

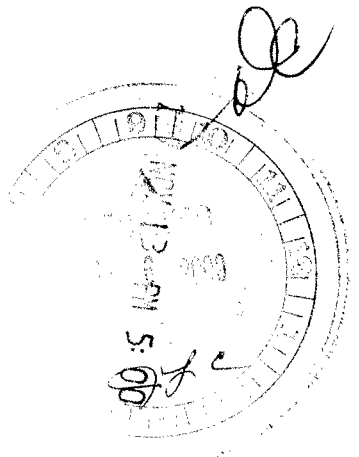
ACKNOWLEDGMENT OF RECEIPT  
SUMMARY ZONE CHANGE PACKET

LEGISLATURE  
2

for

Lot 1NEW, Tract 295, Municipality of Barrigada

GEOMAT, A PC Corporation  
(George and Matilda Kallingal)  
c/o Felix C. Benavente



SZC 2009-81

Legislative Secretary  
30th Guam Legislature  
Signature: [Signature]  
Name (print): Velma Komingan  
Date: 11/10/09  
Time: 9:38 a.m.

Building Official (Director's Office)  
Department of Public Works  
Signature: [Signature]  
Name (print): Susanita Campbell  
Date: NOV-06-09  
Time: 10:41 AM

FOR RECORDATION ONLY:  
Deputy Civil Registrar

Dept. of Public Works  
Bldg. Permit / Bldg. Official  
[Signature]  
Name (print): NINETE, SA

This Section Not Applicable  
See attached Notice of Action

[Signature]  
Signature  
11/10/09  
Date

Applicant's Name

George Kallingal

[Signature]  
Signature

Matilda Kallingal

Signature

Date

Rep: Felix C. Benavente

Signature / Date

30-09-1356  
11/10/09  
1425142  
237



**DIPATTAMENTON MINANEHAN TANO'**  
 (Department of Land Management)  
**GUBETNAMENTON GUAHAN**  
 (Government of Guam)



FELIX P. CAMACHO  
 Governor of Guam

CHRISTOPHER M. DUENAS  
 Director

MICHAEL W. CRUZ, M.D.  
 Lieutenant Governor of Guam

MICHAEL C. JAMES  
 Deputy Director

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

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

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

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

Telephone:  
 671-649-LAND (5263)

Facsimile:  
 671-649-5383

October 21, 2006

Honorable Senator Tina Rose Muna-Barnes  
 Legislative Secretary, 30<sup>th</sup> Guam Legislature  
 155 Hessler Street  
 Hagåtña, Guam 96910


Re: Summary Zone Change Application No. SZC 2009-81  
 Lot No. 1NEW, Tract 295, Municipality of Barrigada,  
 for GEOMAT, A PC, George and Matilda **Kallingal**

Pursuant to 21 GCA (Real Property), Chapter 61 (Zoning Law), Part 3 (Changes of Zones), Section 61639 (Summary Procedure for Agricultural and Single-Family Residential Rezoning) and Executive Order 92-08 (Establishing Interim Rules and Regulations for Individual, Small Landowner Zone Changes), the Department of Land Management is herewith submitting to the Legislature, a Zone Change application for Lot No. 1NEW, Tract 295, Municipality of Barrigada from "A" (Agricultural) to "R-2" (Multi-Family Dwelling) Zone in order to allow conversion of an existing medical clinic & office to single-family and multi-family residential uses.

As such, the Department of Land Management Approved the Zone change with conditions as specified on October 21, 2009.

Your attention to this matter is greatly appreciated.

