

32-13-674

Office of the Speaker
Judith T. Won Pat, Ed. D.

SPLIT ZONE CHANGE

APPLICATION NO. 2013-48

LOT 7019-3-6-R1

MUNICIPALITY OF YIGO

Date: 8/8/13
Time: 3:07P
Received by: [Signature]

Office of the Legislative Secretary
Senator Tina Rose Mufia Barnes
Date: 8-8-13
Time: 2:36
Received by: [Signature]



COPY

APPLICANT: MARGARITA LIMBAGA NICOLAS
FROM: "R-1" (SINGLE FAMILY DWELLING) ZONE
and "C" (COMMERCIAL) ZONE
TO: "C" (COMMERCIAL) ZONE
LOT: 7019-3-6-R1
MUNICIPALITY: Yigo
AMENDMENT NO.: A-123
ZONING MAP NO.: F3-67S42
 APPROVED IN WHOLE DISAPPROVED

674

[Signature: Monte Mafnas]
MONTE MAFNAS, DIRECTOR

8-1-13
DATE

Department of Land Management

(SPACE FOR RECORDATION)

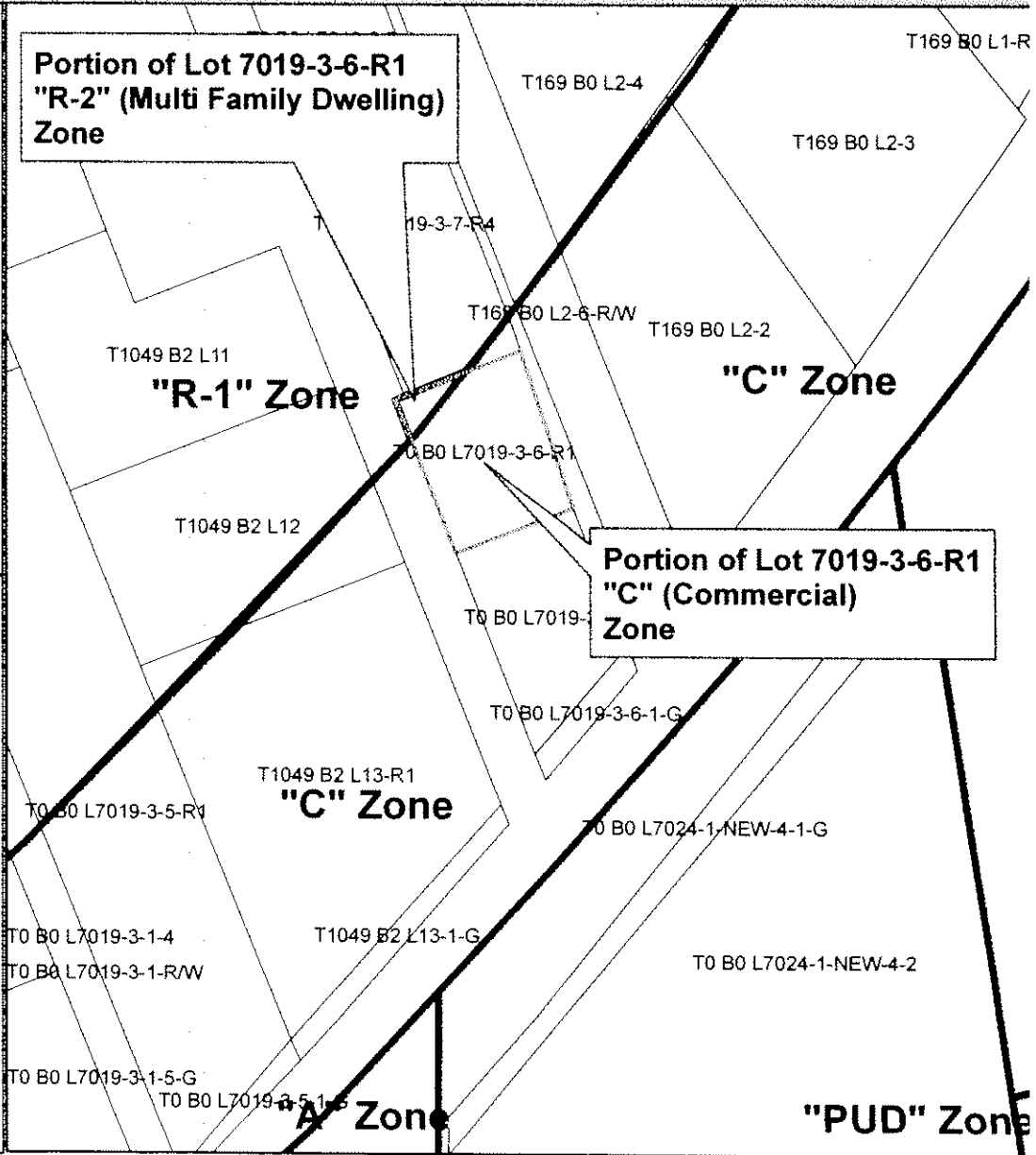
Island of Guam, Government of Guam
Department of Land Management
Officer of the Recorder

