

May 15, 2003

**MEMORANDUM OF AGREEMENT  
AMONG THE GENERAL SERVICES ADMINISTRATION,  
THE OREGON STATE HISTORIC PRESERVATION OFFICE,  
AND THE CITY OF EUGENE, OREGON REGARDING  
SITE ACQUISITION, OWNERSHIP TRANSFER AND CONSTRUCTION OF A NEW UNITED  
STATES COURTHOUSE, EUGENE, OREGON**

**WHEREAS**, the General Services Administration (GSA) is mandated by Public Law 105-277 of the 105<sup>th</sup> Congress to acquire land and construct a new U.S. Courthouse to meet the immediate and future (30 year) judicial function and space needs of the U.S Courts, Eugene, Oregon, hereinafter referred to as the "Undertaking", and;

**WHEREAS**, the City of Eugene and the Urban Redevelopment Agency, hereinafter collectively referred to as the "City of Eugene" or the "City", has entered into an agreement with GSA that the City will acquire properties commonly known as the "Chiquita Property" (formerly known as the Agripac Cannery or Eugene Fruit Grower's Association Cannery) and the "Autocraft" property, with the intent to facilitate re-development of both properties hereinafter referred to as the "Holding", clear the Holding and convey to GSA clear title of a portion of the Holding, and;

**WHEREAS**, the GSA has conducted a site evaluation and selection process for the Undertaking in conformance with applicable laws and regulations. A portion of the Chiquita Property and the entire Autocraft property was selected by GSA for the Undertaking. The selected site, noted as Alternative II, option A in site selection documents, is bordered by East 8<sup>th</sup> Avenue, Mill Street (Highway 99), the Southern Pacific Railroad tracks, and the center line of the unimproved Ferry Street right-of-way, Eugene, Oregon, hereinafter referred to as the new "U.S. Courthouse site" or the "Site". The GSA issued a Record of Decision (ROD) on 3/07/2001 documenting the selection, and;

**WHEREAS**, the City plans to clear the entire Holding through the demolition, removal and recycling of materials from the above ground buildings and structures. The subsequent construction of the new U.S. Courthouse will have an adverse effect on some properties within the defined Area of Potential Effect (APE) that are listed in or are eligible for inclusion in the National Register of Historic Places, and;

**WHEREAS**, the GSA and the City have consulted with the Oregon State Historic Preservation Office (SHPO) to determine the measures required to mitigate the potential impacts on historic resources, and;

**NOW, THEREFORE**, the GSA, the SHPO and the City of Eugene agree that demolition of the structures, ownership transfer of the new U.S. Courthouse site, archaeological review and its associated MOA, and U.S. Courthouse construction shall be administered in accordance with the following stipulations to satisfy the GSA and the City of Eugene's Section 106 responsibilities for all aspects of the Undertaking.

May 15, 2003

Memorandum of Agreement Regarding  
Site Acquisition, Ownership transfer and Construction  
of the New United States Courthouse, Eugene, Oregon

## STIPULATIONS

### I. DOCUMENTATION AND RECORDATION

- A. Consultants selected to produce historic documentation will meet the Secretary of the Interior's Professional Qualification Standards (36 CFR 61) for architectural historians.
- B. In coordination with the SHPO, GSA will accomplish the following documentation:
1. Full documentation of the following properties will be completed per SHPO specifications. This will include State of Oregon survey forms and appropriate supporting information and photographs. Photo documentation will be submitted to SHPO for review prior to beginning demolition. Originals of completed documentation will be placed at the SHPO, the City of Eugene, and the University of Oregon Special Collections. Copies of completed documentation will be placed at the Lane County Historical Museum.
    - a. 500 E 4<sup>th</sup> (EWEB Electric Plant)
    - b. 518 E 8<sup>th</sup> (former Agripac Machine Shop)
    - c. 602 E. 8<sup>th</sup> Avenue, / 610 E. 8<sup>th</sup> Avenue, / and 620 E. 8<sup>th</sup> Avenue (the Jorgenson Apartments)
    - d. 433 E. Broadway (Judge Walton's House)
    - e. 799 - A Ferry (historically known as the Eugene Fruit Grower's Association Office)
    - f. 799 - B Ferry (Chiquita Property, formerly the Agripac Cannery or Eugene Fruit Grower's Association Cannery)
- C. The following property documentation and recordation has been accomplished:
1. Existing Drawings and archival documents of the Holding have been placed at the Special Collections of the Knight Library, University of Oregon and the Lane County Historical Museum.
  2. Approximately 150 Historic American Building Survey ("HABS") standard black and white photographs have been completed by GSA. Some or all of these photos will be placed at repositories agreed upon by the signing parties of this agreement.
  3. Approximately 106 photographs (80 – 8"x10", black and white archival prints; 20 - 10"x15", color archival prints; and 6 – 8"x10" black and white aerial archival prints) and 1328 -35 mm negative images and matching proof sheets documenting cannery operations at the Chiquita Property have been completed by the City. These photos will be placed at repositories agreed upon by the signing parties of this agreement.
  4. A video of the last day of operation at the Chiquita Property has been completed by the City. Copies of this video will be placed at the City of Eugene Public Library, the Lane County Historical Museum, the University of Oregon Historic Preservation Program, and the City of Eugene.

