

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

Bill No. 315-33 (COR)

Introduced by:

T.C. Ada 

AN ACT TO TRANSFER A PORTION OF LOT NO. 5075-REM-A NEW-1, MUNICIPALITY OF TAMUNING WITH AN AREA OF 5,686 SQUARE METERS FROM THE CHAMORRO LAND TRUST INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A NEW WATER STORAGE TANKS.

2016 MAY -6 PM 4:25

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

2 **Section 1. Legislative Findings and Intent.**

3 *I Liheslaturan Guåhan* finds that the Guam Waterworks Authority (GWA)
4 has identified property, owned by the Chamorro Land Trust Commission (CLTC),
5 for the purpose of providing a staging area during the construction of a new water
6 reservoir, preparing the site for the future construction of an additional 2MG
7 reservoir, and for the relocation of an existing pump station. These improvements
8 are essential in meeting current and future growth demands for drinking water and
9 improve operational reliability of the water system.

10 *I Liheslaturan Guåhan* finds that the construction of a new 2MG reservoir at
11 the selected site will increase total storage capacity from 1MG to 3MG. The
12 increased storage capacity will address growth in water demand due to population
13 growth and improve operational reliability. More specifically, the new reservoir

1 will also enhance service to the *Tamuning, Tumon, and Hagatna* service zones, as
2 well as to the water system overall.

3 *I Liheslaturan Guåhan* finds that GWA and CLTC have been working
4 cooperatively to address the critical property needs to meet the 2011 Court Order
5 deadlines and the CLTC has approved a board resolution to support GWA system
6 improvement plans.

7 *I Liheslaturan Guåhan* finds that this project is necessary and will benefit
8 the people of Guam. *I Liheslaturan Guåhan* intends to authorize the CLTC to
9 transfer 1,852 square meters (0.446 acres) more or less, to the GWA to accomplish
10 the necessary improvements described above. GWA and CLTC have agreed on the
11 basic terms of the transfer to meet the needs and mandates of both parties, and
12 have committed to finalize compensation to the CLTC within one hundred eighty
13 days (180) of the enactment of this Act.

14 *I Liheslaturan Guåhan* further finds that GWA, under United States
15 Department of Justice ORDER FOR PRELIMINARY RELIEF RE: DEADLINES
16 FOR OUTSTANDING PROJECTS UNDER THE AMENDED STIPULATED
17 ORDER Civil Case No. 02-00035 (Court Order or CO) effective as of 11/10/2011,
18 is required to “*assess and repair, rehabilitate, replace and/or relocate all Guam*
19 *Waterworks Authority water reservoirs within its systems as detailed in § II (C) ¶*
20 *29 (b) of the order, and the deadline to complete these tasks specified for the water*
21 *reservoirs is 2018*”.

22 **Section 2. Authorization to Transfer Land Identified to the Guam**
23 **Waterworks Authority.** Notwithstanding any other provision of law, rule or
24 regulation, *I Liheslaturan Guåhan* authorizes the Chamorro Land Trust
25 Commission to transfer approximately five thousand six hundred and eighty -six
26 (5,686) square meters (1.40 acres), more or less, of Lot No. 5075-REM-A NEW-1,
27 Municipality of *Tamuning*, as shown on proposed Parceling Survey Map L.M. No.

1 057FY2016, prepared by Guam Surveyor, LLC, Dennis Balagtas, P.L.S. #75 to
2 construct a new detention basin which will allow for the replacement of the
3 existing one (1) million gallon water storage and for the construction of an above
4 ground two (2) million gallons water storage reservoir from the inventory of the
5 Chamorro Land Trust Commission to the Guam Waterworks Authority. The
6 administrative transfer of property shall become effective upon the enactment of
7 this Act. (See exhibit A).

8 (a) Guam Waterworks Authority *shall* pay for the appraisal of the
9 property by two different appraisers, one which shall be selected by the
10 Director of the Department of Land Management.

11 (b) Guam Waterworks Authority shall have the property surveyed
12 at its own expense and the surveyed map shall be approved and recorded by
13 the Department of Land Management.

