

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

Bill No. 194(EC)

Introduced by:

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

2007 NOV 30 PM 4 25 AM

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 PROVIDE REAL PROPERTY TAX RELIEF ON FEDERAL EXCESS RETURN LANDS FOR SEVEN (7) YEARS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that in
3 District Court of Guam Civil Actions 10-50 and 33-50, the U.S. condemned privately
4 held lots or portions of privately held lots and consolidated the privately held lots into
5 two large land parcels, thereby extinguishing all property lines, extinguishing all
6 property corners, and invalidating all deeds and Certificates of Title in effect at the time
7 of condemnation. U.S. Public Law 103-339 entitled "An Act to Provide for the Transfer
8 of Excess Lands to the Government of Guam," and U.S. Public Law 101-510 entitled
9 "Defense Base Closure and Realignment Act of 1990" have identified more than six
10 thousand acres of Federal Excess Land for conveyance as surplus property on Guam.
11 The Government of Guam elected to return the land to the original landowners or heirs.
12 The Guam Ancestral Land Commission deeds to the land claimants do not define the
13 property lines of the individual return parcels, do not establish the lot size, and do not
14 define the location of the individual return lots.

15 As stated in the April 2005 edition of Guahan Magazine, *the Ancestral Lands*
16 *Commission law created the Land Bank Trust. The trust is designed to use money*
17 *earned from the rental of government property "in its highest and best use" to pay out*
18 *dividends to original landowners whose property cannot be returned.*

19 *I Liheslatura* finds that over 500 acres of land in the *Dos Amantes* area are
20 potentially available for lease by the Land Bank Trust and the monies derived from the
21 rental of the 500 plus acres must and shall be used to pay dividends to those families

1 whose land was not returned, however numerous problems prevent the leasing of these
2 lands by the Ancestral Land Bank Trust and consequently prevent the Ancestral Land
3 Bank Trust from paying dividends to those families whose land are not to be returned.

4 *I Liheslatura* finds that the boundaries of the Ancestral Land Bank Trust land have
5 yet to be defined. The Ancestral Land Bank Trust land is not registered and cannot be
6 registered until the boundaries are explicitly defined. The boundaries of the Ancestral
7 Land Bank Trust land cannot be defined without simultaneously defining the
8 boundaries of all abutting properties. Defining the boundaries of properties at *Dos*
9 *Amantes* is impeded by the fact that surveyors have discovered problems with the
10 reference points and therefore the Department of Land Management has put a hold on
11 the processing of ancestral land survey maps. The Ancestral Land Bank Trust cannot
12 obtain title insurance because the land is not registered and, without survey maps,
13 cannot be registered.

14 *I Liheslatura* finds that ancestral land owners in the *Dos Amantes* area, recognizing
15 the magnitude of problems facing the Land Bank Trust and the original landowners and
16 heirs, and also recognizing the desire of the GALC to address these problems, but being
17 severely restricted by personnel and budgetary limitations, have taken a cooperative,
18 private initiative and formulated a proposed program to address the disabilities
19 afflicting the Ancestral Return Lands. The *Dos Amantes* land owners commissioned, at
20 their expense, a Land Use Master Plan for the *Dos Amantes* Planning Area (Shown as
21 Attachment No. 3).

22 Section 4 of Public Law 22-145 states, "*Formal transfer*" refers to the issuance by
23 the government of Guam of a recorded Certificate of Title bearing the respective
24 landowner's name. Thus, until the landowners possess a Certificate of Title, the federal
25 excess lands have not been formally transferred. However, a Certificate of Title cannot
26 be issued until the boundaries of the lots have been formalized. It is the intent of this
27 legislation to facilitate "*Formal transfer*" of the federal excess lands to the ancestral
28 landowners by providing for each lot a property map which explicitly identifies
29 property corners and property boundaries and by providing a means and method of
30 expediting land registration and issuance of a recorded Certificate of Title.

31 Section 6 of Public Law 22-145, *Temporary use of vacant lands*, states, *DLM is*
32 *authorized to permit the original landowners or their heirs to temporarily use vacant*
33 *lands transferred in Section 4 of this Act for farming, resettlement, recreation, tourism*

1 ... as well as for other forms of economic or business development deemed productive
2 and socially and economically beneficial to Guam and its residents. Such temporary
3 use of said lands shall cease when formal transfer (issuance of a Certificate of Title) of
4 the property to the original landowner or his heirs occurs.

