

# ZONING CHANGE REVIEW SHEET

**CASE NUMBER:** HDP-2018-0673

**HLC DATE:**

January 28, 2019

February 25, 2019

March 25, 2019

April 22, 2019

**PC DATE:**

**APPLICANT:** Historic Landmark Commission

**HISTORIC NAME:** Leach-Smith House

**WATERSHED:** Johnson Creek

**ADDRESS OF PROPOSED ZONING CHANGE:** 1400 Winsted Lane

**ZONING FROM:** SF-3-NP to SF-3-H-NP

**SUMMARY STAFF RECOMMENDATION:** Staff recommends the proposed zoning change from single family residence, neighborhood plan (SF-3-NP) combining district to single family residence – Historic Landmark – neighborhood plan (SF-3-H-NP) combining district zoning if the Commission accepts that the criterion for historical significance is squarely met with only a 2-year span of the historic period.

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 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 recommend 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.

**QUALIFICATIONS FOR LANDMARK DESIGNATION:**

Architecture and historical associations.

**HISTORIC LANDMARK COMMISSION ACTION:** **January 28, 2019:** Agreed-to postponement. **February 25, 2019:** Initiated historic zoning. Vote: 6-2 (Papavasiliou and Brown opposed; Reed and Hibbs absent). **March 25, 2019:** Postponed at the applicant's request.

**PLANNING COMMISSION ACTION:**

**DEPARTMENT COMMENTS:** The house is beyond the bounds of the Comprehensive Cultural Resources Survey (1984).

On April 22, 2019, the Commission requested that staff provide information about garden suburbs, as described by several speakers at the public hearing, to determine whether the Leach-Smith House represents a Garden Suburb movement in the Westfield "A" subdivision of which it is a part. The Leach-Smith House, like many other houses in the neighborhood, is sited on a large lot, larger than most urban lots in Austin. Westfield "A" had a number of large lots, but the reason for the size of the lots is not defined by the subdivision documents.

Garden suburbs were an outgrowth of the British "Garden City" movement of the 1880s and 1890s. As envisioned by Sir Ebenezer Howard, a "garden city" was one that captured the amenities of the city, but was surrounded by a "greenbelt" that preserved agricultural uses on the edge of a city. Howard was concerned about the suburban sprawl of London in the late 1800s and his "garden city" model was designed to end land speculation on the outskirts of a city through controlling the use of land and incorporating agriculture into the model for a successful suburban settlement.

The "Garden City" movement eventually made its way to the United States, and land on the outskirts of several large American cities were transformed into garden cities, including Shaker Heights, near Cleveland, Ohio, Residence Park in New Rochelle, New York, Forest Hills Gardens in Queens, New York, Chatham Village in Pittsburgh, and others. In the 1930s, the United States Resettlement Administration planned some garden city communities, including Greenbelt, Maryland near Washington, D.C., Greendale, Wisconsin, and Greenhills, Ohio. These garden cities were intended to provide affordable housing in a relatively self-sufficient environment, with easy access to a city and the preservation of the agricultural countryside as the guiding philosophical tenets of the urban design.

Garden suburbs, as opposed to garden cities, were not designed to be economically self-sufficient as promoted by Ebenezer Howard. Garden suburbs were developed along two models, what has been described as a garden village, and a garden enclave. Garden villages generally contained more features of the garden city movement in that they had urban amenities, such as shops, civic buildings and institutions such as libraries, and the focus of the design was on public spaces. Garden enclaves, on the other hand, were exclusively residential and centered on private or undeveloped spaces. The emphasis in both, however, was a conscious design to adopt some of the tenets of the garden city movement but without the economic self-sufficiency and reins on land speculation that the proponents of the garden city promoted.

**CITY COUNCIL DATE:**

**ACTION:**

**ORDINANCE READINGS:** 1<sup>ST</sup> 2<sup>ND</sup> 3<sup>RD</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Steve Sadowsky**PHONE:** 974-6454**NEIGHBORHOOD ORGANIZATION:** West Austin Neighborhood Group**BASIS FOR RECOMMENDATION:****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.

**Historical Associations:**

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.

