

★ Roll Call Number
09-2022

Agenda Item Number
30

Date November 9, 2009

RESOLUTION APPROVING MEMORANDUM OF AGREEMENT
WITH IOWA STATE HISTORIC PRESERVATION OFFICE (SHPO),
HATCH DEVELOPMENT GROUP AND ROBERT W. MCCAMMON
FOR THE MLK BRICKSTONE PROJECT

WHEREAS, Hatch Development Group proposes to construct the MLK Brickstone Project in the 1000 Block of 19th Street; and

WHEREAS, the MLK Brickstone project will receive HOME funding from the United States Department of Housing and Urban Development (hereafter, HUD), as well as federal Housing Tax Credits and Tax Credit Assistance Program (TCAP) Funds; and

WHEREAS, the City of Des Moines, pursuant to 24 CFR 58.1, has assumed the responsibility for environmental review, decision making, and actions that would otherwise apply to HUD under the National Environmental Policy Act (hereafter, NEPA) and related provisions that further the purpose of NEPA, including Sections 101, 106 and 110 of the National Historic Preservation Act (NHPA), as specified in 24 CFR 58.5; and

WHEREAS, the City and SHPO have determined that the removal of a residential structure at 1039 19th Street for the MLK Brickstone project will result in an adverse effect due to the property's potential eligibility for the National Register of Historic Places under Criteria C; and

WHEREAS, SHPO, City of Des Moines, Hatch Development Group and Robert W. McCammon have come to agreement on the necessary steps to avoid an adverse effect, which are set forth in the Memorandum of Agreement, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa that the Memorandum of Agreement between and among Iowa SHPO, City of Des Moines, Hatch Development Group and Robert. W. McCammon for the MLK Brickstone project is hereby approved, the Mayor is authorized and directed to execute the Memorandum of Agreement and the City Clerk is authorized and directed to attest to the Mayor's signature.

(Council Communication Number 09 -799)

FORM APPROVED:

MOVED by Hensley to adopt.

[Signature]

Michael F. Kelley, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN				✓
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			1

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Fauh City Clerk

MOTION CARRIED

APPROVED

T. M. Franklin Cownie
Mayor