5 I Liheslatura finds that finds that the intent of Public Law 22-145 is that the
6 allowable development of the return lands conform to the highest and best use of said
7 lands and it is therefore the intent of I Liheslatura that such highest and best use be
8 allowed to continue after the formal transfer is accomplished, rather than *cease when*
9 *formal transfer (issuance of a Certificate of Title) of the property to the original*
10 *landowner or his heirs occurs*. This intent is accomplished by adoption of a Land Use
11 Master Plan for the *Dos Amantes* Planning Area, in conjunction with the expedited
12 registration provisions of this Act, in order to expedite and facilitate the issuance of a
13 Certificate of Title for each lot.

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

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

32 To confirm their agreement with the *Dos Amantes* Land Use Plan Zoning and
33 Land Use Controls established by the Governor's Executive Order No. 2006-02

1 (Department of Land Management Instrument No. 730464, year 2006, month 07, date
2 30) concurring Ancestral Landowners, subject to the decree, initiated individual
3 property descriptions of their lots. Based upon these lot descriptions and the
4 requirements of Executive Order No. 2006-02 (@ para. 2. "The Director of Land
5 Management is directed to use this *Dos Amantes* Master Plan's Cadastral Base Map of 13
6 September 2005 as a footprint for property field surveys subsequently performed by
7 individual lot claimants and their heirs.") landowners agreed to real property
8 boundaries and the land use controls imposed upon the real property within said
9 boundaries by Executive Order No. 2006-02 (@ para 1. "The Land Use Plan for *Dos*
10 *Amantes* Planning Area" and the Updated Cadastral Base Map for the *Dos Amantes*
11 Planning Area, both incorporated herein as Attachment No. 3 and 4 respectfully, are
12 approved and adopted"). Having thus complied with established survey and land use
13 requirements by updating the Cadastral Base Map now in force and effect for the *Dos*
14 *Amantes* Planning Area landowners respectfully request permanent legislation to this
15 effect.

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

24 *I Liheslatura* therefore finds that the Updated Cadastral Base Map adopted by the
25 GALC and the Governor of Guam, in agreement, provided herein by Attachment No. 1,
26 conforms with 21 GCA ¶ 62402 (a) (3) in that it *shows all survey and mathematical*
27 *information and data necessary to locate all monuments, and to locate and retrace any*
28 *and all interior and exterior boundary lines appearing thereon including bearing and*
29 *distances of straight lines, radii, arc and tangent lengths of all curves, and defines,*
30 *designates and delineates all road alley rights-of way and easements and other parcels*
31 *offered for dedication for public use; all tied to the Gov-Guam GGTN system, therefore,*
32 the Cadastral Base Map meets all requirements of 21 GCA ¶ 29106.

1 Guam Public Law 25-45 states, *Specific provision in law is made for “future*
2 *interest” defined in ¶ 1221 as “a future interest entitled the owner to the possession of*
3 *the property only at a future period” as when public lands become excess, and therefore*
4 *subject to future interest claims. Future interests pass by succession, will and transfer*
5 *in the same manner as present interests (¶ 1230). A future interest is not void merely*
6 *because of the improbability of the contingency on which it is limited to take effect.*

7 A memorandum to the Governor of Guam dated June 18, 1997, from the Guam
8 Attorney General states; *The Guam Legislature has passed no less than four (4) statues*
9 *concerning the return of excess federal land to the Government of Guam. The statutes*
10 *collectively express the policy of the government of Guam that properties returned to*
11 *Guam by the Federal Government shall be transferred to the original landowners and*
12 *their heirs.*

13 *The Government of Guam may convey a contingent future interest in the excess*
14 *future lands. Though interest created are contingent, they are nonetheless property*
15 *interests capable of transfer.*

16 *The significance of such an interest is that once the Government of Guam*
17 *obtains fee simple title to the excess lands, it will be enforceable against the*
18 *Government of Guam.*

19 GCA Chapter 80 states:

- 20 ▪ *“Ancestral Lands” shall mean those lands owned privately by residents of*
21 *Guam on or after January 1, 1930.*
- 22 ▪ *“Ancestral Lands Title” shall mean that right and interest entitling an*
23 *owner or owner’s descendants or heirs to the repossession of property taken*
24 *by the United States of America or the government of Guam on or after*
25 *January 1, 1930, having thereafter been declared excess.*
- 26 ▪ *“Ancestral Property Right” shall mean the right and interest that a private*
27 *property owner has in relation to inherited land or lands possessed by*
28 *private property owner’s ancestor.*
- 29 ▪ *“Original land” shall mean the actual specifically described land, in whole*
30 *or in part, which was confiscated or condemned by the United States of*
31 *America or the government of Guam on or after January 1, 1930, and have*

