



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

October 4, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-950
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 10/4/11
Time 4:00 PM
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 200-31 (COR) "AN ACT TO APPROVE THE COMMERCIAL LEASE AGREEMENT BY AND BETWEEN THE DEPARTMENT OF LAND MANAGEMENT AND THE MACHECHE PLAZA DEVELOPMENT", which was signed into law on September 30, 2011 as Public Law 31-104.

Senseramente,

EDDIE BAZA CALVO

2011 OCT -5 11 8:08
[Handwritten initials]

Attachment: copy of Bill

950

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 200-31 (COR)**, "AN ACT TO APPROVE THE COMMERCIAL LEASE AGREEMENT BY AND BETWEEN THE DEPARTMENT OF LAND MANAGEMENT AND THE MACHECHE PLAZA DEVELOPMENT," was on the 19th day of September, 2011, duly and regularly passed.



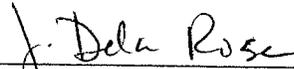
Judith T. Won Pat, Ed.D.
Speaker

Attested:



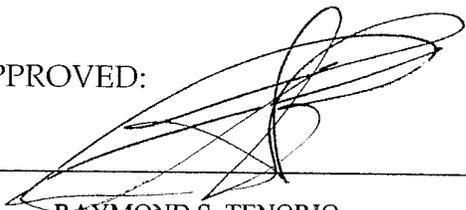
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 20th day of Sept., 2011, at 4:10 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date: **SEP 30 2011**

Public Law No. 31-104

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 200-31 (COR)

As amended by the Committee on Appropriation, Taxation,
Public Debt, Banking, Insurance, Retirement, and Land.

Introduced by:

v. c. pangelinan
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO APPROVE THE COMMERCIAL LEASE
AGREEMENT BY AND BETWEEN THE DEPARTMENT
OF LAND MANAGEMENT AND THE *MACHECHE*
PLAZA DEVELOPMENT.**

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

2 **Section 1. Legislative Statement and Intent.** §68901(a) of Chapter 68,
3 Article 9 of Title 21, Guam Code Annotated, authorized the Department of Land
4 Management, with the approval of *I Maga'lahi* (the Governor) after consultation
5 with the *Dededo* Municipal Planning Council, to enter into commercial lease
6 agreements for properties known as the *Dededo* Buffer Strip. These properties

1 have been leased to numerous business establishments and pursuant to law,
2 commercial leases *cannot* extend more than ten (10) years.

3 In 2000, the *Macheche* Plaza Development entered into a commercial lease
4 agreement with the Department of Land Management, government of Guam, with
5 concurrence by the *Dededo* Municipal Planning Council, and has maintained a
6 portion of the *Dededo* Buffer Strip, particularly identified as Lot 3-R1, Block 1,
7 Tract 91. The lease agreement expired in 2010, and they have requested to enter
8 into another ten (10) year lease with the Department of Land Management,
9 government of Guam. The *Dededo* Municipal Planning Council has supported this
10 request through the passage of Resolution No. 2010-06, dated October 11, 2010,
11 stating that the *Macheche* Plaza Development has complied with the mandates of
12 the lease agreement by the beautification and maintenance of the property.

13 Furthermore, §60112 of Article 1, Division 2 of Chapter 60, Title 21, Guam
14 Code Annotated, as amended, mandated that any government-owned real property
15 *shall not* be leased, sub-leased, exchanged or otherwise transferred without the
16 prior approval by *I Liheslaturan Guåhan*. The *Dededo* Buffer Strip is considered
17 government-owned property, and thereby pursuant to law any lease agreement
18 *shall* be approved by *I Liheslaturan Guåhan*.

19 It is, therefore, the intent of *I Liheslaturan Guåhan* to authorize the
20 Department of Land Management, government of Guam, to enter into a
21 commercial lease agreement with *Macheche* Plaza Development for a portion of
22 the *Dededo* Buffer Strip, particularly identified as Lot 3-R1, Block 1, Tract 91.

23 **Section 2. Approval of Commercial Lease Agreement.**
24 Notwithstanding any other provision of law, *I Liheslaturan Guåhan* hereby
25 approves the commercial lease agreement between the Department of Land
26 Management, government of Guam, and the *Macheche* Plaza Development for a
27 portion of the *Dededo* Buffer Strip, particularly identified as Lot 3-R1, Block 1,

1 Tract 91. The commercial lease agreement *shall* comply with the provisions of
2 §68901(a), Chapter 68, Article 9 of Title 21, Guam Code Annotated, and *shall*
3 contain substantially the terms and conditions as those contained in Attachment A,
4 herein attached.

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

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

ATTACHMENT A

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

DEDEDO BUFFER STRIP LEASE AGREEMENT

This agreement, made this ____ day of _____, 2011, by and between **DEPARTMENT OF LAND MANAGEMENT, GOVERNMENT OF GUAM, LESSOR**, whose address is P.O. Box 2950, Hagatna, Guam 96932, and **MACHECHE PLAZA DEVELOPMENT, LESSEE**, whose address is P. O. Box 691, Hagatna, Guam 96932; and

WHEREAS, Government of Guam is the owner of the "Dededo Buffer Strip", Municipality of Dededo, as identified on Land Management Drawing No. C4-58T399, recorded on the 5th day of August, 1960, under Document No. 39272; and

WHEREAS, the commercial lease of portions of the Dededo Buffer Strip has been authorized by Public Law 23-45, which is codified as 21 G.C.A., Subsection 68901, a portion of which was repealed and reenacted by Public Law 24-59; 24-237; and

WHEREAS, LESSEE is the owner of real property immediately adjacent to the Dededo Buffer Strip and has applied with LESSOR in accordance with applicable law to lease that portion of the Dededo Buffer Strip immediately adjacent to LESSEE'S real property (hereafter LEASED PREMISES); and

WHEREAS, the LEASED PREMISES is described as follows:

That portion of the Dededo Buffer Strip, immediately adjacent to Lot No. 3-R1, Block No. 1, Tract No. 91, Municipality of Dededo and having the same length as the common boundary shared with LESSEE's property, containing an area of 1,912 ± square meters, and

WHEREAS, LESSOR has consulted with the Dededo Municipal Planning Council on the terms and conditions of this LEASE AGREEMENT; and

WHEREAS, LESSEE has obtained approval of beautification plans for the LEASED PREMISES from the Department of Parks and Recreation in consultation with the Dededo Municipal Planning Council; and

WHEREAS, LESSEE has obtained two appraisals, within six months of the date of execution of this LEASE AGREEMENT, from Guam licensed appraisal companies, of the fair market value of the property to be leased, the average of which will be used in determining the annual lease fee for the LEASED PREMISES.

NOW, THEREFORE, in consideration of the terms and conditions set forth in this LEASE AGREEMENT, the PARTIES agree as follows:

1. The LEASED PREMISES shall be used by LESSEE only for the purposes of public parking, and beautification and landscaping.
2. The annual lease fee, which LESSEE SHALL PAY TO LESSOR, is TEN THOUSAND NINE HUNDRED FIFTY DOLLARS (\$10,950.00) which constitutes Six Percent (6%) of the fair market value of the LEASES PREMISES. This annual fee does not exceed Twenty Percent (20%) of the fair market value of the LEASED PREMISES as per the requirements of P.L. 24-59.
3. LESSOR shall immediately deposit all fees collected under this LEASE AGREEMENT into Department of Administration Account No. 5100C052880SE001 (the Dededo Municipal Planning Council Buffer Strip Account – 2/3 to the Dededo Municipal Planning Council and 1/3 to the Yigo Municipal Planning Council).

4. This LEASE AGREEMENT shall be effective and commence only upon date of execution by the Governor of Guam and shall end ten years following the effective date of this LEASE AGREEMENT. In no event shall this LEASE AGREEMENT EXCEED a term of ten (10) years.

5. LESSEE shall provide its first annual lease payment directly to LESSOR at the time LESSEE executes this LEASE AGREEMENT. Thereafter, annual payments shall be made to LESSOR on or before the yearly anniversary of the execution of this LEASE AGREEMENT by the Governor.

6. Should LESSEE fail to meet the annual fee payment obligation, LESSEE shall be in default. Upon failure to cure the default within thirty (30) days after the due date of any payment, LESSOR may terminate the contract without notice and enter upon the premises to take possession thereof. In the event of default under this paragraph, LESSEE shall be liable for the unpaid annual lease fee plus interest as allowed by law.

7. Should LESSEE fail to begin construction of the approved improvements upon the LEASED PREMISES within three (3) months of the commencement of this LEASE AGREEMENT, LESSEE shall be in default and LESSOR may terminate this LEASE AGREEMENT without notice and enter upon the premises to take possession thereof.

In the event of default under this paragraph, the annual lease fee shall be kept by the LESSOR as liquidated damages.

8. LESSEE shall not sell, sublet, assign, or transfer in any way the LEASED PREMISES.

9. LESSEE shall indemnify, defend and hold LESSOR harmless against any claim for loss, liability or damage including claims for property demand by third persons for loss, personal injury or wrongful deaths arising out of any accident on the LEASED PREMISES or in any way related to the LEASED PREMISES.

10. LESSOR shall not be held responsible for, and LESSEE shall indemnify LESSOR against, any claim or suit for loss, liability, or damage on account of any personal injury or death arising out of any accident or incident occurring on the LEASED PREMISES caused by the acts or omissions of LESSEE or its officers, agents, servants or employees.

11. LESSEE shall be responsible for the provision of water and power to the LEASED PREMISES as needed. Water and power are available within 100 feet of the LEASED PREMISES.

12. Should LESSEE change ownership of its private commercial business activity, or sell its assets, this LEASE AGREEMENT shall immediately terminate and the new owner must reapply to lease this property from the Government of Guam.

UPON all the terms and conditions contained herein, LESSOR and LESSEE hereby agree:

LESSEE: _____
GREGG KOSANKE, President
Macheche Plaza Development

DATE: _____

LESSOR: _____
ANISIA B. TERLAJE, Director
Department of Land Management

DATE: _____

ACKNOWLEDGMENT

Tamuning, Guam) SS

On this ____ day of _____, 2011, before me, the undersigned notary, personally appeared ANISIA B. TERLAJE, Director, Department of Land Management (LESSOR), known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal Hagatna, Guam, the day and years first above written.

ACKNOWLEDGMENT

Tamuning, Guam) SS

On this ____ day of _____, 2011, before me, the undersigned notary, personally appeared GREGG KOSANKE, Macheche Plaza Development (LESSEE), known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Hagatna, Guam, the day and years first above written.

APPROVED AS TO LEGALITY AND FORM:

LEONARDO M. RAPADAS
Attorney General of Guam

Date: _____
APPROVED:

EDWARD J.B. CALVO
Governor of Guam

Date: _____

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: Sept. 19, 2011

VOTING SHEET

ABill No. 200-31(COR)

Resolution No. _____

Question: _____

NAME	<u>YEAS</u>	<u>NAYS</u>	NOT VOTING/ <u>ABSTAINED</u>	OUT DURING <u>ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

AUG 29 2011

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guahan
155 Hesler Place
Hagatña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 200-31 (COR), As Amended

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 200-31 (COR), As Amended, "An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development", sponsored by Senator Vicente (ben) Cabrera Pangelinan, which was referred to the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

5 TO PASS

1 NOT TO PASS

0 TO REPORT OUT ONLY

0 TO ABSTAIN

0 TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan
Chairman

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

Aug 29 PM 9:29
[Handwritten signature]

**COMMITTEE REPORT
ON**

Bill No. 200-31 (COR), As Amended

**Sponsored by Senator Vicente (ben) Cabrera
Pangelinan**

**An Act to approve the Commercial Lease
Agreement by and between the Department of
Land Management and the Macheche Plaza
Development.**



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

AUG 29 2011

MEMORANDUM

To: All Members
Committee on Appropriations, Taxation, Public Debt, Banking,
Insurance, Retirement, and Land

From: Senator Vicente (ben) Cabrera Pangelinan
Committee Chairperson

Subject: Committee Report on Bill No. 200-31 (COR, As Amended)

Transmitted herewith for your consideration is the Committee Report on Bill No. 200-31 (COR, As Amended, "An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development", sponsored by Senator Vicente (ben) Cabrera Pangelinan.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 200-31 (COR), As Introduced
4. Copy of Bill No. 200-31 (COR), As Amended
5. Public Hearing Sign-in Sheet
6. Copy of written testimonies
7. Fiscal Note
8. Copy of COR referral Bill No. 200-31 (COR)
9. Notices of Public Hearing
10. Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan
Chairman

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

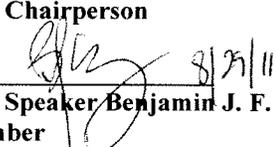
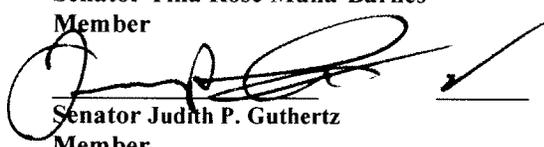
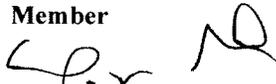
Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Taxation, Banking, Public Debt, Insurance,
Retirement, and Land

Bill No. 200-31 (COR), As Amended: An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development.

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Senator Vicente (ben) Cabrera Pangelinan Chairman	✓				
Speaker Judith T. Won Pat, Ed.D Vice Chairperson					
 Vice Speaker Benjamin J. F. Cruz Member	✓				
Senator Tina Rose Muña-Barnes Member					
 Senator Judith P. Guthertz Member	✓				
Senator Dennis Rodriguez, Jr. Member					
 Senator V. Anthony Ada Member	✓				
 Senator Christopher M. Duenas Member			✓		
 Senator Mana Silva Taijeron Member	✓				



Committee Report

Bill No. 200-31 (COR) As Introduced, Bill No. 200-31, "An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development."

