

Bridlewood Community Association Board of Directors Meeting



Discussion of Abandoned Cemetery
September 2019

Board of Directors (elected volunteers)

- Larry Burch
- Hilary Loder
- Carolyn Ruwe
- Kurt Voggenreiter
- John Griffith

Sequoia Management
Company –

- Craig Courtney
- Kylee Pineda

Cemetery Discussion

- Location of cemetery
- View from street and above
- State regulations and Maintenance FAQ's
- Layout of 50 graves
- Condition of cemetery
- What (if anything) to do in the future?

County Archaeologist

- Mr. Patton met with Larry Burch and Craig Courtney at the cemetery on 9/5/2019.
- He provided details of the layout from his 2015 field survey.

PRINCE WILLIAM COUNTY GOVERNMENT

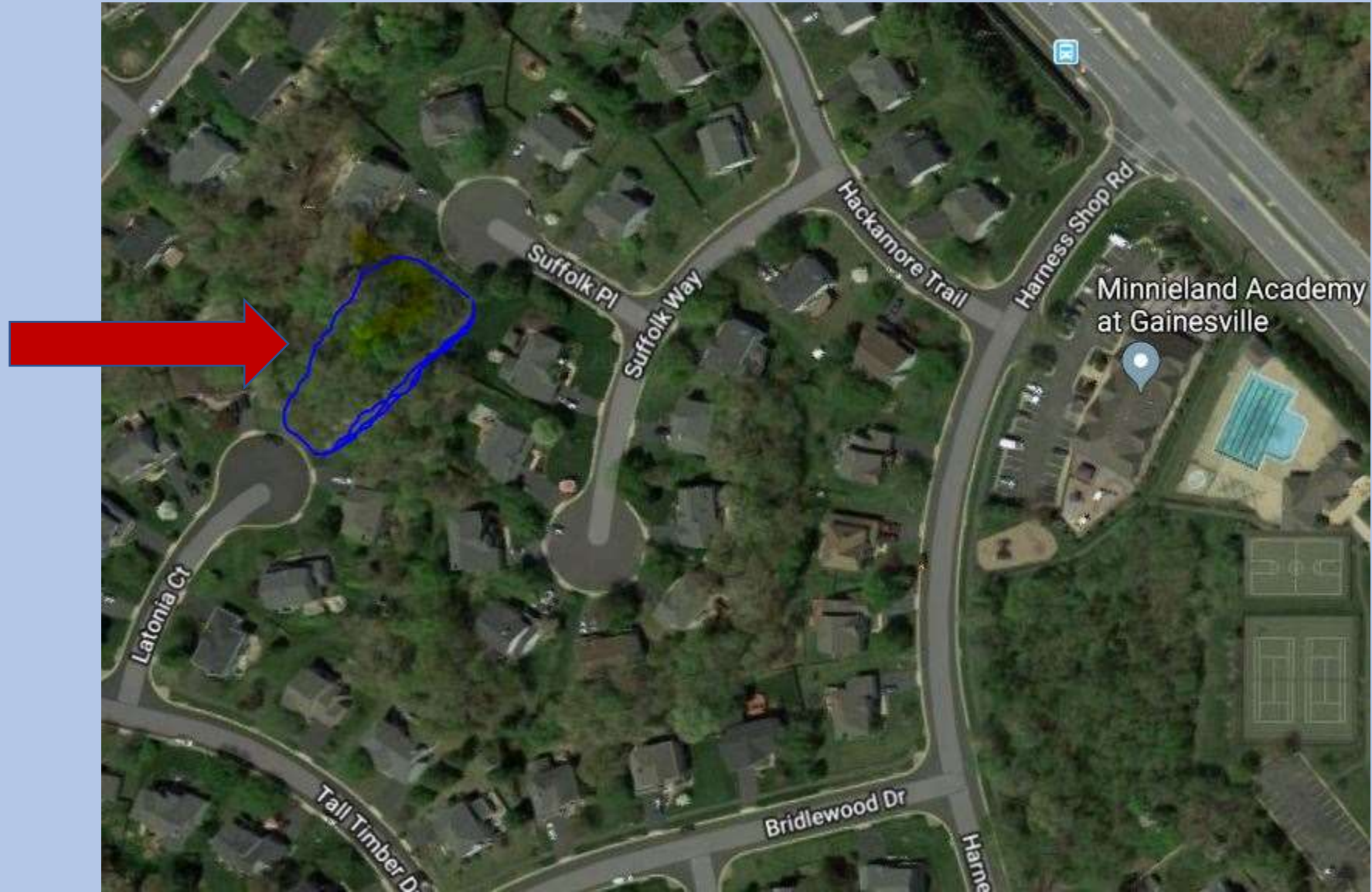


