1	RESOLUTION NO
2 3	WHEREAS, in 1893, in response to the need for a dignified burial ground,
4	members of the East Austin community, including John M. Holland, William M.
5	Tears, Henderson Rollins and Allen Bradley, formed the Bethany Cemetery
6	Company and established Austin's first Black cemetery on 6.18 acres on the 1300
7	block of Springdale Road; and
8	WHEREAS, in 1933, the last of the officers of the original Bethany
9	Cemetery Company passed away, and the entity ceased to function; and
10	WHEREAS, in 1971, the Bethany Cemetery Association was formed, and
11	in 1976, Eva Ross, Carl Wilson and Willie R. Conley, representatives of Bethany
12	Cemetery Association, filed a lawsuit in the Travis County District Court for
13	possession of Bethany Cemetery; and
14	WHEREAS, on April 27, 1976, the court ruled in favor of the plaintiffs,
15	Eva Ross, Carl Wilson, and Willie R. Conley, and the 6.18 acres known as
16	Bethany Cemetery were legally transferred to the Bethany Cemetery Association;
17	and
18	WHEREAS, in 2003, Bethany Cemetery was designated a Texas Historic
19	Landmark for its significance in the development of Austin's African American
20	community; and
21	WHEREAS, all members of the Bethany Cemetery Association, including
22	its founder, Eva Ross, passed away, and the land entered into neglect; and
23	WHEREAS, the Bethany Cemetery Association was involuntarily dissolved
24	by the Secretary of State in 1994; and
25	WHEREAS, residents in proximity to the cemetery have called on the City
26	to address the deteriorating conditions of Bethany Cemetery; and

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 Bethan
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.

Council directs the City Manager to identify funding in the FY2021-22 75 budget for the transition of maintenance responsibility and ownership of Bethany 76 Cemetery to the City of Austin and for the inclusion of Bethany Cemetery in the 77 City's Historic Cemeteries Master Plan. 78 BE IT FURTHER RESOLVED: 79 Council directs the City Manager to engage Travis County, Save Our 80 Cemeteries, and other volunteer-based organizations to provide additional support 81 for the ongoing maintenance of Bethany Cemetery. 82 83 **ADOPTED:** , 2021 ATTEST: 84 Jannette S. Goodall 85 City Clerk 86 87 88 89

BE IT FURTHER RESOLVED:

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