1 *been thereafter declared excess to which a prior private ownership interest*
2 *held by a resident of Guam on January 1, 1930 was previously attached.*

3 *I Liheslaturan Guåhan through this Chapter hereby affirms and formally*
4 *recognizes the “Ancestral Property Right.”*

5 Recognizing that:

- 6 ■ Some of the land addressed in Bill 178 had been excessed and is in the process
7 of being returned to the Government of Guam, but the return has not been
8 completed at the time of the drafting of this legislation.
- 9 ■ Specific provision in law is made for “future interest” defined in ¶ 1221 as “a
10 future interest entitled the owner to the possession of the property only at a
11 future period” as when public lands become excess, and therefore subject to
12 future interest claims.
- 13 ■ Future interest pass by succession, will and transfer in the same manner as
14 present interests (¶ 1230).
- 15 ■ A future interest is not void merely because of the improbability of the
16 contingency on which it is limited to take effect.

17 The intent of this legislation is that “contingent interest” or “future interest” be
18 recognized as a property right in the same sense that “present interest” is a property
19 right. For the lots in the Updated Cadastral Base Map the Certificate of Title to be issued
20 by the Department of Land Management shall include wording to the effect that any
21 land included in the map accompanying the Certificate of Title that has yet to be
22 returned by the Federal Government is to be considered a contingent future interest in
23 the property.

24 Since the United States owned the Ancestral Land for the 50 years prior to return,
25 there are no liens, no back taxes, no mortgages, and no other encumbrances except
26 those easements retained by the United States or granted to the Government of Guam
27 by the United States prior to the land return or as shown on the Updated Cadastral Base
28 Map (Attachment No. 1). Public notices for the registration of individual lots listed in
29 the Cadastral Base Map are not required since all abutting property owners for each
30 individual lot were provided with an opportunity to voice objections during the public
31 hearing that preceded the adoption of the Cadastral Base Map by the GALC, and

1 furthermore were provided with yet another opportunity to voice objections during the
2 public hearing that preceded the enactment of this legislation.

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

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

15 *I Liheslatura* further finds that the GALC issued deeds to the land claimants
16 contain the language *The Grantee(s) hereby covenants and agrees that during the first*
17 *seven (7) years after the date of conveyance under this deed, there shall be no selling of*
18 *the property unless being sold only between the legitimate heir(s) or descendant(s),*
19 thereby preventing the land owners from selling any portion of the return land for the
20 purpose of obtaining improvement funds for the remainder of the property, for paying
21 real estate taxes or for any other purpose. The BRAC lands were returned with the
22 stipulation that the return lands could not be sold for a period of 7 years. The Excess
23 Lands (U.S.P.L. 103-339), which govern the return lands in the Harmon Area, did not
24 contain the same stipulation; therefore the 7-year sales restriction does not apply to the
25 return lands in the Harmon area.

26 It is the intent of *I Liheslatura* to extend the following benefits to the owners of
27 Ancestral Lands. In compliance with 21 GCA §62102 *to provide for the orderly growth*
28 *and harmonious development of the territory; to ensure adequate traffic circulation*
29 *through coordinated street, road and highway systems; to achieve individual property*
30 *lots of maximum utility and livability; to secure adequate provisions for water supply,*
31 *drainage, sanitary sewerage and other health requirements; to permit the conveyance of*
32 *land by accurate legal description; and to provide logical procedures for the*
33 *achievement of this purpose, thereby enabling the owners of Guam Ancestral Land to*

1 promote the economic development of Guam by achieving the highest and best use of
2 their Ancestral Land. To resolve the problems with the survey reference points so that
3 the Department of Land Management may proceed with approval of individual lot
4 survey maps without fear of later receiving a survey map of abutting property that
5 conflicts with the previously approved survey map. To ensure preservation of the traffic
6 circulation plan envisioned by the Land Use Master Plan adopted by the government of
7 Guam and the GALC. To expedite and facilitate the registration of all land parcels in the
8 Cadastral Base Map, including public parks and other public lands. To transfer title to
9 all public parks to the government of Guam. To ensure each claimant has land title
10 acceptable to title insurance companies and acceptable to banks and other lending
11 institutions for purposes of extending construction lands to the land claimants. To
12 eliminate local restrictions on selling returned lands.