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Cemetery Location



Location, closer view



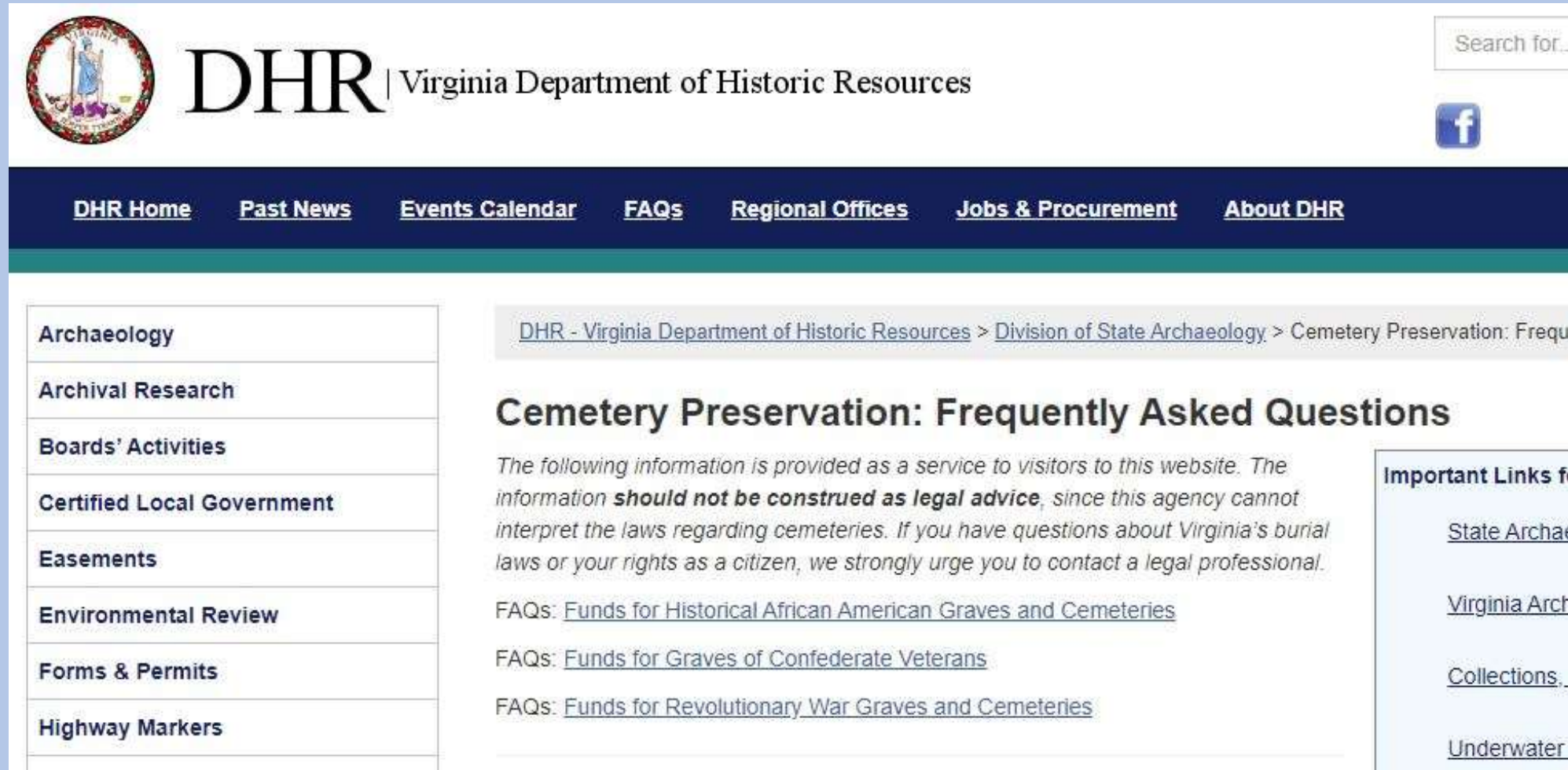
View from Suffolk Pl



View from Latonia Ct



State Web Site



The screenshot shows the website for the Virginia Department of Historic Resources (DHR). At the top left is the DHR logo, which features a circular emblem with a figure holding a scale and a sword, surrounded by the text 'DHR | Virginia Department of Historic Resources'. To the right of the logo is a search bar with the text 'Search for...'. Below the search bar is a Facebook icon. A dark blue navigation bar contains the following links: [DHR Home](#), [Past News](#), [Events Calendar](#), [FAQs](#), [Regional Offices](#), [Jobs & Procurement](#), and [About DHR](#).

