



**County Administrative
Office
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: September 29, 2020 - **REVISED**

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

CONTACT PERSON: Marta Rodriguez PHONE: 559-636-5005

SUBJECT: Disclaiming All Interest in the Allensworth Historical Cemetery

REQUEST(S):

That the Board of Supervisors:

1. Approve the attached resolution to disclaim any and all interest, historically and for all time, in the property commonly known as the Allensworth Historical Cemetery; and
2. Direct the Clerk of the Board to record the resolution disclaiming interest with the Clerk-Recorder.

SUMMARY:

The unincorporated community of Allensworth is historically significant as the only community in California to have been founded, financed, and governed by African Americans. Colonel Allen Allensworth founded the community in 1908. Today, the town's history is preserved in the Allensworth State Historic Park which includes original buildings rearranged to replicate the town as it looked in its earliest days. Since 1918, Allensworth has also been home to an historic cemetery as the final resting place for many of the community's pioneers.

The Allensworth Cemetery is located several miles outside of the State Historic Park boundary and is not preserved by the State as part of the Park. In recent years, several community members have requested burials for their family members at the cemetery which have been granted by the Board of Supervisors, specifically in 2013 and 2018. Additionally, there continues to be interest from members of the community to preserve the history of the cemetery and offer burials to residents in the future.

SUBJECT: Disclaiming All Interest in the Allensworth Historical Cemetery
DATE: September 29, 2020

After conducting extensive research, a current property owner has not been identified for the cemetery. In 1918, approximately 5.0 acres was granted by Ralph P. Gage to the Allensworth Cemetery Committee. The Grant Deed lists three representatives of the Committee: J.A. Heckett, J.W. Singleton, and Laura Smith; all of whom are buried at the cemetery. There are no additional property records nor title documents identifying subsequent ownership of the property. All maintenance efforts are conducted by community volunteers.

To ensure that the community has the ability to preserve the cemetery's unique history and to provide a sustainable option for future burial services, the County Administrative Office is recommending that the Board support the Friends of Allensworth and the Allensworth Community Services District (ACSD) in their efforts to acquire and manage the property.

The Friends of Allensworth and the ACSD are working together to acquire the property and identify an ongoing source of revenue to offset the costs of preservation and operation. Their objective will require legal actions and several stages of administrative approval, and it may take several years to complete these tasks. In addition, because of the nature of this property acquisition process, it is not guaranteed that these entities will successfully acquire the property as desired. Both the Friends of Allensworth and the ACSD have conducted Board meetings and have passed resolutions supporting their efforts.

The ACSD is currently working with the Local Agency Formation Commission (LAFCo) to activate its cemetery powers and, ultimately, include this property within its jurisdiction's boundaries. The ACSD must also demonstrate its financial capacity to manage the property in accordance with its historical value and potential ongoing burials. If the Friends of Allensworth successfully acquires title to the property, it will preserve property title until the ACSD is legally capable of managing the cemetery either as an historic property or as an active cemetery. After which point, the property will be transferred to the ACSD.

The purpose of this action is for the County of Tulare to legally disclaim any and all interest, historic and for all time, in the cemetery property. This action will ensure that the cemetery will not, by default, be subject to the provisions of California Health & Safety Code Section 8131, which states that all cemeteries not owned by a city or benevolent association are "under the jurisdiction and control" of the county where they are situated. Although the County is interested in assisting in the efforts detailed above, it is not practical for the County to be responsible for this property nor to continue to consider individual burial requests. The community and the historical legacy of the property are better served if the cemetery is in the hands of a local entity. Therefore, the requested action will assist and support the community, preserve valuable Tulare County history, while minimizing the County's future liability.

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FISCAL IMPACT/FINANCING:

There is no Net County Cost to the General Fund for this action. If the Friends of Allensworth successfully acquire the property and the ACSD is successful in their efforts, all future financial responsibilities to operate the cemetery would be the responsibility of either the Friends of Allensworth or ACSD.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The proposed action would be consistent with the Quality of Life initiative of the Strategic Business Plan as it would ensure local control and continued operation for the historic cemetery.

ADMINISTRATIVE SIGN-OFF:



John Hess
Assistant County Administrative Officer

Cc: County Administrative Office

Attachment(s) Disclaiming Resolution

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF DISCLAIMING ALL)
INTEREST IN THE ALLENSWORTH) Resolution No. _____
HISTORICAL CEMETERY) Agreement No. _____
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: Jason T. Britt
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Approved the attached resolution to disclaim any and all interest, historically and for all time, in the property commonly known as the Allensworth Historical Cemetery; and
2. Directed the Clerk of the Board to record the resolution disclaiming interest with the Clerk-Recorder

Attachment – Disclaiming Resolution

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Tulare County Clerk of the Board
2800 W. Burrel Ave.
Visalia, CA 93291

(Space Above This Line Reserved For Recorder's Use)

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF DISCLAIMING ALL)
INTEREST IN THE ALLENSWORTH) Resolution No. _____
HISTORICAL CEMETERY)

WHEREAS, the township of Allensworth is historically significant because it was the only township in California to have been founded, financed, and governed by African-Americans;

WHEREAS, the Allensworth Historical Cemetery is the final resting place of many of Allensworth’s original family and their descendants;

WHEREAS, several local entities in Allensworth have recently expressed interest in and taken actions toward claiming ownership of the Allensworth Cemetery; and

WHEREAS, the cemetery is not and has not been maintained by any public entity, including the County of Tulare;

NOW THEREFORE BE IT RESOLVED, that the County of Tulare hereby disclaims any and all interest, historically and for all time, in the property commonly known as the Allensworth Historical Cemetery, specifically identified as Tulare County Assessor’s Parcel Number 333-370-008 and described as follows: West half of Lot fifteen, Tract Fifteen, containing five acres, more or less, according to that certain map of the California Colony and Home Promoting Association as per Book 8, of Maps, at page 42, filed for

record in the office of the county record of Tulare County; and that the Tulare County Board of Supervisors hereby directs the Clerk of the Board to record this Resolution with the County Recorder.

* * * * *

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk