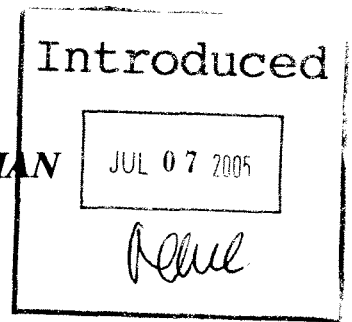


**MINA' BENTE OCHO NA LIHESLATURAN GUEHAN
2005 (FIRST) Regular Session**



Bill No. 167 (EC)

Introduced by:

Edward J.B. Calvo *EJC*
Mark Forbes *MF*
A.R. Unpingco *U*

AN ACT TO SUBDIVIDE AND TRANSFER A PORTION OF BLOCK 1, TRACT 268, MUNICIPALITY OF YONA FROM THE GUAM WATERWORKS AUTHORITY TO THE GUAM PUBLIC SCHOOL SYSTEM FOR THE PURPOSE OF ESTABLISHING A SATELLITE SCHOOL CAMPUS AND TO APPROPRIATE THE AMOUNT OF UP TO ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) FROM THE GENERAL FUND FY 2005 APROPRIATIONS TO THE GUAM PUBLIC SCHOOL SYSTEM PURSUANT TO PUBLIC LAW 27-106 FOR THE TRANSFER OF THE CHATTEL INTEREST OF EIGHT (8) BUILDINGS CONTAINING 16 CLASSROOMS AND OTHER ANCILLARY STRUCTURES FROM ST. FRANCIS SCHOOL TO THE GUAM PUBLIC SCHOOL SYSTEM AND FOR SITE WORK REPAIR, RENOVATION, AND OUTFITMENT OF THE STRUCTURES IN PREPARATION FOR SCHOOL YEAR 2005-2006 AND TO FURTHER SUBDIVIDE AND TRANSFER A PORTION OF THE PARCEL TO THE YONA MAYOR'S OFFICE FOR THE PURPOSE OF MAINTAINING THE EXISTING MULTI-PURPOSE FIELD AND PROVIDING THE COMMUNITY OF YONA WITH ADDITIONAL PARK AND RECREATIONAL OPPORTUNITIES.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Conveyance and Parceling of Block 1 Tract 298,**

3 **Municipality of Yona.**

1 (a) Notwithstanding any other law to the contrary, the Guam
2 Waterworks Authority is directed to transfer portions of certain Guam
3 Waterworks Authority real property to the Guam Public School
4 System and the Yona Mayor's Office hereinafter referred to as the
5 "Parcel" and more particularly described as:

6 **BLOCK 1 TRACT 268**, Municipality of *Yona*,
7 belonging to the Guam Waterworks Authority,
8 containing an area of $\pm 148,065$ square feet, more
9 particular described within sheet 5 of 7 within
10 drawing reference number 721-FY72 recorded as
11 Document Number 224672 and a Grant of Deed
12 recorded as Document Number 567559 filed at the
13 Department of Land Management.

14 Pursuant to 21 GCA §1 *Maga'lahaen Guåhan* is authorized to
15 transfer portions of the Parcel and execute such documents of
16 conveyance necessary to effectuate the parceling and land transfer.
17 The following conditions shall apply prior to the parceling and
18 transfer of the Parcel:
19

20 (1) The Director of the Department of Land
21 Management shall cause for *I Maga'lahaen Guåhan* and the
22 Guam Waterworks Authority the parceling of approximately
23 One and Two Tenths (± 1.2) acres of the Parcel located adjacent
24 to Jose B. Sudo Street containing all structural chattels which
25 supported the temporary St. Francis School Campus and shall

1 convey such property to the Guam Public School System. The
2 subdivision map shall be prepared reflecting the as-built
3 location of the structures in compliance with setbacks of the
4 zone.

