

I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN
2016 (SECOND) Regular Session

Bill No. 268-33 (LS)

Introduced by:

V. Anthony Ada (S)

**AN ACT TO AUTHORIZE A COMMERCIAL LEASE
BETWEEN THE DEPARTMENT OF LAND
MANAGEMENT AND THE DEDEDO PAYLESS
SUPERMARKET FOR USE OF A PORTION OF THE
DEDEDO BUFFER STRIP, AS SPECIFIED IN TITLE
21, GUAM CODE ANNOTATED, SECTION 68901.**

2016 FEB 19 PM 3:05

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

2 **Section 1. Legislative Statement and Intent.** §68901(a) of Chapter 68, Article
3 9 of Title 21, Guam Code Annotated, authorized the Department of Land Management,
4 with the approval of *I Maga'lahi* after consultation with the *Dededo* Municipal
5 Planning Council, to enter into commercial lease agreements for properties known as
6 the *Dededo* Buffer Strip. These properties have been leased to numerous business
7 establishments and pursuant to law, commercial leases cannot extend more than ten
8 (10) years.

9 In 2004, Payless Supermarket entered into a commercial lease agreement with
10 the Department of Land Management, government of Guam, with concurrence by the
11 *Dededo* Municipal Planning Council, and has maintained a portion of the *Dededo*
12 Buffer Strip, particularly identified as that portion of the *Dededo* Buffer Strip,
13 immediately adjacent to Lot 1-4, Lot 1-R4, Tract 217, Municipality of *Dededo*, as
14 shown on map prepared by Roberto R. Ventura, RLS No. 54, Land Management No.
15 468FY96, Re-Subdivision Survey Map of Lot 1, Tract 217, Municipality of *Dededo*,
16 recorded under Document No. 552211, and having the same length as the common

1 boundary shared with LESSEE's property, containing an area of 2,410± Square Meters.
2 The lease agreement expired in 2014, and they have requested to enter into another ten
3 (10) year lease with the Department of Land Management, government of Guam. The
4 *Dededo* Municipal Planning Council has supported this request through the passage of
5 Resolution No. 2015-08, dated April 14, 2015, stating that Payless Supermarket has
6 complied with the mandates of the lease agreement by paving the area for parking,
7 beautification and maintenance of the property.

8 Furthermore, §60112 of Title 21, Guam Code Annotated, as amended, mandated
9 that any government-owned real property *shall not* be leased, sub-leased, exchanged or
10 otherwise transferred without the prior approval by *I Liheslaturan Guåhan*. The
11 *Dededo* Buffer Strip is considered government-owned property, and thereby pursuant
12 to law any lease agreement *shall* be approved by *I Liheslaturan Guåhan*.

13 It is, therefore, the intent of *I Liheslaturan Guåhan* to authorize the Department
14 of Land Management, government of Guam, to enter into a commercial lease
15 agreement with Payless Supermarket for a portion of the *Dededo* Buffer Strip,
16 particularly identified as portion of the *Dededo* Buffer Strip, immediately adjacent to
17 Lot 1-4, Lot 1-R4, Tract 217, Municipality of *Dededo*, as shown on map prepared by
18 Roberto R. Ventura, RLS No. 54, Land Management No. 468FY96, Re-Subdivision
19 Survey Map of Lot 1, Tract 217, Municipality of *Dededo*, recorded under Document
20 No. 552211, and having the same length as the common boundary shared with
21 LESSEE's property, containing an area of 2,410± Square Meters.

