

Cover Story: A Bike Path and an AIDS Memorial Garden

By [Craig Malisow](#)

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Ten years ago, residents of a Third Ward neighborhood near MacGregor Way vociferously -- yes, vociferously -- objected to then-Mayor Bill White's plans to convert an old railroad right-of-way into a bike path.

A resulting lawsuit stopped a roughly 1,500-foot section of the path in its tracks, although the rest of the path -- called the Columbia Tap -- was completed to great fanfare in 2009. But last year, Mayor Annise Parker decided to finally close the gap, and this time around, the resident making the most noise was a guy who had created what he called the Texas Aids Memorial Garden along the contested section.

Michael Lee said he started the garden in 1986, when no one was interested in the land behind his home. In 2004, he invited the press and public officials to take part in an official dedication, but there was a negligible turnout. Although he claimed all along that, under the doctrine of adverse possession, he rightfully owned the land, he never held the title.

Lee battled Parker's office for months, aiming much of his ire at the city's first sustainability director, Laura Spanjian. But Spanjian and Parker maintained all along that they wanted to preserve as much as the garden as possible.

The City has tremendous plans to develop many more miles of bike paths as part of a decades-long goal of making Houston a truly bicycle-friendly place. This tiny stretch of path caused more headaches than anticipated, as is explained in [this week's cover story](#), "Happy Trails?"

Happy Trails? The Battle Over a Bike Path and the Fate of the Texas AIDS Memorial Garden

Everyone thinks bike paths are a good idea. Just maybe not in their own neighborhood.

AAA Comments (0) By **Craig Malisow** Wednesday, Aug 14 2013

On July 18, 2013, [Michael Lee](#) watched a guy on a bulldozer dig up the grass making up the greenbelt that wound through the expansive garden behind Lee's home in Houston's Third Ward.



Michael Lee fought against the bike path connector for years.



Craig Malisow

Developer Alan Atkinson said Mayor Parker was respectful of the garden from the beginning.



To view a larger version of this image, click [here](#).

After months of fighting Mayor Annise Parker's office over the development of a 277-yard-long portion of bike path behind a block of homes on Ardmore Street, near where MacGregor Way intersects Texas 288, Lee had lost. Lee, a 60-year-old softspoken architect, and his neighbors had fought this development ten years earlier, when then-Mayor Bill White announced that the city intended to convert a four-mile stretch of abandoned railroad right-of-way into a hike-and-bike path. As part of the Rails-to-Trails initiative, it was to be the latest achievement in the city's comprehensive Bikeway Program, which began in 1993.

Lee's neighbors, and community leaders, concerned about what they believed were safety issues, signed petitions, wrote letters, held meetings and successfully staved off White. For one thing, they didn't quite understand why it was necessary to have the trail extend south of Ardmore to the railroad bridge, which practically dead-ends into a massive food-distribution center for [Grocers Supply](#). Not exactly scenic.

The city went ahead with the bike path anyway, just leaving out the section behind the Ardmore homes. The original plan was to have bicyclists embark from an old railroad bridge over 288 and travel in a straight shot behind the homes on Ardmore, across MacGregor and onto a bridge over Braes Bayou, through Texas Southern University and on to downtown. Today, the trail ends at [BBVA Compass Stadium](#). Ultimately, the goal is to extend the path's north trailhead from the stadium to Discovery Green, potentially extending the dead-end Grocers Supply point to Hermann Park and the Bill Coates Bridge.

Lee shared his neighbors' safety concerns, but his opposition was also more personal: In 1986, before the city bought the land from [Union Pacific Railroad](#), Lee, who is gay, began work on what would become the Texas AIDS Memorial Garden. He visualized a bucolic preserve dedicated to the memory of so many who had wasted away.

He planted crape myrtles, fragrant loquats, daylilies, citrus trees and tropical ginger. At the north end of the garden stood an 18-foot column with a plaque memorializing "AIDS Victims." He claimed that two people had asked for permission to sprinkle the ashes of their loved ones there. In 2004, *OutSmart* magazine sent a photographer to the garden's formal dedication.

Subsequently, as he and his neighbors opposed the Ardmore section of bike path because of perceived safety concerns, Lee attempted to prove that he legally owned the land where the

garden stood. In a resulting lawsuit, Lee claimed that the land had been abandoned for so long that, through the doctrine of adverse possession, he was now the owner. (In 2002, Union Pacific sent Lee a letter, demanding that he remove all encroachments on its land in 30 days. Lee did not comply, and the railroad never followed up.)

Although he lost, the litigation stalled the project to the point where White threw up his hands and decided to make the bike path someone else's problem. The city went ahead with developing it, leaving out the approximately 1,500-foot section along Ardmore. This meant that bicyclists departing from the railroad bridge would have to bike on the street for three blocks before reconnecting with the path. (The path, sans the Ardmore connector, was completed in 2009 to great fanfare.)

