

Cemetery Revesting Q & A

What is revesting?

Revesting is a process set forth by Kansas statute K.S.A. 12-1440 that allows a municipally owned cemetery to proceed through a process of discovery on cemetery lots that have not had a burial within the previous 50 years or more. The intention is to obtain information to return them to the original owners or heirs for their use, or to reclaim them for cemetery inventory in the event of no owner or heir coming forward to claim them.

What are the steps to re-vest cemetery lots?

The Olathe City Council approves a Resolution. The list is published which contains the names of the legal owners and description of spaces two times (once a week for 2 weeks). Then we would give 30 days for anyone to claim ownership. The city will do due diligence work to discover owners and show any responses that they have received.

After the work to discover and contact any owners is completed, the city attorney will file a petition in Johnson county District Court to re-vest these lots. There will be a hearing and determination in court, which should result in the return of ownership of the lots to the cemetery.

How will this process affect our families who have purchased cemetery lots?

This process will not affect any current family's purchases. It is specifically designed to undergo a significant notification process to contact any owners of lots that have had no activity for at least 50 years to determine that individuals owning rights to these lots are either deceased or have no eligible heirs before any further action is taken.

What happens if the process discovers an owner or heir to the cemetery lot?

If an owner or heir is discovered, the cemetery simply has that person fill out our current notarized heir's statement and submit it to the cemetery along with a statement from any other surviving heir indicating their wishes for the lot.

What happens if the process does not discover an owner or heir to the lot?

If an owner or heir does not come forward to claim the cemetery lot, the lot will continue through the process where that will result in title to the lot being granted back to the cemetery. The lot will then be added to the cemetery's inventory of available lots for purchase.

What happens if a person contacts the cemetery claiming to be an owner or heir, but does not have proof through documentation?

If a person cannot produce documentation of being the owner or heir to a cemetery lot, the cemetery would assist them in every viable way to produce documentation showing their family lineage and excluding all other possible heirs.

Why is the cemetery conducting this re-vest process?

The cemetery is conducting this re-vest process because we have a duty to the Olathe community to be good stewards of the land and of taxpayer funding. With the considerable inventory of unused lots in which no activity has taken place along with declining amounts of available lots, it has become essential to the functionality of the cemetery to attempt to re-vest these lots for future use.

What if an heir comes forward after an extended period and indicates that they did not see the notices and the cemetery has already sold the lot to another individual?

If an heir comes forward after an extended period and their lot has already been sold, the cemetery will work with them for a possible resolution, i.e.; giving them lots in another section, giving the fair value of their lot, etc.

Is the cemetery selling the property of others?

The cemetery is not reselling the property of others. When individuals purchase cemetery lots, they are simply purchasing the right to be buried in that lot while the cemetery maintains ownership of the land on which the lot resides. Essentially, the cemetery always owns the cemetery lots, but allows the lots to be used for burial purposes.

What steps has the cemetery already taken to find owners and heirs?

The cemetery staff has already conducted an extensive study and have determined that no original owners are still living. In fact, most of these lots would fall into the 3rd and 4th generations. At that point, there could exist hundreds of potential heirs to the original owner and individual heirship would be difficult to determine.

Why did the cemetery decide to go through this process now?

The cemetery decided to go through this process now because of the need for additional lot inventory, to be good stewards of land resource, and to be good stewards of the community resources that fund the cemetery for future generations. This process will greatly extend the life of the cemetery and allow the City of Olathe to offer this service to the community for many years to come. With the cost of maintenance always on the rise along with depleting inventory, especially of multiples, it is necessary to make use of all the resources at the cemetery's disposal to maintain the gap between the operating budget and rising maintenance costs.