

MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

Bill No. 178 (EC)

Introduced by:

J.P. GUTHERZ 
T.R. MUÑA BARNES 
R.J. RESPICIO 

AN ACT TO ADOPT ALLOWABLE LAND USES,
SETBACKS, DENSITIES AND A PROPERTY MAP FOR
RETURNED ANCESTRAL LANDS IN THE DOS
AMANTES PLANNING AREA (HARMON CLIFFLINE
AND FINEGAYAN VICINITY) AND TO AMEND
CHAPTER 24 OF TITLE 11 GUAM CODE ANNOTATED
RELATIVE TO REAL PROPERTY TAX.

64-1-10
64-1-11
64-1-12
64-1-13
64-1-14
64-1-15
64-1-16
64-1-17
64-1-18
64-1-19
64-1-20
64-1-21
64-1-22
64-1-23
64-1-24
64-1-25
64-1-26
64-1-27
64-1-28
64-1-29
64-1-30
64-1-31
64-1-32
64-1-33
64-1-34
64-1-35
64-1-36
64-1-37
64-1-38
64-1-39
64-1-40
64-1-41
64-1-42
64-1-43
64-1-44
64-1-45
64-1-46
64-1-47
64-1-48
64-1-49
64-1-50
64-1-51
64-1-52
64-1-53
64-1-54
64-1-55
64-1-56
64-1-57
64-1-58
64-1-59
64-1-60
64-1-61
64-1-62
64-1-63
64-1-64
64-1-65
64-1-66
64-1-67
64-1-68
64-1-69
64-1-70
64-1-71
64-1-72
64-1-73
64-1-74
64-1-75
64-1-76
64-1-77
64-1-78
64-1-79
64-1-80
64-1-81
64-1-82
64-1-83
64-1-84
64-1-85
64-1-86
64-1-87
64-1-88
64-1-89
64-1-90
64-1-91
64-1-92
64-1-93
64-1-94
64-1-95
64-1-96
64-1-97
64-1-98
64-1-99
64-1-100
64-1-101
64-1-102
64-1-103
64-1-104
64-1-105
64-1-106
64-1-107
64-1-108
64-1-109
64-1-110
64-1-111
64-1-112
64-1-113
64-1-114
64-1-115
64-1-116
64-1-117
64-1-118
64-1-119
64-1-120
64-1-121
64-1-122
64-1-123
64-1-124
64-1-125
64-1-126
64-1-127
64-1-128
64-1-129
64-1-130
64-1-131
64-1-132
64-1-133
64-1-134
64-1-135
64-1-136
64-1-137
64-1-138
64-1-139
64-1-140
64-1-141
64-1-142
64-1-143
64-1-144
64-1-145
64-1-146
64-1-147
64-1-148
64-1-149
64-1-150
64-1-151
64-1-152
64-1-153
64-1-154
64-1-155
64-1-156
64-1-157
64-1-158
64-1-159
64-1-160
64-1-161
64-1-162
64-1-163
64-1-164
64-1-165
64-1-166
64-1-167
64-1-168
64-1-169
64-1-170
64-1-171
64-1-172
64-1-173
64-1-174
64-1-175
64-1-176
64-1-177
64-1-178
64-1-179
64-1-180
64-1-181
64-1-182
64-1-183
64-1-184
64-1-185
64-1-186
64-1-187
64-1-188
64-1-189
64-1-190
64-1-191
64-1-192
64-1-193
64-1-194
64-1-195
64-1-196
64-1-197
64-1-198
64-1-199
64-1-200
64-1-201
64-1-202
64-1-203
64-1-204
64-1-205
64-1-206
64-1-207
64-1-208
64-1-209
64-1-210
64-1-211
64-1-212
64-1-213
64-1-214
64-1-215
64-1-216
64-1-217
64-1-218
64-1-219
64-1-220
64-1-221
64-1-222
64-1-223
64-1-224
64-1-225
64-1-226
64-1-227
64-1-228
64-1-229
64-1-230
64-1-231
64-1-232
64-1-233
64-1-234
64-1-235
64-1-236
64-1-237
64-1-238
64-1-239
64-1-240
64-1-241
64-1-242
64-1-243
64-1-244
64-1-245
64-1-246
64-1-247
64-1-248
64-1-249
64-1-250
64-1-251
64-1-252
64-1-253
64-1-254
64-1-255
64-1-256
64-1-257
64-1-258
64-1-259
64-1-260
64-1-261
64-1-262
64-1-263
64-1-264
64-1-265
64-1-266
64-1-267
64-1-268
64-1-269
64-1-270
64-1-271
64-1-272
64-1-273
64-1-274
64-1-275
64-1-276
64-1-277
64-1-278
64-1-279
64-1-280
64-1-281
64-1-282
64-1-283
64-1-284
64-1-285
64-1-286
64-1-287
64-1-288
64-1-289
64-1-290
64-1-291
64-1-292
64-1-293
64-1-294
64-1-295
64-1-296
64-1-297
64-1-298
64-1-299
64-1-300
64-1-301
64-1-302
64-1-303
64-1-304
64-1-305
64-1-306
64-1-307
64-1-308
64-1-309
64-1-310
64-1-311
64-1-312
64-1-313
64-1-314
64-1-315
64-1-316
64-1-317
64-1-318
64-1-319
64-1-320
64-1-321
64-1-322
64-1-323
64-1-324
64-1-325
64-1-326
64-1-327
64-1-328
64-1-329
64-1-330
64-1-331
64-1-332
64-1-333
64-1-334
64-1-335
64-1-336
64-1-337
64-1-338
64-1-339
64-1-340
64-1-341
64-1-342
64-1-343
64-1-344
64-1-345
64-1-346
64-1-347
64-1-348
64-1-349
64-1-350
64-1-351
64-1-352
64-1-353
64-1-354
64-1-355
64-1-356
64-1-357
64-1-358
64-1-359
64-1-360
64-1-361
64-1-362
64-1-363
64-1-364
64-1-365
64-1-366
64-1-367
64-1-368
64-1-369
64-1-370
64-1-371
64-1-372
64-1-373
64-1-374
64-1-375
64-1-376
64-1-377
64-1-378
64-1-379
64-1-380
64-1-381
64-1-382
64-1-383
64-1-384
64-1-385
64-1-386
64-1-387
64-1-388
64-1-389
64-1-390
64-1-391
64-1-392
64-1-393
64-1-394
64-1-395
64-1-396
64-1-397
64-1-398
64-1-399
64-1-400
64-1-401
64-1-402
64-1-403
64-1-404
64-1-405
64-1-406
64-1-407
64-1-408
64-1-409
64-1-410
64-1-411
64-1-412
64-1-413
64-1-414
64-1-415
64-1-416
64-1-417
64-1-418
64-1-419
64-1-420
64-1-421
64-1-422
64-1-423
64-1-424
64-1-425
64-1-426
64-1-427
64-1-428
64-1-429
64-1-430
64-1-431
64-1-432
64-1-433
64-1-434
64-1-435
64-1-436
64-1-437
64-1-438
64-1-439
64-1-440
64-1-441
64-1-442
64-1-443
64-1-444
64-1-445
64-1-446
64-1-447
64-1-448
64-1-449
64-1-450
64-1-451
64-1-452
64-1-453
64-1-454
64-1-455
64-1-456
64-1-457
64-1-458
64-1-459
64-1-460
64-1-461
64-1-462
64-1-463
64-1-464
64-1-465
64-1-466
64-1-467
64-1-468
64-1-469
64-1-470
64-1-471
64-1-472
64-1-473
64-1-474
64-1-475
64-1-476
64-1-477
64-1-478
64-1-479
64-1-480
64-1-481
64-1-482
64-1-483
64-1-484
64-1-485
64-1-486
64-1-487
64-1-488
64-1-489
64-1-490
64-1-491
64-1-492
64-1-493
64-1-494
64-1-495
64-1-496
64-1-497
64-1-498
64-1-499
64-1-500
64-1-501
64-1-502
64-1-503
64-1-504
64-1-505
64-1-506
64-1-507
64-1-508
64-1-509
64-1-510
64-1-511
64-1-512
64-1-513
64-1-514
64-1-515
64-1-516
64-1-517
64-1-518
64-1-519
64-1-520
64-1-521
64-1-522
64-1-523
64-1-524
64-1-525
64-1-526
64-1-527
64-1-528
64-1-529
64-1-530
64-1-531
64-1-532
64-1-533
64-1-534
64-1-535
64-1-536
64-1-537
64-1-538
64-1-539
64-1-540
64-1-541
64-1-542
64-1-543
64-1-544
64-1-545
64-1-546
64-1-547
64-1-548
64-1-549
64-1-550
64-1-551
64-1-552
64-1-553
64-1-554
64-1-555
64-1-556
64-1-557
64-1-558
64-1-559
64-1-560
64-1-561
64-1-562
64-1-563
64-1-564
64-1-565
64-1-566
64-1-567
64-1-568
64-1-569
64-1-570
64-1-571
64-1-572
64-1-573
64-1-574
64-1-575
64-1-576
64-1-577
64-1-578
64-1-579
64-1-580
64-1-581
64-1-582
64-1-583
64-1-584
64-1-585
64-1-586
64-1-587
64-1-588
64-1-589
64-1-590
64-1-591
64-1-592
64-1-593
64-1-594
64-1-595
64-1-596
64-1-597
64-1-598
64-1-599
64-1-600
64-1-601
64-1-602
64-1-603
64-1-604
64-1-605
64-1-606
64-1-607
64-1-608
64-1-609
64-1-610
64-1-611
64-1-612
64-1-613
64-1-614
64-1-615
64-1-616
64-1-617
64-1-618
64-1-619
64-1-620
64-1-621
64-1-622
64-1-623
64-1-624
64-1-625
64-1-626
64-1-627
64-1-628
64-1-629
64-1-630
64-1-631
64-1-632
64-1-633
64-1-634
64-1-635
64-1-636
64-1-637
64-1-638
64-1-639
64-1-640
64-1-641
64-1-642
64-1-643
64-1-644
64-1-645
64-1-646
64-1-647
64-1-648
64-1-649
64-1-650
64-1-651
64-1-652
64-1-653
64-1-654
64-1-655
64-1-656
64-1-657
64-1-658
64-1-659
64-1-660
64-1-661
64-1-662
64-1-663
64-1-664
64-1-665
64-1-666
64-1-667
64-1-668
64-1-669
64-1-670
64-1-671
64-1-672
64-1-673
64-1-674
64-1-675
64-1-676
64-1-677
64-1-678
64-1-679
64-1-680
64-1-681
64-1-682
64-1-683
64-1-684
64-1-685
64-1-686
64-1-687
64-1-688
64-1-689
64-1-690
64-1-691
64-1-692
64-1-693
64-1-694
64-1-695
64-1-696
64-1-697
64-1-698
64-1-699
64-1-700
64-1-701
64-1-702
64-1-703
64-1-704
64-1-705
64-1-706
64-1-707
64-1-708
64-1-709
64-1-710
64-1-711
64-1-712
64-1-713
64-1-714
64-1-715
64-1-716
64-1-717
64-1-718
64-1-719
64-1-720
64-1-721
64-1-722
64-1-723
64-1-724
64-1-725
64-1-726
64-1-727
64-1-728
64-1-729
64-1-730
64-1-731
64-1-732
64-1-733
64-1-734
64-1-735
64-1-736
64-1-737
64-1-738
64-1-739
64-1-740
64-1-741
64-1-742
64-1-743
64-1-744
64-1-745
64-1-746
64-1-747
64-1-748
64-1-749
64-1-750
64-1-751
64-1-752
64-1-753
64-1-754
64-1-755
64-1-756
64-1-757
64-1-758
64-1-759
64-1-760
64-1-761
64-1-762
64-1-763
64-1-764
64-1-765
64-1-766
64-1-767
64-1-768
64-1-769
64-1-770
64-1-771
64-1-772
64-1-773
64-1-774
64-1-775
64-1-776
64-1-777
64-1-778
64-1-779
64-1-780
64-1-781
64-1-782
64-1-783
64-1-784
64-1-785
64-1-786
64-1-787
64-1-788
64-1-789
64-1-790
64-1-791
64-1-792
64-1-793
64-1-794
64-1-795
64-1-796
64-1-797
64-1-798
64-1-799
64-1-800
64-1-801
64-1-802
64-1-803
64-1-804
64-1-805
64-1-806
64-1-807
64-1-808
64-1-809
64-1-810
64-1-811
64-1-812
64-1-813
64-1-814
64-1-815
64-1-816
64-1-817
64-1-818
64-1-819
64-1-820
64-1-821
64-1-822
64-1-823
64-1-824
64-1-825
64-1-826
64-1-827
64-1-828
64-1-829
64-1-830
64-1-831
64-1-832
64-1-833
64-1-834
64-1-835
64-1-836
64-1-837
64-1-838
64-1-839
64-1-840
64-1-841
64-1-842
64-1-843
64-1-844
64-1-845
64-1-846
64-1-847
64-1-848
64-1-849
64-1-850
64-1-851
64-1-852
64-1-853
64-1-854
64-1-855
64-1-856
64-1-857
64-1-858
64-1-859
64-1-860
64-1-861
64-1-862
64-1-863
64-1-864
64-1-865
64-1-866
64-1-867
64-1-868
64-1-869
64-1-870
64-1-871
64-1-872
64-1-873
64-1-874
64-1-875
64-1-876
64-1-877
64-1-878
64-1-879
64-1-880
64-1-881
64-1-882
64-1-883
64-1-884
64-1-885
64-1-886
64-1-887
64-1-888
64-1-889
64-1-890
64-1-891
64-1-892
64-1-893
64-1-894
64-1-895
64-1-896
64-1-897
64-1-898
64-1-899
64-1-900
64-1-901
64-1-902
64-1-903
64-1-904
64-1-905
64-1-906
64-1-907
64-1-908
64-1-909
64-1-910
64-1-911
64-1-912
64-1-913
64-1-914
64-1-915
64-1-916
64-1-917
64-1-918
64-1-919
64-1-920
64-1-921
64-1-922
64-1-923
64-1-924
64-1-925
64-1-926
64-1-927
64-1-928
64-1-929
64-1-930
64-1-931
64-1-932
64-1-933
64-1-934
64-1-935
64-1-936
64-1-937
64-1-938
64-1-939
64-1-940
64-1-941
64-1-942
64-1-943
64-1-944
64-1-945
64-1-946
64-1-947
64-1-948
64-1-949
64-1-950
64-1-951
64-1-952
64-1-953
64-1-954
64-1-955
64-1-956
64-1-957
64-1-958
64-1-959
64-1-960
64-1-961
64-1-962
64-1-963
64-1-964
64-1-965
64-1-966
64-1-967
64-1-968
64-1-969
64-1-970
64-1-971
64-1-972
64-1-973
64-1-974
64-1-975
64-1-976
64-1-977
64-1-978
64-1-979
64-1-980
64-1-981
64-1-982
64-1-983
64-1-984
64-1-985
64-1-986
64-1-987
64-1-988
64-1-989
64-1-990
64-1-991
64-1-992
64-1-993
64-1-994
64-1-995
64-1-996
64-1-997
64-1-998
64-1-999
64-1-1000

