EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

JUL 08 2016

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

2016 JUL 12 AM 10:49

Dear Madame Speaker:

Transmitted herewith is Bill No. 314-33 (COR),"**AN ACT TO TRANSFER A PORTION OF LOT NO. 10164-1, MUNICIPALITY OF DEDEDO, WITH AN AREA OF ONE THOUSAND EIGHT HUNDRED FIFTY-TWO (1,852) SQUARE METERS, FROM THE CHAMORRO LAND TRUST COMMISSION LANDS INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A WATER STORAGE TANK AND RELOCATING A PUMP STATION; AND TO REZONE A PORTION LOT NO. 10164-1 FROM AN AGRICULTURAL ZONE (A) TO A PUBLIC FACILITY ZONE (PF),"** which was signed into law on June 30, 2016, as **Public Law 33-173**.

Senseramente,

EDDIE BAZA CALVO

33-16-1765
Office of the Speaker
Judith T. Won Pat, Ed.D
Date: 7-11-16
Time: 12:11 pm
Received By: DMA

1765

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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. 314-33 (COR), "AN ACT TO TRANSFER A PORTION OF LOT NO. 10164-1, MUNICIPALITY OF DEDEDO, WITH AN AREA OF ONE THOUSAND EIGHT HUNDRED FIFTY-TWO (1,852) SQUARE METERS, FROM THE CHAMORRO LAND TRUST COMMISSION LANDS INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A WATER STORAGE TANK AND RELOCATING A PUMP STATION; AND TO REZONE A PORTION LOT NO. 10164-1 FROM AN AGRICULTURAL ZONE (A) TO A PUBLIC FACILITY ZONE (PF),"** was on the 17th day of June 2016, duly and regularly passed.

Benjamin J. F. Cruz
Acting Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 20th day of June, 2016, at 5:35 o'clock p.M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: JUN 30 2016

Public Law No. 33-173

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

Bill No. 314-33 (COR)
As amended by the Committee on Transportation, Infrastructure, Lands, Boarder 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 TRANSFER A PORTION OF LOT NO. 10164-1, MUNICIPALITY OF *DEDEDO*, WITH AN AREA OF ONE THOUSAND EIGHT HUNDRED FIFTY-TWO (1,852) SQUARE METERS, FROM THE CHAMORRO LAND TRUST COMMISSION LANDS INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A WATER STORAGE TANK AND RELOCATING A PUMP STATION; AND TO REZONE A PORTION LOT NO. 10164-1 FROM AN AGRICULTURAL ZONE (A) TO A PUBLIC FACILITY ZONE (PF).

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Guam Waterworks Authority (GWA) has identified property, owned by the

Chamorro Land Trust Commission (CLTC), for the purpose of providing a staging area during the construction of a new water reservoir, preparing the site for the future construction of a new additional reservoir, and for the relocation of an existing pump station. These improvements are essential in meeting current and future growth demands for drinking water and improve operational reliability of the water system.

I Liheslaturan Guåhan finds that the construction of a new 2 Million Gallon (2MG) reservoir at the selected site will increase total storage capacity from 4 Million Gallon (4MG) to 6 Million Gallon (6MG). The increased storage capacity will address growth in water demand due to population growth and improve operational reliability of the water system. More specifically, the new reservoir will enhance service to the *Dededo* service zones, as well as to the water system overall.

I Liheslaturan Guåhan finds that Guam Waterworks Authority (GWA) has been working with the Chamorro Land Trust Commission (CLTC) to address the critical property needs to meet the 2011 court order deadlines, and the CLTC has approved a board resolution to support the GWA system improvement plans.

I Liheslaturan Guåhan finds that this project is necessary and will benefit the people of Guam. *I Liheslaturan Guåhan* intends to authorize the CLTC to transfer one thousand eight hundred fifty-two (1,852) square meters (0.446 acres), more or less, to the GWA to accomplish the necessary improvements described above. GWA and CLTC have agreed on the basic terms of the transfer to meet the needs and mandates of both parties, and have committed to finalize compensation to the Chamorro Land Trust Commission within one hundred eighty (180) days of the enactment of this Act.

