EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

JUL 0 8 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. 315-33 (COR),"**AN ACT TO TRANSFER A PORTION OF LOT NO. 5075-REM-A NEW-I, MUNICIPALITY OF TAMUNING, WITH AN AREA OF FIVE THOUSAND SIX HUNDRED EIGHTY-SIX (5,686) SQUARE METERS, FROM THE CHAMORRO LAND TRUST COMMISSION LANDS INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A NEW DETENTION BASIN AND WATER STORAGE TANKS; AND TO REZONE LOT NO. 5075-REM-A NEW-I FROM COMMERCIAL ZONE (C) TO A PUBLIC FACILITY ZONE (PF),"** which was signed into law on June 30, 2016, as **Public Law 33-174.**

Senseramente,

EDDIE BAZA CALVO

33-16-1766
Office of the Speaker
Judith T. Won Pat, Ed.D

1766

Date: 7-11-16
Time: 12:11pm
Received By: DMK

P.O. Box 2950 • Hagatna, Guam 96932
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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. 315-33 (COR), "AN ACT TO TRANSFER A PORTION OF LOT NO. 5075-REM-A NEW-1, MUNICIPALITY OF TAMUNING, WITH AN AREA OF FIVE THOUSAND SIX HUNDRED EIGHTY-SIX (5,686) SQUARE METERS, FROM THE CHAMORRO LAND TRUST COMMISSION LANDS INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A NEW DETENTION BASIN AND WATER STORAGE TANKS; AND TO REZONE LOT NO. 5075-REM-A NEW-1 FROM COMMERCIAL ZONE (C) 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.

PO2 R.S. Mendiola #329
Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: JUN 30 2016

Public Law No. 33-174

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

Bill No. 315-33 (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. 5075-REM-A NEW-1, MUNICIPALITY OF *TAMUNING*, WITH AN AREA OF FIVE THOUSAND SIX HUNDRED EIGHTY-SIX (5,686) SQUARE METERS, FROM THE CHAMORRO LAND TRUST COMMISSION LANDS INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A NEW DETENTION BASIN AND WATER STORAGE TANKS; AND TO REZONE LOT NO. 5075-REM-A NEW-1 FROM COMMERCIAL ZONE (C) 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

Doc No. 33GL-16-1766.

Chamorro Land Trust Commission (CLTC), for the purpose of constructing a new detention basin which will allow for the replacement of the existing one (1) million gallon (1MG) water storage and for the construction of an above ground two (2) million gallon (2MG) water storage reservoir. 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 2MG reservoir at the selected site will increase total storage capacity from 1MG to 3MG. The increased storage capacity will address growth in water demand due to population growth and improve operational reliability. More specifically, the new reservoir will also enhance service to the *Tamuning*, *Tumon* and *Hagåtña* service zones, as well as to the water system overall.

I Liheslaturan Guåhan finds that GWA and CLTC have been working cooperatively 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 five thousand six hundred eighty-six (5,686) square meters (1.40 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 CLTC within one hundred eighty (180) days of the enactment of this Act.

I Liheslaturan Guåhan further 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,

Doc No. 33GL-16-1766.

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 Chamorro Land Trust Commission to transfer a portion of Lot No. 5075-REM-A NEW-1, municipality of *Tamuning*, with an area of approximately five thousand six hundred eighty-six (5,686) square meters (1.40 acres), more or less, as shown on proposed Parceling Survey Map L.M. No. 057FY2016 (see Exhibit A), prepared by Guam Surveyor, LLC, Dennis Balagtas, P.L.S. #75, from the lands inventory of the Chamorro Land Trust Commission to the Guam Waterworks Authority to construct a new detention basin which will allow for the replacement of the existing one (1) million gallons water storage and for the construction of an above ground two (2) million gallons water storage reservoir. The administrative transfer of property *shall* become effective upon the enactment of this Act.

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

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

(c) Guam Waterworks Authority *shall* work with Chamorro Land Trust Commission 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 Guam Waterworks Authority, the Consolidated

Commission on Utilities (CCU) and Chamorro Land Trust Commission. GWA and CLTC shall have one hundred eighty (180) days to finalize a compensation agreement.