When Parker announced in 2012 that she intended to close the gap in the bike path, known as the Columbia Tap, Lee's neighbors were decidedly less vocal. Parker dispatched the city's first sustainability director, [Laura Spanjian](#), to meet with the neighboring civic club to let them know that this was happening whether they liked it or not.

Lee tried to rally the troops, to no avail. He flooded various city departments with open-records requests, wanting to get to the bottom of things. He smelled a conspiracy. Why was the mayor suddenly so intent on developing a little stretch of bike path? Why would a gay mayor want to mow down an AIDS memorial garden?

In a desperate bid for public sympathy, Lee launched a Web site telling the history of the garden and outlining the facts as he saw them. But at about 7:30 a.m. on July 18, he awoke to the sound of a bulldozer. Behind the wheel was [Alan Atkinson](#), a Houston developer who was installing the concrete path at no cost to the city.

As Lee mourned the loss of his daylilies, some bicyclists aligned with the city rejoiced at the fact that their beloved Columbia Tap would now be complete. This was an important step in the greening of Houston. They applauded Parker for finishing what White should have finished years ago.

Parker, however, had it much easier than White.

In the years since White's administration abandoned the Ardmore section, some of the loudest opponents had died, moved or reversed their stance on the matter, or simply no longer felt like expressing their views in the media. [The Reverend Bill Lawson](#), who rose to prominence during the civil rights movement, wrote to White in 2007 on behalf of the South MacGregor Civic Club, which opposed the portion of trail planned for Ardmore. Neither Lawson nor anyone from the nonprofit organization established in his name wanted to comment for this story.

Lawson's letter named Tomaro Bell, a member of the civic club's board, as one of the Ardmore homeowners requesting an audience with White. At a 2005 [Houston City Council](#) meeting, Bell also spoke in opposition to the proposed Ardmore section. But in 2013, Bell didn't return calls seeking comment. Also joining the Not Returning Phone Calls Club was Good Hope Missionary Baptist Church Pastor D.Z. Cofield, whose name appeared on a 2005 petition against the Ardmore section.

[Bob Conwell](#), one of the civic club's current co-presidents, didn't want to be interviewed for this story, either. Score another point for Parker. And unlike [Ada Edwards](#), who represented the neighborhood on City Council during the first battle, was vocal about making sure people in the civic club were heard and was often quoted in media reports at the time, current [Councilwoman Wanda Adams](#) was mum. She couldn't be bothered to comment for this story.

[Brenda Rogers](#), the club's other co-president, didn't give a ringing endorsement but seemed fine with the Ardmore connector as long as there was proper lighting. Some of the homeowners along Ardmore are elderly, and safety was their main concern, she said.

"Hopefully the trail won't be a negative for them. Hopefully it'll work out fine for everybody," Rogers said, adding later, "We're just hoping for the best as far as safety...since they were going to go through with it anyway, we decided we'd try and get whatever safety measures we could put in place."

Perhaps the most vocal opponent was past club president [Al Lloyd](#), who wrote in a statement, "I am outraged that Mayor Parker wants to green light this project after several years of strong protest by our community" and "I'm deeply saddened that Mayor Parker rejects or disregards our community as not worthy of the same respect given by her predecessor."

But past president Lloyd is just that — a past president. Definitely doesn't count as much. That's maybe a half-point for the opposition.

Compare the weak cries of the naysayers to the strong cries of outspoken bicyclists, and it's no freaking contest. Bikers in Houston are an especially vocal group, and as far as they could tell, the only person standing between them and the completion of the Columbia Tap was some conspiracy-minded dude who had planted a garden on city property and was now whining that the city actually wanted to use the land.

[David Dick](#), the head of the [Houston Pedestrian-Bike Advisory Committee](#), bemoaned Lee's "selfish interest" in holding up the Columbia Tap and pointed out that residents who once opposed a different bike path — the [Terry Hershey](#) trail — now love it, and the same will probably happen here. It's a simple lesson, really: Like children, some citizens don't know what's best for them, and it's up to a paternal city government to take them by the hand and show them the way.

[Mike Skelly](#), an avid bicyclist and a member of the [Houston Parks Board](#), said the city was more than fair with Lee, given that the city didn't have to concede one flower petal since it's city land. Instead, he said, officials were willing to work with Lee.

"It's great that we live in a city where we're having discussions about accommodating both hike-and-bike trails and AIDS memorial gardens," he said. "That seems like two great things to have in our city."

