ZONING CHANGE REVIEW SHEET

CASE NUMBER: C14H-07-0031

HLC DATE: October 22, 2007
November 26, 2007

PC DATE: January 15, 2008
January 29, 2008

APPLICANT: Historic Landmark Commission

HISTORIC NAME: Colley-Hays House

WATERSHED: Lake Austin

ADDRESS OF PROPOSED ZONING CHANGE: 718 Norwalk Lane

ZONING FROM: SF-3 **TO:** SF-3-H

SUMMARY STAFF RECOMMENDATION: Staff does not recommend the proposed zoning change from single family residence (SF-3) to single family residence – Historic (SF-3-H) combining district zoning.

HISTORIC LANDMARK COMMISSION ACTION: **October 22, 2007:** Initiated the historic zoning case. Vote: 5-0 (Bunton, Mather, and Leary absent, Rosato off-dais). November 26, 2007: Recommended historic zoning. Vote: 6-0 (Bunton resigned; Leary and Rosato absent).

PLANNING COMMISSION ACTION: January 15, 2008: Postponed the case to January 29, 2008 at the neighborhood association's request.

DEPARTMENT COMMENTS: The house is not listed in any city survey.

CITY COUNCIL DATE: January 31, 2008 **ACTION:**

ORDINANCE READINGS: 1ST 2ND 3RD **ORDINANCE NUMBER:**

CASE MANAGER: Steve Sadowsky **PHONE:** 974-6454

NEIGHBORHOOD ORGANIZATION: West Austin Neighborhood Group

BASIS FOR RECOMMENDATION:
While the house is a nice example of a transitional-style house, it is a fairly common house type in the city; there is no information about Henry Colley, who is believed to have been the earliest owner of the house, and whose heirs subdivided the land surrounding the house. There is insufficient information to justify a designation as a historic landmark, and the daughter of a later owner desires to move the house out to Liberty Hill, Texas as her retirement place.

Architecture:
One-story irregular-plan hipped roof frame house with a hipped roof projecting bay extending from the right side of the façade next to the shed-roofed independent partial width wraparound porch on plain columns; hipped-roof dormer with a fixed-sash 4-light window pierces the center of the front hip; doorway framed by sidelights; 1:1 fenestration.

Historical Associations:
The legal description for this house is Lots 11-14, Henry Colley's Home Tract, which was subdivided by Henry Colley's heirs in Travis County probate records in 1925. City directories for 1916, 1918, 1920 and 1922 list Henry Colley (or Collie, or Collay), an African-American farmer living north of W. 6th Street, and west of Deep Eddy, but without a specific address. He is not listed in the 1914 directory, nor in the 1924 directory, and the address of 718 Norwalk Lane does not appear in the directories until 1942, when it is listed as vacant. However, it is clear that the house is older than that, but as there is no record in city building permit files of a relocation permit, this house was likely Henry Colley's House. His heirs subdivided a large piece of land in the probate of his estate, and it stands to reason that a man owning enough land to subdivide would have had a substantial house. Henry Colley was an African-American farmer. He is listed in the 1900 U.S. Census for Travis County at an illegible address as a 48-year old man, who had been born in Tennessee in 1852. His wife Eva was 44 years old and had been born in Texas in 1856. They had several children living with them, Carrie, a 21-year old laundress, Henry, Jr., 17, Willie, a 14 year old son noted to be at school, and Maggie Lawrence, 24, and her husband Rector M. Lawrence, 27. Maggie Lawrence was the executor of the estate of Henry Colley in 1925. The census lists all of the family as black. The 1910 U.S. Census shows Henry Colley living on the extension of W. 6th Street, and a mulatto farm laborer. His wife Ebbie was a black washerwoman. The family owned their house free and clear. Henry Colley could not read or write, and in his will, had made his mark rather than a signature. He died in Travis County on October 15, 1923, but there was no obituary in the Austin newspapers. The land was subdivided into 19 lots. From 1945 to the present, the house has been owned and occupied by the Hays family. Walter R. Hays and his wife Tillie moved here from 907 W. 11th Street by 1945; he was a truck driver. William H. and Evie Hays are listed as the owners and occupants as well in the 1944-45 directory; they are listed solely for most of the remaining directories, with Walter R. Hays also listed in the mid-1950s. William Hays was a department manager and then driver for W.H. Richardson Company, a wholesale hardware business in the late 1940s; he went on to work for transfer and storage companies in the mid-1950s, then began work as a lineman for the City Electric Department. Evie Hays was a clerk at the Texas Insurance Checking Office in the late 1950s and early 1960s.

PARCEL NO.: 01110710010000

LEGAL DESCRIPTION: Lots 11-14, Henry Colley's Home Tract

ANNUAL TAX ABATEMENT: $12,976 (owner-occupied); city portion: $3,048 (1/2 the city taxes); $6,665 (non-owner occupied; city portion: $1,595.

APPRAISED VALUE: $1,376,383

PRESENT USE: Residence

CONDITION: Good

PRESENT OWNERS
Evie Lee Floyd Hays
718 Norwalk Lane
Austin, Texas 78703

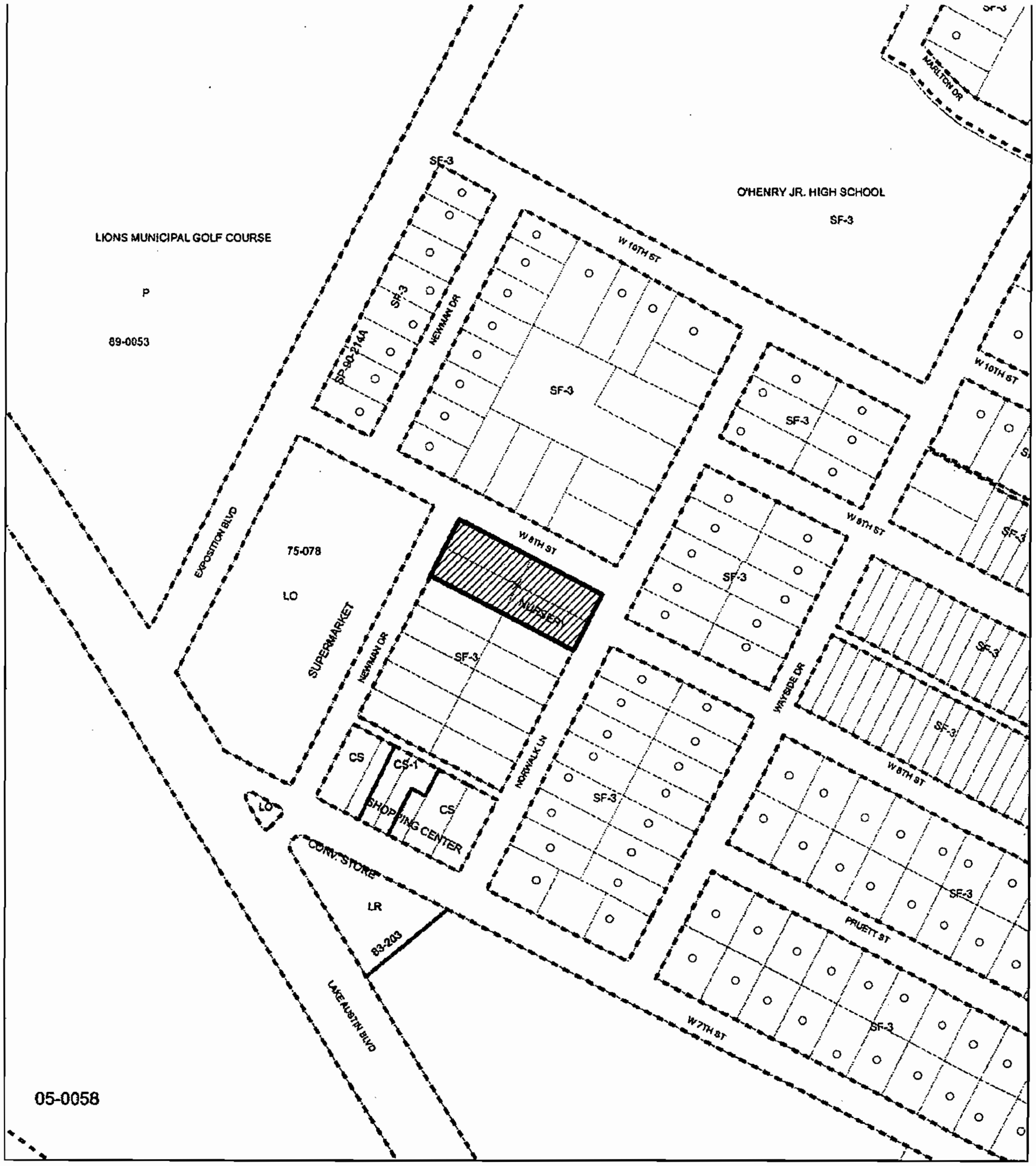
DATE BUILT: ca. 1909

ALTERATIONS/ADDITIONS: Synthetic siding

ORIGINAL OWNER(S): Henry Colley (1909)

OTHER HISTORICAL DESIGNATIONS: None.

LOCATION MAP



N

1" = 200'

