

Item Title: Public Hearing on a Request for Disinterment, Relocation, and Reinterment of Approximately Eight (8) Graves Located at 2100 Production Drive to the Town of Apex Cemetery (Petition GR-01-18)

Specific Action Requested:

That the Board of Commissioners approves the disinterment, relocation, and reinterment of approximately eight (8) graves from a 121.3-acre property located at 2100 Production Drive to the Town of Apex Cemetery.

Item Summary:

Purpose: North Carolina General Statutes requires that the Wake County Board of Commissioners holds a public hearing when graves are proposed to be removed by a party other than the next of kin.

Background: This petition for grave disinterment, relocation, and reinterment is submitted by Joanna Helms, Economic Development Director for the Town of Apex on behalf of the current property owner Fred Gray Cash, III of Jack1, LLC. The purpose of this petition is to remove the remains within approximately eight (8) graves from the 121.3-acre property located at 2100 Production Drive and to reinter them in the Town of Apex Cemetery located at 207 West Moore Street, where they will receive perpetual care. The actual number of graves at this location cannot be determined, with certainty, until the site is excavated. The term “approximately” is used to cover however many graves that may be found upon full excavation of the site.

The petitioner indicates that the removal of this cemetery is necessary to accommodate the designation of the subject property as a North Carolina Certified Industrial Site, which “will benefit both the Town of Apex and Wake County by providing a high demand product for business and industry wishing to locate their operations in this market, thereby creating jobs for our citizens and increased tax base in the local economy”.

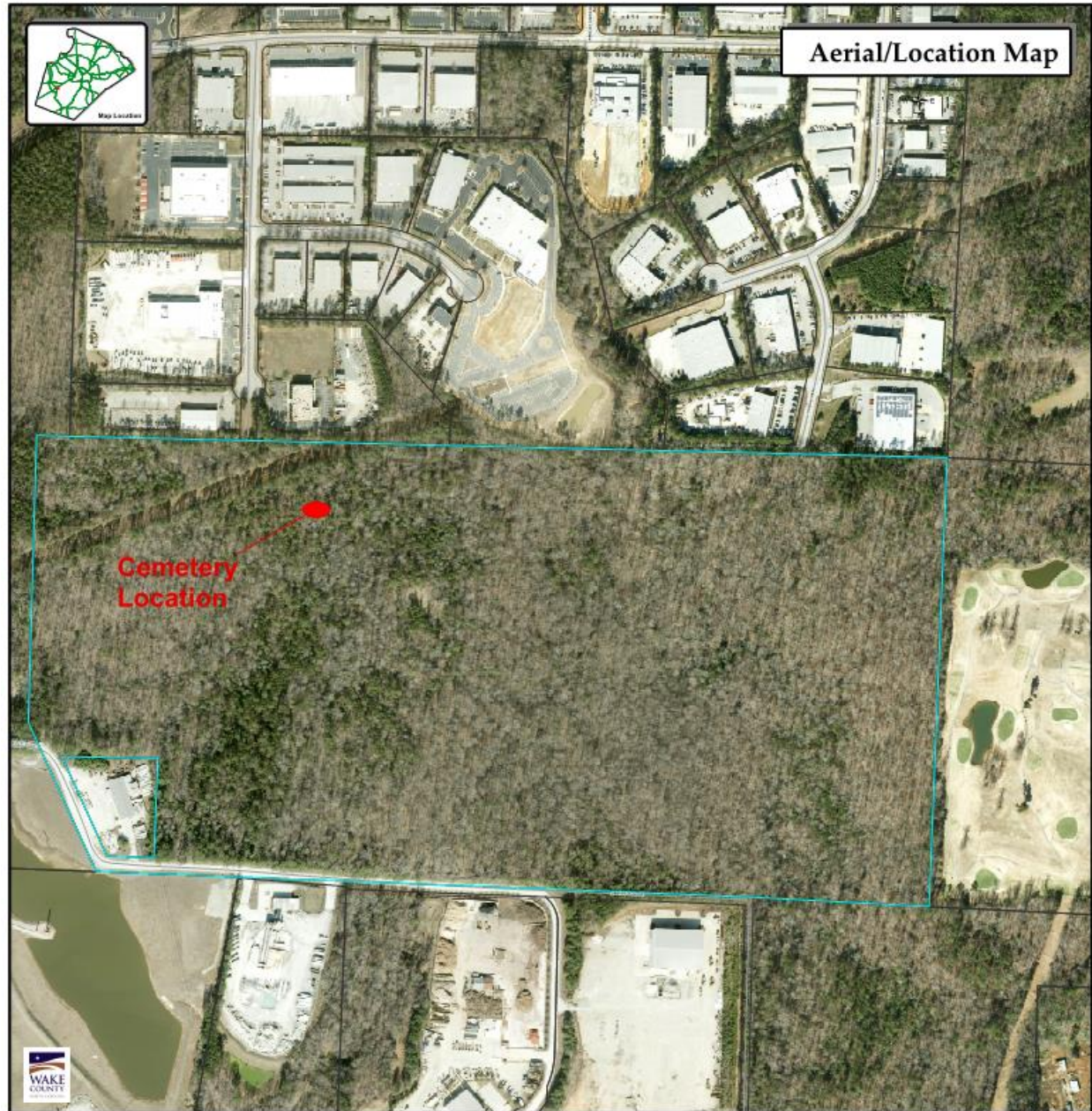
Board Goal: This action supports standard County operations.

