

**RESOLUTION RECOMMENDING AND REQUESTING THAT THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS DECLARE THE BROAD RIVER CEMETERY AS DESCRIBED IN DEED BOOK 736, AT PAGE 202, BUNCOMBE COUNTY REGISTRY AN ABANDONED PUBLIC CEMETERY**

WHEREAS, NCGS 65-85(6) defines a public cemetery as "A cemetery for which there is no qualification to purchase, own, or come into possession of a grave in that cemetery" and 65-85 defines the word "Abandoned" as "Ceased from maintenance or use by the person(s) with legal right to the real property with the intent of not again maintaining the real property in the foreseeable future". Finally, 65-85 (4) defines a neglected cemetery as being "Left unattended or uncared for through carelessness or intention and lacking a caretaker".

WHEREAS, NCGS 65-113 provides in pertinent part that the County Commissioners are "authorized to oversee all abandoned public cemeteries in their respective counties"; and

WHEREAS, NCGS 65-111 (2) provides that the county commissioners shall cause to be prepared a list of all public and abandoned cemeteries; and

WHEREAS, the Buncombe County Abandoned Cemetery Trustees, heretofore appointed by the Board of Commissioners to assist the Commissioners in carrying out the provisions of Article 12 of Chapter 65, and particularly N.C.G.S 65-85 to 65-113, have been meeting to locate and identify all public cemeteries, abandoned and neglected public cemeteries, as well as private cemeteries, and at their January 2nd, 2009 meeting the said trustees reviewed the several requests of descendents of persons buried in the Broad River cemetery that said cemetery be designated and declared to be an abandoned public cemetery. That trustee Ruth Dilling, also a member of the Old Buncombe Genealogical Society presented credible evidence regarding her conversations with descendents of several persons buried in said cemetery and presented a copy of a deed from T.B, Ledbetter and wife, Eliza Ledbetter, to E.M. Owenby, Losie Warren, and Ben Owenby, as trustees for approximately .60 of an acre, wherein grantors specifically stated that said property "shall be for a public burying ground", and which said deed is duly recorded in Deed book 736, at page 202, Buncombe County Registry; and

WHEREAS, Ms. Dilling further reported to the other trustees that she had personally visited the cemetery on several occasions and found more than 75 named markers on graves with family names such as

Owenby, Ownby, Taylor, Wright, Hudgins, Warren, Dotson, Ollis, Searcy and Frady, and she further stated that there were at least that many or more graves marked only with field stones. Ms. Dilling stated that the cemetery "is neglected and in bad shape" and that although some family members have tried to clean it up from time to time it appears that they have caused more problems than they have solved (erosion) because the cemetery is on a hillside and is mostly a red bank with very little ground cover" Finally, Ms. Dilling presented a photograph of the cemetery, a copy of which is attached herewith for the board's review.

**NOW, THEREFORE, BE IT RESOLVED BY THE ABANDONED CEMETERY TRUSTEES OF BUNCOMBE COUNTY AS FOLLOWS:**

1. That a copy of this resolution together with a copy of the Ledbetter deed and the photograph of the cemetery be forwarded to the Buncombe County Board of Commissioners for their review and consideration.
2. That the trustees do hereby recommend and request that the Broad River Cemetery as described in Deed Book 736, at page 202 and 203, Buncombe County Registry, and also identified as PIN 0624.00-59-7032 be designated and declared an abandoned public cemetery by said board of commissioners.

This 2nd day of January, 2009.

*Linda Brown*

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Linda Brown, Chairperson  
Buncombe Abandoned Cemetery Trustees