

United States Department of the Interior
Heritage Conservation and Recreation Service

National Register of Historic Places Inventory—Nomination Form

See instructions in *How to Complete National Register Forms*
Type all entries—complete applicable sections

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received MAY 11 1982
date entered

1. Name

historic Yankton Historic Commercial District

and/or common N/A

2. Location Roughly bounded by 2nd, 4th, Pine and Broadway Sts.

street & number 3rd St. betw Broadway and Pine, Walnut betw 4th and 2nd ^{N/A} not for publication

city, town Yankton N/A vicinity of congressional district First

state South Dakota code 46 county Yankton code 135

3. Classification

Category	Ownership	Status	Present Use
<input checked="" type="checkbox"/> district	<input type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agriculture
<input type="checkbox"/> building(s)	<input type="checkbox"/> private	<input type="checkbox"/> unoccupied	<input checked="" type="checkbox"/> commercial
<input type="checkbox"/> structure	<input checked="" type="checkbox"/> both	<input type="checkbox"/> work in progress	<input type="checkbox"/> educational
<input type="checkbox"/> site	Public Acquisition	Accessible	<input checked="" type="checkbox"/> entertainment
<input type="checkbox"/> object	<input type="checkbox"/> in process	<input checked="" type="checkbox"/> yes: restricted	<input checked="" type="checkbox"/> government
	<u>N/A</u> being considered	<input checked="" type="checkbox"/> yes: unrestricted	<input type="checkbox"/> industrial
		<input type="checkbox"/> no	<input type="checkbox"/> military
			<input type="checkbox"/> museum
			<input type="checkbox"/> park
			<input type="checkbox"/> private residence
			<input type="checkbox"/> religious
			<input type="checkbox"/> scientific
			<input type="checkbox"/> transportation
			<input type="checkbox"/> other:

4. Owner of Property

name multiple, see continuation sheet

street & number

city, town _____ vicinity of _____ state _____

5. Location of Legal Description

courthouse, registry of deeds, etc. Register of Deeds, Yankton County Courthouse

street & number West Third and Broadway

city, town Yankton state South Dakota

6. Representation in Existing Surveys

title Downtown Yankton Historic Survey has this property been determined eligible? see inventory list
 yes no

date Fall 1979- Fall 1980 federal state county local

depository for survey records Historic Yankton Inc.

city, town Yankton state South Dakota

7. Description

Condition		Check one	Check one	
<input type="checkbox"/> excellent	<input type="checkbox"/> deteriorated	<input type="checkbox"/> unaltered	<input checked="" type="checkbox"/> original site	date <u>see individual site descriptions</u>
<input checked="" type="checkbox"/> good	<input type="checkbox"/> ruins	<input checked="" type="checkbox"/> altered	<input checked="" type="checkbox"/> moved	
<input checked="" type="checkbox"/> fair	<input type="checkbox"/> unexposed			

Describe the present and original (if known) physical appearance

Description of District

The city of Yankton is located along the banks of the Missouri River in the flood plain of the confluence of the James and Missouri Rivers. Presently, the shape of the city is a large rectangular grid. The downtown commercial area is set off by its opposing orientation of structures and the enlargement of the five principal north-south streets in a two block area between Second and Fourth Streets. Two of these streets, Walnut and Broadway, are boulevards.

The commercial district is composed primarily of two and three-story commercial and governmental buildings, constructed between 1869 and 1920. There are twenty landmark structures in the district. Of these, the majority are in a rusticated, Romanesque style (7); others include Italianate features (3), found commonly throughout the contributing structures as well. Queen Anne embellishments are found on several buildings (2) and Art Deco marks a reworked front facade (1). Two structures are major institutional buildings done in classical or Georgian Revival modes. Three landmark buildings are modest frame structures with pressed metal fronts covering two of them. The remaining structures in the contributing and fabric categories are brick and frame, and are more modest versions of the Italianate and Romanesque styles. A number have been covered over in the 1950s-1960s era with pressed brick or metal fronts. Historic Yankton Inc. has been responsible for recent storefront restoration work on several buildings.

The peak years of building in the district were 1890 to 1910. Of the landmark structures, half were erected at this time. Today, the architectural core of the district is the intersection of Walnut and Third, with the major concentration of landmark structures on the 300 block of Walnut and the 200 block of West Third.

The Survey Process

The survey of the Yankton commercial area began in September of 1979: the survey committee was chaired by Caroline B. Steele. Initial work consisted of researching the tax record file in the office of the Yankton Director of Assessments, which was completed by Caroline Steele. She was assisted by Will Lyons, a local Boy Scout seeking to complete his Eagle Scout badge. Tom Steinbach and Sara Aasland also assisted in the early stages of the survey, gathering information on the age, ownership, use, and construction of the buildings located in the area. The perimeters of the nominated district were decided by the Board of Directors of Historic Yankton Inc. and staff members of the Historical Preservation Center. Focused on the core of the historic and architectural landmarks, the district is bounded on the west by Highway 81 and on the north by Highway 50, both of which have acted as boundaries of the commercial area throughout Yankton's history.

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Yankton Historic Commercial District

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Site Number	Name of Site and Location	Site Number	Name of Site and Location
<u>Landmark Sites</u>			
1	Yankton County Courthouse West Third and Broadway	72	O'Malley's 204 West Third
11	Treasure Chest 209 West Third	75	Russo's Restaurant 241 West Third
38	John Deere Building 213 East Third	81	Dawn's Fabric Shop 300 West Third
39	Gurney Hotel East Third and Capitol	86	Bob's Photography 306 West Third
46	Walnut Tavern 102 West Third	88	Menke Building 312-316 West Third
55	Dakota Territory Sewing Center 120 West Third	98	Midwest Industries 200 Walnut
56	Nacke Jewelry 122 West Third		
61	Dakota Theatre 328 Walnut		
63	Telephone Building 334 Walnut		
64	US Post Office 321 Walnut		
65	Yankton Daily Press and Dakotan 315 Walnut		
69	Ranch House Varvel Building 309 Walnut		
70	Wilcox Building 200 West Third		
71	Dinner Bell 202 West Third		

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Site Number	Name of Site and Location	Site Number	Name of Site and Location
<u>Contributing Sites</u>			
5	Hatch Furniture Reetz Building 221 West Third	34	Nyberg, DDS (Office) 201 East Third
6	Kate's 219 West Third	35	United Clothing 203 East Third
7	Karl's Music 217 West Third	36	Fitzgerald's Potato Chips 205 East Third
8	The Pantry 215 West Third	37	Lindsay Water Conditioning 209-211 East Third
9	Don's Super Saver 213 West Third	44	Vacant 104 East Third
10	Castle Coombe 211 West Third	45-A	Go-Inn Cafe 102 East Third
16	Fantel Bros. Dept. Store 121 West Third	45-B	Boomers Lounge 100 East Third
19	Doyle Building 11 West Third	50-A	Sandy's Crafts 108 West Third
20	Rexall Drugs 109 West Third	50-B	Fountain of Beauty 110 West Third
24	Hatch Furniture 109 East Third	51	Johnson's Shoes 112 West Third
29	Warehouse 227 Capital	52	Barber Shop - The Pawnshop (Final Touch) 114 West Third
30	Young-Yankton Auto Electric 218 Capital	53	Daylight Donuts 116 West Third
31	Building 220 Capital	67	Vacant 313 Walnut
32	Vacant 222 Capital	68	Offices 311 Walnut

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Site Number Name of Site and Location

Contributing Sites cont'd

76	Wards 216 West Third
77	Fox Jewelry 218 West Third
78	Dr. Shindler 220 West Third
79	Diamond Shoe 222 West Third
82	Heating with Wood Inc. 309 Cedar
92	Office 308 Broadway
93	Ludwig Agency 310 Broadway
94	Building 214 Walnut
95	Mollet 212 Walnut

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Site Number	Name of Site and Location	Site Number	Name of Site and Location
2	Goetz Law Firm Offices 311 West Third	49	Style Shop 106 West Third
17	Globe 117-119 West Third	54	Hanny's Mens Wear 118 West Third
18	Coast-to-Coast 113-115 West Third	57	Smith Insurance 308 Walnut
21	Shriver's Dept. Store 103 West Third	58	Moose Lodge 310 Walnut
22	Shriver's Dept. Store 101 West Third	59	Office Building 314 Walnut
23	Modern Body Shop 212 Douglas	60	Doyle, Dierle, Porter, & Kennedy 322 Walnut
25	Hatch's Furniture 109 East Third (annex)	62	Royal Athletic Company 334 Walnut
26	Pied Piper 111 East Third	66	Yankton Daily Press and Dakotan 315 1/2 Walnut (annex)
27-28	Furniture Gallery East Third (address should be between 113 and 119)	73	Homestead and Meredith Jewelry 208 and 206 West third
33	Dakota Sheet Metal 228 Capital	80	Scoblic Stationers 224 West Third
40	Department of Social Services 114-116 East Third	83	Building 311 Cedar
41	Bottle Shop 112 East Third	84	Northwestern Public Service 313 Cedar
47	Step Ahead 102 West Third	91	Title Company 306 Broadway
48	Hogan's Shoe Store Inc. 104 West Third	96	Knutson Western Wear 208 Walnut
		97	Sears 206 Walnut

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Site Number Name of Site and Location

Intrusions

3	American State Bank 225 Cedar
4	American State Bank 225 Cedar
12	Gambles 205 West Third
13	Gambles 205 West Third
14	First Dakota National Bank 210 West Third
15	First Dakota National Bank 201 West Third
42	Cock-a-Too Bar 110 West Third
43	Llama Room 106 East Third
74	Yankton Savings and Loan 210 West Third
85	Robbie's Bar 304 West Third
87	Modern Furniture 308 West Third
89	Warehouse to the rear of 312-316 West Third
90	K & D Laundromat 300 Broadway

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Total Number of Owners		92
Total Number of Objections		36
Owners Objecting	46	
Owners Withdrawing Objection	10	
Waivers		10

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After the field work was completed, Herb Dawson, the Project Coordinator of the Downtown Restoration Project of Historic Yankton, Inc., categorized the buildings within the proposed district as either landmark, contributing, fabric or intrusion. A member of Historic Yankton, Inc., was then assigned to gather further historical and legal information on each landmark building. The participants included Dorothy Jencks, Caroline B. Steele, Karen Harmelink, Sara Aasland, Lois Varvel, Leta Levinger, Paula Kapitan, Renee Doyle, Jim Abbott, Jim Means, Tom Steinbach and Herb Dawson. Additional sources of information included the microfilm records of early editions of the Yankton Daily Press & Dakotan at the Yankton Public Library, the Centennial Edition of the Yankton Daily Press & Dakotan, June 13, 1961, Harkcom's History of Yankton, 1859-1879, and Yankton: A Pioneer Past by Robert Karolevitz, which were supplemented with interviews with the decedents of early pioneers and relatives and friends of original owners of buildings, as well as present building owners and occupants. In some cases, records in the office of the Yankton County Register of Deeds were researched and abstracts of properties were reviewed for further information.

Justification of Boundaries

The district comprises the late 19th and 20th century commercial core of the city. Originally sited along the river in order to service steamboat traffic, the commercial district began moving northward onto high land after c. 1870. It assumed its present shape by 1890.

The late 19th and early 20th century structures, which comprise the core of the district are centered on 3rd and Walnut Streets. Although commercial structures are found on the cross streets of Capitol, Douglas, Broadway and Cedar, only Walnut retains a sufficient density of period sites to constitute a crossarm in the district.

Fourth Street forms the northern boundary of both the commercial area and the district. Structures north of Fourth are domestic. Second Street forms the southern boundary and likewise marks the transition here between commercial and industrial buildings. The eastern edge of the district is demarcated by a change in architectural style and period, rather than function. The John Deere building is the last c. 1900 structure, which is almost surrounded by c. 1930's art deco structures. On the western edge, Broadway constitutes the border of commercial area. The street

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itself was not included as it is a boulevard and larger in scale than the other streets. In addition, it has suffered from the loss of buildings. Interestingly, while Third Street structures face onto Third, those located along Second and Fourth are oriented to the north-south streets, such as Walnut. Third is the only east-west street in the historic core of the city to have structures oriented toward it.

The Yankton Historic Commercial District is anchored by landmark structures, which are themselves, eligible for listing on the Register. At the west end of Third is the courthouse, on the north edge are the post office and telephone buildings, at the eastern boundary are the Gurney Hotel and John Deere buildings, and along the southern rim is the Schwenk Brewery. The alleyways behind the buildings facing onto Third and Walnut constitute the legal boundaries in most cases.

8. Significance

Period	Areas of Significance—Check and justify below			
<input type="checkbox"/> prehistoric	<input type="checkbox"/> archeology-prehistoric	<input type="checkbox"/> community planning	<input type="checkbox"/> landscape architecture	<input type="checkbox"/> religion
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> archeology-historic	<input type="checkbox"/> conservation	<input type="checkbox"/> law	<input type="checkbox"/> science
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> agriculture	<input type="checkbox"/> economics	<input type="checkbox"/> literature	<input type="checkbox"/> sculpture
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> architecture	<input type="checkbox"/> education	<input type="checkbox"/> military	<input type="checkbox"/> social/ humanitarian
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> art	<input type="checkbox"/> engineering	<input type="checkbox"/> music	<input type="checkbox"/> theater
<input checked="" type="checkbox"/> 1800-1899	<input checked="" type="checkbox"/> commerce	<input type="checkbox"/> exploration/settlement	<input type="checkbox"/> philosophy	<input type="checkbox"/> transportation
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> communications	<input type="checkbox"/> industry	<input checked="" type="checkbox"/> politics/government	<input type="checkbox"/> other (specify)
		<input type="checkbox"/> invention		

Specific dates see sites **Builder/Architect** —

Statement of Significance (in one paragraph)

Significant in the areas of architecture, commerce, and politics and government, the Yankton Historic Commercial District is a well preserved example of an 1870s to 1920 era commercial center. As one of the earliest communities in the state, and the first to achieve economic and political importance, Yankton represents a unique period of early and successful commercial history.

In 1858 Yankton was surveyed and platted by the Yankton Land and Town Company and a year later, settlement began. Sited along the Missouri River and near the mouth of the James, Yankton became the port of entry for many settlers into the Dakota Territory. Soon it became a key shipping town. The foundation for its wealth was established by 1862, when it became the territorial capitol. But, its major economic boom period came after 1861 when the Montana and Idaho gold rush opened the west. This was followed by the Homestead Act of 1862 and military encounters with Indians in the West River area, which promoted the river port of Yankton into the leading commercial town of the territory. A second major boom came after 1874 when the Black Hills were opened for homesteading and Yankton became the supply post for the eager speculators. The commercial area, which was oriented first to the river, began spreading northward onto higher ground in the 1870s. The first one-story frame buildings appeared along Third Street. In 1881 the Missouri River flooded. When the waters receded, new commercial buildings were erected upon the banks, on Third, Broadway, Walnut and Douglas Streets. By the mid-1880s to 1890s, Yankton was experiencing a building boom in the downtown area.

However, while Yankton was riding the crest of commercial prosperity in the '80s and 90s, this era also contained the events which would lead to its eclipse. In 1883 the territorial capitol was moved to Bismark, and railroads helped to make Sioux Falls the pre-eminent commercial town in the territory. By 1900 Yankton no longer was the leading city in the state. Yet its growth continued steadily into the 1920s, but with no major "boom" cycle.

The downtown Yankton Commercial District is unique in the state because of the number of early commercial structures and the lack of later, major growth which would have effected changes. New structures of differing style, scale and landscaping features were confined, for the most part, outside the district along East Third, Capitol and Douglas Streets. While many small towns in the state retain early, one-story, commercial buildings, few have districts which combine them with major examples of large scale, urban architecture. Conversely, while larger cities have compact commercial centers, few have managed to retain their earliest

9. Major Bibliographical References

ACREAGE NOT VERIFIED

Karolevitz, Robert F. Yankton: A Pioneer Past. Aberdeen: North Plains Press, 1972.
 McCormack, Richard J., ed. Yankton County in Dakota Territory Centennial Year, 1861-1961.
 Stickney, S.D.: Argus Printers, 1961.
 deed research, Yankton County Courthouse

UTM NOT VERIFIED

10. Geographical Data

Acreeage of nominated property 19
 Quadrangle name Gavins Point Dam, Neb. - S. Dak. Quadrangle scale 1:24 000

UMT References

A	<u>1</u> <u>4</u>	<u>6</u> <u>3</u> <u>1</u> <u>2</u> <u>9</u> <u>8</u>	<u>4</u> <u>7</u> <u>4</u> <u>8</u> <u>8</u> <u>4</u> <u>0</u>	B	<u>1</u> <u>4</u>	<u>6</u> <u>3</u> <u>1</u> <u>7</u> <u>5</u> <u>0</u>	<u>4</u> <u>7</u> <u>4</u> <u>8</u> <u>8</u> <u>5</u> <u>0</u>
	Zone	Easting	Northing		Zone	Easting	Northing
C	<u>1</u> <u>4</u>	<u>6</u> <u>3</u> <u>1</u> <u>7</u> <u>4</u> <u>5</u>	<u>4</u> <u>7</u> <u>4</u> <u>8</u> <u>2</u> <u>8</u> <u>0</u>	D	<u>1</u> <u>4</u>	<u>6</u> <u>3</u> <u>1</u> <u>3</u> <u>0</u> <u>0</u>	<u>4</u> <u>7</u> <u>4</u> <u>8</u> <u>2</u> <u>8</u> <u>0</u>
E	<u> </u> <u> </u>	<u> </u> <u> </u> <u> </u> <u> </u> <u> </u> <u> </u>	<u> </u> <u> </u> <u> </u> <u> </u> <u> </u> <u> </u>	F	<u> </u> <u> </u>	<u> </u> <u> </u> <u> </u> <u> </u> <u> </u> <u> </u>	<u> </u> <u> </u> <u> </u> <u> </u> <u> </u> <u> </u>
G	<u> </u> <u> </u>	<u> </u> <u> </u> <u> </u> <u> </u> <u> </u> <u> </u>	<u> </u> <u> </u> <u> </u> <u> </u> <u> </u> <u> </u>	H	<u> </u> <u> </u>	<u> </u> <u> </u> <u> </u> <u> </u> <u> </u> <u> </u>	<u> </u> <u> </u> <u> </u> <u> </u> <u> </u> <u> </u>

Verbal boundary description and justification

See map with scale.

List all states and counties for properties overlapping state or county boundaries

state	<u>N/A</u>	code	county	code
state		code	county	code

11. Form Prepared By

name/title Herb Dawson , technical editing: Carolyn Torma Historical Preservation Center
University of South Dakota
Vermillion, SD 57069 605-677-5313
 organization Historic Yankton Inc. date 10 Nov 80
 street & number 111 1/2 West Third telephone 605-665-7547
 city or town Yankton state South Dakota

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

national state local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the Heritage Conservation and Recreation Service.

State Historic Preservation Officer signature Junius R. Fishburne date May 3, 1982
 title Director, Office of Cultural Preservation

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I hereby certify that this property is included in the National Register	
<u>William H. Bravham</u>	date <u>6.23.82</u>
Keeper of the National Register	
Attest:	date
Chief of Registration	

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Yankton Historic Commercial District Landmark Structures, description and significance

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SITE NUMBER 11

Treasure Chest
209 West Third

History

Mills and Purdy moved this building from the riverside district onto Third Street prior to 1869. When they refaced the structure at a later date, the metal front was marked with an "1869" date. Originally known as the Brecht Drug Store, it was the first pharmacy in the Dakota Territory. Dr. Brecht died in 1913 and the business was run by his son until 1957.

Description

An early frame commercial building with gable roof and parapet front, the Treasure Chest has a pressed metal front. One bay on the altered first floor and three on the second, the structure's most striking feature is its highly decorated facade composed of columns, swags, modillions, and floral motif designs. A smaller panel remains visible on the first floor.

Significance: architecture, business, early settlement

One of the rare surviving buildings from the first riverside commercial district, this structure was moved to this site in the 1860's. A common phenomenon in South Dakota commercial districts, this small frame building was later refaced with this fine, exuberant pressed metal facade. The 1869 date on the facade refers to the establishment of the Brecht Drug Store; the building remained in use as a drugstore for many years. An early, famous local radio station, WNAX, had its studios here. Despite changes along the first floor, this structure is a rare and excellent example of 1860's commercial architecture.

SITE NUMBER 38

John Deere Building
213 East Third

History

Originally used as a woolen mill and located at Second and Douglas, the building was moved to its present location in c. 1907. It became a carriage shop for P. J. Nyberg

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and Sons, who sold Studebaker wagons. The now demolished east end of the building served as a blacksmith shop. In the 1960's, Baggs and Tamisiea Company added a steel building to the rear. Froheich and Hanson sold farm machinery here in the 1920's and in the 1940's the business was assumed by Baggs and Tamisiea.

Description

Two-and-one-half stories in height, two, four, and three bays across the front floors and nine bays across the side, this frame building is sheathed in metal pressed into a rusticated stone block pattern. Gable-end entrance, with a parapet front, the second-story windows have molded metal pediments, while the remaining windows have horizontal, slightly molded lintels. A molded cornice and decorated pressed metal gable complete the building. In c. 1950s, green and yellow mapes panels were added to the reworked first floor. The entire structure was painted John Deere's trademark colors of green and yellow.

Significance: architecture, (agriculture) business

Another fine example of a commercial building with a pressed metal "skin" is the John Deere building. A common type found in small towns or on the periphery of commercial areas, the structure bears the color trademark of the company in its green and yellow paint and mapes panel tile front. The metal work has been extended around the building to give a finished appearance with three-dimensional molded cornice and hold molds.

SITE NUMBER 46

Walnut Tavern
100 West Third

History

Built in 1877 for Sylvester C. Fargo, the building was rented to Dudley and Hawley, hardware merchants. It passed to D. D. Gross, who operated the business until 1937. Walnut Tavern opened in 1937. One of four identical "block" buildings.

Description

One of four identical structures in a block, this remaining section is a two-story brick structure, three bays across the front, nine bays across the side. A molded metal cornice decorates two sides of the building and molded brick hood molds surround the windows. The front facade has pressed metal acanthus leaf motifs on hood molds and cornice. The front first floor has been altered, while the graphics on the blank side enliven Douglas Street.

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Significance: Architecture, business

The last remaining structure in the Fargo block is the Walnut Tavern building erected in 1877. An elegant Italianate structure with acanthus leaf details in the hood molds, the Walnut Tavern is the only example of an early, two-story, block front building in the district.

SITE NUMBER 55 - 56

Dakota Territory Sewing Center
120 West Third

History

J.B.S. Todd purchased the property in 1868; Farmers and Merchants State Bank erected this building in 1920. Later uses of the building include a bar and clothing store.

Description

This two-story commercial building has an L-shape and is built of light brown brick. Six bays on the front and five bays on the side, the bays are marked by pilasters or groupings of windows. A Prairie School influence is evident in the square massing of the building, in the projecting beltcourse and cornice, in the decorative features around the entrance, and in the treatment of the pilasters. The trimwork is cast concrete. Alterations have been made to the first floor and second-story windows.

Significance: Architecture, business.

The single example of the Prairie School in downtown Yankton, this late, restrained example retains a strong sense of balanced composition despite its alterations. It acts as one of the architectural anchors for the major intersection in the district.

SITE NUMBER 61

Dakota Theatre
328 Walnut

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History

Built by Dr. D.W. Rudgers, eye, ear and nose specialist, in c. 1900, the theatre had as its first leasee, Maurice W. Jencks of the Hess Theatre. In the 1922-1927 era, manager Oscar Johnson, changed the name to Dakota Theatre. During the management of Bill Tammen, from 1941 to 1959, the theatre was given a new front.

Description

The three-story building is constructed of brick and Sioux Falls granite. Presently the facade is made of porcelain enameled panels and burnished metal done in bright deco colors. The panels are laid in a diagonal, and the cornice is curved metal. The third floor was once used for dances.

Significance: architecture, theatre

Opening with the performances of the Andrews Opera Company, the Dakota Theatre was known in its early years as the Rudgers Opera House. In 1922, WNAX, the famous Yankton radio station, broadcast its second concert from the Hess. The town's major theatre, the Dakota is one of the outstanding art deco theatre facades in South Dakota and remains virtually unchanged.

SITE NUMBER 63

Telephone Building
334 Walnut

History

Built in 1908 for Northwestern Bell, this structure had additions built to the rear in 1931, 1954, and 1969. Vacated in 1972, the structure is now used by the Royal Athletic Company.

Description

This brick structure is a one-story building placed on a half-story basement demarcated with a concrete water table and string course, faced in a decorative yellow-orange burnt brick, known locally as Yankton brick; the telephone building is three bays on the front facade. Capped with a cement pediment and acanthus leaf, the cornice bears a 1908 date stone. The door and windows have been altered. The brass plaque reading "Telephone Building" remains intact.

Significance: architecture, communications, business

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INVENTORY -- NOMINATION FORM**

Yankton Historic Commercial District Landmark Structures, description and significance

CONTINUATION SHEET

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Many small towns retain their early telephone buildings, which are often pleasant and architecturally witty, small scale structures. This building was built to the scale of the mid-nineteenth century Yankton commercial buildings. It emphasizes its distinct function both through the simplicity and boldness of its design and through the use of the striking, decorative brick commonly found in foundations and industrial structures in southeastern South Dakota.