I Liheslaturan Guåhan finds that GWA, under United States Department of Justice ORDER FOR PRELIMINARY RELIEF RE: DEADLINES FOR OUTSTANDING PROJECTS UNDER THE AMENDED STIPULATED ORDER Civil Case No. 02-00035 (Court Order or CO) effective as of 11/10/2011, is required

to "*assess and repair, rehabilitate, replace and/or relocate all Guam Waterworks Authority water reservoirs within its systems as detailed in § II (C) ¶ 29 (b) of the order, and the deadline to complete these tasks specified for the water reservoirs is 2018*".

Section 2. Authorization to Transfer Land Identified to the Guam Waterworks Authority. Notwithstanding any other provision of law, rule or regulation, *I Liheslaturan Guåhan* authorizes the CLTC to transfer a portion of Lot No. 10164-1, municipality of *Dededo*, with an area of approximately one thousand eight hundred fifty-two (1,852) square meters (0.446 acres), more or less, as shown on the Agricultural Subdivision Master Plan of Lot No. 10164-1 (see Exhibit A), prepared by the Department of Land Management, filed under Instrument No. 880811, from the lands inventory of the CLTC to the GWA for the construction of a new 1MG water reservoir, for the preparation of the site for the future construction of an additional 2MG reservoir, and for the relocation of an existing pump station. The administrative transfer of property *shall* become effective upon the enactment of this Act.

(a) GWA *shall* pay for the appraisal of the property by two (2) different appraisers, one (1) which *shall* be selected by the Administrative Director of the CLTC.

(b) GWA *shall* have the property surveyed at its own expense, and the surveyed map *shall* be approved by the Administrative Director of the CLTC and the Department of Land Management. The map *shall* then be recorded by the Department of Land Management.

(c) GWA *shall* work with CLTC to determine an appropriate compensation for the property, to include, but not be limited to, a land exchange, purchase, or a combination of options to be approved by GWA, the Consolidated Commission on Utilities (CCU) and CLTC. GWA and CLTC

Doc No. 33GL-16-1765.

will have one hundred eighty (180) days to finalize a compensation agreement.

(d) CLTC immediately grants right of entry for GWA to complete the required geotechnical survey, topographic survey, archeological studies, and other required testing and studies to initiate the design for the construction of new water reservoirs while both parties are finalizing the compensation agreement, the survey map and the subsequent recording of the deed.

