MEMORANDUM OF AGREEMENT
CONCERNING MITIGATION OF ADVERSE EFFECTS
PURSUANT TO 36CFR §800.6

THIS MEMORANUM OF AGREEMENT ("MOA") is made and entered this 31ST day of March, 2009, by and between the City of Pueblo, a Municipal Corporation (hereinafter "Local Government"), the Colorado State Historic Preservation Officer ("SHPO"), the Pueblo Regional Building Department and its Chief Building Inspector (collectively "Building Official"), the Pueblo Historic Preservation Commission ("PHPC"), and the Advisory Council on Historic Preservation ("Council").

WHEREAS, Building Official has determined, pursuant to and in accordance with the Uniform Code for Abatement of Dangerous Buildings, as adopted and amended by the City of Pueblo ("Code"), that a certain single family residence and accessory buildings located upon property within the County of Pueblo, State of Colorado, described as:

Lots 8 and 9, Block 20, Mattice Addition of 1888

also known and numbed as 612 East 2nd Street, Pueblo, Colorado (hereinafter, the "Structure"), constitutes a Dangerous Building which must be demolished in accordance with the Code for the protection of public health and safety; and

WHEREAS, it is the responsibility of the owner of any Dangerous Building to make arrangements for demolition of same at the cost and expense of the owner; and

WHEREAS, Local Government is a recipient of Community Development Block Grant ("CDBG") funds pursuant to Housing and Community Development Act, 42 U.S.C. §5301, et seq; and,

WHEREAS, Local Government has established a program under which "CDBG" funds are expended to assist in the elimination of slum and blight caused by dangerous buildings and other unsafe structures, in furtherance of Local Government's housing strategy and to enhance and preserve the neighborhoods in which such buildings and structures are located; and

WHEREAS, under the Local Government's program, CDBG funds may be used to undertake demolition of Dangerous Buildings under the Code in cases where the owner has failed and refused to do so; and

WHEREAS, Local Government's Department of Housing and Citizen Services ("Housing Department") has determined that it is appropriate to demolish the Structure under said program, but has determined that the Structure: is a contributing property in a potentially historic district, which district may be eligible for inclusion in the National Register of Historic Places; and

WHEREAS, Housing Department has consulted with SHPO regarding the Structure pursuant to the 36 CFR Part 800 regulations in implementing Section 106 of the National Historic Preservation Act (16 U.S.C. §470f); and

WHEREAS, the PHPC has also participated in the consultation with SHPO and is willing to participate in the MOA; and

WHEREAS, the Building Official has also participated in the consultation with SHPO and is willing to participate in the MOA.

NOW, THEREFORE, in consideration of the foregoing recitals and the terms and conditions hereof, the parties hereto agree as follows:

1. In the event Local Government contemplates demolition of the structure under the Federally Assisted Program, prior to demolition it shall comply with all of the requirements set forth in paragraphs 2 and 3 of this MOA.

2. Local Government shall hire, as an independent contractor, consultant meeting Secretary of the Interior's Professional Qualification Standards for historian or architectural historian and listed in the Colorado Historical Society's "Directory of Cultural Resource Management Agencies, Consultants, and Personnel for Colorado" to document and record the exterior appearance of the Structure in accordance with the standards and procedures for HABS/HAER Level II documentation as listed in the Office of Archaeology and Historic Preservation Colorado Historical Society document number OAHP1595 dated October 1998 . The contract shall require the photographic negatives to be treated to ensure archival stability of the images, and shall require contact prints to be printed on fiber-base paper. Measured drawings of the exterior of the Structure will also be a requirement of the contract, and shall require the drawings be placed on mylar for archival permanence.

3. Housing Department shall compile all relevant documentation concerning Structure, including the documents and reports and photographs prepared by Consultant and furnish a complete copy thereof to the SHPO. In the event the SHPO determines the documentation is incomplete or inadequate in any respect, the SHPO shall so notify Housing Department and the deficiencies corrected. Upon approval of the documentation by the SHPO, a copy of the documentation shall be deposited with such local repository archive as may be designated by the SHPO.

4. The Local Government, Building Official, and the PHPC acknowledge that demolition of the Structure, after documentation, is necessary to abate a dangerous condition and protect public health and safety.

5. Execution of this MOA by the parties, its acceptance by the Council, and the implementation of its terms evidence that the Local Government has afforded the Council and opportunity to comment upon demolition of the Structure under the Federally Assisted Program, and that the Local Government has taken into account the effects of such action on historic properties.

Executed the day and year first above written.

CITY OF PUEBLO,
A Municipal Corporation

By _____
Jerry M. Pacheco, Interim City Manager

Concur

COLORADO STATE HISTORIC
PRESERVATION OFFICIER

By _____
Edward C. Nichols, SHPO

PUEBLO REGIONAL
BUILDING DEPARTMENT

By _____
J. D. Potter, Chief Building Inspector

PUEBLO HISTORIC
PRESERVATION COMMISSION

By _____
Jerry Pacheco, Director of Planning
and Community Development