SITE NUMBER 64

U.S. Post Office
Fourth and Walnut Streets

History

The site of Yankton's first school building in 1866, this lot was turned over to the post office, which erected this structure in 1905.

Description

Constructed of light gray granite, this Classical Revival building is five bays on the front and three across the sides. Rectangular in shape and two stories in height, it is surmounted with a balustrade and punctuated with large carved eagle over the central bay. The center three bays project slightly. A new, cement block extension has been added to the south and rear facades.

Significance: architecture, government

While many governmental buildings adopted the Classical Revival, palace style in the early years of the 20th century, not all were as successfully designed as the Yankton post office. This is a finely balanced composition of solids and voids, and the surface is enlivened by its highly three-dimensional molding of the basic rectangular block. The regularity and angular quality of the building contrasts well with the animated, carved eagle over the center bay.

SITE NUMBER 65

Yankton Daily Press & Dakotan
315 Walnut

History

Built by the German Athletic Association, the Turn-verein, in 1879-1880, this building

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Yankton Historic Commercial District Landmark Structures, description and significance

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was assumed by the newspaper in 1905. In 1952, an addition was added to the rear.

Description

Built of brick, the structure is a long rectangle. The front of this hipped-roof building is a parapet wall composed of five bays with the central entrance bay projecting beyond the main facade. Trimmed in Italianate features, this building was built for institutional functions.

Significance: architecture, ethnic history, communications

Erected in 1879-1880 as the German club, Turner Hall, this building was an important social center for the city until 1905. Yankton had quite a number of German settlers, who patronized social institutions such as the Germania House and Turn-verein club. Purchased by the Yankton Daily Press and Dakotan in 1905, the building then became associated with the historic newspaper. The paper began life in 1861 as the Weekly Dakotan, and in 1873, after a merger, became the Press & Dakotan. The building is of architectural interest as well. One of the major statements of the Italianate mode in the downtown area, the building owes more to domestic, rather than commercial, style architecture. The building closely resembles domestic or academic Italianate structures with its projecting center bay forming the illusion of a tower. This image is most appropriate to a club, as it contrasts with the commercial structures.

SITE NUMBER 69

Wagner Building
309 Walnut

History

Built in c. 1890, this building has always served as a bar or cafe restaurant. One portion of the structure has been used for offices.

Description

This commercial structure is a two-story, yellow brick building trimmed in dark red sandstone. The front facade has three bays and the two stories are drawn together by the large elliptical arches on the flanking bays. The heavy cornice line is emphasized through several bold decorative elements including molded brick and carved stone finials. A pyramidal roof over the center bay tower has been removed.

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Significance: architecture, business

A boldly designed facade distinguishes this landmark building in the district. Although alterations have marred portions of the building, this remains an important Victorian commercial structure. The strongly contrasting colors and almost whimsical use of striped and checked (or Queen Anne lattice work) designs are reminiscent of the Victorian eclectic architecture of Butterfield. The building is a rare example of this stylistic treatment in South Dakota commercial architecture.

SITE NUMBER 70

Wilcox Building
200 West Third

History

Built by E.P. Wilcox in 1888, this building was designed by architect, J.H. Coxhead of St Paul, Minnesota. William Glenfield was superintendent of work. Western Portland Cement (listed on the National Register) used this as office space when the building opened. Later, American Mortgage Company and Dakota National Bank used the facilities. Since the 1890's, many of Yankton's major business concerns were headquartered here.

Description

Rectangular in shape, three stories in height and constructed of brick, this commercial building gives the impression of a flat slab structure. Composed in two bays of the front facade and eight along the side, the building breaks the flat wall with a slight projection of the center three bays, the corbelling at the cornice line and the rustication of the store on the first floor. Decorative banding over the arched windows on the second floor is kept thin and flat, heightening the two-dimensional surface. The building is by no means molded in plastic, rather it emphasizes its straightforward and precisely articulated block with the assured composition and spare use of detail.

Significance: architecture, business

The pivotal building of the district, the Wilcox Block is an extremely well-designed commercial building which marks the very center of the district. The building is the most graceful example of a Richardsonian Romanesque design in the city. A much more complex composition than any of the other buildings in the district, it blends the solid massing common to Romanesque structures, with the light and elegant use of contrasting materials, colors, solids and voids, rectangles and semicircles. The structure is the architectural keystone for the district.

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SITE NUMBER 71

Dinner Bell
202 West Third

History

This building appears in a 1909 photograph and appears to have been built sometime in the 1890's as the second half of two identical buildings. It has been used as a cafe and grocery store.

Description

A two-story, three-bay rusticated stone-faced commercial building, this structure has simple design embellishments, including arched second-story windows, a row of stone dentils and a row of small arches in the cornice line. The first floor has been altered.

Significance: architecture, business

These two buildings (71, 72) are modest examples of Romanesque commercial architecture. Their relatively early date (c. 1890's) and simple straightforward use of Romanesque design vocabulary combine to make these local architectural landmarks.

SITE NUMBER 72

O'Malley's Bar
204 West Third

History

The earlier of two identical buildings erected side by side, this structure appears in a c. 1889 photograph. O'Malley's Bar on the first floor was founded by "Happy Jack" O'Malley, a popular, early radio entertainer on WNAX. The Lyric Theatre was housed here at one time.

Description

This is a two-story, three-bay, stone-faces brick structure with an altered first floor. The front facade has rusticated cut stone with darker red sandstone trim.

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Yankton Historic Commercial District Landmark Structures, description and significance

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Significance: architecture, business

Identical to the Dinner Bell, this building is a simple Romanesque commercial structure. Once the home of the Lyric Theatre, this later became O'Malley's Bar, run by proprietor "Happy Jack" O'Malley, a WNAX celebrity.

SITE NUMBER 75

Russo's
214 West Third

History

Built c. 1893 as the Yankton National Bank, the structure was purchased in 1909 by William Heaton, who moved the First National Bank here. The First National absorbed the Yankton National Bank and remained in this building until 1931. Other uses of the structure have included an I.O.O.F. hall and various company offices.

Description

Three stories in height, this brick commercial building is faced on the front facade with stone. Three bays in the front, the easternmost bay is rounded on the corner. The westernmost bay projects slightly and features paired windows on the second and third floor, an arched recessed entranceway, and a smooth-finished red granite column, which contrasts with the rusticated cut stone. The building has a half-story basement, which is currently used as a restaurant.

Significance: architecture, business

One of the two major examples of commercial Romanesque architecture in Yankton, this building has several fine features, which add to the urban character of the building. The recessed entranceway punctuated with eye level carved capitals and a delicate, fully carved column creates a dramatic architectural highlight on the main street. Banks and fraternal lodges often brought the most current and "sophisticated" architecture to small towns at the turn of the century. This building is an extremely well-preserved example of both the style and this social phenomena.

SITE NUMBER 81

Dawn's Fabrics
300 West Third

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Yankton Historic Commercial District Landmark Structures, description and significance

CONTINUATION SHEET

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History

Built between 1875 and 1908, as part of Sawyer's Block by Isaac Piles, this segment served as I. Piles & Co., a shoe store, and, after 1908 as Henry Davis Pool Hall. Still later it served as a music store, second hand store, paint store, and fabric shop.

Description

This three-story rectangular-shaped, commercial building was built in c. 1875, as it closely resembles the now demolished Merchant's Hotel built in 1873. Composed as two bays along the front and four along the side, the building's windows are grouped by threes in the main facade and in twos on the side. The cast metal columns remain visible on the first floor, which has suffered only minor alterations. Italianate features predominate.

Significance: architecture, business

Built soon after 1875, this is the most completely intact early building in the district. It is the only structure to retain the attenuated cast metal columns on the first floor, which distinguish commercial structures of the 1870-1890 era. Original details on the second and third floors remain unaltered.

SITE NUMBER 86

Bob's Photography
306 West Third

History

Built in 1874, this structure was part of the Sawyers Block. In 1875 or 1876, the Daily Press & Dakotan was located on the second floor. From 1899 to 1934 Louis Janousek's Studio occupied the building; Bob's is a descendent of that firm.

Description

Two-stories in height, this commercial building is constructed of brick and arranged in a three bay composition. Although the original 1874 first floor front has been changed, the later, early 20th century store front blends well with the Italianate details of the second floor and cornice. All three-dimensional trim is created with bricks.

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Yankton Historic Commercial District Landmark Structures, description and significance

CONTINUATION SHEET

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Significance: architecture (photography ?)

The home of Yankton photographers for over ninety years, this building is a very well-preserved example of a 1870's building, which was altered in a sympathetic manner in the early 20th century.

SITE NUMBER 88

Menke Building
312, 314, 316 West Third

History

This property was originally owned by Todd & Frost, and later sold to Mark Parmer of Madison County, Nebraska. The building is mentioned by 1882, but was probably erected at an earlier date. The shoe repair store is one of the oldest businesses in Yankton, dating from 1915.

Description

This commercial building is composed of three separate stores which appear to have altered store fronts. Built of frame and featuring decorative sawn brackets at the roofline, the building appears to have been constructed in two units. The western store front looks to be constructed at a separate time.

Significance: business, architecture

One of the oldest remaining structures in the district, the Menke building probably dates from c. 1870. The building is an interesting remnant from the 1870-1880 period, when a majority of the downtown structures were one-story and frame.

SITE NUMBER 98

Schwenk Brewery
200-204 Walnut

History

Built (and designed?) by Fredrick William Schwenk in 1904, this structure served as the power and bottling plant for the Schwenk-Barth Brewing Company. In 1919, it changed use to the Nash-Finch Wholesale Grocery and Fruits warehouse. Since 1952, it has served as a cleaners.

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Description

The structure consists of a two-story central building and two flanking one-story buildings. Built entirely of reddish-orange brick, the brewery has the simple, bold details of c. 1900 industrial buildings. This includes the nearly flat, largely unarticulated surfaces, punctuated with bold geometric shapes, such as the arched windows, and recessed central panels. Corbelled cornices are another common industrial treatment which add a three-dimensional quality to the solid mass of the large structure. This building also features a fine line of decorative granite which functions as both string course and hood mold.

Significance: industry, architecture, business.

This single, industrial building in the district marks the visual and spatial separation of the commercial and industrial sections of the city. The building also serves as a reminder of a common 19th and early 20th century industry which has ceased to exist in Yankton and other small towns. The building itself is a well-executed industrial structure, which balances its large mass and bulk against its precisely incised details, such as the corbelled brick cornice on the main building and simple yet bold granite string course/hood molds on the subordinate buildings.

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Yankton Historic Commercial District

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frame structures in the downtown area. Yankton remains the single example in which the history of both early settler town and major commercial and manufacturing center can be traced in its architecture.

ESTABLISHED 1869

TREASURE
CHEST

GIFTS
CHINA
COSMETICS



Treasure Chest
209 W. Third St.

#11

Yankton, SD

Yankton Co.

March 1980

Pete Meyer

South

Photo 1



0000
Hamm's

SHOES

AIR CONDITIONED

Schmidt
BEER

Jerry's TAVERN



THE BREW THAT GREW
WITH THE GREAT NORTHWEST

CONDITIONED

Schmidt
BEER



Walnut Tavern
100 W. Third St.
Yankton, SD Yankton Co
March 1980
Pete Meyer
West

Photo 3



Walnut Tavern
100 W. Third St.
Yankton, SD Yankton Co.
March 1980
Pete Meyer
North

#76

46

Photo 4



DAKOTA TERRITORY
sewing center

VIKING

VIKING

VIKING

Jordan's Jewelers
122 West Third
Dakota Territory Sewing Center
120 West Third
Yankton, SD
June 1980
Pete Meyer
North

Photo 5



VIKING
Sewing Machine

DAKOTA TERRITORY
sewing center

NO
THRU
TRUCKS

Jordan's Jewelers

122 W. Third

Dakota Territory Sewing Center

120 W. Third

Yankton, SD

June 1980

Pete Meyer

Northeast

Photo 6

DAKOTA

CLINT EASTWOOD IN
ESCAPE FROM
ALCATRAZ

DAKOTA

CLINT EASTWOOD IN
ESCAPE FROM
ALCATRAZ

GRAND
THEATRE

ALCATRAZ

ALCATRAZ

ALCATRAZ



Dakota Theatre
328 Walnut St.
Yankton, SD Yankton Co
March 1980

Pete Meyer
East

Photo 7



Telephone Building

334 Walnut St.

Yankton, SD Yankton County

March, 1980

Pete Meyer

East

Photo 8



UNITED STATES POST OFFICE

YAKTON
SOUTH
GARDEN
STREET

YAKTON
CABLE TV
YAKTON, SD
505-652-1001

U. S. Post Office

4th & Walnut St.

Yankton, SD

Yankton Co.

March, 1980

Pete Meyer

West

Photo 9



65
Press & Dakotan
319 Walnut St.
Yankton, SD Yankton Co
March 1980
Pete Meyer
West

Photo 10



307

THE RANCH

W. J. & A. C. BROWN
SPRINGFIELD

Wagner Building

309 Walnut St.

Yankton, SD Yankton Co

March 1980

Pete Meyer

West

Photo 11



Wilcox Block
200 West Third
Yankton, SD Yankton Co
March 1980
Pete Meyer
West

Photo 12



Dinner Bell
202 West Third St.
Yankton, SD
June 1980
Pete Meyer
North

Photo B



O'Malley's
204 West Third St.
Yankton, SD
June 1980
Pete Meyer
North

Photo 14



Russo's
214 West Third St.
Yankton, SD Yankton Co.
June 1980
Pete Meyer
North

Photo 15



Frank's
FABRICS
and findings

Robbie's
STAKE OUT

U
TURN

Dawn's Fabrics
300 West Third
Yankton, SD Yankton Co
March 1980
Pete Meyer

NORTHWEST
Photo 16

BOB'S PHOTOGRAPHY

Continental GET THEM HERE!
COLOR PRINTS

Continental GET THEM HERE!
COLOR PRINTS

Bob's Photography

306 West Third

Yankton, SD

Yankton Co

May 1980

Pete Meyer

NORTH

Photo 17

86

Frank's
BARBER
Shop

Frank's
BARBER SHOP

SUNLIGHT
STAINED
GLASS

Boston

SHOE REPAIR

OPEN



Yankton Historic Commercial District 88

Yankton, Yankton County

SOUTH DAKOTA

Mencke Building

312, 314, 316 West Third Street

Pete Meyer

March 1980

Photo 18



Brewery
204-200 Walnut
Yankton, SD Yankton Co
March 1980
Pete Meyer
East

Photo #19



Yankton Historic Commercial District
Yankton, Yankton County

SOUTH DAKOTA

Southside of the 300 block of West Third

Pete Meyer

March 1980

Photo 20

South side
300 block
W 3rd



Yankton Historic Commercial District
Yankton, Yankton County

SOUTH DAKOTA

Northside of the 300 block of West Third St.

Pete Meyer

March 1980

Photo 21

North side
300 block
W 3rd



Yankton Historic Commercial District

Yankton, Yankton County

SOUTH DAKOTA

Southside of 300 block of West Third Street

Pete Meyer

March 1980

Photo 22



STEVENSONS

SUPER SAVER

WANTON

COKE

Yankton Historic Commercial District

Yankton, Yankton County

SOUTH DAKOTA

Southside of 200 block of West Third Street

Pete Meyer

March 1980

Photo 23



Northside
200 block
W 3rd

Yankton Historic Commercial District

Yankton, Yankton County

SOUTH DAKOTA

Northside of 200 block of West Third Street

Peter Meyer

March 1980

Photo 24

BANK

Gambles

Yacht Center

YACHT CENTER

WALK



Yankton Historic Commercial District

Yankton, Yankton County

SOUTH DAKOTA

Southside of the 200 block of West Third

Pete Meyer

March 1980

Photo 25

Southside

200 block
W 3rd



Yankton Historic Commercial District

Yankton, Yankton County

SOUTH DAKOTA

200 block Northside of West Third Street

Pete Meyer

March 1980

Photo 26



Yankton Historic Commercial District

Yankton, Yankton County

SOUTH DAKOTA

Southside of the 100 block of West Third

Pete Meyer

March 1980

Photo 27

Southside
100 block
W 3rd



Yankton Historic Commercial District
Yankton, Yankton County

SOUTH DAKOTA

Southside of the 100 block of West Third

Pete Meyer

March 1980

Photo 28

Southside
100 block
W 3rd



Yankton Historic Commercial District

Yankton, Yankton County

SOUTH DAKOTA

Northside of 100 block of West Third Street

Pete Meyer

March 1980

Photo 29

N side
100 block
W 3rd



Yankton Historic Commercial District

Yankton, Yankton County

SOUTH DAKOTA

Northside of 100 block of West Third Srteet

Pete Meyer

March 1980

Photo 30



North Side
100 E 3rd
block

Yankton Historic Commercial District
Yankton, Yankton County
SOUTH DAKOTA

Northside of 100 block East Third Street
Pete Meyer
March 1980

Photo 31



Yankton Historic Commercial District
Yankton, Yankton County

SOUTH DAKOTA

Southside of the 100 block of East Third St.

Pete Meyer

March 1980

Photo 32

Southside
100 block
East 3rd



Yankton His toric Commercial District

Yankton, Yankton County

SOUTH DAKOTA

Northside of the 100 block of East Third

Pete Meyer

March 1980

Photo 33

Northside
100 block
E 3rd



U-UNITED
CLOTHING
CENTER

NO
U
TURN

LARGES

Yankton Historic Commercial District

200 Block East Third

Yankton, South Dakota

C. Torma

1980

Historical Preservation Center

Facing Southeast

Photo ~~33~~ 34



Yankton Historic Commercial District

Yankton, Yankton County

SOUTH DAKOTA

Northside of 100 to 300 blocks of West Third

Pete Meyer

March 1980

Photo 35

100 East → 300 West
Northside
3rd



Yankton Historic Commercial District
Yankton, Yankton County

SOUTH DAKOTA

Eastside of the 300 block of Walnut

Pete Meyer

March 1980

Photo 36

300 block
East side
Walnut



Yankton Historic Commercial District

Yankton, Yankton County

SOUTH DAKOTA

300 block East Walnut

Pete Meyer

March 1980

Photo 37



Westside
300 block
Walnut

Yankton Historic Commercial District
Yankton, Yankton County

SOUTH DAKOTA

Westside of the 300 block of Walnut

Pete Meyer

March 1980

Photo 38



Yankton Historic Commercial District

38

Yankton, Yankton County

SOUTH DAKOTA

John Deere Building, north facade
213 East Third Street

Pete Meyer

March 1980



Yankton Historic Commercial District

Yankton, Yankton County

SOUTH DAKOTA

Westside of 300 block of Walnut

Pete Meyer

March 1980

Photo 39



Yankton Historic Commercial District
Ynakton, Yankton County
SOUTH DAKOTA
Eastside 200 block of Walnut
Pete Meyer
March 1980

Photo 40



Yankton Historic Commercial District

Yankton, Yankton County

SOUTH DAKOTA

Northeast side of 200 block of Walnut

Pete Meyer

March 1980

Photo 41



Yankton Historic Commercial District

Yankton, South Dakota

West 300 block of Cedar

Carolyn Torma

Historical Preservation Center

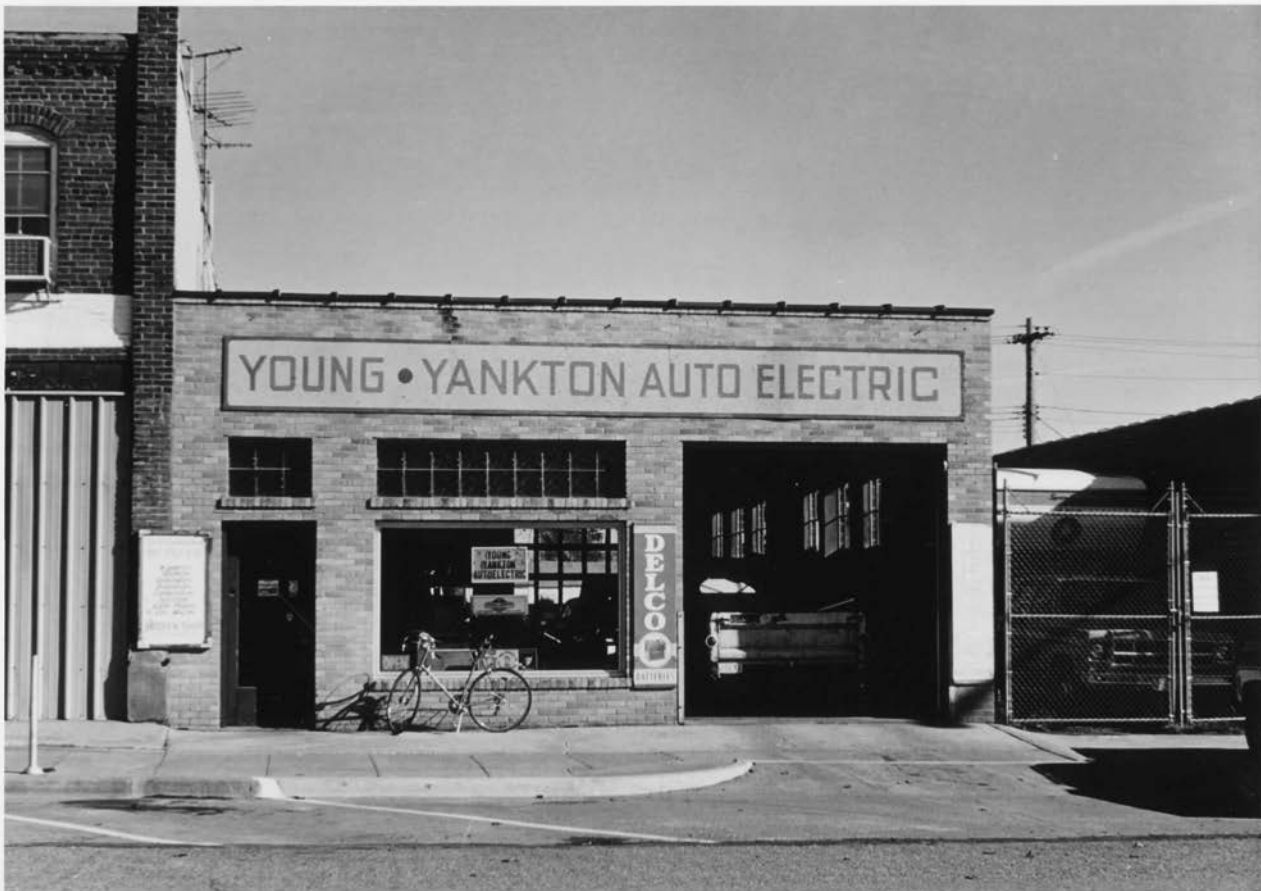
1980

Photo # 42

YOUNG • YANKTON AUTO ELECTRIC

YOUNG
YANKTON
AUTOELECTRIC

DELCO
CORPORATION



Yankton Historic Commercial District
Yankton, South Dakota
East 200 block of Capitol
Carolyn Torma
Historical Preservation Center
1980
Photo # 43



Yankton Historic Commercial District
Yankton, South Dakota
East 200 block of Capitol
Carolyn Torma
Historical Preservation Center
1980
Photo # 44



Yankton Historic Commercial District
Yankton, South Dakota
East 200 block of Capitol
Carolyn Torma
Historical Preservation Center
1980
Photo # 45



Yankton Historic Commercial District
Yankton, South Dakota
200 block of west Capitol
Carolyn Torma
Historical Preservation Center
1980
Photo # 46