Sincerely,

  
 Christopher M. Duenas  
 Director

PCG

Attachment(s):

1. Zone Change Map F3-67S 35, Amendment No. 84
2. Staff Report and Notice of Action
3. Certifications of Utility Agencies
4. Zone Change Application



**SUMMARY ZONE CHANGE  
APPLICATION NO. 2009-81  
LOT 1 NEW, TRACT 295  
MUNICIPALITY OF BARRIGADA**



ISLAND OF GUAM, Government of Guam  
Department of Land Management

File for Record is Instrument No. 798095

On the Year 09 Month 11 Day 03 Time 9:00

Recording Fee De - Office Receipt No. ATBamfifa

Deputy Recorder ATBamfifa

SUMMARY ZONE CHANGE  
APPLICATION NO. 2009-81  
GEOMAT, A PC CORPORATION  
[GEORGE & MATILDA Kallingal]  
C/O FELIX C. BENAVENTE  
PREPARED ON SEPTEMBER 30, 2009

FROM: "A" AGRICULTURAL  
TO: "R-2" MULTI-FAMILY DWELLING  
LOT NO: 1 NEW  
BLOCK NO: N/A  
TRACT: 295  
MUNICIPALITY: BARRIGADA  
PLACE NAME: N/A  
SCALE: N/A  
AMENDMENT NO: 84  
ZONING MAP NO: F3-67 S 35

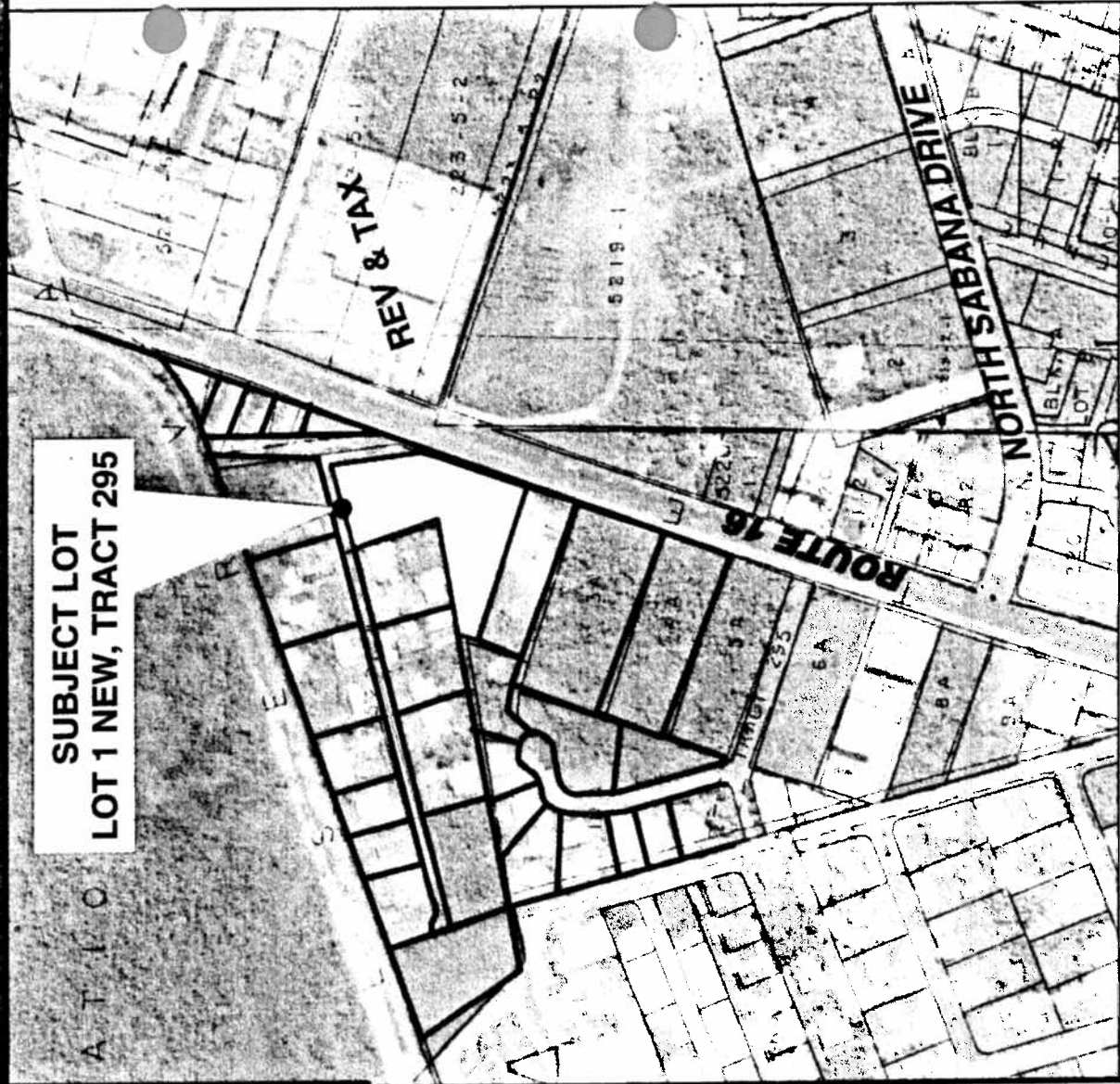
APPROVED WITH CONDITIONS  
[AS NOTED ON NOTICE OF ACTION AND  
PURSUANT TO TITLE 21, G.C.A. CHAPTER 61,  
SECTION 61639 AND EXECUTIVE ORDER 92-08]

