

*I Mina'Trentai Dos Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
213-32 (COR)	V. Anthony Ada	AN ACT TO AUTHORIZE I MAGA'LAHEN GUAHÂN TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED FOR THE GUAM FLOOD MITIGATION PLAN.	10/25/13 8:51 a.m.	10/25/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land	08/28/14 2:00 p.m.	09/24/14 4:21 p.m.	<b>Fiscal Note Request Received 10/31/13</b> <b>Fiscal Notes Received 12/17/13</b>



I Mina'trentai Dos na Liheslaturan Guåhan

32<sup>nd</sup> GUAM LEGISLATURE

Vice Speaker Benjamin J.F. Cruz, Acting Chairman

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

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SEP 19 2014

**The Honorable Judith T. Won Pat, Ed.D.**

Speaker

I Mina'trentai Dos Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

**VIA: The Honorable Rory J. Respicio**

Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 213-32 (COR), as introduced**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill 213-32 (COR), as introduced, "An Act to Authorize I Maga'lahren Guahan to exchange government property in Barrigada for privately owned property located in Barrigada to be used for the Guam Flood Mitigation Plan", sponsored by Senator V. Anthony Ada, which was referred to the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land.

Committee votes are as follows:

4 TO PASS

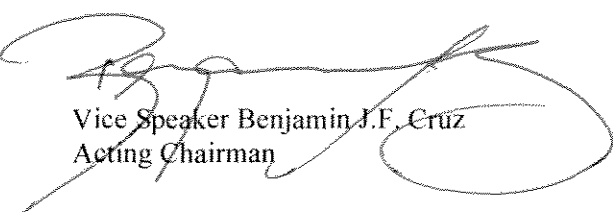
0 NOT TO PASS

1 TO REPORT OUT ONLY

0 TO ABSTAIN

0 TO PLACE IN INACTIVE FILE

Sincerely,

  
Vice Speaker Benjamin J.F. Cruz  
Acting Chairman

2014 SEP 24 PM 4: 21 ef

**COMMITTEE REPORT  
ON**

**Bill No. 213-32 (COR), As Introduced  
Sponsored by Senator V. Anthony Ada**

**An Act to Authorize I Maga'lahen  
Guahan to exchange government  
property in Barrigada for privately  
owned property located in Barrigada to  
be used for the Guam Flood Mitigation  
Plan.**



I Mina'trentai Dos na Liheslaturan Guåhan

32<sup>nd</sup> GUAM LEGISLATURE

Vice Speaker Benjamin J.F. Cruz, Acting Chairman

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public  
Parks, Recreation, Historic Preservation, and Land

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SEP 19 2014

**MEMORANDUM**

**To: All Members**

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation,  
Historic Preservation and Land.

**From:** Vice Speaker Benjamin J.B. Cruz,  
Chairperson

**Subject: Committee Report on Bill No. 213-32 (COR), As Introduced**

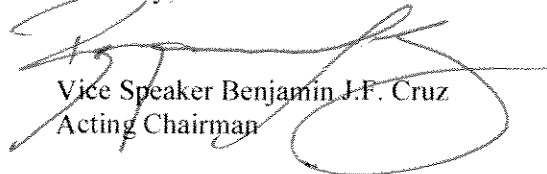
Transmitted herewith for your consideration is the Committee Report on Bill No. 213-32 (COR), as introduced, "An Act to Authorize I Maga'lahren Guahan to exchange government property in Barrigada for privately owned property located in Barrigada to be used for the Guam Flood Mitigation Plan", sponsored by Senator V. Anthony Ada.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 213-32 (COR), As Introduced
4. Public Hearing Sign-in Sheet
5. Copies of Written Testimonies
6. Copy of Fiscal Note
7. Copy of COR referral Bill No. 213-32 (COR)
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,



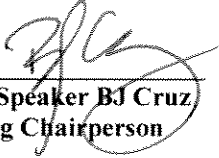


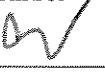
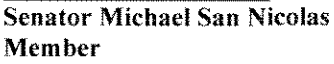
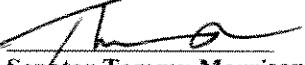

Vice Speaker Benjamin J.F. Cruz  
Acting Chairman

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Public Debt, Legal Affairs, Retirement,  
Public Parks, Recreation, Historic Preservation and Land

Bill No. 213-32 (COR), as introduced, "An Act to Authorize I Maga'láhen Guahan to exchange government property in Barrigada for privately owned property located in Barrigada to be used for the Guam Flood Mitigation Plan"

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Vice Speaker B.J. Cruz Acting Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Speaker Judith T. Won Pat Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Tina Rose Muña-Barnes Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Dennis Rodriguez, Jr. Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Michael San Nicolas Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Tommy Morrison Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Michael Limtiaco Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



I Mina'trentai Dos na Liheslaturan Guåhan

32<sup>nd</sup> GUAM LEGISLATURE

Vice Speaker Benjamin J.F. Cruz, Acting Chairman

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

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### Committee Report

Bill No. 213-32 (COR), An Act to amend Section 3, Section 4, and to repeal Section 6 all of Public Law 21-130 to authorize Department of Land Management to exchange private property taken for the construction of the Agat-Umatac Highway with government land.

#### **I. OVERVIEW**

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land convened a public hearing on August 28, 2014 at 10:00am in *I Liheslatura's* public hearing room.

#### **Public Notice Requirements**

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets and newspaper of general circulation on August 21, 2014 (5-Day Notice), and again on August 26, 2014 (48 Hour Notice).

#### **(a) Committee Members and Senators Present**

Vice Speaker Benjamin J.F. Cruz, Chairman  
Senator Tina Muna Barnes, Member  
Senator Tony Ada  
Senator Tom Ada

#### **(b) Appearing before the Committee**

Mr. Michael J.B. Borja, Director for the Department of Land Management  
Ms. Trini Torres, Maga'haga, Taotaomona Human Rights  
Ms. June Blas, Mayor of Barrigada  
Mr. Jesse Bautista, Vice Mayor of Barrigada  
Mr. Raymond Laguana, Former Former Mayor of Barrigada  
Mr. Phillip Torres  
Mr. Randy Cepeda  
Mr. Robert Baumgartner

#### **(c) Written Testimonies Submitted**

Mr. Michael J.B. Borja, Director for Department of Land Management  
Mr. Randy Cepeda

Ms. June Blas, Mayor of Barrigada  
Mr. Jesse Bautista, Vice Mayor of Barrigada  
Mr. Jesse Palican, Former Mayor of Barrigada

## II. COMMITTEE PROCEEDINGS

**Acting Chairman Benjamin Cruz:** Bill 213-32 is now up for public hearing. I will allow Senator Tony Ada, as author to give his opening summary.

### Sponsor Statement

**Senator Tony Ada:** Bill 213-32 is an act to authorize *I Maga'lahaen Guahan* to exchange government property in Barrigada for privately owned property located in Barrigada to be used for the Guam Flood Mitigation Plan. Bill 213-32 is essentially the same as Bills 43 and 46 of the 29<sup>th</sup> Guam legislature and also Bill 324-30. The first attempt of a land exchange was in Bill 196 and that was way back in the 22<sup>nd</sup> Guam Legislature in 1993. However, movement in the 1993 legislation was halted when the title on the subject lot was inadvertently transferred to the Chamorro Land Trust inventory. The landowner of this property have been denied beneficial use of their property for three decades now. What this bill does is to correct a wrong that was done and we hope to get this bill through so the landowner can realize a land that they can use and the people of Barrigada will be able to also improve on the flooding mitigation in the village of Barrigada. Thank you Mr. Chair.

**Acting Chairman Benjamin Cruz:** We have a number of people here to testify. We have the Director of Land Management, Mr. Borja. I have the Mayor, the Vice Mayor and the former Mayor of Barrigada. Please come on up. Mr. Michael Borja.

**Mr. Michael Borja:** Good afternoon Mr. Chairman and Senator Ada. The department submitted a written testimony on November 20, 2013 and that has been submitted for the record.

[Read from written testimony verbatim. See attached]

**Acting Chairman Benjamin Cruz:** Thank you Mr. Borja. Madam Mayor.

**Mayor June Blas:** Good afternoon. I just want to thank both of you, Honorable Tony Ada and taking your time out to listen to our concern.

[Read from written testimony verbatim. See attached]

[Mayor June Blas read the written testimony from Former Mayor Jesse B. Palican. See attached]

**Acting Chairman Benjamin Cruz:** Former Mayor?

**Former Mayor Raymond Lagaña:** Thank you Mr. Chairman. I was the one that started this project. I was the one that told the Cepeda Family not to back fill the land because it might affect the other houses around it and the village of Barrigada. I started battling when I gave the paper to former Senator Santos to introduce the bill to use it as a ponding basin. Up to now it never reached second base. I am hoping that by today we will reach second base, go to third and to home base when they pass it into law. It's been very long waiting for it.

In the village in Barrigada when we first moved in, it was all dirt; drainage that was built by the military when we first moved in. In the area I was mentioning, when I was a little kid, I would roll down with the water in that area. I would get a bucket and I ride in it. It was right next to the Nilo Cristobal house. When you grow up in a village, you know where the water goes. That is how I found out it goes into that area. Of all the flooding problems in Barrigada, there are only three areas that money was used: Adaya well at Wall Street, a ponding basin in the San Antonio area, behind Wendy's. We bought that land for \$100,000.

This all started when the Department of Public Works was not checking the area when people built their homes. A good problem is the San Antonio area. The Blas Family was building right in the middle of the swamp area. The late Mr. Limtiaco helped me to stop building it when he shot the gun, making the construction run away. The FBI investigated it because it was a Farmers Home Loan. The Farmers Home Loan was given to the family to build a house in the middle of the swamp. It was raining that day when the FBI came and said - Mayor, we are going to arrest you and find this property where the Blas family is going to build. It was raining that day and I took him to the top of that hill and he said - where is that property? I said - do you see that rod sticking out of the water - that is the property. He said - how did they get the loan? Those are the problems that started the flooding in the village.

Sometimes people listen; like one time this family was going to build a house right along P.C Lujan School road. All he needed was \$400 to elevate the house right along the P.C. Lujan road. Right before you come to P.C. Lujan (road) there was a road built and it is always flooding because the Navy elevated the sewer line and blocked the water from running into that area. I tried to prevent (the flooding problem) for the future of Barrigada and tried by stopping the Cepeda Family. They suffered a lot. They waited have waited a long time. Up to now there are people that are flooded in the village of Barrigada. When are we going to get home? I thank you if this bill is passed we will have a home party for you guys. Thank you.

**Acting Chairman Benjamin Cruz:** Thank you very much, Mayors.

**Mayor June Blas:** Senator, I just want to add on here that the area that is really effected is also impacting the Vice Mayor. He also lives in front of that property where the Cepeda Family live. If he is going to be out there trying to save lives in the community, he has to save his own family also. That area is really impacted. We really need that property because for many years there has been a lot of infrastructure that have gone up



and there is no drainage or drywells that they need to somehow inject so that we won't have this problem. There is also a slap of concrete where the culverts are that was damaged in August 8, 2001 when we had that earthquake - I don't know if you remember that. It shook and broke the drainage and the culverts in that area so all the water passes, but where it goes, it goes into the Cepeda Property. If we don't get that mitigated and constructed we are going to need a jet ski. I mentioned that before to Senator San Nicolas that really a jet ski in Barrigada, I feel that we can use it for recreational use, but not to save people's lives.

We are out there 24- and when everyone is at home during storms, we are there to save our people, we are there to comfort them and get them to safety. But all we need is the ponding basin so that when that is constructed, I am not going to worry about the Vice Mayor's family and other residents down in that area. I will be able to focus on other areas that we need help to evacuate. Thank you for giving us the time to really listen to our concerns.

**Acting Chairman Benjamin Cruz:** Thank you very much Mayor Blas. Okay, we will dismiss this panel and call up the next panel. Mr. Torres, Mr. Cepeda, Ms. Trini Torres, Mr. Baumgartner, and cannot read this but it starts with "Lag". Oh, that was Mayor Laguaña. I read your last name first. Why don't we start with Mr. Torres?

**Mr. Phillip Torres:** Good afternoon Mr. Chairman, Senator (Tom) Ada and Senator (Tony) Ada. Thank you for the opportunity to testify on this bill. As you have heard there is an acute problem right now in Barrigada with regard to flood mitigation. For the last thirty years they have been using the Cepeda property as mitigation, a partial mitigation, without any compensation. The Government of Guam recognized in the early 1990's that inverse condemnation was a problem for this government and this territory and provided a way for people to get compensation. One of the ones it was favored was in Public Law 22-73 and Public Law 22-80 was an exchange. The Cepedas have sought an exchange since 1985. In 1987 they went through the process and again in 1989. There was never any opposition from any organization and at the time they were seeking to exchange their property for Lot 15 Tract 9 in Barrigada, which was in the possession of the Government of Guam. That property in 1993 was deeded by the legislature to the Chamorro Land Trust Commission and subsequently was deeded out again to the Government of Guam and then again back to the Chamorro Land Trust Commission.

The opposition to this bill has always been that we don't want to use Chamorro Land properties for an exchange. But where else are we going to get the property? This problem has just remained unaddressed but now the situation in Barrigada has gotten much worse. It is fundamentally unfair for the property of another person to be used for public purpose without compensation and the law provides for this.

There is no reason at this point not to pass this bill out of this Committee. The Cepedas qualify under Public Law 22-73 and Public Law 22-80. At the time you could exchange for value for value or area for area. Under area for area, they more than qualify. Under value for value you can take that value at the time of the taking or the present time. In

1989, everything was reviewed and there was no opposition from any organization or government agency and there were appraisals that were done that show the value for value was met. So I would urge some justice in this matter after thirty years and that this committee votes this unto the floor and for a vote in the legislature and approval of this bill. I'm happy to answer any questions now.

**Acting Chairman Benjamin Cruz:** Thank you very much. Mr. Cepeda.

**Mr. Randy Cepeda:** [Read from his written testimony verbatim. See attached]

**Acting Chairman Benjamin Cruz:** Thank you very much Mr. Cepeda. Ms. Trini Torres.

**Ms. Trini Torres:** Good afternoon Mr. Chairman, Senator Tony Ada and who is that over there? My eyesight is not that good anymore, so please identify yourself.

**Senator Tom Ada:** Tom Ada.

**Ms. Trini Torres:** Senator Tom Ada, the smiling face. Buenas dias yan Hafa Adai. The problem is not so much about what I have been hearing about the flooding and its causes in damages, it is because the land was never exchanged when there was land available. I have a big swamp, too. So I know what is happening. But the value of a swamp is not the same as level land with a nice view. That land we are talking about to be exchanged is Lot 15 in Barrigada Heights that's very prime property and that belongs to the Chamorro Land Trust.

I don't want to see people picking on the best of the lands from Chamorro Land Trust because a lot of applicants who have applied a long time ago still have not gotten their parcels of land. We have been pushing. Our group has been pushing so hard to get oversight hearings and public hearings with Land Management and Chamorro Land Trust Commission.

I got a hold of a bill that the former Senator Ben Pangelinan introduced. He introduced Bill 259-32 in January 10, 2014 and it had a public hearing on Feb 10, 2014 to exchange the land that we are talking about that belong to these people that were used for flooding mitigation - a ponding basin, which is more swamp-like. I want to figure out and asking what were the results of the public hearing? Just because Senator Ben Pangelinan died doesn't mean we let go of what happened. A public hearing occurred. What happened? He was trying to exchange value for value and there is a big piece of land in Dededo mainly for this purpose. When the government has its hand or involved in transactions or dealing with private landowners they have land set aside for this purpose - 70 acres. That is a big piece of land. What's wrong with Dededo? What is wrong with the land in Dededo? They want a prime piece of land in Barrigada that is central, nice overview into the ocean - prime land. What happens to our other people? They own the land too.

The Chamorro Land Trust is for the Chamorros, not for one person. They have to take their turn. The others should not wait like the dogs begging for whatever scraps is left, scraps of land that were not wanted or maybe it has flooding just like this one or cliffs and you cannot plant anything; just rocky cliffs. No, we cannot do that! Just because somebody has connection to get a bill passed. The problem is not because of the flooding that occurred. That should have been solved a long time ago from the property that is reserved for these kinds of purposes.

I do not support this bill because it is not right. Why should that piece of prime land be immediately transferred in Bill 213-32, immediately to the Government of Guam to make it look legitimate - that it's okay for transfer to give to this private landowner that are claiming flood mitigation problem. That is no excuse. You still have the land. Why now you change your mind and pick prime land. What about the people that applied for Chamorro Land Trust since 1995 up to now? We, as a group, ask for appropriation for \$800,000 - the Governor added \$200,000 to make it \$1,000,000 so that the Director of Land Management could have it surveyed. The Chamorro Land Trust could have the land surveyed so that they could dish out the parcels of land to our people who have been waiting for so long. Where is the justice? Are we covering an injustice with another injustice that is greater? I don't want the land to be just picked at like the chickens, just picking up, you know pick, pick, pick, and what is left is for the poor people who don't have connections here and there.

What is left when everybody starts choosing prime lands? They can sell it later once they have the title and build a sky rise hotel or big structures and rent it out or sell it. No, the land belongs to our people; we don't just dish it out just because somebody has problems. I have problems too. I have a big swamp land we never complain about it. Maybe we can grow taro on the side or watermelon when it is dry season or feed or pasture the cows if you have any. No, the point is we don't take from others and give somebody because they have a bigger voice or stronger voice or they have more people to represent them, or they have connections they are able to talk to the Senators. We cannot allow these kinds of dealings to continue when there was a bill that was introduce and Senator Ben Pangelinan to exchange the land, following the law - value for value. How do you answer to our people that are waiting in line who are waiting for parcels from Chamorro Land Trust. I say please I need that information. What is going on here? Thank you very much.

**Acting Chairman Benjamin Cruz:** I will find out what happen to that testimony on that bill.

**Ms. Trini Torres:** Yes, thank you.

**Acting Chairman Benjamin Cruz:** Mr. Robert Baumgartner

**Mr. Robert Baumgartner:** Thank you Senators. My name is Robert Baumgartner. They call me "Toots". By the way, what I am about to say some people will not like it, but that's the way I feel. Personally I realize who the family is from Barrigada. I am from Barrigada. I know them. I know what the problem is. I am against trading private land for

Chamorro Land Trust (properties). I am against that. I will be honest with you. But this family suffered too long. The government should have done this a long time ago when Mayor Laguaña was there. But no, the poor guy was going to get shot.

The family is still suffering because we need to protect our land. We all understand that. Number one, they are Chamorro. Chamorro Land Trust was made for residential, agricultural, and commercial for Chamorros. This family needs to produce because they have flooding and stuff. This problem should have been taken care of a long time ago and we cannot crucify them because of politicians. They have to make their own decision in their own life and that is not right.

In the beginning I was honestly against this but these guys are not going to be crucified because they have been crucified a long time already. I hope you guys help them. I understand that is a billion dollar land and their land is under Quest card land, if you know what I am saying. I think they earned it. They suffered enough. When I was coming here I was mad because I was against that. I will be honest with you guys. But when I know who the family is - because I have seen that. I grew up in Barrigada and I am from Barrigada. I am against swapping the land but I think these guys deserve the land. Please help them. They are Chamorros. I am sorry but that is the way I feel. Help them out because they deserve it. Stop crucifying them. That is all I have to say.

**Acting Chairman Benjamin Cruz:** Thank you very much. I believe that is everybody.

**Mr. Michael Borja:** Senators thank you for allowing me to come back up to the floor. I want to bring to light the fact that the land exchange that the Cepeda family is asking for is not something that came out recently. This has been an action that they have been began well before Chamorro Land Trust came into existence. The designation of the transferred property that is being asked for came well before the inception of the Chamorro Land Trust Commission. They fought this battle hard all the way to the Supreme Court of Guam, which then came back and said that they were entitled under the public laws that allow them to seek compensation for lands that were using for public purposes. In this case, to be used as a ponding basin, which did not allow them to use their private property. I do ask for your support for this bill. I wholeheartedly look forward to you providing that kind of support and moving it onto the floor for a vote.

I am too a resident of Barrigada. Fortunately I am not anywhere near a flood area but when we receive the heavy rains my whole road and my entire yard becomes a fast moving river and occasions the water creeps up to my doorway. The flooding problems in the village of Barrigada are real, are very serious and as the good mayor mentioned they need floating devices just to be able get to some of the homes. In the central part of Barrigada where this property is at, that's a very real problem there. But, this has been an issue going back many, many years - it pre-dates the Chamorro Land Trust.

All the issues that are being asked for and is being discussed pre-dates the Chamorro Land Trust. It pre-dates the issue even the value for value that we stand for today. In fact there was another public law that came in that amended the one that allows them to seek

compensation; it calls for area for area. So those kinds of issues while they are a concern to some, it would be something different if a person today had that issue. But, laws were put into place well before this happened that allowed them the opportunity to seek this justice for being able to use their land and they have fought a very, very hard battle even in the courts.

**Acting Chairman Benjamin Cruz:** Thank you. I think Senator Tom Ada has a question.

**Senator Tom Ada:** I am trying to understand; right now the affected area that is being used as a ponding basin is about 10,000 square meters, is that correct? And that is about two and a half acres. Now, on page 2 of the bill, Section 2, it authorizes a land exchange with Lot Number 2264-1-R1, which contains an area of 11,000 square meters. On an area for area are we swapping the 10,000.....

**Mr. Mike Borja:** The area the Cepeda family currently owns is Lot number 2264-1-R1. That is an area of 11,000 square meters or about 2.8 acres.

**Senator Tom Ada:** Okay.

**Mr. Mike Borja:** The property that is to be exchanged in this bill is just under 10,000 square meters, which is just about 2.5 acres.

**Senator Tom Ada:** So on an area for area basis, they are getting a slightly smaller piece of property in exchange, but on a value for value basis what would that translate to?

**Mr. Michael Borja:** The attorney mentioned before that at the time the appraisals were done they were of equal value. The point I have here is Public Law 22-80, I believe it is, dictated the provisions that could fall under area for area as opposed to value for value.

**Senator Tom Ada:** I understand that. I am just trying to.... because I don't have the appraisal information. If a compromise had to be made and it was pushed that the exchange shall be made on a value for value basis then, would that be an even smaller area or a larger area to be exchange?

**Mr. Michael Borja:** I would have to yield that question. I believe the family has the appraisal information and their attorney did mention that at the time the value for value was pretty similar. But that was back - I don't know what year that would have been done.

**Senator Tom Ada:** I would just ask Mr. Chairman that maybe we could get that information. I can understand very clearly a larger 11,000 square meter area to be exchanged with a 10,000 square meter area in Barrigada Heights, but then if you were to value that 11,000 square meters, which let's say - take a number - let's say \$10,000, how much land would that buy up in Barrigada Heights.

