



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
826 FEDERAL OFFICE BUILDING
AUSTIN, TEXAS 78701-3276

AMI SPW
GWA

December 15, 1994

IN REPLY REFER TO

HN-TX

CSJ: 0909-39-010
Memorandum of Agreement
Bridge Replacement at County Road
322 at Leon River
Coryell County

Dianna f. Noble, P.E.
Director of Environmental Affairs
Texas Department of Transportation
Austin, TX 78701-2488

Dear Ms. Noble:

Enclosed are two copies of the signed Memorandum of Agreement for the above referenced project. Please provide a copy to the Texas State Historic Preservation officers.

Sincerely yours,

John R. Mack

John R. Mack
Acting District Engineer

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ENGINEERING

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Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

Reply to: 730 Simms Street, #401
Golden, Colorado 80401

November 21, 1994

Jesse I. Gray
Environmental Coordinator
Federal Highway Administration
826 Federal Office Building
Austin, TX 78701-3276

RE: *Memorandum of Agreement regarding the removal and relocation
of the County Road 322 Bridge at the Leon River, Coryell
County, Texas*

Dear Mr. Gray:

The enclosed Memorandum of Agreement regarding the above referenced project has been accepted by the Council. This action constitutes the comments of the Council required by Section 106 of the National Historic Preservation Act and the Council's regulations. Please send copies of the signed Agreement to the Texas State Historic Preservation Officer and your Federal Preservation Officer.

The Council appreciates your cooperation in reaching a satisfactory resolution of this matter.

Sincerely,



Claudia Nissley
Director, Western Office
of Review

Enclosure

691

MEMORANDUM OF AGREEMENT
REGARDING THE REMOVAL AND RELOCATION OF THE
COUNTY ROAD 322 BRIDGE AT THE LEON RIVER
CORYELL COUNTY, TEXAS

WHEREAS, the Federal Highway Administration (FHWA) has determined that the removal and relocation of the bridge on County Road 322 at the Leon River, Coryell County, Texas, will have an effect upon the bridge, a property eligible for inclusion in the National Register of Historic Places, and has consulted with the Texas State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C., Part 470f); and

WHEREAS, the Texas Department of Transportation (TxDOT) has participated in the consultation and has been invited to concur in this Memorandum of Agreement;

NOW, THEREFORE, the FHWA and the Texas 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 historic properties.

STIPULATIONS

The City of Deer Park, Texas, will relocate the County Road 322 bridge to The Battleground at Deer Park Golf Course as part of a transportation enhancement project funded in accordance with the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

The FHWA will ensure that the following measures are carried out in consultation with the SHPO prior to the removal and relocation of the County Road 322 bridge at the Leon River.

1. The SHPO shall be afforded 30 days to review and comment on the City of Deer Park's relocation plan.
2. The City of Deer Park shall be required to sign a preservation and maintenance agreement prior to relocating the subject bridge. The SHPO shall be afforded 30 days to review and comment on this agreement.
3. TxDOT shall prepare a bridge documentation package consisting of the following items:
 - a. large format (4" x 5") and/or medium format (120 film) photographs of the bridge in its current setting;
 - b. dimensioned sketch plans; and
 - c. written data to include physical description, statement of significance, and brief history.
4. Three (3) documentation packages shall be provided to the SHPO. The SHPO shall be afforded 30 days to review and comment on the documentation package.
5. Should the SHPO object within 30 days to any documents provided for review and approval pursuant to this Memorandum of Agreement, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall forward all documentation relevant to the dispute to the Council. Within 30 days after receipt of all pertinent documentation, the Council will either:

**MEMORANDUM OF AGREEMENT
REGARDING THE REMOVAL AND RELOCATION OF THE
COUNTY ROAD 322 BRIDGE AT THE LEON RIVER
CORYELL COUNTY, TEXAS**

- a. Provide the FHWA with recommendations, which the FHWA will take into account in reaching a final decision regarding the dispute; or
- b. Notify the FHWA that it will comment pursuant to 36 CFR, Part 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the FHWA in accordance with 36 CFR, Part 800.6(c) (2) with reference to the subject of the dispute.

Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute; the FHWA's responsibility to carry out all actions under this Memorandum of Agreement (MOA) that are not the subjects of the dispute will remain unchanged.

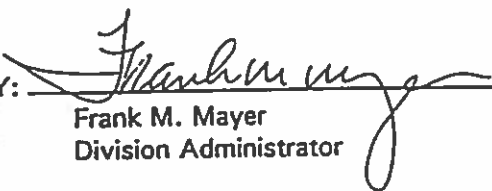
6. At any time during implementation of the measures stipulated in this agreement, should an objection to any such measure be raised by a member of the public, the FHWA shall take the objection into account and consult as needed with the objecting party, the SHPO, or the Council to resolve the objection.

Execution of this Memorandum of Agreement by the FHWA and the Texas SHPO, its subsequent acceptance by the Council, and implementation of its terms, evidence that the FHWA has afforded the Council an opportunity to comment on the bridge replacement on County Road 322 at the Leon River in Coryell County, Texas, and its effects upon historic properties, and that the FHWA has taken into account the effects of the undertaking on historic properties.

MEMORANDUM OF AGREEMENT
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COUNTY ROAD 322 BRIDGE AT THE LEON RIVER
CORYELL COUNTY, TEXAS

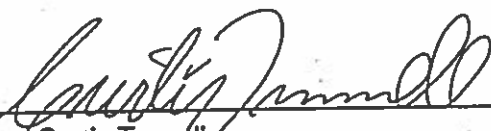
SIGNATORIES

FEDERAL HIGHWAY ADMINISTRATION

BY: 
Frank M. Mayer
Division Administrator

DATE: 11/3/94

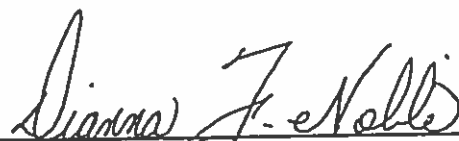
TEXAS STATE HISTORIC PRESERVATION OFFICER

BY: 
Curtis Tunnell
State Historic Preservation Officer

DATE: 24 Oct, 1994

CONCUR:

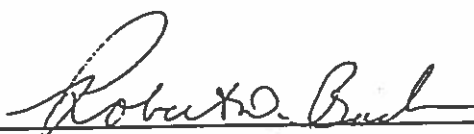
TEXAS DEPARTMENT OF TRANSPORTATION

BY: 
Dianna F. Noble, P.E.
Director of Environmental Affairs

DATE: 10-26-94

ACCEPTED BY:

ADVISORY COUNCIL ON HISTORIC PRESERVATION

BY: 

DATE: 11/16/94