Fiscal Impact: There is no fiscal impact related to this agenda item.

Additional Information:

The cemetery, which is the subject of this grave removal petition, is located within a 121.3-acre parcel immediately south of Pinnacle Business Park, which is south of US 1 and west of Ten Ten Road in the Apex area (see location map below). The site address is 2100 Production Drive and the Parcel Identification Number is 0751137742. The site is located within the Town of Apex’s extraterritorial jurisdiction (ETJ). The state law requires

grave removal petitions within the municipal ETJ areas to be processed through the board of commissioners of the county where the abandoned cemetery is located. The subject cemetery will be referred to as the Cash property cemetery for the purposes of this summary.



A preliminary archaeological field survey was performed by Bobby Southerlin of Archaeological Consultants of the Carolinas, Inc. and it identified approximately eight (8) graves at this location (see cemetery survey below). The archaeologist identified five (5) definitive graves—three (3) marked with uninscribed stones and two (2) marked with temporary metal plaques (with the enclosed paper cards rendered unreadable by weathering and sun bleaching). The archaeologist also identified the presence of three (3) probable graves depicted by areas of loose soil, which is indicative of grave shafts.

There may be additional undetected graves in the cemetery whose presence cannot be known until full excavation of the site.

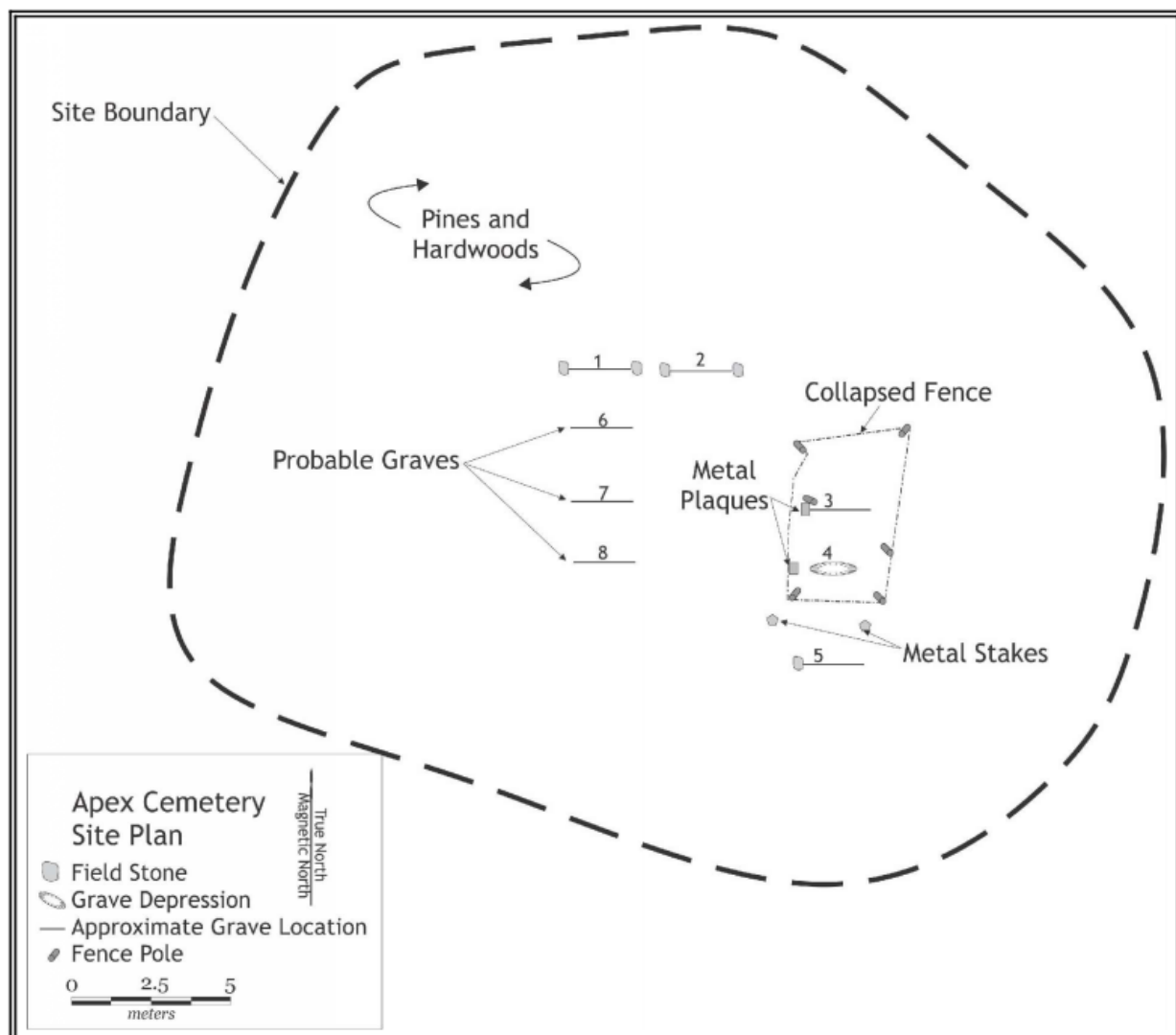


Figure 6. Plan map of the abandoned cemetery.

The consulting archaeologist also performed an overall site reconnaissance of the balance of the 121.3-acre tract to check for signs of any other graves (i.e.--tombstones or fieldstone markers, grave depressions, or unusual plant material placement). The archaeologist gave special emphasis to investigating the area around the locations of three former buildings that were shown on a 1911 plat map of the property. No indication of any other graves on the property was found.

Additional Resources Consulted for Cemetery History:

The planning staff consulted with Capital Area Preservation (CAP) regarding the historical significance of the cemetery under consideration for removal and relocation. Gary Roth, on behalf of CAP, indicated that they had no records regarding these graves and that they have no objection to the removal of the remains within these graves and their reinterment in the Town of Apex Cemetery, where they will receive perpetual care. The planning staff also contacted Ms. Irene Kittinger, a volunteer for the Wake County Cemetery Survey

group, who also had no record of a cemetery at this location. Additionally, the planning staff checked the Cemetery Census for Wake County and an internal GIS layer that shows the location of known cemeteries. Neither source showed a cemetery in this area.

Grave Removal Process:

Under the North Carolina General Statutes, any grave that is disinterred is required to be reinterred in a suitable cemetery or burial ground. The remains within these graves that are petitioned for removal, would be reinterred within the Town of Apex Cemetery located at 207 West Moore Street, where they will receive perpetual care (see reinterment site map below, and photograph on the following page for the reinterment site as marked by the four red flags).



 = Town of Apex
owned; area for cash site
remains to be relocated