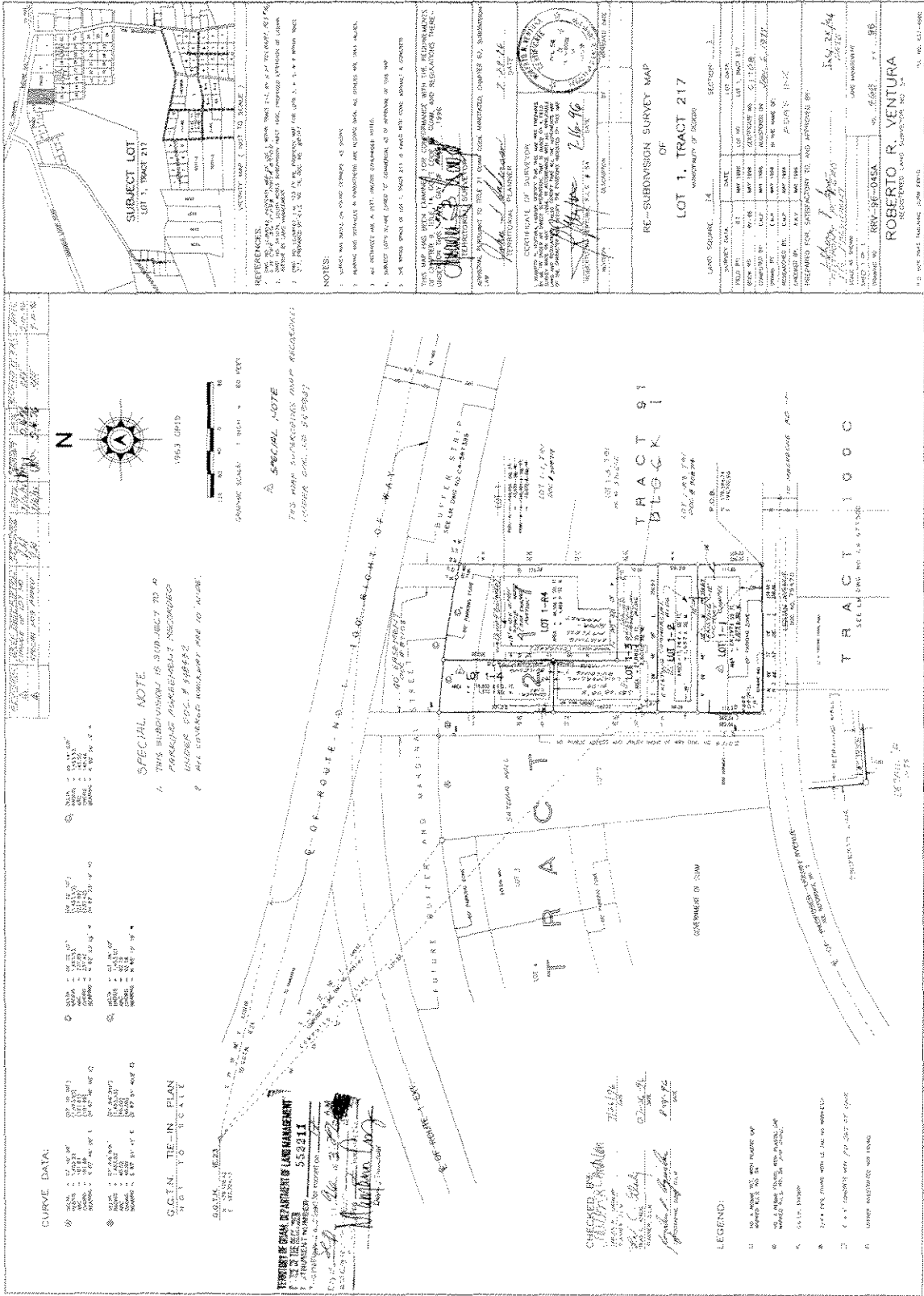
22 **Section 2. Authorization to Lease.** Notwithstanding any other provision of law,
23 *I Liheslaturan Guåhan* authorizes the Department of Land Management, government
24 of Guam, to lease a portion of the *Dededo* Buffer Strip, particularly identified as
25 portion of the *Dededo* Buffer Strip, immediately adjacent to Lot 1-4, Lot 1-R4, Tract
26 217, Municipality of *Dededo*, as shown on map prepared by Roberto R. Ventura, RLS
27 No. 54, Land Management No. 468FY96, Re-Subdivision Survey Map of Lot 1, Tract

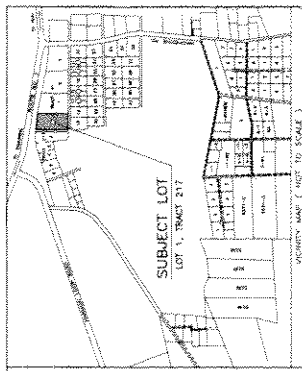
1 217, Municipality of Dededo, recorded under Document No. 552211, and having the
2 same length as the common boundary shared with Tract 217, Lot 1-R4, Municipality of
3 Dededo, containing an area of 2,410± square meters, for a period of ten (10) years. The
4 commercial lease agreement *shall* comply with the provisions of §68901(a), Chapter
5 68, Article 9 of Title 21, Guam code Annotated.

6 **Section 3. Prohibited Use.** The property *shall not* be used so as to make the
7 property unusable upon the expiration of the lease term. This *shall* include, but *not* be
8 limited to, such uses as ponding basins.

9 **Section 4. Severability.** *If* any provisions of this Law or its application to any
10 person or circumstances is found to be invalid or contrary to law, such invalidity shall
11 *not* affect other provisions or applications of this Law which can be given effect
12 without the invalid provisions or application, and to this end the provisions of the Law
13 are severable.

