

RESOLUTION NO. 4202

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, TAKING POSSESSION AND CONTROL OF IRON ORE CREEK CEMETERY; ESTABLISHING A PLAN FOR THE MAINTENANCE AND CARE OF IRON ORE CREEK CEMETERY; PROVIDING AN ACTION PLAN AND COMPLIANCE WITH TEXAS HEALTH AND SAFETY CODE SECTION 713.009; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR SEVERABILITY; PROVIDING A CUMULATIVE REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the history of the Iron Ore Creek Cemetery spans well over 150 years ago; and

WHEREAS, the Texas Historical Commission (“THC”) declared the Iron Ore Creek Cemetery as a Historic Texas Cemetery, worthy of preservation, on April 30, 2010; and

WHEREAS, the City Council of the City of Denison (the “City Council”) desires to preserve, protect and strengthen all of the cemetery assets in the City of Denison (the “City”), including Iron Ore Creek Cemetery, so the rich history and landscape can be shared with future generations; and

WHEREAS, since the historical designation in 2010, the Iron Ore Creek Cemetery has not had proper maintenance until 2021 when the City began working to restore and actively maintained the property; and

WHEREAS, due to being unable to locate a property owner, the City Council now declares that the City will take possession and control of Iron Ore Creek Cemetery no later than August 15, 2025; and

WHEREAS, in accordance with Texas Health and Safety Code section 713.009, the City Council hereby establishes an action plan for the maintenance and care of Iron Ore Creek Cemetery; and

WHEREAS, the City Council after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council at which the City Council considered the public health, safety, comfort and welfare as it pertains to the maintenance and care of Iron Ore Creek Cemetery, and the City Council does hereby find that the City taking possession and control of Iron Ore Creek Cemetery on behalf of the public hereby accomplishes such objectives.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS:

Section 1. Incorporation of Premises. All of the above premises are found to be true and correct and are incorporated into the body of this Resolution as if copied in their entirety.

Section 2. Possession and Control. The City Council hereby declares, in accordance with Texas Health and Safety Code section 713.009, the City shall take possession and control of Iron Ore Creek Cemetery no later than August 15, 2025.

Section 3. The Iron Ore Creek Cemetery Action Plan attached as Exhibit "A" is incorporated for all purposes, adopted as a part of and included in the City's action plan for the maintenance and care of Iron Ore Creek Cemetery.

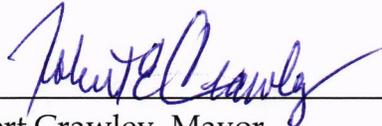
Section 4. Severability. Should any section, subsection, sentence, clause, or phrase of this Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full force and effect. The City hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Section 5. Cumulative Repealing. This Resolution shall be cumulative of all resolutions of the City, as amended, except where the provisions hereof are in direct conflict with the provisions of such resolutions, in which event such conflicting provisions are hereby repealed.

Section 6. Effective Date. That this Resolution shall become effective immediately from and after its passage, and it is so resolved.

Section 7. Open Meeting. That it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code

PASSED AND APPROVED by the City Council of the City of Denison, Texas, this the 16th day of June 2025.



Robert Crawley, Mayor

ATTEST:



Christine Wallentine, City Clerk



EXHIBIT "A"

Action Plan for Iron Ore Creek Cemetery

This plan provides a comprehensive approach to both the immediate and long-term care of Iron Ore Creek Cemetery, ensuring its preservation for future generations while maintaining public safety and historical integrity.

Mission:

Our mission is to preserve, protect and strengthen all of the cemetery assets, so it can continue to share its rich history and landscape for future generations and our community.

1. Public Notice and Resolution

- **Action:**
 - A formal public notice will be sent to the Texas Historical Commission and published in a local newspaper regarding the City's intention to take possession and control of Iron Ore Creek Cemetery per the authority outlined in Health & Safety Code, Section 713.009.
 - The notice & resolution will outline the following:
 - The resolution outlining the City of Denison's intention to take possession of the cemetery due to the lack of a documented property owner and long-term abandonment.
 - A summary of the immediate actions taken to improve the condition of the cemetery.
 - The City's long-term plan for continued maintenance and preservation.
 - **Timeline:**
 - Complete the action plan and submit for legal review by April 25, 2025
 - After legal review, complete and publish the public notice in the newspaper
 - Execute the resolution within 60 days of public notice being published
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2. Immediate Improvements and Restoration

- **Actions Taken:**
 1. **Removal or Repair of Fences, Walls, and Other Improvements:**
 - All unsafe or deteriorated fencing and walls have been either removed or repaired to ensure public safety.
 2. **Straightening and Resetting of Memorial Stones:**
 - Memorial stones and embellishments that posed a threat to public safety have been either straightened or reset, minimizing any risk of injury.
 3. **Restoration of Premises:**
 - The grounds have been restored to a decent and orderly condition, including clearing of any overgrowth, debris removal, and restoration of paths for safe access.
 4. **Providing Accessibility:**

