

**MEMORANDUM OF AGREEMENT BETWEEN  
THE FEDERAL HIGHWAY ADMINISTRATION AND  
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER  
REGARDING  
THE RELOCATION OF THE E.C. WILLIAMS HOUSE, 2511 10<sup>TH</sup> AVENUE  
CITY OF PORT HURON, ST. CLAIR COUNTY, MICHIGAN  
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
PURSUANT TO 36 CFR PART 800.6(b)(1)**

**WHEREAS**, the Federal Highway Administration (FHWA) of the U.S. Department of Transportation has determined that the proposed relocation of the E.C. Williams House, 2511 10<sup>th</sup> Avenue, City of Port Huron, St. Clair County, Michigan will pose an adverse effect upon this building, which appears to meet the criteria for listing in the National Register of Historic Places and has consulted with the Michigan 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. 470f) (the Act); and

**WHEREAS**, The Michigan Department of Transportation (MDOT) participated in the consultation and has been invited to concur in this Memorandum of Agreement (MOA);

**NOW, THEREFORE, FHWA and SHPO** 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 the historic properties.

**STIPULATIONS**

**FHWA** shall ensure that the following measures are carried out in a phased process. Phase I mitigation must be completed prior to the relocation of the E.C. Williams House. Phase II may occur within the specified timeframes noted herein.

**I. PHASE I MITIGATION (to complete prior to the relocation of the E.C. Williams House)**

**A. Recordation**

1. The E.C. Williams House shall be recorded so that there is a permanent record of its existence. MDOT shall prepare photographic documentation and a historical overview of the E.C. Williams House according to the SHPO *Documentation Guidelines* attached hereto as **Attachment A**. Unless otherwise agreed to by the SHPO, MDOT shall ensure that all documentation is completed and accepted by the SHPO for deposit in the State Archives of Michigan prior to the commencement of any demolition or construction activity concerning the E.C. Williams House. MDOT will provide additional original copies of the recordation package to appropriate local repositories designated by the SHPO.

2. MDOT shall include, if available, as part of the recordation package original or archival –quality copies of historic E.C. Williams House photographs; additionally, electronic versions of these photographs will be submitted.
- 3 MDOT shall, as part of the recordation package, provide photographic documentation of the building relocation process.

## **II. PHASE II MITIGATION**

### **A. Relocation of the E.C. Williams House**

1. MDOT shall consult with SHPO and the City of Port Huron in the development of an approved building relocation plan, site plan, and building rehabilitation plan.
2. MDOT shall provide all necessary utility hook-ups, including electrical, natural gas, water, and sanitary sewer at the relocation site.
- 3 MDOT shall secure all necessary permits and approval of the proposed building relocation route.
- 4 MDOT shall record existing conditions along the relocation route prior to and after the building relocation.
- 5 MDOT shall coordinate temporary relocation of overhead utilities, traffic signals and signs as needed to accommodate the building relocation.
- 6 MDOT shall coordinate adequate emergency services be available along the relocation route to assure public safety.
- 7 MDOT shall assure that any damage incurred during the relocation is repaired and that the condition of the building shall be the same or better than when acquired by MDOT.
- 8 MDOT shall assure the property is secured and maintained until possession is turned over to the new owner.
- 9 MDOT shall remove the existing Michigan Historic Marker and deliver same to SHPO or other designee.

### **B. Marketing of the E.C. Williams House**

1. MDOT shall consult with SHPO in the development of a marketing plan for the E.C. Williams House.

2. MDOT shall consult with SHPO to develop a comprehensive and complete easement agreement defining the expected life-cycle of the rehabilitation, owner responsibilities for maintenance and retention of significant architectural features, and the process by which the owner shall consult with SHPO prior to performing significant work to the property.
3. MDOT shall relinquish ownership/control of the subject property to the new owner in the same condition or better as the property was when acquired by MDOT.

### **III. PHASE III MITIGATION**

#### **A. Rehabilitation of the E.C. Williams House (responsibility of new owner)**

1. Rehabilitation plans will follow the Secretary of Interior Standards (Standards) for Rehabilitation of Historic Buildings, applicable local codes and Americans with Disabilities Act accessibility guidelines.
2. SHPO shall have the right to review and approve rehabilitation plans prior to the commencement of any rehabilitation activities.

#### **B. Long-term Maintenance of the E.C. Williams House (responsibility of new owner)**

1. The property owner will provide a maintenance plan outlining efforts to preserve and maintain the property throughout the agreed upon life-cycle.
2. SHPO shall retain the right to review and approve any proposed alterations or any work that may alter, remove, or damage architecturally significant features throughout the agreed upon life-cycle.

### **IV. GENERAL CONSIDERATIONS**

#### **A. Amendment**

1. Any party to this MOA may propose to the other parties that it be amended, whereupon the parties will consult in accordance with 36 CFR800.6(c)(7) to consider such an amendment.
2. In the event that any portion of Phase II Mitigation (Stipulation II) is found to be infeasible, the parties to this MOA shall consult to consider appropriate alternative mitigation.
3. Any additional or alternative actions considered pursuant to this agreement shall be subject to implementation by amending this MOA in accordance with this section.

## **B. Dispute Resolution**

Should the SHPO or MDOT object within 30 (thirty) days to any actions proposed pursuant to this MOA, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council). Within 45 (forty-five) days after receipt of all pertinent documentation, the Council will either:

1. Provide the FHWA with recommendations, which the FHWA will take into account in reaching a final decision regarding the dispute; or
2. Notify the FHWA that it will comment pursuant to 36 CFR 800.7(c) and proceed to comment. Any Council comment provided in response to such a request will be taken into account by FHWA in accordance with 36 CFR 800.7(c)(4) with reference to the subject of the dispute.

## **C. Termination**

1. If the FHWA determines that it cannot implement the terms of this MOA, or if the SHPO determines that the MOA is not being properly implemented, the FHWA or the SHPO may propose to the other parties to this MOA that it be terminated.
2. The party proposing to terminate this MOA shall so notify all parties to this MOA explaining the reasons for termination and affording at least sixty (60) days to consult and seek alternatives to termination. The parties shall then consult.
3. Should such consultation fail, the FHWA or the SHPO may terminate the MOA by so notifying all parties.
4. Should this MOA be terminated, the FHWA shall either:
  - a. Consult in accordance with 36 CFR § 800.6 to develop a new MOA; or
  - b. Request the comments of the Council pursuant to 36 CFR § 800.7.

Execution and implementation of this MOA and its submission to the Council evidences that FHWA has afforded the Council a reasonable opportunity to comment on the project and that the FHWA has taken into account the effects of the project on historic properties.

## **FEDERAL HIGHWAY ADMINISTRATION**

By: \_\_\_\_\_  
James J. Steele, Division Administrator

Date: \_\_\_\_\_

**MICHIGAN STATE HISTORIC PRESERVATION OFFICER**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Brian D. Conway, State Historic Preservation Officer

Concur:

**MICHIGAN DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Susan Mortel, Director, Bureau of Transportation Planning