SL 10/21/09

CHRISTOPHER M. DUENAS  
DIRECTOR  
DEPARTMENT OF LAND MANAGEMENT

**COPY**

SUBJECT LOT  
LOT 1 NEW, TRACT 295



October 21, 2009

To: Director, Department of Land Management

From: Guam Chief Planner

Subject: Staff Report - **Case No. SZC 2009- 81**

**Re: Summary Zone Change- Lot No. 1NEW, Tract 295,  
Municipality of Barrigada;  
For GEOMAT, A.PC Corporation (Drs. George and Matilda  
Kallingal)c/o Felix Benavente, FC Benavente Planners**

**1. PURPOSE**

a. Application Summary. The Applicants, GEOMAT, A.PC Corporation (Drs. George and Matilda Kallingal c/o Felix Benavente, FC Benavente Planners, are requesting for a zone change on Lot No. 1NEW, Tract 295, Municipality of Barrigada, from "A" (Agricultural) Zone to "R-2" (Multi-Family Dwelling) Zone in order to allow conversion of existing medical clinic, office and residential structures to single and multi-family residential uses.

b. Legal Authority. 21 GCA (Real Property), Chapter 61 (Zoning Law), Part 3 (Changes of Zones, Section 61639 (Summary Procedure for Agricultural and Single Family Residential Rezoning) and Executive Order 92-08 (Establishing Interim Rules and Regulations for Individual, Small Landowner Zone Changes), Public Law 21-82:4 as amended by P.L. 21-144:8.

**2. FACTS:**

a. Location. The subject lot fronts U. S. Army Pedro L. Aguon Street and Route No. 16 (Army Drive) in lower Barrigada Heights and is also across Department Revenue and Taxation. It is within 200 feet south of Our Lady of Peace Funeral Home and offices. Access to the property is directly from U.S. Army Pedro L. Aguon Street and Route No. 16 (see attached vicinity map).

b. Field Description. There are four existing 2-storey structures on the lot, one of the structures is the main residence and another is a medical clinic. The topography is flat. All public utilities such as sewer, water, power, telephone service connections are within 100 feet fronting the right-of- way.

