EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

MAY 19 2016

33-16-1654
Office of the Speaker
Judith T. Won Pat, Ed.D
Date: 05-19-16
Time: 3:22pm
Received By:

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

Dear Madame Speaker:

Transmitted herewith is Bill No. 263-33 (LS), "**AN ACT TO *AMEND* PUBLIC LAW 30-46, RELATIVE TO CORRECTING THE LOT SIZE OF THE EASEMENT KNOWN AS THE *"GOVERNMENT ALLEY,"* IN THE MUNICIPALITY OF *AGANA*,**" which was signed into law on May 17, 2016, as **Public Law 33-156.**

Senseramente,

EDDIE BAZA CALVO

2016 MAY 19 PM 4:12

P.O. Box 2950 • Hagatna, Guam 96932
Tel: (671) 472-8931 • Fax: (671) 477-4826 • governor.guam.gov • calendar.guam.gov
Eddie Baza Calvo @eddiebazacalvo @governorcalvo governorofguam

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

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN*

This is to certify that **Bill No. 263-33 (LS), "AN ACT TO *AMEND* PUBLIC LAW 30-46, RELATIVE TO CORRECTING THE LOT SIZE OF THE EASEMENT KNOWN AS THE "*GOVERNMENT ALLEY*," IN THE MUNICIPALITY OF *AGANA*,"** was on the 3rd day of May 2016, 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'låhen Guåhan* this 17 day of May, 2016, at 4:46 o'clock P.M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: MAY 17 2016

Public Law No. 33-156

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

Bill No. 263-33 (LS)
As amended by the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement.

Introduced by:

T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
B. J.F. Cruz
James V. Espaldon
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* PUBLIC LAW 30-46, RELATIVE TO CORRECTING THE LOT SIZE OF THE EASEMENT KNOWN AS THE "*GOVERNMENT ALLEY*," IN THE MUNICIPALITY OF *AGANA*.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Statement and Intent. Public Law 30-46 authorized the sale of an easement known as the "*Government Alley,*" in the municipality of *Agana,* to Mr. and Mrs. Ralph Sablan; however, the stated size of the land in this public law is incorrect and well outside the acceptable parameters of

error. This Act seeks to correct the area size of the land in order to complete the sale of this property.

I Liheslaturan Guåhan finds that Public Law 30-46 identified the easement size as an area that was roughly estimated to be fifty-eight and five-tenths (58.5) more or less square meters. Upon execution of this law, a survey map required by the Department of Land Management found the total area to be seventy-three (73) more or less square meters.

I Liheslaturan Guåhan further finds that Mr. and Mrs. Ralph Sablan completed and paid for the two (2) appraisals of the easement based on an area size of fifty-eight and five-tenths (58.5) more or less square meters.

Section 2. Section 2 of Public Law 30-46 is hereby *amended* to read as follows:

"**Section 2. Authorization to Sale Government Alley Easement.** *I Maga'låhen Guåhan* is hereby authorized to sell the easement known as the "*Government Alley,*" that has a total land area of seventy-three (73) more or less square meters, as shown on Exhibit "A-2" as Pre-War Alley Between Lot 239-4-1 & Lot 239-1, 239-2 & Lot 239-3, Municipality of *Agana*, dated December 1, 2015, to Mr. Ralph Gregory and Mrs. Janiece Annette Sablan for its appraised fair market value. The Director of the Department of Land Management *shall* select two (2) appraisers to determine the fair market value of the "*Government Alley.*" The cost of the appraisal and all necessary fees *shall* be paid by the Sablans."

Section 3. Exemptions of Determination of Fair Market Value. Based on § 2107 of Title 2, Guam Code Annotated, land appraisals have been conducted but were done prior to the survey of the land. Therefore, appraisals do *not* need to be conducted again and the appraisals done prior will stand. Furthermore, the price

of the land *shall* be based on the average of the two (2) appraisals already obtained, determining the price per square meter, and applying it to the corrected lot size.

