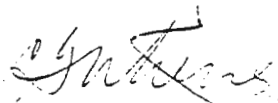


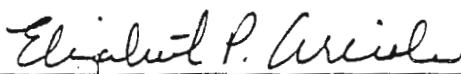
EIGHTEENTH GUAM LEGISLATURE  
1986 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

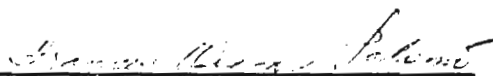
This is to certify that Bill No. 708 (COR), "AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO EXCHANGE GOVERNMENT OF GUAM REAL PROPERTY OWNED BY MR. AND MRS. CHARLES HAMBLEY, AND FOR OTHER PURPOSES," was on the 19th day of May, 1986, duly and regularly passed.

  
CARL T. C. GUTIERREZ  
Speaker

Attested:

  
ELIZABETH P. ARRIOLA  
Senator and Legislative Secretary

This Act was received by the Governor this 23<sup>rd</sup> day of May, 1986, at 3:52 o'clock p.m.

  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
RICARDO J. BORDALLO  
Governor of Guam

Date: May 30, 1986

Public Law No. 1:55pm

EIGHTEENTH GUAM LEGISLATURE  
1985 (FIRST) Regular Session

Bill No. 708 (COR)

Introduced by:

P. C. Lujan  
C. T. C. Gutierrez  
T. S. Nelson

---

J. F. Ada  
J. P. Aguon  
E. P. Arriola  
J. G. Bamba  
F. F. Blas  
H. D. Dierking  
E. R. Duenas  
F. J. Gutierrez  
A. C. Lamorena III  
M. D. A. Manibusan  
D. Parkinson  
F. J. Quitugua  
J. M. Rivera  
J. T. San Agustin  
F. R. Santos  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO  
EXCHANGE GOVERNMENT OF GUAM REAL PROPERTY  
OWNED BY MR. AND MRS. CHARLES HAMBLEY, AND  
FOR OTHER PURPOSES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2 Section 1. The Governor of Guam is authorized to exchange  
3 Government of Guam real property situated between Lot No. 1, Tract 261,  
4 Pigua Subdivision and the Staff Housing in Merizo, Guam, having a fair  
5 market value of Sixteen Thousand Seven Hundred Twenty Dollars  
6 (\$16,720.00), with Lot No. 425, Alilang, Municipality of Merizo, Guam  
7 having a fair market value of Five Thousand Four Hundred Forty Dollars  
8 (\$5,440.00). The difference in value of Eleven Thousand Two Hundred  
9 Eighty Two Dollars (\$11,282.00) will be paid by the qualified applicants.

1           Section 2. The Governor is authorized to convey Government of Guam  
2 real property described as Lot No. 6, Block No. 27 Extension, New Agat  
3 Village, Municipality of Agat, Guam containing an area of 710 square  
4 meters, more or less as shown on Land Management Drawing No. C4-70T529,  
5 to Juanita Terlaje for Two Thousand Five Hundred Dollars (\$2,500).

6           Section 3. Notwithstanding any other provision of law, the Governor  
7 of Guam is authorized to convey for One Dollar (\$1.00) to the Guam  
8 Association of Retired Persons, Inc., all title and interest of the  
9 Government of Guam in that parcel of land designated as Lot No. 1507-3, in  
10 the Municipality of Agana, Territory of Guam of an area of 5,348 square  
11 meters + for the purpose of constructing a clubhouse for the Guam  
12 Association of Retired Persons, Inc.; provided, that in the event that the  
13 Guam Association of Retired Persons, Inc. does not construct a clubhouse  
14 within five (5) years from the date of conveyance of the subject property,  
15 then Lot No. 1507-3 shall revert to the Government of Guam at no cost to  
16 the government; and further provided that if at any time the said property  
17 is no longer being used for a clubhouse for the Guam Association of Retired  
18 Persons, Inc., the property shall revert to the Government of Guam.  
19 These covenants shall be contained in any Deed issued by the Government  
20 of Guam to the Guam Association of Retired Persons, Inc.

