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

Bill No. 112-33 (cor)

111, David D. and Dolores R. Tuncap.

Introduced by:

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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

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.

I Liheslaturan Guåhan believes that the Tuncap t	family acquired the two (2)
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- 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
- 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 the sale
- 14 utilizing the two (2) appraisals conducted in 1993 for fair market value of the
- 15 property."

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Section 3. Section 9(a) of Public Law 21-14 is hereby amended to read as

17 follows:

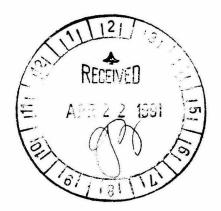
- "Section 9. (a) The land sales and exchanges described in Sections 2, 3, 4, 5,
- 19 6, 7, and 8 of this Act shall all be subject to the following provisions to determine
- 20 the current fair market value of a parcel, with the exception of Section 3(b) of this
- 21 Act.
- Section 4. Effective Date. This Act *shall* take effect upon its enactment.
- 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
- provision or application and to this end the provisions of this Act is severable.



Territory of Suam Teritorion Suam

OFFICE OF THE GOVERNOR FRINAN EMAGAZIAHI AGANAWA AMPRICO SE

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

210201

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.

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 VETERANS OF FOREIGN WARS; TO REPEAL TITLE 21, **GUAM** REENACT §61303 OF CODE ANNOTATED, ON CONDITIONAL USE REGULATIONS OF TERRITORIAL LAND USE COMMISSION 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, ANNOTATED, ON CODE 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 ALLOWANCE FOR PRIVATELY-OWNED MILEAGE 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").

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 \pm (5,000 \pm) 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)
- 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 it
- 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

- 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; (vii) Lot No. C-1, Tract 111 containing an area of approximately six
- and Richard and Yoko Pipes; and (viii) Lot No. A-8, Tract 111, containing

hundred ninety-eight (698) square meters, to Oscar and Joyce Miyashita,

8 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.
- 15 (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.
- 20 Section The Governor shall sell to Tokvu Micronesian 2.1 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 2.5 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.

Section 5. The Governor shall sell Alley-1, situated in old Agaña, 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

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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-1005-13 F-TER, on a current value-for-value basis.
- Section 7. 14 The Governor shall exchange government real (a) property in Barrigada with Lot No. 1090-2-3, Barrigada, containing an area 1.5 of approximately one thousand one hundred seven (1,107) square meters. 16 1.7 belonging to Juan A. Camacho and Dolores U. Camacho (the Owners") on a 1.8 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.
- 2.1 The Governor is authorized to exchange government real (b) 22 property in Barrigada with Lot No. 1090-2-1, Barrigada, containing an area 23 of one thousand one hundred fifty five \pm (1,155 \pm) 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 negotiate with the Owner for an acceptable tract of government real 26 27 property to be exchanged.

- 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
- appraisers, such appraisals to be completed no earlier than six
- (6) months prior to the date of conveyance or exchange of the
- 12 parcels;
- (ii) Such appraisals shall be based on the current
- highest and best use of the parcels being appraised without
- regard to such parcels' current zoning or irregular size or
- 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),

- 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)
- square meters, to the Veterans of Foreign Wars Post No. 2917, for a term
- of Fifty (50) years, to construct and operate a clubhouse, and recreational
- 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
- permitted upon approval by the Commission of the site plan
- 24 including, but not limited to, disposal of sewage, access,
- parking, structure location and dimensions of buildings, impact
- of the proposed use on adjacent land uses, and accompanying
- 27 covenants that may include performance standards. The

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

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- (b) Notwithstanding any prior conditional use as provided in subsection (a) of this section, any amendment to a site plan which plan was previously approved by the Commission shall be approved by the Commission in accordance with the criteria set forth in subsections (a) and (c) of this section.
- In any hearing or meeting on an application for conditional use whether based on an original or amended site plan, in each of the zones, the Commission shall require the applicant to give personal written notice at least ten (10) days prior to the hearing to property owners within a radius of five hundred feet (500') or if personal notice is not possible, then written notice to the last known address of such owner at least twenty-five (25) days prior to the hearing by certified mail, return receipt requested. In addition, the commission shall require the applicant to erect a sign on the subject location, no smaller than four feet (4') by eight feet (8') in height and width, displayed to make the following information available to the general public in a reasonable manner: a Statement (a) of Public Notice that an application for conditional use has been filed with the Territorial Land Use Commission; (b) the title of the application as filed, containing the name of the owner, the name of the developer, the lot number, and the proposed conditional use; and (c) the date, time and place of each public