13 It is not the intent of this legislation that the ancestral landowners be
14 forced to accept the provisions of the Land Use Master Plan for the *Dos Amantes*
15 Planning Area, nor to accept the attached Updated Cadastral Base Map. Rather it is the
16 intent of this legislation to provide these landowners with the opportunity to expedite
17 the registration of their lands and to accept or reject the land use provisions contained
18 in this legislation. In summary;

- 19 ▪ Those landowners who wish to accept the land use provisions and the Updated
20 Cadastral Base Map attached as a part of this legislation may do so by signing the
21 individual maps and remitting to the GALC. The GALC will then transmit the
22 signed maps to the Department of Land Management for expedited registration
23 and the issuance of a Certificate of Title.
- 24 ▪ Those landowners who do not wish to accept the land use provisions and the
25 Updated Cadastral Base map attached as a part of this legislation may proceed with
26 their individual agenda for surveying, land registration and attaining the zoning of
27 their choice.

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

30 **“CHAPTER 81.**

31 **DOS AMANTES MASTER PLAN**

32 **§ 81101. Guam Ancestral Land Use Improvements.**

- 1 § 81102. *Dos Amantes* Planning District.
- 2 § 81103. Land Use Master Plan and Updated Cadastral Base Map.
- 3 § 81104. Decree of Registration.
- 4 § 81105. Recitals in Decree: Filing of Decree: Appeals.
- 5 § 81106. Decree in Rem: Effect.
- 6 § 81107. Limitation of Action Relating to Land.
- 7 § 81108. Protection of Historical Site.
- 8 § 81109. Prohibiting Local Restrictions Upon Sales of Returned
- 9 Land.

10 § 81110. Real Property Tax Relief.

11 § 81101. **Guam Ancestral Land Use Improvements.** Notwithstanding any
12 provision of law, Chapter 81 is hereby added to 21 G.C.A. as the approved
13 system for regulating land use and improvements on an area of approximately
14 1,200 hectares of land as shown in the attached Updated Cadastral Base Map
15 (Attachment No. 1).

16 § 81102. *Dos Amantes* Planning District. The land in the Land Use
17 Planning Area shall be known as the “*Dos Amantes* Planning District” as
18 designated by the Updated Cadastral Base Map (Attachment No. 1):

19 a. Lots contained in the “*Dos Amantes* Planning District” shall
20 be zoned as agreed by landowners party to the Land Use Control
21 Agreement attached hereto and incorporated herein as Attachment No. 2.

22 b. Lands designated park lands by the Updated Cadastral Base
23 Map (Attachment No. 1) shall remain in public use as such perpetually
24 from the date of enactment of this measure.

25 c. Any property owner affected by the zoning of this Law as
26 expressed in Attachment No. 2 may, notwithstanding the provisions of
27 this Law, within two (2) years after the effective date of this law, notify the
28 Guam Land Use Commission that he/she desires that his/her land
29 become Intensity District 5, 6 or 7 and his/her land shall, upon said
30 notification, become so zoned.

31 § 81103. **Land Use Master Plan and Updated Cadastral Base Map for the**
32 *Dos Amantes* Planning Area.

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

7 b. For purposes of the administration of Public Works and
8 Economic Development Act of 1965, as amended, within the Territory of
9 Guam, the "*Dos Amantes* Planning District" is hereby designed an
10 "economic development district" to be included hereafter as a prominent
11 element of Guam's "comprehensive economic development strategy" and
12 for purposes of initiating "economic development partnerships" within
13 the meaning of the Act as well as the meaning of Chapter 78, 12 GCA
14 "Reuse, Planning and Redevelopment of Former Military Bases".

15 **§ 81104. Decree of Registration.** Notwithstanding any provision of law, as
16 a system for facilitating and expediting the registration of real estate interests
17 and parcels identified in the GALC Updated Cadastral Base Map for the *Dos*
18 *Amantes* Area, the Guam Ancestral Land Commission is hereby authorized and
19 directed to issue a **Decree of Registration** for all land interests and parcels listed
20 in the Updated GALC Cadastral Base Map and for which the landowners has
21 signified acceptance of all boundaries by signing the Updated Cadastral Base
22 Map and individual lot map for the *Dos Amantes* Area. The Decree of
23 Registration shall state the name of the owner of record of the land or parcel,
24 include a complete legal description of the subject land parcel and a drawing of
25 the lot (see Form: Attachment No. 5).

26 **§ 81105. Recitals in Decree: Filing of Decree: Appeals.**

27 a. Every decree shall state the name of the owner of the land
28 parcel, an accurate description of the land and any other facts properly to
29 be determined by the commission.

