F2019 - R3 Eminent Domain Survey Resolution

WHEREAS, Eminent domain, as defined by Cornell Law\(^1\), refers to the power of the government to take private property and convert it into public use, and in the state of Texas, is minimally extended to public corporations such as universities.

WHEREAS, Eminent domain, as defined under Article I, Section Seventeen\(^2\) of the Texas Constitution includes the following stipulations:

1. The actor must be the state, or a private entity authorized to condemn;
2. The property must be taken for public use;
3. The landowner must receive just compensation for the condemned property.

WHEREAS, The University of North Texas is attempting to remove, through the process of eminent domain, family-owned businesses on Avenue C, including Oriental Express and New York Sub Hub, for the purpose of completing its Master Plan.

WHEREAS, The University of North Texas, according to their 2013 Master Plan\(^3\) intends to use this space for “partner development”, which goes against the “public use” clause

WHEREAS, As of October 1st, 2019, there is no definitive or official plan for the area in question by UNT System Vice-Chancellor of Facilities, the lead administrator of the project

WHEREAS, As of October 10th, 2019, the current status of the Eminent Domain process remains in the purgatory between the initial offer for the property by UNT and final offer stage, where after, if no offer is accepted, the court proceedings will follow.

WHEREAS, Small businesses have been a community cornerstone of Denton’s development and commerce for decades and as such, deserve to continue their business without fear of forced removal

WHEREAS, These local businesses often offer jobs to students, cheaper pricing for books and food to students, and are a cultural staple of the Denton community.

WHEREAS, New York Sub Hub has been a continual focal point of UNT’s community for the past 55 years, during which time they have served as a hub for UNT’s students both in terms of
social life, but as a safe haven and piece of the community within reach for those who live on campus.

WHEREAS, There is an overwhelming consensus, not just at UNT but in the Denton community, that these businesses should continue to operate, as seen with a petition that has garnered over 27,000 signatures since August 2019. 

LET IT BE RESOLVED, that the SGA Senate strongly and unequivocally urges the UNT Administration to inform the student body and Denton community of their intentions and forethought regarding the property to be acquired with their use of eminent domain in order to comply with Texas legal statutes.

LET IT BE FURTHER RESOLVED, that this Resolution result in an anonymous campus-wide survey, sent out through SGA at the beginning of the Spring semester to gauge the understanding and thoughts of the student body in regard to the subject matter listed and the subsequent consensus among students.

LET IT BE FURTHER RESOLVED, that an Ad Hoc Senate committee be established to determine the appropriate questions for the survey listed above by the end of the Fall Term.

LET IT BE FURTHER RESOLVED, that a copy of this Resolution be sent to the following individuals:

1. Neal Smatresk, UNT President
2. The Denton City Council
3. UNT System Vice-Chancellor of Facilities

LET IT BE FURTHER RESOLVED, that after the data of students’ understanding and opinion is collected, the results of said data be accumulated, articulated, and presented to the following individuals:

1. Neal Smatresk, UNT President
2. The Denton City Council
3. Vice-Chancellor of Facilities

Respectfully Submitted,
Senator Angie Whistler  
Honors College

Senator Chris Howard  
College of Science

Senator Jessica Olvera  
College of Business

Senator Loke Lovett  
College of Music

Senator Ryan Keller  
College of Liberal Arts & Social Sciences

Senator Marisela Zubia  
College of Liberal Arts & Social Sciences

Senator Subhecha Niraula  
College of Liberal Arts & Social Sciences

In Witness thereof, I hereby certify the Student Senate of the University of North Texas Student Government Association has approved this document and is referred to the office of the President.

[Signature]
Speaker of the Senate

Presidential Action:
- [ ] Vetoed
- [X] Approved

[Signature]
President of the Student Government Association

[Signature]
Vice President of Student Affairs

11/20/19
Date

[Signature]
11/20/19
Date

[Signature]
12/19
Date

1. https://www.law.cornell.edu/wex/ eminent_domain
2. https://statutes.capitol.texas.gov/Docs/CN/htm/CN.1.htm#1.17
   (Petition to save New York Sub Hub)