c. Lot Area. 7,733 square meters or 83,232 square feet or (1.91 acres)

d. Present Zoning. "A" ( Agricultural ) Zone  
**Note: Territorial Planning Commission (TPC) issued a Notice of Action dated January 12, 1984, approving a Conditional Use for a Medical Clinic and Office on formerly Lot No. 5221-1-10R-R1. A map consolidation was approved by the Territorial Surveyor on September 18, 1986 for Lot Nos. 5221-1-10R-R1, Lot No.1, Tract 295 to be the new lot designation as Lot No. 1NEW, Tract 295, LM Map 382, FY 86, Document No. 375874.**

e. 1967 Master Plan. Residential

f. Community Design Plan. Residential ; Medium Density

- g. Surrounding Area. The surrounding area consists of single-family dwellings (100 - 750 - 1,000 feet) as well as duplexes, mix uses of commercial establishments, light-industrial activities along Route No. 16 within 500 -2,000 feet north to northeast of the subject lot. Guam International Airport in Tiyan is to the west within 1,000 feet. The proposed development is conducive to the existing land use trends comprising of mix uses of single-family, multi-family and commercial/light-industrial activities within 500 - 2,000 feet radius. The proposed development and existing structures is not expected to have a major impact to existing infrastructure or to immediate surroundings.

### 3. APPLICATION CHRONOLOGICAL FACTS.

- a. Date Application Accepted: July 8, 2009
- b. Certifications:

**DPW:** No Official Certification have been received from DPW as of Staff Report Date. Per Planning Staff inspection, the property is accessible from U.S. Army Pedro L. Aguon Street and from Route No. 16 which are fronting the subject lot. DLM is mandated by law to continue and process the application and file it to the legislature for their review and further actions.

**GWA:** No Official Certification have been received from GWA as of Staff Report Date. The applicants are advised they must apply for a building permit and comply with all GWA's requirements for any proposed construction on the subject lot. Based on a site inspection, the existing structures are connected to public sewer and have existing utility accounts with GWA.

**GEPA:** No Official Certification have been received from GEPA as of Staff Report Date. The applicants are advised they must apply for a building permit and coordinate permitting requirements with all government agencies before any improvements are made on the property. DLM is mandated by law to continue and process the application and file it to the legislature for their review and further actions.

**GPA:** The Authority has submitted their official certification. GPA has no objections, however, the customer is required to comply with all requirements pursuant to the National Electric Safety code and GPA's Service Rules and Regulations as noted in their official certification (attached).

(Note): Pursuant to Section 61639 (a)((1)), failure to provide the Department of Land Management, from any infrastructure agency as to the availability and/or adequacy of infrastructure (water, power, sewer), within ten (10) working days from receipt of this request, shall constitute an assumption by DLM that the agency not answering the request has no objection to the rezoning.

- c. Municipal Public Hearing: Pursuant to P.L. 21-144:3, the public hearing on this zone change application has been waived and any hearing is deferred to the Mayor and the Municipal Planning Council of Barrigada. An MPC hearing was conducted August 27, 2009, see attached hearing notices.

- c. Municipal Planning Council (MPC) Resolution and MPC Approval:  
The Mayor of Barrigada received a copy of the application for the proposed development. An MPC Resolution No. 2009-01, from the Barrigada MPC dated September 18, 2009, approving the zone change was received by DLM on October 1, 2009.

4. **STAFF RECOMMENDATION:** Planning Staff recommends Approval of the Summary Zone Change request with the following conditions:

1. That the Applicants comply with all permitting agency conditions and requirements;
2. That the building construction site development plan provide detail of structure location, parking layout, landscaping plan, disposal of sewage and access; and that the site development plan be approved by the Guam Chief Planner prior to issuance of a building construction permit;
3. That any future increase in dwelling units or use intensity from the approved site development plan shall require the owner/developer to resubmit a revised site development plan to the Guam Chief Planner, Department of Land Management for re-evaluation and re-assessment to determine physical, as well as, social impacts prior to requesting for a building permit;
4. That said zone change under this process shall not include the following uses or conversions: Horizontal Property Regimes (Title 21, GCA Chapters 45 (Horizontal Property Act) and 47 (Time Share Ownership), hotels/motels, and residential commercial activities such as laundry room, gift shop, and the likes; and temporary workers housing facilities;
5. That the development be hooked up to public sewer and comply with GEPA's waste-water disposal system requirements and conditions and other building permit requirements;
6. That the applicants provide green areas using local flora for landscaping, as well as provide a trash bin location near the curb side;
7. That per municipal planning council and agreement of the applicants, the school bus shelter will be permitted within the subject lot fronting the right-of-way to serve the school children in the immediate area.
8. That the applicants provide 2:1 parking for each dwelling unit.



