

**Item Title:** Public Hearing on a Request for Disinterment, Relocation, and Reinterment of Approximately Seven (7) Graves Located at 2937 Mt. Vernon Church Road to Oakwood Cemetery near Downtown Raleigh (Petition GR-02-19)

**Specific Action Requested:**

**That the Board of Commissioners approves the disinterment, relocation, and reinterment of approximately seven (7) graves located at 2937 Mt. Vernon Church Road to Oakwood Cemetery near Downtown Raleigh.**

**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 Deborah Joy of Legacy Research Associates on behalf of the property owner, E. Ace Robbins, and Tom Hankins of Marquis Homes. The purpose of this petition is to remove the remains within approximately seven (7) graves from the 5.84-acre property located at 2937 Mt. Vernon Church Road, and to reinter them to Oakwood Cemetery at 701 Oakwood Avenue 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 sale of the property and its subsequent residential development by others, and to provide better protection of the remains by relocating them to a perpetual care cemetery.

**Board Goal:** This action supports routine County operations.

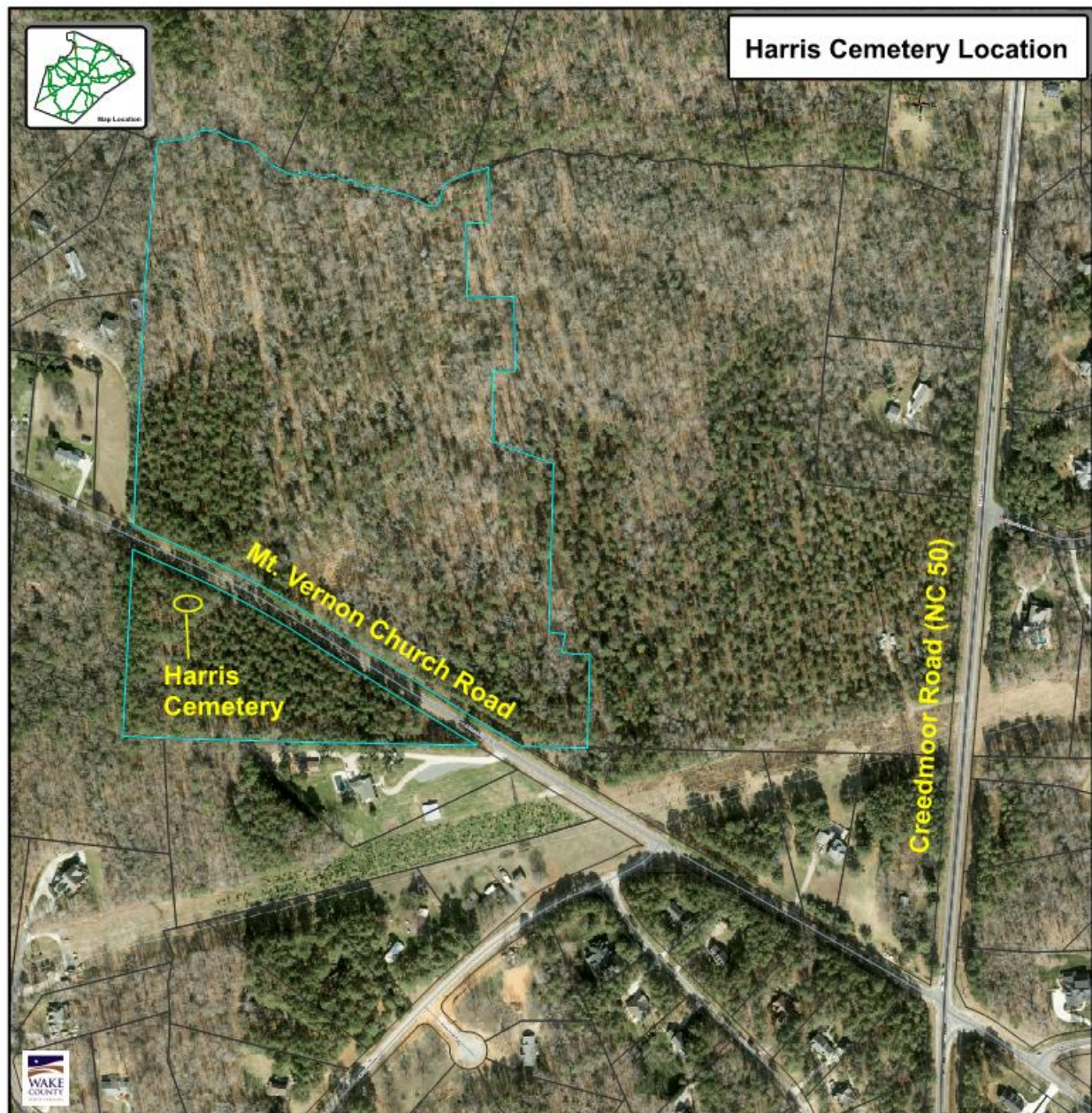
**Fiscal Impact:** There is no fiscal impact related to this agenda item.

