EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam

SEP 2 7 2016

3316 2047

Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 09-27-16
Time: 10:07 AM
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. 322-33 (COR), **"AN ACT TO REZONE LOTS 2260 AND 2261, MUNICIPALITY OF *BARRIGADA*, FROM AGRICULTURAL ZONE (A) TO SCHOOL ZONE (S-1),"** which was signed into law on September 26, 2016, as **Public Law 33-189.**

Senseramente,

EDDIE BAZA CALVO

2016 SEP 27 PM 4:46

2047

Office of the Governor of Guam • 513 West Marine Drive • Ricardo J. Bordallo Complex • Hagåtña, Guam 96910
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. 322-33 (COR), "AN ACT TO REZONE LOTS 2260 AND 2261, MUNICIPALITY OF *BARRIGADA*, FROM AGRICULTURAL ZONE (A) TO SCHOOL ZONE (S-1),"** was on the 14th day of September 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 14th day of SEPT, 2016, at 3:00 o'clock p.M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: SEP 26 2016

Public Law No. 33-189

OFFICE OF THE GOVERNOR
CENTRAL FILES
RECEIVED BY:
TIME 3:00 pm **DATE** 14 SEPT 16

Bill No. 322-33 (COR)
As amended by the Sponsor; and
further amended on the Floor.

Introduced by:

T. C. Ada
Judith T. Won Pat, Ed.D.
R. J. Respicio
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
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.

AN ACT TO REZONE LOTS 2260 AND 2261, MUNICIPALITY OF *BARRIGADA*, FROM AGRICULTURAL ZONE (A) TO SCHOOL ZONE (S-1).

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Lots 2260 and 2261, municipality of *Barrigada, ("Lots")*, were returned federal excess lands. As such, § 61217 of Article 2 of Chapter 61 Title 21, Guam Code Annotated, effectively zoned all returned federal excess lands as Agricultural Zone (A).

I Liheslaturan Guåhan further finds that the Lots have recently been purchased by the *Guåhan* Academy (Academy) as part of its plan to build a permanent school campus.

I Liheslaturan Guåhan also finds that the Academy's lease for its temporary campus at *Tiyan* expires in June 2016. However, the *Tiyan* lease is currently under consideration for a one (1)-year extension.

I Liheslaturan Guåhan also finds that the Academy has submitted applications for federal grants for the construction of a permanent campus. The furtherance of the grant applications is contingent upon proof of ownership and site control of real property conforming to local land use laws for the intended use of such property. Hence, the purchased Lots upon which construction of a school is to be undertaken must be properly zoned to School Zone (S-1).

I Liheslaturan Guåhan also finds that the Academy's grant also includes funding for the construction of a road, from Route 15 to the lots, on a previously established and approved public rights-of-way access and utilities easement to the permanent school site. The opening of the public access will enable the construction of the permanent campus and supporting infrastructure. The public access will also enable development in the surrounding area.

I Liheslaturan Guåhan, therefore, intends to rezone Lots 2260 and 2261, municipality of *Barrigada*, from Agricultural Zone (A) to School Zone (S-1) in order to enable the construction of a permanent school campus by the *Guåhan* Academy.

Section 2. Lots Rezoned. Notwithstanding any other provision of law, Lot 2260 and Lot 2261, municipality of *Barrigada*, as shown on Department of Land Management Drawing No. 059FY2014 recorded under Document No. 861354 (Attachment A), are hereby rezoned from Agricultural Zone (A) to School Zone (S-1).

Section 3. Access Road.

(a) Access to Lots 2260 and 2261, municipality of *Barrigada*, *shall* be constructed by the *Guåhan* Academy on previously established and approved public rights-of-way access and utilities easements to the permanent school site, as partially shown on Department of Land Management Drawing No. 281FY2015 recorded under Document No. 886921 (Attachment B).

