

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 112-33 (COR)

Introduced by:

B.J.F. Cruz 

AN ACT TO AMEND SECTION 3(b) AND SECTION 9(a) OF PUBLIC LAW 21-14 RELATIVE TO AUTHORIZING THE MAGA'LAHEN GUAHAN TO SELL LOT NO. B, TRACT 111 LOCATED IN THE MUNICIPALITY OF TAMUNING.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section . Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that twenty-three (23) years ago, Public Law 21-14 was enacted that provided for numerous land transactions, including the sale of Lot No. B, Tract 111 in the Municipality of Tamuning to owners of the property adjacent to Lot No. B, Tract 111, David D. and Dolores R. Tuncap.

I Liheslaturan Guåhan further finds that when Public Law 21-14 was passed into law, the Tuncap family began the proceedings for the conveyance and purchase of Lot No. B, Tract 111, which included the requirement pursuant to Public Law 21-14 to acquire two (2) appraisals. The Tuncap family acquired two (2) appraisals in 1993. As of this date, the Tuncap family has finally paid in full the purchase price of Lot No. B, Tract 111 based on the appraisals that were done in 1993 and has requested the Department of Land Management to file a Quitclaim Deed to finalize the purchase of Lot No. B. Tract 111.

Section 9 of Public Law 21-14 delineates the provisions in which an appraisal must be completed as “no earlier than six (6) months prior to the date of conveyance or exchange of the parcels”. This would deem the two (2) appraisals done in 1993 stale.

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1 *I Liheslaturan Guåhan* believes that the Tuncap family acquired the two (2)
2 required appraisals in good faith and therefore *I Liheslaturan Guåhan* intends to
3 amend Section 3(b) and Section 9(a) of Public Law 21-14 to allow the two (2)
4 appraisals that were completed in 1993 to be used as the sale price determination
5 so they can finally purchase and request approval for a Quitclaim Deed for Lot No.
6 B, Tract 111.

7 **Section 2. Section 3(b) of Public Law 21-14 is hereby amended to read**
8 **as follows:**

9 “(b) In addition, the Governor shall sell Lot No. b, Tract 111, to the
10 landowners whose lands abut such Lot No. B on the northern, ocean side of Lot
11 No. B, such sale to be a series of sales to each such owner whose land so abuts Lot
12 No. B on its northern side, of that portion of Lot No. B immediately adjacent to
13 such owner’s property, ~~at such parcel’s fair market value at the time of the sale~~
14 utilizing the two (2) appraisals conducted in 1993 for fair market value of the
15 property.”

16 **Section 3. Section 9(a) of Public Law 21-14 is hereby amended to read as**
17 **follows:**

18 “Section 9. (a) The land sales and exchanges described in Sections 2, 3, 4, 5,
19 6, 7, and 8 of this Act shall all be subject to the following provisions to determine
20 the current fair market value of a parcel, with the exception of Section 3(b) of this
21 Act.

22 **Section 4. Effective Date.** This Act *shall* take effect upon its enactment.

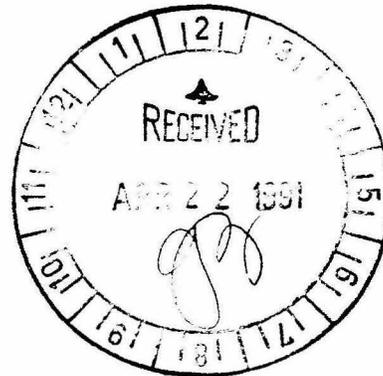
23 **Section 5. Severability.** *If* any provision of this Act or its application to
24 any person or circumstance is held invalid, the invalidity *shall not* affect other
25 provisions or applications of this Act which can be given effect without the invalid
26 provision or application and to this end the provisions of this Act is severable.



Territory of Guam
Territorio de Guam

OFFICE OF THE GOVERNOR
OFISINAN I MAGALAHI
AGANA, GUAM 96910

APR 22 1991



The Honorable Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 298, which was signed into
as Public Law 21-14.

Sincerely yours,


FRANK F. BLAS
Governor of Guam
Acting

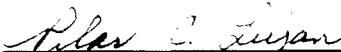
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Attachment

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 298 (COR), "AN ACT TO CHANGE THE ZONING OF PART OF BLOCK 1, LOT 6, TRACT 109, BARRIGADA, FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO COMMERCIAL ("C") AND OF LOT NO. 2-1, BLOCK D, TRACT 9, BARRIGADA, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO AUTHORIZE THE EXCHANGE OR SALE OF CERTAIN GOVERNMENT REAL PROPERTY, INCLUDING PROPERTIES IN TAMUNING, IN AGAT, IN AGANA, IN TUMON, IN BARRIGADA, IN DEDEDO, AND IN MERIZO; TO ESTABLISH METHODS OF DETERMINING FAIR MARKET VALUE IN CONNECTION WITH SUCH SALES AND EXCHANGES; TO EXEMPT SUCH SALES AND EXCHANGES FROM CERTAIN STATUTORY REQUIREMENTS; TO REQUIRE AFFECTED LANDOWNERS TO PAY APPRAISAL AND OTHER COSTS; TO AUTHORIZE THE LEASE OF PROPERTY IN AGAT TO POST NO. 2917 OF THE VETERANS OF FOREIGN WARS; TO REPEAL AND REENACT §61303 OF TITLE 21, GUAM CODE ANNOTATED, ON CONDITIONAL USE REGULATIONS OF THE TERRITORIAL LAND USE COMMISSION AND MAKING AN APPROPRIATION THEREFOR; TO REZONE CERTAIN PROPERTY IN MANGILAO; TO AUTHORIZE THE LEASE OF FOUR ACRES OF GOVERNMENT LAND TO VEGES GUAM, INC. FOR AGRICULTURAL PURPOSES; TO AUTHORIZE AN AGRICULTURAL LEASE TO MATSUZATO CORPORATION OF LAND IN YIGO FOR HYDROPONICS; TO AUTHORIZE AN EASEMENT ACROSS LOT NO. 10154 IN DEDEDO; TO ADD A NEW §4911a TO TITLE 15, GUAM CODE ANNOTATED, SIMPLIFYING ADMINISTRATION OF LAND CLAIMS AWARDS; TO ADD §62111 TO TITLE 21, GUAM CODE ANNOTATED, ON GOVERNMENT SUBDIVISIONS; TO REZONE LOT NO. 3316-7 NEW-R2 IN AGANA HEIGHTS; TO REPEAL AND REENACT §23105, TITLE 5, GUAM CODE ANNOTATED, TO INCREASE THE MILEAGE ALLOWANCE FOR PRIVATELY-OWNED VEHICLES USED ON OFFICIAL BUSINESS; TO REZONE LOTS NOS. 3325-3 AND 3325-4, SINAJANA, AND LOT NO. 3242-1-3, CHALAN PAGO, SINAJANA FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO LIGHT INDUSTRIAL ("M-1"); TO AMEND §61401, TITLE 21, GUAM CODE ANNOTATED, TO CHANGE HEIGHT LIMITATIONS IN CERTAIN ZONES; TO REZONE LOT NOS. 3380-3, 3380-5, 3380-6 AND 3380-7, ORDOT, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO REZONE LOTS NOS. 3249-5, 3249-6-1, AND 3249-6-R1, CHALAN PAGO, FROM AGRICULTURAL ("A") TO COMMERCIAL ("C"); TO REZONE LOT NO. 3412-1-3, CHALAN PAGO, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2")," was on the 4th day of April, 1991, duly and regularly passed.


PILAR C. LUJAN
Acting Speaker

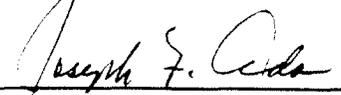
Attested:


HERMINIA D. DIERKING
Senator and Acting Legislative Secretary

This Act was received by the Governor this _____ day of _____, 1991, at _____ o'clock _____ m.

Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: April 20, 1991

Public Law No. 21-14

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 298 (COR)
Substitute Bill
4/4/91

Introduced by:

C. T. C. Gutierrez
J. P. Aguon
E. P. Arriola
J. G. Bamba
A. C. Blaz
D. F. Brooks
H. D. Dierking
E. R. Duenas
E. M. Espaldon
P. C. Lujan
G. Mailloux
M. D.A. Manibusan
D. Parkinson
M. J. Reidy
M. C. Ruth
J. T. San Agustin
F. R. Santos
D. L.G. Shimizu
T. V.C. Tanaka
A. R. Unpingco

AN ACT TO CHANGE THE ZONING OF PART OF BLOCK 1, LOT 6, TRACT 109, BARRIGADA, FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO COMMERCIAL ("C") AND OF LOT NO. 2-1, BLOCK D, TRACT 9, BARRIGADA, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO AUTHORIZE THE EXCHANGE OR SALE OF CERTAIN GOVERNMENT REAL PROPERTY, INCLUDING PROPERTIES IN TAMUNING, IN AGAT, IN AGANA, IN TUMON, IN BARRIGADA, IN DEDEDO, AND IN MERIZO; TO ESTABLISH METHODS OF DETERMINING FAIR MARKET VALUE IN CONNECTION WITH SUCH SALES AND EXCHANGES; TO EXEMPT SUCH SALES AND EXCHANGES FROM CERTAIN STATUTORY REQUIREMENTS; TO REQUIRE AFFECTED LANDOWNERS TO PAY APPRAISAL AND OTHER COSTS; TO AUTHORIZE THE LEASE OF

PROPERTY IN AGAT TO POST NO. 2917 OF THE VETERANS OF FOREIGN WARS; TO REPEAL AND REENACT §61303 OF TITLE 21, GUAM CODE ANNOTATED, ON CONDITIONAL USE REGULATIONS OF THE TERRITORIAL LAND USE COMMISSION AND MAKING AN APPROPRIATION THEREFOR; TO REZONE CERTAIN PROPERTY IN MANGILAO; TO AUTHORIZE THE LEASE OF FOUR ACRES OF GOVERNMENT LAND TO VEGES GUAM, INC. FOR AGRICULTURAL PURPOSES; TO AUTHORIZE AN AGRICULTURAL LEASE TO MATSUZATO CORPORATION OF LAND IN YIGO FOR HYDROPONICS; TO AUTHORIZE AN EASEMENT ACROSS LOT NO. 10154 IN DEDEDO; TO ADD A NEW §4911a TO TITLE 15, GUAM CODE ANNOTATED, SIMPLIFYING ADMINISTRATION OF LAND CLAIMS AWARDS; TO ADD §62111 TO TITLE 21, GUAM CODE ANNOTATED, ON GOVERNMENT SUBDIVISIONS; TO REZONE LOT NO. 3316-7 NEW-R2 IN AGANA HEIGHTS; TO REPEAL AND REENACT §23105, TITLE 5, GUAM CODE ANNOTATED, TO INCREASE THE MILEAGE ALLOWANCE FOR PRIVATELY-OWNED VEHICLES USED ON OFFICIAL BUSINESS; TO REZONE LOTS NOS. 3325-3 AND 3325-4, SINAJANA, AND LOT NO. 3242-1-3, CHALAN PAGO, SINAJANA FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO LIGHT INDUSTRIAL ("M-1"); TO AMEND §61401, TITLE 21, GUAM CODE ANNOTATED, TO CHANGE HEIGHT LIMITATIONS IN CERTAIN ZONES; TO REZONE LOT NOS. 3380-3, 3380-5, 3380-6 AND 3380-7, ORDOT, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO REZONE LOTS NOS. 3249-5, 3249-6-1, AND 3249-6-R1, CHALAN PAGO, FROM AGRICULTURAL ("A") TO COMMERCIAL ("C"); TO REZONE LOT NO. 3412-1-3, CHALAN PAGO, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2").

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**
2 **Section 1.** The following parcels of land in the municipality of
3 Barrigada are hereby rezoned as follows: (i) The rear portion

1 (approximately thirty feet (30') in width and seven hundred thirty (730)
2 square meters in area) of Block 1, Lot 6, Tract 109, Barrigada, Guam, as
3 shown on L. M. Drawing No. D4-64T205, recorded at the office of the
4 Recorder, Guam under Instrument No. 57025, owned by Melchior and
5 Priscilla Martinez, is rezoned from Single Family Residential ("R-1") to
6 Commercial ("C"); (ii) Lot No. 2-1, Block D, Tract 9, Barrigada, containing
7 an area of five thousand± (5,000±) square meters, owned by Ana Ulloa, is
8 rezoned from Agricultural ("A") to Multi-Family Residential ("R-2").

9 **Section 2.** (a) The Governor shall sell to Constancia D. Rivera
10 that portion containing approximately three hundred sixty-four (364)
11 square meters of that bull cart trail which traverses Lot No. 2149-R14,
12 Tamuning, at its current fair market value.

13 (b) The Governor shall sell to Jose L. G. Camacho that portion
14 containing approximately one hundred fifty-six (156) square meters of
15 that bull cart trail which traverses Lot No. 5172-1-4-R5, Tamuning, at its
16 current fair market value.

17 **Section 3.** (a) The Governor shall sell the following
18 properties in Tumon, Dededo, to the following abutting landowners (the
19 "Landowners") at such properties' fair market value at the time of sale:

20 (i) Lot No. A-5, Tract 111, containing an area of approximately
21 three hundred forty-eight (348) square meters, to Cecil and Anella
22 Edwards; (ii) Lot No. A-3, Tract 111, containing an area of
23 approximately three hundred fifteen (315) square meters, to Joaquin and
24 Elizabeth Arriola; (iii) Lot No. A-4, Tract 111, containing an area of
25 approximately three hundred forty-eight (348) square meters, to Douglas
26 Edwards, (iv) Lot No. A-2, Tract 111, containing an area of
27 approximately three hundred two (302) square meters, to Joaquin and

1 Elizabeth Arriola; (v) Lot No. A-6, Tract 111, containing an area of
2 approximately three hundred two (302) square meters, to Frank and Nga
3 Martin; (vi) Lot No. A-7, Tract 111, containing an area of
4 approximately seventy (70) square meters, to Cecil and Anella Edwards;
5 (vii) Lot No. C-1, Tract 111 containing an area of approximately six
6 hundred ninety-eight (698) square meters, to Oscar and Joyce Miyashita,
7 and Richard and Yoko Pipes; and (viii) Lot No. A-8, Tract 111, containing
8 approximately thirty-three (33) square meters, to Florida G. Sanchez.

9 (b) In addition, the Governor shall sell Lot No. B, Tract 111, to
10 the landowners whose lands abut such Lot No. B on the northern, ocean
11 side of Lot No. B, such sale to be a series of sales to each such owner whose
12 land so abuts Lot No. B on its northern side, of that portion of Lot No. B
13 immediately adjacent to such owner's property, at such parcel's fair
14 market value at the time of sale.

15 (c) The lots and parcels being sold under this section shall be
16 combined with the respective adjoining lots of the Landowners and the
17 other purchasers, and each combined lot shall be designated with one (1)
18 parcel number, all as set out in a survey map subject to the approval of the
19 Director of Land Management.

20 **Section 4.** The Governor shall sell to Tokyu Micronesian
21 Development Corporation at its current fair market value that portion of
22 the prewar bull-cart trail in Tumon, Dededo, situated between Lots Nos.
23 5143 and 5144-3 New, (formerly Lot No. 5144-3), containing an area of
24 eight hundred nineteen± (819±) square meters. In determining the
25 current fair market value of such parcel, its unusual shape shall not be
26 considered, and its value will be based on the value of the surrounding
27 properties.

1 **Section 5.** The Governor shall sell Alley-1, situated in old
2 Agaña, containing an area of approximately one hundred thirteen (113)
3 square meters, to Fred Gabriel, the adjacent landowner (the "Landowner"),
4 at its current fair market value; **provided**, however, that in the event the
5 government of Guam decides to reacquire said Alley it shall pay therefor
6 no more than what the Landowner paid, and the deed to the Landowner
7 shall so provide.

