

**PROGRAMMATIC AGREEMENT
AMONG
THE COUNTY OF TUSCARAWAS, OHIO
AND
THE OHIO HISTORIC PRESERVATION OFFICE
FOR THE COUNTY'S PROGRAMS FUNDED THROUGH
THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, the Tuscarawas County Board of Commissioners, (hereinafter "County") receives funds for the Community Development Block Grant (CDBG), Home Investment Partnership (HOME) Grant and Emergency Shelter Grant (ESG) funds as administered by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, delegates of the County are defined as those agencies and/or organizations who shall receive assistance from programs funded by the U.S. Department of Housing and Urban Development (HUD) listed in this agreement (example – The Ohio Regional Development Corporation {ORDC} administers the CDBG & HOME funds received for the Community Housing Improvement Program {CHIP} in conjunction with the Tuscarawas County Office of Community & Economic Development {OCED}); and

WHEREAS, the County has determined that these programs administered by the Tuscarawas County Office of Community & Economic Development and or ORDC through December 31, 2006, may have an affect on properties included in or eligible for inclusion in the National Register of Historic Places (hereinafter "National Register"), and has consulted with the Ohio Historic Preservation Office (hereinafter "OHPO") pursuant to Section 106 and Section 110(f) of the National Historic Preservation Act (16 U.S.C. 470) and its implementing regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800); and

WHEREAS, the County's Director of the Tuscarawas County Office of Community & Economic Development (OCED) will administer the terms of this Programmatic Agreement (hereinafter "PA") and shall assign qualified OCED staff (the Executive Director of the ORDC shall assign qualified ORDC staff as it applies to the CHIP Program) to assist a qualified consultant in the review of all programs covered within this agreement; and

WHEREAS, all capitalized terms shall have the meaning ascribed to them by 36 CFR Part 800 unless otherwise defined by this agreement.

NOW, THEREFORE, the County, its delegates and the OHPO agree that these programs shall be administered in accordance with the stipulations stated in this PA to take into account the effect of individual Undertakings carried out under these programs on Historic Properties:

STIPULATIONS

The County will ensure that the following measures are carried out:

I. Personnel

- A. The County or its delegates will contract with a historic preservation Professional, who meets *the Secretary of the Interior's Professional Qualifications Standards* (Appendix A to 36CFR Section 61) for archeology and at least one other profession (hereinafter, "Preservation Professional"). The Preservation Professional will review all undertakings covered by this agreement, to check compliance with this Agreement, and to monitor Areas of Potential Effects, if any. The Preservation Professional will be the County or its delegates contact person with OHPO for all matters covered by this agreement.
- B. All historic preservation work carried out pursuant to this Agreement will be undertaken by or under the supervision of said Preservation Professional.
- C. The County or its delegates will provide the OHPO with the qualifications and name of the Preservation Professional designated to carry out the terms of this Agreement.
- D. The County or its delegates will notify the OHPO of any proposed Preservation Professional changes. If the County or its delegates do not have a certified person in place and do not utilize a consultant, the County or its delegates will comply with 36 CFR Sections 800.3 through 800.13 with regard to individual undertakings covered by this agreement.

II. Exempt Activities Which Have Limited Potential to Affect Historic Properties

A. The OCED or ORDC office staff will review the information submitted, as defined in Section III-B, and determine if the Undertaking is an exempt activity as defined in Section II-B. Also, activities defined in 24 CFR Section 58.34 of the "Environmental Review Procedures for Community Development Block Grant, and Housing Development Grant Programs" are exempt from review under this PA. Exempt activities may proceed without further review. Either the OCED or ORDC staff will complete the Determination of Historic Eligibility Form (Attachment A), keep a copy and other documentation submitted on file, and return a copy to the project manager as evidence of the review and as notification that the Historic Review process has been completed.

