

**U.S. 63 IMPROVEMENTS
FRANKLIN STREET TO DONALD STREET
IN
WATERLOO, BLACK HAWK COUNTY, IOWA**

Project No. NHSX-063-6(69)--3H-07

FINAL SECTION 4(f) STATEMENT

Submitted Pursuant to 23 CFR Part 771 and 774
By the

U.S. Department of Transportation
Federal Highway Administration
Iowa Department of Transportation
and
City of Waterloo, Iowa

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. DESCRIPTION OF AN PURPOSE AND NEED FOR THE PROPOSED ACTION	2
Proposed Action	2
Project History.....	2
Purpose and Need	3
III. IMPACTS TO ARCHITECTURAL AND HISTORIC PROPERTIES	4
Four-Square House.....	4
Howard R. Burr-Designed House.....	4
Craftsman Bungalow House.....	5
Claude F. Berry House	5
IV. AVOIDANCE ALTERNATIVES	6
No Action Alternative	6
Spot Improvements.....	6
West Avoidance Alternative.....	6
Northeast Bypass Alternative	7
V. LEAST HARM ANALYSIS	9
Preferred Alternative	9
West Alternative.....	10
Preferred and West Alternatives Factor Analysis.....	10
Conclusion.....	11
VI. MEASURES TO MINIMIZE HARM	12
VII. COORDINATION.....	13
VIII. DISPOSITION OF THE DRAFT SECTION 4(f) STATEMENT	14
IX. CONCLUSIONS.....	15
REFERENCES	16

LIST OF TABLES

Table

- 1 Least Harm Analysis Comparison of Alternatives

LIST OF FIGURES

Figure

- 1 Preferred Alternative Near the Historic Houses
- 2 Location Map
- 3 Preferred Alternative at the Historic Houses
- 4 West Avoidance Alternative Near the Historic Houses

LIST OF APPENDICES

Appendix

- A Iowa State Historic Preservation Coordination Letter
- B Photographs of Historic Houses
- C Waterloo Historic Preservation Commission Meeting Minutes
- D Memorandum of Agreement

I. INTRODUCTION

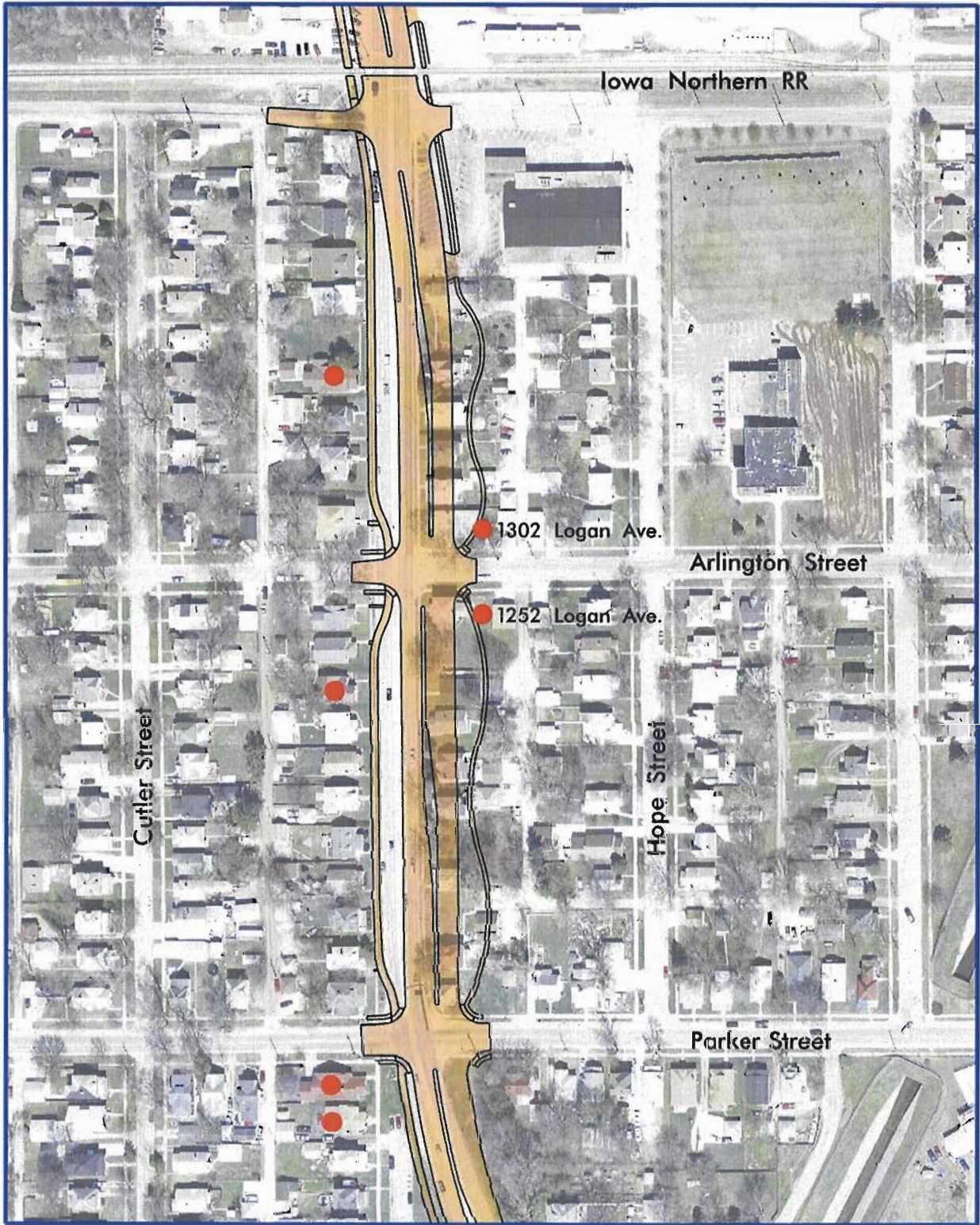
This document addresses the impacts from the associated improvements to U.S. 63 on two homes, both National Register-eligible located at 1252 Logan Avenue and 1302 Logan Avenue in Waterloo, Iowa, that are eligible for review under Section 4(f) of the 1966 U.S. Department of Transportation Act (Figure 1). The Section 4(f) legislation, as established in 1966, provides for the protection of publicly owned parks, recreation areas, historic sites, wildlife and/or waterfowl refuges from conversion to transportation use. Section 4(f) states that the Secretary of the U.S. Department of Transportation Administration may not approve a project which requires the use of any publicly owned land from a public park, recreation area, wildlife and waterfowl refuge, or historic site of national, state or local significance unless:

“(a) The Administration determines that: (1) There is no feasible and prudent avoidance alternative, as defined in § 774.17, to the use of land from the property; and (2) The action includes all possible planning, as defined in § 774.17, to minimize harm to the property resulting from such use; or (b) The Administration determines that the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation or enhancement measures) committed to by the applicant, will have a *de minimis* impact, as defined in § 774.17, on the property. (c) If the analysis in paragraph (a)(1) of this section concludes that there is no feasible and prudent avoidance alternative, then the Administration may approve only the alternative that causes the least overall harm in light of the statute’s preservation purpose.”

The purpose of this Final Section 4(f) Statement is to provide information to public agencies and the general public, as required by the Secretary of Transportation. This information will be used in making decisions regarding the use of the property protected by Section 4(f) legislation.

This Final Section 4(f) Statement is being prepared in conjunction with a Finding of No Significant Impact for the U.S. 63 improvement project.

For the purposes of this document, the Preferred Alternative is to acquire both National Register-eligible homes located at 1252 and 1302 Logan Avenue, Waterloo, Iowa.



LEGEND

Historic House \ Building ●

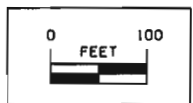


FIGURE 1
Preferred Alternative
near the Historic Houses

Final Section 4(f) Statement
 US Highway 63
 Waterloo, Iowa

March 2009

93122

II. DESCRIPTION OF AND PURPOSE AND NEED FOR THE PROPOSED ACTION

PROPOSED ACTION

The city of Waterloo is proposing to undertake a federal action by using federal funds to reconstruct U.S. 63 from Franklin Street to Donald Street in Waterloo, Iowa, (Figure 2) for a distance of 1.6 miles. The Preferred Alternative consists of upgrading U.S. 63 to a 5-lane roadway which includes center left-turn lanes, right-turn lanes at key intersections, a recreational trail and added green space adjacent to the roadway.

From Franklin Street to Parker Street, the existing roadway is already a 4-lane divided roadway and would not change significantly under the Preferred Alternative. However, left-turn lanes would be added at intersections, and a raised median would divide the traveling lanes.

Between Parker Street and the Iowa Northern Railroad (INRR), the widening would be to the east of U.S. 63. From the CN/IC Railroad north to Donald Street, widening of U.S. 63 would be to the west. This crossover from east to west would be approximately at the railroad.

Left-turn lanes and/or signalization would be provided at the following intersections:

- Franklin Street*
- Almond Street*
- Dane Street
- Newell Street/Conger Street*
- Parker Street*
- Arlington Street
- Esther Street**
- Louise Street**
- Dale Street
- Donald Street*

* These intersections are currently signalized.

** These intersections would be signalized.

A 10-foot recreational trail would be added on the west side of U.S. 63 and a 5-foot sidewalk on the east side of the highway from Parker Street to Donald Street.