8 **Section 6.** The Governor shall exchange for Lot No. 513,
9 Merizo, as shown on Land Management Drawing No. 14-82T156, containing
10 an area of approximately two thousand four hundred seventy-five (2,475)
11 square meters and owned by Edward A. Cruz and Dolores C. Cruz, a portion
12 of Lot No. 268, Merizo, as shown on Public Works Project No. 140-D-1005-
13 F-TER, on a current value-for-value basis.

14 **Section 7.** (a) The Governor shall exchange government real
15 property in Barrigada with Lot No. 1090-2-3, Barrigada, containing an area
16 of approximately one thousand one hundred seven (1,107) square meters,
17 belonging to Juan A. Camacho and Dolores U. Camacho (the Owners") on a
18 current value-for-value basis. The Directors of Public Works and Land
19 Management shall negotiate with the Owners for an acceptable tract of
20 government real property to be so exchanged.

21 (b) The Governor is authorized to exchange government real
22 property in Barrigada with Lot No. 1090-2-1, Barrigada, containing an area
23 of one thousand one hundred fifty five± (1,155±) square meters, belonging
24 to Gregorio A. and Maria T. Garrido (the "Owners") on a current value-for-
25 value basis. The Directors of Public Works and Land Management shall
26 negotiate with the Owner for an acceptable tract of government real
27 property to be exchanged.

1 **Section 8.** The Governor shall sell a portion of Lot No. C, Tract
2 111, Tumon, Dededo, containing an area of approximately nine hundred
3 thirty-five (935) square meters, to William Au-Yeung, for its current fair
4 market value.

5 **Section 9.** (a) The land sales and exchanges described in
6 Sections 2, 3, 4, 5, 6, 7, and 8 of this Act shall all be subject to the following
7 provisions to determine the current fair market value of a parcel:

8 (i) Each parcel shall be the subject of no less than two
9 (2) written appraisals prepared by qualified licensed Guam
10 appraisers, such appraisals to be completed no earlier than six
11 (6) months prior to the date of conveyance or exchange of the
12 parcels;

13 (ii) Such appraisals shall be based on the current
14 highest and best use of the parcels being appraised without
15 regard to such parcels' current zoning or irregular size or
16 shape.

17 (b) The cost of such appraisals and of any severance or other
18 survey map necessary for the conveyance or exchange shall be paid by the
19 private party buying or exchanging the property, and no sale or exchange
20 may be recorded until such costs are paid. All such surveys, as well as the
21 appraisals required in subparagraph (a) of this section, are subject to the
22 approval of the Director of Land Management. In making such surveys,
23 the surveyor shall install permanent concrete monuments on all points.

24 (c) Neither the provisions of §2109, Title 2, Guam Code
25 Annotated (separate consideration of land bills), nor the provisions of
26 Chapter 75, Title 21, Guam Code Annotated (the Chamorro Land Trust Act),

1 shall apply to any sale, exchange, lease, or other disposition of government
2 land authorized or directed by this Act.

3 (d) The private grantee(s) of any deed of sale or exchange
4 shall not sell or convey the parcel obtained by the sale or exchange for a
5 period of ten (10) years following execution of the deed, which shall
6 contain an appropriate reverter clause providing that such a sale shall
7 cause title to the property to automatically revert to the government of
8 Guam.

9 (e) If two (2) parcels being exchanged are not of equal value,
10 then either the parcels shall be adjusted in size to be of equal value, or the
11 difference in value shall be paid in cash by the party receiving the more
12 valuable parcel.

13 **Section 10.** The Governor shall to lease at nominal rent Lot No.
14 266-1, Agat, containing an area of approximately eleven thousand (11,000)
15 square meters, to the Veterans of Foreign Wars Post No. 2917, for a term
16 of Fifty (50) years, to construct and operate a clubhouse, and recreational
17 facilities, the latter to be open to the general public. such lease may not
18 be assigned or the property subleased.

19 **Section 11.** (a) §61303 of Title 21, Guam Code Annotated, is
20 hereby repealed and reenacted to read:

21 "§61303. Conditional use. (a) In addition to
22 permitted uses in each of the zones, specified uses are
23 permitted upon approval by the Commission of the site plan
24 including, but not limited to, disposal of sewage, access,
25 parking, structure location and dimensions of buildings, impact
26 of the proposed use on adjacent land uses, and accompanying
27 covenants that may include performance standards. The

1 Commission shall also consider such other elements as may be
2 reasonably related to the health, safety and general welfare of
3 the community.

4 (b) Notwithstanding any prior conditional use as
5 provided in subsection (a) of this section, any amendment to a
6 site plan which plan was previously approved by the
7 Commission shall be approved by the Commission in
8 accordance with the criteria set forth in subsections (a) and (c)
9 of this section.

10 (c) In any hearing or meeting on an application
11 for conditional use whether based on an original or amended
12 site plan, in each of the zones, the Commission shall require the
13 applicant to give personal written notice at least ten (10) days
14 prior to the hearing to property owners within a radius of five
15 hundred feet (500') or if personal notice is not possible, then
16 written notice to the last known address of such owner at least
17 twenty-five (25) days prior to the hearing by certified mail,
18 return receipt requested. In addition, the commission shall
19 require the applicant to erect a sign on the subject location, no
20 smaller than four feet (4') by eight feet (8') in height and
21 width, displayed to make the following information available to
22 the general public in a reasonable manner: (a) a Statement
23 of Public Notice that an application for conditional use has been
24 filed with the Territorial Land Use Commission; (b) the title of
25 the application as filed, containing the name of the owner, the
26 name of the developer, the lot number, and the proposed
27 conditional use; and (c) the date, time and place of each public

1 hearing and Commission meeting where public comments can
2 be presented to the Commission. The sign shall be required to
3 be erected and displayed with current information no less than
4 ten (10) consecutive days prior to each scheduled public
5 hearing or meeting. The Commission shall not render a
6 decision in favor of any applicant that fails to comply with this
7 sign requirement and any other public notice requirement that
8 is prescribed or imposed. Failure to meet the notice
9 requirements as provided herein renders any approval by the
10 commission null and void."

11 (b) Pursuant to subsection (a) of this section, the Department of
12 Land Management (the "Department") shall determine the names and
13 addresses and properly serve or mail all required notices to all persons
14 within the five hundred foot (500') radius of the proposed project who will
15 be affected thereby. As provided in subsection (a), the notices shall be
16 served not less than ten (10) calendar days before any public hearing is to
17 be conducted. The five hundred foot (500') radius shall be measured from
18 the exterior boundary lines of the project, and not from the center.

19 (c) The Department shall charge the applicants with all costs
20 incurred in carrying out the requirements of subsection (b) of this section,
21 and all costs and fees so collected shall be deposited in the Department's
22 operational funds to be expended for the Division of Planning as the
23 Director of Land Management may determine.

24 (d) One Hundred Fifty Thousand Dollars (\$150,000) are
25 appropriated from the General Fund to the Department to employ
26 additional staff to undertake the work required by this section, to
27 purchase "4 x 4" wheel vehicles for the Department, and to purchase desks

1 and chairs, filing cabinets and other logistical necessities required by the
2 Department to accomplish the work required by this section.

3 **Section 12.** Lot No. 1098-4-1, Lalo, Mangilao, Barrigada,
4 containing an area of approximately two thousand nine hundred sixty-
5 eight (2,968) square meters, and owned by Tony C. Park, is hereby rezoned
6 from Single Family Residential ("R-1") to Commercial("C").

7 **Section 13.** The lease of four (4) acres of Lot No. 10119-8,
8 Dededo, shown on Department of Land Management Document No. 391755,
9 to Veges Guam, Inc. for agricultural purposes, as set out in an agricultural
10 lease signed by the Governor on January 28, 1988, and submitted with
11 amendments to the Legislature on May 16, 1988, is hereby approved with
12 the following amendments: That the property may be used only for
13 agricultural purposes, that only foodstuffs raised on the property may be
14 sold thereat, that no permanent buildings for non-agricultural purposes be
15 constructed thereon, that such lease not be assigned or the property
16 subleased, that if the property is not used for significant agricultural
17 purposes for three (3) consecutive years, the lease shall terminate, and
18 that the rent shall be based on the property's fair market value as
19 agricultural land, the property to be reappraised and the rent adjusted
20 every five (5) years based on the property's then fair market value.

21 **Section 14.** (a) Legislative findings. The Legislature finds that
22 Matsuzato Corporation ("Applicant") is an eligible company in accordance
23 with Section 4 of Public Law 15-18. Applicant has submitted a business
24 plan for engaging in agriculture, which plan has been reviewed and
25 approved by the Guam Environmental Protection Agency, by the
26 Department of Agriculture, and by the Extension Service of the University
27 of Guam. Applicant's proposal is to utilized twenty (20) acres of land in

1 Yigo for hydroponics. "Hydroponics" is included in the term "Agriculture" in
2 Public Law 15-18, which law authorizes agricultural leases of government
3 land. This Legislature also finds that Applicant has funds available to
4 finance this agricultural enterprise.

5 (b) Lease authorized. The Governor shall execute a long term
6 agricultural lease with Applicant for twenty (20) acres of land contained
7 in Lot No. 7150-3-4, Yigo. The Governor shall execute all instruments
8 necessary to such lease transaction which lease the Legislature hereby
9 approves, with the following provisions: That the property may be used
10 only for agricultural purposes, that only foodstuffs raised on the property
11 may be sold thereat, that no permanent buildings for non-agricultural
12 purposes be constructed thereon, that such lease not be assigned or the
13 property subleased, and that if the property is not used for significant
14 agricultural purposes for three (3) consecutive years, the lease shall
15 automatically terminate.

16 (c) Rent. The rent shall be based on the property's current fair
17 market value as agricultural land, the property to be reappraised and the
18 rent adjusted every five (5) years based on the property's then fair
19 market value.

20 **Section 15.** The Legislature finds that the government of Guam
21 needs better access to Lot No. 10154, Dededo, from **Adotgan Luchan**
22 **Street.** Accordingly, the Governor shall, pursuant to the provisions of
23 Section 115 of Public Law 20-221, provide a fifty foot (50') public access
24 and utility easement across such Lot No. 10154, along the west side of Lots
25 Nos. 10077-1New-R8-R/W, 10077-1New-6, and 10077-1New-1, all in
26 Dededo, as shown on Drawing No. 23-85-05, prepared by Vicente C. Sian,
27 Jr. As a condition to the grant of such easement, Francisco U. Torres, the

1 owner of Lot No. 10077-1New-1, Dededo, containing an area of
2 approximately eight thousand (8,000) square meters, shall provide a fifty
3 foot (50') public access and utility easement across such Lot No. 10077-
4 1New-1, to connect with the cul-de-sac off of Adotgan Luchan Street,
5 thus allowing access from Lot No. 10154 to Adotgan Luchan Street.

6 **Section 16.** §4911a is added to Chapter 49, Title 15, Guam Code
7 Annotated, to read:

8 "§4911a. No further administration in certain cases. A
9 decree of preliminary or final distribution, an order setting
10 aside a land claims award, or an affidavit filed pursuant to
11 §4910 of this Title passes title to any additional sums awarded
12 by the District Court of Guam with respect to the parcel
13 identified in the decree, order or affidavit. No further
14 administration is required upon the decedent's estate in
15 respect of such additional awards and the person authorized in
16 the decree, order or affidavit to collect and distribute the
17 original award is authorized to collect and distribute any
18 additional awards for said parcel to the same heirs and in the
19 same proportions as provided in the decree, order or affidavit."

20 **Section 17.** §62111 is added to Title 21, Guam Code Annotated,
21 to read:

22 "§62111. **Government subdivisions.** In any
23 subdivision of government of Guam land, including land of
24 autonomous agencies, in which there are more applicants for
25 lots within the subdivision than there are lots, the Director of
26 Land Management shall conduct a public lottery, under the
27 direction of the Attorney General, among those applicants

1 holding the same priorities to determine which applicants of
2 equal priority obtain the lots."

3 **Section 18.** Lot No. 3316-7 NEW-R2, Agaña Heights, owned by
4 Lloyd's Marketing and Supply and L&S Construction Company, presently
5 zoned Single Family Residential in part ("R-1") and Agricultural ("A") in
6 part, is hereby rezoned Multi-Family Residential ("R-2").

7 **Section 19. (a) Findings.** The Legislature finds that there is an
8 ever-increasing use by government of Guam employees of their personal
9 vehicles for official business because of the non-availability of government
10 of Guam vehicles. With the rises in the cost of operating a vehicle,
11 including increases in gasoline and oil prices, vehicle maintenance and
12 vehicle insurance, the Legislature deems it unjust that these employees are
13 not currently given a fair and reasonable reimbursement of their expenses
14 in operating and maintaining their vehicles when such vehicles are used
15 for the benefit of the government of Guam. The purpose of this section,
16 therefore, is to establish a just and reasonable level of reimbursement for
17 the use of personal vehicles for government of Guam business.

18 (b) **Change in mileage allowance.** §23105 of Title 5,
19 Guam Code Annotated, is hereby repealed and reenacted to read:

20 "§23105. **Mileage allowance.** Persons
21 authorized to travel at government expense shall, in accordance
22 with regulations and whenever such mode of transportation is
23 authorized or approved as more advantageous to the
24 government, be paid in lieu of transportation not to exceed
25 Sixty Cents (60¢) per mile for the use of privately-owned four
26 wheeled-passenger motor vehicles, when engaged on official
27 business."

1 (c) **Effective date.** The provisions of this section shall go
2 into effect thirty (30) days after the approval of this Act.

3 **Section 20.** (a) Lots Nos. 3325-3 and 3325-4, Sinajaña,
4 containing an aggregate area of 25,637± square meters are hereby rezoned
5 from Single Family Residential ("R-1") to Light Industrial ("M-1").

6 (b) Lot No. 3242-1-3, Chalan Pago, Sinajaña, containing an
7 area of 21,020± square meters, is hereby rezoned from Single Family
8 Residential ("R-1") to Light Industrial ("M-1").

9 **Section 21.** §61401 of Title 21, Guam Code Annotated, is hereby
10 amended to read:

11 "§61401. Height Limit Established. In the A, R1, LC,
12 R2, C, M1 and M2 Zones, no building or structure shall be
13 erected or maintained, nor shall any existing building or
14 structure be altered, enlarged, moved, or maintained, to exceed
15 a height limit of three stories (the three stories shall not exceed
16 a height of thirty (30) feet), **except** that in the C Zone within
17 the **New Agaña** lot and block system the building height limit
18 shall be six (6) stories (the six stories shall not exceed a height
19 of seventy-five (75) feet)."

20 **Section 22.** The following lots in Ordot, municipality of Sinajaña,
21 Guam, are hereby rezoned from Agricultural ("A") to Multi-Family
22 Residential ("R-2"):

23	Lots Nos.:	Areas in square meters:
24	3380-3	4,132±,
25	3380-5	11,547±,
26	3380-6	16,536±,
27	3380-7	16,511±.

1 **Section 23.** The following lots in Chalan Pago, municipality of
2 Sinajaña, are hereby rezoned from Agricultural ("A") to Commercial ("C"):

3	Lots Nos.:	Areas in square meters:
4	3249-5,	4,700±,
5	3249-6-1,	1,767±,
6	3249-6-R1,	7,395±.

7 **Section 24.** Lot No. 3412-1-3, Chalan Pago, municipality of
8 Sinajaña, containing an area of approximately fifty-seven thousand seven
9 hundred thirty-four (57,734) square meters, is hereby rezoned from
10 Agricultural ("A") to Multi-Family Residential ("R-2").

11 **Section 25.** The Governor shall sell to Steve and Ann Hering at
12 its current fair market value that portion of the former bull-cart trail in
13 Dededo situated between Lots Nos. 5003A-5 and 5004 containing an area
14 of approximately eighty-seven± (87±) square meters. In determining the
15 fair market value of such parcel, its narrow shape shall not be considered,
16 and its value will be based on the value of the surrounding properties.