EIGHTEENTH GUAM LEGISLATURE

ROLL CALL SHEET

(P.L. 18-35)  
 Bill No.: 708

DATE: 5-19-86

Resolution No.: \_\_\_\_\_

QUESTION: \_\_\_\_\_

<u>SENATOR</u>	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. F. Ada	✓			
J. P. Aguon	✓			
E. P. Arriola	✓			
J. G. M. Bamba	✓			
F. F. Blas	✓			
H. D. Dierking	✓			
E. R. Duenas	✓			
C. T. C. Gutierrez	✓			
F. J. Gutierrez	✓			
A. C. Lamorena III				✓
P. C. Lujan	✓			
M. D. A. Manibusan	✓			
<del>J. M. Rivera</del>	<del>✓</del>	<del>✓</del>	<del>✓</del>	<del>✓</del>
T. S. Nelson	✓			
D. Parkinson				✓
F. J. Quitugua	✓			
J. M. Rivera	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco	✓			

18

2



**Chairman**

**PILAR C. LUJAN**  
Senator

**Members**

Senator John P. Aguon  
Senator Elizabeth P. Arriola  
Senator Edward R. Duenas  
Senator Franklin Gutierrez

P.O. BOX CB-1  
AGANA, TERRITORY OF GUAM  
U.S.A. 96910

**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HOUSING AND COMMUNITY DEVELOPMENT**

May 12, 1986

Honorable Carl T.C. Gutierrez  
Speaker  
Eighteenth Guam Legislature  
Agana, Guam 96910

VIA: Chairman, Committee on Rules

Dear Mr. Speaker:

The Committee on Economic Development, Housing and Community Development to which Bill No. 708 was referred wishes to report its findings and recommendations.

The Committee voting record is as follows:

TO DO PASS	<u>4</u>
NOT TO PASS	<u>0</u>
ABSTENTIONS	<u>0</u>
REPORT OUT	<u>1</u>
OFF ISLAND	<u>0</u>

A copy of the report and all other pertinent documents are attached for your information.

Sincerely,

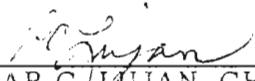
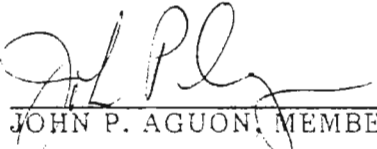
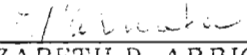


Pilar C. Lujan  
Committee Chairperson

attachements

COMMITTEE ON ECONOMIC DEVELOPMENT,  
HOUSING AND COMMUNITY DEVELOPMENT

COMMITTEE REPORT ON  
BILL NO. 708

AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO  
EXCHANGE GOVERNMENT OF GUAM REAL PROPERTY  
OWNED BY MR. AND MRS. CHARLES HAMBLEY.

<u>SENATOR</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>ABSTAIN</u>	<u>COMMENT</u>
 PILAR C. LUJAN, CHAIRWOMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
 JOHN P. AGUON, MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
 ELIZABETH P. ARRIOLA, MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
 EDWARD R. DUENAS, MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
 FRANKLIN GUTIERREZ, MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Report out</i>

---

**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HOUSING AND COMMUNITY DEVELOPMENT**

**COMMITTEE REPORT ON  
BILL NO. 708**

**AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM  
TO EXCHANGE GOVERNMENT OF GUAM REAL  
PROPERTY OWNED BY MR. AND MRS. CHARLES HAMBLEY.**

On Thursday, December 27, 1986, the Committee on Economic Development, Housing and Community Development held a public hearing on Bill No. 708 at the Legislative Conference Room.

Testimonies were received from Mr. and Mrs. Charles Hambley.

**TESTIMONIES**

Transcription of questions and response in testimonies of interested parties are attached.

**COMMITTEE FINDINGS**

Bill No. 708 will exchange a portion of Lot No. 425 belonging to Mr. and Mrs. Charles Hambley of approximately 1,360 square meters valued by a private appraiser at \$4.00 per square meters with government land between Lot No. 1, Tract 261 Pigua Subdivision and the Staff Housing in Merizo of approximately 1,672 square meters valued at \$16,720.00. The Hambleys will pay the Government the difference in price.

