


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

Bill No. 68-31 (COR)

Introduced By:

T.R. Muña Barnes 

AN ACT RELATIVE TO LOT # 54-2 REM, CONSISTING OF APPROXIMATELY 1,161 SQUARE METERS, LOCATED IN THE MUNICIPALITY OF AGANA HEIGHTS, WHICH WOULD ALLOW FOR THE GOVERNMENT OF GUAM'S ACCEPTANCE OF A DEEDED 10 FOOT EASEMENT PROPERTY AMOUNTING TO A 30 FOOT TOTAL EASEMENT PROPERTY, A GRANTING OF A SETBACK VARIANCE TO A TOTAL OF FOUR SIDES OF THE PROPERTY, AND THE DELETION OF THE DOTTED EASEMENT DOWN THE MIDDLE OF THE EXISTING LOT, RESULTING IN SOLVING A FIFTY EIGHT YEAR DISPUTE IN THE MUNICIPALITY OF AGANA HEIGHTS.

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

2 **Section 1. Legislative Findings and Intent.**

3 *I Liheslaturan Guåhan* finds that the property, Lot # 54-2 REM, consisting
4 of approximately 1,161 square meters, located in the municipality of Agana
5 Heights, and owned by Ms. Jeena I. Hemlani, has inadvertently subjected the own-
6 er to undue hardship, practical, and legal injustice by the creation of a 20' wide
7 easement that was put in place with the installation of a sewer line by the Govern-
8 ment of Guam in 1962. At this time, the Government failed to delete the existing

1 easement, thereby cutting the subject lot in half. This easement bisected the lot
2 from the southwest corner and continued to approximately midway to the northeast
3 lot line and remained in this position for many years thereafter, when it was later
4 determined by both the Government of Guam and Mr. Vicente Manglona, the orig-
5 inal landowner, that the location of this easement through private property was not
6 in the best interest of the Government or Mr. Manglona. Therefore, the Govern-
7 ment of Guam and Mr. Manglona mutually agreed to relocate the easement and lo-
8 cate it along the southern boundary of Mr. Manglona's lot, resulting in aligning the
9 width of the road now known as Frederico Drive, thereby abutting Mr. Manglona's
10 lot. With the widening of Frederico Drive and the relocation of the 20' wide
11 easement on the southern boundary, Mr. Manglona was never compensated. Addi-
12 tionally, the widening of Frederico Drive rendered the structure's setbacks, which
13 includes a 16-density apartment unit, as non-conforming, therefore placing a new
14 burden to the landowner in that it added a new frontage to the lot. The lot pre-
15 viously had only two fronts, namely Route 7 and Frederico Drive and with the re-
16 location of the 20' wide easement on the southern boundary, now created a third
17 front yard.

18 Frederico Drive has served and continues to serve the residents in the imme-
19 diate area as well as the general public. In its current state, Frederico Drive can
20 only be used by a single car and in an emergency, this could be dangerous for the

1 emergency vehicles. By accepting the deeded easement property, it will benefit
2 over thirty (30) homes, making their access to their respective homes safer and will
3 further beautify this section of the village of Agana Heights.

4 **Section 2. Legislative Action.** *I Liheslaturan Guåhan* finds that the injus-
5 tice imposed on Jeena I. Hemlani , new owner, of subject lot warrants the Govern-
6 ment of Guam to correct this injustice and allow a grant variance on the lot. There-
7 fore, a setback variance is granted on the front yard setback fronting Apugan Drive
8 to allow the setback of 1.735 m and 1.164 m; and the front setback at 1.132 m and
9 1.135 m fronting Frederico Drive to exist. As a condition of this agreement, the
10 owner Ms. Jeena Hemlani, will install a retaining wall between the road and the
11 building at her expense, as well as construct a four foot wall above the retaining
12 wall to serve as a sound barrier and protection for the tenants of the owner, and
13 their respective vehicles. In addition, because of the taking of additional acreage
14 of a Portion of Lot 54-2 REM along Frederico Drive, the acreage of the lot will be
15 reduced. Therefore, a density variance is also granted to allow for the 16-density
16 apartment units to exist.

17 Ten feet of the easement property identified as LOT # 54-2 REM, located in
18 the municipality of Agana Heights, owned by Ms. Jeena Hemlani, is hereby deeded
19 to the Government of Guam. Lot # 54-2 REM shall be granted a setback variance

1 to a total of four sides of the property and granted a deletion of the dotted easement
2 down the middle of the existing lot, resulting in solving a fifty eight year dispute in
3 the village of Agana Heights.