**Mr. Phillip Torres:** The legislation that you passed, Public Law 22-73, provides that the appraisal be either at the time of taking or at the present. We have the appraisals at the time of the taking and that certainly qualified at that time. The present appraisal of property, I do not know. But it doesn't matter because it is not the current time. So, they qualify under all the criteria in Public Law 22-73. I can provide you with those appraisals.

**Acting Chairman Benjamin Cruz:** Thank you Mr. Torre; if you could provide that information.

This concludes the testimony on Bill No. 213-32 (COR). There being no additional individuals to present any additional testimony, this Committee will continue to remain open for ten (10) working days from today and testimonies can be sent to 324 W. Soledad Ave, Suite 101, Hagatna, Guam 96910 or fax it to 473-4238 or email to the Committee at [cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)

This hearing is adjourned.

### **III. FINDINGS & RECOMMENDATIONS**

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land, hereby reports Bill No. 213-32 (COR), as introduced with the recommendation TO PASS.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN  
2013 (FIRST) REGULAR SESSION

BILL NO. 213-32 (WR)

Introduced by:

V. Anthony Ada 

AN ACT TO AUTHORIZE *I MAGA'LAHEN GUAHAN* TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED FOR THE GUAM FLOOD MITIGATION PLAN.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Barrigada Parcel Transferred from the Chamorro  
3 Land Trust Commission Inventory. Pursuant to Public Law 22-73, which  
4 requires the government of Guam to properly compensate landowners whose  
5 property have been expropriated fro public purposes, *I Liheslaturan Guåhan*  
6 does hereby transfer form the inventory of the Chamorro Land trust  
7 Commission o the Department of Land Management the following  
8 government of Guam property more particularly described as:

9 Lot Number 15, Block E, Tract 9, Municipality of Barrigada,  
10 containing ±9,949.94 square meters, under the ownership  
11 of the government of Guam.

12 Section 2. Authorization for Land Exchange. (a) Land  
13 Exchange Authorized. As fair compensation for privately owned land  
14 expropriated by the government of Guam for public use as a ponding basin, *I*

2013 OCT 25 AM 8:51



1 *Maga'lahaen Guåhan* is hereby authorized to exchange Lot Number 15  
2 owned by the government of Guam as described within Section 2 with:

3 **Lot Number 2264-1-R3**, Municipality of Barrigada, Guam  
4 Estate No. 58813, containing an area of ±11,322.54 square  
5 meters, as marked and designated on Map Drawing No  
6 828T63B, prepared by Juan T. Untalan, RLS No. 6, dated  
7 October 1, 1963, and described on Document No. 467272,  
8 recorded at the Department of Land Management, government  
9 of Guam.

10 **Certificate of Title Number 91059.**

11 **(b) Basis of Land Exchange.** Notwithstanding any provision of  
12 law, the fair market value for the land to be exchange shall be  
13 based on the appraisals first performed on both properties when  
14 the land exchanged was initially proposed in 1988. in  
15 accordance with Public Law 22-73. Furthermore, the land  
16 exchange also is fair compensation as an area for area exchange  
17 in accordance with Public Law 22-73 and Public Law 22-80.

18 **(c) Survey Mapping and Registration.** The Director of the  
19 Department of Land Management shall perform the necessary  
20 survey, mapping and registration of the properties to be  
21 exchanged and is authorized to expend up to Six Thousand  
22 dollars (\$6,000) from the Land Survey Revolving Fund to pay  
23 for the necessary survey, mapping and registration.

24 **(d)** All fees that may be assessed by the Department of Land  
25 Management necessary to facilitate this Act is Waived.

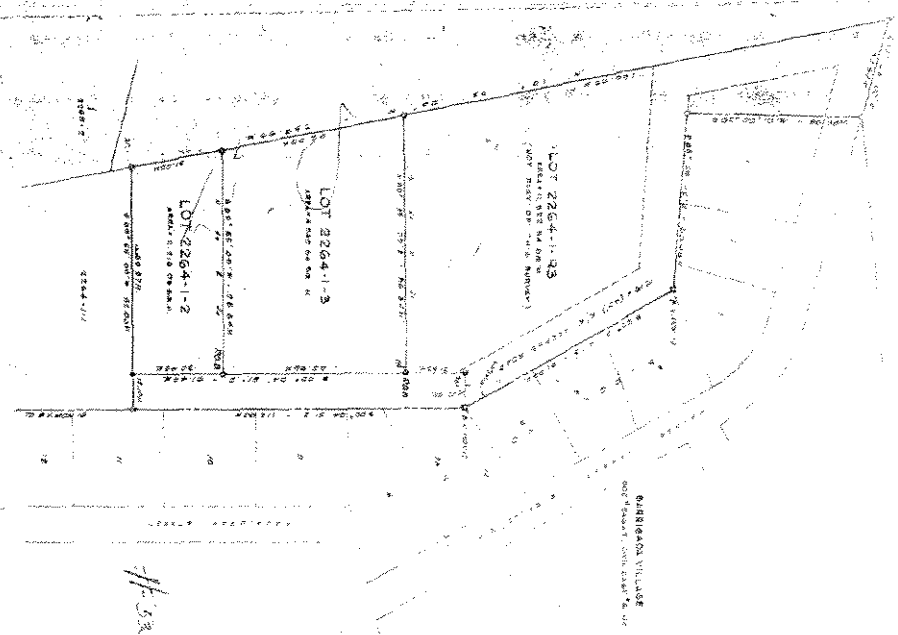
26 **Section 3. Effective Date.** This act shall become effective upon  
27 enactment.



9055

9055

RECORD DATA			
LOT NO.	AREA	DATE	REMARKS
2264-1-1	1.0000	12/15/72	...
2264-1-2	1.0000	12/15/72	...
2264-1-3	1.0000	12/15/72	...



12/15/72  
 12/15/72  
 12/15/72

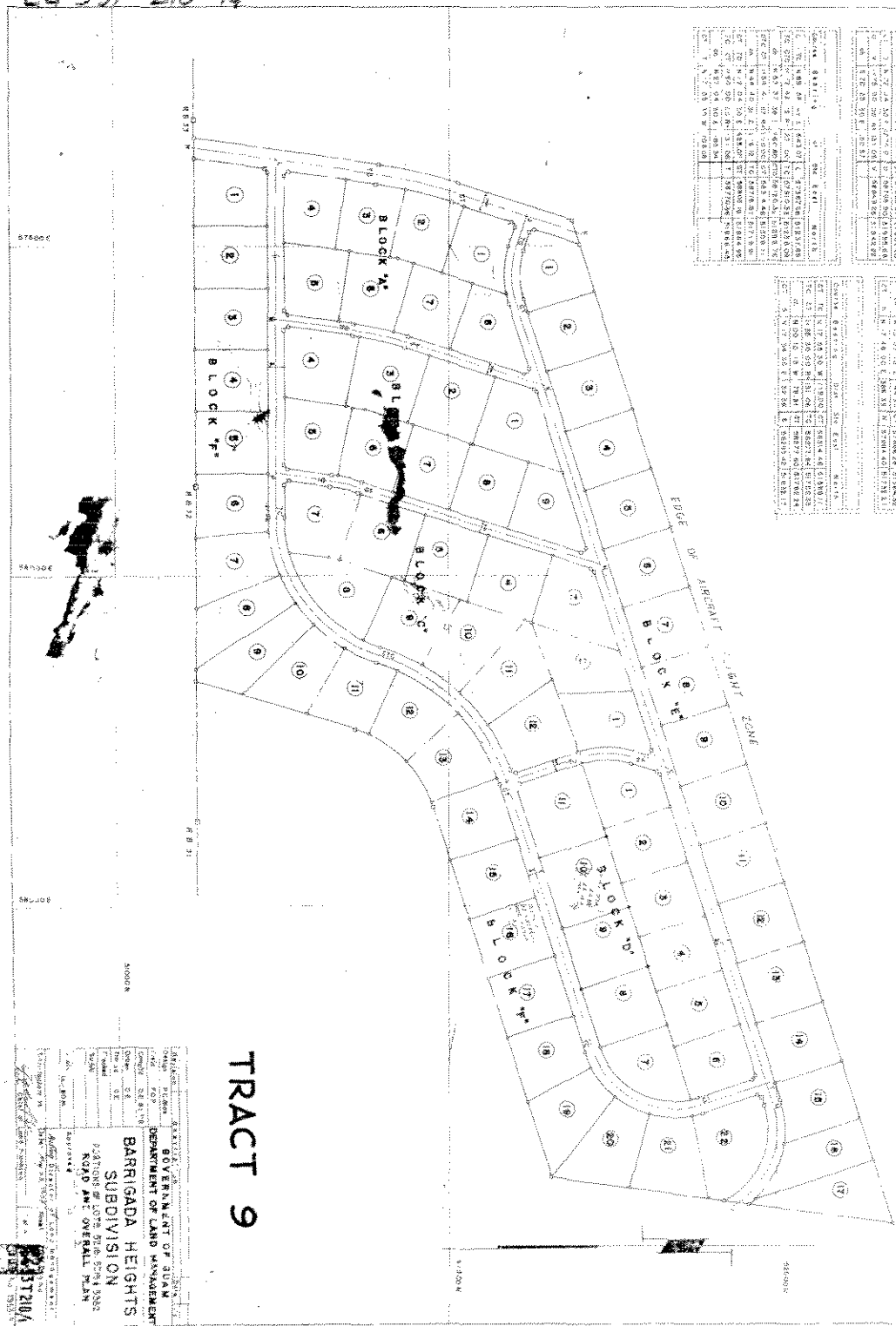
SUBDIVISION DATA	
LOT NO.	2264-1-2, 2264-1-3
AREA	2.0000
DATE	12/15/72
REMARKS	...

12/15/72  
 12/15/72  
 12/15/72

12/15/72  
 12/15/72

PL 017-15CB2

Block	Area (sq. m)	Area (sq. ft)	Number of Lots	Lot Area (sq. m)	Lot Area (sq. ft)
Block A	1,200	13,000	10	120	1,300
Block B	1,500	16,000	12	125	1,350
Block C	1,800	19,000	15	120	1,300
Block D	2,100	22,000	18	117	1,260
Block E	2,400	26,000	20	120	1,300
Block F	2,700	29,000	22	123	1,330
Block G	3,000	32,000	24	125	1,350
Block H	3,300	35,000	26	127	1,370
Block I	3,600	38,000	28	129	1,390
Block J	3,900	41,000	30	130	1,400



# TRACT 9

APPROVED FOR THE  
 GOVERNMENT OF JAMAICA  
 DEPARTMENT OF LAND MANAGEMENT  
 BARRIGADA HEIGHTS  
 SUBDIVISION  
 2.4 LOTS OF 1078, 1079, 1080, 1081, 1082  
 ROAD AND OVERALL PLAN  
 SCALE: 1:1000  
 DATE: 15/05/2017  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]

OLT  
 BARRIGADA  
 PROPERTY



Mina'trentai Dos na Liheslaturan Guahan  
32ND GUAM LEGISLATURE

①

Vice Speaker Benjamin J.F. Cruz, Chairman

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,  
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

August 28, 2014  
Bill No. 213-32 (COR)  
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
MIKE BORTA	DLM	649-5381		✓	✓	Y	
Trini <del>FOOTS</del>							
<del>Robert J. Baumgartner</del>		972-7642					NO
Phillip TORRES		477-9891					YES
<del>TRINI TORRES</del> Robert J. Baumgartner		969-8551				ORAL	NO
LAGUANA LYNN		477-844				OK	
Randy Cepeda		727-2652		✓	✓	YES	



Mina'trentai Dos na Liheslaturan Guahan  
32ND GUAM LEGISLATURE

2

Vice Speaker Benjamin J.F. Cruz, Chairman

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,  
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

August 28, 2014  
Bill No. 213-32 (COR)  
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
JUNE U. BOLAR	PO BOX 114010 DGC	734-3737		✓	✓	✓	
JESSIE BARKETA	"	734-3737		✓		✓	
JESSIE PAUCAN				✓	✓	✓	

11-29-3AM



**DIPĀTTAMENTON MINANEHAN TĀNO'**  
(Department of Land Management)  
**GUBETNAMENTON GUĀHAN**  
(Government of Guam)



EDDIE BAZA CALVO  
Governor

MONTE MAFNAS  
Director

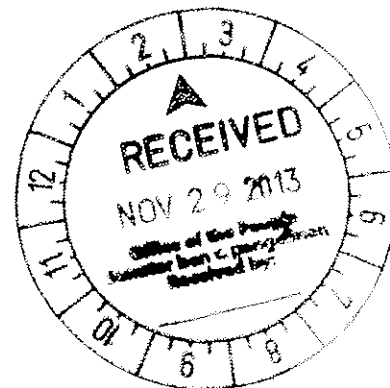
RAY TENORIO  
Lieutenant Governor

DAVID V. CAMACHO  
Deputy Director

Street Address:  
590 S. Marine Corps Drive  
Suite 733 ITC Building  
Tamuning, GU 96913

November 20, 2013

Senator Vicente (ben) C. Pangelinan  
Thirty Second Guam Legislature  
Chairman, Committee on Appropriations,  
Banking, Insurance, Retirement and Land  
324 W. Soledad Avenue, Suite 100  
Hagatna, GU 96932



Subject: TESTIMONY ON BILL 213-32 (COR)

*Buenas yan Hafa Adai!*

Our department has reviewed Bill 213-32 (COR) proposing to exchange government property in Barrigada for privately owned property also located in Barrigada to be used for the Guam Flood Mitigation Plan and provides the following findings and recommendations.

Our findings indicate the intent of this Bill has been previously introduced in the past and has not seen favorable consideration from the then-Governors and no further action was taken. Unfortunately in 1994, the proposed government land for exchange was placed in the Chamorro Land Trust Commission (CLTC) inventory of available lands.

In summary, the Department has no objection to the transfer of Lot 15, Block E, Tract 9, Municipality of Barrigada from the CLTC land inventory to the department in order to finalize the land exchange with the Cepeda family, which was agreed to prior to the enactment of the Chamorro Land Trust Commission.

Based upon the above findings, we recommend the following amendments be made:

- Section 1, Line item 10 which reads the following:  
containing ±9,949.94 square meters ....  
Should be amended to read the following:  
**containing 9,949.74+ square meters....**

Mailing Address:  
P.O. Box 2950  
Hagatna, GU 96932

Website:  
<http://dlm.guam.gov>

E-mail Address:  
[dldir@dlm.guam.gov](mailto:dldir@dlm.guam.gov)

Telephone:  
671-649-LAND (5263)

Facsimile:  
671-649-5383



2. Section 2, Line item 1 which reads the following:

*Magalahen Guahan* is hereby authorized to exchange Lot Number 15 owned by the government of Guam as described within Section 2 with:

Should be amended to read the following:

***Magalahen Guahan is hereby authorized to exchange the government of Guam owned land as described within Section 2 with:***

Therefore, the Department supports the intent of Bill 213-32 (COR) in view of the findings and recommendations as stated above. The department does foresee a fiscal impact of \$6,000.00.

Senseramente,



David V. Camacho

Acting Director

Department of Land Management

## Randy Cepeda

175 Cepeda Way  
Barrigada, Guam 96913  
671-727-2652

August 28, 2014

To: Chairman and Members, Committee on Appropriations, Public Debt, Legal Affairs,  
Retirement, Public Parks, Recreation, Historic Preservation and Land

Re: Testimony in Support of Bill 213-32

Hafa Adai, Mr. Chairman and Members of the Committee. Thank you for allowing me to provide my testimony in support of Bill 213-32. My name is Randy Cepeda, I am the son of Vicente C. Cepeda and Frances H. Cepeda, owners of Lot 2264-1-R3 Barrigada. I am here on behalf of my mother to ask your assistance in resolving a long-standing issue regarding their property in Barrigada. My parents purchased this property in 1985 in the hopes of developing it. After obtaining a clearing and grading permit in 1985, my parents mobilized heavy equipment to begin the clearing and grading of the property. It was then that Former Barrigada Commissioner Raymond Laguana approached my parents and asked them to cease further clearing as the Government of Guam had installed a culvert which directed flood waters from the village into their property. Any development of the property would cause severe flooding to surrounding residents of the village. Out of respect for then-Commissioner Laguana as well as the community of Barrigada, we ceased clearing operations and sought a resolution with the Government of Guam. We have been trying to resolve this issue with the Government of Guam through a land exchange.

In 1989, the Government of Guam identified Lot 15 Block E, Tract 9, Barrigada Heights as a suitable property for exchange. Several proposals for land exchange were issued via this Legislative Body in 1989, 1990 and 1992, to no avail. In 1993, the late then-senator Francisco Santos introduced Bill 196 to authorize this exchange. However, in February 1994, before Bill 196 could pass, Lot 15, Block E, Tract 9, Barrigada Heights was inadvertently transferred to Chamorro Land Trust Commission. Since this property was identified at that time by the Government of Guam as suitable for exchange with my parents' property, it should have never been transferred to Chamorro Land Trust Commission. It should have remained in the Government of Guam's possession to fulfill its obligation in this land exchange.

This Government has a commitment to complete this land exchange that has been languishing for nearly 30 years. And, this Legislature has the power through this legislation to finally resolve this matter. My mother cannot and should not be punished any longer for the

Governments actions or inactions that have caused her nearly 30 years of injustice. The Government of Guam as well as the residents of Barrigada have benefitted tremendously from the use of her property as a ponding basin for nearly 30 years. It has also been nearly 30 years of despair and injustice upon my mother. In the year 2000, my father passed away without seeing his dream of developing the property in Barrigada for his children and grandchildren. My mother, who is here with us today, is approaching her 83<sup>rd</sup> Birthday. As she patiently waits for justice to prevail, her question to this legislative body is: Are you willing to stand up and correct an injustice that has been perpetuated for nearly 30 years? Justice for Frances Cepeda is in your hands. We seek and implore this legislative body to do what is right. Pass Bill 213-32. Thank you for the opportunity to submit my testimony in support of Bill 213-32. We are hopeful that this Legislative Body will do what is right and we look forward to the passage of this bill.

Sincerely,



Randy Cepeda



# BARRIGADA

## Chronology of Cepeda Property

The residents of Barrigada have benefited for the last thirty (30) +years, by using the Cepeda property as a ponding basin to prevent flooding in the village.

In a 1985 memorandum to Department of Land Management, the Barrigada Mayor's Office requested whether land exchange would be available for properties which were all ponding areas in the village. The request was made in response to these properties being developed with land fill and the potential adverse impact it would have no flooding that naturally occurs in the area.

1987 the Barrigada Mayor's Office appealed once again towards the disposition of these properties ... the appeal was based on a study /proposal by the department of Public Works to construct a ponding basin for Barrigada Village utilizing a portion if not all of these very same properties.

Thirty (30 +) years later, as a result of unresolved disposition of these properties, we are faced with the following:

1. Lot 2264-1-R3 and Lot 2264-1-1 are all ponding areas for the village of Barrigada.
2. Flooding to these areas could potentially be adversely impacted should these properties be developed.
3. Because of the Government's inaction, the Department of Public Works has been unable to construct a ponding basin as proposed in 1987 or for that matter initiate an alternative plan to control the flooding that naturally occurs in the area.

The Department of Public Works upon completing a study in 1987, found it necessary to use the Cepeda property to mitigate the flooding problem in the village. The following year, the government of Guam proposed a land exchange with Lot No. 15, Block E, Track 9, Barrigada. All government agencies required to review the proposal supported the proposal.

Not until February 1993, the late Senator Francisco R. Santos introduced Bill No. 196 to facilitate the land exchange. However, the property was placed into the Chamorro Land Trust Commission inventory prior to the proposed Bill's consideration.

The Cepeda family have not received any compensation or relief from the government of Guam. An offer for a land exchange on the use of her property or the initiation of eminent domain proceedings have not occurred over the last twenty (30) years.

*I Liheslaturan Guåhan* finds that privately owned land used by the government of Guam for a public purpose without compensation to the original owner is not unique. The Office of the Inspector General of the U.S. Department of Interior within a November 1992 Audit Report,

stated that a land taking of more than four hundred thousand (400,000) square meters of private property occurred over the last forty (40) years without compensation to the original land owners. This illegal practice continues to this day.

*I Liheslaturan* recognizes that this practice must immediately come to an end as it contradicts the principles of eminent domain, justice and constitutional guarantees of property rights. Public Law 22-73 gave land owners the right to bring claims for inverse condemnation taken between August 1, 1950 to July 1, 1994.

The statute of limitations for inverse condemnation claims have been expanded for private property. The law further authorizes *I Maga'lahen Guâhan* to make land exchanges remedying such land takings requiring the Chamorro Land Trust Commission in collaboration with the Directors of Land Management, Public Works, Agriculture and Parks and Recreation to identify lands under its jurisdiction that could be utilized for exchange. Unfortunately, Public Law 22-73 has not been put to use.

Many government properties have been transferred to the Chamorro Land Trust Commission which contained numerous land description arrears; are owned by private persons; lands upon which public buildings and facilities sit; or earmarked by a prior master plan or use which includes Lot No. 15, Block E, Track 9 in Barrigada.

Lot No. 15, Block E, Track 9, Barrigada, earmarked for the purpose of this land exchange which has been transferred to the Chamorro Land Trust Commission inventory must be recommitted for the purposes of this land exchange to correct the injustice suffered by the Cepeda family.

Mr. Chairman, as you well know, any time the government over-regulates a piece of property so that it no longer has any practical use, it may be possible that it has "taken" the property without paying just compensation. For people in the real estate industry, this may apply to denied wetlands permits, denied coastal development permits, denied zoning variances, other denied development applications, and any other government action which eliminates all practical use of the property. The sky is the limit in terms of the kinds of government actions that may result in a valid takings claim.

Condemnation as we know it, is the power of the government to take title to any property that it needs for a public purpose. However, let us not forget that the government must always pay the property owner fair market value, and the property must always be used for a public purpose.

*Inverse condemnation* means that a property has been so over-regulated that the government may have well condemned it. Oftentimes, an affected landowner will ask a court to force the government to commence condemnation proceedings. The other term, *regulatory taking*, is that the government has effectively "taken" the property without paying for it by over-regulating it. In other words, it has taken the property through the enforcement of its own regulations.

The question that we ask ourselves is **“Does the government have a right to block all use of a person's property through regulation?”**

If the reason is for a public purpose, often the answer is yes. But, and this is a big but, the government must pay full fair market value and related costs. If it fails to do so, and it often appears to ignore this requirement, then the owner must go to court, to seek just compensation and related costs. That often means ultimately filing a "takings" lawsuit.

The landowners have taken this issue to Court. The Guam Supreme Court turned to the Superior Court decision that could recover compensation from the government for the taking of their property. It is interesting to note that the guiding principles for the Supreme Court's analysis are the Fifth Amendment takings cases enunciated by the United States Supreme Court.

