

CITY COUNCIL  
ATLANTA, GEORGIA

A RESOLUTION

02-R-0088

BY COUNCILMEMBER CLAIR MULLER  
AS SUBSTITUTED BY COMMUNITY  
DEVELOPMENT/HUMAN RESOURCES COMMITTEE

A RESOLUTION ACKNOWLEDGING THAT THE BUCKHEAD ROTARY CLUB HAS BEEN AND SHALL CONTINUE TO MAINTAIN AND CLEAN THE APPARENTLY ABANDONED HISTORICALLY SIGNIFICANT HARMONY GROVE CEMETERY LOCATED AT 214 WEST PACES FERRY ROAD, NW; TO PROVIDE THAT THE CITY'S ACKNOWLEDGMENT AND PARTICIPATION WITH RESPECT TO THIS EFFORT SHALL BE AT NO COST TO THE CITY AND FOR OTHER PURPOSES.

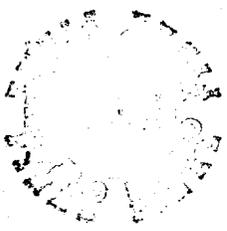
WHEREAS, the Harmony Grove Cemetery is located at 214 West Paces Ferry Road and has a total of 41 marked burial sites and several unmarked sites; and

WHEREAS, according to Atlanta Historian Franklin Garrett, the cemetery dates back to March 1872, when James Smith was buried there; and

WHEREAS, the most prominent plot is the Sims family's—John Sims was buried in the Harmony Grove Cemetery in January 1919 (his son, Walter Sims, was mayor of Atlanta in the 1920s); and

WHEREAS, the Harmony Grove Baptist Church was abandoned in 1919 when the dwindling congregation moved to a new location and the structure was demolished; and

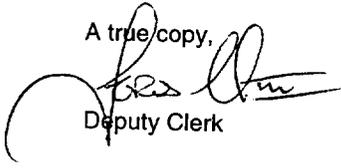
WHEREAS, according to the daughter of former Mayor Walter Sims, her father set up a trust with the then C & S Bank and also got a ruling from the Georgia Supreme Court that Harmony Grove Cemetery must be maintained as a cemetery in perpetuity; and



WHEREAS, over the years, Harmony Grove Cemetery has not been properly protected nor preserved, nor is there clear title or ownership of the cemetery property so as to enforce proper maintenance of that land.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ATLANTA, GEORGIA that the City acknowledges that The Buckhead Rotary Club has been and shall continue to maintain, clean and cut the grass, and prune the bushes and trees located in the apparently abandoned and historically significant Harmony Grove Cemetery on a volunteer basis and shall provide landscaping and other such services.

BE IT FURTHER RESOLVED that the City's acknowledgment and participation with respect to this effort shall be at no cost to the City.

A true copy,  
  
Deputy Clerk

ADOPTED by the Council  
APPROVED by the Mayor

FEB 04, 2002  
FEB 12, 2002

(8) "Human remains" means the bodies of deceased human beings in any stage of decomposition, including cremated remains.

(9) "Preserve and protect" means to keep safe from destruction, peril, or other adversity and may include the placement of signs, markers, fencing, or other such appropriate features so as to identify the site as a cemetery or burial ground and may also include the cleaning, maintenance, and upkeep of the site so as to aid in its preservation and protection. (Code 1981, § 36-72-2, enacted by Ga. L. 1991, p. 924, § 3; Ga. L. 1992, p. 2508, § 1.)

The 1992 amendment, effective April 20, 1992, inserted the second sentence in paragraph (3), and in paragraph (9), inserted "may also include the cleaning, maintenance, and upkeep of the site" and

substituted "its preservation and protection" for "the preservation and protection of such cemetery or burial ground" at the end.

