

TWELFTH GUAM LEGISLATURE  
1974 (SECOND) Regular Session

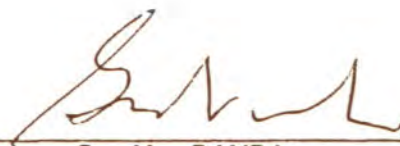
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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 608, "An Act to add a new Chapter VI to Title XIII of the Government Code of Guam and to add a new Section 19312.4 to Title XX of the same Code to establish Agricultural Preserves and provide Real Property Tax incentives therefor", was on the 9th day of January, 1975, duly and regularly passed.

  
F. T. RAMIREZ  
Speaker

ATTESTED:

  
G. M. BAMBA  
Legislative Secretary

-----  
This Act was received by the Governor this 13th day  
of January, 1975 at 12:05 o'clock P.M.

/s/ RICHARD D. MAGEE

RICHARD D. MAGEE, Acting  
Attorney General of Guam

APPROVED:

151  
RICARDO J. BORDALLO  
Governor of Guam

DATED: 2/4/75  
6:35 P.M.  
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TWELFTH GUAM LEGISLATURE  
1973 (FIRST) Regular Sesssion

Bill No. 608

Introduced by

R. F. Taitano  
G. R. Salas  
P. J. Bordallo  
J. R. Duenas  
F. T. Ramirez

AN ACT TO ADD A NEW CHAPTER VI TO TITLE  
XIII OF THE GOVERNMENT CODE OF GUAM AND  
TO ADD A NEW SECTION 19312.4 TO TITLE  
XX OF THE SAME CODE TO ESTABLISH AGRI-  
CULTURAL PRESERVES AND PROVIDE REAL  
PROPERTY TAX INCENTIVES THEREFOR.

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

2 Section 1. A new Chapter VI is hereby added to Title XIII  
3 of the Government Code of Guam to read as follows:

4 "CHAPTER VI

5 Agricultural Preserves

6 ARTICLE I

7 General Provisions

8 Section 12500. Citation of Chapter.

9 Section 12501. Definitions.

10 Section 12503. Inclusion within agricultural  
11 preserve: 'Agricultural Land'.

12 ARTICLE II

13 Agricultural Preserves

14 Section 12504. Establishment of preserves.

15 Section 12505. Rules governing administration and  
16 establishment of preserves.

17 Section 12506. Alteration of boundaries: notice  
18 to owners.

19 Section 12507. Submission of proposal to the  
20 Territorial Planning Commission:  
21 reports.

22 Section 12508. Removal of land from preserve:  
23 notice.

24 Section 12509. Filing of map: keeping current.

25 Section 12510. Utility facilities as compatible  
26 uses.

1 ARTICLE III.

2 Contracts

3 Section 12511. Authority of department to  
4 contract.

5 Section 12512. Other owners of prime agricultural  
6 land to whom contract to be  
7 offered.

8 Section 12513. Land on which the department may  
9 contract.

10 Section 12514. Contracts.

11 Section 12515. Term of contract.

12 Section 12516. Term of twenty (20) years or more.

13 Section 12517. Notice of nonrenewal.

14 Section 12518. Termination of contract.

15 Section 12519. Information furnished by land-  
16 owner.

17 Section 12520. Recording of contract.

18 Section 12521. Enforcement of contract.

19 ARTICLE IV

20 Cancellation

21 Section 12522. Purpose.

22 Section 12523. Request by landowner.

23 Section 12524. Conditions for approval.

24 Section 12525. Assessment of land: determination  
25 of cancellation fee: payment of  
26 deferred taxes; waiver of payment:  
27 distribution of deferred taxes.

28 Section 12526. Recording of certificate of  
29 cancellation.

30 Section 12527. Public Hearing.

31 Section 12528. Same: protest by other owners  
32 within the preserve.

33 ARTICLE V

34 Eminent Domain

35 Section 12529. Public improvements within  
36 preserve.

1 Section 12530. Voiding of contract by exercise of  
2 eminent domain.

3 ARTICLE I

4 General Provisions

5 Section 12500. Citation of Chapter. This Chapter shall  
6 be known as the Guam Land Conservation Act.

7 Section 12501. Definitions. As used in this Chapter,  
8 unless otherwise apparent from the context:

9 (a) 'Agricultural commodity' means any and all plant  
10 and animal products produced in this territory for commercial  
11 purposes.

12 (b) 'Agricultural use' means use of land for the pur-  
13 pose of producing an agricultural commodity for commercial  
14 purposes.