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

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- (b) Pursuant to subsection (a) of this section, the Department of Land Management (the "Department") shall determine the names and addresses and properly serve or mail all required notices to all persons within the five hundred foot (500') radius of the proposed project who will be affected thereby. As provided in subsection (a), the notices shall be served not less than ten (10) calendar days before any public hearing is to be conducted. The five hundred foot (500') radius shall be measured from 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
- 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.
- 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.
- 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.
- 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
 - decree of preliminary or final distribution, an order setting aside a land claims award, or an affidavit filed pursuant to \$4910 of this Title passes title to any additional sums awarded by the District Court of Guam with respect to the parcel identified in the decree, order or affidavit. No further administration is required upon the decedent's estate in respect of such additional awards and the person authorized in the decree, order or affidavit to collect and distribute the original award is authorized to collect and distribute any additional awards for said parcel to the same heirs and in the same proportions as provided in the decree, order or affidavit."
- Section 17. §62111 is added to Title 21, Guam Code Annotated,
- 21 to read:

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subdivision of government subdivisions. In any subdivision of government of Guam land, including land of autonomous agencies, in which there are more applicants for lots within the subdivision than there are lots, the Director of Land Management shall conduct a public lottery, under the direction of the Attorney General, among those applicants

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

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

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

(b) Change in mileage allowance. \$23105 of Title 5.

Guam Code Annotated, is hereby repealed and reenacted to read:

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

- 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:
- Height Limit Established. In the A, R1, LC, 1 1 "§61401. R2, C, M1 and M2 Zones, no building or structure shall be 12 13 erected or maintained, nor shall any existing building or 14 structure be altered, enlarged, moved, or maintained, to exceed 1 5 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 : 7 the New Agaña lot and block system the building height limit 1.8 shall be six (6) stories (the six stories shall not exceed a height 19 of seventy-five (75) feet)."
- Section 22. The following lots in Ordot, municipality of Sinajaña, 21 Guam, are hereby rezoned from Agricultural ("A") to Multi-Family Residential ("R-2"):

2 3	Lots Nos.:	Areas in square meters:
2 4	3380-3	4,132 <u>+</u> ,
2 5	3380-5	11,547 <u>+</u> ,
26	33-80-6	16,536 <u>+</u> ,
27	3380-7	16,511 <u>+</u> .

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. $4,700\pm$ 5 3249-6-1. $1,767\pm$ 3249-6-R1. 6 $7,395\pm$. 7 Lot No. 3412-1-3, Chalan Pago, municipality of Section 24. 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 1 3 Dededo situated between Lots Nos. 5003A-5 and 5004 containing an area 14 of approximately eighty-seven \pm (87 \pm) square meters. In determining the 15 fair market value of such parcel, its narrow shape shall not be considered,

and its value will be based on the value of the surrounding properties.

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Bill No. 298 Resolution No Question:				Date: <u>4-4-9</u>		
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3. BAMBA, J. George						
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5. BROOKS, Doris Flores		<u></u>	4		المراجع المراج	
6. DIERKING, Herminia Duenas						
7. DUENAS, Edward Ramirez				-		
8. ESPALDON, Ernesto M. (M.D.)	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \					
9. GUTIERREZ, Carl T. C.	Separation Co.					
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TWENTY-FIRST GUAM LEGISLATURE 1991 (FIRST) Regular Session

APR 03'91

Bill No. <u>298</u> (COE)

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 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 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 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 LOT NO. 3412-1-3, CHALAN REZONE 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").

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 \pm (5,000 \pm)
- 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 \pm (407 \pm) 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.

- 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.

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- 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.
- 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)
- written appraisals prepared by qualified licensed Guam appraisers,
- such appraisals to be completed no earlier than six (6) months prior
- 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.

