MEMORANDUM OF UNDERSTANDING

UNIVERSITY OF KANSAS
AND
CITY OF LAWRENCE, KANSAS

Whereas, the City of Lawrence, Kansas, a municipal corporation under the laws of the State of Kansas (hereafter "City") has entered into an agreement pursuant to K.S.A. 75-2724, and amendments thereto, with the State Historic Preservation Officer (hereafter "SHPO") dated June 4, 1999, to perform certain responsibilities of the SHPO under K.S.A. 75-2724; and

Whereas, the City has established the Historic Resources Commission (hereafter "HRC") to carry out and administer certain historic review and approval requirements of City and State law, all pursuant to Chapter 22 of the Code of the City of Lawrence, Kansas, 1997 Edition, and amendments thereto, including the responsibilities set forth in the City and SHPO agreement of June 4, 1999; and

Whereas, the University of Kansas (hereafter "University"), an agency of the State of Kansas, has entered into an agreement pursuant to K.S.A. 75-2724, and amendments thereto, with SHPO dated October 18, 1999, to perform certain responsibilities of the SHPO under K.S.A. 75-2724; and

Whereas, the University has established the Campus Historic Preservation Board (CHPB) to carry out and administer certain historic review and approval requirements of State law, including the responsibilities set forth in the University and SHPO agreement of October 18, 1999; and

Whereas, Section 10 of the University and SHPO agreement provides:

10. The commission [CHPB] will jointly develop a process with the City of Lawrence, whereby areas of shared or overlapping jurisdiction for environs of properties listed on the national register of historic places, or the Kansas register of historic places, can be resolved by City and University commission [CHPB] members or their appointed representatives at an open meeting. Should the joint commissioners be unable to agree upon a finding, the SHPO will review and determine the proposed project's effect on the environs on any listed property.

Whereas, the City and University desire to establish in writing a procedure to implement the provisions of Section 10 as set forth above

NOW, THEREFORE, IT IS AGREED AND UNDERSTOOD BY THE CITY AND UNIVERSITY ON THIS 21st DAY OF September, 2001, AS FOLLOWS:
1. This memorandum of understanding shall govern the procedures for the review of certain projects (hereafter "project"), as the term "project" is defined pursuant to K.S.A. 75-2724, specifically located in an area of shared or overlapping jurisdiction of the City and the CHPB for the environs of properties listed on the National Register of Historic Places or the Kansas Register of Historic Places. Unless otherwise indicated in writing by the City, the HRC shall have the authority to represent and obligate the City for purposes of fulfilling the City's responsibilities regarding such a project. Unless otherwise indicated in writing by the University, the CHPB shall have the authority to represent and obligate the University for purposes of fulfilling the University's obligations regarding such a project. This memorandum of agreement shall not extend to administrative reviews by the CHPB or the HRC on routine repairs and maintenance projects that might otherwise be subject to consideration pursuant to this agreement. A list of project types covered under administrative review is provided in attachment A. The CHPB will review the project under the standards required by law and agreement with the SHPO. It is recognized and agreed that, while the HRC is bound by City ordinances, the standards of review of the CHPB, which is an activity of a state agency, do not include City ordinances.

2. The CHPB and the HRC (hereafter the "parties") shall receive the official minutes of the other body and shall receive the notices of the regular and special meetings of the other body. The attendance of representatives from the CHPB is encouraged at the meetings of the HRC and the attendance of representatives from the HRC is encouraged at the meetings of the CHPB. Each party shall select at least one representative and provide the name of that representative to the other party.

Notice to the CHPB shall be sent to:

James Long, Assistant Provost
Strong Hall, Room 223
1450 Jayhawk Blvd.
University of Kansas
Lawrence, Kansas 66045

Notice to the HRC shall be sent to:

Dennis Enslinger, Historic Resources Administrator
Lawrence-Douglas County Metropolitan Planning Department
P.O. Box 708, 6 East 6th Street
Lawrence, Kansas 66044

3. a) For a project located on property titled to the State of Kansas on behalf of the University, the CHPB shall be the first body to review the project. After review and determination of the CHPB, the HRC shall review and make a determination on the project, such review to be accomplished within a reasonable time following the CHPB determination, ordinarily 30 days.
b) For a project located on property which is not titled to the State of Kansas on behalf of the University, the HRC shall be the first body to review the project. After review and determination of the HRC, the CHPB shall review and make a determination of the project, such review to be accomplished within a reasonable time following the HRC determination, ordinarily 30 days.

c) The separate meetings of the CHPB and the HRC shall be open to the public pursuant to the Kansas Open Meetings Act (K.S.A. 75-4317 et seq.). Further, the HRC shall conduct a public hearing on the project as required by law.