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

2 **Section 1. Legislative Findings and Intent.** In District Court of Guam

3 Civil Actions 10-50 and 33-50, the U.S. condemned privately held lots or
4 portions of privately held lots and consolidated the privately held lots into
5 two large land parcels, thereby extinguishing all property lines,
6 extinguishing all property corners, and invalidating all deeds and
7 Certificates of Title in effect at the time of condemnation. U.S. Public Law
8 103-339 entitled "An Act to Provide for the Transfer of Excess Lands to the
9 Government of Guam," and U.S. Public Law 101-510 entitled "Defense
10 Base Closure and Realignment Act of 1990" have identified more than six
11 thousand acres of Federal Excess Land for conveyance as surplus property
12 on Guam. The Government of Guam elected to return the land to the

1 original landowners or heirs. The Guam Ancestral Land Commission
2 deeds to the land claimants do not define the property lines of the
3 individual return parcels, do not establish the lot size, and do not define
4 the location of the individual return lots.

5 Over 500 acres of land in the *Dos Amantes* area are potentially
6 available for lease by the Land Bank Trust and the monies derived from the
7 rental of the 500 plus acres could be used to pay dividends to those families
8 whose land was not returned, however numerous problems prevent the
9 leasing of these lands by the Ancestral Land Bank Trust and consequently
10 prevent the Ancestral Land Bank Trust from paying dividends to those
11 families whose land are not to be returned.