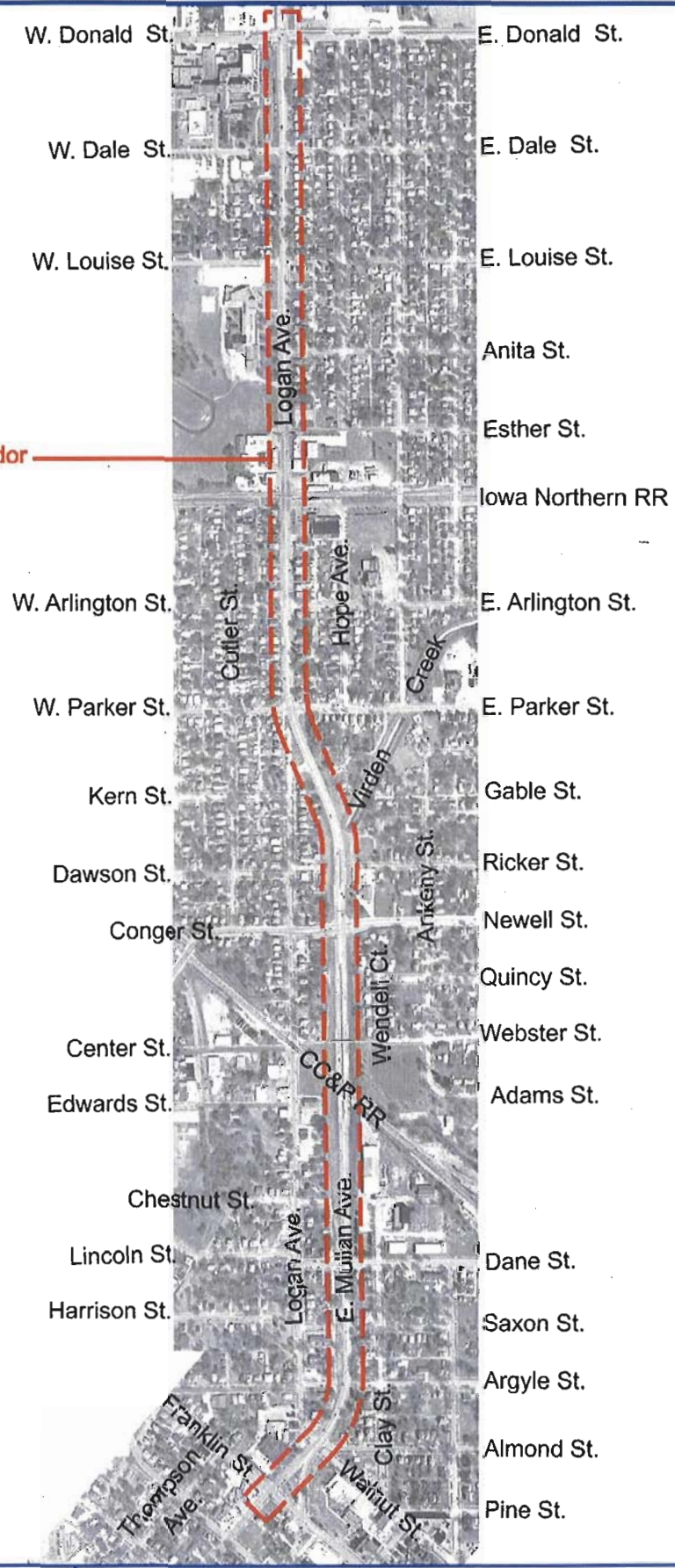
The proposed action includes acquisition of the historic Four Square/Craftsman house (1252 Logan Ave) and the Howard B. Burr-designed house (1302 Logan Ave) on the east side of U.S. 63 for construction of the project. Both are considered eligible for the National Register of Historic Places.

Project History

In the 1960s, U.S. 63 was widened to a 53-foot, 4-lane urban roadway. This change to U.S. 63 has been the source of many proximity impacts to the surrounding neighborhoods since that time.

U.S. 63 has not been functioning as an efficient transportation facility for current traffic volumes and patterns. It is nearing its life expectancy, having been originally constructed in the early 1960s.

Franklin St. to Donald St. Corridor



Waterloo,
Black Hawk County



AECOM

FIGURE 2
Location Map

Final Section 4(f) Statement
US Highway 63
Waterloo, Iowa

March 2009

93122

2/5/2009 L:\work\proj\93122\cadd\FIGURES FOR BRENDAY\SEPT08\Figs.dsn

Therefore, the city of Waterloo completed a corridor study of U.S. 63 in 2005 that examined alternatives that would improve the function of U.S. 63 as a transportation corridor while also rectifying many of the proximity impacts adjacent property owners have dealt with for many years. This report concluded that the best way to accomplish the project's goals was by upgrading U.S. 63 to a 5-lane roadway with center left-turn lanes, right-turn lanes at key intersections, a recreational trail and added green space adjacent to the roadway to provide a greater setback. Several alternatives were examined that incorporated these features.

PURPOSE AND NEED

The purpose and need for the project is stated in the attached Environmental Assessment. It is summarized below for ease of reference.

The purpose of the proposed U.S. 63 improvements is to safely accommodate future traffic and access needs in this corridor, to correct the major deficiencies of the existing highway, and to provide the transportation infrastructure needed to support planned economic development.

The need for the project is supported by many factors, including age of the existing roadway, existing traffic volumes, future traffic projections, crash history and safety concerns, need for pedestrian accommodations, utility setbacks, and environmental justice concerns (see pages 1, 2 and 7 in the EA for more detail on the need for this project).

III. IMPACTS TO ARCHITECTURAL AND HISTORIC PROPERTIES

FOUR-SQUARE HOUSE

The Four Square/Craftsman style house is a privately-owned, owner-occupied home located at 1252 Logan Avenue, Waterloo, Iowa. This single-family house was first evaluated as part of a city-wide survey conducted in 1986 and determined to be contributing. It was again surveyed in 1994 as part of another city-wide survey. The 1994 survey determined the house was individually-eligible for the National Register of Historic Places under Criteria C (properties with distinctive architectural characteristics) and was confirmed as part of the survey for the U.S. 63 project. The Iowa State Historic Preservation Officer (SHPO) concurred with this finding and determined that the project would have an Adverse Effect on the structure (see Appendix A for a copy of the SHPO letter).

The Four-Square house was constructed in 1927 and is considered a late version of the Four-Square architectural style. It has unusual Craftsman details, including exposed rafters, wide eaves and a unique eyebrow dormer. Colonial Revival details can be found on this house with the small vestibule entry, multi-paned upper sashes on the windows and the one story side wing. Appendix B shows an exterior photo of this house.

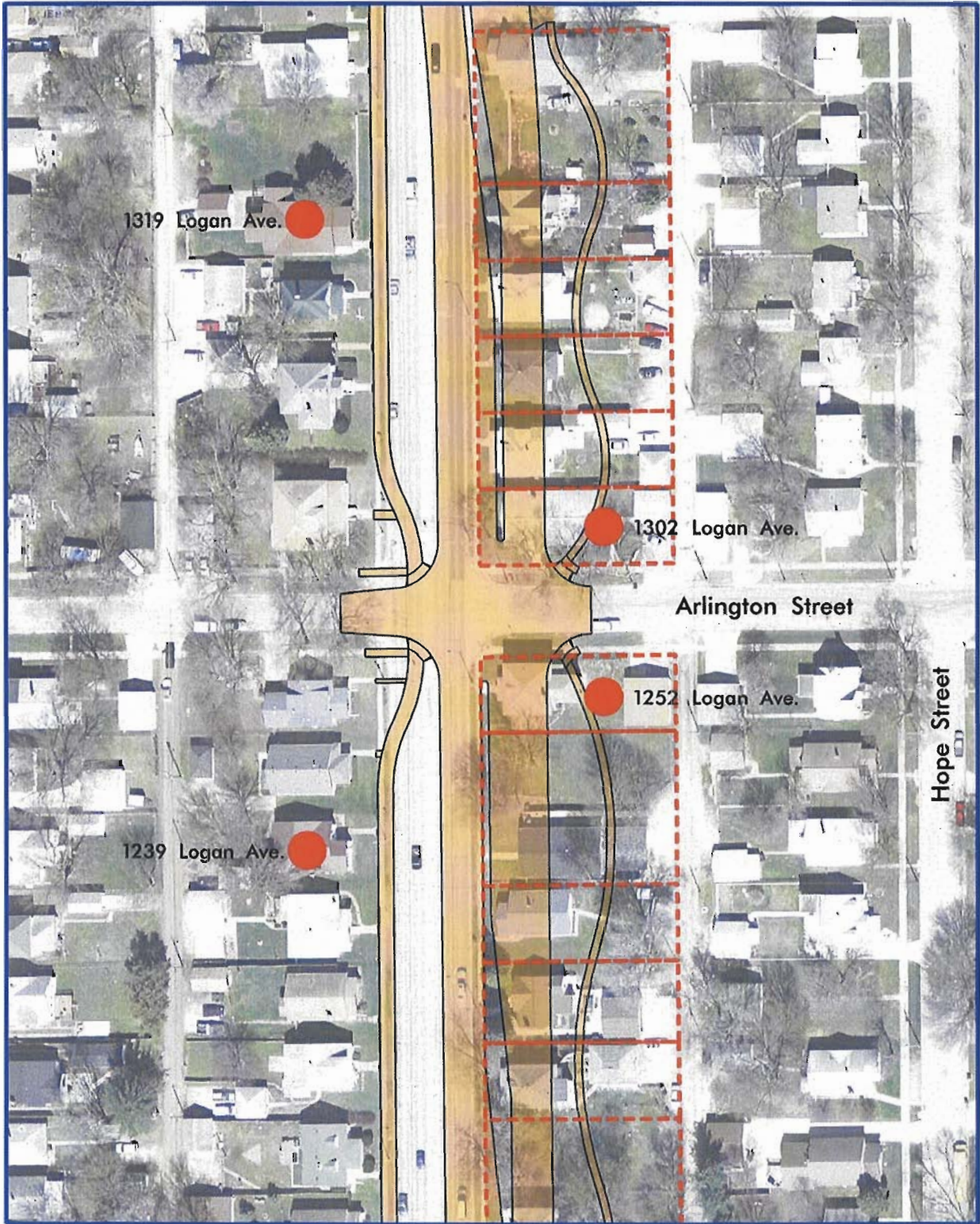
The Preferred Alternative would acquire this property for construction of the proposed roadway improvements because the proposed right-of-way goes through the house. The proposed roadway would extend approximately 60 feet into the property. The property is 128 feet deep, making it impossible to relocate the house on its own land (Figure 3). However, the house could be moved to a vacant lot in Waterloo, in the same general vicinity as its present location.



