
United States Engineer Office
508 Federal Building
CHICAGO, ILL.
December 3, 1907.

Mr. Frederic A. Delano, Secretary,
Committee on Plans Chicago, Merchants' Club,
Railway Exchange Bldg., Chicago, Ill.

Dear Sir:

Referring to your letter of May 4, 1907, and subsequent correspondence with reference to the possibility of occupying, at some future date, a portion of the lake front by piers, docks, wharves, etc., for purposes of navigation and commerce, I have now to say as follows:

The special limitations of the deed by which Grant Park was given to the city for park purposes, forbid the construction of any buildings between Randolph Street and 12th Street, so far as they lie between Michigan Avenue and Lake Michigan; so that any use of this area for commercial purposes in the future seems almost impracticable. But, because of these conditions, it is all the more important that the area between 12th Street and Jackson Park should be reserved for future commercial purposes.

As matters now stand, by virtue of the Act of the Illinois State Legislature dated May 2, 1907, the shore front from 12th Street to Jackson Park may be so occupied or given away by the Park Commissioners as to forever prevent its occupation for commercial purposes; providing, of course, that such occupation by the Park Commissioners be approved by the Secretary of War.

There have been several parties in the past who have desired to occupy some of this front for commercial purposes, but they have all been prevented from so doing by the fact that the State of Illinois claimed ownership and entire control of all the submerged areas in front of the shore line. It is particularly because of such State restrictions that the Indiana Harbor interests and the Gary interests have left Chicago and Illinois for northern Indiana, where the State laws are much more liberal to manufacturing and commercial interests. While the Illinois State law of May 2, 1907, allows the lake front to be occupied freely by the Park Commissioners, it is still illegal for the construction, by anybody, anywhere along the lake front except inside Chicago River and Calumet River, of a wharf or pier for commercial or other business purposes; and illegal, even under existing State law, for the construction of any pier protection of shore properties, so far as such protection lies outside of the ordinary water line. The first step,
therefore, towards the legal construction of any wharf on any Illinois shore front, except for park purposes, must be the enactment of a new law in the Illinois Legislature, by which the State shall allow its submerged properties to be occupied by piers for purposes of commerce and navigation.

Should you or your associates have any desire to make it possible for any portion of the Illinois State water front to be used for purposes of commerce and navigation, you should take early steps to secure from the Illinois State Legislature the passage of a law somewhat similar to the Indiana Statutes of 1905 (Section 28, page 530), and those of 1899 (Sections 7888a and b), by which it is provided that the riparian owner may build and maintain, upon the submerged lands beneath the waters of Lake Michigan, piers, wharves, docks, or harbors in aid of navigation and commerce; provided that such piers, docks, and wharves shall not extend into said navigable waters farther than is necessary to accommodate shipping and navigation, and that, in no event, shall said piers, docks, and wharves be so built and maintained as to be an obstruction to navigation; or similar to the Act of the Indiana State Legislature of March 2, 1907 (Chapter 91, page 126), which modifies the above phraseology somewhat so as to extend it to manufacturing plants, and adds the important provision that the wharves and piers shall not extend further into the Lake than a harbor line to be established by the War Department.

While there may be some doubt as to the legality and constitutionality of an Act which authorizes the riparian owner to occupy the submerged areas of Lake Michigan for private purposes of industries, trades, and manufactures, I am of the opinion that there can possibly be no legal objection to such use of the submerged area for piers, docks, wharves, and other structures necessary for navigation and other public purposes.

While I do not care to have any of this material published in newspapers over my official signature, I have no objection to your making use of the information contained therein in any way which you may think proper.

Very respectfully,

W.H.B.-JZ

Lieut. Col., Corps of Engineers.