The Department of Public Works has been using a portion of the Hambley property for an access road without compensation. The Committee notes that the Hambleys have been very patient with the Government and Department of Public Works by not taking any court action against the Government for violating their property rights. The Hambleys only desire just compensation and fair treatment in the exchange of their property with the governments residential property.

At the public hearing the Hambleys were questioned about the accuracy of the appraisals on the government land they want to acquire. The Hambley's, in a letter addressed to Department of Land Management after the public hearing, restated that they accept the values stated in the exchange.

**RECOMMENDATION**

The Committee recommends that Bill No. 708 **TO PASS.**

**ATTACHMENTS**

1. Bill No. 708
2. Transcription of testimonies
3. Letter from the Governor
4. Testimony, Mr. and Mrs. Charles Hambley
5. Letter to Director, Mr. Rufo Lujan, Department of Land Management from Mr. and Mrs. Charles Hambley





QUESTION: What are the taxes on lot 425?

MR. HAMBLEY: It isn't that much. Around \$40.00 which isn't very high.

QUESTION: Did you pay them.

MR. HAMBLEY: Yes, we've been paying them for the past ten years. No, for fourteen years.

QUESTION: How much of this land has been used by the government?

MR. HAMBLEY: About 1,360 square meters.

SENATOR LUJAN: We asked the Department of Land Management to be here. But they have not come. We need an appraisal on this land.

ANSWER: It looks like the Pinar property is valued at \$10.00 per square meter. That's where you get the \$16,720.00.

QUESTION: Your property is appraised at what figure?

MR. HAMBLEY: At \$4.00 a square meter.

(Unintelligible discussion among committee members)

QUESTION: Two house lots, that's what it amounts to?

MR. HAMBLEY: Yes, they were already laid out because for department of administration purposes. It was the only thing we could find in the Merizo area that wasn't Federal surveyed property.

SENATOR LUJAN: We are concerned with the appraised value of the property.

MR. HAMBLEY: When we first approached them on this problem, through Land Management, we were led to believe that it would be handled through Land Management and the Attorney General, but the Attorney General recommended that it come to the legislature. We were unaware of what was needed over here. We thought it was completed, but the Attorney General wouldn't approve that since there was some law for exchange of property requiring legislative approval.

SENATOR LUJAN: We cannot approve without all of the necessary information. We will try and get those papers here today. Then we will proceed with the bill.

(Unintelligible discussion among committee members)

QUESTION: What is the size of the total lot?

MR. HAMBLEY: The total lot is 3,247 square meters. Which is about an acre and a half.

QUESTION: What is the value of your interest?

MR. HAMBLEY: The appraisal figure is \$4.00 a square meter.

QUESTION: Did you pay for the appraisals yourself?

MR. HAMBLEY: Yes. We've done all the leg work on all of this.

QUESTION: How much did you pay for the appraisal?

MR. HAMBLEY: It was \$130.00.

QUESTION: Is this vacant property?

MR. HAMBLEY: Yes, it's vacant. That is one of the reasons we were never informed what was going on. We didn't know until the neighbors informed us that we had a new road and a new bridge.

QUESTION: But there is a difference in the assessed value of the two properties.

MR. HAMBLEY: Well, if that is the fair assessed value, we would be - - we would have to pay the difference if we wanted that piece of land. That's the way we would look at it, but as far as we're concerned the appraisal figure is the fair value of the land.

QUESTION: The Government of Guam housing lots comes to \$16,720.00, but I question how they arrived at that figure. Other property in developed areas has been appraised higher. That's a well developed area in Pigma, I don't understand the appraisal figure.

MR. HAMBLEY: We were never informed that Land Management would appraise the property in Pigma. Supposedly it was to be appraised and if there was any difference in footage we would either have to pay it or . . .

SENATOR LUJAN: We will request an appraisal from the Bureau of Land Management. We are sorry that we do not have a representative here.

MR. HAMBLEY: We understand, Senator, and we would appreciate anything you can help us out with. We just felt that at least the navy paid a token price for land they took, but Gov Guam just comes in and takes anything they want to. We felt kind of indignant about that. We could have gone to the courts, but . . .