(d) Chamorro Land Trust Commission 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 the detention basin and construction of new water reservoirs while both parties are finalizing compensation and the deed is recorded.

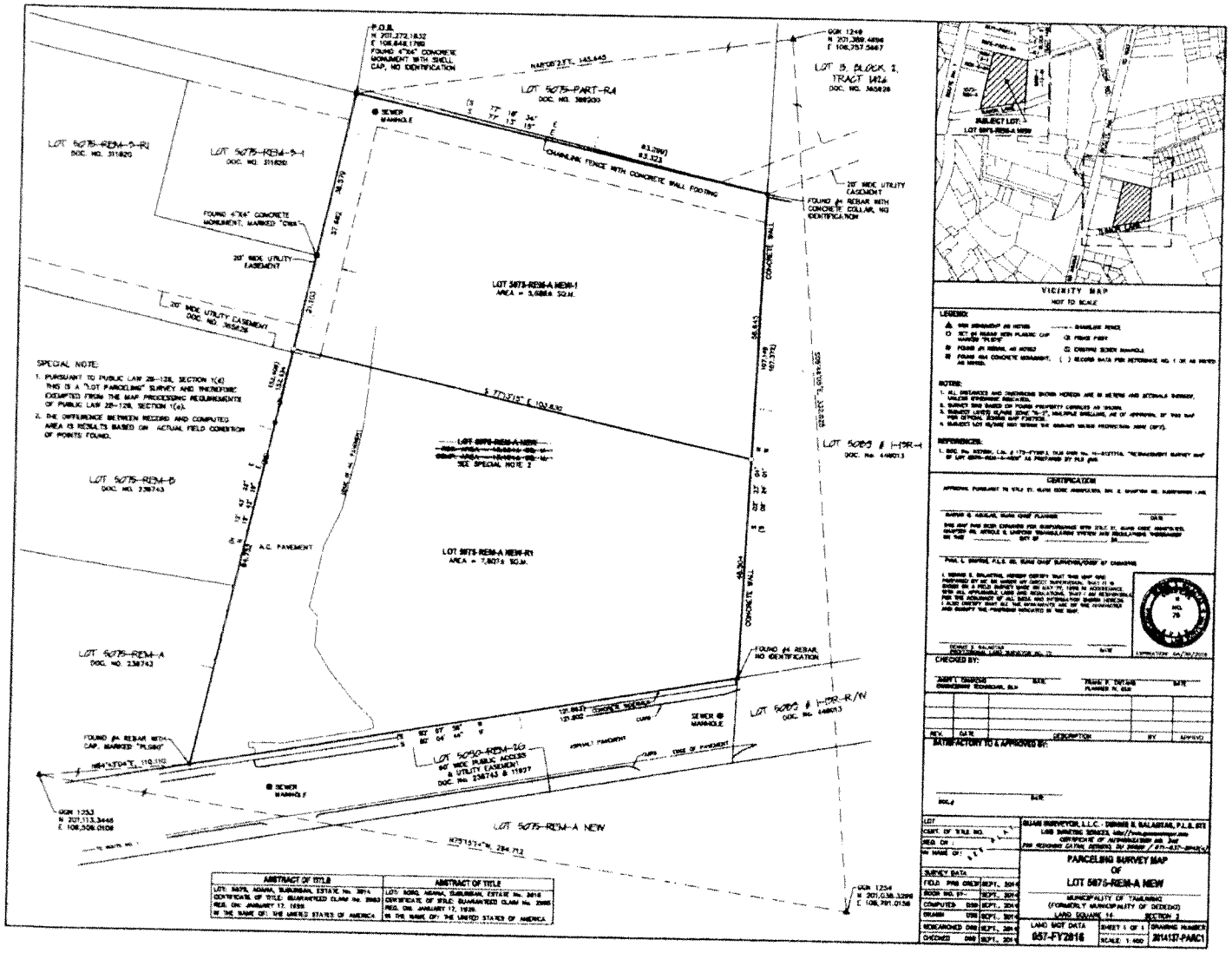
Section 3. Zoning Designation. Lot No. 5075-REM-A NEW-1, municipality of *Tamuning*, *shall* be rezoned from a Commercial Zone (C) to a Public Facility Zone (PF) pursuant to 21 GCA, Chapter 61, § 61313.