ALLEN-LUDWIG

HUMPHREY LAW OFFICE

YANKTON TITLE COMPANY

SAFECO

Fire & Marine

Serving Yankton County

R. C. STEWART

YANKTON
TITLE
COMPANY

YANKTON
TITLE
COMPANY

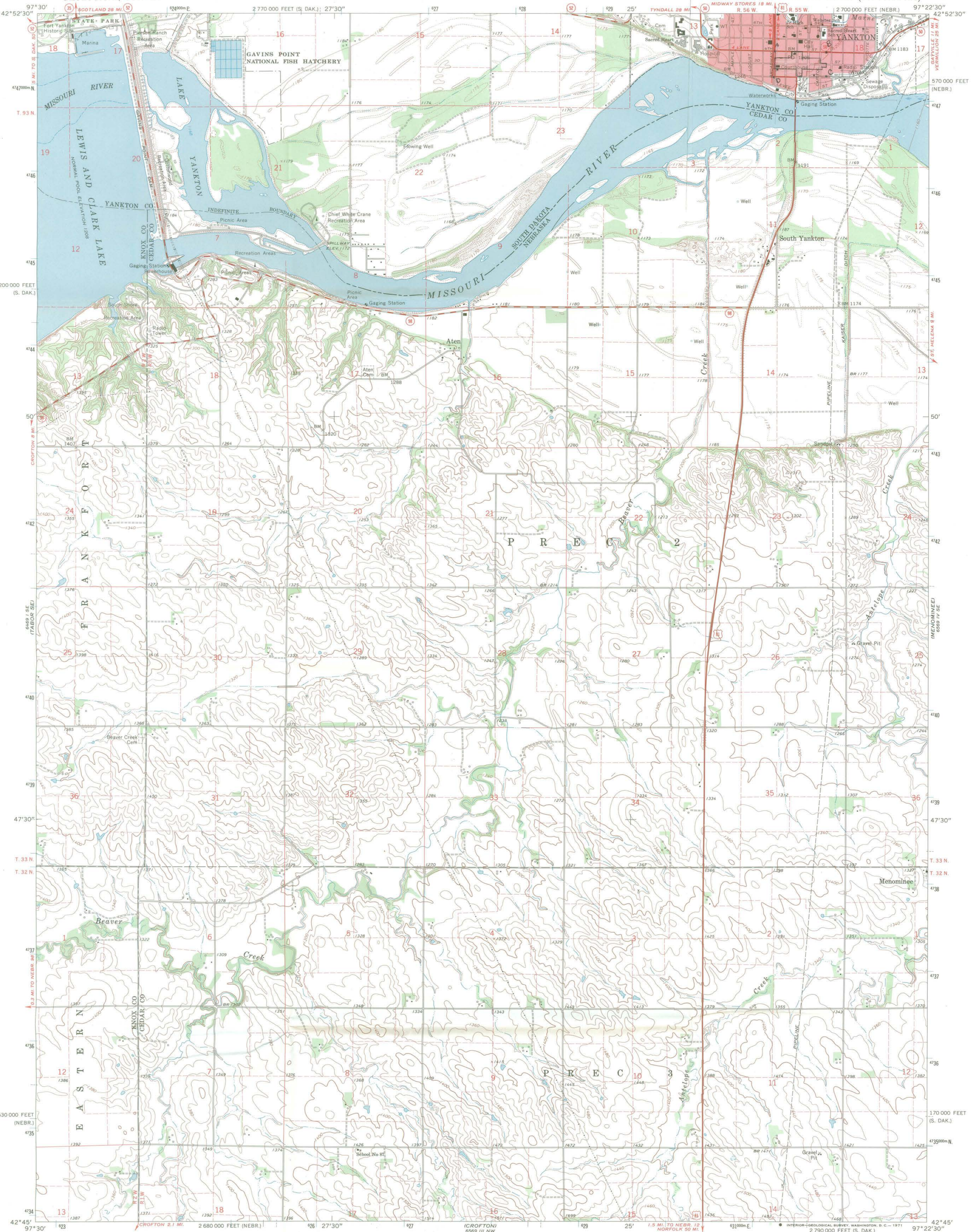
Yankton Historic Commercial District
Yankton, South Dakota
East 300 block of Broadway
Carolyn Torma
Historical Preservation Center
1980
Photo # 47

Missing Core Documentation

Property Name	County, State	Reference Number
Yankton Historic Commercial District	Yankton, SD	82003950

The following Core Documentation is missing from this entry:

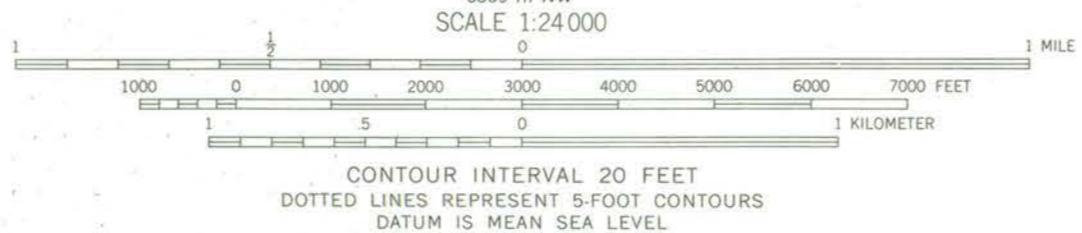
- Nomination Form
- Photographs (missing #2)
- USGS Map



Mapped, edited, and published by the Geological Survey as part of the Department of the Interior program for the development of the Missouri River Basin Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1966 and planetable surveys 1968
Polyconic projection. 1927 North American datum 10,000-foot grids based on Nebraska coordinate system, north zone and South Dakota coordinate system, south zone 1000-meter Universal Transverse Mercator grid ticks, zone 14; shown in blue

Red tint indicates area in which only landmark buildings are shown
Fine red dashed lines indicate selected fence and field lines where generally visible on aerial photographs. This information is un-checked



ROAD CLASSIFICATION

Primary highway, all weather, hard surface	Light-duty road, all weather, improved surface
Secondary highway, all weather, hard surface	Unimproved road, fair or dry weather
U.S. Route	State Route



GAVINS POINT DAM, NEBR.—S. DAK.
N4245—W9722.5/7.5

1968

AMS 6569 IV SW—SERIES V873

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

Yankton Historic Commercial District
UTMS A) 14/630980/4747540
B) 14/631570/4747530
C) 14/631570/4747260
D) 14/630980/4747240

Yankton HCD



PROJECT	
DATE	
REVISED	

DUFFY MANNES & BRYGGER
 ENGINEERS
 ARCHITECTS
 507 7TH ST. SUITE 500
 SIOUX FALLS, SD 57104
 PHONE: 712 255-3531

PLANNERS
 141 S. WEST 3RD ST.
 YANKTON, S.D. 57208
 PHONE: 605 665-7547

**HISTORIC COMMERCIAL DISTRICT
 YANKTON, SOUTH DAKOTA**



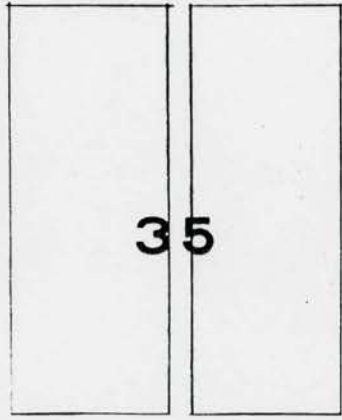
- LEGEND**
- ◆ LANDMARK
 - ⊠ CONTRIBUTING
 - ▨ FABRIC
 - INTRUSION

scale: 1"=100'

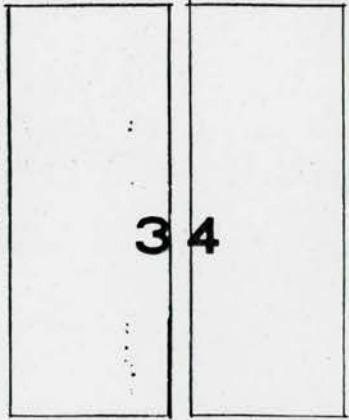
WITHERSPOON'S

TODD'S

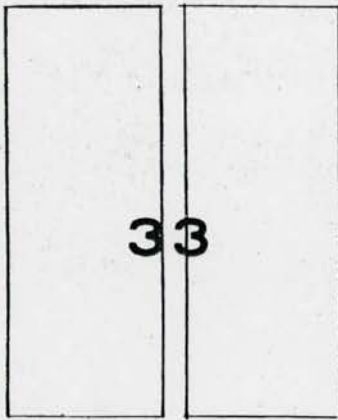
LOWER YANKTON



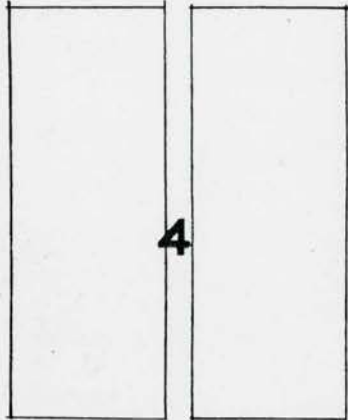
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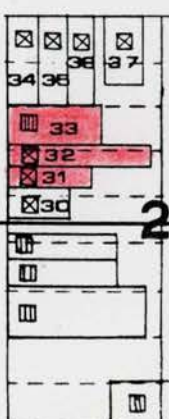
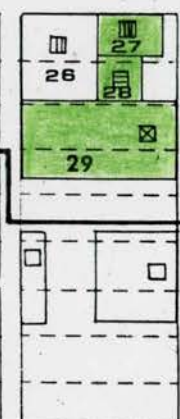
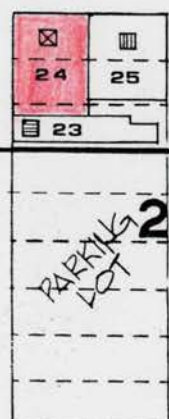
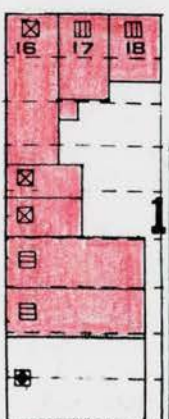
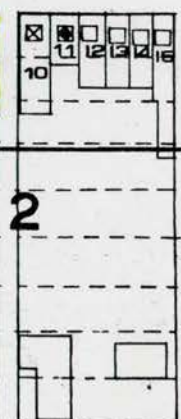
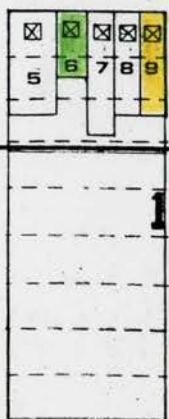
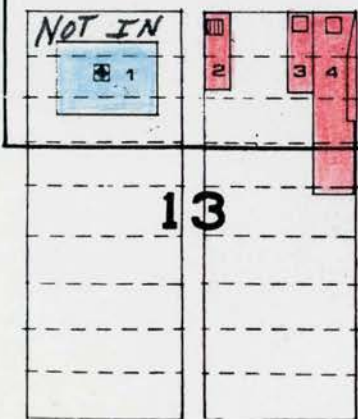
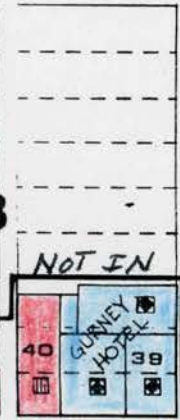
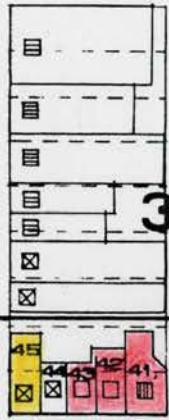
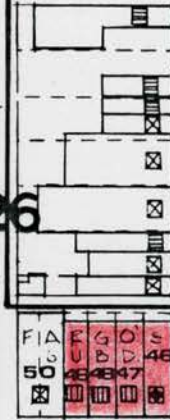
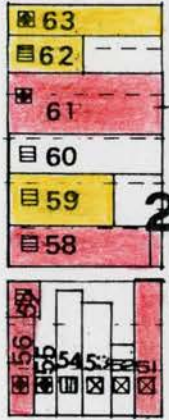
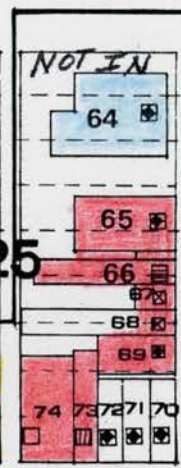
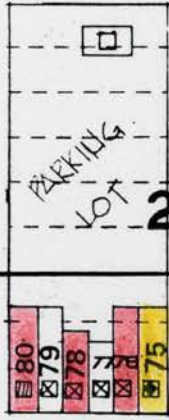
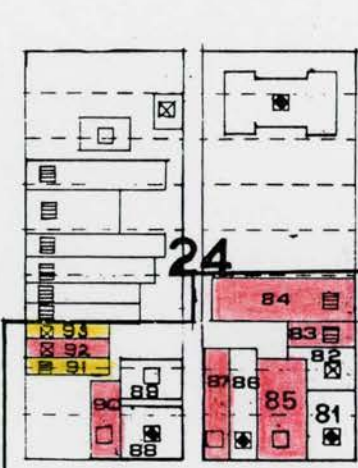
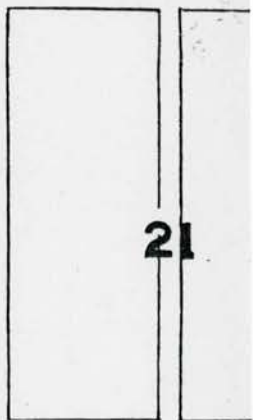
WALNUT



DOUGLAS



CAPITAL



National Register of Historic Places

Note to the record

82003950 – Yankton Historic Commercial District

Additional Documentation for this property is included in the

Yankton Historic Commercial District (Boundary Decrease)

ref# 100002635

National Register of Historic Places
Memo to File

Correspondence

The Correspondence consists of communications from (and possibly to) the nominating authority, notes from the staff of the National Register of Historic Places, and/or other material the National Register of Historic Places received associated with the property.

Correspondence may also include information from other sources, drafts of the nomination, letters of support or objection, memorandums, and ephemera which document the efforts to recognize the property.

NATIONAL REGISTER OF HISTORIC PLACES

United States Department of the Interior
National Park Service

Substantive Review

EVALUATION / RETURN SHEET

82003950

Property: Yankton Historic Commercial District
State, County: SD, Yankton
Federal Agency: _____

Working No. 5/11/82-1390
Fed. Reg. Date: FEB 1 1983
Date Due: 6/13/82 / 6-25-82
Action: ACCEPT 6/23/82
 RETURN
 REJECT

- resubmission
- nomination by person or local government
- owner objection
- appeal

photos
maps

Substantive Review: sample request appeal NR decision

Reviewer's comments:

Excellent nomination for the commercial area of Yankton - a well preserved collection of buildings dating from the 1870s to 1920s with significance in areas of architecture, commerce, politics and government.

Recom. / Criteria A, C
Reviewer Branham
Discipline A.H.
Date 6.2.82
 see continuation sheet

Nomination returned for: technical corrections cited below
 substantive reasons discussed below

1. Name

2. Location

3. Classification

Category	Ownership	Status	Present Use
	Public Acquisition	Accessible	

4. Owner of Property

5. Location of Legal Description

6. Representation in Existing Surveys

has this property been determined eligible? yes no

7. Description

- | | | |
|------------------------------------|------------------------------------|---|
| Condition | Check one | Check one |
| <input type="checkbox"/> excellent | <input type="checkbox"/> unaltered | <input type="checkbox"/> original site |
| <input type="checkbox"/> good | <input type="checkbox"/> altered | <input type="checkbox"/> moved date _____ |
| <input type="checkbox"/> fair | <input type="checkbox"/> unexposed | |

Describe the present and original (if known) physical appearance:

- summary paragraph
- completeness - *good*
- clarity
- alterations/integrity
- dates
- boundary selection - *Extensive discussion - good justification*

FOR NPS USE ONLY

8. Significance

Period _____ Areas of Significance—Check and justify below

Specific dates _____ Builder/Architect _____

Statement of Significance (in one paragraph)

- summary paragraph *yes*
- completeness
- clarity
- applicable criteria
- justification of areas checked
- relating significance to the resource
- context *yes*
- relationship of integrity to significance
- justification of exception
- other

Prootal structures all individually described - each has significance statement.

9. Major Bibliographical References

10. Geographical Data

Acres of nominated property _____

Quadrangle name _____

UNIT References _____

Verbal boundary description and justification _____

11. Form Prepared By

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

national state local

State Historic Preservation Officer signature _____

Site _____ date _____

13. Other

- Maps
- Photographs
- Other

— Good map - all buildings identified + labelled according to status (landmark, contributing, etc.)

Questions concerning this nomination may be directed to _____

Signed _____ Date _____ Phone: 202 272 - 35

Comments for any item may be continued on an attached sheet

TELEPHONE MEMO

FROM: Carolyn Torma *cmt*
TO: National Register, Beth Grovenor (Bill Brabham was out)
SUBJECT: Yankton Commercial District Nomination
DATE: 3 April 80

I explained that the City of Yankton does not have a property line map. Instead there are plat maps and legal descriptions of the buildings, therefore the nomination will include the plat map with the nominated sites located on the map as ascertained from the legal description (in other words, the buildings do not conform to the lot numbers and shapes).

Beth Grovenor indicated that if there is a scale indicated on the plat map, this would be acceptable. In the nomination under VBD, it should read "see delineation on enclosed plat map. Scale 1" = X'."

I also asked about the overall nomination. I said a list of all sites would be included and that they would be sorted by the categories of Landmark, Contributing, Fabric, Intrusion. An inventory sheet and photograph of each landmark building would be included. All others would be listed under their category with the address, owner's name and owner's address. Finally, a photograph of each block (a blockface) would be included for each block within the district. Beth Grovenor said this was perfectly acceptable.



December 7th 1981

Mr. Tom Steinbach
Director of Equalization
Yankton County Courthouse
3rd and Broadway
Yankton, SD 57078

Dear Tom:

Please find enclosed a list of owners for the downtown district.
If you could correct the list to include changes in ownership,
I would be most appreciative.

Thank you for your help.

Sincerely,

Carolyn Torma
Historical Survey Coordinator

CT/jc

Enclosure(s)



Yankton Daily Press & Dakotan

Published by Yankton Printing Company a Subsidiary of Stauffer Communications, Inc.

South Dakota's First Daily Newspaper

Established 1861

319 Walnut
Yankton, South Dakota
57078

Paul Putz, Director
Historical Preservation Center,
University of South Dakota
Vermillion, South Dakota



Dear Paul,

Enclosed are some of the questions that I advised that I would be sending relative to the Yankton Commercial Historic District.

I would appreciate your immediate attention and answer so that we might have them in the Press and Dakotan by the time the ballots are received by the property owners.

I appreciate your cooperation on the matter and hopefully a good presentation of all of the facts will be helpful to those who must make a decision on the issue.

Very sincerely,

Les Helgeland, Executive Editor

1 QUESTION: What procedure was involved and is involved in the submission of the nomination for the proposed Yankton Commercial Historic District?

2 QUESTION: Was there a request from a specific number of property owners in the proposed Yankton Commercial Historic District that their property be included in the district/or was the nomination based only on the recommendation of Historic Yankton, Inc., a group interested in historic preservation? If there were property owners in the proposed district who sought to be included, how many were there?

3 QUESTION: Is there a section of the regulations which deal with the establishment of a historic district which permits a property owner to request that his or her property be excluded from a proposed district before that proposal is ever put to a vote of the other property owners?

4 QUESTION: It has previously been answered that the proposed Yankton District would be approved if approved by a majority of the property owners. Does this mean that a majority of ALL of the property owners must approve the proposal or does it mean that only a majority of those property owners who return the vote within the 30-day period?

5 QUESTION: What if some property owners in the proposed district own more than one building, does he or she have a vote for each building?

6 QUESTION: If the property owners in the proposed district approve the district, what is the next step?

7 QUESTION: If the property owners in the proposed district disapprove the district proposal, does that end it, or can proponents continue to resubmit further nominations?

8 QUESTION: Is there any procedure by which a property owner can appeal approval or disapproval of the district or an appeal procedure by which he or she can seek to be excluded before a final determination is made?

9 QUESTION: Can a property owner who opposes inclusion in the proposed historic district appear before the S. D. Historical Preservation Board to appeal the vote and seek exclusion?

10 QUESTION: Can a property owner who opposes inclusion in the proposed historic district appear before the U. S. Department of Interior agency to request exclusion?

11 QUESTION: Who are the members of the South Dakota Cultural Preservation Board (names and addresses)? How often do they meet? If the Yankton Historic District were to be supported by the property owners, when would the state board take up the issue?

12 QUESTION: Who counts the ballots? Are they a public record so that any property owner or interested person can check them?

13

QUESTION: There are 98 buildings included in the proposed Commercial Historic District, 10 of them have been identified as //landmark// buildings (identified as buildings with important historical significance). The others fall in the lesser categories of //contributing, //fabric// and //intrusion// which means they lack the qualities of //landmark.// Does this mean that the owners of these 78 other buildings (although some of these owners are the same as the owners of landmark buildings) can in fact determine that the 20 //landmark// buildings shall be included in the historic district even though all may oppose such designation?

January 12, 1982

Mr. Les Helgeland
Executive Editor
Yankton Daily Press & Dakotan
319 Walnut
Yankton, SD 57078

Dear Les:

Please find enclosed answers to your questions regarding the
Yankton Historic Commercial District.

Sincerely,

Paul M. Putz
Director

CT:imb

Enclosure

1. There are three steps in the nomination process:
 - a. The preparation of the nomination is the first step. The Historical Preservation Center (the State Historic Preservation Office) accepts nominations from individuals seeking to place their own property on the National Register from interested parties who wish to have a local landmark or significant site placed on the Register (not necessarily owned by them) or from surveyors who are contracted to do field work and prepare nominations on the eligible properties within the surveyed area. The applicant prepares the first draft of the nomination and the Historical Preservation Center staff edits it into an acceptable format.
 - b. The nomination is then scheduled for review by the state review board, the Board of Cultural Preservation, and the owners and local officials are notified and given an opportunity to comment. If approved by the owner (or majority of owners in a district), the nomination is presented to the board at its review meeting. The public is invited to attend these meetings.
 - c. If approved by the board, the nomination is sent to the Keeper of the National Register in the Department of the Interior for final review by her staff. If the nomination meets the criteria in the Keeper's judgement, if the form is technically accurate and complete, and if the rules and regulations have been followed by the SHPO (Historical Preservation Center), the Keeper publishes the intent to nominate in the Federal Register and again the public is given an opportunity to comment. After the regulation time period is over, the site is approved for listing on the National Register of Historic Places.
2. The nomination was prepared as part of a historical downtown theme first outlined by the Yankton Chamber of Commerce in 1979. A subcommittee of the Chamber evolved into Historic Yankton, Incorporated, a non-profit entity which could be identified with that theme. The idea for the nomination and the preparation of the nomination involved downtown property owners and businessmen from the beginning, both directly and through groups representing them; namely the Yankton Chamber of Commerce, the Central Business District Committee, and the local downtown development association. Given this history of support, the State must assume that not only a majority of individual property owners are favorable to the nomination, but that the community of Yankton as a whole seeks recognition of the district.
3. No, the law and regulations concern themselves with the nomination process outlined in question one.
4. The 30-75 day comment period affords owners and local officials the opportunity to register their comments, disapproval or approval. It is the owner's obligation to make the comment. Only those waivers or notarized statements of disapproval received by the Historical Preservation Center will be considered in making the decision whether or not to proceed with the nomination process.

5. The regulations state "Each owner of private property in a district has one vote regardless of how many properties or what part of one property that party owns and regardless of whether the property contributes to the significance of the district."
6. Normally, if the owners approve the nomination it goes before the state review board and, if approved, the Keeper of the National Register of Historic Preservation. In the case of the Yankton Historic Commercial District, the nomination was passed by the state review board (on November 22, 1980) prior to the signing of the Amendment to the National Historic Preservation Act. Therefore, after the comment period is over and providing a majority of the owners approve, the nomination will be submitted to the Keeper for final review.
7. If a majority of the owners of the Yankton Historic Commercial District do not approve, the nomination is submitted to the Keeper of the National Register for a determination of eligibility. Conceivably, the nomination could be resubmitted at a later date, if a majority of the owners approved.
8. The owners and local officials have two opportunities to comment. One, right now, prior to the submission of the nomination to the Keeper, and once the Keeper has received the nomination.
9. Yes, this opportunity was provided owners, officials, and other interested persons on November 22, 1980, when the state review board met to consider this nomination. Notification of this meeting was given to all owners and local officials.
10. Yes, this is covered under question eight.
11. The board members are:

Dr. Joe Cash, Dean
 Department of Arts and Sciences
 University of South Dakota
 Vermillion, SD 57069

Dr. Tom Kilian, President
 North Central University Center
 1600 South Minnesota
 Sioux Falls, SD 57105

Mrs. Jessie Sundstrom
 Custer County Chronicle
 347 North Fifth
 Custer, SD 57730

Dr. Sever L. Eubank, Chairman
 Department of Social Science
 Black Hills State College
 Spearfish, SD 57783

Mr. Sylvan C. Brown
 P. O. Box 498
 New Dawn Funeral Chapel
 Mitchell, SD 57555

Dr. James L. Satterlee, Head
 Rural Sociology Department
 South Dakota State University
 Brookings, SD 57006

Mr. Harlan Foreman
 810 North Roosevelt
 Madison, SD 57042

Mr. William S. Lamont
 306½ South Main Street
 Box 18
 Aberdeen, SD 57401

Mr. Tom Tobin
 Tobin Law Office
 422 Main
 Winner, SD 57580

Dr. Darrell Fulmer
 Mitchell Prehistoric Indian
 Village Preservation Society
 Mitchell, SD 57301

11. The state review board, a function of the Board of Cultural Preservation, meets 3-4 times yearly. The board reviewed the nomination and approved it on November 22, 1980. This judgement, according to the new regulation is sufficient and the nomination will not have to be resubmitted to the board.
12. The Historical Preservation Center, the State Historic Preservation Office receives the comments, waivers, and notarized statements of disapproval the staff counts them. We are a public agency and our records are open to the public. All comments, waivers, and notarized statements including this letter of yours with these questions, are submitted as part of the nomination to the Keeper of the National Register.
13. "A district is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development." It is the area as a whole which is a district and all but the intrusions lend to its character. Therefore, the "body count" of structures is not really the point of this type of nomination. The majority of the owners determines the fate of the nomination, independent of what category of building the owner possesses. In short, the answer to your question is yes.

January 15, 1982

Mr. Les Helgeland
Executive Editor
Yankton Daily Press & Dakotan
319 Walnut
Yankton, SD 57078

Dear Les;=

Enclosed please find the regulations you requested yesterday. I have asked Roger Willcut to send copies of the news articles concerning public information meetings to you. On your question regarding information to the public, I think you will find there have been meetings held and letters sent in excess of the requirements.

Again, thanks for your questions, Les.

Sincerely yours,

Paul M. Putz
Director

PMP:imb

Enclosure



Yankton Daily Press & Dakotan 2

Published by Yankton Printing Company a Subsidiary of Stauffer Communications, Inc.

South Dakota's First Daily Newspaper

Established 1861

January 15, 1982

Dennis C. Kaster
Publisher
(605) 665-7811

319 Walnut
Yankton, South Dakota
57078

Dear Property Owner:

By now you have probably read the letter from Dr. Junius R. Fishburne of the Historical Preservation Center asking you to waive property rights on your holdings in downtown Yankton. In my opinion, that would not be the most ideal position to place yourself or your investment.

Currently there are several modes of financing that are available and more are being discussed in Congress that could apply to your holdings. These modes would be of greater benefit and not lock your property into a FOREVER program such as the historical district would.

These modes of financing alone make a vote against highly desirable, but there is more to consider.

1. Do you want to go through the same hassle as the Yankton Post Office has gone through with the new or old windows? You can ask Yankton Postmaster Jim Cowles about the problems he has had to address by being located in a building that is listed on the Historic National Register.
2. How will this carte blanche waiver of property rights affect the resale value of commercial property? The use of the property is locked into a specific use.
3. How will it affect your financing? The district will place an encumbrance on your property.
4. Will your rights as a property owner be recognized in the same way as it was by the "Russian" ballot sent by the Historic Preservation Center which makes non-action an affirmative vote?

If you have any questions concerning the effects of the new district on your property, it is paramount that you fill in the enclosed ballot that you oppose the district.

The Press and Dakotan has a notary public at your disposal at no charge.

Received in Congressional
Liaison Division

JAN 29 1982

Remember, you MUST send the ballot in opposing the district by February 17, 1982 or the bureaucrats will consider that you are in favor of the district.

I hope you feel the same as I do, that the vitality of downtown Yankton would be hampered by such a "FOREVER" designation. And, I again, urge you to send the ballot complete with the addresses affected to the Preservation Center in Vermillion prior to February 17, 1982.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dennis C. Kaster". The signature is written in dark ink and is positioned above the typed name.

Dennis C. Kaster
Publisher
Yankton Press and Dakotan

Encls.



Tom!
Courtesy Copy
[Signature]

January 20, 1982

Mr. Tom Steinbach
407 Pine
Yankton, South Dakota 57078

Dear Tom:

Recently you received a letter from the Yankton Daily Press & Dakotan pertaining to your property and the nomination of a Historic Commercial District in Yankton, South Dakota. Certain portions of that letter are incorrect and we feel that you have a right to be informed as to the facts of the issue.

The P&D letter infers that legal restrictions and restraints would occur if your property were included in a historical district.

That is an incorrect statement. Legal restraints would occur only in the event of a project on or to a property which involved the spending of federal dollars. If such a project were to occur (such as the recent parking lot projects in Yankton) then a review is required by the federal agency making that money available to determine the impact of that project to that property. This review was completed by the Department of Transportation and the State Historical Preservation Officer and today we have several new parking lots in Yankton.

The P&D letter goes on to say:

1. The "hassle" over the Post Office windows was the result of being listed on the "Historic National Register".

The Yankton Post Office is not, nor never has been, listed on the National Register of Historic Places. The Post Office's problem was the result of the Post Office failing to comply with federal legislation enacted in 1966 which requires certain action by any federal entity that is spending federal dollars on capital improvements.

2. They ask: "How will this carte blanche waiver of property rights affect the resale value of commercial property? The use of the property is locked into a specific use."

Both statements are incorrect. First, no property rights are waived. The owner of property included in a historic district retains all of the property rights he possessed prior to inclusion into the district. Secondly, the property is not locked into a specific use. An excellent example of this exists at 507 and 509 ~~Pine~~ Street. This area is located in Yankton's Historic Residential District which has been in the National Register since 1972. Two homes were removed from these sites and today you will find a new and modern multiple family dwelling on this site. Other examples include the conversion of the Carnegie Library into a restaurant, a law office building into a chiropractors office, and soon we will see the Charles Gurney Hotel being used as apartments.

Douglas

3. Mr. Kaster then asks, "How will it affect your financing? The district will place an encumbrance on your property."

Again, an incorrect statement. No encumbrances are placed on the property as a result of the districting process and inclusion in the National Register of Historic Places. And as to financing: restoration of historic structures is one of the very significant aspects of the new 1981 tax laws. The new tax credit incentives make it possible for construction and rehabilitation projects to occur in cases where previously it would have been impossible from an economic point of view. The only time an encumbrance could be placed on property is if the owner agrees in writing to the encumbrance. This might occur where an owner applies for and receives a federal grant.

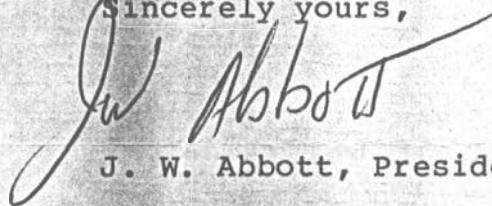
4. As to the referral to a "Russian ballot". There is no evidence to suggest that the State Historic Preservation Office has failed to follow both the letter and intent of the Federal and State laws and regulations. The nomination process was left simple to facilitate the application and to reduce the "red tape". It is designed this way since the effect of nomination is purposely made minimal to the property owners.

If you have questions concerning the effect of the district contact your accountant, your lawyer, the State Historic Preservation Office in Vermillion or Pierre, or a member of Historic Yankton, Inc. If you object to the nomination send in your objection. The P&D will assist you in filing your objection or you may contact our Executive Director, Roger Willcut, at 665-8810 and he will assist you in filing your objection. If you agree with the nomination and feel it would benefit you or Yankton you may send in a letter so stating or you may simply fail to respond, in which case your vote will be considered a "YES" vote.

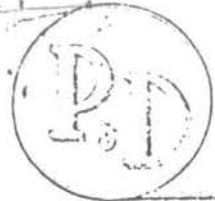
Many of us have worked hard to make the district a reality because we feel that a successful downtown benefits the community as well as the property owner. If the district is implemented many property owners will be able to take advantage of the tax incentives and grants available to historic properties which are not available to non-district properties.

Your support of the nomination of the Yankton Commercial Historic District will be appreciated.

Sincerely yours,

A handwritten signature in cursive script that reads "J. W. Abbott". The signature is written in dark ink and is positioned above the typed name.

J. W. Abbott, President



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57078

Dennis C. Kaster
Publisher
(605) 655-7811

January 21, 1982

34576

The Honorable William Janklow
Governor of South Dakota
Capitol Building
Pierre, South Dakota 57501

Dear Governor Janklow:

Property rights are apparently being violated in Yankton, South Dakota, and very well could be throughout the nation through the auspices of historic preservation.

A small group of Yankton citizens (not necessarily owners) from Historic Yankton, Inc., filed an historic district nomination in 1980 which included the core of Yankton's downtown commercial district. This was done without approval of the property owners. Thankfully, Congress saw that the rights of property owners were being violated in many areas of the country and changed the law in late 1980 to prevent incorporation of an historic district without 51 percent of the owners agreeing. This put a hold on all nominations including the Yankton nomination.

On January 8, 1982 the Historic Preservation Center in Vermillion, South Dakota, sent the enclosed letter (enclosure 1). The letter which was not certified nor registered with return receipt requested, said downtown Yankton was again being considered as an historic district. If a property owner agreed to go into the district no reply was necessary. If a property owner objected to the district, a written objection complete with notary was needed by February 17, 1982. In other words, a "Russian" ballot is being used under the auspices of the National Park Services, Department of the Interior.

Not only is the ballot presented one-sided in favor of the proposed historic district, but the method of deciding who can vote is also an injustice. According to the Historic Preservation Center, an owner has only one vote no matter how much property that owner has in the proposed district. In Yankton there are parties that own at least eight buildings each, but they have no more input than a person owning a hastily built tin shed within the district.

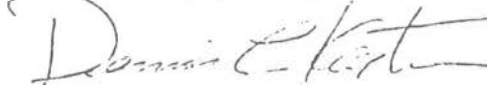
In my opinion, these two examples violate the rights of property owners throughout the United States who are faced with a group who wants to form an historic district.



Page TWO
historic preservation, if accomplished in this fashion, puts added pressure on the budget of the United States in an area that there is no clear demand for help by the property owners. This loophole could be tightened immensely just by a change in the voting procedure.

Would you please see what you can do to put a halt to all historic district nominations until this voting procedure is corrected? A suggested procedure is to change the law or the interpretation of the law to require at least 51 percent of the property owners to approve in notarized writing that they would like to be in an historic district.

Very truly yours,



Dennis C. Kaster

- Enclosure: 1) Mailing to property owners from Historic Preservation Center
2) Mailing to property owners from the Press and Dakotan
3) Newspaper clippings concerning the proposed historic district

Hatch Furniture of Yankton

109 East 3rd Street
YANKTON, SD 57078

Memo

LETTER

(605) 665-4416

Date

1-22-82

Subject

To

Dr. James R. Fishburne
214 East Clark
University of S. Dak
Vermillion, S. Dak 57069



Dear Sir:

Please list the property of Hatch Furniture, owner DeLores Hatch, address 103 East 3rd Street, Yankton, S. D. on the National Register of Historic Places.

Please reply

No reply necessary


SIGNED

Sincerely
DeLores Hatch

HISTORICAL
PRESERVATION
CENTER

University of South Dakota
Vermillion, S.D. 57069
Phone (605) 677 5314



DATE: January 25, 1982
TO: Junius R. Fishburne
FROM: Paul M. Putz 
RE: Yankton Commercial Historic District

Enclosed please find the information on the Tax Reform Act you requested. Also find a copy of the Yankton Press and Dakotan editorial condemning you and me as bureaucrats. It should be pointed out that the Yankton P&D owns a building in the historic district and does not want to incorporate it into a new building program they are proposing. They have conducted a shameful misinformation campaign in Yankton which has convinced many property owners to object to the nomination.

Because I have to believe that the current questions raised are in response to the P&D's campaign against the district, I would like the following points made:

1. It is not the intent of the Historical Preservation Center to cram historic districts down the throats of South Dakota's communities. Yankton as a community, represented by the local Chamber, their city government, and the downtown businessmen's associations, came to us for assistance in revitalizing the downtown commercial area of town. We responded to their request and have had absolutely no indication that in the time we have been involved with the Yankton project that it was not a community-backed project. Frankly, it matters little to me whether or not Yankton has a commercial district. If they want one and will work to make it economically successful, fine. If not, fine.
2. We have gone beyond our minimum requirements to notify and inform people of the consequences of registration. I have addressed three audiences of Yanktonians with Historic Yankton since January 1 and have sent considerable information to the newspaper—they published it.

Kline's
FOX JEWELRY COMPANY

218 WEST THIRD STREET
YANKTON, SOUTH DAKOTA 57078

TELEPHONE 605-665-3225



Jan. 26, 1982

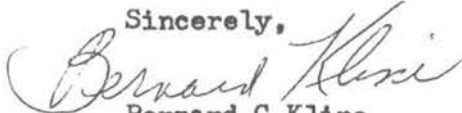
Dr. Fishburne
216 Clark St.
Vermillion, SD 57069

Dear Sir:

Several questions have come up concerning the historic district here in Yankton. Would you please answer the following questions and return them to me as quickly as possible?

1. Will being in the Yankton historic commercial district automatically put me under the council supervision for any alterations that I may want to make on my structure?
2. Being in the district and if my building qualifys for historic structure do I need council approval to apply for a grant or to have a tax advantage?
3. Being in the district and my building qualifys for a historic structure and I want to remodel on my own without any help from a grant or tax breaks do I still need council approval?
4. Being in the district and qualifing as a historic structure and I apply and get a grant and a tax break to restore my building to its original shape and two years later I sell my property and the new owner wants to remodel to a modern building how long will it be before he can do this?
5. Being in the district and whether my structure qualifys for historic structure or does not qualify the historic council has no holdings to the property unless applications have been made for benefits. Is this true?
6. If my structure qualifys for the National Registry and I do not want it listed because it ties my property up can I cancel this out at any time?

Thank you for your time and for answering the above questions.

Sincerely,

Bernard C Kline

JAMES ABDNOR
SOUTH DAKOTA

COMMITTEES:
APPROPRIATIONS
ENVIRONMENT AND
PUBLIC WORKS
JOINT ECONOMIC

327 DIRKSEN SENATE OFFICE BUILDING
(202) 224-2321

United States Senate

WASHINGTON, D.C. 20510

VERNON C. LOEN
ADMINISTRATIVE ASSISTANT

February 1, 1982



Mr. Junius R. Fishburne
Director
Historical Preservation Center
University of South Dakota
Vermillion, South Dakota 57069

Dear Junius:

Please find enclosed a letter which I received from Mr. Dennis Kaster, Publisher of the Yankton Daily Press & Dakotan.

You will note that Mr. Kaster is most disturbed about the current activities surrounding the possible designation of Yankton's downtown commercial district as a historic site.

Mr. Kaster believes that the current method of requiring those opposing designation to have a notarized written objection is unfair and tends to discriminate against those who oppose such a designation.

I would appreciate receiving your views on this matter so that I might more fully respond to Mr. Kaster's concerns.

With best wishes,

Sincerely,

A handwritten signature in cursive script that reads "James Abdnor".

JAMES ABDNOR
United States Senator

JA/ddr

Enclosure



Yankton Daily Press & Dakotan

Published by Yankton Printing Company a Subsidiary of Stauffer Communications, Inc.

South Dakota's First Daily Newspaper

Established 1861

January 21, 1982

319 Walnut
Yankton, South Dakota
57078

Dennis C. Kaster
Publisher
(605) 665-7811

The Honorable James Abdnor
United States Senator
4241 Dirksen Building
Washington, D.C. 20510

Dear Senator Abdnor:

Property rights are apparently being violated in Yankton, South Dakota, and very well could be throughout the nation through the auspices of historic preservation.

A small group of Yankton citizens (not necessarily owners) from Historic Yankton, Inc., filed an historic district nomination in 1980 which included the core of Yankton's downtown commercial district. This was done without approval of the property owners. Thankfully, Congress saw that the rights of property owners were being violated in many areas of the country and changed the law in late 1980 to prevent incorporation of an historic district without 51 percent of the owners agreeing. This put a hold on all nominations including the Yankton nomination.

On January 8, 1982 the Historic Preservation Center in Vermillion, South Dakota, sent the enclosed letter (enclosure 1). The letter which was not certified nor registered with return receipt requested, said downtown Yankton was again being considered as an historic district. If a property owner agreed to go into the district no reply was necessary. If a property owner objected to the district, a written objection complete with notary was needed by February 17, 1982. In other words, a "Russian" ballot is being used under the auspices of the National Park Services, Department of the Interior.

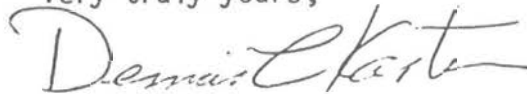
Not only is the ballot presented one-sided in favor the proposed historic district, but the method of deciding who can vote is also an injustice. According to the Historic Preservation Center, an owner has only one vote no matter how much property that owner has in the proposed district. In Yankton there are parties that own at least eight buildings each, but they have no more input than a person owning a hastily built tin shed within the district.

In my opinion, these two examples definately violate the rights of property owners throughout the United States who are faced with a group who wants to form an historic district.

Historic preservation, if accomplished in this fashion, puts added pressure on the budget of the United States in an area that there is no clear demand for help by the property owners. This loophole could be tightened immensely just by a change in the voting procedure.

Would you please see what you can do to put a halt to all historic district nominations until this voting procedure is corrected? A suggested procedure is to change the law or the interpretation of the law to require at least 51 percent of the property owners to approve in notorized writing that they would like to be in an historic district.

Very truly yours,



Dennis C. Kaster

- Enclosure: 1) Mailing to property owners from Historic Preservation Center
2) Mailing to property owners from the Press and Dakotan
3) Newspaper clippings concerning the proposed historic district

February 2, 1982

Mr. Bernard C. Kline
Kline's Fox Jewelry Company
218 West Third Street
Yankton, South Dakota 57078

Dear Mr. Kline:

Thank you for your letter of January 26, 1982, regarding the Yankton Commercial Historic District nomination to the National Register of Historic Places. The answers to your questions are:

1. Will being in the Yankton historic commercial district automatically put me under the council supervision for any alterations that I may want to make on my structure?

No. There is no provision for any government agency or local institution to officially review or otherwise restrict your rights to alter your property in any way you wish. However, if you destroy a National Register listed property, you cannot deduct the cost of demolition as a business expense.

I assume your mention of "the council" refers to the President's Advisory Council on Historic Preservation. This body reviews the impact of Federally funded projects on historic properties. It also has the power to comment on the actions of Federal agencies which may affect historic sites owned by the Federal government. The President's Advisory Council cannot and does not interfere with the activities of private citizens undertaking non-federally funded projects.

2. Being in the district and if my building qualifies for historic structure, do I need council approval to apply for a grant or to have a tax advantage?

No. You, if you were an owner of a Register building, would apply for grant assistance or tax benefits on your own. You would apply for these to the National Park Service through the state Historical Preservation Center in Vermillion. Sometime in the future, these grant and tax programs may be administered by the State or even the locality under the new Federalism proposed by the current administration.

3. Being in the district and my building qualifies for a historic structure and I want to remodel on my own without any help from a grant or tax break, do I still need council approval?

No. (Refer to Answer 1.)

4. Being in the district and qualifying as a historic structure and I apply and get a grant and a tax break to restore my building to its original shape and two years later I sell my property and the new owner wants to remodel to a modern building how long will it be before he can do this?

The answer to your question depends on the type of benefit you receive from the State or Federal government:

- a. If you have substantially rehabed your building and have taken a Federal 25% Investment Tax Credit, you may sell your building whenever you want. There is a recovery schedule of 20% per year, so if you take all of your tax credit the first year and sell the building the second year, you would repay the IRS 60% of the credit you have taken. If you planned to sell the building, the ~~option~~ would be to take 20% of the Investment Tax Credit each year to avoid repayment.
- b. If you rehabilitate your building and take advantage of the State historic preservation five year tax increase moratorium, you must sign a covenant protecting the building's historic character for those five years. This covenant would transfer to a new owner for the remainder of those five years.
- c. If you applied for, received, and spent a historic preservation grant, you would also be required to attach a covenant to your property's deed for a certain period of time depending on the amount of the grant. The schedule is as follows:

<u>For a Grant of</u>	<u>The Requirements are</u>
zero -10,000	No covenant required. The owner signs a 5 year agreement with the State protecting the appearance of the building. The agreement <u>does not</u> apply to new owners.
\$10,001-45,000	A 5 year covenant
\$25,001-50,000	A 10 year covenant
\$50,001-100,000	A 15 year covenant
over \$100,000	A 20 year covenant

The covenants (not the agreement) would transfer with the deed and subsequent owners would be responsible for keeping the historic appearance of the building intact.

Mr. Kline
Page 3
February 2, 1982

5. Being in the district and whether my structure qualifies for historic structure or does not qualify the historic council has no holdings to the property unless applications have been made for benefits. Is this true?

Your statement is true. At no time does a property owner in a historic district give up control of property unless he/she elects to encumber a deed with a covenant in return for benefits received as described above.

6. If my structure qualifies for the National Register and I do not want it listed because it ties my property up, can I cancel this out at any time?

No. Once listed, properties cannot be removed from the National Register unless they are substantially damaged by natural means. This does not apply to buildings listed in the nomination as "fabric," or "intrusion," on the district map. Owners of these structures are generally not eligible for historic preservation benefits and can decertify their buildings by contacting the Keeper of the National Register and asking to be considered a non-contributing entity within a district. Decertification will be granted and demolition expenses for the building can be deducted by the owner. In some instances, the owner of a "fabric" or "intrusion" building may elect to remain designated "historic" and restore the building using historic preservation benefits. Owners ~~modernized~~ older buildings would have this option.

I am intrigued by your reference to a "council" or "historic council" and it appears as though considerable misinformation is circulating in Yankton regarding the consequences of Register listing. There is no "council" which takes away property rights, enforces construction standards, or otherwise forces property owners to undertake a particular action. The National Register district was first proposed as a means of recognizing and assisting the commercial revitalization of downtown Yankton—not as a means of controlling property. Registration only offers a set of options favoring historical theme development. It is up to the downtown community as a whole to adapt that set of options and it is up to individual owners to take advantage of them. As long as you use your own resources or other private resources, nobody can tell you what to do with a National Register site.

Thank you for your letter, Mr. Kline. Should you have further questions, please let me know. I believe many people in Yankton may have been told things about the National Register district that are incorrect. It would be very unfortunate if that is the case because their decisions regarding the nomination will be based on the wrong information. I should mention that the Historical Preservation Center's concern is that whatever decision is made by the property owners be based on the facts. We realize historic preservation may not fit every community's needs. The decision to employ

Mr. Kline
Page 4
February 2, 1982

preservation options must be made locally—otherwise preservation projects will fail for lack of support. I believe this fact should be obvious and should dispell any suggestions that our office or those supporting the nomination are trying to force its approval.

Again, your questions are most appreciated!

Sincerely,

Paul M. Putz
Director

PMP:imb

cc Roger Willcut

February 2, 1982

Mr. Roger Willcut
803 West 4th
Yankton, SD 57078

Dear Roger:

Enclosed is a copy of the letter to Fox Jewelry and several copies of the National Register and Tax Fact sheets.

Sincerely,

Paul M. Putz
Director

imb

Enclosures

DATE: February 2, 1982
TO: Junius R. Fishburne, BHPO
FROM: Paul M. Putz, Director
RE: Yankton Historic Commercial District Nomination

As you know I will not be here on the 17th of February to review the Yankton nomination. Here are my suggestions regarding that issue. Should sufficient objections be received by the 17th to withdraw the nomination, I suggest we contact Historic Yankton, Inc. and let them know. Ask Historic Yankton how they would prefer the news to be announced. Our comments on a withdrawal should be straight forward. . .

The SHPO Junius R. Fishburne has determined that sufficient objections to the proposed National Register district in Yankton have been made by property owners in that district. Pursuant to National Park Service regulations, the nomination is withdrawn from consideration as a National Register property. That nomination shall not be reconsidered unless a majority of property owners in the Yankton historic district area indicate their support in continuing the nomination process.

The SHPO and the Director and Staff of the Historical Preservation Center in Vermillion wish to extend their appreciation to the City of Yankton, the Yankton Chamber of Commerce, the Yankton Downtown Development Corporation, and Historic Yankton, Inc. for their interest in and efforts for historic preservation.

Should less than a majority but more than 15% of the owners in the district object by the 17th of February, Historic Yankton should be contacted to determine their opinion regarding subsequent suspension, withdrawal, or submission of the nomination. The Mayor of Yankton, the Chamber of Commerce, and the Downtown Development organization should be subsequently contacted, through Historic Yankton if they prefer, to consider further actions regarding the nomination. If some consensus is reached as a result of these discussions which does not involve immediate submission of the nomination, the Board of Cultural Preservation should be so informed should it wish to comment or take some official action. That action may include tabling the nomination, considering submission of the document for a determination of eligibility, or even submission of the document.

Should it be the consensus that the nomination process be suspended, the announcement should include reference to the wish of the SHPO and the Historical Preservation Center, etc. to avoid the creation of a conflict in Yankton which in the long run will damage the credibility of historic

Junigs Rishburne
Page 2
February 2, 1982

preservation as a feasible cause of action and that the State does not wish to be a party to community disunity. Also, reference to the fact that property owners were denied the opportunity to make decisions based on factual information due to the circulation of considerably inaccurate written and oral communications by opponents of the district including the Yankton P & D should be made as one reason for suspension.

In every case the legal consequences of any course of action should be determined prior to its undertaking.

**HISTORICAL
PRESERVATION
CENTER**

University of South Dakota
Vermillion, S.D. 57069
Phone (605) 677 5314



February 5, 1982

Mr. James Abdnor
United States Senator
4427 Dirksen Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Abdnor:

It is with pleasure that I respond to Mr. Kaster's letter to you of January 1982, regarding the nomination of the Yankton downtown business district to the National Register of Historic Places. Mr. Kaster's letter contains considerable misinformation pertaining to the National Register, the process for placing property on the National Register, and local support of the historic district at Yankton.

First of all, property owners' rights are not being violated at Yankton as a result of the proposed nomination. Listing on the National Register removes no rights to property whatsoever. Owners of National Register properties are free to alter, transfer, or destroy their properties at any time. Mr. Kaster's statements to the contrary are not true.

The contention that a "small group of citizens" prepared and submitted the nomination of the district without the consent of owners is not true. Historic Yankton, Inc. is a non-profit corporation formed from the Yankton Chamber of Commerce's Downtown Beautification Committee. It has always been our belief, and we have seen no demonstration whatsoever to the contrary, that this group was acting with the approval of the City of Yankton—which funded the group's activities—the local Chamber of Commerce, and the downtown merchants association. All of these groups contain members who are also property owners in the district. Never at any time did this office receive notice formally or informally that the pursuit of National Register recognition for downtown was not a legitimate undertaking sanctioned by the community as a whole and the downtown in particular.

It should also be pointed out that it is the policy of the South Dakota Board of Cultural Preservation that property owners' wishes play a major part in the nomination process. Opponents to the district had every opportunity to express their concerns to the board when they reviewed the nomination in July of 1980. No opposition to the district was voiced to the board at that time. Similarly, when letters of comment were directly solicited property owners in the district in 1980, only four negative responses were received by the SHPO. The State had every indication to believe that the nomination was solidly supported by the owners.

Mr. Kaster chooses to interpret the means by which owners' objections are submitted to the SHPO and the Keeper of the National Register as being weigh-

Senator Abdnor
Page 2
February 5, 1982

in favor of those who approve of district nomination. The system was established to simplify the nomination process and to comply with the letter of the law which refers to withdrawal of a nomination from consideration of the "majority of owners object." It is apparent that in choosing to make this interpretation, Mr. Kaster perverts the rationale of that process. In order to prevent such undue criticism in the future, we have expressed our concerns regarding the present nomination procedures to the National Park Service.

It should be pointed out that the Yankton Press and Dakotan has disseminated considerable material and information of an inaccurate nature among the property owners in the district. Such information has been at variance with explanations regarding the advantages and disadvantages of the National Register submitted to property owners by supporters of the district and the state historical preservation program since efforts to recognize downtown Yankton first began in 1979. His letter of January 21 is a continuation of that campaign. The Yankton Press and Dakotan objects to the nomination on economic and ideological grounds and is encouraging owners to submit objections. As citizens, they have every right to make and encourage opposition to Register listing, but the state preservation program takes exception to the tactics employed in doing so.

It is the position of the state program that the National Register program works only where it is wanted in the private sector. For this reason, no action was taken to place downtown Yankton on the National Register until we were requested to do so by the community. The decision to list a property on the National Register in South Dakota is and has been considered an owner's prerogative. That decision, however, should be based on the facts.

Sincerely,

Junius R. Fishburne
State Historic Preservation Officer

PMP:imb

GOETZ, HIRSCH & KLIMISCH

ATTORNEYS AT LAW

311 WEST THIRD STREET
YANKTON, SOUTH DAKOTA 57078

605/665-9495



JAMES T. GOETZ
ROBERT W. HIRSCH
WILLIAM J. KLIMISCH

February 15, 1982

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

Enclosed find vote in behalf of the J.W. Trierweiler trust and the property owned by James T. Goetz, Robert W. Hirsch and William J. Klimisch.

Very sincerely,


James T. Goetz
FOR THE FIRM

JTG:jms

Enclosures



STATE OF SOUTH DAKOTA
EXECUTIVE OFFICE

WILLIAM J. JANKLOW
GOVERNOR

February 16, 1982



Dennis C. Kaster, Publisher
Yankton Press and Dakotan
315 Walnut
Yankton, South Dakota 57078



Dear Mr. Kaster:

Thank you for your letter and enclosures of January 21, 1982, in which you raise a series of objections to the manner in which the Yankton Commercial Historic District is being formed and to the method being used by the Historic Preservation Center to solicit comments concerning the district nomination by affected property owners. I have asked Dr. Harris J. Wollman, Secretary of Education and Cultural Affairs, to investigate this matter and this letter reflects the results of his findings.

In June of 1980, Historic Yankton, Inc., approached the Historic Preservation Center with a nomination request for the Yankton Commercial Historic District. The request was supported by the Yankton Chamber of Commerce and was sanctioned and funded by the City of Yankton through a grant of \$13,750 to secure the services of a restoration architect for the proposed district. If approved, Yankton would host its second historical district.

On June 19, 1980, a public meeting on this topic was held in Yankton. A subsequent public meeting was held, and, on two different occasions, the staff of the Historical Preservation Center discussed the proposed district with various civic groups in the city.

The nomination process became stalled in late 1980 when Congress amended the National Historic Preservation Act of 1966. The U.S. Department of Interior froze all pending nominations until new rules could be issued in compliance with the 1980 amendments to the Act. The rules were issued in the Federal Register on November 16, 1981.

Among the changes in the Act was the inclusion of a provision allowing individuals to opt out of a proposed district and when a majority of affected property owners object to being included in a proposed historical district the district will not be formed. The U.S. Department of Interior set out a required procedure for states receiving federal assistance to follow when nominating these districts. The federal regulations 36 CFR Part 60, § 60.6(g), states:

Upon notification, any owner or owners of a private property who wish to object shall submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, as appropriate, and objects to the listing. In nominations with multiple ownership of a single private property or of districts, the property will not be listed if a majority of the owners object to listing. Upon receipt of notarized objections respecting a district or single private property with multiple owners, it is the responsibility of the State Historic Preservation Officer to ascertain whether a majority of owners of private property have objected. If an owner whose name did not appear on the list certifies in a written notarized statement that the party is the sole or partial owner of a nominated private property such owner shall be counted by the State Historic Preservation Officer in determining whether a majority of owners has objected. Each owner of private property in a district has one vote regardless of how many properties or what part of one property that party owns and regardless of whether the property contributes to the significance of the district.

This "negative checkoff" system, in my estimation, represents a socialistic governmental scheme that requires citizens to say they don't want government services. I believe that government should provide services only if the people do want them and are willing to pay for them. This mandatory federal procedure was adopted primarily as a lever to protect historical properties, not their owners.

The procedure is an unfair imposition on the state but does not, I believe, constitute the taking of property rights. This issue has been decided by a federal district court in eastern Virginia (see Historic Green Springs v. Black, 497 F. Supp. 839 (E.D. Virg. 1980)).

Regardless of the means used to nominate a historical district, the major effect of inclusion on the National Register of Historic Places is to provide affected property owners with a choice of options regarding the federal income tax formulae available, any potential for grants-in-aid and other assistance or participation in the state's historical property tax moratorium provisions of SDCL 1-19A-20. There is, of course, a disincentive in that demolition of historical structures is not a tax deductible cost of doing business.

With respect to the decision of the Historical Preservation Center to continue the nomination process commenced prior to the change in federal law without consideration of repeating its earlier efforts, the U.S. Department of Interior, in 36 CFR Part 60, § 60.6(h), provided that:

If a property has been submitted to and approved by the State Review Board for inclusion in the National Register prior to the effective date of this section, the State Historic Preservation

Officers need not resubmit the property to the State Review Board; but before submitting the nomination to the NPS shall afford owners of private property the opportunity to concur in or object to the property's inclusion in the Register pursuant to applicable notification procedures described above.

The opportunity to comment was afforded affected property owners through a January 8, 1982, letter from Dr. Junius R. Fishburne, State Historic Preservation Officer. The "negative checkoff" system was continued since the federal regulations still required its use. To date, Dr. Fishburne has received 27 negative responses from the 67 letters mailed.

SDCL 1-19A-19 establishes the authority of the "State Review Board," including the responsibility to "approve nominations to the state and national registers of historic places." I am, by copy of this letter to the Department of Education and Cultural Affairs, requesting that the following actions be under taken by the Board of Cultural Preservation:

1. The Board, consistent with our cooperative efforts with the Vice-President's Task Force on Regulatory Reform, review the current regulations governing the Historical Preservation Center programs, make specific recommendations to the U.S. Department of Interior resolving the issues you have raised and share with you both their findings and any response from the federal government;
2. The notices to property owners in nominated historic districts in the future be sent by registered mail to insure that, until this "negative checkoff" system can be repealed, all owners are given the opportunity to express their support or opposition to creation of the district in addition, both "waiver" and "objection" forms should be provided each owner;
3. The State Historic Preservation Officer contact the U.S. Department of Interior to ascertain specifically who should be contacted regarding the option to comment on creation of a historic district, the method to be used in counting responses received and what procedure should be employed when the land upon which a structure lies is owned by another party. The responses received should be shared with you; and,
4. The State Review Board suspend consideration of the Yankton Commercial and Historic District for nomination to the National Register of Historic Places until such time as the questions raised on this issue are answered.

Secretary Wollman has been asked to stay on top of this matter and to advise me as necessary of additional steps which may need to be taken. Future correspondence should be addressed to him.

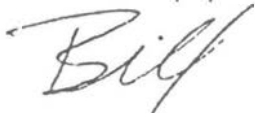
Finally, it is my belief that the intentions of those desiring to preserve and to protect our nation's history and heritage are sincere and

Dennis C. Kaster
Page 4
February 16, 1982

well-meaning, however, the process adopted may be inappropriate from a property owner's standpoint. We must work cooperatively to protect all parties' interests if we are to have an effective program of historic preservation.

Thank you for sharing your concerns with me. I am confident that this matter will be successfully handled.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Bill".

Humphrey Law Offices
Riverview Professional Building
101 Broadway, Suite B - P.O. Box 716
Yankton, S.D. 57078

David C. Humphrey, P.C., Attorney
Michael E. Ridgeway, Attorney

Telephone
Area Code 605-665-1000

February 19, 1982

February 16, 1982

Dr. Mr. David C. Humphrey
Humphrey Law Offices
Riverview Professional Building
101 Broadway, Suite B Center
P.O. Box 716 South Dakota
Yankton, SD 57078 South Dakota 57069



Dear Mr. Humphrey: Historic Commercial District

Please find enclosed a copy of the regulations and the 1980 Amendment to the National Historic Preservation Act. As certain problems regarding the interpretation of the regulations have arisen, the nomination is being held until the agency can get them resolved. During this period of time we will accept all comments, objections and waivers by property owners. You will notice in the regulations, that if the nomination goes to the Department of the Interior, a second comment period is initiated by the Department. Please contact me or my staff, if you have further questions.

We officially request an extension of the time to site the monument due to recent deaths in the historic district.

We feel that it is imperative that an extension be granted due to the uncertainties surrounding the will of Junius R. Fishburne to specific owners' interests in certain pieces of the historic district. An extension should be granted in order to properly evaluate and protect the historic district. CT/jc

Enclosure(s)

I shall be available for conferences at your convenience, and will attempt to assist in expediting the process of reviewing the regulations heretofore requested.

Sincerely,

HUMPHREY LAW OFFICES

David C. Humphrey
David C. Humphrey

DCH:dro

Humphrey Law Offices
Riverview Professional Building
101 Broadway, Suite B - P.O. Box 716
Yankton, S.D. 57078

David C. Humphrey, P.C., Attorney
Michael E. Ridgeway, Attorney

Telephone
Area Code 605-665-1000

February 16, 1982



Dr. Junius R. Fishburne
Historical Preservation Center
University of South Dakota
Vermillion, South Dakota 57069

RE: Yankton Historic Commercial District

Dear Dr. Fishburne:

Please be advised that this office represents the Yankton Printing Company of Yankton, South Dakota. Dennis Kaster, Publisher, has requested that I contact your office for two specific reasons:

- 1.) To request a copy of the regulations and specifications setting for the voting interests of property owners in a proposed historic district.
- 2.) To officially request an extension of the time of submission of objections due to recent deaths involving several pieces of property in the downtown district.

We feel that it is imperative that an extension be granted due to the uncertainties surrounding the voting rights related to specific ownership interests in certain pieces of property, and, feel that an extension should be granted in order to properly inform all affected parties following an evaluation of the regulations regarding property owners voting rights.

I shall be available for conference at your convenience, and will attempt to assist in expediting the process following receipt of the regulations heretofore requested.

Sincerely yours,

HUMPHREY LAW OFFICES

David C. Humphrey
David C. Humphrey

DCH:dre ✓

February 17, 1982

Honorable William Janklow
State Capitol Building
Pierre, South Dakota 57501

Re: Proposed Yankton Commercial Historical District

Dear Governor Janklow:

As you know the application of the Yankton Commercial Historic District is presently pending before the State Historical Preservation Office. The affected building owners have been notified and have been given an opportunity to register their objections if they so desire. As a local business owner and as Vice-President of Historic Yankton, Inc., I am concerned about the controversy regarding the nomination of our district and am writing this letter to apprise you of the events leading to the nomination. I also hope to allay the fears and apprehensions which have arisen as a result of the opposition of the Yankton Daily Press & Dakotan in general and its publisher and editor in particular.

In the latter 1970's it became obvious to a number of us that downtown Yankton was losing some of its prior vitality. A committee was appointed by the local Chamber of Commerce to investigate methods to revitalize the downtown and to more effectively compete with the suburban shopping mall which had been constructed earlier. After investigating several alternatives, the committee decided to recommend that a historical theme be adopted and that real estate owners and businessmen be encouraged to restore their buildings. In order to assist in this effort, Historic Yankton, Inc. was formed. In October of 1979 a public informational meeting was held at the Meade building of the Human Services Center. Over 200 real estate owners, business owners and interested citizens attended. The historic theme was enthusiastically endorsed by the group that evening and by several other groups at later meetings to which downtown business leaders and property owners were invited. As efforts toward restoration of the downtown continued, it became obvious that downtown Yankton is possessed of many significant historic buildings and that our shopping district is perhaps the most historic commercial district in the state. Thus, at the suggestion of the Historic Preservation Center, the historic district nomination process was begun.

Honorable William Janklow

February 17, 1982

Page Two

The historic district designation is important for two especially significant reasons. First, it encourages re-use and rehabilitation of existing buildings thus preserving our heritage while necessitating minimum economic investment. The designation also encourages tourism and convention activities. Secondly, and perhaps most important, the designation allows the use of substantial income tax breaks including 25% investment tax credit and rapid a.c.r.s. where an approved rehabilitation is completed. The tax breaks are particularly significant in a depressed economic period when it is difficult to attract investors to small towns. Naturally, there are disadvantages also. If a historic building in a district is demolished, the owner must amortize the cost of demolition over the life of the new building rather than deducting the cost in the year it is demolished. Also, if the exterior of a building which is in a historic district and which has historic value is remodeled in a non-historic manner the normal investment tax credit is not available on that portion spent for remodeling the interior. These drawbacks are mitigated by the fact that in a town such as Yankton there are often no demolition costs since the building is often demolished for the salvage value. Further, the reduction in the investment tax credit does not apply to buildings which are not historic. All an owner must do to remove a non-historic building from the district is file a short decertification form with the state preservation office.

In my opinion, the advantages of the district designation far outweighs the drawbacks. This opinion is supported by the fact that we have had a historic residential district in Yankton for ten years and to my knowledge no objection or complaint has ever been raised. The Press & Dakotan, however, views the subject in a different light. The publisher, Dennis Kaster, and his editor have waged an impressive campaign based on misinformation and half truth. In addition to taking advantage of their obvious editorial advantage the paper has also sent an individual to contact property owners and has informed them among other things that if the historic designation takes place no alteration of any type can be made to the building without permission from the state and that the district designation will create an encumbrance on the property which will prevent a later sale of the property. Statements of this type are, of course, completely false but they create an aura of fear and uncertainty which has damaged our efforts to encourage local business vitality. It should also be noted that the main reason for objection by the Press & Dakotan appears to be personal.

Honorable William Janklow
February 17, 1982
Page Three

Two buildings which are located within the proposed district have been scheduled for possible demolition by the Press & Dakotan when and if they remodel their present printing plant. In my view, Mr. Kaster is sacrificing the interests of many to preserve a rather minimal income tax deduction for his company.

I am aware of the fact that the publisher of the Press & Dakotan has conveyed his objections to the district to you. It is my hope that this letter will explain our side of the controversy to you. I would also be more than willing to personally meet with you or any member of your staff, preferably in the presence of Mr. Kaster, to explain our position and to repudiate any statements made by those in opposition.

Very truly yours,

JAMES E. MEANS

JEM:md
bcc: Roger Willcut
James Means
Lois Varvel
Sara Aasland
Karen Harmelink
Caroline Steele
Tom Steinbach✓

ATTORNEYS AT LAW
BRADY, KABEISEMAN, READE, ABBOTT AND JOHNSON
200 WEST THIRD
P. O. BOX 735
YANKTON, SOUTH DAKOTA 57078-0735

FRANK J. BRADY
JOHN R. KABEISEMAN
GERALD L. READE
J. W. ABBOTT
STEVEN M. JOHNSON

TELEPHONES
605/665-7468
605/665-7472

February 19, 1982



Ms. Carolyn Torma
Historical Preservation Center
University of South Dakota
216 East Clark
Vermillion, South Dakota 57069

Dear Carolyn:

After my conversations with you today, I reviewed my notes regarding the balloting. You indicated to me per our telephone conversation that there were presently 43 objections which would constitute more than 50% of the available voters. My reaction is that this is not correct. For instance, there are approximately 80 buildings downtown and some of them I know have more than one owner. For instance, the James A. Danforth Trust has three Trustees, and, if your explanation of the voting is correct, should have three votes. The building in which my office is located has three owners and therefore, constitutes three votes as does the former J. C. Penney building which is owned by Mr. Reetz and I believe his two sisters. In reviewing the situation it seems to me that you are registering Art and Thelma Meredith as two objections but counting them as only one vote when you have decided how many eligible ballots can be cast.

I am of course not criticizing your work at all. In fact, I think the solicitor general and perhaps the Defendant of Interior has done you a disservice by not elucidating the rules. I would however appreciate it if you would review the method of calculating the total number of votes.

Very truly yours,

Jim
J. W. ABBOTT

JWA:md
cc: Dr. Junius Fishburne

OFFICE OF CULTURAL PRESERVATION

Kneip Building
Pierre, S. D. 57501
Phone (605)773-3458

File

March 2, 1982



- CENTERS**
Historic Preservation
Center
Historical Resource
Center
Archeological Research
Center
Oral History Resource
Center
Archives Resource Center

Mr. James E. Means
1003 Douglas
Yankton, SD 57078

- MUSEUMS**
W. H. Over Museum
Agricultural
Heritage Museum
Robinson Museum
Smith Zimmerman
State Museum

Dear Jim:

As a follow-up to your telephone conversation with Dr. Wollman, I would like to bring you up to date with the current status of the proposed Yankton Commercial Historic District. Due to the various questions raised regarding the counting of property ownership, I have telephoned and written the Office of the National Register of Historic Places to request clarification. In the meantime, at the request of Governor Janklow (a copy of his letter to Dennis C. Kaster, 16 February 1982 enclosed), the Board of Cultural Preservation is suspending consideration of the Yankton nomination until these questions can be answered. In its capacity as State Review Board, the Board of Cultural Preservation will review the whole matter at its next meeting which will be held in Yankton on Friday evening, April sixteenth at seven-thirty in the North Conference Room, Public Safety Building, 5th and Walnut. Any and all of the owners of property within the proposed district are invited to participate in this meeting. The work and role that Historic Yankton, Inc., has performed throughout this nomination process is greatly appreciated, and I feel certain that we can resolve the problems arising out of the nomination process satisfactorily.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "J. Fishburne".

Junius R. Fishburne
State Historic Preservation Officer

JRF/pm

cc: Dr. Harris J. Wollman
Dr. Sever Eubank
bc: Paul Putz ✓

March 4, 1982



The Honorable James Abdnor
United States Senator
4327 Dirksen Senate Office Bldg,
Washington, D.C. 20510

Dear Senator Abdnor:

It is with pleasure that I respond to Mr. Kaster's letter to you of January 21, 1982, regarding the nomination of the Yankton downtown business district to the National Register of Historic Places. Mr. Kaster's letter contains considerable misinformation pertaining to the National Register, the process for placing property on the National Register, and local support of the historic district at Yankton.

First of all, property owners' rights are not being violated at Yankton as a result of the proposed nomination. Listing on the National Register removes no rights to property whatsoever. Owners of National Register properties are free to alter, transfer, or destroy their properties at any time. Mr. Kaster's statements to the contrary are not true.

The contention that a "small group of citizens" prepared and submitted the nomination of the district without the consent of owners is not true. Historic Yankton, Inc. is a non-profit corporation formed from the Yankton Chamber of Commerce's Downtown Beautification Committee. It has always been our belief, and we have seen no demonstration whatsoever to the contrary, that this group was acting with the approval of the City of Yankton--which funded the group's activities--the local Chamber of Commerce, and the downtown merchants association. All of these groups contain members who are also property owners in the district. Never at any time did this office receive notice formally or informally that the pursuit of National Register recognition for downtown was not a legitimate undertaking sanctioned by the community as a whole and the downtown in particular.

It should also be pointed out that it is the policy of the South Dakota Board of Cultural Preservation that property owners' wishes play a major part in the nomination process. Opponents to the district had every opportunity to express their concerns to the board when they reviewed the nomination in July 1980. No opposition to the district was voiced to the board at that time. Similarly, when letters of comment were directly solicited from property owners in the district in 1980, only four negative responses were received by the SHPO. The State had every indication to believe that the nomination was solidly supported by the owners.

The Honorable James Abdnor

Page 2

March 4, 1982

Mr. Kaster chooses to interpret the means by which owners' objections are submitted to the SHPO and the Keeper of the National Register as being weighted in favor of those who approve of district nomination. The system was established to simplify the nomination process and to comply with the letter of the law which refers to withdrawal of a nomination from consideration should the "majority of owners object." In order to prevent such criticism in the future, we have expressed our concerns regarding the present nomination procedures to the National Park Service.

It should be pointed out that the Yankton Press and Dakotan has disseminated considerable material and information of an inaccurate nature among the property owners in the district. Such information has been at variance with explanations regarding the advantages and disadvantages of the National Register submitted to property owners by supporters of the district and the state historical preservation program since efforts to recognize downtown Yankton first began in 1979. His letter of January 21 is a continuation of that campaign. The Yankton Press and Dakotan objects to the nomination on economic and ideological grounds and is encouraging owners to submit objections. As citizens, they have every right to make and encourage opposition to Register listing, but the state preservation program takes exception to the tactics employed in doing so.

It is the position of the state program that the National Register program works only where it is wanted in the private sector. For this reason, no action was taken to place downtown Yankton on the National Register until we were requested to do so by the community. The decision to list a property on the National Register in South Dakota is and has been considered an owner's prerogative. That decision, however, should be based on the facts.

With regard to the proposed downtown commercial historic district, we are responding to a directive from the Governor to suspend consideration of the nomination until the questions regarding the notification process can be answered. I have contacted Carol Shull, Acting Keeper of the National Register, and expect her response shortly. In the meantime, I am scheduling a public meeting of the State Review Board in Yankton on Friday, April sixteenth, to review the situation. Please do not hesitate to contact me if you have further questions. Your interest in this matter is greatly appreciated.

Sincerely yours,

Junius R. Fishburne
State Historic Preservation Officer

JRF/pm

March 16, 1982

Mr. Les Helgeland
Yankton Press & Dakotan
319 Walnut
Yankton, SD 57078

Dear Mr. Helgeland:

Please find enclosed a copy of the Yankton Historic Commercial District National Register form. As I mentioned over the phone, the owner's list has and is being updated. Also I have not included copies of the photos, if you wish to have these as well let me know.

Sincerely,

Carolyn Torma
Historical Survey Coordinator

CT/jc

Enclosure(s)



Yankton Daily Press & Dakotan

Paul

Published by Yankton Printing Company a Subsidiary of Stauffer Communications, Inc.

South Dakota's First Daily Newspaper

Established 1861

March 26, 1982

319 Walnut
Yankton, South Dakota
57078

Dr. Harris Wollman
Secretary
Department of Education and Cultural Affairs
Kniep Building
Pierre, South Dakota 57501



Dear Secretary Wollman:

Thank you very much for your time and consideration during our Friday meeting.

Upon returning to Yankton, three copies of the summary and recommendations were in my briefcase. Apparently, through the paper schuffle I retained your copy. Hopefully, this delayed copy has not caused too much of an inconvenience for you.



Sincerely,

Dennis C. Kaster
Publisher

YANKTON COMMERCIAL HISTORIC DISTRICT

We feel that the entire process of nominating the proposed Yankton Commercial Historic District and the subsequent voting up to this point would in no way stand up in the courts if any one of the property owners contested it, and it is likely that the Department of Interior would not approve it under those circumstances.

Our proposal is that serious consideration be given to starting all over so that the right of "due process" is offered to all property owners.

We contend that the process to this point could be invalidated because:

Change?
1. Regulations by which the vote was taken were not scheduled to be finalized until February 1, 1982, so in effect, the vote was being taken only on the proposed regulations since "comments" were still being accepted on February 1, 1982 and later.

2. According to those regulations and even the previous regulations, the nomination should have been made in concurrence with the local governing body, in this case, the Yankton City Commission. And since the inclusion of property in the proposed district does afford some tax incentives, it would appear that since the tax base of the area could be affected that not only the City Commission but the Yankton School District and the Yankton Board of County Commissioners should also concur. No such action was requested or given by any of the three listed governing bodies.

