

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

Bill No. 374-33 (WP)

Introduced by:

T. C. Ada
B. J. F. Cruz
J. T. Won Pat, Ed.D.
R. J. Respicio

2016
SPT 3
11:50 AM
OCT 2016

**AN ACT TO RESERVE A PORTION OF LOT 5173-1-R2-NEW-R6,
MUNICIPALITY OF TAMUNING, CONTAINING AN AREA OF
EIGHT (8) ACRES MORE OR LESS, FOR USE AS A
CHAMORRO SHRINE AND THE REINTERMENT OF
ANCESTRAL REMAINS.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds that
3 ancestral remains have been discovered over time from sites throughout the island.
4 Public Law 21-104 directed the Department of Parks and Recreation (DPR) to establish
5 a Chamorro Shrine to be called “*Nåftan Mañaina-ta*” for the entombment of ancestral
6 remains, but it did not designate a parcel of land for the establishment of the shrine.
7 According to DPR, there are at least two thousand (2,000) remains, including the
8 *Hornbostel Collection* repatriated from the Bishop Museum in Hawaii, that have been
9 found, collected, and stored at the DNA Building and the Guam Museum that need to be
10 reinterred. There is only one burial site for disinterred ancestral remains.

11 *I Liheslaturan Guahan* further finds that Ypao Point in Tamuning is the most
12 suitable location for the shrine because of its importance in Chamorro cultural landscape
13 and Chamorro history as the site of the only Chamorro victory in the Spanish-Chamorro

1 Wars. Public Law 25-179 placed the property under the administrative jurisdiction of
2 the Chamorro Land Trust Commission.

3 It is the intent of *I Liheslaturan Guahan* to reserve an eight (8) acre portion, more
4 or less, to include “The Rock” and an appropriate buffer zone of land in Ypao Point to
5 DPR for the establishment of the Chamorro Shrine in order to pay homage to our
6 ancestors and provide them a final resting place on Chamorro Lands.

7 **Section 2. Reservation of Land.** Notwithstanding any other provision of law,
8 rule or regulation, eight (8) acres, more or less, including “The Rock” and an appropriate
9 buffer zone, of Lot No. 5173-1-R2NEW-R2, Municipality of Tamuning attached as
10 “Exhibit A”, identified on Map No. 470FY92 and further referenced as Lot No. 5173-1-
11 R2-NEW-R6, Municipality of Tamuning on Map No. 076FY2013 and attached as
12 “Exhibit B”, shall be reserved for use as a Chamorro Shrine to be called “*Nåftan*
13 *Mañaina-ta*” and the interment or re-interment of any other ancestral remains discovered
14 at any other site island wide pursuant to Public Law 21-104 and Title 21, Article 5,
15 Chapter 76 of the Guam Code Annotated. The *Nåftan Mañaina-ta* Shrine shall be
16 contiguous to Lot No. 5173-1-R2NEW-4, Municipality of Tamuning (*Sågan Kotturan*
17 *Chamoru* lot). A digital aerial view of the area is also attached as “Exhibit C”.