Subject Tract

Zoning Boundary

Pending Cases

OPERATOR: S. MEEKS

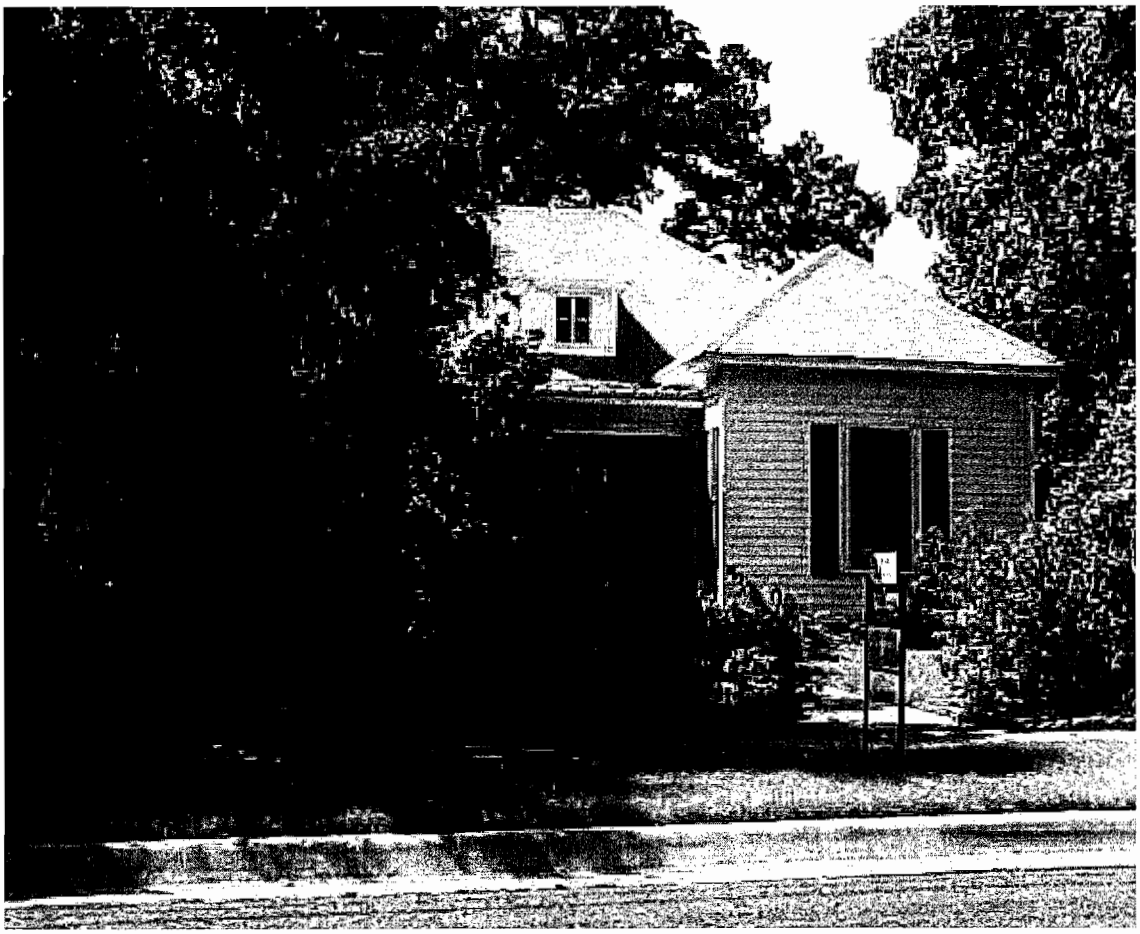
HISTORIC DEMOLITION PERMIT

CASE#: HDP-07-0504
ADDRESS: 718 NORWALK LANE
SUBJECT AREA: 0.00 ACRES
GRID: G23
OPERATOR: S. SADOWSKY

This map has been produced by G.I.S. Services for the sole purpose of geographic reference
No warranty is made by the City of Austin regarding specific accuracy or completeness.

CITY OF AUSTIN FOUNDED 1839

718 Norwalk Lane
ca. 1909



OCCUPANCY HISTORY
718 Norwalk Lane

City Directory Research, Austin History Center
By City Historic Preservation Office
August, 2007

1987	W.M. and Evie L. Hays, owners Retired
1981	W.M. and Evie L. Hays, owners Retired
1975	W.M. Hays (Evie L. Hays is not listed), owner Equipment operator, City Electric Department
1969	W.M. and Evie L. Hays, owners Lineman, City Water Light and Power Department
1963	W.M. and Evie L. Hays, owners W.M.: Lineman, City Water Light and Power Department

	Evie:	Examiner, Texas Insurance Checking Office
1957	W.M. and Evie L. Hays, owners	
	W.M.:	Line truck operator, City Water Light and Power Department
	Evie:	Clerk, Texas Insurance Checking Office
1954	Walter R. Hays, owner	
	No occupation listed	
	William and Evie Hays	
	William:	Supervisor, Red Ball Transfer and Storage Company (Albert G. Dyer), 606 San Jacinto Boulevard
	Evie:	Clerk, Texas Insurance Checking Office
1952	William M. and Evie Hays, owners	
	Foreman, Patton Transfer Company, 411 Chicon Street	
1949	William M. and Eva Hays, owners	
	Driver, W.H. Richardson Company, wholesale hardware jobbers, 212 Trinity Street.	
1947	William M. and Evie Hays, owners	
	Department manager, W.H. Richardson Company, wholesale hardware jobbers (J. Curtis Pollard, S.S. Laird), 212 Trinity Street.	
1944-45	William M. and Evie Hays, owners	
	Stockman, W.H. Richardson Company, wholesale hardware jobbers, 212 Trinity Street	
	Walter R. and Artillie Hays	
	Driver	
1942	Vacant	
	NOTE: William R. and Evie Hays, and Walter R. and Tillie Hays are listed as living at 907 W. 11th Street. William listed his occupation as a driver for Sunset Motor Lines, 200-02 E. 4th Street; Walter listed his occupation as a trucker.	
1940	Address not listed	

NOTE: In the 1916, 1918, 1920, and 1922 city directories, there is a Henry Colley (or Collie) listed as living a block north of W. 6th Street, and 2 blocks west of Deep Eddy, which would appear to be this property, known legally as Henry Colley's Home Tract. Colley was an African American farmer, who listed his occupation as a laborer in the 1918 directory; in 1922, he is listed as working at the Ideal Dairy, which was at 2510 W. 6th Street (now Lake Austin Boulevard). His heirs subdivided this tract in Volume 50, page 350 of the Probate Records of Travis County, on May 28, 1925. He also appears to have been listed in the 1891 and 1892 directories as living on the north bank of the Colorado River west of the city limits.

ancestry library edition

Discover Your Family Story

Austin, Texas Directory, 1887-92

Name:	**Henry Colley**
City:	Austin
State:	TX
Year:	1891, 1892
Location 2:	r. n bank Colorado river w of city limits

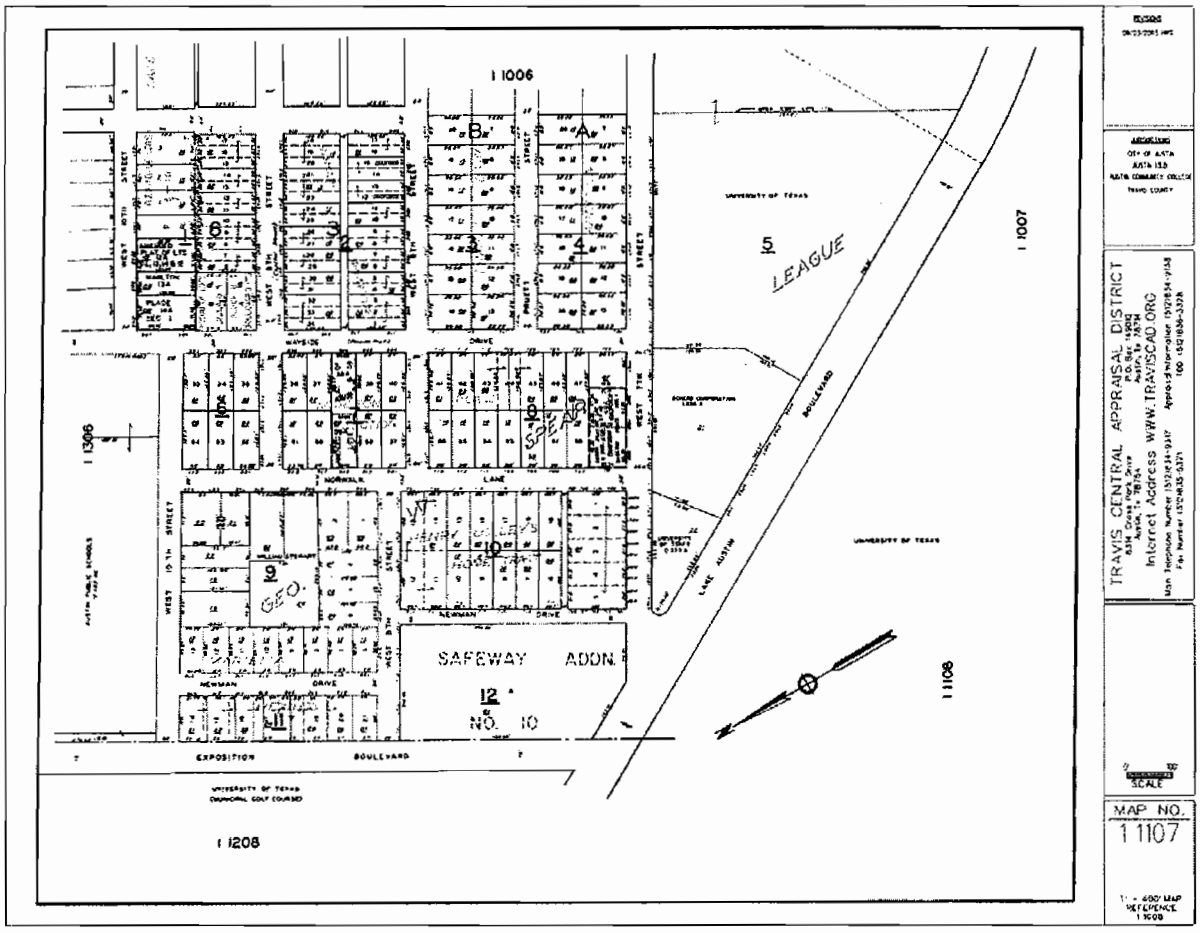
Source Information:

Ancestry.com. *Austin, Texas Directory, 1887-92* [database on-line]. Provo, UT, USA: The Generations Network, Inc., 2000. Original data:

- *Austin, Texas Directory, 1887-88*. Austin. TX: Morrison and Fourmy, 1888.
- *Austin Texas Directory, 1889-1890*. Austin, TX: Morrison and Fourmy. 1890.
- *Austin Texas Directory, 1891-1892*. Austin, TX: Morrison and Fourmy, 1892.

Description:

Directory listing over 23.000 names for Austin, Texas for the years 1887 through 1892.



Duplicate

ipt No. 5579 **Application for Sewer Connection** No. 201524

Austin, Texas, 3-13- 1946

To the *Superintendent of Sanitary Sewer Division*, City of Austin, Texas.

Sir:—

I hereby make application for sewer connection and instructions on premises owned by W. R. Hays at 718 Norwalk Lane ~~Street~~, further described as Lot 13 Block Henry Colley Home Tr. Outlot Division subdivision Geo. W. Spear League Plat 149, which is to be used as a

In this place there are to be installed Cor fixtures. Plumbing Permit No. 21825 6-5-46 OV

I agree to pay the *City of Austin*, the regular ordinance charge.

Depth at Prop.-Line 3 ft 4½ at receiver

Stub Out ~~Connected~~ 80 W of ELL (Location) 2

Date 6-13-46

By Mendoza

Respectfully, Griggs ~~W. R. Hays~~ A.P.

NOTE: Connection Instructions sewer in norwalk ± 4' ft [illegible]

A-1649

W. R. Hays 718 Norwalk Lane

149 13 & 14 -

Henry Colley's Home Tract

Frame detahced acc. building.

