

**RESOLUTION OF THE PITTSBORO TOWN BOARD OF COMMISSIONERS
CONSENTING TO THE DISINTERMENT, REMOVAL,
AND REINTERMENT OF GRAVES**

WHEREAS, there is an abandoned cemetery located on unaddressed property (Chatham County PIN: PIN 9741 00 76 0952, AKPAR: 0089255) off Sanford Road, hereinafter referred to as "Subject Property", and also shown on a plat recorded in the Chatham County Register of Deeds in Plat Book 1, Page 44, which plat shows the approximate location of said cemetery; and

WHEREAS, Greg Stafford has submitted a petition on behalf of _____, owner of the Subject Property (hereinafter "Property Owner"), for relocation of the graves within the Cemetery to provide better protection for the remains by relocating them to a perpetual-care cemetery; and

WHEREAS, North Carolina General Statute §65-106 allows for the disinterment, removal and re-interment of abandoned graves by landowners and sets forth procedures and requirements for them to follow, which includes securing the consent of the governing body of the municipality in which the abandoned cemetery is located; and

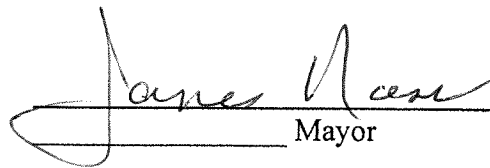
WHEREAS, the Town Board of Commissioners, while convened in a regular meeting, considered the above-referenced petition and documents submitted by the Property Owner which are on file with the Town of Pittsboro Planning Department.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PITTSBORO as follows:

The Town Board hereby consents to the petition of _____, Property Owner, to relocate the graves within the Subject Property Cemetery based on the information contained in the documents submitted, and provided that the Property Owner comply with the requirements of NC General Statute §65-106 and all other applicable requirements.

Adopted this the 22nd day of November, 2021.

TOWN OF PITTSBORO



Mayor

ATTEST: Cassandra M. Bullock
Cassandra M. Bullock Town Clerk



MEMO TO: Mayor and Commissioners

FROM: Chris Kennedy, Town Manager

SUBJECT: Resolution of the Pittsboro Town Board of Commissioners Consenting to the Disinterment, Removal and Reinterment of Graves

DATE: November 22, 2021

Background:

- Mr. Greg Stafford, the developer of the SoCo project in downtown Pittsboro, has requested the Town's consent to allow him to disinter, remove and reinter any graves that are located adjacent to this development property.
- This subject property adjacent to SoCo is believed to have several graves beneath the existing drive aisle entering off West Street.
- This subject property is not owned nor affiliated with the Town of Pittsboro; however, Mr. Stafford has requested the Town's consent to pursue the acquisition of the subject property and the relocation of these graves at his expense.
- Town Attorney Paul Messick has prepared a letter to the Town for guidance purposes.
- Staff has drafted a resolution that the Board may wish to adopt.
 - Please note that this resolution does not grant Mr. Stafford any right or permission to disinter, remove and reinter graves. The resolution only provides the consent to Mr. Stafford in form of no objection by the Town of Pittsboro if the conditions listed the letter from Gunn & Messick, LLP dated October 27, 2021 are met.
- Currently, Mr. Stafford is not the legal owner of this property to the best knowledge of the Town. Staff is requesting that the Board conditionally adopt the resolution with the inclusion of the conditions listed in Mr. Messick's letter. So long as Mr. Stafford is not the legal owner of the subject property or if he fails to obtain written permission from the legal owner, the Town's resolution providing consent is not valid.
 - Please also note that this resolution is not transferrable.

Attachments:

1. October 27, 2021 Letter from Gunn & Messick, LLP
2. Draft Resolution

Recommendation:

- Conditionally Approve the Resolution.

LAW OFFICES
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October 27, 2021

(Via E-mail: ckennedy@pittsboronc.gov)

Chris Kennedy, Manager
Town of Pittsboro

Dear Chris:

I understand that you have been contacted by Mr. Greg Stafford regarding relocation of graves in an abandoned cemetery located off the Sanford Road adjacent to his SOCO development. At your request the following is an outline of the process to be followed in order for the Town to consent to any such disinterment and reinterment of graves within the Town.

Pursuant to N.C.G.S. 65-106 an individual, firm or corporation owning land upon which an abandoned cemetery is located may disinter, move, and reinter graves upon the property. The consent of the governing body is required.

The Pittsboro Board of Commissioners may consider consenting to the removal and reinterment of graves from the abandoned cemetery off Sanford Road and adjacent to the Greg Stanford SOCO development upon the following:

1. Petition by or with the consent of the property owner establishing the location of the abandoned cemetery, the reason for the disinterment, the location of the reinterment, the party or parties to be responsible for the removal and reinterment of any remains and including a description of the burial relocation services to ensure that the disinterment, removal, and reinterment of the remains will be of suitable dimensions to accommodate the remains of that decedent only. Due care shall be taken to ensure that the work is conducted in a proper and decent manner. Suitable coffins or boxes will be used for reintering the remains. Due care will also be taken to remove, protect, and replace all tombstones or other markers that will be moved. A licensed funeral director will be present during the disinterment and reinterment under the provisions of North Carolina General Statutes Chapter 90, Article 13A.

2. The Petition should be accompanied by proof of compliance with the provisions of N.C.G.S. 65-06(b) concerning petitioner's due diligence in ascertaining the next of kin of the decedent(s) located in the cemetery, if known, or subject to being ascertained by reasonable search and inquiry along with a copy of the required notice of disinterment and proof of the publication thereof by publisher's affidavit.

3. The Town can thereafter consider adoption of the Resolution of Consent attached hereto.

4. Within 30 days after completion of the removal and reinterment as provided by law, the burial service provider will file with the Chatham County Register of Deeds a written certificate of the removal facts. The certificate will contain the full name, if known or reasonably ascertainable, of each decedent whose grave is moved, a precise description of the site from which such grave was removed, a precise description of the site and specific location where the decedent's remains have been reinterred, the full and correct name of the party effecting the removal, and a brief description of the statutory basis upon which such removal or reinterment was effected. If the full name of any decedent cannot reasonably be ascertained, the provider shall set forth all additional reasonably ascertainable facts about the decedent including birth date, death date, and family name.

5. The Petitioner is responsible for all of the costs of the removal process including any fees charged or expenses incurred by the Town.

If there are any questions from you or the Board, please advise. It is my understanding that neither Mr. Stafford nor any of his corporate entities actually own the cemetery property. He would therefore need the consent of the owners to pursue this course of action. Somewhat unexpectedly, I have received information from a descendant of Nathan Stedman who believes that this cemetery is the burial site for approximately 20 Stedman relatives who died in the early 19th century. I have not verified this information, but if true, it could help in locating the current owners of the property.

Very Truly Yours,

GUNN & MESSICK, PLLC



Paul S. Messick, Jr.

PSMJR/ngp