**Carlos R. Untalan**  
Guam Chief Planner

October 21, 2009  
Date

# ZONING MAP

## SHOWING EXISTING LAND USE WITHIN 750 FT RADIUS OF SUBJECT LOT

(Ref. Official Zoning Map of Barrigada, Sheet 11 of 17, Department of Land Management)

### Legend:

- "C" Commercial
- "MF" Multi-Family
- "SF" Single Family
- "V" Vacant

GEOMAT, A PC CORPORATION

Rezoning From "A" to "R-2"

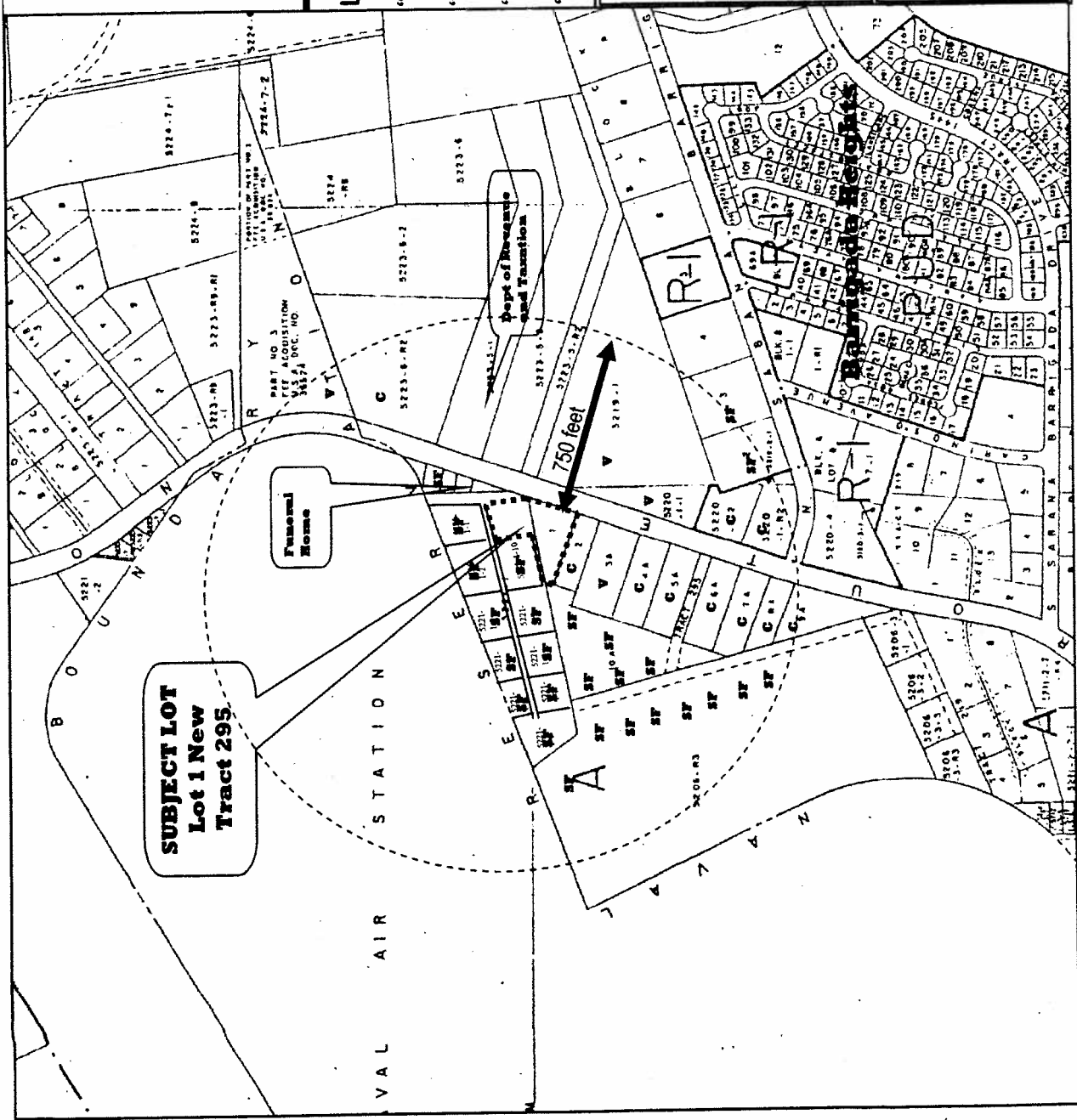
Lot 1 New, Tract 295 Barrigada, Guam

**FC Benavente, Planners**

127 Bejong Street, Barrigada, Guam 96913

Tel: (671) 988-7911

Email: felouben@yahoo.com



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Exhibit F.

Property Within 500' Radius



**MAP**  
 SHOWING  
 ALL PROPERTY  
 WITHIN 500 FT RADIUS  
 OF SUBJECT LOT

NOTES:

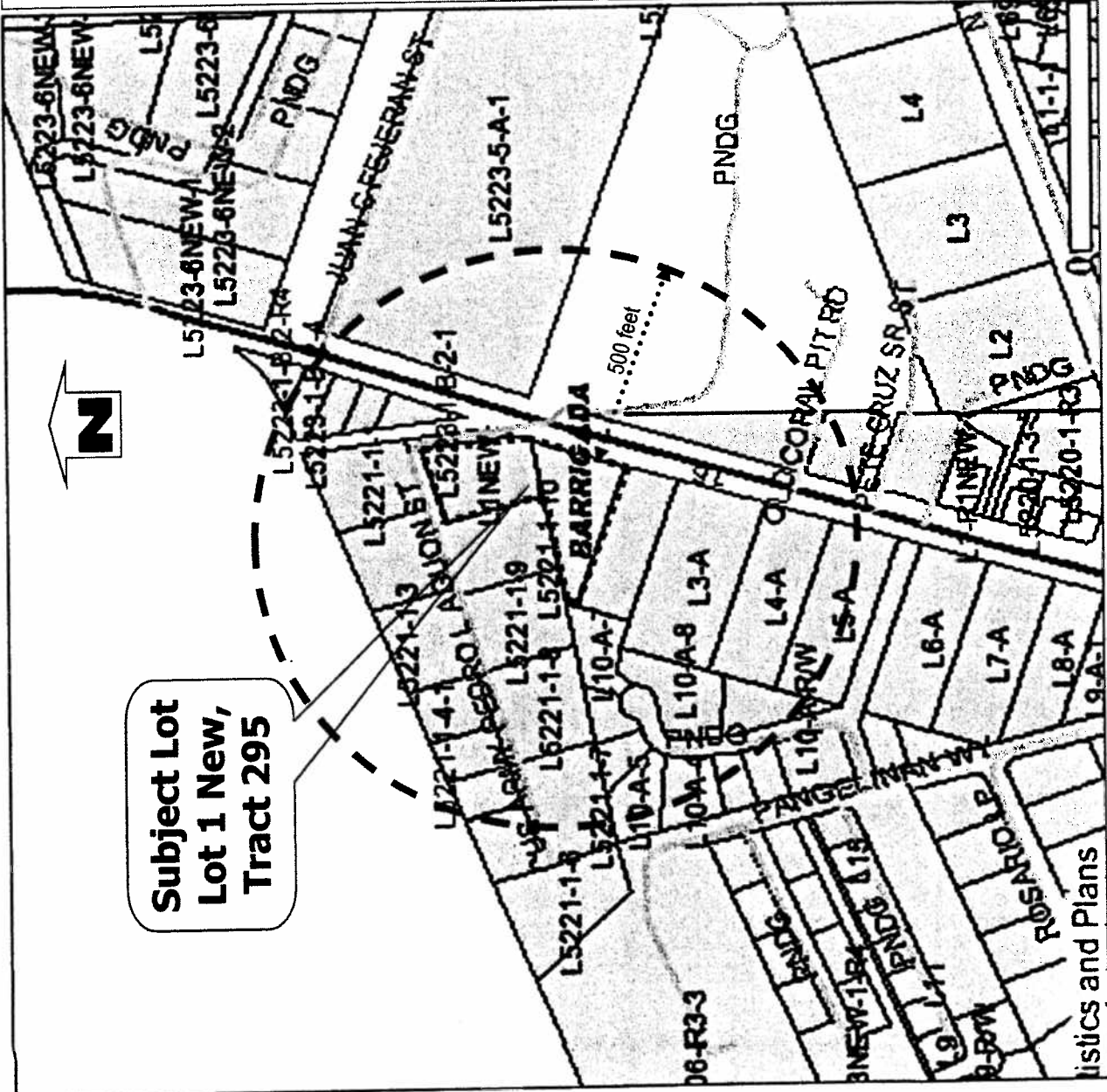
GEOMAT, A PC CORPORATION

Rezoning  
 From "A" to "R-2"

Lot 1 New, Tract 295  
 Barrigada, Guam

**FC Benavente, Planners**

127 Bejong Street, Barrigada, Guam 96913  
 Tel: (671) 988-7911  
 Email: felouben@yahoo.com



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Exhibit G.

Property Map

FOR  
RECORDATION  
DEPARTMENT  
OF  
LAND  
MANAGEMENT

TERMINITY OF GUAM, DEPARTMENT OF LAND MANAGEMENT  
OFFICE OF THE RECORDER  
INSTRUMENT NUMBER 506926

This instrument was filed for record on 19

Day of April, 19 94, at 1121 A.M.

and duly recorded on Book \_\_\_\_\_ at Page \_\_\_\_\_

Recording Fee 10 Voucher No. 24-171

*[Signature]*  
Deputy Recorder

WARRANT DEED

That on this 15 day of APRIL, 19 94,  
George and Matilda Kallingal, husband and wife, whose address is  
P.O.Box 24572, GMF, Barrigada, Guam 96921, hereinafter referred  
to as "Grantor" for and in consideration of the sum of Ten ( \$10.00)  
dollars and other valuable consideration to be paid by George and  
Matilda Kallingal, P.C., whose address is P.O.Box 24572, GMF,  
Barrigada, Guam 96921, hereinafter referred to as " Grantee", the  
receipt, adequacy and sufficiency whereof is hereby acknowledged,  
does hereby grant, bargain and sell and convey unto the grantee, his  
successors and assigns, in fee simple the following described  
properties:

(a) Lot # 8, Block # 1, Tract # 221 ( subdivision of Lot #  
5223-8-R1), Barrigada, Guam, Estate #17160, Suburban, containing  
an area of 53,206 square feet, as shown on Drawing # 11-20T-68B,  
filed under Document # 9007

(b) Lot # 1 NEW, Tract # 295, Barrigada, Guam, Estate #  
58475, Suburban containing area of 7733 + square meters, as shown  
on Drawing # 8612, filed under RLS # 60, dated 8/24/86

Together with all and singular, the houses, buildings,  
trees, ways, waters, profits, privileges and advantages, with the

conveying of the above described property as may be reasonably required; and

Fourthly, that Grantor and its heirs shall and will forever warrant and defend the title to the above described property against all persons claiming the same from, through, or under Grantor.