The main content area is titled 'Cemetery Preservation: Frequently Asked Questions'. The breadcrumb trail reads: [DHR - Virginia Department of Historic Resources](#) > [Division of State Archaeology](#) > Cemetery Preservation: Frequ... The page includes a disclaimer: *The following information is provided as a service to visitors to this website. The information **should not be construed as legal advice**, since this agency cannot interpret the laws regarding cemeteries. If you have questions about Virginia's burial laws or your rights as a citizen, we strongly urge you to contact a legal professional.*

Below the disclaimer are three links for frequently asked questions:

- FAQs: [Funds for Historical African American Graves and Cemeteries](#)
- FAQs: [Funds for Graves of Confederate Veterans](#)
- FAQs: [Funds for Revolutionary War Graves and Cemeteries](#)

On the left side of the page, there is a vertical menu with the following items: [Archaeology](#), [Archival Research](#), [Boards' Activities](#), [Certified Local Government](#), [Easements](#), [Environmental Review](#), [Forms & Permits](#), and [Highway Markers](#).

On the right side, there is a section titled 'Important Links for...' with the following links: [State Archae...](#), [Virginia Arch...](#), [Collections...](#), and [Underwater...](#)

Details from this site are shown on next slides.

“Not obligated to do anything”

I have an old abandoned cemetery on my property. What are my legal rights and obligations? Do I have to maintain the cemetery or let family members come on my land?

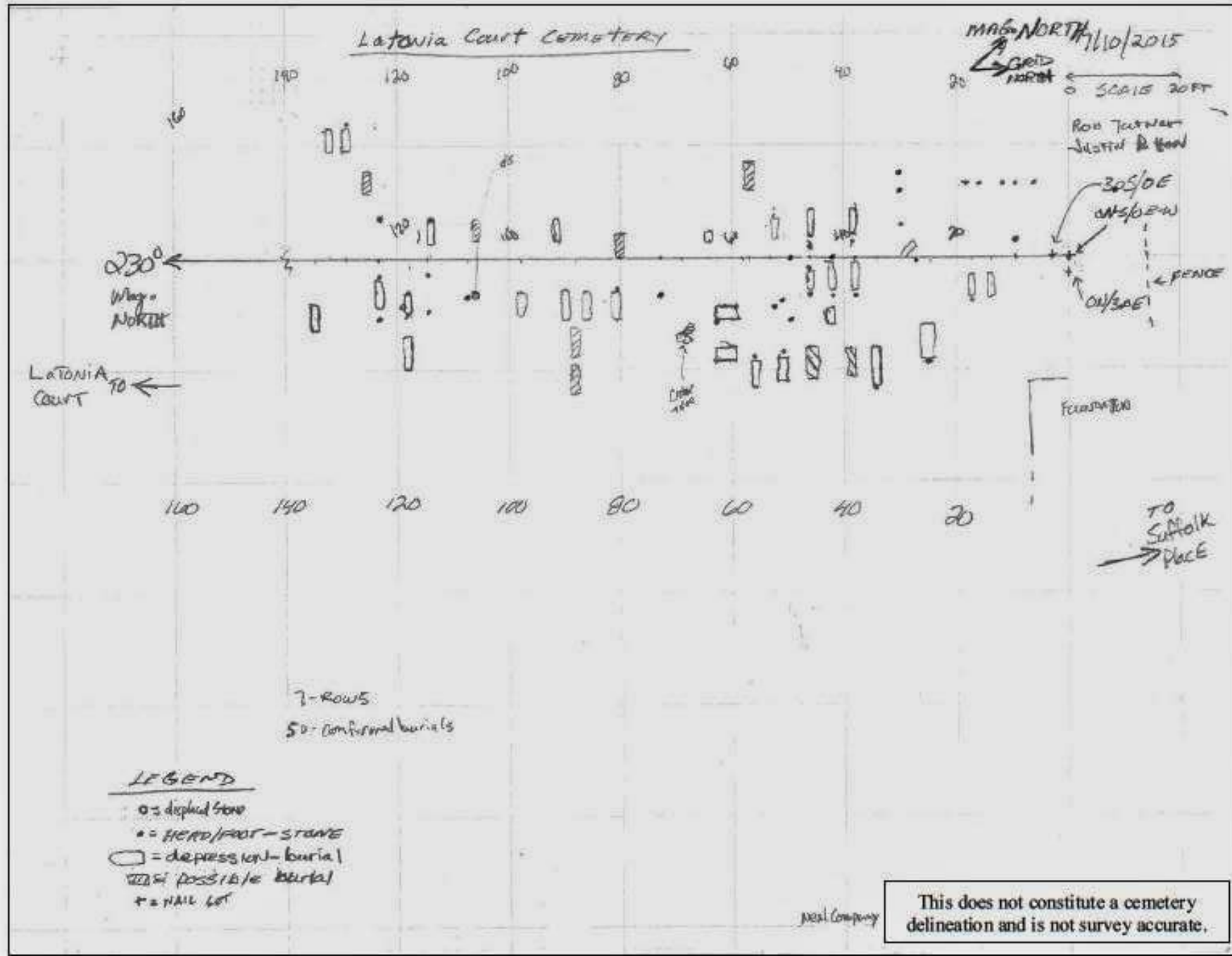
As the owner of property that includes a cemetery, you are not obligated to do anything as long as you leave the cemetery alone. You may maintain the cemetery if you wish, or allow descendants or other parties to do so. Virginia law protects all cemeteries from willful and malicious damage, whether by the owner or by others ([§18.2-127](#)). Should you decide to remove and relocate the graves so that the area may be used for other purposes, you are required to file a bill in equity with the city or county circuit court for permission to do so ([§57-38.1](#)). This petition will require a good faith effort to identify and contact the families or descendants of the persons interred in the cemetery, as well as publication of a notice of intent in a local newspaper. If the cemetery is unmarked, and you wish to have the remains recovered by professional archaeologists, you will also require a permit (download the [permit application](#)) from DHR ([§10.1-2305](#)). Unless otherwise ordered by the court, you will be responsible for all costs incurred during the relocation process.

