FIRST AMENDMENT TO THE
MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE STATE HISTORICAL SOCIETY OF IOWA,
IOWA HOMELAND SECURITY & EMERGENCY MANAGEMENT DEPARTMENT,
AND THE UNIVERSITY OF IOWA, REGARDING THE DEMOLITION OF
ART BUILDING, THE UNIVERSITY OF IOWA, JOHNSON COUNTY, IOWA

WHEREAS, the U.S. Department of Homeland Security/Federal Emergency Management Agency (FEMA), Iowa Homeland Security and Emergency Management Department (IHSEMD), the State Historic Preservation Office (SHPO) of the State Historical Society of Iowa (SHSI), and the University of Iowa (University), executed a Memorandum of Agreement (MOA) on February 27, 2012 to resolve adverse effects to historic properties resulting from FEMA’s providing Federal disaster assistance to the University for the demolition (Undertaking) of Art Building, and satisfy FEMA’s responsibilities under Section 106 of the National Historic Preservation Act (NHPA) and the Programmatic Agreement among FEMA, SHSI, IHSEMD, and the Advisory Council on Historic Preservation (ACHP), executed October 16, 2009; and

WHEREAS, in an effort to minimize the adverse effects, Stipulation I. A. of the MOA required the University to dissect and demolish the post 1936 additions to the Art Building, causing minimal or no damage to the original 1936 portions of the building, and to mothball the Art Building in accordance with the National Park Service Technical Preservation Brief 31: Mothballing Historic Buildings; and

WHEREAS, Stipulation I. B. of the MOA required the University to complete a Feasibility and Adaptive Reuse Study (Study) for the original 1936 Art Building, in accordance with the guidelines, as outlined, in the Secretary of the Interior’s Standards for the Treatment of Historic Properties; and

WHEREAS, Stipulation I. A. of the MOA required the demolition of the post 1936 additions and mothballing to be concluded within thirty-six (36) months from the date of execution, and Stipulation I. B. of the MOA required the Study for the original 1936 Art Building to be concluded within twenty-four (24) months from the date of execution; and

WHEREAS, the MOA stipulated that it would be null and void, unless amended per section VI of the MOA, if its terms were not carried out within thirty-six (36) months from the date of execution, by February 27, 2015; and

WHEREAS, the University has informed FEMA that they are unable to complete Stipulation I. B., within the twenty-four (24) month time frame as outlined in the MOA, and within the thirty-six (36) month duration of the MOA; and

WHEREAS, it is anticipated that the mitigation measures will not be completed before the expiration of the MOA; and
WHEREAS, FEMA has consulted with IHSEMD, SHPO, and the University regarding an extension of the duration of the MOA in order to provide additional time for the completion of Stipulation I. B. and fulfilling the terms of the MOA; and

NOW, THEREFORE, FEMA, SHPO, IHSEMD, and the University agree to amend the MOA as follows:

STIPULATIONS

I. Mitigation Measures

B. The Feasibility and Adaptive Reuse Study (Study), as outlined, including the six (6) steps required to complete the Study shall be concluded within fifty-eight (58) months from the date of execution, by December 27, 2016.

IV. Duration of Agreement

A. This agreement will be null and void, unless amended per section VI of this agreement, if its terms are not carried out within fifty-eight (58) months from the date of original MOA execution, by December 27, 2016. Should all of the stipulated mitigation measures be completed within less than fifty-eight (58) months, in advance of the MOA expiration, FEMA may provide a letter of completion, which would be provided to all signatories, invited signatories, and concurring parties concluding the agreement.
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EXECUTED:

SIGNATORY

FEDERAL EMERGENCY MANAGEMENT AGENCY

By: ___________________________ Date: 5/3/2014
Kenneth Sessa
Regional Environmental Officer
FEMA Region VII

By: ___________________________ Date: 10/4/2014
Thomas Costello
Recovery Division Director
FEMA Region VII
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SIGNATORY

STATE HISTORICAL SOCIETY OF IOWA

By: ____________________________ Date: 28AUGUST 2014

Steven T. King
Deputy State Historic Preservation Officer
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INVITED SIGNATORY PARTY

IOWA HOMELAND SECURITY & EMERGENCY MANAGEMENT DEPARTMENT

By: [Signature] Date: 8/7/14
Katie Waters
State Public Assistance Officer
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INVITED SIGNATORY PARTY

UNIVERSITY OF IOWA

By: [Signature]  Date: 8/29/14

Susan Klatt
Director of Financial Management and Budget and University Secretary