As we all know, the Fifth Amendment guarantees just compensation when there is a governmental taking of private property for a public purpose.

**NOTE:** U.S. Const. amend. V ("[N]or shall private property be taken for public use, without just compensation."). *See also* 48 U.S.C. § 1421b(f) (West, Westlaw through P.L. 109-21, 2005) ("Private property shall not be taken for public use without just compensation."). The Takings Clause is a limitation on governmental power, and is intended to "prevent the government 'from forcing some people alone to bear public burdens, which in all fairness and justice, should be borne by the public as a whole.'" *E. Ent., v. Apfel*, 524 U.S. 498, 522, 118 S. Ct. 2131, 2146 (1998) (quoting *Armstrong v. United States*, 364 U.S. 40, 49, 80 S. Ct. 1563, 1569 (1960)); *see generally* David L. Callies, *Takings: An Introduction and Overview*, 24 U. Haw. L. Rev. 441 (2002).

Another common term that refers to government action is *regulatory taking*. In more well-defined terms, this means that a legitimate regulatory agency of the government is taking personal property, in the form of land, from a U.S. citizen. The basis for regulatory taking, and as such inverse condemnation, comes from one of the most often referred to passages of the U.S. Constitution, the Fifth Amendment. In general, the amendment guarantees citizens will be shielded from the government abusing its power in legal matters.



An inverse condemnation might be used to prevent a landowner from developing a wetland area.

Our interest here Mr. Chairman, and members of the Committee is to allow the landowners the peace of mind they deserve and at the same time serve the best interest of the people, in general, and the community of Barrigada by allowing the government to exchange properties called for in this legislation and previous legislative measures dating back thirty (30+) years.

Thank you for *Si Yu'us Ma'ase ni tiempon miyu.*

# BARRIGADA

Office of the Mayor & Vice Mayor  
124 Luayao Lane, Barrigada, Guam 96913

August 28, 2014

Honorable Benjamin J.F. Cruz  
Chairman  
Committee on Appropriations, Public Debt, Legal Affairs, Retirement,  
Public Parks, Recreation, Historic Preservation and Land  
*T̄Mina Trentai Dos Na Liheslaturan Guåhan*  
Hagåtña, Guam 96910

Re: Bill No. 213 -32 (COR) "AN ACT TO AUTHORIZE *I MAGA'LAHEN GUAHAN* TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED AS A PONDING BASIN AS PART OF THE GUAM FLOOD MITIGATION PLAN."

Dear Senator Cruz:

*Bueñas yan Saludu para hagu yan todo I membros I Liheslaturan Guåhan.* Thank you for scheduling this much needed public hearing so that we can present our position statement on Bill No. 213-32.

For your information, this issue has been on the Barrigada Mayor's Office for the last thirty plus (30+) years. The previous Mayors and Vice Mayors of Barrigada, starting with Mr. Raymond S. Laguana, Jessie B. Palican, myself, June U. Blas, and Vice Mayors Vicente Leon Guerrero and Jessie P. Bautista, have always supported the land exchange program.

Our position statement in support of the legislation (Bill No. 213-32) is two fold:

- (1) It resolves the public need for mitigation against the flooding that naturally occurs in this area.
- (2) It also resolves the disposition of this privately owned property.

Mr. Chairman, members of the Committee, for too long, residents of the area have waited patiently for the construction of a sorely needed ponding basin and for too long, the property owners have waited patiently for the government to honor its commitment. Thirty plus (30+) years is a long time.

Passage and enactment of Bill No. 213-32, will allow the Department of Public Works to finally move forward on recommendations dating back to a 1987 study/proposal to address flooding that naturally occurs in this area. Since 1987, and the government's inaction, the flooding problems in this area has worsened, only heightening the need for the construction of a ponding basin. Because of this, we would like to request that funding to construct the proposed ponding basin also be provided for and included in Bill 213-32.

More importantly, the Municipal Planning Council of Barrigada finds that Public Law 28-005, enacted March 3, 2005 established a Guam Flood Survey and Mitigation Plan. It mandated that the Department of Public Works conduct a comprehensive, island-wide survey of all areas that are prone to flooding.

Also, the Federal Emergency Management Administration (FEMA) Hazard Mitigation Grant Program Project #28 for the Village of Barrigada dated June 6, 2005 Phase II identified the Cepeda property as being the site for the ponding basin wherein storm water collected from Capitan Reyes Way and the surrounding areas will flow to.

Therefore, on behalf of the residents of Barrigada, especially those residing in the surrounding area, we respectfully request that *I Liheslaturan Guåhan* act favorably on Bill No. 213, inclusive of funding to construct a ponding basin for public use.

*Kon Respetu para todo!*

  
**JUNE U. BLAS**  
Mayor

  
**JESSIE P. BAUTISTA**  
Vice Mayor

Attachment:

**Jessie B. Palican**  
P.O. Box 27745, GMF \* Barrigada, Guam 96921

August 28, 2014

Honorable Benjamin J.F. Cruz  
Chairman  
Committee on Appropriations, Public Debt, Legal Affairs, Retirement,  
Public Parks, Recreation, Historic Preservation and Land  
*I Mina Trentai Dos Na Liheslaturan Guåhan*  
Hagåtña, Guam 96910

Re: Bill No. 213 - 32 (COR) "AN ACT TO AUTHORIZE *I MAGA'LAHEN GUAHAN* TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED AS A PONDING BASIN AS PART OF THE GUAM FLOOD MITIGATION PLAN."

Senator Cruz and Members of the Committee:

This is in regards to the disposition of private properties located on Lot 2264-1-R-3 and Lot 2264-1-1, Municipality of Barrigada. In a 1985 memorandum to the Department of Land Management, the Barrigada Mayor's Office requested whether land exchange would be available for these properties which were all ponding area for the village.

At that time, the request was made in response to these properties being developed with landfill and the potential adverse impact it would have on flooding that naturally occurs in this area.

In 1987, the Barrigada Mayor's Office appealed once again towards the disposition of these properties. Our appeal was based on a study/proposal by the Department of Public Works to construct a ponding basin for Barrigada Village utilizing a portion if not all of these very same properties.

Sadly, thirty years later, as a result of the unresolved disposition of these properties, the residents of Barrigada are faced with the following:

- 1) Lot 2264-1-R-3 and Lot 2264-1-1 are all ponding areas for the village;
- 2) flooding to these areas could potentially be adversely impacted should these properties be developed; and
- 3) Flooding continues to flow towards the Cepeda property from Route 8 (Purple Heart Highway) towards Jalaguac Way, As Conejo, Pinate and Tiyan Places towards Lot 2264-1-R-3 and Lot 2264-1-1.

From Bejong Street towards Capitan Reyes Way over towards Lot 2264-1-R-3 and Lot 2264-1-1.

Honorable Benjamin J.F. Cruz  
Chairman, Committee on Appropriations, Public Debt, Legal Affairs, Retirement,  
Public Parks, Recreation, Historic Preservation and Land  
August 28, 2014  
Page 2

From Ungaguan and Rabon Place, R Camacho Way and Nalao Place into  
a line ditch which flows out towards Lot 2264-1-R-3 and Lot 2264-1-1.

Mr. Chairman, Members of the Committee, I respectfully bring this issue to your attention in the sincerest hopes of developing a workable solution to resolve this longstanding and sorely needed flooding improvement for Barrigada Village.

Also, during my tenure as Mayor of Barrigada, our Municipal Planning Council expressed their support for the government of Guam to obtain ownership of Lot 2264-1-R-3 and Lot 2264-1-1.

As the Deputy Director of the Department of Public Works of Guam, and once passage of Bill No. 213-32, I look forward in working with the Mayor to move forward in the construction of the ponding basin as it was proposed in 1987.

Mr. Chairman, Members of the Committee, a worse case scenario would be if the government does not gain control of the subject property, future development will adversely affect the families and schools in the surrounding areas.

*Si Yu'os Ma'ase* and Thank you for your time, and we look forward to your favorable response in reporting Bill No. 213 -32 to the Legislature for passage.

  
JESSIE B. PALICAN



# BARRIGADA

Former Mayors & Vice Mayor  
Raymond S. Laguna • Jessie B. Palican • Vicente Leon Guerrero

August 28, 2014

Statements of  
Raymond S. Lagunaña • Jessie B. Palican • Vicente Leon Guerrero  
former Mayors & Vice Mayor  
in support of  
Bill No. 213-32 (COR)

**“AN ACT TO AUTHORIZE *I MAGA'LAHEN GUAHAN* TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED AS A PONDING BASIN AS PART OF THE GUAM FLOOD MITIGATION PLAN.”**

As former Mayors and Vice Mayor of Barrigada, we submit our statement supporting the passage and enactment of Bill No. 213-32 (COR), **“AN ACT TO AUTHORIZE *I MAGA'LAHEN GUAHAN* TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED AS A PONDING BASIN AS PART OF THE GUAM FLOOD MITIGATION PLAN.”**

To the sponsor of the legislation thank you for your sponsorship, to the Chairman of the Committee, *Si Yu'us Ma'ase* for taking the time to schedule this public hearing, to the members that are here today, *pot fabot ekungok i testimoniun mame!*

Mr. Chairman, when the property owners brought in their heavy equipment (such as: a back hoe, dump truck and a grader), I begged the landowners to stop because what they were going to do would flood the village.

The landowners then began negotiating with the government for a land exchange for government property lot in Barrigada. Since then, the landowners continued to seek a land exchange. They were advised by the late Senator Francisco R. Santos that a land exchange would be sought.

In 1989, Mr. Chairman, then Governor, Joseph Ada initiated legislation to exchange government property for the Cepeda property, since then, I have testified in support of the legislation's passage. For the record, since 1998, Mayors Palican, Vice Mayor Vicente Leon Guerrero and myself have all testified in support of this land exchange program.

Outlined below are some of the bills that were introduced in the Guam Legislature to address this problem.

28<sup>th</sup> Guam Legislature, Senators Eddie Calvo, Adolpho Palacios and Speaker Antonio Unpingco, sponsored Bill No. 387 (EC), **“AN ACT TO AUTHORIZE *I MAGA'LAHEN GUAHAN* TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA EXPROPRIATED AS A PONDING BASIN FOR PUBLIC USE.”**

29<sup>th</sup> Guam Legislature, Senator Eddie Calvo introduced Bill No. 43 (EC), "AN ACT TO AUTHORIZE *I MAGA'LAHEN GUAHAN* TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA EXPROPRIATED AS A PONDING BASIN FOR PUBLIC USE."

29<sup>th</sup> Guam Legislature, Senator Mark Forbes sponsored Bill No. 46 (EC), "AN ACT TO AUTHORIZE *I MAGA'LAHEN GUAHAN* TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA EXPROPRIATED AS A PONDING BASIN FOR PUBLIC USE."

30<sup>th</sup> Guam Legislature, Senator Eddie Calvo, Frank F. Blas, Jr., Tina Muna Barnes, sponsored Bill No. 324 (COR), "AN ACT TO AUTHORIZE *I MAGA'LAHEN GUAHAN* TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED FOR THE GUAM FLOOD MITIGATION PLAN."

now, in the

32<sup>nd</sup> Guam Legislature, Senator Tony Ada sponsored Bill No. 213-32 (COR), "AN ACT TO AUTHORIZE *I MAGA'LAHEN GUAHAN* TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED FOR THE GUAM FLOOD MITIGATION PLAN."

How much longer must the landowners wait! How much longer must the residents of Barrigada be flooded out! How much longer ...

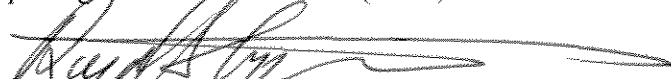
More importantly, we want the members of the Legislature to understand that the successful land exchange program with the landowners, will finally implement Phase II of Public Law 24-269, known as the "Barrigada Theme Park Development Act."

Unlike the other coastal areas that have a beach, historical, sports and recreational park areas, Barrigada has none. For a growing community, we have no areas designated as parks for the enjoyment of family recreation. The implementation of the "Barrigada Theme Park Development," will serve to fill this void through the pilot park development in the village of Barrigada.

The vision of the "Barrigada Theme Park Development" will be used to turn around our recreational value throughout the island beyond just partially beneficial sports facilities at the turn of the century.

Thank you and *Si Yu'us Ma'ase* for your time and attention, especially for listening to our pleas and we look forward to your Committee's favorable action and the Legislature's passage of Bill 213.

As former Mayors and Vice Mayor of Barrigada, we solicit your support and the Legislature's passage of Bill No. 213-32 (COR).

  
**RAYMOND S. LAGUANA**  
Former Mayor

  
**JESSIE B. PALICAN**  
Former Mayor

  
**VICENTE L. LEON GUERRERO**  
Former Vice Mayor

# BARRIGADA

## Municipal Planning Council

August 28, 2014

### Position Statement

on

Bill No. 213 – 32 (COR)

**“AN ACT TO AUTHORIZE *I MAGA'LAHEN GUAHAN* TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED AS A PONDING BASIN AS PART OF THE GUAM FLOOD MITIGATION PLAN.”**

*Bueñas yan Hafa Adai ginen taotao Barrigada!* Vice Mayor Jessie P. Bautista and I, together with members of the Municipal Planning Council are here to submit testimony in support of Bill No. 213-32 (COR), **“AN ACT TO AUTHORIZE *I MAGA'LAHEN GUAHAN* TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED AS A PONDING BASIN AS PART OF THE GUAM FLOOD MITIGATION PLAN.”**

To the sponsor of the legislation thank you for your sponsorship ... to the Chairman of the Committee *Si Yu'us Ma'ase* for taking the time to schedule this public hearing and for listening to our pleas.

#### **Right a Wrong**

The legislation aims to right a wrong within our community. Mr. Chairman, members of the committee for the past twenty-eight (28) years, the Mayor of Barrigada together with the Municipal Planning of Barrigada has appealed to the members of the Legislature to rectify this wrong committed by our government. As you well know, the Cepeda Family, owner of Lot Number 2264-1-R3, has been trying to effectuate a land exchange with the government of Guam.

In 1985, shortly after the property was purchased, Raymond S. Laguana, the Mayor of Barrigada at the time, requested the owners not to develop their property because it will aggravate the flooding problem in the area. Since then, negotiations for a land exchange went underway but ended without an agreement.

#### **Request for Legislative Action**

In 1989, then Governor of Guam, Joseph F. Ada transmitted a request to the Twentieth Guam Legislature requesting legislative action on a proposed land exchange between the Owners of Lot 2264-1-R3 and the government of Guam. No action resulted from this request.

In 1992, the Cepeda Family once again approached the Guam Legislature for a land exchange. The Guam Legislature did not act on her request for a land exchange.

#### **Complaint of Inverse Condemnation**

In 1996, the Cepeda Family filed a complaint of inverse condemnation against the government of Guam. Excerpts of the Guam Supreme Court's Opinion on the Cepeda v. Government of Guam are made part of this finding. After the Superior Court released its Decision and Order, “The government then filed three motions: for Reconsideration of the May 16, 2001 Decision and Order; for partial summary judgment; and a motion in *limine*. (*{threshold}* a motion made at the start of a trial requesting that the judge rule that certain evidence may not be introduced in trial.)

The trial court denied the motions for reconsideration and partial summary judgment, and granted the motion in *limine*.” In February 23, 2003 “the trial court issued its Decision and Order holding that the government's placement of the culvert and the prohibition against development denied Cepeda economically viable use of her Property, and ordered that the land exchange be granted”.

### **Government Appeal**

The government of Guam appealed the decision to the Guam Supreme Court claiming that only the owner of land at the time of the taking is entitled to compensation for inverse condemnation; there was no taking of the Property and the court erred in finding that the Property and the Barrigada Heights land exchange property were equivalent in value, and in ordering the land exchange without legislative approval.

### **The Courts Erred**

In August 16, 2005 the Guam Supreme Court issued its Opinion on the Cepeda v. Government of Guam, they “hold first that Public Law 22-73 Section 9, codified at 7 GCA §11311.1, allows a subsequent landowner, who did not own the property at the time of the taking, to file an inverse condemnation claim”. The Guam Supreme Court also “hold that the trial court erred in finding that Cepeda was entitled to compensation for the taking of the Property. The trial court did not address the ripeness of Cepeda's takings claim' had it done so; it would have reached the conclusion that the case was not ripe”.

The Guam Supreme Court also stated “Because we hold that the trial court erred regarding the takings claim, it is not necessary to discuss the remaining arguments raised on appeal. We will therefore not address whether the remedy upon inverse condemnation is an executive function for the Governor not the court to determine. We will also not examine the dispute regarding the valuation of the Property and the Barrigada Heights property, the right of Cepeda to recover the rental value of the property or the award of attorney's fees pursuant to Public Law 22-73 Section 8, codified at 21 GCA §15112 (West, WESTLAW through Guam Pub.L. 28-037 (Apr. 22, 2005), except to state that reversal of the February 24, 2003 Decision and Order implicitly reverses the award of attorney's fees”.

### **FEMA Hazard Mitigation Grant Program Project #28**

The Municipal Planning Council of Barrigada further finds that Public Law 28-005, enacted in March 3, 2005 established a Guam Flood Survey and Mitigation Plan. It mandated that the Director of the Department of Public Works conduct a comprehensive, island-wide survey of all areas that are prone to flooding. A Federal Emergency Management Administration (FEMA) Hazard Mitigation Grant Program Project #28 for the Village of Barrigada dated June 6, 2005 Phase II identified the Cepeda property as being the site for the ponding basin where storm water collected from Captain Reyes Way will flow to.

The property owner has approached members of the Guam Legislature in 2006 and 2007 requesting their assistance. Legislation have been drafted, introduced and publicly heard but never made it to the session floor for action. The property owner hopes that after twenty-eight (28) years of waiting, the inclusion of her property as an integral part of the Flood Mitigation Projects being funded by FEMA will convince the Guam Legislature to pass legislation that a land exchange is in the best interest of the government of Guam and the community of Barrigada.

**Necessary for GovGuam to obtain ownership of Lot Number 2264-R3**

On September 10, 2007, Lawrence P. Perez, Director., Department of Public Works, wrote to then Vice Speaker Edward J.B. Calvo, 29<sup>th</sup> Guam Legislature, reiterating the government's position and certifying the necessity for the government of Guam to obtain ownership of Lot Number 2264-R3, Municipality of Barrigada.

Mr. Perez elaborated saying that "if the government does not gain control of the subject property, future development will affect and adversely jeopardize B. P. Carbullido Elementary School, San Vicente School and the families in the surrounding areas." Director Perez also informed Vice Speaker Calvo that Public Law 28-05 approved by the Department of Public Works Flood Survey Mitigation Plan identified said area along Captain Reyes Way located in the village of Barrigada. Ownership of said area will allow my department to have the area property drained.

Director Perez went on to say that legislative approval of the Department's FEMA Hazard Mitigation Grant Program (HMGP) Project 28, Island Wide Village Drainage Improvement Project for flood prone has identified areas along Captain Reyes in Barrigada.

**Letter from Jessie B. Palican,  
Mayor, Municipality of Barrigada  
To Governor Felix P. Camacho  
Ownership of Lot Number 2264-R3, Municipality of Barrigada  
November 29, 2005**

The Honorable Felix P. Camacho  
Governor of Guam  
RJ Bordallo Gov's Office Complex  
Adelup, Guam

Dear Governor Camacho:

This is in regards to the disposition of private properties located on Lot 2264-1-R-3 and Lot 2264-1-1, Municipality of Barrigada. In a 1985 memorandum to Dept of Land Management, the Barrigada Mayor's Office requested whether land exchange would be available for these properties which were all ponding area for the village. At that time, the request was made in response to these properties being developed with landfill and the potential adverse impact it would have on flooding that naturally occurs in this area.

In 1987, the Barrigada Mayor's Office appealed once again towards the disposition of these properties; the appeal was based on a study/proposal by the Dept of Public Works to construct a ponding basin for Barrigada Village utilizing a portion if not all of these very same properties.

Sadly, twenty years later, as a result of the unresolved disposition of these properties, we are faced with the following: 1) Lot 2264-1-R-3 and Lot 2264-1-1 are all ponding areas for the village; 2) flooding to these areas could potentially be adversely impacted should these properties be developed; and 3) DPW has been unable to construct a ponding basin as it proposed in 1987 or to initiate an alternate plan to control the flooding that naturally occurs in the area.

I respectfully bring this issue to your attention in the sincerest hopes of developing a workable solution to resolve this longstanding and sorely needed flooding improvement for Barrigada Village. Should you require additional information or wish to discuss this matter, my office and I are available at your convenience.

Your response and action on this matter is greatly appreciated.

JESSIE B. PALICAN, Mayor

### **Municipal Planning Council**

The Barrigada Municipal Planning Council and the community are directly impacted now that the FEMA Hazard Mitigation Project #28 as applied to the property located in the village of Barrigada constitutes a regulatory taking.

In closing, the Vice Mayor Jessie P. Bautista and I, together with members of the Municipal Planning Council respectfully requests *I Mina'Trentai dos na Liheslaturan Guåhan* to pass Bill No. 213 – 32 (COR), entitled “**AN ACT TO AUTHORIZE I MAGA'LAHEN GUAHAN TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED AS A PONDING BASIN AS PART OF THE GUAM FLOOD MITIGATION PLAN,**” and for *I Maga'lahen Guåhan*, the Governor of Guam, to enact said legislation into public law.

The time is now.

Thank you for your time.

**TORRES LAW GROUP**  
A PROFESSIONAL LAW CORPORATION  
130 ASPINALL AVENUE, SUITE 2A, HAGÂTÑA, GUAM 96910-5018

September 10, 2014

**Vice Speaker Benjamin J.F. Cruz**

Date: 9/10/14 Time: 10:39AM

File No.: 32-692

Received By: Hermina C.

**VIA HAND DELIVERY**

Vice Speaker Benjamin J.F. Cruz  
32<sup>nd</sup> GUAM LEGISLATURE  
Hagåtña, Guam

**Re: Frances H. Cepeda Land Exchange, Bill 213-32(COR)**

Dear Vice Speaker Cruz:

Thank you for considering my testimony last week on behalf of Francis H. Cepeda. As you are aware, Ms. Cepeda desires passage of Bill 213-32 (COR) out of committee and passage on the floor of the Legislature. Ms. Cepeda initially sought a land exchange in 1985 for her Barrigada property for Lot 15, Block E, Tract 9, Barrigada (the "government lot") as compensation in exchange for her privately owned lot, Lot. No. 2264-1-R3, Municipality of Barrigada, Guam Estate No. 58813, containing an area of +/- 11,324 square meters, as marked and designated on Map Drawing No. 828T63B, prepared by Juan T. Untalan, RLS No. 6, dated October 1, 1963, and described on Document No. 467272, recorded at the Department of Land Management, government of Guam, Certificate of Title 91059 ("Cepeda's lot"). I am also including the approval letters of all of the agencies that reviewed and approved the initial land exchange, attached collectively as **Exhibit 1**.

