

## Amy Harvey

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**From:** Jeanette Coffin  
**Sent:** Monday, October 25, 2021 4:59 PM  
**To:** hayes98thetford@gmail.com  
**Cc:** Lance Norris; Chris Roberts; Adam Searing; Allen Buansi; Amy Ryan; Andrew Creech; Camille Berry; Hongbin Gu; Jeanne Brown; Jeffrey Hoagland; Jess Anderson; Karen Stegman; Michael Parker; Pam Hemminger; Paris Miller-Foushee; Robert Beasley; Tai Huynh; Vimala Rajendran; Zachary Boyce; Amy Harvey; Ann Anderson; Carolyn Worsley; Laura Selmer; Loryn Clark; Mary Jane Nirdlinger; Maurice Jones; Rae Buckley; Ran Northam; Ross Tompkins; Sabrina Oliver  
**Subject:** FW: Columbarium in Old Chapel Hill Cemetery  
**Attachments:** Columbarium in Old Chapel Hill Cemetery

Thank you for your correspondence with the Town of Chapel Hill. The Mayor and Town Council are interested in what you have to say. By way of this email, I am forwarding your message to the Mayor and each of the Council Members, as well as to the appropriate staff person who may be able to assist in providing additional information or otherwise addressing your concerns.

Again, thank you for your message.

Sincerely,

Jeanette Coffin

Jeanette Coffin  
Office Assistant  
Town of Chapel Hill Manager's Office  
405 Martin Luther King Jr. Blvd.  
Chapel Hill, NC 27514  
(o) 919-968-2743 | (f) 919-969-2063

-----Original Message-----

**From:** Mary Hayes <hayes98thetford@gmail.com>  
**Sent:** Monday, October 25, 2021 4:46 PM  
**To:** Pam Hemminger <phemminger@townofchapelhill.org>; Amy Harvey <aharvey@townofchapelhill.org>  
**Subject:** Columbarium in Old Chapel Hill Cemetery

Please see attached as it relates to the October 27, 2021 Petition item #1.

via email, phemminge@townofchapelhill.org

Mayor Pam Hemminger  
Town of Chapel Hill  
05 Martin Luther King, Jr. Blvd. Chapel Hill, NC 27514

via email, aharvey@townofchapelhill.org  
Amy Harvey, Deputy Town Clerk  
Town of Chapel Hill  
405 Martin Luther King, Jr. Blvd. Chapel Hill, NC 27514

Re: Revised Petition, originally dated April 14, 2021, for Permission to Proceed with Presentation of Proposal for a Columbarium at the Old Chapel Hill Cemetery (OCHC).

Dear Mayor Hemminger and Town Clerk Harvey:

I am writing to you as a former member of the Town of Chapel Hill Cemetery Board and as someone who plans to be interred in the Old Chapel Hill Cemetery.

I was upset to hear that a large columbarium is planned on the edge (but still inside) the Old Chapel Hill Cemetery grounds. I realize that burial space in Chapel Hill is at a premium since the town has run out of space and has not provided any more, but I think we need to give a little more thought about putting such a large monument inside the Old Chapel Hill Cemetery.

Some concerns.....

1. Why are Canadians doing all the stone work? Is there no one in the United States, or at least the southeast or maybe even North Carolina who can put this together? Were American companies even considered?
2. When I was a member, the Cemetery Board worked long and hard at finding a place for a columbarium at the Legion Road Cemetery. Much thought was given to encroachment on adjoining plots, compatible design, appropriateness of design, lighting/vandalism issues, etc. How much thought has gone into the ramifications of this structure? It seems that this is just one person's use of his parent's plots. Have you made any effort to notify families in neighboring plots?
3. I am a little curious about the financing of this project. I know from our work at Legion Road that such structures are costly and come with inevitable upkeep. Is there a non-profit that will be taking on these expenses? For that matter, is this a non-profit or for profit venture? Beyond the city fees, how much can this gentleman charge for such plots in the columbarium? You may be providing a few extra burial places, but in the long run they will run out, too. Can this gentleman charge whatever he thinks the market will bear? If only a very few wealthy people can afford them.....

4. If this person can use his parents' plots in this way, what is to stop anyone else who owns a plot in the cemetery from doing the same thing? If they are near a walkway or a wall, it would meet the same criteria. And you might not even have to build a bridge or pull down a tree. If you allowed such a structure in some parts of the cemetery and not in others, you might end up with a discrimination lawsuit.....

4. Very few cemeteries in the U.S. are in the Register of Historic Places - could you jeopardize this landmark status by irrevocably changing the design of the cemetery?

I appreciate your dilemma in providing burial places when the town as run out, but hope that you will look long and hard at this project before saying yes. Start looking for some land.....