Section 4. Purchase Payment. Pursuant to Public Law 33-90, purchase payment *shall* be made payable to the Treasurer of Guam, Account No. 366957001 (CLTC-Sale of Government Land).

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

EXHIBIT "A-1"
LEGAL DESCRIPTION
PRE-WAR ALLEY BETWEEN LOT 239-4-1 & LOT 239-1, LOT 239-2, & LOT 239-3

THAT PORTION OF LAND IN THE TERRITORY OF GUAM, MUNICIPALITY OF AGANA, LOCATED BETWEEN LOT 239-4-1 AND LOT 239-1-2, LOT 239-2, & LOT 239-3, AS SHOWN ON DOC. NO. 624375, L.M. NUMBER 323-FY78, RECORDED IN THE RECORDS DIVISION OF THE DEPARTMENT OF LAND MANAGEMENT, MORE CLOSELY DESCRIBED BELOW:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 239-4-1, AS SHOWN ON SAID DOC. NO. 624375, LM. NO. 323-FY78, RECORDED IN THE DEPARTMENT OF LAND MANAGEMENT, SAID POINT BEING ON THE NORTH LINE OF WEST O'BRIEN DRIVE, AT A #4 REBAR WITH CAP MARKED "PLS77", HAVING A 1993 COORDINATE VALUE OF NORTH 197368.4725 METERS, EAST 99267.5725 METERS, LOCATED SOUTH 81°40'29" EAST, A DISTANCE OF 152.651 METERS FROM THE 1993 GUAM GEODETIC MONUMENT 1449, HAVING A COORDINATE VALUE OF NORTH 197,390.5755 METERS, EAST 99,116.5303 METERS;

THENCE ALONG THE SAID NORTH RIGHT OF WAY LINE OF WEST O'BRIEN DRIVE, NORTH 71°25'49" WEST, A DISTANCE OF 2.646 METERS TO A POINT ON THE EAST LINE OF LOT 239-3;

THENCE ALONG THE EAST LINES OF LOT 239-3, LOT 239-2, AND LOT 239-1, NORTH 14°54'23" EAST, A DISTANCE OF 27.662 METERS TO THE SOUTH RIGHT OF WAY LINE OF LEGASPI STREET;

THENCE EASTERLY LEAVING SAID EAST LINE OF LOT 239-1, ALONG SAID SOUTH RIGHT OF WAY LINE OF LEGASPI STREET, SOUTH 64°44'52" EAST, A DISTANCE OF 2.685 METERS TO THE NORTHWEST CORNER OF SAID LOT 239-4-1, AS SHOWN ON DOC. NO. 624375;

THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE OF LEGASPI STREET, SOUTH 14°54'23" WEST, A DISTANCE OF 27.348 METERS TO THE POINT OF BEGINNING.

SAID DESCRIPTION CONTAINS AN AREA OF 73±SQUARE METERS, MORE OR LESS, WITH EXHIBIT "A-2" SHOWN ATTACHED AND MADE A PART HEREOF.

PREPARED BY:

03/03/2016 REV

DENNIS S. BALAGTAS — DATE
PROFESSIONAL LAND SURVEYOR NO. 75

DENNIS S. BALAGTAS CERTIFICATE No. 75 GUAM PROFESSIONAL LAND SURVEYOR

EXHIBIT "A-2"
PRE-WAR ALLEY BETWEEN LOT 239-4-1 & LOT 239-1, 239-2, & LOT 239-3
MUNICPALITY OF AGANA, TERRITORY OF GUAM

LEGEND

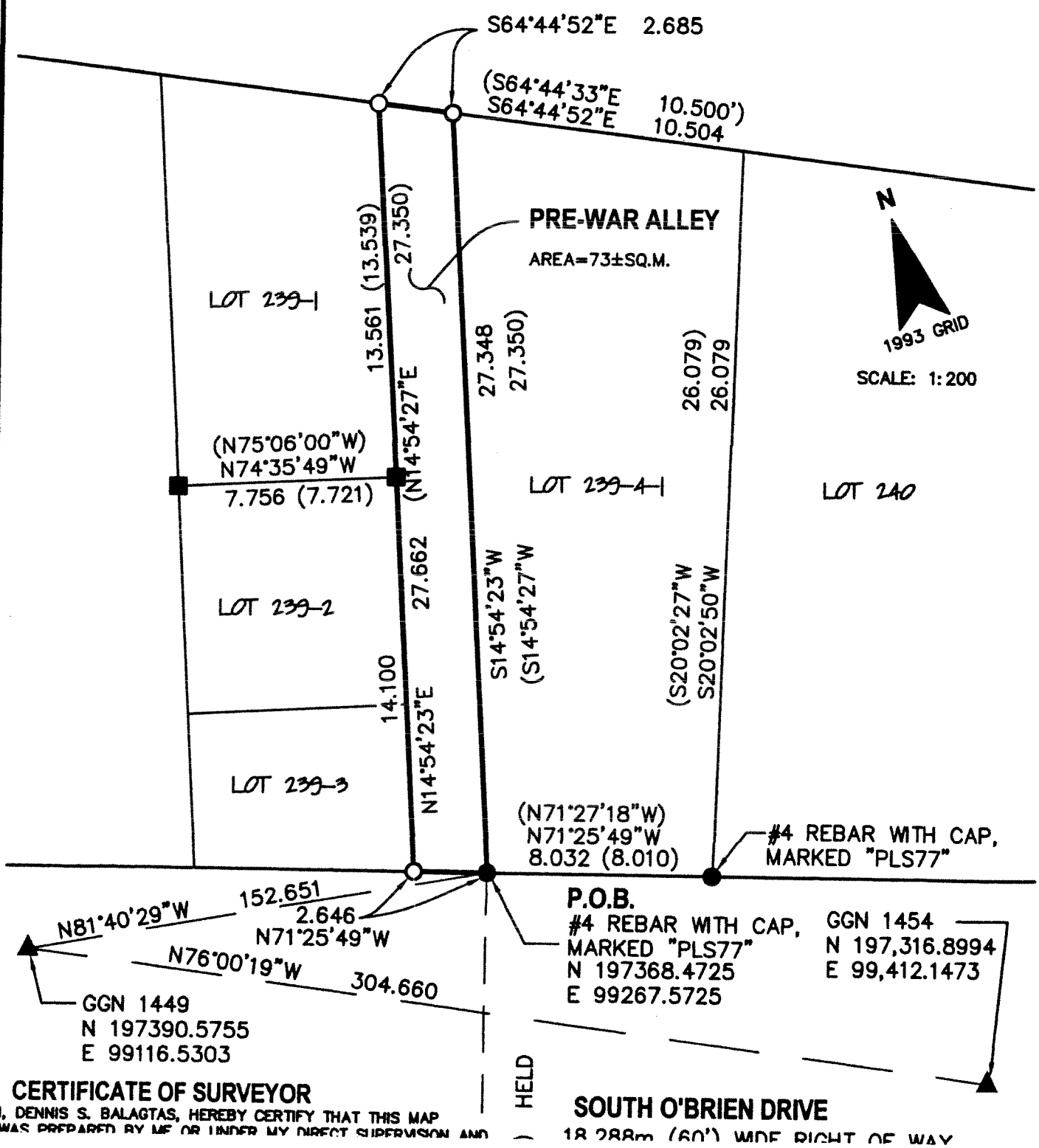
- ▲ FOUND 1993 GGN MONUMENT AS NOTED
- ■ FOUND 4"X4" CONC. MONUMENT, MARKED "RLS54"
- ● FOUND #4 REBAR, NO IDENTIFICATION, OR AS NOTED
- ○ SET #4 REBAR WITH CAP MARKED "PLS75"
- SUBJECT PROPERTY LIMITS
- PROPERTY LINE
- RIGHT OF WAY
- ( ) RECORD DATA PER REFERENCE NO. 1

NOTES

1. HORIZONTAL CONTROL WAS BASED ON FOUND PROPERTY CORNERS AND 1993 GUAM GEODETIC NETWORK.
2. ALL DISTANCES ARE IN METERS & DECIMALS THEREOF.
3. FIELD WORK WAS DONE ON 09/12/2015.