During my testimony, you requested copies of the appraisals of Cepeda's lot. In response to your request, please refer to **Exhibit 2**, attached. The appraisals satisfy the requirements under Public Laws 22-73, Sections 5(a) and 5(b) of those Public Laws requiring a) "Direct compensation at either fair market value of the land when taken or its current fair market value, as the landowner prefers;" or a b) "value-for-value exchange."

An area for area exchange is also satisfied under Public Law 22-80, Sections 5(a) and 5(b) since the Cepeda lot is larger than Lot 15, Block E, Tract 9, Barrigada, which still remains unused by the government of Guam. I appreciate all of your efforts in securing the passage of Bill 213-32(COR).

Sincerely,

  
Phillip Torres

w/enclosures

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PHILLIP TORRES | JOHN R. B. BELL  
OF COUNSEL: LAWRENCE J. TEKER (INACTIVE), BENJAMIN F. HUEBER

Email: [ptorres@tttguamlawyers.com](mailto:ptorres@tttguamlawyers.com)  
TELEPHONE: (671) 477-9891/4 | FACSIMILE: (671) 472-2601



EXHIBIT

**1**



# GUAM ENVIRONMENTAL PROTECTION AGENCY

AHENSIAN PRUTEKSION LINA'LA GUAHAN

D-107 Harmon Plaza, 130 Rojas St., Harmon, Guam 96911 Tel. No. 646-8863/5 FAX: 646-9402

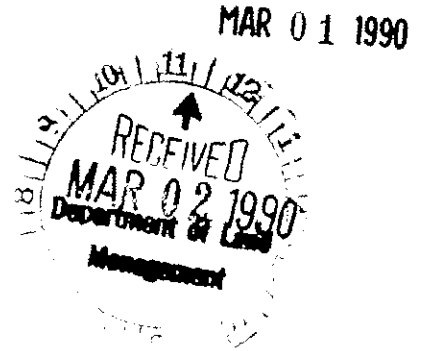
## INTER-AGENCY MEMORANDUM

TO: ✓ Director, Department of Land Management

FROM: Administrator

SUBJECT: Request to Exchange Lot 2264-1-R3, Barrigada

REFERENCE: Applicant - U.S. Foreign Investor, Inc.  
c/o Vicente C. Cepeda



The Agency has reviewed the request by Mr. Vicente C. Cepeda to exchange Lot #2264-1-R3 in Barrigada for government land Lot #15, Block E, Tract 9 also in Barrigada district. The supporting documents show that Lot #2264-1-R3 is one of four lots comprising a natural "sink hole" where storm water collects from the surrounding area. In August, 1988, the Director of Public Works indicated has interest in acquiring these parcels for use as a ponding basin through land exchange. The land area of Lot #2264-1-R3 (excluding the 40' R/W access road) is 7,144 square meters according to the supporting documents.

The government land proposed for exchange is Lot #15, Block E, Tract 9, behind Barrigada Heights Subdivision. Lot 15 contains an area of 9,949.74 square meters. This lot is within one of four large parcels of land proposed for "development" in the Guam Public Land-Use Plan (1984). Although the present zoning is Agriculture "A", "development" by the Government was considered as a desirable long-range plan.

Guam EPA has been involved in numerous meetings of the Land-Use Permit and Land Lease Inter-Agency Committees where competing uses of government lands has been discussed. We recommended that use of government lands not be on a piecemeal basis, but rather follow an organized plan for the most efficient utilization of limited public lands and resources. We are currently reviewing some government parcels for use as government subdivisions.

It is our position that Tract 9, Blocks D, E. and F and Lot 5382-South would be ideal sites for the development of government subdivisions in the future. Their strategic location between Barrigada Heights Subdivision and Latte Heights Subdivision would provide compatible use and reduced expenses for infrastructure improvements.

As such these government parcels are quite valuable real estate and should be reserved for these uses.

RECEIVED BY GOVERNMENT OF GUAM EXPENSE



INTER-AGENCY MEMORANDUM

TO: Director, Department of  
of Land Management

Page 2

We agree that a land exchange may be the desirable method for the owner of Lot 2264-1-R3 to transfer ownership of this lot to the government and have no objections for the exchange.

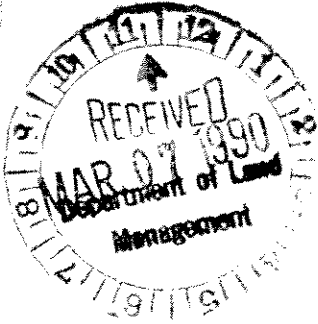


FRED M. CASTRO

CC: Governor's Office,  
Attn: Ms Nancy Leon Guerrero  
Bureau of Planning  
Department of Agriculture  
Guam Housing and Urban  
Renewal Authority



DEPARTMENT OF PARKS AND RECREATION  
GOVERNMENT OF GUAM  
AGANA, GUAM 96910



MAR 1 1990

MEMORANDUM

To: Director, Department of Land Management

From: Director, Department of Parks and Recreation

Subject: Request to exchange Lot 2264-1-R3,  
Municipality of Barrigada

Reference: Applicant - U.S. Foreign Investors, Inc.  
c/o Vicente C. Cepeda

This department has no objection to the above proposed private land exchange with government Lot 15, Block E, Tract 9, Barrigada Heights Subdivision.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony C. Mariano".

ANTHONY C. MARIANO  
Director

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**GUAM ECONOMIC DEVELOPMENT AUTHORITY**  
**ATURIDAD INADILANTON IKUNUMIHA GUAHAN**



February 28, 1990

MEMORANDUM

**TO:** Director, Department of Land Management  
**FROM:** Administrator, GEDA  
**SUBJECT:** Request to Exchange Lot 2264-1-R3, Barrigada  
Applicant: U.S. Foreign Investor, Inc.  
c/o Vicente C. Cepeda

This is in response to your Memorandum dated September 27, 1989. Additional information received today from your department shows that the request to exchange government land Lot No. 15, Block E, Tract 9, Municipality of Barrigada (9,949.74 s.m.) for privately owned Lot 2264-1-R3, Barrigada (7,144+ s.m.) is because Lot 2264 is a natural "sink hole" and it would be more economical and beneficial to the community for the government to construct a ponding basin there rather than for the current property owner to develop this area.

Based on these factors, this Authority has no objection to this request provided the transaction assures a fair exchange of "value for value".

Thank you for this opportunity to comment on this matter.

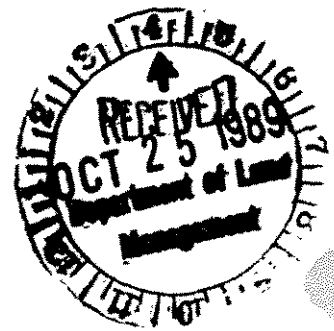
CHARLES P. CRISOSTOMO

CPC/dc

ED'S copy



GOVERNMENT OF GUAM  
AGANA, GUAM 96910



October 25, 1989

Memorandum

To: Director, Department of Land Management

From: Director, Department of Commerce

Subject: Disposition of Government Properties

We are providing comments on the following requests to lease, purchase or exchange government property.

1) Request to purchase government land in Barrigada Heights; Applicant - Rosita Laguana

We have no objections to this application.

2) Request to lease a portion of government land within Lot No. 2098, Tamuning, Municipality of Dededo; Applicant - Vic Borja

While my department has no objection to the lease at this time, we would like to recommend that the Public Utility Agency of Guam be requested to comment on the impact of Public Law 20-6 as it may render the proposed use unfeasible. The public law would require that the project have its own source of irrigation water, other than the public water system, if the golf driving range involves 4000 square meters or more of lawn area.

3) Request to Exchange Lot No. 2264-1-R3, Barrigada; Applicant - U.S. Foreign Investor, Inc.

We have no objection to this application.

4) Request to lease/purchase government land adjacent to Lot No. 6, Tract 111, Tumon, Municipality of Dededo; Applicant - Dolores Tuncap

We have no objection to the lease of this government land.

If you have any questions concerning our comments, please do not hesitate to contact my office.

Peter R. Barcinas

EDS COPY



**GHURA**

Guam Housing and Urban Renewal Authority  
P.O. Box CS Agana, Guam 96910  
(671) 477-9851-4 • Fax (671) 477-4184

Joseph F. Ads  
*Governor*  
Frank F. Blas  
*U. Governor*  
Pilar A. Cruz  
*Executive Director*  
Ricardo A. Calvo  
*Deputy Director*

October 23, 1989



**Board of Commissioners**

Rufo C. Taitano  
*Chairman*  
Vicente C. San Nicolas  
*Vice-Chairman*  
Marilyn P. Megofna  
*Member*  
Jesus T. Lizama  
*Member*  
Evelyn A. Blas  
*Member*  
Galo E. Camacho  
*Member*  
Nicolas D. Francisco  
*Member*

**MEMORANDUM**

**TO:** Director, Department of Land Management  
**FROM:** Executive Director  
**SUBJECT:** Request to Purchase, Lease, or Exchange Government Land

Guam Housing and Urban Renewal Authority has no objection on the following properties:

- 1) Request to Lease Government Land between Ascanto and Ennan on Route 2 South towards Umatac/Merizo  

Applicant - Roberto Pitter owner of Cycle Shop
- 2) Request to lease a portion of government land within Lot No. 2098, Tamuning, Municipality of Dededo  

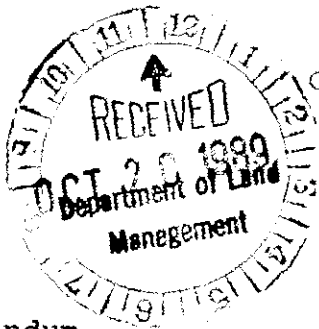
Applicant - Vic Borja
- 3) Request to Purchase Government Land in Barrigada Heights  

Applicant - Rosita C. Laguana
- 4) Request to Exchange Lot 2264-1-R3, Barrigada  

Applicant - U.S. Foreign Investor, Inc.  
c/o Vicente C. Cepeda

The above transactions would have no adverse impact on any of our plans or projects.

  
PILAR A. CRUZ



SETBISION MAMPLANEHA  
Bureau of Planning  
GOVERNMENT OF GUAM  
AGANA GUAM 96910

OCT 18 1989

*10/26/89  
Bob -  
since you  
are handling this  
case, please  
review & get  
also, coordinate with  
your supervisor  
John P. Guerrero*

Memorandum

To: Director, Department of Land Management  
From: Director, Bureau of Planning  
Subject: Request to Exchange Lot No. 2264-1-R3, Barrigada  
Applicant - U.S. Foreign Investors, Inc.

The Bureau of Planning has completed its review of the request by U.S. Foreign Investor, Inc. to exchange their land, Lot No. 2264-1-R3 in Barrigada Village for Lot No. 15, Block E, Tract 9 in Barrigada Heights, owned by the Government of Guam.

Based on an August 24, 1988 memorandum from the Department of Public Works (DPW), since the property as well as the remaining lots within Basic Lot No. 2264-1, is a natural sink hole; and during heavy rains when there is an excess of water runoff, rainwater collects on the said lots from the surrounding area, it is DPW's position that the proposed land exchange would solve the immediate need for water containment without having to construct an actual ponding basin. Additionally, in order to adequately contain the maximum anticipated volume of water during heavy and continuous rainfall, all four parcels of Basic Lot No. 2264-1 are required.

In this regard, the Bureau supports the exchange of Lot No. 15, Block E, Tract 9 in Barrigada for the private land as it will positively affect the citizens of the village of Barrigada, and will help to replenish Guam's aquifer.

Thank you for the opportunity to comment.

*Peter P. Leon Guerrero*  
PETER P. LEON GUERRERO



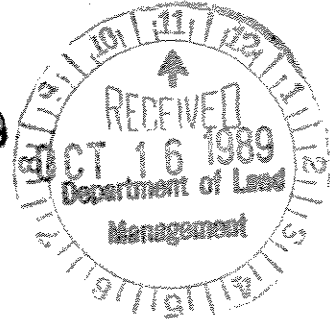




10/31/89  
Eddie  
Review  
Art Fawcett

**GUAM POLICE DEPARTMENT**  
**GOVERNMENT OF GUAM**  
AGANA, GUAM 96910

OCT 12 1989



Memorandum

To: Director, Department of Land Management  
From: Chief of Police  
Subject: Request to Exchange Lot 2264-1-R3, Barrigada  
RE: U.S. Foreign Investor, Inc.

Thank you for soliciting the Department's comments in the above matter.

We have reviewed the documents provided to us by your Department in conjunction with our future expansion and we have no objection.

We are glad to be your working partner.

A.P. SGAMBELLURI



GOVERNMENT OF GUAM  
AGANA, GUAM 96910



OCT 0 1989

MEMORANDUM

TO: Director of Land Management

FROM: Director of Public Health and Social Services

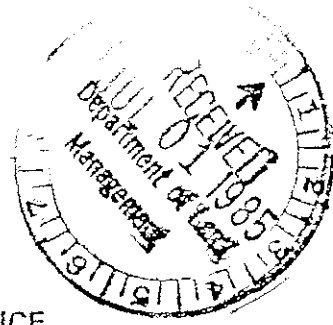
SUBJECT:
 

1. Request to Purchase Government Land in Barrigada Heights  
Applicant: Rosita C. Laguana
2. Request to Lease/Purchase Government Land in Tumon  
Applicant: Dolores Tuncap
3. Request to Exchange Lot in Barrigada  
Applicant: U. S. Foreign Investors, Inc.  
c/o Vicente C. Cepeda

In response to your request, please be informed that todate the Department of Public Health and Social Services does not have any plans or projects that may be affected by the disposition of the above-cited government lands.

*10/4/89*  
*Ray & Ed -*  
*Remind the case*  
*of your respective*  
*area and get*  
*Accordingly.*

*(Espaldon)*  
 LETICIA V. ESPALDON, M. D.



BARRIGADA COMMISSIONERS OFFICE  
GOVERNMENT OF GUAM  
BARRIGADA VILLAGE

COMMISSIONER  
RAYMOND S. LAUGUANA  
734-3737 - Office

ST. COMMISSIONER  
Jose B. Palacios  
737 - Office  
34-4995-Home

June 25, 1985

MEMORANDUM

TO: Director of Land Management

FROM: Commissioner of Barrigada

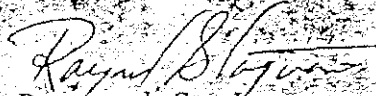
SUBJECT: Land Exchange

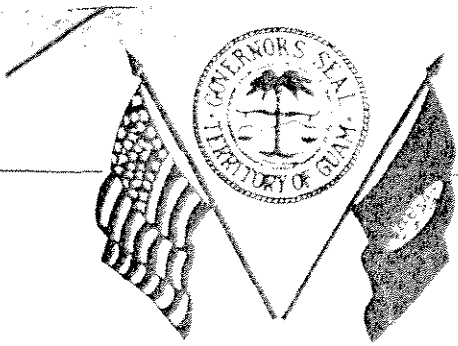
The property owners of Lot #2264-1-R-3 and Lot #2264-1-1 are all-ponding area for the village of Barrigada.

The owners are developing this with Land file that flooding to the entire village will be affected by this development.

I am requesting your office if land exchange will be available for this property. For a ponding base for the village of Barrigada.

This is very urgent, because property owners are already in the process of developing this area. Attach is a map of said location, your early response is greatly appreciated.

  
Raymond S. Lauguan  
Commissioner of Barrigada



*Territory of Guam*

*Territory of Guam*

OFFICE OF THE GOVERNOR  
LEFINAN I MAGALANI  
AGANA GUAM 96910 U.S.A.

Honorable Joe T. San Agustin  
Speaker  
Twentieth Guam Legislature  
P.O. Box CB-1  
Agana, Guam 96910

Dear Mr. Speaker:

Forwarded for your favorable and expeditious action is a proposed exchange of government land Lot 15, Block E, Tract 9, Barrigada, with Lot 2264-1-R3 in Barrigada at present, statutory procedures for disposal have been repealed by Public Law 12-116 (Chamorro Land Use Trust Commission Act). Therefore, legislation is needed to effectuate the disposal.

All concern parties have expressed interest on such proposal more so with Department of Public Works and Commissioner of Barrigada for a proposed ponding basin to alleviate flooding problems as we are all aware of. With respect to value, prospective applicant agreed, upon advisement that the exchange shall be based on a value for value.

In this regard, an appraisal report was presented by the applicant with a marketable value of \$15.00 per square meters on his property, comprising of 11,333± square meters as evidenced by Document Nos. 47070 and 58234.

It should be noted however, that 4,188.0 square meters shall be excluded from the actual computed area which is a 40' feet Public Access under said document with the remaining area of 7,144.54± to be exchanged at (\$15.00 per square meter) for a total value of \$107,168.10. With regards to the Government land, Lot 15, Block E, Tract 9, containing area of 9,949.74 square meters based at \$10.80 per square meters, it will give a total value of \$107,457.19. The difference of \$289.09 is to be paid by U.S. Foreign Investor, Inc. as they have agreed. This office fully endorsed the marketable value stated herein.

Attachment "B"

Letter to the Speaker  
Proposed Land Exchange -

May 22, 1989  
Page 2

Since the government has no plan now on the Government land affected, I have given my consent and I trust the Legislators will act similarly.

Sincerely yours,

JOSEPH F. ADA  
Governor of Guam



AUG 24 1988



MEMORANDUM

TO: Director of Land Management  
FROM: Director of Public Works  
SUBJECT: Lot No. 2264-1-R3, Barrigada

In regards to your memo of May 10, 1988, this Department most certainly needs the subject parcel et al for the continued disposal of surface run-off from a large section of Barrigada village. In March 1986 we prepared a cost estimate (see Attachment "A") for the purchase and construction of a ponding basin within Basic Lot No. 2264-1. However, due to the lack of funds, no further action was taken.

Since the property is a natural "sink hole," collecting water from the surrounding area, the proposed land exchange would solve the immediate need for water containment without having to construct an actual ponding basin. As indicated on attachment "A," all four parcels of Basic Lot No. 2264-1 are required to adequately contain the maximum anticipated volume of water during heavy, continuous rainfall. Therefore, if additional Government land is available for land exchange, we ask that you consider the possibility of acquiring the remaining parcels in the same manner.

When the actual land exchange takes place, please note that though the owner of Lot 2264-1-R3 is conveying the entire 11,332 square meters (computed area), the "value for value" offer should exclude the 40-foot public access (4,188 square meters) which serves as legal access easement to Lot Nos. 2264-1-1, 2264-1-2 and 2264-1-3 (see attached sketch "B" shaded in red). The reference maps for all four parcels can be found in Document Nos. 47070 and 58234.

If you require additional information please do not hesitate to contact Mr. Francis Taitano, Rights-of-Way Supervisor at 646-6736.

  
BENIGNO M. PALOMO

Attachments

**EXHIBIT**

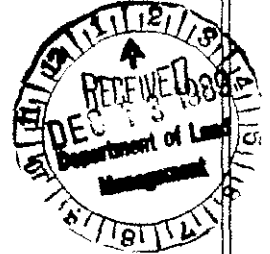
**2**

THE  
APPRAISAL  
DESK



"First In GUAM Real Estate Appraisals"

# APPRAISAL REPORT



COVERING:

LOT NO. 2264-1-R3  
MUNICIPALITY OF BARRIGADA, GUAM

DATED: NOVEMBER 22, 1989

PREPARED FOR

MR. VICENTE CEPEDA

PREPARED BY:

THE APPRAISAL DESK  
SUITE 224  
JULALE SHOPPING CENTER,  
AGANA, GUAM. 96910

REPRODUCTION BY GOVERNMENT OF GUAM EXPENSES



LAND APPRAISAL REPORT

**IDENTIFICATION**

Borrower: Mr. Ben Cepeda Census Tract: none Map Reference: Barrigada  
 Property Address: Pinate Street  
 City: Barrigada County: NA State: Guam Zip Code: \_\_\_\_\_  
 Legal Description: Lot 2264-1-R3, Municipality of Barrigada, Guam  
 Sale Price \$ NA Date of Sale: NA Loan Term: \_\_\_\_\_ yrs Property Rights Appraised:  Fee  Leasehold  De Minimis  
 Actual Real Estate Taxes \$ Unk (yr) Loan charges to be paid by seller \$ \_\_\_\_\_ Other sales concessions \_\_\_\_\_  
 Lender/Client: Mr. Vicente Cepeda Address: Barrigada, Guam  
 Occupant: Vacant Land Appraiser: J.C. Concepcion Instructions to Appraiser: Estimate market value for basis of probable exchange with a government owned parcel.

**NEIGHBORHOOD**

Location:  Urban  Suburban  Rural  
 Built Up:  Over 75%  25% to 75%  Under 25%  
 Growth Rate:  Fully Dev.  Rapid  Steady  Slow  
 Property Values:  Increasing  Stable  Declining  
 Demand/Supply:  Shortage  In balance  Over Supply  
 Marketing Time:  Under 3 Mos.  4-6 Mos.  Over 6 Mos.  
 Present Land Use: \_\_\_\_\_ % Family 5 % Industrial 15 % Vacant \_\_\_\_\_  
 Change in Present Land Use:  Not Likely  Likely  Taking Place  
 Predominant Occupancy:  Owner  Tenant \_\_\_\_\_ % Vacant  
 Single Family Price Range: \$ 80,000 to \$ 175,000 Predominant Value \$ 90,000  
 Single Family Age: NEW yrs vs. 35 yrs Predominant Age 15 yrs

Employment Stability:  Good  Avg.  Fair  Poor  
 Convenience to Employment:      
 Convenience to Shopping:      
 Convenience to Schools:      
 Adequacy of Public Transportation:      
 Recreational Facilities:      
 Adequacy of Utilities:      
 Property Compatibility:      
 Protection from Deleterious Conditions:      
 Police and Fire Protection:      
 General Appearance of Properties:      
 Appeal to Market:

Comments including those factors favorable or unfavorable affecting marketability, e.g. public parks, schools, view, noise: Barrigada is one of the older residential districts on island, a municipal community located about 4 miles northeast of Agaña City. Village typical of infrastructure complete with servicing roadside retail and service facilities. Community oriented includes churches, schools, mayor's office and other public buildings. Schools within walking distance. Not as active as central communities but good appeal.

