

ball diamonds, tennis courts, picnic areas, and an area for passive recreation. It is the desire of the city of Buffalo to commence with this park and recreational area as soon as it has been filled by the Corps of Engineers, and it is respectfully requested that your honorable committee act favorably on the bill presently before it.

Mr. DORN. Thank you, Mr. Baker.

Are there any other statements that you want in the record, Congressman?

Mr. DULSKI. No, there is not. There is just the dispute of title, and I think that has been cleared through the courts. My statement says the Army wants to retain the right to use the submerged lands for a spoil-disposal area for materials dredged from the Buffalo Harbor project. The Department of the Interior agrees, but feels a terminal date of 1971 should be placed on the Army rights.

Mr. BAKER. I am putting in the record our council proceedings.

Mr. DORN. Without objection, it will all be included in the record. (The information referred to follows:)

CITY CLERK'S OFFICE,
CITY HALL,
Buffalo, October 13, 1967.

To Whom It May Concern:

I Hereby Certify, That at a Session of the Common Council of the City of Buffalo, held in the City Hall, on the Tenth day of October 1967, a resolution was passed, of which the following is a true copy:

No. 116

UNDERWATER LANDS ADJACENT TO TIMES BEACH

[Item No. 227, C.C.P., September 12, 1967]

Whereas, The City of Buffalo, for a number of years, has expressed its interest to acquire, for use as a park and recreational area, the underwater lands in Lake Erie adjacent to Times Beach, so-called, to effect beautification of the lakefront of the City of Buffalo, and

Whereas, there is now pending before the 90th Congress, First Session, H.R. 510, introduced by Congressman Thaddeus J. Dulski, providing that the Secretary of the Army shall convey, without monetary consideration, to The City of Buffalo, the right, title, and interest of the United States in and to the real property underlying Lake Erie containing approximately 51 acres or more, as more particularly described therein, commonly called and designated in the City of Buffalo as "underwater lands adjacent to Times Beach", and

Whereas, said Bill was referred to the Committee of Public Works of Congress, which Committee has requested the Corps of Engineers of the United States Army to make a recommendation regarding the conveyance, and

Whereas, the Corps of Engineers had indicated that it desires to fill such underwater lands in the area, the subject of the aforesaid Bill, with dredge materials from the Buffalo River and Lake Erie and has requested that the City agree to the use of such land by the Corps of Engineers for such purpose as a condition to recommending the approval of the conveyance, and

Whereas, it is for the best interests of the City to accept a conveyance, without monetary consideration, from the Secretary of the Army of the United States on the terms and conditions hereinafter specified so that the lands underlying Lake Erie, hereinbefore mentioned, can be used as a park and recreational area: Now, therefore, be it

Resolved, That The City of Buffalo does hereby agree to accept, without monetary consideration, from the Secretary of the Army of the United States, a deed or instrument of conveyance to the real property underlying Lake Erie, more specifically described in the aforesaid H.R. 510, subject to the following terms, covenants, and conditions, to wit:

(a) That the Corps of Engineers of the United States Army, its agents, servants, or employees, General Contractors or Subcontractors, shall be allowed,