REFERENCES

1. DOC. NO. 624375, L.M. NO. 323-FY78, RETRACEMENT SURVEY OF LOT 239-4-1, BY R.L.S. NO. 48.



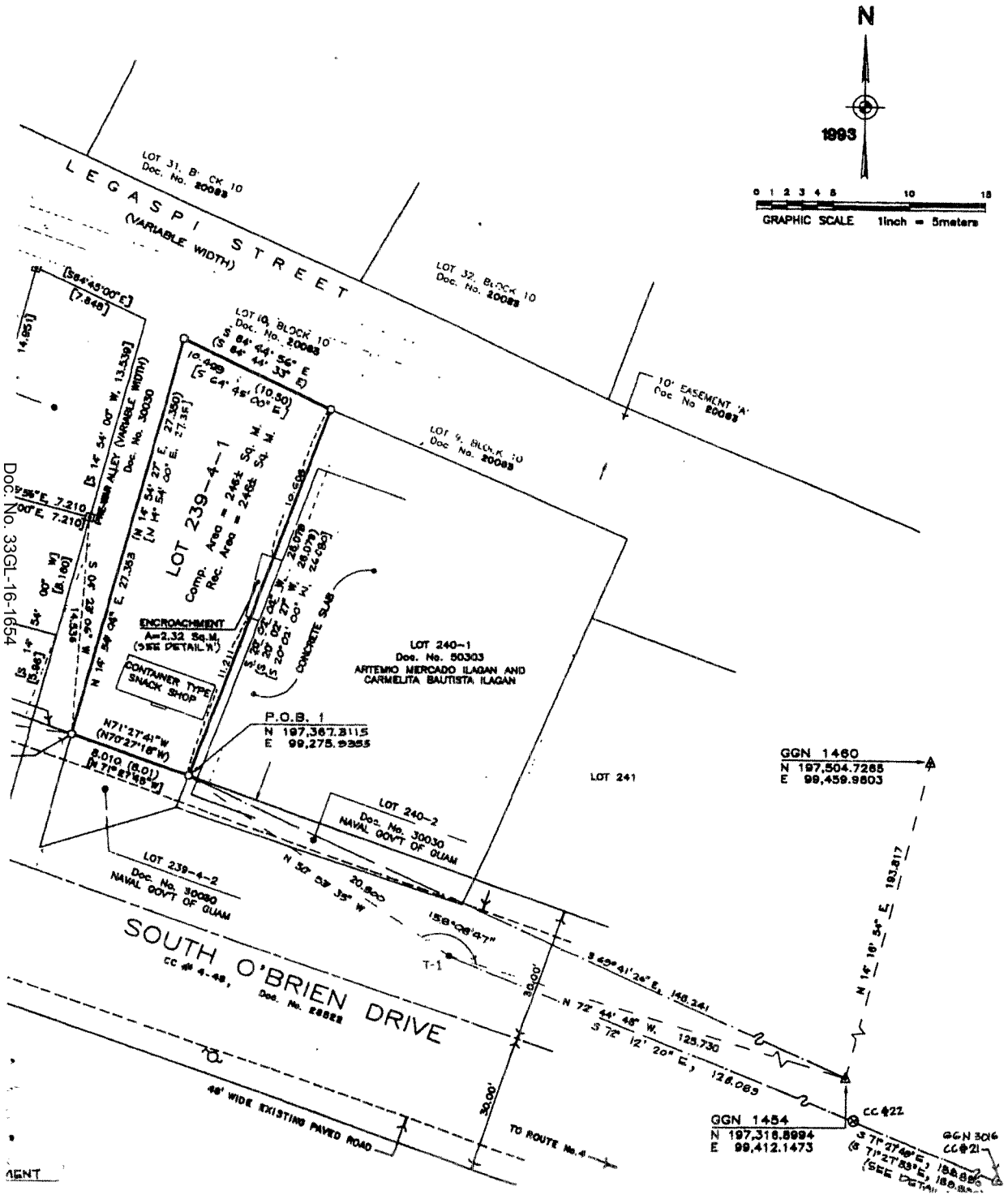
CERTIFICATE OF SURVEYOR

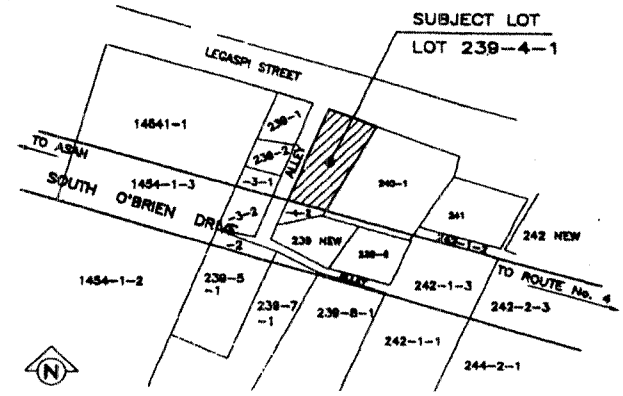
I, DENNIS S. BALAGTAS, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND

SURV : GARY

CLIENT: GREG SABLAN

PROJ.# 2015-192





VICINITY INDEX MAP
NOT 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 RECORD DATA, OTHERS ARE 1993 GRID.
4. SUBJECT LOT IS ZONED 'R-2' MULTIPLE FAMILY RESIDENTIAL AS OF APPROVAL OF THIS MAP.
5. SUBJECT LOT IS OUTSIDE THE GROUNDWATER PROTECTION ZONE (GPZ).
6. BEARINGS AND DISTANCES WITHIN THE BRACKETS ARE RECORD DATA AS PER REF.#2.

REFERENCES :

1. DWG No. CC-7807A, RETRACEMENT OF LOT 239-4-1, PREPARED BY RLS No. 46, L.M. No. 323-FY78, Doc. No. 293935
2. M.A.DWG# 10004, PROPERTY MAP OF AGANA, Doc. No. 30030
3. L.M. No. C-10, PROPERTY MAP OF BLOCK 10, CITY OF NEW AGANA, Doc. No. 20083.

CHECKED BY :

CARLOS R. UNTALAN
