



Retaining Wall - Residential Application

Please read the attached Policy Guidelines 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 _____

For Office Use Only:

Owner Occupied

Non-owner Occupied

Verified through the Lawrence County Office of Equalization

Date: ___/___/___ Initials: _____

4. 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 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 or a grant or loan.

Applicant's signature: _____

Date submitted: ___/___/___

Owner's signature: _____

Date submitted: ___/___/___

Please return the completed application to:

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



Residential Retaining Wall - Policy Guidelines

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 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.

3. Eligibility:

To be eligible for the Retaining Wall - Residential Program, a project must meet the following criteria:

- a. The retaining wall must exist within the Deadwood City Limits.
- b. The retaining wall must exist as part of a residential property. Retaining walls on commercial properties are not eligible for this program.

A retaining wall must also meet one of the following:

- a. The retaining wall must be determined to be a historic or contributing feature in the Deadwood National Historic Landmark District. To obtain this status, the retaining wall must possess an age of fifty years or older, and must be eligible for listing in 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 physical condition of the retaining wall must threaten the integrity of a historic or contributing building or structure in the Deadwood National Historic Landmark District. Historic buildings and structures contribute to the National Historic Landmark District are listed in the city's 1993 Historic Sites Inventory. Any property not present in these listings must be eligible for listing on the National Register of Historic Places as defined in the National Park Service's National Register Criteria for Evaluation. Determination of a retaining wall's threat to a historic or contributing building or property will be done by the Deadwood Building Inspector in accordance with the Building Codes adopted by the City of Deadwood.
- c. The physical condition of a retaining wall must threaten individual life safety. The City of Deadwood Building Inspector will determine a retaining wall's threat to individual life safety based upon applicable definitions under the Building Codes adopted by the City of Deadwood.

The City of Deadwood's Historic Preservation Officer, in consultation with the Building Inspector, determines a project's eligibility. All eligible applications are subject to the review by the Deadwood Historic Preservation Commission.

4. Project Selection Based On Priorities:

Due to the limited availability of program funds and quality craftsmanship, a priority schedule will be referred to in processing applications for the Retaining Wall Program. These priorities may be amended to reflect the availability of funding and completion of "high priority" projects. The Deadwood Historic Preservation Commission will evaluate each application received and will take into consideration the needs and priorities. Priorities are set as follows:

- a. First priority - Projects determined by the City of Deadwood’s Building Inspector affecting applicable Life Safety Codes.
- b. Second priority - projects affecting the preservation and protection of properties listed on the City of Deadwood’s 1993 Historic Sites Inventory as contributing to the Deadwood National Historic Landmark District.
- c. Third priority - projects affecting structures, which in the sole opinion of the Deadwood Historic Preservation Office, contribute to the historical integrity of the City of Deadwood as defined in Chapter 24:52:00:01 (4) of the administrative rules of the South Dakota State Office of History.

5. Owner’s Financial Obligations:

- a. Project costs are divided into two (2) portions: the **Owner’s portion** and the **forgivable portion**.
- b. The **Owner’s portion** is the sum of the following:
 - 10% of the project costs (excluding the cost of engineering), plus
 - 10% of the property value based on the most recent real estate assessment shown on the Lawrence County Equalization records for both land and structures plus,
 - Any loan fees relating to Owner’s portion loan, if applicable.
- c. The **forgivable portion** is written as a loan to the owner. This loan is a zero interest, no payment loan but any loan fees associated with the forgivable portion of the loan are the responsibility of the owner.
- d. The Owner may finance the Owner’s portion of the project costs themselves. In this case, the Owner pays the City of Deadwood in advance and the City will process all payments to contractor(s).
- e. The Owner may choose to finance the Owner’s portion of the project costs through the Historic Preservation Revolving Loan Fund if they demonstrate the ability to repay both principle and interest. Terms will be adjusted with a balloon payment determined. The Owner may be eligible for refinancing the balloon payment at the end of loan period but the new loan will be subject to new loan conditions and at market rates.
- f. Failure to maintain property up to City of Deadwood’s Minimum Maintenance Standards may cause loan(s) to be payable in full.

6. Inspections and Changes of Ownership

- a. A satisfactory inspection by the City Building Inspector at completion of project is required.
- b. The property owner must meet minimum maintenance requirements. A satisfactory inspection by the City Building Inspector at the maturity of the loan is required. This inspection must be passed prior to any of the forgivable portion loan to be forgiven.
- c. In the event of a title transfer such as the sale of the home or cash out refinance, occur prior to the maturity of the loans, including the forgivable portion loan, the balance of the loans will be due and payable in full.