File for Record is Instrument No. 854814

On the Year 13 Month 08 Day 02 Time 1:28

Recording Fee DE-OFFICIO Receipt No. _____

Deputy Recorder [Signature]



Portion of Lot 7019-3-6-R1
"R-2" (Multi Family Dwelling)
Zone

Portion of Lot 7019-3-6-R1
"C" (Commercial)
Zone

"R-1" Zone

"C" Zone

"C" Zone

"A" Zone

"PUD" Zone



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



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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MONTE MAFNAS
Director

DAVID V. CAMACHO
Deputy Director

July 31, 2013

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

Memorandum

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

To: Director
From: Chief Planner
Subject: Split Zone Application No. 2013-48
Re: Lot 7019-3-6-R1, Municipality of Yigo

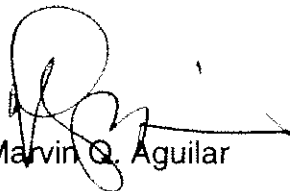
E-mail Address:
dlimdir@dlm.guam.gov

Submitted for your consideration and action is a Split Zone Application for Lot 7019-3-6-R1 in the Municipality of Yigo. The applicant, is requesting for a zone change of the subject property, presently zoned "R-1" (Single Family Dwelling) and "C" (Commercial) to a new full zone of "C" (Commercial) pursuant to Public Law 31-98, "An Act to Repeal and Reenact Section 61214 to Article 2, Chapter 61 (Zoning Law), Title 21, Guam Code Annotated, relative to resolving Split-Zoned properties.

Telephone:
671-649-LAND (5263)

This application was officially accepted on July 29, 2013 and reviewed by Land Planning Staff. Pursuant to the Official Zoning Map of the Municipal District of Yigo as Zone Changed by Section 61208 (Yigo Commercial Zone) of Chapter 61(Zoning Law), Title 21 GCA, portion of Lot 7019-3-6-R1 is zoned "C" (Commercial) and the remaining portion is zoned "R-1" (Single Family Dwelling).

Facsimile:
671-649-5383


Marvin Q. Aguilar

Attachments: 1. Amendment Map No: A-123 (F3-67S42)
3. Application Package 2013-48



(Above Space for Recordation)

SPLIT ZONE CHANGE

(Pursuant to Public Law 31-98)

Pursuant to Public Law 31-98, "An Act To Repeal and Reenact Section 61214 To Article 2, Chapter 61 of Title 21 of the Guåhan Code Annotated, relative to authorizing Split-Zoned Election" I, **MONTE MAFNAS**, Director of the Department of Land Management, do hereby:

APPROVE; DISAPPROVE,

the request of Margarita Limbaqa Nicolas, located in the Municipality of YIGO, Guåhan, from a Split Zone of "C" (COMMERCIAL) and "R-1" (Single Family Dwelling) to a full zone of:

"C" (COMMERCIAL)

Said property is more specifically described as: Lot 7019-3-6-R1 containing an area of 822 Square Meters or 8,844.72 Square Feet, situated in the Municipality of YIGO, Guåhan, as shown and described on Map Drawing No. 354FY87, prepared by Thomas T. Anderson, RLS. No. 42 filed and recorded in the Department of Land Management under Document No. 393547.

Approval of the new zone designation for Lot 7019-3-6-R1 shall be final effective on the date of recordation of this document. Any further rezoning of the said lot shall not be subjected under this same process but must follow the procedures for Zone Change pursuant to Title 21, Guåhan Code Annotated, Chapter 61, Section 61630, Zoning Law.

APPROVED:



MONTE MAFNAS

Director, Department of Land Management

8.1.13

Date

Attachments:

1. Amendment Map No.: A-123 (F3-67S42)
2. Application No. 2013-48 Package

SPLIT ZONE CHANGE

(Pursuant to Public Law 31-98)

7-26-2012
RECEIVED
John Jones

To: Director, Department of Land Management, Government of Guåhan
P.O. Box 2950, Hagatna, Guåhan 96932

The undersigned owner(s)/Lessee(s) hereby request approval for a full zone change of the following described property. Incomplete application will be returned without action.

1. INFORMATION ON APPLICANT(S):

Name of Applicant(s): MARGARITA LIMBAGA NICOLAS
 Mailing Address: P. O. BOX 11842, YIGO GU. 96929
 Telephone No. Business: 653-3302 Home: 632-9129

2. LOCATION, DESCRIPTION AND OWNERSHIP:

(Please attach a copy of the most current recorded property map.)

Subdivision Name (if applicable) _____

Lot(s): 7019-3-6-R1 Block: N/A Tract: N/A

Lot Area: Square Feet: _____ Square Meters: 822 ± Acres: _____

Village: YIGO Municipality: YIGO

(Provide copies of the most current document(s) shown with an * Asterisk.)

Registered Owner(s): Remedios Limbaga
Margarita Limbaga Nicolas

*Certificate of Title No.: _____ Document No.: _____

Other types of document (Deed of Gift, **Warranty Deed**, etc.)

Warranty Deed Document No.: 786820
 Quit Claim Deed _____ Document No.: _____

3(a). **CURRENT ZONING** (as reflected in the Official Zoning Map or Property Map)

- LOT IS CURRENTLY ZONED:
- "A" Agricultural (Rural)
 - "R-1" Single-Family Dwelling
 - "R-2" Multi-Family Dwelling
 - "C" Commercial
 - "M-1" Light Industrial
 - "M-2" Heavy Industrial
 - "H" Hotel-Resort

3(b). **PROPOSED UNIFORM ZONING DESIGNATION:**

"C" COMMERCIAL
(Indicate the new uniform zoning.)

SPLIT ZONE CHANGE

(Pursuant to Public Law 31-98)


- 4. **Required Signatures:** All Legal Owner(s)/Lessee(s), Attorney-in-Fact, etc., of the designated parcel(s) of property shall sign the form with name(s) typed or legibly handwritten, signed and dated.

"I hereby certify that all information contained in this application request and its supplements, if any, is/are true and correct, that any misrepresentation shall render this application request null and void. I also understand that this request is subject to Section 61214 (b), (c) and (d) where it states that;

(b) **Applicability of Lot Split-Zone Boundary.** While the lots are still affected by the lot split, a permitted use on one (1) portion of the zone boundary *cannot* be extended to the other side of the lot split-zone boundary if it is *not* a permitted use on the portion of the same lot *or* on the abutting lot to be extended. In order to extend such permitted use from one (1) side of the lot split-zone boundary to the other side, a conditional use permit *or* a zone variance, as applicable, must be obtained pursuant to §61303 or §61617, Title 21, Guam Code Annotated.

(c) **Conditional Use.** All uses permitted on the affected lot by the zone chosen by the property owner making a split-zone election *shall be* conditional and subject to approval in the manner required to obtain a zone variance as provided in §61303, Title 21, Guam Code Annotated. No such use shall be permitted upon any part of the lot described in Subsection (a) above which is inconsistent or incompatible with the uses of property adjacent to such part, nor which would otherwise be detrimental to the public.

(d) **Lot Consolidation.** A split-zone election *shall only* be made on lots that are encumbered by such split-zone designation, as delineated in the official zone map series for the applicable municipality. No extension of a zone boundary shall be allowed under a lot consolidation with another lot unaffected by the split-zone boundary. Any split-zone extension being pursued through lot consolidation on an unaffected parcel must undergo the regular zone change process through the Guam Land Use Commission for such extension on the unaffected lot."