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- (b) The cost of such appraisals and of any severance or other survey map necessary for the conveyance or exchange shall be paid by the private party buying or exchanging the property, and no sale or exchange may be recorded until such costs are paid. All such surveys, as well as the appraisals required in subparagraph (a) of this section, are subject to the approval of the Director of Land Management. In making such surveys, the surveyor shall 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 sale, exchange, lease, or other disposition of government land authorized or directed by this Act.
- (d) The private grantee(s) of any deed of sale or exchange shall not sell or convey the parcel obtained by the sale or exchange for a period of ten (10) years following execution of the deed, which shall contain an appropriate reverter clause providing that such a sale shall cause title to the property to 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.
- 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.

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- Section 11. (a) §61303 of Title 21, Guam Code Annotated, is hereby repealed and reenacted to read:
 - "§61303. Conditional use. (a) In addition to permitted uses in each of the zones, specified uses are permitted upon approval by the Commission of the site plan including, but not limited to, disposal of sewage, access, parking, structure location and dimensions of buildings, impact of the proposed use on adjacent land uses, and accompanying covenants that may include performance standards. The Commission shall also consider such other elements as may be reasonably related to the health, safety and general welfare of the community.
 - (b) Notwithstanding any prior conditional use as provided in subsection (a) of this section, any amendment to a site plan which plan was previously approved by the Commission shall be approved by the Commission in accordance with the criteria set forth in subsections (a) and (c) of this section.
 - (c) In any hearing or meeting on an application for conditional use whether based on an original or amended site plan, in each of the zones, the Commission shall require the applicant to give personal written notice at least ten (10) days prior to the hearing to property owners within a radius of five hundred feet (500') or if personal notice is not possible, then

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

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(b) Pursuant to subsection (a) of this section, the Department of Land Management (the "Department") shall determine the names and addresses and properly serve or mail all required notices to all persons within the five hundred foot (500') radius of the proposed project who will be affected 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.

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- 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,

that such lease not be assigned or the property subleased, that if the property is not used for significant agricultural purposes for three (3) consecutive years, the lease shall terminate, and that the rent shall be based on the property's fair market value as agricultural land, the property to be

reappraised and the rent adjusted every five (5) years based on the

property's then fair market value.

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

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

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Section 15. The Legislature finds that the government of Guam needs 5 better access to Lot No. 10154, Dededo, from Adotgan Luchan Street. 6 Accordingly, the Governor shall, pursuant to the provisions of Section 115 of 7 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 on Drawing No. 23-85-05, prepared by Vicente C. Sian, Jr. As a condition to 1 1 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) square meters, shall provide a fifty foot (50') public access and utility 14 easement across such Lot No. 10077-1New-1, to connect with the cul-de-sac 15 16 off of Adotgan Luchan Street, thus allowing access from Lot No. 10154 to 17 Adotgan Luchan Street.