14 (c) Guam Waterworks Authority shall work with Chamorro Land
15 Trust Commission to determine an appropriate compensation for the
16 property to include but not limited to land exchange, in kind services,
17 purchase, or a combination of options to be approved by Guam Waterworks
18 Authority, Consolidated Commission on Utilities (CCU) and Chamorro
19 Land Trust Commission. GWA and CLTC will have one hundred eighty
20 (180) days to finalize a compensation agreement.

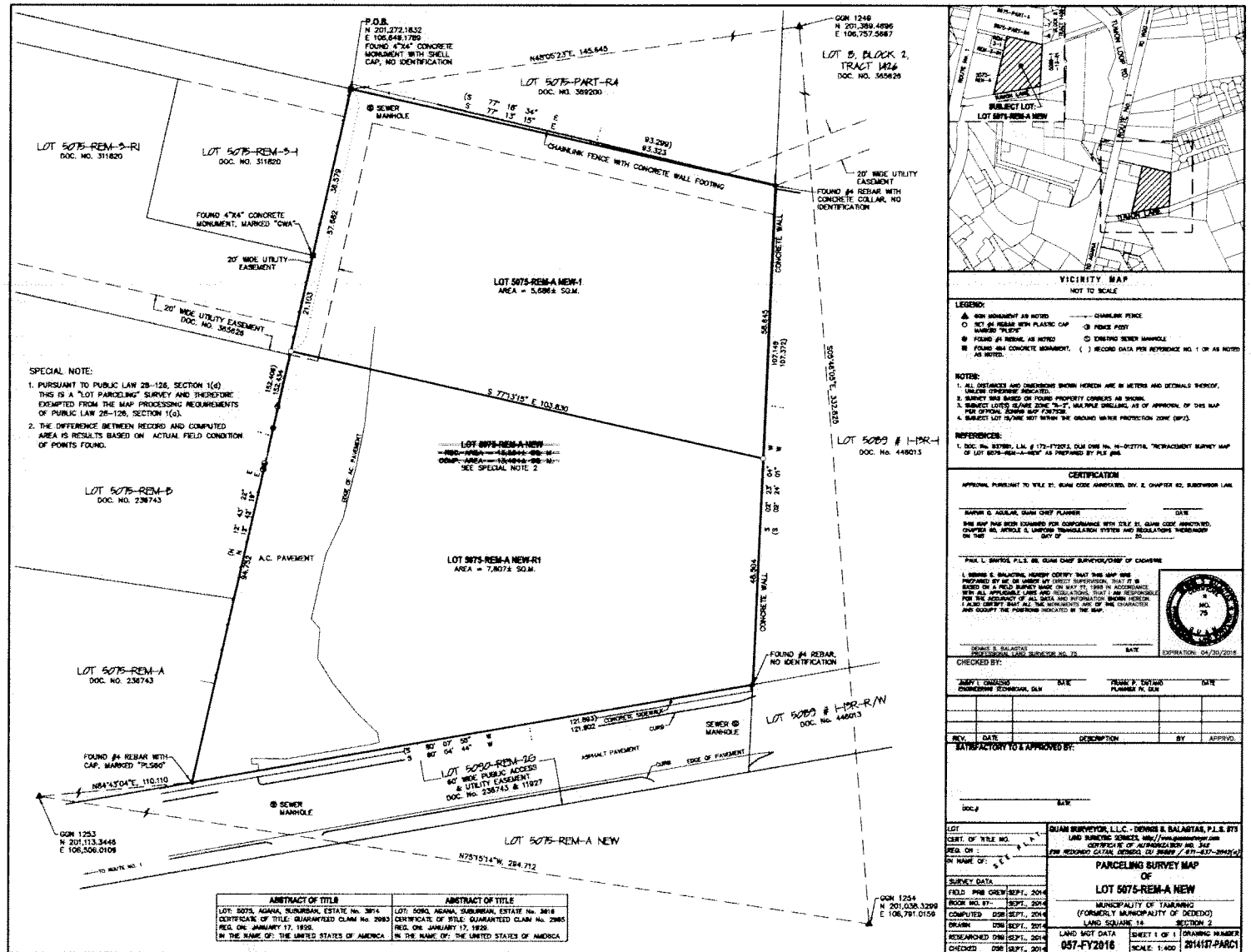
21 (d) Chamorro Land Trust Commission grants right of entry
22 immediately for GWA to complete required geotechnical survey,
23 topographic survey, archeological studies, other required testing and studies
24 to initiate design for the construction of the detention basin and construction
25 an new water reservoirs while both parties are finalizing compensation and
26 the deed is recorded.

