

By: Craddick, Howard of Travis

H.C.R. No. 141

Substitute the following for H.C.R. No. 141:

By: Jackson

C.S.H.C.R. No. 141

HOUSE CONCURRENT RESOLUTION

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

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

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

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

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

1 (5) the university lands were originally surveyed in
2 1879 by R. M. Thomson, and Friend later resurveyed the university
3 lands in 1936, purportedly under the authority of Section 66.41,
4 Education Code, which called for lands to be resurveyed when it was
5 impracticable to establish lines and corners as originally
6 surveyed;

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

10 (7) Stroman informed the board of the error in the
11 location of the western boundary line; however, the board did not
12 correct the error and stated that the board disputed Stroman's
13 claim of ownership;

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

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

25 (10) the board intends to complete the fence along the
26 incorrect boundary between the university lands and the Stroman
27 Ranch, thereby trespassing on Stroman's property and denying

1 Stroman access to the property; now, therefore, be it

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

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

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

17 RESOLVED, That the relief awarded in the suit authorized by
18 this resolution is limited to the relief authorized under Chapter
19 37, Civil Practice and Remedies Code, or Chapter 22, Property Code,
20 or both; and, be it further

21 RESOLVED, That the secretary of the board of regents of The
22 University of Texas System be served process as provided by Section
23 107.002(a)(3), Civil Practice and Remedies Code.