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

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

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

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

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

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

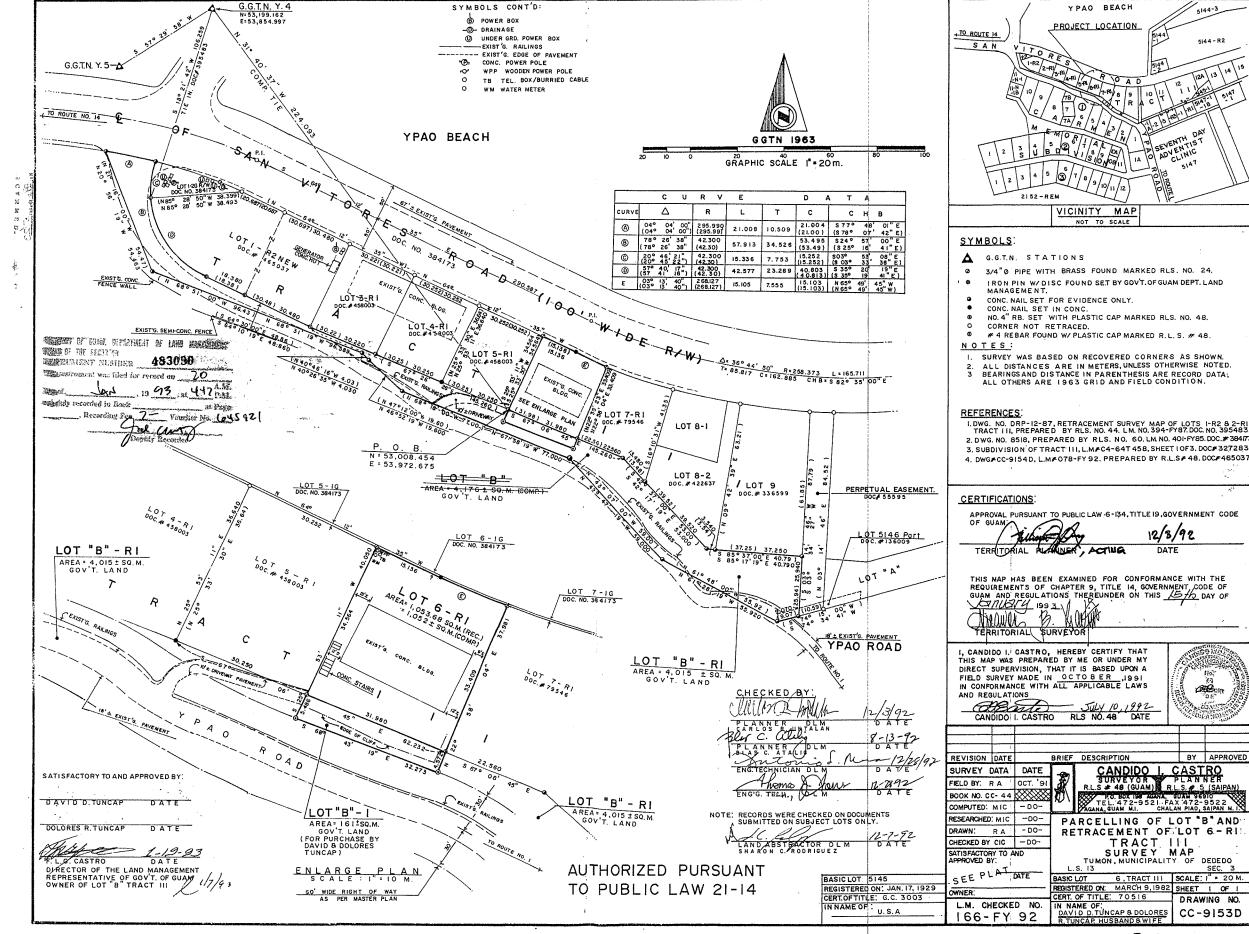
Section 19. (a) Findings. The Legislature finds that there is an ever-increasing use by government of Guam employees of their personal vehicles for official business because of the non-availability of government of Guam vehicles. With the rises in the cost of operating a vehicle, including increases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

to establish a just and reasonable level of reimbursement for the use of 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:
- 10 "§23105. Mileage allowance. Persons authorized to travel at government expense shall, in accordance with regulations and whenever such mode of transportation is authorized or approved as more advantageous to the government, be paid in lieu of transportation not to exceed Sixty Cents (60¢) per mile for the use of privately-owned four wheeled-passenger motor vehicles, when 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.
- Section 20. (a) Purposes of exchanges. In order to complete the acquisition of the parcels of land in Tumon necessary to the widening of Pale San Vitores Road, the Governor shall make the following land 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
- maintained, nor shall any existing building or structure be altered,
- enlarged, moved, or maintained, to exceed a height limit of [two]
- 17 <u>three</u> stories (the [two] three stories shall not exceed a height of
- thirty (30) feet), except that in the C Zone within the New Agaña
- 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"):
- 24 Lots Nos.: Areas in square meters:
- 25 3380-3 $4,132\pm$,
- 26 3380-5 11,547<u>+</u>,

3380-6 16,536±, 1 2 3380-7 $16,511\pm$. 3 Section 23. The following lots in Chalan Pago, municipality of Sinajaña, are hereby rezoned from Single Family Residential ("R-1") to 4 5 Commercial ("C"): 6 Areas in square meters: Lots Nos.: 7 3249-5, 4,700+8 3249-6-1, $1,767\pm$ 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 hundred thirty-four (57,734) square meters, is hereby rezoned from 12 13 Agricultural ("A") to Multi-Family Residential ("R-2"). Lot No. 7090-1, Yigo, containing an 14 Section 25. area of 15 approximately eighty-three thousand (83,000) square meters, located next to Andersen Air Force Base, and adjacent to military base housing and Ano 16 Estates, is hereby rezoned from a Planned Unit Development ("PUD") to Multi-17 18 Family Residential ("R-2").



