

**EXHIBIT A TO ORDINANCE**

**MEMORANDUM OF AGREEMENT  
AMONG  
THE FEDERAL HIGHWAY ADMINISTRATION,  
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER,  
THE CITY OF LEE'S SUMMIT  
AND THE  
UNITY SCHOOL OF CHRISTIANITY  
FOR THE MITIGATION OF ADVERSE EFFECTS**

**TO HISTORIC PROPERTY:** A contributing resource (stone fence columns) to the Unity School of Christianity Historic District.

**UNDERTAKING:** The project involves roadway improvements on Colbern Road in Lee's Summit, Jackson County, LPA Project STP-3301 (527). (see Attachment A for full description of project and location map).

**STATE:** Missouri

**AGENCY:** Federal Highway Administration

**WHEREAS,** the Federal Highway Administration (FHWA) Missouri Division is the federal agency responsible for ensuring the undertaking complies with Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108) codified in its implementing regulations 36 CFR Part 800, *Protection of Historic Properties*; and

**WHEREAS,** the Missouri Department of Transportation (MoDOT) administers Federal-aid projects throughout Missouri; the MoDOT's Historic Preservation (HP) staff has assisted the consulting parties in the drafting of this agreement document and will aid in the execution of it; and

**WHEREAS,** the duties of the Missouri State Historic Preservation Officer (SHPO) pursuant Section 106 of the NHPA and 36 CFR Part 800 include responsibilities to advise, assist, review, and consult with Federal agencies as they carry out their historic preservation responsibilities and to respond to Federal agencies' requests within a specified period of time; and

**WHEREAS,** the City of Lee's Summit plans to reconstruct Colbern Road in Jackson County, Missouri, using local funding and funding from the Surface Transportation Program (STP) funded by the FHWA pursuant to the Fixing America's Surface Transportation (FAST) Act (PL 114-94) and the Missouri Governor Cost Share funds; and

**WHEREAS,** Lee's Summit used MoDOT guidelines for FHWA projects in determining the area of potential effect (APE), as defined at 36 CFR Part 800.16(d). The APE has been identified as the footprint of the undertaking, including new right of way and permanent and temporary easements, as the APE for archaeological resources. For architectural and bridge resources the APE has been defined as the new right of way and permanent easements, demolition easements and a buffer of one hundred (100) feet for the built environment. This APE allows for the consideration of direct effects from the project. The direct effects considered including construction impacts, visual, vibration and auditory effects, as described in Attachment B to this Memorandum of Agreement (MOA); and

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FHWA

Missouri, Jackson County

Unity School of Christianity Historic District, Colbern Road, Job No. STP-3301(527)

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**WHEREAS**, the FHWA has determined that an archaeological survey was not required and that the Unity School of Christianity’s stone fence columns, stone monument signs, and street markers are contributing resources to the Unity School of Christianity Historic District that is listed on the National Register of Historic Places (NRHP)<sup>1</sup> even though they are outside of the Historic District’s boundary (see Attachment C for additional information); and

**WHEREAS**, the FHWA has determined that the proposed improvements to Colbern Road will have an adverse effect upon the Unity School of Christianity Historic District as a result of effects to contributing resources (stone fence columns, monument signs and street markers) located outside of the Historic District’s boundary; and has consulted with the SHPO pursuant to 36 CFR Part 800, *Protection of Historic Properties*, regulations implementing Section 106 of the NHPA (54 U.S.C. § 306108), as amended; and

**WHEREAS**, the FHWA has notified the Advisory Council on Historic Preservation (Council) of its adverse effect determination (April 22, 2021) and the Council has chosen not to participate in this MOA (May 14, 2021); and

**WHEREAS**, the City of Lee’s Summit and Unity School of Christianity have been invited to participate in consultation and be invited signatories to this MOA (January 22, 2020); and

**WHEREAS**, the FHWA recognizes that the Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Kaw Indian Nation of Oklahoma, Miami Tribe of Oklahoma, Osage Nation, Ponca Tribe of Nebraska, Ponca Tribe of Indiana of Oklahoma, Sac and Fox Tribe of the Missouri in Kansas and Nebraska, Sac and Fox Tribe of the Mississippi in Iowa, and Sac and Fox Nation of Oklahoma, have an interest in the undertaking area, and has consulted with them on a government-to-government basis on January 22, 2020; and,