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
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Member
Committee on
Municipal Affairs,
Tourism, Housing, and
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Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

I. OVERVIEW

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land convened a public hearing on June 20, 2011 at 9:00 am in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on June 13, 2011 (5-Day Notice), and again on June 18, 2011 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente "ben" Cabrera Pangelinan, Chairman
Vice Speaker BJ Cruz, Member
Senator Tony Ada, Member
Senator Christopher Duenas, Member
Senator Mana Silva Tajeron, Member
Senator Adolpho Palacios
Senator Aline Yamashita
Senator Sam Mabini

(b) Appearing before the Committee

Mr. Monte Mafnas, Administrative Director, Chamorro Land Trust Commission

(c) Written Testimonies Submitted

Mr. Carlos Untalan, Acting Director of the Department of Land Management
Mr. Gregory Hartkopf, General Manager of Macheche Plaza Development

II. COMMITTEE PROCEEDINGS

(a) Bill Sponsor Summary

Chairman Vicente Pangelinan: Will go ahead and start this morning and I want to thank everyone for their presence this morning on this public hearing by the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land. All notices for the public hearing were issued in conformance with the Open Government Law and this morning we have confirmations and bills before the Committee.

The next bill on the agenda is Bill No. 200, which is “An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development” and I have Mr. Monte Mafnas; Mr. Mafnas, were you going to testify on Bill 200?

(b) Testimonies

Mr. Monte Mafnas: Yes. [translation in *Chamorro*] Greetings. Chairman and Senators, my name is Monte Mafnas from Chamorro Land Trust Commission. The only point I want to state, not to be remiss, but I did not see that the Lessee would pay real estate taxes. It is my opinion that any and all lessees leasing the buffer strip should pay real estate taxes. For example, if this lease were assessed \$100 a year, they would have paid \$1,000. Now, if we were going to extend another ten years, they would have paid \$2,000. If we had five such applicants government of Guam has left \$10,000 on the table. So, that’s my only concern. Thank you.

Chairman Vicente Pangelinan: Thank you Mr. Mafnas. Certainly for that insight and input. Just for the record, the buffer strip is placed under the purview of Land Management and the Mayor’s Office. All the revenues generated by the leases goes to the Municipal Planning Council of Dededo and Yigo and the reason why the bill has to be approved by this body is some additional legislation was passed that requires the lease to come down to the Legislature. But, we certainly thank you for your input.

Mr. Monte Mafnas. I just want to try and effectuate a revenue containment measure. That’s all.

Chairman Vicente Pangelinan. Yes, thank you very much and Si Yu’os Ma’ase.

We will adjourn this public hearing.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land hereby reports out Bill No. 200-31 (COR), As Amended by the Committee with the recommendation To Pass.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION

2011 MAY 16 PM 1:23 EOM

Bill No. 200-31 (COR)
Introduced by:

v.c. pangelinan



**AN ACT TO APPROVE THE COMMERCIAL LEASE AGREEMENT
BY AND BETWEEN THE DEPARTMENT OF LAND MANAGEMENT
AND THE MACHECHE PLAZA DEVELOPMENT.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

8 In 2000, the Macheche Plaza Development entered into a commercial
9 lease agreement with the Department of Land Management, government of
10 Guam with concurrence by the Dededo Municipal Planning Council and has
11 maintained a portion of the Dededo Buffer Strip, particularly identified as
12 Lot No. 3-R1, Block 2, Tract 91. The lease agreement expired in 2010 and
13 has requested to enter into another ten (10) year lease with the Department
14 of Land Management, government of Guam. The Dededo Municipal
15 Planning Council has supported this request through the passage of
16 Resolution No. 2010-06 dated October 11, 2010, stating that the Macheche

1 Plaza Development has complied with the mandates of the lease agreement
2 by the beautification and maintenance of the property.

3 Furthermore, §60112 of Article 1, Division 2 of Chapter 60, Title 21
4 Guam Code Annotated as amended, mandated that any government-owned
5 real property shall not be leased, sub-leased, exchanged or otherwise
6 transferred without the prior approval by *I Liheslaturan Guahan*. The
7 Dededo Buffer Strip is considered government-owned property and thereby
8 pursuant to law mandate that any lease agreement shall be approved by *I*
9 *Liheslaturan Guahan*.

10 It is therefore the intent of *I Liheslaturan Guahan* to authorize the
11 Department of Land Management, government of Guam to enter into a
12 commercial lease agreement with Macheche Plaza Development for a
13 portion of the Dededo Buffer Strip, particularly identified as Lot No. 3-R1,
14 Block 2, Tract 91.

15 **Section 2. Approval of Commercial Lease Agreement.**

16 Notwithstanding any other provision of law, *I Liheslaturan Guahan* hereby
17 approves the commercial lease agreement between the Department of Land
18 Management, government of Guam and the Macheche Plaza Development
19 for a portion of the Dededo Buffer Strip, particularly identified as Lot No. 3-
20 R1, Block 2, Tract 91. The commercial lease agreement shall comply with
21 the provisions of §68901 (a), Chapter 68, Article 9 of Title 21 Guam Code
22 Annotated and herein attached as “Attachment A”.

23 **Section 3. Prohibited Use.** The property shall not be use so as to
24 make the property unusable upon the expiration of the lease term. This shall
25 include such use as ponding basins.

26 **Section 4. Severability.** If any provision of this Law or its
27 application to any person or circumstances is found to be invalid or contrary

- 1 to law, such invalidity shall not affect other provisions or applications of this
- 2 Law which can be given effect without the invalid provisions or application,
- 3 and to this end the provisions of this Law are severable.

ATTACHMENT A

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

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WHEREAS, Government of Guam is the owner of the "Dededo Buffer Strip", Municipality of Dededo, as identified on Land Management Drawing No. C4-58T399, recorded on the 5th day of August, 1960, under Document No. 39272; and

WHEREAS, the commercial lease of portions of the Dededo Buffer Strip has been authorized by Public Law 23-45, which is codified as 21 G.C.A., Subsection 68901, a portion of which was repealed and reenacted by Public Law 24-59; 24-237; and

WHEREAS, LESSEE is the owner of real property immediately adjacent to the Dededo Buffer Strip and has applied with LESSOR in accordance with applicable law to lease that portion of the Dededo Buffer Strip immediately adjacent to LESSEE'S real property (hereafter LEASED PREMISES); and

WHEREAS, the LEASED PREMISES is described as follows:

That portion of the Dededo Buffer Strip, immediately adjacent to Lot No. 3-R1, Block No. 1, Tract No. 91, Municipality of Dededo and having the same length as the common boundary shared with LESSEE's property, containing an area of 1,912 ± square meters, and

WHEREAS, LESSOR has consulted with the Dededo Municipal Planning Council on the terms and conditions of this LEASE AGREEMENT; and

WHEREAS, LESSEE has obtained approval of beautification plans for the LEASED PREMISES from the Department of Parks and Recreation in consultation with the Dededo Municipal Planning Council; and

WHEREAS, LESSEE has obtained two appraisals, within six months of the date of execution of this LEASE AGREEMENT, from Guam licensed appraisal companies, of the fair market value of the property to be leased, the average of which will be used in determining the annual lease fee for the LEASED PREMISES.

NOW, THEREFORE, in consideration of the terms and conditions set forth in this LEASE AGREEMENT, the PARTIES agree as follows:

1. The LEASED PREMISES shall be used by LESSEE only for the purposes of public parking, and beautification and landscaping.

2. The annual lease fee, which LESSEE SHALL PAY TO LESSOR, is TEN THOUSAND NINE HUNDRED FIFTY DOLLARS (\$10,950.00) which constitutes Six Percent (6%) of the fair market value of the LEASES PREMISES. This annual fee does not exceed Twenty Percent (20%) of the fair market value of the LEASED PREMISES as per the requirements of P.L. 24-59.

