

**MEMORANDUM OF AGREEMENT AMONG  
BSP STATION, LLC,  
NAPERVILLE HERITAGE SOCIETY, AND THE  
ILLINOIS STATE HISTORIC PRESERVATION OFFICER  
REGARDING DEMOLITION AND NEW CONSTRUCTION, 4<sup>TH</sup> AVENUE  
TOWNHOMES AT 252 E. 4<sup>TH</sup> AVENUE, 262 E. 4<sup>TH</sup> AVENUE IN NAPERVILLE,  
ILLINOIS  
(SHPO LOG #001100621)**

**WHEREAS**, BSP Station, LLC, an Illinois limited liability company (the “**Owner**”), plans to undertake demolition of the buildings located at 252 E. 4<sup>th</sup> Ave. and 262 E. 4<sup>th</sup> Ave. in DuPage County, Naperville, IL (the “**Property**”) for the purpose of constructing new townhomes on the Property;

**WHEREAS**, Naperville Heritage Society, an Illinois not-for-profit corporation (“**NHS**”), is an organization dedicated to collecting, documenting, preserving, and supporting the history of Naperville, Illinois;

**WHEREAS**, the project involves land disposition and improvements by the Owner which the US Department of Housing and Urban Development (“**HUD**”) requires be considered an Undertaking subject to review under Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. § 306108, and its implementing regulations (36 CFR Part 800);

**WHEREAS**, the project requires a Public Water Supply permit from the Illinois Environmental Protection Agency (IEPA), thereby making the project an Undertaking subject to review under the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420) and its implementing rules (17 IAC 4180);

**WHEREAS**, the Owner has consulted with the Illinois State Historic Preservation Office a Division of the IDNR, pursuant to the Act;

**WHEREAS**, the State Historic Preservation Office currently resides within the Illinois Department of Natural Resources (“**IDNR**”), and the Director of IDNR is the duly designated State Historic Preservation Officer (the “**SHPO**”);

**WHEREAS**, on December 23, 2021, the SHPO determined that the buildings at 252 E. 4th Ave. and 262 E. 4th Ave. (collectively, the “**Buildings**”) are listed on the National Register of Historic Places (the “**NRHP**”); and

**WHEREAS**, the SHPO has defined the Undertaking’s adverse effects to historic properties in he Naperville Historic District in a letters dated December 23, 2021 and March 3, 2022 and attached hereto as “**Exhibit A and Exhibit B**”;

**NOW, THEREFORE**, the Owner, NHS, and the SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in this Memorandum of Agreement (the “**Agreement**”) in order to mitigate the adverse effects of this Undertaking to the NRHP-eligible properties.

## **STIPULATIONS**

### **I. MITIGATION**

- A. Documentation.** Prior to commencement of demolition on the Property, Owner shall allow NHS access to the Property for purposes of documenting the Property, which may include but is not limited to taking site, interior, exterior, and detail digital images of the Property.
- B. Items of Interest.** Prior to commencement of demolition on the Property, Owner shall allow NHS access to the Property to remove any items or parts of the Property NHS determines to be “of interest.”
- C. Fee for Services.** Property Owner agrees to pay the Naperville Heritage Society, administrators of Naper Settlement, the amount of One Thousand Five Hundred Dollars (\$1,500) for services rendered in the evaluation of the historical value of the Property. Fee includes research, inspection and evaluation. Said fee shall be paid in full prior to commencement of demolition of the Property.

### **II. DURATION**

This Agreement shall be effective until such time as all of its terms are satisfied, or it is amended or terminated and replaced. Prior to such time, the Owner may consult with the other signatories to reconsider the terms of the Agreement and amend it in accordance with Stipulation III. AMENDMENTS below. The Owner shall notify the signatories as to the course of action it will pursue.

### **III. AMENDMENTS**

This Agreement may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy is signed by all of the signatories.

### **IV. TERMINATION**

If any signatory to this Agreement determines that its terms become impossible to carry out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation II and III above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other signatories.

### **V. COUNTERPARTS; FACSIMILE OR .PDF SIGNATURES**

This Agreement may be executed in counterparts, each of which shall be considered an original and together shall be one and the same Agreement. A facsimile or .pdf copy of this Agreement and any signatures thereon will be considered for all purposes as an original.

## VI. DISTRIBUTION OF AGREEMENT

In order to meet the requirements of Section 106. 36 CFR § 800.6(b)(1)(iv), upon the execution of this Agreement and prior to approving the Undertaking, the Owner must transmit to the ACHP the executed Agreement along with the documentation specified in Section 800.11(f).

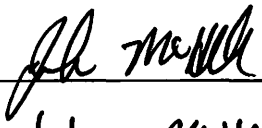
EXECUTION of this Agreement by the signatories and invited signatories and the implementation of its terms evidence that the signatories and invited signatories, not including the SHPO, have afforded the SHPO an opportunity to comment on the effects of the Undertaking in compliance with the Act.

