

DR 82-11 - City's Comments to the  
State on The Intent to Nominate  
Local Properties to the National  
Register.

# ACTION

DATE

COMMITTEE \_\_\_\_\_

M.A.P.C. \_\_\_\_\_

B.C.C./B-60-G affidavit 3-23-82



# KANSAS STATE HISTORICAL SOCIETY

120 West Tenth • Topeka, Kansas 66612 • 913/296-3251

June 17, 1983

RECEIVED

JUN 20 1983

METROPOLITAN PLANNING  
ROUTE  M  
 \_\_\_\_\_

Steve Randle  
Norran Management Company  
624 East Douglas  
Wichita, Kansas 67203

Dear Steve :

We are pleased to inform you that the Wichita Wholesale Grocery Company, 619 East William was approved by the Kansas Historic Sites Board of Review on June 4, 1983 for nomination to the National Register of Historic Places.

We will notify you when we have word as to the final action taken on this nomination by the keeper of the National Register.

Properties approved for nomination to the National Register by the Kansas Historic Sites Board of Review are automatically listed in the Register of Historic Places. Under state law such listed properties are afforded a degree of protection from the potentially harmful effects of projects undertaken by state and local authorities. A copy of the procedures which are used to implement the protective provisions of the State Historic Preservation Act is enclosed for your information.

*30 day  
comment  
period  
on potentially  
harmful  
projects*

We would also like to take this opportunity to caution you that significant alteration of a listed property may result in its being removed from the state register, or, should it be listed in the National Register, from that list as well. Please feel free to contact this office to check on acceptable preservation treatments when undertaking work.

Sincerely,  
*Pat Small*

Pat Small  
Architectural Historian  
Historic Preservation Dept.

NPS/caf  
Encl.  
cc: Margaret McDonald  
Mayor  
Sedgwick County Commission  
Wichita-Sedgwick County Historical Museum Assoc.

JOSEPH W. SNELL, Executive Director  
ROBERT W. RICHMOND, Assistant Executive Director  
PORTIA ALLBERT, Library Director  
EUGENE D. DECKER, State Archivist  
MARK A. HUNT, Museum Director  
THOMAS A. WITTY, State Archeologist  
PATRICIA A. MICHAELIS, Curator of Manuscripts

MAXINE BENSON, Director of Publications  
RICHARD D. PANKRATZ, Director, Historic Preservation Dept.  
THOMAS P. BARR, Historic Properties Supervisor  
LARRY JOCHIMS, Research Historian  
MARILYN FOSTER, Director of Development  
NYLE H. MILLER, Executive Director Emeritus  
FRANCIS LANGSDORF, Executive Director Emeritus



## KANSAS STATE HISTORICAL SOCIETY

120 West Tenth • Topeka, Kansas 66612 • 913/296-3251

April 18, 1983

RECEIVED

APR 25 1983

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

MAYOR'S OFFICE  
RECEIVED

APR 22 1983

Mayor  
City Hall  
Wichita, Kansas 67201

Dear Mayor:

We are pleased to inform you that Wichita Wholesale Grocery Company will be considered by the State Review Board 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 1973 and the Tax Treatment Extension Act of 1980, and the Economic Recovery Tax Act of 1981 as amended by the Tax Equity and Fiscal Responsibility Act of 1982, 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 owners are allowed to reduce the basis of the building by one half 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.

JOSEPH W. SNELL, Executive Director  
ROBERT W. RICHMOND, Assistant Executive Director  
PORTIA ALBERT, Library Director  
EUGENE D. DECKER, State Archivist  
MARK A. HUNT, Museum Director  
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FORREST R. BLACKBURN, Director of Publications  
RICHARD D. PANKRATZ, Director, Historic Preservation Dept.  
THOMAS P. BARR, Historic Properties Supervisor  
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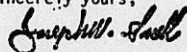
-Consideration of historic values in the decision to issue a surface coal mining permit where coal is located, in accord with the Surface Mining and Control Act of 1977.

