former commercial structure into kidcommons located at 309 Washington Street, in Columbus, Columbus Township, Bartholomew County, Indiana; and

WHEREAS the City, in consultation with the Indiana State Historic Preservation Officer ("Indiana SHPO"), has defined this renovation including accessibility upgrades of the former commercial structure into kidcommons located at 309 Washington Street's area of potential effects, as the term is defined in 36 C.F.R. § 800.16(d), to be the Columbus Historic District; and

WHEREAS the City, in consultation with the Indiana SHPO, has found that 309 Washington Street is within the area of potential effects; and

WHEREAS the City and the Indiana SHPO both recognize that the kidscommons structure at 309 Washington Street is a contributing resource within the Columbus Historic District, which is listed in the National Register of Historic Places; and

WHEREAS the City, in consultation with the Indiana SHPO, has determined, pursuant to 36 C.F.R. § 800.5(a), that the renovation including accessibility upgrades of the former commercial structure into kidcommons located at 309 Washington Street will have an adverse effect on 309 Washington Street and the Columbus Historic District; and

WHEREAS the City, has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and its implementing regulations (36 C.F.R. Part 800) to resolve the adverse effect on renovation including accessibility upgrades of the former commercial structure into kidcommons located at 309 Washington Street; and

WHEREAS the City, in consultation with the Indiana SHPO, has invited the Indiana Department of Commerce and the kidscommons...Columbus Community Children's Museum, Inc. to participate in the consultation and to concur in this memorandum of agreement;

WHEREAS the City has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (16 U.S. C. § 470f) and its implementing regulations (36 C.F.R. Part 800) concerning the scope of work as presented in the materials and site plans dated June 9, 2004, and agreed to proceed with the project as proposed; and

NOW, THEREFORE, the City and the Indiana SHPO agree that, upon the submission of a copy of this executed memorandum of agreement, as well as the documentation specified in 36 C.F.R. § 800.11(e) and (f), to the Advisory Council on Historic Preservation ("Council" pursuant to 36 C.F.R. § 800.6[b][1][iv])

and upon the City's approval of the renovation including accessibility upgrades of the former commercial structure into kidcommons located at 309 Washington Street, the City shall ensure that the following stipulations are implemented in order to take into account the effect of the renovation of the kidcommons' structure on historic properties.

Stipulations

- I. The stair connecting the two levels of the second floor in the commercial structure at 309 Washington Street will be documented prior to the commencement of renovation activities in the following manner:
 - A. Photograph the stair in its existing state as well as during the construction process;
 - B. Create measured drawings of the stair in its existing state;
 - C. Archive all material documenting the existing stair;
 - D. Include an interpretive wall display in the new museum space that documents the stair in its existing state and explains how it functions in the new building;
 - E. Retain historic materials in the existing stair to the greatest extent possible.

II. OBJECTION RESOLUTION PROVISION

Disagreements and misunderstanding about how this memorandum of agreement is or is not being implemented shall be resolved in the following manner:

- A. If the Indiana SHPO or any invited signatory to this memorandum of agreement should object in writing to the City regarding any action carried out or proposed with respect to the renovation including accessibility upgrades of the former commercial structure into kidcommons located at 309 Washington Street or implementation of this memorandum of agreement, then the City shall consult with the objecting party to resolve the objection. If after initiating such consultation the City determines that the objection cannot be resolved through consultation, then the City shall forward all documentation relevant to the objection to the Council, including the City's proposed response to the objection. Within 45 days after receipt of all pertinent documentation, the Council shall exercise one of the following options:
 - i. Provide the City with a staff-level recommendation, which the City shall take into account in reaching a final decision regarding its response to the objection;
or
 - ii. Notify the City that the objection will be referred for formal comment pursuant to 36 C.F.R. § 800.7(c), and proceed to refer the object and comment. The City shall take into account the Council's comments in reaching a final decision regarding its response to the objection.
- B. If comments from the Council are provided in accordance with stipulation A. of this memorandum of agreement, then the City shall take into account any Council comment provided in accordance with 36 C.F.R. § 800.7(a)(4) with reference only to the subject of the objection. The City's responsibility to carry out all actions under this memorandum of agreement that are not the subjects of the objection shall remain unchanged.

III. POST REVIEW DISCOVERY

In the event that one or more historic properties--other than the Columbus Historic District--are discovered or that unanticipated effects on historic properties are found during the implementation of this memorandum of agreement, the City shall follow the procedure specified in 36 C.F.R. § 800.13.

IV. AMENDMENT

Any signatory to this memorandum of agreement may request that it be amended, whereupon the parties shall consult to consider the proposed amendment. 36 C.F.R. § 800.6(c)(7) shall govern the execution of any such amendment.

V. TERMINATION

- A. If the terms of this memorandum of agreement have not been implemented by December 31, 2009, then this memorandum of agreement shall be considered null and void. In such an event, the City shall so notify the parties to this memorandum of agreement and, if it chooses to continue with the renovation including accessibility upgrades of the former commercial structure into kidcommons located at 309 Washington Street, then it shall reinitiate review of the renovation including accessibility upgrades of the former commercial structure into kidcommons located at 309 Washington Street in accordance with 36 C.F.R. §§ 800.3 through 800.7.
- B. Any signatory to the memorandum of agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties shall consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the City shall comply with 36 C.F.R. §§ 800.3 through 800.7 with regard to the review of the renovation including accessibility upgrades of the former commercial structure into kidcommons located at 309 Washington Street.
- C. In the event that the City does not carry out the terms of this memorandum of agreement, the City shall comply with 36 C.F.R. §§ 800.3 through 800.7 with regard to the review of the renovation including accessibility upgrades of the former commercial structure into kidcommons located at 309 Washington Street.

The execution of this memorandum of agreement by the City, Indiana Department of Commerce, kidcommons...Columbus Community Children's Museum, Inc., and the Indiana SHPO, the submission of a copy of it to the Council with the appropriate documentation specified in 36 C.F.R. § 800.11(e) and (f), and the implementation of its terms evidence that the City has afforded the Council an opportunity to comment on the renovation including accessibility upgrades of the former commercial structure into kidcommons located at 309 Washington Street and its effects on historic properties and that the City has taken into account the effects of the renovation including accessibility upgrades of the former commercial structure into kidcommons located at 309 Washington Street on historic properties.

Memorandum of Agreement

Renovation/Accessibility Upgrades - 309 Washington Street/kidcommons, Columbus, Bartholomew County, Indiana

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SIGNATORIES (Required) :

CITY OF COLUMBUS

Signed by: 

Date: 7-12-04

Name and title: Fred L. Armstrong, Mayor
(Typed or printed)

INDIANA STATE HISTORIC PRESERVATION OFFICER

Signed by: 

Date: 7.23.04

Name and title: _____
(Typed or printed)

CONCURRING PARTIES:

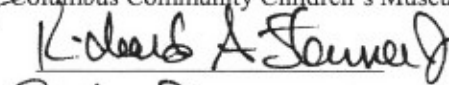
INDIANA DEPARTMENT OF COMMERCE

Signed by: _____

Date: _____

Name and title: _____

kidcommons, Columbus Community Children's Museum, Inc.

Signed by: 

Date: 7/12/04

Name and title: Rich Stenner
Board President