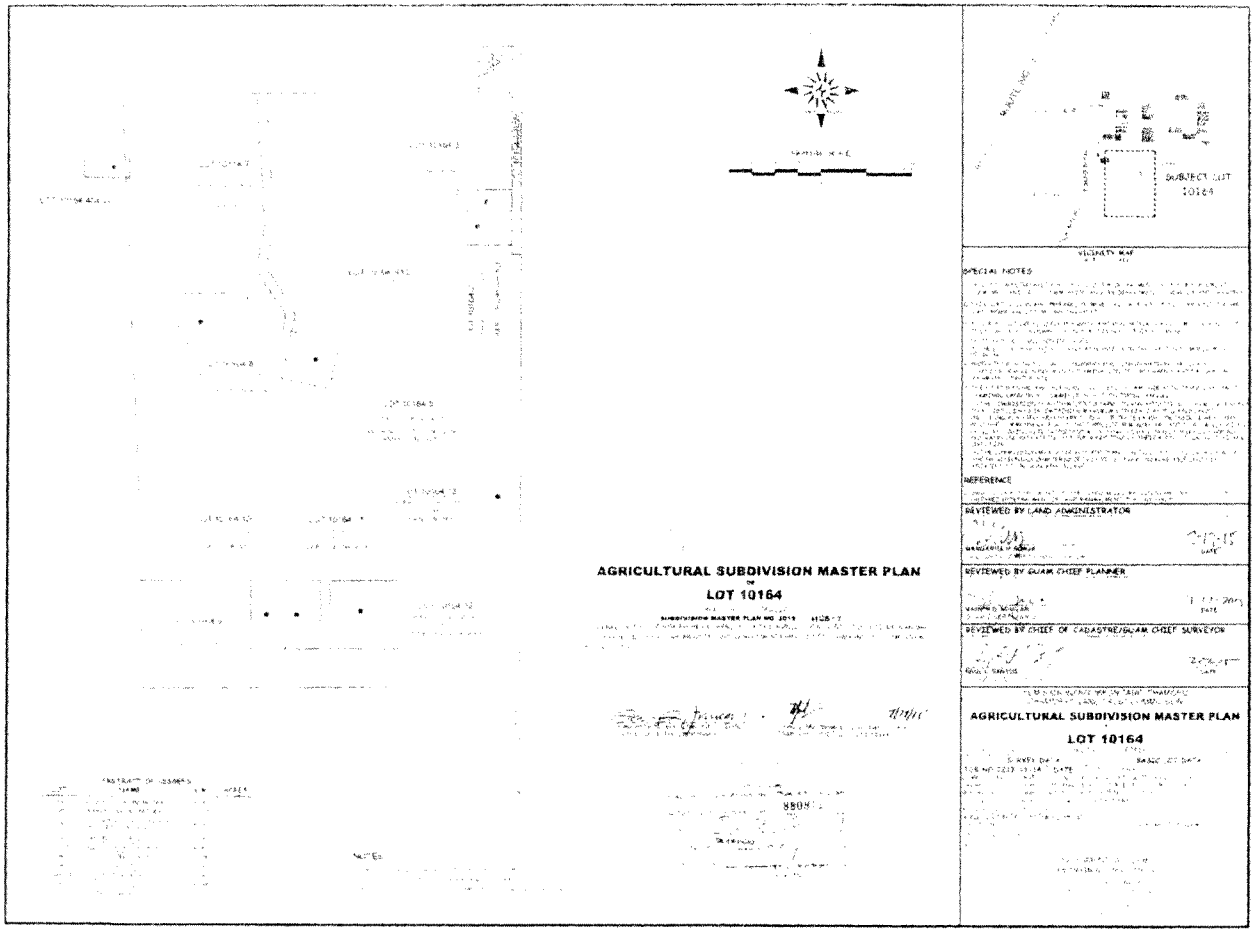
Section 3. Zoning Designation. The portion of Lot No. 10164-1, *Dededo* that is utilized for the new reservoirs, the site prepared and reserved for future reservoirs and the new proposed site for the relocation of an existing pump, *shall* be rezoned from an Agricultural Zone (A) to a Public Facility Zone (PF) pursuant to 21 GCA, Chapter 61, § 61313.

Section 4. Reversionary Clause. The Guam Waterworks Authority *shall* begin construction of the facility within five (5) years from the date of the enactment of this Act. In the event that GWA does not initiate construction of the facility within the stipulated period, without notice to the CLTC, or defaults on the compensation agreement, the property *shall* then revert to the CLTC.

Section 5. Effective Date. This Act *shall* take effect upon its enactment.

Section 6. 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, which can be given effect without the invalid provisions or applications and to this end the provisions of this law are severable.

Exhibit A


AGRICULTURAL SUBDIVISION MASTER PLAN
LOT 10164
SUBJECT LOT
10164
SPECIAL NOTES
REFERENCE
REVIEWED BY LAND ADMINISTRATOR
REVIEWED BY GLIAM CHIEF PLANNER
REVIEWED BY CHIEF OF CADASTRE/GLIAM CHIEF SURVEYOR
AGRICULTURAL SUBDIVISION MASTER PLAN
LOT 10164

GUAM CONSOLIDATED COMMISSION ON UTILITIES
RESOLUTION NO. 29-FY2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Certified by:

JOSEPH T. DUENAS
Chairperson

Attested by:

J. GEORGE BAMBA
Secretary

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

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

AYES: 5

NAYS: 0

ABSTENTIONS: 0

ABSENT: 0

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CHAMORRO LAND TRUST COMMISSION
RESOLUTION NO. 2016-04

Declaration and Designation of Land for Guam Waterworks Authority Infrastructure Development

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

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

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

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

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

A portion of Lot 10164-1, Municipality of Dededo, an area consisting of 1,852± square meters, as shown on Agricultural Subdivision Master Plan of Lot 10164, prepared by Department of Land Management, filed under Instrument No. 880811, shown in Exhibit "A", currently zoned Agricultural (A).

