

HISTORIC LANDMARK COMMISSION
 FEBRUARY 25, 2019
 DEMOLITION AND RELOCATION PERMITS
 HDP-2018-0673
 1400 WINSTED LANE

PROPOSAL

Demolish a ca. 1940 house.

ARCHITECTURE

Two-story, rectangular-plan, side-gabled Colonial Revival-styled frame house with stone veneer on the first story; single and paired Colonial Revival-styled windows with an 8:8 configuration; pilasters at the sides of the central front entry, which has a shed-roofed hood over the door; the integral garage to the right of the principal block of the house has a second story with single 1:1 fenestration.

RESEARCH

The house was built in 1940 by John I. Leach and his wife, Thelma, who went by Molly. John I. Leach was an insurance executive who headed up the district offices for several life insurance companies during the course of his career. He and Molly lived here from the time of the construction of the house in 1940 until around 1967.

From 1967 to the present, the house has been owned and occupied by Ernest E. Smith, III and his wife, Paula. Ernest E. Smith is a professor of oil and gas law at the University of Texas School of Law and served as the dean of the law school. He has also authored several texts on oil and gas and natural resources law, and has been a visiting professor of law at several schools throughout the country as well as the University of Dundee in Scotland.

STAFF COMMENTS

The house is beyond the bounds of any City survey to date. The applicant has provided information regarding the condition of the house in support of his application for demolition (see separately attached).

Staff has evaluated this house for designation as a historic landmark and has determined that the house meets the criterion for architecture for its excellent reflection of Colonial Revival architecture, but presents a less strong case for historical associations within the historic period:

- a. **Architecture.** The house is an excellent example of Colonial Revival architecture with its symmetrical composition, multi-light windows, and differentiation between the first and second floors. The house clearly meets the criterion for architecture.
- b. **Historical association.** The house was built by an insurance executive and his family, who lived here until 1967; the next owner of the house, Ernest E. Smith, III, is an authority on oil and gas law in Texas, and has served as a professor and dean at the University of Texas School of Law. However, Professor Smith's association with the house began around 1967 and consists of only 2 years within the historic period for the house.
- c. **Archaeology.** The house was not evaluated for its potential to yield significant data concerning the human history or prehistory of the region.
- d. **Community value.** The house does not possess a unique location, physical characteristic, or significant feature that contributes to the character, image, or cultural identity of the city, the neighborhood, or a particular demographic group.

- e. **Landscape feature.** The property is not a significant natural or designed landscape with artistic, aesthetic, cultural, or historical value to the city.

STAFF RECOMMENDATION

Staff believes the house will qualify as a historic landmark if the Commission views the historical association of Ernest Smith as significant enough to over-ride the fact that his association was only for 2 years within the historic period. This house is a classic example of Colonial Revival architecture, and will have historical significance in the future as the tenancy of Ernest E. Smith, III ages into the 50-year historical period. If the Commission does not initiate historic zoning with this understanding, then staff encourages rehabilitation and adaptive re-use, then relocation over demolition, and completion of a City of Austin Documentation Package, consisting of photographs of all elevations, a dimensioned sketch plan, and a narrative history, for archiving at the Austin History Center.

Letter from former owner Ernest Smith:



SCHOOL OF LAW
THE UNIVERSITY OF TEXAS AT AUSTIN
Ernest Smith

727 East Dean Keeton Street • Austin, Texas 78705 • (512) 232-1268 • Fax: (512) 471-6988

February 14, 2019

Historic Land Mark Commission
c/o Historic Preservation Office
One Texas Center
505 Barton Springs Road, 5th Floor
Austin Texas 78704

Subject: History of Residence at 1400 Winsted Lane, Austin, Texas

My wife and I acquired the residence at 1400 Winsted Lane in 1967, having admired the house and neighborhood and desiring to raise our family there. We continued to live there with our two sons, Brian and Carter, until approximately 2003.