**Additional Information:**

The cemetery is located within a 5.84-acre property located south of Mt. Vernon Church Road (see location map on the following page). This 5.84-acre property is a portion of a 35.6-acre parcel (PIN 0891009949), which in turn was part of a 70.7-acre parent tract (formerly PIN 0891009949). The 70.7-acre parent tract has received approval for the

pending 41-lot The Overlook at Mt. Vernon subdivision. The site address for this cemetery is 2937 Mt. Vernon Church Road.

The site is located approximately a half-mile west of NC 50 (Creedmoor Road) and approximately one mile east of the Durham County line, within the Fall's Lake watershed which is designated as a Non-Urban Area. The subject cemetery will be referred to as the Harris Family Cemetery for the purposes of this report.



A preliminary archaeological field survey was performed by Deborah Joy of Legacy Research Associates and it identified approximately seven (7) graves at this location (see cemetery photograph on the following page). This cemetery contains one (1) grave with an inscribed tombstone (Tessie Harris Evans), one (1) grave identified by a temporary



funeral home marker (Forrest Parker, Jr.), and five (5) graves identified by uninscribed fieldstone markers.



Even though there is no visible evidence of additional graves within this cemetery, there is a possibility that there may be undetected graves whose presence cannot be known until full excavation of the site. The grave removal petition, if approved, would authorize the disinterment, relocation and reinterment of however many graves are found upon full excavation of the site.

#### 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 expressed no objection to the removal of the remains within these graves and their reinterment to Oakwood Cemetery.

The Planning staff also contacted Ms. Irene Kittinger, a volunteer for the Wake County Cemetery Survey group, who had no record of a cemetery at this location. Given the distance from any municipality there was no municipal consultation made by staff for the subject property which is located within the non-urban area of the Falls Lake watershed.

Additionally, the Wake County 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. The petitioner/archaeologist consulted three on-line databases for cemeteries and found no listing of the Harris cemetery.

### Grave Removal Process:

Under the North Carolina General Statutes, any grave that is disinterred is required to be reinterred in a suitable cemetery. The remains within these graves that are petitioned for removal, if approved, would be reinterred within Oakwood Cemetery located at 701 Oakwood Avenue (PIN 1714110503) where they will receive perpetual care (see the reinterment site map below and the photo of the reinterment site on the following page).

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 funeral director or petitioner 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. The petitioner shall provide a 30-day written notice of intention 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).

