

Item Title: Public Hearing on a Request for Disinterment, Relocation, and Reinterment of Approximately Four (4) Graves Located at 7545 White Oak Road to Oakwood Cemetery near Downtown Raleigh (Petition PLG-GR-002368-2020)

Specific Action Requested:
That the Board of Commissioners:

- 1. Holds a public hearing and approves the disinterment, relocation, and reinterment of approximately four (4) graves located at 7545 White Oak Road to Oakwood Cemetery near downtown Raleigh (petition PLG-GR-002368-2020); and**
- 2. Directs County staff to continue receiving public comments on this item until January 20, 2021 at 5:00 PM, and to place this item on the agenda of the February 1, 2021 Board meeting.**

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, Craig Taylor, Vice President of Development for Elevate White Oak, LLC. The purpose of this petition is to remove the remains within approximately four (4) graves from the 0.1-acre property located at 7545 White Oak Road in southeastern Wake County, and to reinter them in Oakwood Cemetery at 701 Oakwood Avenue near downtown Raleigh 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 road improvements required by the Town of Garner to widen White Oak Road to a five-lane facility as part of a pending residential development 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 0.1-acre property located on the eastern side of White Oak Road 0.6-mile south of Timber Drive and 650 feet south of Salt Hill Road (see the location map below). The address for the cemetery is 7545 White Oak Road (PIN 1720521929). The site is located within the Town of Garner's extraterritorial jurisdiction (ETJ) and is zoned for residential development. 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 Wilson Cemetery for the purposes of this report.

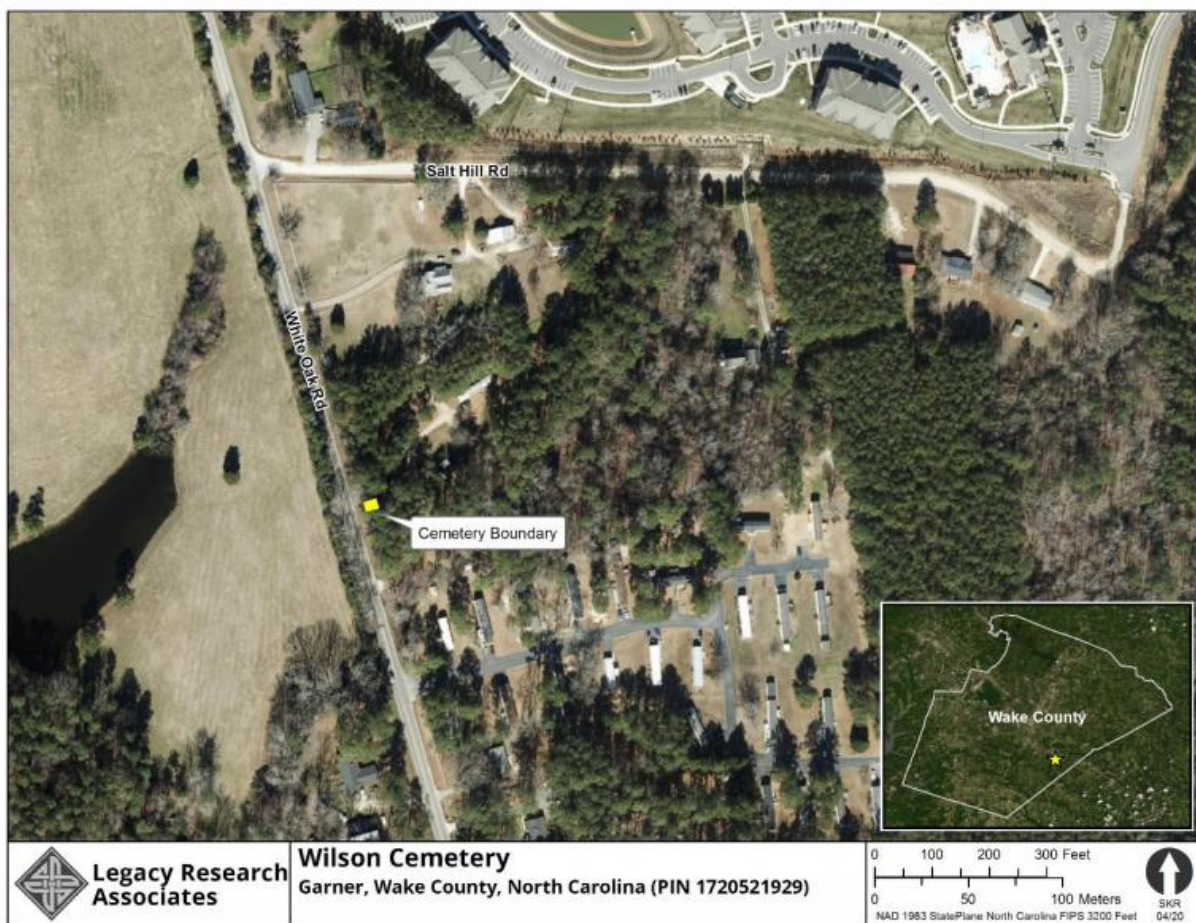


Figure 1. Jefferson Basil Wilson Family Cemetery location at 7545 White Oak Road. Basemap: Current Aerial Image.