12 The boundaries of the Ancestral Land Bank Trust land have yet to be
13 defined. The Ancestral Land Bank Trust land is not registered and cannot
14 be registered until the boundaries are explicitly defined. The boundaries of
15 the Ancestral Land Bank Trust land cannot be defined without
16 simultaneously defining the boundaries of all abutting properties. Defining
17 the boundaries of properties at *Dos Amantes* is impeded by the fact that
18 surveyors have discovered problems with the reference points and
19 therefore the Department of Land Management has put a hold on the
20 processing of ancestral land survey maps. The Ancestral Land Bank Trust

1 cannot obtain title insurance because the land is not registered and,
2 without survey maps, cannot be registered.

3 Recognizing the magnitude of problems facing the original
4 landowners and heirs, the Ancestral Land Bank Trust, and also recognizing
5 the desire of the GALC to address these problems, but being severely
6 restricted by personnel and budgetary limitations, Ancestral Land owners
7 in the *Dos Amantes* area have taken a cooperative, private initiative and
8 formulated a proposed program to address the disabilities afflicting the
9 Ancestral Return Lands. The *Dos Amantes* land owners commissioned, at
10 their expense, a Land Use Master Plan for the *Dos Amantes* Planning Area
11 (shown as Attachment No. 3).

12 A primary purpose of the Land Use Master Plan is protection of the
13 fresh water lens in the Harmon area:

14 A major feature of the Land Use Master Plan for the *Dos Amantes*
15 Planning Area is a Cadastral Base Map that provides precise property
16 corner coordinates for all lots within the planning area. The property
17 corner coordinates are tied to the same GGTN monuments on which
18 the certified (by local registered surveyors) Return Maps from the
19 GSA to the Government of Guam are based, thereby ensuring there is
20 no overlap of lot boundaries, and that no discrepancies exist between

1 individual lot boundaries and the boundaries of the lands returned
2 by the Federal Government.

3 Recognizing that the Land Use Master Plan for the *Dos Amantes*
4 Planning Area and the Cadastral Base Map were based on, and meet, the
5 land planning requirements stipulated by 21 GCA and effectively address
6 many of the problems facing land claimants, the Guam Ancestral Land
7 Commission (GALC), after conducting public hearings, officially adopted
8 these documents (GALC Resolution 2005-001, dated 8 September 05,
9 shown within, as Attachment No. 3), and the Governor of Guam via his
10 Executive Order No. 2006-02 (shown as Attachment No. 4), dated January
11 26, 2006, approved and adopted both the *Dos Amantes* Land Use Master
12 Plan and the *Dos Amantes* Cadastral Base Map.

13 To confirm their agreement with the *Dos Amantes* Land Use Plan
14 Zoning and Land Use Controls established by the Governor's Executive
15 Order No. 2006-02 (Department of Land Management Instrument No.
16 730464, year 2006, month 07, date 30) concurring Ancestral Landowners,
17 subject to the decree, initiated individual property descriptions of their lots.
18 Based upon these lot descriptions and the requirements of Executive Order
19 No. 2006-02 (@ para. 2. "The Director of Land Management is directed to
20 use this *Dos Amantes* Master Plan's Cadastral Base Map of 13 September
21 2005 as a footprint for property field surveys subsequently performed by

1 individual lot claimants and their heirs.”) landowners agreed to real
2 property boundaries and the land use controls imposed upon the real
3 property within said boundaries by Executive Order No. 2006-02 (@ para 1.
4 “The Land Use Plan for *Dos Amantes* Planning Area” and the Updated
5 Cadastral Base Map for the *Dos Amantes* Planning Area, both incorporated
6 herein as Attachment No. 3 and 4 respectfully, are approved and
7 adopted”). Having thus complied with established survey and land use
8 requirements by updating the Cadastral Base Map now in force and effect
9 for the *Dos Amantes* Planning Area landowners respectfully request
10 permanent legislation to this effect.

11 Public Law No. 25-45 requisite for ancestral claims applications is to
12 include *the area of land covered by the claim, including property*
13 *descriptions and maps*, but at the time of application most claimants did
14 not have access to property descriptions and maps and therefore the deeds
15 were issued without *property descriptions and maps*. The landowners now
16 have access to *property descriptions and maps* via the attached Updated
17 GALC Cadastral Base Map (shown within as Attachment No. 1) allowing
18 claimants to resubmit claims to include *the area of land covered by the*
19 *claim, including property description and maps*.

20 *I Liheslaturan Guåhan*, therefore, finds the Updated Cadastral Base
21 Map adopted by the landowners, in agreement, provided herein by

1 Attachment No. 1, conforms with 21 GCA ¶ 62402 (a) (3) in that it *shows*
2 *all survey and mathematical information and data necessary to locate all*
3 *monuments, and to locate and retrace any and all interior and exterior*
4 *boundary lines appearing thereon including bearings and distances of*
5 *straight lines, radii, arc and tangent lengths of all curves, and defines,*
6 *designates and delineates all road alley rights-of way and easements and*
7 *other parcels offered for dedication for public use; all tied to the Gov-Guam*
8 *GGTN system, therefore, the Cadastral Base Map meets all requirements of*
9 *21 GCA ¶ 29106.*

10 Since the United States owned the Ancestral Land for the 50 years
11 prior to return, there are no liens, no back taxes, no mortgages, and no
12 other encumbrances except those easements retained by the United States
13 or granted to the Government of Guam by the United States prior to the
14 land return or as shown on the Updated Cadastral Base Map (Attachment
15 No. 1). Public notices for the registration of individual lots listed in the
16 Cadastral Base Map are not required since all abutting property owners for
17 each individual lot were provided with an opportunity to voice objections
18 during the public hearing that preceded the adoption of the Cadastral Base
19 Map by the GALC, and furthermore were provided with yet another
20 opportunity to voice objections during the public hearing that preceded the
21 enactment of this legislation.