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

Owners of private properties nominated to the National Register of Historic Places must be given an opportunity to concur in or object 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. For a single privately owned property with one owner, the property will not be listed if the owner objects. In nominations with multiple ownership of a single property, the property will not be listed if a majority of the owners objects. In the case of a district nomination, the district will not be listed if a majority of the owners objects to listing. Each owner or partial owner of private property has one vote regardless of how many properties or what part of one property that party owns. If the property or district cannot be listed because the owner or a majority of owners objects prior to 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 property or 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 an owner chooses to object to the listing of property, the notarized objection must be submitted to Joseph W. Snell, Kansas State Historical Society, 120 West Tenth Street, Topeka, Kansas 66612 by June 1, 1983.

If you wish to comment on whether the property should be nominated to the National Register, please send your comments to the above address. Comments must be received before the State Review Board considers this nomination on June 4, 1983. A copy of the nomination is on file in our office and will be made available to you upon request.

Sincerely yours,



Joseph W. Snell  
State Historic Preservation Officer

JWS:pa

Enclosure

Joseph W. Snell  
State Historic Preservation Officer  
Kansas State Historical Society  
120 West Tenth Street  
Topeka, Kansas 66612

Dear Mr. Snell:

This will confirm that I am fully aware of the effects of listing a property the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to comment on the proposed listing of property within my jurisdiction.

Following is the proposed listing:

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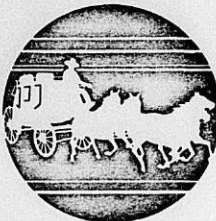
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I hereby waive my right to comment on the proposed listing.

Sincerely,



## KANSAS STATE HISTORICAL SOCIETY

120 West Tenth • Topeka, Kansas 66612 • 913/296-3251

April 18, 1983

RECEIVED

APR 25 1983

METROPOLITAN PLANNING  
ROUTE

MAYOR'S OFFICE  
RECEIVED

APR 22 1983

Mayor  
City Hall  
Wichita, Kansas 67201

Dear Mayor:

We are pleased to inform you that Judge T. B. Wall House will be considered by the State Review Board 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:

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-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 1973 and the Tax Treatment Extension Act of 1980, and the Economic Recovery Tax Act of 1981 as amended by the Tax Equity and Fiscal Responsibility Act of 1982, 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 owners are allowed to reduce the basis of the building by one half 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.

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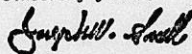
-Consideration of historic values in the decision to issue a surface coal mining permit where coal is located, in accord with the Surface Mining and Control Act of 1977.

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

Owners of private properties nominated to the National Register of Historic Places must be given an opportunity to concur in or object 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. For a single privately owned property with one owner, the property will not be listed if the owner objects. In nominations with multiple ownership of a single property, the property will not be listed if a majority of the owners objects. In the case of a district nomination, the district will not be listed if a majority of the owners objects to listing. Each owner or partial owner of private property has one vote regardless of how many properties or what part of one property that party owns. If the property or district cannot be listed because the owner or a majority of owners objects prior to 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 property or 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 an owner chooses to object to the listing of property, the notarized objection must be submitted to Joseph W. Snell, Kansas State Historical Society, 120 West Tenth Street, Topeka, Kansas 66612 by June 1, 1983.

If you wish to comment on whether the property should be nominated to the National Register, please send your comments to the above address. Comments must be received before the State Review Board considers this nomination on June 4, 1983. A copy of the nomination is on file in our office and will be made available to you upon request.

Sincerely yours,



Joseph W. Snell  
State Historic Preservation Officer

JWS:pa

Enclosure

Joseph W. Snell  
State Historic Preservation Officer .  
Kansas State Historical Society  
120 West Tenth Street  
Topeka, Kansas 66612

Dear Mr. Snell:

This will confirm that I am fully aware of the effects of listing a property the National Register of Historic Places. I recognize that, under the National Historic Preservation Act, I am entitled to comment on the proposed listing of property within my jurisdiction.

Following is the proposed listing:

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I hereby waive my right to comment on the proposed listing.