With some minor additions, the house remained as we had acquired it from the original family, who had built it in the 1930's. The neighborhood experienced some change, but for the most part it was a four to six block area with many young families and established residents. During the period of our ownership, the building of Mopac started to take place and with the aid of a number of neighbors, we were all able to persuade the City of Austin that not concreting over Johnson Creek and keeping the east side of Winsted as a green area connecting West Enfield Park to Lady Bird Lake would be the most desirable result. As city hike and bike trails have developed, this has been an important corridor. Additionally, zoning requirements in the West Enfield Subdivision have been monitored and actively supported.

During the time of our ownership, I succeeded Page Keeton as Dean of the University of Texas Law School and my wife and I frequently entertained law school faculty, visitors and foreign dignitaries, including the Chief Justice of Nicaragua. On several occasions, faculty and students from the University of Guanajuato, Mexico were guests. These visits fostered international relationships for the University of Texas law school. My wife, an attorney, and I used office space within the house for our professional careers, and several casebooks and treatises were part of my work product there.

During our history with 1400 Winsted, Winsted Lane has been the eastern boundary of the West Enfield subdivision's pleasant and discrete mainly single family residential neighborhood. While we no longer live in the house, my wife and I strongly support all efforts to keep the subdivision as an historic residential area serving the University of Texas and providing an alternative to high density development rapidly overtaking all of Central Austin.

For all of the above reasons, my wife and I urge you to designate 1400 Winsted Lane as an historic landmark property and to deny the demolition request.




Sincerely,

A handwritten signature in dark ink, appearing to read "Ernest E. Smith".

Ernest E. Smith
Rex G. Baker Centennial Chair in Natural Resources Law
University of Texas School of Law

LOCATION MAP



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 333'

NOTIFICATIONS

CASE#: HDP-2018-0673

LOCATION: 1400 WINSTED LN

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1400 Winsted Lane
ca. 1940



OCCUPANCY HISTORY

1400 Winsted Lane

City Directory Research, Austin History Center
By City Historic Preservation Office
January, 2019

- | | |
|---------|--|
| 1992 | Ernest E., III and Paula Smith, owners
Associate, Hughes and Luce, lawyers, 111 Congress Avenue. |
| 1985-86 | Ernest E., III and Paula Smith, owners
Professor, University of Texas |
| 1981 | Ernest E., III and Paula Smith, owners
Professor, University of Texas |
| 1977 | Ernest E., III and Paula Smith, owners
Professor, University of Texas |
| 1973 | Ernest E., III and Paula Smith, owners
Professor, University of Texas |
| 1968 | Ernest E., III and Paula Smith, owners
Professor, University of Texas |
| 1965 | John I. and Thelma A. Leach, owners
John: Coordinator, public schools
Thelma: Employed by the public schools
NOTE: Ernest E. Smith, III is listed at 6705 Great Northern Boulevard. He was an assistant professor at the University of Texas. Paula Smith is not listed in the directory. |
| 1961 | John I. and Thelma A. Leach, owners
Agent, Minnesota Mutual Life Insurance Company, 203 Capital National Bank Building, 114 W. 7 th Street. |
| 1957 | John I. and Thelma A. Leach, owners
Agent, Minnesota Mutual Life Insurance Company, 203 Capital National Bank Building, 114 W. 7 th Street. |
| 1954 | John I. and Thelma Leach, owners
Salesman |
| 1952 | John I. and Thelma Leach, owners
Agent, Southwestern Life Insurance Company, 706 Perry-Brooks Building, 121 E. 8 th Street. |
| 1949 | John I. and Thelma Leach, owners
Superintendent, American National Insurance, life insurance, 904 Lavaca Street. |
| 1947 | John I. and Thelma Leach, owners
Superintendent, American National Insurance, life insurance, 906-09 Tribune Building, 10 th and Colorado Streets. |

- 1944-45 John I. and Thelma A. Leach, owners
Superintendent, American National Insurance, life insurance, 906-09 Tribune Building, 10th and Colorado Streets.
- 1941 John I. and Thelma A. Leach, owners
Superintendent, American National Insurance, life insurance, 209 Norwood Building, 114 W. 7th Street.
- 1940 The address is not listed in the directory.
NOTE: John I. and Thelma Leach are listed at 2314 Enfield Road; he was the superintendent for American National Insurance Company, life insurance, 512 Norwood Building, 114 W. 7th Street.