3. The process of voting seemed irregular. Since the letters sent to property owners by the Historical Preservation Center were not sent either certified or registered mail so that there was any assurance that the ballots (waivers) were ever received. *yes.*

4. There seems to be a question of the legality of voting on property only on the basis of a street address, since all legal matters dealing with property normally are handled through a legal description. That was not the case. *TAX*

5. The system of voting did not require every property owner to vote. Even those who did not vote were counted as being "for the district" while it required a special notarized statement from those who opposed "inclusion" in the proposed district. *=*

6. The Director of the Historical Preservation Center and his staff admit that even after the voting was complete, there was still uncertainty as to who was eligible to vote and as to who was not eligible to vote. There was a question if each property owner (in the case of several owners of a piece of property) had a vote or if there should have been one vote for each piece of property. There was no definition as to how a corporation with many stockholders would be voting. *?*

Nor was there any provision in the regulations as to who would vote for an estate, or how many would be eligible to vote in the case of estate property.

It would appear that if the several owners of one piece of property could each vote, that those property owners who had more than one piece of property should likewise have been authorized to vote "for" or "against" such proposed district on each of those pieces of property.

6. Wednesday, Feb. 17, 1982 was designated as the final date for balloting on the proposed district. A report received by telephone from the Historical Preservation Center in Vermillion indicated on the morning of February 18, 1982 that there were 83 possible votes in the district and that 43 objections or more than 50 percent required to defeat the proposal had been received. However, even at the time of the balloting there was no determination of how the voting involving two estates should be done. This has still not been resolved. Subsequently, several of those who had voted to oppose the district changed their vote -- after the February 17, 1982 deadline. But the point that should be made is that while there were 43 who OPPOSED the district, only 10 property owners submitted waivers approving inclusion into the proposed district. Even though eight property owners subsequently changed their vote, that would leave only 18 who favored inclusion and 35 who opposed it. This points to the inequities of the voting process that was followed.

Law

7. The first public hearing to be held concerning the district in Yankton is slated for April 16, 1982. This hearing is presumedly being held at your request. The hearing Dr. Fishburne refers to in June, 1980 was classified by the Vermillion Preservation Center as an informal discussion since the place of the hearing was not publicized. The meeting referred to in November, 1980 was held in Pierre. Since that time the regulations covering Historical Districts have been changed. In 1980 the Vermillion office stated that if even 75 percent of the property owners were opposed to the district it would not make any difference. Who wants to make a special trip to Pierre if it wo'nt make any difference?

?

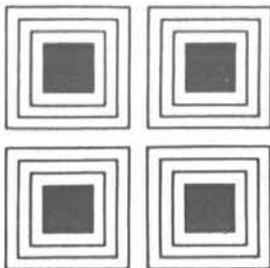
Brookings.

It would appear that in view of these obvious discrepancies and questionable manners of proceeding, that to spend the taxpayers' money for a meeting of the Review Board in Yankton or Vermillion would be an exercise that would have little legal meaning.

Rather than split a community, it would seem that the Department of Education and Cultural Affairs through the Historical Preservation Center should reconsider the action that has already been taken, wait for the final regulations to be approved in the Federal Register, to then proceed in the following manner:

1. Submit a new nomination for the district.
2. Have such a nomination approved or disapproved by the Yankton City Commission, the Yankton Board of Education and the Yankton County Board of Commissioners, since public tax monies are involved in the cases where tax benefits will be received.
3. A public hearing be held in the affected community.
4. That letters to all property owners should be forwarded to those owners or their representatives by registered or certified mail so that they are receipted to determine who signed for them and who acknowledged their receipt.
5. That those letters include the legal description of the properties involved in the voting rather than just the street addresses, since tax benefits would also be based on that legal description.
6. Determine ahead of time who can vote, who is eligible to vote, how many votes can be cast for each piece of property and who will cast that vote. Determine who votes in case of estates, who votes in cases where there is more than one owner of a piece of property and if more than one vote is permitted on a piece of property, also determine ahead of time if stockholders in those firms in which there are stockholders can also vote. If persons owning land under a building or vacant lot would have a vote, and if multiple ownership, how many votes.
7. Provide a ballot that makes it mandatory for those who wish to approve the proposed historical district to return a ballot as well as those who oppose it. Make it no tougher to oppose the district (by a special notarized statement) than to support it.
8. Count the ballots on the basis of the number of ballots received to determine the majority, and not permit non-votes to count as votes "for" in the final tabulation of the voting.
10. Above all, lay out the groundrules so that everyone knows for sure how many pieces of property there are, how many votes can be cast, so that there is no changing after the voting is complete.

These do not seem to be unreasonable demands and could avoid some of the controversy that has developed in this case. Much of the controversy has been brought about through the manner in which the entire matter has been handled rather than the question of those supporting or opposing the district.



PETERSEN DEVELOPMENT COMPANY
REAL ESTATE DEVELOPMENT & MANAGEMENT

P. O. BOX 220 □ YANKTON, S. D. 57078
TELEPHONE 605-665-2291

April 13, 1982

Mr. Paul Putz, Director
Historical Preservation Center
Vermillion, South Dakota 57069

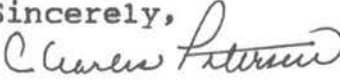


Dear Mr. Putz:

It is unfortunate, because of a business committment, that I will not be able to attend the Friday evening meeting on the Downtown Yankton Historic District.

You realize, I am sure, my position on this subject. Both the Carnegie Library, and now the Hotel Charles Gurney, would probably not have been renovated without the assistance of the benefits involved as being designated a National Historic Site.

For what it is worth, I personally advocate the formation of the district; not only for the financial benefits that can be gained but also, the aesthetic value which could come to Downtown Yankton.

Sincerely,

Charles Petersen

CP/at
cc: James Abbott

Treasure Chest

BRIDAL REGISTRY • GIFTS • COSMETICS

209 WEST THIRD • YANKTON • SOUTH DAKOTA 57078

April 16, 1982

Mr. Paul Putz
Historic Preservation Center

Dear Sir:

My wife and I are sorry that we are unable to attend tonight's meeting.

We, however, want to make it perfectly clear to those concerned that we fully support the nomination of the Yankton Historic Commercial District.

We own the buildings at 209 and 211 West Third Street, and operate retail stores at these locations.

Sincerely,



John R. Anderson
TREASURE CHEST
and
CASTLE COOMBE

DATE 4-21-82

TELEPHONE REPORT

TIME OF CALL AM
PM

1. CALL TO: FROM (Name)

Mr Willcutt

2. ADDRESS (Tel. No. if needed)

605-665-5232

3. SUBJECT, PROJECT NO., ETC.

Historic Yankton, South Dakota

4. DETAILS OF DISCUSSION

Calling on behalf of
Historic Yankton. Was
passed by the State review board
Is concerned about
owner objections.

Yankton downtown district.
Asks that we let them know
if we receive any additional
owner objection letters after
we receive the nomination.

Told him either Delores or
Steve will call him if
we receive additional
objections.

NAME OF PERSON PLACING/RECEIVING CALL

TITLE

OFFICE

Shull

**HISTORICAL
PRESERVATION
CENTER**

University of South Dakota
Vermillion, S.D. 57069
Phone (605) 677 5314



April 29, 1982

Ms. Carol Shull
Acting Keeper
National Register of Historic Places
National Park Service
Department of the Interior
Washington D.C. 20240

Dear Ms. Shull:

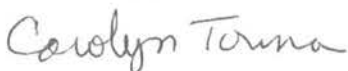
Please find enclosed the Yankton Historic Commercial District nomination which was approved by the state review board on April 17, 1982.

There are two items I wish to call to your attention. First, in agreement with your staff, the nomination contains individual photographs, descriptions and statements of significance of all landmark structures in the district. The remaining structures are documented with blockface photographs, map locations, evaluations and a general description in the essay section of #7. Telephone memorandums concerning this agreement are attached.

Secondly, this nomination raised certain questions relative to ownership. After discussing these problems with your staff and in agreement with the Department of Education and Cultural Affairs, the nomination was brought back before the Board at its April 17, 1982 meeting. Notice was provided through a general notice in the local newspapers at least 30 days prior to the meeting. In addition, owners were invited by direct mail to attend a public hearing conducted by the Board on April 16, 1982 in Yankton. The Board voted to proceed with the nomination as a majority of owners did not object to listing. The number of owners was determined following the guidance of the Solicitor and your staff.

Enclosed please also find all relevant correspondence.

Sincerely,



Carolyn Torma
Historical Survey Coordinator



Yankton Daily Press & Dakotan

Published by Yankton Printing Company a Subsidiary of Stauffer Communications, Inc.

South Dakota's First Daily Newspaper

Established 1861

May 10, 1982

319 Walnut
Yankton, South Dakota
57078

Dennis C. Kaster
Publisher
(605) 665-7811

Mrs. Carol Shull, Acting Keeper
National Register Division
National Park Service
440 G Street, NW
Washington, DC 20243

Dear Mrs. Shull:

This letter is to express the objection of the Yankton Printing Co., Yankton, South Dakota, of being included in the proposed Yankton Historic Commercial District.

This district is a very highly contested district in Yankton, and thusly, will not be an effective method of preserving the heritage of the community. If the proponents had to obtain notarized statements of approval, the historical district concept would have been dropped. But, due to an oversight of the U.S. Congress, a Russian ballot was used.

South Dakota's historical preservation board is now aware of the very poor voting procedure, and at least one board member sees how this type of action will be a detriment to any further material historical preservation.

Please note brochure which was presented to the state historical board. On page 7 is a representation of the votes. This reveals to concerned opponents of the Yankton Historic Commercial District that a very narrow but powerful group of citizens can get what they want without regard to due process.

Now it is up to you! Please show that you have concern for our personal heritage and refuse to list the Yankton Historic Commercial District as presented.

Corrective measures are suggested in the brochure on how the voting procedures could be made acceptable. These methods would be ideal for you to pursue in returning the Yankton Commercial District nomination to South Dakota not approved.

Sincerely,

Dennis C. Kaster

Encl: Presentation to state historical board

CC: Senator Larry Pressler

Subscribed and sworn to before me this 10 day of May, 1982

Notary Public

THE NATIONAL REGISTER OF HISTORIC PLACES

DATE FILED MAY 17 1982

(INDICATE PAGE(S) ATTACHED)

DATE OF FIELD WORK

TELEPHONE NO. OF OFFICE

DATE ACTION TAKEN

INITIALS

**HISTORICAL
PRESERVATION
CENTER**

University of South Dakota
Vermillion, S.D. 57069
Phone (605) 677 5314



11 May 82

Ms. Carol Shull
Acting Keeper of the National Register of Historic Places
National Park Service
Department of Interior
Washington D.C. 20240

Dear Ms. Shull:

Please find enclosed another Withdrawal of Objection by
an owner in the Yankton Historic Commercial District.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn Torma".

Carolyn Torma
Historical Survey Coordinator

A circular stamp with a scalloped edge. The text inside the stamp reads "RECEIVED" at the top, "MAY 25 1982" in the center, and "NATIONAL REGISTER" at the bottom.

RECEIVED
MAY 25 1982
NATIONAL
REGISTER

RE: Withdrawal of Objection by Property Owner



Dr. Junius R. Fishburne
State Historic Preservation Officer
USD 216 East Clark
Vermillion, SD 57069

Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

313 Cedar St.
Yankton, S. Dakota

I have previously submitted to the State Historic Preservation Officer a notarized letter of objection to the listing of the property in question on the National Register of Historic Places. I hereby withdraw that objection.

Sincerely,

Ms. Harry Trier.

Subscribed and sworn to before me this 28. day of April, 1982

Jon Abbott
my commission: 8/2/82

Si. Dak.

*Harrison
Sheffield
Shull
Rogers (draft)
Gilley 6/1
Whitney 6/1
Kui 6/3
for 6/3
Dorr 6/4
Green 6/7*

H32-710

JUN 8 1982

Honorable Larry Pressler
United States Senate
Washington, D.C. 20510

Dear Senator Pressler:

Thank you for your letter of May 13 on behalf of Mr. Dennis C. Kaster concerning the nomination of the Yankton Historic Commercial District, Yankton County, South Dakota, to the National Register of Historic Places.

The National Park Service received this nomination from Dr. Junius R. Fishburne, the South Dakota State Historic Preservation Officer, on May 11, 1982. After notice is published in the Federal Register that the Yankton Historic Commercial District is being proposed for listing in the National Register, interested parties will have 15 days in which to comment. This nomination will then be carefully considered by the National Register staff. Mr. Kaster's objection to the nomination has been received. If it is determined that a majority of the private property owners have objected to the listing of the Yankton Historic Commercial District, the district may only be determined eligible for the National Register but not formally listed. We will inform you of any final action taken by the National Park Service in regard to this district.

We appreciate your interest in the historic preservation programs of the National Park Service.

Sincerely,

/s/ Mary Lou Grief

DEPUTY Director

cc: Dr. Junius R. Fishburne
State Historic Preservation Officer
Historical Preservation Center
University of South Dakota
Alumni House
Vermillion, South Dakota 57069) w/c of inc.

bcc: 001-R.F. 190-Gilley) w/c of inc. 700 710)

FNP:Harrison:272-3504:5/27/82:dr:disk-A/#2059

BASIC FILES RETAINED IN NR (710)

United States Senate

WASHINGTON, D.C. 20510

May 13, 1982

Mrs. Carol Shull, Acting Keeper
National Register Division
National Park Service
440 G Street, N.W.
Washington, D.C. 20243

Dear Mrs. Shull:

I was recently contacted by my constituent, Mr. Dennis C. Kaster of Yankton, South Dakota, regarding his objection to the inclusion of the Yankton Printing Company in the proposed Yankton Historic Commercial District. I would appreciate it if you could check into this matter and provide me with a status report.

Thank you very much for your time and consideration, and I look forward to hearing from you in the near future.

Sincerely,


Larry Pressler
United States Senator

LP:bj

Received in Congressional
Liaison Division:

MAY 17 1982



United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

IN REPLY REFER TO:
H32-710

S. Dak.

JUN 8 1982

Honorable Larry Pressler
United States Senate
Washington, D.C. 20510

Dear Senator Pressler:

Thank you for your letter of May 13 on behalf of Mr. Dennis C. Kaster concerning the nomination of the Yankton Historic Commercial District, Yankton County, South Dakota, to the National Register of Historic Places.

The National Park Service received this nomination from Dr. Junius R. Fishburne, the South Dakota State Historic Preservation Officer, on May 11, 1982. After notice is published in the Federal Register that the Yankton Historic Commercial District is being proposed for listing in the National Register, interested parties will have 15 days in which to comment. This nomination will then be carefully considered by the National Register staff. Mr. Kaster's objection to the nomination has been received. If it is determined that a majority of the private property owners have objected to the listing of the Yankton Historic Commercial District, the district may only be determined eligible for the National Register but not formally listed. We will inform you of any final action taken by the National Park Service in regard to this district.

We appreciate your interest in the historic preservation programs of the National Park Service.

Sincerely,

/s/ Mary Lou Grier

Deputy
Director

cc: Dr. Junius R. Fishburne
State Historic Preservation Officer
Historical Preservation Center
University of South Dakota
Alumni House
Vermillion, South Dakota 57069) w/c of inc.

bcc: 001-R.F. 190-Gilley) w/c of inc. 700 (710)

FNP:Harrison:272-3504:5/27/82:drr:disk-A/#2059

BASIC FILES RETAINED IN NR (710)

United States Senate

WASHINGTON, D.C. 20510

May 13, 1982

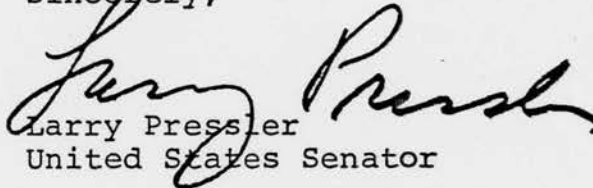
Mrs. Carol Shull, Acting Keeper
National Register Division
National Park Service
440 G Street, N.W.
Washington, D.C. 20243

Dear Mrs. Shull:

I was recently contacted by my constituent, Mr. Dennis C. Kaster of Yankton, South Dakota, regarding his objection to the inclusion of the Yankton Printing Company in the proposed Yankton Historic Commercial District. I would appreciate it if you could check into this matter and provide me with a status report.

Thank you very much for your time and consideration, and I look forward to hearing from you in the near future.

Sincerely,


Larry Pressler
United States Senator

LP:bj

Received in Congressional
Liaison Division:

MAY 17 1982

**HISTORICAL
PRESERVATION
CENTER**

University of South Dakota
Vermillion, S.D. 57069
Phone (605) 677 5314



Steve

15 June 82

Steve Sheffield
National Register of Historic Places
National Park Service
Department of the Interior
Washington D.C. 20243

Dear Steve:

Please find enclosed the letter of notification sent to the post office.

Sincerely,

Carolyn Torma

Carolyn Torma
Historical Survey Coordinator

JUN 21 1982

THE NATIONAL REGISTER OF HISTORIC PLACES	
DATE REC'D	JUN 21 1982
_____ IN	DUPLICATE RESPONSE (ATTACHED)
_____ RE	DUPLICATE MATERIAL SENT
_____ TEL	PHONE CALL (ATTACHED)
DATE ACTION TAKEN	_____
INITIALS	_____

January 8, 1982

US Post Office
321 Walnut
Yankton, SD 57078

Dear Property Owner:

Last January we informed you that The National Register had suspended review of privately-owned historic site nominations. During this past year the National Park Services, Department of the Interior has been writing new regulations for the amended National Historic Preservation Act. These regulations have been approved and once again they are accepting nominations for review.

Please find enclosed a letter explaining both the revisions in the preservation act and the benefits of the federal tax act. You will note that owners of individually nominated properties, who object to the nomination, can ask to have their properties removed from consideration. In historic districts a majority of owners must object before the district nomination is withdrawn.

We were pleased to learn that your property will not have to undergo review by the state review board a second time. Instead, we can forward your nomination directly to Washington, D.C. as soon as we receive the waiver slip signed by you.

We regret the delay, but are pleased to be able to complete the nomination process.

If you have questions regarding the new tax act program, please address them to Mr. Jim Wilson (605-677-5314). If you have questions regarding the nomination process, please contact Ms. Carolyn Torma at the same number.

Sincerely,

Junius R. Fishburne
State Historic Preservation Officer

January 8, 1982

US Post Office
321 Walnut
Yankton, SD 57078

Dear Sir:

We are pleased to inform you that the property you own is located in the Yankton Historic Commercial District, 3rd Street between Broadway and Pine, Walnut between 4th and 2nd, Yankton. The district will be considered by the Department of the Interior for nomination to the National Register of Historic Places. The National Register is the Federal Government's official list of historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our Nation's heritage. Enclosed is a copy of the criteria under which properties are evaluated.

Listing in the National Register provides the following benefits to historic properties:

-Consideration in the planning for federally assisted projects. Section 106 of the National Historic Preservation Act of 1966 provides that the Advisory Council on Historic Preservation be given an opportunity to comment on projects affecting such properties.

-Eligibility for Federal tax benefits. If a property is listed in the National Register, certain tax provisions may apply. The Tax Reform Act of 1976, as amended by the Revenue Act of 1978 and the Tax Treatment Extension Act of 1980, and the Economic Recovery Tax Act of 1981, contain provisions intended to encourage the preservation of depreciable historic structures by allowing favorable tax treatments for rehabilitation, and to discourage destruction of historic buildings by eliminating certain Federal tax provisions for demolition of historic structures. Beginning January 1, 1982, the Economic Recovery Tax Act replaces the rehabilitation tax incentives available under prior law with a 25% investment tax credit for rehabilitations of certain historic commercial, industrial and residential rental buildings. This can be combined with a 15-year cost recovery period for the adjusted basis of the historic building. Historic buildings with certified rehabilitations receive additional tax savings because they are exempt from any requirement to reduce the basis of the building by the amount of credit. The Tax Treatment Extension Act of 1980 includes provisions regarding charitable contributions for conservation purposes of partial interests in historically important land areas or structures.

U.S. Post Office
Page Two
JJanuary 8, 1982

-Consideration of historic values in the decision to issue a surface coal mining permit where coal is located, in accord with Surface Mining and Control Act of 1977.

-Qualification for Federal grants for historic preservation when funds are available.

Owners of private properties nominated to the National Register of Historic Places be given an opportunity to concur to listing in accord with the National Historic Preservation Act Amendments of 1980 and Federal regulations 36 CFR Part 60. Any owner or partial owner of private property who chooses to object to listing is required to submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, as appropriate, and objects to the listing. If a majority of the owners objects to listing, the district will not be listed. Each owner or partial owner of private property in a district has one vote regardless of how many properties or what part of one property that party owns. If the district cannot be listed because a majority of owners objects prior to the submission of a nomination by the State, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register for a determination of the eligibility of the district for inclusion in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If you choose to object to the listing of your property, the notarized objection must be submitted to Dr. Junius R. Fishburne, 216 Clark Street, University of South Dakota, Vermillion, SD 57069 by February 17, 1982.

If you wish to comment on whether the district should be nominated to the National Register, please send your comments to the above address.

Sincerely,

Junius R. Fishburne
State Historic Preservation Officer

Enclosure(s)

RE: Withdrawal of Objection by Property Owner

Dr. Junius R. Fishburne
State Historic Preservation Officer
USD 216 East Clark
Vermillion, SD 57069

Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

Include the main bank at
225 Cedar Street, Yankton, South Dakota
and the buildings to the west
and south

I have previously submitted to the State Historic Preservation Officer a notarized letter of objection to the listing of the property in question on the National Register of Historic Places. I hereby withdraw that objection.

Sincerely,

Comptroller State Bank by.
William A. Dean ED

Subscribed and sworn to before me this 12 day of February

J. W. Abbott
Notary Public Yankton: 8-2-82

RE: Withdrawal of Objection by Property Owner

Dr. Junius R. Fishburne
State Historic Preservation Officer
USD 216 East Clark
Vermillion, SD 57069



Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

213 West 3rd

I have previously submitted to the State Historic Preservation Officer a notarized letter of objection to the listing of the property in question on the National Register of Historic Places. I hereby withdraw that objection.

Sincerely,

Don Oswald

Subscribed and sworn to before me this 16 day of February

J. R. Abbott
My Comm exp:
8-2-82

RE: Withdrawal of Objection by Property Owner

Dr. Junius R. Fishburne
State Historic Preservation Officer
USD 216 East Clark
Vermillion, SD 57069



Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

314 Walnut

Yankton, So. Dakota

I have previously submitted to the State Historic Preservation Officer a notarized letter of objection to the listing of the property in question on the National Register of Historic Places. I hereby withdraw that objection.

Sincerely,

Edwin E. Simon

Subscribed and sworn to before me this 16th day of February, 1982

Michael E. Simon

RE: Withdrawal of Objection by Property Owner



Dr. Junius R. Fishburne
State Historic Preservation Officer
USD 216 East Clark
Vermillion, SD 57069

Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

214 West Third St.

Yankton, So Dak 57078

I have previously submitted to the State Historic Preservation Officer a notarized letter of objection to the listing of the property in question on the National Register of Historic Places. I hereby withdraw that objection.

Sincerely,

John V. Jensen

Subscribed and sworn to before me this 16 day of February

J. W. Abbott
Notary Public
My Comm. expires: 8-2-82

RE: Withdrawal of Objection by Property Owner



Dr. Junius R. Fishburne
State Historic Preservation Officer
USD 216 East Clark
Vermillion, SD 57069

Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

100 EAST THIRD

I have previously submitted to the State Historic Preservation Officer a notarized letter of objection to the listing of the property in question on the National Register of Historic Places. I hereby withdraw that objection.

Sincerely,

Amy W. Zorn

Subscribed and sworn to before me this 16 day of February

J. M. Abbott
Notary Public
my comm expires: 8-2-82

RE: Withdrawal of Objection by Property Owner



Dr. Junius R. Fishburne
State Historic Preservation Officer
USD 216 East Clark
Vermillion, SD 57069

Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

310 Broadway

I have previously submitted to the State Historic Preservation Officer a notarized letter of objection to the listing of the property in question on the National Register of Historic Places. I hereby withdraw that objection.

Sincerely,

Deraldine Weiger

Subscribed and sworn to before me this 17 day of Feb. 1982

Jr Abbott
Notary Public
My Comm. expires: 8-2-82

RE: Withdrawal of Objection by Property Owner



Dr. Junius R. Fishburne
State Historic Preservation Officer
USD 216 East Clark
Vermillion, SD 57069

Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

306 Broadway
Yankton SD

I have previously submitted to the State Historic Preservation Officer a notarized letter of objection to the listing of the property in question on the National Register of Historic Places. I hereby withdraw that objection.

Sincerely,
Andy Stewart
R. Stewart

Subscribed and sworn to before me this 17th day of February, 1982

Eldine Symon

RE: Withdrawal of Objection by Property Owner



Dr. Junius R. Fishburne
State Historic Preservation Officer
USD 216 East Clark
Vermillion, SD 57069

Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

314 Walnut

Vankton, SD 57078

I have previously submitted to the State Historic Preservation Officer a notarized letter of objection to the listing of the property in question on the National Register of Historic Places. I hereby withdraw that objection.

Sincerely,

Subscribed and sworn to before me this 17 day of February, 1982

J. R. Abbott
Notary Public
my comm expires: 8-2-82

RE: Withdrawal of Objection by Property Owner



Dr. Junius R. Fishburne
State Historic Preservation Officer
USD 216 East Clark
Vermillion, SD 57069

Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

TELEPHONE BUILDING - 334 - WALNUT

ROYAL ATHLETIC CO - 338 WALNUT

I have previously submitted to the State Historic Preservation Officer a notarized letter of objection to the listing of the property in question on the National Register of Historic Places. I hereby withdraw that objection.

