



# Historic Façade Easement Program Application

Please read the attached Policy Guidelines, Administrative Procedures and provide the requested information.

1. Address of Property:

\_\_\_\_\_

2. Applicant's name & mailing address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

E-mail \_\_\_\_\_

3. Owner of property – (if different from applicant):

\_\_\_\_\_

\_\_\_\_\_

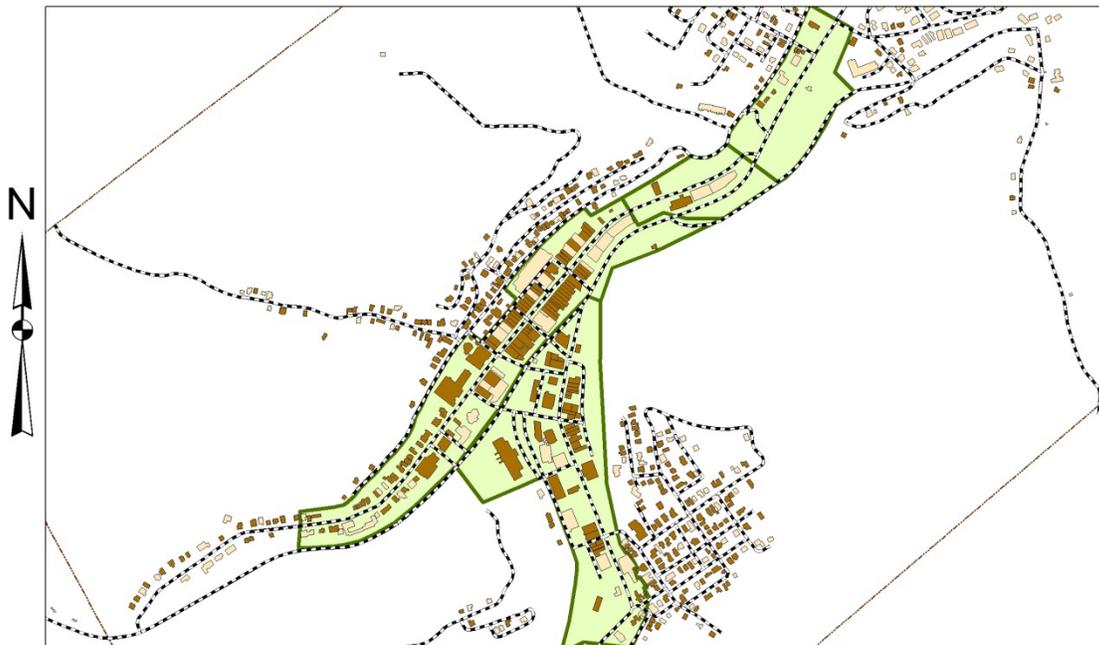
\_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

E-mail \_\_\_\_\_

4. Project Costs:
- |  |          |
|--|----------|
| Total cost of the façade restoration project:  | \$ _____ |
| Amount requested for the façade project<br>(Keep in mind eligible expenses and program maximums) | \$ _____ |
| Total cost of building rehabilitation project<br>(Include additional interior work planned)      | \$ _____ |
| Anticipated appraisal value at conclusion of project   | \$ _____ |

5. Façade Easement Program Area – Deadwood Local Historic District



6. Required Supporting Documentation

- a. Complete a City of Deadwood Application for Certificate of Appropriateness and attach it to this document.
  - Provide detailed description of exterior changes including materials, colors and dimensions
  - Proposed rehabilitation renderings and elevations
  - Current and historic photos of the building
  - Project budget including the entire project and façade project
  - Project timeline
  - General information on project financing or other such information showing feasibility of project
  - Conformance of the project with the Secretary of Interior Standards for Rehabilitation and the Deadwood Downtown Design Guidelines
- b. Acknowledgement of façade easement requirement

7. Certification

I certify all information contained in this application and all information furnished in support of this application is given for the purpose of obtaining financial assistance in the form of a grant or a loan as true and complete to the best of my knowledge and belief. I acknowledge I have read the policy guidelines for the loan or grant included with and for this application and agree to all of the terms and conditions contained in the policy guidelines. I agree any contractors which I hire for this project will hold contractors licenses with the City of Deadwood and will require they also agree to and abide by the terms and conditions of the policy guidelines.

I acknowledge the Deadwood Historic Preservation Commission is merely granting or loaning funds in connection with the work or project and neither the Historic Preservation Commission nor the City of Deadwood is or will be responsible for satisfactory performance of the work or payment for the same beyond the grant or loan approval by the Historic Preservation Commission. I acknowledge I am solely responsible for selecting any contractors hired in connection with the project and in requiring satisfactory performance by such contractor. I agree to indemnify and hold harmless the Deadwood Historic Preservation Commission and the City of Deadwood against losses, costs, damages, expenses and liabilities of any nature directly or indirectly resulting from or arising out of or relating to the Deadwood Historic Preservation Commission's acceptance, consideration, approval, or disapproval of this application and the issuance or non-issuance of a grant or loan.

