

**Item Title:** Request for Disinterment, Relocation, and Reinterment of Two Separate Cemeteries with Approximately 15 and 31 Graves Located at 12801 and 12841 Durant Road Respectively to Oakwood Cemetery near Downtown Raleigh (Petition PLG-GR-002491-2020)

**Specific Action Requested:**

**That the Board of Commissioners approves the disinterment, relocation, and reinterment of two separate cemeteries with approximately 15 and 31 graves located at 12801 and 12841 Durant Road to Oakwood Cemetery near downtown Raleigh (petition PLG-GR-002491-2020).**

**Item Summary:**

**Purpose:** North Carolina General Statutes require 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 Ellen Turco of Richard Grubb & Associates on behalf of the property owner, Tripp Loyd, Manager of SCE Development LLC. The purpose of this petition is to remove the remains within two separate cemeteries with approximately 15 and 31 graves from the combined 61-acre properties located at 12801 and 12841 Durant Road in northwestern Wake County, and to reinter them in Oakwood Cemetery at 701 Oakwood Avenue near downtown Raleigh where they will receive perpetual care.

The petitioner indicates that the removal of these two cemeteries is necessary to accommodate the development of these two adjoining properties, totaling 61 acres, as a 31-lot residential subdivision 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.

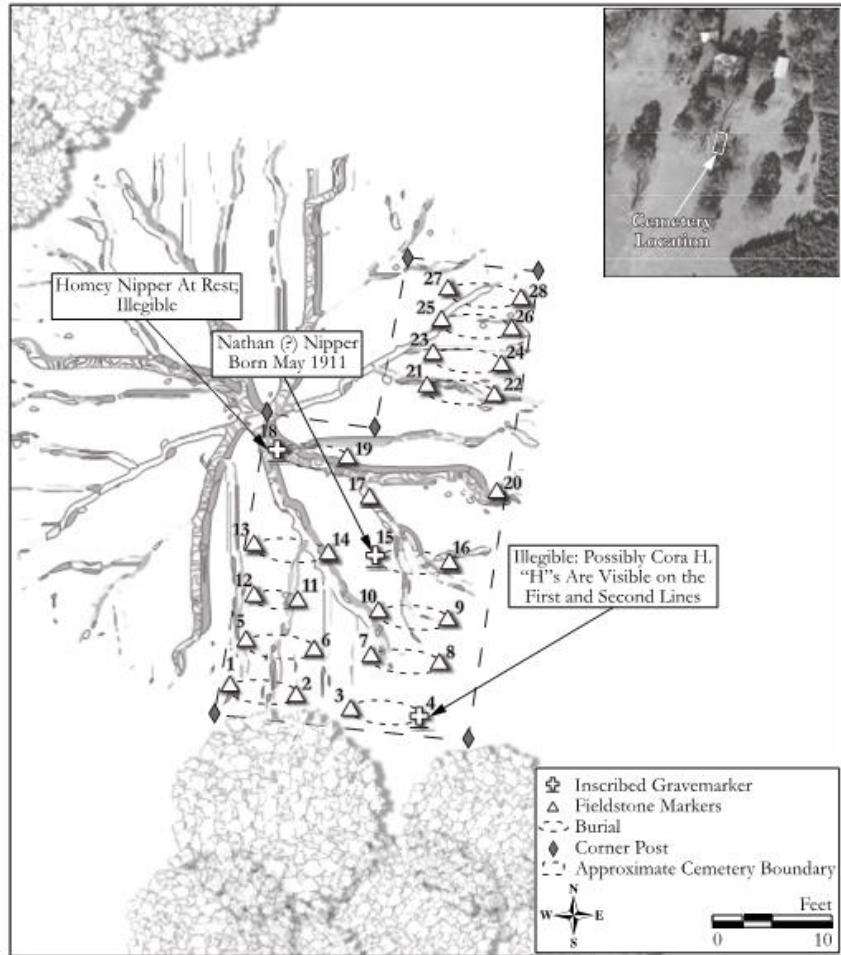
**Additional Information:**

The first cemetery, which will be referred to as the Nipper cemetery based upon inscriptions on some of the grave markers, is located within an 11.85-acre property on the southern side of Durant Road ¼ mile west of Honeycutt Road (see the location map below). The address for the cemetery is 12801 Durant Road (PIN 1718077469). The site is located within the Falls Lake watershed and is split zoned Residential-40W with a small amount of Residential-80W along the road frontage.

