

EXPANSION OF MUNICIPAL CEMETERY

A RESOLUTION OF THE CITY OF BASTROP, TEXAS, APPROVING THE EXPANSION OF FAIRVIEW CEMETERY AND REQUESTING THE CITY MANAGER AND CITY ATTORNEY TO MAKE PREPARATIONS FOR THE DEMOLITION, SALE AND REPURPOSING OF CERTAIN MUNICIPAL SURPLUS REAL PROPERTY ADJACENT TO THE CEMETERY

WHEREAS, the City Council of the City of Bastrop (“City Council”) finds it to be in the public interest and necessary to maintain and occasionally expand cemeteries to protect public health and peace of the community; and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an ordinance, rule, or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, Texas Health and Safety Code Section 713.001 authorizes a city to purchase, establish, and regulate a cemetery or enclose and improve a cemetery already owned by the city.

WHEREAS, Texas Local Government Code Section 331.001 authorizes a city to acquire burial grounds by gift, devise, purchase, or eminent domain.

WHEREAS, pursuant to Section 3.01(15) of the City’s Charter, the City Council has the authority to exercise exclusive dominion, control and jurisdiction in, upon, over, and under the public streets, avenues, sidewalks, alleys, highways, boulevards, and public grounds of the City and provide for the improvement of same; and

WHEREAS, pursuant to Section 15.01.007 of the City’s Code of Ordinances, the City Council has the authority to invest funds for all purposes set forth in Article 15 of the City’s Code of Ordinances, including managing and maintaining cemeteries; and

WHEREAS, the City Council finds it to be in the public interest that the City demolish, sell, or repurpose municipal real property adjacent to a municipal cemetery for the purpose of expanding and modifying the same municipal cemetery to promote the public health and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bastrop:

Section 1: The City Council hereby approves the conceptual policy of expanding the Fairview Cemetery beyond its current boundary.

Section 2: The City Council hereby requests that the City Manager commence with identifying options and making tentative plans for the demolition and sale of certain municipal surplus real property (including improvements) located adjacent to the Fairview Cemetery, and repurpose remaining real property.

Section 3: The City Council requests that the City Attorney assist the City Manager in the preparation of the documentation necessary to effectuate the objectives listed in Sections 1 and 2 (above) for submittal to the City Council for consideration and possible action.

Section 4: The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act.

DULY RESOLVED & ADOPTED by the City Council of the City of Bastrop, Texas, on this, the 22nd day of August 2023.

APPROVED:

Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney