

MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

2008 SEP 11 PM 2:50

Bill No. 368(LS)

Introduced by:

F. F. Blas, Jr. *FB*
V. C. Pangelinan
E. B. Calvo *etc*

ERM

AN ACT TO ADD ARTICLE 14 TO CHAPTER 68 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE RETURN OF UNUSED PROPERTIES TO THEIR RIGHTFL OWNERS AND HEIRS, AND TO CITE THE ACT AS "THE RETURN OF PRIVATE PROPERTIES ACT OF 2008."

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

2 **Section 1.** Article 14 is herby *added* to Chapter 68 of Title 21 of the Guam
3 Code Annotated to read as follows:

4 **"Article 14.**

5 **Return of Unused Properties.**

- 6 **Section 6814101. Title.**
- 7 **Section 6814102. Legislative Findings and Intent.**
- 8 **Section 6814103. Authorization to return properties.**
- 9 **Section 6814104. Facilitation of Land Exchange.**
- 10 **Section 6814105. No Prohibition Against Building.**
- 11 **Section 6814106. Inclusion of parcels in real estate tax**
- 12 **roll.**

1 **Section 6814107. Severability.**

2
3 **Section 6814101. Title.** This Act may be cited or referred to as “*The*
4 *Return of Unused Properties Act of 2008.*”

5 **Section 6814102. Legislative Findings and Intent.** Public Law 17-54
6 created a protective zone surrounding the perimeter of the Department of
7 Corrections (DOC) in Mangilao and further authorized *I Maga’lahen Guâhan*
8 to conduct land exchanges on an area for area basis with the affected land
9 owners. This zone affected those properties contained within the five hundred
10 foot (500’) radius surrounding the DOC including the following Lot Numbers:

- 11 (1) Lot No. 3339-4A-3, Mangilao, containing an area of 4,046 ±
12 square meters belonging to Bernadette Salas Atoigue with
13 reference map filed at the Department of Land Management as
14 Document Number 321816.
- 15 (2) Lot No. 3339-4A-R5, Mangilao, containing an area of 24,083 ±
16 square meters belonging to Raymond C. Salas with reference map
17 filed at the Department of Land Management as Document
18 Number 321816.
- 19 (3) Lot No. 3339-8-3, Mangilao, containing an area of 1,858.24 ±
20 square meters belonging to Raymond C. Salas with reference map
21 filed at the Department of Land Management as Document
22 Number 333641.
- 23 (4) Lot No. 3339-8-4, Mangilao, containing an area of 1,858.06 ±
24 square meters belonging to Raymond C. Salas with reference map
25 filed at the Department of Land Management as Document
26 Number 333641.

- 1 (5) Lot No. 3339-8-5, Mangilao, containing an area of 1,868.49 ±
2 square meters belonging to Jesse C. Salas with reference map filed
3 at the Department of Land Management as Document Number
4 333641.
- 5 (6) Lot No. 3339-8-6, Mangilao, containing an area of 1,858 ± square
6 meters belonging to Jesus M. Salas with reference map filed at the
7 Department of Land Management as Document Number 333641.
- 8 (7) Lot No. 3339-8-7, Mangilao, containing an area of 1,868.49 ±
9 square meters belonging to Jesus M. Salas with reference map filed
10 at the Department of Land Management as Document Number
11 333641.
- 12 (8) Lot No. 3348, Mangilao, containing an area of 65,506.62 ± square
13 meters belonging to Manuel C. Salas with reference map filed at
14 the Department of Land Management as Document Number
15 234754.

16 *I Liheslaturan Guåhan* finds that Mr. Jesus M. Salas and his family
17 whose properties have been adversely affected by the protective zone, and who
18 should have been granted an exchange with government of Guam land, have
19 been left in an uncertain situation for over thirty (30) years. Furthermore, the
20 government left the landowners in a position where they were unable to
21 improve their properties or to even construct safe and decent homes. *I*
22 *Liheslaturan Guåhan* finds that, through no fault of their own, Mr. Jesus M.
23 Salas and his family faced condemnation of their land by default.

