



Written by [Joe Wolverton, II, J.D.](#) on August 24, 2023

School District Threatens to Use Eminent Domain to Turn 78-year-old Man's Home Into Stadium Parking Lot

In Houston, Texas, there's a family in a tough spot. They might lose a family home because the nearby high school wants to make its football stadium's parking lot bigger.

Back in April, the Aldine Independent School District (ISD) decided they could take the home of Travis Upchurch and the land around it using eminent domain. Upchurch's children are upset about this action. In July, the *Houston Chronicle* newspaper [wrote about this situation](#).

One part of the Upchurch family's land was already taken by the school district, the lot where Travis' mother lived before she died. The family didn't fight that proceeding as the land was vacant.

Meanwhile, 78-year-old Travis Upchurch and his adult children are attempting to shield his home from being confiscated by the school district. His family has owned this land since 1916, when they first came to Texas from Sweden. Back then, the area was mostly farmland, with cows and pecan trees.

But things changed over time. Starting in the 1970s, the school district started taking more and more land around Upchurch's home. They wanted to build a football stadium, and today, that stadium surrounds his home on three sides. On the fourth side, there's an empty space, which the school district also owns.

So, the story continues. The district is trying to take the rest of Upchurch's land. The place that once had fields and memories from his family's past is now surrounded by the noise of the stadium and traffic. The district is snatching up what's left of Upchurch's property, a place where the history of those who were there before could soon be paved over. The future is coming fast, and quaint things such as family homes are being sacrificed on the altar of Progress.

"My dad has pretty much been in a high school football stadium parking lot since [the district started purchasing the land]," Travis Upchurch's daughter, Tara Upchurch, told a [reporter from Reason](#).

Here's a brief synopsis of events since then, as reported in *Reason*:

Tara Upchurch says that she had expected Aldine ISD would want to buy the land once her father passed away. Her family's expectation was that until then, he'd be able to stay in



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their longtime family home.

That expectation was upended in June when Travis Upchurch received a letter in the mail informing him that the school district was intent on purchasing his land as part of a \$50 million rebuild of the existing stadium.

“It was pretty shocking,” says Tara Upchurch. “It was really hard to process the loss of it.”

Aldine ISD told the *Chronicle* that they tried to buy the Upchurch property nicely last year, but the Upchurch family said “no” to their offer. Tara Upchurch and her dad disagree with this. They say the school district never talked to them about buying their property.

When they got the letter, Tara Upchurch talked to some lawyers who know about a special law called eminent domain. These lawyers said they might only be able to argue about how much money they get for their property.

So, Tara and her family tried to talk with the school district about an idea. They wanted to let Tara’s dad keep living on the property. At first, the district seemed like they might be okay with this plan.

Reason reports that officials from the school district suggested they would be willing to offer Travis Upchurch a life estate to the land, which would entitle him to stay on the land until he passes away. Tara, *Reason* reports, jumped at the idea, but there has been no follow-up from Aldine ISD since that first offer was supposedly made.

Later, Travis Upchurch received a letter from Aldine ISD giving him 14 days to respond to its final offer.

The school district issued the following statement to *Reason*:

These are delicate conversations that balance community needs and individual needs. We have continued to negotiate with the Upchurch family. No eminent domain proceedings have been filed at this time.

Balance community needs with individual needs? That’s a very bureaucratic way of explaining that the government gets to decide the best use of your property.

I prefer William Blackstone’s explanation of “balancing” the good of the community with the rights of a property owner. In Book I, Chapter 1 of his *Commentaries on the Laws of England*, Blackstone writes:

So great moreover is the regard of the law for private property, that it will not authorize the least violation of it; no, not even for the general good of the whole community. If a new road, for instance, were to be made through the grounds of a private person, it might perhaps be extensively beneficial to the public; but the law permits no man, or set of men, to do this without consent of the owner of the land. In vain may it be urged, that the good of the individual ought to yield to that of the community; for it would be dangerous to allow any private man, or even any public tribunal, to be the judge of this common good, and to decide whether it be expedient or no. Besides, the public good is in nothing more essentially interested, than in the protection of every individual’s private rights.

That’s more like it. Property is such a sacred right that the alleged “benefit” to the community is not



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something that should be permitted to take priority over the rights of the individual property owner.

For the moment, the Aldine ISD claims it has not initiated eminent domain proceedings against Travis Upchurch. However, [KSST Radio](#) out of Sulphur Springs, Texas, reports that the school district informed them that the offer mailed to Upchurch was the final offer and was “part of the first step in the eminent domain process.”

It remains to be seen whether the 78-year-old man will live out his wish to die on his family’s property, or whether the school district will evict him so people can park closer to the high school football stadium. They say football is life in Texas — it seems we’re about to find out just how true that is.



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