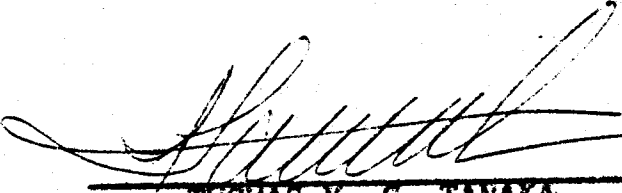


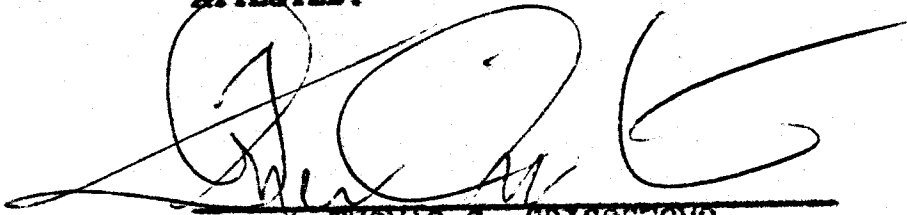
SIXTEENTH GUAM LEGISLATURE  
1982 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 491, "An Act to authorize an exchange of property in the municipality of Mangilao between the government of the territory of Guam and the Bishop of Agana, a corporation sole", was on the 14th day of May 1982, duly and regularly passed.

  
\_\_\_\_\_  
THOMAS V. C. TANAKA  
Speaker


ATTESTED:

  
\_\_\_\_\_  
THOMAS C. CRISOSTOMO  
Senator and Legislative Secretary

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This Act was received by the Governor this 9<sup>th</sup> day of  
June, 1982, at 2:40 o'clock P.M.

  
\_\_\_\_\_  
SIERRA L. FRANCISCO  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
PAUL M. GALVO  
Governor of Guam

DATED:

6/18/82

P.L. 16-94

SIXTEENTH GUAM LEGISLATURE  
1982 (SECOND) Regular Session

Bill No. 491  
(As Substituted by the Committee on  
Housing, Community Development and  
Resources)

Introduced by: R. Q. Sudo, F. J. Quitugua, F. R. Santos

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M. Z. Bordallo  
A. R. Unpingco

AN ACT TO AUTHORIZE AN EXCHANGE OF PROPERTY  
IN THE MUNICIPALITY OF MANGILAO BETWEEN THE  
GOVERNMENT OF THE TERRITORY OF GUAM AND THE  
BISHOP OF AGANA, A CORPORATION SOLE.

1           WHEREAS, the Director of the Department of Land Management  
2 has represented to the Legislature that the Bishop of Agana, a  
3 sectarian and non-profit corporation sole, has requested that  
4 the government of the territory exchange certain properties with  
5 the corporation sole for the mutual benefit of both parties; and  
6           WHEREAS, the properties involved are a portion (10,749±  
7 square meters) of lot 2285-2 New, Mangilao, containing an area of  
8 12,999 ± square meters, owned by the government, and Lots 14, 15  
9 and 16 of Block 3, Tract 139 (Lot 5372-1), Mangilao, containing  
10 an area of 3,727.58 square meters, which is owned by the Bishop  
11 of Agana; and  
12           WHEREAS, the government property which would be conveyed  
13 to the Bishop of Agana is immediately adjacent to Lots 2285-A  
14 and 2285-4 New, Mangilao, upon which is situated the Santa  
15 Teresita Roman Catholic Church, an adjunct of the Bishop of  
16 Agana. The Director of the Department of Land Management has  
17 represented to the Legislature that this is an area in which the  
18 residential population has grown rapidly within recent years and  
19 that officials of the Bishop of Agana have stated that the Santa  
20 Teresita Church has inadequate property in order to perform pro-  
21 perly its function as a center of community activity; and

1           WHEREAS, the Director of the Department of Land Management  
2 has represented to the Legislature that the government has no  
3 present plan to utilize for any public purpose the portion of  
4 Lot 2285-2 New, Mangilao that would be conveyed to the Bishop of  
5 Agana; and

6           WHEREAS, a master plan for the property that the government  
7 would convey has been prepared by Construction Management Group,  
8 Inc., of Tamuning, Guam, and Saipan, Northern Marianas Islands.  
9 The master plan indicates an intention to develop upon the pro-  
10 perty a social hall, parking lots and a community services  
11 building; and