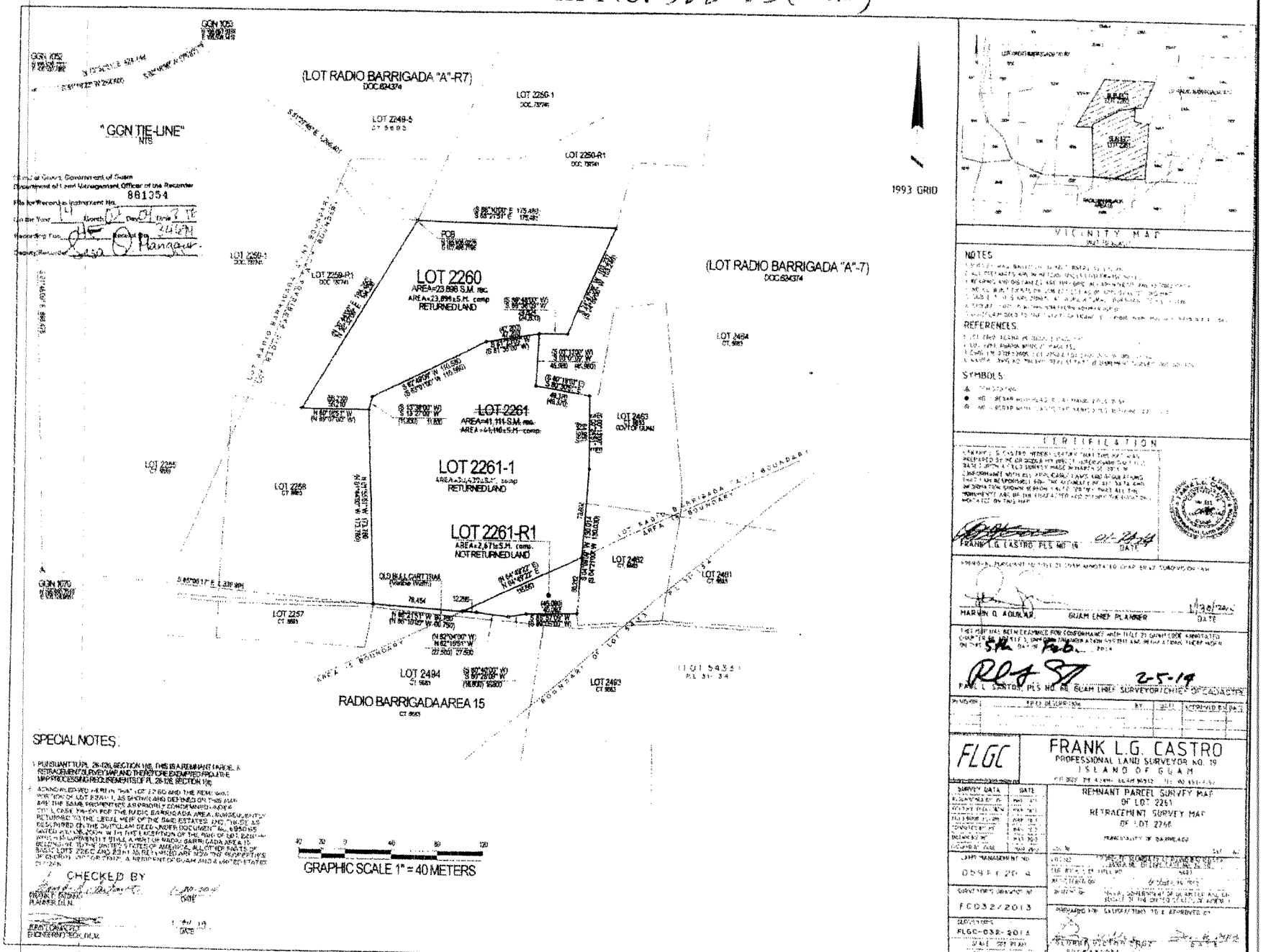
(b) Issuance of partial or full occupancy construction permits for the permanent school campus or parts thereof *shall* be contingent upon the completion of construction of the local rural access road by the *Guåhan* Academy on the established rights-of-way easement, and compliance with all permit requirements for construction. The easement *shall* be a public right-of-way. No partial or full occupancy permits shall be issued without completion of the access road herein described being constructed and accessible. For purposes of this Section, "local rural access road" *shall* mean "Local Rural Road" with design criteria and dimensions conforming to and as defined in Chapter 5 of AASHTO "Greenbook – A Policy on Geometric Design of Highways and Streets, 2011."

(c) The *Guåhan* Academy *shall* be responsible for the cost of surveying the easement to establish the boundary markers.

Section 4. Waiver of Agricultural Impact Statement. 21 GCA § 61637, relative to agricultural impact statements *shall not* apply to this Act.

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.

Attachment A of Bill No. 322-33 (Cor)



SPECIAL NOTES:

1. PURSUANT TO PL 29-120, SECTION 108, THIS IS A REMNANT PARCEL. A RETRACEMENT SURVEY MAP AND THEREFORE EXEMPTED FROM THE LRMP PROCESSING REQUIREMENTS OF PL 29-120, SECTION 108.
2. ALSO INCLUDED HEREIN "THAT" LOT 2260 AND THE REMAINING PORTION OF LOT 2261-1, AS SHOWN AND DEFINED ON THIS MAP, ARE THE SAME PROPERTIES AS PREVIOUSLY CONDEMNED UNDER CIVIL CASE NO. 90-00 FOR THE RADIO BARRIGADA AREA, WHICH WERE RETURNED TO THE LEGAL HEIRS OF THE SAID ESTATES AND THEREAFTER PURCHASED BY THE GUAM LAND BANK UNDER DOCUMENT NO. 694374 DATED 01 NOVEMBER 1994 IN THE FIRST INSTANCE OF THE RIGHT OF LOT 2261-1 WHICH IS ADJACENT TO THE RADIO BARRIGADA AREA 15 BELONGING TO THE UNITED STATES OF AMERICA, ALL OTHER PARTS OF SAID LOTS 2260 AND 2261 AS RETAINED ARE NOW THE PROPERTIES OF GUAM, THE STATE, A REMNANT OF GUAM AND A MINOR ESTATE.