PLANNER, D.L.M.
DATE 8-17-99

BLAS C. ATALIG
PLANNER, D.L.M.
DATE 8-19-99

LILIA B. NAYRAY
CARTOGRAPHIC SUPV., D.L.M.
DATE 7-11-2000

CERTIFICATIONS :

APPROVAL PURSUANT TO TITLE 21, GUAM CODE ANNOTATED, CHAPTER 62, SUBDIVISION LAW

NOT REQUIRED

JOHN T. ANDERSON, GUAM CHIEF PLANNER DATE

THIS MAP HAS BEEN FOR CONFORMANCE WITH TITLE 21, GUAM CODE ANNOTATED, CHAPTER 60 5, TRIANGULATION SYSTEM AND REGULATIONS THEREUNDER THIS DAY July, 2000.

B. . S., GUAM CHIEF SURVEYOR

I, EFREN B. , CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED ON A FIELD SURVEY MADE IN 27 MARCH 19 99 IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS, THAT I AM RESPONSIBLE FOR THE ACCURACY OF ALL DATA AND INFORMATION SHOWN HEREON. I ALSO CERTIFY THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIO THIS MAP.

PLS 60 DATE

EXPIRES: 30 SEPTEMBER 1999

REVISION	DATE	DESCRIPTION	BY	APP'D BY	DATE	APP'D BY	DATE

LAND REGISTRATION SURVEY MAP OF LOT 239-4-1

Doc. No. 33GL-16-1654