15 (c) 'Prime agricultural land' means any of the  
16 following:

17 (1) Land which supports livestock used for  
18 the production of food and fiber and which has an  
19 annual carrying capacity equivalent to at least  
20 one (1) animal unit per acre as defined by the United  
21 States Department of Agriculture.

22 (2) Land planted with fruit or nut-bearing  
23 trees, vines, bushes or crops which have a non-  
24 bearing period of less than five (5) years and which  
25 will normally return during the commercial bearing  
26 period on an annual basis from the production of  
27 unprocessed agricultural plant production not less  
28 than Two Hundred Dollars (\$200) per acre.

29 (3) Land which has returned from the pro-  
30 duction of unprocessed agricultural plant pro-  
31 ducts an annual gross value of not less than  
32 Two Hundred Dollars (\$200) per acre for three (3)  
33 of the previous five (5) years.

34 (d) 'Agricultural preserve' means an area devoted  
35 to either agricultural use, recreational use as defined  
36 in Subdivision (h) or open space use as defined in Sub-  
37 division (i) or any combination of such uses, and compatible

1 uses as designated by the department.

2 (e) 'Compatible use' is any use determined by  
3 the department or by this Act to be compatible with the  
4 agricultural, recreational, or open space use of land  
5 within the preserve and subject to contract. 'Compatible  
6 use' includes agricultural use, recreational use,  
7 or open space use unless the department finds after  
8 notice and hearing that such use is not compatible  
9 with the agricultural, recreational or open space use  
10 to which the land is restricted by contract pursuant to  
11 this Chapter.

12 (f) 'Department' means the Department of Agriculture.

13 (g) 'Director' means the Director of the Department  
14 of Agriculture.

15 (h) 'Recreational use' is the use of land by the  
16 public, with or without charge, for any of the following:  
17 walking, hiking, picnicking, camping, swimming, boating,  
18 fishing, hunting, or other outdoor games or sports for  
19 which facilities are provided for public participation.  
20 Any fee charged for the recreational use of land as de-  
21 fined in this subdivision shall be in a reasonable amount  
22 and shall not have the effect of unduly limiting its use  
23 by the public.

24 (i) 'Open space use' is the use or maintenance of  
25 land in such a manner as to preserve its natural charac-  
26 teristics, beauty, or openness for the benefit and enjoy-  
27 ment of the public, to provide essential habitat for  
28 wildlife.

29 Section 12503. Inclusion within agricultural preserve:  
30 'Agricultural land'. Notwithstanding any provisions of this  
31 Chapter to the contrary, the following may be included within  
32 an agricultural preserve pursuant to this Chapter:

33 (a) Land devoted to recreational use;

34 (b) A wildlife habitat area which is a land  
35 or water area designated by the department as an  
36 area of great importance for the protection or enhancement

1 of the wildlife resources of the territory;

2 (c) A submerged area which is any land determined  
3 by the department to be submerged or subject to tidal action  
4 and found by the department to be of great value to the  
5 territory as open space.

6 When such land is included within an agricultural  
7 preserve, the department may contract with the owner for the  
8 purpose of restricting the land to recreational or open  
9 space use and uses compatible therewith in the same manner  
10 as provided in this Chapter for land devoted to agricultural  
11 use. For the purposes of this section, where the term  
12 'agricultural land' is used in this Chapter it shall be  
13 deemed to include land devoted to recreational use and  
14 land within a wildlife habitat area or a submerged area,  
15 and where the term 'agricultural use' is used in this  
16 Chapter it shall be deemed to include recreational and open  
17 space use.

## 18 ARTICLE II

### 19 Agricultural Preserves

20 Section 12504. Establishment of preserves. Beginning  
21 January 1, 1974 the department, after a public hearing may  
22 establish agricultural preserves. No later than thirty  
23 (30) days prior to any such hearing the department shall  
24 publish in a newspaper of general circulation within the  
25 territory, a notice, which shall include a legal des-  
26 cription, or the assessor's parcel number, of the land  
27 which is proposed to be included within the preserve. Such  
28 preserves shall be established for the purpose of defining  
29 the boundaries of those areas within which the department  
30 will be willing to enter into contracts pursuant to this  
31 Act. An agricultural preserve shall consist of no less  
32 than ten (10) hectares; provided, that in order to meet  
33 this requirement, two (2) or more parcels may be combined if  
34 they are contiguous or if they are in common ownership.