1 **Section 3. Reversionary Clause Upon Inaction.** The Guam Waterworks
2 Authority must begin construction of the detention basin within five (5) years from
3 the date of the enactment of this act. In the event, the Guam Waterworks Authority
4 does not begin construction of the detention basin within the stipulated period,
5 without notice to the Chamorro Land Trust Commission, or defaults on the
6 compensation agreement, the property *shall* revert back to the Chamorro Land
7 Trust Commission.

8 **Section 4. Effective Date.** This act *shall* take effect upon its enactment.

9 **Section 5. Severability.** If any provision of this law or its application to
10 any person or circumstance is found to be invalid or contrary to law, such
11 invalidity *shall not* affect other provisions or applications of this law, which can be
12 given effect without the invalid provisions or applications and to this end the
13 provisions of this act are severable.

Exhibit A



LEGEND:
 ▲ BORN MONUMENT AS NOTED
 ○ NOT AS REBAR WITH PLASTIC CAP MARKED "P.L.C."
 ⊙ FOUND AS REBAR AS NOTED
 ⊙ FOUND AS CONCRETE MONUMENT
 () RECORD DATA FOR REFERENCE NO. 1 OR AS NOTED AS NOTED

NOTES:
 1. ALL DISTANCES AND DIMENSIONS SHOWN HEREIN ARE IN METERS AND DECIMALS THEREOF, UNLESS OTHERWISE INDICATED.
 2. SURVEY WAS BASED ON FOUND PROPERTY CORNERS AS SHOWN.
 3. SUBJECT LOT IS BEING ZONED "R-1", MULTIPLE DWELLING, AS OF APPROVAL OF THIS MAP FOR OFFICIAL ZONING MAP PURPOSES.
 4. SUBJECT LOT IS/ARE NOT WITHIN THE GROUND WATER PROTECTION ZONE (GWPS).

REFERENCES:
 1. DOC. NO. 1238; L.L. # 173-17005, CLM ONE NO. 44-017714, "RECONSTRUCTION SURVEY MAP OF LOT 5075-REM-A-NEW" AS PREPARED BY P.L.E.

CERTIFICATION
 APPROVAL PURSUANT TO TITLE 21, STATE CODE ANNOTATED, DIV. 2, CHAPTER 82, SUBCHAPTER 10A.

PAUL L. SHYDES, P.L.E., SURVEYOR
 I, DENISE E. BALAGAST, SURVEYOR, CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED ON A FIELD SURVEY MADE ON MAY 15, 2018 IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS, THAT I AM RESPONSIBLE FOR THE ACCURACY OF ALL DATA AND INFORMATION SHOWN HEREON, AND I ACCEPT THE POSITION INDICATED BY THE MAP.

PAUL L. SHYDES, P.L.E., SURVEYOR
 DENISE E. BALAGAST, SURVEYOR

DATE: 05/15/2018
 EXPIRATION: 04/30/2018

CHECKED BY:	DATE:	PLANNED BY:	DATE:
JEFFREY GARDNER ENGINEERING TECHNOLOGIST, S.M.		PAUL L. SHYDES PLANNER P. L.E.	
DATE:	DESCRIPTION:	BY:	APPROVED:

LOT:	QUAN SURVEYOR, L.L.C. - DENISE E. BALAGAST, P.L.E. S.T.S.
CERT. OF TITLE NO.:	LAND SURVEYING SERVICES, LLC / www.gislandsurvey.com
REG. ON:	CERTIFICATE OF AUTHORIZATION NO. 244
BY NAME OF:	PAUL SHYDES, P.L.E., SURVEYOR / 877-827-2041 (TX)
SURVEY DATA:	
FIELD: PHE CREW/SEPT., 2016	
BOOK NO. 87 - SEPT., 2016	
COMPUTED: DSR/SEPT., 2016	
DRAWN: DSR/SEPT., 2016	
RECORDED: DSR/SEPT., 2016	
CHECKED: DSR/SEPT., 2016	
	PARCELING SURVEY MAP
	OF
	LOT 5075-REM-A-NEW
	MUNICIPALITY OF TANANING
	(FORMERLY MUNICIPALITY OF DECEDDO)
	LAND ACQUISITION SECTION 2
	LAND MGT DATA SHEET 1 OF 1 DRAWING NUMBER
	057-FY2016 SCALE: 1:400 2014187-PAR01

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GUAM CONSOLIDATED COMMISSION ON UTILITIES
RESOLUTION NO. 29-FY2016

RELATIVE TO APPROVING PROPOSED LEGISLATION FOR ACQUISITION
OF CERTAIN CHAMORRO LAND TRUST COMMISSION PROPERTIES

WHEREAS, under 12 G.C.A. § 14105, the Consolidated Commission on Utilities ("CCU") has plenary authority over financial, contractual and policy matters relative to the Guam Waterworks Authority ("GWA"); and

WHEREAS, the Guam Waterworks Authority ("GWA") is a Guam Public Corporation established and existing under the laws of Guam; and

WHEREAS, the Guam Waterworks Authority (GWA) has identified property, owned by the Chamorro Land Trust Commission (CLTC), for the purpose of rebuilding the existing water reservoir, constructing a stormwater detention basin to address United States Environmental Protection Agency (USEPA) Clean Water Act (CWA) requirements and to construct future additional reservoirs which will assist in meeting current and future growth demands for drinking water; and

WHEREAS, the Guam Waterworks Authority (GWA) has been working with the staff of the Chamorro Land Trust Commission (CLTC) to address the critical property needs to meet the 2011 Court Order deadlines; and

WHEREAS, the Chamorro Land Trust Commission, having agreed that GWA's request for additional land for required infrastructure development projects is in the public's interest and is an immediate necessity, approved resolutions to support GWA's request (Attachment A); and

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WHEREAS, the Chamorro Land Trust Commission has also approved the Right of Entry as an interim measure to allow GWA to access the properties to conduct required studies, surveys and necessary actions to begin the design of the required requirement for the water reservoirs (Attachment B); and

WHEREAS, GWA and CLTC have developed draft legislation to acquire the properties to meet the needs of GWA. Upon passage of the law, GWA and CLTC will develop a reasonable compensation package for the acquired properties. Due to the time constraints imposed by the Court Order to complete the project, GWA and CLTC have agreed on the basic terms of the transfer to meet the needs and mandates of both parties, and have committed to finalize the terms of compensation to the Chamorro Land Trust within one hundred eighty (180) days of the enactment of the proposed legislation.

NOW BE IT THEREFORE RESOLVED, the Consolidated Commission on Utilities does hereby approve and authorize the following:

Section 1. The foregoing recitals hereto are hereby ratified, confirmed, and incorporated herein by reference.

Section 2. The Consolidated Commission on Utilities approves the following attached draft bills:

- a) AN ACT TO TRANSFER A PORTION OF LOT NO. 5075-REM-A NEW-1, MUNICIPALITY OF TAMUNING WITH AN AREA OF 5,686± SQUARE METERS FROM THE CHAMORRO LAND TRUST INVENTORY AND TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF REPLACING THE EXISTING WATER RESERVIOR (TANK) AND CONSTRUCTING AN ADDITIONAL

