



AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of July 7, 2021

DATE: May 28, 2021

FROM: Dave Doyle Legal 388-6625

TITLE OF AGENDA ITEM:

Consideration of Board signature on Order No. 2021-020, Approving the Disinterment and Reburial of Graves in the Greenwood Cemetery.

PUBLIC HEARING ON THIS DATE? No.

BACKGROUND AND POLICY IMPLICATIONS:

The Greenwood Cemetery (located just west of the Bend PD Building and across the street from Pilot Butte) has need to move several graves of unknown indigent people buried in unmarked graves over various decades prior to 1970. The current grave sites are subject to continuing desecration, including vehicle trespass, loitering and discarded trash. The Greenwood Cemetery has complied with all ORS requirements. A signed Declaration is attached and attests to the fact that since there are no records or identification documents that the Cemetery is unable to obtain consent. In such instances, ORS 97.220 provides that the BOCC may issued an Order authorizing disinterment and reburial.

FISCAL IMPLICATIONS:

None.

RECOMMENDATION & ACTION REQUESTED:

Move Board approval and signature on Order No. 2021-020, approving the Disinterment and Reburial of Graves in the Greenwood Cemetery.

ATTENDANCE: Legal

DISTRIBUTION OF DOCUMENTS:

Legal



NISWONGER-REYNOLDS FUNERAL HOME

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May 28, 2021

Board of County Commissioners
Deschutes County
1300 NW Wall Ste, 2nd Flr
Bend, OR 97703

RE: Greenwood Cemetery disinterment and reburial of unknown graves of pre-1970's graves

I am President of the Oregon Care Group LLC, the owner of the Greenwood Cemetery ("Owner") located at 1220 NE Franklin Ave, Bend, OR 97701. I am writing to respectfully request that the Board of County Commissioners ("BOCC") add to its next available consent agenda the attached proposed order.

This order will allow the Oregon Care Group LLC to move several graves of unknown, indigent people buried in the cemetery in unmarked graves over various decades prior to 1970. Because the owner has no record of who was buried there, the Owner is not able to obtain consent for the moving of the graves per ORS 97.220(1). Therefore, the owner seeks the approval by the BOCC as provided in ORS 97.220(2).

The graves are in a location where inconsiderate people drive over the graves, leave trash, including hypodermic needles, and otherwise desecrate the graves. Thus, the Owner wishes to move the graves from an area along Highway 20 to a more respectful location in an already platted area of the cemetery further away from Highway 20 where they will less likely be desecrated. See attached map showing the general current and future locations of these graves. The Owner will hire a company to provide ground penetrating radar services to determine the exact location of the graves.

The Owner intends to place some form of a marker in the new area identifying the area as graves of unknown people. The Owner had not yet completed a plan for the exact marker.

The Owner sent the 60-day notice described in ORS 92.220(2) to the Deschutes County public health department since that public agency may have had authority to intern the human remains, and, therefore, may have records of who is buried in this location. See the attached notice. The 60 days will have past at least by the time the BOCC addresses this request in its next available public meeting.

Therefore, because the Owner followed the statutes to the extent possible, the Owner requests that the attached order be placed on the BOCC consent agenda and approved at the next possible BOCC public meeting.

BEND

105 NW IRVING AVENUE • BEND, OREGON 97703 • 541-382-2471 • 541-318-6944 FAX

GREENWOOD CEMETERY

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Please let me know if you need any further information from me. Also, if needed, I can provide a Word version of the Order for your staff's convenience.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Dated: *MAY 28, 2021*

Kevin Precht
President, Oregon Care Group LLC

BEND

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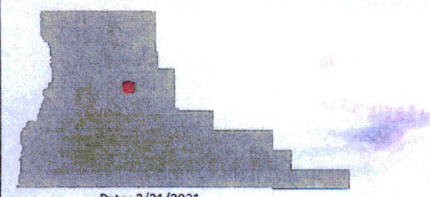
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GREENWOOD CEMETERY

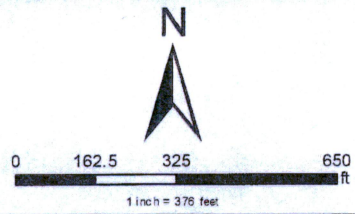
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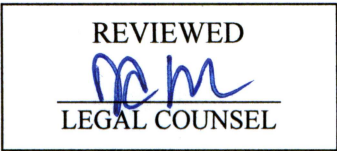


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Deschutes County GIS



Date: 3/31/2021





For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Approving the Disinterment and *
Reburial of Graves of Unknown People in the * ORDER NO. 2021-020
Greenwood Cemetery

WHEREAS, ORS 97.220(2) requires the Board of County Commissioners (“BOCC”) approve the disinterment of bodies if consent cannot be obtained from people who authorized the original interment of the bodies; and

WHEREAS, the Oregon Care Group, LLC (“Owner”), owner of the Greenwood Cemetery at 1220 NE Franklin Avenue, Bend, Oregon (“Cemetery”) requested the BOCC approve the disinterment from their current location of graves of a group of unknown people who were buried over many years prior to 1970 in the Cemetery; and

WHEREAS, the graves of these unknown people have been continually desecrated over many years and should be moved to prevent further desecration; and

WHEREAS, the Owner will rebury the remains of the unknown people in another area of the Cemetery that is currently platted for graves where the graves will be more protected from desecration; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, hereby ORDERS as follows:

Section 1. That the Owner may disinter and rebury the graves of the unknown people as shown on Exhibit A, attached and incorporated by reference herein.

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Section 2. This Order is effective upon signing.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Dated this _____ of July, 2021

ANTHONY DeBONE, Chair

PHIL CHANG, Vice Chair

ATTEST:

Recording Secretary

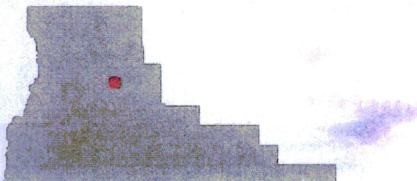
PATTI ADAIR, Commissioner

GREENWOOD CEMETERY

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Date: 3/31/2021

