

APPENDIX H

Draft Memorandum of Agreement

DRAFT MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF MUNCIE and
THE INDIANA STATE HISTORIC PRESERVATION OFFICER,
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 CFR 800.6(b)(iv),
REGARDING THE 2010 DEMOLITION OF
31 HISTORIC DISTRICT BUILDINGS
IN MUNCIE, INDIANA

WHEREAS the U.S. Department of Housing and Urban Development ("HUD") has delegated all environmental review responsibility with regard to the demolition of blighted buildings in Muncie, Indiana to the City of Muncie, Indiana ("City") pursuant to 24 CFR Part 58; and

WHEREAS the City proposes to provide funding from its HUD Neighborhood Stabilization Program (NSP) and/or Community Development Block Grant (CDBG) for demolition of 30 vacant and unsafe buildings located in the Emily Kimbrough, Goldsmith Gilbert, Old West End, and Walnut Street Historic Districts as listed on the National Register of Historic Places, and one building adjacent to the Old West End District; and

WHEREAS the City, in consultation with the Indiana State Historic Preservation Officer ("Indiana SHPO"), has defined the area of potential effects, as defined in 36 CFR 800.16(d), to be the boundaries of each respective historic district as listed on the National Register of Historic Places, with the addition of 521 S. Council Street to the Old West End boundary.

WHEREAS the City, in consultation with the Indiana SHPO, has found that the 31 buildings are within the area of potential effects; and

WHEREAS the City, in consultation with the Indiana SHPO, has determined that 28 of these buildings are contributing structures to their respective historic districts as listed on the National Register of Historic Places, two are non-contributing, and one is adjacent to the Old West End District; and

WHEREAS the City, in consultation with the Indiana SHPO, has determined, pursuant to 36 CFR 800.5(a), that the demolition of these buildings will be an adverse effect on their respective historic districts; and

WHEREAS the City has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (16 USC 4701) and its implementing regulations (36 CFR Part 800) to resolve the adverse effect; 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 CFR 800.11(e) and (f), to the Advisory Council for Historic Preservation ("Council") pursuant to 36 CFR 800.6[b][1][iv], the City will ensure that the following stipulations are implemented in order to take into account the effect of the demolition project on historic properties:

STIPULATIONS

1. RECORDATION

If the buildings which have been determined to be contributing structures to their respective historic districts as listed on the National Register of Historic Places are to be demolished or removed, prior to their demolition, the buildings will be recorded in the following manner:

- A. A cover page with the historic name and street addresses of each property to be removed.

- B. A typed or printed description of the building on 8 ½" x 11" paper, including at least the following:
 - i. An aerial photograph of the site and verbal description of the site including landscape features and overall site design;
 - ii. A verbal description of the exterior of each of the buildings, including a description of materials and noteworthy architectural features, and a statement of the dimensions of each building (length, width, height to top of fascia, and height to top of rooftop),
 - iii. A map of Central Muncie with the location of each historic property marked;
- C. Color digital photographs of all visible facades of each of the buildings, keyed to the aerial photo and interior photos keyed to a sketch floor plan. Photographs shall meet the current requirements for digital photography as required for National Register nominations.
- D. One duplicate original of the recordation materials shall be provided to the Indiana SHPO, and another duplicate original shall be provided to Ball State University Department of Archives and Special Collections where it will be made available permanently to the public for research or display. Digital photographs shall be supplied on archival quality compact disks.

2. DECONSTRUCTION AND SALVAGE

If the buildings are to be demolished or removed, the City will solicit bids for de-construction of the buildings as well as for conventional demolition. In de-construction, the buildings are disassembled by hand and all practicable building components are saved for re-use or recycling. In addition, the City will give priority to the more environmentally-sound practice by giving deconstruction bids a 20% preference over conventional demolition. For example, if the low bid for deconstruction is \$12,000 and the low bid for demolition is over \$10,000, the deconstruction bid will be accepted.

The City will also solicit bids from persons wishing to purchase salvage rights to any of the buildings to be removed. Salvage rights will be awarded to the high bidder so that architectural features and historic building materials may enter the market for rehabilitation of other buildings.

3. OLD WEST END INFRASTRUCTURE

In support of redevelopment efforts in the Old West End neighborhood, the City will invest \$244,853 in FY 2010 CDBG funds for re-paving of streets and replacement in-kind of concrete curbs and sidewalks in the Old West End. The project will re-pave 20 blocks of asphalt paved streets in the neighborhood, including 13 blocks within the boundaries of the National Register Historic District. Historic brick streets and brick or stone sidewalks, where extant, will be retained.

4. 911 E. JACKSON STREET

The City will provide \$250,000 in HOME Investment Partnership funds to Ready Made Rehab, Inc. for the rehabilitation of 911 E. Jackson Street into three units of affordable housing. 911 E. Jackson is a contributing structure to the expanded Emily Kimbrough Historic District and was described as "well-maintained" in the district nomination from 1989. The building had deteriorated in the succeeding 20 years, was declared unsafe and ordered demolished. The owner applied for HOME funds, and the demolition order was modified to a rehabilitation order. The project will be required to meet the Secretary of the Interior's Standards and the owner will be required to petition Muncie City Council for local landmark status.