Bill No. 298

Resolution No. _____

Question: _____

Date: 4-4-91

	Ayes	Noes	NOT VOTING	Absent
1. AGUON, John Perez	✓			
2. ARRIOLA, Elizabeth Perez			✓	
3. BAMBA, J. George	✓			
4. BLAZ, Anthony Crisostomo	✓		HA	
5. BROOKS, Doris Flores		✓	HA	
6. DIERKING, Herminia Duenas	✓			
7. DUENAS, Edward Ramirez				✓
8. ESPALDON, Ernesto M. (M.D.)	✓			
9. GUTIERREZ, Carl T. C.	✓			
10. LUJAN, Pilar Cruz	✓			
11. MAILLOUX, Gordon	✓			
12. MANIBUSAN, Marilyn D. A.			✓	
13. PARKINSON, Don	✓			
14. REIDY, Michael		✓	HA	
15. RUTH, Martha Cruz		✓	HA	
16. SAN AGUSTIN, Joe Taitano	✓			
17. SANTOS, Francisco Rivera	✓			
18. SHIMIZU, David L. G. (M.D.)	✓			
19. TANAKA, Thomas V. C.		✓	HA	
20. UNPINGCO, Antonio Reyes		✓	HA	

12

41

5

4

1

Excused

Required

Excused

Required

*62.12
Actual vote
2000
2000*

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

AMP
Introduced

APR 03 '91

Bill No. 298 (COE)

Introduced by:

Arriola
C. T. C. Gutierrez
J. P. Aguon
E. P. Arriola
J. G. Bamba
A. C. Blaz
D. F. Brooks
H. D. Dierking
E. R. Duenas
E. M. Espaldon
P. C. Lujan
G. Mailloux
M. D. A. Manibusan
D. Parkinson
M. J. Reidy
M. C. Ruth
J. T. San Agustin
F. R. Santos
D. L. G. Shimizu
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO CHANGE THE ZONING OF PART OF BLOCK 1, LOT 6, TRACT 109, BARRIGADA, FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO COMMERCIAL ("C") AND OF LOT NO. 2-1, BLOCK D, TRACT 9, BARRIGADA, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO AUTHORIZE THE EXCHANGE OR SALE OF CERTAIN GOVERNMENT REAL PROPERTY, INCLUDING PROPERTIES IN TAMUNING, IN AGAT, IN AGAÑA, IN TUMON, IN BARRIGADA, IN DEDEDO, AND IN MERIZO; TO ESTABLISH METHODS OF DETERMINING FAIR MARKET VALUE IN CONNECTION WITH SUCH SALES AND EXCHANGES; TO EXEMPT SUCH SALES AND EXCHANGES FROM CERTAIN STATUTORY REQUIREMENTS; TO REQUIRE AFFECTED LANDOWNERS TO PAY APPRAISAL AND OTHER

COSTS; TO AUTHORIZE THE LEASE OF PROPERTY IN AGAT TO POST NO. 2917 OF THE VETERANS OF FOREIGN WARS; TO REPEAL AND REENACT §61303 OF TITLE 21, GUAM CODE ANNOTATED, ON CONDITIONAL USE REGULATIONS OF THE TERRITORIAL LAND USE COMMISSION AND MAKING AN APPROPRIATION THEREFOR; TO REZONE CERTAIN PROPERTY IN MANGILAO, BARRIGADA; TO AUTHORIZE THE LEASE OF FOUR ACRES OF GOVERNMENT LAND TO VEGES GUAM, INC. FOR AGRICULTURAL PURPOSES; TO AUTHORIZE AN AGRICULTURAL LEASE TO MATSUZATO CORPORATION OF LAND IN YIGO FOR HYDROPONICS; TO AUTHORIZE AN EASEMENT ACROSS LOT NO. 10154 IN DEDEDO; TO ADD A NEW §4911a TO TITLE 15, GUAM CODE ANNOTATED, SIMPLIFYING ADMINISTRATION OF LAND CLAIMS AWARDS; TO ADD §62111 TO TITLE 21, GUAM CODE ANNOTATED, ON GOVERNMENT SUBDIVISIONS; TO REZONE LOT NO. 3316-7 NEW-R2 IN AGAÑA HEIGHTS; TO REPEAL AND REENACT §23105, TITLE 5, GUAM CODE ANNOTATED, TO INCREASE THE MILEAGE ALLOWANCE FOR PRIVATELY-OWNED VEHICLES USED ON OFFICIAL BUSINESS; TO AUTHORIZE CERTAIN LAND EXCHANGES TO COMPLETE THE WIDENING OF PALE SAN VITORES ROAD; TO AMEND §61401, TITLE 21, GUAM CODE ANNOTATED, TO CHANGE HEIGHT LIMITATIONS IN CERTAIN ZONES; TO REZONE LOT NOS. 3380-3, 3380-5, 3380-6 AND 3380-7, ORDOT, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO REZONE LOTS NOS. 3249-5, 3249-6-1, AND 3249-6-R1, CHALAN PAGO, FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO COMMERCIAL ("C"); TO REZONE LOT NO. 3412-1-3, CHALAN PAGO, FROM AGRICULTURAL ("A") TO COMMERCIAL ("C"); AND TO REZONE LOT NO. 7090-1, YIGO, FROM A PLANNED UNIT DEVELOPMENT ("PUD") TO MULTI-FAMILY RESIDENTIAL ("R-2").

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. The following parcels of land in the municipality of
3 Barrigada are hereby rezoned as follows: (i) The rear portion (approximately
4 thirty feet (30') in width and seven hundred thirty (730) square meters in
5 area) of Block 1, Lot 6, Tract 109, Barrigada, Guam, as shown on L.M. Drawing

1 No. D4-64T205, recorded at the office of the Recorder, Guam under
2 Instrument No. 57025, owned by Melchior and Priscilla Martinez, is rezoned
3 from Single Family Residential ("R-1") to Commercial ("C"); (ii) Lot No. 2-1,
4 Block D, Tract 9, Barrigada, containing an area of five thousand± (5,000±)
5 square meters, owned by Ana Ulloa, is rezoned from Agricultural ("A") to
6 Multi-Family Residential ("R-2").

7 **Section 2.** (a) The Governor shall sell to Constancia D. Rivera that
8 portion containing approximately three hundred sixty-four (364) square
9 meters of that bull cart trail which traverses Lot No. 2149-R14, Tamuning, at
10 its current fair market value.

11 (b) The Governor shall sell to Jose L.G. Camacho that portion
12 containing approximately one hundred fifty-six (156) square meters of that
13 bull cart trail which traverses Lot No. 5172-1-4-R5, Tamuning, at its current
14 fair market value.

15 **Section 3.** (a) The Governor shall sell the following properties in
16 Tumon, Dededo, to the following abutting landowners (the "Landowners") at
17 such properties' fair market value at the time of sale: (i) Lot No. A-5, Tract
18 111, containing an area of approximately three hundred forty-eight (348)
19 square meters, to Cecil and Anella Edwards; (ii) Lot No. A-3, Tract 111,
20 containing an area of approximately three hundred fifteen (315) square
21 meters, to Joaquin and Elizabeth Arriola; (iii) Lot No. A-4, Tract 111,
22 containing an area of approximately three hundred forty-eight (348) square
23 meters, to Douglas Edwards; (iv) Lot No. A-2, Tract 111, containing an area of
24 approximately three hundred two (302) square meters, to Joaquin and
25 Elizabeth Arriola; (v) Lot No. A-6, Tract 111, containing an area of
26 approximately three hundred two (302) square meters, to Frank and Nga

1 Martin; (vi) Lot No. A-7, Tract 111, containing an area of approximately
2 seventy (70) square meters, to Cecil and Anella Edwards; (vii) Lot No. C-1,
3 Tract 111, containing an area of approximately six hundred ninety-eight
4 (698) square meters, to Oscar and Joyce Miyashita, and Richard and Yoko
5 Pipes; and (viii) Lot No. A-8, Tract 111, containing approximately thirty-three
6 (33) square meters, to Florida G. Sanchez.

7 (b) In addition, the Governor shall sell Lot No. B, Tract 111, to the
8 landowners whose lands abut such Lot No. B on the northern, ocean side of
9 Lot No. B, such sale to be a series of sales to each such owner whose land so
10 abuts Lot No. B on its northern side, of that portion of Lot No. B immediately
11 adjacent to such owner's property, at such parcel's fair market value at the
12 time of sale.

13 (c) The lots and parcels being sold under this section shall be
14 combined with the respective adjoining lots of the Landowners and the other
15 purchasers, and each combined lot shall be designated with one (1) parcel
16 number, all as set out in a survey map subject to the approval of the Director
17 of Land Management.

18 **Section 4.** (a) The Governor shall sell to Tokyu Micronesian
19 Development Corporation at its current fair market value that portion of the
20 prewar bull-cart trail in Tumon, Dededo, situated between Lots Nos. 5143 and
21 5144-3 New, (formerly Lot No. 5144-3), containing an area of eight hundred
22 nineteen± (819±) square meters. In determining the current fair market
23 value of such parcel, its unusual shape shall not be considered, and its value
24 will be based on the value of the surrounding properties.

25 (b) The Governor shall sell to Guam Dai-Ichi Hotel, Inc. at its current
26 fair market value that portion of the former bull-cart trail in Tumon, Dededo,

1 situated between basic Lots Nos. 5136-2-1 and 5136-1-5, 5136-1-6, and
2 5136-1-7 (formerly all part of Lot No. 5136 and now consolidated as Lot No.
3 5136-1-4 NEW), containing an area of four hundred seven± (407±) square
4 meters. In determining the current fair market value of such parcel, its
5 narrow shape shall not be considered, and its value will be based on the value
6 of the surrounding properties.

7 (c) The Governor shall sell to Steve Herring at its current fair market
8 value that portion of the former bull-cart trail in **Finegayan**, Dededo,
9 situated between Lots Nos. 5003A-5 and 5004, containing an area of
10 approximately nine hundred three (903) square meters. In determining the
11 fair market value of such parcel, its narrow shape shall not be considered,
12 and its value will be based on the value of the surrounding properties.

13 **Section 5.** The Governor shall sell Alley-1, situated in old Agaña,
14 containing an area of approximately one hundred thirteen (113) square
15 meters, to Fred Gabriel, the adjacent landowner (the "Landowner"), at its
16 current fair market value; **provided**, however, that in the event the
17 government of Guam decides to reacquire said Alley it shall pay therefor no
18 more than what the Landowner paid, and the deed to the Landowner shall so
19 provide.

20 **Section 6.** The Governor shall exchange for Lot No. 513, Merizo, as
21 shown on Land Management Drawing No. 14-82T156, containing an area of
22 approximately two thousand four hundred seventy-five (2,475) square
23 meters and owned by Edward A. Cruz and Dolores C. Cruz, a portion of Lot No.
24 268, Merizo, as shown on Public Works Project No. 140-D-1005-F-TER, on a
25 current value-for-value basis.

1 **Section 7.** The Governor shall exchange government real property in
2 Barrigada with Lot No. 1090-2-3, Barrigada, containing an area of
3 approximately one thousand one hundred seven (1,107) square meters,
4 belonging to Juan A. Camacho and Dolores U. Camacho (the "Owners") on a
5 current value-for-value basis. The Directors of Public Works and of Land
6 Management shall negotiate with the Owners for an acceptable tract of
7 government real property to be so exchanged.

8 **Section 8.** (a) The Governor shall sell a portion of Lot No. C, Tract
9 111, Tumon, Dededo, containing an area of approximately nine hundred
10 thirty-five (935) square meters, to William Au-Yeung, for its current fair
11 market value.

12 (b) The Governor shall further exchange another portion of Lot C,
13 Tract 111, Tumon, Dededo, for portions of Lots Nos. 16 and 17, Tract 111,
14 Tumon, Dededo, belonging to Jose C. Guerrero, containing areas of thirteen
15 (13) square meters and sixty-six (66) square meters, respectively, which
16 portions were taken in the **San Vitores** road expansion. The value of the
17 government land being exchanged shall be its current fair market value, and
18 the value of the property taken for the **San Vitores** Road shall be its value
19 at the time of its taking.

20 **Section 9.** (a) The land sales and exchanges described in Sections 2,
21 3, 4, 5, 6, 7, and 8 of this Act shall all be subject to the following provisions to
22 determine the current fair market value of a parcel:

23 (i) Each parcel shall be the subject of no less than two (2)
24 written appraisals prepared by qualified licensed Guam appraisers,
25 such appraisals to be completed no earlier than six (6) months prior
26 to the date of conveyance or exchange of the parcels;

1 (ii) Such appraisals shall be based on the current highest and
2 best use of the parcels being appraised without regard to such
3 parcels' current zoning or irregular size or shape.

4 (b) The cost of such appraisals and of any severance or other survey
5 map necessary for the conveyance or exchange shall be paid by the private
6 party buying or exchanging the property, and no sale or exchange may be
7 recorded until such costs are paid. All such surveys, as well as the appraisals
8 required in subparagraph (a) of this section, are subject to the approval of the
9 Director of Land Management. In making such surveys, the surveyor shall
10 install permanent concrete monuments on all points.

11 (c) Neither the provisions of §2109, Title 2, Guam Code Annotated
12 (separate consideration of land bills), nor the provisions of Chapter 75, Title
13 21, Guam Code Annotated (the Chamorro Land Trust Act), shall apply to any
14 sale, exchange, lease, or other disposition of government land authorized or
15 directed by this Act.

16 (d) The private grantee(s) of any deed of sale or exchange shall not
17 sell or convey the parcel obtained by the sale or exchange for a period of ten
18 (10) years following execution of the deed, which shall contain an appropriate
19 reverter clause providing that such a sale shall cause title to the property to
20 automatically revert to the government of Guam.

21 (e) If two (2) parcels being exchanged are not of equal value, then
22 either the parcels shall be adjusted in size to be of equal value, or the
23 difference in value shall be paid in cash by the party receiving the more
24 valuable parcel.

25 **Section 10.** The Governor shall to lease at nominal rent Lot No. 266-1,
26 Agat, containing an area of approximately eleven thousand (11,000) square

1 meters, to the Veterans of Foreign Wars Post No. 2917, for a term of fifty (50)
2 years, to construct and operate a clubhouse, and recreational facilities, the
3 latter to be open to the general public. Such lease may not be assigned or the
4 property subleased.

5 **Section 11.** (a) §61303 of Title 21, Guam Code Annotated, is hereby
6 repealed and reenacted to read:

7 "§61303. **Conditional use.** (a) In addition to permitted
8 uses in each of the zones, specified uses are permitted upon
9 approval by the Commission of the site plan including, but not
10 limited to, disposal of sewage, access, parking, structure location
11 and dimensions of buildings, impact of the proposed use on
12 adjacent land uses, and accompanying covenants that may include
13 performance standards. The Commission shall also consider such
14 other elements as may be reasonably related to the health, safety
15 and general welfare of the community.

16 (b) Notwithstanding any prior conditional use as provided
17 in subsection (a) of this section, any amendment to a site plan
18 which plan was previously approved by the Commission shall be
19 approved by the Commission in accordance with the criteria set
20 forth in subsections (a) and (c) of this section.

21 (c) In any hearing or meeting on an application for
22 conditional use whether based on an original or amended site
23 plan, in each of the zones, the Commission shall require the
24 applicant to give personal written notice at least ten (10) days
25 prior to the hearing to property owners within a radius of five
26 hundred feet (500') or if personal notice is not possible, then

1 written notice to the last known address of such owner at least
2 twenty-five (25) days prior to the hearing by certified mail,
3 return receipt requested. In addition, the Commission shall
4 require the applicant to erect a sign on the subject location, no
5 smaller than four feet (4') by eight feet (8') in height and width,
6 displayed to make the following information available to the
7 general public in a reasonable manner: (a) a Statement of Public
8 Notice that an application for conditional use has been filed with
9 the Territorial Land Use Commission; (b) the title of the
10 application as filed, containing the name of the owner, the name of
11 the developer, the lot number, and the proposed conditional use;
12 and (c) the date, time and place of each public hearing and
13 Commission meeting where public comments can be presented to
14 the Commission. The sign shall be required to be erected and
15 displayed with current information no less than ten (10)
16 consecutive days prior to each scheduled public hearing or
17 meeting. The Commission shall not render a decision in favor of
18 any applicant that fails to comply with this sign requirement and
19 any other public notice requirement that is prescribed or imposed.
20 Failure to meet the notice requirements as provided herein
21 renders any approval by the Commission null and void."

