

BALDWIN COUNTY COMMISSION AGENDA ACTION FORM	
Meeting Type:	Baldwin County Commission – Regular
Meeting Date:	02/18/2015
Placement of Item on the Agenda:	OTHER STAFF RECOMMENDATIONS: - ADMINISTRATION
Item Status:	New
Submitted By:	Anu Gary
From:	Ronald J. Cink, Interim County Administrator Anu Gary, Records Manager
ITEM TITLE	
Petition for Establishment of Rice Family Cemetery, Summerdale, Baldwin County, Alabama	
STAFF RECOMMENDATION	
Take the following actions: 1) Waive Baldwin County Commission Policy #2.7 - Licensing of Cemeteries, pursuant to an email from the Alabama Department of Public Health, dated December 30, 2011, which recognizes that a family burial plot on an individual's private property is not to be considered a cemetery for the purpose of regulation under Section 22-20-4, <u>Code of Alabama</u> 1975, unless the County or municipality has promulgated an ordinance that may include family burial plots within the definition of a cemetery; and 2) Pursuant to the request from the Judge of Probate Office to consider a Petition for Establishment of Rice Family Cemetery (Petition), submitted by Charles H. Rice and Sammie W. Rice, owners of the real property upon which the proposed cemetery will be situated, approve the establishment of a family cemetery on the property of Charles H. Rice and Sammie W. Rice, in Summerdale, Baldwin County, Alabama, said family cemetery to be located consistent with said Petition. The property is located at 16641 County Road 73, Summerdale, Alabama; and 3) Authorize the Chairman to execute any and all necessary documents and/or orders related to the Baldwin County Commission's approval to establish the Rice	

Family Cemetery.	
BACKGROUND INFORMATION	
Previous Commission Action/Background Information:	No
<p>On February 6, 2015, Administration Department received a Petition for the Establishment of Rice Family Cemetery in Summerdale, Baldwin County, Alabama. The petition was filed at the Judge of Probate Office on February 3, 2015, by Charles H. Rice and Sammie W. Rice. The property is located at 16641 County Road 73 in Summerdale (Baldwin County), Alabama.</p> <p>Commissioner Tucker Dorsey (District 3), has visited the proposed cemetery site and recommends approval of the petition.</p> <p>According to the Alabama Department of Public Health, the Health Department allows a family burial plot on an individual's private property not to be considered to be a cemetery for the purpose of regulation under Section 20-20-4, <u>Code of Alabama</u> 1975, unless the County or municipality has promulgated an ordinance that may include family burial plots within the definition of cemetery. (Staff notes that the proper Alabama Code Section is 22-20-4.)</p> <p>County Policy #2.7 - Licensing of Cemeteries, requires the Health Department to inspect and give the Commission a recommendation as to the approval/disapproval of the proposed cemetery. In order for the Commission to approve the request for the establishment of this family cemetery, Policy #2.7 should be waived.</p>	
FINANCIAL IMPACT	
Does the recommendation have a financial impact?	No
LEGAL IMPACT	
Are there any legal documents required to be executed if this recommendation is approved?	Yes
Does this documentation require County Attorney's review and approval?	Yes
Has the documentation been reviewed and approved by the County Attorney?	Yes
Is this routine documentation reviewed and approved by Department Head?	No
ADVERTISING REQUIREMENTS	
Is advertising required for this recommendation?	No
CONSISTENCY WITH B.C. STRATEGIC PLAN - 2006-2016	
Is the recommendation applicable to the goals	Yes

<ITEM_OUTLINE>

set forth in the Strategic Plan?	
POLICY IMPACT	
Is the recommendation consistent with Commission Policy?	Yes
Which Commission policy is applicable to this recommendation?	BCC Policy 2.7 (See comments in background section.)
PERSONNEL IMPACT	
Does the recommendation have personnel impact?	No
IMPLEMENTATION	
Is implementation for this item time sensitive?	No
Department(s)/Individual(s) responsible for follow up activities and specific actions required:	If the request is approved, staff will forward certified minutes of the Feb. 18, 2015, BCC meeting to the Judge of Probate. Judge of Probate will issue an Order Establishing a Family Cemetery, which will be made a part of the record at the following regular BCC meeting.
ATTACHMENTS	
1. Petition for Establishment of Rice Family Cemetery, dated February 3, 2015.pdf 2. BCC Policy 2.7 - Licensing of Cemeteries.pdf 3. Email from ADPH Regarding Family Cemeteries, dated December 30, 2011.pdf	
APPROVALS	
Budget	
Personnel	
Administration	Keri Green 2/10/2015 3:56:58 PM
Chairman and County Administrator	Keri Green 2/12/2015 8:50:18 AM

Anu,

Please send me certified
Minutes and approval letter
once complete. Cemeteries
Usually go on consent agenda.
Call me if you have any
questions.