3. LESSOR shall immediately deposit all fees collected under this LEASE AGREEMENT into Department of Administration Account No. 5100C052880SE001 (the Dededo Municipal Planning Council Buffer Strip Account – 2/3 to the Dededo Municipal Planning Council and 1/3 to the Yigo Municipal Planning Council).

4. This LEASE AGREEMENT shall be effective and commence only upon date of execution by the Governor of Guam and shall end ten years following the effective date of this LEASE AGREEMENT. In no event shall this LEASE AGREEMENT EXCEED a term of ten (10) years.

5. LESSEE shall provide its first annual lease payment directly to LESSOR at the time LESSEE executes this LEASE AGREEMENT. Thereafter, annual payments shall be made to LESSOR on or before the yearly anniversary of the execution of this LEASE AGREEMENT by the Governor.

6. Should LESSEE fail to meet the annual fee payment obligation, LESSEE shall be in default. Upon failure to cure the default within thirty (30) days after the due date of any payment, LESSOR may terminate the contract without notice and enter upon the premises to take possession thereof. In the event of default under this paragraph, LESSEE shall be liable for the unpaid annual lease fee plus interest as allowed by law.

7. Should LESSEE fail to begin construction of the approved improvements upon the LEASED PREMISES within three (3) months of the commencement of this LEASE AGREEMENT, LESSEE shall be in default and LESSOR may terminate this LEASE AGREEMENT without notice and enter upon the premises to take possession thereof.

In the event of default under this paragraph, the annual lease fee shall be kept by the LESSOR as liquidated damages.

8. LESSEE shall not sell, sublet, assign, or transfer in any way the LEASED PREMISES.

9. LESSEE shall indemnify, defend and hold LESSOR harmless against any claim for loss, liability or damage including claims for property demand by third persons for loss, personal injury or wrongful deaths arising out of any accident on the LEASED PREMISES or in any way related to the LEASED PREMISES.

10. LESSOR shall not be held responsible for, and LESSEE shall indemnify LESSOR against, any claim or suit for loss, liability, or damage on account of any personal injury or death arising out of any accident or incident occurring on the LEASED PREMISES caused by the acts or omissions of LESSEE or its officers, agents, servants or employees.

11. LESSEE shall be responsible for the provision of water and power to the LEASED PREMISES as needed. Water and power are available within 100 feet of the LEASED PREMISES.

12. Should LESSEE change ownership of its private commercial business activity, or sell its assets, this LEASE AGREEMENT shall immediately terminate and the new owner must reapply to lease this property from the Government of Guam.

UPON all the terms and conditions contained herein, LESSOR and LESSEE hereby agree:

LESSEE: _____
GREGG KOSANKE, President
Macheche Plaza Development

DATE: _____

LESSOR: _____
ANISIA B. TERLAJE, Director
Department of Land Management

DATE: _____

ACKNOWLEDGMENT

Tamuning, Guam) SS

On this ____ day of _____, 2011, before me, the undersigned notary, personally appeared ANISIA B. TERLAJE, Director, Department of Land Management (LESSOR), known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal Hagatna, Guam, the day and years first above written.

ACKNOWLEDGMENT

Tamuning, Guam) SS

On this ____ day of _____, 2011, before me, the undersigned notary, personally appeared GREGG KOSANKE, Macheche Plaza Development (LESSEE), known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Hagatna, Guam, the day and years first above written.

APPROVED AS TO LEGALITY AND FORM:

LEONARDO M. RAPADAS
Attorney General of Guam

Date: _____
APPROVED:

EDWARD J.B. CALVO
Governor of Guam

Date: _____

**I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION**

Bill No. 200-31 (COR)

Introduced by:

v.c. pangelinan

**As Amended by the Committee on Appropriations, Taxation
Public Debt, Banking, Insurance, Retirement and Land**

**AN ACT TO APPROVE THE COMMERCIAL LEASE AGREEMENT
BY AND BETWEEN THE DEPARTMENT OF LAND MANAGEMENT
AND THE MACHECHE PLAZA DEVELOPMENT.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

8 In 2000, the Macheche Plaza Development entered into a commercial
9 lease agreement with the Department of Land Management, government of
10 Guam with concurrence by the Dededo Municipal Planning Council and has
11 maintained a portion of the Dededo Buffer Strip, particularly identified as
12 Lot 3-R1, Block 1, Tract 91. The lease agreement expired in 2010 and has
13 requested to enter into another ten (10) year lease with the Department of
14 Land Management, government of Guam. The Dededo Municipal Planning
15 Council has supported this request through the passage of Resolution No.
16 2010-06 dated October 11, 2010, stating that the Macheche Plaza

1 Development has complied with the mandates of the lease agreement by the
2 beautification and maintenance of the property.

3 Furthermore, §60112 of Article 1, Division 2 of Chapter 60, Title 21
4 Guam Code Annotated as amended, mandated that any government-owned
5 real property shall not be leased, sub-leased, exchanged or otherwise
6 transferred without the prior approval by *I Liheslaturan Guahan*. The
7 Dededo Buffer Strip is considered government-owned property and thereby
8 pursuant to law mandate that any lease agreement shall be approved by *I*
9 *Liheslaturan Guahan*.

10 It is therefore the intent of *I Liheslaturan Guahan* to authorize the
11 Department of Land Management, government of Guam to enter into a
12 commercial lease agreement with Macheche Plaza Development for a
13 portion of the Dededo Buffer Strip, particularly identified as Lot 3-R1,
14 Block 1, Tract 91.

15 **Section 2. Approval of Commercial Lease Agreement.**

16 Notwithstanding any other provision of law, *I Liheslaturan Guahan* hereby
17 approves the commercial lease agreement between the Department of Land
18 Management, government of Guam and the Macheche Plaza Development
19 for a portion of the Dededo Buffer Strip, particularly identified as Lot 3-R1,
20 Block 1, Tract 91. The commercial lease agreement shall comply with the
21 provisions of §68901 (a), Chapter 68, Article 9 of Title 21 Guam Code
22 Annotated and shall contain substantially the terms and conditions as those
23 contained in Attachment A, herein attached. .

