

I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
340-32 (COR)	FRANK B. AGUON, JR.	AN ACT RELATIVE TO THE TRANSFER OF GUAM DEPARTMENT OF AGRICULTURE PROPERTY TO THE OFFICE OF VETERANS AFFAIRS WITH RESPECT TO THE BOUNDARIES OF THE GUAM VETERANS CEMETERY.	5/22/14	5/23/2014	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land			



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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Senator
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V. Anthony Ada
Member
MINORITY LEADER


Senator
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Member

May 23, 2014

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio 
Chairperson of the Committee on Rules

Subject: Referral of Bill No. 340-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 340-32(COR)**.

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

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

Si Yu'os Ma'åse!

Attachment

MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 340-32 (COR)

Introduced by:

FRANK B. AGUON, JR.
V. Anthony Ada

**AN ACT RELATIVE TO THE TRANSFER OF GUAM
DEPARTMENT OF AGRICULTURE PROPERTY TO THE
OFFICE OF VETERANS AFFAIRS WITH RESPECT TO THE
BOUNDARIES OF THE GUAM VETERANS CEMETERY.**

2014 MAY 22 PM 3:18

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guahån* recognizes that a memorandum of understanding dated April 1, 2014, was made by and between the Guam Department of Agriculture (GDOA) and the Office of Veterans Affairs (OVA) with respect to the boundaries of the Guam Veterans Cemetery, 150 Spruance Drive; Piti, Guam 96915. (Attachment A)

The United States Navy built a cemetery in the 1950's for the interment of Guam's veterans and all other eligible persons, e.g., dependant spouse and children of Guam veterans. When the cemetery was being constructed, the boundaries of the cemetery were laid out and a fence enclosing the cemetery was constructed. The Navy turned the cemetery over to the Government of Guam's control by virtue of a Quitclaim Deed to which was attached a map showing the cemetery boundaries. The Navy took the Quitclaim Deed and the attached map to it, to the Department of Land Management where it was duly recorded.

Unbeknownst to the Navy and the Government of Guam the map showing the boundaries of the Guam Veterans Cemetery and the actual fenced boundary of the cemetery were not congruent. The Navy map showed the northwest boundary

1 to about fifty (50) feet within the cemetery's fence and approximately twenty-four
2 (24) graves were in the fifty (50) feet area.

3 *I Liheslaturan Guahån* further recognizes the GDOA desired to build an
4 access road into the Masso River reservoir and hence followed the erroneous Navy
5 map which showed the northwest boundary to be about fifty (50) feet within the
6 cemetery's fence line. The GDOA property line showing the access road to be fifty
7 (50) feet within the cemetery line was duly recorded. The Navy realizing it had
8 made a mistake, tried to record a corrected map (the Meregilliano map) wherein
9 the actual, fenced northwest boundary of the cemetery was congruent with the
10 cemetery property and the GDOA boundary was outside the cemetery fence line.
11 The Meregilliano map had never been recorded at Department of Land
12 Management for unknown reason. The GDOA still owns the land fifty (50) feet
13 inside the cemetery's fence line. This error has gone unnoticed since the return of
14 the veteran's cemetery to Government of Guam jurisdiction. (Attachment B)

15 Therefore, it is the intent of *I Liheslaturan Guahån* to resolve the
16 aforementioned discrepancy and grant the transfer of a small portion of the Guam
17 Department of Agriculture property to the Office of Veterans Affairs with respect
18 to the boundaries of the Guam Veterans Cemetery.

19 **Section 2. Property Transfer.** The real property described as fifty (50)
20 feet of boundary into the northwest corner of the Guam Veterans Cemetery, Apra
21 Harbor Reservation Area B-R1, owned by the Guam Department of Agriculture is
22 hereby transferred to the Office of Veterans Affairs, Government of Guam, with
23 respect to the boundaries of the Guam Veterans Cemetery. The Office of Veterans
24 Affairs shall record the appropriate map showing the boundaries of the cemetery to
25 be congruent with the actual fence line on the northwest border to be included
26 within the cemetery boundary. All expenses in effectuating this transfer shall be
27 borne by the Office of Veterans Affairs.

1 Pertinent Government of Guam agencies and offices affected by the
2 provisions contained herein shall work collectively with the Office of Veterans
3 Affairs in the timely and appropriate implementation of the provision herein. The
4 transfer of said property shall become effective immediately upon enactment.

5 **Section 3. Severability.** If any provision of this Act or its application to any
6 person or circumstance is found to be invalid or contrary to law, such invalidity
7 shall not affect other provisions or applications of this Act which can be given
8 effect without the invalid provisions application, and to this end the provisions of
9 this Act are severable.