Section 4. Reversionary Clause Upon Inaction. The Guam Waterworks Authority *shall* begin construction of the detention basin and new water reservoirs within five (5) years from the date of the enactment of this Act. In the event, the Guam Waterworks Authority does not begin construction of the detention basin within the stipulated period, without notice to the Chamorro Land Trust Commission, or defaults on the compensation agreement, the property *shall* revert to the Chamorro Land Trust Commission.

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


P.O.B.
LOT 5075-PART-R4
LOT B, BLOCK 2, TRACT 1426
LOT 5075-REM-5-R1
LOT 5075-REM-5-1
LOT 5075-REM-A NEW-1
LOT 5075-REM-A NEW-R1
LOT 5075-REM-B
LOT 5075-REM-A
LOT 5075-REM-A NEW
LOT 5080-REM-2G
LOT 5080 & 1-PSR-1
LOT 5080 & 1-PSR-R/N
CHAINLINK FENCE WITH CONCRETE WALL FOOTING
CONCRETE WALL
SEWER MANHOLE
FOUND 4"X4" CONCRETE MONUMENT, MARKED "CMS"
20' WIDE UTILITY EASEMENT
FOUND #4 REBAR WITH CONCRETE COLLAR, NO IDENTIFICATION
FOUND #4 REBAR, NO IDENTIFICATION
FOUND #4 REBAR WITH CAP, MARKED "PLS860"
A.C. PAVEMENT
ASPHALT PAVEMENT
SPECIAL NOTE:
1. PURSUANT TO PUBLIC LAW 28-128, SECTION 1(d) THIS IS A "LOT PARCELING" SURVEY AND THEREFORE EXEMPTED FROM THE MAP PROCESSING REQUIREMENTS OF PUBLIC LAW 28-128, SECTION 1(e).
2. THE DIFFERENCE BETWEEN RECORD AND COMPUTED AREA IS REMAIN'S BASED ON ACTUAL FIELD CONDITION OF POINTS FOUND.
ABSTRACT OF TITLE
ABSTRACT OF TITLE
VICINITY MAP
NOT TO SCALE
LEGEND:
NOTES:
REFERENCES:
CERTIFICATION
CHECKED BY:
SATISFACTORY TO & APPROVED BY:
PARCELING SURVEY MAP OF LOT 5075-REM-A NEW
MUNICIPALITY OF TAMUNING (FORMERLY MUNICIPALITY OF DEDEDO)
LAND SQUARE 14 SECTION 2
LAND MAP DATA
657-FY2016
SHEET 1 OF 1
SCALE 1:600
DRAWING NUMBER
2014137-PARC1
SURVEY DATA

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. 2016-02

Declaration and Designation of Land for Guam Waterworks Authority Infrastructure Development

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED,

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

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

3. The Chamorro Land Trust Commission Board of Commissioners transmits this Resolution to *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.

