

**Memorandum of Agreement
Among
The Kentucky Finance and Administration Cabinet,
The Kentucky Community and Technical College System,
Bluegrass Community and Technical College,
And
The Kentucky State Historic Preservation Office
Regarding the Development of a
Bluegrass Community and Technical College,
Newtown Pike Campus in
Lexington, Fayette County, Kentucky**

WHEREAS, the Kentucky Finance and Administration Cabinet (Cabinet) has determined that the redevelopment of Eastern State Hospital in Lexington, Kentucky for a Kentucky Community and Technical College System (KCTCS), Bluegrass Community and Technical College (BCTC) Newtown Pike Campus (Project) will have adverse effects on a property considered eligible for listing in the National Register of Historic Places (NRHP); and

WHEREAS, the Cabinet has consulted with the Kentucky State Historic Preservation Officer (SHPO) in anticipation of future federal assistance and accompanying federal requirements found at 36 CFR Part 800 of the National Historic Preservation Act, as amended (NHPA); and

WHEREAS, the SHPO is the responsible state entity for the recognition and protection of historic properties and for overseeing cultural resources management and protection programs in the Commonwealth of Kentucky; and

WHEREAS, the Cabinet intends to implement a master plan for the Project that specifies ground disturbing activities, the demolition of existing structures, the rehabilitation of existing structures, the preservation of certain existing sites and features and the construction of new facilities and infrastructure at the former Eastern State Hospital Campus to accommodate the property's use by and for KCTCS, BCTC; and

WHEREAS, the local government officials of Lexington-Fayette Urban County Government in addition to formally recognized consulting parties, members of the general public and other interested parties were afforded the opportunity to participate in and comment on the master plan for the Project; and

WHEREAS, the parties involved in resolving formal disputes shall be limited to KCTCS, BCTC, The Kentucky Finance and Administration Cabinet, and the SHPO; and

WHEREAS, the Cabinet and the SHPO agree that future decisions specified in the master plan for the physical redevelopment of the Eastern State Hospital property will be made in consultation with the SHPO and in compliance with the NHPA; and

NOW, THEREFORE, the Cabinet and the SHPO agree that the project shall be administered in accordance with the following stipulations and that such administration satisfies the Cabinet's anticipated responsibilities under the NHPA.

I. STANDARDS AND PROCEDURES

A. Qualifications and Standards for Cultural Resource Assessments

1. All historic preservation work will be performed by or under the direct supervision of a person or persons meeting at a minimum the Secretary of the Interior's Professional Qualification Standards (48 FR 44738-9).
2. All archaeological surveys, recordation, data recovery or any other investigations performed or carried out to locate, evaluate, or mitigate historic properties will be carried out in accordance with the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-44740) (Secretary's Standards) and the SHPO's most current *Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports* (hereafter, the SHPO Specifications).

B. Archaeological Investigations

1. The Cabinet will erect fencing and have a Phase II archaeological evaluation conducted for those areas adjacent to the proposed demolition of any building to be demolished, any parking lot or drive removed as part of a building demolition, and any area to be disturbed by building construction.
2. If archaeological resources discovered during the survey are determined to meet National Register criteria, they will be avoided and preserved in place whenever feasible. When preservation in place is not feasible, the SHPO will be consulted and a treatment plan, consistent with the Advisory Council's handbook "*Treatment of Archaeological Properties*" and the *Secretary of the Interior's Standards and Guidelines for Archaeological and Historic Preservation Projects* will be developed and submitted to the SHPO for review and approval. Upon approval by the SHPO, the Cabinet will ensure that the plan is implemented.
3. All materials and records resulting from archaeological investigations uncovered, with the exception of human remains, shall be curated at the University of Kentucky Museum of Anthropology.

II. STIPULATIONS

A. Recordation and Demolition

1. All buildings that have been determined to be contributing resources located on the existing Eastern State Hospital campus will be documented, in their entirety, by the Cabinet prior to and during demolition in accordance with the SHPO's Standard Mitigation Measures, State Level Documentation requirements. The Cabinet will provide one copy of this documentation to the SHPO for review and approval. Upon acceptance by the SHPO, the Cabinet

will provide copies of the documentation to the State Department of Libraries and Archives and to the Lexington Public Library.

B. Cemetery (see attached Existing Site Plan dated July 4, 2011)

1. The KCTCS, BCTC will repair, preserve, perpetually maintain in its current condition, and provide public access to the marked cemetery located at the northeast corner of the Eastern State Hospital property. All cemetery records associated with this cemetery will be maintained by the Kentucky Cabinet for Health and Family Services.
2. Unmarked human remains uncovered by future construction projects on the property will be reinterred in the cemetery.

C. Buildings and Grounds (see attached Existing Site Plan dated July 4, 2011)

1. The KCTCS, BCTC will preserve the historic “Pleasure Gardens” located in the southern section of the Eastern State Hospital property as well as the existing entrance drive and associated green space. Preservation will be to the Secretary of the Interior’s Rehabilitation Standard to allow for reasonable modifications including additions, maintenance and other improvements. Conformance with the Rehabilitation Standard will be confirmed through consultation with the SHPO.
2. The KCTCS, BCTC will maintain the wrought-iron gates and fence located along the Fourth Street boundary per the Secretary of the Interior’s Rehabilitation Standard. Approximately sixty (60) percent of the fencing will be preserved and approximately forty (40) percent of the fencing will be removed. Preserved portions will be concentrated at the entrance gate on Fourth Street and the Fourth Street and Newtown Pike corner. Fencing materials that are removed will be stored on site and protected from the elements with the exception of exceptionally deteriorated or unusable items.
3. The KCTCS, BCTC will preserve the existing Administration Building per the Secretary of the Interior’s Rehabilitation Standards. All renovation / rehabilitation activities will be coordinated with the SHPO to ensure compliance with the Secretary of the Interior’s Standards.
4. KCTCS, BCTC will rehabilitate the Laundry Building per the Secretary of the Interior’s Rehabilitation Standard, as funding becomes available.
5. The CHR Building (Sections 51, 52, 53, 54, 55 and 56) will be demolished. This work is a part of Phase 1. Architectural and archaeological documentation will be performed prior to demolition.
6. Mule Barn #16 and Corn Crib #17 will remain on the property intact until demolition is required by campus expansion. The KCTCS, BCTC will make the buildings available to the public for relocation as an alternative to demolition a minimum of 180 days prior to the date demolition is scheduled

to occur. The KCTCS, BCTC will advertise the availability of these structures for relocation through their surplus property policy and notify Concurring Parties.

7. Design standards have been implemented in the design of new buildings associated with the Project as a part of the master plan completed in February of 2010. The SHPO will be consulted in the design of future buildings.
8. It has been recognized that redevelopment of the Eastern State Hospital property will have impacts on surrounding areas, including portions of the Georgetown Street neighborhood and former industrial areas along Third and Fourth Streets. To help mitigate these impacts, the Cabinet will commit to efforts to mitigate impacts on the Area of Potential Effect (APE). These efforts may include support for national or local designation of historic structure and/or districts; or they may include support for the creation of educational documents and/or exhibits interpreting the history of the Eastern State site and environs.

D. Duration

This Memorandum of Agreement, once executed, will remain in effect through completion of the Project.

Execution and implementation of this Memorandum of Agreement evidences that the Cabinet has taken into account the effects of the Project on historic properties determined to be eligible for or listed in the National Register of Historic Places.

KENTUCKY FINANCE AND ADMINISTRATION CABINET

BY: _____ Date: _____
Lori Flanery, Secretary

KENTUCKY STATE HISTORIC PRESERVATION OFFICE

BY: _____ Date: _____
Mark Dennen, Director
Kentucky Heritage Council

INVITED SIGNATORY

Kentucky Community and Technical College System
Bluegrass Community and Technical College

BY: _____ Date: _____

Dr. Augusta Julian, President

CONCURRING PARTIES

Lexington-Fayette Urban County Government

BY: _____ Date: _____
Jim Gray, Mayor

Bluegrass Trust for Historic Preservation, Inc.

BY: _____ Date: _____
Linda Carroll, President

Eastern State Hospital Cemetery Preservation Project

BY: _____ Date: _____
Phil Tkacz, President

Preserve Lexington

BY: _____ Date: _____
Hayward Wilkerson

Final Revision Date: July 4, 2011
Revised LFUCG Concurring Party: August 17, 2011