30 b. The Director of Land Management is directed to register title
31 to, and to issue a Certificate of Title for all land parcels and deed holders
32 listed in the Updated GALC Cadastral Base Map (Attachment No. 1) and

1 for which the landowners or their authorized representative(s) have
2 signified acceptance of all boundaries by signing their individual lot map.
3 Within 30 days of receipt of the Updated GALC Cadastral Base Map,
4 Decree of Registration, and attachments from the GALC, the Department
5 of Land Management shall transmit to the GALC, for disbursement by the
6 GALC to the owners of the lots, copies of Certificates of Title for all owner
7 accepted land parcels listed in the Updated Cadastral Base Map
8 (Attachment No. 1). Documents transmitted to the Department of Land
9 Management by the GALC shall include a copy of the Decree of
10 Registration (Attachment Nos. 3 and 5), a drawing signed by the owner
11 showing the lot number, the area of the lot, the complete legal description
12 of the lot, the coordinates of each property corner, and a tie to a common
13 GGTN.

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

20 d. On completion of the initial registration and issuance of the
21 first Certificate of Title by the Department of Land Management, the
22 landowner shall enjoy all of the protection afforded by the existing
23 provisions of 21 GCA, Chapter 29, Land Title Registration. Further, any
24 and all future actions with respect to land registration and the issuance of
25 a Certificate of Title for the lots listed in the Cadastral Base Map shall
26 comply with all the provisions of 21 GCA.

27 **§ 81106. Decree in Rem: Effect.** A decree of the GALC ordering the
28 registration shall be in the nature of a decree in rem and shall forever quiet the
29 title to the land therein ordered registered and shall be final and conclusive as
30 against the rights of all persons, known and unknown, to assert any estate,
31 interest, claim, lien, or demand of any kind or nature whatsoever, against the
32 land so registered or any part thereof, except only as in this Law provided.

1 **§ 81107. Limitation of Action Relating to Land.** No person shall
2 commence any action at law or in equity for the recovery of land, or assert any
3 interest or right in or lien or demand upon the same, or make entry thereon
4 adversely to the title of interest certified in the Certificate of Title bringing the
5 land under the operation of this Law after one (1) year following the first
6 registration, providing said first registration is not void on the basis of fraud. It
7 shall not be an exception to this rule that the person entitled to bring the action or
8 make the entry is deceased, an infant, lunatic, or is under any disability, but
9 action may be brought by such person, by his next kin or guardian or by the
10 administrator or the executor of a deceased person. It shall be the duty of the
11 guardian, if there is any, to bring action in the name of his ward whenever it is
12 necessary to preserve or enforce the ward's rights in registered land. The
13 provisions of this section shall in no way affect or disturb the rights of any
14 person in said land acquired subsequent to the registration thereof, bona fide and
15 without knowledge and for a valuable consideration.

16 **§ 81108. Protection of Historical Site.** Notwithstanding any provision of
17 law, to protect the *Hilaan* Complex and to expedite the return of over 400 acres of
18 land to the Ancestral Land Owners in the South *Finegayan* by GSA, it is hereby
19 enacted that:

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

22 b. In the event that the Government of Guam is given notice by
23 the owner of lands within the *Hilaan* Complex of intent to construct, alter,
24 or improve the site and the Government opts within three months of
25 receiving such notice to undertake or permit the recording and salvaging
26 of any historical information deemed necessary to preserve Spanish-
27 Chamorro history by a qualified agency for this purpose, such recording
28 and salvaging shall be completed within 24 months; and

29 c. The owner of lands within the *Hilaan* complex shall provide
30 for right of entry to lands within the *Hilaan* Complex for the purposes of
31 recording and salvaging any historical information deemed necessary to
32 preserve Spanish-Chamorro history by a qualified agency of the

1 Government of Guam within one year of receiving title to the Estate,
2 notwithstanding any notice of intent to construct, alter or improve the site;
3 and

4 d. The owner of lands within the *Hilaan* Complex shall erect a
5 fence or fences on lands within the *Hilaan* Complex for the purpose of
6 restricting unauthorized vehicular access to the *Hilaan* Complex; and

7 e. Upon expiration of the 24 month period for a qualified
8 agency to record and salvage any historical information at the *Hilaan*
9 Complex deemed necessary to preserve Spanish-Chamorro history, the
10 owner of lands within the *Hilaan* Complex may restore the area to its
11 practical and reasonable authenticity for use as an education attraction
12 about Chamorro history and culture; and may construct tourist-related
13 and residential facilities on the property.

14 **§ 81109. Prohibiting Local Restrictions Upon Sales of Returned Land.**

15 Except as required by federal law, there shall be no restrictions placed upon the
16 selling of ancestral lands which limits selling of the property to selling between
17 legitimate heirs or descendents. Deed restrictions preventing the landowners
18 from selling any portion of the return land to others than related heirs or
19 descendents are hereby voided by this Act.