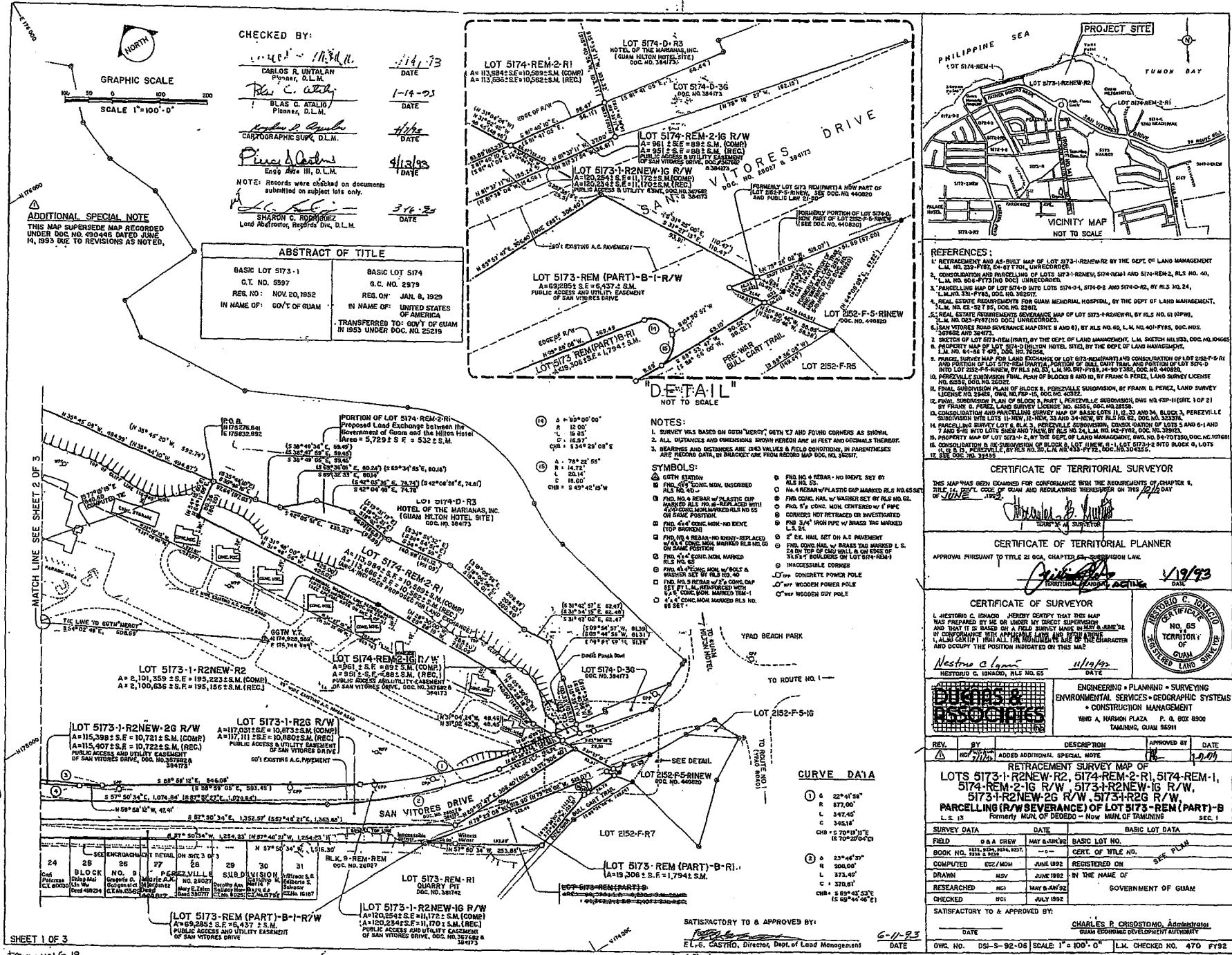
18 **Section 3. Development and Funding of National Shrine.** The Department of
19 Parks and Recreation, through the State Historic Preservation Office, shall develop and
20 submit plans for *Nåftan Mañaina-ta*. DPR shall also provide preliminary estimates for
21 cost of construction and funding suggestions to include recommendations to reconcile
22 developer liability for the reburial of remains found or disinterred in their specific
23 construction site.

24 **Section 4. Survey and Severance of Property.** The Department of Land
25 Management shall survey and sever the subject property in Section 2 of this Act.

26 **Section 5. Severability.** If any provision of this law or its application to any
27 person or circumstance is found to be invalid or contrary to law, such invalidity *shall not*

1 affect other provisions or applications of this law that can be given effect without the
2 invalid provisions or applications and to this end the provisions of this Act are severable.

Exhibit A of Bill No.



Page 1 of 3

Exhibit A of Bill No.

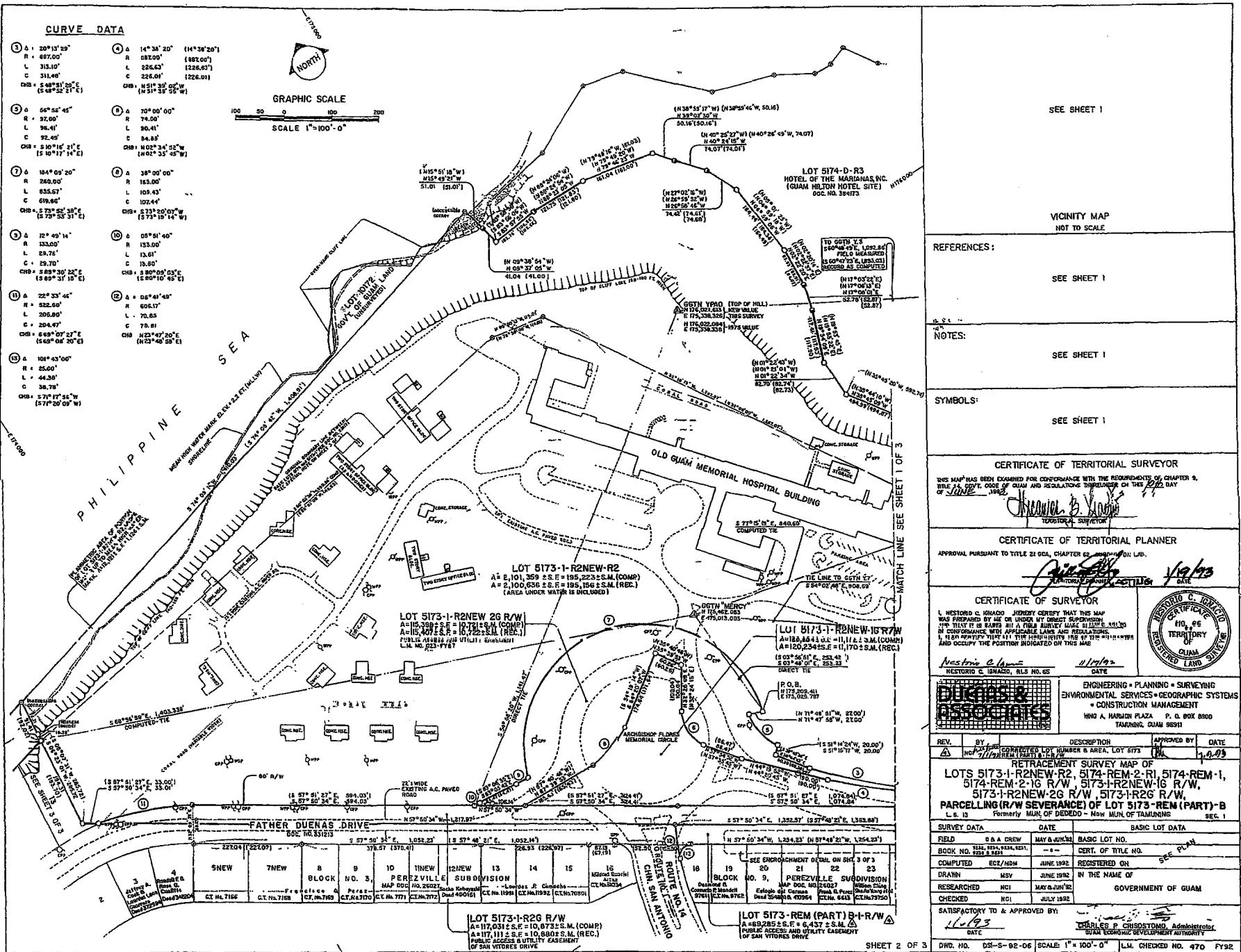


Exhibit B of Bill No.