80478 7-12-61 $00.00

Rawl's Lbr. Co. --

DOUBLE GARAGE

OCTOBER TERM, 1924

No. 5301 ORDER PROBATING WILL

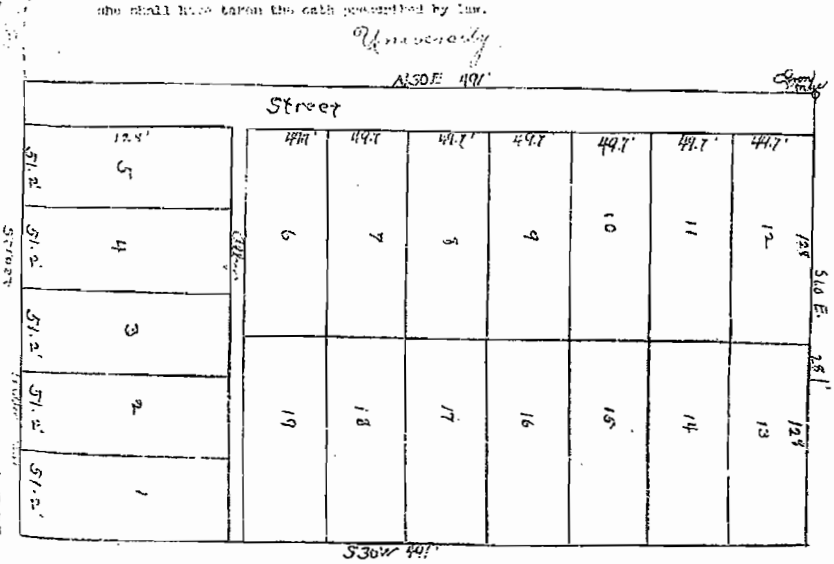
IN THE MATTER OF THE ESTATE OF HENRY COLLAY DECEASED.

On this 6th day of October A.D.1924, came on to be heard the Application for the Probate of the Last Will and Testament of said deceased, and for letters thereon, filed herein on the 25th day of July A.D.1924.

And it appearing to the Court that legal notices of the filing of said application have been issued and served in the manner and for the length of time required by law, and no one came to contest same; and it further appearing from the testimony of W.H.Cullen, one of the subscribing witnesses to said Will, a statement of which testimony sworn to and subscribed in open court, is filed herein, that said Henry Collay deceased, died in the County of Travis, and State of Texas, where his residence and principal estate was situated, on the ... day of August A.D.1923; that said deceased, at the time of executing said Will, was over twenty-one years of age and of sound mind; and that said Will was executed with formalities and solemnities and under the circumstances required by law to make it a valid Will, and that such Will has not been revoked by said testator.

It is therefore ordered and decreed by the Court that said Will is hereby proven and established as the Last Will and Testament of said Henry Collay deceased, and that Maggie Lawrence named in said will, is appointed independent Executrix of said Will and Estate, without bond and that Albert Mann and W.Trenckmann and Dan Muschamp are appointed Appraisers of said Estate.

The Clerk is directed to issue letters testamentary to said Maggie Lawrence when she shall have taken the oath prescribed by law.



State of Henry Collay Home tract on the G. W. Shear Sq. Travis County Texas.

I, H. G. Lee do hereby certify that I with Cal Dave Sivey Jr. as consulting Engineer made this survey on the 15th day of Sept 1920, and that the limits boundaries and corners are truly described in the above plat.

H. G. Lee C.S.T. Co.

OCTOBER TERM,1924

THE STATE OF TEXAS #

COUNTY OF TRAVIS # I, Henry Collay,of Travis County,Texas, being of sound and disposing mind and memory, and desiring to make just disposition of all my worldly wealth, do hereby make, publish and declare this to be my last will and testament hereby revoking all former or other wills heretofore made by me;

First:I direct that all my just debts be paid as soon after my death as possible.

Second.I own an undivided one-half interest in my home place of three acres on the George W.Spear League in Travis County,Texas, and my three children, hereinafter named, own the other one-half interest, they havinginheritedthe same from their mother, my deceased wife, I have divided the said three acres into nineteen lots, the plat of which will be kept with this will, and the bequests hereinafter made are in accordance with said plat.I give, devise and bequeath to my son Willie Collay, my undivided one-half interest in and to Lots 8,9,16 and 17 to be his separate and individual property.Should he die before I do, then I give devise and bequeath lots 8 and 9 to my daughter, Maggie Lawrence, and Lots 16 and 17 to John Collay.

Third.To John Collay I give devise and bequeath my undivided one half interest in and to Lots 6, 7, 18 and 19 to be his own separate and individual property.Should he die before I do, I then bequeath and devisehy interest in and to said lots to his children, share and share alike.

Fourth.To my daughter, Maggie Lawrence, a widow, I give devise and bequeath all my undivided one-half interest in and to the balance of the lots, being lots, 1,2,3,4,5,10,11,12,13,14 and 15, and all the remainder of my estate, real, personal and mixed I give, devisend bequeath to my said daughter, Maggie Lawrence. The reason I give her more than my other two children is that she has been helping me to pay the debt on the house that I have built on the above mentioned three acres and my two sons have not helped me pay said debt.If Maggie dies before I do I then give the above lots to Willie Collay.

Fifth.I hereby nominate, constitute and appoint my said daughter, Maggie Lawrence to be Independent Executrix of this my last will and testament without bond and direct that the Courts shall not exercise any control over my said Executrix or estate other than is absolutely required by law.In case Maggie Lawrence dies or refuses to act I then appoint my son, Willie Collay, to be the independent executor of this, my last will, under the same conditions as stated above.

Witness my hand this the 6 day of December A.D.1920.

Henry his x Collay mark

We have hereunto affixed our signatures as witnesses at the request of the testator who at the time of making said request informed us, and each of us, that the same was His last will and testament, and thereupon the said testator signed said will in our presence and in the presence of each of us, and we signed the same as witnesses in his presence and in the presence of each other, this the 6th day of December A.D.1920.

David CGracy

W.H.Cullen

(Endorsed:) No.5001 Estate of Henry Collay Decd.Will.Filed Jul 26,1924 Fred C Kleine Clerk County Court By W.Trenckmann Deputy

OCTOBER TERM,1924

THE STATE OF TEXAS

Estate of Henry Collay Deceased.

Proof of Last Will and Testament of Henry Collay Deceased.

On this, the 16th day of October A.D.1924, personally appeared in open Court W.H.Cullen, who being duly sworn, deposes and says, that on the 6th day of December A.D.1920, he was present and saw Henry Collay sign the instrument filed in this Court on the 26th day of July A.D.1924, and now shown to him, bearing date on the 6th day of December A.D. 1924, and purporting to be the last Will and Testament of the said Henry Collay and heard him publish and declare the same to be his last will and testament; that at the time of signing and publishing the same, the said Henry Collay was over twenty-one years of age, and of sound mind; that this affiant and David C.Gracy whose signatures appear on said instrument, on said 6th day of December A.D.1920, then being credible witnesses above the age of fourteen years, subscribed their names as witnesses to the same in the presence and at the request of said testator, and in the presence of each other.That afterwards, on the ... day of August A.D.1923, the said Henry Collay died in Travis County without having revoked said willso far as known to affiant.His domicile at the time of his death was in Travis County,Texas.

W.H.Cullen

Sworn to and subscribed before me this 16th day of of October A.D.1924

(Court Seal) Fred C Malone

County Clerk Travis County

By W.Tronckmann Deputy

(Endorsed:) File No.5091 Estate of Henry Collay Deceased.Travis County.Proof of Will. October Term.Filed 16th day of October A.D.1924 Fred C Malone County Clerk Travis County By W.Tronckmann Deputy

APPLICATION FOR PROBATE OF WILL AND LETTERS TESTAMENTARY.

Filed July 26th,1924

The State of Texas,) In the County Court of TravisCounty,Texas,

County of Travis) October Term,A.D.1924Sitting in Probate.

To the Honorable County Court of said County:

Maggie Lawrence respectfully represents:-

1.That Henry Collay is dead, and that he died on the ... day of August A.D.1923, in the County of Travis, and the State of Texas.

2.That the said Henry Collay resided and had a domicile and fixed place of residence in the City of Austin, in the County of Travis, in the State of Texas; and that his principal property at the time of his death was in the County of Travis ,State of Texas.

3.That the estate of the said Henry Collay deceased, consists of real and personal property of the probable value of Nineteen Hundred ($1,900.00) Dollars.

4.That the said Henry Collay left a written will, dated the 6th day of December,A.D. 1920, which said will he executed with the formalities and solemnities and under the circumstances required by law to make it a valid will; and that the said Henry Collay, signed the said will in the presence of David C.Gracy and W.H.Cullen, two credible witnesses above the age of fourteen years, who, at his request, in his presence and in the presence of each other, attested the same by subscribing their names thereto; that the said Henry Collay at the time of executing the said will on the 6th day of December, A.D.1920, was above the age of twenty-one years of age, and that he was of sound mind and that he is now dead; that she, the said Maggie Lawrence is named in said will as the sole Executrix thereof, and that her residence is in the County of Travis, the State of Texas.

~~State of Texas.~~

5.That the said will has not been revoked by the said Testator, the said Henry Collay; that she, the said Maggie Lawrence, is not disqualified by law from accepting letters testamentary, and the said Testator in said will directs that no bond or other security shall be required of her as such Executrix.

6.That the said written will is filed with this application for the probate thereof.

Wherefore, she, the said Maggie Lawrence, prays thatnotice of this application be given by citation as required by law, and that the said will be probated, and that letters testamentary be issued to her according to the provisions of the said will and according to law, and appraisers be appointed to appraise said estate, and for such other orders as may be necessary in the premises.

Maggie Lawrence

By D Dickens her Attorney.

(Endorsed:) No.5081 Estate of Henry Collay,Deceased.Application for Probating the Will of Henry Collay with the Will Attached.Filed Jul 26,1924 Fred C Malone Clerk By W.Trenckmann Deputy

THE STATE OF TEXAS,

To the Sheriff or any Constable of Travis County--Greeting:

You are herebycommanded to cause the followingnotice to be published in a newspaper of general circulation which has been continuously and regularly published for a period of not less than one year preceding the date of the notice in the County of Travis, State of Texas, and you shall cause said notice to be printed at least once each week for the period of ten days exclusive of the first day of publication before the return day hereof:

No.5081

Notice of Application for Probate of Will and Letters Testamentary

The State of Texas,

To all persons interested in the Estate of Henry Collay Deceased,

Maggie Lawrence has filed in the County Court of Travis County an application for the probate of the last Will and Testament ofsaid Henry Collay Deceased, and for letters testamentary,(the said Will accompaning said application) which will be heard at the next Term of said Court, commencing the first Monday in October A.D.1924, at the Court House thereof, in the City of Austin,Texas, at which time all persons interested in said Estate may appear and contest said application should they desireto do so.