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WATER RESERVIOR TO COMPLY WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 2011 COURT ORDER.
(Attachment C)

b) AN ACT TO TRANSFER A PORTION OF LOT NO. 470-R3, MUNICIPALITY OF SANTA RITA WITH AN AREA OF 2855± SQUARE METERS FROM THE CHAMORRO LAND TRUST INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A STORM WATER RETENTION BASIN AND RECONSTRUCTING A WATER RESERVOIR TO COMPLY WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 2011 COURT ORDER.
(Attachment D)

c) AN ACT TO TRANSFER A PORTION OF LOT NO. 10164-1, MUNICIPALITY OF DEDEDO WITH AN AREA OF 1852± SQUARE METERS FROM THE CHAMORRO LAND TRUST INVENTORY AND TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A FUTURE WATER RESERVIOR (TANK) AND RELOCATING A PUMP STATION AS PART OF THE COMPLIANCE ACTIONS REQUIRED TO MEET THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 2011 COURT ORDER. (Attachment E)

1 **RESOLVED**, that the Chairman certified and the Board Secretary attests to the adoption of
2 this Resolution.

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4 **DULY AND REGULARLY ADOPTED**, this 26th day of April 2016.

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6 Certified by:

7 J.T. Duenas
8 **JOSEPH T. DUENAS**
9 Chairperson

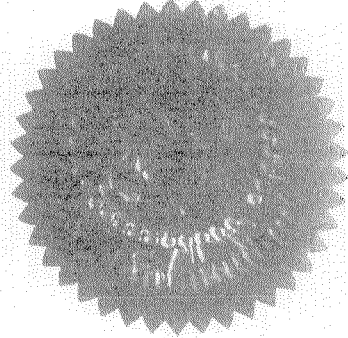
Attested by:

J. George Bamba
J. GEORGE BAMBA
Secretary

10 I, J. George Bamba, Board Secretary of the Consolidated Commission on Utilities, as
11 evidenced by my signature above do hereby certify as follows:

12 The foregoing is a full, true and accurate copy of the resolution duly adopted at a regular
13 meeting by the members of the Guam Consolidated Commission on Utilities, duly and
14 legally held at a place properly noticed and advertised at which meeting a quorum was
15 present and the members who were present voted as follows:

16 AYES:	<u>5</u>
17 NAYS:	<u>0</u>
18 ABSTENTIONS:	<u>0</u>
19 ABSENT:	<u>0</u>



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**CHAMORRO LAND TRUST COMMISSION
RESOLUTION NO. 2016-02**

***Declaration and Designation of Land
for Guam Waterworks Authority Infrastructure Development***

WHEREAS, the Chamorro Land Trust Commission (*hereafter CLTC*), in accordance with Title 21, Section 75105, declares the need to make land available for Guam Waterworks Authority (GWA) infrastructure development;

WHEREAS, the CLTC board of commissioners recognizes GWA's need for additional land for infrastructure development is in the public interest and an immediate necessity;

WHEREAS, the CLTC board of commissioners recognize and acknowledge GWA's immediate need to prepare the desired land and authorize the execution of a "Grant of Right-Of-Way" until law is enacted to assign the property to GWA;

WHEREAS, the CLTC board of commissioners require the land assignment be compensated at a rate and/or process to be determined at a later date to be set in the law assigning the property to GWA;

WHEREAS, on March 17, 2016, the CLTC board of commissioners at their regularly scheduled meeting, Tamuning, Guam, reviewed and approved by a motion to designate as available the proposed land as necessary for the public good to be assigned to the Guam Waterworks Authority by legislative action:

Proposed Lot 5075-REM-A NEW 1, Municipality of Tamuning, consisting of 5,686± square meters, as shown on the proposed Parceling Survey Map, L.M. No. 057FY2016, prepared by Guam Surveyor, LLC, Dennis S. Balagtas, P.L.S. #75, shown in Exhibit "A", currently zoned Residential Multi-Family Dwelling (R2).

NOW THEREFORE BE IT RESOLVED,

1. The Chamorro Land Trust Commission Board of Commissioners approves the listed land and declares this land to be available and designated property for the Guam Waterworks Authority infrastructure development who will be fully responsible for any and all land surveys and land registration, as necessary;
2. The Chamorro Land Trust Commission authorizes the execution of a "Right of Entry Agreement" for the designated property identified above to the Guam Waterworks Authority; and
3. The Chamorro Land Trust Commission Board of Commissioners transmits this Resolution to *Liheslaturan Guahan* with its recommendation to include the designated property in legislation to assign it to the Guam Waterworks Authority with compensation to be determined within a specified period listed in the enacted law.