1 Thus, *I Liheslatura* finds that the procedure presently stipulated in 21
2 G.C.A. for lot registration is both unworkable and unnecessary for the
3 initial inscription of Ancestral Land registration, and that the Updated
4 Cadastral Base Map (Attachment No. 1) and attachments contain all
5 information and data necessary for land registration, including the land
6 owner, the location, the area and a complete legal description of each
7 parcel. *I Liheslaturan Guåhan* further finds that after the initial inscription
8 has been completed, all procedures presently stipulated in 21 G.C.A. for lot
9 registration are both workable and desirable, and the procedures
10 prescribed in the legislation apply only to the initial inscription of the lots
11 in the Cadastral Base Map.

12 The *I Liheslaturan Guåhan* further finds that immediate registration of
13 all public parks and all other public land, including the Ancestral Land
14 Bank Trust land, is essential to the protection of public land.

15 The GALC issued deeds to the land claimants contain the language
16 *The Grantee(s) hereby covenants and agrees that during the first seven (7)*
17 *years after the date of conveyance under this deed, there shall be no selling*
18 *of the property unless being sold only between the legitimate heir(s) or*
19 *descendant(s)*, thereby preventing the land owners from selling any portion
20 of the return land for the purpose of obtaining improvement funds for the
21 remainder of the property, for paying real estate taxes or for any other

1 purpose. The BRAC lands were returned with the stipulation that the
2 return lands could not be sold for a period of 7 years. The Excess Lands
3 (U.S.P.L. 103-339), which govern the return lands in the Harmon Area, did
4 not contain the same stipulation; therefore the 7 year sales restriction does
5 not apply to the return lands in the Harmon area.

6 It is the intent of this legislation to extend the following benefits to
7 the owners of Ancestral Lands. In compliance with 21 GCA §62102 *to*
8 *provide for the orderly growth and harmonious development of the*
9 *territory; to ensure adequate traffic circulation through coordinated street,*
10 *road and highway systems; to achieve individual property lots of*
11 *maximum utility and livability; to secure adequate provisions for water*
12 *supply, drainage, sanitary sewerage and other health requirements; to*
13 *permit the conveyance of land by accurate legal description; and to provide*
14 *logical procedures for the achievement of this purpose,* thereby enabling
15 the owners of Guam Ancestral Land to promote the economic development
16 of Guam by achieving the highest and best use of their Ancestral Land. To
17 resolve the problems with the survey reference points so that the
18 Department of Land Management may proceed with approval of
19 individual lot survey maps without fear of later receiving a survey map of
20 abutting property that conflicts with the previously approved survey map.
21 To ensure preservation of the traffic circulation plan envisioned by the

1 Land Use Master Plan adopted by the government of Guam and the GALC.
2 To expedite and facilitate the registration of all land parcels in the
3 Cadastral Base Map, including public parks and other public lands. To
4 transfer title to all public parks to the government of Guam. To ensure each
5 claimant has land title acceptable to title insurance companies and
6 acceptable to banks and other lending institutions for purposes of
7 extending construction lands to the land claimants. To eliminate local
8 restrictions on selling returned lands.

9 **Section 2. A new Chapter 81 is added to Title 21 Guam Code**
10 **Annotated Division 2, to read as follows:**

11 **“CHAPTER 81.**

12 ***DOS AMANTES MASTER PLAN***

13 **§ 81101. Guam Ancestral Land Use Improvements.**

14 **§ 81102. *Dos Amantes* Planning District.**

15 **§ 81103. Land Use Master Plan and Updated Cadastral Base**
16 **Map**

17 **§ 81104. Decree of Registration.**

18 **§ 81105. Recitals in Decree: Filing of Decree: Appeals.**

19 **§ 81106. Decree in Rem: Effect**

20 **§ 81107. Limitation of Action Relating to Land.**

21 **§ 81108. Protection of Historical Site.**

1 **§ 81109. Prohibiting Local Restrictions Upon Sales of**
2 **Returned Land.**

3 **§ 81101. Guam Ancestral Land Use Improvements.**

4 Notwithstanding any provision of law, Chapter 81 is hereby added to
5 21 G.C.A. as the approved system for regulating land use and
6 improvements on an area of approximately 1,200 hectares of land as
7 shown in the attached Updated Cadastral Base Map (Attachment No.
8 1).

9 **§ 81102. *Dos Amantes* Planning District.** The land in the Land
10 Use Planning Area shall be known as "*Dos Amantes* Planning
11 District" as designated by the Updated Cadastral Base Map
12 (Attachment No. 1):

13 1) Lots contained in the "*Dos Amantes* Planning
14 District" shall be zoned as agreed by landowners party to the
15 Land Use Control Agreement attached hereto and incorporated
16 herein as Attachment No. 2.

17 2) Any property owner affected by the zoning of this
18 Law as expressed in Attachment No. 2 may, notwithstanding
19 the provisions of this Law, within two (2) years after the
20 effective date of this law, notify the Guam Land Use
21 Commission that he/she desires that his/her land become

1 Intensity District 5, 6 or 7 and his/her land shall, upon said
2 notification, become so zoned.

3 **§ 81103. Land Use Master Plan and Updated Cadastral Base**
4 **Map for the *Dos Amantes* Planning Area.**

5 **(a)** Notwithstanding any other provision of law, the official “Land
6 Use Master Plan for the *Dos Amantes* Planning Area” containing an
7 area of approximately 1,200 hectares, and Updated Cadastral Base
8 Map for the *Dos Amantes* Area, collectively attached herewith are
9 incorporated herein and adopted hereby as updated by landowners
10 pursuant to Attachments No. 1, No. 2, No. 3, and No.4.