22 (b) Pursuant to subsection (a) of this section, the Department of Land
23 Management (the "Department") shall determine the names and addresses
24 and properly serve or mail all required notices to all persons within the five
25 hundred foot (500') radius of the proposed project who will be affected
26 thereby. As provided in subsection (a), the notices shall be served not less

1 than ten (10) calendar days before any public hearing is to be conducted. The
2 five hundred foot (500') radius shall be measured from the exterior boundary
3 lines of the project, and not from the center.

4 (c) The Department shall charge the applicants with all costs incurred
5 in carrying out the requirements of subsection (b) of this section, and all costs
6 and fees so collected shall be deposited in the Department's operational funds
7 to be expended for the Division of Planning as the Director of Land
8 Management may determine.

9 (d) One Hundred Fifty Thousand Dollars (\$150,000) are appropriated
10 from the General Fund to the Department to employ additional staff to
11 undertake the work required by this section, to purchase "4 x 4" wheel
12 vehicles for the Department, and to purchase desks and chairs, filing cabinets
13 and other logistical necessities required by the Department to accomplish the
14 work required by this section.

15 **Section 12.** Lot No. 1098-4-1, Lalo, Mangilao, Barrigada, containing
16 an area of approximately two thousand nine hundred sixty-eight (2,968)
17 square meters, and owned by Tony C. Park, is hereby rezoned from Single
18 Family Residential ("R-1") to Commercial ("C").

19 **Section 13.** The lease of four (4) acres of Lot No. 10119-8, Dededo,
20 shown on Department of Land Management Document No. 391755, to Veges
21 Guam, Inc. for agricultural purposes, as set out in an agricultural lease signed
22 by the Governor on January 28, 1988, and submitted with amendments to the
23 Legislature on May 16, 1988, is hereby approved with the following
24 amendments: That the property may be used only for agricultural purposes,
25 that only foodstuffs raised on the property may be sold thereat, that no
26 permanent buildings for non-agricultural purposes be constructed thereon,

1 that such lease not be assigned or the property subleased, that if the property
2 is not used for significant agricultural purposes for three (3) consecutive
3 years, the lease shall terminate, and that the rent shall be based on the
4 property's fair market value as agricultural land, the property to be
5 reappraised and the rent adjusted every five (5) years based on the
6 property's then fair market value.

7 **Section 14. (a) Legislative findings.** The Legislature finds that
8 Matsuzato Corporation ("Applicant") is an eligible company in accordance with
9 Section 4 of Public Law 15-18. Applicant has submitted a business plan for
10 engaging in agriculture, which plan has been reviewed and approved by the
11 Guam Environmental Protection Agency, by the Department of Agriculture,
12 and by the Extension Service of the University of Guam. Applicant's proposal
13 is to utilize twenty (20) acres of land in Yigo for hydroponics. "Hydroponics"
14 is included in the term "Agriculture" in Public Law 15-18, which law
15 authorizes agricultural leases of government land. This Legislature also finds
16 that Applicant has funds available to finance this agricultural enterprise.

17 **(b) Lease authorized.** The Governor shall execute a long term
18 agricultural lease with Applicant for twenty (20) acres of land contained in
19 Lot No. 7150-3-4, Yigo. The Governor shall execute all instruments necessary
20 to such lease transaction which lease the Legislature hereby approves, with
21 the following provisions: That the property may be used only for agricultural
22 purposes, that only foodstuffs raised on the property may be sold thereat,
23 that no permanent buildings for non-agricultural purposes be constructed
24 thereon, that such lease not be assigned or the property subleased, and that if
25 the property is not used for significant agricultural purposes for three (3)
26 consecutive years, the lease shall automatically terminate.

1 (c) **Rent.** The rent shall be based on the property's current fair
2 market value as agricultural land, the property to be reappraised and the
3 rent adjusted every five (5) years based on the property's then fair market
4 value.

5 **Section 15.** The Legislature finds that the government of Guam needs
6 better access to Lot No. 10154, Dededo, from **Adotgan Luchan Street**.
7 Accordingly, the Governor shall, pursuant to the provisions of Section 115 of
8 Public Law 20-221, provide a fifty foot (50') public access and utility
9 easement across such Lot No. 10154, along the west side of Lots Nos. 10077-
10 1New-R8-R/W, 10077-1New-6, and 10077-1New-1, all in Dededo, as shown
11 on Drawing No. 23-85-05, prepared by Vicente C. Sian, Jr. As a condition to
12 the grant of such easement, Francisco U. Torres, the owner of Lot No. 10077-
13 1New-1, Dededo, containing an area of approximately eight thousand (18,000)
14 square meters, shall provide a fifty foot (50') public access and utility
15 easement across such Lot No. 10077-1New-1, to connect with the cul-de-sac
16 off of **Adotgan Luchan Street**, thus allowing access from Lot No. 10154 to
17 **Adotgan Luchan Street**.

18 **Section 16.** §4911a is added to Chapter 49, Title 15, Guam Code
19 Annotated, to read:

20 "§4911a. **No further administration in certain cases.** A
21 decree of preliminary or final distribution, an order setting aside a
22 land claims award, or an affidavit filed pursuant to §4910 of this
23 Title passes title to any additional sums awarded by the District
24 Court of Guam with respect to the parcel identified in the decree,
25 order or affidavit. No further administration is required upon the
26 decedent's estate in respect of such additional awards and the person

1 authorized in the decree, order or affidavit to collect and distribute
2 the original award is authorized to collect and distribute any
3 additional awards for said parcel to the same heirs and in the same
4 proportions as provided in the decree, order or affidavit."

5 **Section 17.** §62111 is added to Title 21, Guam Code Annotated, to
6 read:

7 "§62111. **Government subdivisions.** In any subdivision of
8 government of Guam land, including land of autonomous agencies, in
9 which there are more applicants for lots within the subdivision than
10 there are lots, the Director of Land Management shall conduct a
11 public lottery, under the direction of the Attorney General, among
12 those applicants holding the same priorities to determine which
13 applicants of equal priority obtain the lots."

14 **Section 18.** Lot No. 3316-7 NEW-R2, Agaña Heights, owned by Lloyd's
15 Marketing and Supply and L&S Construction Company, presently zoned Single
16 Family Residential in part ("R-1") and Agricultural ("A") in part, is hereby
17 rezoned Multi-Family Residential ("R-2").

18 **Section 19.** (a) **Findings.** The Legislature finds that there is an
19 ever-increasing use by government of Guam employees of their personal
20 vehicles for official business because of the non-availability of government of
21 Guam vehicles. With the rises in the cost of operating a vehicle, including
22 increases in gasoline and oil prices, vehicle maintenance and vehicle
23 insurance, the Legislature deems it unjust that these employees are not
24 currently given a fair and reasonable reimbursement of their expenses in
25 operating and maintaining their vehicles when such vehicles are used for the
26 benefit of the government of Guam. The purpose of this section, therefore, is

1 to establish a just and reasonable level of reimbursement for the use of
2 personal vehicles for government of Guam business.

3 (b) **Change in mileage allowance.** §23105 of Title 5, Guam Code
4 Annotated, is hereby repealed and reenacted to read:

5 "§23105. **Mileage allowance.** Persons authorized to travel
6 at government expense shall, in accordance with regulations and
7 whenever such mode of transportation is authorized or approved as
8 more advantageous to the government, be paid in lieu of
9 transportation not to exceed Sixty Cents (60¢) per mile for the use of
10 privately-owned four wheeled-passenger motor vehicles, when
11 engaged on official business."

12 (c) **Effective date.** The provisions of this section shall go into effect
13 thirty (30) days after the approval of this Act.

14 **Section 20.** (a) **Purposes of exchanges.** In order to complete
15 the acquisition of the parcels of land in Tumon necessary to the widening of
16 **Pale San Vitores Road**, the Governor shall make the following land
17 exchanges:

18 (1) The Governor shall exchange portions of Lots Nos. 5174 REM and
19 5174 REM-2, Tumon, Dededo, containing an aggregate area of nine thousand
20 six hundred eighty-three (9,683) square feet, Lots Nos. 5174 REM and 5174
21 REM-2 being shown on Drawing No. L-848, prepared by Robert A Beam (the
22 "Drawing"), for portions of Lots Nos. 5174-D-2 and 5174-D-R2, containing an
23 aggregate area of nine thousand six hundred eighty-three (9,683) square feet,
24 as shown on the Drawing, belonging to Hotels of the Marianas, Inc.;

25 (2) The Governor shall exchange Lot No. 5173-REM (Part)-A, Tumon,
26 Dededo, containing an area of approximately one hundred eighty (180) square

1 meters as shown on Land Management Drawing No. 547-FY89, Map No. MS-
2 89045, recorded under Instrument No. 440820 (the "Map"), for Lot No. 2152-
3 F-5, now designated as Lot No. 2152-F-5-1G R/W, Tumon, Dededo, Guam,
4 containing an area of approximately one hundred eighty (180) square meters,
5 as shown on the Map, belonging to Su Eor Huang.

6 (b) **Negotiated exchanges.** The land exchanges authorized in
7 subsection (a) of this section are based on the negotiations between the
8 landowners and the government of Guam arising out of the **Pale San**
9 **Vitores** road widening and have been agreed to by the landowners and the
10 Executive Branch of the government of Guam.

11 **Section 21.** §61401 of Title 21, Guam Code Annotated, is hereby
12 amended to read:

13 "§61401. **Height Limit Established.** In the A, R1, LC, R2,
14 C, M1 and M2 Zones, no building or structure shall be erected or
15 maintained, nor shall any existing building or structure be altered,
16 enlarged, moved, or maintained, to exceed a height limit of [~~two~~]
17 three stories (the [~~two~~] three stories shall not exceed a height of
18 thirty (30) feet), **except** that in the C Zone within the **New Agaña**
19 lot and block system the building height limit shall be six (6) stories
20 (the six stories shall not exceed a height of seventy-five (75) feet)."

21 **Section 22.** The following lots in Ordot, municipality of Sinajaña,
22 Guam, are hereby rezoned from Agricultural ("A") to Multi-Family Residential
23 ("R-2"):

Lots Nos.:	Areas in square meters:
3380-3	4,132±,
3380-5	11,547±,

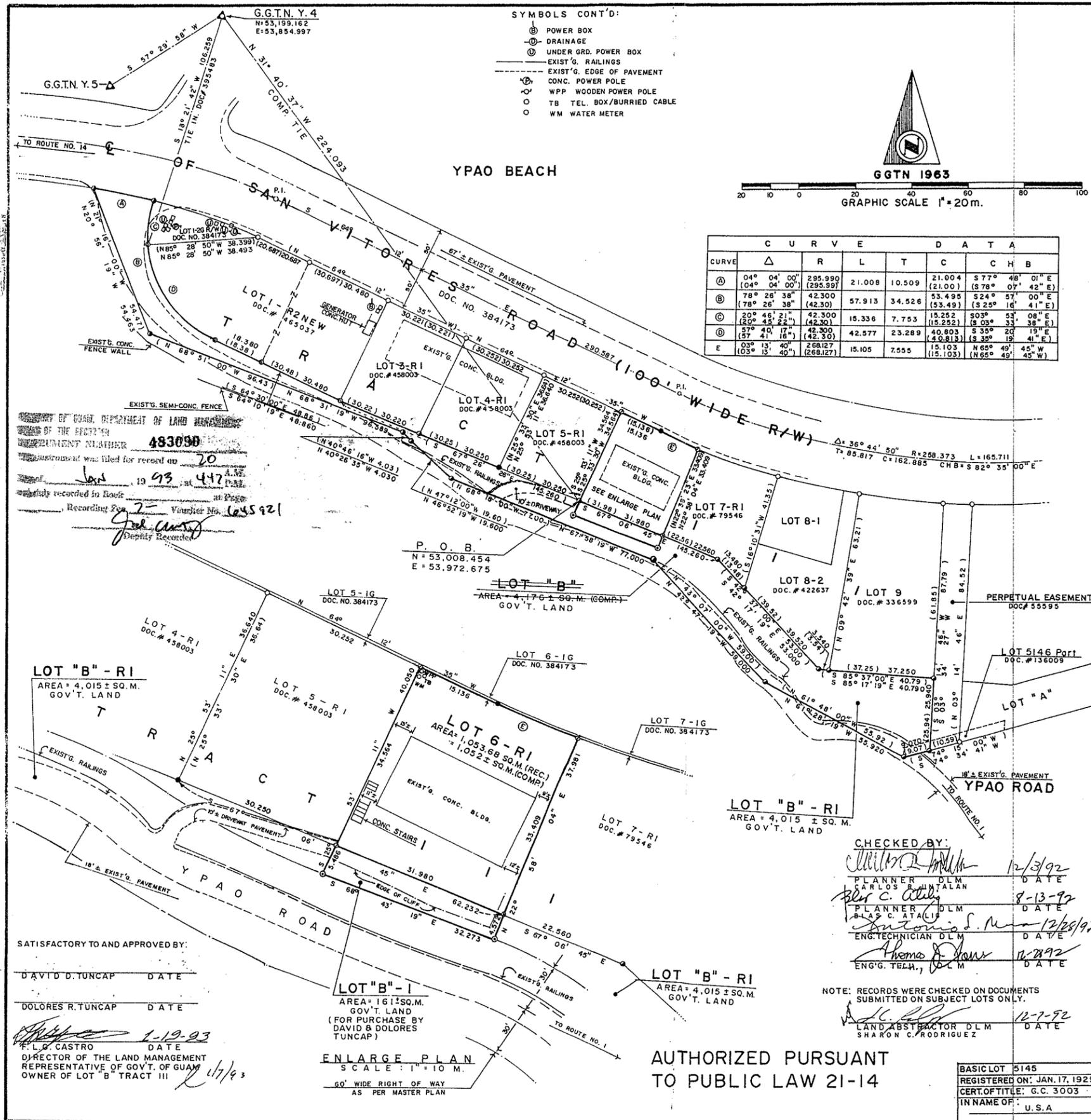
1 3380-6 16,536±,
2 3380-7 16,511±.

3 **Section 23.** The following lots in Chalan Pago, municipality of
4 Sinajaña, are hereby rezoned from Single Family Residential ("R-1") to
5 Commercial ("C"):

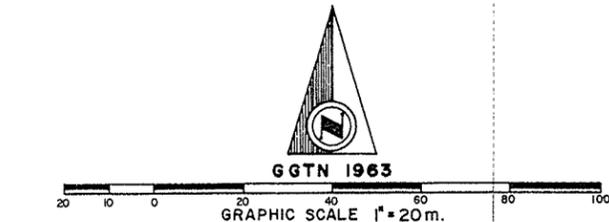
6	Lots Nos.:	Areas in square meters:
7	3249-5,	4,700±,
8	3249-6-1,	1,767±,
9	3249-6-R1,	7,395±.

10 **Section 24.** Lot No. 3412-1-3, Chalan Pago, municipality of
11 Sinajaña, containing an area of approximately fifty-seven thousand seven
12 hundred thirty-four (57,734) square meters, is hereby rezoned from
13 Agricultural ("A") to Multi-Family Residential ("R-2").

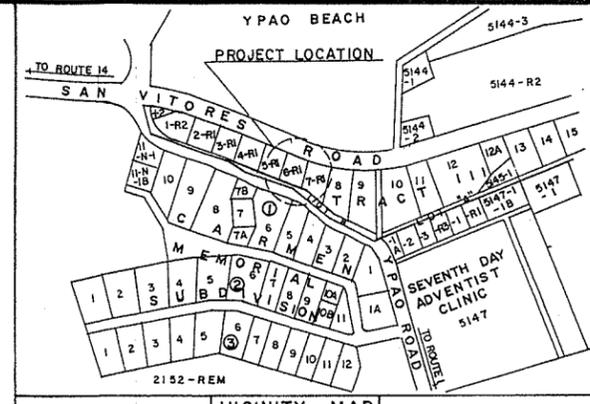
14 **Section 25.** Lot No. 7090-1, Yigo, containing an area of
15 approximately eighty-three thousand (83,000) square meters, located next to
16 Andersen Air Force Base, and adjacent to military base housing and **A n o**
17 **E**states, is hereby rezoned from a Planned Unit Development ("PUD") to Multi-
18 Family Residential ("R-2").



- SYMBOLS CONT'D:
- ⊕ POWER BOX
 - ⊖ DRAINAGE
 - ⊙ UNDER GRD. POWER BOX
 - EXIST'G. RAILINGS
 - - - EXIST'G. EDGE OF PAVEMENT
 - ⊕ CONC. POWER POLE
 - ⊕ WPP WOODEN POWER POLE
 - ⊕ TB TEL. BOX/BURRIED CABLE
 - ⊕ WM WATER METER



C U R V E D A T A						
CURVE	Δ	R	L	T	C	C H B
Ⓐ	04° 04' 00"	295.990	21.008	10.509	21.004	577° 48' 01" E (21.001) (S 78° 09' 42" E)
Ⓑ	78° 26' 38"	42.300	57.913	34.526	53.495	S 24° 57' 00" E (53.491) (S 25° 16' 41" E)
Ⓒ	20° 46' 21"	42.300	15.336	7.753	15.252	S 03° 53' 08" E (20° 45' 22") (42.300) (S 05° 33' 38" E)
Ⓓ	57° 40' 17"	42.300	42.577	23.289	40.803	S 35° 20' 19" E (57° 41' 18") (42.300) (40.813) (S 35° 19' 41" E)
E	03° 13' 40"	268.127	15.105	7.555	15.103	N 65° 49' 45" W (03° 13' 40") (268.127) (15.103) (N 65° 49' 45" W)



VICINITY MAP
NOT TO SCALE

- SYMBOLS:
- △ G.G.T.N. STATIONS
 - ⊕ 3/4" Ø PIPE WITH BRASS FOUND MARKED RLS. NO. 24.
 - ⊕ IRON PIN W/ DISC FOUND SET BY GOV'T. OF GUAM DEPT. LAND MANAGEMENT.
 - ⊕ CONC. NAIL SET FOR EVIDENCE ONLY.
 - ⊕ CONC. NAIL SET IN CONC.
 - ⊕ NO. 4" RB. SET WITH PLASTIC CAP MARKED RLS. NO. 48.
 - ⊕ CORNER NOT RETRACED.
 - ⊕ # 4 REBAR FOUND W/ PLASTIC CAP MARKED R.L.S. # 48.
- NOTES:
1. SURVEY WAS BASED ON RECOVERED CORNERS AS SHOWN.
 2. ALL DISTANCES ARE IN METERS, UNLESS OTHERWISE NOTED.
 3. BEARINGS AND DISTANCE IN PARENTHESIS ARE RECORD DATA; ALL OTHERS ARE 1963 GRID AND FIELD CONDITION.

- REFERENCES:
1. DWG. NO. DRP-12-87, RETRACEMENT SURVEY MAP OF LOTS 1-R2 & 2-R1, TRACT III, PREPARED BY RLS. NO. 44. L.M. NO. 394-FY87. DOC. NO. 395483.
 2. DWG. NO. 8518, PREPARED BY RLS. NO. 60. L.M. NO. 401-FY85. DOC. # 384173.
 3. SUBDIVISION OF TRACT III, L.M. # C4-64T 458, SHEET 1 OF 3, DOC. # 327283.
 4. DWG. # CC-9154D, L.M. # 078-FY 92. PREPARED BY RLS. # 48. DOC. # 465037.

CERTIFICATIONS:

APPROVAL PURSUANT TO PUBLIC LAW 6-134, TITLE 19, GOVERNMENT CODE OF GUAM

[Signature] 12/3/92
TERRITORIAL PLANNER, ACTING DATE

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 9, TITLE 14, GOVERNMENT CODE OF GUAM AND REGULATIONS THEREUNDER ON THIS 15/10 DAY OF *[Signature]* 1992.

[Signature]
TERRITORIAL SURVEYOR

I, CANDIDO I. CASTRO, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED UPON A FIELD SURVEY MADE IN OCTOBER, 1991 IN CONFORMANCE WITH ALL APPLICABLE LAWS AND REGULATIONS

[Signature] July 10, 1992
CANDIDO I. CASTRO RLS. NO. 48 DATE



CHECKED BY:

[Signature] 12/3/92
PLANNER DLM DATE
CARLOS B. TALAN

[Signature] 8-13-92
PLANNER DLM DATE
C. A. TALAN

[Signature] 12/28/92
ENG. TECHNICIAN DLM DATE
S. M. ...

[Signature] 12/29/92
ENG. TEL. DLM DATE
Thomas J. ...

NOTE: RECORDS WERE CHECKED ON DOCUMENTS SUBMITTED ON SUBJECT LOTS ONLY.

[Signature] 12-7-92
LAND ABSTRACTOR DLM DATE
SHARON C. RODRIGUEZ

DEPARTMENT OF LAND MANAGEMENT
OFFICE OF THE DIRECTOR
RECORDS NUMBER 483090
Instrument was filed for record on 10/19/92
Recorded in Book 1993 at Page 447
Recording Fee 7- Variable No. 1655921
[Signature]
Duly Recorded

SATISFACTORY TO AND APPROVED BY:

DAVID D. TUNCAP DATE
DOLORES R. TUNCAP DATE

[Signature] 1-19-93
CANDIDO I. CASTRO DATE
DIRECTOR OF THE LAND MANAGEMENT REPRESENTATIVE OF GOV'T. OF GUAM OWNER OF LOT "B" TRACT III

ENLARGE PLAN
SCALE: 1" = 10 M.
60' WIDE RIGHT OF WAY AS PER MASTER PLAN

AUTHORIZED PURSUANT TO PUBLIC LAW 21-14

BASIC LOT 5145
REGISTERED ON: JAN. 17, 1929
CERT. OF TITLE: G.C. 3003
IN NAME OF: U.S.A.

REVISION	DATE	BRIEF DESCRIPTION	BY	APPROVED
SURVEY DATA	DATE			
FIELD BY:	RA	OCT. '91		
BOOK NO. CC-44				
COMPUTED:	MIC	-DO-		
RESEARCHED:	MIC	-DO-		
DRAWN:	RA	-DO-		
CHECKED BY:	CIC	-DO-		
SATISFACTORY TO AND APPROVED BY:				
SEE PLAT. DATE				
L.M. CHECKED NO.	166-FY 92			
BASIC LOT	6, TRACT III	SCALE: 1" = 20 M.		
REGISTERED ON:	MARCH 9, 1982	SHEET 1 OF 1		
CERT. OF TITLE:	70516	DRAWING NO.		
IN NAME OF:	DAVID D. TUNCAP & DOLORES R. TUNCAP HUSBAND & WIFE	CC-9153D		

8573

PUBLIC LAW NO. 21-14

Bill No. 298 (COR)	Introduced by:	C.T.C. Gutierrez
Date Became Law: Apr. 17, 1991	J.P. Aguon	E.P. Arriola
Governor's Action: Approved	J.G. Bamba	A.C. Blaz
	D.F. Brooks	H.D. Dierking
	E.R. Duenas	E.M. Espaldon
	P.C. Lujan	G. Mailloux
	M.D.A. Manibusan	D. Parkinson
	M.J. Reidy	M.C. Ruth
	J.T. San Agustin	F.R. Santos
	D.L.G. Shimizu	T.V.C. Tanaka
	A.R. Unpingco	

AN ACT TO CHANGE THE ZONING OF PART OF BLOCK 1, LOT 6, TRACT 109, BARRIGADA, FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO COMMERCIAL ("C") AND OF LOT NO. 2-1, BLOCK D, TRACT 9, BARRIGADA, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO AUTHORIZE THE EXCHANGE OR SALE OF CERTAIN GOVERNMENT REAL PROPERTY, INCLUDING PROPERTIES IN TAMUNING, IN AGAT, IN AGANA, IN TUMON, IN BARRIGADA, IN DEDEDO, AND IN MERIZO; TO ESTABLISH METHODS OF DETERMINING FAIR MARKET VALUE IN CONNECTION WITH SUCH SALES AND EXCHANGES; TO EXEMPT SUCH SALES AND EXCHANGES FROM CERTAIN STATUTORY REQUIREMENTS; TO REQUIRE AFFECTED LANDOWNERS TO PAY APPRAISAL AND OTHER COSTS; TO AUTHORIZE THE LEASE OF PROPERTY IN AGAT TO POST NO. 2917 OF THE VETERANS OF FOREIGN WARS; TO REPEAL AND REENACT §61303 OF TITLE 21, GUAM CODE ANNOTATED, ON CONDITIONAL USE REGULATIONS OF THE TERRITORIAL LAND USE COMMISSION AND MAKING AN APPROPRIATION THEREFOR; TO REZONE CERTAIN PROPERTY IN MANGILAO; TO AUTHORIZE THE LEASE OF FOUR ACRES OF GOVERNMENT LAND TO VEGES GUAM, INC. FOR AGRICULTURAL PURPOSES; TO AUTHORIZE AN AGRICULTURAL LEASE TO MATSUZATO CORPORATION OF LAND IN YIGO FOR HYDROPONICS; TO AUTHORIZE AN EASEMENT ACROSS LOT NO. 10154 IN DEDEDO; TO ADD A NEW

P.L. NO. 21-14

§4911a TO TITLE 15, GUAM CODE ANNOTATED, SIMPLIFYING ADMINISTRATION OF LAND CLAIMS AWARDS; TO ADD §62111 TO TITLE 21, GUAM CODE ANNOTATED, ON GOVERNMENT SUBDIVISIONS; TO REZONE LOT NO. 3316-7 NEW-R2 IN AGANA HEIGHTS; TO REPEAL AND REENACT §23105, TITLE 5, GUAM CODE ANNOTATED, TO INCREASE THE MILEAGE ALLOWANCE FOR PRIVATELY-OWNED VEHICLES USED ON OFFICIAL BUSINESS; TO REZONE LOTS NOS. 3325-3 AND 3325-4, SINAJANA, AND LOT NO. 3242-1-3, CHALAN PAGO, SINAJANA FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO LIGHT INDUSTRIAL ("M-1"); TO AMEND §61401, TITLE 21, GUAM CODE ANNOTATED, TO CHANGE HEIGHT LIMITATIONS IN CERTAIN ZONES; TO REZONE LOT NOS. 3380-3, 3380-5, 3380-6 AND 3380-7, ORDOT, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO REZONE LOTS NOS. 3249-5, 3249-6-1, AND 3249-6-R1, CHALAN PAGO, FROM AGRICULTURAL ("A") TO COMMERCIAL ("C"); TO REZONE LOT NO. 3412-1-3, CHALAN PAGO, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2").

- Section 1... Rezoning part of Block 1, Lot 6, Tract 109 in Barrigada from single family Residential ("R-1") to Commercial ("C").
- Section 2... Authorizing the Governor of Guam to exchange or sale of certain government real property.
- Section 3... Authorizing the Governor of Guam to exchange or sale government property including properties in Tumon, Dededo to establish methods of determining fair market value in connection with such sales.
- Section 4... The Governor is authorized to sell government real property to Tokyu Micronesian Development Corporation at its current fair market value.
- Section 5... Authorizing the Governor to sell Alley-1, Old Agana at its current fair market value.
- Section 6... Authorizing the Governor to sell government real property in Merizo on a current fair market value.

P.L. NO. 21-14

- Section 7... Authorizing the Governor to exchange or sell of government real property in Barrigada at its current fair market value.
- Section 8... The Governor is authorized to sell government real property in Tumon, Dededo to William Au-Yeung for its current fair market value.
- Section 9... To require affected landowners to pay appraisal and other costs.
- Section 10... To authorize the lease of property in Agat to Post No. 2917 of the Veterans of Foreign Wars.
- Section 11... R/R 21 GCA §61303, Conditional Use.
- Section 12... Rezoning lot in Lalo, Mangilao, Barrigada, from Single Family Residential ("R-1") to Commercial ("C").
- Section 13... To authorize the lease of four acres of government land to Veges Guam, Inc. for agricultural purposes.
- Section 14... To authorize an agricultural lease to Matsuzato Corp. of land in Yigo for the hydroponics.
- Section 15... To authorize an easement across lot No. 10154 in Dededo.
- Section 16... Added 15 GCA §4911a to Chapter 49, simplifying administration of land claims awards.
- Section 17... Added 21 GCA §62111, Government Subdivisions.
- Section 18... To rezone lot No. 3316-7 NEW-R-2 in Agana Heights to multi-family Residential ("R-2").
- Section 19(a).. Legislature finds there is a need to establish a just and reasonable level of reimbursement for the use of personal vehicles for government of Guam businesses.
- Section 19(b).. R/R 5 GCA §23105, change in mileage allowance.
- Section 20... To rezone lots nos. 3325-3 and 3325-4, Sinajana and lot no. 3242-1-3, Chalan Pago, Sinajana from single to family residential ("R-1") to light industrial ("M-1").
- Section 21... Amended 21 GCA §61401, to change height limit regulations.
- Section 22... To rezone lot nos. 3380-3, 3380-5, 3380-6 and 3380-7, Ordot from Agricultural ("A") to multi-family residential ("R-2").
- Section 23... To rezone lots nos. 3249-5, 3249-6-1 and 3249-6R1, Chalan Pago, from Agricultural ("A") to Commercial ("C").
- Section 24... To rezone lots no. 3412-1-3, Chalan Pago, from Agricultural ("A") to multi-family Residential ("R-2").

P.L. NO. 21-14

Section 25... Authorizing the Governor to sell government real property in Dededo at its current fair market value.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. The following parcels of land in the municipality of Barrigada are hereby rezoned as follows: (i) The rear portion (approximately thirty feet (30') in width and seven hundred thirty (730) square meters in area) of Block 1, Lot 6, Tract 109, Barrigada, Guam, as shown on L. M. Drawing No. D4-64T205, recorded at the office of the Recorder, Guam under Instrument No. 57025, owned by Melchior and Priscilla Martinez, is rezoned from Single Family Residential ("R-1") to Commercial ("C"); (ii) Lot No. 2-1, Block D, Tract 9, Barrigada, containing an area of five thousand± (5,000±) square meters, owned by Ana Ulloa, is rezoned from Agricultural ("A") to Multi-Family Residential ("R-2").

Section 2. (a) The Governor shall sell to Constancia D. Rivera that portion containing approximately three hundred sixty-four (364) square meters of that bull cart trail which traverses Lot No. 2149-R14, Tamuning, at its current fair market value.

(b) The Governor shall sell to Jose L. G. Camacho that portion containing approximately one hundred fifty-six (156) square meters of that bull cart trail which traverses Lot No. 5172-1-4-R5, Tamuning, at its current fair market value.