**WHEREAS**, the Miami Tribe of Oklahoma accepted the invitation to serve as a consulting party; and

**WHEREAS**, public involvement for this undertaking has been handled in accordance with the MoDOT *LPA Policy Guide*, Chapter 136.7.6: Public Hearings; and

**WHEREAS**, a public meeting was held online from April 11 to May 11, 2020 (at <https://ColbernRoad.TransportationPlanRoom.com>) and information about the undertaking, historic properties and the undertaking effects on historic properties was made available to the public; and

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<sup>1</sup> Listed under Criteria A and C for significance in Religion, Architecture and Landscape Architecture. The NRHP form can be found at: <https://mostateparks.com/sites/mostateparks/files/Unity%20School%20of%20Christianity%20HD.pdf>.

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**WHEREAS**, one (1) comment was received from the public about the boundary marker impacts (didn't want any right of way taken from land near the old boundary markers on the old property/fence line [renderings didn't show them]); and one (1) comment asked where funding was coming from as nearly half of the project falls within Unity Village boundaries, and no additional comments regarding historic properties, project effects on historic properties, or proposed mitigation measures were received; and

**WHEREAS**, to the best of the FHWA's knowledge and belief, no human remains, associated or unassociated funerary objects or sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001), are expected to be encountered; and

**NOW, THEREFORE**, the FHWA, SHPO, City of Lee's Summit, and Unity School of Christianity agree that the undertaking will be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

**STIPULATIONS**

FHWA and the City of Lee's Summit, shall ensure that the following measures are carried out by, or under the direction of, a professional who meets or exceeds the *Secretary of the Interior's Professional Qualification Standards* for History and/or Architectural History (48 *Federal Register* 44738-44739) (Qualification Standards):

**1. ARCHIVAL DOCUMENTATION**

The City of Lee's Summit shall develop archival documentation to the following specifications:

- A. Prior to letting the undertaking, the City of Lee's Summit shall take archival photographs of the stone fence columns to be removed.
  - 1) Take archival photographs, consistent with the National Register standards, of:
    - a. A representative sample of stone fence columns, number five (5), with different stone facing, constructed and reconstructed;
    - b. Streetscapes showing multiple stone fence columns in relationship to each other, the roadway, and Unity Village; number five (5) to six (6);
    - c. Concrete Unity Village sign;
    - d. Wooden street signs at Pond View Drive and Water Works Drive; these may be included with photographs of the fence posts.
  - 2) Prior to project letting and the production of archival prints, consult with the SHPO regarding the adequacy of the photographic coverage and the selection of images.
  - 3) Print photographs in 8 X 10 format.
  - 4) Print and label photographs in a manner consistent with National Register standards.

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- 5) Photographs shall be keyed to a site plan, map and/or design plans.
  - 6) Provide original photographs and digital images (black and white .tiff images and color .jpeg images) on archival discs to the SHPO and MoDOT; each agency will maintain original photographs and digital images.
- B. Consolidate historical information gathered about the history and construction of the stone fence posts during this study into one document.
- C. Mapping of the location of the stone fence posts, concrete Unity Village sign, and concrete street signs shall be provided as part of the documentation in paper and digital format (.pdf), if available.
- D. A report consisting of the historical documentation, mapping, photo log, photo key map, photo plates of the archival photographs and construction plans shall be provided to the SHPO, Lee's Summit, and Unity Village in paper and digital (.pdf) formats.

## 2. TREATMENT OF HUMAN REMAINS

- A. The FHWA recognizes that any human remains (other than from a crime scene or covered under Missouri's Cemeteries Law, §§ 214. RSMo) that may be discovered during project activities and are located on non-federal land are subject to the immediate jurisdiction of the SHPO, albeit FHWA or its delegate is responsible to have a professional archeologist analyze the remains and advise SHPO of the physical location and cultural and biological characteristics, and if SHPO determines, as per the consultation conducted under Section 106, excavation is warranted such remains will be handled pursuant to the Missouri Unmarked Human Burial Sites Act, §§ 194.400 – 194.410, RSMo. All discoveries of human remains shall be treated as sensitive information and shall not be made available to the public.
- B. If human remains are encountered during construction:
- 1) The contractor shall immediately stop all work within a 50-foot radius of the remains and shall not resume without specific authorization from either the SHPO or the local law enforcement officer, whichever party has jurisdiction over and responsibility for such remains.
  - 2) The contractor shall notify the Construction Inspector and/or Resident Engineer who will contact the MoDOT HP section within 24 hours of the discovery.
  - 3) MoDOT HP staff will immediately notify the local law enforcement (to ensure that it is not a crime scene) and the SHPO as per RSMo 194 or to notify SHPO what has occurred and that it is covered by Missouri's Cemeteries Law, §§ 214. RSMo.
  - 4) MoDOT HP staff will notify FHWA that human remains have been encountered within 24 hours of being notified of the find.