4. If the CHPB and the HRC agree in their respective determinations concerning the project, they shall so communicate their determinations to the SHPO through either separate correspondence or through a written communication executed by representatives of both the CHPB and the HRC.

5. a) If the CHPB and the HRC do not agree in their respective determinations concerning the project, representatives of the CHPB and the HRC shall schedule a meeting of a joint committee of the CHPB and the HRC. Such meeting date shall be scheduled within 30 days of the last meeting of either the CHPB or the HRC concerning the project and shall provide for a minimum of fourteen days notice to the other party prior to the meeting. At the joint committee meeting, the CHPB shall be represented by a total of three individuals, who may include CHPB members or other University representatives. At the joint committee meeting, the HRC shall be represented by a total of three individuals, who may include HRC members or other City representatives. Notwithstanding the number of members in attendance, the CHPB shall be entitled to one vote and the HRC shall be entitled to one vote. The meeting of the joint committee shall be an open meeting pursuant to the Kansas Open Meetings Act, K.S.A. 75-4317 et seq.. The joint committee may allow for public comment as the committee members may agree is appropriate. The minutes and the staff reports from the CHPB and the HRC concerning the project shall be available at the joint committee meeting and shall be open public records for review by members of the public.

b) If the joint committee makes a unanimous determination (i.e. the votes of the CHPB and the HRC on the project are the same), a written communication of the unanimous determination shall be executed by representatives of both the CHPB and the HRC shall be sent to the SHPO. If the joint committee is unable to make a unanimous determination, the minutes of the joint meeting, together with all other relevant minutes and staff reports shall be transmitted to the SHPO to enable the SHPO to make the final determination.

6. This agreement may be terminated by either party for good cause upon ninety day's written notice to the other party and the SHPO.
AGREED TO:

FOR THE UNIVERSITY:

[Signature]
David E. Shulenburger, Provost
Date: September 21, 2001

FOR THE CITY:

As approved by the governing body of the City of Lawrence, Kansas on the 11th day of September, 2001.

[Signature]
Mike Wildgen, City Manager
ATTACHMENT A

ADMINISTRATIVE REVIEW PROJECT TYPES LIST

The following is a list of project types that City staff or University staff will have the authority to administratively approve. If the proposed project meets the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and/or the Standards and Guidelines for Evaluating the Effect on Projects on Environments, the City staff or University staff will administratively approve the proposed project. For those projects located on property titled to the State of Kansas on behalf of the University, the Campus Historic Preservation Board will confirm administrative approvals at their next regular meeting. If the project location is not titled to the State of Kansas on behalf of the University, the Historic Resources Commission will confirm administrative approval at their next regular meeting. If City or University staff determines the proposed project would encroach upon, damage or destroy a listed property or the associated environs, then the proposed project will be subject to the process outlined in the memorandum of understanding.

Properties listed on the National Register and/or the Register of Kansas Historic Places.

- Replacement of roofing materials with like-kind materials.
- Repair of architectural elements such as porches, facia, window, doors, with like-kind replacement materials.
- Installation of mechanical, plumbing or electrical systems that require minimal changes.
- Installation of awnings and signs on commercial or institutional buildings.
- Interior modifications that do not affect character defining elements of the listed property.
- Installation of fire-safety equipment or minor alterations to meet the American Disabilities Act.
- General maintenance and repair of interior and exterior features.
- Or similar projects.

Properties within 500 feet of a property listed on the National Register and/or the Register of Kansas Historic Places.

- Replacement of roofing materials with like-kind materials.
- Minor exterior building changes and repair of architectural elements with like-kind materials including; window and door changes, exterior walls, chimneys, porches, rooflines, siding, guttering, etc.
- **Exterior** Installation of mechanical, plumbing or electrical systems that require minimal changes.
- Installation of awnings and signs on commercial or institutional buildings.
- Minor exterior building additions to the primary structure or accessory structures.
- Construction of new accessory structures.
- Installation of aerials or antennas.
- **Exterior** Installation of fire-safety equipment or minor alterations to meet the American Disabilities Act.
- General maintenance and repair of interior and exterior features.
- Or similar projects.