**SITE**

Dimensions: See attached map 12,873 sq. mtrs. sq. ft. \_\_\_\_\_ Acres \_\_\_\_\_  
 Zoning classification: R-1 Residential Use with probable conditional use Present improvements: \_\_\_\_\_  
 Highest and best use:  Present use  Other (Specify): Residential to apartment use. Conditional use could allow small commercial.  
 Public: \_\_\_\_\_ Other (Describe): \_\_\_\_\_  
 Elec:  Street Access:  Public  Private Size: Larger than typical village parcel.  
 Gas:  Private Surface: Asphaltic Concrete Shade: Highly irregular with portions encroached by easements.  
 Water:  Maintenance:  Public  Private View: None  
 San. Sewer:  Storm Sewer:  Curb/Gutter: \_\_\_\_\_ Drainage: Good  
 Sidewalk  Street Lights Is the property located in a HUD identified Special Flood Hazard Area?  No  Yes

Comments favorable or unfavorable including any apparent adverse easements, encroachments of other adverse conditions: An irregular site seemingly a remnant of surrounding parcels after the redevelopment of Barrigada Village in the early 50s. Parcel encroached on the south panhandle in its entirety, encroached further to the east and northeast, and by Pinate Street running on a east to west direction almost to the northern most boundary. Site usable portion estimated at 65% based on deductions of these areas from the total. Just average appeal.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market area vis. the description, etc. and a market adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable is superior to more favorable than the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject. If a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

**MARKET DATA ANALYSIS**

ITEM	Subject Property	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	Lot 2264-1-R3 Barrigada Village	Lot 2318A-4, Mangilao, Barrigada, Guam	Lot 2378-7, Barrigada, Guam	Lot 2354-3-2-1 Barrigada, Guam
Proximity to Subj.		1 mile	2 miles	2 miles
Sales Price	\$ Exchange	\$ 145,000	\$ 20,000	\$ 16,000
Price		\$ 12.85/sq	\$ 22.50/sq	\$ 12.80/sq
Data Source		Files	Files	Files
Date of Sale and Time Adjustment		December 1988 +1.24/	October 1987	May 1988 +1.90/
Location	Average/Good	Equal	Just Average +2.25/	Just Average +1.25/
Site/View	12,873 sq/None	11,738 sq/None	1,000 sq/None -4.50/	1,250 sq/None
Zoning	R-1 Residential Use	R-1 Residential	R-1 Residential	R-1 Residential
Usability	70%	100%	100%	100%
Utilities	On site	On site	One site	Onesite
Sales or Financing Concessions		All cash	All cash	All cash
Net Adj. (Total)				
Indicated value of Subject		11	16	15

**RECONCILIATION**

Comments on Market Data: sale number one locate south of subject in the Mangilao area, a stable district. The size of this parcel was considered comparable to the subject. Sales two and three are residential parcel sales of typical size use to compare range of values considered erratic. These were used in absence of similar sized parcel sales in the area.

Comments and Conditions of Appraisal: subject could be developed but would probably require subdivision to produce and provide a more appealing product. This is predicated on the parcels shape and encroachments indicating losses in any full development of the parcel planning. The subject as a whole could be difficult to unload. As subdivided parcels, it could command even higher on a per unit basis. consideration for all encroachments were taken lessening appeal and marketing strength.

Final Reconciliation: Higher value range selected as ongoing island activities indicates the tremendous increase in land/parcel turnover. Subject unloading capabilities must include consideration for subdivision. The final value of the subject based on comparable sale number one is submitted as follows: 12,873 square meters at \$ 15.00 per square meter = \$ 193,095 or rounded to \$ 193,000.

ESTIMATE THE MARKET VALUE AS DEFINED OF SUBJECT PROPERTY AS OF November 22, 89 \$ 193,000

Appraiser: J.C. Concepcion - Chief Appraiser Review Appraiser (if applicable): \_\_\_\_\_  
 Date: November 22, 1989 Did Not Physically Inspect Property:   
 By: J.C. Concepcion 1984 Form and forms incorporated 315 Whitney Ave. New Haven, CT 06511 All Rights Reserved. © 1979, 1984, 1989

PHOTOGRAPH ADDENDUM

Borrower/Client: MR. Ben Cepeda						
Property Address: Lot No. 2264-1-R3, Pinate Street						
City:	Barrigada	County:	N/A	State:	Guam	Zip Code:
Lender: Same as above						



FRONT OF SUBJECT PROPERTY



STREET SCENE

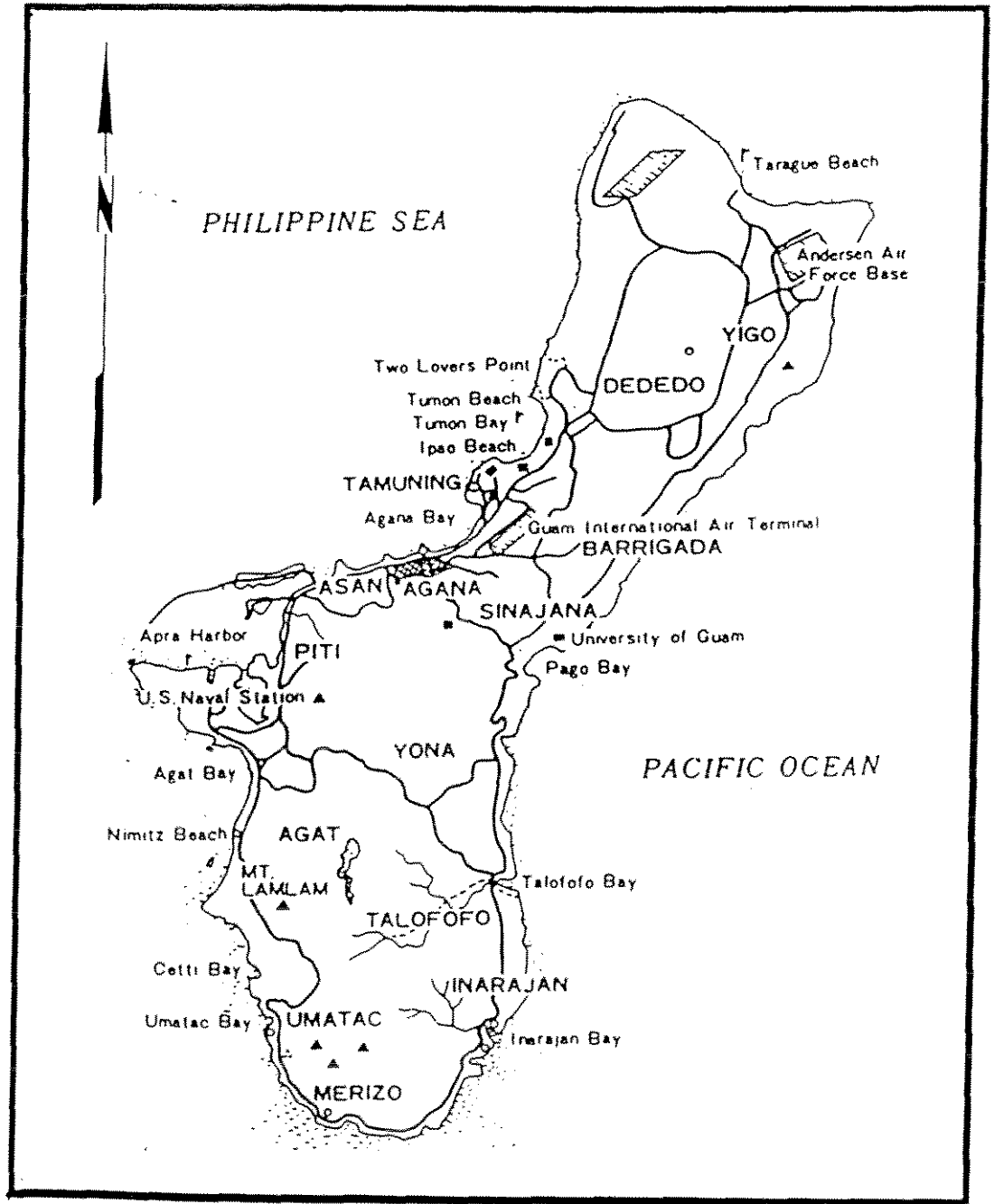
(PHOTOGRAPHS ARE QUADRANTARY OF GIAM EXPENSE)

"ADDITIONAL PHOTO OF SUBJECT PROPERTY AS SEEN FROM THE WEST"



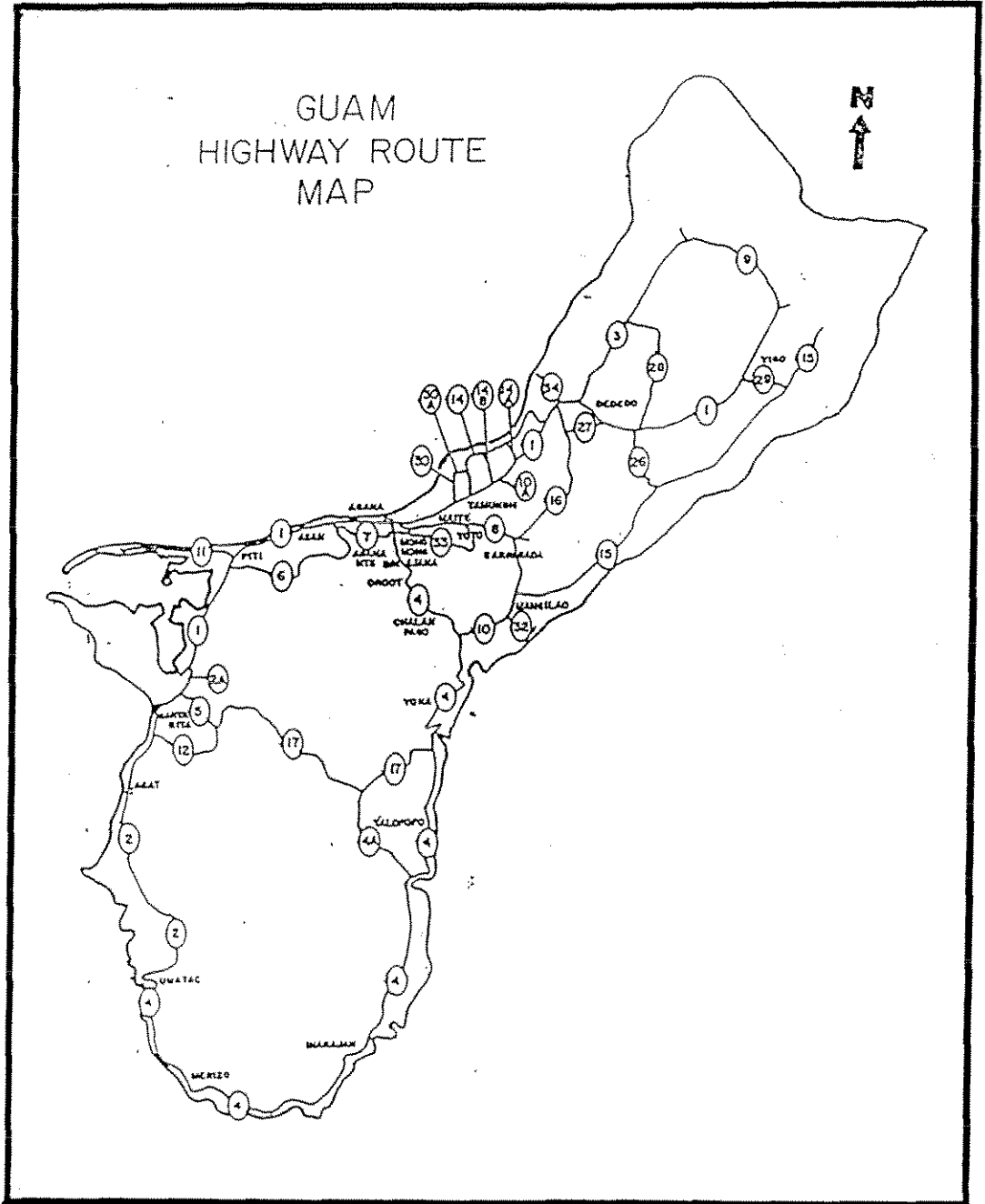
Borrower/Client	Mr. Ben Cepeda				
Property Address	Lot No. 2264-1-R3, Pinate Street				
City	Barrigada	County	N/A	State	Guam
Lender	Same as above				

(APPROVED BY GOVERNMENT OF GUAM EXPENSE)

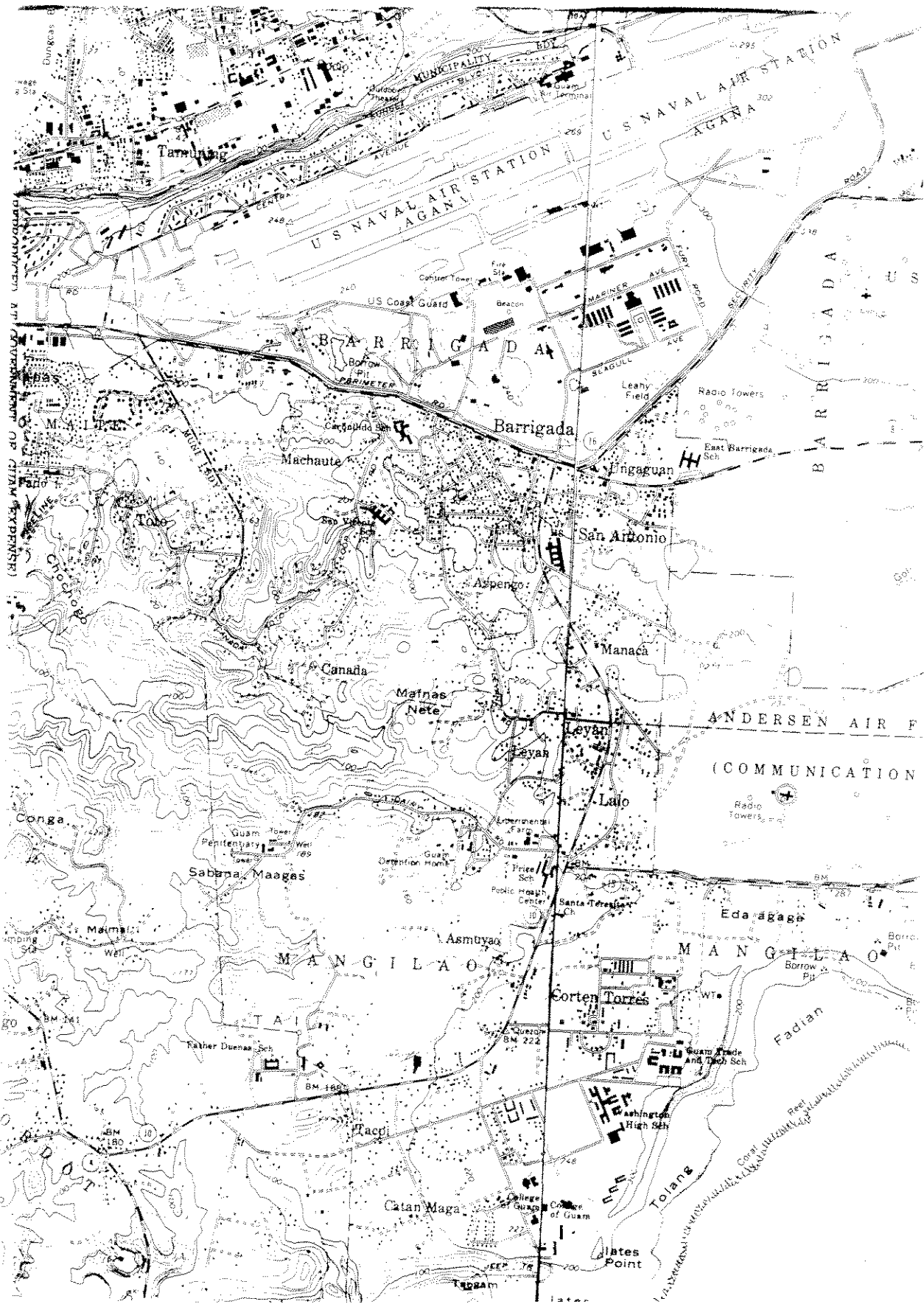


Borrower/Client	Mr. Ben Cepeda						
Property Address	Lot No. 2264-1-R3, Pinate Street						
City	Barrigada	County	N/A	State	Guam	Zip Code	
Lender	Same as above						

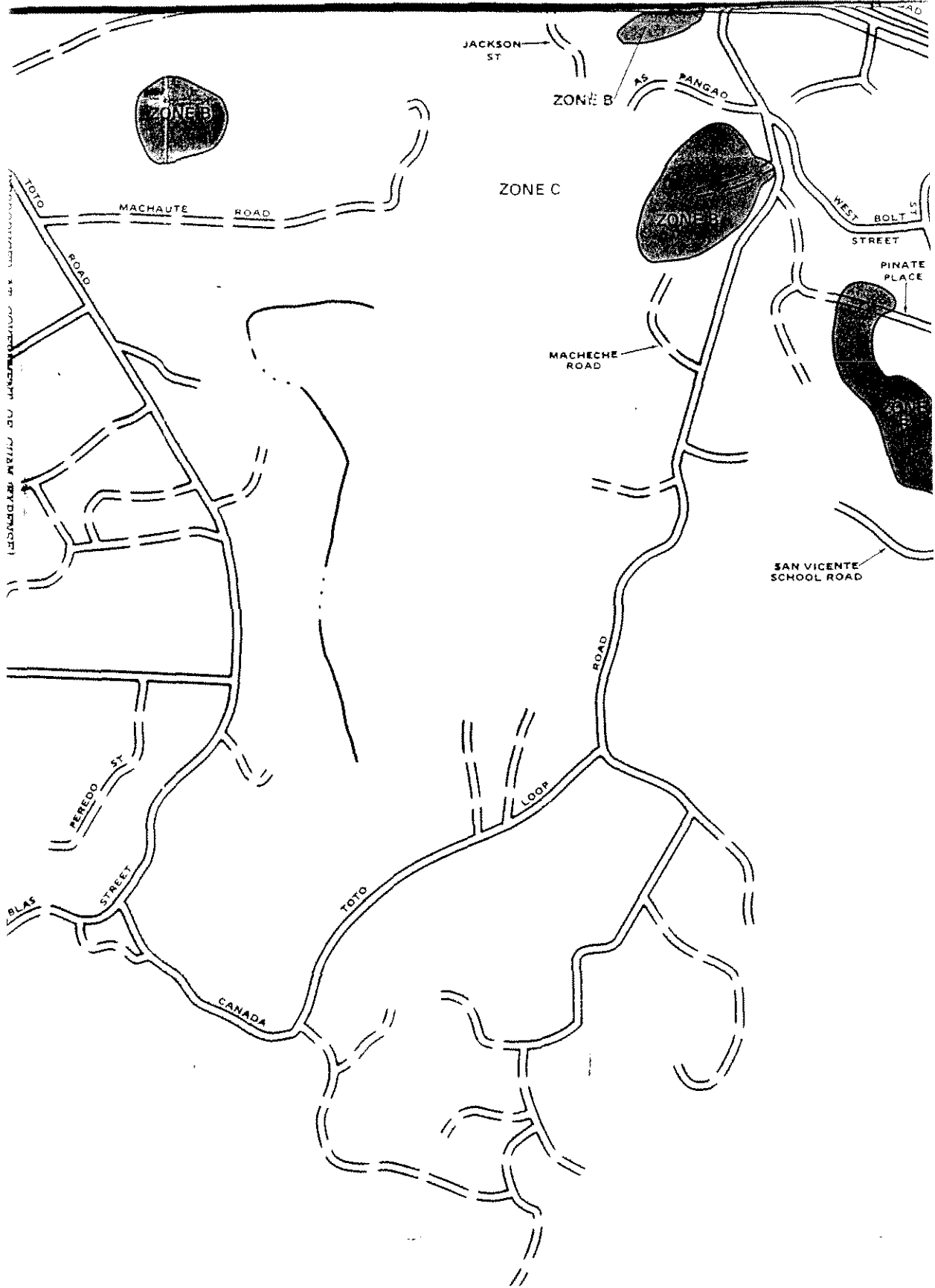
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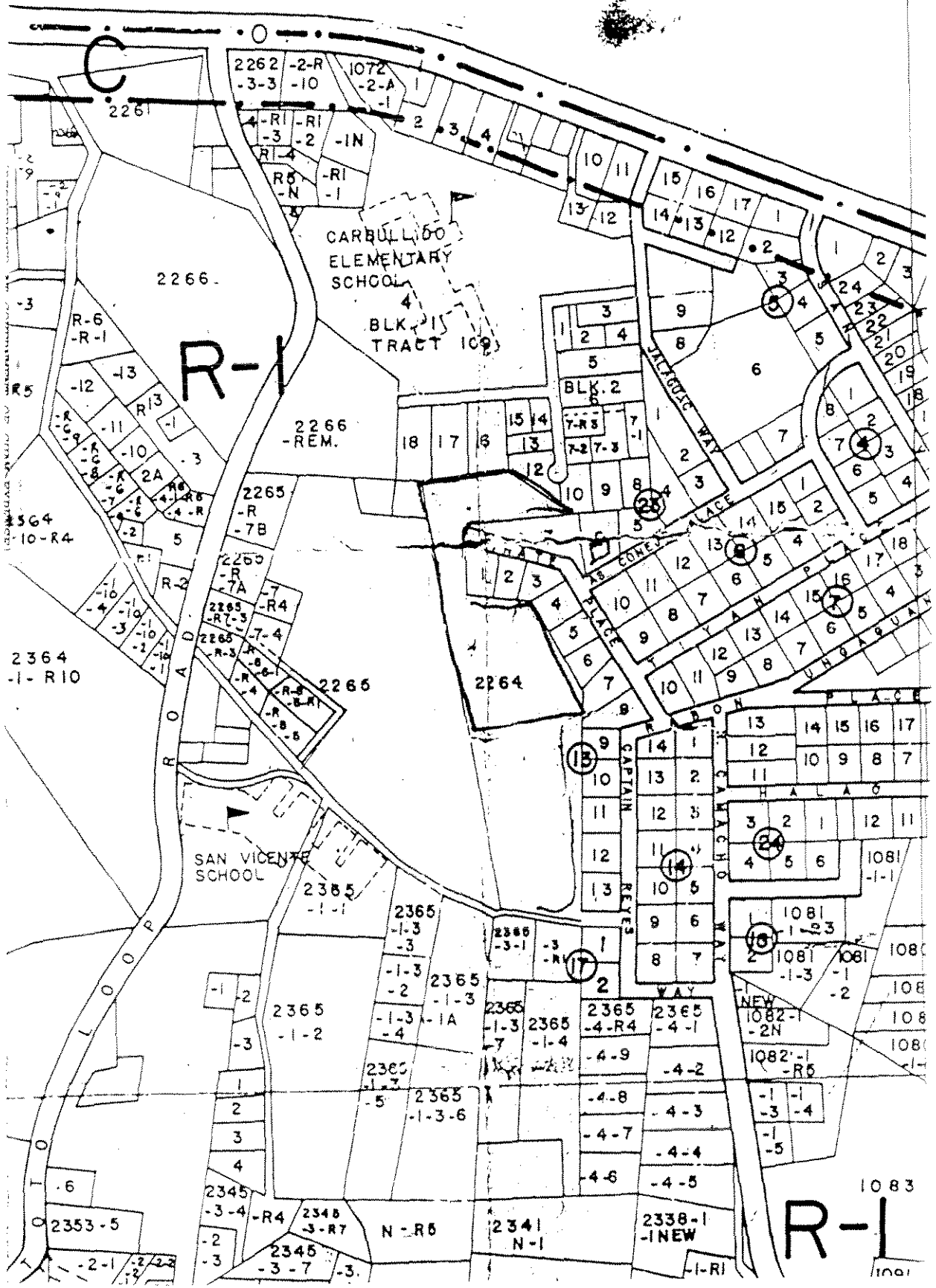
Borrower/Client	Mr. Ben Cepeda				
Property Address	Lot No. 2264-1-R3, Pinate Street				
City	Barrigada	County	N/A	State	Guam
Lender	Same as above				
				Zip Code	



