

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
2006 (SECOND) Regular Session

Bill No. 310 (EC)

Introduced by:

A. B. Palacios, Sr.



AN ACT TO DESIGNATE LOT 10155-2, CONSISTING OF 6.9994 ACRES IN THE MUNICIPALITY OF DEDEDO AS THE LOCATION FOR THE PROPOSED NEW DEDEDO FLEA MARKET AND PROPOSED NEW DEDEDO FARMERS MARKET, AND ENACTING PROVISIONS FOR MAKING AVAILABLE THE NECESSARY FUNDING FOR THE CONSTRUCTION OF THESE FLEA MARKET AND FARMERS MARKET AND FOR OTHER RELATED PURPOSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

- 1 **Section 1. Legislative findings and intent.** *I Liheslaturan Guåhan*
2 acknowledges that the present location of the Dededo Flea Market, which is
3 patronized by hundreds of residents of Guam on the weekends, is always
4 heavily crowded, causing constant traffic congestion and vehicular hazard,
5 and oftentimes has been the direct cause of fatal accidents.

1 *I Liheslaturan Guåhan* also realizes that the current location of the
2 Dededo Flea Market, besides being limited in size, is also a part of the buffer
3 zone strip and, therefore, governed with a myriad of restrictions and
4 prohibitions including, but not limited to, the construction of permanent
5 structures, such as restroom facilities and market stalls.

6 *I Liheslaturan Guåhan* further finds that this present flea market does not
7 have designated parking areas for its users and customers. This was
8 increasingly aggravated when the Chamorro Land Trust Commission issued
9 commercial licenses to a private company to lease properties around the
10 facility for business purposes.

11 *I Liheslaturan Guåhan* also strongly agrees that it is very appropriate to
12 transfer the operation of the existing Dededo Flea Market to a much more
13 spacious location, where proper planning and aesthetic arrangement can be
14 applied to the design, apportionment and utilization of the facility to
15 eliminate congestion, provide ancillary structures, spacious parking areas and
16 for other related safety purposes.

17 *I Liheslaturan Guåhan* finally agrees that there is a genuine and urgent
18 need for a farmers market to be appropriately incorporated as an integral part
19 of the flea market facility, where the numerous farmers in the north and the
20 other hundreds of cottage industry vendors can sell their agricultural and
21 manufactured products, including vegetable plants, fruit trees, aquaculture
22 products, and other home nursery products.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to specifically
2 designate the entire 6.9994 acres of Lot No. 10155-2, which is a strip of vacant
3 and available government of Guam land between Santa Monica Avenue and
4 Chalan Henry Kaiser Drive along Marine Corps Drive in Dededo, and along
5 the vicinity of the soon to be built police and fire stations.

6 **Section 2.** Notwithstanding any provision of law, 6.994 acres of Lot
7 No. 10155-2, Dededo, Guam, which is a portion of federal properties which
8 were returned by the federal government to the government of Guam, are
9 hereby transferred to the ownership and jurisdiction of the Mayor’s Office of
10 the municipality of Dededo and are hereby redesignated cumulatively as the
11 site of the proposed Flea Market and Farmers Market.

12 **Section 3.** Notwithstanding any provision of law to the contrary, the
13 Governor of Guam is hereby authorized to direct the Mayor of Dededo and
14 the Municipal Planning Council of the municipality of Dededo to borrow
15 money from any lending institution or federal agency, including the U.S.
16 Department of Agriculture, for the construction of a Flea Market and Farmers
17 Market at the designated location in Section 2 of this Act.

18 **Section 4.** Notwithstanding any contrary provision of law, the
19 Municipal Planning Council of Dededo is hereby authorized to utilize the
20 income and proceeds of the Dededo Flea Market and the rental income for
21 commercial signage at the buffer zone areas along Route 1 in Dededo and
22 other areas in Dededo to repay such loan authorized in Section 3 of this Act.

1 **Section 5.** Subsection (c) of §68901 of Title 21 of the Guam Code
2 Annotated, is hereby repealed in its entirety and reenacted as follows:

3 “(c) Proceeds from such leases shall be earmarked for the
4 exclusive use of the Dededo Municipal Planning Council and to be
5 deposited in the Dededo Municipal Planning Council Fund.”

6 **Section 6. Establishment of a Restricted Fund Account.** The Dededo
7 Municipal Planning Council Fund is hereby established as separate and apart
8 from those of the Government of Guam General Fund Accounts. This Fund
9 shall be used exclusively as a source of repayment for any such loan obtained
10 for the design and construction of the Flea Market and Farmers Market, and
11 for the repair and maintenance of recreational facilities in Dededo under the
12 Mayor’s Office and for any such special projects as identified and approved
13 by the Dededo Municipal Planning Council in a formal meeting of the body.

14 **Section 7. Construction of Skating Ring Facility.** The entire buffer
15 zone area, which currently serves as the location of the Dededo Flea Market,
16 shall be converted into a skating ring location for the utilization of the youth
17 and residents of Guam. This conversion will take effect upon the completion
18 of the proposed Flea Market. The Mayor of Dededo may also utilize the area
19 for other related recreational purposes.

20 **Section 8.** The Mayor of Dededo and the Dededo Municipal Planning
21 Council shall develop rules and regulations governing the usage and
22 operation of the proposed Flea Market and Farmers Market, in accordance
23 with the provisions of the Administrative Adjudication Act. These rules and

1 regulations must be officially adopted prior to the initial operation of the new
2 Flea Market and Farmers Market.

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