

CITY OF TOPEKA  
Contract No. 38597

**Agreement between the Kansas State Historic Preservation Officer  
and Local Governments in Kansas:  
Performance of project reviews under K.S.A. 1995 Supp. 75-2724**

Under subsection (e) of K.S.A. 1995 Supp. 75-2724, the State Historic Preservation Officer may enter into an agreement authorizing a city or county to make recommendations or to perform certain statutory responsibilities of the State Historic Preservation Officer if the State Historic Preservation Officer determines that the city or county has enacted a comprehensive local historic preservation ordinance, established a local historic preservation board or commission, and is actively engaged in a local historic preservation program.

Whereas the City of Topeka, hereinafter referred to as the City, has requested the State Historic Preservation Officer to enter into such an agreement, and whereas the State Historic Preservation Officer has determined that the City meets the requirements of K.S.A. 1995 Supp. 75-2724 (e), therefore the City hereby agrees to the following terms:

1. The City's historic preservation board or commission, hereafter referred to as commission, shall perform all responsibilities of the State Historic Preservation Officer under K.S.A. 1995 Supp. 75-2724 (a) and (c). For all projects that are required by said statute to be sent through the City to the State Historic Preservation Officer, the commission shall review and make a determination. If a particular professional discipline such as archeology, architecture or history is not represented on the local historic preservation commission, it must seek professional advice as needed in that area when reviewing projects under K.S.A. 1995 Supp. 75-2724 (a). The State Historic Preservation Officer retains the responsibility to review projects affecting or directly involving historic properties owned by the state of Kansas included in the National Register of Historic Places or the Register of Historic Kansas Places.
2. The City shall develop a list of project types proposed for administrative review by the City's preservation planning staff to address projects of lesser significance that do not warrant full review by the commission. The City shall submit the list, along with the name(s) of staff designated to perform the reviews, to the State Historic Preservation Officer for approval prior to its adoption. City staff shall not be granted the authority to make the determination that a proposed project will encroach upon, damage, or destroy any historic property included on the National Register of Historic Places or the Register of Historic Kansas Places or the environs of such a property. When such a determination is likely to be made under an administrative review, that project shall be submitted to the commission which shall make the official determination.
3. The commission and City staff shall utilize the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and supplemental guidelines, as needed, as the basis for reviewing all projects. In addition, the Standards and Guidelines for Evaluating the Effect of Projects on Environs shall be used as the basis for reviewing projects within the environs of historic properties per K.S.A. 1995 Supp. 75-2724. The State Historic Preservation Officer shall approve in advance all other supplemental guidelines utilized.
4. The City may request the technical assistance of the State Historic Preservation Officer for complex projects. The state historic preservation officer shall respond with written advice to the City upon such request.

Ex. C

5. The City shall forward its findings and decisions to the State Historic Preservation Officer on a monthly basis or at the time of submission of the minutes of each meeting of the commission, whichever is applicable. If the commission determines that a proposed project will encroach upon, damage, or destroy any historic property included on the National register of Historic Places or the Register of Historic Kansas Places or the environs of such a property, the City shall advise the State Historic Preservation Officer, in writing, of such finding within five business days.
6. Determinations by the commission that a project will encroach upon, damage or destroy any historic property or its environs shall proceed to the City's governing body, where appropriate, for action as provided under subsection (a) of K.S.A. 1995 Supp. 75-2724. In those instances where the decision of the City governing body is contrary to the findings of the commission, the project shall not proceed until: (a) the City's governing body has made a determination that there is no feasible and prudent alternative to the proposal and that the project includes all possible planning to minimize harm to such historic property resulting from such use and (b) five days' notice of such determination has been given by certified mail to the commission as required by K.S.A. 1995 Supp. 75-2724 (a).
7. This agreement shall be in effect for five years from the date of execution by both parties and shall be renewable for additional five-year terms at the option of both parties.
8. Amendments to this agreement will be in effect upon their signed acceptance by the City and the State Historic Preservation Officer.
9. Either party may terminate this agreement for good cause upon ninety days' written notice to the other party.
10. As provided in K.S.A. 1995 Supp. 75-2724 (e), the State Historic Preservation Officer shall retain final authority to implement the provisions of K.S.A. 1995 Supp. 75-2724. Nothing in this agreement shall be construed as limiting the authority of the State Historic Preservation Officer to investigate, comment, and make determinations otherwise permitted by K.S.A 1995 Supp. 75-2724.

AUG 25 2008

Date



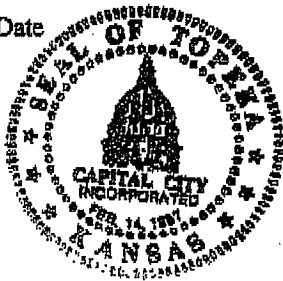
Norton N. Bonaparte, Jr., City Manager  
Authorized representative of the City of Topoka

8-27-08

Date



State Historic Preservation Officer



ATTEST:  
Bonda Younger  
CITY CLERK

