

MEMORANDUM OF AGREEMENT
BY AND AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE DEPARTMENT OF VETERANS AFFAIRS,
THE KANSAS STATE HISTORIC PRESERVATION OFFICER
REGARDING THE RECONSTRUCTION OF U.S. 54 FROM
HILLSIDE TO EDGEMOOR IN WICHITA, KANSAS.

WHEREAS, the Federal Highway Administration (FHWA) is providing financial assistance to the Kansas Department of Transportation (KDOT) towards the reconstruction of U.S. 54 from Hillside to Edgemoor in Wichita, Kansas; and

WHEREAS, the FHWA has determined that the proposed reconstruction of U.S. 54 from Hillside to Edgemoor will have an effect on the Department of Veterans Affairs Medical and Regional Office Center (VAM&ROC), 5500 East Kellogg; World War I Monument, Bleckley-Kellogg Intersection; O'Neal Apartment Building, 4313 East Kellogg; Wichita Fire Station Number Nine, 4706 East Kellogg; Mourning-Daugherty House, 521 South Roosevelt; Timothy P. Hayes House, 3624 Longview Lane; Hendrick-Ostring House, 3902 Longview Lane; Charles M. Walz House, 3906 Longview Lane; which are included in or eligible for inclusion in the National Register of Historic Places, and has consulted with the Kansas State Historic Preservation Officer (SHPO), pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act [16 U.S.C. §470(f)]; and

WHEREAS, the Department of Veterans Affairs (VA), is being requested to transfer land from the VAM&ROC to the City for use in the reconstruction of U.S. 54 from Hillside to Edgemoor in Wichita, Kansas, has participated in the consultation; and

WHEREAS, the KDOT and City of Wichita, Kansas (City), are providing portions of the required funds, are responsible for plan preparation and project administration, have participated in the consultation and have been invited to concur in this Memorandum of Agreement;

NOW, THEREFORE, the FHWA, VA, and SHPO agree that the reconstruction of U.S. 54 from Hillside Street to Edgemoor Street shall be implemented in accordance with the following stipulations in order to take into account the effect of the proposed project on the VAM&ROC and the World War I Monument. The effects to the O'Neal Apartment Building, Wichita Fire Station Number Nine, Mourning-Daugherty House, Timothy P. Hayes House, Hendrick-Ostring House, and Charles M. Walz House, are being addressed under a separate agreement. Furthermore, it is understood that implementation of the stipulations contained herein is conditional upon an agreement between the City and the VA.

STIPULATIONS

1. The VAM&ROC Building Eight will be demolished as part of this project. Prior to demolition of this historic structure, the FHWA shall ensure that the following measures are carried out:
 - A. The FHWA shall contact the Historic American Building Survey (HABS) at the Western Regional Office of the National Park Service to determine the level and kind of recordation that will be required for this structure. The FHWA shall ensure that all documentation is completed and submitted to HABS for acceptance. The SHPO and VA shall be notified of HABS acceptance prior to demolition, alteration, or disposal of the structure. Archival quality copies of the documentation shall be provided to the SHPO and VA for curation.
 - B. Any elements of the existing structure which are identified by the SHPO for commemorative purposes shall be removed and made available to the SHPO for curation.
 - C. The structure shall be demolished, including affected portions of the wraparound brick wall and equipment shed. The roof clay tiles shall be salvaged by the City and stockpiled at a location specified by the VA.
2. The City shall develop a VAM&ROC landscape plan, the scope of which shall be contained in the agreement between the City and the VA. The plan shall include reconstruction of the existing wraparound brick wall and equipment shed on the VA access road just west of Edgemoor Street. Further, the plan shall provide for replacement parking facilities lost as a result of this action. The SHPO shall be consulted to ensure that the landscape plan along with the proposed footprint of a replacement facility to provide for functions lost with the demolition of Building Eight are consistent with the historical aspect of the site. Upon approval by the SHPO, the FHWA shall ensure that the landscaping plan is implemented. A replacement facility for Building Eight will be addressed as part of the agreement between the City and the VA. The landscaping provided on the VAM&ROC property shall be maintained by the VA.
3. The City shall develop a landscaping plan for the right-of-way adjacent to the VAM&ROC. The landscape plan is to be prepared in consultation with the SHPO. Upon approval of the SHPO, the FHWA shall ensure that the landscape plan is implemented. The landscaping within the freeway section shall be maintained by the City.