Mary L. Hayes  
Former Town of Chapel Hill Cemetery Board Member

104 Thetford Court  
Chapel Hill. 27516  
919 969 8842  
[hayes98thetford@gmail.com](mailto:hayes98thetford@gmail.com)

## Amy Harvey

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**From:** Jeanette Coffin  
**Sent:** Tuesday, October 26, 2021 8:55 AM  
**To:** the oldchceme  
**Cc:** Lance Norris; Chris Roberts; Adam Searing; Allen Buansi; Amy Ryan; Andrew Creech; Camille Berry; Hongbin Gu; Jeanne Brown; Jeffrey Hoagland; Jess Anderson; Karen Stegman; Michael Parker; Pam Hemminger; Paris Miller-Foushee; Robert Beasley; Tai Huynh; Vimala Rajendran; Zachary Boyce; Amy Harvey; Ann Anderson; Carolyn Worsley; Laura Selmer; Loryn Clark; Mary Jane Nirdlinger; Maurice Jones; Rae Buckley; Ran Northam; Ross Tompkins; Sabrina Oliver  
**Subject:** RE: Cemetery Petition on Wednesday Meeting Schedule

Thank you for your correspondence with the Town of Chapel Hill. The Mayor and Town Council are interested in what you have to say. By way of this email, I am forwarding your message to the Mayor and each of the Council Members, as well as to the appropriate staff person who may be able to assist in providing additional information or otherwise addressing your concerns.

Again, thank you for your message.

Sincerely,

Jeanette Coffin



Jeanette Coffin  
Office Assistant  
[Town of Chapel Hill Manager's Office](#)  
[405 Martin Luther King Jr. Blvd.](#)  
[Chapel Hill, NC 27514](#)  
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**From:** the oldchceme [mailto:oldchceme@gmail.com]  
**Sent:** Monday, October 25, 2021 9:12 PM  
**To:** Town Council <mayorandcouncil@townofchapelhill.org>  
**Subject:** Cemetery Petition on Wednesday Meeting Schedule

**External email:** Don't click links or attachments from unknown senders. To check or report forward to [reportspam@townofchapelhill.org](mailto:reportspam@townofchapelhill.org)

As an owner of plots and eventual resident of Old Chapel Hill Cemetery, I must strongly oppose the reimagined petition for commercial development of columbaria in the Old Chapel Hill Cemetery. The mere thought of taking this beloved ground and turning it into a for-profit enterprise is distasteful and hopefully will be denied outright! This is a public cemetery, not a business development zone.

Aesthetically, the placement of this massive entity is objectively repulsive to me and other plots owners I have addressed. Since this is a subjective opinion, it should be nevertheless be considered.

The petitioner asserts that these commercial columbaria are needed in Chapel Hill. This simply is not true. There are ample columbaria currently available and ample future columbaria possible at Memorial Cemetery. The need has been addressed and exists.

Is there a desire for columbaria at the Old Chapel Hill Cemetery - yes and that desire may be immense - without necessary merit or need. Multiple columbaria across the still 20% unused plots could no doubt still be developed and sold, but is this really desirable? The main desire is from the petitioner and this desire is to make great personal wealth from this commercial enterprise! If this petition is approved, then every other plot owner must have equal opportunity for development and sale.

Many issues are raised the petition. Who can attest to the foreign manufactured module, what warranty does it have and who will correct problems upon installation. The entire placement of the module warrants critical professional analysis and study. Merely hiring an outside entity to be involved in construction needs attention. Even the removal of yet another mature tree to make this happens needs arborist input even before consideration.

The opening and endorsement of commercial development in the Cemetery raises huge liability issues not present for any other plots in the Cemetery. First, how can the town undertake security for these multiple ownership entities which is unique among the Cemetery residents. Second, how does the town undertake the costs and inherent risks in assuring the public integrity and stability of the structure? The multiple ownership entity has immense potential costs and risks to the town. Third, who will assure the security to each individual owner of units when the town has no overall security system unique to this module - especially costs and liability exposure to the town? In the event of failure to individual units, multiple units, or the entire structure- who will have to pay for this repair or replacement in full costs? The overall liability costs and cost potential to the town in the long term may be staggering, and unlike any other entity in the Cemetery! Who will pay upkeep for the exterior structure over the long term, as emergencies arise? Since this module will involve multiple owners in a single module, how does the town get involved in foreclosures or legal actions against individual owners? The whole liability to the town may be staggering.

As the business plans to involve the university/state in access and legal cooperation, the issue of the Umstead Act and its impact on this linkage must be addressed, from the standpoint of current plot owners and the state entering this economic arrangement.

Finally, the unique status of the Cemetery inclusion on the National Register of Historic Places may be impacted and by the time this impact is realized, it is too late to undo this. Care to protect this very special status must be addressed.

Even though I respect the right for free enterprise and profit making businesses, I respectfully ask that this not be allowed in the Old Chapel Hill Cemetery, for the respect of all this buried there now and in the future.

Steve Moore  
Chapel Hill, NC

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Steve Moore, Chair  
Friends of Old Chapel Hill Cemetery

## Amy Harvey

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**From:** Jeanette Coffin  
**Sent:** Tuesday, October 26, 2021 2:40 PM  
**To:** kennethstarling@cox.net  
**Cc:** Phillip Fleischmann; Lance Norris; Adam Searing; Allen Buansi; Amy Ryan; Andrew Creech; Camille Berry; Hongbin Gu; Jeanne Brown; Jeffrey Hoagland; Jess Anderson; Karen Stegman; Michael Parker; Pam Hemminger; Paris Miller-Foushee; Robert Beasley; Tai Huynh; Vimala Rajendran; Zachary Boyce; Amy Harvey; Ann Anderson; Carolyn Worsley; Laura Selmer; Loryn Clark; Mary Jane Nirdlinger; Maurice Jones; Rae Buckley; Ran Northam; Ross Tompkins; Sabrina Oliver  
**Subject:** FW: Comment on Old Chapel Hill Cemetery columbarium proposal  
**Attachments:** Chapel Hill Cemetery.docx

Thank you for your correspondence with the Town of Chapel Hill. The Mayor and Town Council are interested in what you have to say. By way of this email, I am forwarding your message to the Mayor and each of the Council Members, as well as to the appropriate staff person who may be able to assist in providing additional information or otherwise addressing your concerns.

Again, thank you for your message.

Sincerely,

Jeanette Coffin



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Office Assistant  
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[Chapel Hill, NC 27514](#)  
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**From:** Kenneth Starling [mailto:kennethstarling@cox.net]  
**Sent:** Tuesday, October 26, 2021 1:47 PM  
**To:** Town Council <mayorandcouncil@townofchapelhill.org>  
**Subject:** Comment on Old Chapel Hill Cemetery columbarium proposal

**External email:** Don't click links or attachments from unknown senders. To check or report forward to [reportspam@townofchapelhill.org](mailto:reportspam@townofchapelhill.org)

Honorable Mayor and Town Council,

I respectfully submit the attached public comment on the pending proposal for a columbarium project for the Old Chapel Hill Cemetery.

Thank you for taking my views into consideration.

Kenneth G. Starling

712 Ridge Drive, McLean, Virginia 22101

[kgs8r@virginia.edu;kgs9@georgetown.edu](mailto:kgs8r@virginia.edu;kgs9@georgetown.edu)

To: Honorable Mayor and Members of the Town Council  
Town of Chapel Hill

Re: Public Comment on Proposal to Construct and Operate a Columbarium In the  
Old Chapel Hill Cemetery

I am writing in opposition to the pending proposal for construction and operation of a columbarium in the Old Chapel Hill Cemetery (“the Cemetery”). I endorse the views expressed by Stephen Moore and wish to contribute my own thoughts, which I expect reflect the feelings of many UNC alumni.

First, I will state my interest in this matter. I graduated from Carolina in 1969 and lived in Chapel Hill while attending Duke Law School, where I met my wife. Although my wife and I have lived, practiced law, and raised our children in the metropolitan Washington, D.C. area for many years, like so many other UNC alumni I have an enduring love for the University and the Town. Indeed, our daughter, son-in-law and grandson now live in Chapel Hill and we are in the process of relocating there. In addition, my wife and I are to be buried in the Cemetery.

With regard to the proposal to establish a commercial columbarium in the Cemetery, I would like to offer a few perspectives on the potential impact of the project.

First, I would offer the perspective of a student who found the Cemetery a unique part of my University education and experience. Immediately adjacent to the paths that are filled daily with rushing and aspiring young people, the Cemetery contributes (and has always contributed) to the spiritual and philosophical perspectives of countless students. It serves as a quiet, beautiful and accessible place for the young to contemplate the lives of the remarkable people who have preceded them. This precious and enriching aspect of student life in Chapel Hill should be preserved and protected from detrimental change.

Second, I would offer my perspective on the potential detrimental effect of a columbarium to this precious environment. I am the owner of burial plots adjacent to the graves of my parents in a lovely cemetery in High Point. Those plots are within fifty feet of a large columbarium. On days when many relatives and friends visit the columbarium, the otherwise pastoral and tranquil atmosphere of the greater part of the cemetery can be disturbed by the numbers of visitors to the columbarium site. In the same way, the proposed columbarium for the Cemetery could do irreversible harm to the invaluable spiritual and contemplative haven that the Cemetery has been for so many for so long.

Thank you for the opportunity to offer these views for your consideration.

Respectfully,

Kenneth G. Starling



## Amy Harvey

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**From:** John A. Shearer <johnashearer@me.com>  
**Sent:** Sunday, October 24, 2021 3:31 PM  
**To:** Amy Harvey  
**Subject:** Omitted Exhibit A in Legal Aspects.pdf of columbarium project presentation

**Categories:** Agenda Packet Process

**External email:** Don't click links or attachments from unknown senders. To check or report forward to [reportspam@townofchapelhill.org](mailto:reportspam@townofchapelhill.org)

Good morning Ms. Harvey,

I discovered the omission of a group of documents that were intended to appear as Exhibit A in the [Legal Aspects pdf](#). If possible, please send the group along to the Mayor and Council and I will copy Ms. Anderson and Mr. Fleischmann. It contains the Quitclaim Deed from the State of NC to the Town in 1989, which is key to my presentation.