LEGEND:

- ◊ GGN STATION
- ◊ FOUND 4" CONCRETE MONUMENT, SET BY UNKNOWN DOC NO. 451844
- ◊ FOUND #4 REBAR WITH CAP MARKED PLS 82 UNDOCUMENTED
- ◊ FOUND #4 REBAR WITH CAP MARKED PLS 77 UNDOCUMENTED
- ◊ FOUND 6" X 6" CONCRETE MONUMENT, SET BY UNKNOWN UNDOCUMENTED
- ◊ SET #4 REBAR WITH CAP MARKED DLM
- ◊ TRAVERSE STATION (NAIL OR REBAR SET)
- ◊ CORNER NOT RETRACED
- ◊ FIRE HYDRANT
- ◊ CHAIN LINK FENCE
- ◊ SEWER MAN HOLE
- ◊ ELECTRICAL MAN HOLE
- ◊ POWER MAN HOLE
- ◊ POWER MAN HOLE

SPECIAL NOTE:

- 1) DATA FOR LOT 5173-1-R2NEW-R6 AS SHOWN ON THIS MAP ARE RECORD DATA AND NOT FIELD CONDITION.
- 2) PER PUBLIC LAW 28-126, SECTION 1 (d), THIS IS A "LOT PARCELLING SURVEY AND THEREFORE EXEMPTED FROM THE MAP PROCESSING REQUIREMENTS OF PL. 28-126 SEC. 1 (b).

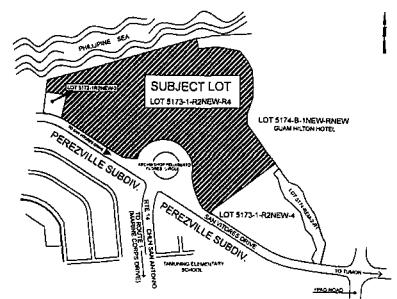
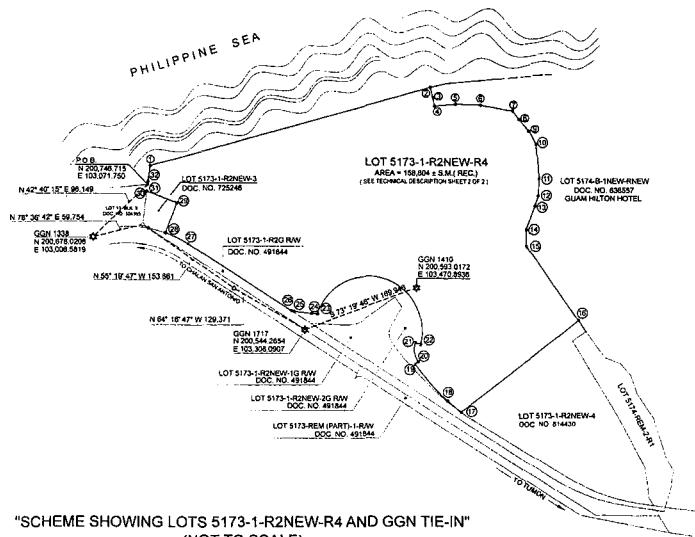
I, Stand On Survey, Government of Guam
Department of Land Management Officer of the Record

File for Record is Instrument No. 851244

On the Year 13 Month 13 Day 13 Time 124

Recording Fee _____

Deputy Recorder Luis M. Mangas



VICINITY MAP (NOT DRAWN TO SCALE)

- NOTES:**
1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN.
 2. ALL DISTANCES ARE IN METERS UNLESS OTHERWISE NOTED.
 3. BEARINGS AND DISTANCES WITHIN PARENTHESES ARE RECORDS NOT RECORDED ON THIS SURVEY. OTHER VALUES ARE APPROXIMATE.
 4. SUBJECT LOT(S) IS / ARE ZONED "R2" MULTI-DWELLING AS PER 1993 OFFICIAL ZONING MAP F387538.
 5. SUBJECT LOT(S) IS / ARE WITHIN THE NORTHERN AQUIFER.
 6. AS-BUILT EXIST ON THE PROPERTY AS OF APPROVAL OF THIS MAP.
 7. CONCRETE HOUSES AS PER-BUILTS ARE ONE STORY, SINGLE FAMILY UNITS.