PUBLIC LAW NO. 21-14

Bill No. 298 (COR)

Date Became Law: Apr. 17, 1991 J.P. Aguon

Governor's Action: Approved

Introduced by: C.T.C. Gutierrez

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, BARRI-GADA, FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO COMMERCIAL ("C") AND OF BLOCK D, TRACT 9, LOT NO. 2-1, BARRIGADA, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO AUTHORIZE THE EXCHANGE OR SALE OF CERTAIN GOVERNMENT REAL PROPER-TY, INCLUDING PROPERTIES IN TAMUNING, IN AGAT, IN AGANA, IN TUMON, IN BARRIGADA, IN DEDEDO, AND IN MERIZO; TO ESTABLISH METHODS OF VALUE IN DETERMINING FAIR MARKET CONNECTION WITH SUCH SALES 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 TITLÉ 21, GUAM CODE ANNOTATED, ON CONDITION-AL USE REGULATIONS OF THE TERRITO-RIAL LAND USE COMMISSION AND MAKING APPROPRIATION THEREFOR; REZONE CERTAIN PROPERTY IN MANGILAO; AUTHORIZE THELEASE ACRES OF GOVERNMENT LAND TO VEGES GUAM, INC. FOR AGRICULTURAL PURPOS-ES; 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 ANNO-TATED, SIMPLIFYING ADMINISTRATION OF LAND CLAIMS AWARDS: TO ADD §62111 TO TITLE 21, GUAM CODE ANNOTATED, ON GOVERNMENT SUBDIVISIONS: TO REZONE NO. 3316-7 NEW-R2 LOT 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 3325-3 AND 3325-4, SINAJANA, AND NOS. CHALAN LOT NO. 3242-1-3, PAGO, SINAJANA FROM SINGLE FAMILY RESIDEN-("R-1") TIAL TOLIGHT INDUSTRIAL ("M-1"); TOAMEND §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 AGRI-("A") CULTURAL TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO REZONE LOTS 3249-5, 3249-6-1, AND3249-6-R1, NOS. PAGO, FROM AGRICULTURAL CHALAN ("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.

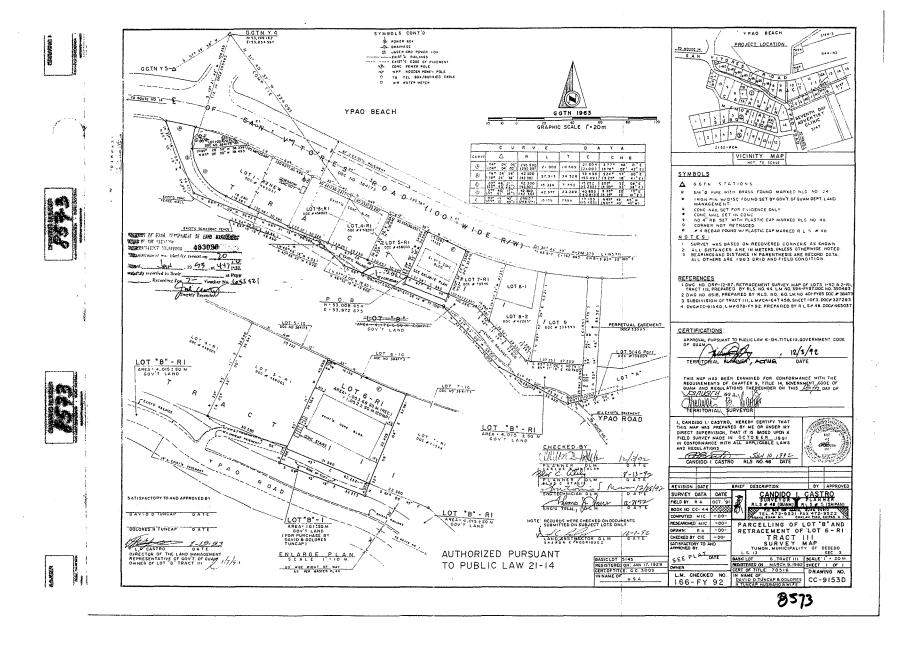
Section 7	
	government real property in Barrigada at its
	current fair market value.
Section 8	
	real property in Tumon, Dededo to William Au-Yeung
	for its current fair market value.
Section 9	
	and other costs.
Section 10.	
	to Post No. 2917 of the Veterans of Foreign
0 - 41 11	Wars.
Section 11	- · · · · · · · · · · · · · · · · · · ·
Section 12.	
	from Single Family Residential ("R-1") to
Section 13.	Commercial ("C"). To authorize the lease of four acres of govern-
Section 13.	ment land to Veges Guam, Inc. for agricultural
	purposes.
Section 14	
Soction 11.	Corp. of land in Yigo for the hydroponics.
Section 15	- · · · · · · · · · · · · · · · · · · ·
	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	$oldsymbol{\omega}_{i,i}$
	Heights to multi-family Residential ("R-2").
Section 19(a	
	a just and reasonable level of reimbursement
	for the use of personal vehicles for government
C44 10/h	of Guam businesses.
Section 19(k	
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	
	regulations.
Section 22	
	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	, , , , , , , , , , , , , , , , , , , ,
	from Agricultural ("A") to multi-family
	Residential ("R-2").