QUESTION: How far is the staff housing property from the subdivision?

MR. HAMBLEY: On a straight line probably 2,000 yards.

QUESTION: You know the closer you are to a developed area the higher the property value.

MR. HAMBLEY: You'd have to be a mountain goat to get down there. Pigma's on a hill the subdivision is down below. This particular piece is right next to the elementary school in Pigma. The first road back of it would be next to the school. The back road, if you were to drive, probably would be a half mile to go from where we are around and to up the hill.

QUESTION: I would assume then that the property is not accessible?

MR. HAMBLEY: Well it is by that new developed road that they have put in there, and the river borders the entire edge of our property. The government put the road in because they needed to get back to the dam. All the water mains run through our property. Also the sewer lines run through there. These are all the things we mentioned that they put through there.

QUESTION: To trade a \$5,440.00 property for a \$16,720.00 property seems unfair. The appraisals don't seem right.

MR. HAMBLEY: Well it's an entirely different area. Where we are we're more agriculture and the other property is more or less a residential area, because of the closeness to the school.

QUESTION: I know that the housing area would be much more. I don't understand the differences. I would think the differences would be greater.

MR. HAMBLEY: I don't really think so. Well, anyway, we would appreciate anything you can do on our behalf. Thank you.

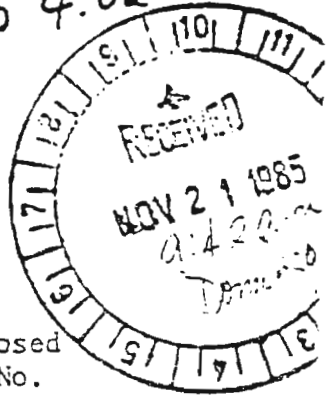
GUAM

TERRITORY OF GUAM  
OFFICE OF THE GOVERNOR  
AGAÑA, GUAM 96910  
U.S.A.

EXHIBIT #3

*Handwritten:*  
11-20-85  
4:02 E

NOV 19 1985



RICARDO J. BORDALLO  
GOVERNOR

Honorable Carl Guterrez  
Speaker  
Eighteenth Guam Legislature  
Agana, Guam 96910

Dear Mr. Speaker:

Forwarded for your favorable and expeditious action is a proposed exchange wherein Mr. and Mrs. Charles Hambley, owners of Lot No. 425, Alilang, Municipality of Merizo, expressed the desire to exchange portion of their property with government land situated between Lot No. 1, Tract 261, Pigua Subdivision and the Staff Housing in Merizo. Copies of maps delineating area of interest are enclosed for your review and reference. To effectuate the exchange transaction, legislation must be sought to fulfill the Hambley's desire. At present, statutory procedures for disposal was repealed by Public Law 12-226 (Chamorro Land Trust Commission Act).

It should be noted that the exchange request transpired when the Department of Public Works initiated work on the Hambley's property without their consent. In spite of such action, the Hambley's did not obstruct the construction project as long as the Government recognize that some sort of compensation is made. Because of the lack of fund to initiate direct purchase by Public Works, the Hambley's expressed the desire to exchange in lieu of cash payment. In this respect, we have agreed to process the Hambley's request accordingly. The recommended selling price for the Government Parcel is Sixteen Thousand Seven Hundred Twenty Dollars (\$16,720.00) and the price recommended for Mr. and Mrs. Hambley's property is Five Thousand Four Hundred Fourty Dollars (\$5,440.00). The difference in value is Eleven Thousand Two Hundred Eighty-Two Dollars (\$11,282.00) to be paid by the Hambley's. The prices cited herein are fair and equitable.

Since the Government of Guam has no plans now or in the future for its land, and since the Government of Guam expressed the acquisition of Hambley's property, I have given my consent and I trust the legislature will act similarly.