Thank you.

RECEIVED

FEB 06 2015

BY: als

Jammy

Ext. 2399

#31876

PETITION FOR ESTABLISHMENT
OF RICE FAMILY CEMETERY

Come now, Charles H. Rice and Sammie W. Rice, pursuant to Code of Alabama, § 22-20-4 (1975) and Baldwin County Commission Policy No. 2.7, and make this application to establish a proposed family burial plot, and in support thereof would show unto this Honorable Court as follows, to wit:

1. That your Petitioners are the owners of that certain real property upon which the proposed cemetery will be situated in Summerdale, Baldwin County, Alabama, the approximate street address for which is 16641 County Road 73.

2. That the 25 foot by 65 foot proposed cemetery is described with particularity in that certain drawing attached hereto as Exhibit A. That the buffer also described in the survey is included merely to evidence compliance with zoning ordinances.

3. That the proposed cemetery will serve as a family burial plot.

4. That your Petitioners propose to name the burial site "Rice Family Cemetery."

WHEREFORE, your Petitioners request that this Honorable Court grant this application for establishment of the Rice Family Cemetery and issue a license to establish the same.

WITNESS our hands and seals this 3rd day of February, 2015.

Charles H. Rice (SEAL)
Charles H. Rice

Sammie W. Rice (SEAL)
Sammie W. Rice

STATE OF ALABAMA

COUNTY OF BALDWIN

I, Kayle Ann Howard, a Notary Public, in and for said County in said State, hereby certify that CHARLES H. RICE and SAMMIE W. RICE, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 3rd day of February, 2015.

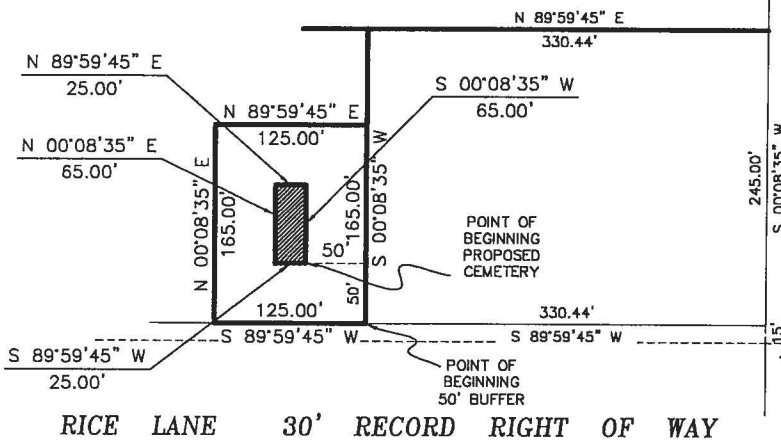
Kayle Ann Howard
NOTARY PUBLIC, Baldwin County,
Alabama
My Commission Expires: 4/14/2018

COUNSEL FOR
CHARLES H. and SAMMIE W. RICE:

Joseph D. Thetford, Jr.
CHASON & CHASON, P.C.
P. O. Box 100
Bay Minette, Alabama 36507

00023864.WPD

STATE OF ALABAMA
BALDWIN COUNTY
2015 FEB 3 PM 3 04
JUDGE OF PROBATE



BALDWIN COUNTY ROAD No. 73
80' RECORD RIGHT OF WAY



DESCRIPTION FOR PROPOSED FAMILY CEMETERY:

COMMENCING AT A RAILROAD SPIKE FOUND AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA, RUN SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST A DISTANCE OF 40 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD No. 73; RUN THENCE NORTH 00 DEGREES 08 MINUTES 35 SECONDS EAST, ALONG SAID WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD No. 73 A DISTANCE OF 15 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF RICE LANE; RUN THENCE SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF RICE LANE, A DISTANCE OF 330.44 FEET TO A POINT; RUN THENCE NORTH 00 DEGREES 08 MINUTES 35 SECONDS EAST A DISTANCE OF 50.00 FEET TO A POINT; RUN THENCE SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; CONTINUE THENCE SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF RICE LANE, A DISTANCE OF 25.00 FEET TO A POINT; RUN THENCE NORTH 00 DEGREES 08 MINUTES 35 SECONDS EAST A DISTANCE OF 65.00 FEET TO A POINT; RUN THENCE NORTH 89 DEGREES 59 MINUTES 45 SECONDS EAST A DISTANCE OF 25.00 FEET TO A POINT; RUN THENCE SOUTH 00 DEGREES 08 MINUTES 35 SECONDS WEST A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING; CONTAINING 1625 SQUARE FEET.

DESCRIPTION FOR 50-FOOT BUFFER:

COMMENCING AT A RAILROAD SPIKE FOUND AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA, RUN SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST A DISTANCE OF 40 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD No. 73; RUN THENCE NORTH 00 DEGREES 08 MINUTES 35 SECONDS EAST, ALONG SAID WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD No. 73 A DISTANCE OF 15 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF RICE LANE; RUN THENCE SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF RICE LANE, A DISTANCE OF 330.44 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; CONTINUE THENCE SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF RICE LANE, A DISTANCE OF 125.00 FEET TO A POINT; RUN THENCE NORTH 00 DEGREES 08 MINUTES 35 SECONDS EAST A DISTANCE OF 165.00 FEET TO A POINT; RUN THENCE NORTH 89 DEGREES 59 MINUTES 45 SECONDS EAST A DISTANCE OF 125.00 FEET TO A POINT; RUN THENCE SOUTH 00 DEGREES 08 MINUTES 35 SECONDS WEST A DISTANCE OF 165.00 FEET TO THE POINT OF BEGINNING; CONTAINING 19,000 SQUARE FEET.

POINT OF COMMENCEMENT
RAILROAD SPIKE FOUND
SOUTHEAST CORNER OF THE SOUTHEAST
QUARTER OF THE NORTHEAST QUARTER
OF SECTION 5, TOWNSHIP 7 SOUTH,
RANGE 4 EAST

EXHIBIT A

NOTES:

THIS SKETCH IS BASED ON SURVEYS PERFORMED BY THIS FIRM AND INFORMATION AVAILABLE FROM THE BALDWIN COUNTY PROBATE RECORDS OFFICE.

THIS IS NOT A BOUNDARY SURVEY

© COPYRIGHT 2013 RABER SURVEYING NO PART OF THIS DRAWING MAY BE REPRODUCED WITHOUT THE EXPRESS WRITTEN CONSENT OF F. WILLIAM RABER		
SECTION 5, T- 7 -S, R- 4 -E		
BALDWIN COUNTY, ALABAMA		
SCALE:	DRAWN BY:	DATE:
1" = 100'	FWR	01/26/2015



RABER SURVEYING
 14613-A RABER ROAD
 SUMMERDALE, ALABAMA 36580
 PHONE: (251) 975-7525
 FAX: (800) 615-3653
 email: fwr@rbsr@gmail.com
 QUALITY ~ INTEGRITY

PROPERTY SKETCH FOR:		
CHARLES RICE		
PROJ NUMBER:	REF NUMBER:	DWG NUMBER:
130809	060904	130908-H.DWG

COMMISSION POLICY

POLICY #2.7

SUBJECT: Licensing of Cemeteries

DATE ADOPTED
March 17, 2009

PAGE (BCC MINUTES)
Page 11

OBSOLETE VERSIONS (Can be found in the Inactive Policy Book.)

DATE ADOPTED
September 9, 1991
February 19, 2008

PAGE (BCC MINUTES)
Book 10, pg. 67
Page 26

NOTE: (CHARACTERISTICS OF A GOOD POLICY AND PROCEDURE DOCUMENT) -- A policy is typically a document that outlines specific requirements or rules that must be met. The overall goal is to write policies that are clear, concise and in simple language. If you use an acronym, spell it out the first time you use it.

POLICY STATEMENT

This policy is to provide guidelines for the licensing of cemeteries in the unincorporated areas of Baldwin County.

PROCEDURAL REQUIREMENT

In order to carry out this policy, the following steps must be taken:

1. All requests for cemeteries to be licensed will first be referred to the Office of the Judge of Probate. The Judge of Probate will then refer the request to the Baldwin County Health Department to have the agency's environmentalists make a recommendation to the Commission for approval/disapproval.
2. If the Baldwin County Health Department recommends disapproval, then the Probate Judge will make the necessary notification to the requester and no further action is required.
3. If the Baldwin County Health Department recommends approval, then the Probate Judge will refer the request and a copy of the Baldwin County Health Department's recommendation to the Baldwin County Commission. Once received, the County Commissioner residing in the district in which the cemetery would be located will confirm the legal description, make a visual inspection of the site, consult with local residents and make a recommendation to the County Commission. ***Other Commissioners are encouraged to visit the site and be familiar with general aspects of the request.***

4. After inspection and review by the County Commissioner in whose district the cemetery would be located, and based upon information he/she provides, staff will prepare an *Agenda Item* outlining said Commissioners recommendation.
5. The County Commission will then approve/disapprove of the request in formal session and forward a report of this action to the Probate Judge along with a certified portion of the minutes showing the action taken by the Baldwin County Commission.
6. Upon receipt of the certified minutes, the Judge of Probate will submit to the County Commission, an *Order Granting License to Establish Private Cemetery*.
7. Upon receipt by the County Commission of the *Order Granting License to Establish Private Cemetery*, staff will prepare an additional *Agenda Item* that recommends accepting and approving placement of a fully executed copy of said *Order* into the minutes of the Baldwin County Commission.

From: Teddy.King@adph.state.al.us [<mailto:Teddy.King@adph.state.al.us>]
Sent: Friday, December 30, 2011 03:06 PM
To: Judge Tim Russell
Cc: Bill.Lenz@adph.state.al.us <Bill.Lenz@adph.state.al.us>; Chad.Kent@adph.state.al.us <Chad.Kent@adph.state.al.us>; David Brewer; Jason.Roley@adph.state.al.us <Jason.Roley@adph.state.al.us>; Loren.Powers@adph.state.al.us <Loren.Powers@adph.state.al.us>; Ricky.Elliott@adph.state.al.us <Ricky.Elliott@adph.state.al.us>
Subject: Re: Fw: Family Burial Plots

Listed below is the opinion of the Alabama Department of Public Health General Counsel regarding family burial plots. If you have any questions, give me a call at 251-424-0762.

Theodore C. King, Environmental Supervisor
Baldwin County Health Department

-----Ricky Elliott/Escambia/ADPH wrote: -----

To: "Chad Kent" <chad.kent@adph.state.al.us>, "David Brewer" <dbrewer@baldwincounty.al.gov>, "Bill Lenz" <Bill.Lenz@adph.state.al.us>, "Loren Powers" <Loren.Powers@adph.state.al.us>, "Teddy King" <teddy.king@adph.state.al.us>, "Jason Roley" <Jason.Roley@adph.state.al.us>
From: Ricky Elliott/Escambia/ADPH
Date: 12/30/2011 02:30PM
Subject: Fw: Family Burial Plots

FYI

▼ Sherry Bradley

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

From: Sherry Bradley
Sent: 12/30/2011 02:25 PM CST
To: Ricky Elliott
Cc: Chad Kent
Subject: Fw: Family Burial Plots

----- Forwarded by Sherry Bradley/ENV/ADPH on 12/30/2011 02:24 PM -----

From: Greg Locklier/LEGAL/ADPH
To: Chad Kent/PHA09/ADPH@ADPH
Cc: Sherry Bradley/ENV/ADPH@ADPH
Date: 12/30/2011 01:39 PM
Subject: Family Burial Plots

Chad,

The Department of Public Health's long held position is that a family burial plot on an individual's private property is not considered to be a cemetery for the purpose of regulation under Section 20-20-4, *Ala. Code 1975* unless the county or municipality has promulgated an ordinance that may include family burial plots within the definition of cemetery.

Hope this helps. Call me if you have any questions. Greg

Greg Locklier
Assistant General Counsel
Alabama Department of Public Health
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Montgomery, AL 36104
Phone: (334)206-5209
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greg.locklier@adph.state.al.us

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