11 **(b)** For purposes of the administration of Public Works and
12 Economic Development Act of 1965, as amended with the Territory
13 of Guam, the “*Dos Amantes* Planning District” is hereby designed an
14 “economic development district” to be included hereafter as a
15 prominent element of Guam’s “comprehensive economic
16 development strategy” and for purposes of initiating “economic
17 development partnerships” within the meaning of the Act as well as
18 the meaning of Chapter 78, 12 GCA “Reuse, Planning and
19 Redevelopment of Former Military Bases”.

20 **§ 81104. Decree of Registration.** Notwithstanding any
21 provision of law, as a system for facilitating and expediting the

1 registration of real estate parcels identified in the GALC Updated
2 Cadastral Base Map for the *Dos Amantes* Area, the Guam Ancestral
3 Land Commission is hereby authorized and directed to issue a
4 **Decree of Registration** for all land parcels listed in the Updated
5 GALC Cadastral Base Map and for which the landowners has
6 signified acceptance of all boundaries by signing the Updated
7 Cadastral Base Map and individual lot map for the *Dos Amantes* Area.
8 The Decree of Registration shall include a complete legal description
9 of the subject land parcel and a drawing of the lot (see Form:
10 Attachment No. 5).

11 **§ 81105. Recitals in Decree: Filing of Decree: Appeals.**

12 (a) Every decree shall state the name of the owner of
13 the land parcel, an accurate description of the land and any
14 other facts properly to be determined by the commission.

15 (b) The Director of Land Management is directed to
16 register title to, and to issue a Certificate of Title for all land
17 parcels and deed holders listed in the Updated GALC
18 Cadastral Base Map (Attachment No. 1) and for which the
19 landowners have signified acceptance of all boundaries by
20 signing their individual lot map. Within 30 days of receipt of
21 the Updated GALC Cadastral Base Map, Decree of Registration

1 and attachments from the GALC, the Department of Land
2 Management shall transmit to the GALC, for disbursement by
3 the GALC to the owners of the lots, copies of Certificates of
4 Title for all owner accepted land parcels listed in the Updated
5 Cadastral Base Map (Attachment No. 1). Documents
6 transmitted to the Department of Land Management by the
7 GALC shall include a copy of the Decree of Registration
8 (Attachment Nos. 3 and 5), a drawing signed by the owner
9 showing the lot number, the area of the lot, the complete legal
10 description of the lot, the coordinates of each property corner,
11 and a tie to a common GGTN.

12 (c) Should the Department of Land Management fail to
13 issue a Certificate of Title within the thirty days required, the
14 owner or owners have the right to seek an order from the
15 Superior Court of Guam ordering the Department of Land
16 Management to issue the Certificate of Title. The owner or
17 owners shall have the right to recover its costs from the
18 Department of Land Management, government of Guam.

19 (d) On completion of the initial registration and
20 issuance of the first Certificate of Title by the Department of
21 Land Management, the landowner shall enjoy all of the

1 protection afforded by the existing provisions of 21 GCA,
2 Chapter 29, Land Title Registration. Further, any and all future
3 actions with respect to land registration and the issuance of a
4 Certificate of Title for the lots listed in the Cadastral Base Map
5 shall comply with all the provisions of 21 GCA.

6 **§ 81106. Decree in Rem: Effect.** A decree of the GALC ordering
7 the registration shall be in the nature of a decree in rem and shall
8 forever quiet the title to the land therein ordered registered and shall
9 be final and conclusive as against the rights of all persons, known
10 and unknown, to assert any estate, interest, claim, lien, or demand of
11 any kind or nature whatsoever, against the land so registered or any
12 part thereof, except only as in this Law provided.

13 **§ 81107. Limitation of Action Relating to Land.** No person
14 shall commence any action at law or in equity for the recovery of
15 land, or assert any interest or right in or lien or demand upon the
16 same, or make entry thereon adversely to the title of interest certified
17 in the certificate of title bringing the land under the operation of this
18 Law after one (1) year following the first registration, providing said
19 first registration is not void on the basis of fraud. It shall not be an
20 exception to this rule that the person entitled to bring the action or
21 make the entry is deceased, an infant, lunatic, or is under any

1 disability, but action may be brought by such person by his next kin
2 or guardian or by the administrator or the executor of a deceased
3 person. It shall be the duty of the guardian, if there is any, to bring
4 action in the name of his ward whenever it is necessary to preserve or
5 enforce the ward's rights in registered land. The provisions of this
6 section shall in no way affect or disturb the rights of any person in
7 said land acquired subsequent to the registration thereof, bona fide
8 and without knowledge and for a valuable consideration.

9 **§ 81108. Protection of Historical Site.** Notwithstanding any
10 provision of law, to protect the *Hilaan* Complex and to expedite the
11 return of over 400 acres of land to the Ancestral Land Owners in
12 South *Finegayan* by GSA, it is hereby enacted that:

13 (a) The *Hilaan* Complex shall be subject to 21 GCA,
14 Division 2, Article 2, Section 76205 (c); and

15 (b) In the event that the Government of Guam is given
16 notice by the owner of lands within the *Hilaan* Complex of
17 intent to construct, alter, or improve the site and the
18 Government opts within three months of receiving such notice
19 to undertake or permit the recording and salvaging of any
20 historical information deemed necessary to preserve Spanish-
21 Chamorro history by a qualified agency for this purpose, such

1 recording and salvaging shall be completed within 24 months;
2 and

3 (c) The owner of lands within the *Hilaan* Complex shall
4 provide for right of entry to lands within the *Hilaan* Complex
5 for the purposes of recording and salvaging any historical
6 information deemed necessary to preserve Spanish-Chamorro
7 history by a qualified agency of the Government of Guam
8 within one year of receiving title to the Estate, notwithstanding
9 any notice of intent to construct, alter or improve the site; and

10 (d) The owner of lands within the *Hilaan* Complex shall
11 erect a fence or fences on lands within the *Hilaan* Complex for
12 the purpose of restricting unauthorized vehicular access to the
13 *Hilaan* Complex; and

14 (e) Upon expiration of the 24 month period for a
15 qualified agency to record and salvage any historical
16 information at the *Hilaan* Complex deemed necessary to
17 preserve Spanish-Chamorro history, the owner of lands within
18 the *Hilaan* Complex may restore the area to its practical and
19 reasonable authenticity for use as an educational attraction
20 about Chamorro history and culture; and may construct tourist-
21 related and residential facilities on the property.