He also noted that, in 2012, Houstonians overwhelmingly approved a huge public expenditure to expand parks and greenways on the bayous. People want bike trails. And it would be awesome if bike trails didn't have 1,500-foot gaps.

It would be awesome if the bicyclist-pedestrian coordinator for the city's Public Works and Engineering Department, [Dan Raine](#), had spoken to the *Houston Press* for this story. After all,

he's the expert when it comes to bike trails. But Raine instead referred us to Public Works and Engineering Department spokesman [Alvin Wright](#). Curiously, when we first contacted Wright for questions about the Columbia Tap connector, he told us his department has nothing to do with that and that it belongs to the Parks and Recreation Department. Of course, that department's spokeswoman, Roksan Okan-Vick, told us Parks and Rec has nothing to do with that. When we took that back to Wright, he explained in an e-mail, "I cannot be more clear when I write, the Parks Department is the lead on this project."

Spanjian later apologized for the confusion: "[Public Works and Engineering] builds a lot of trails, but not all of them. That's why they thought it was Parks. They just spoke too soon."

So Raine, the guy who probably knows the Houston Bikeway Program better than anyone else in the city of Houston, wouldn't talk to us for a story about a bike path controversy, but instead he referred us to someone who repeatedly and incorrectly asserted that the project belonged to a different department.

Raine insisted that we "respect" the protocols of talking to a press officer (even if the press officer is clueless), a protocol that apparently didn't exist in 2009, when Raine spoke to the *Houston Chronicle* for a blowjob of a blurb describing him as "exactly the kind of rainmaker the cycling community needs on its side — working from the inside." Or in 2010, when he told the *Chronicle* that Houston was in for some "pleasant surprises" regarding bike trails. The protocol was also apparently not in effect in March 2012, when Raine, in his official capacity, commented on popular real estate blog Swamplot regarding the Heritage West Bikeway.

One guy who had no problem speaking (and writing) directly to the *Press* was state [Senator Rodney Ellis](#). He praised Parker and Spanjian, writing that the two officials "have had many conversations with civic club leaders and stakeholders about the project and taken into account public input in order to build the trail with minimal disturbance to landscaping and maximum adherence to high safety standards."

He added, "Since its construction, the Columbia Tap has been one of Houston's most used trails. This connector will provide a consistent trail to [Brays Bayou](#) and other bikeways, providing connections to residential neighborhoods and businesses south of Texas 288, as well as a 'safe route to schools' for my young constituents attending [DeBakey High School](#)... [which is located adjacent to the path]. Thousands of people will benefit from the construction of this segment of Shared-use Path and utilize this segment of trail to safely access other destinations in the area."

It's also important to note that, prior to Atkinson's offer to develop the connector gratis, the city successfully applied to the [Houston-Galveston Area Council](#) for funding.

The HGAC's transportation committee oversees the disbursement of federal dollars for projects that meet stringent standards, including providing access for underserved populations. The committee had awarded the city \$400,000. (According to the terms of the HGAC funding, the city would have had to contribute an additional \$100,000.)

With HGAC approval, Lee believed, it was just a matter of time before his garden would be gone. In July, he launched his Web site asking for public support. It might have helped if he had created a site years earlier to let the public know that the garden was there. Now it was too little, too late.

In an essay he posted on the site, Lee wrote, "When Annise Parker became Mayor, I cried at her inauguration. The ceremony's euphoric energy made me feel inclusive; for the first time we have a gay Mayor for Houston. I also remember her acceptance speech. I hope she will do the right thing with the gardens and respect what they represent."

Lee and Spanjian got off on the wrong foot during a civic club meeting in February, and things between them only got worse from there.

Lee believed Spanjian tried to drive a wedge between him and the rest of the South MacGregor Civic Club. But Spanjian, at Parker's behest, appears to have told Lee from the beginning that the administration wanted to preserve as much of the garden as possible.

Of course, Spanjian was quick to note to the *Press* that it's a "self-proclaimed AIDS memorial garden," and an illegal one at that.

Lee also believed that Spanjian was stonewalling his requests for information, such as who would construct the connector and how it was to be funded. But judging from city e-mails obtained in a public-records request, the mayor's staff didn't actually have that information in February. All that was known was that, one way or another, the damn thing was going to be built.

Lee saw these loose ends as a sign of some sort of cover-up, and he grew increasingly worried about his garden's future.

After all, the guy had put a lot of love and care into a garden that was created on untended, overgrown land that no one with the railroad or the city gave a shit about in 1986, 20 years before it became the city's property.

And after all that work, all Lee heard city officials say about his absolutely gorgeous .85-acre ode to loved ones who had passed was that it was illegal. That was its primary attribute. Clearly, Lee was a bonehead for beautifying a parcel of land abutting his backyard. It didn't matter if the drunken, hollering fratboys who used a nearby parking lot for parties dumped their trash there. And not just biodegradable trash, either, but junked TVs. It didn't matter: It wasn't his land, so he had no right to replace discarded appliances with flowers.

