

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

2011 FEB 23 11:15
BWA

Bill No. 208-31(000)

Introduced by:

v.c. pangelinan



**AN ACT TO AMEND §60900 AND ADD A NEW
§60909 AND §60910, OF ARTICLE 9, CHAPTER
60, TITLE 21 GUAM CODE ANNOTATED
RELATIVE TO THE CONSTRUCTION OF A
NEW DEPARTMENT OF LAND
MANAGEMENT BUILDING IN HAGÁTNA**

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. §60900, Article 9, Chapter 60, Title 21 Guam Code**
2 **Annotated is hereby *amended* to read:**

3 **“§60900. Legislative Statement.** *I Liheslaturan Guåhan* finds that
4 the Department of Land Management (DLM) has applied with the Federal
5 Emergency Management Agency (FEMA) under the Hazard Mitigation
6 Grant Program for funds to construct it administration building. The DLM
7 desires to use the funds received from the FEMA under the Hazard
8 Mitigation Grant Program awarded under Project Number HMGP DR 1446,
9 Project # 15 to construct a building complex to house the operations of the
10 Department of Land Management. The Department proposes to construct the
11 government of Guam building facility on Block 24, in the municipality of
12 Hagåtña.

1 More importantly, *I Liheslaturan Guåhan* finds that the authorization
2 of funds to be received from FEMA is strictly for the funding of the
3 proposed construction of the government of Guam building facility on Block
4 24, and that *I Liheslaturan Guåhan* and *I Maga'lahaen Guåhan* cannot
5 transfer *or* redirect the funding to any accounts other than for the
6 expenditures of the proposed building construction on Block 24, Hagåtña.

7 The propose construction of the Government of Guam building
8 facilities on Block 24, Hagåtña is particularly describe as shown on Re-
9 Subdivision Survey Map, drawing number I4-06T702, L.M. Check No.
10 273FY2008, and recorded under document number 799055, November 24,
11 2009, prepared by Professional Land Surveyor No. 68, Paul L. Santos.

12 The Department of Land Management, with the advisement from the
13 Attorney General's Office and pursuant to §75105, solicits assistance and is
14 requesting approval from the *I Liheslaturan Guåhan* for development
15 authority of government owned parcels: Lots 1NEW-2; 1NEW-3; and
16 1NEW-R6, within Block 24, affected by the consolidation and property
17 boundary realignment of fractional lots within Block 24. The deletion of
18 these substandard parcels, the pre-war lots, also known as fractional parcels
19 within Block 24, Municipality of Hagåtña, would provide both private and
20 government owned parcels the highest and best use for development.

21 *I Liheslaturan Guåhan* intends to authorize the Department of Land
22 Management to complete the land exchanged negotiated with the privately
23 owned fractional parcel Lot 317, within Block 24, and the government
24 owned parcel Lots 1NEW-2 and 1NEW-3, as shown on survey map
25 recorded on Document No. 799055.” The exchange is for lots of the same
26 size and with the same basic lots via the re-alignment of boundaries.

1 **Section 2. §60909, Article 9, Chapter 60, Title 21 Guam Code**
2 **Annotated is hereby *added* to read:**

3 **“§60909. Development Authority.** The Director of Land
4 Management, together with the Administrative Director of Chamorro Land
5 Trust Commission, is hereby approved and authorize the development
6 authority over Lot 1NEW-2; Lot 1NEW-3; and Lot 1NEW-R6, within Block
7 24, to the Department of Land Management in accordance with Section
8 75105 and pursuant to other mandates for the completion of the construction
9 of a building complex to house the operations of the Chamorro Land Trust
10 Commission, Department of Land Management, other land resources
11 departments and other administrative offices of the Government of Guam.

12 The land disposition of Lot 1NEW-2 and Lot 1NEW-3 are parcels that
13 were created from the consolidation of several fractional parcels originally
14 designated within the adoption of the New Agana standard block system.
15 The consolidation survey map of fractional parcels on both private and
16 government land is in accordance to Title 21, GCA and public laws that
17 would better effectuate the highest and best uses of Block 24 for land use
18 development.

19 a) The legal description for the DLM Building Construction Site
20 within Block 24, shall be described as follows:

21 LOT NO. 1NEW-R6, BLOCK NO. 24, MUNICIPALITY OF
22 HAGATNA, GUAM, CONTAINING AN AREA OF 4,714 +/-
23 SQUARE METERS, AS SHOWN ON MAP DWG. NO. I4-
24 06T702, L.M. CHECK NO. 273FY2008, PREPARED BY
25 PROFESSIONAL LAND SURVEYOR NO. 68, PAUL L.
26 SANTOS, RECORDED UNDER DOCUMENT NO. 799055,
27 NOVEMBER 24, 2009.

1 b) Development Authority: The Department of Land Management in
2 accordance with GCA Title 21, Chapter 60, Section 60112 and
3 Chapter 75, Section 75105, shall have development authority over
4 Lot 1NEW-2; Lot 1NEW-3, and Lot 1NEW-R6, within Block No.
5 24, Municipality of Hagåtña, Guam”

6 **Section 3. §60910, Article 9, Chapter 60, Title 21 Guam Code**

7 **Annotated is hereby *added* to read:**

8 **“§60910. Authorization to Lease.** The Chamorro Land Trust
9 Commission (Commission) is hereby authorized to enter into a lease with
10 the Department of Land Management for Lot 1NEW-R6 within Block No.
11 24, Municipality of Hagåtña, Guam.

12 Notwithstanding any other provision of law, the Department of Land
13 Management may enter into a lease with the Commission for the use of Lot
14 1NEW-R6 for a term up to fifty five years at one dollar a year for the first
15 five years, then the lease shall be renegotiated between the Commission and
16 the Department of Land Management. Rental rates for leases made pursuant
17 to this section shall be negotiated by the Commission, as determined by an
18 appraisal, however the Commission may set lease rental at a rate no lower
19 than 50% of fair market value. The appraisal shall be made within one year
20 preceding the commencement of the lease by an appraiser licensed pursuant
21 to Chapter 30, Title 22 of the Guam Code Annotated.

22 **Section 4. Credit Towards Lease Payments.** The Department of
23 Land Management shall receive credits towards the leases payments for
24 payments made on any mortgage, loan or other financing instruments for the
25 construction of the building.

26 **Section 5. Severability.** If any of the provisions of this Act or the
27 application thereof to any person or circumstance is held invalid, such

1 invalidity shall not affect any other provision or application of this Act
2 which can be given effect without the invalid provision or application, and to
3 this end the provisions of this Act are severable.