

REPORT OF OFFICER TO PUBLIC WORKS COMMITTEE.

By: CITY ATTORNEY'S OFFICE

Date: September 16, 2022.

Requesting Committee approve transfer of Wildwood Cemetery burial lot located at Sec. 16A, Gr 341, from Lois Van Haveren - Clicquennoi to Debra V. Faber.

BACKGROUND / ANALYSIS:

The City has received a request to transfer ownership of a burial plot located at Sheboygan's Wildwood Cemetery. This plot, located in Section 16A, Grave 341, was purchased in 1960 by Lois Van Haveren - Clicquennoi at the time of her first husband's passing and is adjacent to the plot where he was interred. In 1990, Ms. Van Haveren - Clicquennoi purchased three other plots at the cemetery in which she, her second husband, and her only child are interred. Plot 341 remains vacant and the first husband's brother has asked the City for permission to transfer ownership of this plot to his daughter, who is battling terminal cancer.

The City Attorney's Office, through various internet resources, identified the next-of-kin who would have a right to claim ownership of this plot, and contacted them by mail. A representative of this family, Kay Gassner, niece and goddaughter of Lois Van Haveren - Clicquennoi, has responded that "the family has no objections to the Van Haveren family taking ownership of the burial plot." A copy of this correspondence is attached.

Sheboygan Municipal Code §§ 34-121 and 122 guide the Committee in this matter. SMC § 34-122(a)-(d) provide a framework for the Committee to consider who may have a right to the plot. In this particular situation, (d) controls and provides in relevant part:

. . . the public works committee, in the exercise of its discretion and without being answerable to any person, may permit the burial on the lot of any person, whether or not belonging to any of the classes mentioned in this subsection, who, by reason of blood kindred or other family relationship or by reason of close association with the deceased lot owner or with any person buried or presumptively entitled to be buried on the lot, is deemed by the committee to be justly and equitably entitled to burial thereon, unless a written objection to the burial of such person is filed, duly signed and acknowledged by some person of the class of nearest kindred then presumptively entitled to burial, in which case no burial outside the specified class of descendants or collateral kindred shall be made without the concurrence of such objector.

According to SMC §34-121(g), approval by a majority of the Committee is needed to effectuate the transfer. Upon approval, any fees associated with the lot transfer will be paid by Thomas Van Haveren, father of Debra V. Faber.



Elizabeth Majerus
Assistant City Attorney