HOWARD B. BURR-DESIGNED HOUSE

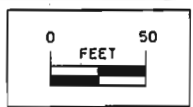
This house is a Craftsman-style bungalow that is owner-occupied, located at 1302 Logan Avenue, Waterloo, Iowa. The house, surveyed as part of a city-wide survey in 1986, was determined to be individually eligible for the National Register of Historic Places. A supplemental survey was conducted in 2007 as part of the survey for U.S. 63 to evaluate the addition of vinyl siding and to attribute its design to Howard B. Burr. The vinyl siding is on the back side of the house and, therefore, does not seem to impact its integrity. Therefore, it was determined the house still is eligible for the National Register. The SHPO also determined that the project would have an Adverse Effect on the structure (see Appendix A for a copy of the SHPO letter).

The Burr-designed House was constructed in 1919. The house is a fine example of a stucco and clapboard Craftsman bungalow. It has a massive front porch and entry gable, and many Craftsman details (Appendix B). The addition of vinyl siding over the original clapboards has a minimal effect on the house.

The Preferred Alternative would acquire this Section 4(f) resource for construction of the proposed roadway improvements because the proposed right-of-way goes through the house. The proposed roadway would extend approximately 60 feet into this property, which is 128 feet deep in total (Figure 3). Therefore, it would be impossible to relocate the house on its own land. The house could be moved to a vacant lot in Waterloo, in the same general vicinity as its present location.



LEGEND
Parcel Acquisition 
Historic House / Building 



AECOM

FIGURE 3
Preferred Alternative
at the Historic Houses

Final Section 4(f) Statement
US Highway 63
Waterloo, Iowa

March 2009

93122

CRAFTSMAN BUNGALOW HOUSE

The Craftsman bungalow house is a privately owned house located at 1239 Logan Avenue, Waterloo, Iowa. This single-family house was first evaluated as part of a city-wide survey conducted in 1985 and determined to be contributing. It was again surveyed in 1994 as part of another city-wide survey. The 1994 survey determined the house was individually eligible for the National Register of Historic Places under Criteria C (properties with distinctive architectural characteristics), and it was confirmed as eligible as part of the survey conducted for this project. The SHPO concurred with this finding.

The Craftsman Bungalow was constructed in 1919 and is considered an unusual example because of the square clapboard columns that flank the sunroom and the corner integrated entry of the porch. These are joined under a single-gabled roof in front of the main roof. This house has typical Craftsman details, such as wide eaves, exposed rafters, knee braces, vertical lights in the upper sashes of the windows and an unusual placement of the secondary entry. See Appendix B for an exterior photo of this house.

The Preferred Alternative would avoid this property since it is located on the west side of U.S. 63. If a West Alternative were selected as the Preferred Alternative, this house would be acquired in order to construct that alternative.

CLAUDE F. BERRY HOUSE

The Berry House is a one-story Craftsman Bungalow that is privately owned, located at 1319 Logan Avenue, Waterloo, Iowa. This single-family house was first evaluated as part of a city-wide survey conducted in 1986 and determined to be contributing but not a key building. The survey conducted as part of this project determined the house was individually eligible for the National Register of Historic Places under Criteria C (properties with distinctive architectural characteristics). The SHPO concurred with this finding.

This house was originally occupied by Claude F Berry and constructed in 1917. He was a Department Manager for Litchfield Manufacturing. The foundation of the house is made of concrete, and the walls are stuccoed with faux half-timbering. There are two battered, cobblestone columns in the front of the enclosed entry porch. The use of cobblestones is unusual in Waterloo. See Appendix B for an exterior photo of this house.

The Preferred Alternative would avoid this property since it is located on the west side of U.S. 63. If a West Alternative were selected as the Preferred Alternative, this house would be acquired in order to construct that alternative.

IV. AVOIDANCE ALTERNATIVES

Alternatives were investigated to determine if the Four-Square house and Howard B. Burr-designed house could be avoided. These two houses are close in proximity to each other; therefore, all four alternatives considered would avoid both houses. These alternatives are described below.

NO ACTION ALTERNATIVE

The No Action Alternative would be the continuation of the street system as it exists at the present time. No physical changes would be made in the pavement width, land configuration, intersection layouts or traffic patterns.

If no changes are made to U.S. 63, it is expected that traffic congestion, delays and traffic-related crashes will continue to increase in proportion to future traffic volume. The existing highway would continue to experience increasing traffic congestion and delay if left in its present configuration. In addition, the existing at-grade intersections on U.S. 63 would experience more congestion with a greater likelihood of crashes at these locations. Therefore, a portion of the future traffic would likely divert to alternative routes. Some of this traffic would be expected to divert onto other streets throughout the community, such as Parker and 4th Street.

In addition, the No Action Alternative would not address the other deficiencies noted along the U.S. 63 corridor. These include inadequate setbacks between the road and sidewalks, pedestrian and bicycle safety, and lack of adequate separation between the road and adjacent homes.

For these reasons, the No Action Alternative would not meet the purpose and need requirements of this project.

SPOT IMPROVEMENTS

Improvements at intersections were considered as an alternative which would avoid the historic houses. This alternative would involve constructing a series of turning lanes at intersections from Franklin Street to Donald Street. Signals would be added to intersections, where warranted, as discussed with the Preferred Alternative. No additional right-of-way would be acquired away from the intersections, so a bike trail would not be part of this alternative.

The addition of turning lanes and other spot improvements could help reduce the number of crashes related to turning movements at intersections and improve traffic safety. Spot improvements would likely help with traffic flow. However, these are issues related to only part of the purpose and need for the project, and this alternative does not address all the issues related to this corridor.

For these reasons, this alternative would not meet the project purpose and need.

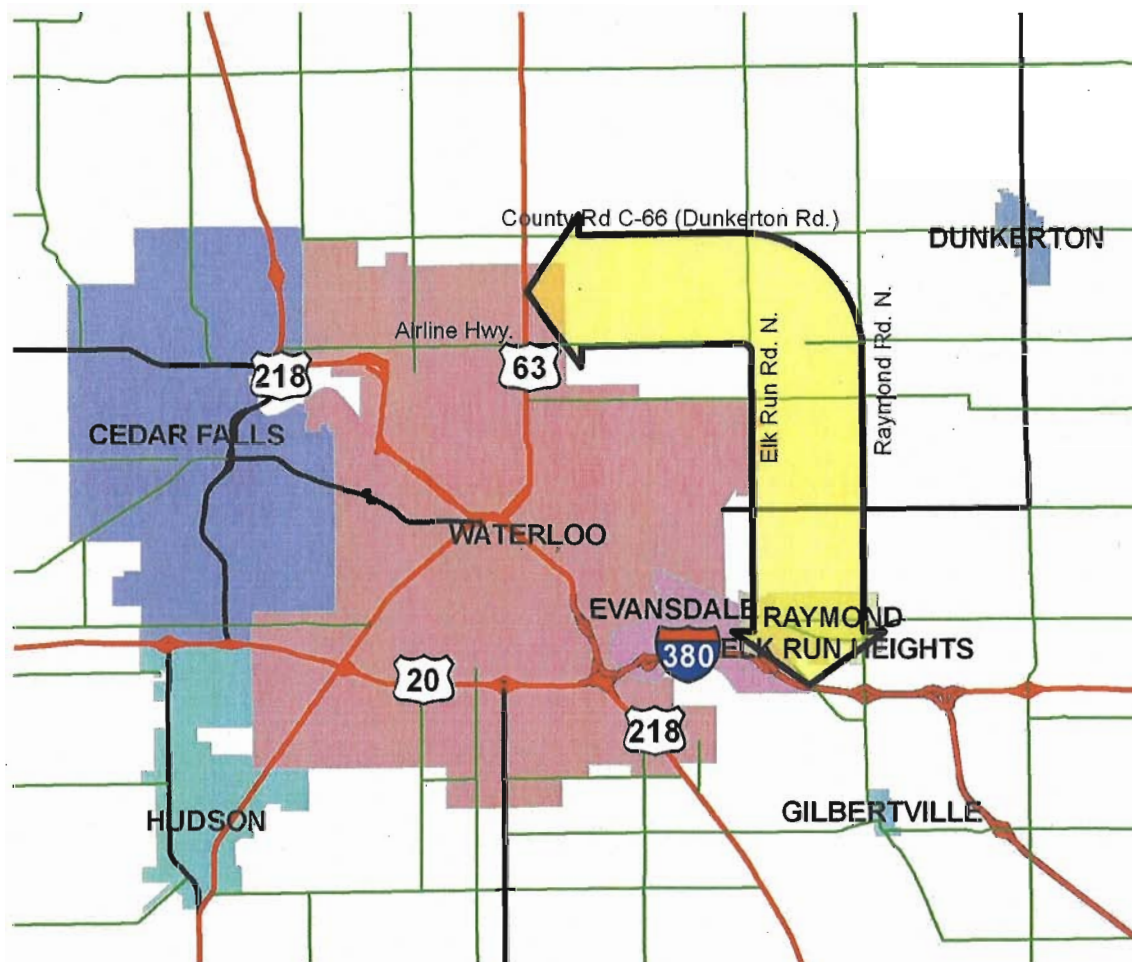
WEST AVOIDANCE ALTERNATIVE

An alternative considered in the early planning process included widening U.S. 63 entirely on the west. This alternative would have all the same features as the Preferred Alternative, including turning lanes, sidewalk, bike trail, crosswalks and additional traffic signals, among other upgrades. The proximity-related impacts would be resolved with this alternative. Therefore, this alternative meets the purpose and need for the project and has been carried forward; however, it would displace two historic houses on the

west side of U.S. 63 (1239 and 1319 Logan Avenue). It will be examined further below in the Least Harm Analysis section.

