



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

November 17, 2004

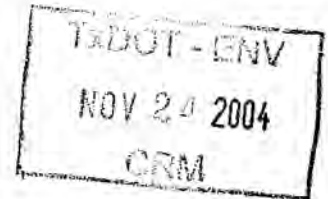
SECTION 106: IDENTIFICATION OF HISTORIC PROPERTIES

Denton County

CSJ: 0196-02-068; 0196-02-073

IH 35E: SH 121 Bypass to Denton Drive South (Middle Section)

Mr. Bob Brinkman
History Division
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711



Dear Mr. Brinkman:

In accordance with the Programmatic Agreement (PA) among TxDOT, FHWA, the Advisory Council on Historic Preservation, and the THC, we hereby initiate coordination on the results of a historic structure survey of the project area to identify properties potentially eligible for listing in the National Register of Historic Places, and the effects of the proposed undertaking on those properties.

The proposed project consists of an approximate nine-mile section of IH 35E passing through the cities of Hickory Creek, Highland Village, Lake Dallas and Lewisville in Denton County, Texas. The limits extend from the SH 121 Bypass to Denton Drive South. The proposed IH 35E improvements would expand IH 35E from the current six mainlanes and two-lane frontage roads to eight mainlanes, three lane frontage roads, and two reversible HOV lanes. The two reversible HOV lanes would be in the center median of IH 35E from the SH 121 Bypass to just south of FM 407 (maintaining a wide center median north of FM 407 for future lane additions, if needed).

The proposed project would generally follow the existing alignment from the SH 121 Bypass to Justin Road (FM 407). Portions of IH 35E would be shifted to both the east and west in this portion of the corridor to accommodate the expansion. From Justin Road (FM 407) to Denton Drive South the proposed alignment shifts to the west of the existing alignment. In this area a railroad is adjacent to, and parallels IH 35E on the east side. The shifting of the alignment to the west would avoid disrupting the rail system.

As part of the evaluation process, TxDOT personnel has undertaken a cultural resources survey in accordance with the provisions of 36 CFR 800 to identify properties potentially eligible for listing in the National Register of Historic Places. The project area includes a mixture of urban commercial and residential development, as well as undeveloped acreage. In Lewisville the study area skirts the oldest areas of the downtown business district (now undergoing a massive economic development project), but passes through several generally 1950s-1960s subdivisions and retail centers just south of the old CBD. The majority of the study area in Lewisville, however, is lined with large 1980s+ shopping centers, restaurants and motels. *Two hundred fourteen properties in the survey area appear to have been built in or prior to 1962 within the area of potential effects, which for this project was determined to be any additional right-of-way plus 500 feet in all directions.*

Please note that one property, Site 24, was omitted from the survey due to changes made in the project alignment. Previously, Site 24 was within the 500-foot APE; however, due to an alignment shift, the property is now more than 700 feet from the proposed right-of-way. Therefore, it was completely removed from the survey.

I have evaluated these two hundred fourteen properties through application of the Criteria of Eligibility for listing in the National Register of Historic Places, and I have determined that all sites are **not eligible** for inclusion in the register, as the buildings do not have associations with significant historical figures or events. The structures represent common vernacular types that do not clearly reflect the distinctive characteristic of type, period, method of construction, work or a master or high artistic value. There is no collection of structures with an identifiable architectural style possessing integrity within the project area that may constitute a historic district. As shown in the photos of the survey report, most of the structures evidence alterations to their original configuration and materials.

We request your written concurrence with these determinations of eligibility and effects within 30 days of receiving this letter. If you need further information, feel free to call me at 416-2770.