No.5081

Herein fail not, But have you then and there before said Court this Writ, with your return thereon endorsed, showing how you have executed the same.

Given under my hand and the seal of said Court July 28th A.D.1924

(Court Seal) Fred C Malone

Clerk County Court,Travis County,Texas

By W.Trenckmann Deputy.

Sheriff's Return.

Came to hand on the 28th day of July A.D.1924 at 10:00 o'clock A.M. and executed on the 28th day of July A.D.1924 by causing the within notice to be published in Austin Forum Advocate a newspaper of general circulation which has been continuously and regularly published for a period of not less than one yearin Travis County,Texas, and I caused said notice t obe printed once each week for a period of ten days as follows:

First insertion,14 day of August 1924
Second insertion 21 day of August 1924

and a printed copy th reof is herewith returned.

Fees, $1.00 W.D.Miller

Sheriff,Travis County,Texas

The State of Texas,)

County of Travis.) Before me the undersigned authority, on this day personally appeared Sam T.Hill who after being duly sworn upon oath deposes and says he is the publisher of Austin Texas Advocate a newspaper of general circulation which has been continuously and regularly published for a period of not less than one year, in the County of Travis, State of Texas, preceding the date of the above and foregoing Notice and that the said Notice was published in said paper as follows:

First insertion 24 day of August 1924

Second insertion 31 day of August 1924

Sam T Hill Publisher

Subscribed and sworn to before me, this 27th day of August 1924

Witness my hand and official seal.

(Notary Seal) Jno B Du Priest

Notary Public,Travis County,Texas

(Endorsed:) No.5801 In County Court Travis County,Texas.Estate of Henry Collay Decd. Issued 28 day of Jul 1924 Fred C Malone County Clerk By W.Trenckmann Deputy

No.5801 ESTATE OF # IN COUNTY COURT,TRAVIS COUNTY,TEXAS.

HENRY COLLAY DECEASED. # OCTOBER TERM A.D.1924

Oath of Executor

The State of Texas,)

County of Travis.) I, Maggie Lawrence do solemnly swear that the writing which has been offered for probate in the last will of Henry Collay so far as I know or believe, and that I will well and truly perform all the duties of executor of the Will of the Estate of Henry Collay Deceased.

Maggie Lawrence Executor

Subscribed and sworn To before me, this 21 day of Oct A.D.1924; Given under my hand and seal of office. Otto Hochuli Notary Public inand for Harris County,Texas (Endorsed:) No.5801 Estate of Henry Collay Deceased.Oath of Maggie Lawrence as executor of said Estate Filed Oct 23rd 1924 Fred C Malone Clerk, County Court,Travis County, Texas.By W.Trenckmann Deputy

No.5801 ESTATE OF HENRY COLLAY DECD

Order Approving Inventory,Appraisement and List of Claims.

On this, the 24th daybf October,1924 came on to be examined the inventory, appraisement and list of claims of the estate of Henry Collay Decd,herein filed on October 23rd 1924 by Maggie Lawrence, Executrix of said estate.And it appearing that the same was filed within the time prescribed by law and is correct and complete and complies with the law, and is signed and sworn to by said executor and that the appraisement was made by Ben Blanchamp,Albert Henn and W.Trenckmann who were heretofore appointed appraisers in this matter.

It is therefore ordered and decreed that said inventory, appraisement and list of claims be and the same is hereby in all respects approved and ordered recorded in the probate minutes.

OCTOBER TERM,1924

No.5661 ESTATE OF HENRY COLLAY DECEASED. # IN COUNTY COURT,
MAGGIE LAWRENCE EXR # TRAVIS COUNTY,TEXAS

Inventory and Appraisement of the Estate Of Henry Collay deceased, produced before the undersigned Appraisers, on th 17th day of October A.D.1924 by Maggie Lawrence Ex'r of the Estate of said Henry Collay deceased.

Separate Property of said Deceased: Appraised Value

1/2 interest in 3 acres of land of land in Geo W.Spear League in Travis County,Texas $1000.00

See also description in Will.Above is the 1/2 interest left to Henry Collay - when his wife died.

Community Property Appraised Value

None

We, the undersigned appraisers, do solemnly swear that the foregoing is a full and fair appraisement of the Estate of Henry Collay deceased, produced before us by Maggie Lawrence Ex'r.

Ben Huscharp

Albert Mann

W.Trenckmann Appraisers

Sworn to and subscribed before me, this 17 day of Oct A.D.1924

Emilie Limberg Notary Public,Travis CountyTexas

List of Claims Community Property

None

List of Claims Separate Property

None

I do solemnly swear that the foregoing Inventory and List is a full and complete inventory and list of the Property and Claims of Henry Collay deceased, that have come to my knowledge. Maggie Lawrence Ex'r Adm'r

Sworn to and subscribed before me, this 21 day of Oct A.D.1924

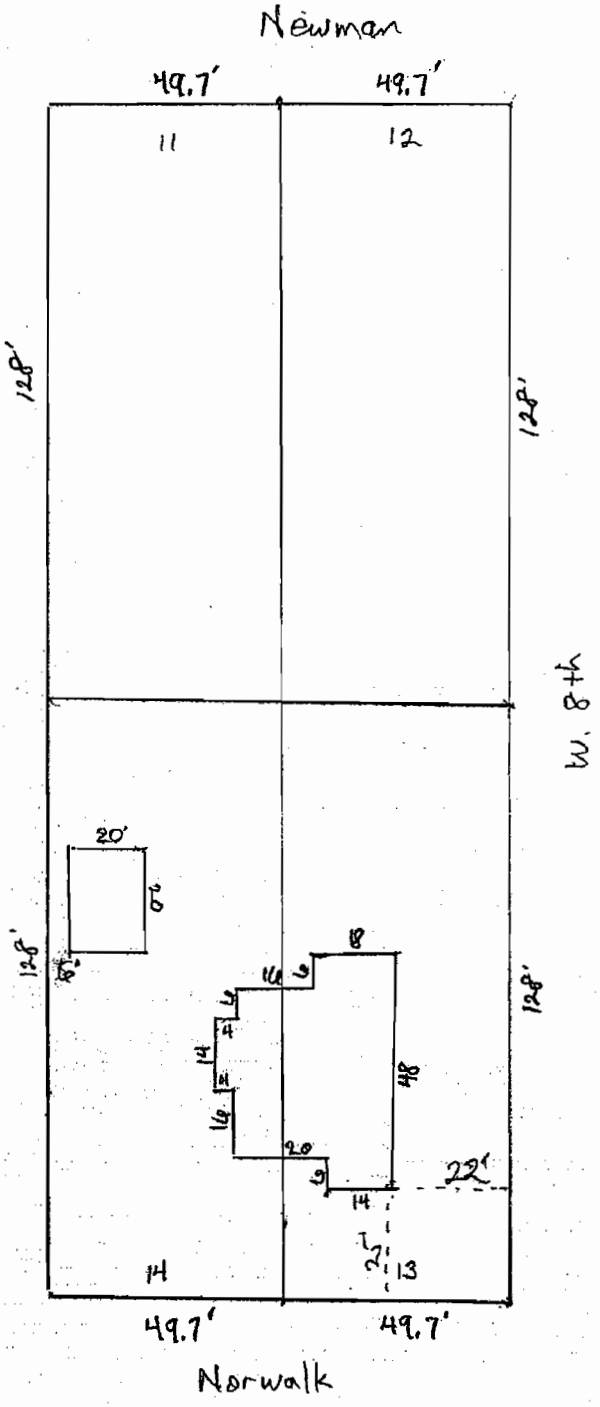
(Notary Seal) Otto Hochuli Notary Public,in and for Harris County,Texas

(Endorsed:) No.5661 Estate of Henry Collay Deceased.Maggie Lawrence Ex'r.Inventory and Appraisement, and List of Claims,Filed 23" day of Oct 1924 Fred C Malone County Clerk,Travis County,Texas.By W.Trenckmann Deputy

No.5370 ESTATE OF T.H.WILLIAMS # In the County Court of Travis County,Texas

Non Compos Mentis #

On this, the 27th day of October,1924, there came on to be heard and considered by this court the application of J.M.Hart, guardian of the estate of T.H.Williams, a person of unsound mind, joined by Mayme B.Williams,Lucile de M.Williams, and Mildred Hart Williams for authority of this court to make election of which of the modes of payment provided for in policies Nos.103544,203002, 202116,276719, and 278720 issued by the Aetna Life Insurance Company of Hartford, Connecticut on the life of said T H Williams shall be received by said guardian; and the court having examined said application and acquainted himself with the facts and with the terms of said policies, is of the opinion that it will be to the best interest of said estate and said beneficiaries that thepayment of said policies be made under the mode recommended by said guardian, to-wit: that said guardian receive under said Policies Nos.103544,203002,276719, and 278720, the sum of $250 annually for a period of twenty years, and receive under said Policy No.202116, the sum of $500 annually for a period of twenty years in full liquidation and settlement of said contracts



Scale 1:30

Lot 11-14
Colleys Henry
Home Tract

718
Norwalk

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern *(it may be delivered to the contact person listed on a notice)*; or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: **www.ci.austin.tx.us/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): HDP-07-0504
Contact: Steve Sadowsky, (512) 974-6454
Public Hearing:
September 24, 2007 Historic Landmark Commission

Denis & Toni Bowyer
Your Name *(please print)*

☐ I am in favor
☑ I object

804 NORWALK LN
Your address(es) affected by this application

Toni Bowyer — Signature
Sept 18-07 — Date

Comments: We do not need any more businesses or multi homes for our neighborhood. The one is too close - we all already have too many business selling liquor!

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning & Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
FAX: 512-974-9104

RECEIVED
SEP 18 2007
NPZD/CHPO

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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Case Number(s): HDP-07-0504
Contact: Steve Sadowsky, (512) 974-6454
Public Hearing:
September 24, 2007 Historic Landmark Commission

PAULA EDWARDS

Your Name *(please print)*

☐ I am in favor
☒ I object

802 NORWALK

Your address(es) affected by this application

Paula Edwards 9-15-07

Signature Date

Comments: _____

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning & Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
FAX: 512-974-9104

RECEIVED
SEP 17 2007
NPZD/CHPO

SEP-17-07 MON 12:52 PM Baubles & Beads Austin 512 912 0204 P.01

October 19, 2007

Via Email steve.sadowsky@ci.austin.tx.us
Steve Sadowsky
City of Austin
Historic Landmarks

Dear Mr. Sadowsky:

My name is Betty Mott and I am the co-trustee of the Evie Lee Floyd Hays Estate which owns the property at 718 Norwalk, Austin Texas. My sister, Katie Ruthven, and I are the daughters of Evie Lee Floyd Hays and we inherited the property from our mother's Estate.