Sincerely yours,

*Signature of Ricardo J. Bordallo*  
RICARDO J. BORDALLO

Enclosure

181480

180265

HAMBLEY'S  
Property

Scale = 1" = 10' ±

→ 58° 20' 56" E 56.34 ft

5 53° 08' 54" E 12.259 m  
27.78 m

Lot 425-R1 Area = 3987 ± Sq. M  
~~Lot 425~~ Merizo  
 Record Area = 5541 ± Sq. M  
 DT # 32434

15.12 m

46.58 m  
7.40 m

R = 27.391 m  
 Δ = 56° 06' 00"  
 L = 22.903 m

S 81° 53' 54" E 5.928 m

N 41° 35' 06" E 66.910 m  
 LET NO. 425-1/G  
 Public Utility Road

Address Easement  
 Area = 1360 Sq. M  
 56.75 m

40' wide

Notes: Sketch Prepared  
 for R.O.U. =  
 Ref. =

18.05 24 ft 29.02 m

N 67° 51' 12" E 42.230.57 F.O.B.

Area = 3012.41

Name: M/M Charles H. Habley Census Tract \_\_\_\_\_ Map Reference \_\_\_\_\_  
Gueos Road, Merizo, Guam  
 County \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Lot No. 425, Alilej, Municipal Jurisdiction of Merizo, Guam  
 n/a Date of Sale n/a Loan Term n/a yrs. Property Rights Appraised  Fee  Leasehold  De Minimis PUD  
 Taxes \$ Unk. (yr.) Loan charges to be paid by seller \$ n/a Other sales concessions n/a  
 Owners \_\_\_\_\_ Address Merizo, Guam  
 Vacant \_\_\_\_\_ Appraiser R.C. Taitano Instructions to Appraiser Estimate market value.

Fully Dev.  Urban  Suburban  Rural  
 Over 75%  25% to 75%  Under 25%  
 Rapid  Steady  Slow  
 Increasing  Stable  Declining  
 Shortage  In Balance  Over Supply  
 Under 3 Mos.  4-6 Mos.  Over 6 Mos.  
5 % 1 Family \_\_\_\_\_ % 2-4 Family \_\_\_\_\_ % Apts. \_\_\_\_\_ % Condo \_\_\_\_\_ % Commercial  
 \_\_\_\_\_ % Industrial 85 % Vacant \_\_\_\_\_ %  
 Land Use  Not Likely  Likely (\*)  Taking Place (\*)  
 (\*) From Agricultural to Residential  
 Occupancy  Owner  Tenant \_\_\_\_\_ % Vacant  
 Price Range \$ 10M to \$ 60M Predominant Value \$ 35M  
new yrs. to 20 yrs. Predominant Age 10 yrs.

	Good	Avg	Fair	Poor
Employment Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Employment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Convenience to Shopping	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Convenience to Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Adequacy of Public Transportation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreational Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Adequacy of Utilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Property Compatibility	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Protection from Detrimental Conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police and Fire Protection	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General Appearance of Properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Appeal to Market	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(List these factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise) The property is situated east of Route #4 along the Gueos Road, a non-documented access road. The area is developing slowly with single family residential dwellings although there are still some wood frame sub-standard homes existing.

Irregular shaped. 5347. Sq. ~~XXXXXX~~ meters  Corner Lot

"A" - Agricultural Present improvements  do  do not conform to zoning regulations

Present use  Other (specify) \_\_\_\_\_  
 Other (Describe) \_\_\_\_\_  
 OFF SITE IMPROVEMENTS  
 Street Access:  Public  Private  
 Surface asphalt pavement  
 Maintenance:  Public  Private  
 Storm Sewer  Curb/Gutter  
 Sidewalk  Street Lights  
 Topo fairly level  
 Size 1.32 acres  
 Shape Irregular  
 View none  
 Drainage good  
 Is the property located in a HUD Identified Special Flood Hazard Area?  No  Yes

(List any other factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise) The site is bounded by the Gueos River and the Gueos Road on the West and East, respectively. The river is actually a small stream and does not present flooding conditions. The road is a paved right-of-way, although a non-documented one.