REFERENCES:

1. RETRACEMENT SURVEY MAP OF LOTS 5173-1-R2NEW-R2, 5173-REM-2-R1, 5173-REM-1-STR-RM-2-1G R/W, 5173-1-R2NEW-1G R/W, 5173-1-R2NEW-3G R/W, 5173-1-R2NEW-4G R/W, 470 FY92, DOC NO. 451844.
2. RECORD SURVEY MAP OF LOTS 5173-REM(PART)-9, BY PLS # 68 DWG. NO. 14-061887, LM. NO. 104 FY 2006, DOC. NO. 723246.
3. LOT PARCELING SURVEY MAP OF LOTS 5173-1-R2NEW-R3, BY PLS # 68 DWG. NO. 14-061704, LM. NO. 004 FY 2011, DOC. NO. 814430.
4. CONSOLIDATION & RE-SUBDIVISION OF BLOCK 8 LOT 1NEW, 11-1, LOT 5173-1-2 INTO BLOCK 8 LOT 11, 12, 13, PEREZVILLE, PREPARED BY JUAN R. MESAARS NO. 20, DWG. NO. N203-333, LM. NO. 433 FY 72, DOC. NO. 304353.

CERTIFICATION AND APPROVALS:

SATISFACTORY TO AND APPROVED BY:

(Signature)
DAVID V. CAMACHO
ACTING DIRECTOR, DEPARTMENT OF LAND MANAGEMENT
ACTING ADMINISTRATIVE DIRECTOR, CHAMORRO LAND TRUST COMMISSION

5/3/13
DATE

CERTIFICATION OF GUAM CHIEF PLANNER
APPROVAL PURSUANT TO TITLE 21, GUAM CODE ANNOTATED, CHAPTER 62, SUBDIVISION LAW.

(Signature)
MARVIN Q. AGUILAR
ACTING GUAM CHIEF PLANNER

5/3/13
DATE

CERTIFICATION OF GUAM CHIEF SURVEYOR/CHIEF OF CADASTRE
THIS SURVEY HAS BEEN EXAMINED FOR PERFORMANCE WITH TITLE 21, GUAM CODE ANNOTATED, CHAPTER 62, ARTICLE 13, LAND TRANSITION SYSTEM AND REGULATIONS THEREUNDER
THIS 3RD DAY OF MAY, 2013

(Signature)
PAUL L. SANTOS, PLS # 68
GUAM CHIEF SURVEYOR / CHIEF OF CADASTRE

5/3/13
DATE

REVISIONS DESCRIPTION BY APPROVED BY DATE

| LOT PARCELING SURVEY MAP OF LOT 5173-1-R2NEW-R4 MUNICIPALITY OF TAMUNING | | | SECTION NO. 1 |
|--|-----------------|-------|-----------------------------|
| LAND SQUARE NO. 13 | | | SURVEY DATA |
| JOB NO. | 5173-1-R2NEW-R4 | DATE | LOT 5173-1 |
| COMPUTED BY | EDGARD T. | DATE | CERTIFICATE NUMBER NO. 6697 |
| DRAWN BY | EDGARD T. | DATE | REGISTERED ON NOV 20, 1952 |
| RESEARCHED | EDGARD T. | DATE | IN THE NAME OF: |
| FIELD BY | DLM CREW | DATE | |
| PERIOD | PLS MAR 2013 | SCALE | GOVERNMENT OF GUAM |
| SCALED IN METRIC SYSTEM AS SHOWN | | | |
| SHEET 1 OF 2 | | | |
| DWG. NO. | 14-013772 | | |
| LM. CHECK NO. | 076 FY 2013 | | |
| GOVERNMENT OF GUAM GOBETTNAIMENTON GUAHAN DEPARTMENT OF LAND MANAGEMENT DIPATTAMENTON MANMANEHAN TANO' LAND SURVEY DIVISION DIBISION AGRAMENSIA TANO' | | | |