NORTHEAST BYPASS ALTERNATIVE

Early on in the project, a Northeast Bypass of Waterloo was considered instead of improving U.S. 63. A northeast bypass of Waterloo has been discussed for many years but has not been advanced. This corridor is not well defined, but it would intersect U.S. 63 between County Road C66 (Dunkerton Road) and Airline Highway and travel east and south around Waterloo and Evansdale, then connect with U.S. 20/Interstate 380. The map below illustrates this concept.



The traffic analysis for U.S. 63 revealed that the vast majority of traffic on U.S. 63 is local traffic and would not be served by a northeast bypass. Over 70 percent of the traffic is using the U.S. 63 corridor to reach local destinations, such as downtown, local shopping centers and local employment centers.

A northeast bypass of Waterloo would not meet the purpose of the project which is to safely accommodate future traffic and access needs in this corridor, to correct the major deficiencies of the existing highway, and to provide the transportation infrastructure needed to support planned economic

development. The need for the project is supported by many factors, including age of the existing roadway, existing traffic volumes, future traffic projections, crash history and safety concerns, need for pedestrian accommodations, utility setbacks, and environmental justice concerns.

V. LEAST HARM ANALYSIS

The No Action, Spot Improvements and the Northeast Bypass Alternatives were eliminated from further discussion because they do not meet the project Purpose and Need. In order to determine which alternative(s) is the best for the U.S. 63 project, a Least Harm Analysis was conducted for the West and Preferred Alternatives. This analysis includes the following factors:

- i. The ability to mitigate adverse impacts to each Section 4(f) property (including any measures that result in benefits to the property);
- ii. The relative severity of the remaining harm, after mitigation, to the protected activities, attributes or features that qualify each Section 4(f) property for protection;
- iii. The relative significance of each Section 4(f) property;
- iv. The views of the official(s) with jurisdiction over each Section 4(f) property;
- v. The degree to which each alternative meets the Purpose and Need for the project;
- vi. After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f); and
- vii. Substantial differences in costs among the alternatives.

PREFERRED ALTERNATIVE

The Preferred Alternative between Franklin Street and Donald Street would generally follow the existing alignment of U.S. 63 and would consist of a 4-lane section with 12-foot travel lanes and left-turn lanes at several locations.

From Franklin Street to Parker Street, the existing roadway is already a 4-lane divided roadway and would not change significantly under the Preferred Alternative. However, left-turn lanes would be added at intersections.

Between Parker Street and the Iowa Northern Railroad (INRR), the widening would be to the east of U.S. 63. The centerline of the new roadway would be approximately 35 feet east of the existing centerline of U.S. 63. Near the INRR, the roadway would transition to the west and continue to Dale Street. The centerline of the new roadway would be approximately 35 feet west of the existing centerline of U.S. 63. Beginning near Dale Street, the new roadway would curve slightly east so that it would be nearly back to the existing alignment at the Donald Street intersection. Left-turn lanes and signals would be added at several intersections. Sidewalk and a recreational bike trail would be included in this project as well.

From the standpoint of Section 4(f), there is a need to maintain the Preferred Alternative at this location. The reasons for this need include:

- Avoiding impacts to two other National Register-eligible houses on the opposite side of U.S. 63 (Logan Avenue).
- Minimizing impacts to residences.

- Minimizing impacts to businesses.
- Minimizing impacts to a nearby school and hospital by moving the roadway farther away from these facilities.

WEST ALTERNATIVE

This alternative, as described above in Avoidance Alternatives, would have the same lane configuration, accesses, setbacks, bike trail, etc., as the Preferred Alternative, only on the west side of U.S. 63.

From Franklin Street to Parker Street, the existing roadway is already a 4-lane divided roadway and would not change significantly under this alternative. However, left-turn lanes would be added at intersections. From Parker Street to Donald Street, the West Alternative would be widened on the west side of U.S. 63. It would cross the INRR and continue on the west side, then curve slightly to the east so that it would be nearly back to the existing alignment at the Donald Street intersection.

PREFERRED AND WEST ALTERNATIVES FACTOR ANALYSIS

The Preferred and West Alternatives have two National Register-eligible houses each that would be directly impacted by the project. Therefore, each alternative avoids the other's historic houses. The seven factors listed above have been analyzed and evaluated for the two avoidance alternatives considered for the U.S. 63 project. Table 1 provides a succinct comparison of the avoidance alternatives. Each factor is discussed below.

- i. Mitigation of these houses includes marketing them for sale for a nominal amount. If they are sold, a stipulation would be that the house(s) would have to be moved to a vacant lot somewhere in the same vicinity. If the houses are not sold, the architectural features within the house(s) would be salvaged, then each property would be documented and, once documentation is approved by SHPO, razed. No matter which alternative is selected, this would be the expected mitigation. A Memorandum of Agreement outlining the mitigation and stipulations for treatment of the houses is shown in Appendix D.
- ii. Although the houses would be marketed for sale, the likely outcome is that they ultimately will be razed, as often it is difficult to find an interested buyer. Neither the West nor Preferred Alternative can be constructed without removing two historic houses. There is not enough space on the existing lots to move the houses away from the construction limits of the U.S. 63 project.
- iii. All four houses were determined to be historic and met criteria for individual listing on the National Register of Historic Places for their architectural significance. The two houses on the east were constructed in 1919 and 1927, while the two on the west side were constructed in 1917 and 1919. No difference in relative significance between the houses was noted by SHPO.
- iv. The Iowa SHPO reviewed the *Historical/Architectural Intensive Level Survey* (June 2007) prepared for the U.S. 63 project. They concurred with the findings of the report that there are four historic houses and that two of them would be adversely impacted by the project. No difference in significance was noted between the four houses. See letter in Appendix A.
- v. The West and Preferred Alternatives meet the Purpose and Need for the project. Both alternatives are reasonable, constructible and would meet the needs of the roadway while also

creating greater setbacks, green space and pedestrian access/accommodations for the neighborhood and adjacent houses.

- vi. The West Alternative would include the acquisition of 32 houses and three businesses between Franklin Street and Donald Street. Of the 32 residences acquired, two are considered National Register-eligible houses which are located at 1239 and 1319 Logan Avenue. The Preferred Alternative would displace 26 houses and the same three businesses as the West Alternative. Two of the 26 houses are National Register-eligible houses, located at 1252 and 1302 Logan Avenue. Although the West Alternative avoids the two historic houses on the east side of U.S. 63, it is offset by displacing two other National Register-eligible houses and seven more residential displacements (Figure 4). Other impacts associated with the West Alternative would also be very similar to the Preferred Alternative including, but not limited to, the number of impacted noise receptors, access changes and impacts to Allen Hospital parking.
- vii. The West and Preferred Alternatives are very similar with regard to criteria, such as lane width, lane configuration, access, setbacks, utility relocations, bike trail, etc. The only meaningful difference is the seven additional housing acquisitions that would be required for the West Alternative. With regard to construction cost, the alternatives would be very similar. Right-of-way costs for the West Alternative would be slightly higher.

TABLE 1

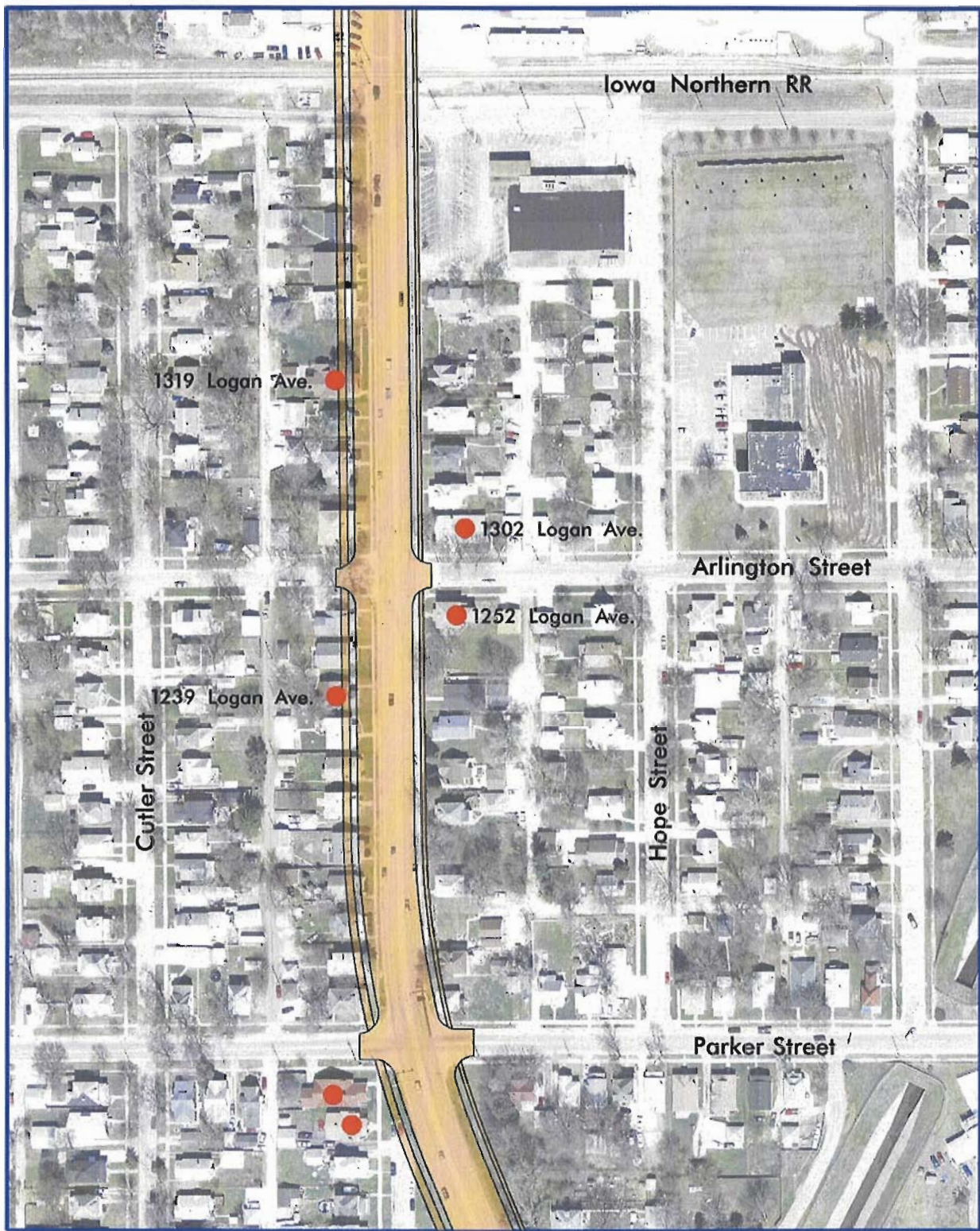
**LEAST HARM ANALYSIS COMPARISON OF ALTERNATIVES
U.S. 63 - FRANKLIN STREET TO DONALD STREET
WATERLOO, IOWA**