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- 5) If, within 24 hours, the contractor is unable to contact appropriate MoDOT staff, the contractor shall initiate the involvement by local law enforcement and the SHPO. A description of the contractor's actions will be promptly made to MoDOT.
- 6) FHWA will notify any Tribe that might attach cultural affiliation to the identified remains as soon as possible after their identification.
- 7) FHWA shall take into account Tribal recommendations regarding treatment of the remains and proposed actions, and then direct MoDOT HP to carry-out the appropriate actions in consultation with the SHPO.
- 8) MoDOT shall monitor the handling of any such human remains and associated funerary objects, sacred object or objects of cultural patrimony in accordance with the Missouri Unmarked Human Burial Sites Act, §§ 194.400 – 194.410, RSMo.

### 3. POST-REVIEW DISCOVERIES

A. If cultural resources are encountered during construction:

- 1) The contractor shall immediately stop all work within a 50-foot buffer around the limits of the resource and shall not resume without specific authorization from a MoDOT Historic Preservation Specialist.
- 2) The contractor shall notify the Resident Engineer or Construction Inspector, who shall contact the MoDOT HP within 24 hours of the discovery.
- 3) MoDOT HP shall contact FHWA and SHPO within 48 hours of learning of the discovery and provide an evaluation of the resource and reasonable efforts to assess whether avoidance is possible.
- 4) FHWA shall make an eligibility and effects determination based upon the preliminary evaluation and consult with MoDOT and SHPO to minimize or mitigate any adverse effect.
- 5) FHWA will notify the Council and any Tribes that might attach religious and/or cultural significance to the property within 48 hours of this determination.
- 6) FHWA shall take into account Council and Tribal recommendations regarding the eligibility of the property and proposed actions, and direct MoDOT to carry out the appropriate actions.
- 7) MoDOT will provide FHWA and SHPO with a report of the actions when they are completed.
- 8) FHWA shall provide this report to the Council and the Tribes.
- 9) MoDOT, in coordination with FHWA, will make this report available to the public and other consulting parties, if it is not limited by the requirements for confidentiality, as identified in Stipulation 4. Confidentiality.

B. If the discovery is not limited by the confidentiality requirements of Section 304 of the NHPA and Stipulation 5 of this MOA, the public shall be notified of the late discovery, in the following manner:

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- 1) Information on the discovery shall be posted to the project website associated with the project, if one exists. This information will include the nature of the discovery, how it is being treated, and the evaluation of it. The website will include information on how to contact the project manager or the MoDOT HP Section with comments or concerns about the discovery.
- 2) The City of Lee’s Summit will issue a press release about the discovery. The press release will include the nature of the discovery, how it is being treated and the evaluation. The press release will include a way for the public to contact the project manager or the MoDOT HP Section, if they have comments or concerns about the discovery.

**4. CONFIDENTIALITY**

The signatories acknowledge that information about historic properties may be subject to the provisions of Section 304 of the NHPA. Section 304 allows the applicable Lead Federal Agency to withhold from disclosure to the public, information about the location, character or ownership of a historic property if the applicable Lead Federal Agency determines that disclosure may: 1) cause a significant invasion of privacy, and 2) risk harm to the historic property. All actions stipulated in this MOA, where necessary, will be consistent with the requirements of Section 304 of the NHPA.

**5. DURATION**

This agreement shall commence upon having been signed by the FHWA, SHPO, City of Lee’s Summit, and Unity School of Christianity, and shall be null and void if its terms are not carried out within five (5) years from the date of its execution, unless the FHWA, City of Lee’s Summit, and SHPO agree in writing to an extension for carrying out its terms.

