

**MEMORANDUM OF AGREEMENT
BETWEEN
THE MARYLAND STATE HISTORIC PRESERVATION OFFICER
AND
THE CITY OF FREDERICK, MARYLAND
REGARDING
THE DEMOLITION OF 217 PHEBUS AVENUE, FREDERICK**

WHEREAS, the City of Frederick (City), a municipal corporation of the State of Maryland, proposes to use Community Development Block Grant (CDBG) funds to demolish the property located at 217 Phebus Avenue (Property) in Frederick, Maryland; and

WHEREAS, the Property is a contributing element of the Frederick National Register of Historic Places-listed Historic District; and

WHEREAS, the City has consulted with the Maryland State Historic Preservation Office (MDSHPO) regarding the proposed demolition; and

WHEREAS, the City has demonstrated that, due to the Property's extremely small size and deteriorated condition, the Property is not economically feasible for rehabilitation; and

WHEREAS, the City, in consultation with the MDSHPO, has determined that demolition of the Property will constitute an adverse effect on historic properties; and

WHEREAS, the City has notified the Advisory Council on Historic Preservation (Council) of the adverse effect and the Council has declined to participate in the consultation.

NOW, THEREFORE, the MDSHPO and the City, hereby agree that the demolition will be carried out in accordance with the following stipulations in order to take into account the effect of the demolition on historic properties.

Stipulations

The City shall ensure that the following measures are carried out:

1. Recordation:

- a. The City shall take one 35 mm black and white photograph each of the front and side elevations of the Property before the building is altered in any way.
- b. The City shall then remove the siding that currently exists on the Property to expose the building's log construction and take one additional 35 mm black and white photograph of each façade.

2. Documentation Standards:

The City shall label the photographs in accordance with the Maryland Historical Trust's *Standards and Guidelines for Architectural and Historical Investigations in Maryland* (negatives are required but color slides are not necessary) and submit the recordation to the MDSHPO within four (4) months of the date of the last signature on this Agreement.

3. Amendments:

The signatories may amend this Agreement by proposing such amendments in writing. The Mayor and Board of Aldermen must approve substantive amendments to this Agreement and no amendment to the Agreement will be effective until all signatories to the Agreement agree in writing.

4. Dispute Resolution:

- a. Should any signatory to this Agreement object in writing to any action carried out in accordance with this Agreement, the signatories shall consult to resolve the objection.
- b. If after initiating such consultation, the City determines that the objection cannot be resolved through consultation, the City shall request the comments of the Council in accordance with 36 CFR § 800.2(b)(2).
- c. The City shall take into account any Council recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection. The responsibilities of the signatories to carry out all actions under this Agreement that are not the subjects of the objection shall remain unchanged.

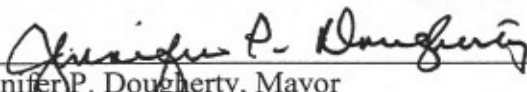
5. Termination:

- a. If, prior to the expiration of this Agreement, any signatory to the Agreement determines that the terms of the Agreement cannot be, or are not being carried out, the signatories shall consult to seek amendment of the Agreement.
- b. If the Agreement is amended, the signatories shall execute and follow the amended Agreement.
- c. If the signatories cannot agree upon an amendment, any signatory may terminate the Agreement by notifying the other signatory in writing.
- d. If the Agreement is terminated, the City shall request the comments of the Council in accordance with 36 CFR § 800.7(a) and shall take into account any Council recommendation or comment provided in making a final decision in regard to the undertaking.

6. Duration:

This Agreement shall remain in effect until completion of the demolition of the Property and MD SHPO's approval of the recordation photographs.

Execution of this Memorandum of Agreement and implementation of its terms evidence that the City has taken into account the effects of the demolition of 217 Phebus Ave on historic properties and provided the Council an opportunity to comment.

BY:  DATE: 5.12.04
Jennifer P. Dougherty, Mayor
The City of Frederick, Maryland

BY:  DATE: 7/2/04
Michael K. Day
Deputy Maryland State Historic Preservation Officer