- The City of Denison has entered into an access agreement with UHS/TMC (Hospital) who owns the property on the west side of the cemetery. This are providing the easiest accessible walking route to Iron Ore Creek Cemetery. This agreement, executed on May 29, 2024 is valid for 3 years.
 - **Documentation:**
 - Detailed records of all work completed have be compiled, including photographs and descriptions of actions taken. These documents can be reference in Exhibit A (Timeline) & Exhibit B (History and survey documents)
 - **Timeline:**
 - All immediate and restoration improvements required, as outlined above, has been completed as of April 30, 2021.
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3. Ongoing Maintenance Plan

- **Objective:** To ensure the continued upkeep, access and preservation of Iron Ore Creek Cemetery in a safe, orderly, and dignified manner.
- **Actions:**
 1. **Routine Grounds Maintenance:**
 - Regular lawn mowing, trimming, and debris removal.
 - Seasonal landscaping to maintain a respectful and aesthetically pleasing environment.
 2. **Memorial Stone Upkeep:**
 - Periodic inspections and repairs to memorial stones and embellishments.
 - Continued straightening and resetting of any stones that may shift due to weather or other environmental factors.
 3. **Fencing and Wall Maintenance:**
 - Regular inspections of existing fences and walls to ensure they remain safe and intact.
 - Any necessary repairs or replacements will be carried out promptly, as funding allows.
 4. **Signage and Public Access:**
 - Installation and upkeep of clear signage indicating the cemetery's location and historical significance.
 - Ensuring access routes are maintained and free of obstructions.
- **Resource Management:**
 1. **Funding:**
 - Funding will be allocated from the city's division 008 cemetery budget, with the possibility of seeking grant funding through historical preservation programs or partnerships with local organizations.
 2. **Personnel:**
 - The City will assign a team (Division 008) to oversee cemetery maintenance and ensure the work is carried out according to the plan.
 - In-house personnel, as well as contractors, may be engaged for specialized work (e.g., tree trimming, stone restoration).

3. **Community Involvement:**

- Local volunteers or community groups may be involved in regular cleanup days or other activities to help maintain the cemetery and its historical significance.
 - **Timeline:**
 - Ongoing maintenance will commence immediately after the public notice and resolution are approved, with regular assessments performed annual, or as often as deemed necessary.
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4. **Preservation and Historical Significance**

- **Action:**
 - The City will ensure that Iron Ore Creek Cemetery is preserved as an important historical site, considering potential future restoration or preservation efforts, including partnerships with the Texas Historical Commission, as needed.
 - The cemetery will be documented and, if eligible, nominated for placement on the National Register of Historic Places.
 - **Timeline:**
 - Ongoing efforts will be evaluated on an annual basis.
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5. **Communication and Reporting**

- **Action:**
 - The City will regularly update the public on the status of cemetery maintenance, improvements, and any significant historical findings through the Cemetery Advisory Board Meetings. These meetings are held quarterly.
 - Any annual requirements will be performed detailing progress on the cemetery's condition and preservation efforts.
 - **Timeline:**
 - The first public update will be provided at the first Cemetery Advisory Board meeting following annexation, with quarterly updates thereafter.
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Exhibit A

IRON ORE CREEK CEMETERY TIMELINE AKA: Iron Ore Baptist Church Cemetery AKA; Pool Cemetery

GCAD Property ID No.: 115930
Property annexed: No
Historic Cemetery No.: GS-C087
Acres: 0.644
Address: Pool Road
Gravesites: 41

1/1/1900	Warranty Deed (Cemetery – Colored) – Grayson County, Records, Volume 36, Page 52
4/2008	Application for Historical Designation submitted to Texas Historical Commission
5/20/2008	Application approved by Texas Historical Commission
5/6/2010	Historical Cemetery Dedication by Texas Historical Commission – Grayson County Records, Volume 4797, Page 407
11/10/2020	Staff located and visited the cemetery for the first time
1/20/2021	Survey completed by Helvey-Wagner Surveying to determine property lines
3/15/2021	Solicit quotes to clear overgrowth
3/16/2021	Ordered historic marker
3/31/2021	Began clearing the property, assessing markers and light restoration
4/6/2021	Clearing completed of resource growth and deteriorated fence line
4/30/2021	Iron Ore Creek Cemetery sign and temporary historic marker were installed
05/5/2021	Iron Ore Creek Restoration Celebration/Proclamation presentation
6/23/2021	Access License Agreement entered into between the City of Denison and UHS of Texoma, Inc. for access to Iron Ore Creek Cemetery
4/24/2024	Access License Agreement extended another 3 year, until June 2027

Ongoing issues documented with cemetery:

- Property is not annexed into the City limits.
- No permanent easement of access to the cemetery – talks with UHS are ongoing with regard to this possibility as they are open to discussion about a permanent solution.
- No property owner to petition for annexation into City limits.
- Some gravesites located outside of surveyed property boundaries.