

***MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN***  
***2011 (FIRST) Regular Session***

Bill No. 11-31(LS)

v.c pangelinan

2011 JAN -3 AM 11:29  
MUM

**AN ACT TO CONVEY LOT 5412-2 IN THE MUNICIPALITY OF MANGILAO TO THE CHAMORRO LAND TRUST COMMISSION AND TO AUTHORIZE THE LEASE OF SAID LOT TO PROVIDE NECESSARY LAND FOR THE DEVELOPMENT OF A GUAM POWER AUTHORITY CONSOLIDATED CENTRAL OFFICE.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds §8203 of Title 12 of the Guam Code Annotated provides that the Guam Power Authority (GPA) is authorized to acquire lands for the purposes of constructing, improving, equipping, maintaining, repairing, renewing, replacing and reconstructing the electric power system of GPA. The legislature finds that Government of Guam land was made available and had been set aside for the development of a consolidated central office for GPA. GPA is requesting to acquire a fee-simple interest in the property which has been reserved for a Consolidated Central Office, specifically, a portion of Lot 5412 in the municipality of Mangilao, comprising an area of fifteen acres, identified in the exhibit known as the Government of Guam Reserved Lands List which is annexed to Section 2 (b) of Public Law 22-18, and placed under the charge of the Guam Power Authority.

*I Liheslaturan Guåhan* finds that a major impediment to the development of housing on Chamorro Land Trust properties is the high cost of power and water

1 infrastructure installation. The development of these properties will generate  
2 economic growth through home construction and fulfill the mandate of the  
3 Chamorro Land Trust Commission (CLTC) to provide land to native Chamorro's  
4 to help them plant strong roots on their homeland for the purpose of building  
5 affordable housing from which generations can live and prosper.

6 *I Liheslaturan Guåhan* finds that land is the only resource available to the  
7 CLTC to generate resources needed to develop its properties and fulfill its mission  
8 and thus, wishes to make this lot available to the Trust for that purpose.

9 *I Liheslaturan Guåhan* further finds that in order for GPA to operate the  
10 present and future ability of the island wide power system, GPA desires the  
11 property reserved in P.L. 22-18 for the development of the Consolidated Central  
12 Office, Lot 5412-2, Municipality of Mangilao.

13 *I Liheslaturan Guåhan* finds conveying Lot 5412-2 in the Municipality of  
14 Mangilao to the CLTC and approving a lease to the GPA will bind the  
15 Consolidated Commission on Utilities and the CLTC to merge their common  
16 interests in an effort to promote the future economic growth and development of  
17 our island and the sustainability of native Chamorros in their homeland.

18 The lease of property from CTLC to build a Consolidated Central Office by  
19 GPA not only represents prudent management but also an invaluable investment to  
20 the preservation of the native Chamorro culture. Any cost of business to the GPA  
21 to be passed on to rate payers shall also be minimized through the large growth of  
22 the GPA customer base resulting from the military buildup over the next ten years.

23 **Section 2. Property Conveyed.** To provide necessary land for the  
24 development of a GPA Consolidated Central Office, there is hereby conveyed to  
25 the Chamorro Land Trust Commission (CLTC) the parcel of government of Guam

1 land more particularly described as Lot No. 5412-2 (Property), situated in Fadian,  
2 Mangilao, containing an area of 60,759± square meters as shown on the map  
3 recorded in the Department of Land Management on November 30, 2006 under  
4 Document Number 746393.

5 **Section 3. Approval of Lease.** The GPA shall have the exclusive right to a  
6 ninety-nine (99) year lease of the property identified in Section 2 of this Act. The  
7 terms and conditions of the lease shall be agreed to between the Chamorro Land  
8 Trust Commission (CLTC) and the GPA and/or the Consolidated Commission on  
9 Utilities as required and authorized by applicable law. In the absence of a duly  
10 constituted Board of Commissioners of the CLTC, the Governor is authorized to  
11 negotiate and enter into such lease authorized herein on behalf of the Trust.

12 *I Liheslaturan Guåhan hereby approve such lease.* Should GPA decline to  
13 exercise this right then the property shall be available for lease for eligible  
14 applicants pursuant to the rules and regulations of the CLTC.

15 **Section 4. Terms and Conditions.** The lease cost of property shall be based  
16 on the average of three (3) appraisals commissioned by the Chamorro Land Trust  
17 Commission (CLTC). The payment of the ninety nine (99) year lease, shall be  
18 structured to be paid in full within fifty (50) years of the signing of a lease and  
19 shall be paid by cash or through labor and materials related to power and water  
20 infrastructure installation to Chamorro Land Trust subdivisions to be determined  
21 by resolution of the CLTC. The draw down schedule for the lease payments shall  
22 be no less than five percent (5%) of the ninety nine (99) year lease total per year,  
23 until paid in full. The annual draw down may exceed five percent (5%).

24 **Section 5. Severability.** If any provision of this Act or its application to  
25 any person or circumstance is found to be invalid or contrary to law, such  
26 invalidity shall *not* affect other provisions or applications of this Act which can be

- 1 given effect without the invalid provisions or applications, and to this end the
- 2 provisions of this Act are severable.