CHECKED BY

FRANK T. TAITANO
PLANNER, D.L.M.

DATE

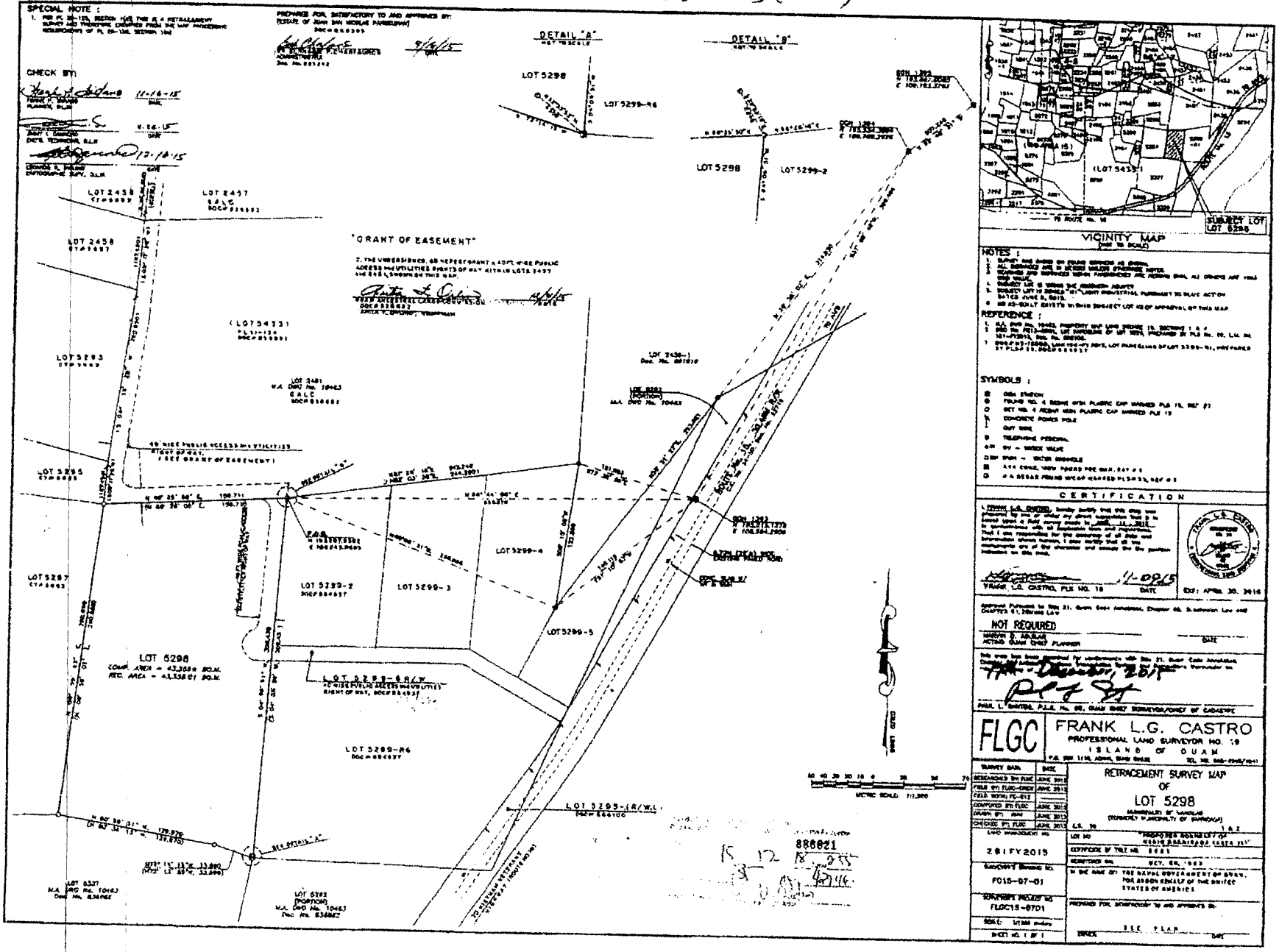
ENGINEER, DEPT. OF D.P.W.

DATE

GRAPHIC SCALE 1" = 40 METERS

Doc. No. 33GL-16-2047

Attachment B of Bill No. 322-33 (COR)



S-14840

Doc. No. 33GL-16-2047