**PARCEL NO.:** 0112050914**LEGAL DESCRIPTION:** 1.0290 AC OF LOT 3 BLK 3 WESTFIELD A**ESTIMATED ANNUAL TAX ABATEMENT:** \$8,500 (owner-occupied); city portion: \$2,500 (capped).**APPRAISED VALUE:** \$1,128,898**PRESENT USE:** Residence**CONDITION:** Good**PRESENT OWNERS:**

Gitar Family LLC  
15200 Oakwood Drive  
Big Rapids, Michigan 49307

**DATE BUILT:** ca. 1940**ALTERATIONS/ADDITIONS:** The house was remodeled in 1971.**ORIGINAL OWNER(S):** John I. and Thelma Leach (1940)**OTHER HISTORICAL DESIGNATIONS:** None.



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 <sup>th</sup> Street.
1957	John I. and Thelma A. Leach, owners Agent, Minnesota Mutual Life Insurance Company, 203 Capital National Bank Building, 114 W. 7 <sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup> and Colorado Streets.
1944-45	John I. and Thelma A. Leach, owners



Superintendent, American National Insurance, life insurance, 906-09 Tribune Building, 10<sup>th</sup> and Colorado Streets.

- 1941 John I. and Thelma A. Leach, owners  
Superintendent, American National Insurance, life insurance, 209 Norwood Building, 114 W. 7<sup>th</sup> 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. 7<sup>th</sup> 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 and Paula Smith (ca. 1967 - )**

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 (1954), 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

## **CURRICULUM VITAE**

### **ERNEST E. SMITH**

Rex G. Baker Centennial Chair in Natural Resources Law  
University of Texas School of Law  
727 East Dean Keeton Street  
Austin, Texas 78705  
(512) 232-1268

#### PERSONAL DATA

Born September 8, 1936, at Gonzales, Texas  
Married to Paula Young Smith.  
Children: Brian Winters Smith and Carter Patterson Smith

#### EDUCATION

B.A., Southern Methodist University, 1958 (Summa cum Laude).  
LL.B., Harvard Law School, 1962 (Magna cum Laude).

#### PROFESSIONAL BACKGROUND

Rex G. Baker Centennial Chair in Natural Resources Law, University of Texas School of Law  
1983 to present  
Edward S. Godfrey Distinguished Visiting Professor of Law, University of Maine School of  
Law, Fall 1994  
Visiting Professor, Harvard Law School, Spring 1992  
Visiting Professor, Centre for Petroleum & Mineral Law Studies, University of Dundee,  
Scotland, Fall 1988  
Joseph C. Hutcheson Professorship in Law, University of Texas School of Law 1980-83  
Dean, University of Texas School of Law, 1974-79  
Visiting Professor, University of Colorado, 1972  
Professor of Law, University of Texas, 1968 to present  
Visiting Associate Professor, University of Minnesota School of Law, 1966  
Associate Professor, University of Texas School of Law, 1965-68  
Assistant Professor, University of Texas School of Law, 1963-65  
Law Clerk to the Honorable John Minor Wisdom, Fifth Judicial United States Court of Appeals,  
New Orleans, Louisiana, 1962-63  
Editor, Harvard Law Review 1960 - 1962

#### BAR MEMBERSHIPS AND COURT ADMISSIONS

United States Supreme Court  
Fifth U.S. Judicial Court of Appeals  
Eleventh U.S. Judicial Court of Appeals  
State Bar of Texas

Ernest Smith  
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Oil and Gas Law Specialization  
American Bar Association

#### PROFESSIONAL ACTIVITIES

Editorial Board, OIL AND GAS REPORTER.  
Board of Trustees, Rocky Mountain Mineral Law Foundation.  
Past Chairman, State Bar of Texas Oil, Gas & Mineral Law Section.  
Advisory Board, Natural Resources Law Center of the University of Colorado, 1982-87.  
Former Chair, Natural Resources Law Teachers Committee, Energy and Mineral Law Foundation.  
Academic Advisory Group, International Bar Association Section on Energy and Natural Resources Law (1990 – 1996).  
Member, State Bar of Texas Oil, Gas & Mineral Law Section, Council Member 1979-88;  
American Bar Association, Natural Resources Section; American Legal Institute (1974-79).