BIOGRAPHICAL NOTES:

John I. and Thelma A. Leach (ca. 1940 – ca. 1967)

The 1940 U.S. Census shows John and Thelma Leach as the renters of the house at 2312 Enfield Road in Austin. John Leach was 32, had been born in Illinois, and was the manager of an insurance office. Thelma Leach was 30, had been born in Oklahoma, and had no occupation listed. They had 2 children: Barbara, 9; and Thomas, 6. Both children had been born in Texas. The family lived in Houston, Texas in 1935.

John Ingram Leach died in 1980. His last address was on Westlake Road in Austin. He was born in Illinois in 1907 and was a district manager for an insurance company.

LEACH, John, 72, of Austin, died Friday. Service 4 p.m. today at St. Michael Episcopal Church. Memorial contribution in lieu of flowers. Survivors: wife, Molly Leach of Austin; son, Tom Leach of Austin; daughters, Mrs. Gaylord Humberger of Austin; brothers, Ralph Leach of New York, Robert Leach of Elgin, Ill.; six grandchildren; three great-grandchildren. (Reveley-Memorial Services, San Antonio)

Obituary of John I. Leach
Austin American-Statesman, May 17, 1980

Thelma (Molly) Curb Leach

Thelma (Molly) Curb Leach, 90, of Austin, Texas, died Friday, January 22, 1999. Mrs. Leach died after a short illness in her home at Southern Hospitality Home in Austin, where she lived with her dear friend, Barbara Ayres, and others.

Mrs. Leach was preceded in death by her husband, John I. Leach.

She was a member of the Episcopal Church.

Survivors include brother, Dolph L. Curb and his wife, Mary, of Houston; daughter, Barbara Humberger and her husband, Gaylord, of Austin; and her son, Thomas Leach and his wife, Sally, both of Austin. Other survivors include grandchildren, Robert and his wife, Joana, Tom Embleton and his wife, Lisa, Brett Leach and his wife, Karen, of Austin, Kent Leach and his wife, Helen, of Mt. Gambier, Australia, Patricia Koenig and her husband, Gary, of Houston, and Ceil Embleton, of Pacific Grove, California. She is also survived by numerous great-grandchildren.

A memorial service will be held Tuesday, January 26, 1999, in the Saint Davids Episcopal Church Grace Chapel at 3:00 p.m., with The Reverend Ron Smith presiding. Parking is available in the church upper level lot to the north of the church.

Donations to the Southern Hospitality Home or the Austin Hospice organization, in lieu of flowers, would be appreciated.

Arrangements by Weed-Corley-Fish
Funeral Home, 3125 N. Lamar, 452-8811.

Obituary of Thelma ("Molly") Leach
Austin American-Statesman, January 26, 1999

Ernest E. Smith, III is the Rex G. Baker Centennial Chair in Natural Resources Law at the University of Texas School of Law. He was born in Gonzales, Texas in 1936 and received his B.A. from Southern Methodist University in 1958. He graduated from Harvard Law School in 1962. He has been a professor of law at the University of Texas since 1968 and has served as a visiting professor at law schools throughout the country and internationally, including the University of Maine, Harvard Law School, the University of Dundee in Scotland, the University of Colorado and the University of Minnesota. He is a specialist in oil and gas law and has authored several textbooks, including Cases and Materials on the Law of Oil and Gas, Texas Law of Oil and Gas, and Texas Wind Law. He has been the Rex G. Baker Centennial Chair in Natural Resources Law at the University of Texas since 1983. He is married to the former Paula Young.