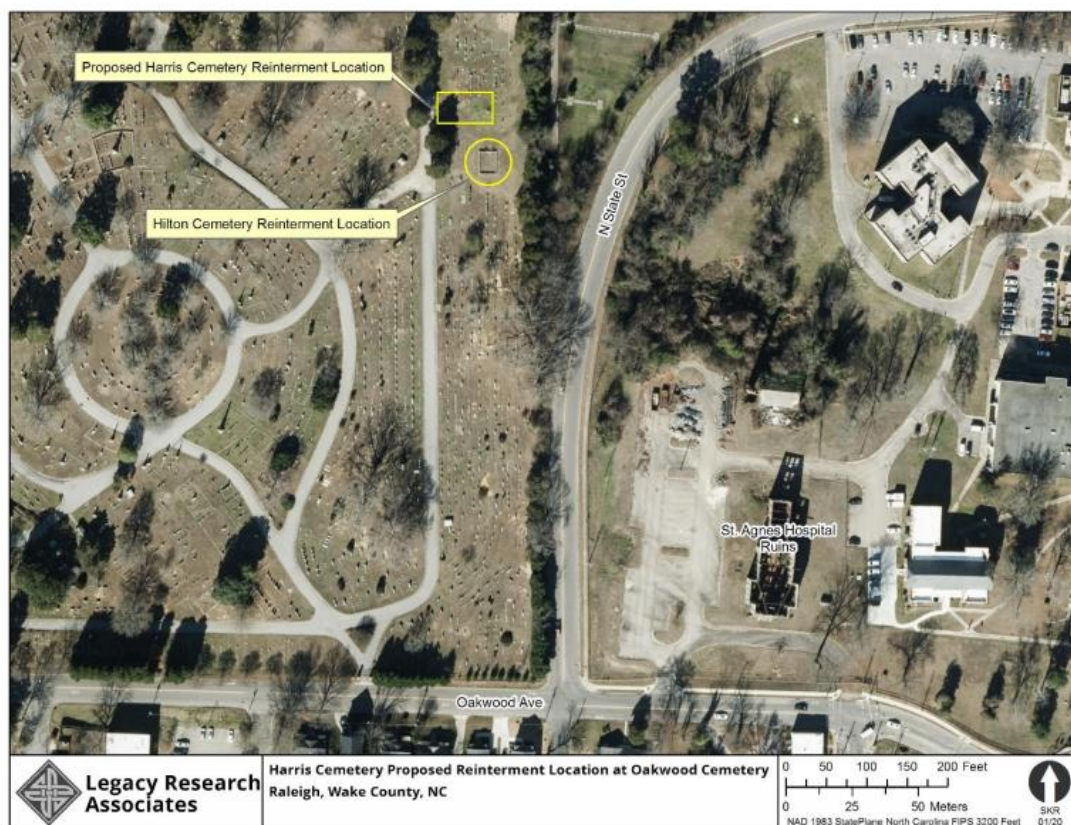


Figure 25. Proposed Reinternment Location for the Harris Cemetery Burials at Oakwood Cemetery.





**Compliance with NCGS:**

The single inscribed tombstone for Tessie Harris Evans (born 1904, died 1927), provided the archaeologist with a starting point to perform extensive genealogical research that was critical in identifying the Harris family members that may be buried in this cemetery.

Given the proximity of the cemetery to the Durham County line (approximately one mile) the petitioner, voluntarily, placed a legal advertisement in the Raleigh News and Observer **and** the Durham Herald Sun newspapers for four (4) consecutive weeks in an attempt to notify any next of kin or any other interested parties. The legal notices appeared in both newspapers on September 13<sup>th</sup>, 20<sup>th</sup> and 27<sup>th</sup> and October 4<sup>th</sup> of 2019. 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 Mt. Vernon Church Road road frontage directly in front of the cemetery on January 24<sup>th</sup>, 2020 and ran the two standard public hearing notices in the News and Observer newspaper on January 24<sup>th</sup> and January 27<sup>th</sup>, 2020. The legal advertisements and posted sign 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 sale of the property and its subsequent residential development by others and to provide better protection of the remains by relocating them to a perpetual care cemetery.
3. Arrangements have been made for the remains to be reinterred at Oakwood Cemetery 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. GR-02-19 Petition and Archaeological Report