5. CHARLES PLACE

The City will provide a minimum of \$311,000 in HOME Investment Partnership funds to Bridges Community Services, Inc. for the rehabilitation of 321 and 325 W. Charles Street into eight units of affordable housing. 321 W. Charles Street is Queen Anne house divided into two units and listed as a contributing property to the Old West End Historic District. It has since suffered losses of integrity with the addition of vinyl siding, vinyl replacement windows, etc., but is well-maintained. 325 W. Charles is a 3-story, 6-unit ca. 1914 apartment building rated as Significant in the National

Register nomination. Bridges Community Services, a Community Housing Development Organization, will acquire the property and rehabilitate the two buildings and operate them as housing for persons on Social Security disability. The project will be required to meet the Secretary of the Interior's Standards and the owner will be required to petition Muncie City Council for local landmark status.

6. ecoREHAB

The City will provide a minimum of \$100,000 in Community Development Block Grant funds to ecoREHAB of Muncie, Inc. for the rehabilitation of 601 E. Washington St. as an affordable home ownership project. 601 E. Washington St is a ca. 1861 brick Italianate house and a significant property to the original Emily Kimbrough Historic District. ecoREHAB is a non-profit dedicated to researching, demonstrating, and teaching strategies for affordable, sustainable, and energy-efficient rehabilitation of existing homes. In partnership with Indiana Landmarks, Community Development, and Ball State University's Immersive Learning program, the project is providing a hands-on experience for Ball State students in architecture and historic preservation. The project is required to meet the Secretary of the Interior's Standards and the building is already under the purview of the Muncie Historic Preservation and Rehabilitation Commission since it is located in the locally designated Kimbrough Historic District.

7. JACKSON AND VINE

The City will provide \$311,526.00 in HOME Investment Partnership funds and \$501,839.00 in Neighborhood Stabilization Program 1 funds to Vision Communities, Inc. for acquisition and rehabilitation of Jackson Vine Apartments, 618 E. Jackson Street, and the Graystone Apartments, 900 E. Washington Street. Jackson Vine is a 26-unit modernist brick building. It was built ca. 1939 and is indicated as a contributing structure in the original Emily Kimbrough Historic District. It has been vacant for several years, entered into foreclosure, and has suffered from theft, vandalism, and a leaky roof. Graystone is a nine-unit Renaissance Revival brick apartment building, ca. 1925, located in the expanded Kimbrough District. Also vacant and in foreclosure, Graystone is a contributing structure to the district. Vision Communities will add Low Income Housing Tax Credits and other funding sources for a total project cost estimated at \$6,196,271. When completed, the project will provide 35 restored apartments for low-income residents. The project will be required to meet the Secretary of the Interior's Standards and the owner will be required to petition Muncie City Council for local landmark status.

8. LIMIT ON DEMOLITION OR REMOVAL

The buildings which will be demolished as part of the project shall be photographed as soon as possible. When photo documentation has been completed the buildings may be demolished.

9. POST REVIEW DISCOVERY

In the event that one or more historic properties--other than the proposed 31 buildings to be demolished --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 CFR 800.13.

10. 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 CFR 800.6(c)(7) shall govern the execution of any such amendment.

11. TERMINATION

- A. If the terms of agreement have not been implemented by September 10, 2013, then this memorandum of agreement shall be considered null and void. In such an event, the City shall notify the parties to this memorandum of agreement and, if it chooses to continue with the 2010 Demolition of 31 Historic District Buildings In Muncie, Indiana project, then it shall reinitiate review of the project in accordance with 36 CFR 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

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amendments or other actions that would avoid termination. In the event of termination, the City shall comply with 36 CFR 800.3 through 800.7 with regard to the review of the 2010 Demolition of 31 Historic District Buildings In Muncie, Indiana project.

- C. In the event that the City does not carry out the terms of this memorandum of agreement, the City shall comply with 36 CFR 800.3 through 800.7 with regard to review of the project

12. DISPUTE RESOLUTION

Objections 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 2010 Demolition of 31 Historic District Buildings project 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 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 comment pursuant to 36 CFR 800.7(b), and proceed to refer the objection and comment.
- B. The City shall take into account any Council comment provided in accordance with 36 CFR 800.7(a)(4) with reference 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.

The execution of this memorandum of agreement by the City of Muncie and the Indiana SHPO, the submission of a copy of it to the Council with the appropriate documentation, specified in 36 CFR 800.11, and the implementation of its terms provide evidence that the City has afforded the Council an opportunity to comment on the 2010 Demolition of 31 Historic District Buildings in Muncie, Indiana project and its effects on historic properties and that the City has taken into account the effects of the 2010 Demolition of 31 Historic District Buildings in Muncie, Indiana project on historic properties.

REQUIRED SIGNATORIES:

CITY OF MUNCIE, INDIANA

INDIANA STATE HISTORIC PRESERVATION OFFICER

Signed by: _____
Sharon McShurley, Mayor

Signed by: _____
Robert E. Carter, State Historic Preservation Officer

Date: _____

Date: _____