| | |
|---|-----------------------------------|
| CERTIFICATION OF PROFESSIONAL LAND SURVEYOR | |
| I, PAUL L. SANTOS, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED ON A FIELD SURVEY AND IS IN ACCORDANCE WITH THE APPLICABLE LAWS AND REGULATIONS, AND THAT I AM RESPONSIBLE FOR THE ACCURACY OF THE DATA AND INFORMATION SHOWN HEREON. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED IN THIS MAP IS TRUE, ACCURATE, AND CONCISE, AND OCCURS IN THE POSITIONS INDICATED ON THIS MAP. | |
| <u>(Signature)</u> | |
| PAUL L. SANTOS | PROFESSIONAL LAND SURVEYOR NO. 68 |
| 5-2-13 | |

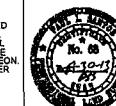


Exhibit B of Bill No.

| LOT 5173-1-R2NEW-R4 (RECORD DATA) | | |
|--------------------------------------|---|-------------|
| COURSE | BEARING | DIST(m) |
| ① | (N 74° 59' 14" E) | (429,778) |
| ② | (S 16° 42' 10" W) | (16,548) |
| ③ | (S 0° 39' 37" E) | (12,505) |
| ④ | (N 85° 57' 55" E) | (31,321) |
| ⑤ | (S 88° 20' 05" E) | (37,109) |
| ⑥ | (N 78° 46' 23" E) | (49,085) |
| ⑦ | (S 35° 02' 03" E) | (15,286) |
| ⑧ | (N 40° 24' 15" E) | (22,577) |
| ⑨ | (S 25° 56' 46" E) | (22,683) |
| ⑩ | (N 54° 59' 05" E) | (50,121) |
| ⑪ | (S 02° 25' 00" E) | (25,982) |
| ⑫ | (N 01° 01' 11" W) | (1,587) |
| ⑬ | (N 15° 52' 00" E) | (15,251) |
| ⑭ | (S 01° 22' 34" E) | (38,207) |
| ⑮ | (S 35° 45' 06" E) | (131,191) |
| ⑯ | (S 52° 22' 30" E) | (219,425) |
| ⑰ | (A = 15° 09' 53") (R = 270,559) (L = 71,557) (C = 71,348) (CHB = N 45° 19' 40" W) | (-) |
| ⑲ | (N 39° 44' 43" W) | (24,475) |
| ⑳ | (N 51° 15' 17" E) | (8,090) |
| ㉑ | (A = 56° 59' 45") (R = 29,556) (L = 29,386) (C = 28,191) (CHB = N 73° 16' 21" W) | (-) |
| ㉒ | (N 71° 47° 48" E) | (8,230) |
| ㉓ | (A = 184° 49' 20") (R = 78,250) (L = 254,713) (C = 158,393) (CHB = N 80° 52' 58" W) | (-) |
| ㉔ | (A = 12° 49' 14") (R = 40,538) (L = 9,071) (C = 9,053) (CHB = N 80° 30' 22" W) | (-) |
| ㉕ | (N 83° 06' 42" W) | (25,747) |
| ㉖ | (A = 05° 51' 40") (R = 40,938) (L = 4,148) (C = 4,145) (CHB = N 80° 09' 53" W) | (-) |
| ㉗ | (N 57° 50' 34" W) | (181,061) |
| ㉘ | (A = 11° 00' 08") (R = 159,289) (L = 31,004) (C = 30,956) (CHB = N 63° 25' 29" W) | (-) |
| ㉙ | (N 20° 58' 57" E) | (43,927) |
| ㉚ | (N 74° 42' 22" W) | (52,064) |
| ㉛ | (N 06° 22' 50" E) | (17,936) |
| ㉜ | (N 06° 23' 01" W) | (4,633) |
| ㉝ | (N 06° 23' 01" W) | (23,229) |
| (AREA = 158,800 ± SQ.M.) | | |