My deep appreciation for your efforts,

John Shearer

**Exhibit A**  
**Old Chapel Hill Cemetery**  
**Chapel Hill, NC**  
**Property Records**

- a. Last Wills and Death Certificates of the Owner's mother and father, Edna Starrett Shearer and Andrew Clyde Shearer, transferring the Property to the Owner. (Previously inserted in Town of Chapel Hill Attorney's file.)
- b. Ledger entry from the "Town of Chapel Hill, N.C. Old C.H. Cemetery Record" indicating Section IV, plots T7 and T14 as owned by A. C. Shearer, Owner's father.
- c. Map of the Old Chapel Hill Cemetery highlighting Section 4 (Rows Q, R, S, T) indicating ownership of plots T7 and T14 by A. C. Shearer, Owner's father.
- d. Pages 15 and 16 of spreadsheet with header "Old Chapel Hill Cemetery Section 4 – By Plot", dated December 6, 1990, indicating ownership of plots T7 and T14 by A. C. Shearer, Owner's father.
- e. Sample Release on Town of Chapel Hill, Parks and Recreation letterhead, signed by Ms. Debra Lane, Cemetery Administrator – August 9, 2009.
- f. Copy of Bill of Sale between playwright Paul Green and Professor Dr. Hugh T. Lefler, Sr. for Plot T15 – October 3, 1977.
- g. Handwritten diagram by A. C. Shearer, Owner's father, on father's company letterhead dated August 8, 1968.
- h. Grave Search from Find-A-Grave database, a commercial grave location company. Page 2 indicates Plot T07 to be occupied by Edna Starrett Shearer and Andrew Clyde Shearer and T14 owned by Shearer and labeled "(Empty)".
- i. Quit Claim Deed dated February 22, 1989 by the State of North Carolina to the Town of Chapel Hill, North Carolina regarding the Old Chapel Hill Cemetery. Page Two shows conditions to be met by the Town.

TOWN OF CHAPEL HILL, N. C.

Old C.H CEMETERY RECORD

BLOCK	LOT	NAME	ADDRESS	DATE RESERVED	DATE PURCHASED	AMOUNT CHARGED	DATE	RECEIPT NUMBER	AMOUNT	DATE
T	4	F.K. Cameron	Paid							
	5	Dr. John S. Hooker					3/24/54	2097	60.00	
	6	<del>Paul Green</del> MRS. NOEL HOUSTON					2/18/56	6554	60.00	
	7	A.C. Shearer					4/28/54	2183	60.00	
	8	W.F. Rogers								
	9	C.M. Stancell					7/7/54	2308	60.00	CENTRA
	10	C.M. Stancell					7/7/54	2308	60.00	
II	11	C.E. McIntosh					7/2/54	2498	60.00	
	12	J.L. Caldwell								
	5 1/3		JEFF THOMAS (PAID BY J. MOUSMODES		5/4/57	20.00				
	13	C.C. Suggs	Reserved							
II	14	A.C. Shearer					4/28/54	2183	60.00	
	15	Paul Green					2/18/56	6554	60.00	
	16	H.R. Totten					1/28/54	1690	40.00	
	17	Margaret W. Mudkins	20 Hayes Rd.				12/30/69	9850	80.00	Lai
	17	William F. Peterson	337 Ethrington Down C.H.		1-21-70	40.00	1-21-70	9888	40.00	Lai

OLD Chapel Hill Cemetery  
Section 4



Q

R

S

T

ANNIE G. HAITHCOCK 15	WILL M. ALEXANDER 6	R.L. FOWLER 15	H.D. WOLF 6	ELIZABETH DANZIEGER 15	PAUL GREEN 6		
STEVEN WHITE				M.S. HEATH M.S. HEATH, jr. 15	MRS. NOEL HUSTON 6	HUGH LEFLER 15	
CHARLES M. CRAWFORD 14	MRS. P.S. RANDOLPH 7	R.L. FOWLER 14	D.J. COWDEN 7	BRYAN A. HUGHES 14	A.C. SHEARER 7	A.C. SHEARER 14	
JOHN DANIEL D. OLSEN			S.C. 7 VILAS	DR. A.H. BRYAN 8/5/57			
Ma. Robert Haywood	W.O. LACOCK 8	H.A. WHITFIELD 13	HARRY GODDER	OLIN MOUZON 13	W.F. ROGERS 8	C.C. SUGGS 13	
MARGARET JOHNSTON 13			D.H. BUCHANAN 8	CREMATION DR. CROCKFORD			
PAUL JOHNSTON	W.O. LACOCK 9	J.N. YOUNG	D.D. CARROLL 9		MRS. HAMLIN WADE 9	J.L. CALDWELL 12	H.W. DANIELL
FRED WEAVER 12		ALICE LACOCK 12		CHARLES SHAFFER 12	C.M. STANCELL 9	J. THOMAS	
Paul Baker		THOMAS LACOCK					
E.S. LANIER 11	W.O. LACOCK 10	HANSON	D.D. CARROLL 10		C.M. STANCELL 10	LEE PAVAO 11	H.R. TOTTEN
	MARFIA LACOCK 4/3/02	R. R. HUNTLEY 11	Fredrick Carroll 12/4/01	CHARLES SHAFFER 11		10'	

STRIP

OLD CHAPEL HILL CEMETERY Section 4 - By Lot

Last Name	First Name	Born	Died	Dsc	Typ	Mtl	Char	Cond	Mkr	Dimensns	Dir	Srf	T	Mo	C
** T01	EMPTY														
** T02	Renegar	Harvey Caldwell	1897 02-03	1933 02-19	1	1	1	5	9	H30W48T12 W	1	1	3		
** T03	Abshear	Betsy Jones	1874 07-15	1955 02-02	1	2	1		9/11	H00W24T12 W	1	1	3		
** T04	Cameron	Frank Kenneth	1869 02-02	1958 08-18	3	1	1	3	9	H30W48T06 EW	2	1	3	1	
	Cameron	Virginia Newton	1872 05-28	1954 11-15	3	1	1	3	9	H30W48T06 EW	2	1	3	1	
** T05	Dudley	Betty Jean	1943 05-29	1977 07-13	1	1	1	3	1	H26W26T06	1	1	1	1	
	Hooker	(Family)			3	1	1	3	1	H60W25T10 EW	2	1	1		
	Hooker	John Samuel	1900 07-31	1976 01-06	1	2	1		9	H00W24T12 W	1	1	3	1	
	Hooker	Nina Mae G.	1902 05-24	1958 07-13	1	2	1		9	H00W24T12 W	1	1	1		
** T06	Houston	(Family)			3	1	1	3	1	H24W40T08 EW	2	1	1		
	Houston	Katherine Replogle	1906 07-31	1986 11-12	1	2	1		1	H04W24T12 W	1	1	1		
	Houston	Noel Harris	1909 03-26	1958 09-09	1	2	1		1	H04W24T12 W	1	1	1		
		PAUL GREEN		1994-6						CREMATION					
** T07	Shearer	(Family)			3	1	1	3	1	H24W48T10 EW	2	1	1		
	SHEARER	ANDREW C. (CREMATION)	1906-3-10	1992-8-2											
** T08	Rogers	Nannie Strain	1874 12-04	1958 04-13	3	1	1	3	3	H14W28T10 W	1	1	6	1	
	Rogers	William Fletcher	1879 08-08	1954 04-05	3	1	1	3	3	H14W28T10 W	1	1	5	1	
** T09	Wade	(Family)			3	1	1	3	1	H24W30T10 EW	2	1	1		
	Wade	Hamlin Landis	1902 07-24	1969 12-14	1	2	1		1	H02W24T12 W	1	1	1		
	Wade	Julius Jennings (Jake)	1901 08-13	1962 05-09	1	2	1		9	H02W24T12 W	1	1	3		
		STANCELL BOUGHT Southern West 9/97													
** T10	Stancell	(Family) Charles M. Sr.		2006 5-06	3	1	1	3	1	H24W48T08 EW	2	1	1		
	Stancell	Anne Boyd	1883 04-25	1968 02-25	1	2	1		2	H02W24T12 W	1	1	1		
** T11	Pavao	Joan Hersey	1935 04-15	1990 02-18	3	1	2	3	1	H36W72T18 EW	2	1	1		
	Thomas	Jeff	1898 03-25	1957 05-03	1	1	2	3	9	H24W18T08 W	1	1	3		
		Pavao bought 3/23/97 T11													
** T12	Caldwell	(Family)			3	1	1		1	H30W36T10 EW	2	1	3		
	Caldwell	Florine Carothers	1889	1951	3	1	1	4	9/10	H30W36T10 EW	2	1	3		





PARKS AND RECREATION  
Town of Chapel Hill  
200 Plant Road  
Chapel Hill, NC 27514

phone (919) 968-2784 fax (919) 932-2923  
[www.townofchapelhill.org](http://www.townofchapelhill.org)  
[www.chapelhillparks.org](http://www.chapelhillparks.org)

August 4, 2009

Cary, NC 27518

O 4 T10  
Sample Release

Dear Mr. & Mrs. \_\_\_\_\_

I have officially updated the Town's Cemetery records to show transferred plots in the Old Chapel Hill Cemetery, Section 4 Lot T10 two (2) spaces southernmost from Mrs. Jean D. Stancell.

If I may be of any more assistance in the future, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Debra M. Lane".