7. Loan Conditions:

Owner’s Portion (Life Safety) Loans

LOAN AMOUNT	INTEREST RATE	TERM	PAYMENT AMOUNT	SECURITY
10% of project <u>plus</u> 10% of assessed value	Borrower Loan 0%¹	5 years	Monthly payments due.² Possible balloon payment due at end of term	Note & Mortgage

Owner’s Portion (non-Life Safety) Loans

LOAN AMOUNT	INTEREST RATE	TERM	PAYMENT AMOUNT	SECURITY
10% of project <u>plus</u> 10% of assessed value	Borrower Loan Market Rate¹	7 years	Monthly payments due.² Possible balloon payment due at end of term	Note & Mortgage

Forgivable Portion Loans

LOAN AMOUNT	INTEREST RATE	TERM	PAYMENT AMOUNT	SECURITY
Project costs less Owner’s Portion	Borrower Loan 0%¹	5 years Owner Occupied 10 years for all others	No payments	Note & Mortgage

¹All 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 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.

Property Owners must provide proof of ability to repay loan. Various documents will be requested by NeighborWorks to complete a loan application.

The Deadwood Historic Preservation Commission reserves the right to modify, amend, or forgive the loan payment or to change or modify this program for any reason.

Additional loan considerations:

- a. If the Owner desires to sell the property before the end of the loan term, the amount remaining on the loan must be paid in full.
- b. The Owner must have addressed any additional preservation issues beyond the original work, meet Deadwood Minimum Maintenance Standards, and satisfy all loan conditions before loan can be satisfied.
- c. The Owner, through acts or omissions, may jeopardize the value of the property and bring the amount of the loan due and payable in full, if the Owner does not remain in compliance with the terms of the mortgage:
 - i. in regards to the payment of property taxes and assessments against the mortgaged property,
 - ii. in regards to maintenance of property insurance coverage on the mortgage property;

8. Project Conditions:

- a. The City of Deadwood’s Historic Preservation Officer and Building Inspector will monitor all project construction work to ensure compliance with the requirements of the Building Codes adopted by the City of Deadwood.
- b. Reconstructed retaining walls greater than four (4) feet high must be engineered, as required by the Building Codes adopted by the City of Deadwood. The Historic Preservation Commission will obtain engineering and pay for the cost of engineering services.
- c. All retaining wall projects will be put out to public bid. The bid process will follow the City of Deadwood’s procurement procedures per South Dakota Codified Laws.
- d. The Historic Preservation Officer must approve all retaining wall designs to ensure compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties. Failure to meet this requirement will terminate the program commitment.
- e. The Historic Preservation Commission will disburse all program funds directly to the project’s contractors and/or suppliers of materials based on the City of Deadwood’s administrative procedures.
- f. A project must be completed, or under construction, within one (1) year of the Historic Preservation Commission’s allocation of funds. Failure to meet this requirement may terminate the program commitment.

9. 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. **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.



Retaining Wall Program Administrative Procedures

1. **Application**

- The Applicant/Property Owner/Owner's Representative (Owner) obtains from Historic Preservation (HP) Office, NeighborWorks or City of Deadwood Website:
 - Retaining Wall – Residential Program Application with Guidelines form
- The Owner submits completed copies of the above form with signatures to 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 Program Eligibility**

- The Historic Preservation Officer conducts an on-site inspection of property to determine eligibility.
- Photographs are taken for documentation.
- Building Inspector determines if the wall is eligible as a life safety project.
- Historic Preservation Officer determines if the wall is eligible as historic or protecting a historic structure project.
- The Historic Preservation Officer will prepare a written HP Staff Report for use by the Historic Preservation Commission (HPC).

3. **Historic Preservation Commission Review of Application**

- The Retaining Wall – Residential Program Application and HP Staff Report is presented to the HPC.
- HPC approves or denies application. If approved, the Historic Preservation Officer is requested to engage an engineering firm to develop a retaining wall design, bid documents and an opinion of probable costs.
- The Historic Preservation Officer notifies the Owner of the HPC decision and, if Owner needs financial assistance, encourages Owner to begin financial applications with NeighborWorks.

