

27 **WHEREAS**, State law does not authorize municipalities to use public funds
28 on abandoned or unkept cemeteries within a city's jurisdiction; and

29 **WHEREAS**, the ability for private entities to contribute to improvements is
30 hindered by the abandoned status of Bethany Cemetery; and

31 **WHEREAS**, Texas Health and Safety Code (Code) § 713.009 provides that
32 a municipality may take possession and control of a cemetery on behalf of the
33 public if the cemetery threatens or endangers public health, safety, comfort or
34 welfare; and

35 **WHEREAS**, Council finds that the neglected and deteriorated condition of
36 Bethany Cemetery threatens public health and safety; and

37 **WHEREAS**, Resolution No. 20140612-075 directed the City Manager to
38 explore a transition of maintenance responsibility and ownership of Bethany
39 Cemetery to the City of Austin; and

40 **WHEREAS**, a July 11, 2014 memorandum prepared in response to
41 Resolution No. 20140612-075 identified expenditures of \$82,924 in one-time
42 capital expenses, \$35,137 in ongoing annual maintenance expenses to bring
43 Bethany Cemetery up to City maintenance standards, and a one-time expense of
44 \$28,324 to include Bethany Cemetery in the City's Historic Cemeteries Master
45 Plan; and

46 **WHEREAS**, consistent maintenance and the preservation of Bethany
47 Cemetery honor its significance as a piece of Austin's African American
48 community and history and ensure the public health, safety, comfort, and welfare
49 of the community; and

50 **WHEREAS**, the proximity of Bethany Cemetery to City-owned cemeteries
51 and parks presents opportunities to create additional connectivity among East
52 Austin's open spaces; and

53 **WHEREAS**, the City of Austin reaffirms that circumstances of Bethany
54 Cemetery are unique and represent a historical divide in the community that seeks
55 to be mended; **NOW THEREFORE**,

56 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

57 Council directs the City Manager to initiate transfer of ownership of Bethany
58 Cemetery to the City of Austin in accordance with Texas Health and Safety Code §
59 713.009 and upon completion of the transfer of ownership, to update the City's
60 Historic Cemeteries Master Plan to include Bethany Cemetery.

61 **BE IT FURTHER RESOLVED:**

62 Council directs the City Manager to provide notice of the City's intent to
63 take possession and control of Bethany Cemetery in accordance with the notice
64 requirements of Code § 713.009(e).

65 **BE IT FURTHER RESOLVED:**

66 The Council directs the City Manager to, no later than 60 days after
67 providing notice of the City's intent to take possession and control of Bethany
68 Cemetery, present a plan to Council to:

- 69 (1) remove or repair any fences, walls, or other improvements;
- 70 (2) straighten and reset any memorial stones or embellishments that are a
71 threat or danger to public health, safety, comfort, or welfare; and
- 72 (3) take proper steps to restore and maintain the premises in an orderly and
73 decent condition.

BE IT FURTHER RESOLVED:

Council directs the City Manager to identify funding in the FY2021-22 budget for the transition of maintenance responsibility and ownership of Bethany Cemetery to the City of Austin and for the inclusion of Bethany Cemetery in the City's Historic Cemeteries Master Plan.

BE IT FURTHER RESOLVED:

Council directs the City Manager to engage Travis County, Save Our Cemeteries, and other volunteer-based organizations to provide additional support for the ongoing maintenance of Bethany Cemetery.

ADOPTED: _____, 2021

ATTEST: _____

Jannette S. Goodall
City Clerk