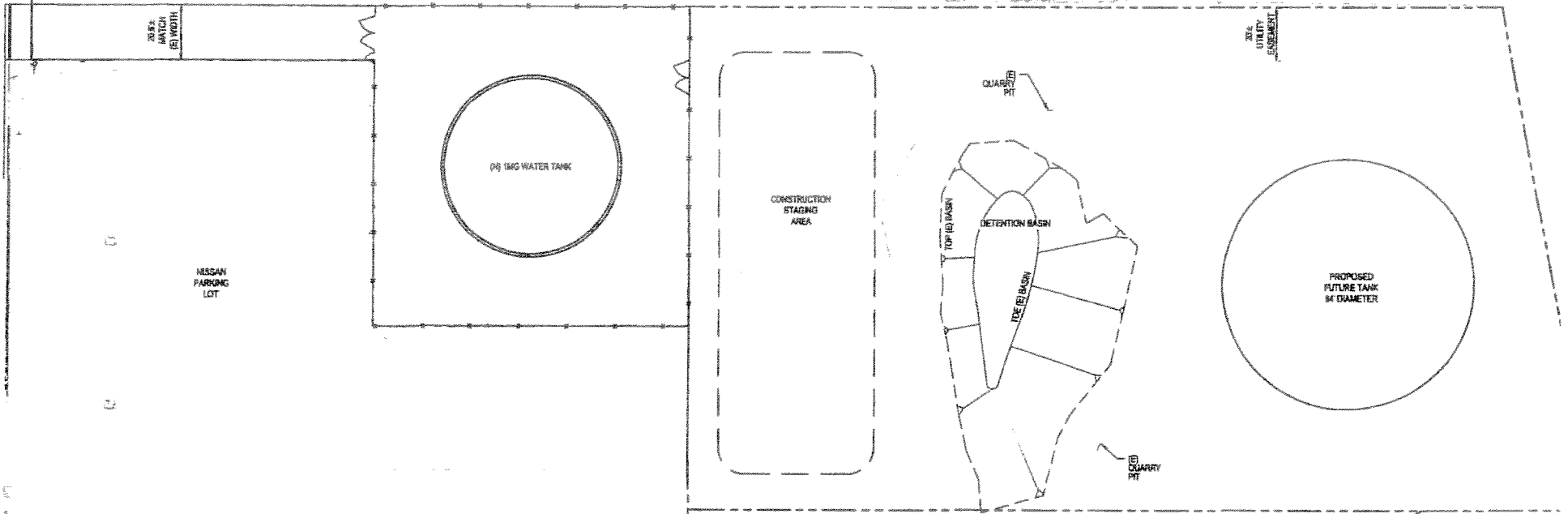
DULY AND REGULARLY ADOPTED BY THE CHAMORRO LAND TRUST COMMISSION THIS 17TH DAY OF MARCH 2016.

**PASCUAL A. SABLAN, Chairman
Chamorro Land Trust Commission**

Date: 4/21/16

**MICHAEL J.B. BORJA, Administrative Director
Chamorro Land Trust Commission**

Date: 4/21/16



LOT 5075 REM-B
(EASTWEST RENTAL)



Drawn: DG/SJD	Designer: BK
Checking: DC	Design Check: AS
Approved: (Project Director)	Date:
Scale: 1" = 25'	

Client: GUAM WATERWORKS AUTHORITY
Project: GWA CENTRAL GUAM RESERVOIRS DESIGN
Title: SITE LAYOUT PLAN
Contract No: 8411830-500
Anal D Drawing No: FIG-1

Note: I indicate signature on original issue of drawing or last revision of drawing.
 Drawn: [] Job: [] Project: [] Date: []
 Checked: []
 Approved: []
 Date: []