

By: Luna

H.C.R. No. 132

HOUSE CONCURRENT RESOLUTION

1 WHEREAS, The John G. and Marie Stella Kenedy Memorial
2 Foundation alleges that:

3 (1) on April 23, 2003, the 200th District Court of
4 Travis County, Texas, Cause Number 93-05265, ruled in a title and
5 boundary dispute that the John G. and Marie Stella Kenedy Memorial
6 Foundation was the owner in fee simple of the disputed property;

7 (2) the judgment permanently enjoins the General Land
8 Office from trespassing and exercising possession, dominion, and
9 control over the property and from leasing any portion of the
10 property for the exploration and development of oil, gas, and other
11 minerals, or any surface use of the property;

12 (3) before the judgment, the General Land Office and
13 the School Land Board leased the surface and subsurface estate of
14 the property and enjoyed the benefits of ownership, including the
15 receipt of payments for leasing the property, meanwhile depleting
16 the subsurface minerals and devaluing the surface and subsurface
17 estate;

18 (4) the John G. and Marie Stella Kenedy Memorial
19 Foundation seeks recovery of damages, including but not limited to
20 the diminution of property value and loss of revenue from the
21 leasing of the surface and subsurface estate, such as royalties,
22 bonuses, delay rentals, seismic permit fees, pipeline easement
23 payments, and other payments; now, therefore, be it

24 RESOLVED by the Legislature of the State of Texas, That the

1 John G. and Marie Stella Kenedy Memorial Foundation is granted
2 permission to sue the State of Texas, the General Land Office, the
3 School Land Board, and Jerry Patterson, currently the commissioner
4 of the General Land Office and the chairman of the School Land
5 Board, for the recovery of damages arising from the use,
6 appropriation, invasion, taking, and interference with enjoyment
7 and use of the foundation's property, subject to Chapter 107, Civil
8 Practice and Remedies Code; and, be it further

9 RESOLVED, That the aggregate of all amounts awarded in the
10 suit authorized by this resolution, including damages, court costs,
11 attorney's fees, and prejudgment interest awarded under law, may
12 not exceed \$6,500,000, the plaintiff may not plead relief in excess
13 of that amount in the suit authorized by this resolution, and this
14 is the total aggregate amount that may be recovered by the plaintiff
15 named in this resolution with respect to any and all causes of
16 action that relate to or arise from the facts and circumstances
17 described in this resolution; and, be it further

18 RESOLVED, That the payment of any amount awarded in a suit
19 authorized by this resolution is contingent on appropriations for
20 that purpose; and, be it further

21 RESOLVED, That the commissioner of the General Land Office
22 and chairman of the School Land Board, both offices currently being
23 held by Jerry Patterson, be served process as provided by Section
24 107.002(a)(3), Civil Practice and Remedies Code.