Sincerely,

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4561

March 30, 1982

Mr. Joseph Snell  
State Historic Preservation Officer  
Kansas State Historical Society  
120 West Tenth  
Topeka, Ks. 66612

Dear Mr. Snell:

Pursuant to Federal Regulation 36 CFR Part 60.6(b) which states:

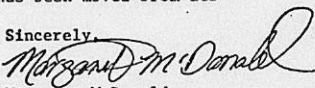
The State shall consult with local authorities in the nomination process. The State provides notice of the intent to nominate a property and solicits written comments especially on the significance of the property and whether or not it meets the National Register criteria for evaluation,

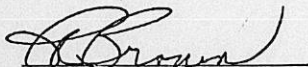
the Mayor of Wichita's office received on March 2, 1982 the official notification from the State of the intent to nominate the L. W. Clapp House, the Darius Sales Munger House and the Occidental Hotel to the National Register.

In accordance with 36 CFR Part 60 on March 23, 1982 the Board of City Commissioners took action to exercise their right to comment. They concurred with the findings of the Historic Landmark Committee and authorized the preservation staff to forward the following comments to the Kansas State Historical Society supporting the intent to nominate.

The Wichita Board of City Commissioners has determined the Occidental Hotel, the L. W. Clapp House and the Darius Sales Munger House intended for nomination are significant to the history of the community and that they meet the evaluation criteria for nomination to the National Register with the exception that the Darius Sales Munger House has been moved from its original location.

Sincerely,

  
Margaret McDonald  
Preservation Planner

  
Mayor Robert C. Brown

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

March 15, 1982

**TO** The Board of Wichita City Commissioners  
(through E. H. Denton, City Manager)

**FROM** Robert A. Lakin, Director of Planning

**SUBJECT** Request for the City to Comment on the Intent to Nominate Three Local Properties to the National Register

Project Identification

The Kansas State Historical Society notified the City of Wichita that the following will be considered by the State Review Board for nomination to the National Register of Historic Places:

1. Occidental Hotel, 300 North Main, Wichita, Kansas
2. L. W. Clapp House, 1845 Wellington Place, Wichita, Kansas
3. Darius Sales Munger House, The Old Cowtown Museum, Wichita, Kansas

In a recent revision of federal regulation 36 CFR Part 60, the States are required to consult with local authorities in the nomination process. The States must provide notice of intent to nominate a property and solicit written comments on the significance of the property and whether or not it meets National Register criteria for evaluation. The City may support, object or waive its right in writing to comment on the intent to nominate a property.

In anticipation of this new regulation, the preservation staff informed the Historic Landmark Preservation Committee (HLPC) of the City's right to comment. It was recommended by the HLPC that 1) the City exercise its right to comment, 2) the most effective method for handling the comment would be a review by the HLPC to be followed by their recommendations to the Wichita Board of City Commissioners.

When the City received notice of the intent to nominate the Occidental Hotel, the L. W. Clapp House and the Munger House, the preservation staff canvassed the committee for their views on the qualifications of the three properties.

The Occidental Hotel, built in 1873-74, was the first brick building in Wichita. It stands today as the oldest commercial building in Wichita, representing the first fifteen years of the "Cowtown" era of Wichita and as a reminder of the original downtown.

The L. W. Clapp House was built in 1887 by one of Wichita's most influential citizens, Mr. L. W. Clapp. Mr. Clapp served the City as Mayor, City Manager and is credited with the establishment of Wichita's park system.

The Board of Wichita City Commissioners  
(through E. H. Denton, City Manager)  
March 15, 1982  
Page Two

The house, though remodeled three times by Mr. Clapp, remains an excellent example of the superb workmanship of the past.

It is claimed that the first house in Wichita was built in 1868 by Darius Sales Munger. It was built at Ninth and Waco and is now relocated in the Old Cowtown Museum. D. S. Munger was an early promoter of the city of Wichita.

It was agreed by the Historic Landmark Preservation Committee that the Occidental Hotel, and the L. W. Clapp House, which are listed on the Wichita Register of Historic Properties, are both well qualified to meet National Register criteria for evaluation and are sufficiently significant to deserve inclusion in the National Register.

The Darius Sales Munger House is significant to Wichita as it was one of the earliest homes constructed in Wichita. However, it is questionable as to whether or not it meets National Register criteria for evaluation because it has been moved three times, thus violating one of the criteria for evaluation of the National Register. It was felt, however, that due to the significance of this building, the City should support its nomination in spite of the fact that the building has been moved.