#### PROFESSIONAL HONORS AND RECOGNITIONS:

Special honor as “Dean of Oil and Gas Law” by the Council on American and International Law (Feb. 2013)  
Special honor by Houston Oil, Gas and Energy Law Section at its annual reception in 2012  
Massey Teaching Excellence Award (2008)  
Texas Super Lawyers 2006 – Energy & Natural Resources (Texas Monthly Oct. 2006)  
Texas Super Lawyers 2005 – Energy & Natural Resources (Texas Monthly Nov. 2005)  
Texas Super Lawyers 2004 – Oil and Gas (Texas Monthly Nov. 2004)  
Texas Super Lawyers 2003 – Oil and Gas (Texas Monthly Nov. 2003)  
Texas Excellence Teaching Award, University of Texas Ex-Students Association (School of Law, 2000)  
Annual Institute of Oil, Gas and Mineral Law re-named the Ernest E. Smith Oil, Gas and Mineral Law Institute (Texas State Bar Section on Oil, Gas and Energy Law 2000)  
Clyde Martz Award for Excellence in Teaching, Rocky Mountain Mineral Law Foundation (July 1998)  
Ernest E. Smith Professorship in Law. Endowed by former students (1996)  
Ernest E. Smith Endowed Presidential Scholarship in Law. Endowed by former students (1994)  
Texas Law Review Leon Green Award for Outstanding Contribution to the Legal Profession (1989)

#### COURSES AND SEMINARS

First Year Property  
Oil and Gas Law  
Environmental Law and Natural Resources  
International Petroleum Transactions  
Wind Energy Law



## MEMBERSHIP IN SOCIAL AND PUBLIC SERVICE ORGANIZATIONS

Appalachian Trail Conference

Former member: Board of Directors, Appalachian Mountain Club

Former member: Board of Directors, St. Andrews Episcopal Church

Board of Visitors, Appalachian Mountain Club

Member, Kerrville Chapter Master Naturalists

## PUBLICATIONS

### **Books and Book Chapters** (only most recent editions listed)

ERNEST E. SMITH SELECTED WORKS, published jointly by Oil, Gas and Energy Resources Law Section of the State Bar of Texas; Association of International Petroleum Negotiators; Energy and Mineral Law Foundation; Center for American and International Law Institute for Energy Law; Rocky Mountain Mineral Law Foundation; and the Texas Journal of Oil, Gas & Energy Law (2014)

CASES AND MATERIALS ON PROPERTY (with Cribbet, Findley & Dzienkowski), Foundation Press (9th ed. 2007)

CASES AND MATERIALS ON THE LAW OF OIL AND GAS (with Lowe, Anderson, Pierce & Kulander), West (6th ed. 2013)

ANNUAL POCKET PARTS FOR KUNTZ, A TREATISE ON THE LAW OF OIL & GAS (1997 to 2014 with Anderson, Pierce & Lowe) (Anderson Publishing Co.)

TEXAS LAW OF OIL AND GAS LAW (with Weaver), LexisNexis-Matthew Bender (2d ed. 1999 and annual updates), 3 vols.

TEXAS WIND LAW (with DeWolf, Diffen and Wetsel), Lexis (2011 and annual updates)

INTERNATIONAL PETROLEUM TRANSACTIONS (with Dzienkowski, Anderson, Lowe, Weaver & Kramer), Rocky Mountain Mineral Law Foundation (3d ed. 2010)

HEMINGWAY OIL AND GAS LAW AND TAXATION (with Anderson, Dzienkowski, Lowe, Peroni and Pierce) (4th ed. 2004)

TEACHER'S MANUAL TO ACCOMPANY CASES & MATERIALS ON PROPERTY (with Cribbet, Johnson & Findley) (Foundation Press 2003)

FORMS MANUAL ON OIL AND GAS LAW (with Anderson, Lowe & Pierce) (4th ed., 2003)

TEACHER'S MANUAL TO ACCOMPANY CASES & MATERIALS ON OIL & GAS (with Anderson, Lowe & Pierce) (4th ed., 2002)

Book Chapter, "The Oil Industry and the Extraterritorial Application of U.S. Environmental Law," Ch. 9 in ENVIRONMENTAL REGULATION OF OIL AND GAS pp. 229-246 (Z. Gao editor, Kluwer Press 1998)

Book Chapter, "Assuring Compliance with International Reclamation Requirements: A Comparative Study," for 1992 ENERGY LAW, Graham & Trotman & Int'l Bar Ass'n (1993)