But his years battling White's administration apparently made Lee immediately defensive and cynical.

After Lee saw Parker and her deputy chief of staff, [James Koski](#), inspect the area to be developed on February 13, he fired off an e-mail to Koski, asking, "When was the [city] planning on notifying the South MacGregor Civic Club about this controversial infrastructure plan for our neighborhood." He requested copies of "plans, schedules and funding source for this project [sic]."

Koski e-mailed others in Parker's office the following day, warning that Lee was "clearly getting his troops rallied to combat this, but as we know the facts are on our side."

Parker e-mailed [Lee February 15](#), stating, "As you are aware, the citizens of Houston have just passed a bond issue to support the linking of all the trails along our bayous. In the wake of that

election, we are looking at every trail in the city to determine where the gaps are. In the course of that review, we have identified the gap in the Columbia Tap Trail."

Parker was apparently jonesing to develop this portion of the trail. In a February 18 e-mail to Koski and Spanjian, she stated, "I just want it done ASAP..." (In another e-mail that same day, Parker reminded her staff that everyone needed to "respect the landscaping as possible [sic]," and another of her staff members explained in an e-mail that Parker told her that "the trail needs to respect what's there.")

When asked if the connector was a high priority, Parker's head of communications, [Janice Evans](#), told the *Press* in an e-mail: "Nothing urgent about the timing on this one; it was just time and everything was ready to go."

By June, some in the mayor's office had had enough of Lee's incessant records requests and his determination to bring the project to a halt. A June 5 e-mail from Koski reads, "The City has been very fair and this is public property. There's no need to slow down regarding illegally and inappropriately placed plants or ashes."

Of course, Lee was being a bit disingenuous about the whole ashes angle. Although he often referred to human ashes sprinkled among the foliage — one e-mail he sent to a city official claimed that "many" trees in the garden have been anointed with ashes — Lee was able to give the *Houston Press* the name of only one person whose ashes were in the garden. He said that another set of ashes was there — he said two people had approached him years ago asking permission to release their friend's ashes there — but he didn't know the location. Nor did he know the decedent's name.

And while Lee held a formal dedication of the garden in 2004, inviting city officials, it appears that few people outside Lee's circle of friends even knew the garden existed.

Surprisingly, of the people interviewed for this story, Alan Atkinson — the developer who Lee knew just had to have an ulterior motive for constructing the connector for free — was the only person who said that Lee should be applauded, not villainized, for having created the garden in the first place.

"When you're trying to do something on public land to beautify it, that's great — we ought to applaud that; we ought to support it," he said. But, Atkinson said, when he first saw the garden around 2005, he noticed that Lee had erected a chain-link fence on the south side. The north side, already overgrown with trees and bushes, was similarly inaccessible. (Lee told the *Press* he put up the fence to keep out vagrants.)

"Creating essentially a one-acre private garden in his backyard and fencing it off so that the other 5 million residents in this region couldn't or wouldn't access it, I think, is wrong," Atkinson said.

He also said, "From the very beginning, Mayor Parker personally directed that we be as respectful as we could, to protect the really valuable plantings there," and "We took extraordinary care to try to protect the existing plantings."

While Lee remains suspicious about Atkinson's involvement in the project, Atkinson said that he — and the private donors he rounded up to cover costs — is in it only for the public good. Bike

paths connect people; they enhance communities, he believes. Anyone riding or walking the Columbia Tap can see that, Atkinson said.

"It's fascinating to see spandex-clad bikers from the Heights interacting with residents in the Third Ward. It's wonderful to observe, because if they were in their car, that wouldn't happen. On a bicycle, you're connected to the people; you say hi to them...there's social interaction, and that only helps bring the city together from a social standpoint."

After Atkinson completed the portion of path through the garden, Spanjian provided this update: "We have only had to remove about 10-15 percent of the landscaping, and the few trees that we had to remove will be replaced. [Atkinson] and I spent many hours over the past few months to design a route that would take into account, and leave untouched, every tree/plant we could."

But Lee feels the destruction was greater. And he's still convinced, despite the absence of evidence, that it was personal.

"It's pretty disgusting...It just shows you how petty this mayor can actually be," he said.

Thing is, with that section behind the homes on Ardmore opened up for public access, more people than ever will probably see the garden. It will just be a smaller garden with fewer flowers. But they'll see the 18-foot pillar, which Parker made sure to spare. And they'll see the plaque at the foot of that pillar. And they'll understand that it's there to honor the memory of so many who died so young. And that will mean something.

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