

**MEMORANDUM OF AGREEMENT
BETWEEN
THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
COMMONWEALTH EDISON COMPANY,
AND THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER
CONCERNING THE DEMOLITION OF THE ROCKFORD PUBLIC LIBRARY
LOCATED AT 215 N. WYMAN STREET,
ROCKFORD, WINNEBAGO COUNTY, ILLINOIS**

RECITALS

WHEREAS, the site located at 215 North Wyman Street in Rockford, Illinois (the "Site") has been entered into the Illinois Site Remediation Program ("SRP"), 415 ILCS 5/58 et seq., due to the presence of residual materials resulting from the former operation of a manufactured gas plant; and

WHEREAS, as part of the remediation work pursuant to the SRP, the existing Rockford Public Library building on the Site (the "Building") will be removed in order to excavate impacted soil below the Building's footprint (the "Project"); and

WHEREAS, as used herein, the term "SHPO" means the official appointed or designated pursuant to section 101(b)(1) of the NHPA, as amended (54 U.S. Code § 302301(1)), to administer the State historic preservation program or a representative designated to act for the State historic preservation officer (see 36 CFR § 800.16(v)); and

WHEREAS, the Illinois State historic preservation program presently resides within the Illinois Department of Natural Resources ("IDNR"), and the Director of IDNR, Wayne A. Rosenthal, is the duly designated State historic preservation officer; and

WHEREAS, ComEd has applied to the Illinois Environmental Protection Agency ("IEPA") for the issuance of an NPDES storm water management permit for the Project (the permit and the Project together defined as the "Undertaking"); and

WHEREAS, IEPA, pursuant to Section 4(c) of the Illinois State Agency Historic Resources Preservation Act ("Act"), 20 ILCS 3420/4(c), consulted with the Illinois SHPO prior to issuance of the NPDES permit to determine if the Undertaking would adversely affect the Building, and

WHEREAS, the SHPO has determined the proposed Undertaking will adversely affect the Building, which SHPO has determined to be eligible for listing on the National Register of Historic Places ("NR"); and

WHEREAS, no other historic properties will be affected by the Undertaking; and

WHEREAS, all parties mutually agree that there is no prudent or feasible alternative to eliminate or minimize the adverse effect of the Undertaking as originally proposed; and

NOW, THEREFORE, all parties agree that the following measures shall be implemented to mitigate the adverse effect of this Undertaking.

STIPULATIONS

I. MITIGATION FOR ADVERSE EFFECTS

A. Recordation of the Building

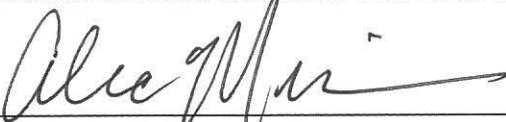
1. ComEd shall retain a historical contractor of its choice who meets the Secretary of the Interior's Qualifications (36 CFR 61) to complete the mitigation measures described below in items A.2 through A.5 (the "Work"). The selected contractor shall consult with the SHPO prior to the initiation of the Work to ensure expectations are understood.
2. Historic Illinois Buildings Survey (HIBS) Level III recordation of the Building shall be undertaken by the contractor. The HIBS recordation number for the building is WO-2017-2, and recordation will consist of:
 - a. Sketch plans, drawn in computer assisted drafting (CAD) format.
 - b. Black and white digital photography of the Building to include the Building site, exterior elevations, distinctive exterior architectural features, and significant interior spaces and features, produced on archivally stable photographic paper.
 - c. Written historic narrative and context of the use of the Building as a public library, and a written architectural description of the Building using HIBS designated outline format.
3. Upon completion of the fieldwork portion of the HIBS documentation, which consists of the activities in A.2.a. and b., the contractor shall contact SHPO to confirm in writing that all of the information necessary to complete the fieldwork portion of the HIBS documentation has been collected. Upon SHPO written agreement that the fieldwork portion of the HIBS documentation has been collected, which agreement shall not be unreasonably withheld, the removal of the Building may commence.
4. ComEd shall submit to SHPO a pre-final draft of all of the content pursuant to Paragraph A.2 above. SHPO will review the pre-final draft submittal and accept or reject the pre-final draft submittal in accordance with HIBS Standards. Upon SHPO's acceptance in writing of the pre-final draft submittal, ComEd will complete the final

documentation and deliver to SHPO one standard copy and one digital copy on a gold CD of all accepted documentation in an archival clam-shell box.

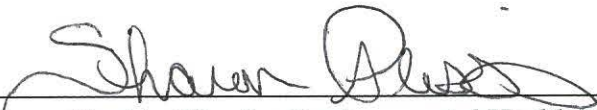
5. Copies of the completed HIBS documentation will be deposited with the Illinois State Historical Library and with the Board of Library Trustees for the Rockford Public Library ("RPL Board").
 - B. ComEd will coordinate with the RPL Board to arrange for a "Preservation Seminar" at the 250-seat Nordlof Center (owned by the RPL Board) at a date and time to be determined, within one year following the opening of the new replacement library building. The Preservation Seminar will be publicized in advance in local publication(s) such as the Rockford Register Star. The Preservation Seminar will address the history of the Building and its evolution and use over time.
 - C. ComEd will provide materials to the RPL Board for a moveable interpretive panel or photographic display illustrating the history of the former Building on the Site for RPL's use at the new replacement library by the time of its opening.
 - D. ComEd will provide to the RPL Board website content materials that document the evolution of the Building's history, so that the RPL Board may create a website page linked to its public website showcasing the history of the Building.
- II. **DISCOVERY OF HUMAN REMAINS.** In the event of an unanticipated discovery of human remains or burials, ComEd understands and agrees it must immediately stop work within the area of discovery, notify the SHPO, and comply with the Human Skeletal Remains Protection Act (20 ILCS 3440) as administered by the SHPO, which provides that no human skeletal remains shall be disturbed without a permit issued by the SHPO.
- III. **MODIFICATION, AMENDMENT, OR TERMINATION.** Modification, amendment, or termination of this agreement as necessary shall be accomplished by the signatories in the same manner as the original agreement.
- IV. **DISPUTES.** Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, either one of the signatories may request the participation of the Mediation Committee as per the Act, except that any dispute between ComEd and RPL shall be resolved pursuant to the Access and Remediation Agreement executed by ComEd and RPL on or about April 16, 2017.
- V. **EXECUTION** of this agreement by ComEd, IEPA and SHPO and implementation of its terms shall constitute evidence that ComEd has afforded SHPO an opportunity to comment on the proposed Undertaking, has taken into account the effect of this undertaking on historic properties and satisfied its compliance responsibilities in accordance with the Act.

SIGNATORIES


ILLINOIS ENVIRONMENTAL PROTECTION AGENCY


Date: 3/23/18
Alec Messina, Director, Illinois Environmental Protection Agency

COMMONWEALTH EDISON COMPANY


Date: 02/23/18
Sharon Pluskis, Director, Environmental Health and Safety

ILLINOIS STATE HISTORIC PRESERVATION OFFICER


Date: 4/2/18
Wayne A. Rosenthal, Director, Illinois Department of Natural Resources, and,
Illinois State Historic Preservation Officer

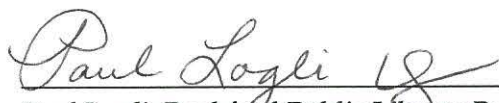
APPROVED FOR EXECUTION

Date: 3/29/18

Legal Counsel: 

AS INTERESTED PARTY

ROCKFORD PUBLIC LIBRARY BOARD OF TRUSTEES


Date: 3-1-2018
Paul Logli, Rockford Public Library Board President