Sincerely,

Ned Jensen

Subscribed and sworn to before me this 17 day of February

J W Abbott
Notary Public
my comm expires: 8/2/82

RE: Waiver by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, SD 57069

Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

Warehouse, 227 Capital, Yankton

I hereby waive my right to object to the proposed listing and notify you that I request that my property be listed in the National Register at the earliest possible date.

Sincerely,

Ronald W. Hatz

Date: Jan 16, 1982

RE: Waiver by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, SD 57069



Dear Dr. Fishburne:

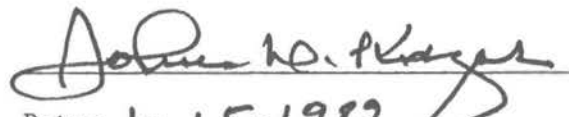
This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

Style Shop, 106 West Third, Yankton.

I hereby waive my right to object to the proposed listing and notify you that I request that my property be listed in the National Register at the earliest possible date.

Sincerely,


Date: 1-15-1982

John Kazos

RE: Waiver by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, SD 57069

Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

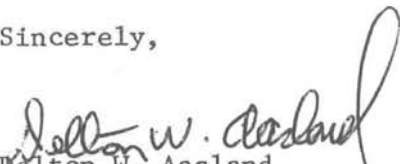
First Dakota National Bank

201 West Third

Yankton, S.D. 57078

I hereby waive my right to object to the proposed listing and notify you that I request that my property be listed in the National Register at the earliest possible date.

Sincerely,


Delton W. Aasland
Executive Vice President
Date: Feb 11, 1982

RE: Waiver by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, SD 57069

Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

Bob's Photography, 306 West Third, Yankton.

I hereby waive my right to object to the proposed listing and notify you that I request that my property be listed in the National Register at the earliest possible date.

Sincerely,

Robert R. Fishburne

Date: Jan 14, 1982



RE: Waiver by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, SD 57069

Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

Kate's, 219 West Third, Yankton.

I hereby waive my right to object to the proposed listing and notify you that I request that my property be listed in the National Register at the earliest possible date.

Sincerely,

Joseph P. Sanson
Date: *Jan 18, 1982*



RE: Waiver by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, SD 57069

Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

 P
Rexall Drugs, 109 West Third, Yankton.

I hereby waive my right to object to the proposed listing and notify you that I request that my property be listed in the National Register at the earliest possible date.

Sincerely,

 P
Junius R. Fishburne
Date: 1/15/82

RE: Waiver by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, SD 57069

Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

The Pantry, 215 West Third, Yankton

I hereby waive my right to object to the proposed listing and notify you that I request that my property be listed in the National Register at the earliest possible date.

Sincerely,

Lang J. Shick
Date: 2-6-82

The Pantry
215 W 3rd
57078

RE: Waiver by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, SD 57069

Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

Furniture Gallery, East Third (address should
be between 113 and 119). Legal Description:
East 76 feet 11 inches of Lots 17 and 18, less
the South 8 feet of Lot 17, Block 2, Lower Yankton Addition.

I hereby waive my right to object to the proposed listing and notify you that I request that my property be listed in the National Register at the earliest possible date.

Sincerely,

E. Mansfield Hamilton

Date: Jan 18 - '82



RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

315 Walnut
317 Walnut
319 Walnut
Yankton S.D.

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Subscribed and sworn to before me this 18th day of JANUARY, 1982

Notary Public

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

108-110-112 E. 3rd St.

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Mrs. R. W. Herbert

Subscribed and sworn to before me this 12th day of MARCH, 1982

Harry L. Gace
Notary Public

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

Step Ahead, 102 W. Third Street, Yankton, SD
Walnut Bar, 3rd & Douglas, Yankton, SD
Riviera Cafe Bldg., Lot 14, Block 26, Todd's Addition,
Yankton, SD

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

J. N. TRIERWEILER TRUST

BY:


James T. Goetz, Trustee

Subscribed and sworn to before me this 16th day of Feb., 1982

Diane M. Wallock
Notary Public

My commission expires: February 26, 1989.

(SEAL)

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

311 West Third Street and vacant lots
described as East 1/2 of the West 1/3 of
Lots 17 and 18, Block 13, in that part of the
City of Yankton platted and known as "Yankton".

We hereby exercise our right to object to the proposed listing and notify you that we request that our property NOT be listed in the National Register.

Sincerely,

JAMES T. GOETZ

WILLIAM J. KLIMISCH

ROBERT W. HIRSCH

Subscribed and sworn to before me this 15th day of Feb., 19 82

Notary Public
LAURIE VOIGT

My commission expires April 15, 1988

(SEAL)



RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

224 N. 3rd
Yankton, S.D. 57078

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Mrs Bernice Reedstrom

Subscribed and sworn to before me this 6th day of Feb., 1982

Nancy Pearce
Notary Public

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

224 WEST THIRD ST
YANKTON, SD
57078
BOX 775

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Beatrice Scoblic

Subscribed and sworn to before me this 9th day of FEBRUARY 1982

Harry J. Green
Notary Public

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

300 Broadway
Yankton, South Dakota 57102

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Walter J. Miller
Shirley L. Miller

Subscribed and sworn to before me this 9th day of FEBRUARY 1982

Jerry L. Greese
Notary Public

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

104 W. 3rd Street
Yankton, SD

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Wouler Raphels

Subscribed and sworn to before me this 11th day of Feb, 1982

Phillip L. Dauder
Notary Public

RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069



Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

116 - 118 East 3rd.
Yankton S. Dak.

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Frank J. Burroughs

Subscribed and sworn to before me this 2ND day of FEB., 1982

Mary Greene
Notary Public



RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

E 1/3 W 1/2 lots 10 & 11
BLK 25 Addition
206-208-W-3rd.

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,
Arthur M. Eedick
Arthur M. Eedick

Subscribed and sworn to before me this 20th day of Jan, 1982

Ed Boyler
Notary Public

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

304 W 3rd St.
Yankton, South Dakota

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Richard D. Robinson (Pres.)
Robinson's Inc.

Subscribed and sworn to before me this 28 day of Jan, 1982

Harry [Signature]
Notary Public

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

214 W. 3RD ST.

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Robert V. Jensen

Subscribed and sworn to before me this 21ST day of JANUARY 1982

Mary L. [Signature]
Notary Public

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

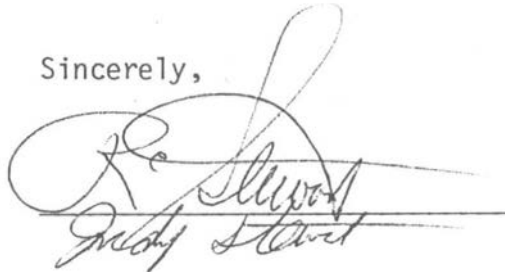
This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

306 Broadway
Yankton SD

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,



Judy Stewart

Subscribed and sworn to before me this 8 day of Feb., 1982



Notary Public



RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

221 - 225 Cedar

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,
AMERICAN STATE BANK

William A. Deam, Executive Vice President

Subscribed and sworn to before me this 19 day of JAN., 1982

Notary Public

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

100 EAST THIRD STREET
YANKTON, SOUTH DAKOTA

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Larry Wayne Boom

Subscribed and sworn to before me this 2ND day of FEB., 1982

Larry L. Greene
Notary Public

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

Donald W. Johnson
Amanda M. Johnson
112 W. 3rd St.
Yankton, S.D.

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Donald W. Johnson

Subscribed and sworn to before me this 18 day of January, 1982

Larry A. Benson
Notary Public



RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

222 Capitol

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Agnes E. Herrboldt

Subscribed and sworn to before me this 21ST day of JANUARY 1982

Harry L. [Signature]
Notary-Public

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

113 + 115 West 3rd

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Junius R. Fishburne

Subscribed and sworn to before me this 21st day of JANUARY 1982

Harry Spence
Notary Public



RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

<u>120 W 3rd</u>	<u>307 1/2 Walnut</u>
<u>122 W 3rd</u>	<u>310 Broadway</u>
<u>309 Walnut</u>	<u>311 Walnut</u>
<u>307 Walnut</u>	

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Subscribed and sworn to before me this 22nd day of January 1982

Katherine Johnson
Notary Public
exp: 1-13-85

John Herfkens
RR1
Oak Hills Addition

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

332 WALNUT (ROYAL SPORT SHOP)
334 WALNUT (TELEPHONE BUILDING)

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Neil A. Deussen
Secy & Treas
ROYAL ATHLETIC C

Subscribed and sworn to before me this 25th day of January 1982

Nancy Speece
Notary Public



RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

306-308 Walnut St Yankton, S. Dak 57078

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Maquet Smith / Elaine G Smith

Subscribed and sworn to before me this 18th day of Jan, 1982

Rogene Smith 6-9-89
Notary Public Yankton S. Dak.



RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

213 West 3rd St.
Yankton S.D.

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Alvin A. Oswald

Subscribed and sworn to before me this 18 day of January, 1982

Larry A. Benson
Notary Public



RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

John Deere Building
213 EAST THIRD
WADKTON, SODAK.

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Ronald H. Kromm Pres.
COURNEY SEED AND NURSERY CO. INC.

Subscribed and sworn to before me this 19th day of Jan, 1982

Jackie L. Samson
Notary Public



RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

314 Walnut St
Yankton SD

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

James R. Fitzgerald

James R. Fitzgerald
P.O. Box 607
Yankton, SD 57078

Subscribed and sworn to before me this 19 day of Jan, 1982

K. Killip
Notary Public

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

Fantle Bros. Co. 121 West 3rd. St.
Mollet Music Repair 212 Walnut St.
Globe Clothier 117@119 West 3rd. St.
Hanny's Mens Wear 118 West 3rd. St.

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Joseph C. Levinger
Joseph C. Levinger

President Fantle Bros.

Subscribed and sworn to before me this 26 day of January, 19 82

Larry A. Benson
Notary Public

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

224 Capital

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Viola Larsen

Subscribed and sworn to before me this 20th day of JANUARY, 1982

Jerry Speece
Notary Public



RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

Northwestern Public Serv. Co.
313 Cedar st.
Yankton, S. Dak. 57078

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Mrs. Karen Dries

Subscribed and sworn to before me this 29 day of Jan, 1982

Marilyn B. Pentecost
Notary Public Harris Co - TX
expires 10-16-84



RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

314 Walnut St
Yankton SD

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Alvin E. Lemoy

Subscribed and sworn to before me this 19 day of Jan, 19 82

K. Killen
Notary Public

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

310 WALNUT ST.
VERMILION S.DAK.

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Earl Sparks Treasurer
R. O. Brian Jr. post Gov.
Herbert J. Walsh
Jim Allen Jr. Gov.
Willie Simonsen

Sincerely,

Elmer Kaiser Secy.
Don L. Hill Governor

Subscribed and sworn to before me this 26 day of January, 1982

Larry A. Benson
Notary Public



RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

308 + 310 W. 3RD ST.
YANKTON, S. DAK.

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Subscribed and sworn to before me this 28th day of JAN, 1982

Notary Public

RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069



Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

308 WEST 3RD ST.
YANKTON, S. DAK.

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Sharon Aults

Subscribed and sworn to before me this 10th day of FEBRUARY 1982

Harry L. Lasee
Notary Public

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

324^c Walnut Street
Yankton, South Dakota

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

COMMONWEALTH HIGHLAND THEATRES INC.

Clara M. Krause
Secretary-Treasurer

Subscribed and sworn to before me this 20th day of JAN., 1982

J. W. Bentley
Notary Public *M.C.E. 6/16/83*

RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

210 W. 3rd Street

Yankton, South Dakota

Legal Description: W1/3 of Lots 10, 11, & 12,
Block 25, Todd's, Yankton

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

YANKTON SAVINGS AND LOAN ASSOCIATION

By:

Edward Boyles
Owner

Subscribed and sworn to before me this 20th day of Jan., 19 82

Judy K. Overbay
Notary Public S.D.

Edward Boyles

RE: Objection by Property Owner



Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

311 WALNUT ST.
YANKTON, S. DAK.

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

R. E. Wallbaum

Subscribed and sworn to before me this 5th day of FEBRUARY 1982

Nancy Greene
Notary Public



RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

311 CEAR
YANKTON, S.D. 57078

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

John M. Farnestad
Mabel McElloon

Subscribed and sworn to before me this 19 day of Jan, 1982

Loeth Albracht

Notary Public



RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

Office 308 Broadway, Yankton

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

William F. Morgan

Subscribed and sworn to before me this 15 day of June, 1982

William F. Morgan
Notary Public



RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

310 Broadway

Yankton, So. Dak.

57078

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Seraldine Weiger

Subscribed and sworn to before me this 19 day of Jan 1982

Marilyn Hejna
Notary Public



RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

220 W. 3rd. St.
Yankton
South Dakota
57078

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Harry E. Rensho
Nora L. Hall

Yankton
57078

Subscribed and sworn to before me this 3rd day of FEB, 1982

Hallie M. Middleton
Notary Public

Notary Public, State of Florida
My Commission Expires Nov. 12, 1984
Bonded Thru Troy Fair Insurance, Inc.

RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069



Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

106 W. 3RD ST.
YANKTON, S. DAK.

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

John D. Koger

Subscribed and sworn to before me this 23RD day of FEBRUARY 1982

Harry Loebe
Notary Public

RE: Objection by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

This will confirm that I am aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

212 Douglas
Yankton S. Dak
57098

I hereby exercise my right to object to the proposed listing and notify you that I request that my property NOT be listed in the National Register.

Sincerely,

Ray Livingston *Melinda Falke*

Subscribed and sworn to before me this 15th day of APRIL, 1982

Nancy Peace
Notary Public

RE: Withdrawal of Objection by Property Owner

National Register of Historic Places
National Park Service
US Dept of Interior
Washington, DC 20240

Dear Sir:

This will confirm that I am fully aware of the effects of listing property in the National Register of Historic Places. I recognize that, under the National Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

311 Walnut

Yankton, South Dakota 57078

I have previously submitted to the South Dakota Historic Preservation Officer a notarized letter of objection to the listing of the property in question on the National Register of Historic Places. I hereby withdraw that objection.

Sincerely,

Florence Y. Wallbaum
(Signature)

FLORENCE Y. WALLBAUM
(Name printed)

Subscribed and sworn to before me this 26th day of May 1982 .

J. W. Ashburn
my Comm. expires 8-2-82
Notary Public SD

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- 11.) Copy of Letter from Carol D. Shull, Acting Keeper of the
National Register, Received March 30, 1982
Addressed to Dr. Fishburne
- 12.) Copy of an April 7, 1982 Wall Street Journal article entitled,
"Arsonists Increasingly Hitting Buildings in Historic
Districts."

Ladies and gentlemen thank you for your time and effort this evening and for allowing me to present concerns pertaining to the procedure of establishing a historical district and questions pertaining to property within a historical district.

Everything in the presentation is documented in the material in front of you. If you find no documentation, it means that no record of action was available.

First a brief history of the events leading up to this public hearing and the development of the Yankton Commercial Historic District. A Yankton Chamber of Commerce committee was established to research and recommend methods of renovating the Yankton downtown area. This was in response to a substantial retail development on the north side of the city, The Yankton Mall.

The committee determined that the best method, at the least expense and store opening hours lost, was to renovate the existing buildings rather than wholesale change of the downtown area. The committee recommended voluntary historical preservation. This concept was warmly embraced by the city and the chamber of commerce. For a point of record, the Press and Dakotan published an editorial commending the committee on its determination of a voluntary preservation of downtown.

As an offshoot of the chamber committee, Historic Yankton, Inc. was formed. This group hired a historic planner who was to present drawings and advise building owners on how buildings could be renovated. The city government provided funds toward offsetting the expense of the planner. The following year the city once again provided funds for the planner.

Then it became evident that the planner was spending more time in the development of a commercial historic district than providing owners with advice and drawings on how to renovate. The city dropped funding of the project and the chamber separated itself from Historic Yankton. The city government had never concurred that the historic district concept is good for Yankton.

The district was presented to the state board in late 1980 with no public hearing being held in Yankton, although an informal informational meeting was held in June. The board subsequently sent the nomination to Washington, D.C. The nomination was put on hold

due to a change in the law and was eventually sent back to South Dakota for reconsideration. During the first nominating procedure the Press and Dakotan stood against the district because owners were not given an opportunity to say whether or not they wanted their property included in the proposed district. The newspaper asked that the promoters of the district show proof that at least 50 percent of the owners supported the district. This never happened and still has not happened.

Now, your board has an opportunity to establish a working agreement between landowners and preservationists. Most everyone in this room desires this. There has to be a point that can be established by residents of South Dakota, that works better within the State's, fire codes, safety codes, taxes and concern for personal heritage than the national proposed regulations do.

This board can take itself out of the problems now being realized in other parts of the country as highlighted in the Wall Street Journal article of Wednesday, April 7, 1982, entitled "Arsonists Increasingly Hitting Buildings in Historic Districts."

This is a problem especially in a controversial district and a district that may have been established by regulations prior to their final approval.

The Press and Dakotan does not want the State of South Dakota and the City of Yankton to be placed in a poor legal position.

The entire process of nominating the proposed Yankton Commercial Historic District and the subsequent voting up to this point would in no way stand up in the courts if any one of the property owners contested it, and it is likely that the Department of Interior would not approve it under those circumstances.

The newspaper's proposal is that serious consideration be given to starting all over so that the right of "due process" is offered to all property owners.

The process to this point could be invalidated because:

1. Regulations by which the vote was taken were not scheduled to be finalized until February 1, 1982, so in effect, the vote was being taken only on the proposed regulations since "comments" were still being accepted on February 1, 1982 and later.

2. According to those regulations and even the previous regulations, the nomination should have been made in concurrence with the local governing body, in this case, the Yankton City Commission. And since the inclusion of property in the proposed district does afford some tax incentives, it would appear that since the tax base of the area could be affected that not only the City Commission but the Yankton School District and Yankton Board of County Commissioners should also concur. No such action was requested or given by any of the three listed governing bodies.

3. The process of voting seemed irregular. Since the letters sent to property owners by the Historical Preservation Center were not sent either certified or registered mail so that there was any assurance that the ballots (waivers) were ever received.

4. There seems to be a question of the legality of voting on property only on the basis of a street address, since all legal matters dealing with property normally are handled through a legal description. That was not the case.

5. The system of voting did not require every property owner to vote. Even those who did not vote were counted as being "for the district" while it required a special notarized statement from those who opposed "inclusion" in the proposed district. In fact ballots to approve the district were provided by the preservation center. No ballots were provided to oppose the district by the preservation center.

6. The Director of the Historical Preservation Center and his staff admit that even after the voting was complete, there was still uncertainty as to who was eligible to vote and as to who was not eligible to vote. There was a question if each property owner (in the case of several owners of a piece of property) had a vote or if there should have been one vote for each piece of property. There was no definition as to how a corporation with many stockholders would be voting. The U.S. Department of Interior is still vague on this according to a letter received by Dr. Fishburne on March 30. Nor was there any provision in the regulations as to who would vote for an estate, or how many would be eligible to vote in the case of estate property.

It would appear that if the several owners of one piece of property could each vote, that those property owners who had more than one piece of property should likewise have been authorized to vote "for" or "against" such proposed district on each of those pieces of property.

7. Wednesday, Feb. 17, 1982 was designated as the final date for balloting on the proposed district. A report received by telephone from the Historical Preservation Center in Vermillion indicated on the morning of February 18, 1982 that there were 83 possible votes in the district and that 43 objections or more than 50 percent required to defeat the proposal had been received. However, even at the time of the balloting there was no determination of how the voting involving two estates should be done. This has still not been resolved. Also several of those who had voted to oppose the district changed their vote -- after the February 17, 1982 deadline. But the point that should be made is that while there were 43 who OPPOSED the district, only 10 property owners submitted waivers approving inclusion into the proposed district. Even though eight property owners subsequently changed their vote, that would leave only 18 who favored inclusion and 35 who opposed it. This points to the inequities of the voting process that was followed.

8. The first public hearing to be held concerning the district in Yankton is tonight's meeting. This hearing is presumedly being held at your request. The hearing Dr. Fishburne refers to in June, 1980 was classified by the Vermillion Preservation Center as an informal discussion since the place of the hearing was not publicized. The meeting referred to in November, 1980 was held in Pierre. Since that time the regulations covering Historical Districts have been changed. In 1980 the Vermillion office stated that if even 75 percent of the property owners were opposed to the district it would not make any difference. Who wants to make a special trip to Pierre if it won't make any difference.

Rather than split a community, it would seem that the Department of Education and Cultural Affairs through the Historical Preservation Center should reconsider the action that has already been taken, wait

for the final regulations to be approved in the Federal Register, and then proceed in the following manner:

1. Submit a new nomination for the district.
2. Have such a nomination approved or disapproved by the Yankton City Commission, the Yankton Board of Education and the Yankton County Board of Commissioners, since public monies are involved in the cases where tax benefits will be received.
3. A public hearing be held in the affected community.
4. That letters to all property owners should be forwarded to those owners or their representatives by registered or certified mail so that they are receipted to determine who signed for them and acknowledged their receipt.
5. That those letters include the legal description of the properties involved in the voting rather than just the street addresses, since tax benefits would also be based on that legal description.
6. Determine ahead of time who can vote, who is eligible to vote, how many votes can be cast for each piece of property and who will cast that vote. Determine who votes in case of estates, who votes in cases where there is more than one owner of a piece of property and if more than one vote is permitted on a piece of property, also determine ahead of time if stockholders in those firms, in which there are stockholders can also vote. If persons owning land under a building or vacant lot would have a vote, and if multiple ownership, how many votes.
7. Provide a ballot that makes it mandatory for those who wish to approve the proposed historical district to return a ballot as well as those who oppose it. Make it no tougher to oppose the district (by a special notarized statement) than to support it.
8. Count the ballots on the basis of the number of ballots received to determine the majority, and not permit non-votes to count as votes "for" in the final tabulation of the voting.
9. Above all, lay out the groundrules so that everyone knows for sure how many pieces of property there are, how many votes can be cast, so that there is no changing after the voting is complete.

These do not seem to be unreasonable demands and could avoid some of the controversy that has developed in this case. Much of the controversy has been brought about through the manner in which the entire matter has been handled rather than the question of those supporting or opposing the district.

Upon reading the material presented to you, you will surely desire to protect preservation from obtaining a bad name and of losing congressional support. There is need of preservation of our material heritage and a workable method between landowners and preservationists should be developed first in order to protect something more dear than material, that being our personal heritage, that we enjoy in the State of South Dakota and the United States of America.

Please work with us to set up State-approved guidelines before plunging into controversy.

Map showing voting
in the February 17,
1982 election.

RED-Property owners
voting NO.

GREEN-Property
owners voting
YES.

YELLOW-Property
owners who
changed their
vote to YES.

BLUE-Property
not in Historic
District.

HISTORICAL
PRESERVATION
CENTER

University of South Dakota
Vermillion, S.D. 57069
Phone (605) 677 5314



January 8, 1982

Yankton Printing Co.
319 Walnut
Yankton, SD 57078

Dear Property Owner:

Last January we informed you that The National Register had suspended review of privately-owned historic site nominations. During this past year the National Park Services, Department of the Interior has been writing new regulations for the amended National Historic Preservation Act. These regulations have been approved and once again they are accepting nominations for review.

Please find enclosed a letter explaining both the revisions in the preservation act and the benefits of the federal tax act. You will note that owners of individually nominated properties, who object to the nomination, can ask to have their properties removed from consideration. In historic districts a majority of owners must object before the district nomination is withdrawn.

We were pleased to learn that your property will not have to undergo review by the state review board a second time. Instead, we can forward your nomination directly to Washington, D.C. as soon as we receive the waiver slip signed by you.

We regret the delay, but are pleased to be able to complete the nomination process.

If you have questions regarding the new tax act program, please address them to Mr. Jim Wilson (605-677-5314). If you have questions regarding the nomination process, please contact Ms. Carolyn Torma at the same number.

Sincerely,

A handwritten signature in cursive script that reads "Junius R. Fishburne".

Junius R. Fishburne
State Historic Preservation Officer

HISTORICAL
PRESERVATION
CENTER

University of South Dakota
Vermillion, S.D. 57069
Phone (605) 677 5314



January 8, 1982

Yankton Printing Co.
319 Walnut
Yankton, SD 57078

Dear Sir:

We are pleased to inform you that the property you own is located in the Yankton Historic Commercial District, 3rd Street between Broadway and Pine, Walnut between 4th and 2nd, Yankton. The district will be considered by the Department of the Interior for nomination to the National Register of Historic Places. The National Register is the Federal Government's official list of historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our Nation's heritage. Enclosed is a copy of the criteria under which properties are evaluated.

Listing in the National Register provides the following benefits to historic properties:

- Consideration in the planning for federally assisted projects. Section 106 of the National Historic Preservation Act of 1966 provides that the Advisory Council on Historic Preservation be given an opportunity to comment on projects affecting such properties.

