

type in or highlight text to start

The push back

TriMet has encountered resistance to property buyouts for turnaround before

Vinh Tran

Vanguard Staff

Published: Wednesday, February 18, 2009

Updated: Wednesday, February 18, 2009

Lisa Long may soon join the list of other Portlanders with property near Portland State who have been affected by eminent domain law. In 2007, TriMet bulldozed four circa-1890 buildings along Southwest Fifth Avenue and Jackson Street in order to built a turnaround for the light rail project.

Despite the owners' reluctance to unload the properties at a reduced price, TriMet was able to secure them using eminent domain.

However, TriMet encountered problems when it attempted to purchase a house belonging to Randal Acker, an attorney who practices civil litigation and business law. His office is housed at 525 S.W. Jackson St., in the heart of the area TriMet has targeted for its MAX Green Line turnaround.

TriMet did not notify Acker that it was looking to purchase his property, Acker found out on his own instead. TriMet said at the time it planned to use the property as a break room for employees.

"TriMet's public relations person told me that I didn't have a choice but to sell the property," Acker said. "It didn't seem right to me so I did a public records request."

Acker said some of the documents he discovered were unsettling and the information it contained was a bit “shady” for a government entity. According to Acker, since his house is listed as a historic place, TriMet is required to go through the State Historic Preservation Office (SHPO) for support before going to the Federal Transit Authority (FTA), which is funding the project.

Acker pointed to an e-mail from David Unsworth, the project development manager for TriMet, to Ann Becklund, TriMet’s community relations director.

In the correspondence, Unsworth wrote that he was concerned that the proposal to demolish the house would not receive support from the FTA and suggested TriMet go to the SHPO first.

“We should have a quiet conversation with the SHPO, then we need to approach the FTA,” he wrote.

Acker said he has no problem with TriMet looking to expand for the sake of public transportation, but he was not pleased with the way it handled the situation as a government entity.

“The scheming is problematic,” Acker said. “They weren’t forthright with me, they basically went behind my back and tried to get support first, so in the case that I refused to sell, they could hit me back.”

In another e-mail from Detweiller to Becklund, Detweiller expressed her concern that the SHPO would not approve their proposal.

“While I think the case can be made, it puts an important decision in the hands of the relatively unreliable State Historic Preservation Officer, so it adds some risks to the whole plan,” she wrote.

Detweiller then proposed that Portland State should acquire the property for them, which was unsuccessful.

According to Acker, he discovered a confidential agreement between Portland State and TriMet that said the university would invest \$7 million into the project and TriMet would use its eminent domain power and federal money to purchase all the properties along the block.

Acker said the plan would be for them to hold on to the property for four years and wait for them to

appreciate in value. After that, TriMet would sell the properties back to the school at the same price they got it for, which would create revenue for PSU.

“It was a little behind-the-scenes monkeying with numbers,” Acker said, “PSU wants the property but doesn’t want to look like the bad guy, so they have TriMet do it.”

However, Detweiller refused to acknowledge that such a deal has been made between TriMet and PSU. “I don’t think Mr. Acker is informed,” she said.

Inside Acker’s law firm now is a wall dedicated to the fight to preserve the house. Newspaper clippings from the *Willamette Week* and the *Vanguard* covering the story are framed and hang like trophies.

But perhaps Acker’s biggest prize is a letter from TriMet telling him that they have stopped pursuing the house.

“The experience was educational. I was very appreciative for the result,” Acker said. “I was impressed and overwhelmed with the public support.”

©2008 The Daily Vanguard Online, All Rights Reserved

The Daily Vanguard, 1825 S.W. Broadway, SMSU Room S-26 Portland, Oregon, 97201

The Daily Vanguard, 503.725.4537 Fax 503.725.4534 Advertising 503.725.5686

[Feedback? Send a Letter to the Editor](#) | [Online Editor](#)



College Publisher powered by mtvU and MTV Networks