**6. MONITORING AND REPORTING**

Within one year after carrying out the terms of the MOA, the City of Lee’s Summit, acting on behalf of FHWA, shall provide to all signatories a written report regarding the actions taken to fulfill the terms of the agreement, and shall file a copy with the Advisory Council for Historic Preservation per 36 CFR Part 800.6(b)(iv).

**7. DISPUTE RESOLUTION**

At any time during implementation of the terms of this Agreement, should any member of the public raise an objection in writing pertaining to such implementation to any signatory party to this Agreement, that signatory party shall immediately notify FHWA. FHWA shall immediately notify the other signatory parties in writing of the objection. Any signatory party may choose to comment on the objection to FHWA. FHWA shall establish a reasonable time frame for this comment period. FHWA shall consider the objection, and in reaching its decision, FHWA will take all comments from the other parties into account. Within 15 days

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following closure of the comment period, FHWA will render a decision regarding the objection and respond to the objecting party. FHWA will promptly notify the other parties of its decision in writing, including a copy of the response to the objecting party. FHWA's decision regarding resolution of the objection will be final. Following the issuance of its final decision, FHWA may authorize the action subject to dispute hereunder to proceed in accordance with the terms of that decision.

### 8. AMENDMENTS

This MOA 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 signed by all of the signatories is filed with the Council.

### 9. TERMINATION

If any signatory to this MOA determines its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation 8 above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, FHWA must either (a) execute an MOA pursuant to 36 CFR Part 800.6 or (b) request, take into account, and respond to the comment of the Council under 36 Part CFR 800.7. FHWA shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the FHWA, the SHPO, the City of Lee's Summit and the Unity School of Christianity and the implementation of its terms evidence that FHWA has taken into account the effects of this undertaking on historic properties and afforded the Council an opportunity to comment. A copy of the executed MOA shall be provided by FHWA to the Council for their records.

The parties agree a person may execute this document by electronic symbol or process attached to or logically associated with the document, with an intent to sign the document and by method that must include a feature to verify the identity of the signer and the authenticity of the document, commonly referred to as verified electronic signature.

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THE CITY OF LEE'S SUMMIT  
AND THE  
UNITY SCHOOL OF CHRISTIANITY  
FOR THE MITIGATION OF ADVERSE EFFECTS**

**TO HISTORIC PROPERTY:** A contributing resource (stone fence columns) to the Unity School of Christianity Historic District.

**Signed:**

**FEDERAL HIGHWAY ADMINISTRATION:**

**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Title:** \_\_\_\_\_

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**Signed:**

**THE MISSOURI STATE HISTORIC PRESERVATION OFFICER:**

**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Title:** Mike Sutherland, Division Director Missouri State Parks,  
Deputy State Historic Preservation Officer

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**Signed:**

**CITY OF LEE'S SUMMIT:**

**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Attest:**

**Approved as to form:**

\_\_\_\_\_  
**City Secretary**

\_\_\_\_\_  
**City Counsel**

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FHWA  
Missouri, Jackson County  
Unity School of Christianity Historic District, Colbern Road, Job No. STP-3301(527)

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**Signed:**

**UNITY SCHOOL OF CHRISTIANITY:**

**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Attest:**

**Approved as to form:**

\_\_\_\_\_  
**Secretary**

\_\_\_\_\_  
**Counsel**

**Agency:** FHWA  
**State:** Missouri  
**Project:** Colbern Road Reconstruction in Lee’s Summit, Jackson County. LPA project STP-3301(527)

