

**Advisory
Council On
Historic
Preservation**

ER 81-101-0180
Hist. Comm.

1522 K Street, NW
Washington, DC 20005

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Mr. R. Carlton Brooks
Director, Real Property Division
General Services Administration
National Capital Region
Washington, DC 20407

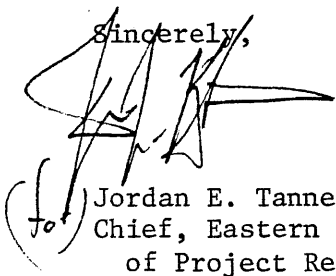
Dear Mr. Brooks:

The Memorandum of Agreement for the proposed sale of the Frankford Arsenal, Philadelphia, Pennsylvania, has been ratified by the Chairman of the Council. This document constitutes the comments of the Council required by Section 106 of the National Historic Preservation Act, Section 2(b) of Executive Order 11593, "Protection and Enhancement of the Cultural Environment," and completes compliance with the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800). A copy of the Agreement is enclosed.

In accordance with Section 800.6(c)(2) and 800.9(e) of the regulations, a copy of this Memorandum of Agreement should be included in any environmental assessment or statement prepared for this undertaking to meet requirements of the National Environmental Policy Act and should be retained in your records as evidence of compliance with Section 106 of the National Historic Preservation Act and Section 2(b) of Executive Order 11593.

The Council appreciates your cooperation in reaching a satisfactory resolution of this matter.

Sincerely,



Jordan E. Tannenbaum
Chief, Eastern Division
of Project Review

Enclosure

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EXECUTIVE DIRECTOR

Advisory Council On Historic Preservation

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MEMORANDUM OF AGREEMENT

WHEREAS, the General Services Administration (GSA) proposes to dispose of the Frankford Arsenal, Philadelphia, Pennsylvania; and,

WHEREAS, GSA, in consultation with the Pennsylvania State Historic Preservation Officer (SHPO), has determined that this undertaking as proposed would have an adverse effect upon the Frankford Arsenal, a property included in the National Register of Historic Places; and,

WHEREAS, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. Sec. 470f) and Section 800.4(d) of the regulations of the Advisory Council on Historic Preservation (Council), "Protection of Historic and Cultural Properties" (36 CFR Part 800), GSA has requested the comments of the Council; and,

WHEREAS, pursuant to Section 800.6 of the Council's regulations, representatives of the Council, GSA and the Pennsylvania SHPO have consulted and reviewed the undertaking to consider feasible and prudent alternatives to avoid or satisfactorily mitigate the adverse effect;

NOW, THEREFORE, it is mutually agreed that implementation of the undertaking in accordance with the following stipulations will satisfactorily mitigate adverse effects on the above-mentioned property.

Stipulations

GSA will ensure that the following measures are carried out.

1. GSA will convey approximately 90.7 acres of the Frankford Arsenal to the City of Philadelphia through a negotiated sale.
2. If the property is not conveyed to the City of Philadelphia, the property will be offered for public sale and prospective purchasers will be advised that the property is listed in the National Register and subject to restrictive covenants.
3. The instrument of transfer for the property will include the restrictive covenants contained in Attachment A.
4. GSA will advise the Council and Pennsylvania SHPO of the results of the sale offering. To the extent that revised plans are necessary to accomplish disposition, GSA, the Pennsylvania SHPO, and the Council may mutually agree to the revision of these stipulations.

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Memorandum of Agreement
General Service Administration
Frankford Arsenal

ER 81 101 0180

Robert Sawyer (date) 10/5/81

Executive Director
Advisory Council on Historic Preservation

R. Carlton Brooks (date) 10-7-81
General Services Administration

Lamy (date) 10/18/81
Pennsylvania State Historic Preservation
Officer

Alexander Albright (date) 10/28/81
Chairman
Advisory Council on Historic Preservation

Attachment A

Covenants

The Frankford Arsenal will be conveyed subject to the following preservation covenants, which shall be considered as covenants running with the land:

- A. Any alteration, improvements, and/or demolition of the complex shall be made only after obtaining written approval of the Pennsylvania State Historic Preservation Officer and Council.
- B. In the event of a violation of the above restriction, the Pennsylvania State Historic Preservation Officer or GSA may institute a suit to enjoin such violation or for damages by reason of a breach thereof.
- C. These restrictions shall be on the Grantee and all heirs, successors and assigns in perpetuity. However, the Council, in consultation with the Pennsylvania State Historic Preservation Officer, may for good cause, modify or cancel any or all of the restrictions upon application of the Grantee, his heirs and assigns.

The acceptance of the delivery of this deed or title shall constitute conclusive evidence of the agreement of the grantee to be bound by the conditions, restrictions, and limitations and to perform the obligations herein set forth.