The disinterment, removal, and reinterment of the remains within this cemetery shall be performed by a licensed funeral director, and the Wake County Environmental Services staff shall be on site to observe the process (as required by state law). The petitioner (or their funeral director) shall be required to file a Removal of Graves Certificate with the Wake County Register of Deeds office after the work is completed in order to document the relevant facts of the disinterment and reinterment.

NCGS Guidelines:

Section 65-106 (a) (4) of the North Carolina General Statutes requires that the Wake County Board of Commissioners holds a public hearing when graves are proposed to be removed by a party other than the next of kin. A 30-day written notice of intention shall be given to the next of kin of the deceased (if known) before the disinterment, relocation, and reinterment of any grave occurs. The petitioner shall publish a notice at least once per week for four (4) consecutive weeks in a newspaper of general circulation within the county where the graves are located (the first publication shall be not less than 30 days before disinterment).

Compliance with NCGS:

There are no inscribed tombstones present in this cemetery, therefore no genealogical research as to the persons buried therein could be conducted. The petitioner, via the Apex Town Attorney, performed deed research of the subject property in an attempt to identify the persons buried in these graves. The various deeds contained no reference to any graves on the subject property. The lack of any identification of those persons buried

in these graves—either by tombstone inscriptions or deed references—precluded the identification of any living next of kin.

The petitioner placed a legal advertisement in the News and Observer newspaper for four (4) consecutive weeks in an attempt to notify any next of kin or any other interested parties. The legal notices appeared in the newspaper on July 14th, 21st, 28th and August 3rd of 2018. The petitioner has indicated that they did not receive any response to the newspaper advertisements.

Additionally, the Wake County planning staff posted a public hearing notification sign along the subject property's road frontages on August 8th, 2018 and ran the two standard public hearing notices in the News and Observer newspaper. The legal advertisements and posted signs included contact information for the planning staff. The planning staff has not received any phone calls or inquiries related to this request in response to these notification efforts.

Staff Findings:

1. The petitioner has fulfilled all the requirements for the removal and relocation of the remains within this cemetery as outlined by the North Carolina General Statutes, Section 65-106.
2. The petitioner has indicated that the removal of the cemetery is necessary to accommodate the designation of the subject property as a North Carolina Certified Industrial Site.
3. Arrangements have been made for the remains to be reinterred in the Town of Apex Cemetery, at 207 West Moore Street, where they will receive perpetual care.
4. Neither the petitioner, nor the planning staff, has received any opposition to the removal and relocation of this cemetery.
5. There is no evidence of any historical significance regarding this cemetery and its removal would not be detrimental to the general welfare of the County.

Attachments:

1. Presentation
2. Town of Apex Cover Letter, Petition, and Archaeological Report