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

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



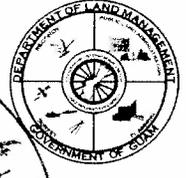
Mina'trentai Unu Na Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE
Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,
INSURANCE, RETIREMENT AND LAND
 Monday, June 20, 2011
Bill No. 200
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
MONTI MAFINAS	CTC	642-4241			✓	

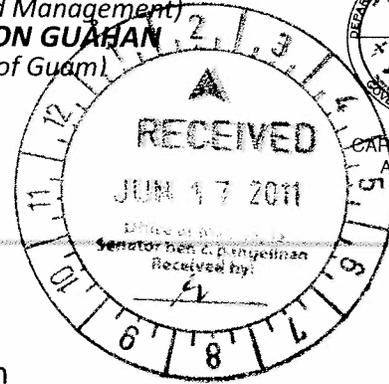


DIPĀTTAMENTON MINANEHAN TĀNO'
 (Department of Land Management)
GUBETNAMENTON GUĀHAN
 (Government of Guam)



EDDIE BAZA CALVO
 Governor of Guam

RAY TENORIO
 Lieutenant Governor of Guam



CARLOS R. UNTALAN
 Acting Director

June 16, 2011

Honorable Senator Vicente (ben) Pangelinan
 Chairman, Committee on Appropriations, Taxation, Public Debt, Banking,
 Insurance, Retirement and Land

SUBJECT: DLM Comment on Bill: 200-31 (COR) - **AN ACT TO APPROVE THE COMMERCIAL LEASE AGREEMENT BY AND BETWEEN THE DEPARTMENT OF LAND MANAGEMENT AND THE MACHECHE PLAZA DEVELOPMENT.**

Bueñas Yan Hafa Adai Senator Pangelinan:

We have reviewed Bill 200-31(COR) and provide our comments as cited below. We recommend the changes as follows:

1. The Lot designation of the Buffer Strip cited on: Page 1, Section 1, Lines 11 - 12; Page 2, Section 1, Lines 13 -14 and Page 2, Section 2, Lines 19 -20, must be corrected as follows:

AS READS: *"... has maintained a portion of the Dededo Buffer Strip, particularly identified as Lot No. 3-R1, Block 2, Tract 91."*

MUST READ: *"... has maintained a portion of the Dededo Buffer Strip, particularly identified as LOT 3-R1, BLOCK 1, TRACT 91."*

2. Recommend that the word "No." as it appears through the Bill and the lease document concerning description of the lot designation be remove as this word is not a part of the legal lot description.
2. Page 2, Section 2, Lines 20 -22. We recommend that the "**ATTACHMENT A**" as reference be removed. If the intent to include the "**ATTACHMENT A**" as a sample lease format, then we have no objection. However, if the intent is for this Department to adhere to the "**ATTACHMENT A**" in its entirety; and that if this Bill is pass into law, we feel that if there are any changes that needs to be made, e.g., name of DLM Director, etc., then an amendment to the Law must first be pursued before the changes can be realize.

Street Address:
 590 S. Marine Corps Drive
 Suite 733 ITC Building
 Tamuning, GU 96913

Mailing Address:
 P.O. Box 2950
 Hagåtña, GU 96932

Website:
<http://dlm.guam.gov>

E-mail Address:
dlm@dlm.guam.gov

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

Continuation of Letter

RE: DLM Comment on Bill: 200-31 (COR)

June 16, 2011

Page 2 of 2

3. Macheche Plaza Development has complied with the requirements to lease the Buffer Strip located as cited in the corrected designation above. Macheche Plaza Development has received the Dededo Municipal Planning Council Resolution No. 2010-06; and has obtained the Department of Parks and Recreation approval in its beautification plans and projects.

We support the Bill to authorize another ten (10) year lease subject to the corrections and recommendations as noted above.

Lastly, since the time of the lease between the parties involved, this Department has never been compensated for its action in all facets in the preparation of the lease. In this current financial downturn in the economy, we are seeking revenues that can supplement the Department's operations. Therefore, we respectfully request that language be included in the Bill that authorizes a percentage of the monies generated from the lease for the compensation of DLMs work.

Thank you for the opportunity to provide our comments.

I can be reached at 649-5263 extension 311 or 612, or Mrs. Margarita Borja, Land Administrator, at extension 410, should you have additional questions or need further clarification.

Senseramente,

Carlos R. Untalan
Acting Director

Cc: Land Administration

MACHECHE PLAZA DEVELOPMENT

POST OFFICE BOX 691 HAGATNA, GUAM 96932
TELEPHONE: (671) 477-5266 FAX: (671) 477-2839

June 20, 2011

Senator Vicente "ben" Pangelinan

324 W. Soledad Avenue
Hagatna, Guam 96910

Re: Written Testimony on:

Bill No. 200-31 (COR): An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development

Dear Senator Pangelinan:

I am writing to provide testimony on the Bill No. 200-31, which is Legislative approval of our proposed buffer strip lease for the land fronting Macheche Plaza. **We fully support Bill No. 200-31 as written with no changes or substitutions.**

This bill is important because it allows us to continue to utilize this strip of land between Macheche Plaza and Marine Corps Drive for excess parking for our shopping center. Furthermore, under the lease agreement, we will be responsible for cleaning and maintaining the property, so that it continues to be attractive and safe. But more importantly, by leasing this property we will be providing the municipality of Dededo with an important revenue stream that will benefit the Dededo community.

We thank you, Senator Pangelinan, and the 31st Guam Legislature for their efforts and support of Bill No. 200-31 and look forward to it's passage.

Best regards,


Gregory Hartkopf
General Manager

**DEDEDO MUNICIPAL PLANNING COUNCIL
MUNICIPALITY OF DEDEDO**

RESOLUTION NO. 2010-06

Introduced by:

Melissa B. Savares, Chairperson

Andrew Peter A. Benavente, Co-Chairperson

MEMBERS

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Artero, Pascual

Chan, Jose Arthur Jr.

Cruz, Ricardo P.

Gines, Bernardo

Mafnas, Frank

San Nicolas, Joseph

San Nicolas, Laura

Tainatongo, Carmen

Wusstig, Ernie

HONORARY MEMBERS

734th AMS-AAFB Representative

NCTS Representative

Relative to the Dededo Municipal Planning Council (DMPC) supporting the Renewal of Lease for Buffer Strip fronting Macheche Plaza, Lot No. 3-R1, Block 1, Tract 91.

BE IT RESOLVED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL OF DEDEDO:

WHEREAS, on October 11, 2010, the members of the Dededo Municipal Planning Council discussed the renewal of lease of Lot No. 3-R1, Block 1, Tract 91, fronting Macheche Plaza; and

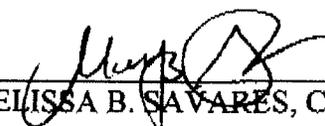
WHEREAS, members of the Dededo Municipal Planning Council have agreed that the Macheche Plaza Development has beautified and maintained the above property for the past ten (10) years and should continue to maintain and beautify the above property for another ten (10) years; and

WHEREAS, the Dededo Municipal Planning Council agrees that the Macheche Plaza Development will pay six (6) percent of the appraised value of the property to the Department of Administration Dededo Buffer Strip Account; and

BE IT RESOLVED that the Dededo Municipal Planning Council supports this request for the Macheche Plaza Development's Renewal of Lease for the Dededo Buffer Strip; 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, the Guam Territorial Land Use Commission and the Governor of Guam.

DULY RECORDED AND REGULARLY ADOPTED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL ON THIS 11th DAY OF October 2010.



MELISSA B. SAVARES, Chairman



YVONNE S. ACDA, Secretary DMPC

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 200-31 (COR)**

AN ACT TO APPROVE THE COMMERCIAL LEASE AGREEMENT BY AND BETWEEN THE DEPARTMENT OF LAND MANAGEMENT AND THE MACHECHE PLAZA DEVELOPMENT.