**Applicant's signature:** \_\_\_\_\_

**Date submitted:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Owner's signature:** \_\_\_\_\_

**Date submitted:** \_\_\_\_/\_\_\_\_/\_\_\_\_

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Please return the completed application along with the Certificate of Appropriateness to:

City of Deadwood  
Planning, Zoning & Historic Preservation  
108 Sherman Street  
Deadwood, SD 57732  
605-578-2082



# Facade Easement Program – Policy Guidelines

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## 1. Statement of Purpose:

The restoration and protection of Deadwood’s historic buildings and structures are a primary part of the City’s goal to preserve and maintain Deadwood’s historic integrity. The expense of such restoration and protection projects may discourage property owners from having the work completed or may result in lower quality of craftsmanship. The purpose of this program is to assist and encourage property owners to use quality materials and craftsmanship by repairing first, where possible, and replacing, only if necessary.

## 2. Objective:

The City of Deadwood is a National Historic Landmark and is listed on the National and South Dakota State Registers of Historic Places. Maintaining these designations is critical to the economic success of the City and quality of life of its residents. The objective of the program is to stimulate the quality restoration and protection of buildings and structures contributing to the historic integrity of the City of Deadwood. Through the program, the owner of a participating building agrees to make approved improvements to the building façade(s) and transfer to the Deadwood Historic Preservation Commission an easement on the character-defining façade.

## 3. Eligibility:

To be eligible for the Facade Easement Program, a project must meet the following criteria:

- a. The project must affect a property listed on the City of Deadwood’s 1993 Historic Sites Inventory as an historic property in the Deadwood National Historic Landmark District. Properties not listed on the inventory must be eligible for the National Register of Historic Places as defined in the National Park Service’s National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation.
- b. The property may eligible if the removal of inappropriate alterations or the reconstruction of missing details will reverse the listing from a non-contributing resource to a contributing resource within the Deadwood Local Historic District.
- c. The building must be a commercial property as defined by Deadwood Planning and Zoning Department and be within the Deadwood Local Historic District.

The City of Deadwood’s Historic Preservation Officer determines a project’s eligibility. All eligible applications are subject to the review by the Deadwood Historic District Commission.

## 4. Definitions:

Commercial Property – is a structure used primarily as an income-producing building and zoned accordingly.

Building - is a structure with a roof and walls and stands permanently in one place requiring a certain amount of internal infrastructure to function, which includes such elements like heating / cooling, power and telecommunications, water and wastewater etc. For the purposes of this program, it is not defined through the South Dakota Commission on Gaming rules and regulations.

Façade – is any finished exterior side of a building facing a public right-of-way or open space.

Prominent Façade – is any finished exterior side of a building with significant architectural details which face a public street.

Qualified Expenditure – is the rehabilitation work on the exterior façade(s) of the building which meets the Secretary of the Interiors Standards for Rehabilitation including masonry cleaning, tuck-pointing, replication of

*Adopted - 06/24/15*

*Revised 5/25/16*

historic awnings or canopies and historically significant façade details. Purchase price, site work, decks, patios, walkways, ramps, landscaping, non-historic signage, contingency costs, fees or taxes, and new additions to the building are not qualified expenditures.

Easement – is a conservation easement for the exterior façade set for perpetuity as allowed under applicable State and Federal laws.

## 5. Program Requirements:

- a. The actual costs of restoring or rehabilitating the façade(s) will be used in determining the value of the façade grant. There is a maximum award allowed per building. The following factors apply in determining the maximum award:
  - i. The standard maximum award per building is 80 percent of the qualified expenditures.
  - ii. The standard award is not to exceed \$3,000 per linear foot of prominent facade frontage.
  - iii. Any award cap may be increased up to \$1,000 per linear foot of secondary façade frontage for buildings on corner lots and with more than one prominent facade.
- b. The conservation easement and transfer of funds occur after the project has been completed and verified by the Historic Preservation Officer and the Building Inspector.
- c. The funds are to be used for restoration or rehabilitation of the historic facade first, if possible, and then removal and replacement of inappropriate materials or façade alterations or for masonry repairs on brick walled buildings.
- d. The project may be allowed to be phased over subsequent years.
- b. All final payments are to be for materials and/or contractor's costs only supported by verifiable invoices. Owner's time is not reimbursable.
- c. Construction and / or Permanent Loans:
  - i. Persons receiving financing must conform to applicable federal and local regulations governing the use of specific loan funds.
  - ii. All loan applicants must present evidence of their ability to repay the loan and provide adequate collateral.
  - iii. Loan approval is contingent upon approval of the project by the Deadwood Historic Preservation Commission.
  - iv. All Deadwood Historic Preservation loan programs will include the following fees: Credit Report, Recording Fee, 1% Loan Origination Fee, Settlement Fee and a Title Report Fee. These fees are collected from applicant/owner at loan closing. All loan fees will be disclosed on a Loan Estimate by NeighborWorks in accordance with the Real Estate Settlement and Procedures Act.
- d. All projects will be performed pursuant to the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Secretary of the Interior's Guidelines for the Rehabilitation of Historic Buildings.