12           WHEREAS, the Director of the Department of Land Management  
13 has represented to the Legislature that Lots 14, 15 and 16, the  
14 property that would be conveyed by the Bishop of Agana to the  
15 government, are situated immediately adjacent to the campus of  
16 the University of Guam and directly across a service road from  
17 George Washington Senior High School and within one (1) mile of  
18 other government agencies, including the Guam Community College.  
19 Said property has been determined to be needed by the government  
20 to provide for the future educational programs of the people of  
21 Guam; and

22           WHEREAS, the Department of Land Management has stated that  
23 the values which have been properly determined by an independent  
24 and qualified appraiser of real property are equivalent; and

25           WHEREAS, Section 28(b) of the Organic Act (48 USC 1421f (b))  
26 gives the Legislature, subject to limitations imposed upon it  
27 by the Organic Act or subsequent acts of Congress, authority to  
28 administer the lands of the government of the territory of Guam  
29 for the benefit of the people of Guam. Section 5(p) of the  
30 Organic Act (48 USC 1421b (p) ) prohibits any public money or  
31 property from being "appropriated, supplied, donated, or used,  
32 directly or indirectly, for the use, benefit, or support of any

1 sect, church, denomination, sectarian institution, or association,  
2 or system of religion, or for the use, benefit, or support of any  
3 priest, preacher, minister, or other religious teacher or digni-  
4 tary as such."; and

5 WHEREAS, upon the basis of all of the foregoing, the Legis-  
6 lature finds:

7 (a) It is empowered by law to administer the property of  
8 the territory for the benefit of the people of Guam.

9 (b) The land exchange proposed to be entered into between  
10 the government and the Bishop of Agana constitutes a fair exchange  
11 of property of equal values.

12 (c) The exchange proposed does not violate Section 5(p) of  
13 the Organic Act.

14 (d) The exchange may result indirectly in a tax savings to  
15 the people of the territory in that the new owner intends to  
16 construct at no cost to the government upon the property a social  
17 hall, parking lots, and a community services building; now,  
18 therefore,

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

20 Section 1. Notwithstanding any other law to the contrary,  
21 the Governor is authorized to exchange with the Bishop of Agana  
22 a portion of Lot 2285-2 New, Mangilao, containing an area of  
23 10,749± square meters, for Lots 14, 15 and 16, Block 3, Tract 139  
24 (Lot 5372-1), Mangilao, containing an area of 3,727.58 square  
25 meters.

26 The deed of exchange shall reserve to the government  
27 necessary utility easements and permit the parking lots developed  
28 upon the property to be used by the public.

1           The deed of exchange shall reserve to the government a  
2 power of termination that shall be exercised if the property  
3 ever ceases to be used for religious, fellowship or community  
4 service purposes. The provision shall require that the govern-  
5 ment pay the grantee or its successor in interest the fair  
6 market value of the property at the time of exercise of the  
7 power.

8           The Director of the Department of Land Management and the  
9 Attorney General shall take action necessary to effect the land  
10 exchange.

11          The Governor shall execute all documents and instruments  
12 necessary to carry out the provisions of this Section.

13          The provisions of Section 3 of Public Law 12-61, as  
14 amended, shall not apply to the land exchange authorized in this  
15 Section.

16          Section 2. Notwithstanding any other laws to the contrary,  
17 the conveyance as authorized in Section 1 of this Act is approved  
18 by the Legislature.

DATE May 14 1982

SIXTEENTH GUAM LEGISLATURE

VOTING RECORD

BILL/RESOLUTION NO. 491

MAIN SPONSOR R. Q. Sulo

SENATOR	AYE	NAY	NOT VOTING	ABSENT
BLAS, Frank F.	✓			
BORDALLO, Madeleine Z.	✓			
CHARFAUROS, Edward T.			✓	
CRISOSTOMO, Thomas C.	✓			
DUENAS, Edward R.	✓			
GUTIERREZ, Carl T. C.				✓
KASPERBAUER, Carmen A.	✓			
LAMORENA, Alberto C., III	✓			
LEON GUERRERO, Jose I.	✓			
MOYLAN, Kurt S.	✓			
PEREZ, Peter F., Jr.	✓			
QUAN, John F.	✓			
QUITUGUA, Franklin J.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SUDO, Ramon Q.	✓			
TANAKA, Thomas V. C.	✓			
TORRES, Jess Q.	✓			
UMAGAT, Lloyd L.	✓			
UNDERWOOD, James H.	✓			
UNPINGCO, Antonio R.	✓			

T O T A L

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