

Amend HB 3111 by adding the following SECTIONS and renumbering subsequent SECTIONS accordingly:

WHEREAS, William James Stroman, Jr., individually and as the independent executor of the estate of William James Stroman and attorney-in-fact for Cleo Lane Stroman (collectively referred to as "Stroman"), alleges that:

(1) the State of Texas, through the board of regents of The University of Texas System ("the board"), owns university blocks 23, 24, and 26 ("university lands") located in Pecos County, Texas, and exercises sole and exclusive management and control of the lands set aside and appropriated to or acquired by the permanent university fund, which was created and is governed by Sections 10, 11, 15, and 18, Article VII, Texas Constitution;

(2) Stroman owns property adjoining the west line of the university lands, referred to as the Stroman Ranch;

(3) during the year 2008, the board began removing a fence located on or about the true boundary of the university lands and began constructing a new fence west of the true boundary of the university lands and entered the Stroman Ranch without consent and staked a new fence line west of the true boundary of the university lands;

(4) the board informed Stroman that it would be constructing a new fence on the new staked fence line and stated that the location of the new fence was based on a survey performed by Frank F. Friend, the field notes of which were filed in the General Land Office in 1939;

(5) the university lands were originally surveyed in 1879 by R. M. Thomson, and Friend later resurveyed the university lands in 1936, purportedly under the authority of Section 66.41, Education Code, which called for lands to be resurveyed when it was impracticable to establish lines and corners as originally surveyed;

(6) the Friend survey placed the western boundary of the university lands west of the previously established line and clearly on the Stroman Ranch;

(7) Stroman informed the board of the error in the location of the western boundary line; however, the board did not

correct the error and stated that the board disputed Stroman's claim of ownership;

(8) in an attempt to resolve the dispute, Stroman hired J. Stan Piper, a licensed state land surveyor, to establish the proper western boundary of the university lands, and Piper located the correct boundary between the university lands and the Stroman Ranch, based on the original 1879 R. M. Thomson survey and field notes, as well as subsequent surveys;

(9) Piper's conclusive findings, including locations of monuments from the original R. M. Thomson survey, establish the true boundary between the university lands and the Stroman Ranch and demonstrate that the Friend survey was unnecessary and did not establish the proper boundary; and

(10) the board intends to complete the fence along the incorrect boundary between the university lands and the Stroman Ranch, thereby trespassing on Stroman's property and denying Stroman access to the property; now, therefore, be it

RESOLVED by the Legislature of the State of Texas, That William James Stroman, Jr., individually and as the independent executor of the estate of William James Stroman and attorney-in-fact for Cleo Lane Stroman, is granted permission to sue the State of Texas and the board of regents of The University of Texas System subject to Chapter 107, Civil Practice and Remedies Code; and, be it further

RESOLVED, That Stroman may not seek recovery of monetary damages from the state, but may only seek a determination of the boundary of Stroman's property and a determination of Stroman's rights through a court order that fixes and determines the true boundary between the university lands and the Stroman Ranch; and, be it further

RESOLVED, That the suit authorized by this resolution may be brought in Pecos or Travis County; and, be it further

RESOLVED, That the relief awarded in the suit authorized by this resolution is limited to the relief authorized under Chapter 37, Civil Practice and Remedies Code, or Chapter 22, Property Code, or both; and, be it further

RESOLVED, That the secretary of the board of regents of The

University of Texas System be served process as provided by  
Section 107.002(a)(3), Civil Practice and Remedies Code.