Sincerely,



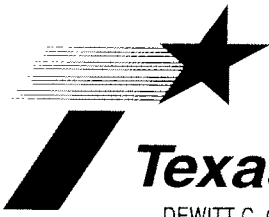
Mario L. Sanchez, Ph.D., R.A.
Historical Architect
Environmental Affairs Division

MLS: mrf

Attachments

CONCUR NO ELIGIBLE PROPERTIES PRESENT IN THE APE	
NAME: <u>RLHBO</u>	DATE: <u>22 Nov 2004</u>
<i>for F. Lawrence Oaks, State Historic Preservation Officer</i>	

cc: Jennifer Halstead, HNTB Corporation



Texas Department of Transportation

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FEB 05 2010

History Programs Division

February 3, 2010

SECTION 106: Determination of Eligibility

Denton County

CSJ# 0195-03-050, -071, 0196-01-056, -074

IH 35E from FM 2181 to US 380 (North Section)

Ms. Adrienne Campbell
History Programs
Texas Historical Commission
Austin, Texas 78711

Dear Ms. Campbell:

In accordance with the Programmatic Agreement for Transportation Undertakings (PA-TU) between the Texas Department of Transportation (TxDOT), the Federal Highway Administration (FHWA), the Advisory Council for Historic Preservation (ACHP), and the Texas Historical Commission (THC), this letter *re-initiates* Section 106 consultation (36 CFR 800.4) on the eligibility and effects of the proposed undertaking on historic properties in the project's area of potential effects (APE.)

Previous Coordination

This project was previously coordinated with THC on November 18, 2004 (please see attached letter dated November 18, 2004). A reconnaissance survey undertaken in 2003 identified 189 historic-age resources (built prior to 1962) in the project APE, which was determined to be any additional right-of-way plus 500' in all directions. TxDOT Historians determined and THC concurred that only one property – the Acme Brick Company – was eligible for inclusion in the National Register of Historic Places and that the proposed project would have no adverse effect to the property. At that time, the project as proposed included widening the existing IH 35E roadway from four mainlanes and two-lane frontage roads to eight mainlanes. The frontage roads would be continuous and expanded to three lanes. A center median would also accommodate possible future reversible HOV lane. The alignment would generally follow the existing alignment except for the section from Overly Drive to FM 2181 that would shift slightly to the west.

Current Coordination

Since the 2004 coordination, the project has undergone substantial design changes. The southern project limit was shortened from Denton Drive South to FM 2181. The current proposed facility is wider than originally proposed and now includes improvements to a small segment of IH 35W to US 380 that would widen to ten mainlanes, four managed/HOV-concurrent lanes, and two-to-four lanes of frontage road. The IH 35E roadway would also have four managed/HOV-concurrent lanes instead of one lane. However, the amount of proposed right-of-way was *reduced* from 125 acres to 106.8 acres. As a result of these changes and the passage of time since the original 2004 coordination, an additional reconnaissance survey was undertaken in February 2009 to update the survey findings and re-coordination of the project is necessary.

The February 2009 survey included resources that had not been identified, assessed, and coordinated by the 2003 survey due to the 1962 survey cut-off date. This new survey effort identified resources constructed between 1962 and 1966. The record search revealed no previously recorded NRHP, SAL, or RTHL properties or Official State Historical Markers (OTHM) located within the APE, which for this re-

evaluation of the project was determined to be 150' from the existing and proposed ROW. The 2009 survey identified 20 additional historic-age resources (built prior to 1966) within the APE. These resources included fourteen residences, four commercial properties, and two industrial properties. Resources #6 and 11 actually share the same street address as adjacent parcels. However, Resource #6 is a vacant lot and Resource #11 only has a non historic-age gazebo. Therefore, TxDOT Historians determined that since neither lot possesses historic-age resources, the corrected number of historic-age resources in the updated survey efforts is eighteen and there are only twelve residences identified.

Determinations of Eligibility

TxDOT Historians re-evaluated the 189 historic-age resources identified in 2003 and through application of the Criteria of Eligibility for listing in the National Register of Historic Places, we determined that all resources are **not eligible** for inclusion in the register. Only one site – Site #132 Acme Brick Company – was previously determined eligible under Criterion A. However, as outlined below, demolition of buildings and compromised integrity render the property unable to convey any associative significance and it is no longer eligible for NRHP-listing. We evaluated the newly-identified eighteen historic-age resources and we have determined that all of these additional resources are **not eligible** for inclusion in the register.

All 207 historic-age resources (total number of resources identified in 2003 and 2009) do not have associations with significant historical figures or events to qualify for eligibility under Criteria A or B. The 207 resources also represent common vernacular types that do not clearly reflect the distinctive characteristic of a type, period, method of construction, work of a master, or high artistic value to qualify as eligible under Criterion C. Additionally, unsympathetic alterations such as replacement windows, siding, porch supports, and rear additions compromised the buildings' integrity of materials, design, workmanship, and feeling.

Acme Brick Company

The Acme Brick property is **not eligible** for NRHP-listing. On November 22, 2004, TxDOT Historians and THC concurred that the property with buildings dating from the 1890s to 1920s was eligible under Criterion A, Significant Events, at the local level of significance. However, due to the demolition of several buildings on the property and the passage of time since the original coordination, TxDOT Historians re-evaluated the property and determined that it is **no longer eligible** for NRHP-listing.

Methodology

The previous survey efforts and coordination did not identify a methodology for evaluation, character-defining features, or period of significance for the property. The property is best evaluated as a historic district, comprised of several components that function as a larger system. TxDOT Historians applied this methodology to past industrial properties in Fort Worth and Vernon and received THC concurrence on eligibility determinations. Although the properties involved were grain processing facilities, the methodology of examining industrial properties as systems and historic districts is still applicable to Acme Brick. Often the separate components (buildings and structures) are located on several legally separate parcels that were acquired as business expanded.

As a property type, a brick production facility's contributing features would include kilns, clay and drying sheds, warehouses, office, and the railroad spur, all possessing a specific but interdependent function in brick production. TxDOT Historians determined that the period of significance for the Acme Brick property is the initial construction date in 1890 until 1914 when the plant caught fire and part of it burned, resulting in the demolition of the clay sheds and two of the nine kilns.

Identification

Acme Brick currently owns thirteen separate but adjacent parcels along IH 35E, totaling 266 acres (see attached parcel and aerial maps of entire property). This acreage constitutes the Acme Brick property as it exists today and when this project was first coordinated in 2004. However, the 2003 survey report and 2004 coordination letter did not document each individual resource on the property and only evaluated the parcel abutting IH 35E that housed the original 1890s facility. It did not assign a resource

identification number to any individual buildings; instead, it designated the parcel as Site #132. The 2009 survey effort was tasked with the identification of additional historic-age resources between 1962 and 1966. As a result, only the c. 1963 office and technical center received resource identification numbers: Resource #14A and 14B, respectively.

Consequently, in this re-coordination effort, TxDOT Historians examined all thirteen parcels as one property and identified the historic-age resources on all parcels. We also used the 2003 and 2009 survey efforts, as well as conducted additional research, to verify construction dates and parcel information. From north to south, the 18 identified historic-age resources on the Acme property are separated into three distinct areas:

- The original facility location which includes the 1890s railroad spur, a c. 1963 office, a loading shed constructed after 1964, and two drying sheds dating between 1926 and 1935;
- The worker housing location which includes seven c. 1940 residences and four associated outbuildings and;
- The 1963 facility location to the south of the worker housing that also includes a c. 1963 technical center that houses exploratory and quality management departments.