Department/Agency Appropriation Information

Dept./Agency Affected: Department of Land Management	Dept./Agency Head: Carlos R. Untalan, Acting Director
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Specify) appropriation(s) to date:	3,364,412
Total Department/Agency Appropriation(s) to date:	3,364,412

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance ¹		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Dededo Buffer Strip Revolving Fund	\$10,950	\$3,650	\$10,950	\$10,950	\$10,950	\$10,950
Total	\$10,950	\$3,650	\$10,950	\$10,950	\$10,950	\$10,950

1. Does the bill contain "revenue generating" provisions? /x/ Yes // No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A // Yes // No
If no, what is the additional amount required? \$ _____ /x/ N/A
3. Does the Bill establish a new program/agency? // Yes /x/ No
If yes, will the program duplicate existing programs/agencies? // N/A // Yes /x/ No
Is there a federal mandate to establish the program/agency? // Yes /x/ No
4. Will the enactment of this Bill require new physical facilities? // Yes /x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /x/ Yes // No
// Requested agency comments not received by due date // Other: _____

Analyst: Evelyn G. Fernandez Date: 6/16/11 Director: Denise A. Mangiona Date: 6/16/11

Footnotes:

- 1) See attachment to fiscal note.

**Bureau of Budget & Management Research
Attachment to Fiscal Note No. 200-31 (COR)**

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund					
Dededo Buffer Strip Revolving Fund	<u>\$10,950</u>	<u>\$10,950</u>	<u>\$10,950</u>	<u>\$10,950</u>	<u>\$10,950</u>
Total	\$10,950	\$10,950	\$10,950	\$10,950	\$10,950

Comments:

1/ The annual lease fee, as indicated in the lease agreement (Attachment A), is ten thousand nine hundred fifty dollars (\$10,950) which is six percent (6%) of the fair market value of the leased premises. Public Law 24-59 allows up to twenty percent (20%). It is recommended that a higher rate, not to exceed the limit, be negotiated by the Government.



COMMITTEE ON RULES

I Mina'trentai Unu na Libeslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

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Benjamin J. F. Cruz

Senator
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LEGISLATIVE SECRETARY
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Senator
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Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

May 17, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bills No. 200-31 (COR) through 202-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 200-31(COR) through 202-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os ma'åse!

(2) Attachments

2011 MAY 18 PM 3:52

I Mina' Trentai Unu Na Liheslaturan Guahan

Bill Log Sheet

May 16, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
200-31 (COR)	v. c. pangelinan	AN ACT TO APPROVE THE COMMERCIAL LEASE AGREEMENT BY AND BETWEEN THE DEPARTMENT OF LAND MANAGEMENT AND THE MACHECHE PLAZA DEVELOPMENT.	5/16/11 1:23 p.m.	5/17/11		Committee on Appropriation s. Taxation, Public Debt, Banking, Insurance, Retirement and Land.			



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Budget FY2012 (10)

Hafa Adai,

Calvo (8)

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, June 20, 2011 in the Guam Legislature Public Hearing Room. The following is on the agenda:

campaign 2010 (3)

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

CMTF (1)

*gi Lunes, gi diha 20 gi Huño, 2011
(Monday, June 20, 2011)*

DC-Conf Trip

*Kuátton Inekungok Pupbleko gi I Liheslaturan Guåhan
(Guam Legislature Public Hearing Room)*

Democrat Speech

*Alas nuebi gi egga'an despu
(9:00 AM)*

Dos Amantes

**TAREHA
(AGENDA)**

Farmer's Coop

**Komfitmasion Siha:
(Confirmation hearings)**

Faxes

Confirmation of Mr. Artemio B. Illagan, Guam Banking and Insurance Commissioner
Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board
Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board
Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board
Confirmation of Mr. Craig R. Thompson, Member, Alcoholic Beverage Control Board

Faxes 31GL

**Priniponi Siha
(Bills)**

Fundraiser 2010

Bill No. 43-31 (COR): An Act to Add a New Chapter 81 to Title 21, Guam Code Annotated relative to the Deployment of Broad band and Telecommunications Infrastructure on Public Rights of Way.

FY11 Comm Rpts

Bill No. 144-31 (COR): An Act to repeal and amend Chapter 28, Title 11 of the Guam Code Annotated relative to "Use Tax Law" Exemptions.

GEDA

Bill No. 146-31 (COR): An Act to place limitations on the importation of cigarettes and smokeless tobacco products by amending §6602 of Article 6, and by adding a New §6603 to Article 6 of Chapter 6 of Title 11 of the Guam Code Annotated.

Grants (242)

Bill No. 162-31 (COR): An Act to amend §70132 of Title 11 of the Guam Code Annotated Relative to clearances required to obtain, renew or cancel a business license or any other license issued by a regulating agency or board.

Messages Comm

Bill No. 174-31 (COR): An Act to repeal and re-enact §61214 of Title 12, Guam Code Annotated, Relative to authorizing "Split-Zone Elections".

Messages Comm 3...

Bill No. 181-31 (COR): An Act to amend Title 16 Guam Code Annotated, Chapter 5 Relative to the creation of truck weigh stations on Guam.

Military Buildup (2)

Bill No. 200-31 (COR): An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development

NCSL Fall Seminar...

Bill No. 207-31 (COR): An Act to authorize the Department of Land Management to exchange a portion of Government of Guam land and deed Lot No. 1NEW-6, within Block No. 24, Municipality of Hagatna to Adrian L. Cristobal and Concepcion F. Cristobal pursuant to Civil Case No. CV230-88 recorded under Document No. 478218.

PA Docs

Bill No. 208-31 (COR): An Act to amend §60900 and add a new §60909 and §60910 of Article 9, Chapter 60, Title 21 Guam Code Annotated

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• Artemio Hernandez

• Chris Budasi

• Edison Manaloto

• Stephanie Mendiola

relative to the construction of a new Department of Land Management Building in Hagatna.

Bill No. 210-31 (COR): An Act to add a new Chapter 53 to Title 11 of the Guam Code Annotated to provide the Department of Revenue and Taxation Enforcement and Collection Resources to target high risk, cash-based businesses and for non-licensed businesses engaged in military construction projects. This Act shall be known as “The Cash Economy Enforcement Act of 2011”.

Bill No. 219-31 (COR): An Act to Amend Section 33106, Chapter 33, Title 7 Guam Code Annotated relative to Mechanics Lien.

Yanggen un nisisita espiãt na setbisio put fabot àgang i Ifsinan Senadot ben pangelinan gi 473-423677, i-mel si senbenp@guam.net patsino hãlom gi i uepsait gi <http://www.senbenp.com> Este na nutisiu inapãsi nu i fendon gubetnamento.

