

House Divided

One man and his 113-year-old property vs. Trimet.

Last House Standing: Its owner, Randal Acker, wants to keep it that way.

IMAGE: John Rummler

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After bulldozing four circa-1890 buildings and a row of old-growth fir trees near Portland State University this year as part of a future development project, TriMet has now set its sights on acquiring a Victorian house built in 1894.

But the transit agency has picked the wrong guy to tangle with.

The owner of that Queen Anne Victorian house at 525 SW Jackson St.—the last property standing in the neighborhood—is Randal Acker, a 41-year-old lawyer specializing in business law and litigation. Acker says TriMet is trying to bully him into selling his 1,600-square-foot property, which he bought in September 2005 for \$380,000 to house his law office.

Acker, who has extensively remodeled the building, calls the house Figo, after his 4-year-old black-and-white Portuguese water dog.

Acker's property has caught TriMet's interest as part of a long-term development project between the agency and PSU. In the shorter term, TriMet says it's interested in perhaps using Acker's property to build a break room for employees—a small piece of its \$556 million, I-205/Portland Mall project running along 5th and 6th Avenues between Union Station and PSU.

Jillian Detweiler, a TriMet land development planner, says using eminent domain to buy and demolish Acker's property is one option being considered. Eminent domain lets public entities buy private property for public use even if the seller is unwilling, if fair compensation is offered.

And Acker is very unwilling.

"I will fight them with all of our legal resources," Acker says. "I will not let them bulldoze the Figo House."

Before TriMet can exercise eminent domain, it must complete an environmental analysis of the block, which includes Acker's real estate. PSU owns a small part of what's known as Block 158. TriMet has the rest. And since Acker's building is listed on the National Register of Historic Places, TriMet also must prove to the state historic preservation officer that no feasible alternative to buying and razing Acker's property exists.

When TriMet decided to put in the new light-rail extension, it did a survey in summer 2004 of downtown buildings that could be affected. It agreed at that time with the state preservation office that Acker's building wouldn't be disturbed. TriMet officials now say their plans weren't finalized when they did the original study.

"We saw an opportunity to achieve a better station area and partner with PSU to achieve a new development that would complement the station, increase ridership and implement plans for the University District," says Detweiler.

The transit agency has acquired four other 1890s-era properties through eminent domain on top of its past acquisitions in the PSU neighborhood, ranging from the Portland Bartending Academy to the Mexican restaurant Cha! Cha! Cha!

PSU and TriMet entered into a Memorandum of Understanding last year in which TriMet will buy properties on Block 158, and PSU will donate its property to TriMet. The two will then work together on a development project involving building PSU student housing and possibly other university offices. When those PSU projects are done, TriMet will sell its pieces back to PSU.

"That block will be jointly developed with PSU," says TriMet real property acquisition manager John Baker. "There could be some PSU and TriMet and even some private buildings there, but nothing is finalized yet."

A partnership with PSU would give TriMet more leverage in its quest to develop mixed-use transit-oriented development near its new MAX line. And sizable student housing buildings near that line might beef up ridership numbers.

But Acker wonders why the project was sold as helping businesses when it's now destroying his.

"Their project is supposed to revitalize businesses, not demolish them," Acker says. "TriMet wants to destroy this historic building and seize the land when the property won't even be used for transit purposes."

According to an email from Detweiler to TriMet's community relations director, Ann Becklund, TriMet has already tried to have PSU buy the property.

Detweiler wrote Becklund on Jan. 9 that she had asked PSU Business Affairs Director Dee Wendler if she would "explore whether the PSU Foundation might be able to acquire this one property. Unfortunately she looked into it (and perhaps talked to Lindsey [Desrochers]) and said they could not."

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Detweiler had no comment about the email other than to say that the PSU Foundation was never involved and that at the time, she had no idea whether the property owner might be a willing seller.