B. If upon the initial review by the Preservation Professional, pursuant to Section III-B of this PA, the activity falls within one of the following categories; the activity shall be deemed exempt and shall require no further review under this PA:

(1) Non-Construction Work

- (a) A public service program that does not physically impact buildings or sites.
- (b) Architectural and engineering fees and other non-construction fees and costs.
- (c) Rental or purchase of equipment.
- (d) Repairs to include only: temporary repairs to floor framing or flooring, temporary repair of falling ceilings, temporary bracing or shoring of structural

members to prevent collapse, or temporary repairs to prevent water damage provided that such work is done without permanent damage to the building.

(2) Site Work

- (a) Maintenance, repair, replacement, line painting, and resurfacing of existing streets, roads, alleys, sidewalks, curbs, ramps, and driveways; and maintenance, repair, replacement or new installation of streetlights, traffic signals and traffic signs.
- (b) Maintenance and repair of existing landscape features, including planting, fences, retaining walls and walkways. Also to include removal of dead plant material.
- (c) Repair of existing historic or traditional fences or installation of new fences that are compatible with neighborhood vernacular fences in terms of materials, style, scale and color.

(3) Exterior Rehabilitation Activities

- (a) Exterior scraping with non-destructive means and painting of wood siding, features and trim; exterior painting of masonry, if existing surfaces are already painted. Power washing is not an exempted activity.
- (b) Repair or replacement in-kind (that is, with the same material) of asphalt, fiberglass shingle, or metal roofs; replacement of structural roof components or decking; and replacement of a flat roof not visible from a public right-of-way.
- (c) Repair or replacement in-kind of historic attic vents in original openings, and installation of new ridge vents when new roofing is installed.
- (d) Installation of screens and storm windows, provided they:
 - (1) Completely fill the original window opening.
 - (2) Match the meeting rail or other major divisions
 - (3) Exterior storms must not protrude beyond the face of the building.
 - (4) Interior storms must not cause damage to the original interior trim.
 - (5) Interior storms must be designed to seal completely so as to protect the primary window from condensation damage.

- (e) Installation of storm doors, if they are simple and undecorated, of a full-view type, and are anodized or painted to complement existing trim.
- (f) Repair of porches, cornices, exterior siding, doors, balustrades, stairs, or other trim as long as any new material matches existing features in composition, design, color, finish, (paint, stain, etc.), texture and other visual and physical qualities.
- (g) Repair of masonry foundations, walls, or chimneys by repointing using matching mortar composition, color, joint width and profile, only when mortar is missing.
- (h) Repair of gutters and downspouts.
- (i) Rebuilding of existing wheelchair ramps.
- (j) Caulking, reglazing and weather-stripping.

(4) Interior Rehabilitation Activities

- (a) Repair, replacement, or installation of electrical, heating and ventilation (HVAC) and plumbing systems, where no structural or decorative feature alteration, such as chair rails, baseboards, cornices, etc, is involved.
- (b) Installation of insulation in floors, attics and openings and installation in outside walls from the interior with a vapor barrier on the inside.
- (c) Repair of wood floors, installation of new floor coverings, except for vinyl covering or carpet over wood flooring in main living areas (living room, dining room, kitchen, bedrooms) where existing hardwood floors are in good condition.
- (d) Repair of plaster walls and ceilings by patching plaster where possible, or repairing with drywall that has a smooth finish when plaster repairs are not feasible.
- (e) Reuse or replace in-kind trim work in its original location, where new wall and ceiling surfaces are installed or where replacement is needed.
- (f) Installation of simple standard light fixtures to replace missing or broken interior or exterior light fixtures.
- (g) Installation of new kitchen cabinets and countertops and installation of new bathroom fixtures if no walls, windows or doors are altered.
- (h) Installation of new ceiling openings and pull-down attic steps; removal and sealing up of obsolete pull-down attic steps.
- (i) Lead-based paint and asbestos abatement activities, such as cleaning and vacuuming, that

does not involve removal or alteration of any structural, architectural, or decorative features.

(5) Where construction or other ground disturbing activities will be demonstratively restricted in scope, horizontally and vertically, to documented areas of former construction within the Area of Potential Effect (APE), such as the footprint of a building demolished within the past fifty years.

- C. Activities defined in 24 CFR Section 58.34 of the "Environmental Review Procedures for Entities Assuming HUD Environmental Review Responsibilities, as amended" are exempt from review under this PA.
- D. Activities defined in 24 CFR Section 58.35(b), of the "Environmental Review Procedures for Entities Assuming HUD Environmental Review Responsibilities, as amended" are exempt from review under this agreement.

III. Identification and Evaluation of Historic Properties

- A. Prior to the County or its delegates taking action on any Undertaking covered by this PA, the County or its delegates will generate a Determination of Historic Eligibility Form (Attachment A) containing the following information:
 - (1) The Department/Office/Agency responsible;
 - (2) Location (map);
 - (3) Description of the proposed work, including work write-ups, plans or specifications;
 - (4) Color photographs of all elevations of the building or site and streetscapes;
 - (5) Date the structure was built, if applicable; and
 - (6) Proposed date of the start of the Undertaking.
- B. On the basis of this information, the County or its delegates will determine if the proposed Undertaking constitutes an exempt activity as defined by Stipulation II. If it is exempt, the County or its delegates will follow the procedures in Stipulation II.
- C. If the County or its delegates determine that the proposed Undertaking is not exempt in accordance with Stipulation II, then the County or its delegates will submit the information described in Stipulation III.A. to the Preservation Professional who shall be responsible for identification and evaluation of Historic Properties, in accordance with the National Register Criteria, that may be affected by the Undertaking.
- D. The Preservation Professional shall identify and evaluate any Historic Properties within the Undertaking's Area of Potential Effect (APE).

- (1) The Preservation Professional will rely on the current listing of the National Register, the list of properties determined by the Keeper of the National Register to be eligible for the National Register, the Ohio Historic Inventory (OHI), the Ohio Archaeological Inventory (OAI), and other available data.
- (2) If the County, its delegates or the Preservation Professional determines that a survey is needed to identify and evaluate Historic Properties, other than archaeological properties eligible for listing in the National Register, then the County or its delegates will ensure that such a survey is implemented. Identification of archaeological sites will be conducted in accordance with Stipulation III.D.3. of this PA. Survey work will be conducted in accordance with the Secretary of the Interior's Archaeological and Historic Preservation: Standards and Guidelines (1983), OHPO guidelines and previous studies. All survey reports will be submitted to the OHPO for review and acceptance.
- (3) For proposed ground-disturbing activities that are not exempt under Stipulation II., the County or its delegates will notify the OHPO and will submit adequate project documentation (as outlined in the Determination of Historic Eligibility form) to the OHPO for review.
 - (a) Prior to approval of the Undertaking, the County or its delegates shall request that, within thirty (30) days of receiving adequate documentation, the OHPO provide the County or its delegates with a written decision regarding the need to conduct an archaeological identification and evaluation survey within the project's APE.
 - (b) If, on the basis of a high probability for the presence of significant archaeological properties, the OHPO requests that an archaeological survey designed to identify and evaluate historic properties be conducted, the County or its delegates will ensure that such an archaeological survey is implemented within the project area by or under the direct supervision of a qualified professional archaeologist who meets the Secretary of the Interior's *Professional Qualifications Standards* (36 CFR Part 61 Appendix A). The County or its delegates shall submit the scope of work for the archaeological survey to the OHPO for review and acceptance.
 - (c) If the OHPO does not request a survey, no further review of the ground-disturbing activities is required under this PA.