(Describe the three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less than the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

Subject Property	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Lot 425 Merizo, GU	Lot 1-1, Blk 7 T-207, Talofofu	Lot 29, Block 2 T-3531, Inarajan	Lot 40, Block 2 T-3531, Inarajan
	<del>15 miles</del>	8 miles	8 miles
	<del>\$ 37,000</del>	<del>\$ 17,800</del>	<del>\$ 19,303</del>
	<del>\$ 5.22/sm</del>	<del>\$ 3.89/sm</del>	<del>\$ 4.08/sm</del>
	Files	Files	Files
DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION
	3/84	3/84	5/84
Fair	Average	Fair	Fair
5,347 SM	7,091 SM	4,573 SM	4732 SM
Fairly level	Equal	Equal	Equal
A-Zoned	Equal	Equal	Equal
	<input type="checkbox"/> Plus: <input checked="" type="checkbox"/> Minus \$ 11,800	<input checked="" type="checkbox"/> Plus: <input type="checkbox"/> Minus \$ 3,500	<input checked="" type="checkbox"/> Plus: <input type="checkbox"/> Minus \$ 3,000
	<del>(\$4.71/sm) 25,200</del>	<del>(\$3.98/sm) 21,300</del>	<del>(\$4.17/sm) 22,303</del>

(List the three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less than the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

(see reverse)

(Mid value range indicated by the comparables above felt the better representative to the subject property although stagnant market of the area was noted. Marketing time at assigned value may exceed 6-8 months.

MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF February 12, 1985 to be \$ 21,500 (\$4.00/s)

Rufo C. Taitano  
 (Print Name of Appraiser)

## VALUE ANALYSIS

Lot No. 425, Alileng, Municipal Jurisdiction of Merizo, Guam, is situated on the Gueos Road which runs through the entire East portion of the property. The Gueos River runs along the West boundary.

- As noted herein, the Gueos Road is not a documented access. It is however, an access road and the only road leading to the Gueos Water Supply System which is owned and operated by Government of Guam serving the Merizo Community. It is a paved road maintained by the government and the only navigable access to the properties it serves.

The fact that the Gueos Road is not a documented access presents an issue of value. Does this condition present such an overwhelming influencing that it will adversely affect the values of the numerous properties it encroaches upon? Will the legal issues of access affect these properties and their marketability therefore?

Our investigations reveals that the Gueos Road, as it currently exist, is a road made by the government as its access to the Gueos River Water Supply System. Since that time the government has used and maintained the road which also serve as the best access to those properties it encroaches upon, among others. The owners of those properties which the road encroaches offer no objection or opposition to the existence of the road. Water and power serve these properties and the government has permitted the development of permanent residential structures all along the Gueos Road. Furthermore, the government is currently negotiating to acquire the land areas of the Gueos Road. This act is a clear indication that the government has committed to finally resolve the legal issues affecting the Gueos Road.

In view of the foregoing, the appraiser feels that the issue relating to properly documented access does not adversely affect the value of Lot No. 425, Alileng, Municipal Jurisdiction of Merizo, Guam. Furthermore, it is also felt that the legal access issue is being resolved and as such its affect on marketability offers no major significance. This however, should not be construed as an opinion of legality nor is it intended as such.

The acquisition contemplated hereof is one of severance for right-of-way. The owners however, has agreed that the appraisal will reflect only the value of the entire property with the properly assigned unit value (1 unit = 1 square meter). The owners will conduct their acquisition settlement with the government. Any other item of value which may be imputed to the realty such as fruit bearing trees are not considered in this report.

assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in cash or its equivalent; (5) financing, if any, is on terms generally available in the community at the specified date and typical for the property type in its locale; (6) the price represents a normal consideration for the property sold unaffected by special financing amounts and /or terms, services, fees, costs, or credits incurred in the transaction. ("Real Estate Appraisal Terminology," published 1975.)

