

**PIONEER ALLEY LLC**  
**SALEM'S FIRST POCKET NEIGHBORHOOD**  
PO Box 2134  
Salem, OR 97308

Mayor Chuck Bennett & City Council Members  
City of Salem  
555 Liberty St S.  
Salem, OR 97301

*via email only*

RE: MIXED-USE PATH THROUGH PIONEER ALLEY LLC & HISTORIC PIONEER CEMETERY  
December 14, 2020 File # 20-470

Dear Mayor Bennett and Members of the City of Salem City Council:

I reserve Pioneer Alley LLC's right to correct other significant, substantial, and fatal factual errors and omissions in the undated staff report submitted to council as file # 20-470 for your December 14, 2020 meeting tonight than those addressed here. Time constraints and availability keep me from listing everything, so, please, refer to my testimony and let it speak for itself. Additionally, because I am not making any admissions against Pioneer Alley's interest, please do not misinterpret any of my comments as such.

Some of the errors and omissions in the report seem to be somewhat selective. To harken back to my first objection in my first written submission dated April 22, 2020, the **legal viability** of the proposed mixed-use path has been omitted as a constraint.

It also is error to refer to any path through Pioneer Alley LLC—and really the Historic Pioneer Cemetery as well—as a pedestrian [sic] path. **Plain and simple, staff propose a mixed-use path.**

**It is error for city engineering and survey staff to show a mixed-use path in the middle of Pioneer Alley's private driveway.** No where in the "easement" did the council give itself the right to choose any twelve (12) feet of Pioneer Alley's private property that it wants to take. The twelve-subject feet are measured from the north border of each cemetery.

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Once again, as I have repeatedly testified before, **the easement cannot burden the servient land. The city *neither (1) owns nor has (2) a legal right of way* through/to the 12- x 56-foot parcel. The report skirts Pioneer Alley's legal rights and understates the burdens placed on Pioneer Alley's land.**

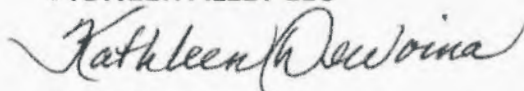
It is correct that, like the owners of City View Cemetery, Pioneer Alley LLC has no interest in providing an easement for the proposed mixed-use path. Pioneer Alley LLC will fully defend against any such attempt.

Finally, I will close with a quote from Friends of Pioneer Cemetery's written testimony submitted on August 10, 2020 that goes to the heart of this matter:

***"Nevertheless, as your citizen advisers, [Friends of Pioneer Cemetery] are compelled to caution that, up to this point, we have been unable to envision any configuration of a through pathway requiring a gate to be opened in the cemetery's north boundary fence that does not have the potential to negatively impact the values that have gained the cemetery its status as a City Landmark, a property enrolled in the National Register of Historic Places (2013), and a Goal 5 resource subject to statewide land use planning regulations." (Emphasis added.)***

Respectfully,

**PIONEER ALLEY LLC**



By Kathleen Dewoina  
Managing Partner

Cc: Steve Powers, City Manager via email

**Ruth Stellmacher**

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**From:** Shonee and Sierra Langford <langfordfam@hotmail.com>  
**Sent:** Monday, December 14, 2020 3:35 PM  
**To:** CityRecorder  
**Subject:** Future agenda item file # 20-470

Please see below for my statement in opposition to the proposed path between Candalaria and Fairmount neighborhoods through Pioneer Alley pocket neighborhood.

Good day,

I am writing to express my concern regarding the proposed pathway between Fairmount neighborhood and Candalaria neighborhood. The proposed option to use an easement through the Pioneer Alley pocket neighborhood would be most unwelcome to the group of families living here. That area is our shared backyard. To have a path bisecting the space would disrupt the open neighborliness which we now enjoy. It would invite strangers into our backyard and compromise our sense of safety and privacy. Please consider removing the option to have the path go through our yard space. I feel that SWAN has presented other serious concerns regarding the pathway as it crosses the cemetery that also deserve careful consideration. Their concern over vandalism to grave markers relates directly to my concern over safety in my home and yard. I appreciate your time and careful consideration of this matter.

Sincerely,  
Sierra Langford  
A resident of Pioneer Alley neighborhood