

permitted, and authorized to have access to, and egress from, the aforesaid underwater lands for the purpose of diking and filling the same with dredge materials from the Buffalo River and Lake Erie for a period not exceeding four years; provided, however, that the period of four years shall be deemed extended until such time as is needed by the U.S. Corps of Engineers to complete a project commenced within the four years period;

(b) That, during the period the Corps of Engineers is diking and filling the underwater lands, at its own cost, the City of Buffalo will not exercise any power, authority, or domain over the same to interrupt, interfere with, or delay the project of the Corps of Engineers, and

(c) That, in the event the Corps of Engineers completes the dike or fill of the underwater lands prior to the four years hereinbefore provided, or abandons the project at any time before the four years expire, for any cause whatsoever, upon written notice thereof forwarded to the Common Council, at Buffalo, New York, The City of Buffalo will thereupon be authorized and empowered to take possession thereof to use the same as a park and recreational area, and

(d) That, as a part of the consideration for the conveyance of said underwater lands, as herein recited, The City of Buffalo agrees that, upon such underwater lands being diked and filled with the material, or upon the abandonment of the Project by the Corps of Engineers for any cause whatsoever, as above stated, it will thereafter develop and use the real property underlying Lake Erie described in H.R. 510 for a park and recreational area.

Recommended by Committee on Finance, Andrew J. Morrissey, Chairman.

Passed.

Ayes: Black, Buyers, Dudzick, Elfvin, Franczyk, Gorski, Johnson, Lewandowski, Makowski, Mitchell, Morrissey, Perla, Regan, Whalen (14).

Noes: Lyman (1).

I further certify the above resolution was approved and signed by the Mayor, October 11, 1967 and returned to the City Clerk October 11, 1967.

Attest:

(signed) *City Clerk.*

Mr. DORN. I also want Congressman Dulski to know that our good colleague Mr. McCarthy of this committee will also have a statement.

Mr. Harsha?

Mr. HARSHA. I would like to point out that we have got several problems with this bill, Mr. Chairman. One is that the United States maintains it owns title to the land, 46 acres involved. You previously got 5 acres, at which time you paid 50 percent of the purchase price, fair market value for that, which is the existing law.

In addition to that, the GSA has not declared it to be surplus property, and there must be such a finding before it can dispose of it. Then if it disposes of it to a public body for recreation park services, I am further advised that they must do so at a least 50 percent of the fair market value. So we have got these problems confronting us on this.

Do you want to comment on that any further?

Mr. DULSKI. It is my understanding that these lands were transferred from the States, from New York State, to the Corps of Engineers, that there was no cost involved, as I understand it.

Mr. HARSHA. I think you are right that originally it went from the State to the Corps of Engineers; but in order to transfer U.S.-owned lands to a public body, they have to comply with the existing law, and the General Services Administration must first declare it to be surplus property.

Mr. DULSKI. We will follow the proper procedure. I understand GSA will have it. If it is declared surplus, it is turned over to the city.

Mr. HARSHA. I have a statement here from the Administrator of GSA, and he says it was not declared surplus property.