### CERTIFICATION AND STATEMENT OF LIMITING CONDITIONS

**CERTIFICATION:** The Appraiser certifies and agrees that:

1. The Appraiser has no present or contemplated future interest in the property appraised; and neither the employment to make the appraisal, nor the compensation for it, is contingent upon the appraised value of the property.
2. The Appraiser has no personal interest in or bias with respect to the subject matter of the appraisal report or the participants in the sale. The "Estimate of Market Value" in the appraisal report is not based in whole or in part upon the race, color, or national origin of the prospective owners or occupants of the property appraised, or upon the race, color or national origin of the present owners or occupants of the properties in the vicinity of the property appraised.
3. The Appraiser has personally inspected the property, both inside and out, and has made an exterior inspection of all comparable sales listed in the report. To the best of the Appraiser's knowledge and belief, all statements and information in this report are true and correct, and the Appraiser has not knowingly withheld any significant information.
4. All contingent and limiting conditions are contained herein (imposed by the terms of the assignment or by the undersigned affecting the analyses, opinions, and conclusions contained in the report).
5. This appraisal report has been made in conformity with and is subject to the requirements of the Code of Professional Ethics and Standards of Professional Conduct of the appraisal organizations with which the Appraiser is affiliated.
6. All conclusions and opinions concerning the real estate that are set forth in the appraisal report were prepared by the Appraiser whose signature appears on the appraisal report, unless indicated as "Review Appraiser." No change of any item in the appraisal report shall be made by anyone other than the Appraiser, and the Appraiser shall have no responsibility for any such unauthorized change.

**CONTINGENT AND LIMITING CONDITIONS:** The certification of the Appraiser appearing in the appraisal report is subject to the following conditions and to such other specific and limiting conditions as are set forth by the Appraiser in the report.

1. The Appraiser assumes no responsibility for matters of a legal nature affecting the property appraised or the title thereto, nor does the Appraiser render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.
2. Any sketch in the report may show approximate dimensions and is included to assist the reader in visualizing the property. The Appraiser has made no survey of the property.
3. The Appraiser is not required to give testimony or appear in court because of having made the appraisal with reference to the property in question, unless arrangements have been previously made therefor.
4. Any distribution of the valuation in the report between land and improvements applies only under the existing program of utilization. The separate valuations for land and building must not be used in conjunction with any other appraisal and are invalid if so used.
5. The Appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The Appraiser assumes no responsibility for such conditions, or for engineering which might be required to discover such factors.
6. Information, estimates, and opinions furnished to the Appraiser, and contained in the report, were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished the Appraiser can be assumed by the Appraiser.
7. Disclosure of the contents of the appraisal report is governed by the Bylaws and Regulations of the professional appraisal organizations with which the Appraiser is affiliated.
8. Neither all, nor any part of the content of the report, or copy thereof (including conclusions as to the property value, the identity of the Appraiser, professional designations, reference to any professional appraisal organizations, or the firm with which the Appraiser is connected), shall be used for any purposes by anyone but the client specified in the report, the borrower if appraisal fee paid by same, the mortgagee or its successors and assigns, mortgage insurers, consultants, professional appraisal organizations, any state or federally approved financial institution, any department, agency, or instrumentality of the United States or any state or the District of Columbia, without the previous written consent of the Appraiser, nor shall it be conveyed by anyone to the public through advertising, public relations, news, sales, or other media, without the written consent and approval of the Appraiser.
9. On all appraisals, subject to satisfactory completion, repairs, or alterations, the appraisal report and value conclusion are contingent upon completion of the improvements in a workmanlike manner.

Date: February 12, 1985 Appraiser(s) .....