Debra Lane  
Cemetery Administrator

PAUL GREEN  
OLD LYSTRA ROAD  
CHAPEL HILL, NORTH CAROLINA 27514

October 3, 1977

Dr. Hugh T. Lefler, Sr.  
Hillcrest Road  
Chapel Hill, N. C. 27514

Dear Hugh:

This is to certify that I have this day sold to you Plot 15 in Section T of the Old Chapel Hill Cemetery, adjoining the plot of Mr. and Mrs. Noel Houston, and consisting of three burial places. Your check for \$1,000 is received in full payment.

  
Paul Green





8-8-68

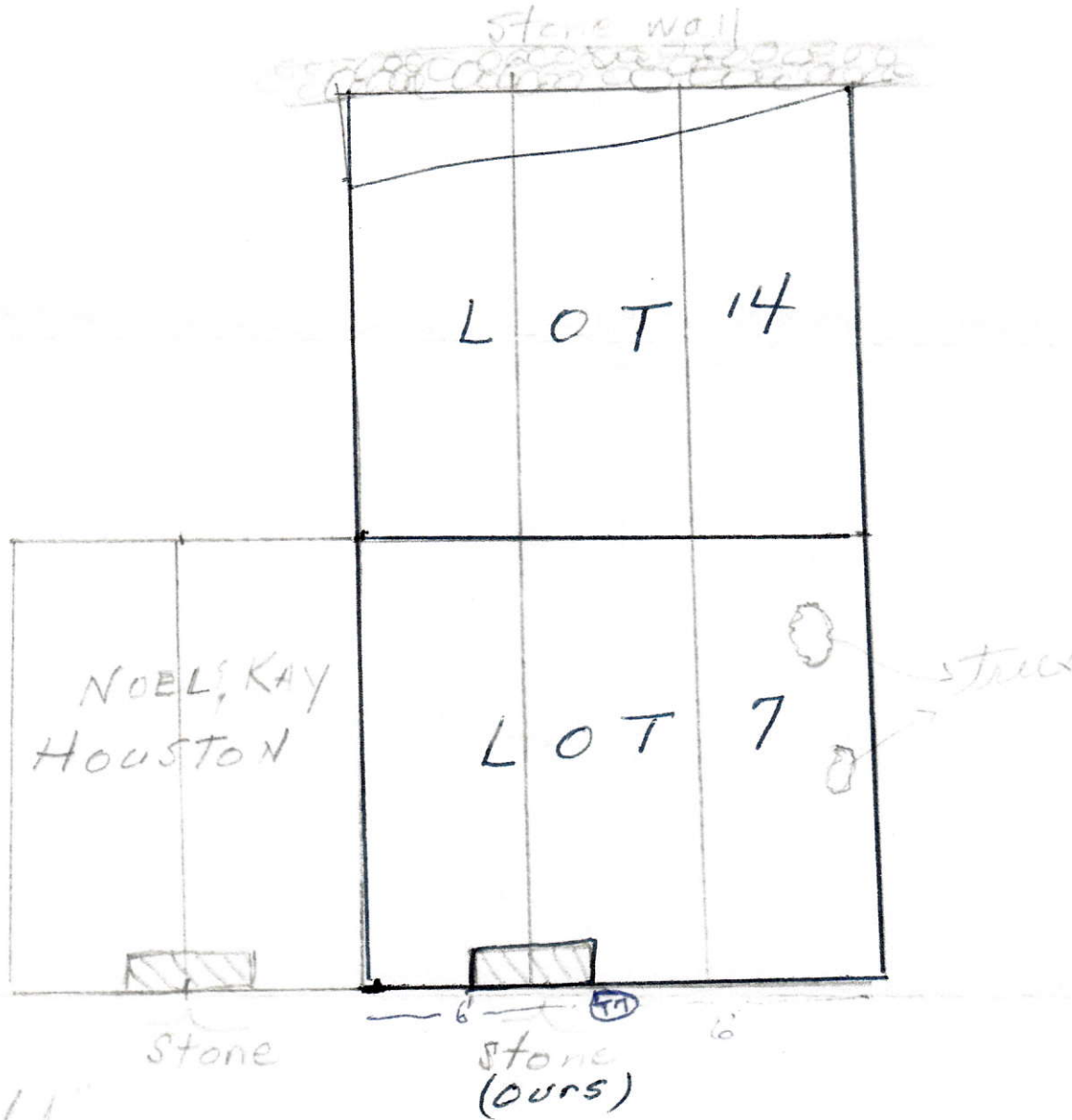
**A. C. SHEARER CO.**

Construction - Public Works

CHAPEL HILL, NORTH CAROLINA

Post Office Box 518

Telephone 968-5001



"Old"

Chapel Hill, N.C.