Recommendation

That the Wichita Board of City Commissioners concur in the findings of the Historic Landmark Preservation Committee and authorize staff to forward the following comments to the Kansas State Historical Society supporting the intent to nominate:

The Wichita Board of City Commissioners has determined the Occidental Hotel, the L. W. Clapp House and the Darius Sales Munger House intended for nomination are significant to the history of the community and that they meet the evaluation criteria for nomination to the National Register with the exception that the Darius Sales Munger House has been moved from its original location.



Robert A. Lakin  
Director of Planning

RAL:MJM:jps  
Attachment  
cc: Historic Landmark Preservation Committee  
Margaret J. McDonald, Preservation Planner

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

March 12, 1982

TO E. H. Denton, City Manager  
FROM Margaret J. McDonald, Preservation Planner

SUBJECT Recent Federal Regulation Requiring State to Solicit Comments from Local Government on the Intent to Nominate a Property to the National Register

Recently, federal regulation 36 CFR Part 60 was revised to incorporate interim rules. This revision requires the States to request comments from appropriate local governments on the intent to nominate a property to the National Register. In the State of Kansas, applications for the nomination of properties to the National Register are ordinarily submitted to the State Historic Preservation Officer. After making the determination that the documentation is sufficient, the State is required to notify the applicable chief elected official of the municipal political jurisdiction in which the property is located at least 30 but not more than 75 days before the State Review Board meets. This comment period is to provide an opportunity for the State to solicit written comments on the significance of the property and whether or not it meets the National Register criteria for evaluation. The comment period following notification can be waived only when all property owners and the chief elected official have advised the State in writing that they agree to the waiver.

To be prepared to handle the State's request of the City of Wichita to comment on the intent to nominate properties in Wichita to the National Register, the preservation staff is forwarding this memorandum to you for your information. The preservation staff also notified the Historic Landmark Preservation Committee of this new regulation at their regularly scheduled meeting on March 1, 1982. The preservation staff presented a possible method to the Historic Landmark Preservation Committee for handling requests for comment from the City on the intent to nominate local properties to the National Register. The Historic Landmark Preservation Committee voted to recommend this procedure to the Wichita Board of City Commissioners:

- 1) Preliminary review by the Historic Landmark Preservation Committee after the official notification of intent to nominate a property is received by the City of Wichita from the Kansas State Historical Society. The Committee would then make its recommendation to the Wichita Board of City Commissioners. Recommendations would generally fall into one of three categories:
  - A. A recommendation that the City of Wichita approve and support the intent to nominate a property and provide written comments on the significance of the property and whether or not it meets the National Register criteria for evaluation.

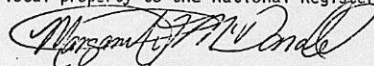
E. H. Denton, City Manager

- 2 -

March 12, 1982

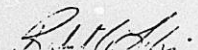
- B. A recommendation that the City of Wichita object to the intent to nominate a property.
  - C. A recommendation that the City of Wichita waive its right to the comment period following official notification from State.
- 2) Preservation staff would then prepare a written recommendation for the Wichita Board of City Commissioners based on the findings of the Historic Landmark Preservation Committee.
  - 3) The Wichita Board of City Commissioners would then adopt, amend or reverse the recommendations of the Historic Landmark Preservation Committee. If the recommendation is adopted, it shall be forwarded to the State. If it is amended or reversed, the Wichita Board of City Commissioners shall then have the recommendation rewritten and forward such to the State. If the Wichita Board of City Commissioners reverses the Historic Landmark Preservation Committee recommendations or substantively changes them, it shall provide the Historic Landmark Preservation Committee with a written explanation outlining its reason for so doing.

Since it is a function of the Historic Landmark Preservation Committee to familiarize itself with buildings within the City eligible for designation as historic landmarks, it was felt that the above procedure would be the most effective and suitable method for handling the City's right to comment on the intent to nominate local property to the National Register.



Margaret J. McDonald  
Preservation Planner

MJM:jps  
Attachment  
APPROVED:

  
Robert A. Lakin  
Director of Planning

Could you make a DR file for me  
please?

It will be called:

City's Comments to the State on the  
Intent to Nominate Local Properties  
to the National Register.

(The B.C.C. to action to approve on  
March 23, 1982)