Alternative	Meet Purpose/Need?	Use Section 4(f) Resource?	Other Impacts
West	Yes	Yes - 2 Historic Houses	32 Houses; 3 Businesses
Preferred	Yes	Yes - 2 Historic Houses	26 Houses; 3 Businesses

CONCLUSION

The West and Preferred Alternatives both meet Purpose and Need for the project and are reasonable alternatives. However, the West Alternative displaces seven more houses than the Preferred Alternative (32 houses vs. 26 houses). Given that these two alternatives are very similar with regard to impacts and addressing the needs of the project corridor, this difference in house displacements is the factor that separates them. The Preferred Alternative has the least overall harm as compared to the West Alternative.

2/5/2009
L:\work\project\93122\cadd\FIGURES FOR BRENDA\SEPT08\Figs.dsn



LEGEND

Historic House \ Building ●

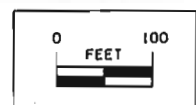


FIGURE 4
West Avoidance Alternative
near the Historic Houses

Final Section 4(f) Statement
US Highway 63
Waterloo, Iowa

March 2009

93122

VI. MEASURES TO MINIMIZE HARM

A measure to minimize harm to the two historic houses has been considered since the avoidance alternatives do not meet the purpose and need for the project. It is proposed that the houses be marketed, after first being offered to the current owners, to be moved. In this way, the houses are ultimately preserved and not razed. The following discussion details the minimization measure proposed.

On October 16, 2007, the Waterloo Historic Preservation Commission (HPC) was invited to give input on minimization and mitigation measures for the two historic houses on U.S. 63 (1252 and 1302 Logan Avenue) during their regular meeting. The HPC advised that they preferred the houses be moved to a nearby empty lot as a first option. Appendix C has a copy of the minutes from this meeting.

Following this meeting, the Iowa DOT and SHPO worked together to develop a Memorandum of Agreement and marketing plan for the houses. This plan calls for offering the houses for relocation and rehabilitation to the current owners. If the owners are not interested in moving the houses, the Iowa DOT shall advertise the houses on the DOT's electronic sale site and in local newspapers. If no acceptable offers are received as a result of this marketing effort, the Iowa DOT shall attempt to secure the properties and, in consultation with the Iowa SHPO, may make the properties available for historic details to be purchased for salvage before the property(ies) are demolished.

If there is no buyer for one or both houses, the Iowa DOT will initiate recordation of the house(s). The house(s) will be documented according to "Iowa Historic Property Study: Houses" shown in the attached MOA (Appendix D). The end result of this recordation will be a booklet suitable for the general public. The booklet will be made available in two forms: paper and in CD format. It will be available to each MOA signatory as well as the Grout Museum, Waterloo HPC and the Waterloo public library.

On April 15, 2008, the Waterloo HPC reviewed the MOA and concurred with the stipulations of it. They recommended it go to the City Council. On April 28, 2008, the Waterloo City Council reviewed the MOA and, by consent vote, recommended the Mayor sign the document.

In addition to the city signature on the MOA, it has also been signed by Iowa DOT, FHWA and the Iowa State Historic Preservation Officer. As a result of the signatures, the stipulations of this MOA may be executed.

VII. COORDINATION

Throughout the planning stages of this project, the Iowa State Historic Preservation Office (SHPO) was consulted regarding evaluation of impacts to cultural resources on the U.S. 63 corridor. The comments of SHPO regarding the project's impacts from the proposed improvements on the two historic houses have been incorporated into a Memorandum of Agreement. This Memorandum of Agreement was reached between FHWA, SHPO, Iowa DOT and the city of Waterloo and incorporates mitigative measures for the houses. The MOA appears in Appendix D.

VIII. DISPOSITION OF THE DRAFT SECTION 4(f) STATEMENT

The Draft Section 4(f) Statement was circulated to appropriate resource and regulatory agencies in conjunction with the U.S. 63 Franklin Street to Donald Street Environmental Assessment on December 1, 2008. A review and comment period was established for public and resource/regulatory agency review.

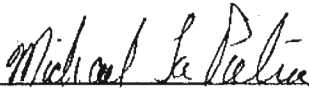
The Draft Section 4(f) Statement review period expired on January 30, 2009. No comments were received on the document.

IX. CONCLUSIONS

It is the conclusion of this Final Section 4(f) Statement that:

- The acquisition of Four-Square House and Howard B. Burr-designed House (1252 and 1302 Logan Avenue, respectively) is an unavoidable result of the need to construct U.S. 63 along its Preferred Alternative alignment.
- There are no feasible and prudent avoidance alternatives which meet the purpose and need for the project.
- The Iowa SHPO is satisfied with, and has agreed to, the terms of the MOA as described in Section VI - Measures to Minimize Harm.

Based upon the above consideration and the lack of objections from both the public and resource/regulatory agencies who have had an opportunity to comment, a determination has been made by the Federal Highway Administration and the Iowa Department of Transportation that there is no feasible and prudent alternative to the use of the Four-Square House and Howard B. Burr-designed House; and the proposed action includes all possible planning methods to minimize harm to them. Therefore, the project may proceed.



For the Division Administrator
Federal Highway Administration



Date

REFERENCES

23 CFR Parts 771 and 774. Section 4(f)

Earth Tech. February 2005. Highway 63 Corridor Plan From U.S. Highway 218 to Donald Street in Waterloo, Iowa. Prepared for City of Waterloo, Iowa, and Iowa Department of Transportation

Tallgrass Historians. April 2007. U.S. Highway 63 Improvements: U.S. 218 to Donald Street Phase I Archaeological Investigation, Waterloo, Iowa. R&C No. 051007071.

Tallgrass Historians. June 2007. U.S. Highway 63 Improvements: U.S. 218 to Donald Street Historical/Architectural Intensive Level Survey, Waterloo, Iowa. R&C No. 051007071; HADB No. 07-079.

APPENDIX A

**IOWA STATE HISTORIC PRESERVATION
COORDINATION LETTER**

OCT 09 2007



Iowa Department of Transportation

800 Lincoln Way, Ames, Iowa 50010

FAX # 515-239-1795
515-239-1726

September 28, 2007

Ref. # NHSX-63-6(69)--3H-07
City of Waterloo
Black Hawk County
Primary

Ralph Christian
Review & Compliance
Community Program Bureau
State Historical Society of Iowa
600 East Locust St.
Des Moines, IA 50319

R&C# 050907102

Dear Ralph:

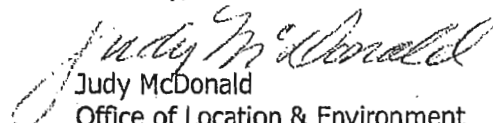
RE: U.S. 63 Improvements, U.S. 218 to Donald Street

Enclosed for your review and comment is additional information regarding the determination of Adverse Effect letter sent July 20, 2007 associated with the historic architectural properties located on Logan Ave (US 63) between E Parker and the Iowa Northern Railroad in Waterloo. Two historic houses (07-06530 and 07-06541) are on the west side of Logan and two historic houses (07-06533 and 07-06534) are on the east side. Because there are fewer homes to displace on the east side, the preferred alignment is to widen on the east side.

The affected houses are located at 1252 and 1302 Logan which is the corner of Logan and E Arlington St. See the attached aerial and photos of the houses.

Historic property 07-06533 and 07-06534 will be adversely effected, thus consultation according to 36CFR 800.6 will proceed to mitigate the affect. If you agree with the determination and course of action, please sign the concurrence line below, attach comments, and return this letter. If you have any questions, please contact me.