| LOT 5173-1-R2NEW-5 R/W | | |
|------------------------|----------------------|----------|
| COURSE | BEARING | DIST (m) |
| 1 - 2 | N 20° 56' 27"E | 21.177 |
| 2 - 3 | N 48° 07' 43"E | 76.535 |
| 3 - 4 | S 80° 50' 30"E | 6.826 |
| 4 - 5 | S 09° 09' 30"E | 12.162 |
| 5 - 6 | Δ = 31° 42' 47" | |
| | R = 12.192 | |
| | L = 8.748 | |
| | C = 6.662 | |
| | CHB = S 84° 59' 06"E | |
| 6 - 7 | S 49° 07' 43"W | 65.793 |
| 7 - 8 | Δ = 106° 58' 36" | |
| | R = 13.777 | |
| | L = 25.724 | |
| | C = 22.147 | |
| | CHB = S 04° 21' 38"E | |
| 8 - 9 | S 97° 15' 55"E | 8.656 |
| 9 - 1 | Δ = 11° 45' 09" | |
| | R = 159.289 | |
| | L = 30.895 | |
| | C = 30.948 | |
| | CHB = S 63° 31' 44"W | |
| ARHA = 12.192 ± SD M | | |

SEE SHEET 10

| LOT 5173-1-R2NEW-6 | | |
|-----------------------|-----------------|----------|
| COURSE | BEARING | DIST.(M) |
| POB+1 - 2 | N 71° 28' 15" E | 34.844 |
| 2 - 3 | N 61° 05' 05" E | 28.831 |
| 3 - 4 | N 74° 40' 19" E | 30.509 |
| 4 - 5 | S 16° 18' 24" E | 37.176 |
| 5 - 6 | S 49° 07' 43" W | 76.536 |
| 6 - 7 | N20° 56' 27" E | 22.750 |
| 7 - 8 | N 74° 46' 10" W | 52.044 |
| B - POB | N 05° 23' 07" E | 17.973 |
| AREA = 4,129 ± S.Q.M. | | |

... OF GUAM, GOVERNMENT OF GUAM
Department of Land Management Office of the Recorder

On the Year _____ Month _____ Day _____ Time _____
Recording Fee _____ Receipt No. _____
Deputy Recorder *Rosa B. Moran*


JIMMY L. CAMACHO
ENGINEERING TECHNICIAN, DLM

5-3-38/3

DATE

CERTIFICATION OF PROFESSIONAL LAND SURVEYOR

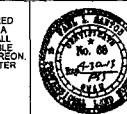
I, PAUL SANTOS, HEREBY CERTIFY THAT THE MAP WHICH WAS PREPARED FOR THE FIELD SURVEY IS A TRUE SURPPOSITION, THE SAME IS BASED ON A FIELD SURVEY MADE ON FEBRUARY 2013 IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS, AND THAT I AM RESPONSIBLE FOR THE PREPARATION OF THE SAME.

I ALSO CERTIFY THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED ON THIS MAP.

R. Santos 5-2-13

PAUL SANTOS
PROFESSIONAL LAND SURVEYOR NO. 68

DATE



**GOVERNMENT OF GUAM
GOBETNAMENTON GUAHAN**
DEPARTMENT OF LAND MANAGEMENT
DIPATTAMENTON MANMANEHAN TANO'
LAND SURVEY DIVISION

Page 2 of 2 S-14242 2/b

Exhibit C of Bill No.



Ypao Point
Lot 5173-1-R2-NEW-R6, Okå, Tamuning