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Last house standing

Randal Acker is fighting to keep his house, one of the few potentially in the way of future TriMet and Portland State developments

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The inside of his house, a 19th century Queen Anne, is littered with fragments of the past: a decades-old chest of drawers is restored and shining with polish; the house's original brick chimney, built over 100 years ago, still rests on the roof; his walls are covered with picture after picture of a Portland that few remember, when the iconic images of the city--the Crystal Ballroom, Pioneer Courthouse--were just materializing.

The house is now a law firm owned by Portland lawyer Randal Acker, and is the last of its kind standing on a block that was once a bustling neighborhood filled with buildings just like his. Over the last 100 years, most of those homes, save Acker's law firm and a few others, were torn down to create the buildings that help make up Portland State's backyard: the Ondine, the Broadway Residence Hall, the Art Building.

Today, Acker's law firm still sits on the corner of Southwest Jackson Street and Southwest Sixth Avenue, flanked by a maze of barricades, construction



Law Firm: Randal Acker outside his office on Southwest Jackson Street, near Portland State.

workers and empty lots. It is one of the last properties in the area not purchased by TriMet as part of a large-scale effort to make way for the new MAX Green Line, and eventually, a new Portland State student housing building.

The house may not stand much longer.

For nearly two years, TriMet officials have talked of tearing down the house or moving it to make way for the new light rail and Portland State's newest housing venture. If TriMet gets its way, Acker's house could be gone by 2009.

Fighting for his building

Since late 2005, the Portland public transportation giant has been constructing the downtown section of the Green Line, which will run from Union Station and stop at PSU between Fifth and Sixth avenues, just south of Southwest Jackson Street, across from Acker's law firm.

TriMet has acquired many of the properties near Acker's house, and, according to TriMet documents and Acker, TriMet wants to buy his building so that they it can finish work on the light rail line, and eventually sell the land to Portland State. Acker says he is adamantly opposed to selling the land to TriMet, not solely to protect the interests of his business, but also to protect the century-old house.

Even if they moved the house, Acker said, it would harm the success of his business, which thrives on in its downtown location.

"TriMet officials told me that it would simply be easier to level the entire block," Acker wrote in an e-mail this week

Developing the property

If the land is eventually sold to PSU, a university administrator says PSU would build a student housing building on the block as part of a large hub that would act as a high-traffic pedestrian area and focal point of the light rail line.

TriMet has not yet made an offer on Acker's land.

Acker has proposed that instead of purchasing and moving or destroying his building, PSU and TriMet build around his house. Lindsay Desrochers, vice president of Finance and Administration at PSU, said that the new housing building could be built without impacting Acker's house at all.

Any kind of construction in the area on PSU's part would take place in multiple phases, Desrochers said, and actual construction wouldn't begin until some time after 2009. The first phase would be only the housing building, built on the north end of the block. Acker's house is on the south end.

To develop the area to its potential, however, she said it would be necessary to build more than just the housing building. "That block has significance well beyond housing," Desrochers said.

TriMet and PSU have made verbal and unsigned written agreements to jointly develop the area. Desrochers said the verbal agreement is that TriMet must buy the land to develop the area, while PSU will begin making plans to construct the new housing building and other developments that she have not been specified. She said she would not comment on whether she thinks TriMet should buy Acker's land.

Restrictions on development

Even if TriMet discovers it does need to remove Acker's house, one thing could prevent the acquisition. Called the Figo house, the 104-year-old building is eligible to be listed under the National Register of Historic Places, a federal program that aims to protect historic and archaeological resources in the United States.

TriMet cannot acquire or remove the building from the land to develop the PSU housing building and the light rail, unless the company can prove that there is no way to continue the light rail project without buying the Figo house.

In order to get funding from the Federal Transit Administration to continue development in the area, TriMet has to prove that two FTA guidelines restricting impacting historic properties, section 106 and section 4(f), don't apply to this situation. TriMet can use the land if there is "no prudent and feasible alternative to using that land," according to section 4(f).