35 The department may establish agricultural preserves of  
36 less than ten (10) hectares if it finds that smaller preserves

1 are necessary due to the unique characteristics of the  
2 agricultural enterprises in the area, and that the esta-  
3 blishment of preserves of less than ten (10) hectares is  
4 consistent with the general plans of the department.

5 An agricultural preserve may contain land other than  
6 agricultural land, but the use of any land within the  
7 preserve and not under contract shall, within two (2) years  
8 of the effective date of any contract on land within the  
9 preserve, <sup>be</sup> restricted by zoning or other suitable means in  
10 such a way as not to be incompatible with the agricultural  
11 use of the land, the use of which is limited by contract  
12 in accordance with this Chapter.

13 Failure on the part of the department to restrict the  
14 use of land within a preserve but not subject to contract  
15 shall not be sufficient reason to cancel or otherwise  
16 invalidate a contract.

17 Section 12505. Rules governing administration and  
18 establishment of preserves. For the purposes of this Chapter,  
19 the department shall adopt rules governing the administration  
20 of agricultural preserves, including procedures for initiating,  
21 filing and processing requests to establish agricultural  
22 preserves. Such rules shall be applied uniformly throughout  
23 the preserve, shall enumerate those uses which are to be  
24 considered to be compatible uses, and may require the  
25 payment of a reasonable application fee. The same procedure  
26 that is required to establish an agricultural preserve  
27 shall be used to disestablish or to enlarge or diminish the  
28 size of an agricultural preserve.

29 Section 12506. Alteration of boundaries: notice to  
30 owners. In the event any proposal to disestablish or to  
31 alter the boundary of an agricultural preserve will remove  
32 land under contract from such a preserve, notice of the  
33 proposed alteration or disestablishment and the date of the  
34 hearing shall be furnished by the board or council to the  
35 owner of the land by certified mail directed to him at his  
36 latest address known to the department. Such notice shall

1 also be furnished by first-class mail to each owner of land  
2 in that preserve which has a common boundary with the land  
3 to be removed from the preserve.

4 Section 12507. Submission of proposal to the Territorial  
5 Planning Commission: report. Any proposal to establish an  
6 agricultural preserve shall be submitted to the Territorial  
7 Planning Commission. Within thirty (30) days after  
8 receiving such a proposal, the Territorial Planning Commission  
9 shall submit a report thereon to the department; provided,  
10 however, that the department may extend the time allowed  
11 for an additional period not to exceed thirty (30) days.

12 The report shall include a statement that the preserve is  
13 consistent, or inconsistent, with general plans, and the  
14 department shall make a finding to such effect. Final  
15 action upon the establishment of an agricultural preserve  
16 may not be taken by the department until the report  
17 required by this section is received from the Territorial  
18 Planning Commission, or until the required thirty (30) days  
19 have elapsed and any extension thereof granted by the  
20 department has elapsed.

21 Section 12508. Removal of Land from Preserve: Notice.  
22 The effect of removal of land under contract from an  
23 agricultural preserve shall be the equivalent of notice of  
24 nonrenewal by the department and the department shall,  
25 at least sixty (60) days prior to the next renewal date  
26 following the removal, serve a notice of nonrenewal as  
27 provided in Section 12517. Such notice of nonrenewal  
28 shall be recorded as provided in Section 12520.

29 Section 12509. Filing of map: keeping current. Whenever  
30 an agricultural preserve is established and so long as it  
31 shall be in effect, a map of such agricultural preserve  
32 shall be filed and kept current by the Department of  
33 Agriculture with the Department of Land Management.

34 Section 12510. Utility facilities as compatible use.  
35 Notwithstanding any determination of compatible uses by  
36 the department pursuant to this Chapter, unless the



1 department after notice and hearing makes a finding to  
2 the contrary, the erection, construction, alteration,  
3 or maintenance of electric, water, or communication utility  
4 facilities are hereby determined to be compatible uses  
5 within any agricultural preserve. No land occupied by  
6 electric, water, or communication utility facilities shall  
7 be excluded from an agricultural preserve by reason of such  
8 use.

### 9 ARTICLE III

#### 10 Contracts

##### 11 Section 12511. Authority of department to contract.

12 The department may, by contract, limit the use of agricultural  
13 land for the purpose of preserving such land pursuant and  
14 subject to the conditions set forth in the contract and in  
15 this Chapter. A contract may provide for restrictions, terms,  
16 and conditions, including payments and fees, more restrictive  
17 than or in addition to those required by this Chapter.

18 Section 12512. Other owners of prime agricultural land  
19 to whom contract to be offered. If such a contract is made  
20 with any landowner, the department shall offer such a  
21 contract under similar terms to every other owner of agri-  
22 cultural land within the agricultural preserve in question.

23 However, except as required by other provisions of this  
24 Chapter, the provisions of this section shall not be construed  
25 as requiring that all contracts affecting land within a  
26 preserve be identical, so long as such differences as  
27 exist are related to differences in location and charac-  
28 teristics of the land, pursuant to uniform rules adopted by  
29 the department.

30 Section 12513. Land on which the department may  
31 contract. The department may not contract with respect to  
32 any land pursuant to this Chapter unless the land: (a) is  
33 devoted to agricultural use; (b) is located within an  
34 area designated as an agricultural preserve.

##### 35 Section 12514. Contracts. Every such contract shall:

36 (a) Provide for the exclusion of uses other than

1 agricultural and other than those compatible with agricul-  
2 tural use, for the duration of the contract.

3 (b) Be binding upon, and inure to the benefit of  
4 all successors in interest of the owner. Whenever land under  
5 a contract is divided, the owner of any parcel may exercise,  
6 independent of any other owner of a portion of the divided  
7 land, any of the rights of the owner of a portion of the  
8 divided land, and any of the rights of the owner in the  
9 original contract, including the right to give notice of  
10 nonrenewal and to petition for cancellation. The effect of  
11 any such action by the owner of a parcel created by the  
12 division of land under contract shall not apply to the owners  
13 of the remaining parcels and shall have no effect on the  
14 contract as it applies to the remaining parcels of the  
15 divided land.

16 Section 12515. Term of contract. Each contract shall be  
17 for an initial term of no less than ten (10) years. Each  
18 contract shall provide that on the anniversary date of the  
19 contract, or such other annual date as specified by the con-  
20 tract, a year shall be added automatically to the initial  
21 term unless notice of nonrenewal is given as provided in  
22 Section 12517.

23 Section 12516. Term of twenty (20) years or more. Not-  
24 withstanding the provisions of Section 12515, if the initial  
25 term of the contract is for twenty (20) years or more the  
26 contract may provide that on the anniversary date of the  
27 contract or such other annual date as specified by the  
28 contract beginning with the anniversary date on which the  
29 contract will have an unexpired term of nine (9) years, a  
30 year shall be added automatically to the initial term unless  
31 notice of nonrenewal is given as provided in Section 12517.

32 Section 12517. Notice of nonrenewal. If either the land-  
33 owner or the department desires in any year not to renew the  
34 contract, that party shall serve written notice of  
35 nonrenewal of the contract upon the other party in advance  
36 of the annual renewal date of the contract. Unless such

1 written notice is served by the landowner at least ninety  
2 (90) days prior to the renewal date or by the department  
3 at least sixty (60) days prior to the renewal date, the  
4 contract shall be considered renewed as provided in  
5 Section 12515 or Section 12516.

6 Upon receipt by the owner of a notice from the  
7 department of nonrenewal, the owner may make a written  
8 protest of the notice of nonrenewal. The department may,  
9 at any time prior to the renewal date, withdraw the notice  
10 of nonrenewal. Upon request by the owner, the department  
11 may authorize the owner to serve a notice of nonrenewal  
12 on a portion of the land under a contract.

13 Section 12518. Termination of contract. If the  
14 department or the landowner serves notice of intent in  
15 any year not to renew the contract, the existing contract  
16 shall remain in effect for the balance of the period  
17 remaining since the original execution or the last renewal  
18 of the contract, as the case may be.

19 Section 12519. Information furnished by landowner.  
20 The landowner shall furnish the department with such  
21 information as it shall require in order to enable it  
22 to determine the eligibility of the land involved.

23 Section 12520. Recording of contract. No later than  
24 twenty (20) days after the department enters into a  
25 contract with a landowner pursuant to this Chapter, the  
26 department shall record with the Department of Land  
27 Management a copy of the contract, which shall describe  
28 the land subject thereto, together with a reference to the  
29 map showing the location of the agricultural preserve in  
30 which the property lies. From and after the time of such  
31 recordation such contract shall impart such notice  
32 thereof to all persons as is afforded by the recording  
33 laws of this territory.

34 Section 12521. Enforcement of contract. The territory  
35 or landowner may bring any action in court necessary to  
36 enforce any contract including but not limited to, an action  
37 to enforce the contract by specific performance or injunction.

1 ARTICLE IV

2 Cancellation

3 Section 12522. Purpose. It is hereby declared that the  
4 purpose of this Article is to provide relief from the  
5 provisions of contracts entered into pursuant to this  
6 Chapter only when the continued dedication of land under  
7 such contracts to agricultural use is neither necessary  
8 nor desirable for the purposes of this Chapter.

9 Section 12523. Request by landowner. A contract may  
10 not be cancelled except pursuant to a request by the land-  
11 owner, and as provided in this Article.

12 Section 12524. Conditions for approval. The landowner  
13 may petition the department for cancellation of any contract  
14 as to all or any part of the subject land. The department  
15 may approve the cancellation of a contract only if it finds:

16 (a) That the cancellation is not inconsistent with  
17 the purposes of this Chapter; and

18 (b) That cancellation is in the public interest.

19 The existence of an opportunity for another use of the  
20 land involved shall not be sufficient reason for the cancel-  
21 lation of a contract. A potential alternative use of the  
22 land may be considered only if there is no proximate,  
23 noncontracted land suitable for the use to which it is  
24 proposed the contracted land be put.

25 The uneconomic character of an existing agricultural  
26 use shall likewise not be sufficient reason for cancellation  
27 of the contract. The uneconomic character of the existing  
28 use may be considered only if there is no other reasonable  
29 or comparable agricultural use to which the land may be put.

30 Section 12525. Assessment of land: determination of  
31 cancellation fee: payment of deferred taxes: waiver of  
32 payment: distribution of deferred taxes.

33 (a) Prior to any action of the department giving  
34 tentative approval to the cancellation of any contract,  
35 the assessor shall determine the full cash value of the  
36 land in accordance with Sections 19312, 19312.1 and 19312.2

1 of the Government Code as though it were free of the  
2 contractual restriction imposed pursuant to Section 19312.4  
3 of the Government Code. The assessor shall then determine  
4 the amount of deferred taxes and certify same to the  
5 department as the cancellation valuation of the land for  
6 the purpose of determining the cancellation fee.

7 (b) Prior to giving tentative approval to the cancel-  
8 lation of any contract the department shall determine and  
9 certify to the landowner the amount of the cancellation  
10 fee which he must pay the government of Guam, as deferred  
11 taxes upon cancellation. That fee shall be an amount equal  
12 to fifty percent (50%) of the cancellation valuation of  
13 the property.

14 (c) If it finds that it is in the public interest  
15 to do so the department may waive any such payment or  
16 any portion thereof, or may make such payment or a portion  
17 thereof contingent upon the future use made of the land  
18 and its economic return to the landowner for a period  
19 of time not to exceed the unexpired period of the contract,  
20 had it not been cancelled, provided:

21 (1) The cancellation is caused by an involuntary  
22 transfer or change in the use which may be made of the  
23 land and the land is not immediately suitable, nor  
24 will be immediately used, for a purpose which produces  
25 a greater economic return to the owner;

26 (2) The department has determined it is in the  
27 best interests of the program to conserve agricul-  
28 tural land use that such payment be either deferred  
29 or not required.

30 (d) When deferred taxes required by this section are  
31 collected, they shall be transmitted by the territorial  
32 treasurer to the General Fund.

33 Section 12526. Recording of certificate of cancellation.

34 Upon tentative approval of the cancellation petition, the  
35 Department of Agriculture shall record in the Department of

1 Land Management a certificate which shall set forth the  
2 name of the owner of such land at the time the contract  
3 was cancelled with the amount of the cancellation fee  
4 certified by the department as being due pursuant to this  
5 Article, the contingency of any waiver or deferment of  
6 payments, and a legal description of the property. From  
7 the date of recording of such certificate the contract  
8 shall be finally cancelled and, to the extent the cancel-  
9 lation fee has not yet been paid, a lien shall be created  
10 and attached against the real property described therein  
11 and any other real property owned by the person named  
12 therein as the owner. Such lien shall have the force,  
13 effect and priority of a judgment lien. Nothing in this  
14 section or Section 12525 shall preclude the department  
15 from requiring payment in full of the cancellation fee  
16 prior to the cancellation becoming effective.

17 In no case shall the cancellation of a contract be  
18 final until the notice of cancellation is actually recorded  
19 as provided in this section. Notwithstanding any other  
20 provisions of law, any payments required by Section 12525  
21 shall not create nor impose a lien or charge on the land  
22 as to which a contract is cancelled except as herein  
23 provided.

24 Upon the payment of the cancellation fee or any  
25 portion thereof the Department of Agriculture shall record  
26 with the Department of Land Management a written certificate  
27 of the release in whole or in part of the lien.

28 Section 12527. Public hearing. No contract may be  
29 cancelled until after the department has given notice of,  
30 and has held, a public hearing on the matter. Notice of  
31 the hearing shall be published in a newspaper of general  
32 circulation for ten (10) days prior to such hearing, and  
33 shall be mailed to each and every owner of land under  
34 contract, and any portion of which is situated within the  
35 same agricultural preserve and within one (1) mile of  
36 the exterior boundary of the land upon which the contract

1 is proposed to be cancelled.

2 Section 12528. Same: protest by other owners within  
3 the preserve. The owner of any property located in the  
4 agricultural preserve may protest such cancellation to  
5 the department conducting the hearing.

6 ARTICLE V

7 Eminent Domain or other Acquisition

8 Section 12529. Public improvements within preserve.

9 (a) It is the policy of the territory to avoid,  
10 whenever practicable, the location of any territorial  
11 public improvements and any improvements of public  
12 utilities, and the acquisition of land therefor, in  
13 agricultural preserves.

14 (b) It is further the policy of the territory that  
15 whenever it is necessary to locate such improvement within  
16 an agricultural preserve, such improvement shall, whenever  
17 practicable, be located upon land other than land under  
18 a contract pursuant to this Chapter.

19 (c) It is further the policy of the territory that  
20 any agency or entity proposing to locate such an improvement  
21 shall, in considering the relative costs of parcels of land  
22 and development of improvements, give consideration  
23 to the value to the public of land, and particularly prime  
24 agricultural land within an agricultural preserve.

25 Section 12530. Voiding of contract by exercise of  
26 eminent domain. When any action in eminent domain for the  
27 condemnation of the fee title of an entire parcel of land  
28 subject to a contract is filed or when such land is  
29 acquired in lieu of eminent domain for a public improvement  
30 by a public agency or whenever there is any such action or  
31 acquisition by the Federal government or power of the  
32 Federal government, such contract shall be deemed null and  
33 void as to the land actually being condemned or acquired  
34 as of the date the action is filed and for the purposes of  
35 establishing the value of such land, the contract shall be  
36 deemed never to have existed.

1           Upon termination of such a proceeding, the contract  
2 shall be null and void for all land actually taken or  
3 acquired.

4           When such an action to condemn or acquire less than  
5 all of a parcel of land subject to a contract is commenced,  
6 the contract shall be deemed null and void as to the land  
7 actually condemned or acquired and shall be disregarded in  
8 the valuation process only as to the land actually being  
9 taken, unless the remaining land subject to contract will  
10 be adversely affected by the condemnation, in which case  
11 the value of that damage shall be computed without regard  
12 to the contract.

13           When such an action to condemn or acquire an interest  
14 which is less than the fee title of an entire parcel or  
15 any portion thereof, of land subject to a contract is  
16 commenced, the contract shall be deemed null and void as to  
17 such interest and for the purpose of establishing the  
18 value of such interest only shall be deemed never to  
19 have existed, unless the remaining interests in any of the  
20 land subject to the contract will be adversely affected,  
21 in which case the value of that damage shall be computed  
22 without regard to the contract.

23           The land actually taken shall be removed from the  
24 contract. Under no circumstances shall land be removed that  
25 is not actually taken, except that when only a portion of the  
26 land or less than a fee interest in the land is taken or  
27 acquired, the contract may be cancelled with respect to the  
28 remaining portion or interest upon petition of either party  
29 and pursuant to the provisions of Article IV.

30           For the purposes of this section, a finding by the  
31 department that no authorized use may be made of the land  
32 if the contract is continued on the remaining portion or  
33 interest in the land may satisfy the requirements of  
34 Subdivisions (a) and (b) of Section 12522."

35           Section 2. A new Section 19312.4 is hereby added to Title  
36 XX of the Government Code of Guam to read as follows:



1 "Section 19312.4. Same: same: agricultural preserves.  
2 Any person who owns land which is under contract with the  
3 Department of Agriculture pursuant to Chapter VI, Title XIII  
4 of the Government Code may pursuant to Section 19312.3  
5 claim a fifty percent (50%) reduction in the valuation  
6 of such property under contract below that of the prior  
7 year. Such a claim shall be valid only for the term of the  
8 contract and shall be subject to the provisions of Section  
9 12525 of the Government Code."