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 it 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;

- (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)



Leonardo M. Rapadas Attorney General



Phillip J. Tydingco
Chief Deputy Attorney General Phillip J. May an 2013

Office of the Attorney General

Department of tend Management

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

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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 a viscobini suit 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.

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DEBORAH RIVERA
Assistant Attorney General

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12-1122

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:

AUTORIS NEWSCHILD OF VICTORIA

d Human Services.

the past two

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	I the Grantee, have o	duly
executed this Quitclaim Deed this	day of	, 2013	3.

GRANTOR:

David V. Camacho, Acting Director Department of Land Management

Date: 4/8/13

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On this day of, 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 a zew and it goods be the person whose name is subscribed to the foregoing QUITCLAIM DEED, and blue were all the standard to me that he signed it relies that described to the standard to me that he signed it relies that described to the standard to me that he signed it relies that described to the standard to me that he signed it relies that described to the standard to me that he signed it relies that described to the standard to me that he signed it relies that described to the standard to th
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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

In and for Guam, U.S.A.

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ACKNOWLEDGMENT

Municipality of Hagatna) On this/q \bullet day of \text{Municipality} undersigned notary public in and for Gu	, 2013, before me the uam, U.S.A., personally appeared DAVID .P, known to me to be the persons whose	
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§4911a TO TITLE 15, GUAM CODE ANNO-TATED, 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 3242-1-3, CHALAN LOT NO. PAGO. SINAJANA FROM SINGLE FAMILY RESIDEN-INDUSTRIAL LIGHT TIAL ("R-1") TO ("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 AGRI-("A") CULTURAL TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO REZONE LOTS 3249-5, 3249-6-1, AND 3249-6-R1, NOS. FROM AGRICULTURAL CHALAN PAGO, ("A") TO COMMERCIAL ("C"); TO REZONE LOT NO. 3412-1-3, CHALAN PAGO, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2"). Inspire team constants are provided to the service and the service are serviced to the serviced to the service are serviced to the servic

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 | 925970411 | W 11 2VSE A 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.

Authorizing the Governor to sell government Section 6... real property in Merizo on a current fair market value.

of the december appropriate of Guahan Waste Control. Inc. and is

(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

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LOCATED AT:

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

ons per day is recycled. To rench inor 10% of guaranteed

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

RRP Destroys Recycling on (etta)

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 aprraisal, 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

