

## CITY OF STARKVILLE CEMETERY AND BURIAL RIGHTS POLICY

The Mayor and Board of Aldermen recognize that the City of Starkville has accepted ownership and responsibility for the cemeteries located on Highway 182 and University Drive known as Oddfellows cemeteries. The City has likewise accepted ownership and responsibility for the abandoned Brush Arbor Cemetery, which was also known at one time as the Starkville Colored Cemetery, located on University Drive.

The acceptance of responsibility of these cemeteries has occurred after the development of the cemeteries. As such, the records of the owners of the cemetery plots are in some cases sparse and unverifiable.

The City has established a record keeping process for these cemeteries that is currently maintained and updated as allowed using available historical records and technology.

As the cemeteries are well over 75 years old, and have deteriorating conditions for headstones and demarcations, the City has determined that a policy for any future sales, deed transfers, and abandonment of plots should be developed in accordance with Miss. Code Ann. § 41-43-1 *et. seq.*

The Mayor and Board of Aldermen hereby adopt the following policies and procedures relating to the management and upkeep of the aforementioned cemeteries.

1. The upkeep for areas that require mowing and general landscape management will be included in the annual fiscal-year budget adopted by the City and shall be selected and negotiated through the Mayor's office or the Community Development department in compliance with state law.
2. Deed and plot registration will be maintained and updated as necessary with the assistance of the Golden Triangle Planning and Development District and will be available on the City's website at [www.cityofstarkville.org](http://www.cityofstarkville.org).
3. The City will work where possible with organizations whose regular course of business involves the cemetery, and the various organizations that independently exist associated with the cemetery, to assist in the upkeep of the headstones and elements of the cemetery that are not within the purview of general landscaping and maintenance.
4. There exist plots that have been deeded, but that due to the duration of presumed inactivity, appear to be abandoned. Those plots pose an opportunity for resale pursuant to Miss. Code Ann. §41-43-5. The City will not consider a plot abandoned unless there has been no ownership activity for over 100 years.
  - a. The interested purchaser of any such plots shall research the records of the plots and provide proof of abandonment or documents that would allow for the presumption of abandonment to a reasonable degree.

- b. The interested purchaser shall provide proof, through available technology or by probing to a relative certainty, that such plots were not already in use.
  - c. The potential purchaser of such plots shall sign a disclaimer and waiver of liability to the City if such plots were found to be occupied.
  - d. If such a plot is found to be occupied, the owner may withdraw from interment or may accept a double interment leaving the existing remains with the proposed remains.
  - e. The potential purchaser will be required to arrange and pay for all costs associated with the above requirements, as well as the purchase of the plot burial rights at the fee established and in effect at the time of the purchase.
  - f. Miss. Code Ann. § 41-43-5 requires publication of notice of intent to sell such identified plots. The costs associated with such activities shall be reimbursed by the owner to the City as part of the transfer and purchase.
5. There are occasions when there is a request to transfer a deed from one party to another. Whether by sale and purchase, or a gift, the City's role will be limited to recording the new owner of the deed and providing an updated map to reflect such change in ownership.
6. There currently exist no recognized vacant plots in the aforementioned cemeteries. If the City were to increase the plots available, whether through establishment of a columbarium or acquisition of additional property, such interment opportunities would be considered on a first come-first serve basis.