

RESOLUTION

WHEREAS, pursuant to Section 579.1 of the Charter of the City of Memphis, the City Council is authorized to adopt by ordinance or resolution provisions to govern the Division of Parks with respect to the control, maintenance, management, conduct or operation by the Division of Parks of any of the parks or any properties, projects or operations now or at any time devoted to or designated for use or used for park purposes or as part of the park system of the City of Memphis;

WHEREAS, the Memphis City Council is empowered to “condemn” any tangible personal property belonging to the city upon finding that such property is “unfit for service or use by the city” and to authorize the sale of such property that has become unfit for service or use to the city and has been condemned as provided for in Code of Ordinances § 301, *et seq.*;

WHEREAS, on May 18, 1905, an equestrian statue of Nathan Bedford Forrest, which had been recently erected in what was then known as “Bedford Forrest Park”, was officially dedicated to the City of Memphis by the Forrest Monument Association. The Forrest Monument Society’s donation of the equestrian statue to the City of Memphis was without restriction or condition;

WHEREAS, it appears that the decision to name the park and to permit the erection of the equestrian statue in honor of Bedford Forrest was a political decision by the Council made at the urging of Confederate and Monument Societies;

WHEREAS, the Council desires to exercise its discretion to cause the immediate removal of the equestrian statue from City of Memphis’ Health Sciences Park;

WHEREAS, on February 5, 2013, the City of Memphis, acting through its City Council, passed a resolution renaming the then named Confederate park, Jefferson Davis park, and

Bedford Forrest park. Pursuant to the February 5, 2013 Resolution the three parks are presently named Memphis Park, Mississippi River Park and Health Sciences Park;

NOW, THEREFORE BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL AS FOLLOWS:

Section 1. Condemnation of the equestrian statue of Nathan Bedford Forrest. The City Council does hereby find that the equestrian statue of Nathan Bedford Forrest, tangible personal property belonging to the city located in Health Sciences Park, is unfit for service or use by the City, since it inconsistent with the purpose, intent and future land uses of the Medical Overlay District, which is to support the development and investment efforts of the State and other institutions in the medical district and surrounding neighborhoods. In accordance with Code of Ordinances § 301, *et seq.*, the City Council does hereby condemn said equestrian statue of Nathan Bedford Forrest.

Section 2. Assignment and Sale of equestrian statue of Nathan Bedford Forrest. The City does hereby authorize the administration of the City of Memphis to sell, transfer, assign and convey all of the City's right, title and interest, in the equestrian statue of Nathan Bedford Forrest. The Mayor is authorized and directed to execute any and all documents of conveyance and to take any and all steps to obtain all authorizations necessary to effectuate the transfer.

Section 3. Relocation and Removal of equestrian statue of Nathan Bedford Forrest.

The City does hereby authorize the immediate removal of the equestrian statue from City of Memphis' Health Sciences Park, subject only to the requirements of state law, if any. The Mayor and his designees are authorized and directed to take the necessary steps to effect removal of the equestrian statue from City of Memphis' Health Sciences Park as soon as is practicable.

Section 4. Removal And Reinterment of Remains of All Deceased Persons Buried In The Burial Ground At Health Sciences Park.

The Mayor and his designees are authorized, directed and empowered to take all required action, including commencing special litigation pursuant to Tennessee Code Annotated § 46-4-103 and City Ordinance No. 5294 in the chancery court of Shelby County, (i) to have the remains of all deceased persons buried in the burial ground in Health Sciences Park at Union and Manassas Avenues removed from said burial ground and reburied in a suitable repository to be obtained for that purpose before their removal from the burial ground, (ii) to terminate the use of, and all rights and easements to use, the ground as a burial ground, and all rights and easements incident or appurtenant to the ground as a burial ground and (iii) to advise the Council of the required steps for accomplishing the requirements of this resolution.

Section 5. Severability. The provisions of this Resolution are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Resolution shall continue in full force and effect.

Section 6. Effective Date. This Resolution shall take effect from and after the date it shall have been passed by the Council and become effective as otherwise provided by law.

Sponsor: Myron Lowery

MYRON LOWERY
CHAIRMAN