- (d) On the basis of the results of the archaeological survey, the Preservation Professional and the OHPO shall consult to determine whether archaeological properties listed in or eligible for listing in the National Register will be affected by the proposed Undertaking. Any disagreement between the Preservation Professional and the OHPO regarding the eligibility of an archaeological property shall be resolved in accordance with 36 CFR Section 800.4(c).
- (4) If the Preservation Professional determines that a historic property is located within the APE, the Preservation Professional will record the determination on the Determination of Historic Eligibility Form and treat the Historic Property in accordance with Stipulation IV.
- (5) If the Preservation Professional determines that the property is not listed in or eligible for inclusion in the National Register, the Preservation Professional will record that determination on the Determination of Historic Eligibility Form and submit the Form to the County or its delegates. The County or its delegates will complete the Form, retain a copy of the Form as documentation for project files and provide a copy of the Form to the responsible Department/Office/Agency as notification of the completion of the Historic Review Process.
- (6) At any time, the OHPO or public may request that the County or its delegates submit its determination of the property's eligibility for listing in the National Register to the OHPO for review and acceptance. The County or its delegates will submit its determination of eligibility along with all relevant project documentation to the OHPO for review within fifteen (15) days of receipt.
- (7) If the OHPO submits a timely objection to the determination of the Preservation Professional under Stipulation III.D.4., the County or its delegates will resolve the objection in accordance with 36 CFR Section 800.4(c). If the OHPO does not object or does not respond, the County or its delegates may elect to proceed with its determination.

IV. Treatment of Historic or Contributing Properties

Individual properties that are determined eligible for, nominated to, or listed in the National Register, or properties determined to be contributing elements within a National Register-listed or eligible Historic District will be treated as follows:

A. Rehabilitation

- (1) The Preservation Professional shall review all proposed rehabilitation work write-ups, plans or specifications to determine if the proposed work conforms to the recommended approaches identified in the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (U.S. Department of the Interior, National Park Service 1990; hereinafter "Standards").
- (2) If the Preservation Professional determines the proposed work meets the Standards, then the Undertaking may proceed and no further review under this PA is required.
 - (a) The Preservation Professional shall complete the Determination of Historic Eligibility Form verifying that the project will meet the Standards. Work may not begin until the Preservation Professional has issued a completed Determination of Historic Eligibility Form. All work will conform to the approved proposal and to the conditions stated on the Determination of Historic Eligibility Form. Rehabilitation accomplished in this manner will require no further review under this PA.
 - (b) The documentation of each project will be retained by the County or its delegates as part of the permanent project files and may be reviewed by the OHPO upon request, or as part of the annual report. Such documentation will include, at a minimum, those items specified in Stipulation III.A., as well as photos of the project upon completion.
- (3) If the Preservation Professional determines the proposed work does not meet the standards:
 - (a) The Preservation Professional will return the documentation for the Undertaking to the County or its delegates and request that the County, its delegates or Project Applicant modify the work write-ups, plans or specifications to bring the Undertaking into Compliance with the Standards.
 - (b) The modified work write-ups, plans or specifications will be submitted to the Preservation Professional for review and acceptance.
 - (1) If the Preservation Professional determines that the modified work write-ups, plans or specification meet the Standards, the Undertaking will be approved by the

Preservation Professional who shall comply with Stipulation IV.A.(2).

- (2) If the Preservation Professional determines that the modified work write-ups, plans or specifications cannot meet the Standards, the County or its delegates shall consult with OHPO and complete the requirements of 36 CFR Part 800.6.

B. New construction and additions

- (1) New construction within or immediately adjacent to historic districts or individual historic properties will be designed to adhere to the Standards. If the Preservation Professional determines that the plans meet the Standards and no eligible or listed archaeological properties will be affected, the project will be approved and the Undertaking can proceed. In these instances, the County or its delegates will comply with Stipulation IV.A.(2)(a-b).
- (2) If the Preservation Professional determines that the Standards cannot be met or that the plans cannot be modified to meet the Standards or that an eligible archaeological site will be affected, then prior to taking any action, the County or its delegates will provide all project documentation to the OHPO who will determine its compliance with the procedures set forth at 36 CFR Section 800.6.
- (3) Additions to historic buildings or contributing buildings within historic districts shall adhere to the Standards and be consistent with guidelines in the National Park Service's Preservation Brief No. 14, "New Exterior Additions to Historic Buildings: Preservation Concerns." Plans for such additions shall be reviewed and approved by the Preservation Professional to ensure consistency with these guidelines using the procedures in IV.A(2).