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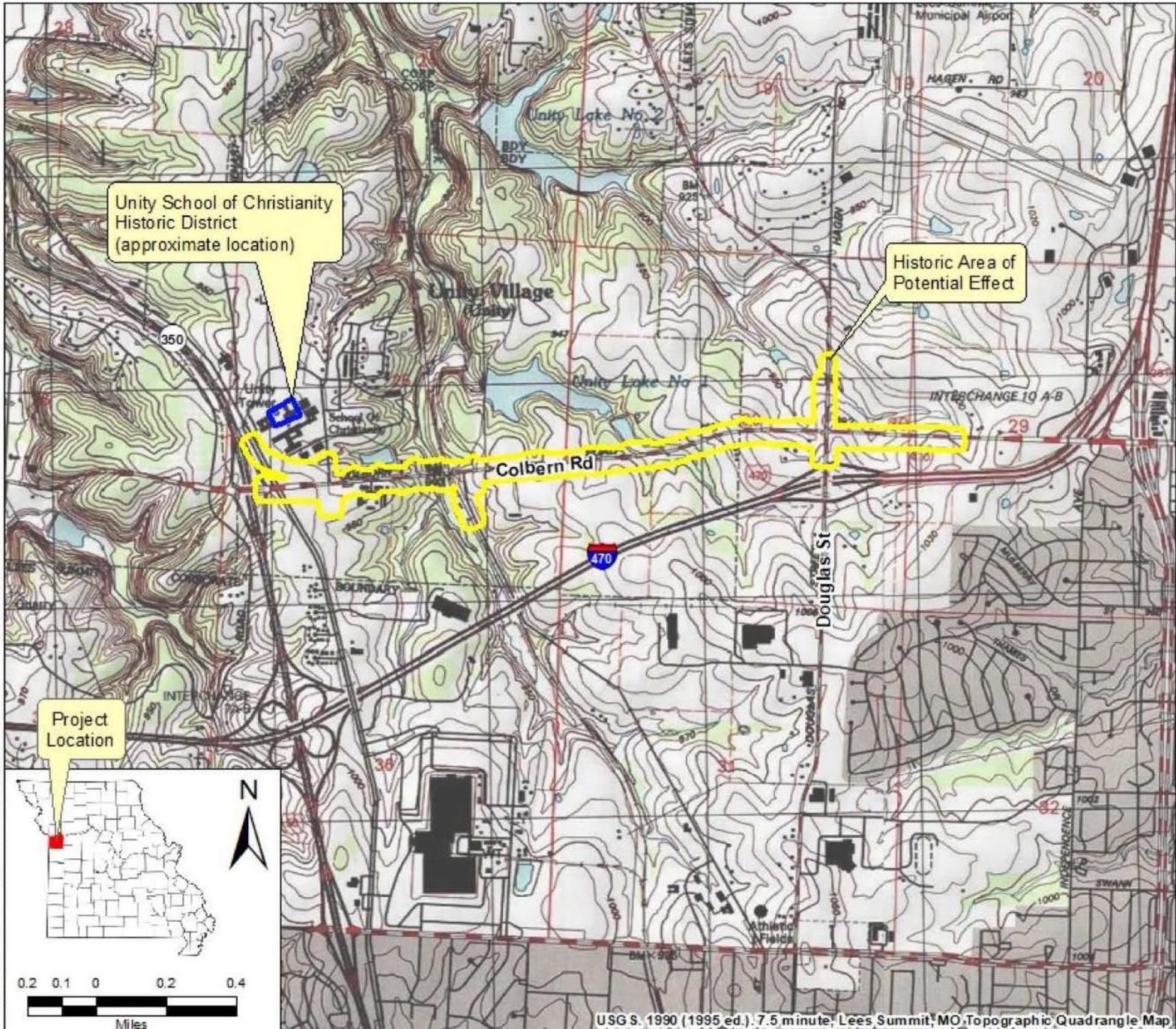
ATTACHMENT A: PROJECT DESCRIPTION

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The city of Lee’s Summit plans to reconstruct and widen Colbern Road to four 11-foot travel lanes with a 5-foot sidewalk on the north side, a 10-foot wide multi-use trail on the south side, and both with 5-foot greenspaces. Replacing the existing span bridge (Bridge No. 4315001) over Little Cedar Creek and UPRR and realignment of a section of NW Blue Parkway between Route 350 and the existing roundabout for Colbern Road, improvements to the Colbern Road roundabout. The project includes improvements from Route 350 extending east 2.0 miles to approximately 350 feet west of the intersection of Colbern Road and NE Town Center Boulevard; and a section of NW Blue Parkway on new alignment beginning at Route 350 extending east approximately 0.25-mile, terminating at the existing roundabout for Colbern Road and NW Blue Parkway. The Federal Highway Administration (FHWA) Missouri Division is the federal agency responsible for ensuring the undertaking complies with Section 106 of the National Historic Preservation Act (NHPA). For this undertaking, the City of Lee’s Summit will use funding from the Governor’s Cost Share program and Statewide Transportation Improvement Program (STP) program funded by the FHWA pursuant to the Fixing America’s Surface Transportation (FAST) Act (PL 114-94).

