



**CITY COUNCIL
ATLANTA, GEORGIA**

A RESOLUTION

BY COUNCILMEMBER YOLANDA ADREAN

12- R-0367

A RESOLUTION ACKNOWLEDGING THAT THE BUCKHEAD HERITAGE SOCIETY HAS BEEN AND INTENDS TO CONTINUE TO MAINTAIN AND CLEAN THE HISTORICALLY SIGNIFICANT HARMONY GROVE CEMETERY LOCATED AT 214 WEST PACES FERRY ROAD, NW; TO PROVIDE THAT THE CITY'S ACKNOWLEDGEMENT 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, Rd. and has a total of at least 171 marked and unmarked burial sites; and

WHEREAS, the earliest known burial in the Cemetery dates back to at least 1870 when James I. Smith was buried there; and

WHEREAS, mortuary archaeologists with New South Associates have discovered the existence of probable African-American burials that may pre-date 1870; and

WHEREAS, on August 26, 1889, Wiley Rice executed a deed which conveyed the Cemetery property to M.D. Lay, J.H. Maloney and R.J. King as "Trustees for Harmony Grove Congregational Church" to be used "for church and burial purposes"; and

WHEREAS, the attached survey completed by Watts & Browning Engineers, Inc., depicts the original boundaries of the cemetery as based on the deed of John N. Sims to Mrs. S. C. Sims dated June 6, 1914 and recorded in Deed Book 717, Page 85 of the Fulton County Records; and

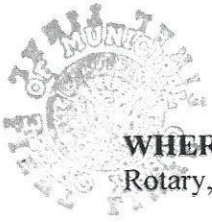
WHEREAS, in the aforementioned deed, John N. Sims specified that the Cemetery should "remain forever as a cemetery for which it is now being used"; and

WHEREAS, since 1870 many members of the Buckhead community have been buried in said Cemetery thereby making it public in nature; 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 or about 1919 when the dwindling congregation moved to a new location and the structure was demolished, and

WHEREAS, on February 12, 2002, the Mayor of the City of Atlanta approved a City Council Resolution acknowledging that the Buckhead Rotary had been maintaining the Cemetery; and



WHEREAS, in 2006, the Buckhead Heritage Society, with the approval of the Buckhead Rotary, conducted an extensive restoration of the Cemetery; and

WHEREAS, since the restoration, the Buckhead Heritage Society has continued to maintain and care for the Cemetery; and

WHEREAS, pursuant to O.C.G.A. § 36-72-3, the City of Atlanta has the authority to designate an organization to care for a cemetery that is not being maintained by the person(s) legally responsible for its upkeep; and

WHEREAS, the congregation of the Harmony Grove Baptist Church is now defunct and no heirs of the Sims family are willing or able to maintain the Cemetery; and

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

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

A true copy,

A handwritten signature in black ink, appearing to be "for [illegible]", written over a horizontal line.

Deputy Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

MAR. 19, 2012
MAR. 28, 2012