If you require any special accommodations, please contact the Office of Senator ben pangelinan at 473-4236 , email at senbenp@guam.net or log onto <http://www.senbenp.com>

--
Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
(671) 473-4236
cipo@guamlegislature.org

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Hafa Adai,

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, June 20, 2011 in the Guam Legislature Public Hearing Room. The following is on the agenda:

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

*gi Lunes, gi diha 20 gi Huño, 2011
(Monday, June 20, 2011)*

*Kuátton Inekungok Pupbleko gi I Liheslaturan Guáhan
(Guam Legislature Public Hearing Room)*

*Alas nuebi gi egga'an despu
(9:00 AM)*

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(AGENDA)**

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(Confirmation hearings)**

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Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board
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(Bills)**

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date: Sat, Jun 18, 2011 at 10:42 AM
subject: Public Hearing - Second Notice
mailto: guamlegislature.org

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, June 20, 2011 beginning at 9:00am in the Guam Legislature Public Hearing Room. The agenda is as follows:

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Lunes, gi diha 20 gi Huño, 2011 (Monday, June 20, 2011)

Kuátton Inekungok Pupleko gi I Liheslaturan Guáhan (Guam Legislature Public Hearing Room)

Alas nuebi gi egga'an despu (9:00 AM)

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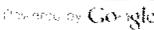
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Senator Vicente (ben) Cabrera Pangelinan (D)

June 18, 2011

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice – SECOND NOTICE

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am, Monday, June 20, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

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Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board

Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board

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Website: <http://senbenp.com>

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I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 18, 2011

Memorandum

To: Media

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice – SECOND NOTICE

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
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Human Services, Senior
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to phnotice@guamlegislature.org
date Sat, Jun 18, 2011 at 10:43 AM
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gi Lunes, gi diha 20 gi Huño, 2011 (Monday, June 20, 2011)

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Chelsa Muna-Brecht
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Edison Manaloto

Bill No. 219-31 (COR): An Act to Amend Section 33106, Chapter 33, Title 7 Guam Code Annotated relative to Mechanics Lien.

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Lisa Cipollone
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Office of Senator ben c. pangelinan
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Senator Rory J. Respicio

Jun 18 (9 days ago)

Nicole Santos to me

Jun 20 (7 days ago) [Reply](#)

Was Bill 43 heard? I just missed about 30 mins. Could you give me a quick run-down of what happened w/ Bill 43? Thanks, Lisa.

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--
Nicole Santos
Senior Policy Analyst
Office of Senator Thomas C. Ada
I Mina'trentai Unu Na Liheslaturan Guáhan - 31st Guam Legislature
671-473-3301

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INEKUNGOK PUPBLEKO (PUBLIC HEARING)
gi Lunes, gi diha 20 gi Huño, 2011 (Monday, June 20, 2011)
Kuáttion Inekungok Pubbleko gi I Liheslaturan Guáhan
(Guam Legislature Public Hearing Room)
Alas nuebi gi egga'an despu (9:00 AM)
TAREHA (AGENDA)

Konfirmasion Siha (Confirmation hearings):

Confirmation of Mr. Artemio B. Ilagan, Guam Banking and Insurance Commissioner
 Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board
 Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board
 Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board
 Confirmation of Mr. Craig R. Thompson, Member, Alcoholic Beverage Control Board

Priniponi Siha (Bills):

Bill No. 43-31 (COR): An Act to Add a New Chapter 81 to Title 21, Guam Code Annotated relative to the Deployment of Broad band and Telecommunications Infrastructure on Public Rights of Way.

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**Senator Vicente "ben" Cabrera Pangelinan
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**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

***gi Lunes, gi diha 20 gi Huño, 2011
(Monday, June 20, 2011)***

***Kuátton Inekungok Pupbleko gi I Lihselaturan Guahan
(Guam Legislature Public Hearing Room)***

***Alas nuebi gi egga'an despu
(9:00 AM)***

**TAREHA
(AGENDA)**

***Komfitmasion Siha:
(Confirmation hearings)***

**Confirmation of Mr. Artemio B. Illagan, Guam Banking and Insurance Commissioner
Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board
Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board
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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION

2011 MAY 16 PM 1:23 EDM

Bill No. 200-31 (COR)
Introduced by:

v.c. pangelinan



**AN ACT TO APPROVE THE COMMERCIAL LEASE AGREEMENT
BY AND BETWEEN THE DEPARTMENT OF LAND MANAGEMENT
AND THE MACHECHE PLAZA DEVELOPMENT.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

8 In 2000, the Macheche Plaza Development entered into a commercial
9 lease agreement with the Department of Land Management, government of
10 Guam with concurrence by the Dededo Municipal Planning Council and has
11 maintained a portion of the Dededo Buffer Strip, particularly identified as
12 Lot No. 3-R1, Block 2, Tract 91. The lease agreement expired in 2010 and
13 has requested to enter into another ten (10) year lease with the Department
14 of Land Management, government of Guam. The Dededo Municipal
15 Planning Council has supported this request through the passage of
16 Resolution No. 2010-06 dated October 11, 2010, stating that the Macheche

1 Plaza Development has complied with the mandates of the lease agreement
2 by the beautification and maintenance of the property.

3 Furthermore, §60112 of Article 1, Division 2 of Chapter 60, Title 21
4 Guam Code Annotated as amended, mandated that any government-owned
5 real property shall not be leased, sub-leased, exchanged or otherwise
6 transferred without the prior approval by *I Liheslaturan Guahan*. The
7 Dededo Buffer Strip is considered government-owned property and thereby
8 pursuant to law mandate that any lease agreement shall be approved by *I*
9 *Liheslaturan Guahan*.

10 It is therefore the intent of *I Liheslaturan Guahan* to authorize the
11 Department of Land Management, government of Guam to enter into a
12 commercial lease agreement with Macheche Plaza Development for a
13 portion of the Dededo Buffer Strip, particularly identified as Lot No. 3-R1,
14 Block 2, Tract 91.

15 **Section 2. Approval of Commercial Lease Agreement.**

16 Notwithstanding any other provision of law, *I Liheslaturan Guahan* hereby
17 approves the commercial lease agreement between the Department of Land
18 Management, government of Guam and the Macheche Plaza Development
19 for a portion of the Dededo Buffer Strip, particularly identified as Lot No. 3-
20 R1, Block 2, Tract 91. The commercial lease agreement shall comply with
21 the provisions of §68901 (a), Chapter 68, Article 9 of Title 21 Guam Code
22 Annotated and herein attached as “Attachment A”.

23 **Section 3. Prohibited Use.** The property shall not be use so as to
24 make the property unusable upon the expiration of the lease term. This shall
25 include such use as ponding basins.

26 **Section 4. Severability.** If any provision of this Law or its
27 application to any person or circumstances is found to be invalid or contrary

- 1 to law, such invalidity shall not affect other provisions or applications of this
- 2 Law which can be given effect without the invalid provisions or application,
- 3 and to this end the provisions of this Law are severable.

ATTACHMENT A

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

DEDEDO BUFFER STRIP LEASE AGREEMENT

This agreement, made this ____ day of _____, 2011, by and between **DEPARTMENT OF LAND MANAGEMENT, GOVERNMENT OF GUAM, LESSOR**, whose address is P.O. Box 2950, Hagatna, Guam 96932, and **MACHECHE PLAZA DEVELOPMENT, LESSEE**, whose address is P. O. Box 691, Hagatna, Guam 96932; and

WHEREAS, Government of Guam is the owner of the "Dededo Buffer Strip", Municipality of Dededo, as identified on Land Management Drawing No. C4-58T399, recorded on the 5th day of August, 1960, under Document No. 39272; and

WHEREAS, the commercial lease of portions of the Dededo Buffer Strip has been authorized by Public Law 23-45, which is codified as 21 G.C.A., Subsection 68901, a portion of which was repealed and reenacted by Public Law 24-59; 24-237; and

WHEREAS, LESSEE is the owner of real property immediately adjacent to the Dededo Buffer Strip and has applied with LESSOR in accordance with applicable law to lease that portion of the Dededo Buffer Strip immediately adjacent to LESSEE'S real property (hereafter LEASED PREMISES); and

WHEREAS, the LEASED PREMISES is described as follows:

That portion of the Dededo Buffer Strip, immediately adjacent to Lot No. 3-R1, Block No. 1, Tract No. 91, Municipality of Dededo and having the same length as the common boundary shared with LESSEE's property, containing an area of 1,912 ± square meters, and

WHEREAS, LESSOR has consulted with the Dededo Municipal Planning Council on the terms and conditions of this LEASE AGREEMENT; and

WHEREAS, LESSEE has obtained approval of beautification plans for the LEASED PREMISES from the Department of Parks and Recreation in consultation with the Dededo Municipal Planning Council; and

WHEREAS, LESSEE has obtained two appraisals, within six months of the date of execution of this LEASE AGREEMENT, from Guam licensed appraisal companies, of the fair market value of the property to be leased, the average of which will be used in determining the annual lease fee for the LEASED PREMISES.