EXHIBIT A TO ORDINANCE

Agency: FHWA  
State: Missouri  
Project: Colbern Road Reconstruction in Lee's Summit, Jackson County. LPAproject STP-3301(527)



2049 East Joyce Blvd.  
Suite 400  
Fayetteville, AR 72703  
(479) 527-9100

CITY OF LEE'S SUMMIT  
LEE'S SUMMIT, MO  
COLBERN ROAD IMPROVEMENTS  
FROM M350 TO DOUGLAS STREET

JOB NO.: 17177041  
DATE: JUN. 2019  
DESIGNED BY: RCM  
DRAWN BY: CPS

PROJECT  
LOCATION  
MAP

FIGURE  
NUMBER: 1

**EXHIBIT A TO ORDINANCE**

**Agency: FHWA**  
**State: Missouri**  
**Project: Colbern Road Reconstruction in Lee's Summit, Jackson County. LPA project STP-3301(527)**

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**ATTACHMENT B: AREA OF POTENTIAL EFFECTS:**

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Lee's Summit used MoDOT guidelines for FHWA projects in determining the area of potential effect (APE), as defined at 36 CFR Part 800.16(d). The APE has been identified as the footprint of the undertaking, including new right of way and permanent and temporary easements, as the APE for archaeological resources. For architectural and bridge resources the APE has been defined as the new right of way and permanent easements, demolition easements and a buffer of one hundred (100) feet for the built environment. This APE allows for the consideration of direct effects from the project. The direct effects considered including construction impacts, visual, vibration and auditory effects.

**Agency:** FHWA  
**State:** Missouri  
**Project:** Colbern Road Reconstruction in Lee's Summit, Jackson County. LPA project STP-3301(527)

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ATTACHMENT C: ADDITIONAL INFORMATION ON UNITY SCHOOL OF CHRISTIANITY

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The Unity School of Christianity was listed on the National Register of Historic Places in 1989 under Criterion C for significance in Architecture, with a period of significance of 1927 to 1930. The buildings included within the Unity School of Christianity Historic District were of an unusual Italian Renaissance design and were designed by Kansas City firm of Boillot and Lauck. (the full NRHP nomination form can be found on the State Historic Preservation Office website at:

<https://mostateparks.com/sites/mostateparks/files/Unity%20School%20of%20Christianity%20HD.pdf>).

Included within the district were 2 contributing buildings, 1 contributing structure and 1 contributing object. These resources are the:

- Unity Tower (structure)
- Silent Unity (building)
- Silent Unity foundations and Landscape (1 building + 1 object)

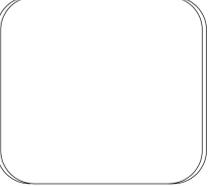
Ancillary resources on the grounds of Unity Village, including resources associated with Unity Farm were not included within the Historic District.

During the cultural resources investigations for the current project, the entirety of Unity Village was studied, and in consultation with SHPO determined that all resources were contributing to the Unity School of Christianity, including the resources associated with the farm.

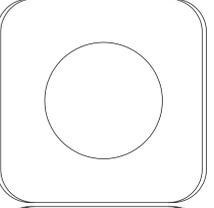
Within the APE for the project are stone fence posts (photographs of representative examples attached and locations of all noted on the attached plan sheet), concrete Unity Village signs (photos attached, and locations noted) and two wooden street signs (photos attached).



smith &  
boucher, inc.  
consulting engineers  
8620 WEST 110TH STREET  
OVERLAND PARK, KS 66210  
(913) 345-2127  
(913) 345-0617 (FAX)