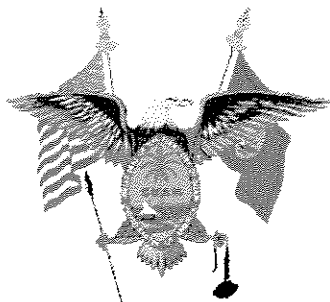
Attachment “A”

Memorandum of Understanding between the Office of Veterans Affairs and Department of Agriculture

Eddie B. Calvo
Governor

Ray Tenorio
Lieutenant Governor

John S. Unpingco
Administrator



OFFICE OF VETERANS AFFAIRS

Office of the Governor
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Hagatna, Guam 96932
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**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE
OFFICE OF VETERANS AFFAIRS
AND
DEPARTMENT OF AGRICULTURE**



This Memorandum of Understanding dated April 1, 2014 is made by and between the Guam Department of Agriculture (GDOA) and the Office of Veterans Affairs (OVA) with respect to the boundaries of the Guam Veterans Cemetery, 150 Spruance Drive; Piti, Guam 96915.

RECITALS:

WHEREAS, the United States Navy built a cemetery in the 1950's for the interment of Guam's veterans and all other eligible persons, e.g., dependent spouse and children of Guam veterans;

WHEREAS, when the cemetery was being constructed, the boundaries of the cemetery were laid out and a fence enclosing the cemetery was constructed;

WHEREAS, the Navy turned the cemetery over to Government of Guam's control by virtue of a Quitclaim Deed to which was attached a map (Attachment 1) showing the cemetery boundaries;

WHEREAS, the Navy took the Quitclaim Deed and the attached map to it, to the Department of Land Management where it was duly recorded;

WHEREAS, unbeknownst to the Navy and the Government of Guam the map showing the boundaries of the Guam Veterans Cemetery and the actual fenced boundary of the cemetery were not congruent;

WHEREAS, the Navy map showed the northwest boundary to be about fifty (50) feet within the cemetery's fence and approximately twenty four (24) graves were in the fifty (50) feet area;

Attachment "A" of
2:11 PM - 340-32 COR

WHEREAS, the GDOA desired to build an access road into the Masso River reservoir and hence followed the erroneous Navy map which showed the northwest boundary to be about fifty (50) feet within the cemetery's fence line;

WHEREAS, the GDOA property line showing the access road to be fifty (50) feet within the cemetery line was duly recorded;

WHEREAS, the Navy realizing it had made a mistake, tried to record a corrected map (the Meregilliano map) wherein the actual, fenced northwest boundary of the cemetery was congruent with the cemetery property and the GDOA boundary was outside the cemetery fence line;

WHEREAS, the Meregilliano map had never been recorded at Department of Land Management for unknown reasons;

And, the GDOA still owns the land fifty (50) feet inside the cemetery's fence line;

WHEREAS, this error has gone unnoticed since the return of the Veterans Cemetery to Government of Guam jurisdiction;

NOW, therefore to resolve the aforementioned discrepancy, the parties to this Memorandum of Understanding agree to the following:

1. The GDOA agrees to:
 - a. The transfer of the fifty (50) feet of its boundary into the northwest corner of the cemetery to the OVA as its access road to the Masso reservoir remains undisturbed by the transfer;
 - b. As both parties hereto are line agencies of the Government of Guam the transfer will be at no cost to either party;
 - c. GDOA will cooperate with OVA to the fullest extent possible to take whatever action is necessary to effectuate said transfer such as but not limited to, obtaining approval by the Guam Legislature;
 - d. GODA hereby transfers the fifty (50) feet of property in the cemetery fence line to the Guam Veterans Cemetery.

2. The Office of Veterans Affairs agrees to:
 - a. Record the appropriate map showing the boundaries of the cemetery to be congruent with the actual fence line on the northwest border of the cemetery;
 - b. If a map is not extant showing the above, then the Office of Veterans Affairs will obtain a survey and a map at its cost only showing the actual fence line on the northwest border to be included within the cemetery boundary;
 - c. Take whatever action is necessary to effectuate this transfer, such as but not limited to, obtaining approval by the Guam Legislature;
 - d. All expenses in effectuating this transfer shall be borne by OVA;
 - e. The OVA will immediately seek Legislative approval of the transfer;
 - f. The OVA accepts the transfer of the fifty (50) feet of GDOA property.
3. Modification to this Memorandum of Understanding shall be made only upon written approval of the parties represented by the signatories to this instrument.
4. Execution – So understood and agreed to by the parties hereto. Any reference to the date of this Memorandum of Understanding shall be to the date at first stated hereinabove.