Section 3. (a) The Governor shall sell the following properties in Tumon, Dededo, to the following abutting landowners (the "Landowners") at such properties' fair market value at the time of sale:

(i) Lot No. A-5, Tract 111, containing an area of approximately three hundred forty-eight (348) square meters, to Cecil and Anella Edwards;

(ii) Lot No. A-3, Tract 111, containing an area of approximately three hundred fifteen (315) square meters, to Joaquin and Elizabeth Arriola;

(iii) Lot No. A-4, Tract 111, containing an area of approximately three hundred forty-eight (348) square meters, to Douglas Edwards,

(iv) Lot No. A-2, Tract 111, containing an area of approximately three hundred two (302) square meters, to Joaquin and Elizabeth Arriola;

(v) Lot No. A-6, Tract 111, containing an area of approximately three hundred two (302) square meters, to Frank and Nga Martin;

(vi) Lot No. A-7, Tract 111, containing an area of approximately seventy (70) square meters, to Cecil and Anella Edwards;

P.L. NO. 21-14

(vii) Lot No. C-1, Tract 111 containing an area of approximately six hundred ninety-eight (698) square meters, to Oscar and Joyce Miyashita, and Richard and Yoko Pipes; and

(viii) Lot No. A-8, Tract 111, containing approximately thirty-three (33) square meters, to Florida G. Sanchez.

(b) In addition, the Governor shall sell Lot No. B, Tract 111, to the landowners whose lands abut such Lot No. B on the northern, ocean side of Lot No. B, such sale to be a series of sales to each such owner whose land so abuts Lot No. B on its northern side, of that portion of Lot No. B immediately adjacent to such owner's property, at such parcel's fair market value at the time of sale.

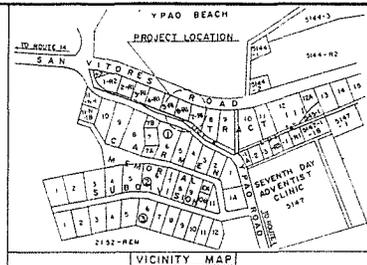
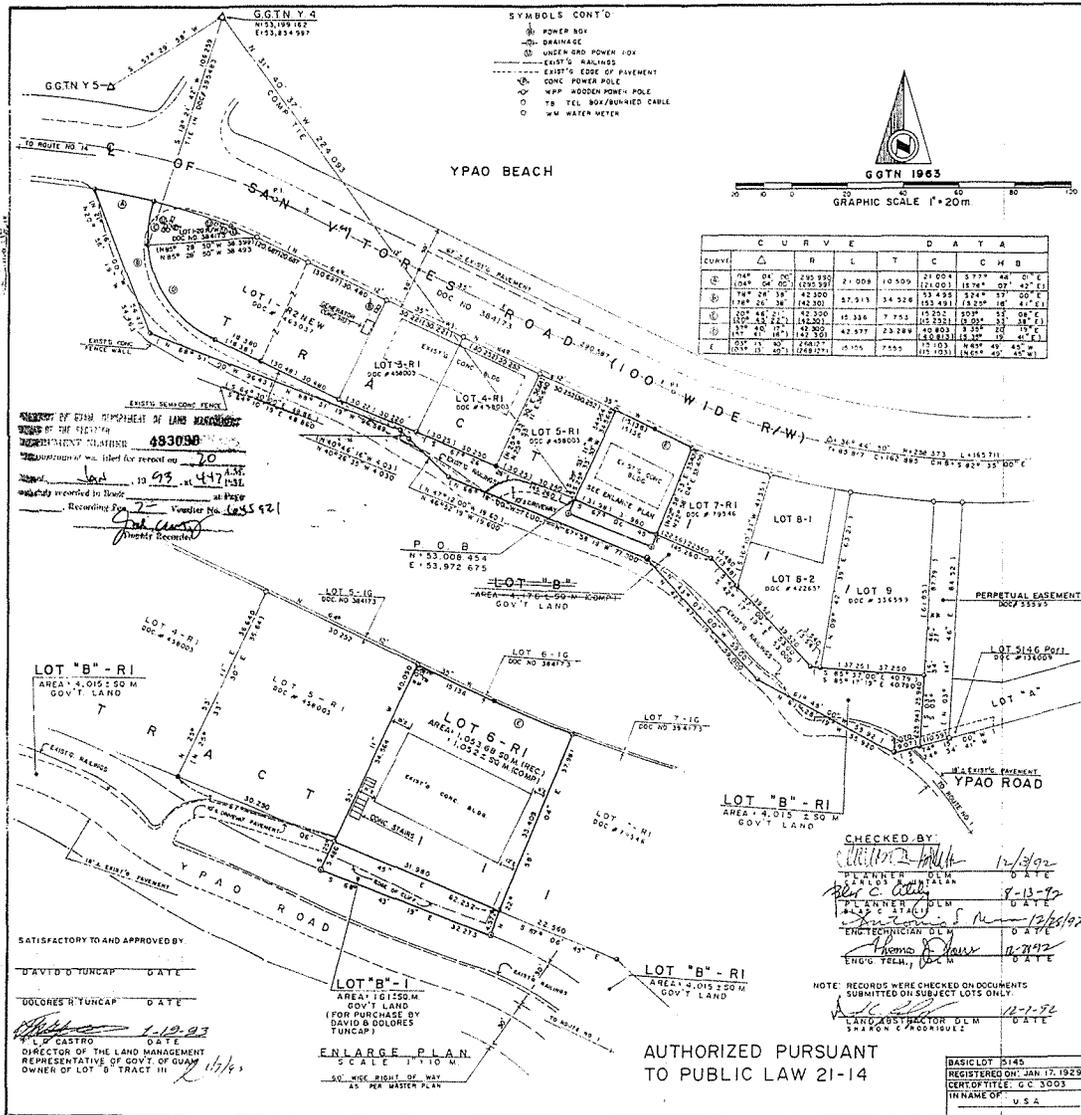
(c) The lots and parcels being sold under this section shall be combined with the respective adjoining lots of the Landowners and the other purchasers, and each combined lot shall be designated with one (1) parcel number, all as set out in a survey map subject to the approval of the Director of Land Management.

Section 4. The Governor shall sell to Tokyu Micronesian Development Corporation at its current fair market value that portion of the prewar bull-cart trail in Tumon, Dededo, situated between Lots Nos. 5143 and 5144-3 New, (formerly Lot No. 5144-3), containing an area of eight hundred nineteen+ (819+) square meters. In determining the current fair market value of such parcel, its unusual shape shall not be considered, and its value will be based on the value of the surrounding properties.

Section 5. The Governor shall sell Alley-1, situated in old Agana, containing an area of approximately one hundred thirteen (113) square meters, to Fred Gabriel, the adjacent landowner (the "Landowner"), at its current fair market value; provided, however, that in the event the government of Guam decides to reacquire said Alley it shall pay therefor no more than what the Landowner paid, and the deed to the Landowner shall so provide.

Section 6. The Governor shall exchange for Lot No. 513, Merizo, as shown on Land Management Drawing No. 14-82T156, containing an area of approximately two thousand four hundred seventy-five (2,475) square meters and owned by Edward A. Cruz and Dolores C. Cruz, a portion of Lot No. 268, Merizo, as shown on Public Works Project No. 140-D-1005-F-TER, on a current value-for-value basis.

Section 7. (a) The Governor shall exchange government real property in Barrigada with Lot No. 1090-2-3, Barrigada, containing an area of approximately one thousand one hundred seven (1,107)



SYMBOLS

- GGTN STATIONS
- 3/4" Ø PIPE WITH BRASS FOUND MARKED RLS NO 24
- 1" ØD PIPE W/ DISC FOUND SET BY GOV'T OF GUAM DEPT. LAND MANAGEMENT.
- CONC. NAIL SET FOR EVIDENCE ONLY
- CONC. NAIL SET IN CONC.
- NO 4" RB SET WITH PLASTIC CAP MARKED RLS NO 48
- CORNER NOT RETRACED
- Ø REBAR FOUND W/ PLASTIC CAP MARKED RLS # 48

NOTES:

- SURVEY WAS BASED ON RECOVERED CORNERS AS SHOWN
- ALL DISTANCES ARE IN METERS, UNLESS OTHERWISE NOTED
- BEARINGS AND DISTANCE IN PARENTHESES ARE RECORD DATA. ALL OTHERS ARE 1963 GRID AND FIELD CONDITION.

REFERENCES

- DWG. NO. DRP-12-87, RETRACEMENT SURVEY MAP OF LOTS 1-R2 B-2-R1, TRACT III, PREPARED BY RLS NO. 44 L.M. 304-PH/DC, DOC. NO. 355483
- DWG. NO. 858, PREPARED BY RLS NO. 60 L.M. 400-FY85 DOC # 36473
- SUBDIVISION OF TRACT III, L.M.A.C-647-458, SHEET 1 OF 3, DOC # 327283
- DWG. CC-9154D, L.M.P. 078-FY 92, PREPARED BY RLS # 48, DOC # 465037

CERTIFICATIONS:

APPROVAL PURSUANT TO PUBLIC LAW 6-104, TITLE 10, GOVERNMENT CODE OF GUAM.

TERRITORIAL MANAGER, ACTING DATE 12/3/92

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 9, TITLE 14, GOVERNMENT, CODE OF GUAM AND REGULATIONS THEREUNDER ON THIS 12/30/92 DAY OF DECEMBER 1992.

TERRITORIAL SURVEYOR

I, CANDIDO I. CASTRO, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED UPON A FIELD SURVEY MADE IN OCTOBER, 1991 IN CONFORMANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

CANDIDO I. CASTRO RLS NO. 48 DATE 12/10/1992

REVISION	DATE	BRIEF DESCRIPTION	BY	APPROVED
1	12/3/92			
2	8-13-92			
3	12/26/92			
4	12-21-92			

CANDIDO I. CASTRO
SURVEYOR PLANNER
R.L.S. # 48 GUAM
TEL. 472-9521 FAX 472-9522
BAYVIEW ST. GUAMAN 96910, GUAM

PARCELLING OF LOT 'B' AND TRACT III
SURVEY MAP
TUMON, MUNICIPALITY OF DEDEDO
SHEET 3

SEE PLAT DATE

BASIC LOT 6-TRACT III **SCALE** 1"=20' M
REGISTERED ON MARCH 9, 1982 **SHEET** 1 OF 1
OWNER
CENT. OF TITLE: 70516
L.M. CHECKED NO. 166-FY 92
IN NAME OF DAVID O. TUNCAP & DOLORES R. TUNCAP (HUSBAND & WIFE)
DRAWING NO. CC-9153D

8573

Leonardo M. Rapadas
Attorney General



Phillip J. Tydingco
Chief Deputy Attorney General

RECEIVED

MAY 07 2013

Office of the Attorney General

Department of Land Management

Date: *Q-20* Init: *MD*

May 6, 2013

INFORMATION AND GUIDANCE (CONFIDENTIAL)

Ref: DLM 12-1122

TO: Director, Department of Land Management

FROM: Assistant Attorney General

SUBJECT: Quitclaim Deed to David D. And Dolores R. Tuncap

You have re-submitted the Quitclaim Deed referenced above for the Attorney General's approval, but upon review, I am yet unable to recommend his approval.

By memorandum dated October 22, 2012, I returned the Quitclaim Deed originally submitted to us for the five reasons stated in that memorandum. You have now satisfactorily addressed items two through five of that memorandum with the re-submitted Quitclaim Deed. However, item one still remains a problem for the following reason.

The transaction's enabling legislation is P. L. 21-14, of which you provided to me for review, only pages 138 and 141. However, other portions of P. L. 21-14, notably Section 9(a), provide:

The land sales and exchanges described in ... this Act shall all be subject to the following provisions to determine the current fair market value of a parcel ... Each parcel shall be the subject of no less than two (2) written appraisals ... to be completed no earlier than six (6) months prior to the date of conveyance or exchange of the parcels

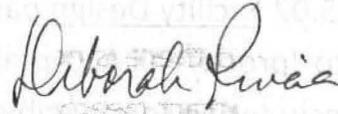
Although you imply that the "date of conveyance" is the sale date in 1993 when the two appraisals were conducted and sale price determined, the "date of conveyance" refers to the date the land will actually be transferred. Therefore, the "date of conveyance" is the date the Quitclaim Deed will be signed by the Governor following the Attorney General's approval, unless you have some other document that says otherwise. Such being the case, the two 1993 appraisals are stale.

Rather than having the Tuncaps obtain two new appraisals, which would be grossly unfair to them, my suggestion is that the Department get a legislative fix to this dilemma. The legislature could authorize the transaction price based on the average of the two 1993 appraisals.

Information and Guidance (Confidential)
To: Director of Land Management
May 6, 2013
Page 2 of 2

Also, I note that Section 9(d) of the P. L. 21-14 provides for a ten-year restriction on alienation by the grantees following execution of the deed, with an automatic reverter to the government. I did not find such language in the Quitclaim Deed. Please include it when you next submit this matter to the Attorney General for his approval.

Please let me know if you have any questions. Thank you.



DEBORAH RIVERA
Assistant Attorney General

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

12-1122 *f*

QUITCLAIM DEED

THIS DEED, made this _____ day of _____, 2013, in the Municipality of Tamuning, Guam, by and between the **DEPARTMENT OF LAND MANAGEMENT, Government of Guam**, whose mailing address is P.O. Box 2950 Hagatna, Guam 96932, hereinafter referred to as the "GRANTOR", do hereby REMISE, RELEASE and forever QUITCLAIM unto **DAVID D. TUNCAP and DOLORES R. TUNCAP**, husband and wife, as Community Property, whose address is P.O. Box 7001, Tamuning, Guam, 96931, referred to as the "GRANTEES", and to their heirs, administrators and assigns, in fee simple, forever, the following described parcel of property situated in the Municipality of Tamuning, Guam.

WITNESSETH:

That the GRANTOR, Government of Guam, pursuant to Public Law 21-14:3 and in consideration of the sum of FORTY-ONE THOUSAND FIFTY DOLLARS (\$41,050.00) United States Currency, paid by the GRANTEE, the receipt whereof is hereby acknowledged, does hereby remise, release and

Quitclaim Deed – David D. and Dolores R. Tuncap

quitclaim unto the GRANTEE'S, their successors and assigns forever all its right,
title and interest in tract or parcel of land below described as follows:

Description of Property

Lot No. "B"-1, Tract No. 111, Tumon, Municipality of Dededo, L.M. Check No.166FY92, containing an area of 161± square meters as shown on map prepared by Candido I. Castro, Parceling of Lot "B" and Retracement of Lot 6-R1, Tract 111 Survey Map, recorded under Document No.483090. Water and Power (Electricity) are immediately available or within a distance of 100 feet from the property.

TOGETHER with the buildings, improvements, ways, other easement, tenements, privileges and appurtenances belonging, or in anyway pertaining to the Property, and the reversion or reversions, remainders or remainders, rents, issues and profits of the Property; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, at law or in equity, either and all, of us, the Grantors, of in and to the Property, and every part and parcel thereof.

IN WITNESS WHEREOF, we, the Grantors and the Grantee, have duly executed this Quitclaim Deed this _____ day of _____, 2013.

GRANTOR:



David V. Camacho, Acting Director
Department of Land Management

Date: 4/8/13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 8th day of April, 2013, before me the undersigned notary public in and for Guam, U.S.A., personally appeared David V. Camacho, Acting Director, Department of Land Management, known to me to be the person whose name is subscribed to the foregoing QUITCLAIM DEED, and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my name and official seal in Tamuning, Guam, on the day and year first above written.



TERESITA A.C. TOVES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **Aug. 03, 2013**
P. O. Box 2950 Hagatna, Guam 96932

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 19th day of MARCH, 2013, before me the undersigned notary public in and for Guam, U.S.A., personally appeared David V. Camacho, Acting Director, Department of Land Management, known to me to be the person whose name is subscribed to the foregoing QUITCLAIM DEED, and acknowledged to me that he signed it voluntarily for its stated purpose.

NOTARIZED
IN PRESENCE
②

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my name and official seal in Tamuning, Guam, on the day and year first above written.