NOW THEREFORE BE IT RESOLVED,

1. The Chamorro Land Trust Commission Board of Commissioners approves the listed land and declares this land to be available and designated property for the Guam Waterworks Authority infrastructure development who will be fully responsible for any and all land surveys and land registration, as necessary;

2. The Chamorro Land Trust Commission authorizes the execution of a "Right of Entry Agreement" for the designated property identified above to the Guam Waterworks Authority; and

3. The Chamorro Land Trust Commission Board of Commissioners transmits this Resolution to *I Liheslaturan Guahan* with its recommendation to include the designated property in legislation to assign it to the Guam Waterworks Authority with compensation to be determined within a specified period listed in the enacted law.

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

PASCUAL A. SABLAN, Chairman
Chamorro Land Trust Commission

Date: 4/21/16

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

Date: 4/21/16

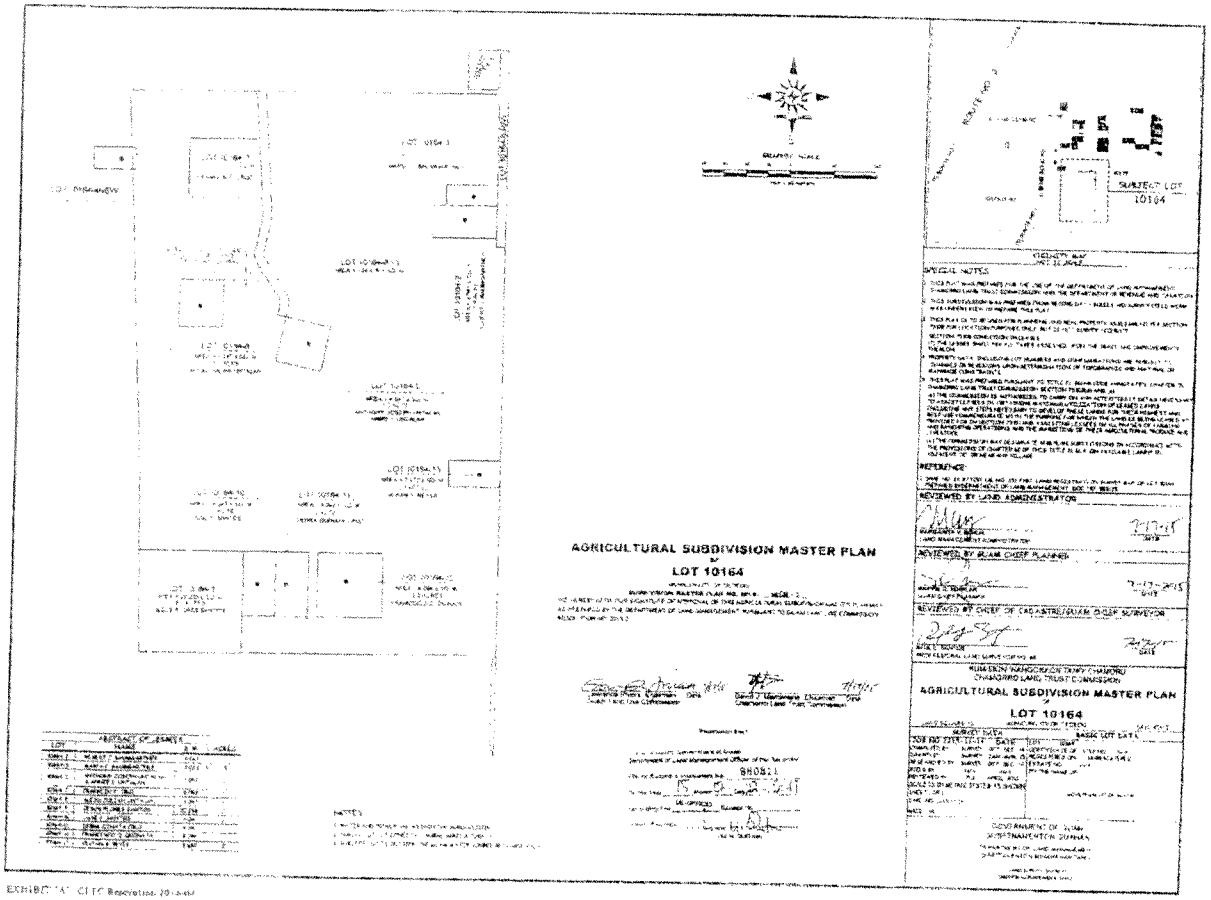

EXHIBIT "A" CLTC Resolution 20-14-04

Doc No. 33GL-16-1765.