A preliminary archaeological field survey was performed by Deborah Joy of Legacy Research Associates and it identified approximately four (4) graves at this location (see the cemetery photograph and site plan on the following page). This cemetery contains two inscribed markers. The first marker is approximately five feet wide by 2 ¼ feet tall and bears the names of Jefferson Basil Wilson (died 1912), Cora Lee Smith Wilson (died 1905), and William Jefferson Wilson (died 1905). The second marker bears the name

James Jefferson Sanderford (died 1966) and is approximately two feet long by one foot wide.

There was no further evidence of burials (i.e. - individual grave markers or depressed grave shafts) within the 20-foot by 16-foot chain link fence enclosure around the cemetery. There is also no indication of any graves outside of the fenced area.



Figure 4. Jefferson Basil Wilson Family Cemetery, view southwest, White Oak Road in the background.

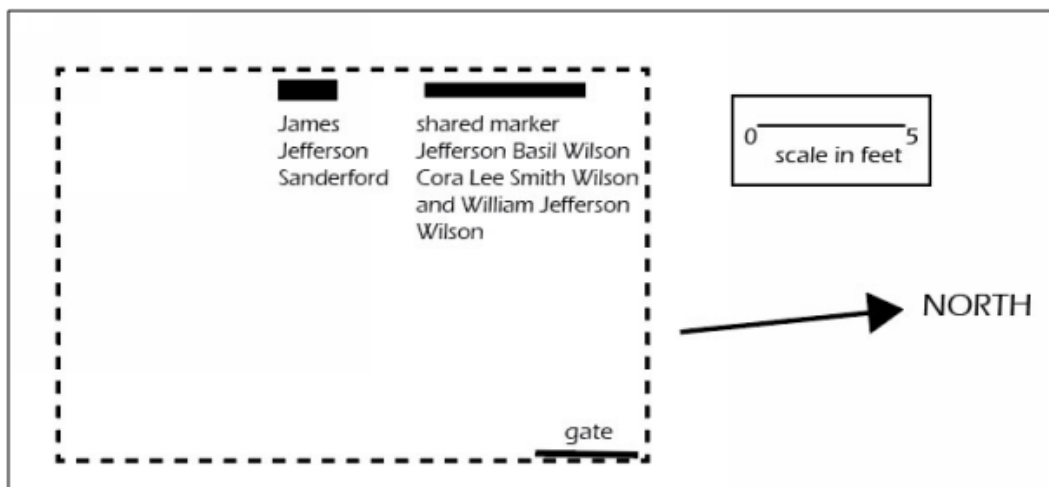


Figure 5. Jefferson Basil Wilson Family Cemetery Site Plan.

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 any 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 in 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 extra-territorial jurisdiction (ETJ), 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. They also confirmed the pending development and the required road improvements that are necessitating the relocation of these graves.

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 four on-line databases for cemeteries and found a listing of the Wilson Cemetery in only one, the Find-A-Grave website. However, it noted only three burials present in the cemetery and did not acknowledge the 1966 James Jefferson Sanderford burial.

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. The existing markers will be reinstalled at Oakwood Cemetery, as well as a new monument installed explaining the disinterment and reinterment.

The petitioner has worked with the Oakwood Cemetery manager to determine the proposed reinterment site. In this case there are believed to be approximately four (4) burials to be relocated to Oakwood. It is possible that additional graves may be found during excavation of the site. Depending upon the actual number of graves that are disinterred (i.e.—four or less versus 5 or more) there are two alternative sites within Oakwood Cemetery that have been identified for reinterment (see the two blue boxes on the cemetery map and photographs of the two alternative sites on the following pages).

The two alternative reinterment sites are only 800 feet apart. The records at the cemetery office and the Removal of Graves Certificate that will be recorded at the Wake County Register of Deeds office will provide documentation of which reinterment site is actually used. Based upon all currently available information, it is highly probable that there are only four graves in the Wilson Cemetery, which would result in alternative area 1 being used for the reinterment.