C. Handicapped accessibility

Handicapped accessibility projects undertaken by the County or its delegates to comply with the Americans With Disabilities Act and other local and federal requirements will follow these guidelines:

- (1) The County, its delegates and Preservation Professional will explore all alternative methods to provide handicapped accessibility to historic buildings consistent with the Secretary

of the Interior's Standards, National Park Service Preservation Brief No. 32, "Making Historic Properties Accessible", and the Department of the Interior's report Access to Historic Buildings for the Disabled: Suggestions for Planning and Implementation.

- (2) To the extent feasible, handicapped accessibility features (i.e. ramps and elevators) will not be located on primary elevations of historic buildings and will not result in the removal of significant historic or architectural features or materials. Final plans and specifications for handicapped accessibility projects shall be reviewed and approved by the Preservation Professional if the projects meet these standards. If the standards cannot be met or the plans cannot be modified to meet the standards, then prior to taking any action, the County or its delegates will provide all project documentation to the OHPO who will determine whether it is in compliance with the procedures set forth at 36 CFR Section 800.6.

D. Site Improvements & Public Improvements

- (1) Site and public improvements projects within historic districts including sidewalk improvements, repaving of streets, installation of landscaping, street lighting and street furniture and other infrastructure improvements will adhere to the Secretary of the Interior's Standards and will be designed to ensure that character-defining elements of historic properties are preserved through repair or replacement in-kind. Any new materials or features introduced in a historic district will be responsive to the character of that district.
- (2) Final plans and specifications for site and public improvement projects shall be reviewed and approved by the Preservation Professional. If the Preservation Professional determines that the Standards cannot be met or the proposed activity modified to meet the Standards or if the contemplated action could have an adverse effect on properties eligible for the National Register, then prior to taking any action, the County or its delegates will provide all project documentation to the OHPO which will determine its compliance with the procedures set forth at 36 CFR Section 800.6.

V. **Demolition**

A. Demolition of non-historic or non-contributing properties

The County, its delegates or its program participants may proceed with the demolition of non-historic properties or non-contributing buildings located in National Register Historic Districts or National Register-eligible areas, without further review of the OHPO or the Council. The County or its delegates shall retain documentation of all such demolitions in its project files. No demolition may proceed until the Preservation Professional has completed the review procedures in Stipulation III.

B. Demolition of historic or contributing properties

Prior to the demolition of historic properties or contributing properties within a Historic District, not covered under Stipulation V.D. (emergency demolition provision) of this PA, the County or its delegates shall forward the following documentation to the OHPO:

- 1.) Location and description of the property including a map showing the location of the building within the County.
- 2.) Reasons for demolition, including documentation of code violations, structural damage and deterioration, and an explanation of why rehabilitation is neither prudent nor feasible.
- 3.) Recent photographs of each elevation, applicable streetscapes and any significant architectural elements.
- 4.) Landmark Nomination Form, Ohio Historic Inventory (OHI) or National Register Nomination Form, if one exists.
- 5.) Future plans for the property if available.
- 6.) Planned schedule for the demolition.

C. OHPO Review

The OHPO will review the documentation submitted and within thirty (30) days after receipt of adequate documentation will provide their comments to either the OCED or ORDC Office.

- (1) If the OHPO agrees that there are no prudent or feasible alternatives to demolition of the Historic Property, the OHPO will determine if it is appropriate to execute a Memorandum of Agreement in accordance with Stipulation VII., Resolution of Adverse Effect.
- (2) If the OHPO objects to the proposed demolition, the County or its delegates will consult with the OHPO and any Interested Persons the County or its delegates has identified to consider alternatives to the proposed demolition. If the parties cannot reach resolution, the dispute shall be resolved in accordance with 36 CFR Sections 800.3 through 800.13.

D. Emergency Demolition

- (1) In the event the County or its delegates determines that emergency demolition of an historic property or a contributing property within a historic district is required to comply with local regulations and avoid an imminent threat to the health and safety of residents, the County or its delegates shall immediately deliver documentation to the OHPO with a request for its concurrence with the decision to conduct an emergency demolition and the proposed mitigation
- (2) Within five (5) days of receipt of the documentation from the County or its delegates, the OHPO shall notify the County or its delegates of its decision in writing.
 - (a) If the OHPO concurs with the County's or its delegate's decision, upon the receipt of such notification, the County or its delegates shall implement the proposed mitigation measures, if any, and then proceed with the demolition.
 - (b) If the OHPO objects to the County's or its delegate's decision to demolish or the proposed mitigation, and if the property cannot be adequately secured to ensure the safety of the community, the OCED or ORDC Office will forward the OHPO's objection to the County Commissioner's Office. The Commissioner's Office shall respond to the OHPO's objection in writing, within fourteen (14) days of receipt of the objection. Following which, the County or its delegates may proceed with the demolition.

VI. Archaeology

- A. In consultation with the Applicant and OHPO, the Preservation Professional shall determine if the proposed Undertaking will adversely affect an archaeological property listed in or eligible for listing in the National Register.
 - (1.) If the Preservation Professional, following consultation with the OHPO, determines that the Undertaking will not adversely affect an archaeological property listed in or eligible for listing in the National Register, then no further review is necessary and the County or its delegates will comply with Stipulation III.
 - (2.) If the Preservation Professional determines that an adverse effect can be avoided, and OHPO concurs, then no further review is necessary and the County or its delegates will comply with Stipulation III.

- (3.) If the OHPO agrees that the adverse effect cannot be avoided, the County or its delegates shall adequately document that finding for the OHPO. Within thirty (30) days of receipt of the documentation, the OHPO shall determine whether it is appropriate to execute a Memorandum of Agreement in accordance with Stipulation VII., "Resolution of Adverse Effect".
- B. The County or its delegates shall ensure that a data recovery plan is developed which is consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 CFR 44734-37) and take into account the Council's "Draft Treatment of Archaeological Properties" (including any revisions made by the Council), and appropriate OHPO guidelines, and is implemented by or under the direct supervision of a qualified professional archaeologist prior to approval of the Undertaking and is submitted to the OHPO for review and approval.
- C. The County or its delegates shall submit the data recovery plan to the OHPO for review and approval, and shall ensure that the approved data recovery plan is implemented by or under the direct supervision of a professional who meets the Secretary of the Interior's *Professional Qualifications Standards* for Archaeology, found in Appendix A to 36 CFR Part 61.

VII. Resolution of Adverse Effect

- A. If the proposed activity could have an adverse effect on historic properties as outlined in 36 CFR Part 800.5(a), the County or its delegates shall comply with 36 CFR Section 800.6, Resolution of adverse effects.

VIII. Public Notification and Participation

- A. Each year the County and its delegates will notify the public of the County's and its delegate's current HUD-funded programs and make available for public inspection documentation on the Programs. Included in this documentation will be information on the Programs, information on the types of activities undertaken with HUD-delegated program funds and how the public can receive further information on the Programs and participate in the historic preservation review process as defined by the terms of this PA. Notice of HUD funded program activities shall be made by placing an advertisement in a local general circulation newspaper. The dissemination of this information will be coordinated with existing public hearing schedules. Additionally, for Federally-funded undertakings involving structures locally designated as Landmarks or Historic Districts, the Preservation Professional will review the proposed work items and issue Certificates of Appropriateness as warranted.

- B. At any time during implementation of the measures stipulated in the Agreement, should an objection to any such measure or its manner of implementation be raised by a member of the public, the County or its delegates shall take the objection into account and consult as needed with the objecting party, the OHPO, or the Council to resolve the objection.