24 More importantly, *I Liheslaturan Guåhan* finds that the Department of
25 Corrections is desirous of returning unused properties back to the original
26 landowners.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to come to a fair and
2 equitable resolution of this thirty (30) year old continuing problem by returning
3 the properties mentioned herein to the Salas family at no cost.

4 **Section 6814103. Authorization to return properties.** *I Maga'lahen*
5 *Guåhan* is authorized to return the following private properties back to Jesus M.
6 Salas and his family:

- 7 (1) Lot No. 3339-4A-3, Mangilao, containing an area of 4,046 ±
8 square meters belonging to Bernadette Salas Atoigue with
9 reference map filed at the Department of Land Management as
10 Document Number 321816.
- 11 (2) Lot No. 3339-4A-R5, Mangilao, containing an area of 24,083 ±
12 square meters belonging to Raymond C. Salas with reference map
13 filed at the Department of Land Management as Document
14 Number 321816.
- 15 (3) Lot No. 3339-8-3, Mangilao, containing an area of 1,858.24 ±
16 square meters belonging to Raymond C. Salas with reference map
17 filed at the Department of Land Management as Document
18 Number 333641.
- 19 (4) Lot No. 3339-8-4, Mangilao, containing an area of 1,858.06 ±
20 square meters belonging to Raymond C. Salas with reference map
21 filed at the Department of Land Management as Document
22 Number 333641.
- 23 (5) Lot No. 3339-8-5, Mangilao, containing an area of 1,868.49 ±
24 square meters belonging to Jesse C. Salas with reference map filed
25 at the Department of Land Management as Document Number
26 333641.

- 1 (6) Lot No. 3339-8-6, Mangilao, containing an area of 1,858 ± square
2 meters belonging to Jesus M. Salas with reference map filed at the
3 Department of Land Management as Document Number 333641.
- 4 (7) Lot No. 3339-8-7, Mangilao, containing an area of 1,868.49 ±
5 square meters belonging to Jesus M. Salas with reference map filed
6 at the Department of Land Management as Document Number
7 333641.
- 8 (8) Lot No. 3348, Mangilao, containing an area of 65,506.62 ± square
9 meters belonging to Manuel C. Salas with reference map filed at
10 the Department of Land Management as Document Number
11 234754.

12 **Section 6814104. Facilitation of Land Exchange.** (a) The Director of
13 the Department of Land Management shall facilitate for *I Maga'lahañ Guåhan*
14 the return of those properties identified in Section 6814103 of this Chapter.
15 The return of these properties shall be accomplished within thirty (30) days or
16 sooner, from the date of enactment.

17 (b) The Director of the Department of Land Management is hereby
18 authorized to expend such sums as are necessary to effectuate the return of
19 properties mentioned herein.

20 **Section 6814105. No Prohibition Against Building.** Nothing
21 contained in this Act shall be construed to prevent or prohibit the party
22 receiving the properties from improving such land or from building, erecting or
23 constructing structures approved in accordance with the building and zoning
24 codes of Guam.

25 **Section 6814106. Inclusion of parcels in real estate tax roll.** Because
26 of the government's failure to utilize the parcels identified herein as part of a

1 government facility, inclusive of roadways and utility easements, the Director
2 of Land Management shall transmit to the Director of Revenue and Taxation
3 those parcels identified herein for inclusion in the real estate rolls. Upon
4 verification, the Director of Revenue and Taxation shall include the parcels
5 back into the real estate rolls and shall be applied prospectively and not
6 retroactively.

7 **Section 6814106. Severability.** *If* any provision of this Act or its
8 application to any person or circumstance is found to be invalid or contrary to
9 law, such invalidity shall *not* affect other provisions or applications of this Act
10 which can be given effect without the invalid provisions or application, and to
11 this end the provisions of this Act are severable.”