MARGARITA L. NICOLAS 
 (Owner(s)/Lessee(s) – Print & Sign)

7/26/13
 Date

 (Representative , etc. – Print & Sign)

 Date

- 5. **Filing Fee:** Twenty-Five Dollars (\$25.00) filing fee for the first five pages, and \$.25 for any additional page, as per the passage of Bill 74, signed and approved by the Governor of Guåhan on May 18, 2007, under Public Law 29-02, Chapter V, Part III (*Fees and Charges Assessed by the Department of Land Management*).

SPLIT ZONE CHANGE

(Pursuant to Public Law 31-98)

FOR OFFICIAL USE ONLY

Date Receipt In Planning Division: July 26, 2013

Date Assigned to Planner: July 29, 2013

Date Accepted: July 29, 2013

Assigned Planner: Frank P. Taitano

ZONE VERIFICATION SECTION

NOTE: (Research shall be completed within five (5) working days from date of assignment.
(Total of ten (10) working days for final approval. See attached Flow Chart.)

INSTRUCTIONS:

1. Verify the status of the property's current zone as indicated by the applicant in 3(a).
Property is currently zoned: **"R-1" (Single Family Dwelling)** and **"C" (Commercial)**.
2. Identify the document at which the zone was verified, e.g., Official Zoning Map, GLUC Notice of Action, Legislative Zone Change, or Summary Zone Change (attached the source documents).

Official Zoning Map: **F3-67S42 and Section 61208 (Yigo Commercial Zone) Chapter 61 (Zoning Law), Title 21 GCA**

Verified by:  **Frank P. Taitano** Position/Title: **Planner IV**

Date Verified: **July 30, 2013**

GUAM CHIEF PLANNER'S CERTIFICATION

"I hereby certify the accuracy of the findings as shown in the Zone Verification block above and recommend **APPROVAL** of the Split Zone Change as indicated in Block 3(b)."



Guam Chief Planner

8-1-13
Date

GOVERNMENT OF GUAM, Government of Guam
Department of Land Management Office of the Recorder

File for Record is Instrument No. 786820

On the Year 09 Month 2 Day 27 Time 120

Recording Fee 277.50 Receipt No. _____

TGE

Deputy Recorder
WARRANTY DEED

Victoria C. Torres
VICTORIA C. TORRES

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

THAT ON THIS 26 day of February, 2009, CELSO S. GIANCHAND, whose address is P.O. BOX 6038 Tamuning, Guam 96931, and hereinafter referred to as "GRANTOR", for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to them paid by REMEDIOS LIMBAGA, whose address is 530 CHALAN RAMON HAYA YIGO, GUAM 96929, and MARGARITA LIMBAGA NICOLAS, whose mailing address is 530 CHALAN RAMON HAYA YIGO, GUAM 96929, hereinafter referred to as "GRANTEES", the receipt, adequacy and sufficiency whereof is hereby acknowledged, do hereby GRANT, BARGAIN, SELL and CONVEY unto the GRANTEES, as **Joint Tenants with Rights of Survivorship**, the following described property:

LOT NUMBER 7019-3-6-R1, (Subdivision of Lot 7019-3-R5), **MUNICIPALITY OF YIGO**, TERRITORY OF GUAM, ESTATE NUMBER 24098, SUBURBAN, as said Lot is marked and designated on DRAWING NUMBER A01-02-87, L.M. Check Number 354 FY 87, as described in that Parcelling Survey Map, dated DECEMBER 15, 1987 and recorded January 15, 1988, at the Records Division, Department of Land Management, Government of Guam, under Document Number **393547**.

Registered Land, with the LAST REGISTERED OWNER being **MARIANO FLORES KAKAS**, the OWNER OF RECORD being **CELSO S. GIANCHAND**, as **His Sole and Separate Property**, and the LAST CERTIFICATE OF TITLE REGISTRATION NUMBER being **85529**.

AREA: **822 +/- SQUARE METERS**

TOGETHER with reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the GRANTOR, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all buildings, improvements, rights, easements, privileges and appurtenances thereon and thereto belonging or appertaining or held and enjoyed therewith, unto GRANTEE, in fee simple, GRANTEE'S successors and assigns forever.