STABILIZING U.S. OIL PRICES, Report by University of Texas Task Force on Oil Price Stabilization (Baughman, Nance, McKie, McDonald, Rostow, Smith & Fisher) (1989)

OIL AND GAS: CASES AND MATERIALS (2d ed. with W.O.Huie & M.K.Woodward), West Publishing Co., St. Paul, Minn. (1972)

PROBATE AND DECEDENTS' ESTATES, 2 vols. (with M.K.Woodward), West Publishing Co., St. Paul, Minn. (1971)



**Legal Articles**

- "Winds of Change: The Creation of Wind Law," 5 Texas Journal of Oil, Gas and Energy Law pp. 165-217 (2010) (with Diffen)
- "The Growing Demand for Oil and Gas and the Potential Impact Upon Rural Land," 4 Texas Journal of Oil, Gas and Energy Law pp. 2-25 (2009)
- "Recent Developments in Nonregulatory Oil and Gas Law", 60th Annual Institute on Oil & Gas Law, pp. 1-38 (Center for American International Law: Institute for Energy Law)
- "Wind Energy: Siting Controversies and Rights in Wind," i Environmental & Energy Law and Policy Journal 281-317 (2007)
- Foreword to "Recent Developments: Texas, United States, and International Energy Law," 1 Tex. J. Oil, Gas & Energy L. 101 (2006)
- "Renewable Energy—The Increasing Role of Wind Power: Incentives, Mandates, Siting, and Leasing," 26 Energy & Min. L. Inst. ch. 2 (2005).
- "U.S. Legislative Incentives for Wind-Generated Electricity: State and Local Law," 23 J. Energy & Natural Res. L. 173 (2005).
- "A Tribute to Professor Corwin Johnson," 83 Texas L. Rev. 1801 (2005)
- "Exploratory Unitization Under the 2004 Model Oil and Gas Conservation Act: Leveling the Playing Field," 24 J. of Land, Resources & Env't'l L. 277 – 291 (2004) (with Anderson)
- "On-Shore Oil and Gas Caselaw Update: 2004," 55th Oil & Gas Law Inst. 12-1 to 12-48 (Center for American and Int'l Law 2004)
- "The Temporary Cessation of Production Doctrine: The Panhandle Cases," 22 Petroleum Accounting and Management Journal 1-17 (2003)
- "Developments in Non-Regulatory Oil and Gas Law," 11-22 Landman (May/June 2003)
- "Legal Issues Involved in Expanding the U.S. Oil and Gas Supply Base," 52nd Oil & Gas Inst., 4-1 to 4-27 (Center for American and Int'l Law 2001)
- "Preface," SELECTED WORKS OF A.W. WALKER, JR., compiled by Oil, Gas & Mineral Law Section, State Bar of Texas (2001)
- "The Use of Law to Promote Domestic Exploration and Production" (with Anderson), 50th Oil & Gas Inst. 2-1 to 2-95 (Matthew Bender 1999)
- "Recent Developments in Nonregulatory Oil and Gas Law," 49th Oil & Gas Inst. 1-1 (Matthew Bender 1998)
- "The New Division Order: Legal and Practical Aspects," 42 Rocky Mountain Mineral Law Institute Ch. 9 (1996)
- "Environmental Issues for the '90s: Golden-Cheeked Warblers and Yellowfin Tuna," 47 MAINE L. REV. 346 (1995)
- "GATT, NAFTA and the Trade in Energy: A U.S. Perspective," (with D. Cluchey), 12 J. Energy & Natural Resources Law 27 (1994)
- "Joint Operating Agreement Jurisprudence," 33 Washburn Law Journal 1501 (1994)
- "International Petroleum Development Agreements," Natural Resources & Environment 37 (Fall 1993).
- "From Concessions to Service Contracts," 27 Tulsa L. J. 493-524 (1992)
- "Abandonment and Reclamation of Energy Sites in the United States" (with D. Zillman), 10 Journal of Energy and Natural Resources Law 46 (1992)
- "Recent Judicial Developments in Oil and Gas Law," Landman (Nov.-Dec. 1991)

- “Typical World Petroleum Arrangements,” Proceedings of Rocky Mountain Mineral Law Foundation Institute on International Resource Law (1991)
- “Current Developments, Recent Trends and Future Issues in Rights of Surface Use in the United States,” 8 Oil & Gas Law and Taxation Review 97 (1990)
- “A Fifty-Year Perspective on World Petroleum Arrangements” (with J. Dzienkowski), 24 Tex. International L. J. 13 (1989)
- “Developments in Nonregulatory Oil and Gas Law,” 40th Oil & Gas Law & Taxation Inst. (Matthew Bender 1989)
- “Evolution of Oil and Gas Rights in the Eastern United States,” 10 Eastern Mineral Law Institute 16-1 (1989)
- “Royalty Issues: Take-or-Pay Claims and Division Orders,” 24 Tulsa L. J. 509 (1989)
- “Well Abandonment—Legal Issues in the United States,” 6 Oil & Gas Law and Taxation Review 164 (1987/88)
- “Developments in Nonregulatory Oil and Gas Law,” 38th Oil & Gas Law & Taxation Inst. (Matthew Bender 1987)
- “Gas Marketing by Co-Owners: Disproportionate Sales, Gas Imbalances and Lessors' Claims to Royalty,” 39 Baylor L. Rev. 365 (1987)
- “The Immigration Reform and Control Act of 1986: A Commentary and Overview,” 22 Tex. International L. J. 211 (1987)
- “Duties and Obligations Owed by an Operator to Nonoperators, Investors, and Other Interest Owners,” 32 Rocky Mountain Mineral Law Inst. 12-1 (1986)
- “Implications of a Fiduciary Standard of Conduct for the Holder of the Executive Right,” 64 Texas L. Rev. 371 (1985)
- “The 'Subject To' Clause,” Chapter 15, 30th Annual Rocky Mountain Mineral Law Foundation Institute (1984)
- “The Standard of Conduct Owed by Executive Right Holders and Operators to the Owners of Nonparticipating and Nonoperating Interests,” 32nd Oil & Gas Law & Taxation Inst. 241 (Southwestern Legal Foundation, 1981)
- “Oil and Gas,” 30 Sw. L. J. 107 (1976)
- “Oil and Gas,” 29 Sw. L. J. 1090 (1975)
- “Illegitimate Children and Their Fathers: Some Problems with Title 2” (Texas Family Code Symposium), 5 Tex. Tech L. Rev. 613 (1974)
- “Kansas Unitization Statute: Part I,” 16 Kansas L. Rev. 567 (1968)
- “Kansas Unitization Statute: Part II,” 17 Kansas L. Rev. 133 (1968)
- “Appraisers and Appraisements Under the Texas Probate Code,” 45 Tex. L. Rev. (1967).
- “The Texas Compulsory Pooling Act, Part II,” 44 Tex. L. Rev. 387 (1966)
- “The Texas Compulsory Pooling Act, Part I,” 43 Tex. L. Rev. 1003 (1965)
- “Methods for Facilitating the Development of Oil and Gas Lands Burdened with Outstanding Mineral Interests,” 43 Tex. L. Rev. 129 (1964)

#### PRESENTATIONS AND LECTURES (Limited to preceding 10 years)

- “Current Judicial Developments in Oil and Gas Law,” 38th Annual Ernest E. Smith Oil, Gas & Mineral Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section, Houston, TX. (Mar. 23, 2012)



