

**MEMORANDUM OF UNDERSTANDING
BETWEEN
CITY OF SUGAR LAND, TEXAS
AND
FORT BEND INDEPENDENT SCHOOL DISTRICT**

This Memorandum of Understanding is entered into between the City of Sugar Land, Texas (“City”) and the Fort Bend Independent School District (“FBISD”).

WHEREAS, FBISD owns an approximately 62 acre tract of real property located within the City of Sugar Land on which FBISD is developing the future James Reese Career and Technical Education Center the (“FBISD Property”); and

WHEREAS, in the course of construction activities on the FBISD Property, contractors for FBISD discovered what were determined to be human bones; and

WHEREAS, FBISD promptly notified the Texas Historical Commission (“THC”) and filed the required legal notice of an abandoned cemetery with the Fort Bend County Clerk; and

WHEREAS, FBISD has commissioned the services of a professional archeologist, who has been working in concert with FBISD and THC to establish the boundaries of what appears to be an abandoned and unmarked historical burial site; and

WHEREAS, preliminary observations indicate that the human bones may be linked to the FBISD Property’s historical use as a sugar plantation, and may possibly be connected to the State of Texas’s convict leasing program following the end of the Civil War; and

WHEREAS, the City owns and maintains the Imperial Prison Farm Cemetery, located near Highway 6 and US 90-A, which contains the remains of prisoners and guards who died at the Texas Department of Corrections’ Central Prison Unit; and

WHEREAS, FBISD and the City have a common public interest in ensuring that the discovered remains are memorialized with the utmost dignity, and in a manner that honors the historical significance of the discovery.

NOW, THEREFORE, FBISD and the City have agreed to enter into the following Memorandum of Understanding with respect to the human remains discovered on FBISD Property:

1. On June 5, 2018, the 434th Judicial District of Fort Bend County granted FBISD authorization to remove and further examine the human remains discovered on FBISD

Property. Such removal and examination to be conducted by a professional archeologist under the guidance and supervision of the THC.

2. Subject to further verification and investigation of the origins and age of the discovered site and its historical relevancy to the Imperial Prison Farm Cemetery, FBISD and the City agree to negotiate an Interlocal Agreement pursuant to Chapter 791 of the Texas Government Code, establishing the details of a formal relocation of the burial sites to the Imperial Prison Farm Cemetery. Any Interlocal Agreement will be further subject to approval by a court of competent jurisdiction, as required by Chapter 711 of the Texas Health and Safety Code.
3. FBISD will be responsible for initiating all procedures required by applicable law, including, but not limited to, application with a court of competent jurisdiction, prior to the removal and reburial of the remains in the Imperial Prison Farm Cemetery.
4. FBISD will be responsible for all costs incurred in the verification and investigation of the FBISD Property and human remains.
5. FBISD will be responsible for the costs of storage, new burial vessels, transportation, and interment of the human remains as well as security of the Imperial Prison Farm Cemetery during interment.
6. FBISD will be responsible for the procurement and placement of temporary markers for each grave plot related to the human remains reinterred from the FBISD Property to the Imperial Prison Farm Cemetery.
7. City will be responsible for the costs of designing the layout and location of the interment at the Imperial Prison Farm Cemetery. City will provide individual grave plots for each set of human remains uncovered.
8. City will be responsible for the procurement and placement of permanent grave markers for each grave plot.
9. City will be responsible for the maintenance of the Imperial Prison Farm Cemetery as well as all future park development to include walking paths, interpretive historical information, and parking.
10. Notices. Written notices under this Memorandum of Understanding shall be provided to the following individuals, by any means deemed reliable:

City: City of Sugar Land
2700 Town Center Boulevard North
Sugar Land, Texas 77479
Attn: City Attorney

FBISD:

Fort Bend Independent School District
16431 Lexington Blvd.
Sugar Land, Texas 77479
Attn: General Counsel

City of Sugar Land

Allen Bogard, City Manager

Date: _____

ATTEST:

Thomas Harris, III
Interim City Secretary

APPROVED AS TO FORM:

Meredith Riede
City Attorney

Fort Bend Independent School District

Jason Burdine, FBISD Board President

Date: 7-23-18

ATTEST:

Dave Rosenthal, FBISD Board Secretary