Historical Background of Acme Brick Property

As noted above, Acme Brick Company, the business name for the larger corporate owner Justin Industries, currently owns thirteen separate but adjacent parcels along IH 35E totaling 266 acres. It also owns additional properties northeast and southeast of the proposed project location but these properties are between three and six miles outside of the project and study area. Acme Brick was established in 1891 with the opening of its first plant west of Fort Worth in Parker County and another plant across the street in 1894. 1902 marked Acme's first major work: the Swift and Armour meatpacking plants at the stockyards in Fort Worth, now a National Historic Landmark. In 1912, Acme bought the Denton Pressed Brick Company at the current 266-acre location.¹

The original facility is located on the parcel that abuts the IH 35E roadway. This parcel contains some of the resources that were evaluated and coordinated in 2004. Currently, the resources include two drying sheds, one large storage shed, one loading shed, and one office. *None of these resources are from the original 1890s facility* that belonged to the Denton Pressed Brick Company until Acme Brick bought the company in 1912. That year, the property housed nine kilns, two clay sheds, a few loading sheds and brick-paved platform, and an office (see attached 1912 Sanborn map). Between 1912 and 1960, additional kilns and drying sheds were constructed (see attached Sanborn maps dated 1917, 1921, 1926, 1960, and aerial photo dated 1935).

Eight brick worker houses and associated garages/storage sheds were constructed in the 1940s just south of the original facility. Currently there are only seven residences and four associated outbuildings. A c. 1963 technical center is to the east of and adjacent to the residences. This center houses the laboratory, quality management, and exploratory departments of the company. In late 1963, a new plant had also been constructed south of the existing plant on approximately 80 acres of land. The railroad spur was extended in the 1960s to connect to the new facility. By 1964, the original facility contained clay and drying sheds, between 16 and 20 kilns, several storage sheds and warehouses, and an office (see attached aerial photo dated 1964). Currently all manufacturing of the bricks occurs at the 1963 facility; what remains of the original plant is now used for storage and loading as well as office space.²

¹ Acme Brick, "History," <http://www.brick.com/company/history.htm> (accessed January 2010).

² Johnny Williams, Finished Goods Superintendent, Personal interview, 26 January 2010.

Eligibility Determination

The Acme Brick property is **not eligible** for NRHP-listing under Criteria A, B, or C. Alterations to the property compromise its integrity of association, feeling, location, setting, materials, workmanship, and design.

Criterion A

The original facility *lacks any resources from its period of significance* and cannot convey any associative significance under Criterion A. During its period of significance (1890-1914), the property contained nine kilns, two clay sheds, loading sheds and platform, railroad spur, and an office, all located on the parcel abutting IH 35E. At the time of the 2004 eligibility determination, this parcel contained eight of the nine kilns, the clay sheds, and railroad spur. It also had five additional resources constructed after the period of significance: the c. 1963 office, c. 1990 storage shed, two drying sheds constructed between 1926 and 1935, and a loading shed constructed after 1964. A concrete platform also replaced the original brick-paved loading platform. Despite these alterations, it could still convey its significance as a key economic venture and contributor to the early development of the city of Denton.

However, between 2004 and 2005, the remaining eight kilns were demolished, along with the two large clay sheds. All that remains are the five additional resources constructed *after the period of significance*. Please see attached aerial maps dated 2003, 2005, and 2007 showing the significant change in the original facility since the 2004 eligibility determination. Moreover, while Acme Brick did have a major role in the construction of the Fort Worth Stockyards, this project occurred *ten years before* Acme acquired the Denton parcel. As outlined in NRHP Bulletin #15 *How to Apply the National Register Criteria for Evaluation*, "mere association with historic events or trends is not enough, in and of itself, to qualify under Criterion A: the property's specific association must be considered important as well."³ The Denton plant did not contribute to the building of the stockyard in any manner, be it materials or labor.

The 1963 facility and technical center were constructed *fifty years after the period of significance*. Research did not reveal any associated events in the history of Acme Brick or the city of Denton, or technological advances in the larger area of brick production that would result in a separate period of significance for the facility or center. As a result, they do not rise to a level of significance necessary for NRHP-listing under Criterion A.