4. The City shall relocate the World War I Monument erected by the American Legion, Thomas Hopkins Post No. 4 in 1937, to the VA property. Prior to relocation, the monument site shall be reviewed by the SHPO. The FHWA shall ensure that the following measures are carried out for the relocation of the monument.
 - A. Prior to relocation of the monument, documentation requirements necessary to record the structure and assure a permanent record of its present appearance and setting shall be developed in consultation with the SHPO. Archival quality copies of the documentation shall be provided to the SHPO for curation.
 - B. The monument shall be moved in accordance with the recommended methods mentioned in the Department of Interior's publication, "Moving Historic Buildings." Before moving the monument, the City shall consult with the SHPO and a professional mover who is experienced in moving historic properties.
 - C. The City shall develop a landscape plan for the monument site. The scope of which shall be contained in the agreement between the City and the VA. The landscape plan is to be prepared in consultation with the and SHPO. Upon approval by the SHPO, the FHWA shall ensure that the landscape plan is implemented. The landscaping provided at the monument site shall be maintained by the VA.
5. The FHWA shall ensure that any change orders to the project or landscaping design subsequent to the approval of the project pursuant to Stipulations 2, 3, and 4 shall be developed in consultation with the SHPO, and all such changes shall be submitted to the SHPO for approval.
6. Should the SHPO or VA object within 30 calendar days to any plans, specifications, change orders, or construction documents provided for review pursuant to the terms of this agreement, the FHWA shall consult with the SHPO or VA to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall request the further comments of the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR §800.6(b). Any Council comment provided in response to such a request shall be taken into account by the FHWA in accordance with 36 CFR §800.6(c)(2) with reference only to the subject of the dispute, and the FHWA's responsibility to carry out all actions under this agreement that are not the subject of the dispute will remain unchanged.
7. At any time during the implementation of the measures stipulated in this agreement, should an objection to any such measure be raised by a member of the public, the FHWA

shall take the objection into account and consult as needed with the objecting party, VA or SHPO to address the objection.

8. Should any signatory to this agreement determine that the terms of this agreement cannot be met or believe that a change is necessary, that signatory shall immediately request the other signatories to consider voiding, amending, or affecting an addendum to this agreement. Such an amendment or addendum shall be executed in the same manner as the original agreement.

Execution of this Memorandum of Agreement by the FHWA, VA, and SHPO, its subsequent acceptance by the Council, and implementation of its terms, evidences that the FHWA has afforded the Council a reasonable opportunity to comment on the reconstruction of U.S. 54 from Hillside to Edgemoor in Wichita, Kansas, and its effects on historic properties and that the FHWA has taken into account the effects of the undertaking on historic properties satisfying the requirements of Section 106 of the National Historic Preservation Act [16 U.S.C. §470(f)].

Approved: Federal Highway Administration

By: *Johnny R. Dault* 8/11/95
For Division Administrator Date

Approved: Department of Veterans Affairs

By: *Gary L. Campbell* 8-7-95
Center Director VAM&ROC Date

Approved: Kansas State Historic Preservation Officer

By: *Ramon Powers* 8-2-95
SHPO Date

Accepted: Advisory Council on Historic Preservation

By: *Robert W. Bush* 8/2/95
Executive Director Date

Concur: Kansas Department of Transportation

By: *Warren L. Suli* 8/2/95
for State Transportation Engineer Date

Concur: City of Wichita, Kansas

By: *Bob Knight* JUL 25 1995
Mayor **BOB KNIGHT** Date