



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

11 AUG 2009

2009 AUG 11 PM 4:13 AC

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 84 (COR), "AN ACT TO AUTHORIZE I MAGA 'LAHEN GUAHAN TO EXCHANGE PORTIONS OF GOVERNMENT-OWNED LOT NO. 532, LOT NO. 533, AND LOT NO. 534, LOCATED IN THE MUNICIPALITY OF MERIZO, WITH EQUAL PORTIONS OF ADJACENT LOTS NO. 43, LOT NO. 42, AND LOT NO. 41 THAT HAVE BEEN ENCROACHED UPON AS PART OF THE ROADWAY; AND TO AUTHORIZE THE PURCHASE OF THE REMAINING FRACTIONS OF THE GOVERNMENT OWNED LOTS BY THE ADJACENT LANDOWNERS BASED ON THE APPRAISED VALUES" which I have signed into law on July 14, 2009 as Public Law No. 30-48.

Please note that the government claimed lots designated as Lot No. 532, Lot No. 533 and Lot No. 534 are not officially owned by the government of Guam. These lots must go through land registration with the Superior Court of Guam to determine ownership before the government can dispose of these properties and therefore implement the legislation.

Sinseru yan Magåhet,

[Handwritten signature of Michael W. Cruz]

MICHAEL W. CRUZ, M.D.
I Maga 'låhen Guåhan, para pa'go
Acting Governor of Guam

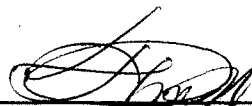
Attachment: copy of Bill

30-09-0996
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 8/11/09
Time:
Received by: [Signature]

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

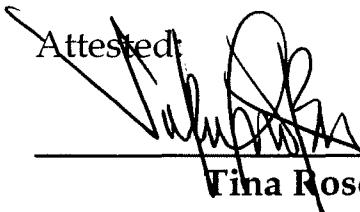
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 84 (COR), "AN ACT TO AUTHORIZE I MAGA'LAHEN GUÅHAN TO EXCHANGE PORTIONS OF GOVERNMENT-OWNED LOT NO. 532, LOT NO. 533, AND LOT NO. 534, LOCATED IN THE MUNICIPALITY OF MERIZO, WITH EQUAL PORTIONS OF ADJACENT LOTS NO. 43, LOT NO. 42, AND LOT NO. 41 THAT HAVE BEEN ENCROACHED UPON AS PART OF THE ROADWAY; AND TO AUTHORIZE THE PURCHASE OF THE REMAINING FRACTIONS OF THE GOVERNMENT-OWNED LOTS BY THE ADJACENT LANDOWNERS BASED ON THE APPRAISED VALUES," was on the 2nd day of July 2009, duly and regularly passed.



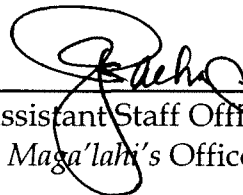
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 2 day of JULY, 2009, at
4:30 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date:

07.14.09

Public Law No.

30-48

I MINA'TRENTA NA LIHESLATURAN GUÁHAN
2009 (FIRST) Regular Session

Bill No. 84 (COR)

As amended by the Committee on Appropriations
Taxation, Banking, Insurance, Retirement, and Land.

Introduced by:

v. c. pangelinan
T. C. Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
M. J. Rector
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

AN ACT TO AUTHORIZE *I MAGA'LAHEN GUÁHAN* TO EXCHANGE PORTIONS OF GOVERNMENT-OWNED LOT NO. 532, LOT NO. 533, AND LOT NO. 534, LOCATED IN THE MUNICIPALITY OF MERIZO, WITH EQUAL PORTIONS OF ADJACENT LOTS NO. 43, LOT NO. 42, AND LOT NO. 41 THAT HAVE BEEN ENCROACHED UPON AS PART OF THE ROADWAY; AND TO AUTHORIZE THE PURCHASE OF THE REMAINING FRACTIONS OF THE GOVERNMENT-OWNED LOTS BY THE ADJACENT LANDOWNERS BASED ON THE APPRAISED VALUES.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the government of Guam (“government”) public roadway in *Merizo*, known as
4 *Chalan Kanton Tasi*, also known as San Dimas Street, encroaches upon private
5 property--Lot No. 43, owned by Vicente A. Baza; Lot No. 42, owned by Anthony
6 A. Meno; and Lot No. 41, owned by Frederick B. Quinene. The encroachment has
7 been used by the government as part of the major road through the village which
8 connects to the major roadway around the island.