20 Immediately upon enactment, if the landowner so requests, and the
21 landowner or authorized representative has signified acceptance of the Updated
22 Cadastral Base Map in writing as provided above, the GALC is hereby directed
23 to issue an amended deed that deletes the 7 year restriction on land sales,
24 includes a complete legal description of the land including the lot location, lot
25 size and the precise boundaries and coordinates of all property corners.

26 **§ 81110. Real Property Tax Relief.**

27 a. **Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
28 that section 75 of Chapter IV, Miscellaneous Provisions, in Public Law No.
29 28-68 provides for a real property tax moratorium on returned federal
30 excess lands to original landowners, which is applicable and retroactive to
31 the time of the return of the property until tax year 2007. Pursuant to
32 Sections 24801 and 24803 Chapter 24, Title 11, GCA notice of Delinquent

1 Real Property Tax has been given to owners of recently returned Guam
2 Ancestral Land lots. *I Liheslatura* further finds that although this tax
3 moratorium has been provided, the landowners still face numerous
4 difficulties, monetary costs and impediments in returning their lands to a
5 productive state. Many original landowners of returned excess federal
6 lands have passed on, or are too ill to properly tend the acquisition and
7 possession of these properties upon their return from the federal
8 government. In many instances, returned properties must be properly
9 adjudicated in the courts to pass the title of said properties to the rightful
10 descendants of these family members or to finalize the proper subdivision
11 of these properties. This process many times poses significant financial
12 burdens on these family members, and has further resulted in the process
13 taking many years unnecessarily.

14 However *I Liheslatura* recognizes that even though passage of
15 legislation relative to the *Dos Amantes* Master Plan will significantly
16 alleviate financial burdens on the landowners, the landowners will still
17 requires a significant amount of time to put their lands into productive
18 use for the following reasons:

- 19 • Utilities do not exist in the area and utilities must be
20 constructed before the landowners can develop their properties.
- 21 • The heirs must complete probate before they can
22 commence the improvements of their properties.
- 23 • Improvement of the properties requires the arranging of
24 financing, and the improvements must be designed and
25 constructed before the properties can be utilized.

26 *I Liheslatura* finds that the use of federal excess lands has been
27 denied to landowners for over fifty years, due to circumstances beyond
28 their control. As a result, these lands lack infrastructure and have yet to be
29 developed. Had the lands remained in the hands of the Ancestral
30 Landowners for the last fifty years, the lands would be presently served
31 by infrastructure and would have been developed, providing the
32 Ancestral landowners with income to pay property taxes. But such is not
33 the case, and imposing a tax structure on undeveloped Ancestral lands

1 that match developed lands, such as the tax structure imposed on the
2 Tumon Bay area, is inequitable.

3 *I Liheslatura* additionally finds that since no property taxes have
4 been assessed against the subject property for over fifty years while the
5 subject lands were under the control for the Federal Government, there
6 will be no direct impact on the government of Guam's existing revenue
7 base. Thus the provisions of this Act will not result in a loss of revenue
8 that the government is presently receiving. *I Liheslaturan Guåhan* further
9 finds that the enactment of Bill 178 will expedite the development of the
10 ancestral lands, thereby increasing the future revenue base of the
11 government of Guam by increased property taxes in the *Dos Amantes* area,
12 and the sooner the ancestral landowners have a recorded Certificate of
13 Title, the sooner said lands shall become revenue producing properties.

14 Therefore, *I Liheslatura* intends to alleviate these financial burdens
15 being imposed on many family members and to reduce the time required
16 for family members to subdivide the properties for allocation to the
17 various heirs. Providing the ancestral landowners with a property tax
18 deferral and basing property taxes on the land use at the time of land
19 valuation would be equitable in that it would give the Ancestral
20 Landowners time to develop the properties and realize income and/or
21 usage before being subjected to a property tax structure based on higher
22 land uses.

23 b. **Real Property Tax Relief.** For seven (7) years from the
24 effective date of this Chapter 81, no property taxes shall be imposed on
25 federal excess return lands. In addition, future valuation of returned
26 federal excess land for property tax purposes shall be based on the use of
27 the property at the time of valuation, and not on the zoning of the
28 property.