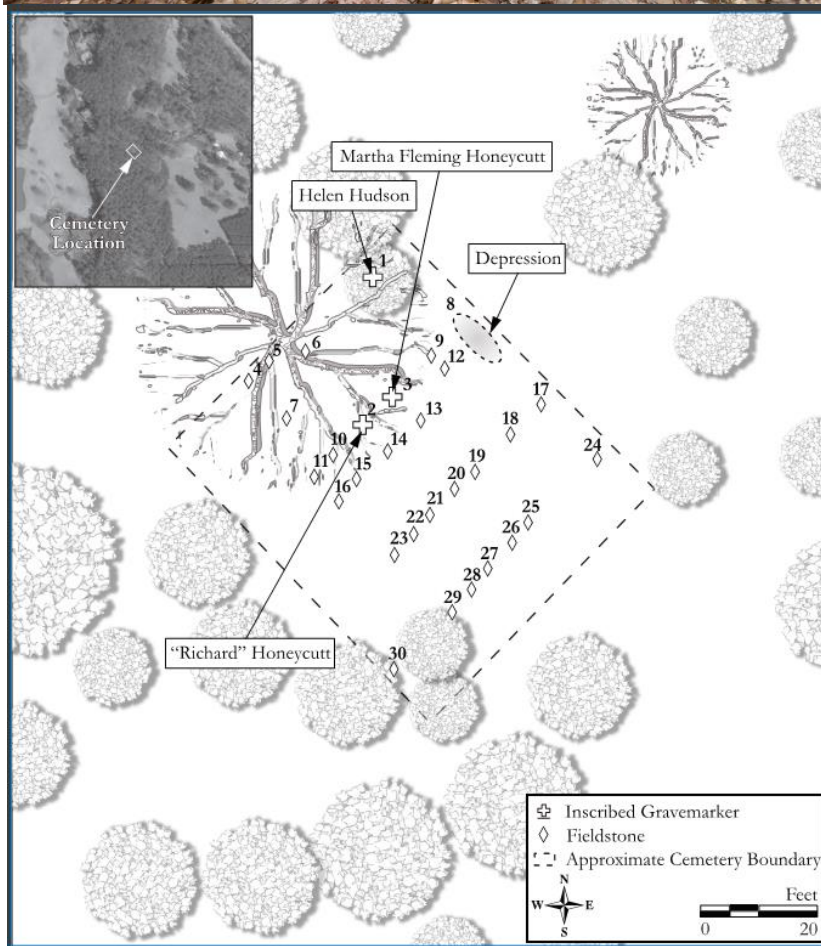
The second cemetery, which will be referred to as the Honeycutt cemetery based upon inscriptions on some of the grave markers, is located within a 49.15-acre property on the southern side of Durant Road 1/3 mile west of Honeycutt Road (see the location map below). The address for the cemetery is 12841 Durant Road (PIN 1718066883). The site is located within the Falls Lake watershed and is split zoned Residential-40W with a small amount of Residential-80W along the road frontage.



A preliminary archaeological field survey was performed by the staff of Richard Grubb & Associates and it identified approximately 15 graves in the Nipper Cemetery (see the cemetery photograph and site plan below).



A preliminary archaeological field survey was performed by the staff of Richard Grubb & Associates and it identified approximately 31 graves in the Honeycutt Cemetery (see the cemetery photograph and site plan below).



The Nipper cemetery contained three very rustic, hand engraved inscribed headstones and 25 uninscribed fieldstone markers that served as both headstones and footstones identifying approximately 15 burials. The inscribed markers appear to bear the names of Nathan Nipper, Homey Nipper and an illegible name. The Nathan Nipper marker appears

to indicate that he was born in May 1911. No other information was readable on any of the markers.