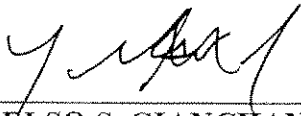
AND GRANTOR, for GRANTOR and GRANTORS' heirs, executors and administrators do hereby WARRANT and COVENANT with the GRANTEE, and GRANTEE'S successors and assigns, that they are lawfully seized of the above described property in fee simple; that the same is free and clear of all encumbrances excepting current real property taxes not yet due and payable.

THAT the GRANTEE shall have the right of quiet enjoyment of said property, and that Grantor's heirs, executors and administrator warrant and defend the same to the GRANTEES, their successors and assigns against the lawful claims and demands of all persons.

AND GRANTEE, for GRANTEE and GRANTEE'S successors and assigns does hereby acknowledge and confirm that water and power are immediately available on the property or within 100 feet of the property described above.

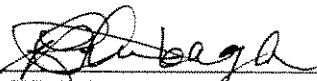
IN WITNESS WHEREOF, this instrument has been executed the day and year first above written.

GRANTOR:



CELSO S. GIANCHAND

GRANTEES:



REMEDIOS LIMBAGA



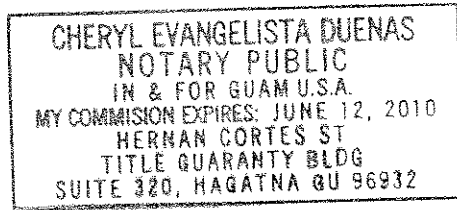
MARGARITA LIMBAGA NICOLAS

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

ON THIS 26 day of **February, 2009**, before me, a Notary Public in and for GUAM, U.S.A., personally appeared **CELSO S. GIANCHAND**, and he/she acknowledged to me that he/she executed the foregoing WARRANTY DEED, as his/her free and voluntary act and deed for the 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.

Cheryl E. Duenas
NOTARY PUBLIC
My commission expires:

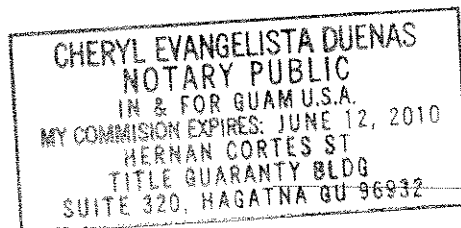


GUAM U.S.A.)
) ss
CITY OF HAGATNA)

ON THIS 26 day of **February, 2009**, before me, a Notary Public in and for GUAM U.S.A., personally appeared **REMEDIOS LIMBAGA**, and he/she acknowledged to me that he/she executed the foregoing WARRANTY DEED, as his/her free and voluntary act and deed for the 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.

Cheryl E. Duenas
NOTARY PUBLIC
My commission expires:



AFFIDAVIT

TGE

I, MARGARITA LIMBAGA NICOLAS, depose and say as follows:

- 1. That I am a **Married Woman** married to JOSE V. NICOLAS
- 2. That I have acquired the following described property:

LOT NUMBER 7019-3-6-R1, (Subdivision of Lot 7019-3-R5), MUNICIPALITY OF YIGO, TERRITORY OF GUAM, ESTATE NUMBER 24098, SUBURBAN, as said Lot is marked and designated on DRAWING NUMBER A01-02-87, L.M. Check Number 354 FY 87, as described in that Parcelling Survey Map, dated DECEMBER 15, 1987 and recorded January 15, 1988, at the Records Division, Department of Land Management, Government of Guam, under Document Number 393547.

Registered Land, with the LAST REGISTERED OWNER being MARIANO FLORES KAKAS, the OWNER OF RECORD being CELSO S. GIANCHAND, as His Sole and Separate Property, and the LAST CERTIFICATE OF TITLE REGISTRATION NUMBER being 85529.

AREA: 822 +/- SQUARE METERS

- 3. That the above described property is to be as joint tenants with rights of survivorship with REMEDIOS LIMBAGA.
- 4. This affidavit is made for the purpose of complying with the requirement of Title 21 Guam Code Annotated § 29158.