It is my understanding that you have been researching the history of the property and house and that you are considering initiating historical zoning on the property and the house. The property and house has been in my family's possession since September of 1943 and is the only appreciable asset of the Estate.

My sister and I oppose the initiation of historic zoning of the property or house and request that you do not initiate any historic zoning procedure for the property or house and that you approve the demolition permit.

If you have any questions regarding this matter please contact A. Boone Almanza, at 512 474 9486 who is the attorney for the Estate.

I appreciate you consideration in this matter.

Sincerely,

Betty Mott

Betty Mott

November 8, 2007

Dear Mr. Sadowsky,

I would like to withdraw the application for a demolition permit of our home located at 718 Norwalk Lane, in Austin. Instead of demolition, I am requesting a relocation permit to move the home to Lot #8, Laura Lane, in the Ancient Oaks Subdivision in Liberty Hill, Tx.

My reason for relocating the home to Liberty Hill is because that is where our father was born. Our mother moved there, at the age of 13, after the death of her mother. Mom + Dad were married in Liberty Hill and my sister Katie was born there. All of our family is buried in the Liberty Hill Cemetery. Our family has lived in the home, in Austin, for 64 years. To me, there is no other place more suitable to relocate the home to than where our family's roots began.

I have consulted with Junior Brown and he will be applying for a permit to relocate the home. After completion of the renovation, my plans are to retire from TxDOT and live in the home.

Your understanding and approval of this request is greatly appreciated.

Betty Mott

ANCIENT OAKS HOME OWNERS ASSOCIATION

November 12, 2007

Ms. Betty J.Mott
16815 Cranston Drive
Round Rock, Texas 78664

Dear Betty Mott,

On consideration of a variance to the Covenants, Conveyances, and Restrictions of Ancient Oaks Subdivision, to move your historical home to lot F-8, a majority vote yes by the home owners has approved your plans provided that:

1. The homeowners request a historical marker, from the Texas Historical Landmark Committee, to be placed on the historical portion of your house or in your yard.
2. The exterior walls of all the new additions (including garage) to the historical house to be of a stone style rockwork to match the underpinning of the house, if possible.
3. If exterior colors are to be different than the existing historical house (white with black trim) the colors will be presented to the Architectural Control Committee of Ancient Oaks for final approval.
4. When Historical House is moved on the property the two units to be connected and roofed within 72 hours of move in.
5. All exterior finishes of additions to the historical house to be framed, closed in, and completed within 30 days of the move in of the historical house.

We look forward to having you as a neighbor, and your special project at Ancient Oaks.

Sincerely,

Martin J. DeStefano
President
Ancient Oaks Architectural Control Committee

Fax

Serene Hart Pence
Realtor
serene@austin.rr.com
phone: 512 / 567-3417 fax: 512 / 986-5675
Doug Fike, Broker

TO Betty Mott DATE 11-13-07

FAX #: 465-7550 # OF PAGES 1 (including cover)

Betty,

In reference to our conversation this morning in regards to the approval letter of your moving your historical home to Ancient Oaks, Liberty Hill, Texas, please be advised that the Sellers have agreed to items #1 and #5 as follows:

#1. It is the Sellers request to have a historical marker placed with the house, but not a demand or final necessity to the move of the house.

#5. The Sellers realize that there can be variables (such as bad weather, etc., especially in January and February months when the house will be moved) related to the close in of the house and additions. They state they are willing to work with your selected builder if these variables should happen, and it falls beyond the 30 days. Their intent is that the house, and additions, do not set open and incomplete for months without it being closed in. Their desire is to have the builder push to have the house and addition exterior completed as soon as possible. Of course you, and your builder, will have the normal limits of nine months to complete the interior work, the driveway, garage, and to occupy the house.

Hope this clarifies the Sellers standing on the these issues. Please let me know if I can be of further help.

Respectfully,

Serene Hart

Mr. Bennett,

I asked Serene to address #1 + #5 more clearly. I told her there would be no Historical marker and I wanted to be sure there would be some extension regarding #5. Items #2 are agreed on + #3 will not change. Item #4 has been clarified w/ Junior Brown. He says 3-5 day maximum (depending on weather). The builder is also in agreement with #5. He asked for more understanding. Serene addressed that in her reply.

THE STATE OF TEXAS#

County of Travis.# This Agreement and Contract made and entered into by and between John Shacklin,of the County of Travis,in the State of Texas,party of the first part,and Harry Colley and his wife,Ebby Colley,both of the County of Travis,in the State of Texas, parties of the second part,Witnesseth:-

1. That the said party of the first part,for the consideration hereinafter mentioned, hereby agrees and binds himself to move the dwelling house now situated on the hereinafter described property and well and truly construct,erect,finish and complete and deliver in a true,perfect and workmanlike manner,certain improvements,additions and repairs to the said dwelling house of the said parties of the second part,according to specifications agreed upon between the parties hereto and made a part of this contract,for the said parties of the second part,upon all that certain tract or parcel of land lying and being situated in the County of Travis,in the State of Texas,and described as follows,to-wit:

One and one-half(1 1/2)acres,more or less,of the Geo. W.Spear League and being the North East quarter(1/4)of six(6)acres conveyed to Harry Colley by Mrs. L.C.Pease by deed dated the sixth day of November,A.D. 1890 and recorded in book 100,pages 102-4 of the Deed Records of Travis County,Texas,and being the North half(1/2)of the remaining three(3) acres of said six(6)acre tract owned by said Harry Colley after the conveyance of the West three(3)acres to Geo. W.Brackenridge by Harry Colley and wife in deed dated the 8th day of November,A.D. 1890,and recorded in Book 99,page 354 of the Deed Records of Travis County,Texas,and described by metes and bounds as follows,to-wit:

Beginning at the N.E.corner of said six acre tract,thence N.60 W. 255 1/2 feet to the N.E.corner of said Geo. W.Brackenridge three acre tract,thence S. 30 W.with the East line of the said Brackenridge three acre tract 255 1/2 feet; Thence S.60 E. 255 1/2 feet to the East line of said six acre tract; Thence N.30 E. with the East line of said six acre tract 255 1/2 feet to the place of beginning,and to furnish and provide first class work and materials,for all parts thereof that may be necessary for the removal of the said dwelling house and for the full completion of the said improvements,additions and repairs,according to the said specifications;that the said party of the first part hereby agrees to be responsible for any damage that may happen to the said building in the course of removal and the said improvements additions and repairs in the course of erection from fire,or from any other cause whatever,until the same have been completed,according to the said specifications,by the said party of the first part,and turned over and accepted by the said parties of the second part;that the said party of the first part hereby agrees and binds himself to pay for all materials and labor used in and performed on the said improvements,additions and repairs as the same accrue,and to have the said improvements,additions and repairs completed and ready for occupancy on or before 90 working days from this date,free from any and all claims on the part of any and all persons for materials and labor used in the removal of the said dwelling house and for materials and labor used in and performed on the said improvements, additions and repair ,for the sum of One Thousand Three Hundred Eighty Six & No/100 ($1386.00)Dollars to be paid by the said parties of the second part to the said party of the first part as hereinafter provided.

2. That the said parties of the second part,in consideration of the foregoing agreement and undertaking on the part of the said party of the first part,hereby agree,bind themselves and promise to pay to the said party of the first part,for the fulfillment of his said agreement and undertaking,at Austin,Travis County,Texas,the said sum of One Thousand Three Hundred Eighty Six & No/100 ($1386.00)Dollars when the said improvements,additions and repairs have been completed by the said party of the first part,according to the said specifications,and accepted by the said parties of the second partwith interest thereon from this date until paid,at the rate of ten per-cent per annum,and if this contract and said indebtedness are

10 9 8 7 6 5 4 3 2 1 0 1 2 3 4 5 6 7 8 9

placed in the hands of an attorney for collection after maturity,the said parties of the second part agree and bind themselves to pay an additional ten per-cent on the amount to be collected for attorney's fees; that the said party of the first part is hereby declared to have a mechanic's lien on the said building,improvements,additions and repairs so made,and on the said property upon which the same are situated hereinbefore described,to secure the payment of the money to become due on this contract as herein specified;that the said parties of the second part hereby agree and bind themselves to pay all taxes of every kind and character on the said property hereinbefore described and the improvements thereon as they severally become due and payable until the said indebtedness hereinbefore mentioned has been fully paid and satisfied;and further hereby agree and bind themselves,after the said improvements,additions and repairs have been completed by the said party of the first part,according to the said specifications,and accepted by them,to keep the said building, improvements,additions and repairs insured,at their own expense,against fire for at least Thirteen Hundred ($1300.00)Dollars,and against cyclones,tornadoes and other windstorms for at least Eight Hundred Dollars, in an insurance company or companies to be selected by the said party of the first part,or other holder hereof,and to have the policy or policies of insurance payable to the said party of the first part,or other holder hereof,as the interest of the said party of the first part,or other holder hereof,may appear,and to deposit such policy or policies of insurance with the said party of the first part,or other holder hereof,and that upon their failure so to do,the said party of the first part,or other holder hereof,may pay said taxes or insure the said building,improvements,additions and repairs, or both,such taxes and the expenses of such insurance to be and become a part of the indebtedness secured by the mechanic's lien aforesaid.

Witness our hands,this the 23rd day of August,A.D. 1913.

Witnessed by Margie Lawrence.

John W.Shanklin
his
Perry X Colley
mark

Abby Colley

THE STATE OF TEXAS

County of Travis" Before me, Herman Pressler, a Notary Public within and for the County of Travis,in the State of Texas on thisday personally appeared John Shanklin and Perry Colley,known to me to be the persons whose names are subscribed to the foregoing instrument,and severally acknowledged to me that they executed the same for the purposes and consideration therein expressed. And also before me,on this day personally appeared Abby Colley,wife of the said Perry Colley,known to me to be the person whose name is subscribed to the foregoing instrument and having been examined by me privily and apart from her husband,and having the same fully explained to her,she,the said Abby Colley,acknowledged such instrument to be her act and deed,and declared that she had willingly signed the same forthe purposes and consideration therein expressed,and that she did not wish to retract it.

Given underry hand&d seal of office, this the 2nd day of September,A.D. 1913.

Herman Pressler,

(Notary Seal) Notary Public,Travis County,Texas.

Filed for record 5 Sept.1913,10 A.M. Recorded 6 Sept.1913,8:45 P.M.

[illegible]

[illegible]

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CLARKSVILLE:

Whose Community?

JENNIFER SHARPE

Austin History Center ★ Austin Public Library

100 Years of Survival

Perhaps no better words represent Clarksville's historical significance than those of Reverend Jacob Fontaine, the first minister of its church. The Reverend published the Gold Dollar as a celebration of reunion with his sister and as a communication network for ex-slaves to contact their lost families.