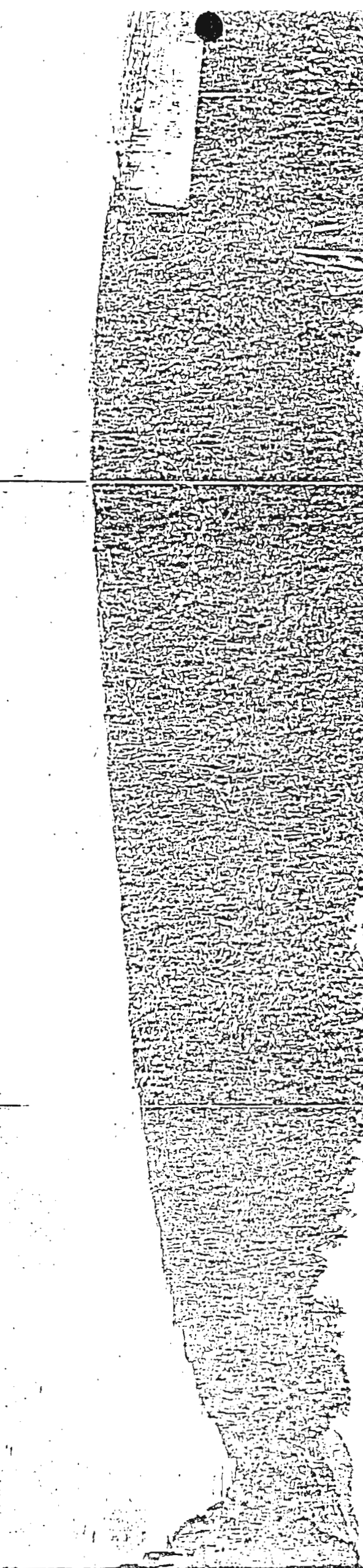
Rufo C. Taitano



PHOTO OF PROPERTY



FULL ACCESS VIEW OF PROPERTY







WRITTEN STATEMENT FOR COMMITTEE HEARING

EXHIBIT 14

Madam Chairman, Committee members;

My name is Charles Clark Hambley and with me is my wife Ana Aguiqui Hambley. We appear before you today, to ask your consideration in a matter concerning our lot 425 Gues, Merizo, Guam.

During the past four years our lot 425 Gues, Merizo, Guam has been subjected to trespass, encroachment, establishment of a new bridge; this bridge had to be rebuilt a second time during this four year period, establishment of a new blacktopped road, widening of said road, sewermain-line, power poles, telephone cables, water mains, removal of soil, reveting of our river bank, back filling, and the establishment of a drainage ditch, all of these things constituted a change of identity to our property and were all done without our knowledge, authorization or approval and we continue to be assessed property tax on the entire lot 425 Gues, Merizo, Guam while over 1/4th of this lot is being utilized as an easement by the Government of Guam.

We informed the Government of Guam of our grievances on 24 August 1984 in a letter to the Director Of Public Works. We received an answer from Division of Right-Of-Ways that they had no money to procure the right of way across our property, we in turn informed Division of Right-of-Ways that we would prefer to exchange to the Government Of Guam the needed right of way across our lot 425 Gues for comparable unused Government Of Guam land in the Merizo area. We were informed to pursue this land exchange through the Department Of Land Management, Government Of Guam and that the Division Of Right-Of-Ways Department Of Public Works would forward to the Department Of Land Management the amount of land area that was being utilized as a Government easement over our Lot 425 Gues.

Pursuing this with the Department Of Land Management, we agreed to exchange the required easement over our lot 425 Gues for a comparable portion of unused Government Of Guam land in the Merizo Pigua Area.

We do not wish to pursue this matter through the courts, we only ask to be treated fairly, consideration by this committee on this matter would be greatly appreciated.

Thank you,  
*Charles C. Hambley*  
Charles C. Hambley  
*Ana A. Hambley*  
Ana A. Hambley



EIGHTEENTH GUAM LEGISLATURE  
1985 (FIRST) REGULAR SESSION

Introduced

DEC 16 '85

BILL NO.

708 (C.R.)

INTRODUCED BY:

*P.C. Lujan*  
P.C. LUJAN

---

AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM  
TO EXCHANGE GOVERNMENT OF GUAM REAL  
PROPERTY OWNED BY MR. AND MRS. CHARLES HAMBLEY.

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

2 SECTION 1. The Governor of Guam is authorized to exchange Government of  
3 Guam real property situated between Lot No. 1, Tract 261, Pigua Subdivision and  
4 the Staff Housing in Merizo, Guam, having a fair market value of Sixteen Thousand  
5 Seven Hundred Twenty Dollars (\$16,720.00), with Lot No. 425, Alilang,  
6 Municipality of Merizo, Guam having a fair market value of Five Thousand Four  
7 Hundred Forty Dollars (\$5,440.00). The difference in value of Eleven Thousand Two  
8 Hundred Eighty Two Dollars (\$11,282.00) will be paid by the qualified applicants.