

By: Luna

H.C.R. No. 132

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 conduct of the General Land Office and the
19 School Land Board amounts to an unconstitutional taking of the
20 property without just and adequate compensation;

21 (5) the John G. and Marie Stella Kenedy Memorial
22 Foundation seeks recovery of damages, including but not limited to
23 the diminution of property value and loss of revenue from the
24 leasing of the surface and subsurface estate, such as royalties,

1 bonuses, delay rentals, seismic permit fees, pipeline easement
2 payments, and other payments; now, therefore, be it

3 RESOLVED by the Legislature of the State of Texas, That the
4 John G. and Marie Stella Kenedy Memorial Foundation is granted
5 permission to sue the State of Texas, the General Land Office, the
6 School Land Board, and Jerry Patterson, currently the commissioner
7 of the General Land Office and the chairman of the School Land
8 Board, subject to Chapter 107, Civil Practice and Remedies Code;
9 and, be it further

10 RESOLVED, That the commissioner of the General Land Office
11 and chairman of the School Land Board, both offices currently being
12 held by Jerry Patterson, be served process as provided by Section
13 107.002(a)(3), Civil Practice and Remedies Code.