

**MEMORANDUM OF AGREEMENT
BETWEEN CITY OF LAS VEGAS, OFFICE OF COMMUNITY SERVICES
AND THE
NEVADA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE DEMOLITION PROJECT OF EXISTING STRUCTURES
LOCATED AT 1100 D STREET; 1122 D STREET; 308 JEFFERSON AVENUE AND 304
MADISON AVENUE**

WHEREAS the City of Las Vegas ("City") intends to proceed with plans to continue with the demolition phase of existing structures located at 1100 D Street; 1122 D Street; 308 Jefferson Avenue and 304 Madison Avenue pursuant to 24 CFR 58.2; and

WHEREAS, City intends to support the demolition using Certified Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD) hereby making the demolition project an undertaking subject to review under Section 106 of the National Historic Preservation Act (54 U.S.C. § 300101 et seq., hereinafter, NHPA) and its implementing regulations 36 CFR Part 800; and

WHEREAS, the undertaking consists of the demolition of existing structures several parcels of land including 1100 D Street (APN 139-27-211-028); 1122 D Street (APN 139-27-211-024 and 139-27-211-025); 308 Jefferson Avenue (APN 139-27-211-029); and 304 Madison Avenue (139-27-211-006). The demolition of the existing structures on these parcels will allow for future economic development activities and housing development in the area; and

WHEREAS, City has defined the undertaking's area of potential effect (APE) as the four parcels: 1100 D Street (APN 139-27-211-028); 1122 D Street (APN 139-27-211-024); 308 Jefferson Avenue (APN 139-27-211-029); and 304 Madison Avenue (139-27-211-006) and the following addresses/parcels: 1200 D Street (APN 139-27-211-002); 300 Madison Avenue (APN 139-27-211-007); 301 Madison Avenue (APN 139-27-211-020); 307 Madison Avenue (APN 139-27-211-021); 308 Madison Avenue (APN 139-27-211-005); 311 Madison Avenue (APN 139-27-211-022); 316 Madison Avenue (APN 139-27-211-003); 317 Madison Avenue (APN 139-27-211-023) (see Attachment A); and

WHEREAS, City, in consultation with the Nevada State Historic Preservation Office "SHPO", has determined that the undertaking may have an adverse effect on **1100 D Street; 1122 D Street; 308 Jefferson Avenue; 1200 D Street; 300 Madison Avenue; 301 Madison Avenue; 307 Madison Avenue, 308 Madison Avenue** which are presently unevaluated, and **311 Madison Avenue and 317 Madison Avenue**, which are eligible for listing in the National Register of Historic Places under Criterion A; and

WHEREAS, City has notified the Advisory Council on Historic Preservation ("ACHP") of its adverse effect determination with specified documentation pursuant to 36 CFR § 800.11(e) and the ACHP has chosen not to participate in consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, City and the SHPO 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 historic properties.

STIPULATIONS

City shall ensure that the following stipulations are met:

I. DOCUMENTATION OF GREATER NEW JERUSALEM CHURCH; F.N. ADDISON EDUCATION & FELLOWSHIP CENTER; AND COMMUNITY FOOD PANTRY BUILDING

- A. City shall hire an architectural historian who meets the Secretary of the Interior's Professional Qualifications Standards (36 CFR 61) (hereinafter referred to as "the contractor") to complete the following building documentation of these properties:
 - 1. Color digital images of exterior and interior views of the resources slated for demolition (specifically, 1100 D Street; 1122 D Street; and 308 Jefferson Avenue) will be taken in accordance with the National Park Service's Photo Policy for "Best" practices in: https://www.nps.gov/nr/publications/bulletins/photopolicy/Photo_Policy_update_2013_05_15.pdf. The contractor will key photos to an aerial photo or site plan. The contractor will print photos as 8-1/2 x 11 prints at 600 dpi on archival paper. The contractor will save digital images on an archival CD per NPS Photo Policy for "Best" practices. The City shall submit one copy to the SHPO for their review and comment. The SHPO must approve photo documentation prior to the start of any demolition or ground disturbance associated with the undertaking.
 - 2. Color digital images shall include exterior and interior views of the resources. The exteriors should be fully documented by at least 6 views including a) the front and one side; b) the rear and one side; c) the front elevation; d) environmental view showing the buildings as part of its larger landscape; e) major elements of the buildings, including doors, windows, additions, etc.; and f) details, such as materials and hardware. Interior photographs should yield information about the floor plan. Three or four views should be sufficient to document the significant elements of the interiors.
 - 3. The contractor will key images to a sketch plan of the building, which indicates the interior layout.