1 **§ 81109 Prohibiting Local Restrictions Upon Sales of**
2 **Returned Land.** Except as required by federal law, there shall be no
3 restrictions placed upon the selling of ancestral lands which limits
4 selling of the property to selling between legitimate heirs or
5 descendents. Deed restrictions preventing the landowners from
6 selling any portion of the return land to others than related heirs or
7 descendents are hereby voided by this Act.

8 Immediately upon enactment, if the landowner so requests, and
9 the landowner has signified acceptance of the Updated Cadastral
10 Base Map in writing as provided above, the GALC is hereby directed
11 to issue an amended deed that deletes the 7 year restriction on land
12 sales, includes a complete legal description of the land including the
13 lot location, lot size and the precise boundaries and coordinates of all
14 property corners and includes the following language: "The
15 Grantee(s) agrees to provide access/easement if needed to its
16 surrounding lots to prevent any landowners from being landlocked."

17 § 81109. Real Property Tax Deferral. Pursuant to Sections 24801 and
18 24803 Chapter 24, Title 11, GCA notice of Delinquent Real Property
19 Tax has been given to owners of recently returned Guam Ancestral
20 Land lots. In consideration of the fact that federal and local
21 government deeds restrict sale of certain returned lands for a period

1 of seven (7) years and this seven (7) year restriction also effectively
2 precludes the landowner from using the proceeds of sale or lease for
3 any purpose other than improvement of the land, and most Guam
4 Ancestral Land lots retain unzoned, in probate subject to survey, or if
5 surveyed but subject to Director of Land Management Moratorium
6 on Recordation of Survey Maps for lots in the “*Dos Amantes*”
7 Planning Area (effective September 2004 – ongoing); therefore, of
8 undetermined area and possibly uncertain access, a moratorium on
9 the payment of real property taxes shall be in effect on Guam
10 Ancestral Land lots for seven (7) years from the effective date of this
11 Act.

12 **§ 81110. Protection of Historical Site.** Notwithstanding any
13 provision of law, to protect the *Hilaan* Complex and to expedite the
14 return of over 400 acres of land to the Ancestral Land Owners in
15 South *Finegayan* by GSA, it is hereby enacted that:

16 (a) The *Hilaan* Complex shall be subject to 21 GCA,
17 Division 2, Article 2, Section 76205 (c); and

18 (b) In the event that the Government of Guam is given
19 notice by the owner of Estate 103 of intent to construct, alter, or
20 improve the site and the Government opts within three months
21 of receiving such notice to undertake or permit the recording

1 and salvaging of any historical information deemed necessary
2 to preserve Spanish-Chamorro history by a qualified agency for
3 this purpose, such recording and salvaging shall be completed
4 within 24 months; and

5 (c) The owner of Estate 103 shall provide for right of entry
6 to Estate 103 for the purposes of recording and salvaging any
7 historical information deemed necessary to preserve Spanish-
8 Chamorro history by a qualified agency of the Government of
9 Guam within one year of receiving title to the Estate,
10 notwithstanding any notice of intent to construct, alter or
11 improve the site; and

12 (d) The owner of Estate 103 shall erect a fence or fences on
13 Estate 103 for the purpose of restricting unauthorized vehicular
14 access to the *Hilaan* Complex; and

15 (e) Upon expiration of the 24 month period for a qualified
16 agency to record and salvage any historical information at the
17 *Hilaan* Complex deemed necessary to preserve Spanish-
18 Chamorro history, the owner of Estate 103 may restore the area
19 to its practical and reasonable authenticity for use as an
20 educational attraction about Chamorro history and culture; and

1 may construct tourist-related and residential facilities on the
2 property.”

3 **Section 3. Legislative Findings and Intent.** *I Mina’ Bente Nuebi Na*

4 *Liheslaturan Guåhan* finds that the cost of virtually every consumer need,
5 including such essentials as health care, food, utilities, transportation and
6 shelter, has been rising at a faster pace than incomes. An increase in
7 property tax rates could have a harmful effect on many of Guam’s people,
8 especially those living on fixed incomes, the elderly, the infirm, and those
9 whose pensions or stipends may not be able to absorb even a small increase
10 in taxes. *I Liheslatura* additionally finds that the limited number of parcels
11 of land in Guam available for sale creates a climate that encourages the
12 rapid turnover of property ownership, providing an alternative method to
13 increasing revenues instead of increasing the tax burden of those who are
14 least able to pay.

15 It is therefore the intent of *I Liheslatura* to allow the current tax rate
16 for property to remain in place so that those who currently own their
17 residence can be assured that the tax rate on their land will not rise during
18 their lifetime so long as it remains in their hands. This may also serve to
19 encourage individual landowners to retain and lease their property rather
20 than sell their birthright.

1 It is additionally the intent of *I Liheslatura* to increase the tax levy only
2 on those parcels of land that are sold on or after January 1, 2008 and to
3 amend existing law to require that the valuation of all property in Guam be
4 conducted every five years, beginning in 2008.