4. **Engineering Contacted / Engaged**

- The Historic Preservation office contacts the engineer and forwards them a copy of the staff memo.
- The Historic Preservation Officer authorizes engineer to begin the design work for the retaining wall.
- The Engineer, City Building Inspector, Historic Preservation Officer and any additional city staff conduct an on-site inspection of the existing retaining wall.
- Any utility work, easements and survey requirements shall be determined and communicated between the City Departments and the Engineer.

5. **Approval of Design**

- The Engineer forwards the completed design plans and specifications for the retaining wall to the Historic Preservation Office.
- The Historic Preservation Officer and Building Inspector review the plans and specifications with the Owner.

- The Historic Preservation Officer provides approval of plans or communicates any changes to the Engineer.
 - The Engineer makes any final changes to the design based on any information provided.
6. **Construction Cost Estimate**
- The Engineer provides an Opinion of Probable Construction Costs (cost estimate) to the Historic Preservation Office based upon final engineering plans and specifications.
 - The Historic Preservation Office notifies the Owner of the cost estimate. Also this cost estimate is communicated to NeighborWorks, if Owner desires to finance their portion through NeighborWorks.
7. **Applying for Revolving Loan Funds (if needed)**
- The Owner completes and submits the Revolving Loan Fund Application to NeighborWorks.
 - NeighborWorks prepares a preliminary worksheet for the Owner’s potential financial responsibility for the construction cost based on the guidelines of the program. To prepare this preliminary worksheet, NeighborWorks:
 - verifies owner vs. non-owner occupied status,
 - verifies length of ownership of the resource, and
 - conducts a title search.
 - The Owner makes an appointment with NeighborWorks to determine the Owner’s financial eligibility for Revolving Loan Fund monies.
 - NeighborWorks review credit reports, verifies income, and underwrites the loan to determine the Owner’s financial eligibility. The following are examples of the documents / items required:
 - Uniform Residential Loan Application
 - Verification of Income – If the property is owner-occupied, the applicant(s) will need to submit two months paystubs. If the property is a rental, the applicant must submit a balance sheet. Copies of lease agreements and copies of the last two years tax returns.
 - Two years tax returns
 - Two months bank statements for all accounts
 - Credit report will be obtained at Owner’s cost
 - Proof of ownership – A copy of the deed, the contract for deed, or the acquisition contract must be submitted.
 - The completed Revolving Loan Fund Application is submitted Loan Committee for recommendation for approval or denial.
 - The Owner signs a Letter of Understanding that indicates the Owner’s financial responsibilities based on the guidelines of the program based on NeighborWorks calculations and the cost estimate.
8. **Historic Preservation Commission Review of Application**
- NeighborWorks presents to the HPC the Loan Committee’s recommendation.
 - HPC approves or denies application.
9. **Bidding the Project**
- The Engineer produces a final set of plans and specifications for the retaining wall to be publically bid through the City of Deadwood.
 - The City of Deadwood sets the bid opening and advertises the project for bids.
 - The City of Deadwood opens the bids and makes a recommendation

- The Historic Preservation Office provides NeighborWorks and the Owner with the recommended bid results. The Owner is asked if they want to continue with the project or withdraw.

10. Owner Financed Owner’s Portion

- When a NeighborWorks Loan is **not** involved:
 - The Owner signs an Agreement for their portion of the final construction costs based upon the policies and guidelines of the program.
 - Owner is requested to provide their portion of the funds to Historic Preservation to manage and compensate the Contractor.

11. NeighborWorks Financed Owner’s Portion

- When a NeighborWorks Loan **is** involved:
 - NeighborWorks prepares a final worksheet for the Owner’s financial responsibility for project costs based on the project guidelines and the recommended bid. If the recommended bid is higher than the approved amount, NeighborWorks will:
 - Review credit reports, income, and underwrites the loan to determine the Owner’s financial eligibility.
 - Submits revised Revolving Loan Fund Application to the Loan Committee for recommendation for approval or denial.
 - Presents to the HPC the Loan Committee’s recommendation. HPC approves or denies application.
 - If the Owner desire to continue and HPC approves the loan application, the Owner must sign a new Letter of Understanding that indicates the Owner’s financial responsibilities based on the guidelines of the program based on NeighborWorks calculations and the recommended bid amount.
- NeighborWorks prepares closing documents for the construction loan (i.e. mortgages and settlement statements, etc.)
- NeighborWorks prepares other necessary documents to properly secure the promissory note (i.e. assignments on contract for deed, personal guarantees, etc.)
- At a closing meeting, the Owner signs all necessary loan documents.
- NeighborWorks records the mortgage and any other necessary documents.
- NeighborWorks collects from the Owner and disburses the closing costs (title search costs, recording fees, etc.)
- The Owner signs appropriate loan documents for the Forgivable Portion of the retaining wall based upon the final construction costs and stating that, if the property owner violates the City of Deadwood’s Minimum Maintenance Standards before the term of the Forgivable Loan, the entire forgivable loan amount must be repaid in full based upon the policies and guidelines of the program.
- NeighborWorks prepares and issues a “Notice to Proceed” to the Contractor and the City of Deadwood.