Water and power are immediately available on the property described above,

Government of Guam is not required to pay for water and power hook-up

IN WITNESS WHEREOFF, the Grantor and Grantee have executed this warrantee deed on the date first above written

GRANTOR

*George Kallingal Matilda Kallingal*

George Kallingal Matilda Kallingal

On this 15th day of APRIL, 1996 before me, a Notary public in and for the Territory of Guam, personally appeared GEORGE KALLINGAL & MATILDA KALLINGAL, known to me to be duly authorized r representatives of the corporation that executed the within instrument on behalf of the corporation therein named and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

*Katherine B. Muna*  
KATHERINE B. MUNA

*George Kallingal*

NOTARY PUBLIC IN AND FOR THE TERRITORY  
GRANTEE OF GUAM

MY COMMISSION EXPIRES: JUNE 21, 1997

President, George and Mtailda Kallingal, P.C.

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Exhibit H.

Ownership Document

Quitclaim Deed  
Lot no. 8, Block 1, Tract #221 Barrigada &  
Lot no. 1 New, Tract 295, Barrigada  
Page 2

642049

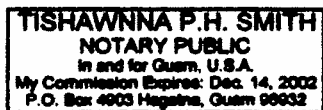
GUAM, U.S.A. )  
                                  ) SS  
CITY OF HAGATNA )

*August 8th HK*

ON THIS 8<sup>th</sup> DAY OF JUNE, 2001, before me, a Notary public in and for the GUAM U.S.A., Personally appeared Dr. GEORGE & Dr. MATILDA KALLINGAL, and we acknowledge that we executed the foregoing QUITCLAIM DEED as free and voluntary act and deed for the purpose therein set forth.

IN WITNESS WHEREOF, I hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)



*Tishawanna P.H. Smith*  
NOTARY PUBLIC  
My Commission Expires: 12/14/02

**ACKNOWLEDGED OF THE CORPORATION**

GUAM, U.S.A. )  
                                  ) ss  
CITY OF HAGATNA )

ON THIS 8<sup>th</sup> DAY OF JUNE, 2001, before me, a Notary Public in and for the GUAM, U.S.A., Personally appeared Dr. GEORGE KALLINGAL, President, Geomat P.C. and Dr. MATILDA KALLINGAL, Treasurer, Geomat P.C., and we acknowledged that we executed the foregoing QUITCLAIM DEED, as free and voluntary act and deed for the purposes therein set forth.

IN WITNESS WHEREOF, I have here unto set my hand and affixed my official seal the day and year first above written.

(SEAL)



*Tishawanna P.H. Smith*  
NOTARY PUBLIC  
My Commission Expires: 12/14/02

Quitclaim Deed  
Lot no. 8, Block 1, Tract #221 Barrigada &  
Lot no. 1 New, Tract 295, Barrigada  
Page 3

642049

### AVAILABILITY OF POWER AND WATER

Power and water is immediately on the property or within 100 feet of the Property

IN WITNESS WHEREOF, this instrument has been executed on this 8<sup>th</sup> Day of ~~JUNE~~ 2001.

*August  
GK MK*

GRANTEE:  
*George Kallingal*  
Dr. George Kallingal

GRANTEE:  
*Matilda Kallingal*  
Dr. Matilda Kallingal

GUAM, U.S.A.            )  
                                  )ss  
CITY OF HAGATNA    )

On this 8<sup>th</sup> Day of ~~JUNE~~<sup>August</sup>, 2001 before me the undersigned notary, personally appeared **Dr. George Kallingal and Dr. Matilda Kallingal** known to me to be the person whose name is subscribed to the foregoing **Quitclaim Deed and STATEMENT RE AVAILABILITY OF WATER AND POWER**, and acknowledged to me that he/she executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

*Tishawanna P.H. Smith*  
NOTARY PUBLIC  
My Commission Expires: 12/14/02

TISHAWNNA P.H. SMITH  
NOTARY PUBLIC  
In and for Guam, U.S.A.  
My Commission Expires: Dec. 14, 2002  
P.O. Box 4603 Hagatna, Guam 96932