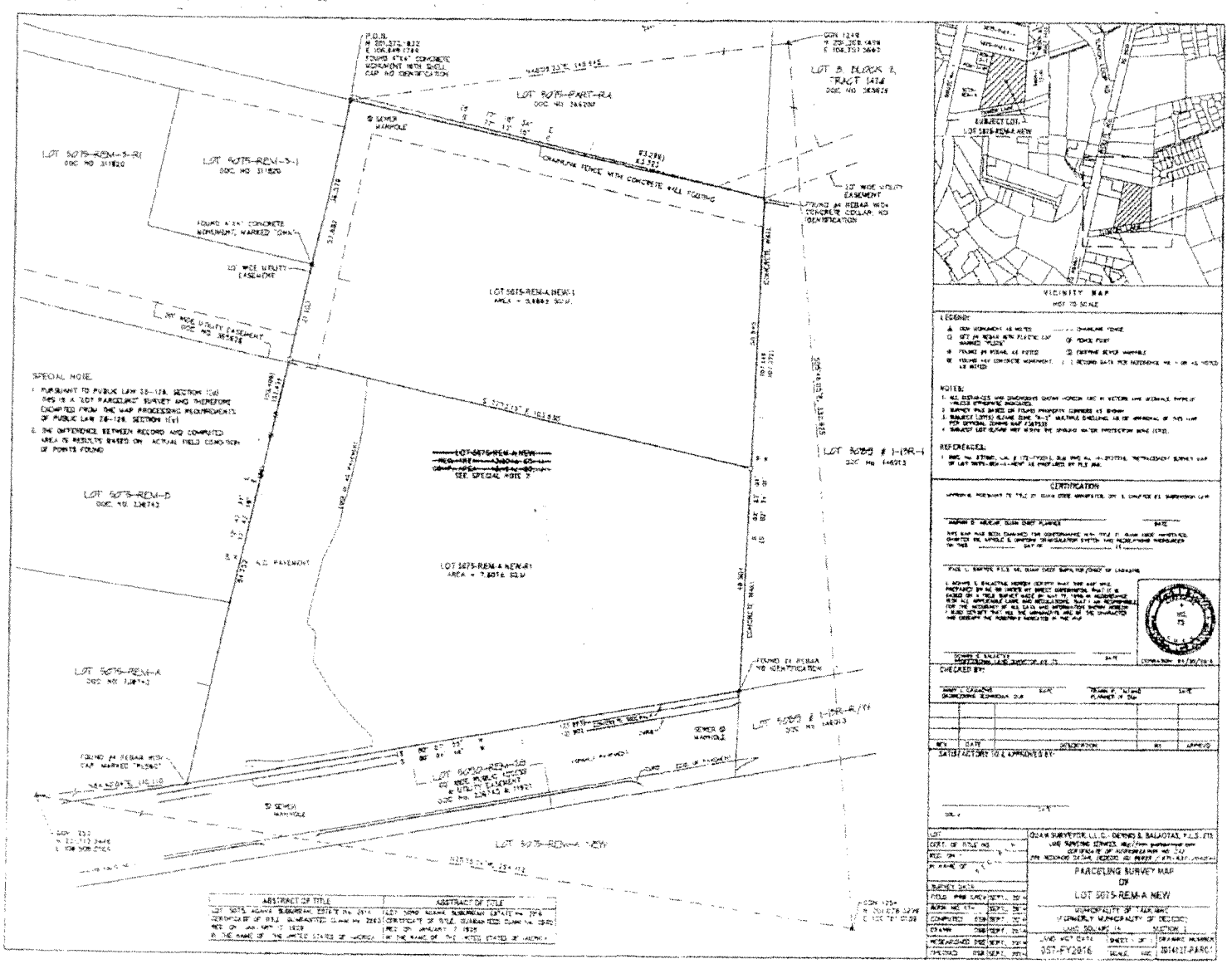
PASCUAL A. SABLAN, Chairman
Chamorro Land Trust Commission