## 6. Selection Process

Selection Process will be through a recommendation from a selection committee to Deadwood Historic District Commission with input from the Historic Preservation staff. The selection committee shall include the

Mayor, City Commissioner of Historic Preservation, Chair of Deadwood Historic Preservation Commission, Deadwood Economic Development Director and City Finance Officer.

The Deadwood Historic Preservation Commission reserves the right to amend, or to change or modify this program for any reason. The number of projects funded for each year will be dependent to the maximum budgeted for the program by the Deadwood Historic Preservation Commission.

**7. Forms and Technical Assistance:**

- a. **Loans** - Loan application forms and loan technical assistance are available at the NeighborWorks Office, 795 Upper Main Street in Deadwood. Telephone: (605) 578-1401.
- b. **Conservation Easement** – sample conservation easement is available at the Historic Preservation Office located at Deadwood City Hall, 108 Sherman Street in Deadwood. (605) 578-2082.
- c. **Certificate of Appropriateness** – The applications are available at the Historic Preservation Office located at Deadwood City Hall, 108 Sherman Street in Deadwood. (605) 578-2082. This form is also available online at: <http://www.cityofdeadwood.com> , under **Permits, Licenses & Forms** tab, then under Historic Preservation heading.

This form must be completed and given to the Historic Preservation Officer who will present it to the Historic District Commission for consideration. *[No work can start until Historic District Commission approval and the owner/applicant has an approved City of Deadwood Building Permit.]*

- d. **City of Deadwood Building Permit** – A City of Deadwood (Residential or Commercial) Building Permit must be acquired from the City of Deadwood Building Inspector located at 67 Dunlop Avenue, in Deadwood. Telephone: (605) 578-3082. This permit application form is also available online at: <http://www.cityofdeadwood.com> , under **Permits, Licenses & Forms** tab, then under Building Inspector heading.



# Facade Easement Program Administrative Procedures

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## 1. Application

- The Applicant/Property Owner/Owner's Representative (Owner) obtains from Historic Preservation Office, NeighborWorks or City of Deadwood Website:
  - Facade Easement Program Application form
  - Application for Certificate of Appropriateness form
- The Owner submits completed copies of the above forms with signatures to Historic Preservation (HP) Office.
- A discussion between the Owner and the Historic Preservation Officer is recommended to clarify requirements and expectations of this program. This can greatly streamline the process.

## 2. Determination of Eligibility

- The Historic Preservation Officer conducts an on-site inspection of property to determine eligibility.
- Photographs are taken for documentation.
- A facade assessment will be done by the Historic Preservation Officer.
- The Historic Preservation Officer will prepare a written HP Staff Report for use by the Historic District Commission (HPC).

## 3. Application Approval

- Historic Preservation Officer meets with the selection committee for recommendations for approval or denial into the Façade Easement Program.
- Selection Process will be through a recommendation from a selection committee to Deadwood Historic District Commission with input from the Historic Preservation staff. The selection committee shall include the Mayor, City Commissioner of Historic Preservation, Chair of Deadwood Historic Preservation Commission, Deadwood Economic Development Director and City Finance Officer.
- The number of projects funded for each year will be dependent to the maximum budgeted for the program by the Deadwood Historic Preservation Commission.
- The selection committee recommendation is then presented to the entire Historic District Commission for approval or denial into the Façade Easement Program.

## 4. Historic District Commission Project Approval

- Based on HP Staff Report, the Historic District Commission (HPC) approves or denies the Application for Certificate of Appropriateness.
- A "Notice to Proceed" is issued to the Owner and/or Contractor and the City of Deadwood, by the Historic Preservation Officer.

## 5. Project Beginning and Ending

- The Owner enters into a contract with a City of Deadwood licensed Contractor for the project.
- The Owner or Contractor obtains a City of Deadwood Building Permit. A “Notice to Proceed” from either the Historic Preservation Officer must be obtained before applying for a City of Deadwood Building Permit.
- All payments are for materials and/or contractor’s costs only, supported by verifiable invoices. Owner’s time is not reimbursable. No prepayments for materials are permitted.
- The Historic Preservation Officer and/or Building Inspector inspect the work in progress.
- The Historic Preservation Officer and Building Inspector conduct a final inspection after the completion of the entire project.

6. **Expenditure Disbursement**

- After the Building Inspector has reviewed the work and/or materials and has consulted with the Historic Preservation Officer, the Building Inspector authorizes Historic Preservation Officer to approve invoiced amount (less any withholding, if required).
- Historic Preservation Officer initially approves invoices.
- At a HPC meeting, the HPC approves the disbursement which is added to the City of Deadwood Commission’s bill list for City (final) approval.
- Upon City approval, the City Finance Office issues checks for the disbursement to the Historic Preservation Office.
- Owner or Contractor pick-up disbursement check from the Historic Preservation office and, if Contractor is involved, the Contractor must sign lien waivers before final payment is made.