### II. PUBLIC OUTREACH AND INTERPRETATION PLAN

- A. In coordination, the GSA and the City will produce an article documenting the Chiquita

Property's History will be completed and offered for publication to the following: The Register-Guard, Eugene Weekly, the Associated Students of Historic Preservation at the University of Oregon, and the Lane County Historian.

- B. In coordination, the GSA and the City will produce an educational public exhibit, which interprets the history of the Holding and describes the goals of the Undertaking. The exhibit will be comprised of poster size display boards and the video noted in stipulation I.C.4. A plan for exhibiting the material during the construction period of the U.S. Courthouse will be developed and submitted to the SHPO for concurrence. In addition, the exhibit will include signage informing the public of the identity of the repository where other documentation called out in Stipulations I (B) and I (C), as well as the exhibit materials, can be accessed during and after construction.
- C. After the project is complete, exhibit materials will be forwarded to the agreed upon repository for ongoing public access.

### **III. DESIGN REVIEW, AND ARCHITECTURAL & CONSTRUCTION ISSUES**

- A. The GSA has provided copies of the applicable plans and elevations of the proposed U.S. Courthouse to the SHPO for review and comment
- B. In consultation with the SHPO, the City will establish a plan for protection of the National Register-eligible Eugene Fruit Growers Association Office, located at 799A Ferry Street.
- C. During all phases of construction, accepted construction practices will be followed to minimize noise and dust impact.
- D. For the properties listed in Stipulation I (C)(5), landscaping around the U.S. Courthouse will help to mitigate the adverse effect caused by the change in views to the Site. The landscaping will have appropriate layers of vegetation and trees on all four sides of the building. Consistent with the City of Eugene's plans for coordinated landscape development throughout the City and in particular for the conceptualized U.S. Courthouse District that will include the Holding and extend down to the Willamette River, the approach plaza to the Site on the 8<sup>th</sup> Street side of the building will be lined by two rows of deciduous trees.
- E. The scale and exterior expression of the building has, over the design development process, been toned down to be more compatible with its surroundings. The originally proposed eight-story structure has been reduced by half to a four-story structure. The exterior will be predominantly clad in non-reflective gray metal, concrete, and glass.

### **IV. RESOLVING OBJECTIONS**

- A. Should any party to this MOA object in writing to the manner in which the terms of this MOA are implemented, the GSA will immediately notify the other parties of the objection, request their comments on the objection within 15 days following receipt of the GSA's notification, and proceed to consult with the objecting party.

- B. If the objection is resolved during the consultation period, the GSA may proceed with the disputed action in accordance with the terms of such resolution.
- C. If after initiating such consultation, the GSA determines that the objection cannot be resolved through consultation with signatories, the GSA shall forward all documentation relevant to the objection to the Advisory Council for Historic Preservation (ACHP), including the GSA's proposed response to the objection in accordance with Chapter 36 CFR 800.7 (Failure to resolve Adverse Effects).
- D. The GSA shall take into account any ACHP recommendation or comment and any comments from the other parties to this MOA in reaching a final decision regarding the objection. The GSA's responsibility to carry out all actions under this MOA that are not the subjects of the objection shall remain unchanged.
- E. The GSA shall provide all parties to this MOA with a copy of its final written decision regarding any objection addressed pursuant to this stipulation.
- F. The GSA may authorize any action subject to objection under this stipulation to proceed after the objection has been resolved in accordance with the terms of this stipulation.