GUAM DEPARTMENT OF AGRICULTURE

By: 
MARIQUITA F. TAITAGUE, *Director*

5/13/14

Date: *5/13/14*

OFFICE OF VETERANS AFFAIRS

By: 
JOHN S. UNPINGCO, *Administrator*

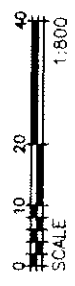
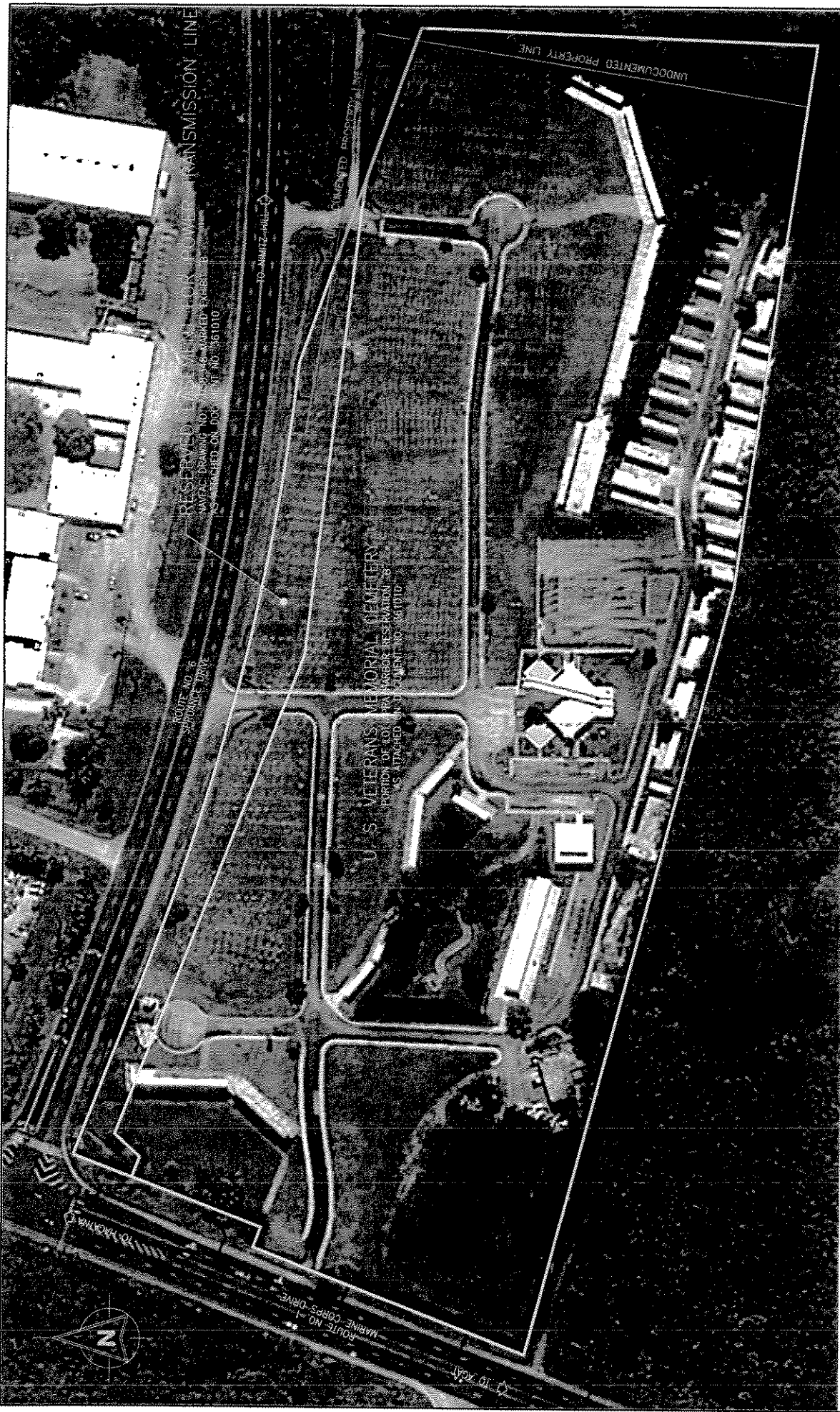
Date: *5/13/14*

Attachment “B”

Apra Harbor Reservation Area B-R1 Map

Meregilliano Map

Pineda Surveying Map



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BOUNDARY
 TOPOGRAPHIC
 CONSTRUCTION
 ENGINEERING
 HYDROGRAPHIC

Attachment "B" of
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