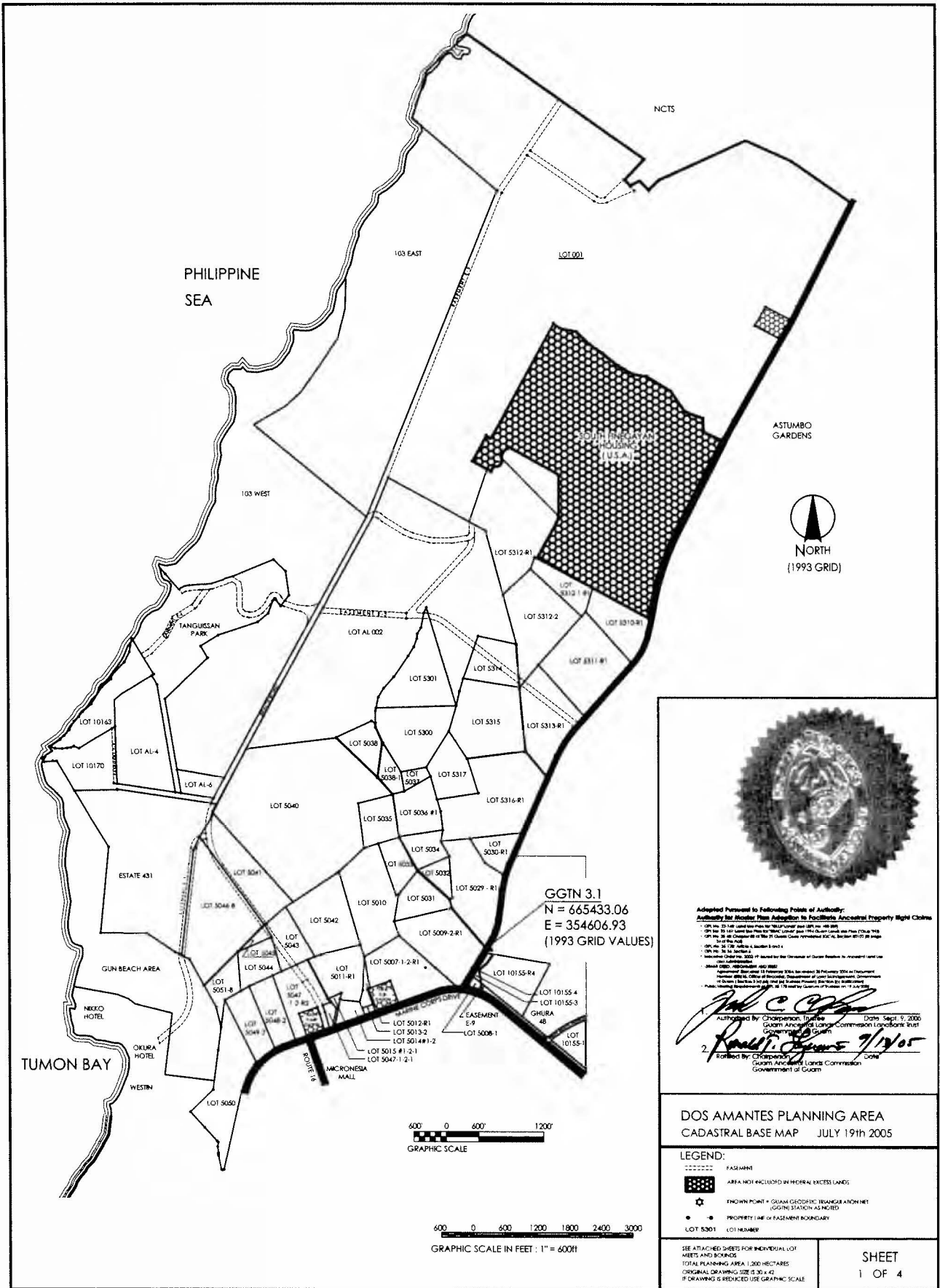
29 c. **Real Property Tax Imposed on Improved Property.** If any
30 federal excess return lands are improved during the seven-year period
31 described in Subitem (b.) of this § 81110, that portion of the property that
32 is improved shall be subject to real property taxes. The unimproved

1 portion of the land shall not be subject to real property taxes until seven
2 years from the effective date of this Chapter 81.”

3 **Section 3. Law to be Liberally Construed.** This Law shall be construed liberally
4 as may be necessary for the purpose of effecting its general intent.