5 **Section 4. Title 11 Guam Code Annotated, Chapter 24, Article 1, §**
6 **24103 is amended to read:**

7 **“§ 24103 (a). Levy.** There is hereby levied on all land property
8 in Guam a yearly tax at the rate of one-quarter percent (1/4%) of the
9 value thereof and one percent (1%) of the value of the improvements
10 thereon.

11 **(b). Effective on January 1, 2008 and thereafter, until the**
12 **property is sold, the yearly tax amount levied on all land property in**
13 **Guam shall be the yearly tax amount levy on land property in place**
14 **on December 31, 2007 and one percent (1%) of the value of the**
15 **improvements thereon.**

16 **(c). Effective on January 1, 2008 and thereafter, upon each sale**
17 **of any land property in Guam, there is hereby levied a yearly tax at**
18 **the rate of:**

19 **i. The greater of either one percent (1%) of the total sale price**
20 **of the property, or one percent (1%) of the aggregate tax**
21 **valuation of the property based on the last completed valuation**

1 conducted pursuant to 11 GCA § 24306, as supplemented by
2 the annual adjustments provided for in 11 GCA § 24307; and
3 ii. one percent (1%) of the value of the improvements thereon.

4 (d). Such tax shall be assessed and collected in the manner
5 prescribed in this Chapter. All proceeds derived by the government
6 under any provision of this Chapter shall be deposited in the
7 Treasury of Guam to the credit of the general fund.”

8 **Section 5. Title 11 Guam Code Annotated, Chapter 24, Article 3 §**
9 **24306 and § 24307 are hereby amended to read:**

10 “§ 24306. Same: Valuation. [~~For the calendar year 1977, the~~
11 ~~valuation of all property shall be the 1978 valuation as shown on the~~
12 ~~assessment roll of the government for 1976, provided, however, that~~
13 ~~in instances where property has been either improved or suffered~~
14 ~~loss in 1977, the assessor shall take into consideration such~~
15 ~~improvement or loss and adjust the assessment roll for such property~~
16 ~~accordingly.] Commencing with the first Monday in March of [1978]~~
17 2008 and continuing every [~~three (3)~~] five (5) years thereafter, the
18 assessor shall re-ascertain the value of all property in Guam and such
19 valuation shall be used as the basis for assessment in Title 11 GCA §
20 24103 (c). [~~during the annual adjustments for property which has~~
21 ~~been either improved or suffered loss, as provided by §24307.~~

1 ~~Notwithstanding any other provision of law, if the valuation~~
2 ~~provided for in this §24306 is not re-ascertained every three (3) five~~
3 ~~(5) years as required by this Section, then the last completed~~
4 ~~valuation as supplemented by the annual adjustments provided for~~
5 ~~in §24307 shall be the property tax valuation used under this~~
6 ~~Chapter.]~~

7 **§24307. Same: Intervening Year.** In each year other than the
8 year of the [~~triennial~~] five (5) year valuation the assessor shall
9 ascertain the value of all property as of the first Monday in March
10 which shall have become taxable since the last valuation, including
11 new improvements or additions to old improvements, or which shall
12 change in value because of a change in use; and in case of the
13 destruction or injury by fire, flood, typhoon, storm or otherwise, or
14 removal of any improvements of any kind, or of orchards, timber, or
15 ornamental trees, the value of which shall have been included in the
16 former valuation of the property, the assessor shall determine the
17 value of such loss and reduce the valuation accordingly.”

18 **Section 6. Five (5) Year Property Valuation Assessment.** The
19 Department of Revenue and Taxation shall conduct the valuation of real
20 properties, pursuant to Title 11 GCA Chapter 24, Article 3, § 24306 in Fiscal
21 Year 2008.

1 **Section 7. Title 11 Guam Code Annotated, Chapter 24, Article 1, §**

2 **24110 is amended to read:**

3 **“§ 24110. Reduced Tax Rates of Senior Citizens.**

4 A senior citizen, who is defined for purposes of this Title as a person
5 fifty-five (55) years of age or older, who is the head of a household
6 and who currently resides in and owns his or her home, and has
7 lived on Guam for five (5) preceding consecutive years shall pay a
8 real property tax on such personal residential property at twenty
9 percent (20%) of the yearly real estate tax [~~based on the latest~~
10 ~~triennial tax assessment levied on such property owned by the~~
11 ~~respective senior citizen~~], provided such property is his or her place
12 of primary residence.”

13 **Section 8. Title 11 Guam Code Annotated, Chapter 24, Article 1, §**

14 **24112 (a) is amended to read:**

15 **“§ 24112. Reduced Tax for U.S. Citizens with Disabilities and**
16 **Heads of Households with Dependents with Disabilities.**

17 (a) A U.S. Citizen with disabilities or head of household with
18 dependents with disabilities, who is defined for purposes of this Title
19 as a U.S. Citizen aged eighteen (18) years or over who has lived on
20 Guam for the preceding five (5) consecutive years and who currently
21 resides in his or her own home, and meets the definition of

1 permanent disability as established by the Department of Integrated
2 Services for Individuals with Disabilities ('DISID'), shall pay a real
3 property tax on such personal or family residential property at
4 twenty percent (20%) of the yearly real estate tax [~~based on the latest~~
5 ~~triennial tax assessment~~] levied on such property owned by the
6 respective U.S. Citizen, and which is his or her primary residence.

7 **Section 9. Law to be Liberally Construed.** This Law shall be
8 construed liberally as may be necessary for the purpose of effecting its
9 general intent.

10 **Section 10. Severability.** If any of the provisions of this act or the
11 application thereof to any person or circumstance is held invalid, such
12 invalidity shall not affect any other provision or applications of this Act
13 which can be given effect without the invalid provisions or application,
14 and to this end the provisions of this Act are severable.