Sincerely,

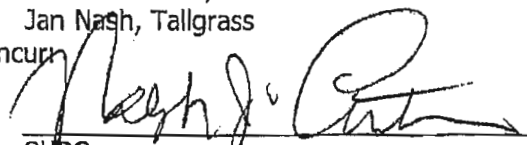

Judy McDonald
Office of Location & Environment
Judy.mcdonald@dot.iowa.gov

JM

Enclosure

cc: Vicki Dumdei, District 2
DeeAnn Newell, OLE--NEPA
Brenda Durban, Earth Tech
Jan Nash, Tallgrass

Concurr


SHPO

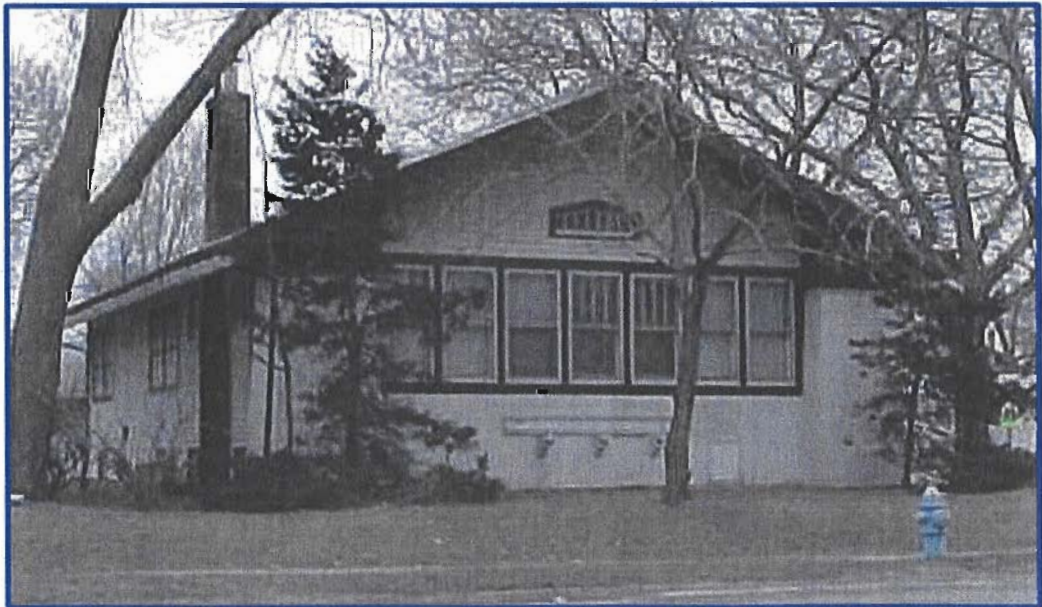

Date

APPENDIX B

PHOTOGRAPHS OF HISTORIC HOUSES



Parcel 891313305001
1252 Logan Avenue
Waterloo, Iowa 50703
Site 07-06533



Parcel 891313301010
1302 Logan Avenue
Waterloo, Iowa 50703
Site 07-06534

2/5/2009 L:\work\project\93122\cadd\FIGURES FOR BRENDASEPT08\Figs.dsn

AECOM

Displaced NRHP Houses,
East Side Logan Avenue
at Arlington Street

Final Section 4(f) Statement
US Highway 63
Waterloo, Iowa

March 2009

93122



Parcel 891314429008
1319 Logan Avenue
Waterloo, Iowa 50703
Site 07-06541



Parcel 891314433004
1239 Logan Avenue
Waterloo, Iowa 50703
Site 07-06530

2/5/2009
L:\war\K\project\93122\roads\FIGURES FOR BRENDASEPT08\Figs.dsn

AECOM

Avoided NRHP Houses,
West Side Logan Avenue

March 2009

Final Section 4(f) Statement
US Highway 63
Waterloo, Iowa

93122

APPENDIX C

**WATERLOO HISTORIC PRESERVATION
COMMISSION MEETING MINUTES**

**WATERLOO HISTORIC PRESERVATION COMMISSION
REGULAR MEETING – OCTOBER 16, 2007– 5:15 P.M.
MEETING ROOM A, WATERLOO PUBLIC LIBRARY**

Chairperson Ottesen called the regular meeting of the City of Waterloo Historic Preservation Commission meeting to order at 5:23 p.m.

Those in attendance were: Berry, Morgan, Newton (arrived 5:57), Olsson, Ottesen, Potter, and Quirk.

Those absent were: Anderson, Brockway

Also present was staff member Tim Andera and 3 citizens.

Approval of Minutes

Motion made by Quirk, seconded by Olsson to approve the minutes of the September 18, 2007 Regular Meeting, subject to Olsson being listed as attending the meeting, specifically noting she was omitted from the attendance, as well making motions. Motion carried unanimously.

Approval of Agenda

Motion made by Quirk, seconded by Potter to approve the agenda as submitted. Motion carried unanimously.

Reports

1. Main Street

Ottesen gave the Main Street report, noting that on October 12, 2007, the Tour De'Loo, which toured downtown projects that are underway or completed, was held, and over 150 people attended. Ottesen noted that this attendance was a little lower than the year before, but said the turnout was very good, and everything went smoothly. Ottensen noted that multiple sign reviews came in before the Main Street Review Board, noting that a contractor was proposing to put up two new signs for two new companies leasing space in the Regions Bank building. Ottesen noted that there was some lengthy discussion between the board members about how much signage should be on a building. Ottesen noted that it was finally agreed upon to approve the request for multiple signs.

2. Silos and Smokestacks

Andera noted that Candy Streed of Silos and Smokestacks e-mailed him a packet of information on "Law and the Historic Preservation Commission: What Every Member Needs to Know". Andera noted that some of the material covered in the hand out relates to economic hardships, ethics of being a commissioner, etc, and suggested that they read the booklet for their educational benefit for historic preservation.

3. Grout

No report this month.

Public Hearings

1. Request by Mike Heneghan for a Certificate of Appropriateness to demolish a portion of the existing garage structure on the northern part of the house at 1003 Vine Street.

Andera gave the staff report noting that the applicant is request approval of a Certificate of Appropriateness to remove a portion of the existing garage on the north portion of the house at 1003 Vine Street. Andera noted that the house is listed as a "C" structure for architectural significance and an "A" structure for historical significance, as well contributing to a district. Andera noted that the portion of the garage proposed for demolition appears to be used for storage, abutting the single-stall garage that is currently there. Andera noted that only the "lean-to" portion of the garage is being proposed for removal, and the garage stall would remain.

Andera noted that at this time, the property owner is currently in litigation with the City over the Property Maintenance Code, and has received recent citations from the City Code Enforcement Department to either bring the property up to code, or demolish the house. Andera also noted that Code Enforcement has indicated the house to be dilapidated, structurally unsound, and a threat to the surrounding neighborhood and public welfare. Code Enforcement has also noted that there is currently no one occupying the house because it is unsafe for human occupancy. Andera noted that recently in a conversation with the applicant, that Mr. Heneghan noted to him that he has purchased over \$2,000 worth of shingles, but has not installed them yet.

Andera reviewed with the Commission members the Guidelines for Historical Buildings, and how it is written out to address certain situations, such as demolition. Andera noted as apart of the process, a Certificate of Appropriateness must be issued prior to any building located on any "A" or "B" structure, or any historic district. Andera noted that generally in the past, the Commission would issue demolition permits for buildings, which are not key or contributing structures to the house or the district in question. Andera also noted the Commission may issue demolition permits if the applicant can demonstrate that the building is structurally unsound and irretrievable. Andera noted to the Commission that the applicant has not shown up for this particular public hearing on this matter.

Potter questioned if any residents in the Highland Neighborhood would be willing to fix this house up as a neighborhood project. Quirk noted that recently, the neighborhood board has had a difficult time finding volunteers to do maintenance work around the neighborhood.

Potter noted she would like to know what the property owners plans are for the rest of the house if he is allowed to remove a portion of the garage. Morgan questioned if the City

has the power to make him fix the inside wall of the garage after it is exposed by removal of a portion of the garage. Andera noted that if the applicant removes part of this garage, it will probably create another building code issue by exposing a wall that may not be suitable for outside weathering, and the Code Enforcement Department would still be involved with the situation.

Ottesen noted that the existing garage structure and storage area do not appear to match the historical character of the house, and it appears that the garage may have been a later thought after the house was built, as well as noting the structure is on the back of the house.

Motion made by Potter, seconded by Quirk to table the request until the applicant can address the Commission at the November 20, 2007 regular meeting. Motion carried unanimously.

Discussion Items

- 1. Invitation to the Waterloo Historic Preservation Commission as part of the Section 106 Process for input for mitigation suggestions and ideas regarding the demolition of two potentially eligible homes at 1252 and 1302 Logan Avenue as part of the Highway 63 Redevelopment Project from Franklin Street to Donald Street.**

Andera gave a brief overview, noting that as part of the Section 106 process, and for the guidelines of the Memorandum of Agreement to be met, the Commission had to be invited to provide its comments as far as the houses being removed on Logan Avenue. Andera noted that the Commission is not a signatory on the MOA, and specifically noted that the MOA is between SHPO, Iowa Department of Transportation and the City.

Morgan questioned why only two homes are being removed. Brenda Durbahn of Earth Tech, who is working on the highway project noted that more than these two homes are being acquired for the project, however, these two homes are the only ones that would be eligible for the National Register. Durbahn also noted that if the roadway was shifted to the west side of the right-of-way, 1239 and 1319 Logan Avenue would have to be removed, and both those homes are eligible too. Durbahn also noted that the reason it was chosen to rebuild the roadway on the eastern portion of the right-of-way was because 8 to 10 less homes would have to be acquired for the project. Durbahn noted that on the other side of the roadway, there were existing commercial businesses, as well as Logan Middle School.

Durbahn noted that the most typical thing done in the past for recordation was to have a book developed on the properties with pictures, descriptions, floor plans, etc., but also mentioned that other options such as constructing a kiosk, or having a description of architects who designed many of the homes in the area. Durbahn mentioned if a book is made about the two houses, in most cases, it just ends up being a book that just sits on a shelf.

