



## Fremont County Planning and Rural Addressing

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TO: FREMONT COUNTY RESIDENTS  
FROM: STEVE BAUMANN  
DATE: JULY 16, 2016  
RE: BURIAL OF HUMAN REMAINS ON PRIVATE PROPERTY POLICY

### State Statute:

#### **35-8-101. Survey and platting of cemetery grounds.**

Any person, firm, corporation or municipality desiring to maintain a cemetery or to sell lots or parcels of land for cemetery or burial purposes shall cause such land, or such portion thereof as may, from time to time be or become necessary for that purpose, to be surveyed into lots, blocks, streets, avenues and walks, and platted; and the lots and blocks shall be regularly numbered or designated and marked on such plat. The plat of the ground so surveyed and platted, and the dedication of the streets, avenues and walks as set forth therein, shall be duly executed and acknowledged by the person, firm, corporation or municipality owning such property in accord with the requirements for the conveyances of real property and shall be filed and recorded in the office of the county clerk of the county in which the land so platted is situated; and when so platted, filed and recorded the streets, avenues and walks as therein dedicated to the public, shall be the property of the county in which such cemetery is situated for the use and benefit of the owners of lots and blocks therein.

**For those individuals requesting burial on their own parcel, it is the policy of Fremont County to have that individual do the following:**

1. Determine the location on the parcel where the burial is intended.
  - a. Great care and thought should be taken to ensure the future salability of the property.
  - b. State Statute requires a permanent public access be provided to the grave site. This access must start at a public access point (i.e. a road or access easement). Great care and consideration must be taken to ensure adequate access to the site can be provided. Remember, future visitors will need to be able to easily access the site.
  - c. Do not forget, this is essentially an area that will forever limit construction.
2. Hire a Registered Surveyor to survey the area where the burial is intended as well as the access route.

- a. Fremont County recommends a minimum of a 50' x 50' area be surveyed for the current and any future interment.
  - b. Fremont County recommends a minimum of a 10' wide access easement from a public road to the proposed grave site.
3. The Surveyor will then produce a Cemetery Plat to be recorded with the Fremont County Clerk and Records Office.
4. Once the Plat is recorded, the Cemetery Parcel will be noted in the County Record as a Cemetery.
5. Following recording, the Fremont County Assessor will remove the designated Cemetery Parcel from the tax rolls.
6. If no burial actually takes place, the cemetery plat should be vacated to allow full use of the property for future purposes.