Public feedback forum

TriMet is holding a forum on Tuesday, Jan. 29 at 4:30 p.m. in room 2500 of the Fourth Avenue Building (1900 S.W. Fourth Ave.) to receive public feedback about their plans for development on the block. Acker plans to hold a pre-meeting rally at his house, at 525 S.W. Jackson St., for his supporters. He said anyone is welcome to visit and tour the house.

A representative from TriMet said the organization is still trying to examine options about construction on the block. Jillian Detweiler, a land development planner at TriMet, said it is not

certain whether TriMet will need Acker's house.

"We've told Mr. Acker that his property could be impacted, but it doesn't mean that it will," she said.

Detweiler said the forum will help TriMet understand the public's opinion about what to do with Acker's home. She said that TriMet has not yet contacted the Oregon State Historic Preservation Office to get its approval, which would be necessary before they approached the FTA.

She said TriMet hasn't approached the preservation office because "we don't have a firm proposal,," she said.

According to internal TriMet e-mails obtained by Acker and given to the *Vanguard*, TriMet officials have been working with FTA since at least 2007, and have been talking since 2006 about getting the preservation office's approval to buy Acker's home.

An e-mail from TriMet Planning Manager David Unsworth on May 18, 2006, detailed a plan to approach the preservation office with reasons that they should demolish or move Acker's house.

More than a year later, Detweiler e-mailed PSU Vice President Desrochers about a meeting TriMet had with the FTA.

"FTA indicated that it can be done," Detweiler wrote in the e-mail on July 10, 2007.

PSU, TriMet continue construction

Desrochers said the new housing building would bring anywhere from 600 to 1,000 new units/apartments, bed space that is necessary at the university. She said only 7.5 percent of the PSU student population currently lives in university housing, which has rental prices that are often below downtown averages. The building would let more students live on campus and would be mixed-use, similar to the Broadway building.

PSU already has initial approval from the governor and the legislature to build a new housing building, but they need to create a design and estimate of how much the building will cost before it can be done. Desrochers said she expects design work to start this spring, and construction to begin in 2009-10 fiscal year..

Acker is concerned that he and the other owners left on the block may not get the benefits of appreciation if TriMet buys the land now and waits to sell it to PSU.

"I don't see how it benefits the public to let it sit as dirt for four years," Acker said. about if TriMet had bought the land in 2006.

Acker: not the first affected

Acker isn't the first homeowner near PSU to butt heads with TriMet. In January of 2007, TriMet used eminent domain laws to acquire four buildings on the block across Jackson from Acker's house. The *Vanguard* reported on the battle one family, the Unverferths,, had with TriMet to keep their house.

The Unverferths were given \$425,000 for a house, which was over 100 years old, that they had owned for 32 years. When TriMet first talked of building the light rail, they told the Unverferths their house would not be touched by the project.

Plans changed, and their house was to be demolished so TriMet could build a turnaround and equipment rooms for the rail and a break room for employees. Acker said he was told the same story--initially that his house would not be impacted, and then that it would have to be removed for the same construction.

"How many blocks do you need for a break room?" Acker said.

He said that he believes TriMet is making decisions without public input. He said working around the construction has been difficult--that Jackson Street, in front of his house, is almost always closed, and that he has felt TriMet has tried to intimidate him at almost every meeting.

That hasn't stopped Acker.

"I let them know they were messing with the wrong person," he said, about one meeting he had with TriMet officials in December.

"They gave me a crusade that I'm going to keep fighting. Nothing would make me more satisfied than correcting this."

Learn more:

TriMet public forum Tuesday, Jan. 29 4:30 p.m. to 6:30 p.m. Fourth Avenue Building 1900 S.W. Fourth Ave. Room 2500

Pre-forum open house Acker and Associates P.C. 3:30 p.m. 525 S.W. Jackson St.

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