



Memorandum

Date: June 13, 2014

To: City Council
Bruce D. Glasscock, City Manager

From: Lori F. Schwarz, AICP, Comprehensive Planning Manager
Jim Fox, Parks Services Manager

Subject: Plano Historic Cemeteries

BACKGROUND:

Plano has thirteen historic cemeteries located across the city. In 2000, the city contracted with Geo-Marine, Inc. to produce a city-wide cemetery preservation plan. The plan documented each cemetery and identified the landowners and caretakers of these sites. Most are maintained through families or organizations with ties to that cemetery. However, two cemeteries, Leach-Thomas Cemetery and Old City Cemetery, have been recently identified to the city as lacking maintenance or needing restoration work. City Council requested that staff review the existing situation and present their findings.

ANALYSIS:

Leach-Thomas Cemetery:

Leach-Thomas Cemetery, also known as the Perrin Family Cemetery, is located near Chaparral and Jupiter Roads in the northeastern section of the city. Residents of Allen used this cemetery between 1868 and the 1920s; up to 100 burials may be present. The cemetery plan identifies the landowner as Douglas Developers but that ownership has now transferred to the Timberbrook West #2 Homeowners Association. The following information is noted in the plan regarding Perpetual Care Concerns and Recommendations for the Leach-Thomas Cemetery:

Although care has been taken by the developer to protect the cemetery, it is not known if any plans for continued care and maintenance exist...Care of the cemetery is a concern and this can be remedied by formation of a neighborhoods homeowners' association that accepts maintenance and protection of the cemetery as one of its responsibilities. Surrender of care to the City or county is a more drastic alternative.

The cemetery appears to have an owner of record and maintenance issues may be addressed through code enforcement. Further restoration of the site will require additional funding. PCHP has submitted for a 2014-5 Heritage Preservation grant for restoration of the site, which will be reviewed by the Heritage Commission at the end of June.

Old City Cemetery:

Old City Cemetery, also known by various names such as Old Plano, Pioneer and Douglass Community, is located between H Avenue and I Avenue in the Douglass Neighborhood. This cemetery is one of the earliest cemeteries in Plano. Five of the Peters Colonists and their families, as well as several prominent families to Plano's history, both African-American and Caucasian, are buried at this

location. Later, this cemetery functioned as the only available location for African-American burials in the city. The cemetery plan does not identify an owner but states that the northern portion of the cemetery is cared for by the city. Perpetual Care Concerns for the Old City Cemetery are noted in the plan as follows:

Most cemetery board members for the Douglass Addition are older individuals and it is not known who will eventually take their places. Financial resources are also a concern for this section of the cemetery.

City staff has discussed this cemetery several times with the Plano Conservancy for Historic Preservation (PCHP) and has been unable to determine an owner of the property. While the Parks and Recreation Department has been cutting the grass in the Old City Cemetery as needed, the city has not specifically taken responsibility for the maintenance of the site.

Through heritage preservation grants, the city has provided funding for the restoration of several historic cemeteries. Descendants of the families interred in the cemeteries, as well as heritage tourists, travel to visit these sites and learn more about the history of Plano. PCHP has worked with existing property owners in these restoration efforts and leads cemetery tours at various locations throughout the City.

In 2013, PCHP approached the city regarding a restoration grant for the Old City Cemetery. Meetings with the City Attorney's office determined that since a property owner could not be identified, the restoration project was not eligible for a heritage preservation grant. State law provides options to take possession or control of unkept or abandoned cemeteries; the municipality may take control of the cemetery by resolution or a County resident may seek to have a nonprofit corporation appointed by a District Court.

By either action, state law requires that no later than the 60th day after the date of giving notice of a declaration of intent to take possession and control, a plan must be presented to:

1. Remove or repair any fences, walls, or other improvements;
2. Straighten and reset any memorial stones or embellishments that are a threat or danger to public health, safety, comfort, or welfare; and
3. Take proper steps to restore and maintain the premises in an orderly and decent condition.

After these actions are taken, the city or nonprofit corporation must maintain the cemetery and allow the public access to the site.

As noted, the Parks and Recreation Department has been maintaining the grounds at Old City Cemetery since the 1970s. Expenditures related to the minimal grounds maintenance level have been about \$5,000 annually in recent years. No maintenance or restoration services related to grave sites or fences have been performed by the Parks Division since the land and improvements are not owned by the city. Cost estimates to refurbish the historic elements and update the fence will need to be solicited by qualified contractual service providers for this specific site since this is very specialized work. If higher grounds maintenance levels are desired, the service can be privatized and the costs for various service levels can be identified by quotes from a contractor.

Heritage Preservation grants for restoration of the historic cemeteries have ranged from \$4,000 - \$40,000, depending on the amount of work that is necessary. In the 2009-10 and 2010-11 grant cycles, the Pioneer (Old City) Cemetery Master Plan was funded for development by PCHP. In order to meet the requirements of the state statute, funds would be needed to address

the items noted and potentially more funding would be necessary to implement the master plan for Old City Cemetery.