IX. Post Review Discovery

In consultation with the Preservation Professional, the County or its delegates will notify the OHPO immediately of any previously unidentified historic properties, including archaeological sites that are discovered during project construction. That portion of the project will stop immediately for review and the requirements of 36 CFR Part 800.13 will be satisfied.

X. Annual Report/Monitoring

- A. The Preservation Professional will submit an annual report to the OHPO within sixty (60) days from the end of the calendar year summarizing the activities carried out under the terms of this PA for the preceding year. The report will include the following information:

- (1) A list of properties determined eligible for listing in the National Register of Historic Places.
- (2) A list of the activities covered by this PA undertaken by the County and its delegates.
- (3) A brief description of each activity undertaken.
- (4) A complete list of all undertakings covered by this PA in a spreadsheet format describing the activity, status of the structure or site (Register eligible or not), work write-up reviews, and ultimate disposition.
- (5) Three sample projects, including photographic documentation, which demonstrate that the Secretary of the Interior's Standards have been met.

- B. The OHPO will provide comments to the County or its delegates and upon written request with reasonable advance notice, the County or its delegates will make arrangements for the OHPO to review records and conduct on-site inspections of projects.

XI. Dispute Resolution

- A. If at any time during the implementation of this PA, the OHPO, the Advisory Council on Historic Preservation or an Interested Person objects to any action or any failure to act pursuant to this PA, they may file written objections with the County or its delegates.

- (1) The County or its delegates shall notify the parties to this PA of the objection, and take the objection into account, consulting with the objector and, should the objector request, with any of the parties to this PA to resolve the objection.
 - (2) The County or its delegates shall initiate such consultation to resolve any objections.
- B. If the County or its delegates determines that the objection cannot be resolved, the County or its delegates will forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation and request that the Advisory Council on Historic Preservation comments. Within thirty (30) days after receipt of all pertinent documentation, the Advisory Council on Historic Preservation will either:
 - (1) Provide the County or its delegates with recommendations, which the County or its delegates will take in to account in reaching a final decision regarding the dispute; or
 - (2) Notify the County or its delegates that it will comment pursuant to 36 CFR Section 800.7(b) and Section 110 (1) of the National Historic Preservation Act, and proceed to comment.
- C. The County and its delegates will take into account any Advisory Council on Historic Preservation comment provided in response to such a request, with reference to the subject of the dispute, and will issue a decision on the matter. The County and its delegate responsibility to carry out all actions under this PA that are not the subject of dispute will remain unchanged.
- D. The County and its delegates will comply with 36 CFR Section 800.13 in the event that historic properties are discovered after the approval or implementation of an Undertaking.

XII. Default

In the event the County or its delegates do not carry out the terms for this PA, the County or its delegates will comply with 36 CFR Section 800.3 through 800.13 with regard to individual undertakings covered by this PA.

XIII. Termination

Any signatory to this PA may terminate it by providing thirty (30) days written notice to the other signatories, provided that the parties will 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 County and its delegates, in consultation with the Advisory Council on Historic Preservation and the OHPO, will determine how to carry out the County's and its delegate's

responsibilities under Section 106 in a matter consistent with the applicable provisions of 36 CFR Part 800.

This PA will continue in force until December 31, 2006. At any time, in the six-month period prior to that date, the County and its delegates may request the OHPO and the Advisory Council on Historic Preservation to review its Programs and to consider an extension or amendment of this PA. No extension or modification will become effective until all parties to the PA have agreed to it in writing.

XIV. Amendments

- A. This PA may be reviewed for possible amendment at any time.
- B. Any party to the PA may request that it be amended at any time, whereupon the parties will consult in accordance with 36 CFR Section 800.6(c)(7) to consider such amendments.
- C. Any resulting amendments shall be developed and executed among the signatories in the same manner as this PA.