Morgan questioned if the owners are aware that the houses are going to be removed for the project. Durbahn noted that there have been many public meetings over this project,

and she is unaware if the property owners know that the houses will be removed. Ottesen noted that the owners may not be aware the houses are going to be removed, but also noted that they may be unaware the properties are eligible and there is money available to fix these homes up. Ottesen questioned if it would be possible for the homes to be relocated, and if so, would it affect their eligibility. Durbahn noted that it would not affect their eligibility if the homes are moved, as the two houses are eligible because of their architecture, not their location. Ottesen suggested that it be discussed with the owners about possibly moving the houses to an empty lot. Berry noted that he has seen many houses in Waterloo moved to different locations, and sees the same possibility with these two homes as well. Olsson noted that she like the idea of having an interpretive kiosk with a history of the neighborhood and local architects who designed nearby homes as opposed to having a book created that not many people would read. Olsson also noted that the widening of the highway is affecting the fabric of the neighborhood, and something must be done to preserve the integrity and feel of the neighborhood, instead of having just one option to just remove houses. Ottesen noted that the suggestion and advice from the Commission would be for these two homes to be relocated.

2. Rath Administration Building Meeting – Follow-up to October 2, 2007 brainstorming session.

Andera noted this meeting will be a follow-up meeting to the October 2, 2007 brainstorming session, where ideas were discussed on what to do with the former administration offices. Andera noted that at that meeting, some attendees volunteered to do some research on getting the building advertised, contacting a structural engineer, or see if the Rath logo can be used for our purposes, etc.

Roger Lantzke noted he has an interest in trying to save the building, and believes the idea he has would be a viable solution for saving the building. Lantzke noted that there needs to be more of a proactive approach to work with consumers. Lantzke noted that there needs to be an equity established by reinvesting in the building, and one way this could be done is by getting supporters who are willing to donate at least \$1 a week, and then use the money that has been donated and use the dividends from that money to invest back into the property without having to use the money that has been donated. Lantzke noted that this concept has worked before on other projects in places, such as Rochester, New York, and believes that the Rath name has a large enough legacy, that being able to find contributors is possible. Potter questioned if this type of approach would be a viable solution at this time, due to the time constraints and grant deadline looming. Potter noted she would like Lantzke to come to the next meeting for the building on October 23, 2007, and have numbers and a plan written down on paper so that others at the meeting can see what his proposal is. Lantzke noted he would try and get something together for this meeting, but was not sure if he would make it to the meeting or not. Potter noted that this idea of creating equity seems like a very good and well thought out idea, but at this time, with demolition of the building possible by next year, that finding volunteers and being able to gain enough equity off of the money provided, time is playing against the Commission now. Quirk noted that she would like to see the legalities hashed out first before a plan such as this is considered.

3. Kingbard Walking Tour

Potter noted that there have been no changes since the last time she reported, specifically noting with the Rath Building issue, she has not had time to address this item further.

Hearing no further discussion chairperson Ottesen adjourned the meeting at 6:24 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tim Andera".

Tim Andera
Associate Planner
Staff to the Commission

**WATERLOO HISTORIC PRESERVATION COMMISSION
REGULAR MEETING – APRIL 15, 2008– 5:00 P.M.
MEETING ROOM A, WATERLOO PUBLIC LIBRARY**

Chairperson Olsson called the regular meeting of the City of Waterloo Historic Preservation Commission meeting to order at 5:02 p.m.

Those in attendance were: Anderson (5:28 p.m.), Berry, Morgan, Olsson, Ottesen, Potter, and Quirk.

Those absent were: Brockway and Newton.

Also present was staff member Tim Andera and Brenda Durban of Earth Tech.

Approval of Minutes

Motion made by Potter, seconded by Quirk to approve the minutes of the February 19th, 2008 Regular Meeting. Motion carried unanimously.

Approval of Agenda

Motion made by Quirk, seconded by Potter to approve the agenda as submitted. Motion carried unanimously.

Reports

1. Main Street

Ottesen gave the Main Street report noting that East 4th Street will be under construction this year from the Cedar River to Franklin Street, with there being a total reconstruction of the street, as well as the sidewalks, creating a new streetscape. Ottesen noted that a block will be constructed one by one, and Main Street will work with business owners along the corridor to ensure that access to their businesses is still available during the construction. Ottesen also noted that plans are being prepared for the Cinco de Mayo celebration, as well as the annual downtown cleanup.

2. Silos and Smokestacks

No report this month.

3. Grout

Olsson noted that the Grout will close from mid-April to sometime in the fall for the purpose of redoing the exhibits in the museum, with the grand re-opening in November.

Public Hearings

- 1. Request for comment from the Waterloo Historical Preservation Commission on the draft Memorandum of Agreement between the Federal Highway Administration, State Historical Office, City of Waterloo and the Iowa Department of Transportation for the adverse effect upon two potentially eligible houses at 1252 and 1302 Logan Avenue as a part of the redevelopment of the Highway 63 Corridor between Franklin Street and Donald Street.**

Andera noted as a part of the Section 106 process, the parties involved in this project have requested that the Commission provide comments and feedback on the draft Memorandum of Agreement.

Morgan questioned if the property owners of the two home have been notified yet of possible acquisition or demolition. Durban noted that the property owners have not been notified yet to her knowledge, and the Iowa Department of Transportation would be handling the acquisitions for the Highway 63 project. Durban also noted that environmental documentation needs to be completed first, and once that is completed, IDOT will begin contacting property owners to begin negotiations. Ottesen noted that appraisals of the two homes in question will need to be done, and it will be some time before the property owners would need to be out of their houses. Morgan noted that she would like to see a timeline of when the property owners would need to be out of their homes. Durban noted until the environmental documentation is completed, she cannot pinpoint an exact timeline at this moment.

Quirk questioned what the ages are of the property owners are for both 1252 and 1302 Logan Avenue. Durban noted she was unsure of their ages, but believed they were elderly residents.

Morgan questioned if construction crews are expecting to find artifacts during the construction period, noting that tribes that once lived in this area have been notified. Durban noted that this is standard language incorporated into federally funded Memorandum of Agreements, just in case some artifacts are found during the project. Durban noted that over time, there have multiple instances of ground disturbance in the area, and it is very unlikely that any artifacts will be found. Durban also noted that SHPO has already approved of the submitted draft Memorandum of Agreement.

Motion made by Quirk, seconded by Berry to approve the draft Memorandum of Agreement, subject to property owners being notified of possible move due to the expansion project, as well as being notified prior to public announcement of the project. Motion carried unanimously.

Discussion Items

1. Iowa City Historic Preservation Handbook – Conservation and Historic District Review Process – Sections 2.0 – 2.7

Tabled until May meeting.

2. Historical Preservation Ordinance Revision

Tabled until May meeting.

3. Kingbard Walking Tour

Potter noted that since the February 19, 2008 meeting, there have been 3 meetings held in relation to the tour. Potter noted that she has spoken with Ryan Malecek, a neighborhood resident. Potter noted that Malecek would be sending a letter to home owners in the neighborhood to garner interest for the walking tour. Potter noted that the goal is to have the tour in August, and at this time, the tour is moving forward.

4. Historical Preservation Annual Awards Ceremony

Andera noted that he has gotten the Snowden house reserved for the ceremony on May 29, 2008. Commission members noted that they have come up with the final list of individuals to receive an award for historic preservation.

- 1) Doris Ruffridge – 901-907 Sycamore Street, mix-used building.
- 2) Randy and Patrice Pilkington – 229 Alta Vista Avenue, residential property
- 3) Elks Club – 407 East Park Avenue, commercial property
- 4) Waterloo Women's Club – for the continued use and preservation of the Snowden House
- 5) Jim Walsh – Multiple renovations of downtown properties
- 6) Cedar Valley Historical Society

Andera noted that he would get an article published in the paper to make others in the community aware of the ceremony.

Hearing no further discussion chairperson Olsson adjourned the meeting at 5:55 P.M.

Respectfully submitted,



Tim Andera
Associate Planner
Staff to the Commission

APPENDIX D

MEMORANDUM OF AGREEMENT

MEMORANDUM OF AGREEMENT

Between
The Federal Highway Administration
And
The Iowa State Historic Preservation Officer
And
City of Waterloo
And
Iowa Department of Transportation

Highway Improvement Project
NHSX-063-6(69)--3H-07
US 63
Franklin Street to Donald Street
in
the City of Waterloo, Iowa

WHEREAS, the Federal Highway Administration (FHWA) proposes to improve U.S. 63 from Franklin Street to Donald Street in Waterloo, Iowa and has consulted with the Iowa 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. Section 470f);

WHEREAS, construction of the project will not impact archaeology sites; however will result in an adverse effect upon two houses, 1252 Logan Street and 1302 Logan Street, which are considered eligible for listing on the National Register of Historic Places (NRHP); and

WHEREAS, the consulting parties agreed that it is in the public interest to expend funds to mitigate the adverse affects of this project according to this Memorandum of Agreement; and

WHEREAS, the tribes that may attach religious or cultural importance to properties in the project corridor have been consulted and have not expressed an interest in the project; and

WHEREAS, the Iowa Department of Transportation (Iowa DOT) and the City of Waterloo (City) will let and construct the improvement and has participated in the consultation with FHWA and Iowa State Historic Preservation Officer (SHPO), and is a signatory to this MOA;

NOW, THEREFORE, FHWA, Iowa DOT, City and the Iowa 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 significant historic properties.

STIPULATIONS

FHWA will ensure that the following measures are carried out:

A. Historic Structures

1. The Iowa DOT will offer the two historic houses, 1252 Logan Street and 1302 Logan Street, for sale to be moved. According to Marketing plan in Appendix A.
2. If there is no buyer for the house(s), the Iowa DOT shall record the historic information of each house according to the "Iowa Historic Property Study: Houses" in Appendix B. If one house is sold to be moved and the other not, the house that is not sold will be recorded according to the "Iowa Historic Property Study: Houses" in Appendix B.
 - a. The recordation cited in stipulation A(2) shall be performed by a person or firm who is acceptable to the SHPO and whose education and professional experience meet the Secretary of Interior's professional qualification standards.
 - b. Upon SHPO review and approval of the proofs for the documentation photographs and of field notes and drawings, the houses may be salvaged according to the Marketing Plan in Appendix A then demolished at the discretion of the Iowa DOT.
 - c. The SHPO will review the completed documentation project for professional and technical compliance with the recordation plans included in Attachment B. The approved documentation will be presented as a booklet filed with the State Historical Society of Iowa. Paper copies and a CD of the documentation will be provided to the signatories of the MOA, the Waterloo Public Library and the Waterloo Historical Society.

B. Unanticipated Discoveries

1. If construction work should uncover archaeological materials, which had not been previously detected, the Iowa DOT and City will cease construction activities that may disturb subsurface materials in the area of the resource and notify the SHPO of the discovery.
2. The SHPO, or an archaeologist retained by the Iowa DOT and meeting the Secretary of the Interior's Standards for archaeology, will immediately inspect the work site and determine the extent of the affected archaeological resource. Construction work may continue in the area outside the archaeological resource as it is defined by the SHPO, or by SHPO in consultation with the archaeologist.
3. Within 14 days of the original notification of discovery, Iowa DOT, in consultation with the SHPO and the City, will determine the National Register eligibility of the resource. The Iowa DOT may extend this 14-day calendar period one time by an

additional 7 days by providing written notice to the SHPO prior to the expiration date of said 14-day calendar period.

4. If the resource is determined eligible for the National Register, the Iowa DOT shall submit a plan for its avoidance, protection, recovery of information, or destruction without data recovery to SHPO for review and comment. The Iowa DOT and the City will notify all consulting parties of the unanticipated discovery and provide the proposed treatment plan for their consideration. The SHPO and consulting parties will have 7 days to provide comments on the proposed treatment plan to the Iowa DOT, the City and FHWA upon receipt of the information.
5. Work in the affected area shall resume pending either:
 - a. development and implementation of an appropriate data recovery plan or other recommended mitigation measures listed in (4) above, or
 - b. determination that the newly located archaeological materials are not eligible for inclusion on the National Register.

C. Protection of Human Graves

1. The Iowa Code protects all human burials in the state of Iowa. In the event that human remains or burials are encountered during construction activities, the Iowa DOT and the City shall cease work in the area, take appropriate steps to secure the site, and notify officials at the Burials Program at the Office of the State Archaeologist, SHPO.
2. If the remains appear to be ancient (i.e., older than 150 years), the Burials Program at the Office of the State Archaeologist shall have jurisdiction to ensure Iowa law, NAGPRA and the implementing regulations (43CFR10) are observed. In keeping with the policy and procedures of the Burials Program, the deposition of the remains will be arranged in consultation with the culturally affiliated tribe(s) or the Indian Advisory Committee if the affiliation is not known.
3. If the remains appear to be less than 150 years old, the burial may be legally protected under Iowa Code, Chapter 566 and the Iowa Department of Health would be notified.

D. Administrative

1. If the stipulations of this Memorandum of Agreement have not been implemented by July 1, 2013, the consulting parties shall review its provisions to determine whether revisions are needed. If revisions are needed, the signatories will consult in accordance with 36 CFR Part 800 to make such revisions.
2. Modification, amendment or termination of this agreement as necessary shall be accomplished by the signatories in the same manner as the original agreement.

3. Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, any one of the signatories may request the participation of the Advisory Council to assist in resolving the dispute.
4. This agreement shall be null and void if its terms are not carried out within seven (7) years from the date of its execution, unless the signatories agree in writing to an extension for carrying out its terms.

Execution of this Memorandum of Agreement by FHWA and the Iowa SHPO, submission of a copy to the Council and implementation of its terms, evidence that FHWA has afforded the Council an opportunity to comment on this project and its effect on historic properties, and that FHWA has taken into account the effects of the undertaking on historic properties. This agreement is binding upon the signatories hereto not as individuals, but solely in their capacity as officials of their respective organizations, and acknowledges proper action of each organization to enter into the same.

Signature Page

FEDERAL HIGHWAY ADMINISTRATION

By: Michael LaPeta Date: 5/21/08
FHWA, Iowa Division Date

IOWA STATE HISTORIC PRESERVATION OFFICER

By: Barbara A. Mather Date: May 12 2008
Deputy SHPO Date

CITY OF WATERLOO

By: Tom Hurley Date: 4-28-08
Waterloo Mayor Date

IOWA DEPARTMENT OF TRANSPORTATION

By: James Rod Date: 5/7/08
Office of Location & Environment Director Date

Appendix A

Specifications for a Marketing Plan for Historic Houses 1252 Logan Ave and 1302 Logan Ave Waterloo, Iowa

The marketing plan will include the following elements:

1. The Iowa DOT shall offer the historic houses for relocation and re-habitation by first offering the house to the present owners. The Department of Transportation's (Iowa DOT) Relocation Assistance Benefits may be used to defray the cost of moving the houses to a new location.
2. If the present owners are not interested in moving the houses, the Iowa DOT shall advertise the houses on the DOT's electronic sale site, and in local newspapers. To encourage public support for moving the houses, seek input from the local Historic Preservation Commission regarding the offering.
3. The DOT shall prepare an information package about the Houses for any interested party which includes but not limited to:
 - a. Photographs of the Houses and the setting;
 - b. A location map;
 - c. Information on the Houses' historic significance;
 - d. Information on tax benefits, historical grants or potential federal funds available for rehabilitation of historic properties. Information may include, but not limited to, information about tax benefits found on the National Park Service web site <http://www2.cr.nps.gov/tps/tax/index.htm>; or information about Iowa Historical Society grants found on web site http://www.iowahistory.org/grants/shsi_grants/shsi_grant.html;
 - e. Provide information about the relocating the house in accordance with the recommended approaches in the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Properties (U.S. Department of the Interior, National Park Service, 1992), and preserve it in accordance with the Secretary of the Interior's Standards for Preservation (36 CFR 68); see web site <http://www2.cr.hps.gov/tps/secstan1.htm> .
 - f. Provide a list of reputable moving companies within the area; and
4. The two historic dwellings shall be offered for sale and relocation with purchasing preference in the following order:

- a) A direct sale to the present owners as part of the Acquisition process.
 - b) A direct sale to other displacees on the project with particular preference given to a perspective purchaser that agrees move the house to a vacant lot within the neighborhood.
 - c) A public sale for relocation of the house(s).
5. If the houses(s) are offered for public sale the established Iowa DOT procedures for the sale of improvements shall be utilized. Specific requirements will be included as part of the offering.
- a. The house(s) must be moved intact and no salvaging of the buildings shall be allowed.
 - b. The successful purchaser shall be required to provide the Iowa DOT with a \$5,000 performance deposit. The Iowa DOT shall not return the performance deposit until the successful purchaser has fulfilled all requirements of the purchase including reestablishing the house on the replacement site.
 - c. The successful purchaser agrees to provide SHPO with a map and photographs of the location where the house will be re-located.
6. If the Iowa DOT receives no offer that it determines conforms to the requirements above, the Iowa DOT shall attempt to secure the properties and in consultation with the SHPO may make the properties available for historic details to be purchased for salvage before the property is demolished.
7. Should the SHPO not agree with the Iowa DOT decision regarding the property, the parties shall seek to resolve the disagreement pursuant to Stipulation D(3) of the Memorandum of Agreement.

Appendix B

Iowa Historic Property Study: House

The documentation identified below is for Iowa residential properties of state and local significance. It is to be written for a broad public audience--kept simple, direct, and free of technical and academic jargon. The character of the documentation produced--its content, quality, materials, and presentation--shall meet the Secretary of Interior's Standards and Guidelines, and the booklet shall be authored by an architectural historian or historian qualified under the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).

A public history booklet format will be prepared that focuses on the history and architecture of the residential property[ies] at 1252 Logan Avenue and/or 1302 Logan Avenue, Waterloo, Black Hawk County, Iowa. Questions that might be addressed in the booklet include, but are not limited to, the following:

1. What were the circumstances of the house's construction, including the impetus for the project, selection of the designing architect and contractor, and the story of its construction?
2. Who was the architect, if this person is known, and how does this residential project fit into the larger body of the designer's work in this community and beyond?
3. What was the role of this architect within the broader context of Iowa, Midwest, and national architectural trends?
4. Who was the client (and his or her family, if any) for whom the house was built, and what are the details of the family's socio-economic background, employment history, and other elements that enable a better understanding of the initial residents of the house?
5. How have the building and its neighborhood changed over time?

The booklet is anticipated to be 8 to 12 pages in length and will include, as appropriate, historic and current photographs, maps, and drawings that will illustrate and complement the text. A mock-up copy of the draft manuscript and selected illustrations shall be submitted to the SHPO for review and comment. The final booklet will be published once any SHPO comments have been addressed. If the SHPO does not respond within 45 days, the author may proceed to finalizing the booklet.

The deliverable will be the print-ready manuscript supplied as a PDF file on a CD, with a CD and paper copy of the PDF for each of the signatories of the MOA, the Waterloo Historic Preservation Commission, the Grout Museum, and the Waterloo public library. The manuscript will also be submitted to the editor of the *Iowa Heritage Illustrated* for consideration of publication as an article.

No additional documentation in the form of photographs or drawings shall be required.