**36-72-3. Authority of counties and municipalities to preserve abandoned cemeteries.**

Counties, anywhere within the county boundaries, and municipalities, anywhere within the municipal boundaries, are authorized, jointly and severally, to preserve and protect any abandoned cemetery or any burial ground which the county or municipality determines has been abandoned or is not being maintained by the person who is legally responsible for its upkeep, whether or not that person is financially capable of doing so, to expend public money in connection therewith, to provide for reimbursement of such funds by billing any legally responsible person or levying upon any of his property as authorized by local ordinance, and to exercise the power of eminent domain to acquire any interest in land necessary for that purpose. (Code 1981, § 36-72-3, enacted by Ga. L. 1991, p. 924, § 3; Ga. L. 1992, p. 2508, § 2.)

The 1992 amendment, effective April 20, 1992, rewrote this Code section to the extent that a detailed comparison is impracticable.

**36-72-4. Permit required for developing land on which cemetery located.**

No known cemetery, burial ground, human remains, or burial object shall be knowingly disturbed by the owner or occupier of the land on which the cemetery or burial ground is located for the purposes of developing or changing the use of any part of such land unless a permit is first obtained from the governing authority of the municipal corporation or county wherein the cemetery or burial ground is located, which shall have authority to permit such activity except as provided in Code Section 36-72-14. (Code 1981, § 36-72-4, enacted by Ga. L. 1991, p. 924, § 3.)



RCS# 3449  
2/04/02  
4:05 PM

Atlanta City Council

Regular Session

CONSENT I

Pages 1 thru 6: Except 02-O-0004;  
02-R-0005;02-O-0006;02-R-0193;02-R-0105  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-R-0105  
02-R-0193

CORRECTED COPY

CONSENT I

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**02/04/02 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 02-O-0169
2. 02-R-0088
3. 02-R-0146
4. 02-R-0147
5. 02-R-0179
6. 02-R-0137
7. 02-R-0138
8. 02-R-0139
9. 02-R-0140
10. 02-R-0141
11. 02-R-0142
12. 02-R-0143
13. 02-R-0144
14. 02-R-0145

**ITEMS ADVERSED ON  
CONSENT AGENDA**

15. 02-R-0117
  16. 02-R-0118
  17. 02-R-0119
  18. 02-R-0120
  19. 02-R-0121
  20. 02-R-0122
  21. 02-R-0123
  22. 02-R-0124
  23. 02-R-0125
  24. 02-R-0126
  25. 02-R-0127
  26. 02-R-0128
  27. 02-R-0129
  28. 02-R-0130
  29. 02-R-0131
  30. 02-R-0132
  31. 02-R-0133
  32. 02-R-0134
  33. 02-R-0135
  34. 02-R-0136
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02-R-0088

(Do Not Write Above This Line)

A RESOLUTION

BY COUNCILMEMBER CLAIR MULLER

A RESOLUTION AUTHORIZING THE CITY OF ATLANTA AND FULTON COUNTY, JOINTLY, TO PROTECT AND PRESERVE THE HISTORICALLY SIGNIFICANT HARMONY GROVE CEMETARY LOCATED AT 214 WEST PACES FERRY ROAD, NW, AS OUTLINED IN GEORGIA CODE SECTION 36-72-3.

ADOPTED BY

FEB 04 2002

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 01/07/02  
 Referred To: CD/HR  
 Date Referred  
 Referred To:  
 Date Referred  
 Referred To:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred to \_\_\_\_\_

Committee CD/HR  
 Date 1/15/02  
 Chair  
 Action: Hold (see rev. side)  
 Other:  
 Members  
 Refer To

Committee CD/HR  
 Date 1/29/02  
 Chair Clair Muller  
 Action: Subst.  
 Fav. Adv. Hold (see rev. side)  
 Other:  
 Members  
 Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd Readings
- Consent
- V Vote
- RC Vote
- 3rd

CERTIFIED

CERTIFIED  
 FEB 04 2002  
 ATLANTA CITY COUNCIL PRESIDENT  
*Clair Muller*

CERTIFIED  
 FEB 04 2002  
*Rachel Douglas Johnson*  
 MUNICIPAL CLERK

MAYOR'S ACTION

*Audley French*  
 FEB 12 2002