

CORRECTIVE DEED TO CERTAIN REAL ESTATE, NEW YORK, N. Y.

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APRIL 28, 1926.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

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Mr. ELLIOTT, from the Committee on Public Buildings and Grounds, submitted the following

REPORT

[To accompany H. R. 9869]

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 9869) to authorize and empower the Secretary of the Treasury to accept a corrective deed to certain real estate in the city of New York for the use of the new post-office building, having duly considered the same, hereby make report of it to the House with an amendment, and with the recommendation that the bill as amended do pass.

Page 2, line 2, after the word "the," where it occurs the second time, strike out "Treasurer" and insert in lieu thereof "Treasury."

On December 12, 1925, the Secretary of the Treasury addressed the following communication to the Speaker of the House of Representatives, which was referred to your committee and which explains the necessity for the passage of this legislation:

TREASURY DEPARTMENT,  
Washington, December 12, 1925.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: The authorization contained in the act of Congress approved June 6, 1902 (32 Stat. 323), and April 28, 1904 (33 Stat. 434), for a new post-office site in New York City, was carried out by acquiring from the Pennsylvania, New York & Long Island Railroad, certain land bounded by Thirty-third Street, Thirty-first Street, Eighth Avenue, and a proposed street. While title to the site is vested in the United States, the grantor reserved, as expressly provided by the legislation above referred to, the use of a portion of the subsurface for its tracks and station purposes, and also the right to have certain portions of the surface kept open for light and air to the station, etc.

Although, before its execution, the terms of the deed to the Government received the fullest consideration of the respective parties, it has been found—as it was impracticable to foresee every contingency—that the terms of the original deed are not sufficient in every respect to cover all details of the relations between the Government and the railroad as to this land. While the modifications in the deed necessary to give to each party thereto its proper rights in the property are of minor importance, it is deemed necessary to apply to Congress for further authority, since without such special authority the Secretary of the Treasury is not empowered to make such concessions to the grantors for the use of the property, or to receive from the grantors such correctionary deed as may be

necessary to adjust satisfactorily the relations of the respective parties in the reasonable and proper use of those portions of the property occupied in common.

In view of this situation, it is recommended that existing legislation be supplemented by a provision, authorizing the Secretary of the Treasury to accept a correctionary deed to the United States not modifying in any way the area heretofore conveyed, but making such provision with respect to the reservations allowed by the acts of June 6, 1902, and April 28, 1904, as may be necessary to obtain the adjustment of conditions affecting the use and occupation of the property by the United States and the grantors.

A draft of the proposed legislation is inclosed herewith.

Respectfully,

A. W. MELLON,  
*Secretary of the Treasury.*

Upon receipt of this letter the chairman of your committee introduced a bill (H. R. 6561) authorizing the acceptance of a corrective deed to the New York site, as recommended by the Treasury Department, and subsequently the following letter relative thereto was received from the Secretary of the Treasury:

TREASURY DEPARTMENT,  
*Washington, February 10, 1926.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: Reference is made to letter addressed to you on December 12 last, copy inclosed, transmitting a draft of legislation "to authorize and empower the Secretary of the Treasury to accept a corrective deed from the Pennsylvania, New York & Long Island Railroad Co. to certain real estate in the city of New York for the use of the new post-office building."

Since the above letter was submitted this department has been informed through an official of the Pennsylvania Tunnel & Terminal Railroad Co., successor in interest of the Pennsylvania, New York & Long Island Railroad Co., that the bill recently introduced (H. R. 6561) if enacted into law would not accomplish the purpose intended due to the change in name of the railroad company.

In view of the above, there is transmitted herewith a new draft of the proposed legislation, with the request that it be substituted for the bill H. R. 6561.

Respectfully,

A. W. MELLON,  
*Secretary of the Treasury.*

H. R. 9869 contains exactly the same language as the draft recommended by the Treasury Department.

The city of New York has no objection to the enactment of this legislation, as is evidenced by the following communication from its corporation council:

CITY OF NEW YORK,  
OFFICE OF THE CORPORATION COUNCIL,  
*April 20, 1926.*

HON. FIORELLO H. LAGUARDIA,  
*House of Representatives, Washington, D. C.*

DEAR SIR: I beg to acknowledge receipt of your letter dated March 11, 1926, signed by yourself and Hon. Frank Oliver respecting the above bill and the possible effect of its provisions in respect of transit and other interests of the city of New York.

I have taken the matter up with and have procured from the real estate department of the Pennsylvania Railroad a statement of the changes proposed to be covered in the correction deed, the purpose being to ratify or confirm the existing structures of the post-office building, which differ slightly from those contemplated when the original deed was prepared. This statement also includes proposed alterations in the present site in which the city is not interested.

I have also discussed the matter with the real estate department of the board of transportation and am informed that the changes proposed in the correction deed are not prejudicial to the city's interests.

Respectfully yours,

GEO. P. NICHOLSON,  
*Corporation Counsel.*