

**I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2011 (FIRST) REGULAR SESSION**

**Bill No. 273-31 (Ce2)**

**Introduced by:**

**Chris Duenas**  
**V. C. Pangelinan**

2011 JUN 29 AM 11:47

**AN ACT TO DELETE A PORTION OF THE 1966 HIGHWAY  
MASTER PLAN RESERVATION EASEMENT ON LOT NO.  
121-6, MONGMONG, MUNICIPALITY OF SINAJANA, GUAM;  
AND, TO REPEAL AND RE-ENACT § 62103 OF TITLE 21,  
GUAM CODE ANNOTATED, RELATIVE TO COMPLIANCE  
WITH MASTER PLAN.**

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

**Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that the 1966 Highway Master Plan of Guam was adopted as the official highway plan for the Island. The development of major and minor vehicular arterial roads, and the Island as a whole, have made this plan antiquated, requiring the formulation of a new Highway Master Plan, including the reservation of certain real property to accommodate expansion of major and minor vehicular arterial roads..

The proposed Guam 2010 Highway Master Plan did not embrace the Master Plan reservation identified in this legislation. However, the 2010 Highway Master Plan was *not* adopted by *I Liheslaturan Guåhan* leaving Lot Number 121-6, *Mongmong*, Municipality of *Sinajana*, Guam, situated within the one hundred foot (100')-wide master plan reservation of the proposed Route 7 highway, as contained in the 1966 Highway Master Plan.

The Office of the Attorney General has rendered an opinion that *only I Liheslaturan Guåhan* has the authority to alter the 1966 Highway Master Plan. Without such an alteration occurring, the owners of Lot Number 121-6 cannot construct or develop the property, and are held hostage from doing so. The enactment of Public Law 24-211 addressed a similar situation and granted the same relief to its subject property owners that is being sought in this legislation.

*I Liheslaturan Guåhan* further finds that the government of Guam and the proposed Guam 2010 Highway Master Plan does not reflect the need to continue the Highway Master Plan

1 reservation embraced within Lot Number 121-6, *Mongmong*, Municipality of *Sinajana*, Guam. It is  
2 therefore the intent of *I Liheslaturan Guåhan* to delete the reservation easement and allow the  
3 property owners to develop their property.

4 *I Liheslaturan Guåhan* further finds that the government of Guam continues to plan the  
5 future development of the Island’s highway system, and should be afforded a reasonable timeline to  
6 indicate whether it needs to acquire easements to meet the requirements for any given highway  
7 expansion. It is the intent of *I Liheslaturan Guåhan* to authorize a time certain from the date of  
8 enactment of this legislation for the Department of Public Works to certify that the government of  
9 Guam does or *does not* have construction plans within that allotted timeframe.

10 **Section 2.** The legal reservation easement as per the 1966 Highway Master Plan on Lot  
11 Number 121-6, consisting of approximately Three Thousand Eight Hundred Twenty-six square  
12 meters (3826 s.m.) situated in *Mongmong*, Municipality of *Sinajana*, Guam, is hereby deleted.

13 **Section 3.** § 62103 of Title 21, Guam Code Annotated, is hereby *repealed and re-*  
14 *enacted* as follows:

15 **“§ 62103. Compliance with Master Plan.** ~~Development and/or subdivision of all land~~  
16 ~~and roads shall conform to that land use or road location delineated in the latest revision of the~~  
17 ~~Territorial Master Plan, initially approved in April 1967.~~

18 ~~—— (a) Construction on land designated for future road or public purposes, contrary to the use~~  
19 ~~indicated in the Master Plan, shall not be authorized, irrespective of land ownership.~~

20 ~~—— (b) Specifications for construction, repair, and/or reconstruction of roads shall conform to~~  
21 ~~Department of Public Works Standards, and shall follow requirements delineated for that zone in~~  
22 ~~which the subdivision or construction is located.~~ Development and/or subdivision of all land and  
23 roads shall conform to that land use or road location delineated in the latest revision of the Territorial  
24 Master Plan, initially approved in April 1967.

25 (a) Construction on land designated for future road or public purposes, contrary to the use  
26 indicated in the Master Plan, shall not be authorized, irrespective of land ownership, unless the  
27 Department of Public Works certifies that the Government of Guam has no Master Plan projects  
28 pending or planned to be constructed on the land within the immediate two (2) upcoming fiscal  
29 years.

1           (b) Specifications for construction, repair, and/or reconstruction of roads shall conform to  
2 Department of Public Works Standards, and shall follow requirements delineated for that zone in  
3 which the subdivision or construction is located.”