## **V. MONITORING**

The SHPO may monitor any activities carried out pursuant to this MOA. GSA shall cooperate with the SHPO in carrying out these monitoring responsibilities.

## **VI. AMENDMENTS**

Any Signatory to this MOA may propose that this MOA be amended, whereupon all Signatories will consult for no more than 15 days to consider such amendment. Chapter 36 CFR 800.6(c)(1) shall govern the execution of any such amendment.

## **VII. TERMINATION**

- A. Only the GSA, the City or SHPO as Signatories may terminate this MOA. If this MOA is not amended the Signatory proposing termination shall in writing notify all other Signatories to this MOA, explain the reasons for proposing termination, and consult with the other Signatories up to 30 days to seek alternatives to termination. Should such consultation result in an agreement on an alternative to termination; the Signatories shall then proceed in accordance with the terms of that agreement.
- B. Should such consultation fail, the Signatory proposing termination may terminate this MOA by promptly notifying the other signatories to this MOA in writing. Termination hereunder shall render this MOA void without further force or effect.
- C. If this MOA is terminated hereunder and if the GSA determines that the Undertaking will nonetheless proceed, then the GSA shall either consult in accordance with Chapter 36 CFR 800.6 to develop a new MOA or request the comments of the ACHP pursuant to Chapter 36 CFR Part 800.

**VIII. DURATION OF THIS MOA**

The terms of this MOA should be satisfactorily fulfilled by 11-01-2005. In such event that the MOA needs to be extended, GSA shall notify the parties to this MOA, and if the project proponents choose to continue with the undertaking, GSA shall re-initiate review of the undertaking in accordance with Chapter 36 CFR Part 800.

**IX. EFFECTIVE DATE OF THIS MOA**

- A. This MOA shall take effect when the GSA, the SHPO, and the City have executed it.
- B. Execution of the Memorandum of Agreement by the GSA, the SHPO, and the City, and implementation of its terms by the GSA and the City will evidence that the GSA has afforded the Signatories an opportunity to comment on the Undertaking and its effects on historic properties, and that the GSA has taken into account the effects of the Undertaking on historic properties.
- C. A separate MOA between the GSA, and the SHPO concerning archaeological testing, monitoring, and recovery for the Site shall be in effect prior to the construction of the U.S. Courthouse.

**SIGNATORIES:**

|   |               |
|---|---------------|
| <b>U.S. GENERAL SERVICES ADMINISTRATION</b> | <b>Page 6</b> |
| Jon R. Kvistad, Regional Administrator      |               |

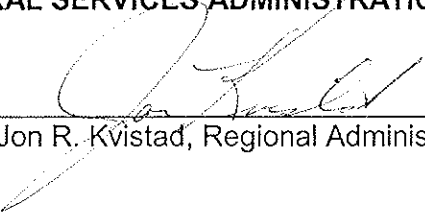
|                                |               |
|--------------------------------|---------------|
| <b>CITY OF EUGENE</b>          | <b>Page 7</b> |
| Dennis M. Taylor, City Manager |               |

|  |               |
|--|---------------|
| <b>OREGON STATE HISTORIC PRESERVATION OFFICE</b>                         | <b>Page 8</b> |
| James M. Hamrick, Jr., Deputy Oregon State Historic Preservation Officer |               |

**SIGNATORY (1 of 3):**

**GENERAL SERVICES ADMINISTRATION**

BY:

  
\_\_\_\_\_  
Jon R. Kvistad, Regional Administrator

Date: 5/15/03

**SIGNATORY (2 of 3):**  
**CITY OF EUGENE**

BY:   
Dennis M. Taylor, City Manager

Date: 5/15/03

**SIGNATORY (3 of 3):**

**STATE HISTORIC PRESERVATION OFFICE**

BY:  Date: 15 May 03  
James M. Hamrick, Jr., Deputy Oregon State Historic Preservation Officer