12. Project Begins

- HPC approves the allocation of Loan Funds (Owner portion) and Grant Funds (HPC’s Portion).
- The City of Deadwood awards the contract to the recommended bidder.
- The Owner enters into a contract with the recommended bidder (Contractor).
- The Contractor obtains a City of Deadwood Building Permit.

- The Historic Preservation Officer and the City Building Inspector monitor and inspect the work in progress.
 - The City Building Inspector conducts inspections when:
 - demolition of the old wall is complete,
 - soil nails, shot-crete, anchors or other soil stabilization is conducted
 - wall reinforcement is installed but before new footings are poured,
 - wall reinforcement is installed but before the wall is poured or laid up,
 - concrete blocks are set, and
 - any masonry work is conducted.
 - After all construction is complete, the Historic Preservation Officer and the City Building Inspector will conduct final inspections and note any punch list items if the work is not complete. When all the punch list items are completed, a last inspection will be done.
13. **Forgivable Portion and Owner’s Portion Disbursement**
- The Historic Preservation Officer and City Building Inspector authorize the disbursement of the forgivable portion funds and Owner’s portion funds after the Contractor satisfies the progress payment milestone or satisfies all the punch list items.
 - If a loan is involved, NeighborWorks submits a voucher for the Owner’s disbursement to HPC for approval.
 - HPC approves the forgivable portion and Owner’s portion disbursement at the HPC meeting.
 - The City Finance Office issues checks for the grant portion and Owner’s portion disbursement to the Historic Preservation Office.
 - If a loan is NOT involved,
 - Contractor picks up checks from Historic Preservation office and if the check are to cover the final payment, the Contractor must sign a lien waiver.
 - Owner is notified that final contractor payment has been made.
 - If a loan IS involved,
 - NeighborWorks picks up checks from the Historic Preservation Office.
 - Contractor picks up checks from NeighborWorks, and if the check is to cover the final payment, the Contractor must sign a lien waiver.
 - Owner is notified that final contractor payment has been made.
14. **Final Loan Closure**
- NeighborWorks prepares the permanent loan documents and retains the Owner’s signature.
 - NeighborWorks places the account on computer.
 - If loan applies to a Non-Owner Occupied property, NeighborWorks sends payment coupon books to the Owner.
15. **Continued Administration of Loans**
- If loan applies to a Non-Owner Occupied property, the Owner delivers their monthly loan payments to NeighborWorks. Checks must be payable to Deadwood Historic Preservation Commission.
 - NeighborWorks records the loan payments on the computer account.
 - NeighborWorks delivers checks for loan payments and loan statement to the City Finance Office.

- NeighborWorks reviews all accounts once a month.
- NeighborWorks contacts the delinquent accounts and requests payments.
- NeighborWorks prepares and presents a month loan report to HPC.

16. **Satisfaction of Loan**

- Building Inspector notifies property owner if property does not meet Minimum Maintenance Standards, and if these issues are not resolved, the Building Inspector advises the HP Loan Committee. The HP Loan Committee provides recommendation to HPC either to work with owner, or make loan immediately payable.
- After terms and conditions of the loan are completed, NeighborWorks prepares a satisfaction of mortgage for the loan funds.
- HPC signs the satisfaction of mortgage.
- NeighborWorks collects from the Owner the recording fees for the satisfaction of mortgage documents.
- NeighborWorks delivers the satisfaction of mortgage to the Register of Deeds.
- NeighborWorks closes the Owner's loan account.
- NeighborWorks forwards the loan documents to the HP Office.
- The HP Office retains the loan documents for at least seven (7) years.