

By: Luna

H.C.R. No. 132

Substitute the following for H.C.R. No. 132:

By: Rose

C.S.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 commissioner of the General Land Office  
10 and chairman of the School Land Board, both offices currently being  
11 held by Jerry Patterson, be served process as provided by Section  
12 107.002(a)(3), Civil Practice and Remedies Code.