Date: 4/21/16

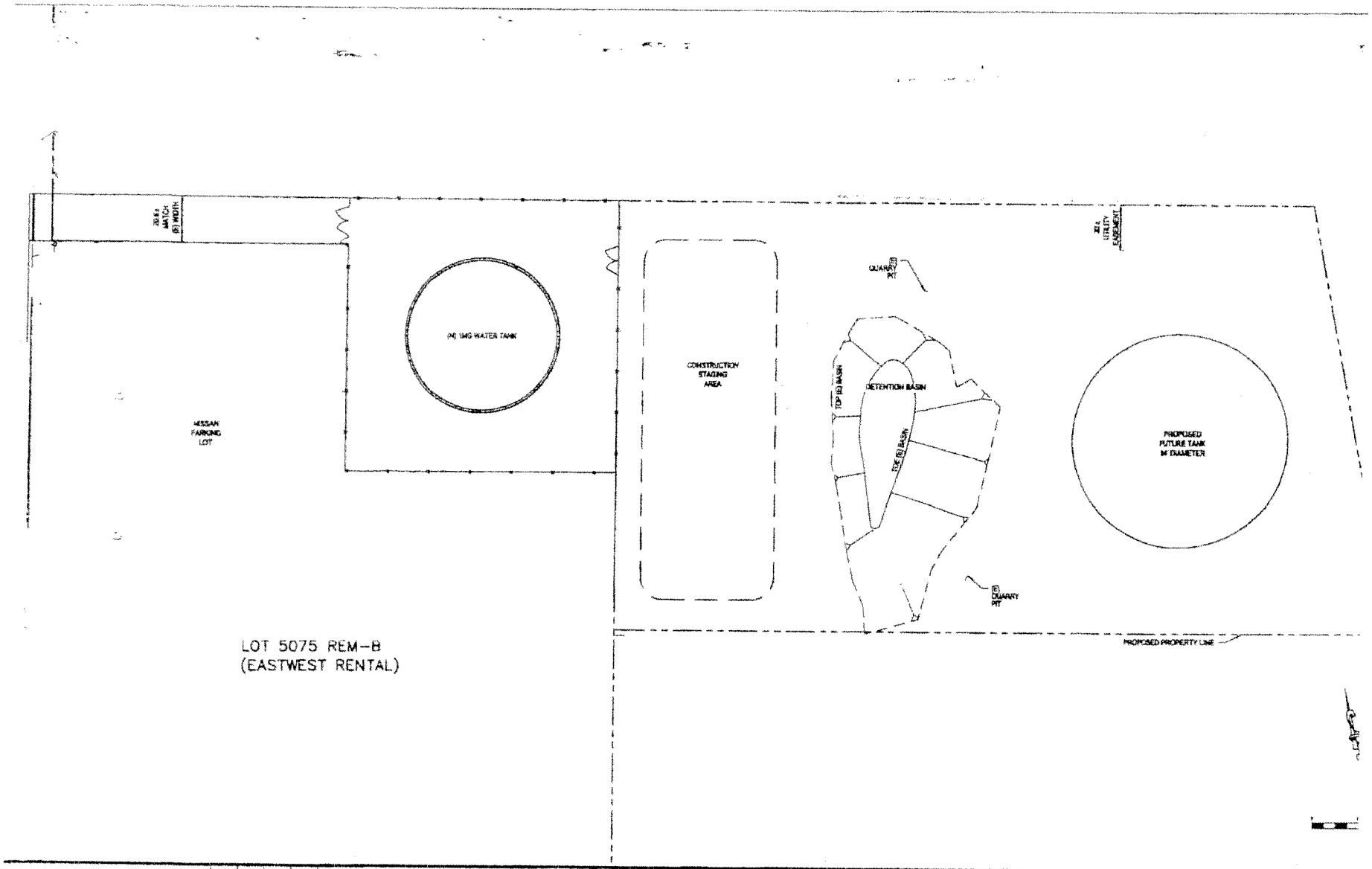
MICHAEL J.B. BORJA, Administrative Director
Chamorro Land Trust Commission

Date: 4/21/16

EXHIBIT "A"



LOT 5075-REM-A NEW-1
LOT 5075-REM-A NEW-R1
LOT 5075-REM-A NEW
LOT 5075-REM-A
LOT 5075-REM-B
LOT 5075-REM-3-R1
LOT 5075-REM-3-1
LOT 5075-PART-RA
LOT 5075-REM-A NEW
SPECIAL NOTE
VICINITY MAP
LEGEND:
NOTES:
REFERENCES:
CERTIFICATION
CHECKED BY:
SATISFACTORY TO & APPROVED BY:
PARCELING SURVEY MAP
OF
LOT 5075-REM-A NEW



GUAM WATERWORKS AUTHORITY

GHD Inc.

Drawn: DG/EJD | Designer: BH
Drafting Check: DC | Design Check: AF
Approved (Project Director)
Date
Scale: 1" = 20'

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

Doc No. 33GL-16-1766.