Martin Okazaki Duenas

②



MARTIN OKAZAKI DUENAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Dec. 07, 2013
P.O. Box 412 Hagåtña, Guam 96932

GRANTEE:

David D. Tuncap
DAVID D. TUNCAP
Date: 3-19-13

GRANTEE:

Dolores R. Tuncap
DOLORES R. TUNCAP
Date: 3-19-2013

12-1122

ACKNOWLEDGMENT

Guam, U.S.A.)
Municipality of Hagatna)

ss:

On this 19th day of MARCH, 2013, before me the undersigned notary public in and for Guam, U.S.A., personally appeared DAVID D. TUNCAP and DOLORES R. TUNCAP, known to me to be the persons whose names are subscribed to the foregoing QUITCLAIM DEED, and acknowledged to me that they signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my name and official seal the day and year first above written.

Martin Okazaki Duenas



MARTIN OKAZAKI DUENAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Dec. 07, 2013
P.O. Box 412 Hagatna, Guam 96932

APPROVED AS TO LEGALITY AND FORM:



LEONARDO M. RAPADAS
Attorney General of Guam

Date: _____
LM 12-1122

GOVERNMENT OF GUAM:

EDWARD J.B. CALVO
Governor of Guam

Date: _____

Department of Land Management

VOUCHER

Date: 5/17/12

Customer: David/Dolores Tuncap

Address: Acct 2172

Telephone: _____

Division: L/Admin

Staff Initial: DM

2012045876

Description:	Revenue Acct Number:	Amount
Sale of Excess Land	3100 P/B 3225700	23,959.15
P A I D		
Ck No:	Cash:	Total: 23,959.15

David D. + Dolores R. Tuncal

2172

607 "B"-1, Trout Hill, TUMON

Wilson Jones Form 10-4		2		3		4	
		PRINCIPAL	INTEREST	PAYD	\$	BALANCE	
1	2-18/93	15,000	—	—	—	41,050.00	1
2						34,000.00	2
3							3
4	6/9/93	51,670	18,025	69,695		35,533.30	4
5	7/8/93	1,033.90	360.50	1,393.90		39,499.90	5
6	8/1/93			10,000		29,499.90	6
7	5/17/12	24,499.90		25,959			7
8							8
9							9
10							10
11							11
12							12
13							13
14							14
15							15
16							16
17							17
18							18
19							19
20							20
21							21
22							22
23							23
24							24
25							25
26							26

A4683585

A4683949 (July AND August)

A4750069

2012065876

P.L. NO. 21-14

§4911a TO TITLE 15, GUAM CODE ANNOTATED, SIMPLIFYING ADMINISTRATION OF LAND CLAIMS AWARDS; TO ADD §62111 TO TITLE 21, GUAM CODE ANNOTATED, ON GOVERNMENT SUBDIVISIONS; TO REZONE LOT NO. 3316-7 NEW-R2 IN AGANA HEIGHTS; TO REPEAL AND REENACT §23105, TITLE 5, GUAM CODE ANNOTATED, TO INCREASE THE MILEAGE ALLOWANCE FOR PRIVATELY-OWNED VEHICLES USED ON OFFICIAL BUSINESS; TO REZONE LOTS NOS. 3325-3 AND 3325-4, SINAJANA, AND LOT NO. 3242-1-3, CHALAN PAGO, SINAJANA FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO LIGHT INDUSTRIAL ("M-1"); TO AMEND §61401, TITLE 21, GUAM CODE ANNOTATED, TO CHANGE HEIGHT LIMITATIONS IN CERTAIN ZONES; TO REZONE LOT NOS. 3380-3, 3380-5, 3380-6 AND 3380-7, ORDOT, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO REZONE LOTS NOS. 3249-5, 3249-6-1, AND 3249-6-R1, CHALAN PAGO, FROM AGRICULTURAL ("A") TO COMMERCIAL ("C"); TO REZONE LOT NO. 3412-1-3, CHALAN PAGO, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2").

- Section 1... Rezoning part of Block 1, Lot 6, Tract 109 in Barrigada from single family Residential ("R-1") to Commercial ("C").
- Section 2... Authorizing the Governor of Guam to exchange or sale of certain government real property.
- Section 3... Authorizing the Governor of Guam to exchange or sale government property including properties in Tumon, Dededo to establish methods of determining fair market value in connection with such sales.
- Section 4... The Governor is authorized to sell government real property to Tokyu Micronesia Development Corporation at its current fair market value.
- Section 5... Authorizing the Governor to sell Alley-1, Old Agana at its current fair market value.
- Section 6... Authorizing the Governor to sell government real property in Merizo on a current fair market value.

P.L. NO. 21-14

(vii) Lot No. C-1, Tract 111 containing an area of approximately six hundred ninety-eight (698) square meters, to Oscar and Joyce Miyashita, and Richard and Yoko Pipes; and

(viii) Lot No. A-8, Tract 111, containing approximately thirty-three (33) square meters, to Florida G. Sanchez.

(b) In addition, the Governor shall sell Lot No. B, Tract 111, to the landowners whose lands abut such Lot No. B on the northern, ocean side of Lot No. B, such sale to be a series of sales to each such owner whose land so abuts Lot No. B on its northern side, of that portion of Lot No. B immediately adjacent to such owner's property, at such parcel's fair market value at the time of sale.

(c) The lots and parcels being sold under this section shall be combined with the respective adjoining lots of the Landowners and the other purchasers, and each combined lot shall be designated with one (1) parcel number, all as set out in a survey map subject to the approval of the Director of Land Management.

Section 4. The Governor shall sell to Tokyu Micronesian Development Corporation at its current fair market value that portion of the prewar bull-cart trail in Tumon, Dededo, situated between Lots Nos. 5143 and 5144-3 New, (formerly Lot No. 5144-3), containing an area of eight hundred nineteen+ (819+) square meters. In determining the current fair market value of such parcel, its unusual shape shall not be considered, and its value will be based on the value of the surrounding properties.

Section 5. The Governor shall sell Alley-1, situated in old Agana, containing an area of approximately one hundred thirteen (113) square meters, to Fred Gabriel, the adjacent landowner (the "Landowner"), at its current fair market value; provided, however, that in the event the government of Guam decides to reacquire said Alley it shall pay therefor no more than what the Landowner paid, and the deed to the Landowner shall so provide.

Section 6. The Governor shall exchange for Lot No. 513, Merizo, as shown on Land Management Drawing No. 14-82T156, containing an area of approximately two thousand four hundred seventy-five (2,475) square meters and owned by Edward A. Cruz and Dolores C. Cruz, a portion of Lot No. 268, Merizo, as shown on Public Works Project No. 140-D-1005-F-TER, on a current value-for-value basis.

Section 7. (a) The Governor shall exchange government real property in Barrigada with Lot No. 1090-2-3, Barrigada, containing an area of approximately one thousand one hundred seven (1,107)

APPRAISAL OF REAL PROPERTY

LOCATED AT:

Along Ypao Road, Behind lot 6 - R1,
Lot No. "B" -1 , Tract 111, Ypao Road
Tumon, Guam

FOR:

David & Dolores Tuncap
Flower by Tand, Tumon, Guam

AS OF:

03/12/93

BY:

Victor/Eddie dela Pena

Victor's Appraisal Services/Dela Pena Appraisal

March 16, 1993

Victor's Appraisal Services
Suite 204 Calvo's Ins. Bldg.
115 Chalan Santo Papa St.
Agana, Guam 96910

David and Dolores Tuncap
Flowers By Tan
Tumon, Guam 96931

Pursuant to your request, we have prepared an appraisal report of the property captioned in the "Summary of Salient Features" which follows:

The accompanying report is based on a site inspection of improvements, investigation of the subject neighborhood area of influence, and review of sales, cost, and income data for similar properties.

This appraisal has been made with particular attention paid to applicable value - influencing economic conditions and has been processed in accordance with nationally recognized appraisal guidelines.

The value conclusion stated herein are as of the effective date as stated in the body of the appraisal, and contingent upon certification and limiting conditions attached.

Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Respectfully,


Victor Eddie de la Pena
Appraiser

SUMMARY OF SALIENT FEATURES

Subject Address	Along Ypao Road, Behind lot 6 - R1,
Legal Description	Lot No. "B" -1 , Tract 111, Ypao Road, Tumon Dede
City	Tumon
County	Dededo
State	Guam
Zip Code	96911
Census Tract	None
Map Reference	Attached

Sale Price	\$ N/A
Date of Sale	N/A

Borrower / Client	David and Dolores Tuncap
Lender	

Size (Square Feet)	161 sq.meters of vacant land
Price per Square Foot	\$
Location	Tumon
Age	
Condition	
Total Rooms	
Bedrooms	
Baths	

Appraiser	Victor/Eddie dela Pena
Date of Appraised Value	12/23/92

Final Estimate of Value \$ 41,500

Borrower David and Dolores Tuncap **Census Tract** **Map Reference**

Property Address Along Ypao Road, Behind lot 6 - RI, **County** Dededo **State** Guam **Zip Code** 96911

City Tumon **Legal Description** Lot No. "B" -1, Tract 111, Ypao Road, Tumon Dededo

Sale Price \$ **Date of Sale** **Loan Term** yrs. **Property Rights Appraised** Fee Leasehold DeMinimus PUD

Actual Real Estate Taxes \$ (yr) **Loan charges to be paid by seller \$** **Other sales concessions**

Lender/Client David & Dolores Tuncap **Address** Flower by Tand, Tumon, Guam **Appraiser** Victor **Instructions to Appraiser** Market Value

Occupant Vacant **Instructions to Appraiser** Market Value

The site is sloping along the Guardrail of Ypao Road and behind the lot of Mr & Mrs Tuncap.

Location	<input checked="" type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Employment Stability	<input checked="" type="checkbox"/> Good	<input type="checkbox"/> Avg	<input type="checkbox"/> Fair	<input type="checkbox"/> Poor
Built Up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25-75%	<input type="checkbox"/> Under 25%	Convenience to Employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Growth Rate	<input type="checkbox"/> Fully Dev.	<input checked="" type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Stable	Convenience to Shopping	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	Convenience to Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demand/Supply	<input checked="" type="checkbox"/> Shortage	<input type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply	Adequacy of Public Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 4-8 Mos.	<input type="checkbox"/> Over 8 Mos.	Recreation Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land Use	<input type="checkbox"/> 5% 1 Family	<input type="checkbox"/> 2-4 Family	<input type="checkbox"/> % Apts	Adequacy of Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/> % Industrial	<input type="checkbox"/> 15% Vacant	<input type="checkbox"/> 20% Hotel Resort	Property Compatibility	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Change in Present Land Use	<input type="checkbox"/> Not Likely	<input checked="" type="checkbox"/> Likely	<input type="checkbox"/> Taking Place	Protection from Deleterious Cond.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Predominant Occupancy	<input type="checkbox"/> Owner	<input checked="" type="checkbox"/> Tenant	<input type="checkbox"/> % Vacant	Police & Fire Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Single Family Price Range	\$ 320,000 to \$ 650,000		Predominant Value \$ 350,000	General Appearance of Properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Single Family Age Range	new Yrs. to 25 Yrs.		Predominant Age 15 Yrs.	Appeal to Market	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): The site is a fractional lot adjoining the Ypao Road and the Rear of Mr Tuncap property. Marketability is limited to Mr Tuncap. "As is" this site has no economic value due its size, shape and terrain. Tumon is the tourist belt of Guam.

Dimensions 161 square meters **Sq. Ft. or Acres** **Corner Lot**

Zoning Classification H-Resort **Present Improvements** do do not conform to zoning regulations

Highest and Best Use Present Use Other (specify) Consolidation with adjoining lot.

Public **Other (Describe)** private **OFF SITE IMPROVEMENTS**

Electric **Street Access:** Public Private **Topo** sloping, cliff side

Gas **Surface** asphalt **Size** small, substandard

Water **Maintenance:** Public Private **Shape** rectangular

San. Sewer **Storm Sewer** **Curb/Gutter** **View** ocean

Underground Elect. & Tel. **Sidewalk** **Street Lights** **Drainage** natural

Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions): The site is part of cliff, small and substandard. Attached property map.

The undersigned has recited three recent sales of properties most similar and proximate to the subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	Lot No. "B-1 Ypao Rd Tumon, Guam	Lot 5081 Tumon Dededo	lot 5060-A Tumon Dededo	Lot 5144-R3-R4 Tumon Dededo
Proximity to Subject		1 mile	1 mile	1 mile
Sales Price		\$ 1,588	\$ 2,046	\$ 1,410
Price		\$ 4048000	\$ 2779679	\$ 2978907
Date Source	Owner	File	File	File
Date of Sale and Time Adjustment	DESCRIPTION March 1993	DESCRIPTION Jan. 1990	DESCRIPTION Jan. 1990	DESCRIPTION Jan. 1990
Location	Ypao, Tumon	Equal	Equal	Equal
Site/View	161sm/part	2548sm/ocea -900	1358sm/ocea -900	21127sm/non -900
Topography	cliff,slope	level -300	level -300	level -300
zoning	Hotel/resort	Equal	Equal	Equal
Usability	Limited	Good -130	Good -130	Good -130
improvement	None	None	None	None
Sales or Financing				
Concessions				
Net Adj. (Total)		Plus <input type="checkbox"/> Minus <input checked="" type="checkbox"/> \$ 1,330	Plus <input type="checkbox"/> Minus <input checked="" type="checkbox"/> \$ 1,330	Plus <input type="checkbox"/> Minus <input checked="" type="checkbox"/> \$ 1,330
Indicated Value of Subject		\$ 258	\$ 716	\$ 80

Comments on Market Data: There are a dearth of comps in Tumon since Japan Recession. Market Value is on a downward trend. Real Estate Market is soft. ADjustment are premised on topo, size shape usability and land size.

Comments and Conditions of Appraisal: The conditions of appraisal requires adjustment due to the condition of the subject which is in the cliff side. Highest and best use will be for consolidation with the rear portion of the adjoining lot.

Final Reconciliation: After reviews of appraisal data, comp 1 as adjusted is the best indices of value.. \$258.00/sm x 161 sqm = \$41,530.00, say: \$41,500.

ESTIMATE THE MARKET VALUE AS DEFINED OF SUBJECT PROPERTY AS OF March 12, 19 93 **to be \$** 41,500

Appraiser(s) Victor/Eddie dela Pena **Review Appraiser (if applicable)** Did Did Not Physically Inspect Property

Borrower: David and Dolores Tuncap Census Tract Map Reference

Property Address: Along Ypao Road, Behind lot 6 - R1, State: Guam Zip Code: 96911

City: Tumon County: Dededo

Legal Description: Lot No. "B" -1, Tract 111, Ypao Road, Tumon Dededo

Sale Price \$ Date of Sale Loan Term yrs. Property Rights Appraised Fee Leasehold DeMinimus PUD

Actual Real Estate Taxes \$ (yr) Loan charges to be paid by seller \$ Other sales concessions

Lender/Client: David & Dolores Tuncap Address: Flower by Tand, Tumon, Guam

Occupant: vacant Appraiser: Victor Instructions to Appraiser: Market Value

The site is sloping along the Guardrail of Ypao Road and behind the lot of Mr & Mrs Tuncap.

Locator	<input checked="" type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Employment Stability	<input checked="" type="checkbox"/> Good	<input type="checkbox"/> Avg	<input type="checkbox"/> Fair	<input type="checkbox"/> Poor
Built Up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25-75%	<input type="checkbox"/> Under 25%	Convenience to Employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Growth Rate	<input type="checkbox"/> Fully Dev.	<input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Stable	Convenience to Shopping	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	Convenience to Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demand/Supply	<input checked="" type="checkbox"/> Shortage	<input type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply	Adequacy of Public Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 4-8 Mos.	<input type="checkbox"/> Over 8 Mos.	Recreation Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land Use	<input type="checkbox"/> 5% 1 Family	<input type="checkbox"/> 2-4 Family	<input type="checkbox"/> Apts	Adequacy of Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/> 15% Vacant	<input checked="" type="checkbox"/> 20% Hotel Resort	<input type="checkbox"/> 25% Condo	Property Compatibility	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Change in Present Land Use	<input type="checkbox"/> Not Likely	<input checked="" type="checkbox"/> Likely	<input type="checkbox"/> Taking Place	Protection from Detrimental Cond.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Predominant Occupancy	<input type="checkbox"/> Owner	<input checked="" type="checkbox"/> Tenant	<input type="checkbox"/> Vacant	Police & Fire Protection	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Single Family Price Range	\$ <u>320,000</u> to \$ <u>650,000</u>	Predominant Value \$ <u>350,000</u>		General Appearance of Properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Single Family Age Range	<u>new</u> Yrs. to <u>25</u> Yrs.	Predominant Age <u>15</u> Yrs.		Appeal to Market	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, notes): The site is a fractional lot adjoining the Ypao Road and the Rear of Mr Tuncap property. Marketability is limited to Mr Tuncap. "As is" this site has no economic value due its size, shape and terrain. Tumon is the tourist belt of Guam.

