

From: Chaffin, Heather

Sent: Wednesday, August 25, 2021 12:48 PM

To: MLK Neighborhood Association Email <

Cc: Melonie House Dixon <>; Alexandria M Anderson <>; Melinda barsales <>; Sue Spears; Barbara McArthur <>; Daniel Llanes; Tish Jones; Harden, Joi <Joi.Harden@austintexas.gov>; EMLKCT Chair <>

Subject: Law Department statement regarding valid petition request

I have been provided the following statement from the Law Department.

In reviewing the petition the Law Department has determined the affirmative vote of three-fourths of the Council will not be required to approve this rezoning case because the signature on the petition is not that of the owner of the Bethany Cemetery property as is required by City Code and state law. The petition does not meet the requirements to be a valid petition.

From: MLK Neighborhood Association Email <>

Sent: Tuesday, August 24, 2021 11:34 AM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>

Cc: Melonie House Dixon <>; Alexandria M Anderson <>; Melinda barsales <>; Sue Spears; Barbara McArthur <>; Daniel Llanes; Tish Jones; Harden, Joi <Joi.Harden@austintexas.gov>; EMLKCT Chair <>

Subject: Fwd: Follow-up email to Heather Chaffin

*** External Email - Exercise Caution ***

Hello Ms. Chaffin,

The community is receiving inquiries to the status of the valid petition as it relates to Bethany cemetery. The community, Neighborhood Association, and Contact Teams have not been shown transparency through delayed to non-responsive reactions. We are forwarding some correspondence for the community for City's Legal to review in support of the valid petition.

----- Forwarded message -----

From: Melinda Barsales <>

Date: Mon, Aug 23, 2021 at 12:43 PM

Subject: Follow-up email to Heather Chaffin

To: MLK neighborhood Association <, Melonie Dixon <>, Sue Spears <>

Hello Ms. Chaffin,

I am writing to follow up on the City of Austin's Law Department's determination regarding the valid petition for zoning case C14-2020-0089 (Springdale and 12th Street Residences). As mentioned in my previous email, the Bethany Cemetery Association has been re-established and acknowledges Ms. Sue

Spears as an authorized signer on the petition. Please see the attached Certificate of Formation and Certificate of Filing for the Bethany Cemetery Association.

The MLK Neighborhood Association and the Bethany Cemetery Association feel strongly that any further action on this case be postponed until City Legal provides its determination regarding the petition.

Please acknowledge receipt of this email at your earliest convenience.

--

Martin Luther King Neighborhood Association
P.O Box 15482
Austin, TX 78761
"Unity Through Community"
www.mlkneighborhood.org



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Sent: Tuesday, August 24, 2021 11:34 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
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Austin, TX 78761

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www.mlkneighborhood.org

Form 202

Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
FAX: 512/463-5709

Filing Fee: \$25

**Certificate of Formation
Nonprofit Corporation**

Filed in the Office of the
Secretary of State of Texas
Filing #: 804168966 07/28/2021
Document #: 1068454300002
Image Generated Electronically
for Web Filing

Article 1 - Corporate Name

The filing entity formed is a nonprofit corporation. The name of the entity is :

Bethany Cemetery Association of Austin

Article 2 – Registered Agent and Registered Office

☐ A. The initial registered agent is an organization (cannot be corporation named above) by the name of:

OR

☒ B. The initial registered agent is an individual resident of the state whose name is set forth below:

Name:

Melonie Dixon

C. The business address of the registered agent and the registered office address is:

Street Address:

1602 Astor Place Austin TX 78721

Consent of Registered Agent

☒ A. A copy of the consent of registered agent is attached. **Dixon Consent.pdf**

OR

☐ B. The consent of the registered agent is maintained by the entity.

Article 3 - Management

☐ A. Management of the affairs of the corporation is to be vested solely in the members of the corporation.

OR

☒ B. Management of the affairs of the corporation is to be vested in its board of directors. The number of directors, which must be a minimum of three, that constitutes the initial board of directors and the names and addresses of the persons who are to serve as directors until the first annual meeting or until their successors are elected and qualified are set forth below.

Director 1: **Melonie Dixon**

Title: **Director**

Address: **1602 Astor Place Austin TX, USA 78721**

Director 2: **Barsales Melinda**

Title: **Director**

Address: **4114 East 12th Street Austin TX, USA 78721**

Director 3: **Sue Spears**

Title: **Director**

Address: **8308A Colony Loop Drive Austin TX, USA 78724**

Article 4 - Organization Structure

☐ A. The corporation will have members.

or

☒ B. The corporation will not have members.

Article 5 - Purpose

The corporation is organized for the following purpose or purposes:

The Bethany Cemetery Association of Austin is a nonprofit cemetery association whose purpose is to serve as the owner, perpetual care organization and administrator for Austin's Bethany Cemetery, a registered historic cemetery with

the state of Texas. It is the successor organization to the Bethany Cemetery Association of Travis County, which was dissolved in 1994.

The organization's secondary mission is to promote broad understanding of the unique history represented by Bethany Cemetery and the MLK Neighborhood where it is located. The organization advocates for heritage conservation, environmental protection, and the protection of the quality of life of the community.

Supplemental Provisions / Information

[The attached addendum, if any, is incorporated herein by reference.]

Effectiveness of Filing

☐ A. This document becomes effective when the document is filed by the secretary of state.

OR

☒ B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is: **July 29, 2021**

Organizer

The name and address of the organizer are set forth below.

Melonie Dixon **1602 Astor Place, Austin TX 78721**

Execution

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Melonie Dixon

Signature of organizer.

FILING OFFICE COPY



To whom it may concern:

I support the re-establishment of the Bethany Cemetery Association and agree to serve as point of contact for the organization.

Sincerely,

Melonie House-Dixon



Office of the Secretary of State

CERTIFICATE OF FILING OF

Bethany Cemetery Association of Austin
File Number: 804168966

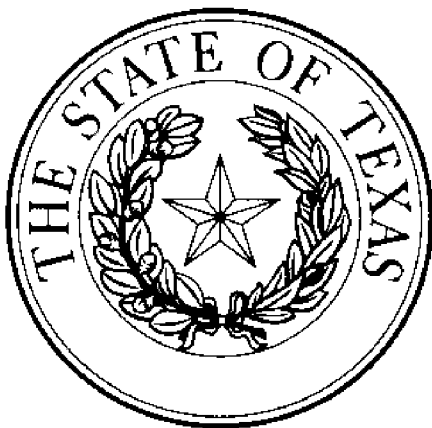
The undersigned, as Deputy Secretary of State of Texas, hereby certifies that a Certificate of Formation for the above named Domestic Nonprofit Corporation has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Deputy Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

The issuance of this certificate does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 07/28/2021

Effective: 07/29/2021



A handwritten signature of Jose A. Esparza, consisting of stylized initials and a long horizontal stroke.

Jose A. Esparza
Deputy Secretary of State