tind it rather from the test being who are paid

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

Timon

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 injores	Tuncap			Census Tract		Map Reference	
Property Address P	and Dolores	d, Behind lot	6 - R1,					
cay Tumon	HONG IPOG IPOG	County	Dededo		State GU	am	Zp Code 96911	
	ot No. "B" -1	, Tract 111, Y	oao Road,			Person		
Sale Price S	Date of Sale	Loan Term		yrs. Property Ri	ights Appraised		e Lessehold	DeMinimus PUD
Actual Real Estate Tax	es \$	(yr) Loan charges to be paid t	by seler \$		sales concessi	The second secon	_	- 27 July 25
Lender/Client Dat	rid & Dolores '	Tuncap	Addre		-	nd, Tumor		DISTURBED.
Occupent \Vaca	ant	Appraiser Victor		ctions to Appraiser		ket Value		
The site is	sloping alon	g the Guardrail			behind '	the lot o	of Mr & Mrs Tu	ncap.
Location	X Urben	Suburben		tural VST	1 371		Good Av	g Fair Poor
Bullt Up	∑ Over 7	25-75%	u	Inder 25%	Employment	Stability	X	
Growth Rate	Fully Dev Repid	X Stable	8	low		to Employment	x	
Property Values	Increas	ating X Stable		eclining	Convenience	to Shopping	x	
Demand/Supply	X Shorts	ge In Belence	0	iver Bupply	Convenience	to Schools	Lx L	
Marketing Time	Under	3 Mos. X 4-8 Mos.		Ner 8 Mos.	Adequacy of	Public Transportat	ton	
Land Use	5 % 1 Famely % 2	2-4 Family % Apts	25% Condo 35	% Commercial	Regression F	ecilities		
	% Industrial 15 %	Vecent 20% Hote	l Resort		Adequacy of	Utilios		KJ 🗀 🗀
Change in Present Lan	nd Use Not Life	kely X Likely	т	aking Place	Property Con	npatibility		X
	From	Vacant	o Consoli	dation	Protection in	on Detrimental Co	nd.	X
Predominant Occupenc	y Owner	X Tenent		. Vecent	Police & Fire	Protection		
Single Family Price Ras	nge \$ 320,0	00 bs 650,000	Predominant Value 6	350,000	General Appr	serance of Propert	60	
Single Family Age Ren	e new	fra. to 25 Yrs. Prec	dominant Age	15 Yrs.	Appeal to Ma	arket		
cel hims	wedshille he w	unisise and bi	substant and	To oil		78 6- 8 -	CAN DO STATE	
Comments including the	ose factors, fevorable or unfa	vorable, affecting marketability (e	g. public parks, scho	ools, view, noise):		The site	is a fraction	nal lot
Comments including the	he Yoao Road	and the Rear of	Mr Tuncap	property	. Mark	etability	is limited to	o Mr
Tuncan, "As	is" this sit	e has no economi	ic value d	ue its si	ze, sh	ape and t	errain. Tumon	is the
tourist bel				9		1		
-	square meters	2750	more.	TI VOI TI	Sq. P	L or Agres	Corner Lo	e her
Zoning Classification	H-Resort			Present I	Improvements	□do □	do not conform to zonling rega	uletions
Highest and Best Use	Control of the last of the las	X Other (apacity) Conso	lidation w	ith adioi	ining l	ot.		
Public	Other (Describe)	OFF SITE IMPROVEMEN		slopino			- market Vice	Lelining
Electric X		areet Access: X Public		small,			STORY TO	L THULL W
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small and s	substantiatu. A	ttached property	map.		-		7111	
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LITESTAL	The Later Control	ACT RIB HIS	TIPLOWE		District	NEW TENTE	E HOLLO H	Hertini
The undersigned ha	a recited three recent sales o	of properties most similar and pro	ximate to the subject	and has consider	ed these in th	e market analysis.	The description includes a do	der edustment
reflecting market rea	otion to those items of signifi	cent variation between the suble-						men mundumminent,
	a harda (-) edinzanent iz ins	ide, thus reducing the indicated	value of subject If a	roperties. If a signi	ificant hem in t	the comparable pri	operty is superior to, or more	favorable than,
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Property Address P				Census Tract	
Donnarty Address L	and Dolores Tur	Behind lot 6 - R1,			
	ationg ypao Road,	Come Dododo		State Guam	Zio Code 96911
chy Tumon		county Decledo			70711
	ot No. "B" -1 ,	Tract 111, Ypao Road		The same of the sa	
e Price \$	Date of Sale	Loan Term	yrs. Property F	Rights Appraised X F	Leasehold DeMinimus PUD
	CONTRACTOR OF THE PARTY OF THE	Loan charges to be paid by seller \$	Other	sales concessions	ZOLIDIAVOO VEIGE
tual Real Estate Tax	vid & Dolores Tur		ddress Flows	r by Tand, Tumor	n, Guam
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ocupant \Vaca	ant Appr			bohind the lot	of Mr & Mrs Tuncan.
he site is		the Guardrail of Ypac	Road and	remm die Tor (Good Avg Fair Poor