[Signature]
MARGARITA LIMBAGA NICOLAS

Subscribed and sworn before me this 26 day of February, 2008, by MARGARITA LIMBAGA NICOLAS.

[Signature]
NOTARY PUBLIC
My commission expires:

Department of Land Management Office of the Recorder
Government of Guam

for Record is Instrument No. 786824

the Year 09 Month 2 Day 27 Time 129

CHERYL EVANGELISTA DUENAS
NOTARY PUBLIC
IN & FOR GUAM U.S.A.
MY COMMISSION EXPIRES: JUNE 12, 2010
HERNAN CORTES ST
TITLE GUARANTY BLDG
SUITE 320, HAGATNA GU 96932

Recording Fee 25 Receipt No.

City Recorder Victoria C. Torres
VICTORIA C TORRES

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

ON THIS 26 day of **February, 2009**, before me, a Notary Public in and for GUAM U.S.A., personally appeared **MARGARITA LIMBAGA NICOLAS**, and he/she acknowledged to me that he/she executed the foregoing WARRANTY DEED, as his/her free and voluntary act and deed for the 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.


NOTARY PUBLIC
My commission expires:

CHERYL EVANGELISTA DUENAS
NOTARY PUBLIC
IN & FOR GUAM U.S.A.
MY COMMISSION EXPIRES: JUNE 12, 2010
HERNAN CORTES ST
TITLE GUARANTY BLDG
SUITE 320, HAGATNA GU 96932

ESC#66.09/CE

TGE

SPOUSAL CONSENT AND RELEASE

I, **ELIZABETH DC GIANCHAND**, spouse of **CELSO S. GIANCHAND**, do hereby consent and relinquish any interest to the foregoing **WARRANTY DEED** to **REMEDIOS LIMBAGA** and **MARGARITA LIMBAGA NICOLAS**, on the following described real property,

LOT NUMBER 7019-3-6-R1, (Subdivision of Lot 7019-3-R5), **MUNICIPALITY OF YIGO**, TERRITORY OF GUAM, ESTATE NUMBER 24098, SUBURBAN, as said Lot is marked and designated on DRAWING NUMBER A01-02-87, L.M. Check Number 354 FY 87, as described in that Parcelling Survey Map, dated DECEMBER 15, 1987 and recorded January 15, 1988, at the Records Division, Department of Land Management, Government of Guam, under Document Number **393547**.

Registered Land, with the LAST REGISTERED OWNER being **MARIANO FLORES KAKAS**, the OWNER OF RECORD being **CELSO S. GIANCHAND**, as His Sole and Separate Property, and the LAST CERTIFICATE OF TITLE REGISTRATION NUMBER being **85529**.

AREA: **822 +/- SQUARE METERS**

IN WITNESS WHEREOF, I have hereunto set my hands this 26 day of **February, 2009**.



ELIZABETH DC GIANCHAND

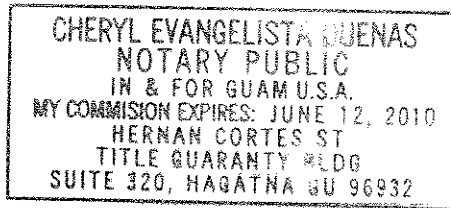
GUAM U.S.A.)
) ss
CITY OF HAGATNA)

ON THIS 26 day of **February, 2009**, before me, a Notary Public in and for GUAM, USA, personally appeared **ELIZABETH DC GIANCHAND**, and she acknowledged to me that she executed the foregoing **SPOUSAL CONSENT and RELEASE**, as her free and voluntary act and deed for the 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.


NOTARY PUBLIC

Esc#66.09/CE



AFFIDAVIT

TGE

I, **REMEDIOS LIMBAGA**, depose and say as follows:

- 1. That I am a **Married Woman** married to _____.
- 2. That I have acquired the following described property:

LOT NUMBER 7019-3-6-R1, (Subdivision of Lot 7019-3-R5), **MUNICIPALITY OF YIGO**, TERRITORY OF GUAM, ESTATE NUMBER 24098, SUBURBAN, as said Lot is marked and designated on DRAWING NUMBER A01-02-87, L.M. Check Number 354 FY 87, as described in that Parcelling Survey Map, dated DECEMBER 15, 1987 and recorded January 15, 1988, at the Records Division, Department of Land Management, Government of Guam, under Document Number **393547**.