EXHIBIT "A": Dededo Buffer Strip-Payless Supermarket Lease





SUBJECT LOT
LOT 1, TRACT 217

STREET FRONTAGE (NOT TO SCALE)

REFERENCES:

1. THE SUBDIVISION MAP OF LOT 1, TRACT 217, BEING PART OF PROJECT 6074, WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO COUNTY, CALIFORNIA, ON FEBRUARY 14, 1993.
2. THE SUBDIVISION MAP OF LOT 1, TRACT 217, BEING PART OF PROJECT 6074, WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO COUNTY, CALIFORNIA, ON FEBRUARY 14, 1993.
3. THE SUBDIVISION MAP OF LOT 1, TRACT 217, BEING PART OF PROJECT 6074, WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO COUNTY, CALIFORNIA, ON FEBRUARY 14, 1993.

NOTES:

1. SURVEY WAS MADE IN FIELD CONFORM TO SURVEYING PRACTICES AND METHODS IN EFFECT AT THE TIME OF THE SURVEY.
2. ALL DIMENSIONS ARE IN FEET, UNLESS OTHERWISE NOTED.
3. SURVEY LINES HAVE BEEN CORRECTED FOR CURVATURE OF THE EARTH.
4. THE WHOLE CORNER OF LOT 1, TRACT 217, IS MARKED WITH CONCRETE AND IRON PIPE.

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND REGULATIONS THEREOF.

APPROVED FOR THE STATE ENGINEER, DIVISION OF SURVEYING

[Signature] STATE ENGINEER

CERTIFICATE OF SURVEYOR

ROBERTO R. VENTURA, LICENSE NO. 10611, REGISTERED SURVEYOR

DATE: 7-16-96

RE-SUBDIVISION SURVEY MAP
OF
LOT 1, TRACT 217
MUNICIPALITY OF GIBRO

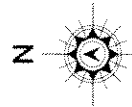
LAND SQUARE	SECTION
14	14

DATE	LOT NO.	LOT AREA
NOV 20 1995	LOT 1	1.0000 AC
NOV 20 1995	LOT 2	1.0000 AC
NOV 20 1995	LOT 3	1.0000 AC
NOV 20 1995	LOT 4	1.0000 AC
NOV 20 1995	LOT 5	1.0000 AC
NOV 20 1995	LOT 6	1.0000 AC
NOV 20 1995	LOT 7	1.0000 AC
NOV 20 1995	LOT 8	1.0000 AC
NOV 20 1995	LOT 9	1.0000 AC
NOV 20 1995	LOT 10	1.0000 AC
NOV 20 1995	LOT 11	1.0000 AC
NOV 20 1995	LOT 12	1.0000 AC
NOV 20 1995	LOT 13	1.0000 AC
NOV 20 1995	LOT 14	1.0000 AC

PREPARED FOR SUBDIVISION NO. AND APPROVED BY

[Signature] DATE: 7/16/96

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
ROBERTO R. VENTURA
REGISTERED LAND SURVEYOR NO. 10611



1983 GRID
GRAPHIC SCALE: 1 INCH = 60 FEET

SPECIAL NOTE:

1. THIS SUBDIVISION IS SUBJECT TO A PARKING AGREEMENT ASSIGNED TO OWNER OF THE PROPERTY.
2. ALL RESERVED RIGHTS ARE IN CONFORM.

CURVE DATA:

① DATA: BEZEL
RADIUS: 100.00 FT
CHORD: 100.00 FT
ANGLE: 90.00°

② DATA: BEZEL
RADIUS: 100.00 FT
CHORD: 100.00 FT
ANGLE: 90.00°

③ DATA: BEZEL
RADIUS: 100.00 FT
CHORD: 100.00 FT
ANGLE: 90.00°

G.G.T.N. TIE-IN PLAN

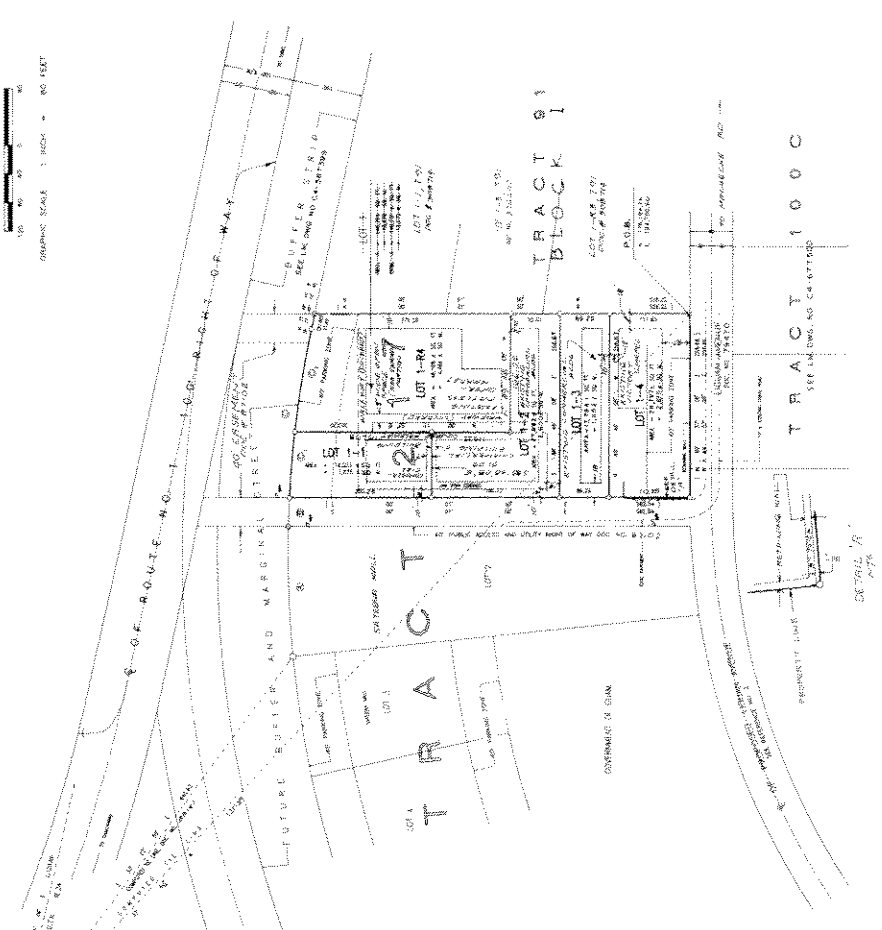
NO. 10611

OFFICE OF THE SUPERVISOR OF LAND MANAGEMENT

DEPT. OF PUBLIC WORKS

DATE: 7-16-96

[Signature]
SUPERVISOR



CHECKED BY:

[Signature]
DATE: 7-16-96

- LEGEND:**
1. ALL DIMENSIONS ARE IN FEET.
 2. ALL DIMENSIONS ARE IN FEET, UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE IN FEET, UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE IN FEET, UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE IN FEET, UNLESS OTHERWISE NOTED.
 6. ALL DIMENSIONS ARE IN FEET, UNLESS OTHERWISE NOTED.

DRAWING NUMBER
10611

DRAWING NUMBER
10611

DRAWING NUMBER
10611

EXHIBIT "B"

**DEDEDO MUNICIPAL PLANNING COUNCIL
MUNICIPALITY OF DEDEDO**

RESOLUTION NO. 2015-08

Introduced by:

Melissa B. Savares, Chairperson

Andrew Peter A. Benavente, Vice Chairperson

MEMBERS:

Acda, Romy

Artero, Pascual V.

Chan, Jose-Arthur Jr.

Cruz, Elizia

Espinosa, Laura

Gines, Bernardo

Mafnas, Frank

Makepeace, Annie

Pangelinan, Edith

San Nicolas, Josphe

Tainatongo, Carmen

Wusstig, Ernie

11/12/15
RECEIVED
DEC 04 2015
Department of Land Management
Time *[Signature]*

Relative to the Dededo Municipal Planning Council's (DMPC) support of Pay-Less Supermarkets request to lease a portion of the Dededo Buffer Strip, fronting Lot No. 1-4, Lot No. 1-R4, Tract No. 217, in the Municipality of Dededo.

BE IT RESOLVED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL:

WHEREAS, on Tuesday, April 14, 2015, during a DMPC meeting, members reviewed and discussed the request from Pay-Less Supermarkets to renew the lease for a portion of the Dededo Buffer Strip, fronting Lot No. 1-4, Lot No. 1-R4, Tract No. 217; and

WHEREAS, members discussed that in the last ten (10) years, Pay-Less Supermarkets did pave the area for a parking and continue to beautify the property; and

WHEREAS, members agreed that Pay-Less Supermarkets staff continue to maintain the above property in a sanitary manner; and

WHEREAS, members motioned for Pay-Less Supermarkets to pay 6% of the appraised value per square foot for the lease of this property; and

BE IT RESOLVED, that after further discussion, members of the DMPC motioned to approve the lease for this portion of the Dededo Buffer Strip, fronting Lot No. 1-4, Lot No. 1-R4, Tract No. 217; and therefore be it

FURTHER RESOLVED, that the Chairperson of the Dededo Municipal Planning Council certify to and the secretary attest the adoption hereof and that copies of the same be therefore transmitted to the Department of Land Management, Department of Public Works and the Department of Administration.

DULY RECORDED AND REGULARLY ADOPTED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL ON THIS 14th DAY OF April 2015.

[Signature]
MELISSA B. SAVARES, MAYOR OF DEDEDO

[Signature]
YVONNE S. ACDA, Secretary DMPM