The remaining seven worker residences and associated outbuildings lack integrity of association under Criterion A as they were constructed *twenty-five years after the period of significance* and fifty years after the 1890s construction date of the original facility. Their c. 1940 construction date is also not associated with the future 1963 expansion of the property as they were built twenty years prior to the 1963 facility.

Criterion B

Research also did not reveal any known associations with significant historical figures to qualify the Acme Brick 266-acre property for eligibility under Criterion B, either in part or whole.

Criterion C

The original facility is no longer extant and therefore cannot have any significance in design or engineering under Criterion C. The remaining industrial buildings on the property are common utilitarian industrial buildings that do not clearly reflect the distinctive characteristic of a type, period, method of construction, work of a master, or high artistic value.

Seven of the eight original worker houses remain and are now used as storage facilities for Acme Brick. There are also three associated garages and one shed still extant. These resources are **not eligible** for NRHP-listing either individually or as a whole as they were constructed outside of the

³ *How to Apply the National Register Criteria for Evaluation* (Washington, D.C.: National Park Service, 1997 ed.) 12.

period of significance. A loss of integrity of materials, design, workmanship, and feeling compromises the resources significance under Criterion C. Character-defining features of the residences include a portico with brick piers and latticed supports, steel windows, gabled or hipped roof, and square plan. However, all of the resources exhibit alterations or deterioration that negatively impact integrity. Two of the residences are missing the entire portico and the other residences show missing or replaced piers and supports. Almost all of the residences have replacement windows and several are also missing entire sections of roofing material. The associated sheds and garages have missing or replaced doors, windows, and roofs.

Consequently, the Acme Brick property no longer retains integrity of association, feeling, setting, location, design, materials, and workmanship and it is **not eligible** for NRHP-listing under Criteria A, B, or C

Historic Districts

Finally, TxDOT Historians determined that there are no residential historic districts present in the project area. The residences surveyed in both 2003 and 2009 survey efforts were constructed between 1940-1965 and constitute several neighborhoods along the IH 35E roadway. All of these neighborhoods have similar design and plan and they represent the inevitable formulaic residential growth that occurred due to the new interstate facility rather than unique and distinctive neighborhoods that set new planning precedents in the community. Therefore, they are not eligible under Criterion A.

Furthermore, research did not confirm the developers/architects for these neighborhoods or that the neighborhoods were important in an architect or developer's careers. Therefore, they are not eligible under Criterion B.

Finally, the neighborhoods exhibit uniform street patterns that are typical of many post-war planned neighborhoods. There is also no distinct landscaping and there has never been any associated auxiliary resources including shopping centers, parks, or schools. The majority of the resources have experienced alterations including replacement windows and siding and rear and side additions. Therefore, the neighborhoods are not eligible under Criterion C.

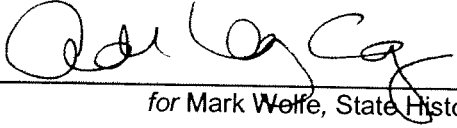
Conclusion

Pursuant to Stipulation VI "Undertakings with Potential to Cause Effects" of the PA-TU and the MOU, TxDOT has determined that there are no historic properties in the project APE. We request your written concurrence with these determinations of eligibility within 20 days of receiving this letter. If you need further information, feel free to call me at 416-2623.

Sincerely,



Alexis A. Reynolds, Historian
Environmental Affairs Division

CONCUR: NO HISTORIC PROPERTIES IN PROJECT APE	
NAME: 	DATE: <u>2-18-10</u>
for Mark Wolfe, State Historic Preservation Officer	

bcc: District: Dallas Attn: Robert Hall
ENV/PM: Margaret Canty



Texas Department of Transportation

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4 May 2004

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HNTE CORPORATION
DALLAS TEXAS

Texas Antiquities Code and Section 106 Coordination
Dallas and Denton Counties
CSJ 0195-03-050, 0196-03-138, etc.
Texas Antiquities Permit No. 3330

IH 35E from IH 635 to US 380

James E. Bruseth, Ph.D.
Department of Antiquities Protection
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

Dear Dr. Bruseth:

The proposed project will be undertaken with state and federal assistance. As required by the National Historic Preservation Act of 1966, as amended, and by Senate Bill 58, The Antiquities Code of Texas, and our Memorandum of Understanding with your agency, we are coordinating the proposed project with your office.