XV. No Oral Representation

This PA embodies the entire agreement and understanding between the County, its delegates and the OHPO and supersedes all prior agreements and understandings relating to the subject matter hereof.

XVI. Notices

All notices, consents, requests, demands and other communications required hereunder shall be in writing and shall be deemed to have been duly given to a party hereto if mailed to the Tuscarawas County Office of Community & Economic Development, 125 East High Avenue, Room 212, New Philadelphia, Ohio 44663, Attention: George A. Reymond, Director; or to the Ohio Regional Development Corporation (ORDC), 120 1/2 S. 4th Street, Coshocton, Ohio 43812-1523, Attention: Dale Hartle, Executive Director; and to the OHPO at the State Historic Preservation Office, 567 East Hudson Street, Columbus, Ohio 43211, Attention: Department Head, Resource Protection and Review; and to the Advisory Council on Historic Preservation at the Old Post Office Building, 1100 Pennsylvania Avenue, NW, #809, Washington, DC 20004.

XVII. Construction of Agreement

This PA may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Also, section headings are for convenience only and shall not effect the interpretation of this Agreement. In addition, all the terms and conditions of the PA between the parties are stated herein.

XVIII. Law of Ohio

This PA shall be deemed to have been executed and delivered within the State of Ohio, and the rights and obligations of the parties shall be construed and enforced in accordance with, and governed by, the law of the State of Ohio, as applicable, without regard to principles of conflicts of laws.

EXECUTION and implementation of this PA evidences that the County and its delegates have afforded the Council a reasonable opportunity to comment on the Community Development Block Grant, the HOME Investment Partnership Grant and Emergency Shelter Grant programs as administered by the U.S. Department of Housing and Urban Development and that the County has taken into account the effects of the Programs on historic properties.

COUNTY OF TUSCARAWAS, OHIO

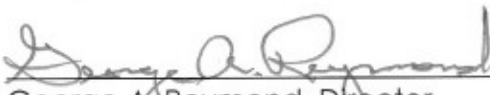


Jim Seldenright, President
Tuscarawas County Board of Commissioners

12-1-05
Date:

TUSCARAWAS COUNTY DELEGATE FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG) AND ASSOCIATED PROGRAMS:

The Tuscarawas County Office of Community & Economic Development (OCED)



George A. Raymond, Director

11/28/05
Date:

TUSCARAWAS COUNTY DELEGATE FOR THE COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP):

The Ohio Regional Development Corporation



Dale Hartle, Executive Director

11-29-05
Date:

OHIO STATE HISTORIC PRESERVATION OFFICE



Mark J. Epstein, Department Head
Resource Protection & Review

12/14/05
Date:

SECTION 106 DETERMINATION OF ELIGIBILITY

To be completed by Delegate:

Organization Name _____ Telephone #: _____

Property Address or Parcel Number _____

Target Neighborhood Name _____

Source of Funds and Dollar Amount _____ CDBG \$ _____ HOME \$ _____

Attach a brief description of the project (e.g. Owner/Rental rehab, Business Loan, New Construction)

Attach Maps (e.g. Location site map, U.S.G.S. Quad map, aerial photo, zoning map)

Attach color photos of building site

To be completed by Preservation Professional:**National Register Status - Category I (Check one)**

Structure Listed: _____ Individually: _____ Historic District: _____

Name of Historic Listing _____

National Register Status - Category II (Check one)

Structure May Be Eligible: _____ Individually _____ Historic District _____ Not Eligible _____

Architectural Survey - (Check one)

Complete _____ Not Complete _____ Area Not yet Surveyed _____

Property Description

Year Constructed: circa _____ Type of Construction: _____

Style/Design: _____

Significant Elements: _____

Comments: _____

Determined by: _____ Review Completion Date: _____

Jeffrey D. Brown, Historic Preservation Administrator, Stark County Regional Planning Commission
(Preservation Professional)

Return To: _____

Name

Address

Telephone #

Distribute copies To: Tuscarawas County OCED and Delegate