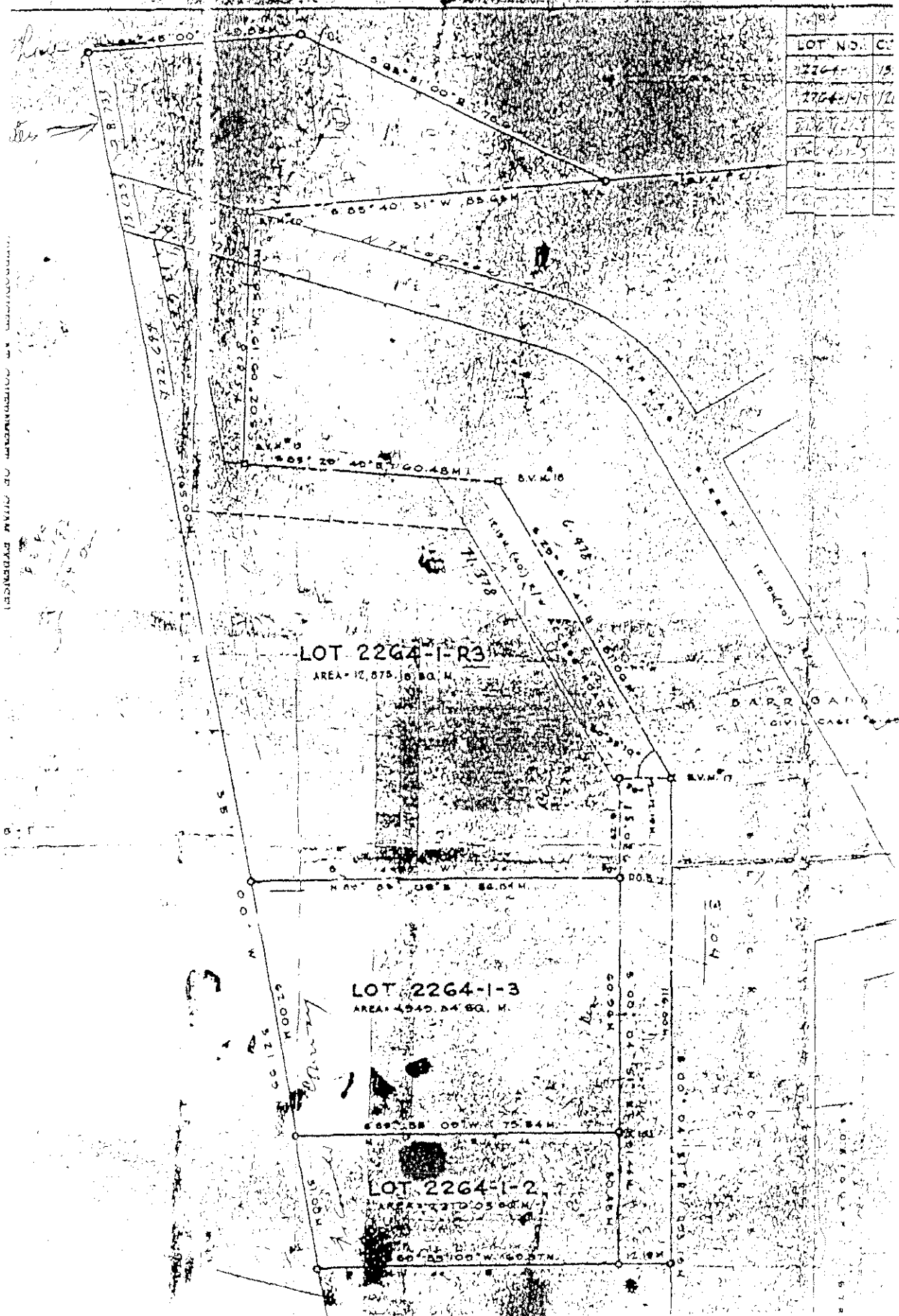
Borrower/Client	Mr. Ben Cepeda				
Property Address	Lot No. 2264-1-R3, Pinate Street				
City	Barrigada	County	N/A	State	Guam
Lender	Same as above				
				Zip Code	



Borrower/Client	Mr. Ben Cepeda				
Property Address	Lot No. 2264-1-R3, Pinate Street				
City	Barrigada	County	N/A	State	Guam
Lender	Same as above				



Borrower/Client Mr. Ben Cepeda  
 Property Address Lot No. 2264-1-R3, Pinate Street  
 City Barrigada County N/A State Guam Zip Code  
 Lender Same as above



LOT NO.	CU
2264-1-1	1/8
2264-1-2	1/2
2264-1-3	1/2
2264-1-4	1/2
2264-1-5	1/2
2264-1-6	1/2
2264-1-7	1/2
2264-1-8	1/2
2264-1-9	1/2
2264-1-10	1/2

LOT 2264-1-R3  
 AREA = 12,875.16 SQ. M.

LOT 2264-1-3  
 AREA = 4,545.84 SQ. M.

LOT 2264-1-2  
 AREA = 7,710.05 SQ. M.

BARRIGADA CIVIL ENGINEERING  
 1000 PIMATE STREET  
 BARRIGADA, GUAM  
 TEL: 472-1111  
 FAX: 472-1112  
 WWW.BARRIGADA-CIVIL.COM



Borrower/Client	Mr. Ben Cepeda				
Property Address	Lot No. 2264-1-R3, Pinate Street				
City	Barrigada	County	N/A	State	Guam
Lender	Same as above				
				Zip Code	

**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

**CERTIFICATION AND STATEMENT OF LIMITING CONDITIONS**

**CERTIFICATION:** The Appraiser certifies and agrees that:

1. The Appraiser has no present or contemplated future interest in the property appraised; and neither the employment to make the appraisal, nor the compensation for it, is contingent upon the appraised value of the property.
2. The Appraiser has no personal interest in or bias with respect to the subject matter of the appraisal report or the participants to the sale. The "Estimate of Market Value" in the appraisal report is not based in whole or in part upon the race, color, or national origin of the prospective owners or occupants of the property appraised, or upon the race, color or national origin of the present owners or occupants of the properties in the vicinity of the property appraised.
3. The Appraiser has personally inspected the property, both inside and out, and has made an exterior inspection of all comparable sales listed in the report. To the best of the Appraiser's knowledge and belief, all statements and information in this report are true and correct, and the Appraiser has not knowingly withheld any significant information.
4. All contingent and limiting conditions are contained herein (imposed by the terms of the assignment or by the undersigned affecting the analyses, opinions, and conclusions contained in the report).
5. This appraisal report has been made in conformity with and is subject to the requirements of the Code of Professional Ethics and Standards of Professional Conduct of the appraisal organizations with which the Appraiser is affiliated.
6. All conclusions and opinions concerning the real estate that are set forth in the appraisal report were prepared by the Appraiser whose signature appears on the appraisal report, unless indicated as "Review Appraiser." No change of any item in the appraisal report shall be made by anyone other than the Appraiser, and the Appraiser shall have no responsibility for any such unauthorized change.

**CONTINGENT AND LIMITING CONDITIONS:** The certification of the Appraiser appearing in the appraisal report is subject to the following conditions and to such other specific and limiting conditions as are set forth by the Appraiser in the report.

1. The Appraiser assumes no responsibility for matters of a legal nature affecting the property appraised or the title thereon, nor does the Appraiser render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.
2. Any sketch in the report may show approximate dimensions and is included to assist the reader in visualizing the property. The Appraiser has made no survey of the property.
3. The Appraiser is not required to give testimony or appear in court because of having made the appraisal with reference to the property in question, unless arrangements have been previously made therefor.
4. Any distribution of the valuation in the report between land and improvements applies only under the existing program of utilization. The separate valuations for land and building must not be used in conjunction with any other appraisal and are invalid if so used.
5. The Appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The Appraiser assumes no responsibility for such conditions, or for engineering which might be required to discover such factors.
6. Information, estimates, and opinions furnished to the Appraiser, and contained in the report, were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished the Appraiser can be assumed by the Appraiser.
7. Disclosure of the contents of the appraisal report is governed by the Bylaws and Regulations of the professional appraisal organizations with which the Appraiser is affiliated.
8. Neither all, nor any part of the content of the report, or copy thereof (including conclusions as to the property value, the identity of the Appraiser, professional designations, reference to any professional appraisal organizations, or the firm with which the Appraiser is connected), shall be used for any purposes by anyone but the client specified in the report, the borrower if appraisal fee paid by same, the mortgagee or its successors and assigns, mortgage insurers, consultants, professional appraisal organizations, any state or federally approved financial institution, any department, agency, or instrumentality of the United States or any state or the District of Columbia, without the previous written consent of the Appraiser; nor shall it be conveyed by anyone to the public through advertising, public relations, news, sales, or other media, without the written consent and approval of the Appraiser.
9. On all appraisals, subject to satisfactory completion, repairs, or alterations, the appraisal report and value conclusion are contingent upon completion of the improvements in a workmanlike manner.

Date NOVEMBER 22, 1989 Appraiser(s) *[Signature]*

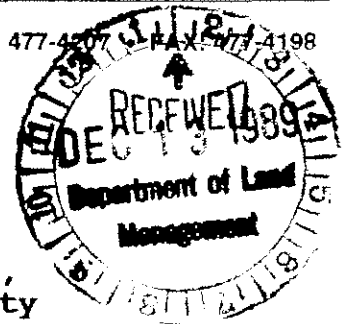
**J.C. CONCEPCION-UIEF APPRAISER**



"First In GUAM Real Estate Appraisals"

Suite 224 Julale Center, Agana, Guam 96910 • 472-8191 477-4507 FAX 477-4198

December 01, 1989



Mr. Ben Cepeda  
Agana, Guam 96910

RE: Probable Market Value, Lot 15, Block E,  
Tract 9, Barrigada Heights, Municipality  
of Barrigada, Guam

Dear Mr. Cepeda:

Upon your request, we have conducted the investigations and analyses necessary to form an opinion of the market value of the fee simple interest in a government owned parcel located in the district of Barrigada. More specifically, the parcels are in the northeast of the prestigious Barrigada Heights Subdivision north of Route 16. currently controlled by the Army Corp of Engineers. The parcel is a portion of a large acreage owned by the Government of Guam. It is part of Tract 9, enjoying a good panorama to the northwest. The parcel, identified as Lot 15, has an aggregated land area of 9,201.27 square meters or about 2.27 acres of undeveloped, raw land.

The opinions set forth in this letter are stated as of November 22, 1989.

The term "**MARKET VALUE**" is defined as:

The most probable price estimated in terms of money (U.S. legal tender) which a property would bring if exposed for sale for a reasonable period of time on the open market, to a seller, willing but not compelled to buy; both parties being fully informed of all the purposes of which the property is best adapted and is capable of being used.

Fundamental assumptions and conditions presumed in this definition are:

1. Buyer and seller are motivated by self-interest.
2. Buyer and seller are well informed and are acting prudently.
3. The property is exposed for a reasonable time on the open market.

4. Payment is made in cash or its equivalent, or specified financing terms.
5. Specified financing, if any, may be the financing actually in place or on terms generally available for the property type in its locale on the effective appraisal date.
6. In effect, if any, on the amount of market value of a typical financing, services, or fees shall be clearly and precisely revealed in the appraisal report.
7. Value assigned based on current sales in the district with adjustments due to conditions, location and usability and size. The market data analysis which was the main technique of value used in this case was not afforded with sales of parcels such as the subject. The valuation range from a low \$12.00 to \$25.00 per square meter, after adjustments, was a result of the subject's basic amenities.
8. This a letter of final value and not preliminary value.

Based upon these investigations, and upon our experience as real estate appraisers, we have reached the opinion that the subject, as a whole and as of November 22, 1989, has a probable market value of:

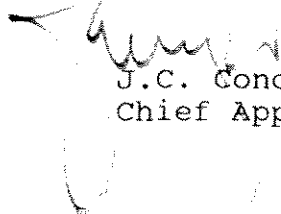
**ONE HUNDRED THIRTY EIGHT THOUSAND DOLLARS  
(\$138,000)**

The undersigned hereby certify that, except as specifically noted:

1. The appraiser has no present or contemplated future interest in the property appraised; and neither employment to make the appraisal, nor the compensation for it, is contingent upon the appraised value of the properties.
2. The Appraiser has no personal interest in, or, bias with respect to the subject matter of the appraisal letter or the participants to a sale. The "Estimate of Market Value" in this letter report is not based in whole or in part upon the race, color, or national origin of the prospective owners or occupants of the properties in the vicinity of the properties appraised.

3. The Appraiser has personally inspected the properties, and has made an inspection of all comparable sales and listings used in the valuation used in the letter. To the best of the Appraiser's knowledge and belief, all statements and information shown in this letter are true and correct, and the Appraiser has not knowingly withheld any significant information.
4. All contingent and limiting conditions are contained here (imposed by the terms of assignment or by the undersigned affecting the analyses, opinions, and conclusions contained in the letter).
5. This appraisal letter has been made in conformity with and is subject to the requirements of the Code of Professional Ethics and Standards of Professional Conduct of the appraisal organizations with which the Appraiser is affiliated.
6. All conclusions and opinions concerning the real estate that are set forth were prepared by the Appraiser whose signature appears in this appraisal letter.
7. No change of any items in this appraisal letter shall be made by anyone other than the Appraiser, and the Appraiser shall have no responsibility for any such unauthorized change.