There is no Virginia law that requires landowners to maintain cemeteries on their properties, although section [§57-39.1](#) of the Code of Virginia does provide an avenue for adjacent landowners to petition the courts for relief in the event that a cemetery is found to be neglected and unsightly, thus reducing adjacent property values. You are required to allow access to the cemetery for visitation by family members or descendants of the interred persons or by owners of any plots within the cemetery, and for the purpose of genealogical research ([§57-27.1](#)). You have the right to designate the frequency, hours, and duration of any access, and you are not required to create a special access route if one is not already present.

Current Condition

- Abandoned
- Overgrown (briars, trees of all sizes, poison ivy, etc.)
- Many of the 50 graves are sunken (and should remain that way).
- No dumping by HOA. Past small dumping by residents.
- A little trash (cans and bottles – some very old).
- HOA has cut dead trees occasionally in the past, most recently one large tree in the spring.
- Overall, not bad considering it has been abandoned. County has seen much worse.

Layout



“no law requiring that the owner of a cemetery maintain that cemetery”

Whose responsibility is it to take care of old cemeteries?

Although Virginia law protects cemeteries, graveyards, and burial sites from disturbance and damage (§18.2-127), there is no law requiring that the owner of a cemetery maintain that cemetery. If you are an adjacent landowner, and feel that a neglected or unsightly cemetery on someone else's property lowers the value of your property, you may petition the city or county circuit court for relief (§57-39.1). If you would like to take care of a cemetery, but do not own the property, make sure that you discuss your ideas with the landowner and obtain his or her permission to be on private land. If you do not know who owns the property, you can access this information through your local planning department or circuit court clerk's office. You should also contact your city or county's Commonwealth's Attorney to make sure that you are aware of any local requirements or regulations with regard to cemetery treatment.

Possibilities for the Future

1. Do nothing except cut occasional dead tree that might cause damage (this is what we have done since Bridlewood created).
2. Clean Up: Remove brush and small trees/plants, clean up the area by hand (no mowers or weed whackers permitted by county guidelines).
3. Clean Up: Make the clean-up an Eagle Scout project, supervised by archaeologist.

Note that any significant spending on the cemetery has not been budgeted and could cause a dues increase.

Decision Made for #1 above by Board Members and residents. 9/2019