In the same spirit, Charles Clark founded Clarksville in 1871 as a place where the reunited families could live. The origin of the Black settlement actually dates further back to the Emancipation of Slaves in 1865 when Governor Pease, a plantation owner, granted several of his favorite slaves a portion of land so that they would remain on his estate as servants. According to an oral account, "ole man Pease give all dis land to his people." Deeds indicate that the Governor awarded some property to his ex-slaves for "good and faithful service."

There is good reason, though, why residents of Clarksville date their settlement from 1871, when Charles Clark purchased two acres of land from General N.J. Shelley, and not 1865. The name 'Clarksville' does not merely designate a tract of land, but embodies a sense of history and of belonging. Blacks cannot trace their ancestry to the Mayflower and its quest for freedom, but only to galleys that offered their passengers a lifetime of enslavement. If Black American history is to attain the same dignity, it must originate with the slave's own attainment of freedom. The moment Charles Clark paid $100 for two acres of land, he declared his freedom louder than the Yankee's Proclamation of Emancipation or Governor Pease's gift of dependency. Thus was Clarksville established as the first freedomtown west of the Mississippi.

Community members give different versions of the freedomtown's original boundaries. Some say it ended at the railway tracks, others that it continued for a few miles on the other side. One resident explained the confusion when she said that "we thought all the colored people out here were in Clarksville."

Blacks used to live as far west as the shores of Lake Austin. As the city expanded during the 1930's they moved because "a lot of white people (began to live) around there, and they'd (the Blacks) just rather leave them alone", according to one community member. Many of the dislocated residents moved east of the railway tracks into Clarksville proper, the few blocks surrounding the land that Charles Clark had purchased. Today, the one-time expansive and ill-defined freedomtown possesses narrow and well-delineated boundaries — from 10th Street to the south side of Waterston, and from the west side of West Lynn to the Mopac right of way.

If in the past residents regarded Clarksville more as a communal spirit than a definable neighborhood, they now insist on the latter. Black identity and heritage is bound up in the survival of Clarksville and survival of the community in fast developing Austin depends on turf rights. As one of the few (and after Wheatsville's demise in the 1930's, the only) Black neighborhoods in West Austin, Clarksville residents have faced numerous attempts to move them east of Interregional Highway 35.

Austin History Center ★ Austin Public Library

DEED BOOK HISTORY OF COLLEY TRACT (As determined to date)

Feb. 25,1884 -- Vol. 73, Pg. 591

(Mrs.) L. C. Pease, widow of E. M. Pease, takes a note for $300 from "Henry Colley" for six acres of land. $50 was paid down, and the remainder was to have been paid off in five years at 10% interest a year. The description is of a tract exactly 511 ft. square, and refers to an adjoining survey for an "Ed Hicks". The terms of the note permit overdue interest to accrue at the same rate. Mrs. Pease bound herself "to make him the said Henry Colley a title for said land..." when the note was paid in full, "but the said Henry Colley binds himself to pay the taxes due on the land" from 1884 on.

Nov. 10, 1890 -- Vol. 99, Pg. 354 & Vol. 100, Pg. 102

Mrs. Pease acknowledges that the 1884 note "has been paid in full and said agreement otherwise fully complied with by said Henry Colley" and conveys title to him. The deed further describes the land as being part of a tract of two parcels sold to her husband in 1872 and 1873 by H. N. Duble. The Colley property was in the southwest corner of this larger tract.

On the same date, "Henry Colley and Ebbe Colley husband and wife" sell the western one-half of this same six acres to "George W. Brackenridge" for $1,050. This tract is approximately today's "Safeway Addition" at the corner of Exposition and Lake Austin Blvd.

Aug. 23, 1913 -- Vol. 250, Pg. 618

"Henry Colley and his wife, Ebby Colley" give a $1,386 contract (or mechanic's lien) to John Shanklin. Shanklin agrees "to move the dwelling house now situated on the hereinafter described property and well and truly construct, erect, finish and complete and deliver in a true, perfect and workmanlike manner, certain improvements, additions and repairs to the said dwelling house of" the Colleys "upon all that certain tract or parcel of land" described as "[o]ne and one-half (1 1/2) acres, more or less, of the Geo. W. Spear League and being the North East quadrant (1/4) of six (6) acres conveyed to Henry Colley by Mrs. L. C. Pease by deed dated the sixth day of November, A.D. 1890"..."and being the North half (1/2) of the remaining three (3) acres of said six (6) acre tract owned by said Henry Colley after the conveyance of the West three (3) acres to Geo. W. Brackenridge by Henry Colley and wife" etc.

In other words, Shanklin was to move, expand and improve the Colley's existing home, all on what is today approximately lots 8 through 17 of the Henry Colley Home Tract. This language also makes it clear that the Colley's house, or at least part of it, was built earlier than 1913.

Jan. 3, 1914 -- Vol. 262, Pg. 230

Henry and Ebby Colley convey a deed of trust to D. B. Gracy for the above 1- 1/2 acres,

and borrow $1,286 from E. J. Hofheinz, who takes over the Shanklin mechanic's lien. The Colleys as was typical agree to keep the improvements insured. All of which suggests that the work contracted by Shanklin was actually done.

Nov. 10, 1915 -- Vol. 278, Pg. 222

The surviving Pease heirs sign a quitclaim to the original six acres sold by Mrs. Pease to Henry Colley. There is no indication why this was considered necessary, other than to firm up Colley's title.

March 29, 1929. -- Vol. 421, Pg. 639

After Henry Colley's death (and after the earlier death of his wife) the house appears to have become the responsibility and residence of "Willie Collay, and his wife, Mamie Collay". (The new spelling of the surname remains fairly consistent in future documents.) Willie and Mamie contract on this date with M. G. McGaugh for "the labor and materials necessary to be used in constructing the following improvements, viz: Applying Birds Green Art-Craft roofing over the old wood shingle, and painting all metal porches on the homestead...consisting of one residence and land..." The land is further described as all of the lots (by number) in the Henry Colley Home Tract (as described and platted in his will), with the exception of Lots 6 , 7, 18 & 19, which are not stated (i.e., "Lots 8, 9, 16 & 17, also lots 1, 2, 3, 4, 5, 10, 12, 13, 14, 15"). The amount contracted is $278.

November 7, 1931 -- Vol. 477, Pg. 429 & Vol. 480, Pg. 221

Willie and Mamie Collay take a loan of $1,000 against the entire Tract of nineteen lots, conveying a deed of trust to C. M. Bartholomew under a note payable to Mary P. Taylor.

By a conveyance of the same date, the other heirs to Henry Collay sell the entire Tract to Willie Collay.

August 23, 1938 -- Vol. 595, Pg. 122

Willie and Mamie Collay sell Lots 1-5 of the Henry Colley Home Tract to Morris Cross for $800.

Sept. 20, 1943 -- Vol. 723, Pg. 369

After Willie Collay's death Jan. 15, 1943, Jesse J. Bryant and George Overton sign an affadavit that they had known Willie and Mamie Collay "for many years", that they "did not have any children born to them nor did they every legally adopt any child or children", and that they "have had full possession of said tract, using, cultivating and occupying the same since same was bought" from the other Colley heirs in 1931.

September 18, 1943 -- Vol. 724, Pg. 134

Mamie Collay sell Lots 11-14 of the Henry Colley Home Tract to "W. R. Hays and son,

W. M. Hays".

August 15, 1945 -- Vol. 769, Pg. 633

The other heirs of Henry Colley (and perhaps of Willie Collay as well, who died intestate), sign a quitclaim for Lots 6 -10 and 15 -18 of the Tract.

September 28, 1945 -- Vol. 772, Pg. 108

Mamie Collay, now "Mamie Collay Bassett" and her husband Fred D. Bassett sell the above Lots 6-10 and 15 -18 to Lydia Littman and David J. Pickle. At this point the interest of Henry Colley's descendants in the Henry Colley Home Tract appears to have ended.

Historic Zoning of the Henry Colley House
718 Norwalk Lane

Historic zoning for the Henry Colley House at 718 Norwalk Lane is currently pending before the Planning Commission and City Council. Historic zoning of this House would recognize the cultural history of Reconstruction-era Austin and the lives of African-Americans of the period.

- The original owners of the House were Henry and Ebby Colley, both likely born into slavery in the 1850s and emancipated. The Colleys purchased six acres of land in 1884 from the former First Lady of Texas, Lucadia Christiana Niles Pease, including the land where the House now sits. Three of these acres were sold by the Colleys in 1890 to George W. Brackenridge, and now are part of the University of Texas' Brackenridge Tract. Other portions were sold incrementally throughout the early 1900s, including the House with its four lots which were conveyed to the Hays family in 1943.

- Aided by the research that has been dedicated to preserving this House, it has been revealed that this area (west of Clarksville to the River) appears to have contained a poorly documented settlement of freed slaves and other African Americans in the late 1800s and the early 1900s. The former Governor of Texas, Elisha M. Pease, also sold other portions west of the I&GN Railroad (now MoPac) to freed slaves in the years before his death in 1883. This House appears to be one of the last remaining visible links to the settlement and era. For the home of a freed slave it is substantial and exceptional not only for its location, but also for its condition and beauty.

- West Austin Neighborhood Group (WANG) supports this historic zoning as does the Heritage Society of Austin (HSA) and many individuals and property owners in the vicinity of the House. Mrs. Hays' two daughters oppose the zoning change. The Planning Commission will make a recommendation on this property on Tuesday, January 29, 2008. The City Council will make a final determination on Thursday, January 31, 2008.

Henry Colley House
Preliminary Presentation Outline

The Historic Landmark Designation Criteria seem a good place from which to attack this project. I hadn't noticed this before but the City guidelines consistently refer to the "property" having significance rather than the "house" which would seem to be a plus regarding the Pease/Brackenridge/freedman associations.