Please find enclosed a draft copy of *Cultural Resource Assessment of Revised Alignment of IH 35E between IH 635 and US 380 in Dallas and Denton Counties, Texas* by Christopher Lintz Ph.D. of Geo-Marine, Inc. The project was inspected previously by GMI archeologists from 2-6 February 2004 and coordinated with THC. However, the engineering consultant has added additional right-of-way to the project since the impact evaluation and THC concurrence. In the attached document, Dr. Lintz evaluates the added acreage and recommends that no further work is needed beyond the original investigation.

We request your concurrence that no archeological sites listed in, or determined eligible for designation in the National Register of Historic Places will be affected by the proposed project and that no further archeological investigation is required.. If you have any questions, please call Barbara Hickman at 512-416-2637 or e-mail bhickman@dot.state.tx.us.

Sincerely,

Barbara J Hickman

Barbara J Hickman, Staff Archeologist
Archeological Studies Program
Environmental Affairs Division

Attachment

cc w/ attachment: Dallas District, attn: Mr. Dan Perge
ERG CRM/SBW BJH

Concurrence by: *Mark W. [Signature]*
For Lawrence Oaks, State Historic Preservation Officer

5-4-04
Date



MEMORANDUM

TO: 850 File, Various Road Projects, Various CSJs, Various Districts

FROM: Scott Pletka, Ph.D. **DATE:** April 21, 2010

SUBJECT: Internal review under the First Amended Programmatic Agreement Among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings (PA-TU), and internal review under the Memorandum of Understanding (MOU) Between the Texas Historical Commission and the Texas Department of Transportation

Attached are the lists of projects reviewed internally by qualified TxDOT archeologists from 04/15/10 to 04/21/10. These projects either do not warrant survey as a result of a low probability of encountering archeological historic properties and State Archeological Landmarks, or the projects were inspected by survey or impact evaluation and do not warrant further work. As provided under the PA-TU, consultation with the Texas State Historic Preservation Officer is not necessary for these undertakings. As provided under the MOU, the proposed projects do not require individual coordination with the Texas Historical Commission.

Signature _____
For FHWA and TxDOT

Date 4-22-2010

Attachment

cc: ETS Data Entry; PM; ENV_ARC; PA File;

ETS

ARCHEOLOGICAL COORDINATION

Projects that do not warrant Archeological Survey

(Section 106 and ANTIQUITIES CODE OF TEXAS)

From : 4/15/2010 To: 4/21/2010

COUNTY	DISTRICT	PROJECT	CSJ	*F30/T20 Concur, no further work	*F10/T10 Unable to Concur
Crockett	San Angelo	FM 1901	1817-02-008		
Denton	Dallas	IH 35E	0195-03-050		
Hays	Austin	RM 12	0285-03-044		
Hill	Waco	FM 933	1190-01-039		
Kinney	Laredo	US 90	0023-02-037		
Mills	Brownwood	US 84	0054-09-032		
Montgomery	Houston	SH 105	0338-07-023		
Victoria	Yoakum	Loop 463	2350-01-043		

