

MEMORANDUM OF AGREEMENT
BETWEEN THE U.S. DEPARTMENT OF VETERANS AFFAIRS, THE CITY OF FORT
THOMAS, KENTUCKY, AND THE KENTUCKY HERITAGE COUNCIL (STATE
HISTORIC PRESERVATION OFFICE) REGARDING THE SALE OF A 12.554-ACRE
PARCEL OF LAND FROM THE FORT THOMAS CAMPUS OF THE CINCINNATI VA
MEDICAL CENTER IN FORT THOMAS, KENTUCKY

WHEREAS, pursuant to Public Law 109-461, Section 813, the United States Department of Veterans Affairs (VA) proposes to convey a 12.554 acre parcel of land from the Fort Thomas Campus of the Cincinnati VA Medical Center in Fort Thomas (the Parcel), Kentucky to the City of Fort Thomas (City), which in turn plans to sell a portion of the property to a real-estate developer as well as retain a portion of the property (the Undertaking); and

WHEREAS, VA has established the Undertaking's area of potential effects (APE), as defined at 36 CFR 800.16(d), to be the Parcel; and

WHEREAS, VA has determined that the Parcel is included within the National Register of Historic Places boundaries of the Fort Thomas Military District, and that the ten residential buildings and one barbeque pit located on this Parcel are contributing resources of said district; and

WHEREAS, VA has conducted an archaeological survey of the Parcel, which did not identify any significant archaeological sites; and

WHEREAS, VA has determined that transfer of the historic property out of Federal ownership, or control without adequate and legally enforceable restrictions or conditions to ensure the long-term preservation of the property, would constitute an adverse effect to the property; and

WHEREAS, VA has consulted with the City, the Kentucky Heritage Council, and the Campbell County Historical Society in accordance with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470 (NHPA), and its implementing regulations (36 CFR Part 800.6(b)(1)) to resolve the adverse effects of the Undertaking on historic properties; and

WHEREAS, pursuant to 36 CFR 800.6(c)(2) VA has invited the City to sign this Memorandum of Agreement (MOA); and

WHEREAS, pursuant to 36 CFR 800.6(c)(3) VA has invited the Campbell County Historical Society to concur in this MOA;

NOW, THEREFORE, VA and the Kentucky Heritage Council agree that upon VA's decision to proceed with the Undertaking, VA shall ensure that the following stipulations are implemented in order to take into account the effects of the Undertaking on historic

properties, and that these stipulations shall govern the Undertaking and all of its parts until this MOA expires or is terminated.

Stipulations

VA and the City shall ensure that the following stipulations are implemented:

VA shall ensure that title restrictions are developed and included in the transfer instrument from VA to the City and recorded in the real estate records of Campbell County, Kentucky for the sale of the property. The title restrictions shall call for the preservation or rehabilitation of the exteriors of the National Register-listed properties in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* in perpetuity to run with the land. Any additions or new construction within the Parcel shall also conform to these standards. Since, upon acquisition of the property, the City currently plans to immediately sell a portion of the property to a real-estate developer as well as retain a portion of the property, and since the City has an expressed interest in the long-term preservation of the property, the title restrictions shall identify the City as the Covenantee. Any subsequent deeds of conveyance by the City shall restate the same restrictions contained in the deed of transfer from the VA to the City. VA, KHC and the City have developed architectural design guidelines to facilitate the implementation of the preservation standards outlined in the title restrictions, and a copy of those guidelines are attached to this agreement as Exhibit A (Architectural Guidelines). The title restrictions will grant the Covenantee the right to inspect the property at all reasonable times to ensure that the treatment of the buildings is consistent with these standards.


If the terms of this agreement have not been implemented within two (2) years from the date of execution, this agreement shall automatically expire, and will be considered null and void, unless it is extended by all of the signatories identified in the signatures lines below.. If the parties to this agreement sign on different dates, "date of execution" is defined as the date on which the last party signs. In such event, VA shall notify the other parties to this agreement, and if VA chooses to continue with the Undertaking, shall re-initiate review of the undertaking in accordance with 36 CFR Part 800.

Execution of this MOA by VA and the Kentucky Heritage Council, and its submission to the Advisory Council on Historic Preservation (Council) in accordance with 36 CFR 800.6(b)(1)(iv), shall, pursuant to 36 CFR 800.6(c), be considered to be an agreement with the Council for the purposes of Section 110(l) of NHPA. Execution and submission of this MOA, and implementation of its terms evidence that VA has afforded the Council an opportunity to comment on the Undertaking and its effects on historic properties, and that VA has taken into account the effects of the Undertaking on historic properties.

U.S. Department of Veterans Affairs

By:  Date: 8/6/14

Kentucky State Historic Preservation Officer

By:  Date: 7-10-14

City of Fort Thomas

By:  Date: 6-16-14

CONCUR:

Campbell County Historical Society

By:  Date: 6-26-14