9 The government has taken the private property of these landowners and used
10 the property for years without condemnation or any payment for the use. The
11 government has resolved the same problem with an adjoining lot owner by
12 allowing for the exchange of government land behind the private property lots on
13 an area for area basis.

14 Therefore, *I Liheslaturan Guahan* intends to remedy these takings of private
15 lands in the same manner with an area for area exchange of a portion of
16 government properties, Lot No. 532, Lot No. 533 and Lot No. 534, located directly
17 behind and contiguous to Lot No. 43, Lot No. 42, and Lot No. 41 for the area
18 encroached upon by the government.

19 *I Liheslaturan Guahan* further intends to authorize the private landowners to
20 purchase the government’s remaining fractional lot from the severance of the
21 exchange of Lot No. 532 with Lot No. 43, Lot No. 533 with Lot No. 42, and Lot
22 No. 534 with Lot No. 41.

23 **Section 2. Authorization to Exchange and Purchase.** Notwithstanding
24 any other provision of law, rules or regulations, *I Maga’lahen Guahan* is hereby
25 authorized to exchange the government of Guam encroachment of portions of Lot
26 No. 43 for portions of government of Guam Lot No. 532, the government of Guam
27 encroachment of Lot No. 42 for portions of government of Guam Lot No. 533 and

1 the government of Guam encroachment of Lot No. 41 for portions of government
2 of Guam Lot No. 534, as shown on Department of Land Management MAP DWG.
3 NO. RCMER – 21 of L.M CHECK NO. 028 FY 2006, used by the government of
4 Guam as part of *Chalan Kanton Tasi* in *Merizo*, and to allow the landowners to
5 purchase the fractional lots remaining after the exchange.

6 **Section 3. Terms and Conditions.** Notwithstanding any other provision
7 of law, rules or regulations, the government of Guam and the respective private
8 landowners *shall* enter into a contractual agreement relative to the exchange of an
9 equal portion of Lot No. 43 for a portion of government of Guam Lot No. 532, an
10 equal portion of Lot No. 42 for a portion of government of Guam Lot No. 533 and
11 an equal portion of Lot No. 41 for a portion of government of Guam Lot No. 534,
12 respectively, located in *Merizo*, Guam. The Director of the Department of Land
13 Management *shall* ensure that all terms and conditions of the contractual
14 agreement governing the exchange and/or purchase of the government of Guam’s
15 properties, Lot No. 532, Lot No. 533 and Lot No. 534, located in *Merizo*, Guam
16 are met by the buyer prior to transferring title to said properties. The Department of
17 Land Management will oversee efforts of a private surveyor, who will conduct a
18 full survey of the areas required to be exchanged and the balance of the area to be
19 purchased. The survey map *shall* identify the size of the government’s
20 encroachment to be deeded to the government and the size of the government
21 property to be deeded to the private landowner in the exchange, to include all
22 points and coordinates. The government *shall* ensure that the property to be
23 deeded to the private landowner is properly and legally registered as government
24 land pursuant to the “Land Title Registration”, Title 21 GCA, Chapter 29. Two (2)
25 appraisals *shall* be required to consummate this land exchange and/or transaction
26 as required by §2107(b) of Title 2, Guam Code Annotated. As this transaction is
27 the result of the government of Guam’s encroachment on the property, the

1 Department of Land Management *shall* incur all costs of the appraisal. The private
2 landowner may pay for the required appraisals at his option in order to facilitate
3 and expedite the land exchange. The private landowner may act on behalf of the
4 government for the purpose of expediting and facilitating the land registration of
5 the government land.

6 **Section 4. Sale Proceeds to go to the Chamorro Land Trust**
7 **Commission.** Notwithstanding any other provision of law or rules or regulations,
8 proceeds from the sale approved by this Act *shall* be transferred to the *Chamorro*
9 Land Trust Commission.