4. Reproductions of historic photographs, images, and/or drawings (blueprints etc.) of this building, if available.
 5. Written history about the church properties, including a description of the historic significance of the church to the surrounding neighborhood.
 6. In order to mitigate effects on the unevaluated and eligible buildings mentioned above that will remain standing in this neighborhood, a report will be prepared that details the history of redevelopment efforts in the Westside. Topics will include 1) brief context on why the Westside lost economic energy over the 1970s 2) Community efforts to revitalize the area since the 1940s 3) A snapshot record of demolition in the neighborhood since the 1960s. Use permissions will be obtained for any historic images of any subject buildings from area archives. Images should be high-resolution scans.
- B. City shall submit draft images electronically to the SHPO for review and comment. The SHPO will review the documentation for completeness within fifteen (15) business days of receipt. If the SHPO does not respond within this timeframe, City shall finalize the report. The SHPO will send its comments electronically to City for action, if needed. City will address all SHPO comments and submit any amended draft documents with the required changes to the SHPO for review and comment.
- C. Upon the SHPO's final acceptance of the images, City may initiate any part of the undertaking. City shall submit the draft remaining historic documentation (written history etc.) to the SHPO for review and comment within six (6) months after the SHPO's acceptance of the digital images.
- D. The SHPO will review the draft historic documentation for completeness within thirty (30) calendar days of receipt. If the SHPO does not respond within this timeframe, City shall finalize the report. The SHPO will send its comments electronically to City for action, if needed. City will address all SHPO comments and submit any amended draft historic documentation with the required changes to the SHPO for review and comment.
- E. Copies of the products created under Stipulation I.A should be provided to the SHPO and UNLV's Special Collections and the Nevada State Museum – Las Vegas archives, unless either or both of those repositories do not wish to receive a copy.

II. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, City may consult with the SHPO to reconsider the terms of the MOA and amend it in accordance with Stipulation VIII below.

III. MONITORING AND REPORTING

Each year following the execution of this MOA until it expires or is terminated, City shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in City's efforts to carry out the terms of this MOA.

IV. DISPUTE RESOLUTION

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the signatories shall consult with such party to resolve the objection. If City determines that such objection cannot be resolved, City will:

- A. Forward all documentation relevant to the dispute, including the City's proposed resolution, to the ACHP. The ACHP shall provide City and SHPO with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, City shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the SHPO, and provide them with a copy of this written response. City will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, City may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, City shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.
- C. City's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

VIII. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

IX. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Section VIII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, City must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. City shall notify the signatories as to the course of action it will pursue.

X. COUNTERPART SIGNATURES

This MOA will be signed in counterparts, each signature will be effective, and binding as if the signatories had signed the same document.

Execution of this MOA by the City and the SHPO and implementation of its terms, evidence that City has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

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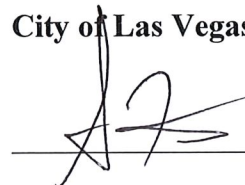
SIGNATORIES:

City of Las Vegas

 Date 6/12/19
Kathi Thomas-Gibson, Director, Office of Community Services

Approved as to form:

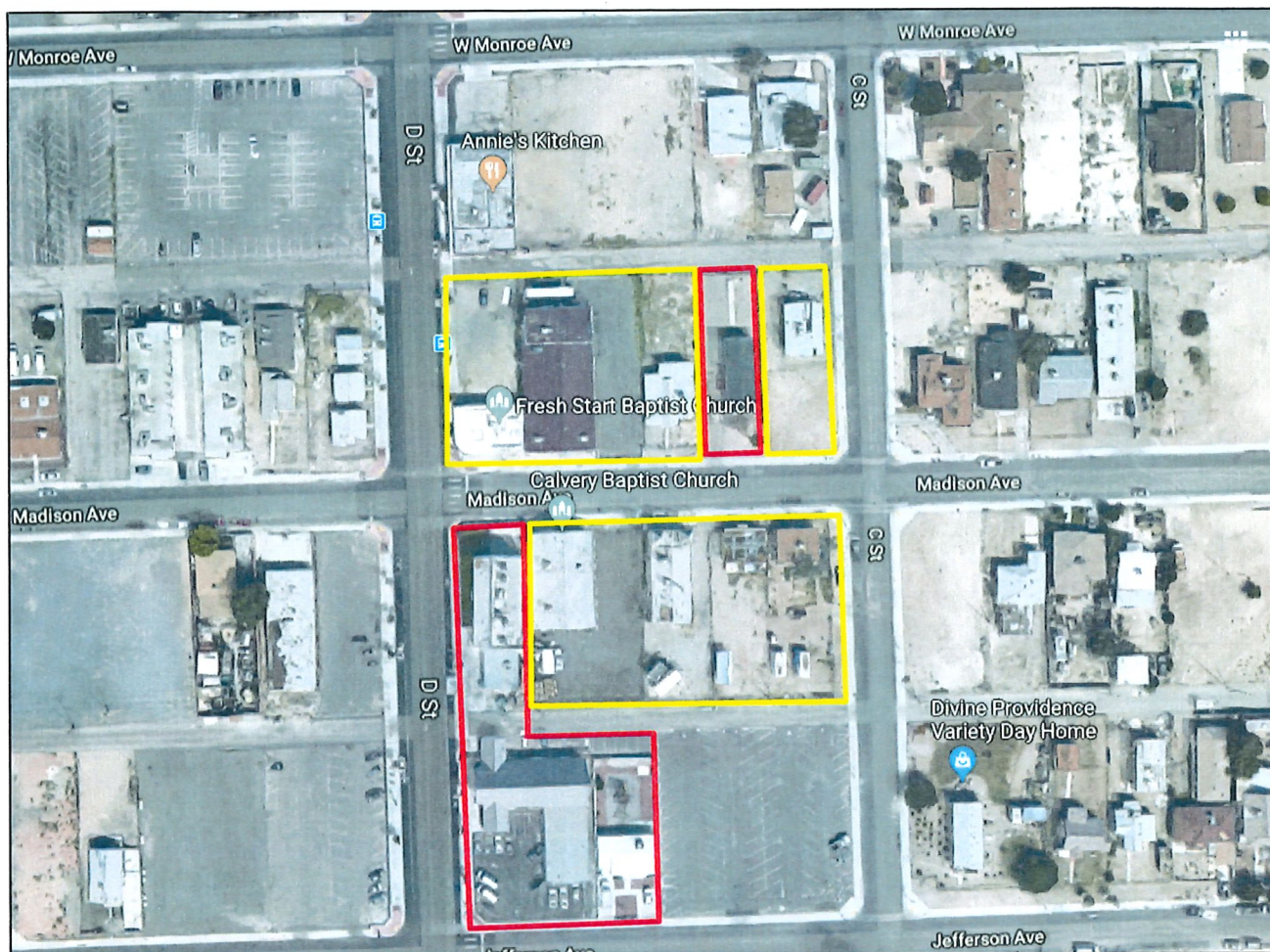
City of Las Vegas, Office of City Attorney

 Seth T. Floyd
Deputy City Attorney Date 6/12/19

Nevada State Historic Preservation Officer


Rebecca Lynn Palmer Date 7/5/19
Rebecca L. Palmer, State Historic Preservation Officer

Attachment A



Project location map showing the Direct APE in red, and the Indirect APE in yellow (Google Maps 2018).