UNITY VILLAGE, MISSOURI 64065



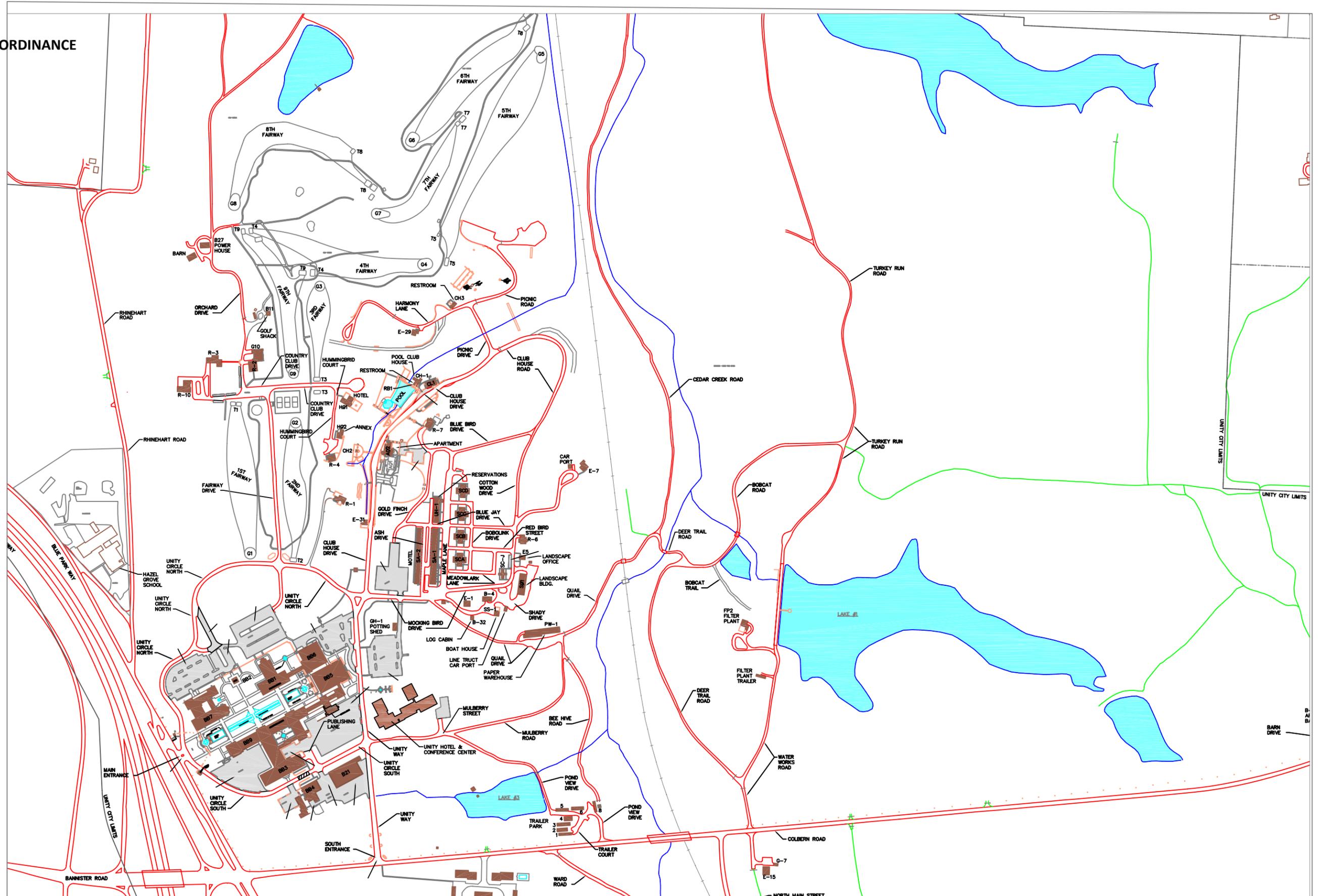
PROJECT NO.	9412400
DATE	7-6-98
DRAWN BY	S&B
CHECKED BY	RLM
REVISION DATE	DESCRIPTION
061713	JP

UNITY VILLAGE SITE  
VILLAGE BUILDINGS PLAN

A101

UNITY VILLAGE - WATER DISTRIBUTION  
PROJECT NUMBER: 9412400  
DATE: 7-6-98  
DRAWN BY: S&B  
CHECKED BY: RLM  
REVISION DATE: 061713  
DESCRIPTION: JP

EXHIBIT A TO ORDINANCE



**SITE PLAN**  
SCALE: 1" = 200'

- SYMBOLS**
- GATES AND GATE NUMBER
  - PUBLIC PARKING AREA AND DESIGNATION

<b>SMITH &amp; BOUCHER</b> CONSULTING ENGINEERS 8620 WEST 110TH STREET CHERLAND PARK, KANSAS 66210 (913) 345-2127 (913) 345-0817 (FAX)		
<b>UNITY VILLAGE</b> <b>STREET MAP</b>		
SCALE: 1" = 200'	DRAWN BY:	ENGINE NUMBER:
DATE: 02-13-07	CHECKED BY:	<b>MAP-1</b>

EXHIBIT A TO ORDINANCE



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