Cemetery

# Grave Search

A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | Z

Last Name:

Last Name	First Name	Year Deceased	Section	Lot
Sadler	Evelyn	1999	3	B12
Sadler	Alton Guy	1975	3	B12
Sanders	Shipp Gillespie	1944	4	F08
Sanders	Kate Graham	1980	4	F08
Sapikowski	Alison	2005	3	B04
Sapikowski	James	2005	3	B04
Savery	William Woodward	1957	4	P11
Saville	Thorndike	1969	1	008
Saville	Edith Wilson	1980	1	008
Schmidt	Olive G. Basile	1940	4	H08
Schwenning	Carrie May Heath	1949	4	G19
Schwenning	Emily G.	1994	4	G19
Schwenning	G.T.	1980	4	G19
Scott	William Coleman	1984	2	127
Scott	Constance Patten	1999	2	127
Selden	Priscilla Lambeth	1997	4	H15
Selden	Samuel	1979	4	H15
Selden	Emily Crow	1991	4	H15
Selden	Wautell Lambeth	1948	4	H15
Sessions	Dr. John T. Jr	2005	3	M08
Sessoms	Alexander	2002	3	E19
Sessoms	David James	1940	3	E19
Sessoms	Lena T.	1996	3	E19
Sessoms	Faison	2012	3	E19
Sessoms	David James, Jr.	1978	3	E19
Sessoms	Betty	2012	3	E19
Sessoms	Annie Laurie Thomson	1947	3	E19
Shadrach	Lawrence T.	2006	1	QQ13
Shaffer	Charles Milton Sr.	2004	4	S11
Shaffer	Charlotte	2005	4	S12
Shaft	Robert H. Bell	1991	4	F03
Shaft	Bobbetta Bell	1954	4	F03

Shaft	Elizabeth B. Weaver	1993	4	F03
Shanks	Anne Graham	1990	4	G08
Shanks	Henry Thomas	1959	4	G08
Sharkey	Josephine	1970	3	N18
Shaw	Mae Tenney	1961	1	BB02
Shearer	Edna Starrett	2006	4	T07
Shearer	(Empty)	?	4	T14
Shearer	Andrew Clyde	1992	4	T07
Shephard	Mary Louise Hoffman	1981	3	M12
Shephard	George Edward	1983	3	M12
Sherrill	Robert H.	1947	3	O02
Shores	Mary Frances Burch	1938	3	B07
Shuford	Alonzo Craig	1933	3	D20
Shuford	Willie Lowe	1954	3	D20
Simmons	Virginia Groves	1969	3	C05
Simmons	Claudia McC.	1967	4	F09
Simmons	Raymond	1997	3	C05
Simpson	Rachel Lynch	1970	3	O15
Simpson	Margaret Lynch	2006	3	O15
Simpson	Eugene	1956	3	O15
Sims	Mary Edna	1965	4	P10
Sims	Marvin O.	1938	4	P10
Sims	Mack Arthur	1986	4	P10
Singletary	Alta	2007	4	S01
Sirvis	Genrik S.	2005	2	014
Skaggs	Alma Stone	1973	2	082
Skaggs	Marvin	1994	2	082
Smith	Jacklyn	2007	1	MM30
Smith	Albert John	1988	3	D06
Smith	Blanche Lee	1959	3	L03
Smith	Cornelia H. Barbee	1879	1	JJ21
Smith	David J.	1948	3	J01
Smith	Infant	1926	2	095
Smith	Josephine S.	1974	3	J01
Smith	Marguerite Ghent	1973	2	095
Smith	Nannie, Mrs.	?	3	A07
Smith	William Thomas	1953	3	K13
Smith	Young B.	1960	1	007
Smith	E. Carrington	1977	3	O11
Smith	Frances P.	2000	3	J01

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STATE OF NORTH CAROLINA

QUITCLAIM DEED 1989 MAR 21 AM 11: 27

COUNTY OF ORANGE

ORANGE CITY LAND RECORDS

THIS QUITCLAIM DEED, made this the 22 day of February, 1989, by the STATE OF NORTH CAROLINA, party of the first part, to the TOWN OF CHAPEL HILL, party of the second part;

W I T N E S S E T H:

THAT the party of the first part, in consideration of the sum of One Dollar (\$1.00), and other valuable consideration, paid by the party of the second part to the party of the first part, the receipt of which is hereby acknowledged, has given, granted, quitclaimed and released, and by these presents does hereby bargain, sell quitclaim and release unto the party of the second part, its heirs and assigns, all of its right, title or interest in and to that certain tract or parcel of land situate, lying and being in Chapel Hill Township, Orange County, North Carolina, and more particularly described as follows:

BEGINNING at an iron pipe on the outside corner of a stone wall having N.C. Grid Coordinates of N 786,602.38 E 1,987,212.96 and with the outside of a stone wall around the cemetery the following 11 calls: (1) S 28° 23' 24" E, 258.49 feet to an iron pipe, (2) S 76° 34' 57" W, 312.22 feet to an iron pipe, (3) S 54° 15' 39" W, 21.80 feet to an iron pipe, (4) S 89° 18' 18" W, 104.17 feet to an iron pipe, (5) S 48° 47' 42" W, 23.85 feet to an iron pipe, (6) S 76° 48' 09" W, 504.04 feet to an iron pipe, (7) N 14° 36' 44" W 138.57 feet to an iron pipe, (8) N 01° 33' 52" E, 288.45 feet to an iron pipe, (9) S 89° 57' 07" E, 644.08 feet to an iron pipe, (10) S 62° 48' 17" E, 20.66 feet to an iron pipe and (11) N 79° 37' 52" E, 178.87 feet to the BEGINNING iron pipe.