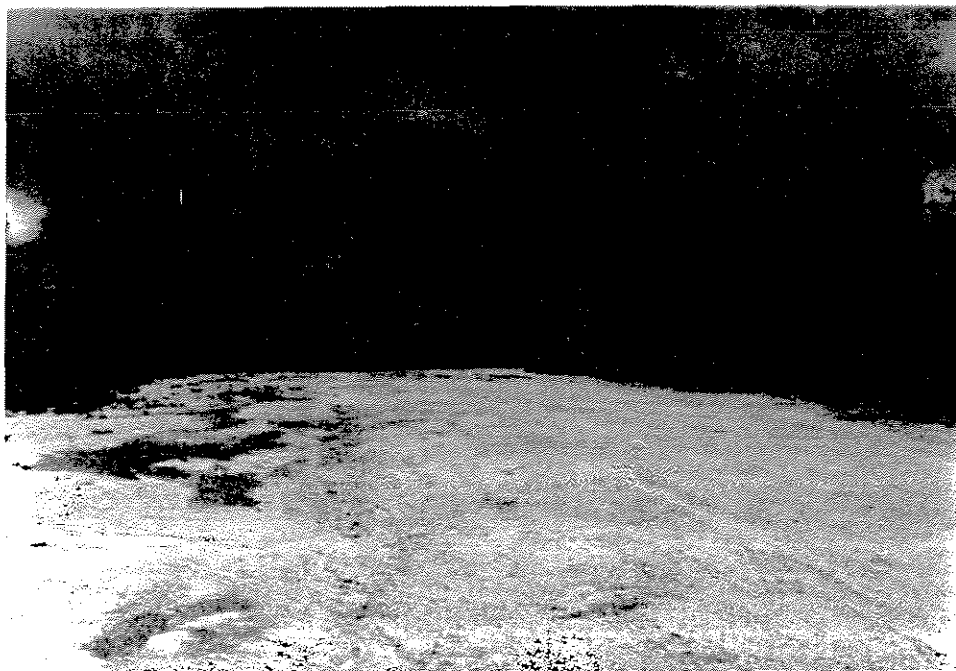
Respectfully submitted,



J.C. Concepcion  
Chief Appraiser

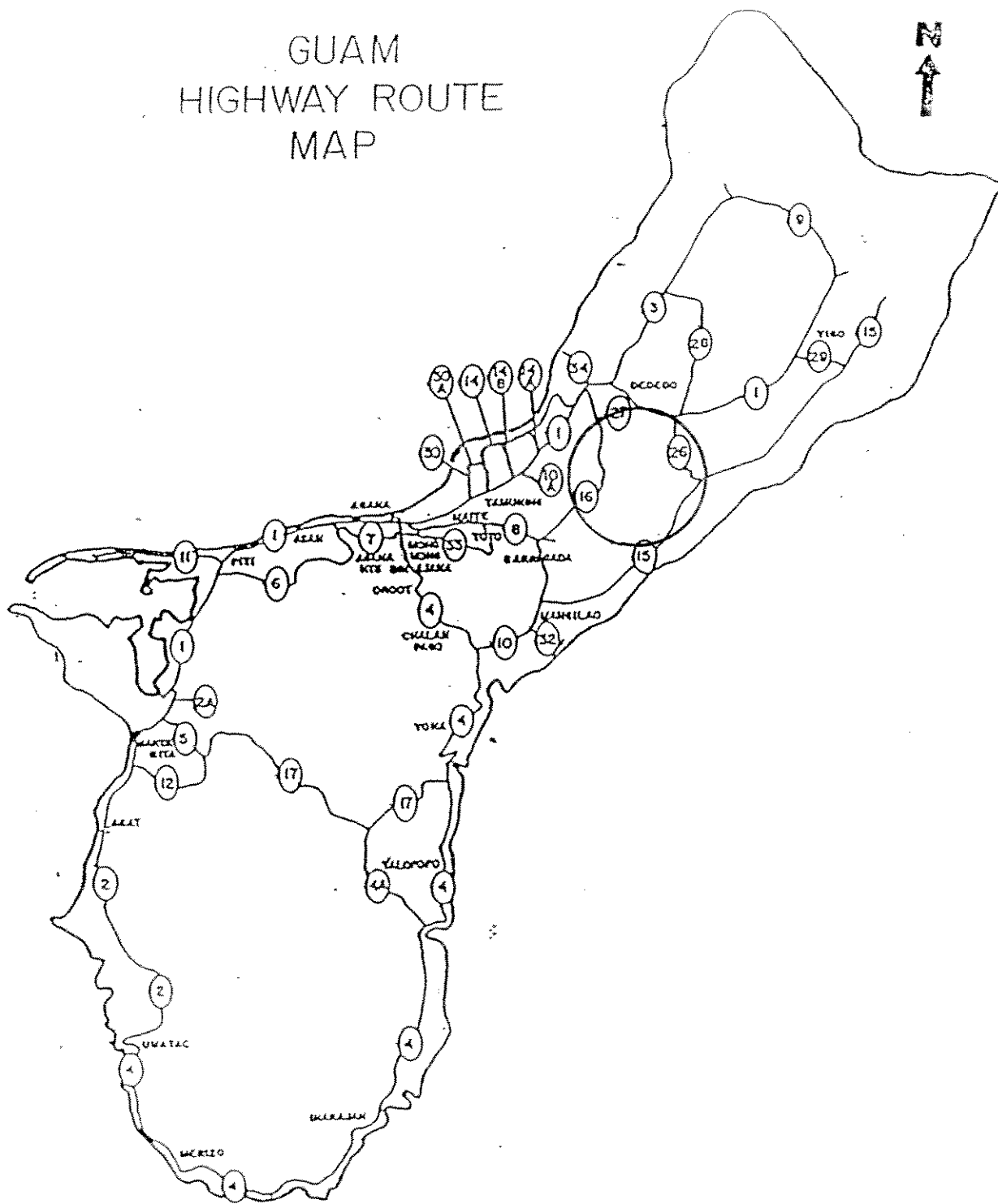


FRONT SCENE OF SUBJECT PROPERTY

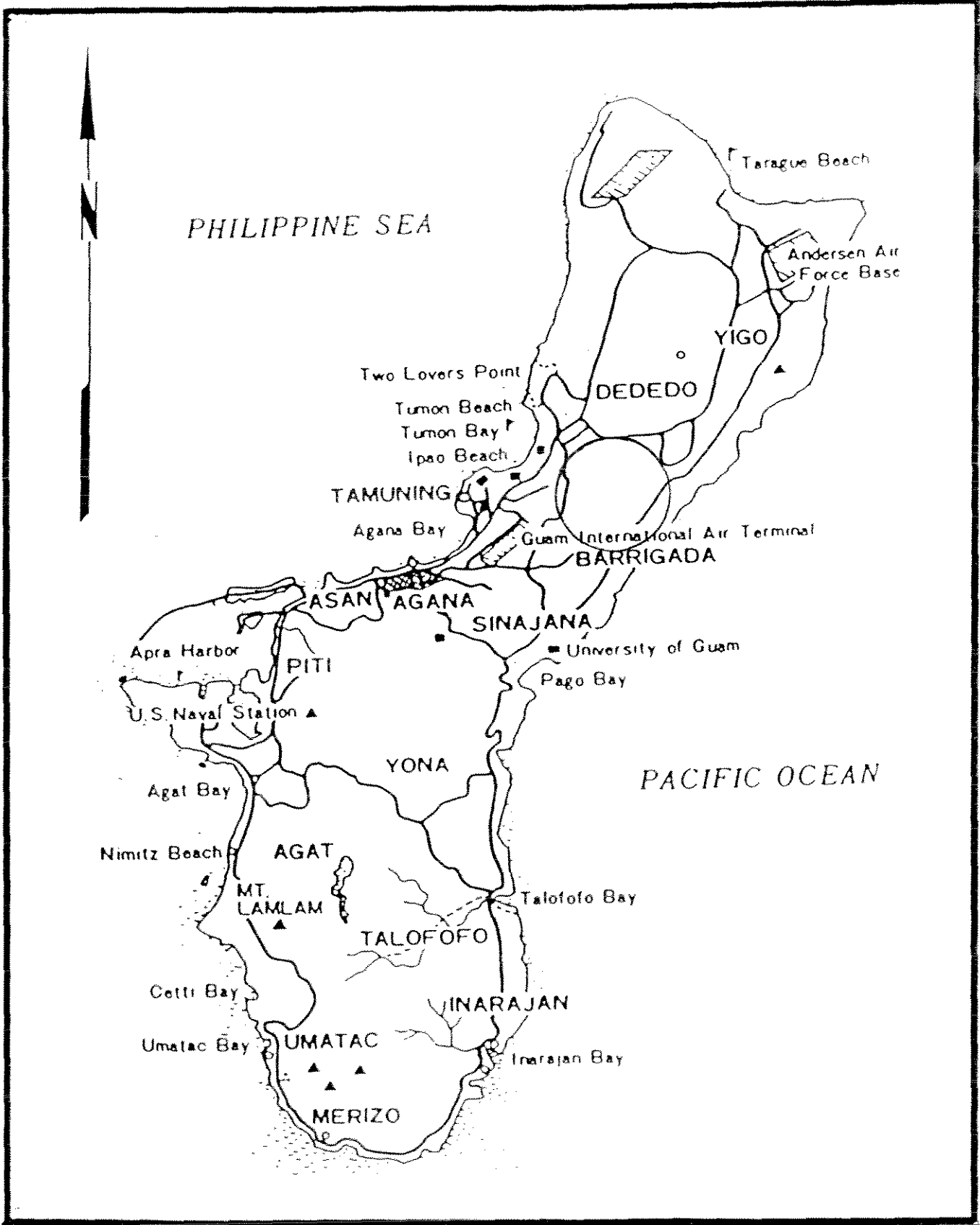


STREET SCENE OF SUBJECT PROPERTY

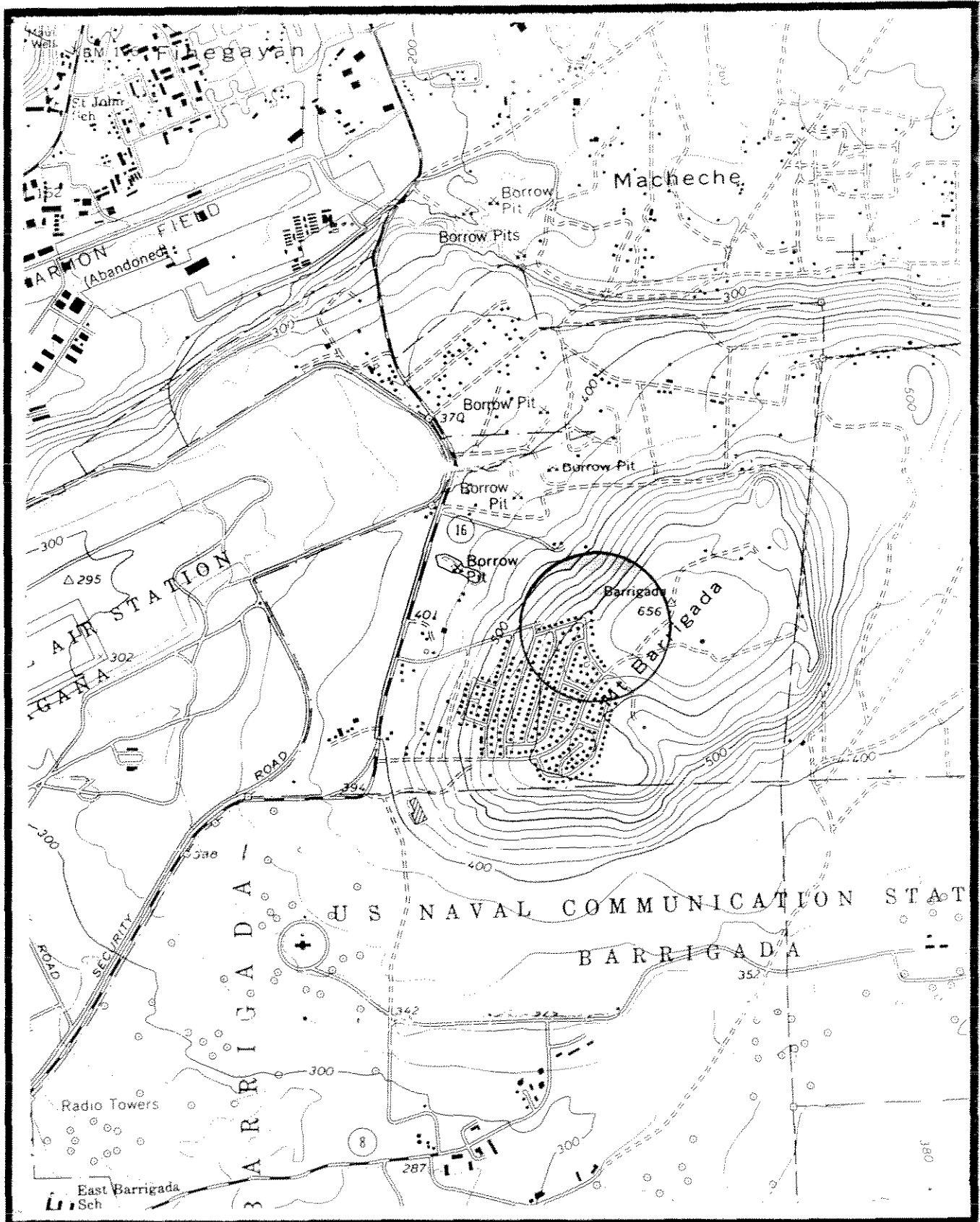
# GUAM HIGHWAY ROUTE MAP



(APPROPRIATED AT GOVERNMENT OF GUAM EXPENSE)

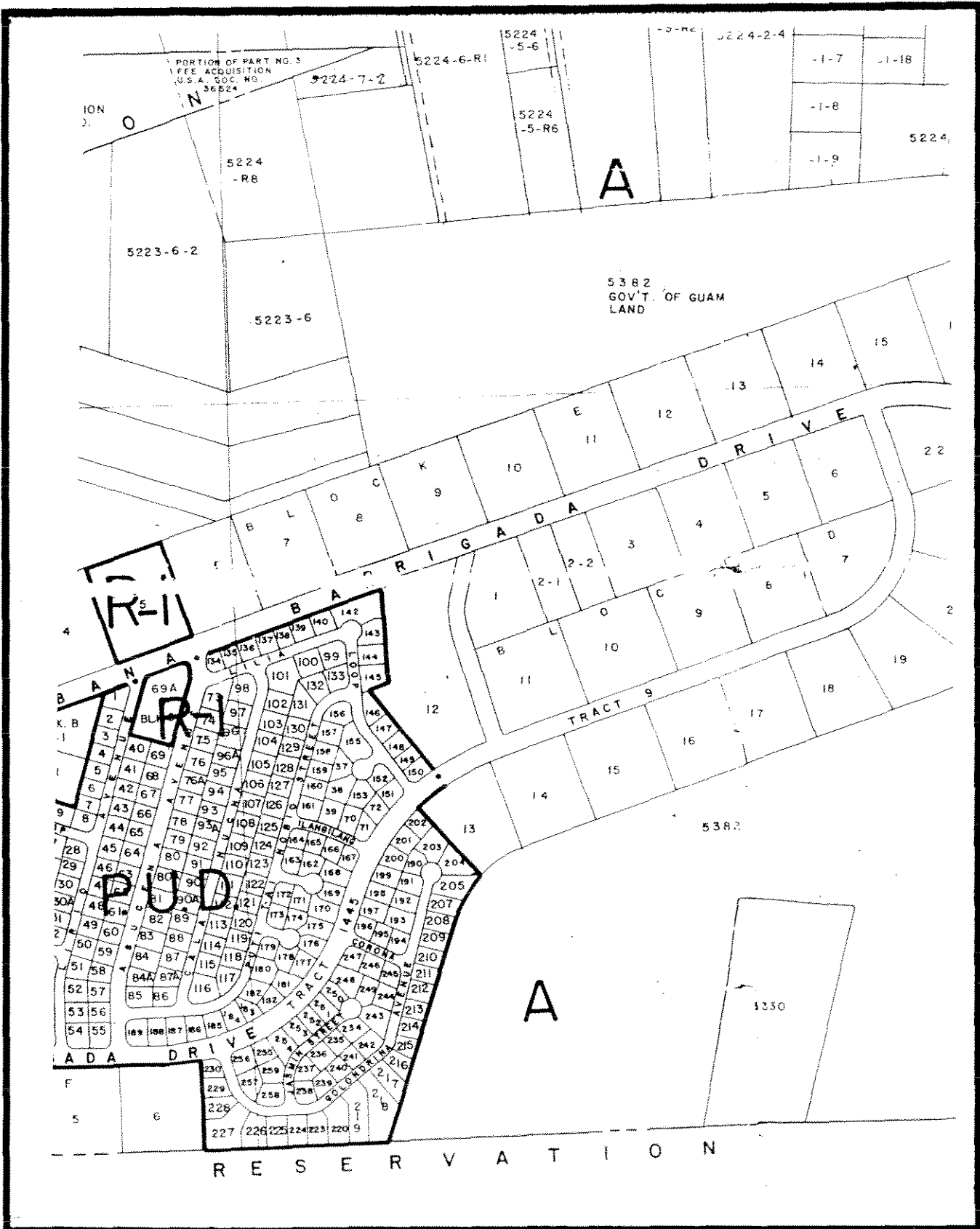


VICINITY

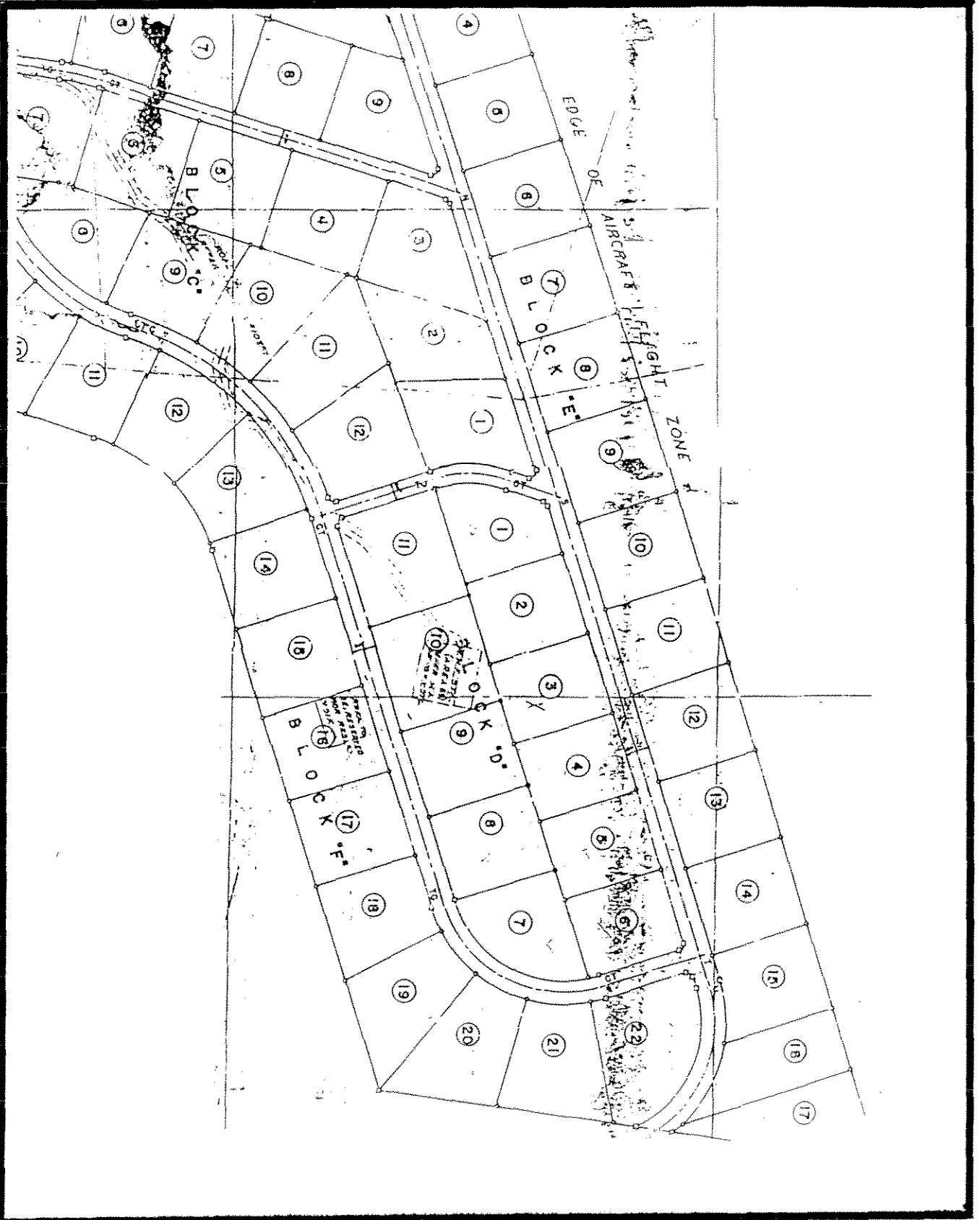


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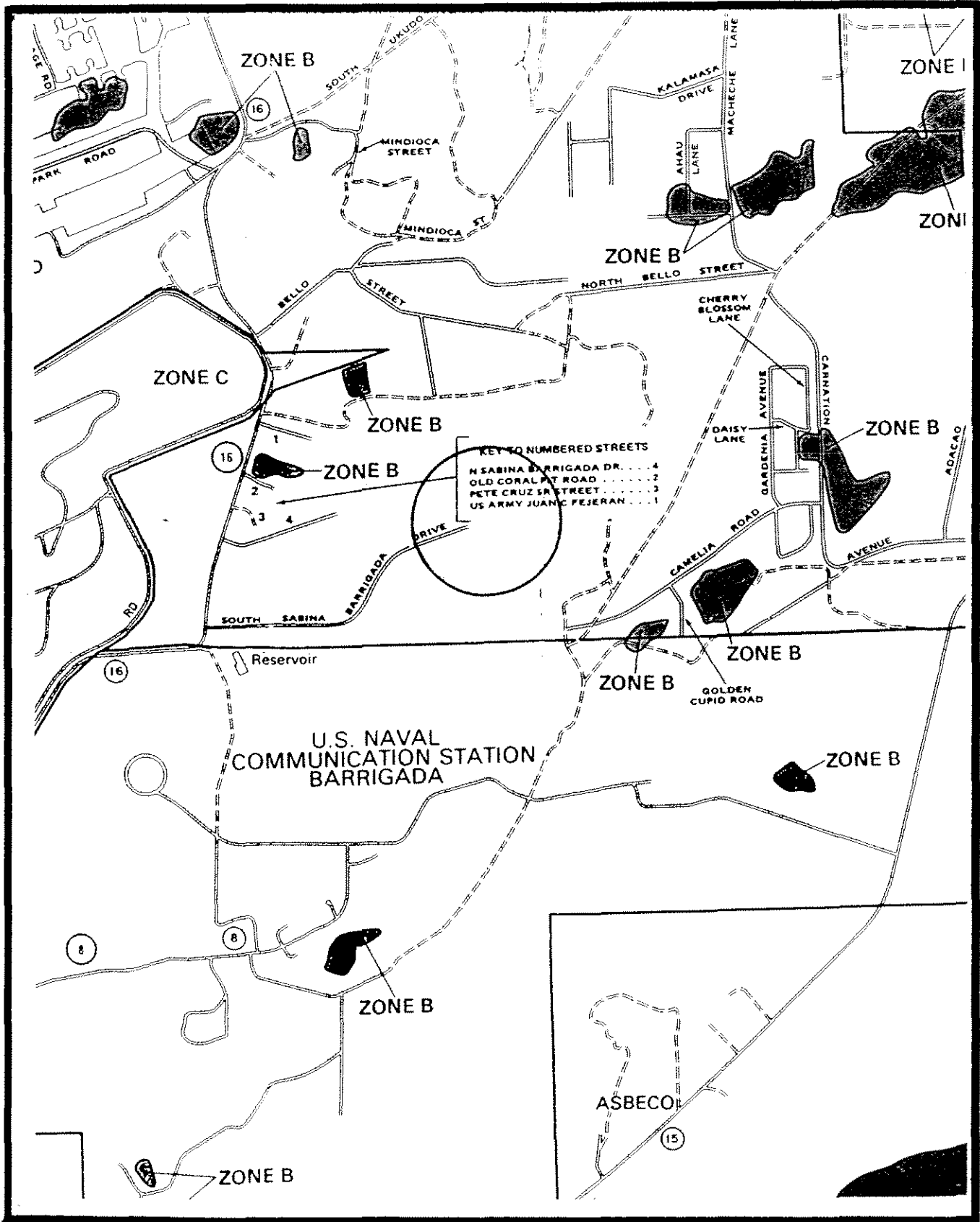




(REPRODUCED AT GOVERNMENT OF GUAM EXPENSE)



11-55



(REPRODUCED AT GOVERNMENT OF GUAM EXPENSE)



## COMMITTEE ON RULES

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E-mail: [roryfinguan@gmail.com](mailto:roryfinguan@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

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MAJORITY LEADER

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Thomas C. Ada  
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Senator  
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Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

December 17, 2013

### Memorandum

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**From:** **Senator Rory J. Respicio**  
*Majority Leader & Rules Chair*

**Subject:** **Fiscal Notes /Waivers**

2013 DECEMBER 17 PM 2:29

*Hafa Adai!*

Attached please find the fiscal note for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

### FISCAL NOTES:

- Bill No. 173-32(LS)
- Bill No. 208-32(COR)
- Bill No. 213-32(COR)
- Bill No. 221-32(COR)
- Bill No. 227-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO  
GOVERNORJOHN A. RIOS  
DIRECTORRAY TENORIO  
LIEUTENANT GOVERNOR

DEC 06 2013

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Unu na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 173-32(LS), 208-32(COR), 213-32(COR), 221-32(COR) and 227-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.



JOHN A. RIOS  
Director

Enclosures  
cc: Senator Vicente (ben) Pangelinan

Bureau of Budget & Management Research  
Fiscal Note of Bill No. 213-32 (COR)

AN ACT TO AUTHORIZE MAGUALIEN GUAILIN TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED FOR THE GUANI FLOOD MITIGATION PLAN.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Land Management	Dept./Agency Head: David Camacho, Acting Director
Department's General Fund (GF) appropriation(s) to date:	358,375
Department's Other Fund (Specify) appropriation(s) to date: Land Survey Revolving Fund	\$3,145,845
Total Department/Agency Appropriation(s) to date:	\$3,504,220

Department/Agency Appropriation Information	
Dept./Agency Affected: Chamorro Land Trust Commission	Dept./Agency Head: David Camacho, Acting Director
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Specify) appropriation(s) to date: Chamorro Land Trust Operations Fund	\$551,580
Total Department/Agency Appropriation(s) to date:	\$551,580

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Land Survey Revolving Fund	\$6,000	\$0	\$0	\$0	\$0	\$0
Total	\$6,000	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions?  Yes  No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation?  N/A  Yes  No  
If no, what is the additional amount required? \$ \_\_\_\_\_
- Does the Bill establish a new program/agency?  N/A  Yes  No  
If yes, will the program duplicate existing programs/agencies?  N/A  Yes  No  
Is there a federal mandate to establish the program/agency?  Yes  No
- Will the enactment of this Bill require new physical facilities?  Yes  No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:  Yes  No  
 Requested agency comments not received as of the due date  Other: \_\_\_\_\_

Analyst: Jason W. Biza Date: 11/29/13 Director: John A. Rios Date: 12-03-13  
Jason W. Biza, BMAI John A. Rios, Director

Footnotes:  
If See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH  
COMMENTS ON BILL NO. 213-32 (COR)

The proposed legislation is aimed at exchanging a portion of government property, specifically Lot No. 15, Block E, Tract 9 containing an area of  $\approx 9,949.94$  square meters from the Chamorro Land Trust Commission of the Department of Land Management to the owners of Lot Number 2264-1-R3 containing an area of  $\pm 11,322.54$  square meters (both in the municipality of Barrigada) for the purpose of public use as a ponding basin for flood mitigation. The exchange is based on the regulations outlined in Public Law 22-73 and Section 6 of P.L. 22-80 in regards to fair market value for the land exchange.

As per the proposed legislation, the Director of the Department of Land Management is authorized to spend up to \$6,000 from the Land Survey Revolving Fund to fund the necessary surveying, mapping, and registration of the land. Also included in the proposed legislation is the clause that waives all fees that would be collected by the Department of Land Management in regards to surveying, mapping, and registration of the exchanged property.

The Bureau estimates that the \$6,000 of funding from the Land Survey Revolving Fund will be expended in this process and that no revenues in the form of fees for surveying, mapping, and registration of the proposed exchanged land will be collected.



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

October 25, 2013

rennae  
25 October 2013 5:10 p. m.

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**  
*Majority Leader & Rules Chair*

**Subject: Referral of Bill No. 213-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 213-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment



*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>213-32 (COR)</b>	V. Anthony Ada	AN ACT TO AUTHORIZE I MAGA'LAHEN GUAHÂN TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED FOR THE GUAM FLOOD MITIGATION PLAN.	10/25/13 8:51 a.m.	10/25/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land			<b>Fiscal Note Request Received 10/31/13</b> <b>Fiscal Notes Received 12/17/13</b>



Lisa Dames &lt;cipo@guamlegislature.org&gt;

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## Public Hearing - FIRST NOTICE

---

Lisa Dames <cipo@guamlegislature.org>  
To: PHrg Notice <phnotice@guamlegislature.org>

Thu, Aug 21, 2014 at 9:57 AM

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing on **Thursday, August 28, 2014 beginning at 10:00am and 2:00pm** in the Guam Legislature Public Hearing Room.

The following is on the agenda:

### 10:00AM

#### **Bill No. 306-32 (COR) – Introduced by Senator Frank B. Aguon, Jr.**

An act to appropriate funds to the Office of Veterans Affairs for the implementation of the Guam Veterans Registry as mandated by Public Law 32-101.

#### **Bill No. 294-32 (COR) – Introduced by Senator Dennis G. Rodriguez, Jr.**

An act to establish the "Police Patrol Vehicle & Equipment Revolving Fund" by adding a *new* Section §77135 to Article 1, Chapter 77, Title 10, Guam Code Annotated; and to provide funding by amending §3602 of Article 6, Chapter 3, Title 16, Guam Code Annotated, relative to the assessment and collection of vehicle safety inspection fees.

#### **Bill No. 281-32 (COR) – Introduced by Senator Christopher M. Duenas**

An act to add a new Section 22401.2 to Article 4, Chapter 22, Title 5 of the Guam Code Annotated relative to authorizing the Government of Guam, through the Office of the Governor, to retain professionals to pursue claims of the Government of Guam against third parties on a contingency fee basis, authorization to pay for same, and to appropriate to the Office of the Governor \$350,000 to pay for the costs and expenses (not fees) associated with bringing an action against the Federal Government for harms at the Ordot Dump.

#### **Bill No. 346-32 (COR) – Introduced by Michael T. Lmtiaco**

An act to add new §8138.6, 8138.7, 8138.8 and 8138.9 to Chapter 8 of Title 4 GCA relative to creating a separate Board of Trustees for members of the Defined Contribution Retirement Plan.

### 2:00PM

**Bill No. 213-32 (COR) – Introduced by Senator V. Anthony Ada**

An act to authorize *I Maga'lahaen Guahan* to exchange government property in Barrigada for privately owned property located in Barrigada to be used for the Guam Flood Mitigation Plan.