- “Recent Developments in Nonregulatory Oil and Gas Law,” American Association of Professional Landmen, 2011 Southwest Land Institute, Fort Worth, TX (April 14, 2011)
- “Current Judicial Developments in Oil and Gas Law,” 37th Annual Ernest E. Smith Oil, Gas & Mineral Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section, Houston, TX. (April 8, 2011)
- “Recent Developments in Nonregulatory Oil and Gas Law,” American Association of Professional Landmen, 2010 Southwest Land Institute, Fort Worth, TX. (April 15, 2010)
- “Current Judicial Developments in Oil and Gas Law,” 36th Annual Ernest E. Smith Oil, Gas & Mineral Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section, Houston, TX. (April 9, 2010)
- “Wind, Water, Oil, Gas and Whitetails: A Comparison of Property Rights and Theories,” 2010 Wind, Solar and Renewables, U. T. Law School C.L.E., Austin, TX (Feb. 4, 2010).
- “Recent Development in Oil and Gas Law,” Houston Bar Association, Oil, Gas & Energy Law Section, Houston, TX (Jan. 26, 2010)
- “Recent Developments in Texas Wind Law,” Dallas Bar Environmental Law Section, Dallas, TX (Sept. 25, 2009)
- “Recent Developments in Nonregulatory Oil and Gas Law,” American Association of Professional Landmen, 2009 Southwest Land Institute, Fort Worth, TX. (April 16, 2009)
- “Current Judicial Developments in Oil and Gas Law,” 35th Annual Ernest E. Smith Oil, Gas & Mineral Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section, Houston, TX. (March 27, 2009)
- “Assignment of Interests Under the Joint Operating Agreement,” Oklahoma City Mineral Law Society, Oklahoma City, OK., (March 19, 2009)
- “Recent Development in Oil and Gas Law,” Houston Bar Association, Oil, Gas & Energy Law Section, Houston, TX (Jan. 27, 2009)
- “Wildcatting Wind,” 23<sup>rd</sup> Annual Gulf Coast Power Association, Austin, TX (Oct. 1, 2008)
- “Oil & Gas Issues Affecting Farm and Ranch Operations,” Texas Bar CLE Agricultural Law Course, Lubbock, TX (May 15, 2008)
- “Recent Developments in Nonregulatory Oil and Gas Law,” American Association of Professional Landmen, 2007 Southwest Land Institute, Fort Worth, TX (April 24, 2008)
- “Oil and Gas Caselaw Update,” Austin Bar Ass’n Oil, Gas & Mineral Law Section, Austin, TX (Apr. 9, 2008)
- “Current Judicial Developments in Oil and Gas Law,” 34th Annual Ernest E. Smith Oil, Gas & Mineral Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section, Houston, TX (Apr. 4, 2008)
- “Recent Development in Oil and Gas Law,” Houston Bar Ass’n Oil, Gas & Energy law Section, Houston, TX (Feb. 26, 2008)
- “The Operator’s Rights and Obligations under the Joint Operating Agreement,” Rocky Mountain Mineral Law Foundation Special Institute, Santa Fe, N.M. (May 17, 2007)
- “Recent Developments in Nonregulatory Oil and Gas Law,” American Association of Professional Landmen, 2007 Southwest Land Institute, Dallas, TX (April 12, 2007)
- “Current Judicial Developments in Oil and Gas Law,” 33rd Annual Ernest E. Smith Oil, Gas & Mineral Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section, Houston, TX (Mar. 30, 2007)
- “Assignment of Interests Under the Joint Operating Agreement” Houston Bar Association Oil, Gas & Mineral Law Section, Houston, TX (Feb. 20, 2007)



- “Recent Developments in Wind Energy Law” Texas Journal of Oil, Gas and Energy Law 2007 Symposium, Austin, TX (Feb. 15, 2007)
- “Oil and Gas Caselaw Update,” Austin Bar Ass’n Oil, Gas & Mineral Law Section, Austin, TX (Feb. 14, 2007)
- “The Oil and Gas Lease: Defining What is Granted,” Rocky Mountain Mineral Law Foundation Oil & Gas Short Course, Houston, TX (Oct. 16, 2006)
- “Recent Developments in Nonregulatory Oil and Gas Law, AAPL Southwest Land Institute, Fort Worth, TX (April 6, 2006)
- “Current Judicial Developments in Oil and Gas Law,” 32nd Annual Ernest E. Smith Oil & Gas Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section, Houston, Texas (Mar. 31, 2006)
- “Recent Title and Conveyancing Issues,” Houston Bar Ass’n Oil, Gas & Energy Law Section (Feb. 28, 2006)
- “Case Law Update,” Austin Bar Ass’n Oil, Gas & Mineral Law Section (Feb. 8, 2006)
- “Renewable Energy: The Increasing Role of Wind Power,” 26<sup>th</sup> Annual Energy & Mineral Law Institute (Amelia Island, Fla. May 16, 2005)
- “Recent Developments in Nonregulatory Oil and Gas Law, AAPL Southwest Land Institute (Dallas, April 7, 2005)
- “Current Judicial Developments in Oil and Gas Law,” 31st Annual Ernest E. Smith Oil & Gas Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section (Houston, Texas, Apr. 1, 2005)
- “Recent Issues under Joint Operating Agreements,” Houston Bar Ass’n Oil, Gas & Energy Law Section (Mar. 22, 2005)
- “Current Judicial Developments in Oil and Gas Law,” 30th Annual Ernest E. Smith Oil & Gas Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section (Houston, Texas, Mar. 26, 2004)
- “Update on Recent Developments in U.S. Oil and Gas Law,” 55<sup>th</sup> Annual Oil and Gas Law Institute, Center for American and International Law Feb. 20, 2004)
- “Some Random Thoughts on Implied Rights, Implied Lease Terms and Implied Covenants,” Houston Bar Ass’n Oil, Gas & Energy Law Section (Feb. 24, 2004)
- “Selected Judicial Developments in Oil and Gas Law,” Travis County Bar Ass’n Oil, Gas & Mineral Law Section (Feb. 11, 2004)
- “Current Legal Issues Affecting Royalty Owners: Problems and Possible Solutions,” National Association of Royalty Owners (Oct. 24, 2003)
- “Oil and Gas Cases in the Texas Supreme Court: 2003,” San Antonio Bar Ass’n Oil and Gas Law Section (Sept. 24, 2003).
- “Private Landowners and the Conservation of Native Plants,” Texas Plant Conservation Conference, Lady Bird Johnson Wildflower Center (Sept. 18, 2003)
- “Developments in U.S. and Canadian Oil and Gas Law,” 49<sup>th</sup> Rocky Mountain Mineral Law Institute, San Diego, California, July 25, 2003)
- “Developments in Nonregulatory Oil and Gas Law,” 2003 Southwest Land Institute, American Association of Professional Landmen, Fort Worth, Texas (April 10, 2003)
- “Current Judicial Developments in Oil and Gas Law,” 29th Annual Ernest E. Smith Oil & Gas Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section (Houston, Texas, Mar. 21, 2003)

“Introduction to Texas Oil and Gas Law,” on-line program sponsored the University of Texas School of Law Continuing Legal Education and the State Bar of Texas Oil, Gas & Energy Law Section, Dec. 9, 2002)

“Case Law Update,” Oil & Gas Law Section, Travis Co. Bar Ass’n (Austin, Texas, Feb. 12, 2002)

“Wind Energy Leases,” 24th State Bar of Texas Real Estate Section Advanced Real Estate Law Course (San Antonio, Texas, July 11-13, 2002)

“Current Judicial Developments in Oil and Gas Law,” 28th Annual Ernest E. Smith Oil & Gas Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Mineral Law Section (Houston, Texas, Mar. 22, 2002)

“Wind Energy in Texas: Prospects and Issues,” Houston Bar Association Oil, Gas & Mineral Law Section (Houston, Texas, Feb. 26, 2002)

J.I. Leach 1400 Winsted La.  
S. 100' of 3  
151 - 3 -  
Westfield A  
Stone Venr-W-B Res with garage attached  
19004-3-8-40  
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<sup>o</sup> 17240

Austin, Texas

See 151

Mar 7, 1940

Received of Jno. I. Leach Date

Address 1400 Winsted

Amount Two and 50/100 - - - \$ 2.50

Plumber Gissell Size of Tap  $\frac{1}{2}$ 

Date of Connection 8-9-40

Size of Tap Made  $\frac{1}{4}$ Size Service Made  $\frac{3}{4}$ 

Size Main Tapped 6"

From Front Prop. Line to Curb Cock ON-P.

From S. Prop. Line to Curb Cock 43' 6"

Location of Meter ON-P.

Type of Box 1.015 B

Depth of Main in St. 3'

Depth of Service Line 2'

From Curb Cock to Tap on Main 11'

Checked by Engr. Dept. 4-12-40 LE

CHANGED TO 6" MAIN AND RENEWED SERVICE WITH 3" COPPER ON 4-12-78

INDEXED

No. Fittings	Size	Job No.	Req. No.
1	Curb Cock 5" W	44587	51500
1	Elbow		
1	St. Elbow		
1	Bushing $\frac{1}{4}$ " x $\frac{1}{4}$ "		
1	Reducer $\frac{1}{4}$ " x $\frac{1}{4}$ "		
1	Pipe $\frac{1}{4}$ " COPPER		
1	Lead-Comp $\frac{1}{4}$ " COPPER		
1	Nipples		
1	Union $\frac{1}{4}$ " COPPER		
1	Plug		
1	Tee $\frac{1}{4}$ "		
1	Stop $\frac{1}{4}$ "		
1	Box		
1	Lid		
1	Valves		

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 Pen &amp; 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)