5 **Section 4. Severability.** If any of the provisions of this act or the application
6 thereof to any person or circumstance is held invalid, such invalidity shall not affect
7 any other provision or applications of this Act which can be given effect without the
8 invalid provisions or application, and to this end the provisions of this Act are
9 severable.

o

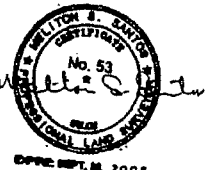


EASEMENTS
EASEMENT #1
EASEMENT #2
EASEMENT #3
EASEMENT #4
EASEMENT #5
EASEMENT #6
EASEMENT #7
EASEMENT #8
EASEMENT #9
EASEMENT #10
EASEMENT #11
EASEMENT #12
EASEMENT #13
EASEMENT #14
EASEMENT #15
EASEMENT #16
EASEMENT #17
EASEMENT #18
EASEMENT #19
EASEMENT #20

BULLCART TRAIL #1
BULLCART TRAIL #2
BULLCART TRAIL #3
BULLCART TRAIL #4
BULLCART TRAIL #5
BULLCART TRAIL #6
BULLCART TRAIL #7
BULLCART TRAIL #8
BULLCART TRAIL #9
BULLCART TRAIL #10
BULLCART TRAIL #11
BULLCART TRAIL #12
BULLCART TRAIL #13
BULLCART TRAIL #14
BULLCART TRAIL #15
BULLCART TRAIL #16
BULLCART TRAIL #17
BULLCART TRAIL #18
BULLCART TRAIL #19
BULLCART TRAIL #20

LOTS
LOT 8010
LOT 8011
LOT 8012
LOT 8013
LOT 8014
LOT 8015
LOT 8016
LOT 8017
LOT 8018
LOT 8019
LOT 8020
LOT 8021
LOT 8022
LOT 8023
LOT 8024
LOT 8025
LOT 8026
LOT 8027
LOT 8028
LOT 8029
LOT 8030

LOT 8031
LOT 8032
LOT 8033
LOT 8034
LOT 8035
LOT 8036
LOT 8037
LOT 8038
LOT 8039
LOT 8040
LOT 8041
LOT 8042
LOT 8043
LOT 8044
LOT 8045
LOT 8046
LOT 8047
LOT 8048
LOT 8049
LOT 8050
LOT 8051
LOT 8052



DOS AMANTES PLANNING AREA
BASE CADASTRAL MAP JULY 19th 2005

Islands of Guam: Government of Guam
Department of Lands Management, Office of the Recorder
File for records instrument No. 713762
for the year 2005 Month 09 Day 14 Time 2:26

I have reviewed these tables for accuracy regarding all of the Cadastral and Areas Computations information included herein and have found all labels above to be accurate.

LOTS

LOT 6028-1						LOT 6029-1						LOT 6030-1						LOT 6031-1					
Controllor No.	Reg. No.	Area	Dist	Dist No.	Dist Sub	Controllor No.	Reg. No.	Area	Dist	Dist No.	Dist Sub	Controllor No.	Reg. No.	Area	Dist	Dist No.	Dist Sub	Controllor No.	Reg. No.	Area	Dist	Dist No.	Dist Sub
1	1	...	...	...	...	...	1	...	...	...	...	...	1	...	...	...	...	...

LOT 6032-1						LOT 6033-1						LOT 6034-1						LOT 6035-1					
Controllor No.	Reg. No.	Area	Dist	Dist No.	Dist Sub	Controllor No.	Reg. No.	Area	Dist	Dist No.	Dist Sub	Controllor No.	Reg. No.	Area	Dist	Dist No.	Dist Sub	Controllor No.	Reg. No.	Area	Dist	Dist No.	Dist Sub
1	1	...	...	...	...	...	1	...	...	...	...	...	1	...	...	...	...	...

LOT 6036-1						LOT 6037-1						LOT 6038-1						LOT 6039-1					
Controllor No.	Reg. No.	Area	Dist	Dist No.	Dist Sub	Controllor No.	Reg. No.	Area	Dist	Dist No.	Dist Sub	Controllor No.	Reg. No.	Area	Dist	Dist No.	Dist Sub	Controllor No.	Reg. No.	Area	Dist	Dist No.	Dist Sub
1	1	...	...	...	...	...	1	...	...	...	...	...	1	...	...	...	...	...

LOT 6040-1						LOT 6041-1						LOT 6042-1						LOT 6043-1					
Controllor No.	Reg. No.	Area	Dist	Dist No.	Dist Sub	Controllor No.	Reg. No.	Area	Dist	Dist No.	Dist Sub	Controllor No.	Reg. No.	Area	Dist	Dist No.	Dist Sub	Controllor No.	Reg. No.	Area	Dist	Dist No.	Dist Sub
1	1	...	...	...	...	...	1	...	...	...	...	...	1	...	...	...	...	...



DOS AMANTES PLANNING AREA
BASE CADASTRAL MAP JULY 19th 2005

Island of Guam, Government of Guam
Department of Lands Management, Office of the Recorder
File for record is Instrumented No. 713762
for the year 2005 Month 09 Day 14 time 2:26

I have reviewed these tables for accuracy regarding all of the Cadastral and Areas Computations information included herein and have found all tables above to be accurate.