Registered Land, with the LAST REGISTERED OWNER being **MARIANO FLORES KAKAS**, the OWNER OF RECORD being **CELSO S. GIANCHAND**, as His Sole and Separate Property, and the LAST CERTIFICATE OF TITLE REGISTRATION NUMBER being **85529**.

AREA: **822 +/- SQUARE METERS**

- 3. That the above described property is to be as **joint tenants with rights of survivorship with MARGARITA LIMBAGA NICOLAS**.
- 4. This affidavit is made for the purpose of complying with the requirement of Title 21 Guam Code Annotated § 29158.

Remedios Limbaga
REMEDIOS LIMBAGA

Subscribed and sworn before me this 26 day of **February, 2008**, by **REMEDIOS LIMBAGA**.

Cheryl E. Duenas
NOTARY PUBLIC
My commission expires:

CHERYL EVANGELISTA DUENAS
NOTARY PUBLIC
IN & FOR GUAM U.S.A.
MY COMMISSION EXPIRES: JUNE 12, 2010
HERNAN CORTES ST
TITLE GUARANTY BLDG
SUITE 320, HAGATNA GU 96932

Department of Land Management Office of the Recorder
Government of Guam

786822

Instrument No. _____

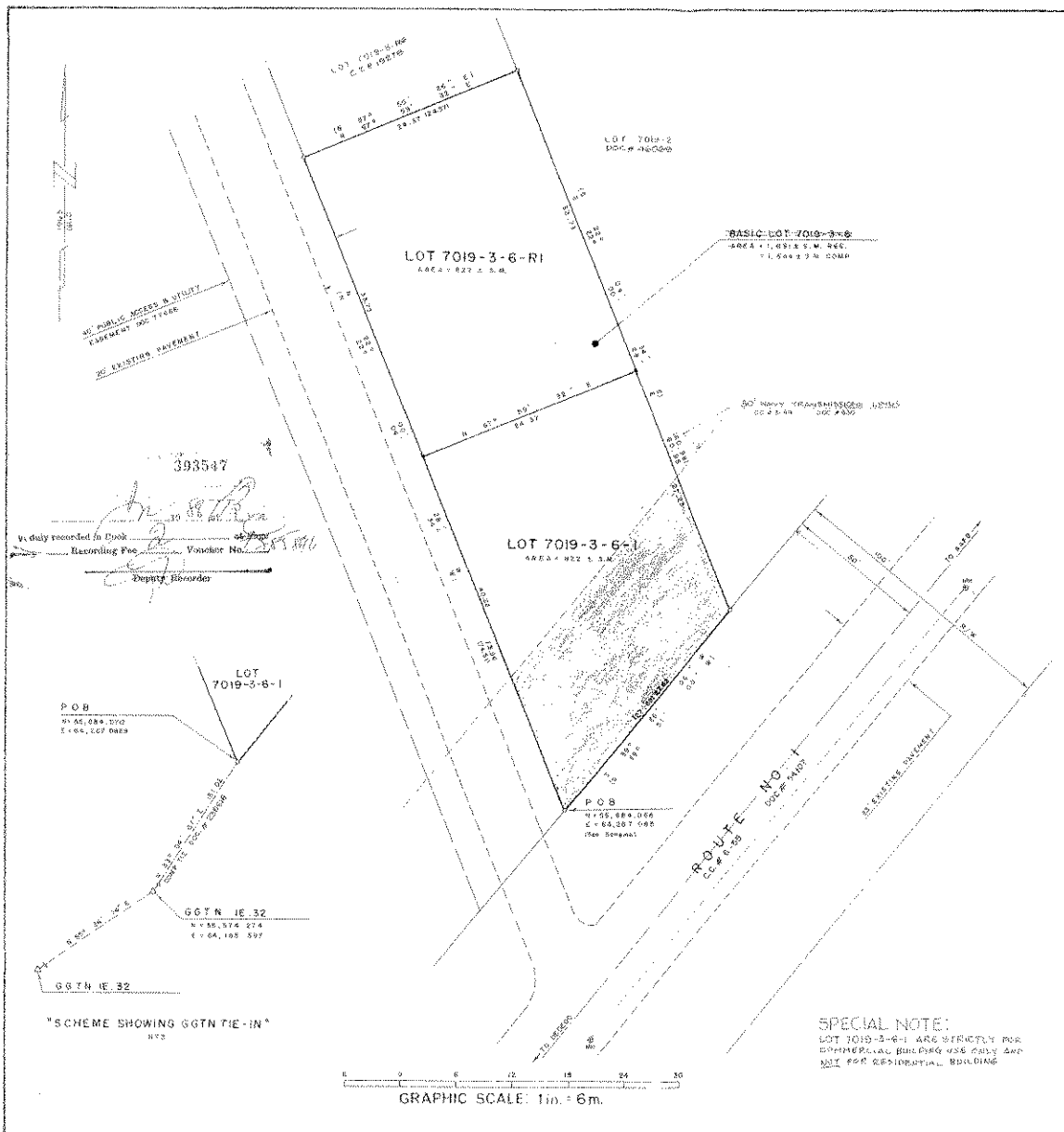
the Year 09 Month 2 Day 27 Time 1:25

Recording Fee 25- Receipt No. _____

Notary Recorder *Victorino O. Duenas*

786822

6050

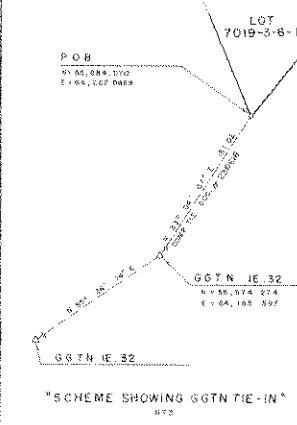


NO PUBLIC NEEDS & UTILITY
CONFLICTS AND TIE-INS

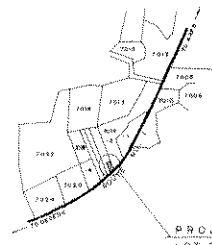
NO EXISTING FACILITIES

393547

As duly recorded in Book _____
