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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 913

Session of  
1979

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INTRODUCED BY CAPPABIANCA, PRATT, F. TAYLOR, DOMBROWSKI AND  
PISTELLA, MARCH 28, 1979

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 28, 1979

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AN ACT

1 Authorizing the conveyance of Commonwealth lands in Erie County  
2 to Erie County, providing for the control and management of  
3 the lands, designating the lands as Presque Island Park and  
4 making repeals.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Conveyance of lands.

8 The Department of Environmental Resources through the  
9 Department of General Services, acting on behalf of the  
10 Commonwealth of Pennsylvania, with the approval of the Governor,  
11 is hereby authorized to convey to the county of Erie, all those  
12 certain parcels or tracts of land and land covered with water  
13 situated in the city, county Erie and Commonwealth of  
14 Pennsylvania described as follows, to wit:

15 First. The Presque Isle Peninsula.

16 Second. That tract beginning at the northeast corner of  
17 fifty (50) acre tract, number twenty-seven, in the third section  
18 of the town of Erie, as finally laid out and sold; thence by the  
19 north line of fifty (50) acre tracts, numbering from twenty-

1 seven to thirty-nine inclusive, following as nearly as may be  
2 the shore of the Bay of Presque Isle, south sixty-three degrees  
3 ten minutes west nine thousand two hundred sixty-six (9,266)  
4 feet to a post, the northwest corner of fifty (50) acre tract,  
5 number thirty-nine, and the northeast corner of reserve tract,  
6 number five; thence north twenty-seven degrees fifteen minutes  
7 west (it being the east line of reserve tract, number five  
8 produced) fourteen hundred (1,400) feet, more or less, to the  
9 United States harbor line extended; thence by the United States  
10 harbor line extended north sixty-two degrees thirty-five minutes  
11 east nine thousand two hundred sixty-six (9,266) feet to a point  
12 in the United States harbor line; thence south twenty-seven  
13 degrees fifteen minutes east seventeen hundred (1,700) feet,  
14 more or less, to the place of beginning, being the water  
15 property in the Bay of Presque Isle, in front, adjoining and  
16 north of the third section of the town of Erie as originally  
17 laid out.

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

23 The conveyance shall be made under and subject to all  
24 easements, servitudes and rights of others, including but not  
25 confined to streets, roadways, and rights of any telephone,  
26 telegraph, water, electric, sewer, gas or pipeline companies, as  
27 well as under and subject to any interest, estates, or tenancies  
28 vested in third persons, whether or not appearing of record, for  
29 any portion of the land or improvements erected thereon.

30 Section 2. Reservation clause.

1       The Deed of Conveyance shall contain a clause that the lands  
2 conveyed shall be used for public park purposes by the county of  
3 Erie and if at any time the county of Erie conveys said property  
4 or authorizes or permits said property to be used for any  
5 purpose other than public park purposes, the title thereto shall  
6 immediately revert to and revest in the Commonwealth of  
7 Pennsylvania.

8       Section 3.   Approval of deed.

9       The Deed of Conveyance shall be approved by the Department of  
10 Justice and shall be executed by the Secretary of General  
11 Services for the Department of Environmental Resources in the  
12 name of the Commonwealth of Pennsylvania.

13       Section 4.   Lands to be controlled by county of Erie.

14       The lands described in section 1 shall be controlled, managed  
15 and administered by the county of Erie or its designated agency  
16 or commission.

17       Section 5.   Lands to be known as Presque Island Park.

18       The lands described in section 1 shall be known as the  
19 Presque Island Park.

20       Section 6.   Repeals.

21       All acts and parts of acts inconsistent herewith are  
22 repealed.

23       Section 7.   Effective date.

24       This act shall take effect in 60 days.