

Item Title: Request for Disinterment, Relocation, and Reinterment of Approximately Seven (7) Graves Located at 9833 Sauls Road to Oakwood Cemetery near Downtown Raleigh (Petition PLG-GR-002146-2020)

Specific Action Requested:
That the Board of Commissioners:

- 1. Receives all public hearing comments submitted up to August 18, 2020 at 5:00PM; and**
- 2. Approves the disinterment, relocation, and reinterment of approximately seven (7) graves located at 9833 Sauls 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 owners Timothy O. King, Deborah K. Mangum, and Carolyn K. Williamson. The purpose of this petition is to remove the remains within approximately seven (7) graves from the 109.23-acre property located at 9833 Sauls Road in Southern Wake County, and to reinter them in 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.

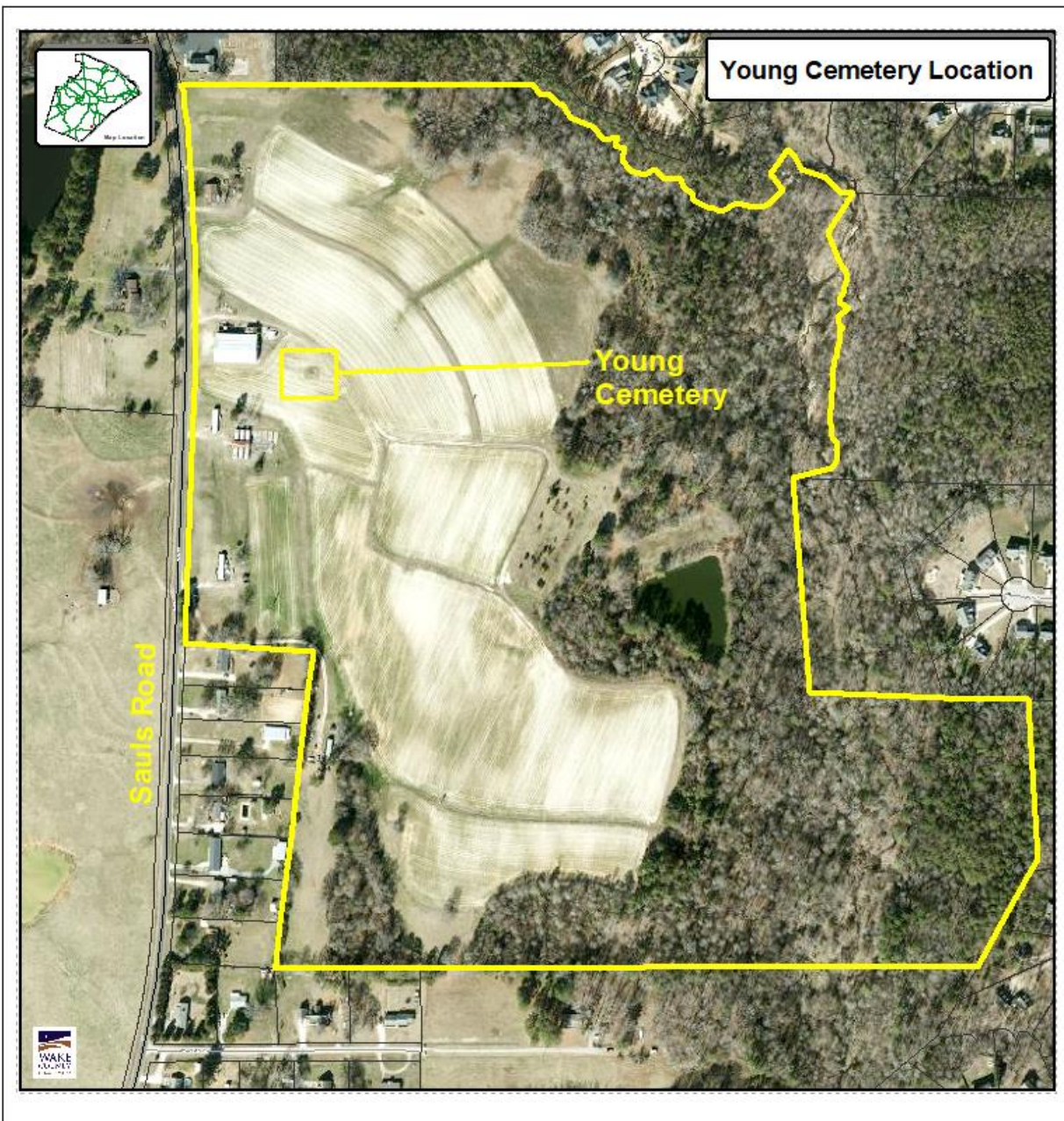
The petitioner indicates that the removal of this cemetery is necessary to accommodate the sale of the property and its subsequent residential development by others, and to provide better protection of the remains by relocating them to a perpetual care cemetery.

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 109.23-acre property located on the eastern side of Sauls Road about a half-mile south of its intersection with Pagan Road (see location map below). The address for the cemetery is 9833 Sauls Road (PIN 1617060414). This general area is zoned by Wake County as Residential-30 (R-30). The subject cemetery will be referred to as the Young 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 the cemetery photograph on the following page). This cemetery contains a single inscribed monument that is approximately 8 feet tall and bears the names of Simeon Zeno

Young and six (6) other family members. The monument was installed subsequent to Simeon Zeno Young's death in 1952.

There was no further evidence of burials (i.e. - individual grave markers or depressed grave shafts) within the 25-foot by 30-foot chain link fence enclosure around the cemetery. There is no indication of any graves outside of the fenced area and it should be noted that the surrounding field is approximately one foot lower than the fenced-in cemetery resulting from many years of cultivation.



Figure 13. Simeon Zeno Young Family Cemetery before clearing, view east.

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. This 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.

The subject property is located within the Town of Garner's Long-Range Urban Services Area (LRUSA), so the Wake County planning staff contacted the Town of Garner planning staff regarding this grave removal petition. The Garner planning staff indicated that they had no information about this cemetery and no objection to the proposed disinterment, relocation and reinterment.

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 also consulted three on-line databases for cemeteries and found no listing of the Young 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 and photo of the reinterment site on the following pages). The existing monument will be reinstalled at Oakwood Cemetery, as well as a new monument installed explaining the disinterment and reinterment.

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).

Compliance with NCGS:

Through her extensive genealogical research based upon the names inscribed on the monument, the petitioner identified ten (10) living descendants and mailed individual letters to each of them to inform them of the proposed grave disinterment, relocation and reinterment. The petitioner received one response from Simeon Zeno Young's grandson (age 74), who lives in Wyoming, but they had no opposition to the proposed grave removal petition.

The petitioner placed a legal advertisement in the Raleigh 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 February 21st and 28th and March 6th and 13th of 2020. The petitioner has indicated that they did not receive any response to the newspaper advertisements.



Figure 23. Proposed Reinterment Location for the Simeon Zeno Young Family Cemetery Burials at Oakwood Cemetery.



Figure 24. Proposed Reinternment Location for the Simeon Zeno Young Family Cemetery Burials at Oakwood Cemetery.

Additionally, the Wake County Planning staff posted a public hearing notification sign along the Sauls Road road frontage directly in front of the cemetery on August 7th, 2020 and ran the two standard public hearing notices in the News and Observer newspaper on August 7th and 10th, 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, have 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. PLG-GR-002146-2020 Petition and Archaeological Report