



City of Pflugerville

Legislation Details (With Text)

File #:	2018-6730	Version:	1	Name:	
Type:	Agenda Item	Status:		Noted and filed	
File created:	4/11/2018	In control:		City Manager Office	
On agenda:	4/24/2018	Final action:			
Title:	Discuss and consider action regarding the role of the City of Pflugerville regarding the historical Colored Addition Subdivision / St. Mary's Cemetery ownership, maintenance, and operations located on Caldwell's Lane, at the western terminus of Taylor Lane.				

Sponsors:

Indexes:

Code sections:

Attachments: 1. Deed, 2. Colored Addition to Pflugerville Plat 1910, 3. Legal Q&A regarding cemeteries (TML)

Date	Ver.	Action By	Action	Result
4/24/2018	1	City Council	No action	

Discuss and consider action regarding the role of the City of Pflugerville regarding the historical Colored Addition Subdivision / St. Mary's Cemetery ownership, maintenance, and operations located on Caldwell's Lane, at the western terminus of Taylor Lane.

This item was requested on a future agenda by Councilmember Jim McDonald at the February 13, 2018 City Council meeting in order for the City Council to evaluate options for the operation and maintenance of the cemetery. Previous research has identified a deed, but all of the persons identified are deceased and no additional ownership records have been found.

Texas Health and Safety Code, Section 713.009 provides that cities may assume operation and maintenance of cemeteries that have been abandoned by passing a resolution to take possession and control of the cemetery on behalf of the public if the cemetery threatens public health, safety, comfort, or welfare. Additional information provided by the Texas Municipal League is attached.

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 municipality or corporation, as appropriate, shall present a plan 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.

Further, the notice 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, to the Texas Historical Commission, and to all interested

persons by publication in a newspaper of general circulation in the municipality.

Additional burial spaces would not be offered for sale.

Status

The cemetery was annexed into the City in 1995 in conjunction with a broader area.

Prior City Council Action

No action has been taken specific to this cemetery.

Deadline for City Council Action

n/a

Projected Future City Council Action

To be determined.

Fiscal Impact

To be determined.

Staff Recommendation

Discuss and provide direction to staff as appropriate.

Drafter

Trey Fletcher

Interim City Manager