A specialist in oil and gas law, Professor Smith is co-author of the leading casebook on Oil and Gas Law (West, 6th ed., 2013), and the leading treatise on Texas Law of Oil and Gas (3 volumes, 2nd ed., LEXIS, 1998). Other co-authored books on oil and gas law include Hemingway Oil and Gas Law and Taxation (4th ed., 2004), and International Petroleum Transactions (3rd ed., 2010). He is also co-author of Cases and Materials on Property (Foundation, 9th ed., 2007) and (Texas) Wind Law (Lexis 2011).

In 2008 Professor Smith received the Massey Teaching Excellence Award. Earlier teaching awards include the Clyde Martz Award for Excellence in Teaching from the Rocky Mountain Mineral Law Foundation in 1998, and the Texas Excellence Teaching Award for the School of Law from the Ex-Students Association in 2000. In the same year, Annual Institute of Oil, Gas and Mineral Law, which is co-sponsored by the Texas State Bar Section on Oil, Gas and Energy Law and the University of Texas School of Law was re-named the Ernest E. Smith Oil, Gas and Mineral Law Institute. The Ernest E. Smith Endowed Presidential Scholarship in Law was established in 1994, and the Ernest E. Smith Professorship in Law was established in 1996.

Professor Smith teaches classes in the areas of property, oil and gas, international petroleum transactions, and wind energy law. A former Dean of the Law School, Professor Smith has also been a Visiting Professor at several law schools including Harvard.

From the University of Texas School of Law, Texas Law Faculty

J.I. Leach 1400 Winsted La.
 151 - 3 S. 100' of 3 -
 Westfield A
 Stone Venr-W-B Res with garage attached
 19004-3-4-40

8

9-14-71-Ernest Smith-125149-remodel exist residence

Building permit to John I. Leach for the construction of this house (1940) and to Ernest Smith to remodel the house (1971)

WATER SERVICE PERMIT		N ^o 17240	
Austin, Texas		See 151 Mar 7, 1940	
Received of	Jno. I. Leach	Date	Mar 7, 1940
Address	1400 Winsted		
Amount	Two and 50/100 - - -	\$	2.50
Plumber	Gissell	Size of Tap	$\frac{1}{2}$
Date of Connection	8-9-40	No. Fittings	1
Size of Tap Made	1/4	Curb Cock	5/16
Size Service Made	3/4	Elbow	1
Size Main Tapped	6"	St. Elbow	1
From Front Prop. Line to Curb Cock	ON-P.	Bushing	1
From S. Prop. Line to Curb Cock	45' 6"	Reducer	1
Location of Meter	ON-P.	Pipe	1/4" 34 COOPER
Type of Box	1/2" 1/2"	Lead Comp	3/4 COOPER
Depth of Main in St.	8'	Nipples	1
Depth of Service Line	2'	Union	1
From Curb Cock to Tap on Main	11'	Plug	1
Checked by Engr. Dept.	4-12-40 LE	Tee	1
		Stop	1
		Box	1
		Lid	1
		Valves	1
		Job No.	44587
		Req. No.	BENSON

CHANGED TO 1/2" MAIN AND RENEWED SERVICE WITH 1/2" COPPER ON 4-12-78

INDEXED

Water service permit to John I. Leach for this address (1940)

OWNER	Ernest Smith	ADDRESS	1400 Winsted Ln
PLAT	151	LOT	S. 100 of 3 BLK.
SUBDIVISION	Westfield A		
OCCUPANCY	Den & Study		
BLDG. PERMIT #	179346	DATE	2-12-79
		OWNERS ESTIMATE	55,000,
CONTRACTOR	J. Johnson Const.	NO. OF FIXTURES	
WATER TAP REC#	SEWER TAP REC#		
Addn to exist res.			

Building permit to Ernest Smith for an addition (1979)