We have to demonstrate significance in at least two of the following categories:

1. **ARCHITECTURE**

The property:

Embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction; or

Represents technological innovation in design and/or construction; or

Represents a rare example of an architectural style; or

Serves as a representative example of the work of an architect, builder, or artisan who significantly contributed to the development of the city, state, or nation.

a. Introduce photos of property and maps of neighborhood and/or City showing Tarrytown location. Possibly include the Sanborn map which shows Waterston crossing the railroad tracks to the west.
b. Staff Report states that "...the house is a nice example of a transitional-style house, it is a fairly common house type in the city...."
c. Introduce evidence the house may be older, e.g. being moved from its original location and contracting for major repairs in 1913 implies at least some of the structure may be older that c.a. 1909. Also, the amount of cash in hand after the 1890 Brackenridge sale may date the original home to the time just following yet they must have been living somewhere previously. Also, they could have been renting the land and farming it prior to having the $50 down payment in hand for Mrs. Pease in 1884. The Colley's marriage license dates to 1872 which is about the same time Pease acquired the property.
d. While it may be "fairly common" in the city it is not common for Tarrytown and is substantially older than most Tarrytown homes.
e. It's unusual for its condition. This home has been owned by only two families in its 100+ years. Both families took good care of it – evidenced by roofing and repair contracts found in the deed records and by the current condition. Mrs. Hays was living there until only a few months before her death in 2007.
f. It's also unusual in that the Colley's were able to acquire financing to undertake repairs at a time when many African Americans were "redlined" and unable to maintain properties outside of east Austin. Most of these homes subsequently fell into disrepair and/or become poorly maintained rental properties. Possibly note "1928 City Plan Encourages Segregation - the City of Austin completed a plan that sought to designate East Austin as

a Negro District. Municipal services such as schools, sewers, and parks were made available to African Americans in East Austin only."

g. Architecture is an area where we could use an expert or two – person(s) who could speak to architecture, age, condition, the Colley House in comparison with Tarrytown housing stock and the Colley House in comparison with any other known freedman houses.

2. **HISTORICAL ASSOCIATIONS**

The property:

Has significant associations with persons, groups, institutions, businesses, or events of historical importance which contributed to the history of the city, state or nation; or

Represents a significant portrayal of the environment of a group of people in a historic time.

a. Purchase and especially financing by Lucadia Christiana Niles Pease. Brief notes on Governor Elisha and his wife Lucadia, slaves and instances of giving/selling land to freed slaves. Hopefully discover the connection that led Mrs. Pease to finance the young Mr. Colley.

b. Brackenridge – land sale became part of The University of Texas' land holdings and the Brack Tract.

c. Clarksville – introduce evidence that freedmen settled throughout this area west to the river. Hopefully track down some other instances through record research, Pauline Brown recollections, etc.

d. Possibly (?) mention briefly others who lived in the area and what was going on at the time – Mr. Johnson, lime kiln, first dam, Dam Blvd., etc.

3. **ARCHEOLOGY**

The property has, or is expected to yield significant data concerning the human history or prehistory of the region.

a. I'm not sure what they mean by "yield significant data concerning human history" – that it does but no digging was involved so I'm not sure if it's a criterion met by this property.

4. **COMMUNITY VALUE**

a. Virtually unknown that freedmen settled in this area. I never knew about it – though rumors existed – and neither did my neighbor who's been here nearly as long as the Hays. Even Austin History Center staff stated they were unaware of the western extent of the black settlement.

b. This property exists in an area that later became prestigious and almost (or entirely) white. It is full of the exclusionary deed restrictions typical of the time. (Include surrounding examples.)

c. Note that many of the surrounding subdivisions were putting these restrictions in place while the Colley children still owned parts of the Colley tract.

d. Note that the Colley family maintained its residence here long after most blacks had been dislocated into Clarksville and east Austin.

e. Important example for what it demonstrates – freed slaves, uneducated, who managed hack out a sort of American dream (if that phase can be applied to former slaves). This is not some crumbling shack but a lovely

home on significant and now very valuable land. The Colleys had a long and fruitful marriage and raised several children here – at least four and maybe more. They left their son with the resources to invest in other property (note gift to City for Enfield Rd. widening) and managed to hang onto their home through reconstruction, racial violence and segregation. Does something like this actually exist anywhere else in Austin?

f. Possible to find Clarksville historian or African American history expert to speak to some of there things?

5. **LANDSCAPE FEATURES**

a. Can't really think of anything here other than to note the historic home also comes with some historic sized trees and Ms. Hays always kept a lovely garden - this seems a weak note to close on, though.

(Seems we're very strong on Historical Associations and Community Value and can make a good argument for Architecture.)

MITIGATING FACTORS

Consider addressing factors which mitigate the hardship to the sisters, e.g. that this property included two entirely vacant lots which could have been sold for development months ago. That the home is lovely and, while acknowledging that a house of that age will understandably need substantial work, it is located in one of the most desirable parts of town and could be restored by someone interested in the history, the location and the property tax break. I think we should tread carefully here, though, so as not to appear callous about their obviously stressful and financially worrisome situation.

REBUTTAL

Maybe we should anticipate the arguments the owners will likely raise – e.g. current condition of the house, modifications since Colley ownership, financial hardships, not really historic, he was just a farmer, etc. and prepare responses.

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January 18, 2008

Mr. A. Boone Almanza, Esq.
Akin & Alamnza
2301 South Capitol of Texas Highway
Building H
Austin, Texas 78746

Re: ***City of Austin Zoning Case No. C14H-07-0031 - Henry Colley House***

HERITAGE
SOCIETY OF
AUSTIN
P.O.BOX 2113
AUSTIN, TEXAS 78768
512-474-5198
FAX 512-476-8687

Dear Mr. Almanza,

The purpose of this letter is to memorialize the proposal verbally discussed between myself, on behalf of the Heritage Society of Austin ("HSA"), and you, as counsel to the owners of the property and improvements located at 718 Norwalk Lane (the "Owners"), the subject of the above-referenced and pending zoning case, on January 15, 2008.

As we discussed, HSA believes historic zoning of the Colley House (the "House") is a significant and rare opportunity to recognize the cultural history of Reconstruction-era Austin and the lives of African-Americans of the period. We also recognize the desire and need of the Owners to address the holdings of the estate expeditiously, as you have stated. Therefore, HSA proposed a potential compromise that we believe may help to achieve a balance between these goals.

HSA's proposal is as follows: HSA would support all necessary City approvals (application for relocation; certificate of appropriateness; any variances related to setbacks, etc.) to allow for the House to be moved to one of the two distinct lots now held by the owner fronting on Norwalk Lane. Because the House currently straddles the two lots on Norwalk Lane, only the two lots facing on Newman Drive are presently marketable for development. Allowing the House to be moved to one of the two distinct Norwalk Lane lots would allow for the sale or development of three lots, as opposed to two. In return, HSA would ask that the Owners support historic zoning for the House and single lot on Norwalk Lane, and, if the remaining three lots are to be developed, they be done so to development standards no greater than those available under the current SF-3 zoning.

This compromise would retain the House on the original Colley tract, with historic zoning, while allowing the Owners to reside in or sell the House and sell or develop three resulting lots. The Owners would have the option of residing in or selling the

historically-zoned House, although it should be noted that the tax benefits of the House and land from various taxing entities may be substantial (historic exemption, homestead exemption, over 65, etc.) to the Owners.

It is important to note that allowing a historic structure to be moved is a highly unusual remedy to be supported by HSA or other preservation organizations, but this is a unique situation. We recognize the necessity of the Owners, as heirs, to access the value held in the property and for regulatory certainty. We believe this proposal is a sincere and reasonable compromise that would serve all parties well, making continued adversarial proceedings unnecessary.

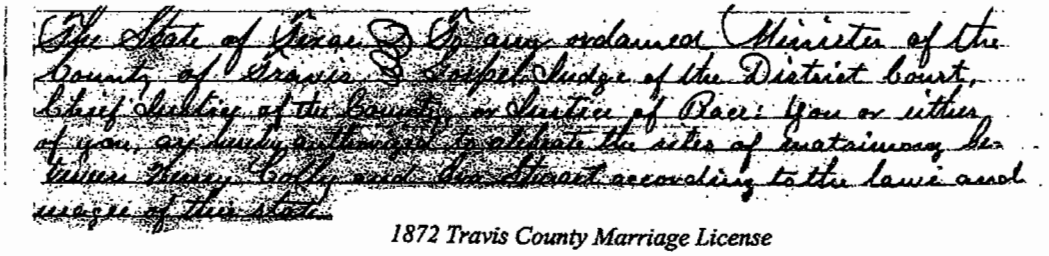
We appreciate, on behalf of your client, your willingness to entertain this proposal, and to give it every consideration. We look forward to your response. I am available at any time to discuss this further or to answer any questions you may have.

Sincerely,

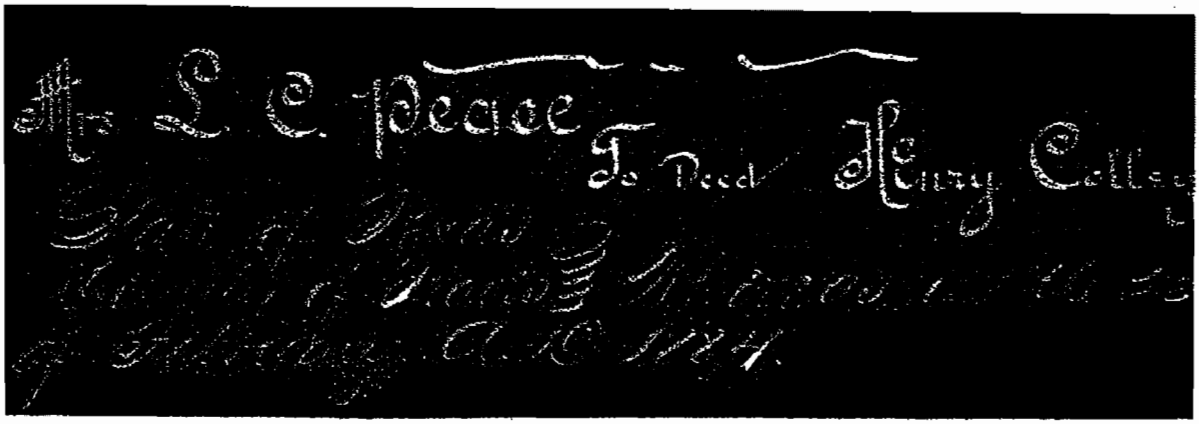
John Philip Donisi

HISTORIC ZONING OF HENRY COLLEY HOUSE

C14H-07-0031
718 NORWALK LANE
AUSTIN, TEXAS 78703



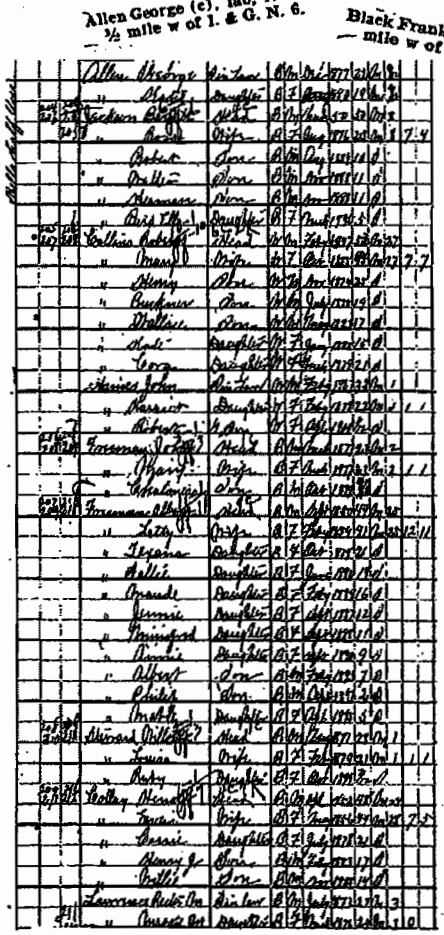
1872 Travis County Marriage License



Lucadia Christiana Niles Pease Deed to Henry Colley for 1884 Purchase of Six Acre

Blacks used to live as far west as the shores of Lake Austin. As the city expanded during the 1930's they moved because "a lot of white people (began to live) around there, and they'd (the Blacks) just rather leave them alone", according to one community member. Many of the dislocated residents moved east of the railway tracks into Clarksville proper, the few blocks surrounding the land that Charles Clark had purchased. Today, the one-time expansive and ill-defined freedomtown possesses narrow and well-delineated boundaries — from 10th Street to the south side of Waterston, and from the west side of West Lynn to the Mopac right of way.

Sharpe, Jennifer, "Clarksville: Whose Community?", 1982

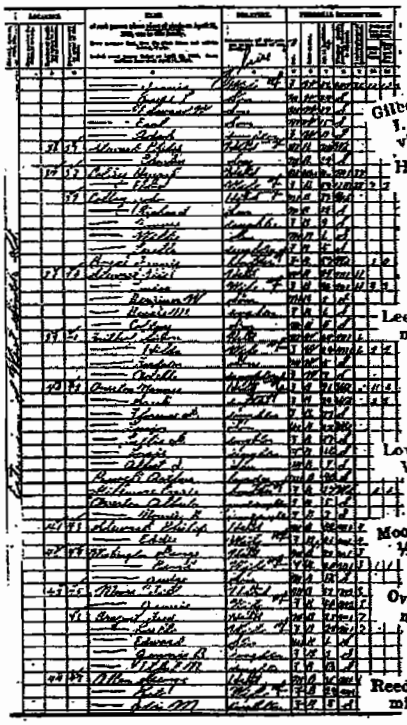


Allen George (c), lab, r. 2 blks n of W. 6th, ½ mile w of I. & G. N. 6.

1900 Census of "Hell's Half Acre"

Black Frank (c), lab, r. 2 blks n of W. 6th, ⅛ mile w of I. & G. N. 2.

Bryant Fred (c), lab. r. 2 blks n of W. 6th, ½ mile w of I. & G. N. 4.



Collay Henry (c), lab, r. ns W. 6th, ½ mi of I. & G. N. 5.

Boyce Fannie (c), h. Henry Colla

Colley Willie (c), houseboy Elton Perr same.

Colley Mamie (c), servt H. B. Granberry same.

Gilbert Smith (c), well digger, r. 1 blk w of I. & G. N. tracks, w end W. 10th, Clarksville. 5.

Hughes Priscilla (c), r. ss W. 10th, 1 blk of I. & G. N., Clarksville. 2.

Mills Blanche (c), h. Priscilla Hughes. 4.

Johnson Robert (c), r. 1 blk w of I. & G. R. R., w end W. 10th, Clarksville.

Lee Allen (c), lab, r. 2 blks n of W. 6th, ½ mile w of I. & G. N. 4.

1910 Census of "Extension of West Sixth St." (in part)

Austin City Directory 1909-191(

Lowery John (c) (Hobbs & Lowery), r. n W. 10th, 1 blk w of I. & G. N. R. R., Clarks

Moore Tillman (c), lab, r. 2 blks n of W. 6th, ½ mile w of I. & G. N. R. R. 2.

Overton Nannie (c), r. 2 blks n of W. 6th, ½ mile w of I. & G. N.

Reed Ophelia (c), r. 2 blks n of W. 6th, ½ mile w of I. & G. N. 6.

Stewart John (c), lab Lone Star Ice Co., r. 1 blk w of I. & G. N. tracks, w end of W. 10th, Clarksville. 5.

Stuart William M. (c), lab, r. 1 blk n of W. 6th, ½ mile w of I. & G. N. 5.

Stewart Henry (c), lab Tips Foundry & Machine Co., r. 2 blks n of W. 6th, ½ mile w of I. & G. N. 2.

hite Lewis P. (c), lab, r. 2 blks n of W. 6th, ½ mile w of I. & G. N. R. R. 7.

6. No part of the property hereby covered shall be rented, leased, sold, demised, conveyed to or otherwise become the property of any person or persons other than white persons of strict Caucasian blood.

7. No race or nationality other than the white Caucasian race shall use or occupy any building on any plot of this subdivision, except that this covenant shall not operate to prevent occupancy of servant quarters by domestic servants of a different race or nationality employed by the owner or tenant.

1946 Deed Restrictions of neighboring Timberlake Addition

LOCATION OF HENRY COLLEY HOUSE

TARRYTOWN

718 NORWALK LANE
AUSTIN, TEXAS 78703

From: "G F" <scrawnyranch@gmail.com>
Subject: **Re: Colley Property**
Date: January 17, 2008 3:15:37 PM CST
To: "Christopher Alguire" <calguire@sbcglobal.net>
Cc: "Blake Tollett" <blake.tollett@earthlink.net>, "John P. Donisi" <jdonisi@drennergolden.com>, "Kathrin Brewer" <KBrewer@austinpartners.org>, "Gwen Jewiss" <gjewiss@pspaec.com>, "Mary Arnold" <wdmarnold@austin.rr.com>

Well, just to prove I have been doing something, I have gotten the birth certificates of both Henry and Ebby Collay (as they are spelled on the certs., and as the family spelled them typically from that point on). They were both born in Tennessee. Ebby's parents names were Stewart (so she was in fact the "Eva Stuart" on the Colley's 1872 marriage cert., further confirmed by another deed set I found yesterday tying her to the Stewarts over on the Gilbert League land, who must have come to Texas with her or sometime after). Her age is not given. Henry's mother's name was "Jennie Stewart". No father named, presumably a "Colley" but if they were born slaves hard to say and maybe Henry himself didn't know. He was 71 when he died in 1923. So he was born in 1852 more-or-less.

Both of them were also buried in Austin, it turns out. In Bethany Cemetery over off Springdale Road. They don't show up in the published lists for Bethany because it appears the lists are incomplete right now. Or maybe the stones aren't there, or whatever.

Also, being at the County C's office yesterday, I looked up Henry's will. I assume this has been noticed already but I note that he mentions his house in his will (dated 1920). His three children (Maggie, John, & Willie) had already inherited their mother's half interest. But Henry gave Maggie a larger share of his interest, because "she has been helping me to pay the debt on the house that I have built on the above mentioned three acres and my two sons have not helped me pay said debt."

Henry was a definite fair-is-fair kind of fellow.

So, just another nail in the "wasn't his house" coffin. Doesn't prove it's the same house as today's, but hard to argue otherwise.

I have also started going through the Pease papers, staring with Lucadia's (Mrs. Pease) because the deal was with her. The daughter Julia Pease appears to have taken over the business affairs after her father's death, and may have been the one who actually dealt with Henry Colley. But Lucadia signed the papers because it was her stuff she was selling, and anyway I found two things (so far) in her papers:

One is a little sketch or map of the part of the Spear League. It shows the county road that is now West 7th, two squiggly lines that are clearly Johnson Creek and the Possum Trot branch of same, and also who the owners of the various parcels at the time of the sketch were. A squarish plot in the SW corner is marked "Coly", and in fact Henry Colley's original six acres were exactly 511 feet square. There's no indication what this "plat" was for, but I think it was probably part of someone's proposal to Mrs. Pease for some of her property by a party named B. J. Smith. There's no date either, but since it is of the "G. W. Spear Survey", and because nothing is shown to the west of the "Coly" square (including Brackenridge's purchase from Colley), I have to date it before Colley took title in 1890. I can't say it is of any use other as a little graphic snapshot of the layout of the area. Mrs. Pease is shown still owning three fairly large chunks of land, but parties named "Bass" (the later 25-foot-shotgun-lots tract) "Christian" "Krause" "Swenson" and "Hughs" also have named tracts.

The other thing I found were six small pieces of paper on which are scribbled receipts from "Henry Colley" for "rent on house", etc. They are all signed by a "Mrs. L Gray" (or "Gruy" or "Guy", really hard to say), and they are all dated in 1882. I can't figure out who "Mrs. Gray" was, other than that there was such a widow living in the 1200 block of Red River in the mid-1880s who shows up once in the city directories. I don't think these have

anything to do with any renting that Colley was doing from the Peases. For one thing they refer to a "house", and I think if there were a house on the six acres when Colley first did his deal with Mrs. Pease it would have been fleetingly mentioned as an "improvement". But mostly what the Pease business papers tend to show was that people like the Peases used agents with more businesslike procedures (such as actual printed receipt forms) than these scribbled scraps suggest.

Anyway, these are receipts that should be in the "Henry Colley Collection" if such existed. They were made out to him.

So I am wondering if they show up in Mrs. Pease's papers because it was Henry Colley who gave them to her. Think of it this way -- a young, green and pretty gutsy black man in 1884, having heard that the Peases have sold land to among others ex-slaves, hikes out to the big house NW of town and knocks on the (back kitchen) door with a proposal: he has fifty dollars now that he can put down on some land, and he also has these (somewhat pathetic) scraps of paper that show he has what we would call a "credit history" -- or at least he hopes so, because he can't actually read them. I.e., he's responsible, and he can do a deal, even with a very rich white lady.

A little fanciful, but I hope to find something else that backs it up, because it would explain what she was doing with them, and also maybe why she kept them. And it would all be in character, based on what little we know so far about Henry Colley.

I am pretty certain now that Henry never worked for the Peases, nor was he their slave. He was just a guy with a family and a plan, and probably more than a little desperate to do something better than dollar-a-day labor out of a rent house.

grant fehr

On Jan 17, 2008 2:23 PM, Christopher Alguire <calguire@sbcglobal.net> wrote:

Hi all,

I turned up two more freedman files in the Pease papers: "Sale of land to Freedman John Hughes (1876 sale)", "Sale of land to Freedman Robert Johnson (1872 k to sell, 1878 deed)". Both are in the G. W. Spear League in the neighborhood and both family names turn up later in the City directory with the (c.) for colored and addresses north of W. 6th and various distances west of the I&GN RR.

I started simply going through the directories and have already found several (c.) families with addresses west of Clarksville. The nearby ones are often noted as being in Clarksville even though they are on the west side of the tracks. Further west you generally get "1/2 mile west of I&GN RR" or something similar.

So - the Colley's weren't alone and Lucadia seems to have continued with the practices of Governor Pease who had also been selling land to freedmen in the area before his death.

C