

FEB 27 1974

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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 377, "An Act to add Section 1238.1 to the Code of Civil Procedure to provide for the reversion of lands taken under eminent domain actions when the government shall fail to use the lands for a public use", was on the 8th day of February, 1974, duly and regularly passed.

F. T. RAMIREZ
Speaker

ATTESTED:

G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 15th day
of February, 1974 at 3:35 o'clock P.M.

KEITH L. ANDREWS
Attorney General of Guam
By RDM

APPROVED:

CARLOS G. CAMACHO
Governor of Guam

DATED: FEB 22 1974
9:05 a.m.

Public Law

12-103

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TWELFTH GUAM LEGISLATURE
1973 (FIRST) Regular Session

Bill No. 377
Substitute Bill by
Committee on Judiciary

Introduced by

J. F. Ada
V. D. Ada
P. M. Calvo
A. M. Palomo
J. M. Rivera
G. R. Salas
A. C. Ysrael

AN ACT TO ADD SECTION 1238.1 TO THE CODE
OF CIVIL PROCEDURE TO PROVIDE FOR THE
REVERSION OF LANDS TAKEN UNDER EMINENT
DOMAIN ACTIONS WHEN THE GOVERNMENT SHALL
FAIL TO USE THE LANDS FOR A PUBLIC USE.

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

2 Section 1. A new Section 1238.1 is hereby added to the
3 Code of Civil Procedure to read as follows:

4 "Section 1238.1 Reversion for failure to make
5 public use. Subsequent to any taking of private lands
6 by condemnation, the government shall be allowed a period
7 of five (5) years to proceed with the public use it has
8 declared to be the reason for condemning the property,
9 or an alternative public use should it become necessary
10 due to a compelling public interest. Upon a failure of the
11 government to so proceed with the specified or alternative
12 use, the former land owner shall have a right to petition
13 the Superior Court for an order to set aside the taking.
14 Upon a finding that the government has not so proceeded
15 with the specified or alternative use, the Superior Court
16 shall set aside the taking and reconstitute full title to the
17 property in the former owner, his heirs, successors or
18 assigns upon the refund to the government of any compen-
19 sation paid for the property."

20 Section 2. This Act shall only take effect, as to
21 condemnation of land on and after the effective date of this
22 Act and as to cases where the five year period elapses after