

BOOK 240 PAGE 331

IN THE MATTER OF THE ESTABLISHMENT OF
CRITERIA FOR THE ACCEPTANCE
OF A ROADWAY TO PUBLIC CEMETERIES
IN THE COUNTY

The Board of Supervisors is aware of its discretionary authority to maintain roads to public cemeteries, and is further aware that any public road be designated on the County Road Map and Register of public roads. The attorney for the Board of Supervisors discussed with the Board the opinion number 2002-0246, dated May 17, 2002, issued by the Office of the Attorney General, State of Mississippi, regarding a definition of "public cemetery." The Board of Supervisors is aware of several requests to the Board regarding provision of roads to cemeteries located in various parts of the County. The Board of Supervisors, in order to faithfully comply with statutory authorities, feels it is advisable to establish criteria for acceptance of cemeteries as public cemeteries and the establish or maintenance of roads leading to such cemeteries.

On motion by Supervisor Carroll Fosterberry, seconded by Supervisor Leslie Elmore, the following resolution was duly adopted:

The Board of Supervisors of Pike County, Mississippi does hereby, by these presence, require the following minimum actions be taken prior to the designation of a cemetery as a "public cemetery", as provided by § 19-3-75, MS Code Ann. (1) Trustees of any such cemetery shall be duly designated and elected by the members of or persons associated with the cemetery; (2) A survey, performed by a registered land surveyor, shall be made, and the designation of trustees, with provisions for election of successors to the named trustees, and the survey description of the cemetery shall be placed of record in the office of the Chancery

BOOK 240 PAGE 332

Clerk of Pike County, Mississippi; (3) Further, the trustees shall execute and cause to be recorded, as a part of the filing in the office of the Chancery Clerk naming the trustees and describing the survey description of the cemetery property, a statement that the cemetery is open to the public as a burial place, and that there shall be no discrimination, based upon race, color, creed, religion, or national origin, of any person or persons and that the cemetery is a not-for-profit organization, with no person realizing any profit or financial gain from the operation of the cemetery.

Thereafter, if the Board of Supervisors of Pike County, Mississippi shall find, by its resolution and in its sound discretion, that any such cemetery, the records for which have been set forth above, have been duly filed in the office of the Chancery Clerk, is in fact a public cemetery, as the Board of Supervisors shall also in its discretion, amend the County Road Map and Register of Roads to provide the starting point, distance (not to exceed 150 feet) and course, and terminating point of any road used in connection with the public cemetery.

This the 1st day of December, 2003.

PIKE COUNTY BOARD OF SUPERVISORS

BY: Tazwell Bowsky
TAZWELL BOWSKY, PRESIDENT

BOOK 240 PAGE 333

Record of Votes

Tazwell Bowsky, District 1, voting	Yea
Lexie Elmore, District 2, voting	Yea
Aubrey Matthews, District 3, voting	Yea
Venton Ray Adams, District 4, voting	Yea
Carroll Fortenberry, District 5, voting	Yea

ATTEST:

DOUG TOUCHSTONE, CHANCERY CLERK
PIKE COUNTY, MISSISSIPPI
CLERK OF THE BOARD

BY: 

