

MEMORANDUM OF AGREEMENT (MOA)
AMONG
THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD),
CHESTER HOUSING AUTHORITY (CHA),
AND
THE PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER (SHPO)
FOR THE
DEMOLITION OF THE BOOKER T. WASHINGTON SCHOOL

WHEREAS, the CHA has provided HUD with a proposal for the **demolition** of the **Booker T. Washington School** (the School) located at 1601 West 7th Street in Chester City, and the construction of 24 homeownership townhouses on the resulting parcel (the Undertaking); and

WHEREAS, the School was determined to be eligible for the National Register of Historic Places in May, 2002; and

WHEREAS, the CHA authorized the use of private funds to acquire the abandoned School property for redevelopment as the site for 24 homeownership townhouses; and

WHEREAS, the School building was acquired with non-HUD funds for use in an anticipated HUD project without obtaining a prior environmental clearance because CHA erroneously assumed that activities undertaken with non-HUD funds would never trigger the requirement for such clearance/approval, regardless of its relation to an intended HUD-funded project; and

WHEREAS, acquisition of a property for a proposed HUD project requires an environmental clearance from either HUD or a Responsible Entity that has assumed HUD's environmental review responsibility, regardless of the source of funds being used for the acquisition, or the party acquiring the property, under the activity aggregation criteria set forth in both 24 CFR Part 50 and Part 58; and

WHEREAS, HUD has agreed to formally instruct the CHA that in the future all such activities are subject to HUD's environmental review and clearance requirements and that a

failure to obtain such clearances shall expose the CHA to sanctions by HUD; and

WHEREAS, HUD only became aware in January, 2006, that the School had previously been determined eligible when it submitted the demolition project through the usual Section 106 reviews;

WHEREAS, neither HUD nor the CHA provided Pennsylvania Historical Museum Commission (PHMC) with an opportunity to consult on the acquisition of the National Register eligible School in accordance with the requirements of Section 106 of the National Historic Preservation Act of 1966; and

WHEREAS, HUD and the SHPO have determined that the Area of Potential Effect for the Undertaking is limited to the school building itself; and

WHEREAS, HUD and the SHPO have determined that the Undertaking shall have an **Adverse Effect** on the School; and

WHEREAS, the CHA has documented in its Demolition application that rehabilitation of this site is not feasible for the given goals of the project; and

WHEREAS, HUD notified the Advisory Council on Historic Preservation (Council) by letter of February 15, 2006, of its Adverse Effect determination for this Undertaking and the reasons why it was not inviting Council participation in the development of this MOA; and

WHEREAS, Council has not responded to the above-cited letter within the time period allotted by 36 CFR Part 800, the Council's Regulations implementing Section 106 of the National Historic Preservation Act of 1966); and

WHEREAS, the CHA has evidenced in its Demolition application submission that it has involved, and has a strategy for, the continuing involvement of the public and the City government in the decision-making process concerning this Undertaking and its implementation; and

WHEREAS, the CHA, as project sponsor and HUD grantee, has participated in the consultation process and has been asked to concur in the MOA; and

NOW, THEREFORE, HUD, the SHPO, and the CHA agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the Undertaking on the Project.

STIPULATIONS

HUD will ensure that the following measures are carried out:

I. TREATMENT OF RESOURCES

A. DEMOLITION

The CHA shall not initiate demolition activities until it has complied with Stipulation I.B.1. of this MOA.

B. RECORDATION AND OTHER MITIGATION

1. The CHA shall include the following documentation in its recordation package for the School:

a. Building Description and History

A completed Pennsylvania Historic Resource Form including a description and history of the building. The date of construction and historic uses of the building should be documented by reference to historic maps, deeds or other appropriate sources listed in the Bureau for Historic Preservation Biographical References.

b. Photography

Photographs must show all exterior elevations of the buildings as well as any significant interior features. Photographs should be labeled in pencil with the name and address (including county) of the property, date and view shown in the photograph (i.e., east elevation). Photographs must be taken with 35mm or larger format cameras with black and white print film.

Prints may be 3 ½" x 5" or larger. Negatives must be housed in polypropylene sleeves, labeled with the same information as the photographs, and submitted to PHMC/Bureau for Historic Preservation.

c. Map Location

A U.S.G.S. quadrangle, 7.5 minute map showing the outline of the property associated with the buildings. A site map must also be submitted which includes the property boundaries and the location of the buildings outlining the walls at ground level (building's footprint), noting the dimensions and indicating porches with dashed lines.

Evidence of compliance with this stipulation shall be a formal letter from the SHPO accepting the Authority's recordation documents. Copies of those documents shall also be provided to the Delaware County Planning Commission.

2. The following additional activities shall be implemented to mitigate the adverse effects created by the Undertaking:

a. The CHA, in consultation with the SHPO, shall develop and implement plans for an interpretive panel to be located at the school site.

b. The panel shall present a discussion of the history and significance of the School in the history of Chester. The exact content, size, and location of the panel shall be determined through the above-referenced consultation process. The SHPO shall have 30 calendar days from its date of receipt to respond to a request from the CHA to comment on any of its recommendations regarding either the content, size or location of the panel. If the SHPO does not respond within that time period to such a request for comment on a particular recommendation concerning either the content, size or location of the panel, the CHA shall assume the SHPO's concurrence with its recommendations and proceed accordingly.

c. The panel shall be completed and installed within six months of completion of construction of the townhouse development referenced in the first "WHEREAS" above;

d. Compliance with the interpretive panel stipulations shall be evidenced by documentation in the CHA's files from the SHPO acknowledging satisfactory completion and installation of the panel.

II. Dispute Resolution

Disputes between the CHA and the SHPO shall be referred by the CHA or SHPO to the HUD Philadelphia Office, Director of Public Housing, for resolution in accordance with procedures set forth in the Advisory Council on Historic Preservation Regulations: 36 CFR Part 800.

Execution of this MOA, and the carrying out of its terms, evidences that the procedures established in this document are acceptable and that HUD and the CHA have satisfied their Section 106 responsibilities for this Undertaking.

HUD PHILADELPHIA OFFICE

BY: *Marcia P. Smith*

DATE: 6/7/06

PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER

BY: *Jean Hutler*

DATE: 6-19-06

CONCUR:

CHESTER HOUSING AUTHORITY

BY: *Slum*

DATE: 06/13/06.