Prepared by: D. David Steinbock, Assistant Attorney General

Mail deed to: Ralph D. Karpinos, Town Attorney  
Town of Chapel Hill  
306 N. Columbia Street  
Chapel Hill, NC 27516

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This land is conveyed subject to certain conditions which are expressly assented to by the party of the second part in accepting their deed, said conditions being as follows:

1. The Town of Chapel Hill shall maintain the cemetery in a suitable condition in perpetuity.

2. The Town of Chapel Hill grant some indicia of ownership (cemetery deed or other) of grave plots assigned to or belonging to individuals, families, and certain organizations such as the proper members of the Dialectic and Philanthropic Literary Society of the University of North Carolina at Chapel Hill as same are reflected on "the old Chapel Hill cemetery plot" prepared by Hunter, Reynolds, Jewell, P.A., Landscape Architects, Raleigh, North Carolina, and dated September, 1987;

3. The Administration of the University of North Carolina at Chapel Hill shall be presented with, and shall concur in, the master plan of improvements and restoration prepared by the Town of Chapel Hill prior to commencement of any work in the cemetery.

4. The Town of Chapel Hill shall now and forever more be sensitive to preservation issues in its restoration, improvement, and maintenance of the cemetery.

5. Should the Town of Chapel Hill fail to perform any of the above-mentioned conditions, the subject land herein shall revert to the State of North Carolina.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges thereunto belonging, unto the party of the second part, and its successors and assigns, free and discharged

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from all right, title, claim or interest of the party of the first part, or any one claiming by, through or under it.

IN TESTIMONY WHEREOF, the State of North Carolina has caused this instrument to be executed in its name by JAMES G. MARTIN, Governor, attested by RUFUS L. EDMISTEN, Secretary of State, and the Great Seal of the State of North Carolina hereto affixed, by virtue of the power and authority aforesaid.

STATE OF NORTH CAROLINA

James G. Martin  
Governor



APPROVED AS TO FORM:

LACY H. THORNBURG  
Attorney General

D. David Steinbock  
Assistant Attorney General



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## CONTEXTUAL INFORMATION

- OCHC established 1798.
- 1922 – UNC & TCH agree that TCH shall maintain OCHC and administer sale of plots.
- 1989 - State of North Carolina grants quit claim deed of OCHC to TCH for purpose of landscape improvements, stone wall repairs, grave marker repairs, walkway improvements and signage. The land is conveyed subject to certain conditions which are expressly assented to by the second party (TCH) in accepting their deed, said conditions being as follows:
  - 1) TCH will maintain the OCHC in suitable condition in perpetuity.
  - 2) TCH will grant some indicia of **ownership (cemetery deed** or other) of grave plots assigned to or **belonging to individuals, families**, and certain organizations. . . .
  - 3) UNC shall be presented with, and shall concur in, the master plan of improvements and restoration prepared by the TCH prior to commencement of any work in the cemetery.
  - 4) The TCH shall now and forever more be sensitive to preservation issues in its restoration, improvement, and maintenance of the cemetery.
  - 5) Should the TCH fail to perform any of these conditions, the land shall revert to the State of North Carolina.
- The quitclaim deed provides **modern precedence supporting original precedence of fee simple ownership** of all grave plots within OCHC.
- OCHC is regulated by TCH, a governmental agency, and **is exempt** from NC Cemetery Act. Ref: Section 65-47. A. Scope.
- **OCHC is not mentioned or named in the TCH Code of Ordinances.**
- OCHC may be included in TCH within Chapter 6, Article I. – In General. This section refers to **below ground** graves, grave liners and vaults, peace and good order, traffic, animals, hours of operation, disturbing/defacing of graves, and artificial flowers.
- **Above ground** interments are dealt with **only** in Article II. – regarding Chapel Hill Memorial Cemetery (CHMC). Further, the code states “No conveyance of title of grave space. Fee simple title for property in CHMC shall remain vested in the TCH.
- This statement clearly is intended to delineate free flowing Fee Simple rights of private ownership in OCHC from restricted ownership rights in favor of the TCH in the CHMC.
- Article III pertains to West Chapel Hill Cemetery and concludes the extent of Chapter 6. – Cemeteries of the Town Code of Ordinances.
- **Research reveals the presence of two above ground level columbaria and one mausoleum in the OCHC.**

END