[Signature Pages to follow]

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REGARDING DEMOLITION AND NEW CONSTRUCTION, 4TH AVENUE  
TOWNHOMES AT 252 E. 4TH AVENUE, 262 E. 4TH AVENUE IN NAPERVILLE,  
ILLINOIS  
(SHPO LOG #001100621)**

**SIGNATORY**

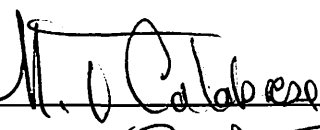
BSP STATION, LLC (Owner)

Signature:  Date: 9/9/22  
Name: John McHale  
Title: Manager

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(SHPO LOG #001100621)**

**SIGNATORY**

NAPERVILLE HERITAGE SOCIETY (NHS)

Signature:  Date: 9/17/22  
Name: Rocarena (Rene) Damayo Colabrese  
Title: Pres ; CEO

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**SIGNATORY**

ILLINOIS DEPUTY STATE HISTORIC PRESERVATION OFFICER (SHPO)

By: Carey L. Mayer Date: 09/09/2022  
Carey L. Mayer, AIA  
Deputy State Historic Preservation Officer  
Illinois Department of Natural Resources



## Exhibit A

# Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
www.dnr.illinois.gov

JB Pritzker, Governor  
Colleen Callahan, Director

DuPage County  
Naperville

Demolition and New Construction, 4th Avenue Townhomes  
252 E. 4th Ave., 262 E. 4th Ave., 329 N. Loomis St., 333 N. Loomis St.  
IEPA-PWS-2022-0325, IEPA-WPC-2021-66753  
SHPO Log #001100621

December 23, 2021

John McHale  
Bridge Street Properties, LLC  
P.O. Box 5726  
Naperville, IL 60567

Dear Mr. McHale:

Thank you for requesting comments from our office concerning the possible effects of your project on cultural resources. Our comments are required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties."

The project does not meet The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings" (Standards) for the following reasons:

1. The proposed demolition of buildings at 252 E. 4<sup>th</sup> Avenue and 262 E. 4<sup>th</sup> Avenue—which are historic properties contributing to the historic significance of the Naperville Historic District (Additional Documentation), listed on the National Register of Historic Places in 1977 and amended in 2012—does not meet Standard 2, which states, "The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided."
2. The proposed new construction does not meet Standards 9 and 10.
  - a. Standard 9 states, "New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment." The proposed new construction requires demolition of historic properties. Furthermore, the massing, size, and scale of the continuous and large row home construction is not compatible with the historic character

SHPO Log #001100621  
December 23, 2021

of the Naperville Historic District, which is characterized by smaller and separate single-family residences.

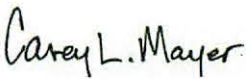
- b. Standard 10 states, "New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired." Although the new construction is itself reversible (i.e., could be removed in the future), the historic character of the two historic buildings and the district would be irreversibly altered due to the proposed demolition.

Demolition of historic properties constitutes an adverse effect as defined in 36 CFR 800.5 to the properties and the historic district they are within.

You should continue to work with this office to develop a plan to mitigate this adverse effect. Please note that these buildings must not be demolished prior to the resolution of the disposition of these historic properties.

Please contact CJ Wallace, Cultural Resources Coordinator, at 217/785-5027 or at [Carol.Wallace@illinois.gov](mailto:Carol.Wallace@illinois.gov) with any questions.

Sincerely,

  
Carey L. Mayer, AIA  
Deputy State Historic  
Preservation Officer

- c: Dave Cook, IEPA, Division of Public Water Supplies-Permits  
Melissa Parrott, Illinois Environmental Protection Agency  
James Caneff, Civil & Environmental Consultants, Inc.





# Illinois Department of Natural Resources

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IEPA-PWS-2022-0325, IEPA-WPC-2021-66753  
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March 2, 2022

John McHale  
Bridge Street Properties, LLC  
P.O. Box 5726  
Naperville, IL 60567

Dear Mr. McHale:

We have reviewed the additional information provided for the above referenced project.

Despite the adverse effect, we recognize the appropriateness of planned new construction according to the wishes of your community planners and developers. We must acknowledge that (1) the removal of the contributing structures is an adverse effect and that (2) the new construction does not meet the Secretary of the Interior's Standards 9 and 10 because it requires demolition of historic properties, which irreversibly alters the historic district's character. Since Naperville is not able to avoid these adverse effects, we are happy to work with you to mitigate.

Please contact CJ Wallace, Cultural Resources Coordinator, at 217/785-5027 or at [Carol.Wallace@illinois.gov](mailto:Carol.Wallace@illinois.gov) with any questions.

Sincerely,

Carey L. Mayer, AIA  
Deputy State Historic  
Preservation Officer

c: Dave Cook, IEPA, Division of Public Water Supplies-Permits  
Melissa Parrott, Illinois Environmental Protection Agency  
James Caneff, Civil & Environmental Consultants, Inc.