

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION

Bill No. 125 (EC)

Introduced by:

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Mark Forbes *MF*
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AN ACT AUTHORIZING *I MAGA'LAHEN*
GUAHAN TO EXCHANGE A PORTION OF
GOVERNMENT LAND WITHIN LOT NUMBER
10120-R16, MUNICIPALITY OF *DEDEDO*, WITH
LOT NUMBER 5400-R6, MUNICIPALITY OF
MANGILAO, ON A VALUE FOR VALUE BASIS TO
ADDRESS THE PROTECTIVE BUFFER ZONE
REQUIREMENTS FOR THE DEPARTMENT OF
CORRECTIONS PURSUANT TO PUBLIC LAW 17-
54.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. Public Law 17-54
3 created a protective zone surrounding the perimeter of what is currently
4 the Department of Corrections (DOC) in Mangilao and further
5 authorized *I Maga'lahen Guåhan* to conduct land exchanges on an area
6 for area basis with the affected land owners. This zone affects
7 properties contained within the 500 foot radius surrounding the DOC

1 inclusive of Lot Number 5400-R6 owed by Teodoro Q. and Dolores C.
2 Llanes.

3 The effort to implement and enforce a five hundred foot (500')
4 radius protective zone is mandated by local law to protect surrounding
5 property owners while enhancing security at DOC. The protective
6 zone allows DOC to use force in thwarting escapes which meets the
7 requirements of the U.S. Department of Justice.

8 Landowners whose properties have been adversely affected by
9 the protective zone and which should have been exchanged with
10 government of Guam land, have been left in an uncertain situation for
11 over twenty (20) years. The landowners have been unable to improve
12 their properties or to build homes awaiting the final disposition of this
13 matter.

14 *I Liheslaturan Guåhan* finds that through no fault of their own, these
15 private property owners automatically faced condemnation of their land
16 by default. It is the intent of *Liheslaturan Guåhan* to come to fair and
17 equitable resolution of this twenty (20) year continuing problem
18 through a land exchange on a value for value basis.

1 **Section 2. Authorization .** Notwithstanding any other law to
2 the contrary, *I Liheslaturan Guåhan* authorizes *I Maga'lahen Guåhan* to
3 exchange on a value for value basis, a portion of the undivided interest
4 of government land more particularly described as:

5 **LOT NUMBER 10120-R20**, Municipality of *Dededo*,
6 belonging to the government of Guam, containing an area
7 of $\pm 1,827,374$ square meters, described within drawing
8 reference number 301-FY99 and I-652 recorded at the
9 Department of Land Management under Document
10 Number 618339.
11

12 with privately owned property more particularly described as:

13 **LOT NUMBER 5400-R6**, *Lichan Sabana*, Municipality of
14 *Mangilao*, Estate No. 15101, Suburban, containing an area
15 of $\pm 10,185.76$ square meters, belonging to Teodoro Q.
16 Llanes and Dolores C. Llanes, with reference map filed at
17 the Department of Land Management as Document
18 Number 90578.
19

20 **Section 3. Facilitation of Land Exchange.** The Director of the
21 Department of Land Management and the Administrative Director of
22 the Chamorro Land Trust Commission shall cause for *I Maga'lahen*
23 *Guåhan* the exchange of land provided for in Section 2 to be
24 accomplished within one hundred eighty (180) days from the enactment
25 of this Act.

1 **Section 4. No Prohibition Against Building.** Nothing contained
2 in this Act shall be construed to prevent or prohibit the party receiving
3 government land from improving such land or from building, erecting
4 or constructing structures approved in accordance with the building
5 and zoning codes of Guam.

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