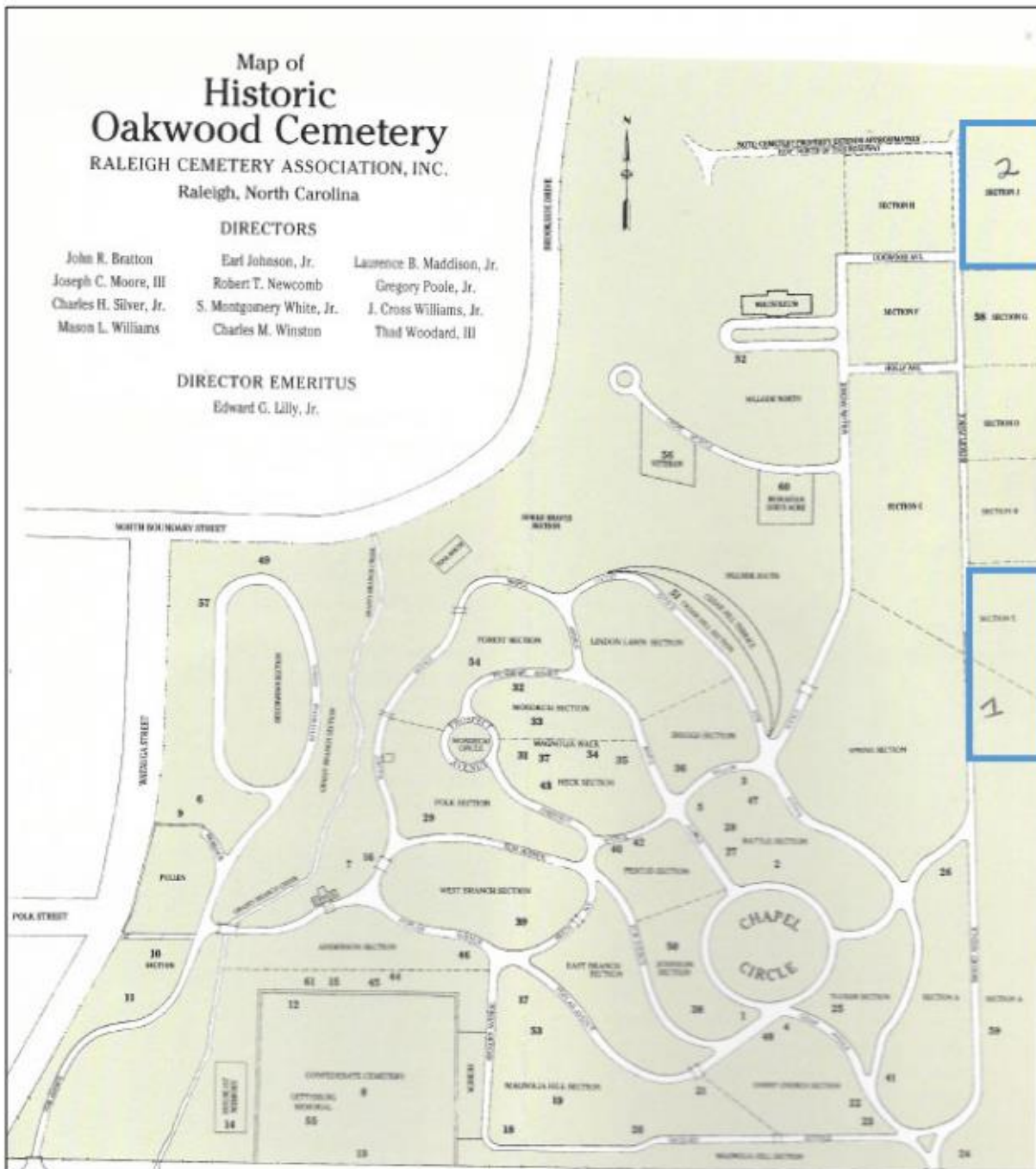


Figure 10. Proposed reinterment locations for the Jefferson Basil Wilson Family Cemetery reinterment at Oakwood Cemetery showing Alternative Area 1 and Area 2 that will be selected depending on the number of actual graves that are disinterred.



Figure 11. Proposed reinterment location Alternative Area 1 for the Jefferson Basil Wilson Family Cemetery reinterment at Oakwood Cemetery if there are no more than four burials.



Figure 12. Proposed reinterment location Alternative Area 2 for the Jefferson Basil Wilson Family Cemetery reinterment at Oakwood Cemetery if there are more than four burials.

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 within 30 days of completion of the work 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 existing grave markers, the petitioner identified 27 living descendants and mailed individual letters to each of them to inform them of the proposed grave disinterment, relocation and reinterment. The petitioner received no responses to her notification efforts.

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 June 5th, 12th, 19th and 26th, of 2020. 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 White Oak Road road frontage directly in front of the cemetery on January 7th, 2021 and ran the two standard public hearing notices in the News and Observer newspaper on January 8th and 11th, 2021. 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 road improvements required by the Town of Garner to widen White Oak Road as part of a pending residential development 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-002368-2020 Petition
3. Archaeological Report