

**MEMORANDUM OF AGREEMENT BETWEEN  
CITY OF NORTH LAS VEGAS  
AND  
NEVADA STATE HISTORIC PRESERVATION OFFICER  
REGARDING MITIGATION REQUIREMENTS ARISING FROM THE  
CITY OF NORTH LAS VEGAS UTILITY DEPARTMENT ARROWHEAD ACRES  
WATERMAIN UPGRADE PROJECT**

**THIS MEMORANDUM OF AGREEMENT** (“MOA”) is made and entered into this ... day June 2013, by and between the City of North Las Vegas on behalf of the U.S. Department of Housing and Urban Development (“Agency”), and the Nevada State Historic Preservation Officer (“SHPO”).

**RECITALS:**

**WHEREAS**, Agency is responsible for the Section 106 of the National Historic Preservation Act compliance for the replacement of water mains, water lines, fire hydrants, water meters, backflow assemblies, sewer mains, manholes and sewer service lines for the City of North Las Vegas, Clark County, Nevada and commonly known as the Arrowhead Acres Watermain Replacement Project within the Area of Potential Effect (“APE”) on the map attached as Exhibit A; and

**WHEREAS**, Agency has determined that the proposed upgrade and replacement of the existing water and sewer infrastructure which were installed in McCarran Street, Pruitt Street, Haddock Avenue and Ellis Street in 1963 and are more than 50 years old may result in adverse effects to the existing sewer and water lines, historic properties; and

**WHEREAS**, Agency has consulted with SHPO pursuant to 36 CFR Part 800, the federal regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 401); and

**WHEREAS**, in accordance with 36 C.F.R § 800.6(a)(1), Agency has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination providing the specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 C.F.R. § 800.5(a)(1)(iii); and

**NOW, THEREFORE**, Agency and SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of said Undertaking on historic properties.

## **I. DOCUMENTATION**

### **A. Recording and Reporting Activities**

#### **1. Stipulations**

The City of North Las Vegas will ensure that the following measures are implemented:

Agency will provide the following mitigation materials:

- a. A map of the historic pipeline routes, including laterals; and
- b. A narrative of what the pipe is made of, hazardous materials used and why it is failing; and
- c. Photos of the fire hydrants being replaced; and
- d. Photos or photo of the pipeline if it can be procured, or if it has already been taken.

2. Agency will submit the final documents described in Stipulation I.A.1. a - d to SHPO no later than 90 days after the completion of the ground-disturbing portion of the Arrowhead Acres Watermain Replacement Project.

## **II. MUTUAL REPRESENTATIONS AND WARRANTIES**

A. Agency and SHPO and each person executing this MOA on behalf of the Agency represents and warrants to each other that:

1. All parties have requisite power and authority to enter into and perform their obligations under this MOA;
2. The person signing this MOA on each party's behalf have been duly authorized to execute and deliver this MOA and to legally bind that party to the terms and conditions of this MOA;
3. The execution and performance of this MOA by the parties does not violate any provision of any other agreement in which the Agency or SHPO is a party.

**EXECUTION** of this MOA by the Agency and SHPO and implementation of its terms evidence that Agency has taken into account the effects of this Undertaking on historic properties, and that Agency has afforded both SHPO and the ACHP an opportunity to comment.


IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement as of the Date set forth above.

**City of North Las Vegas**

By:   
Jeffrey L. Buchanan, Acting City Manager


Date: 9-4-13

ATTEST:

By:   
Karen L. Storms, CMC, City Clerk

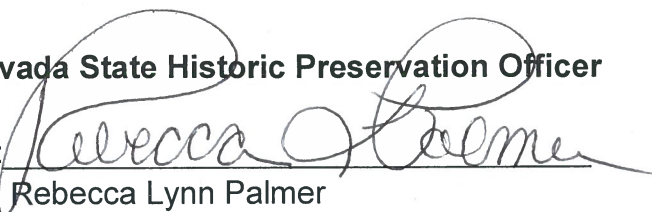
Date: 9/4/13

APPROVED AS TO FORM:

By:   
Sandra Douglass Morgan, Acting City Attorney

Date: 9/3/13

**Nevada State Historic Preservation Officer**

By:   
Rebecca Lynn Palmer  
Acting State Historic Preservation Officer

Date: 9/6/13