**Bill No. 293-32 (COR) – Introduced by Senator Thomas A. Morrison**

An act to amend §61542 of Chapter 61 of 21GCA relative to political signs.

**Bill No. 354-32 (LS) – Introduced by Senator Michael J.Q. San Nicolas**

An act to authorize owners of private property to erect or have erected political signage, by adding a new Item (5) to Subsection (a), a new Item (3) to Subsection (b), a new Item (3) to Subsection (c), each of §61541, Part 5, Article 5, Chapter 61, Title 21, Guam Code Annotated.

**Bill No. 285-32 (COR) – Introduced by Senator Tina R. Muña Barnes**

An act making an appropriation from the General Fund to the Department of Administration (DOA) for Westcare Pacific Islands for the specific purposes of conducting intense outreach activities, providing informational and referral services to all veterans on Guam.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services or for further information, please call the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land at 473-4236/7 or email at [cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)

-----  
Lisa Dames  
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN  
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public  
Parks, Recreation, Historic Preservation, and Land.  
(671) 473-4236 (office)  
(671) 473-4238 (fax)  
email: cipo@guamlegislature.org

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 **Agenda PH 08282014.doc**  
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Lisa Dames <cipo@guamlegislature.org>

## Public Hearing - FIRST NOTICE

Lisa Dames <cipo@guamlegislature.org>

Thu, Aug 21, 2014 at 9:55 AM

To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <editor@mvguam.com>, "Gerardo R. Partido" <gerry@mvguam.com>, Mar-Vic Cagurangan <marvic@mvguam.com>, louella@mvguam.com, rgibson@k57.com, Jerick Sablan <jpsablan@guampdn.com>, Steve Limtiaco <slimtiaco@guampdn.com>, kstokish@gmail.com, "Daleno, Gaynor D" <gdumat-ol@guam.gannett.com>, Lifestyles\_PDN <life@guampdn.com>

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Lisa Dames  
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN  
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public  
Parks, Recreation, Historic Preservation, and Land.  
(671) 473-4236 (office)  
(671) 473-4238 (fax)  
email: cipo@guamlegislature.org



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Lisa Dames &lt;cipo@guamlegislature.org&gt;

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## Public Hearing - FIRST NOTICE

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Lisa Dames <cipo@guamlegislature.org>  
To: PHrg Notice <phnotice@guamlegislature.org>

Thu, Aug 21, 2014 at 10:24 AM

PLEASE SEE ATTACHED REVISED AGENDA. THANK YOU.

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing on **Thursday, August 28, 2014 beginning at 10:00am and 2:00pm** in the Guam Legislature Public Hearing Room.

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On Thu, Aug 21, 2014 at 9:57 AM, Lisa Dames <[cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)> wrote:

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Lisa Dames  
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN  
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public  
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Lisa Dames  
Chief of Staff  
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN  
Senator Vicente (ben) Cabrera Pangelinan  
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public  
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 **Agenda PH 08282014.doc**  
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Lisa Dames <cipo@guamlegislature.org>

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## Public Hearing - FIRST NOTICE

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Lisa Dames <cipo@guamlegislature.org>

Thu, Aug 21, 2014 at 10:24 AM

To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <editor@mvguam.com>, "Gerardo R. Partido" <gerry@mvguam.com>, Mar-Vic Cagurangan <marvic@mvguam.com>, louella@mvguam.com, rgibson@k57.com, Jerick Sablan <jpsablan@guampdn.com>, Steve Limtiaco <slimtiaco@guampdn.com>, kstokish@gmail.com, "Daleno, Gaynor D" <gdumat-ol@guam.gannett.com>, Lifestyles\_PDN <life@guampdn.com>

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An act making an appropriation from the General Fund to the Department of Administration (DOA) for Westcare Pacific Islands for the specific purposes of conducting intense outreach activities, providing informational and referral services to all veterans on Guam.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services or for further information, please call the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land at 473-4236/7 or email at [cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)

On Thu, Aug 21, 2014 at 9:55 AM, Lisa Dames <[cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)> wrote:

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing on **Thursday, August 28, 2014 beginning at 10:00am and 2:00pm** in the Guam Legislature Public Hearing Room.

The following is on the agenda:

**10:00AM**

**Bill No. 306-32 (COR) – Introduced by Senator Frank B. Aguon, Jr.**

An act to appropriate funds to the Office of Veterans Affairs for the implementation of the Guam Veterans Registry as mandated by Public Law 32-101.

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An act to establish the "Police Patrol Vehicle & Equipment Revolving Fund" by adding a *new* Section §77135 to Article 1, Chapter 77, Title 10, Guam Code Annotated; and to provide funding by amending §3602 of Article 6, Chapter 3, Title 16, Guam Code Annotated, relative to the assessment and collection of vehicle safety inspection fees.

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An act to add a new Section 22401.2 to Article 4, Chapter 22, Title 5 of the Guam Code Annotated relative to authorizing the Government of Guam, through the Office of the Governor, to retain professionals to pursue claims of the Government of Guam against third parties on a contingency fee basis, authorization to pay for same, and to appropriate to the Office of the Governor \$350,000 to pay for the costs and expenses (not fees) associated with bringing an action against the Federal Government for harms at the Ordot Dump.

**Bill No. 346-32 (COR) – Introduced by Michael T. Limtiaco**

An act to add new §8138.6, 8138.7, 8138.8 and 8138.9 to Chapter 8 of Title 4 GCA relative to creating a separate Board of Trustees for members of the Defined Contribution Retirement Plan.

2:00PM

**Bill No. 213-32 (COR) – Introduced by Senator V. Anthony Ada**

An act to authorize *I Maga'lahaen Guahan* to exchange government property in Barrigada for privately owned property located in Barrigada to be used for the Guam Flood Mitigation Plan.

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An act to amend §61542 of Chapter 61 of 21GCA relative to political signs.

**Bill No. 354-32 (LS) – Introduced by Senator Michael J.Q. San Nicolas**

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--  
Lisa Dames

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.

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--  
Lisa Dames

Chief of Staff

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public

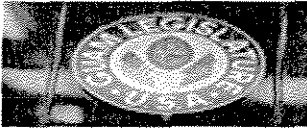


Parks, Recreation, Historic Preservation, and Land.  
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www.guamlegislature.org



**Agenda PH 08282014.doc**

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Lisa Dames &lt;cipo@guamlegislature.org&gt;

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## Public Hearing - SECOND NOTICE

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Lisa Dames <cipo@guamlegislature.org>  
To: PHrg Notice <phnotice@guamlegislature.org>

Tue, Aug 26, 2014 at 10:48 AM

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing on **Thursday, August 28, 2014 beginning at 10:00am and 2:00pm** in the Guam Legislature Public Hearing Room.

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### 2:00PM

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**Bill No. 285-32 (COR) – Introduced by Senator Tina R. Muña Barnes**

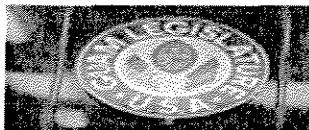
An act making an appropriation from the General Fund to the Department of Administration (DOA) for Westcare Pacific Islands for the specific purposes of conducting intense outreach activities, providing informational and referral services to all veterans on Guam.

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—  
Lisa Dames  
Chief of Staff  
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Senator Vicente (ben) Cabrera Pangelinan  
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public  
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Lisa Dames &lt;cipo@guamlegislature.org&gt;

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## Public Hearing - SECOND Notice

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Lisa Dames &lt;cipo@guamlegislature.org&gt;

Tue, Aug 26, 2014 at 10:46 AM

To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <editor@mvguam.com>, "Gerardo R. Partido" <gerry@mvguam.com>, Mar-Vic Cagurangan <marvic@mvguam.com>, louella@mvguam.com, rgibson@k57.com, Jerick Sablan <jpsablan@guampdn.com>, Steve Limtiaco <slimtiaco@guampdn.com>, "Daleno, Gaynor D" <gdumat-ol@guam.gannett.com>, Lifestyles\_PDND <life@guampdn.com>, kstokish@gmail.com

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Lisa Dames

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.

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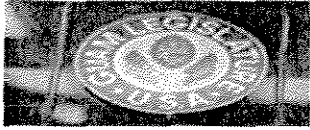
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Lisa Dames <cipo@guamlegislature.org>

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## Public Hearing - SECOND NOTICE Revised

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Lisa Dames <cipo@guamlegislature.org>  
To: PHrg Notice <phnotice@guamlegislature.org>

Tue, Aug 26, 2014 at 3:02 PM

Hafa Adai,


The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land has released a revised agenda for the public hearing scheduled for Thursday, August 28.

Please note that Bill No. 346-32 (COR) has been removed from the agenda.

Thank you.

--  
Lisa Dames  
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN  
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public  
Parks, Recreation, Historic Preservation, and Land.  
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Lisa Dames <cipo@guamlegislature.org>

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## Public Hearing - SECOND NOTICE - Revised Agenda

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Lisa Dames <cipo@guamlegislature.org>

Tue, Aug 26, 2014 at 3:01 PM

To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <editor@mvguam.com>, "Gerardo R. Partido" <geny@mvguam.com>, Mar-Vic Cagurangan <marvic@mvguam.com>, louella@mvguam.com, rgibson@k57.com, kstokish@gmail.com, Jerick Sablan <jpsablan@guampdn.com>, Steve Limtiaco <slimtiaco@guampdn.com>, "Daleno, Gaynor D" <gdumat-ol@guam.gannett.com>, Lifestyles\_PDNLife@guampdn.com

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Lisa Dames

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Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.

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**As of July 7, 2014**

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As of July 7, 2014

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*I Mina'trentai Dos na Liheslaturan Guåhan*

**32<sup>nd</sup> GUAM LEGISLATURE**

**Vice Speaker Benjamin J.F. Cruz, Chairman**

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks,  
Recreation, Historic Preservation, and Land

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**INEKUNGOK PUPBLEKO  
(PUBLIC HEARING)**

***gi Huebes, gi diha 28 gi Agosto, 2014***  
**Thursday, August 28, 2014**

***Kuåtton Inekungok Pubbleko gi I Liheslaturan Guåhan***  
**(Guam Legislature Public Hearing Room)**

**TAREHA  
(AGENDA)**

***Priniponi Siha:***  
**(Bills)**

**10:00AM**

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An act to appropriate funds to the Office of Veterans Affairs for the implementation of the Guam Veterans Registry as mandated by Public Law 32-101.

**Bill No. 294-32 (COR) – Introduced by Senator Dennis G. Rodriguez, Jr.**

An act to establish the “Police Patrol Vehicle & Equipment Revolving Fund” by adding a *new* Section §77135 to Article 1, Chapter 77, Title 10, Guam Code Annotated; and to provide funding by amending §3602 of Article 6, Chapter 3, Title 16, Guam Code Annotated, relative to the assessment and collection of vehicle safety inspection fees.

**Bill No. 281-32 (COR) – Introduced by Senator Christopher M. Duenas**

An act to add a new Section 22401.2 to Article 4, Chapter 22, Title 5 of the Guam Code Annotated relative to authorizing the Government of Guam, through the Office of the Governor, to retain professionals to pursue claims of the Government of Guam against third parties on a contingency fee basis, authorization to pay for same, and to appropriate to the Office of the Governor \$350,000 to pay for the costs and expenses (not fees) associated with bringing an action against the Federal Government for harms at the Ordot Dump.

**Bill No. 346-32 (COR) – Introduced by Michael T. Lintiaeo**

~~An act to add new §8138.6, 8138.7, 8138.8 and 8138.9 to Chapter 8 of Title 4 GCA relative to creating a separate Board of Trustees for members of the Defined Contribution Retirement Plan.~~

**2:00PM**

**Bill No. 213-32 (COR) – Introduced by Senator V. Anthony Ada**

An act to authorize *I Maga'lahen Guahan* to exchange government property in Barrigada for privately owned property located in Barrigada to be used for the Guam Flood Mitigation Plan.

**~~Bill No. 293-32 (COR) – Introduced by Senator Thomas A. Morrison~~**

~~An act to amend §61542 of Chapter 61 of 21GCA relative to political signs.~~

**Bill No. 354-32 (LS) – Introduced by Senator Michael J.Q. San Nicolas**

An act to authorize owners of private property to erect or have erected political signage, by adding a new Item (5) to Subsection (a), a new Item (3) to Subsection (b), a new Item (3) to Subsection (c), each of §61541, Part 5, Article 5, Chapter 61, Title 21, Guam Code Annotated.

**Bill No. 285-32 (COR) – Introduced by Senator Tina R. Muña Barnes**

An act making an appropriation from the General Fund to the Department of Administration (DOA) for Westcare Pacific Islands for the specific purposes of conducting intense outreach activities, providing informational and referral services to all veterans on Guam.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services or for further information, please call the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land at 473-4236/7 or email at [cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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Thomas C. Ada  
VICE CHAIRPERSON  
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MINORITY LEADER

Senator  
Aline Yamashita  
Member

December 17, 2013

## Memorandum

**To:** Rennae Meno  
*Clerk of the Legislature*

**From:** Senator Rory J. Respicio  
*Majority Leader & Rules Chair*

**Subject:** Fiscal Notes /Waivers

2013 DEC 17 PM 2:29

*Hafa Adai!*

Attached please find the fiscal note for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

### FISCAL NOTES:

- Bill No. 173-32(LS)
- Bill No. 208-32(COR)
- Bill No. 213-32(COR)
- Bill No. 221-32(COR)
- Bill No. 227-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO  
GOVERNORJOHN A. RIOS  
DIRECTORRAY TENORIO  
LIEUTENANT GOVERNOR

DEC 06 2013

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Unu na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 173-32(LS), 208-32(COR), 213-32(COR), 221-32(COR) and 227-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

A handwritten signature in black ink, appearing to read "John A. Rios".

JOHN A. RIOS  
Director

Enclosures  
cc: Senator Vicente (ben) Pangelinan

Bureau of Budget & Management Research  
Fiscal Note of Bill No. 213-32 (COR)

AN ACT TO AUTHORIZE *MAGA'LAHEN GUAIHAN* TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED FOR THE GUAM FLOOD MITIGATION PLAN.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Land Management	Dept./Agency Head: David Camacho, Acting Director
Department's General Fund (GF) appropriation(s) to date:	358,375
Department's Other Fund (Specify) appropriation(s) to date: Land Survey Revolving Fund	\$3,145,845
Total Department/Agency Appropriation(s) to date:	\$3,504,220

Department/Agency Appropriation Information	
Dept./Agency Affected: Chamorro Land Trust Commission	Dept./Agency Head: David Camacho, Acting Director
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Specify) appropriation(s) to date: Chamorro Land Trust Operations Fund	\$551,580
Total Department/Agency Appropriation(s) to date:	\$551,580

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Land Survey Revolving Fund	\$6,000	\$0	\$0	\$0	\$0	\$0
Total	\$6,000	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions?  Yes  No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation?  N/A  Yes  No  
If no, what is the additional amount required? \$ \_\_\_\_\_
- Does the Bill establish a new program/agency?  N/A  Yes  No  
If yes, will the program duplicate existing programs/agencies?  N/A  Yes  No  
Is there a federal mandate to establish the program/agency?  Yes  No
- Will the enactment of this Bill require new physical facilities?  Yes  No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:  Yes  No  
 Requested agency comments not received as of the due date  Other:

Analyst: Jason Baya Date: 11/29/13 Director: John A. Rios Date: 12-06-13  
Jason W. Baya, BMA I John A. Rios, Director

Footnotes:  
<sup>1/</sup> See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH  
COMMENTS ON BILL NO. 213-32 (COR)

The proposed legislation is aimed at exchanging a portion of government property, specifically Lot No. 15, Block E, Tract 9 containing an area of  $\approx 9,949.94$  square meters from the Chamorro Land Trust Commission of the Department of Land Management to the owners of Lot Number 2264-1-R3 containing an area of  $\pm 11,322.54$  square meters (both in the municipality of Barrigada) for the purpose of public use as a ponding basin for flood mitigation. The exchange is based on the regulations outlined in Public Law 22-73 and Section 6 of P.L. 22-80 in regards to fair market value for the land exchange.

As per the proposed legislation, the Director of the Department of Land Management is authorized to spend up to \$6,000 from the Land Survey Revolving Fund to fund the necessary surveying, mapping, and registration of the land. Also included in the proposed legislation is the clause that waives all fees that would be collected by the Department of Land Management in regards to surveying, mapping, and registration of the exchanged property.

The Bureau estimates that the \$6,000 of funding from the Land Survey Revolving Fund will be expended in this process and that no revenues in the form of fees for surveying, mapping, and registration of the proposed exchanged land will be collected.





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Senator  
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MINORITY LEADER

Senator  
Aline Yamashita  
Member

October 29, 2013

VIA E-MAIL  
[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

John A. Rios  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 212-32 (COR) through 215-32 (COR)

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio  
*Chairperson, Committee on Rules*

Attachments (1)

Cc: Clerk of the Legislature

2013 OCT 31 AM 9:48  
*JMB*

Bill Nos.	Sponsor	Title
212-32 (COR)	T.R. Muña Barnes Judith T. Won Pat, Ed.D.	AN ACT TO ADD A NEW CHAPTER 59A TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PROCURING, INSTALLING, OPERATING, LEASING, MAINTAINING, REFURBISHING, AND REPLACING OF ENERGY-EFFICIENT STREETLIGHTS FOR THE ENTIRE ISLAND OF GUAM ALSO KNOWN AS THE ISLAND-WIDE ENERGY EFFICIENT STREET LIGHT ACT OF 2013.
213-32 (COR)	V. Anthony Ada	AN ACT TO AUTHORIZE I MAGA'LAHEN GUAHÃN TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED FOR THE GUAM FLOOD MITIGATION PLAN.
214-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO ALLOW EMPLOYEES OF GOVERNMENT OF GUAM AGENCIES AND INSTRUMENTALITIES TO APPLY PAYROLL DEDUCTIONS TO REGISTERED NON- PROFITS, BY AMENDING §20111 OF ARTICLE 1, CHAPTER 20, TITLE 5, GUAM CODE ANNOTATED.
215-32 (COR)	T.R. Muña Barnes, Aline A. Yamashita, Ph.D.	AN ACT TO ADD A NEW ARTICLE 24 TO CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE MEDICAL USE OF CANNABIS, AMENDING PROVISIONS OF THE CONTROLLED SUBSTANCES ACT, PROVIDING PENALTIES, AND FOR OTHER PURPOSES, ALSO KNOWN AS THE JOAQUIN CONCEPCION COMPASSIONATE CANNABIS USE ACT OF 2013.



Rory Respicio <cor@guamlegislature.org>

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## Request for Fiscal Notes– Bill Nos. 212-32 (COR) through 215-32 (COR)

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Senator Rory J. Respicio <cor@guamlegislature.org>

Tue, Oct 29, 2013 at 2:26 PM

To: john.rios@bbmr.guam.gov

Cc: admin@bbmr.guam.gov, analyn.eustaquio@bbmr.guam.gov, Guam Legislature Clerks <clerks@guamlegislature.org>

Bcc: Mary Maravilla <marymaravilla19@gmail.com>

October 29, 2013

VIA E-MAIL

john.rios@bbmr.guam.gov

John A. Rios

Director

Bureau of Budget & Management Research

P.O. Box 2950

Hagåtña, Guam 96910

Received by:  
Analyn  
Date: 10/29/13  
Time: 3:00pm

RE: Request for Fiscal Notes– Bill Nos. 212-32 (COR) through 215-32 (COR)

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Lihelaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

—  
Majority Leader Rory J. Respicio  
Chairperson, Committee on Rules;  
Federal, Foreign & Micronesian Affairs;

Human & Natural Resources; and Election Reform  
*I Mina'Trentai Dos na Liheslaturan Guåhan*  
155 Hesler Place, Ste. 302  
Hagåtña, Guam 96910  
Phone: (671) 472-7679  
Fax: (671) 472-3547



2013.10.29\_FN\_Request\_212-215.pdf  
770K



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MINORITY LEADER

Senator  
Aline Yamashita  
Member

October 25, 2013

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**   
*Majority Leader & Rules Chair*

**Subject:** **Referral of Bill No. 213-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 213-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN  
2013 (FIRST) REGULAR SESSION

BILL NO. 213-32 (42)

Introduced by:

V. Anthony Ada 

AN ACT TO AUTHORIZE *I MAGA'LAHEN GUAHÁN* TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED FOR THE GUAM FLOOD MITIGATION PLAN.

2013 OCT 25 AM 8:51 

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Barrigada Parcel Transferred from the Chamorro  
3 Land Trust Commission Inventory. Pursuant to Public Law 22-73, which  
4 requires the government of Guam to properly compensate landowners whose  
5 property have been expropriated fro public purposes, *I Liheslaturan Guåhan*  
6 does hereby transfer form the inventory of the Chamorro Land trust  
7 Commission o the Department of Land Management the following  
8 government of Guam property more particularly described as:

9 Lot Number 15, Block E, Tract 9, Municipality of Barrigada,  
10 containing ±9,949.94 square meters, under the ownership  
11 of the government of Guam.

12 Section 2. . Authorization for Land Exchange. (a) Land  
13 Exchange Authorized. As fair compensation for privately owned land  
14 expropriated by the government of Guam for public use as a ponding basin, *I*

1 *Maga'lahaen Guåhan* is hereby authorized to exchange Lot Number 15  
2 owned by the government of Guam as described within Section 2 with:

3 **Lot Number 2264-1-R3**, Municipality of Barrigada, Guam  
4 Estate No. 58813, containing an area of ±11,322.54 square  
5 meters, as marked and designated on Map Drawing No  
6 828T63B, prepared by Juan T. Untalan, RLS No. 6, dated  
7 October 1, 1963, and described on Document No. 467272,  
8 recorded at the Department of Land Management, government  
9 of Guam.

10 **Certificate of Title Number 91059.**

11 **(b) Basis of Land Exchange.** Notwithstanding any provision of  
12 law, the fair market value for the land to be exchange shall be  
13 based on the appraisals first performed on both properties when  
14 the land exchanged was initially proposed in 1988. in  
15 accordance with Public Law 22-73. Furthermore, the land  
16 exchange also is fair compensation as an area for area exchange  
17 in accordance with Public Law 22-73 and Public Law 22-80.

18 **(c) Survey Mapping and Registration.** The Director of the  
19 Department of Land Management shall perform the necessary  
20 survey, mapping and registration of the properties to be  
21 exchanged and is authorized to expend up to Six Thousand  
22 dollars (\$6,000) from the Land Survey Revolving Fund to pay  
23 for the necessary survey, mapping and registration.

24 **(d)** All fees that may be assessed by the Department of Land  
25 Management necessary to facilitate this Act is Waived.

26 **Section 3. Effective Date.** This act shall become effective upon  
27 enactment.