

## MEMORANDUM OF AGREEMENT

WHEREAS, the Department of Veterans Affairs (VA) has determined that the rehabilitation of Building 91 will have an effect upon this property and the VA Medical Center, Waco, Texas, properties which are eligible for inclusion in the National Register of Historic Places, and has consulted with the Texas State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f),

NOW, THEREFORE, VA, the SHPO, and the Council 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

VA will ensure that the following measures are carried out:

1. Building 91 will be rehabilitated according to the plans titled "Renovate Building 91 and New Chiller Plant Phase II," dated May 22, 1990, except as described below.
2. Window replacement for building 91 will be in accordance with the construction documents provided to the SHPO and Council for review and will have true divided lights. Any design changes will be submitted to the SHPO and Council for review and comment.
3. VA will apply its best efforts to finalize the window study required by the Memorandum of Agreement for the renovation of Buildings Nos. 10 and 90 at the VA Medical Center, Waco. VA thereby restates its earlier commitment to use this study as a guide for future renovation projects which may affect historic steel windows at the facility.
4. VA will contact the parties and discuss alternatives to the placement of the handicapped entrance at the ground level beneath the main entrance. If alternatives which preserve character defining features are identified, VA will consult further with the SHPO to develop an alternative handicapped entrance which shall be included as a revision to the contract documents.
5. Should the SHPO object within 30 days to any plans, specifications, or other documentation provided for review pursuant to this Agreement, VA shall consult further with the SHPO to resolve the objection. If VA determines that the objection cannot be resolved, VA shall forward all documentation relevant to the dispute to the Council. Within 30 days after receipt of all pertinent documentation, the Council will either:

1) provide VA with recommendations, which VA will take into account in reaching a final decision regarding the dispute; or 2) notify VA that it will comment pursuant to 36 CFR Part 800.6(b) and proceed to comment. Any recommendations or comments provided by the Council will be understood to pertain only to the subject of the dispute, VA's responsibility to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

7. Any party to this Agreement may request that it be amended or modified, whereupon the parties will consult in accordance with 36 CFR Part 800.5(E)(5) to consider such revisions. Any resulting amendments or addenda shall be reduced to writing and will be developed and executed in the same manner as this Agreement.

EXECUTION OF THIS MEMORANDUM OF AGREEMENT and implementation of its terms evidences that VA has afforded the Council an opportunity to comment on the rehabilitation of Building 91 and its effect on historic properties, and that VA has taken into account the effects of the undertaking on historic properties.

DEPARTMENT OF VETERANS AFFAIRS

By: Bruce G. Pleems Date: 1/22/91  
Director, Office of Planning and Development

TEXAS STATE HISTORIC PRESERVATION OFFICER

By: [Signature] Date: \_\_\_\_\_  
State Historic Preservation Officer

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: Robert W. Bush Date: 3/5/91  
Executive Director

CONCUR:

By: [Signature] Date: 1/23/91  
WALLACE M. HOPKINS  
Director, Waco VA Medical Center