5 (2) The Guam Waterworks Authority shall parcel
6 approximately Fifteen Hundredths ($\pm.15$) acre of the Parcel
7 located adjacent to the distal portion of Jose Eustaquio Court
8 and shall continue possession of such area situating a sewage
9 pump station, pneumatic sewage easement and assessorly
10 structures.

11 (3) The remainder of the Parcel not subjected to §§(1)
12 and (2) supra, shall be conveyed to the Yona Mayor's Office for
13 the purpose of maintaining and operating a community multi-
14 purpose field and for other public and community uses identified
15 by the *Yona* Municipal Planning Council. The *Yona* Mayor'
16 Office shall be responsible for the maintenance and upkeep of
17 the property and improvements thereon.

18 (4) The parceling shall meet setback, yard and area
19 requirements prior to the finalization of the subdivision map.

1 (b) The Recorder of the Department of Land Management,
2 upon presentation of the requisite subdivision map and documents of
3 conveyance necessary to effectuate the transfer of property, shall
4 record the instruments waiving all required filing fees.

5 (c) Pertinent government of Guam agencies and offices
6 affected by the provisions contained herein shall work collectively
7 with the Guam Waterworks Authority and the Department of Land
8 Management in the timely and appropriate implementation of the
9 provisions herein.

10 **Section 2. Granting of Conditional Use.** Notwithstanding §61303
11 of Chapter 61 of Title 21 of the Guam Code Annotated, all uses existing or
12 occurring on the Parcel not limited to a school, multi-purpose field, sewage
13 pump station and other assessorly public facilities is hereby granted
14 conditional use pursuant to §61305(b) of Chapter 61 of Title 21 of the Guam
15 Code Annotated within the Single Family (R-1) Zone.

16 **Section 3. No Prohibition Against Building.** Nothing contained in
17 this Act shall be construed to prevent or prohibit any party from improving
18 such land or from building, erecting or constructing structures approved in
19 accordance with the building and zoning codes of Guam.

1 **Section 4. Guam Public School System Satellite School Campus**

2 **Sunset Provision.** Should the property identified within Section 1(a)(1)
3 supra, no longer be used by Guam Public School System, the property and
4 Title shall be transferred to the Yona Mayor's Office for public and
5 community use as may be identified by the *Yona* Municipal Planning
6 Council.

7 **Section 5. Appropriation and Authorization for the Guam**

8 **Public School System Superintendent.** The Superintendent of the Guam
9 Public School System is authorized to use from the General Fund FY 2005
10 appropriations to the Guam Public School System pursuant to P.L. 27-106,
11 the amount not to exceed One Hundred Fifty Thousand Dollars
12 (\$150,000.00) on the property identified within Section 1(a)(1) of this Act
13 and is hereby appropriated for the following purposes:

14 a. In consideration for a quitclaim transfer of the chattel
15 interest of the structures located on the property from St.
16 Francis School to the Guam Public School System for the
17 purpose of a satellite school;

18 b. to clear, grade, grub and remove existing foliage
19 overgrowth, domestic waste, and miscellaneous bulky
20 metallic objects within the property;

1 c. to construct, renovate, rehabilitate and repair the
2 structures on the property; and

3 d. to install streetlights; on and off-site vehicular control
4 devices; gates or fences; active and passive recreational
5 devices; or any necessary appurtenances thereof to
6 promote the safety, welfare and use of the property for
7 school year 2005 to 2006.

8 **Section 6. Effective Date of Act.** This Act shall take effect upon
9 enactment and the subdivision map and documents of conveyance necessary
10 to effectuate the transfer of property shall be accomplished within one
11 hundred twenty (120) days from enactment and shall not affect in the
12 interim, any other improvements necessary to be done in carrying out the
13 purpose of this Act .

14 **Section 7. Severability.** If any provisions of this Act or the
15 application of any such provision to any person or circumstances should be
16 held invalid by a court of competent jurisdiction, the remainder of this Act
17 or the application of its provisions to persons or circumstances other than to
18 which it is held invalid shall not be affected thereby.