Dimensions: 161 square meters Sq. Ft. or Acre Corner Lot

Zoning Classification: H-Resort Present Improvements do do not conform to zoning regulations

Highest and Best Use Present Use Other (specify) Consolidation with adjoining lot.

Electric: Public Other (Describe): private OFF SITE IMPROVEMENTS: Street Access: Public Private Topo: sloping, cliff side

Gas: Surface: asphalt Maintenance: Public Private Size: small, substandard

Water: Storm Sewer: Curb/Gutter: View: ocean

San. Sewer: Siderwalk: Street Lights: Drainage: natural

Underground Elect. & Tel. Is the property located in a HUD identified Special Flood Hazard Area? No Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions): The site is part of cliff, small and substandard. Attached property map.

The undersigned has recited three recent sales of properties most similar and proximate to the subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property a plus (+) adjustment is made, thus increasing the indicated value of the subject.

ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	<u>Lot No. "B-1 Ypao Rd Tumon, Guam</u>	<u>Lot 5081 Tumon Dededo</u>	<u>lot 5060-A Tumon Dededo</u>	<u>Lot 5144-R3-R4 Tumon Dededo</u>
Proximity to Subject		<u>1 mile</u>	<u>1 mile</u>	<u>1 mile</u>
Sales Price		<u>\$ 1,588</u>	<u>\$ 2,046</u>	<u>\$ 1,410</u>
Price		<u>\$ 4048000</u>	<u>\$ 2779679</u>	<u>\$ 2978907</u>
Data Source	<u>Owner</u>	<u>File</u>	<u>File</u>	<u>File</u>
Date of Sale and Time Adjustment	<u>DESCRIPTION</u>	<u>DESCRIPTION</u> + (-) \$ Adjust	<u>DESCRIPTION</u> + (-) \$ Adjust	<u>DESCRIPTION</u> + (-) \$ Adjust
Location	<u>March 1993</u>	<u>Jan. 1990</u>	<u>Jan. 1990</u>	<u>Jan. 1990</u>
Site/View	<u>Ypao, Tumon</u>	<u>Equal</u>	<u>Equal</u>	<u>Equal</u>
Topography	<u>161sm/part</u>	<u>2548sm/ocea</u> -900	<u>1358sm/ocea</u> -900	<u>21127sm/non</u> -900
zoning	<u>cliff, slope</u>	<u>level</u> -300	<u>level</u> -300	<u>Level</u> -300
Usability	<u>Hotel/resort</u>	<u>Equal</u>	<u>Equal</u>	<u>Equal</u>
Improvement	<u>Limited</u>	<u>Good</u> -130	<u>Good</u> -130	<u>Good</u> -130
Sales or Financing	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
Concessions				
Net Adj. (Total)		<u>Plus</u> <input checked="" type="checkbox"/> <u>Minus</u> \$ <u>1,330</u>	<u>Plus</u> <input checked="" type="checkbox"/> <u>Minus</u> \$ <u>1,330</u>	<u>Plus</u> <input checked="" type="checkbox"/> <u>Minus</u> \$ <u>1,330</u>
Indicated Value of Subject		<u>\$ 258</u>	<u>\$ 716</u>	<u>\$ 80</u>

Comments on Market Data: There are a dearth of comps in Tumon since Japan Recession. Market Value is on a downward trend. Real Estate Market is soft. ADjustment are premised on topo, size shape usability and land size.

Comments and Conditions of Appraisal: The conditions of appraisal requires adjustment due to the condition of the subject which is in the cliff side. Highest and best use will be for consolidation with the rear portion of the adjoining lot.

Final Reconciliation: After reviews of appraisal data, comp 1 as adjusted is the best indices of value.. \$258.00/sm x 161 sqm = \$41,530.00, say: \$41,500.

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF March 12, 19 93 to be \$ 41,500

Appraiser(s) Victor/Eddie dela Pena Review Appraiser (if applicable) Did Did Not Physically Inspect Property

APPRAISAL REPORT

of

**A Vacant Site Located in Tumon
Identified as Lot Number B-1, Tract 111
Municipality of Dededo, Guam**

PREPARED FOR:

**David & Delores Tuncap
San Vitores Road
Tumon, Guam 96911**

AS OF:

March 03, 1993

PREPARED BY:

J.C. Concepcion and Associates

**Suite 212, Union Bank Building
194 Hernan Cortes Avenue
Agana, Guam 96910**

Borrower/Client David & Delores Tuncap			
Property Address Ypao Road Lot B-1, Tract 111, Tumon			
City Dededo	County N/A	State Guam	Zip Code 96911
Lender Same as above			

Ref: **Market Value Estimates of
Lot No. B-1, Tract 111, Tumon
Municipality of Dededo, Guam**

As requested, we have completed an appraisal on the above subject property. The report contains our opinions, along with supporting data relative to the value selected. The subject property is a Vacant Parcel, located in the district of Tumon, the property is legally described as Lot No. B-1, Tract 111, Tumon, Municipality of Dededo.

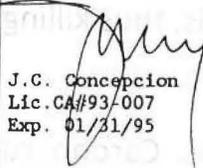
The subject property was inspected on March 03, 1993, which is also the effective date of this report.

The value assigned to the property is subject to all limiting conditions and assumptions attached herein, as of the date of this report, was:

**FORTY THOUSAND SIX HUNDRED DOLLARS
(\$40,600)**

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF:

- the statements of fact contained in this report are true and correct.
- the reported analysis, opinions and conditions are only limited by the reported assumptions and limiting conditions and are my personal, unbiased professional analysis, opinions and conclusions.
- I have no present or prospective interest in the property that is the subject of the report and I have no personal interest or bias with respect to the parties involved.
- my compensation is not contingent upon the reporting of a predetermined amount, value or direction in value that favors the cause of the client, the amount of value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- my analysis, opinions and conclusions were developed, this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the subject property that is stated in this report.
- no one provided significant professional assistance to the person signing this report.


J.C. Concepcion
Lic. CA#93/007
Exp. 01/31/95

**J.C. Concepcion and Associates
LAND APPRAISAL REPORT**

File No. V50292J

Borrower David & Delores Tunap Census Tract None Map Reference Turon, Dedeb
 Property Address Ypao Road Lot B-1, Tract 111, Turon
 City Dedeb County N/A State Guam Zip Code 96911
 Legal Description Lot No. B-1, Tract 111, Turon, Municipality of Dedeb, Guam
 Sale Price \$ - Date of Sale - Loan Term - yrs. Property Rights Appraised Fee Leasehold De Minimis PUD
 Actual Real Estate Taxes \$ Unknown (yr) Loan charges to be paid by seller \$ - Other sales concessions None
 Lender/Client Same as above Address Turon, Guam 96911
 Occupant Vacant Land Appraiser J.C. Concepcion Instructions to Appraiser Estimate Market Value

NEIGHBORHOOD

Location Urban Suburban Rural
 Built-up Over 75% 25% to 75% Under 25%
 Growth Rate Fully Dev. Rapid Steady Slow
 Property Values Increasing Stable Declining
 Demand/Supply Shortage In Balance Oversupply
 Marketing Time Under 3 Mos. 4-8 Mos. Over 8 Mos.
 Present Land Use 5 % 1 Fmly 5 % 2-4 Family 15 % Apts. 15 % Condo 25 % Commercial
 % Industrial 15 % Vacant 20 % Hotels - resort development
 Change in Present Land Use Not Likely Likely (*) Taking Place (*)
 (*) From Existing vacant parcels To Hotel/Condo/comm. Devel.
 Predominant Occupancy Owner Tenant 0 % Vacant
 Single Family Price Range \$ 450,000 to \$ 975,000 Predominant Value \$ 675,000
 Single Family Age New yrs. to 25 yrs. Predominant Age 20 yrs

Employment Stability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Shopping	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adequacy of Public Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreational Facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adequacy of Utilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property Compatibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Protection from Deirimental Conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police and Fire Protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General Appearance of Properties	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appeal to Market	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): Turon is the hub of the island's tourism industry developed with servicing type buildings including high quality hotel, existing and under construction as well as major commercial buildings serving this tourist related district. Recent infrastructure upgrading with good placement of underground utilities and such. Diminishing land availability adds to high appeal and land values. Good proximity to the international airport and major commerce sectors of Guam. No adversities.

SITE

Dimensions See attached Map. - 161-SM Sq. Ft. or Acres Corner Lot
 Zoning classification H - Hotel Resort Present improvements do do not conform to zoning regulations
 Highest and best use Present use Other (specify) Consolation of adjoining parcels, due to the size being minimal for any development.
 Public Other (Describe) _____
 OFF SITE IMPROVEMENTS
 Street Access Public Private
 Surface Asphalt
 Maintenance Public Private
 Storm Sewer Curb/Gutter
 Sidewalk Street Lights
 Topo Slope/Typical
 Size Small/Inadequate
 Shape Irregular
 View Limited Ocean
 Drainage Good/FEMA 660001 3400B/Zoned-C
 Is the Property located in a HUD Identified Special Flood Hazard Area? No Yes
 Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions): Site fronts the Ypao Road having all public utilities available. Site is a small parcel and is considered undevelopable on its own. Therefore, consolation of adjoining parcels is recommended if subject parcel is to be considered developable.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

MARKET ANALYSIS

ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	Ypao Road Lot B-1, Tract 111, Turon	Lot 5116-1-7, Turon Dedeb, Guam	Lot 5094-R1, Turon, Municipality of Dedeb, Guam	Lot 2145-77-1 Tamuning, Dedeb, Guam
Proximity to Subject		Same district	Same district	Same district
Sales Price	\$ -	\$ 12,880,280	\$ 5,582,000	\$ 391,255
Price	\$ -	\$ 5152.00/SM	\$ 2000.00/SM	\$ 542.30
Data Source	Inspection/Owner	Monte's Realty	Land Management	Land Management
Date of Sale and Time Adjustment	N/A	11/90	02/90	02/91
Location	Very Good	Very Good	Very Good	Average-good 135
Site/View	161SM/None	2500.00SM/Fair	2791.00SM/Fair	701.19SM/None
Usability	Limited 30%	100%	100%	100%
Zoning	Hotel Resort	Equal	Equal	Commercial 135
Topography	Slope	Level	Level	Level
Improvement	None	Building -1300	None	None
Sales or Financing Concessions	N/A	Cash	Cash	Cash
Net Adj. (Total)		<input type="checkbox"/> Plus <input checked="" type="checkbox"/> Minus \$ -4,900	<input type="checkbox"/> Plus <input checked="" type="checkbox"/> Minus \$ -1400	<input checked="" type="checkbox"/> Plus <input type="checkbox"/> Minus \$ -110
Indicated Value of Subject		\$ 252/sm \$ 40600	\$ 600/sm \$ 96600	\$ 432/sm \$ 69500

RECONCILIATION

Comments on Market Data: Above sales essentially indicate values of parcels similar to the size of the subject however relatively old. The district however considered to be the most expensive real estate on Guam, was a major decisive factor in estimating equities but have stabilized brought upon basically by the slowing down of foreign money influxes and investors. Adjustments indicative of these factors. Please see attached.

Comments and Conditions of Appraisal: The above analysis indicates the site availability to the open market where intended use supports a trend that is relevant an area of Turon. Stable activity and the subject's limited land size make for a low range selection. Above sales are old but used in view of non recent transfers in the area. Explanation of comparable and factors used in adjustments are on attached addendum.

Final Reconciliation: Value assigned cognizant of the softening market being experienced on the island brought upon by unstable state of the international economy with looming skepticism of foreign investors coupled as well with stringent developer criteria set forth by the government. However, it must be noted, that while these factors could cause stability in prices, drastic diminish of real property values are unlikely in the area. See attached.

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF March 03, 19 93 to be \$ 40,600 or \$252.00 PSM

Appraiser(s) J.C. Concepcion, Lic. 0493-007, Exp. 01/31/95 Review Appraiser (if applicable) _____
 Did Did Not Physically Inspect Property

Borrower/Client David & Delores Tuncap			
Property Address Ypao Road Lot B-1, Tract 111, Tumon			
City Dededo	County N/A	State Guam	Zip Code 96911
Lender Same as above			

Market Data Analysis:

Sale Number One - Verified through selling agent (Monte's Realty). This sale is the most recent in the Tumon area. The parcel involved is a frontage parcel located across the Pacific Islands Club and the actual sale price includes a newly completed three level building. The sale term is: \$2 million cash on November 1990 and remaining balance also in cash on January 1990. This sale was adjusted for the building worth although demolition is expected for construction of another commercial structure. The probable value of the building was deducted from the whole. The square meter adjustment allocated on this was approximately \$1000 per square meter. The sale seems rather inflated based on the stabilizing market. It is not known what the specific reason for sale and the conditions involved, however it does constitute and verify a probable market trend. This property is considered better than the subject based on frontage and size. The Extraction Method Based on building size, actual costs by seller to construct, are as follows:

Actual Sale Price: -\$12,880,280
 Building size: 23,500 sf @ \$150.00 = 3,525,000 *
 Allocated to land: = \$ 9,355,280 (x \$3,742/sf)
 Building: = \$ 3,525,000 by 2,500 square meters = \$1,410/sf

* This is the estimated cost of the building including hard and soft costs and financing costs. This includes, on site improvements and so forth.

Comparable Number Two - This is an old sale actually transpired during the last remaining months of the foreign buying binge.

Comparable Number Three - Used in absence of better sales in the Tumon area, this is a Tamuning, commercial parcel located across the street from the Gibson's complex. This is actually a leased parcel of land the rents were discounted over the term of the lease (50 yrs) to get a probable indication of value. Adjustment was made on size, location and zoning. Adjustments for view incorporated with size with a \$100 per square meter difference above the \$1,500 base.

Adjustments of all three comparables area affected by certain factors that are not normally found in areas more active that it sets a particular pattern of values. One must note that the values in this particular area of the island are the trend setters of other properties almost anywhere on Guam. The values or prices perceived by investors in the Tumon area are of prime, top dollar amount. While it does constitute a market, the market is but to a limited few. The past affects and scramble for speculative investments that are responsible for exorbitant increases, are still lingering.

The influence of Tumon land values to the subject remains great. The difficulty in marketing the subject however is its less than ample size for a significant or substantial development that would create a healthy return. For this reason, it is safe to assume that the subject would probably command less than the latest sale in the district but more than the older sales.

The reconciliation process takes into account all factors that make a market value. It is my opinion that the subject's market could be supported by the lower indicators (comps 2 & 3). The compromising indicators includes stability of market, subject's size and development potential.

The value assigned the subject considers sale number two and three. Sale number two because of location and sale number three because of date of sale. Sale number three is larger than the subject and was actually purchased towards the tailend of the 'boom' but is indicative of value increases and activity in the area. Sale three is a commercial parcel, inferior to the subject. The factors involved in the selection are of current trends and affordability. The probable value of the subject is felt to be supported by these two sales. The disparity (almost \$1 million) indicates an almost non-active market for properties this size. The lower range is justifiable. This value is limited only to those with more than a speculative interest in the property and with ample equity and/or good financing capabilities.

