

By: Craddick

H.C.R. No. 141

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 seek a determination of the boundary of  
11 Stroman's property and a determination of Stroman's rights through  
12 a court order that:

13             (1) fixes and determines the true boundary between the  
14 university lands and the Stroman Ranch; and

15             (2) declares that the true boundary between the  
16 university lands and the Stroman Ranch is the line established by  
17 the original 1879 R. M. Thomson survey and not the later Friend  
18 survey; and, be it further

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

21       RESOLVED, That the relief awarded in the suit authorized by  
22 this resolution is limited to the relief authorized under Chapter  
23 37, Civil Practice and Remedies Code, or Chapter 22, Property Code,  
24 or both; and, be it further

25       RESOLVED, That the chairman of the board of regents of The  
26 University of Texas System be served process as provided by Section  
27 107.002(a)(3), Civil Practice and Remedies Code.