Old City Cemetery does not have an identifiable owner of record. The city may pursue responsibility for the site through resolution. If the city does not choose to take possession, a County resident may seek a Court order to appoint a willing non-profit organization to maintain the cemetery beyond the basic grass cutting that is currently provided.

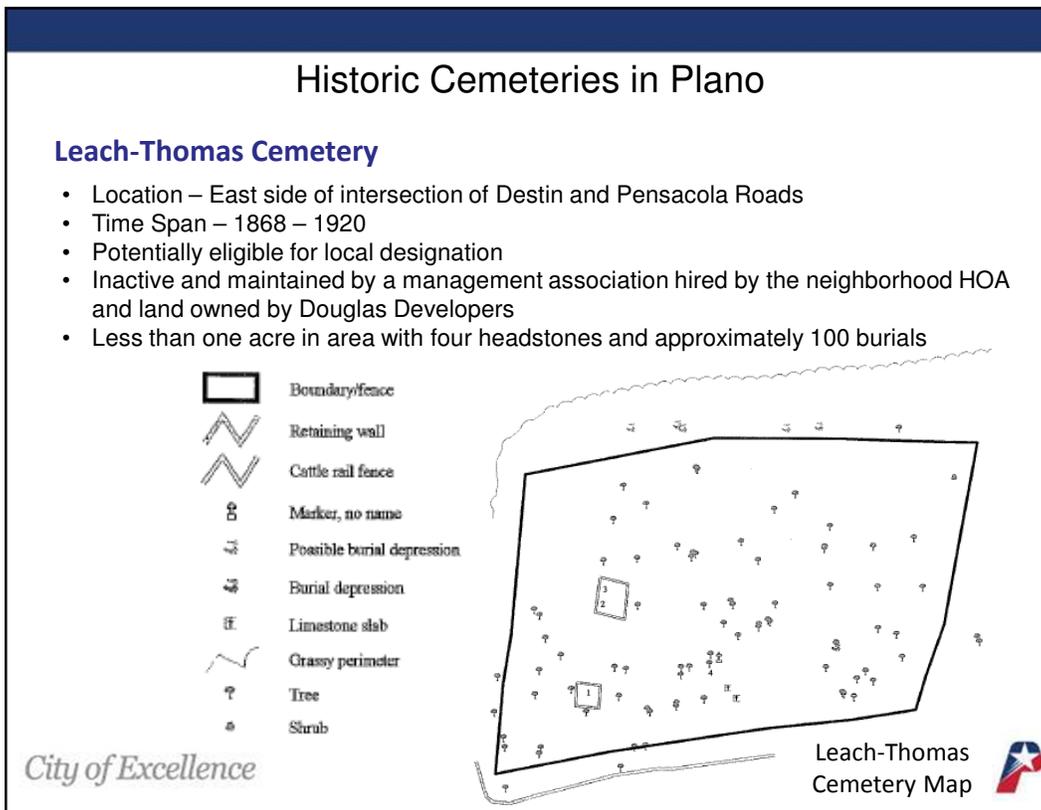
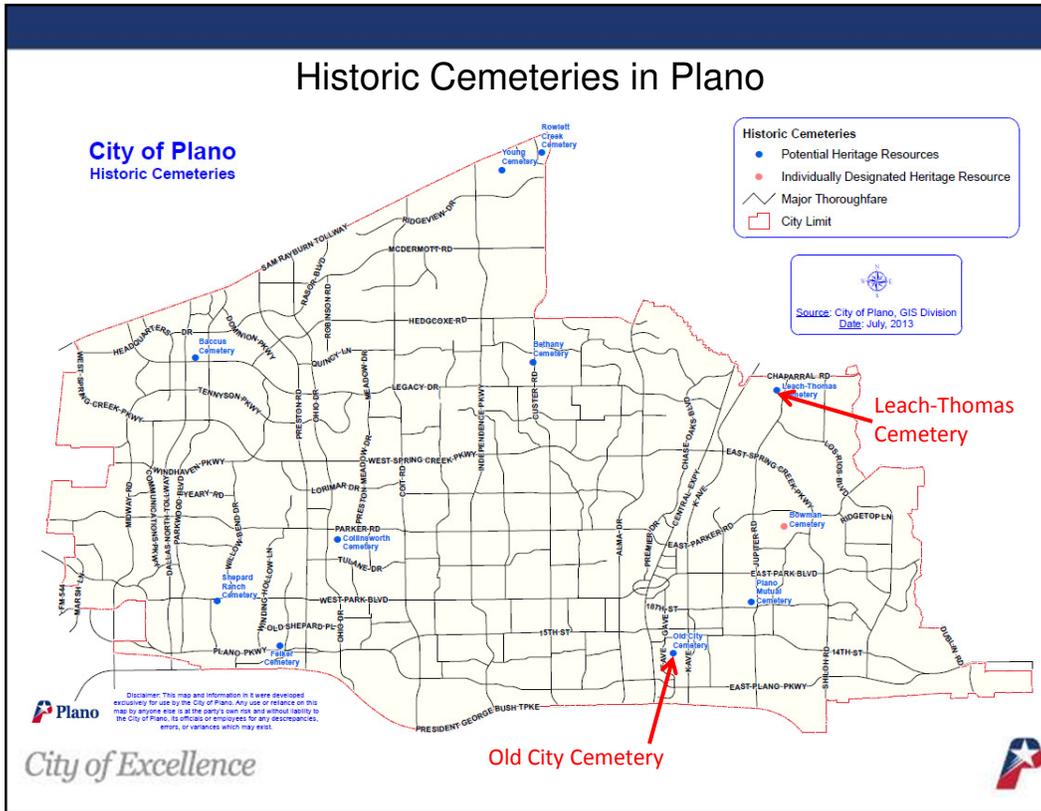
RECOMMENDATION:

City Council provide direction to staff regarding whether the city shall or shall not take possession and control for maintenance and restoration of Leach-Thomas and/or Old City Cemeteries.

ATTACHMENT:

Power Point Presentation regarding Plano historic cemeteries

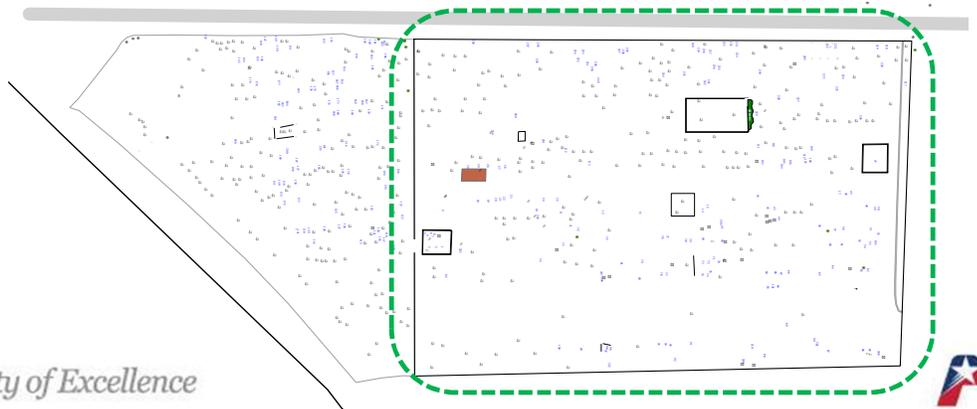
xc: Frank F. Turner, FAICP, Deputy City Manager
Christina D. Day, AICP, Planning Director
Amy Fortenberry, Parks and Recreation Director
Alan Wayland, Senior Assistant City Attorney



Historic Cemeteries in Plano

Old City Cemetery

- Location – Between Avenue H & Avenue I at the block of 11th & 12th Streets, close to Douglass Community
- Time Span – 1881 – Present
- Texas Historical Marker with potentially eligible for local designation
- Inactive with owner unknown and minimally maintained by City of Plano's Parks and Recreation Department
- Over three acres in area with approximately 200 marked and unmarked burials



City of Excellence



Historic Cemeteries in Plano

Cemetery Renovation/Restoration Through Heritage Preservation Grants

- | | | |
|-------------------------------|--------------------------------|----------|
| • 2013-2014 Grants (Ongoing): | Bethany Cemetery Renovation | \$40,000 |
| • 2011-2012 Grants: | Bowman Cemetery Restoration | \$17,000 |
| • 2010-2011 Grants: | Pioneer Cemetery Master Plan | \$ 2,367 |
| | Rowlett Creek Cemetery | \$ 3,000 |
| • 2009-2010 Grants: | Pioneer Cemetery Master Plan | \$ 3,500 |
| | Rowlett Creek Cemetery | \$10,139 |
| • 2007-2008 Grants: | Plano Mutual & Baccus Cemetery | \$ 4,200 |

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Texas Health & Safety Code § 713.009

Local Possession and Control of Unkept or Abandoned Cemetery

- The City of Plano may, by resolution, take possession or control of the cemetery on behalf of the public, if:
 - The cemetery threatens or endangers public health, safety, comfort, or welfare.
- The resolution must specify that, not later than the 60th day after the date of giving notice of a declaration of intent to take possession and control, the City shall present a plan to:
 - Remove or repair any fences, walls, or other improvements;
 - Straighten and reset any memorial stones or embellishments that are a threat or danger to public health, safety, comfort, or welfare; and
 - Take proper steps to restore and maintain the premises in an orderly and decent condition.
- Notice of intent to take possession and control must be given:
 - by mail to all persons shown by the records in the county clerk's office to have an interest in the cemetery,
 - by mail to the Texas Historical Commission, and
 - to all interested persons by publication in a newspaper of general circulation in the City.
- The City shall continue to maintain the cemetery so that it does not endanger the public health, safety, comfort, or welfare; additional burial spaces may not be sold.
- The cemetery must remain open to the public.
- The City, an officer, or employee of the City is not civilly or criminally liable for acts performed in the good faith administration of Tex. Health & Safety Code §713.009.