The Honeycutt cemetery contained three formal inscribed headstones that were professionally manufactured and approximately 30 uninscribed fieldstone markers. The inscribed markers bear the names of Helen Hudson (died 1921), Richard D. Honeycutt (died 1910), and Martha Fleming Honeycutt (died 1909).

There was no further evidence of burials (i.e. - individual grave markers or depressed grave shafts) within either of the two cemeteries. Even though there is no visible evidence of additional graves within these cemeteries, there is a possibility that there may be undetected graves whose presence cannot be known until full excavation of the cemeteries. This grave removal petition, if approved, would authorize the disinterment, relocation and reinterment of however many graves are found upon full excavation of each cemetery.

#### Additional Resources Consulted for Cemetery History:

The Planning staff consulted with Capital Area Preservation (CAP) regarding any historical significance of the cemeteries under consideration for removal and relocation. Gary Roth, on behalf of CAP, indicated that they had no additional information regarding these two cemeteries and expressed no objection to the removal of the remains within these graves and their reinterment in Oakwood Cemetery. The petitioner also reviewed the records that had been generated by Ms. Irene Kittinger, a volunteer for the Wake County Cemetery Survey group, but found no record of cemeteries at these locations.

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 either cemetery. The petitioner/archaeologist also consulted four on-line databases for cemeteries and found no listings of the Honeycutt or Nipper cemeteries.

#### 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 remains within each cemetery will be reinterred, to the extent possible, with the same spatial relationships as they have within the existing cemeteries. And the two cemeteries will be reinterred in close proximity to each other. The existing inscribed markers will be reinstalled at Oakwood Cemetery, and the uninscribed fieldstone markers will be buried with their corresponding set of remains. A new monument will be installed at the reinterment site explaining the relevant information about the disinterment and reinterment. The proposed reinterment site within Oakwood Cemetery is shown on the map on the next page, with a photograph of the reinterment site on the following page.



Figure 4.2: Map of Oakwood Cemetery showing Section J, proposed reinterment site for Nipper and Honeycutt Cemeteries.



Plate 4.1: Proposed reinterment site, Section J, Oakwood Cemetery, 701 Oakwood Avenue, Raleigh, NC,

Photo view: North

Photographer: Ellen Turco

Date: February 7, 2021

The disinterment, removal, and reinterment of the remains within these cemeteries shall be performed by a licensed funeral director, and the Wake County Environmental Services staff will 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 was unable to identify any living descendants of the known Nipper burials, but was able to identify four (4) living descendants of the known Honeycutt burials. The petitioner mailed individual letters to each of the Honeycutt descendants to inform them of the proposed grave disinterment, relocation and reinterment. The petitioner has received three responses to her notification efforts. None of the three respondents had any opposition of the proposed disinterment, relocation and reinterment at Oakwood Cemetery (although two requested, and were granted, site visits to the cemetery.

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 December 10<sup>th</sup>, 17<sup>th</sup>, 24<sup>th</sup> and 31<sup>st</sup>, 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 Durant Road road frontage on May 7<sup>th</sup>, 2021 and ran the two standard public hearing notices in the News and Observer newspaper on May 7<sup>th</sup> and 10<sup>th</sup>, 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 these two cemeteries as outlined by the North Carolina General Statutes, Section 65-106.
2. The petitioner has indicated that the removal of the cemeteries is necessary to accommodate 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. All required public notifications were complied with by the petitioner and Wake County planning staff (i.e.-legal ads in the newspaper and public hearing sign posted at the site).
5. Neither the petitioner, nor the Planning staff, have received any opposition to the removal and relocation of these two cemeteries.
6. There is no evidence of any historical significance regarding these cemeteries and their removal would not be detrimental to the general welfare of the County.

**Attachments:**

1. Presentation
2. PLG-GR-002491-2020 Petition
3. Archaeological Report