- Eligibility for Federal tax benefits. If a property is listed in the National Register, certain tax provisions may apply. The Tax Reform Act of 1976, as amended by the Revenue Act of 1978 and the Tax Treatment Extension Act of 1980, and the Economic Recovery Tax Act of 1981, contain provisions intended to encourage the preservation of depreciable historic structures by allowing favorable tax treatments for rehabilitation, and to discourage destruction of historic buildings by eliminating certain Federal tax provisions for demolition of historic structures. Beginning January 1, 1982, the Economic Recovery Tax Act replaces the rehabilitation tax incentives available under prior law with a 25% investment tax credit for rehabilitations of certain historic commercial, industrial and residential rental buildings. This can be combined with a 15-year cost recovery period for the adjusted basis of the historic building. Historic buildings with certified rehabilitations receive additional tax savings because they are exempt from any requirement to reduce the basis of the building by the amount of credit. The Tax Treatment Extension Act of 1980 includes provisions regarding charitable contributions for conservation purposes of partial interests in historically important land areas or structures.

The Office of Cultural Preservation of the Department of Education and Cultural Affairs coordinates South Dakota's archaeological research, museums, historical preservation and historical resource in a program designed to preserve our natural and cultural heritage.

Yankton Printing Co.
Page Two
January 8, 1982

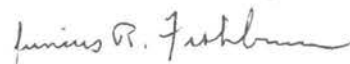
-Consideration of historic values in the decision to issue a surface coal mining permit where coal is located, in accord with Surface Mining and Control Act of 1977.

-Qualification for Federal grants for historic preservation when funds are available.

Owners of private properties nominated to the National Register of Historic Places be given an opportunity to concur to listing in accord with the National Historic Preservation Act Amendments of 1980 and Federal regulations 36 CFR Part 60. Any owner or partial owner of private property who chooses to object to listing is required to submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, as appropriate, and objects to the listing. If a majority of the owners objects to listing, the district will not be listed. Each owner or partial owner of private property in a district has one vote regardless of how many properties or what part of one property that party owns. If the district cannot be listed because a majority of owners objects prior to the submission of a nomination by the State, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register for a determination of the eligibility of the district for inclusion in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If you choose to object to the listing of your property, the notarized objection must be submitted to Dr. Junius R. Fishburne, 216 Clark Street, University of South Dakota, Vermillion, SD 57069 by February 17, 1982.

If you wish to comment on whether the district should be nominated to the National Register, please send your comments to the above address.

Sincerely,



Junius R. Fishburne
State Historic Preservation Officer

Enclosure(s)

RE: Waiver by Property Owner

Dr. Junius R. Fishburne
216 East Clark
University of South Dakota
Vermillion, SD 57069

Dear Dr. Fishburne:

This will confirm that I am fully aware of the effects of listing a property in the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to object to the proposed listing of my property by a notarized, written statement. If I am the sole owner and I object, my property will not be listed. If there are multiple owners of this property and a majority of the owners object, the property will not be listed.

Following is the address of my property:

Vacant, 313 Walnut, Yankton.
Yankton Daily Press and Dakotan, 315 Walnut.
Yankton Daily Press and Dakotan, 315½ Walnut,
Yankton.

I hereby waive my right to object to the proposed listing and notify you that I request that my property be listed in the National Register at the earliest possible date.

Sincerely,

Date: _____



United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

H32-710
ES-40767

FEB 10 1982

Mr. Dennis C. Kaster
Publisher
Yankton Daily Press and Dakotan
319 Walnut
Yankton, South Dakota 57078

Dear Mr. Kaster:

On behalf of Secretary of the Interior Watt, thank you for your letter of January 21 concerning the right of private property owners to object to nominations to the National Register of Historic Places.

The regulations governing the National Register have been revised in accordance with the National Historic Preservation Act Amendments of 1980 (interim rule, 36 CFR 60, copy enclosed). The Department of the Interior has given careful consideration to establishing the most reasonable and legally accurate method for carrying out the requirement of the law. Specifically, the law states that before any privately owned property or district including private property may be included in the National Register, the owner or owners shall be given the opportunity (including a reasonable length of time) to concur in, or object to, the nomination. The statute refers only to owners, rather than to properties. Therefore, the regulations require that each owner have a vote in determining whether a majority of owners in a historic district or a single property with multiple owners object to listing.

To protect the rights of property owners and to assure that the record is legally defensible, the regulations provide that an owner who wishes to object shall submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, as appropriate, and objects to the listing.

Your comments and recommendations on the National Register regulations will be considered before the regulations are published in final.

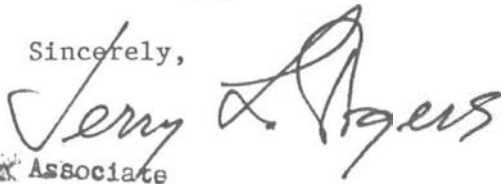
Mr. Dennis C. Kaster

2

In regard to your letter of January 15 to property owners, enclosed is information on the effects of listing properties in the National Register. The rights of property owners are not altered by listing in the National Register. Owners are free to manage, change, or dispose of their property as they choose.

We appreciate your concern in this matter. If we can be of further assistance, please let us know.

Sincerely,



Associate

Director

Enclosures 3

cc: Dr. Junius R. Fishburne
Historical Preservation Center
University of South Dakota - Alumni House
Vermillion, South Dakota 57069



Historic District

STATE OF SOUTH DAKOTA

EXECUTIVE OFFICE

WILLIAM J. JANKLOW
GOVERNOR

February 16, 1982

Dennis C. Kaster, Publisher
Yankton Press and Dakotan
315 Walnut
Yankton, South Dakota 57078

Dear Mr. Kaster:

Thank you for your letter and enclosures of January 21, 1982, in which you raise a series of objections to the manner in which the Yankton Commercial Historic District is being formed and to the method being used by the Historic Preservation Center to solicit comments concerning the district nomination by affected property owners. I have asked Dr. Harris J. Wollman, Secretary of Education and Cultural Affairs, to investigate this matter and this letter reflects the results of his findings.

In June of 1980, Historic Yankton, Inc., approached the Historic Preservation Center with a nomination request for the Yankton Commercial Historic District. The request was supported by the Yankton Chamber of Commerce and was sanctioned and funded by the City of Yankton through a grant of \$13,750 to secure the services of a restoration architect for the proposed district. If approved, Yankton would host its second historical district.

On June 19, 1980, a public meeting on this topic was held in Yankton. A subsequent public meeting was held, and, on two different occasions, the staff of the Historical Preservation Center discussed the proposed district with various civic groups in the city.

The nomination process became stalled in late 1980 when Congress amended the National Historic Preservation Act of 1966. The U.S. Department of Interior froze all pending nominations until new rules could be issued in compliance with the 1980 amendments to the Act. The rules were issued in the Federal Register on November 16, 1981.

Among the changes in the Act was the inclusion of a provision allowing individuals to opt out of a proposed district and when a majority of affected property owners object to being included in a proposed historical district the district will not be formed. The U.S. Department of Interior set out a required procedure for states receiving federal assistance to follow when nominating these districts. The federal regulations 36 CFR Part 60, § 60.6(g), states:

Upon notification, any owner or owners of a private property who wish to object shall submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, as appropriate, and objects to the listing. In nominations with multiple ownership of a single private property or of districts, the property will not be listed if a majority of the owners object to listing. Upon receipt of notarized objections respecting a district or single private property with multiple owners, it is the responsibility of the State Historic Preservation Officer to ascertain whether a majority of owners of private property have objected. If an owner whose name did not appear on the list certifies in a written notarized statement that the party is the sole or partial owner of a nominated private property such owner shall be counted by the State Historic Preservation Officer in determining whether a majority of owners has objected. Each owner of private property in a district has one vote regardless of how many properties or what part of one property that party owns and regardless of whether the property contributes to the significance of the district.

This "negative checkoff" system, in my estimation, represents a socialistic governmental scheme that requires citizens to say they don't want government services. I believe that government should provide services only if the people do want them and are willing to pay for them. This mandatory federal procedure was adopted primarily as a lever to protect historical properties, not their owners.

The procedure is an unfair imposition on the state but does not, I believe, constitute the taking of property rights. This issue has been decided by a federal district court in eastern Virginia (see Historic Green Springs v. Black, 497 F. Supp. 839 (E.D. Virg. 1980).

Regardless of the means used to nominate a historical district, the major effect of inclusion on the National Register of Historic Places is to provide affected property owners with a choice of options regarding the federal income tax formulae available, any potential for grants-in-aid and other assistance or participation in the state's historical property tax moratorium provisions of SDCL 1-19A-20. There is, of course, a disincentive in that demolition of historical structures is not a tax deductible cost of doing business.

With respect to the decision of the Historical Preservation Center to continue the nomination process commenced prior to the change in federal law without consideration of repeating its earlier efforts, the U.S. Department of Interior, in 36 CFR Part 60, § 60.6(h), provided that:

If a property has been submitted to and approved by the State Review Board for inclusion in the National Register prior to the effective date of this section, the State Historic Preservation

Officer need not resubmit the property to the State Review Board; but before submitting the nomination to the NPS shall afford owners of private property the opportunity to concur in or object to the property's inclusion in the Register pursuant to applicable notification procedures described above.

The opportunity to comment was afforded affected property owners through a January 8, 1982, letter from Dr. Junius R. Fishburne, State Historic Preservation Officer. The "negative checkoff" system was continued since the federal regulations still required its use. To date, Dr. Fishburne has received 27 negative responses from the 67 letters mailed.

SDCL 1-19A-19 establishes the authority of the "State Review Board," including the responsibility to "approve nominations to the state and national registers of historic places." I am, by copy of this letter to the Department of Education and Cultural Affairs, requesting that the following actions be under taken by the Board of Cultural Preservation:

1. The Board, consistent with our cooperative efforts with the Vice-President's Task Force on Regulatory Reform, review the current regulations governing the Historical Preservation Center programs, make specific recommendations to the U.S. Department of Interior resolving the issues you have raised and share with you both their findings and any response from the federal government;
2. The notices to property owners in nominated historic districts in the future be sent by registered mail to insure that, until this "negative checkoff" system can be repealed, all owners are given the opportunity to express their support or opposition to creation of the district in addition, both "waiver" and "objection" forms should be provided each owner;
3. The State Historic Preservation Officer contact the U.S. Department of Interior to ascertain specifically who should be contacted regarding the option to comment on creation of a historic district, the method to be used in counting responses received and what procedure should be employed when the land upon which a structure lies is owned by another party. The responses received should be shared with you; and,
4. The State Review Board suspend consideration of the Yankton Commercial and Historic District for nomination to the National Register of Historic Places until such time as the questions raised on this issue are answered.

Secretary Wollman has been asked to stay on top of this matter and to advise me as necessary of additional steps which may need to be taken. Future correspondence should be addressed to him.

Finally, it is my belief that the intentions of those desiring to preserve and to protect our nation's history and heritage are sincere and

Dennis C. Kaster
Page 4
February 16, 1982

well-meaning, however, the process adopted may be inappropriate from a property owner's standpoint. We must work cooperatively to protect all parties' interests if we are to have an effective program of historic preservation.

Thank you for sharing your concerns with me. I am confident that this matter will be successfully handled.

Sincerely yours,

Bill

PUBLIC NOTICES

YOUR RIGHT TO KNOW —
and be informed of the
functions of your govern-
ment are embodied in public
notices.

May 27, 1980

5+24

PUBLIC NOTICE

The State Historic Preservation Office (the Historical Preservation Center) announces that the Yankton Historic Commercial District, Yankton County will be considered by the South Dakota Review Board (the State Board of Cultural Preservation) for nomination to the National Register of Historic Places at its meeting on June 27-28, 1980. The district is comprised of all the properties located within the following boundaries. The easternmost boundary is a line running down the center of Pine Street between 3rd Street and Riverside Drive. The southernmost boundary runs down the center of Riverside Drive between Pine Street and Capital Avenue. The boundary line at that point turns directly northward and runs up Capital from Riverside Drive to the south edge of Lot 14, Block 2, of the Lower Yankton Addition. The boundary line extends westward from Capitol along the south edge of Lots 14 and 5, Block 2 of Lower Yankton Addition and Lot

14, Block 11 of Todd's Addition. The boundary line turns at Lot 14 and extends southward to 2nd Street, where it turns westward down the center of 2nd Street to the corner of 2nd and Walnut Streets. At Walnut the boundary turns and extends northward to the south edge of Lot 14 Block 12, Todd's Addition. At this point the boundary turns westward and extends along the south edge of Lots 14 and 5, Block 12, Lots 14 and 5, Block 13, Lot 14, Block 14, Todd's Addition. At the southwest corner of Lot 14, Block 14, the boundary turns northward at the alley and runs along the western edge of Lots 14, 15, 16, 17, 18, Block 14, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, Block 23, Todd's Addition. At 4th Street the boundary turns east and extends down the street to the alley of Block 3, Lower Yankton Addition. The line turns south at the alley and runs along the eastern edge of Lots 1, 2, 3, 4, 5, 6, where at the northeast corner of Lot 6, it turns east and extends along the north edge of Lot 12, Block 3, Lower Yankton Addition to Capital Avenue. There it turns south and extends down the middle of the street to 3rd Street where it turns and runs eastward down the center of 3rd to the intersection with Pine Street.

Interested people can contact the Historical Preservation Center for the exact time and place of the meeting. If approved by the Review Board, the nomination will be forwarded to Washington, D.C. for final review. The National Register serves to identify "districts, sites, buildings, structures, and objects significant in the American history, architecture, archaeology, and culture."

Property owners are assured that listing on the National Register gives no control over the property to local, state or Federal governments. Rather, it provides protection from inadvertent alteration or destruction by Federal projects, under existing laws relating to historic and prehistoric sites. Placement on the Register also makes a property eligible for participation in Federal and State grants programs for the restoration of sites. Procedural questions and comments concerning the merits of the sites should be addressed to the State Historic Preservation Officer, Historical Preservation Center, 216 E. Clark Street, University of South Dakota, Vermillion, S.D. 57069. Phone (605) 677-5317 preferably in writing and prior to the meeting, which is open to the public.

JOHN J. LITTLE

State Historic Preservation Officer

Proposed Historical

BY LES HELGELAND
P & D Executive Editor

During a two-hour meeting last night, questions were answered and an explanation of the proposed Commercial Historic District, which would involve a major section of the downtown business district in Yankton, was given.

State Historical Preservation Director John Little, Carolyn Torma, historical survey coordinator, and Paul Putz, assistant director, explained the procedures involved in getting an area designated as an historic district.

The downtown district was nominated for the designation by Yankton persons who more than a year ago began the revival of the downtown business district and proposed that the historic district route be followed. The nomination for the district was made last fall and submitted to the Historical Preservation Center at Vermillion.

A survey of key buildings in the district was made. A notice was published of the meeting held last night and property owners were notified of the meeting by letter. It had been hoped originally that the presentation on behalf of the Yankton proposal might be handled late this month by the South

Dakota Cultural Preservation Board and the recommendations forwarded to Washington for a decision by the federal agency which decides if the proposed district should be included on the National Register of Historic Places as an Historic Commercial District.

But what was described as "technical problems," prompted Ms. Torma to explain that action will probably not take place until late this summer or fall. Little said that it is "probable" that another meeting such as the one held last night would be held following notification of property owners and a public notice of the meeting. Both said that persons wishing to comment on the proposal should put their comments in writing and submit them to the Historical Preservation Center at Vermillion.

It was explained:

- That being included within a historic district does not mean that the property owner has to make improvements, renovations or even restore the building, although there would be restrictions on demolition.
- That tenants cannot obligate the owner by accepting a grant on improvements or restoration project on a

building without written authority from the owner of the property.

• It is an honor to be listed on the Historic Register as a part of a Commercial Historic District and that experience has indicated that the property values increase in areas with such a designation.

• There are grants available for restoration or improvement. There are also state and federal tax incentives available for historic preservation or improvement on buildings which are included in the historic district.

• That even after a nomination is approved by a state review board that it could take from a year up to two years for such a designation.

• Grants are usually awarded on the basis of a 50/50 matching grant which might include projects which could make a building more useful, usable and could include interior work as well as exterior work.

• That only that portion of the building which adjoin the street are involved in preservation or restoration, and would not mean that the rear part of buildings which adjoin parking lots would have to conform to a preservation, restoration or remodeling stan-

District discussed

dard.

- Being included within an historic

district does not prevent the owner or the tenant from making improvements on the interior of a building as long as they do not interfere with the outside structure upon which the basis for inclusion in the historic district has been made.

• There is no date of termination of an historic district as long as it remains in the condition (or improved) that it was in when the designation was made.

• That once a historic district has been established, an individual or business cannot ask to be "let out" of a district.

• It was explained that in the case of a building within an historic district being leased, for instance, to the federal government, the federal agency would be responsible for seeing that it maintained the proper historic standards and in the case of a business in a building included in the historic district which had acquired an SBA (Small Business Administration) loan, any physical changes might involve a review to make certain that preservation standards were maintained.

• Covenants involved in accepting grants for renovation or restoration

could run from five years to 20 years, depending on the size of the grant. If the building is sold prior to the completion of that covenant, the covenant would be a part of the property transfer to the next owner.

• That an historic district stimulates a "quality environment" by preserving a building or district as it looked in the past in the 1890 fabric, for instance, which cannot be done in a shopping mall.

• It was emphasized that the designation of an historic district would be meaningless unless there is an effort to rehabilitate the area, to provide new storefronts where possible, to develop a program of creative marketing to be a part of the promotion of the historic district as a unique shopping area.

• Restoration of an area does not necessarily mean that the entire storefront has to be restored to its original state. It simply might include some changes that would utilize the uniqueness of the building and yet make it blend with the surrounding buildings.

The members of the South Dakota Cultural Preservation Board include Chairman Sever Eubank of Spearfish, Joe Cash of Vermillion, Tom Killian of Sioux Falls, Jessie Sundstrom of

Custer, Linford Meese of Huron, James Saterlee of Brookings, Harlan Foreman of Madison and Sylvan Brown of Eagle Butte. There is one vacancy on the board at the present time. In addition, Darrell Fullmer of Mitchell, an archaeologist is a "review person" as is John Burrows of the Center staff in Vermillion, who is an architectural historian.

There are 19 historic districts in South Dakota, 11 of which have commercial buildings included. There are two which are strictly commercial historic districts, located at Rapid City and at Dell Rapids.

Little also explained that the criteria upon which inclusion on the National Register are made include archaeological, architectural and historical entities. Little said that in the case of the proposed Yankton District, the judgment would be made on both the historical as well as architectural entities.

It was explained the grant money used for historic preservation in Yankton included a \$20,000 grant for the Yankton College Conservatory of Music building plus \$15,000 which had been awarded Historic Yankton, Inc. to assist with its costs.

OFFICE OF
CULTURAL PRESERVATION

Kneip Building
Pierre, S. D. 57501
Phone (605)773-3458

CENTERS

Historic Preservation
Center
Historical Resource
Center
Archeological Research
Center
Oral History Resource
Center
Archives Resource Center

MUSEUMS

W. H. Over Museum
Agricultural
Heritage Museum
Robinson Museum
Smith-Zimmerman
State Museum

April 6, 1982

Mr. Dennis C. Kaster
Publisher
Yankton Daily Press and Dakotan
319 Walnut
Yankton, South Dakota 57078

Dear Mr. Kaster:

In Governor Janklow's letter of February sixteenth he directed that the State Historic Preservation Officer contact the United States Department of the Interior to seek answers regarding the procedures for contacting and counting the owners of property within proposed historic district nominations for the National Register. I have written to Carol D. Shull, Acting Keeper of the National Register of Historic Places, and am enclosing a copy of her reply for your information.

Sincerely yours,



Junius R. Fishburne
State Historic Preservation Officer

JRF/pm

Enclosure



United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240



IN REPLY REFER TO:

Dr. Junius R. Fishburne
State Historic Preservation Officer
Historical Preservation Center
University of South Dakota
Alumni House
Vermillion, South Dakota 57069

Dear Dr. Fishburne:

Thank you for your letter of February 1, 1982, concerning notification procedures for nominations to the National Register of Historic Places.

Property ownership should be determined by consulting the land recordation records or the tax records. If this does not clearly indicate ownership, deeds should be consulted. In each case, States should use whatever discretion is warranted. For example, in a district where few owners are likely to object, and the regularly used record is not clear, it is not necessary to consult the deed to determine the precise owner of a property. On the other hand, where you have a controversial district and the number of anticipated owner objections is high, you may wish to investigate further.

In all cases, each property owner will be counted once if he or she objects regardless of the number of properties owned, the size of properties owned, or the relative size of a partial ownership of one property. An objection can only be made by the owner, unless someone else is legally designated to represent an owner, such as in the case of an estate, executor, or otherwise designated representative. Total the number of different property owners within the district, the number of different owners who have objected, and then determine whether a simple majority have objected. If a majority objects, we will not list the property. This guide applies to all districts, sites, buildings, structures, and objects nominated to the National Register.

We have discussed your specific questions on notification with the Department of the Interior's Solicitor's Office. In the case of an estate, the person notified and having the right to object is the person named on the record. Where the name is followed by et al or et ux, the identified person should be notified, unless there is significant controversy over the nomination. If so, the deed should be consulted and, if additional names appear on the deed, all owners should be notified and given the right to object. If an executor is named, that individual should be notified and given the right to object. If someone is named for an estate of another, the person named for the estate should be notified and given the right to object. If an organization is named, the organization should be notified. In such a case, you are only interested in hearing from the person who is the leader of the organization for purposes of owner objection. Where one person owns the building and another the land, notify both and treat both as owners.

In all cases, unless you have reason to believe otherwise, a person who claims to be an owner and notarizes an objection should be counted as objecting. Again, the State must use its discretion in each individual case.

APR 2 1982

We cannot answer your questions about tribal governments at this time. As you know, there can be a variety of legal relationships between Indian tribes and the local, State, and Federal governments. Such property may be private or it may be held by the United States in trust. These questions are important in determining questions of owner notification and objection. We hope to address these questions in the final regulations.

We are aware of the problems which States must now face in determining property ownership and complying with new notification procedures. We hope to clarify the new procedures in future letters to States and also in a revision to National Register Standards and Guidelines Bulletin Number 3 which addresses notification questions. We also suggest that you consult with your State Attorney General or other similar authority in matters of notification.

If you wish to suggest standard form language for notarized objections to owners of nominated properties, it is acceptable to use similar language to the suggested waiver letters which we provided to you in our letter of November 6, 1981.

If we can be of further assistance, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Carol D. Shull". The signature is written in black ink and is positioned above the typed name and title.

Carol D. Shull
Acting Keeper of the National
Register

REAL ESTATE

Arsonists Increasingly Hitting Buildings in Historic Districts

By ROBERT GUENTHER

Staff Reporter of THE WALL STREET JOURNAL

A LOT OF HISTORY is going up in smoke, much to the distress of the National Trust for Historic Preservation. Arsonists have struck more than 10 historic districts around the country in the last year, irreparably damaging some rare buildings.

In Massachusetts alone, arson has claimed more than 13 historically significant buildings within the last two years. In Santa Ana, Calif., seven structures eligible for the National Register of Historic Places have been burned deliberately. And on just one day in January, 16 vacant houses in the venerable Franklin Square section of Baltimore burned.

The torchings aren't so unusual considering the overall arson problem. Arson now ranks second only to car theft in total property losses to crime. Last year arson losses amounted to \$1.7 billion, a 25% increase over 1980.

Most often, arson is simply a way to collect insurance money. In other cases, landlords resort to arson to evict tenants, and sometimes tenants set fire to their buildings in order to qualify for public housing. Scavengers who sell fixtures and plumbing for scrap, pyromaniacs and revenge-seekers also figure in the problem.

But there's an unusual wrinkle in arson involving historic buildings. Preservationists say the Tax Reform Act of 1976 may have encouraged some owners to burn their buildings. That's because the law denies owners tax write-offs for demolition and accelerated depreciation on new buildings if they tear down structures listed on the National Register.

BY BURNING THE BUILDINGS, the owners get around the law, end up with cleared parcels of land and collect on insurance. Preservationists hope that the 1981 tax law, with its generous benefits for restoration of historic buildings, will reduce incentives for arson.

Part of the reason for the increase in arson is that the chances of getting caught are slight. Investigators note that household appliances can be rewired to start fires that destroy any evidence of tampering and that ordinary substances, such as swimming pool chemicals, can be used to start fires without arousing suspicion. The Federal Bureau of Investigation says that arrests were made in only 16% of reported cases of arson in 1980, the latest year for which it has figures.

A lack of cooperation among insurers, neighborhood groups and fire and police officials has hampered arson investigations. Clayton Farnham, an Atlanta attorney who represents insurers in arson cases, says that state laws sometimes discourage cooperation.

In some states, insurers can be held liable for information they give fire officials. "There have been claims managers who were so scared of being sued that they wouldn't have anything to do with the fire marshal," Mr. Farnham says. Forty states now have laws granting insurers civil immunity from giving fire officials information, so long as it isn't malicious.

Insurers now say they're getting tough on arson. Eugene Leconte, president of the National Committee on Property Insurance, says, "In the past five years, insurers have taken a totally different approach to arson."

