

STATE FORESTS, DEDICATED
Act of May 27, 1921, P.L. 1180, No. 436
AN ACT

Cl. 32

Dedicating certain lands of the Commonwealth of Pennsylvania, situated in the city and county of Erie, to public use as an historical memorial and public State park; aiding in the development of the harbor of Erie; and creating a commission to manage and control said lands and said harbor improvements; empowering said commission to purchase or receive by gift other lands for the purpose of this act; providing for the appointment of members of said commission, and that the Secretary of Internal Affairs and the Commissioner of Fisheries shall be ex officio members thereof; defining the duties and powers of said commission; excepting rights and privileges in said lands heretofore granted; and making an appropriation.

Compiler's Note: Section 303(b) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resources as the Department of Environmental Protection, provided that the Department of Conservation and Natural Resources shall exercise the powers and duties conferred upon the Pennsylvania State Park and Harbor Commission of Erie by Act 436 of 1921.

Compiler's Note: Section 4 of Act 129 of 1959 provided that Act 436 is repealed insofar as it is inconsistent with Act 129.

Compiler's Note: Section 4 of Act 653 of 1955 provided that Act 436 is repealed insofar as it is inconsistent with Act 653.

Section 1. Be it enacted, &c., That there be, and is hereby, created a commission, which shall be known as the Pennsylvania State Park and Harbor Commission of Erie. Said commission shall consist of nine persons, three to be appointed by the Governor, two by the council of the city of Erie, two by the judges of the judicial district of the county of Erie, and the Secretary of Internal Affairs and the Commissioner of Fisheries to be members ex officio.

Compiler's Note: Section 2901 of Act 274 of 1996 provided that section 1 is repealed insofar as it is inconsistent with Act 274.

Section 2. (2 repealed June 7, 1923, P.L.498, No.274)

Section 3. (3 repealed June 7, 1923, P.L.498, No.274)

Section 4. (4 repealed June 7, 1923, P.L.498, No.274)

Section 5. The commission shall have power to enter upon and take possession of the lands hereafter dedicated and such other lands as may be acquired under the provisions of this act, and exercise full power to manage, control, protect, maintain, and develop said lands for public park purposes and for the improvement of the harbor of Erie, and to adopt, establish, and

enforce all necessary rules and regulations therefor.

Section 6. The commission is empowered to make a survey and place suitable landmarks; to make a general plan for improvements, which shall be submitted to the proper department of the United States Government and to the Secretary of Internal Affairs of Pennsylvania for their approval; to enter into contracts for the building of roads planning, engineering, dredging, filling, bridging, erection of docks, erection of necessary buildings; to grant reasonable leases and concessions, including leases for a period of years, subject to proper restrictions, for the establishment and maintenance of a suitable harbor for yachts, and the use of sufficient lands, not exceeding ten acres, for the erection of yacht club buildings; to control waterways, ponds, lagoons, drives, walks, and ways, the operation of boats and small craft, docks and landings; to provide against encroachment on said lands, channels, and all of the shores of Presque Isle Peninsula and the waters adjacent thereto, and the lands under said waters to a distance of five hundred feet out from low water, as well as all of that part of the bay of Presque Isle known as Misery Bay, together with the lands thereunder and the shores thereof, and wharves; and to prevent nuisances or pollution of land or waters which are given over to this commission; and to enact rules and regulations for the protection of all forms of wild life that may be encouraged in the woods or ponds or adjacent waters; and for the prevention of encroachments not inconsistent nor in conflict with international law or any Federal laws, rules, or regulations: Provided, That under no consideration is any timber to be sold or removed from the peninsula, and such timber as may be required to be removed for making of ways and roads is to be used in construction work on the peninsula.

(6 amended Mar. 28, 1929, P.L.89, No.99)

Section 7. (7 repealed June 7, 1923, P.L.498, No.274)

Section 8. (8 repealed June 7, 1923, P.L.498, No.274)

Section 9. The Commonwealth of Pennsylvania does hereby dedicate to the use of the public all those certain parcels or tracts of land and land covered with water, situated in the city and county of Erie in this State, described as follows, to wit:

First. The Presque Isle Peninsula.

Second. That tract beginning at the northeast corner of fifty (50) acre tract, number twenty-seven, in the third section of the town of Erie, as finally laid out and sold; thence by the north line of fifty (50) acre tracts, numbering from twenty-seven to thirty-nine inclusive, following as nearly as may be the shore of the Bay of Presque Isle, south sixty-three degrees ten minutes west nine thousand two hundred sixty-six (9,266) feet to a post, the northwest corner of fifty (50) acre tract, number thirty-nine, and the northeast corner of reserve tract, number five; thence north twenty-seven degrees fifteen minutes west (it being the east line of reserve tract, number five produced) fourteen hundred (1,400) feet, more or less, to the United States harbor line extended; thence by the United States harbor line extended north sixty-two degrees thirty-five minutes east nine thousand two hundred sixty-six (9,266) feet to a point in the United States harbor line; thence south twenty-seven

degrees fifteen minutes east seventeen hundred (1,700) feet, more or less, to the place of beginning, being the water property in the Bay of Presque Isle, in front, adjoining and north of the third section of the town of Erie as originally laid out.

Third. The Canal Basins.

Fourth. All of the shores of Presque Isle Peninsula and the waters adjacent thereto, and the lands under said waters to a distance of five hundred feet out from low water mark, as well as all of that part of the Bay of Presque Isle known as Misery Bay, together with the lands thereunder and the shores thereof.

This dedication is to the end that said Presque Isle Peninsula be preserved, maintained, improved, enlarged, and forever held as a public park, to be known as Pennsylvania State Park at Erie, and the other parcels of land herein described for increasing the utility and importance of the harbor of Erie, under the control and management of the Pennsylvania State Park and Harbor Commission in conformity with the provisions of this act.

(9 amended Mar. 28, 1929, P.L.89, No.99)

Section 10. This dedication is made with the exceptions and reservations, however, of all rights and privileges which have heretofore been granted by this Commonwealth, in, to, upon, and about said lands and waters, to the United States Government, the Commission of the Water Works of the city of Erie, and the Department of Fisheries of Pennsylvania, and the further exception and reservation that the second described tract, including water lots fronting on the third section of the city of Erie, shall not be put to commercial or industrial uses.

Section 11. The commission is also authorized to accept gifts of lands, buildings, money, or other articles of whatever kind or description, to be used in the improvement of said park and harbor, and to acquire lands by purchase as may be necessary. No such purchase to be made, however, except with the approval of the Governor.

Section 12. The sum of seventy-five thousand dollars (\$75,000) is hereby appropriated to the Pennsylvania State Park and Harbor Commission of Erie for the carrying out of the provisions of this act. Said appropriation is made, however, upon the condition that the city of Erie, the county of Erie, and citizens of Pennsylvania, or others interested, shall first have provided in the aggregate a like sum of seventy-five thousand dollars (\$75,000), to be expended on the construction of a road or roads leading to and through this property. Proof that such sum has been paid or secured to be paid to the commission to be furnished to the Auditor General of Pennsylvania.