Number of Projects: 8

Signature _____ Date _____
For FHWA and TxDOT

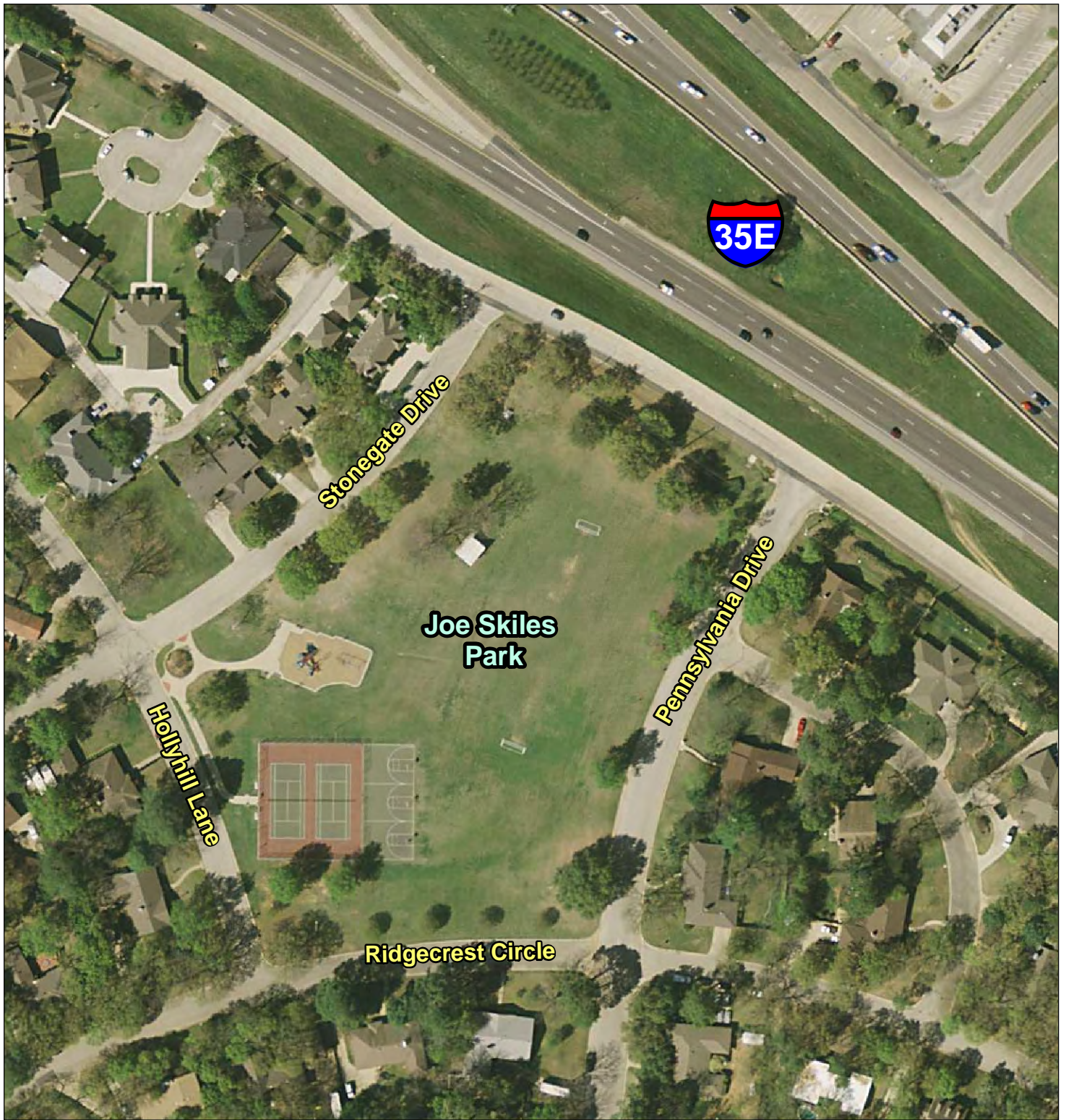
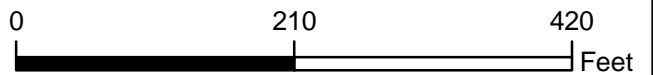


Figure C-19

Joe Skiles Park

IH 35E from FM 2181 to US 380
Denton County, Texas



Source/Year of Aerial Photograph:
Landiscor/2009

