

By: Jackson, Ellis

S.C.R. No. 59

1 SENATE CONCURRENT RESOLUTION

2 WHEREAS, MBP Corp. alleges that:

3 (1) in May 1990, the Board of Trustees of the Galveston
4 Wharves entered into a lease and development agreement with The
5 Woodlands Corporation;

6 (2) in January 1993, The Woodlands Corporation
7 assigned all of its rights, title, and interest in the lease to
8 Strand Harborside Joint Venture, a Texas joint venture of The
9 Woodlands Corporation and MBP Corp.;

10 (3) in January 1994, The Woodlands Corporation
11 assigned all of its interest in the joint venture to MBP Corp.,
12 effectively dissolving the joint venture, and leaving MBP Corp. as
13 the successor in interest to the lease;

14 (4) under the terms of the lease, MBP Corp., as
15 successor in interest to the lease, would develop tourist-related
16 facilities at its own cost within a time frame dictated by the Board
17 of Trustees of the Galveston Wharves while paying rent to the board
18 for the property, and on termination of the lease, all developments
19 made by MBP Corp. would be owned by the Board of Trustees of the
20 Galveston Wharves;

21 (5) the property affected by the lease includes the
22 rooftop of the Mallory Building, also known as the Galveston Cruise
23 Ship Terminal, and the aerial rights above the Mallory Building;

24 (6) in 1999 and in 2003, the Board of Trustees of the

1 Galveston Wharves and MBP Corp. negotiated amendments to the lease
2 agreement;

3 (7) the parties have a dispute over the lease;

4 (8) in addition, other disputes have developed between
5 MBP Corp. and the Board of Trustees of the Galveston Wharves over
6 the lease;

7 (9) MBP Corp. seeks legislative approval to file suit
8 in order to resolve any and all disputes between the parties
9 regarding the lease; now, therefore, be it

10 RESOLVED by the Legislature of the State of Texas, That MBP
11 Corp. is granted permission to sue the Board of Trustees of the
12 Galveston Wharves subject to Chapter 107, Civil Practice and
13 Remedies Code; and, be it further

14 RESOLVED, That the Chairman of the Board of Trustees of the
15 Galveston Wharves be served process as provided by Subdivision (3),
16 Subsection (a), Section 107.002, Civil Practice and Remedies Code.