



Legislation Text

File #: R-134-20, Version: 1

RESOLUTION NO. _____, SERIES 2020

A RESOLUTION RELATING TO THE REMOVAL AND RELOCATION OF GRAVES LOCATED AT 6707 GREENWOOD ROAD AS PART OF A WIDENING PROJECT BY THE COMMONWEALTH OF KENTUCKY, TRANSPORTATION, DEPARTMENT OF HIGHWAYS, ALONG KY 1931.

SPONSORED BY: COUNCIL MEMBER RICK BLACKWELL

WHEREAS, the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways (the "Cabinet") is proceeding with a project to widen KY 1931 (also known as Greenwood Road) in Jefferson County and designated as Item No. 05-323.01 Project Number 1100 FD04 056 6167101R (the "Project"); and

WHEREAS, as part of the Project, the Cabinet is acquiring 6707 Greenwood Road, part of it as a fee simple right of way, part of it as a permanent easement for utilities, and the remainder of it as a temporary easement for grave relocation, as more particularly shown on the Right of Way Plans for the Project (the "Property"); and

WHEREAS, the current owner of the Property is unknown, and the Cabinet filed a condemnation action on June 19, 2020 against the possible heirs of the last known deeded owner of the Property; and

WHEREAS, there is a cemetery on the Property, known as Slack Cemetery; and

WHEREAS, Slack Cemetery has been left untended for a period of at least ten (10) years prior to the date of this Resolution, and is therefore deemed abandoned pursuant to KRS 381.755(5); and

WHEREAS, upon research and investigation, it is believed that there may be fifteen (15) or more graves, of which six (6) are marked with headstones on the Property, some of which would be

directly affected by the Project; and

WHEREAS, the Cabinet's grave relocation and historical experts recommend relocating the entire cemetery to keep families together; and

WHEREAS, those unmarked graves are unidentified but believed to have been there for more than 75 years, Slack Cemetery being non-perpetually maintained, and the Cabinet having advertised for descendants through both the newspaper and signage; and

WHEREAS, the removal and relocation of the graves will be paid as part of the Project pursuant to KRS 381.755, with no fees or costs required of the families or descendants; and

WHEREAS, the graves will be relocated by the Cabinet to a perpetually maintained cemetery, said cemetery to be identified after consultation with any heirs or family members of the deceased, and will be relocated under the supervision of a licensed funeral director; and

WHEREAS, KRS 381.755 authorizes the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") to authorize the removal and relocation of abandoned graves.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: The removal of the abandoned graves from the Property, to be relocated to a perpetually maintained cemetery, said cemetery to be identified after consultation with any heirs or family members of the deceased, is authorized pursuant to KRS 381.755.

SECTION II: The graves shall be removed and relocated any time after the expiration of sixty (60) days after the first publication by the Cabinet of such intended action pursuant to KRS Chapter 424.

SECTION III: The Mayor is hereby authorized to execute and deliver all documents required to implement the execution of this Resolution.

SECTION IV: This Resolution shall take effect upon its passage and approval.

Sonya Harward Metro Council Clerk

_____ David
James President of the Council

Greg Fischer Mayor

Approved Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

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