Recording Fee _____ Volume No. _____
Deputy Recorder



SPECIAL NOTE:
LOT 1019-3-6-1 ARE STRICTLY FOR
COMMERCIAL BUILDING USE ONLY AND
NOT FOR RESIDENTIAL BUILDING



SYMBOLS

- △ 4474 STATION
- REBAR FOUND, SET BY UNANDWR
- # 4 REBAR SET, MARKED ALS 42

NOTES

- 1 SURVEY WAS BASED IN FOUND CORNER 43 SHANN
- 2 ALL DISTANCES ARE IN METERS, U.S.M
- 3 BEARINGS AND DISTANCES IN PARENTHESES ARE RECORD DATA, ALL OTHERS ARE 1987

REFERENCES

- 1 DWS NO 42 580-74, LOT 7019-3-6, S.L.E. NO 44, LM # 080-774, 000 4P2368A

CERTIFICATIONS

I, THOMAS T. ANDERSON, HEREBY CERTIFY THAT THIS
MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPER-
VISION THAT IT IS BASED UPON A FIELD SURVEY MADE
IN JANUARY 1987, IN CONFORMANCE WITH
ALL APPLICABLE LAWS AND REGULATIONS.

THOMAS T. ANDERSON No. 42 DATE 12/4/87



APPROVAL PURSUANT TO PUBLIC LAW 6-184, TITLE 19, SUBT.
CODE OF GUAM

TERRITORIAL PLANNER DATE 12/4/87

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS
OF CHAPTER 9, TITLE 19, GOVERNMENT CODE OF GUAM AND REGULATIONS
THEREUNDER ON THE 12/31/87 DAY OF December 1987.

TERRITORIAL SURVEYOR

DESCRIPTION	DATE	BY	APPROVED
SURVEY DATA	DATE	BY	APPROVED
NO. 1	12/4/87	T.T. ANDERSON	
NO. 2			
NO. 3			
NO. 4			
NO. 5			
NO. 6			
NO. 7			
NO. 8			
NO. 9			
NO. 10			
NO. 11			
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6050