NOW, THEREFORE, in consideration of the terms and conditions set forth in this LEASE AGREEMENT, the PARTIES agree as follows:

1. The LEASED PREMISES shall be used by LESSEE only for the purposes of public parking, and beautification and landscaping.
2. The annual lease fee, which LESSEE SHALL PAY TO LESSOR, is TEN THOUSAND NINE HUNDRED FIFTY DOLLARS (**\$10,950.00**) which constitutes Six Percent (6%) of the fair market value of the LEASES PREMISES. This annual fee does not exceed Twenty Percent (20%) of the fair market value of the LEASED PREMISES as per the requirements of P.L. 24-59.
3. LESSOR shall immediately deposit all fees collected under this LEASE AGREEMENT into Department of Administration Account No. 5100C052880SE001 (the Dededo Municipal Planning Council Buffer Strip Account – 2/3 to the Dededo Municipal Planning Council and 1/3 to the Yigo Municipal Planning Council).

4. This LEASE AGREEMENT shall be effective and commence only upon date of execution by the Governor of Guam and shall end ten years following the effective date of this LEASE AGREEMENT. In no event shall this LEASE AGREEMENT EXCEED a term of ten (10) years.

5. LESSEE shall provide its first annual lease payment directly to LESSOR at the time LESSEE executes this LEASE AGREEMENT. Thereafter, annual payments shall be made to LESSOR on or before the yearly anniversary of the execution of this LEASE AGREEMENT by the Governor.

6. Should LESSEE fail to meet the annual fee payment obligation, LESSEE shall be in default. Upon failure to cure the default within thirty (30) days after the due date of any payment, LESSOR may terminate the contract without notice and enter upon the premises to take possession thereof. In the event of default under this paragraph, LESSEE shall be liable for the unpaid annual lease fee plus interest as allowed by law.

7. Should LESSEE fail to begin construction of the approved improvements upon the LEASED PREMISES within three (3) months of the commencement of this LEASE AGREEMENT, LESSEE shall be in default and LESSOR may terminate this LEASE AGREEMENT without notice and enter upon the premises to take possession thereof.

In the event of default under this paragraph, the annual lease fee shall be kept by the LESSOR as liquidated damages.

8. LESSEE shall not sell, sublet, assign, or transfer in any way the LEASED PREMISES.

9. LESSEE shall indemnify, defend and hold LESSOR harmless against any claim for loss, liability or damage including claims for property demand by third persons for loss, personal injury or wrongful deaths arising out of any accident on the LEASED PREMISES or in any way related to the LEASED PREMISES.

10. LESSOR shall not be held responsible for, and LESSEE shall indemnify LESSOR against, any claim or suit for loss, liability, or damage on account of any personal injury or death arising out of any accident or incident occurring on the LEASED PREMISES caused by the acts or omissions of LESSEE or its officers, agents, servants or employees.

11. LESSEE shall be responsible for the provision of water and power to the LEASED PREMISES as needed. Water and power are available within 100 feet of the LEASED PREMISES.

12. Should LESSEE change ownership of its private commercial business activity, or sell its assets, this LEASE AGREEMENT shall immediately terminate and the new owner must reapply to lease this property from the Government of Guam.

UPON all the terms and conditions contained herein, LESSOR and LESSEE hereby agree:

LESSEE: _____
GREGG KOSANKE, President
Macheche Plaza Development

DATE: _____

LESSOR: _____
ANISIA B. TERLAJE, Director
Department of Land Management

DATE: _____

ACKNOWLEDGMENT

Tamuning, Guam) SS

On this ____ day of _____, 2011, before me, the undersigned notary, personally appeared ANISIA B. TERLAJE, Director, Department of Land Management (LESSOR), known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal Hagatna, Guam, the day and years first above written.

ACKNOWLEDGMENT

Tamuning, Guam) SS

On this ____ day of _____, 2011, before me, the undersigned notary, personally appeared GREGG KOSANKE, Macheche Plaza Development (LESSEE), known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Hagatna, Guam, the day and years first above written.

APPROVED AS TO LEGALITY AND FORM:

LEONARDO M. RAPADAS
Attorney General of Guam

Date: _____
APPROVED:

EDWARD J.B. CALVO
Governor of Guam

Date: _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION

2011 MAY 16 PM 1:23 EDM

Bill No. 200-31 (COR)
Introduced by:

v.c. pangelinan



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In the event of default under this paragraph, the annual lease fee shall be kept by the LESSOR as liquidated damages.

8. LESSEE shall not sell, sublet, assign, or transfer in any way the LEASED PREMISES.

9. LESSEE shall indemnify, defend and hold LESSOR harmless against any claim for loss, liability or damage including claims for property demand by third persons for loss, personal injury or wrongful deaths arising out of any accident on the LEASED PREMISES or in any way related to the LEASED PREMISES.

10. LESSOR shall not be held responsible for, and LESSEE shall indemnify LESSOR against, any claim or suit for loss, liability, or damage on account of any personal injury or death arising out of any accident or incident occurring on the LEASED PREMISES caused by the acts or omissions of LESSEE or its officers, agents, servants or employees.

11. LESSEE shall be responsible for the provision of water and power to the LEASED PREMISES as needed. Water and power are available within 100 feet of the LEASED PREMISES.

12. Should LESSEE change ownership of its private commercial business activity, or sell its assets, this LEASE AGREEMENT shall immediately terminate and the new owner must reapply to lease this property from the Government of Guam.

UPON all the terms and conditions contained herein, LESSOR and LESSEE hereby agree:

LESSEE: _____
GREGG KOSANKE, President
Macheche Plaza Development

DATE: _____

LESSOR: _____
ANISIA B. TERLAJE, Director
Department of Land Management

DATE: _____

ACKNOWLEDGMENT

Tamuning, Guam) SS

On this ____ day of _____, 2011, before me, the undersigned notary, personally appeared ANISIA B. TERLAJE, Director, Department of Land Management (LESSOR), known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal Hagatna, Guam, the day and years first above written.

ACKNOWLEDGMENT

Tamuning, Guam) SS

On this ____ day of _____, 2011, before me, the undersigned notary, personally appeared GREGG KOSANKE, Macheche Plaza Development (LESSEE), known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Hagatna, Guam, the day and years first above written.

APPROVED AS TO LEGALITY AND FORM:

LEONARDO M. RAPADAS
Attorney General of Guam

Date: _____
APPROVED:

EDWARD J.B. CALVO
Governor of Guam

Date: _____