ocation	X Urben	Suburban	Rural	223	
uit Up	X Over 75%	25-75%	Under 25%	Employment Stability	
Srowth Rate	Fully Dev. Repid	X Stable	Slow	Convenience to Employment	
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emand/Supply	X Shortage	In Balance	Over Supply	Convenience to Schools	THE THE
farketing Time	Under 3 Mc	x 4-6 Mos	Over 6 Mos.	Adequacy of Public Transports	general period period control
-	5% 1 Family % 2-4 Fr	smey % Apts 25% Condo	35% Commercial	Recreation Facilities	L X
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hange in Present Lan	nd Use Not Likely	X Likely	Taking Piece	Property Compatibility	
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ngle Family Age Ran	nge NEW Yrs. k	25 Yrs. Predominent Age	15 Yrs	Appeal to Market	
la reconst	SAME TO SEE L	well to Calif			
TO THE ELL	t t	ole, affecting marketability (e.g. public parks)	erhools when reducts	The cit	e is a fractional lot
omments including th	DES TECEDIE, REVOLEDES OF UTREVOLS	and the state of t			
djoining t	the Ypao Road and	the Rear of Mr Tunc	ap propert	y. Marketabilit	is ilmited to Mr
uncap. "As	s is" this site h	nas no economic value	due its s	ize, shape and	terrain. Tumon is the
	lt of Guam.			Part of Balance	ight!
				Sq. Ft. or Agree	Corner Lot
	square meters		-		
oning Classification	H-Resort	I DUMENTO OF CUS	Present	Improvements do	do not conform to zoning regulations
lighest and Best Use	Present Use X C	Other (appeals) Consolidation	with adjo	ining lot.	The same of the sa
	Other (Describe)	OFF SITE IMPROVEMENTS		g, cliff side	The state of the s
Public					THE STREET STREET
lectric X				substandard	
ias .	private Surface	asphalt	shape rectan	gular	E STATE OF THE STA
/ater X	Mainte	nence: X Public Private	view ocean	TO DUE DO STATE	
			-	21	
ian. Sewer X			Drainage <u>natur</u>		
Une	derground Elect, & Tel.	Sidewalk Street Lights	Is the property local	sted in a HUD identified Special	Flood Hazard Area? No X Yes
Comments (fauncable c	or unfavorable including any appare	ent adverse essements, encroachments or o	ther adverse condition	The site	is part of cliff,
		Programme and the second secon	4 2 3 4 4 4 4 4	and battle	analogo and a second
small and s	substanuard. Atta	iched property map.	AT CAUSE	SAMILT DARRIED	
					7. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7
			The second	7-	- 1-a
78			X		
The undersigned ha	ss recited three recent sales of pro	perties most similar and proximate to the se	ibject and has conside	and these in the niteriori analysis	The description includes a dollar edjustment,
reflection market rea	action to those items of significant	variation between the subject and compara	ole properties. If a sign	nilicant item in the comparable pr	operty is superior to, or more tavorable than.
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A Vacant Site Located in Tumon
Identified as Lot Number B-1, Tract 111
Municipality of Dededo, Guam

ablish the recently implemented residential recycling program which has:

David & Delores Tuncap
San Vitores Road
Tumon, Guam 96911

this service, with the approval

esuit I have learned quite a bit about the management and flow of the

March 03, 1993 our island corporately from virtually no recycling 20

PREPARED BY:

ago to now recycling over 2,8% of our waste stream.

J.C. Concepcion and Associates

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

and as a whole, according to the latest statished from the Guarn EPA

einploy nearly 40 workers at Gualton Wastr to recycling. This bill, should in

other recycling companies which would no longer be already to accept

ippany alone ships 30 to 40 40- foot containers of cardbeard and paper t

File No. V302092J

Borrower Client David & Delores Tuncap
Property Address Ypac 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, unbaised 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. \$1/31/95

J.C. Concepcion and Associates I AND APPRAISAL REPORT

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File No. V302092J

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

Market Data Analysis:

CALL

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:

* 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 preceived 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 exhorbitant 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.

