



*Territory of Guam*

*Territorio de Guam*

OFFICE OF THE GOVERNOR  
UFSINAN I MAGA'LAHI  
AGANA, GUAM 96910 U.S.A.

*Rec'd by*  
**MAR 21 1990** *R*



The Honorable Joe T. San Agustin  
Speaker, Twentieth Guam Legislature  
Post Office Box CB-1  
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 223, which I have signed into  
law this date as Public Law 20-144.

Sincerely,

*Joseph F. Ada*  
JOSEPH F. ADA  
Governor  
**200777**

Attachment



Commonwealth Now!

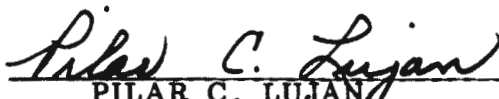
TWENTIETH GUAM LEGISLATURE  
1990 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

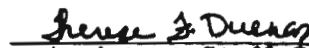
This is to certify that Substitute Bill No. 223 (COR), "AN ACT AUTHORIZING AND DIRECTING THE GOVERNMENT OF GUAM TO EXCHANGE GOVERNMENT LAND AND TO SUBSTITUTE GOVERNMENT LEASED PROPERTIES FOR INDIVIDUALS DISPLACED BY THE WIDENING AND RECONSTRUCTION OF THE AGAT-UMATAC HIGHWAY," was on the 7th day of March, 1990, duly and regularly passed.

  
\_\_\_\_\_  
JOE T. SAN AGUSTIN  
Speaker

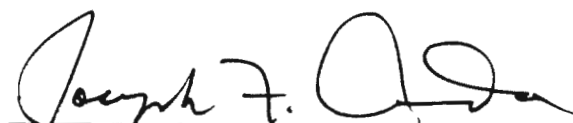
Attested:

  
\_\_\_\_\_  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 9<sup>th</sup> day of March, 1990,  
at 4:52 o'clock p.m.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
JOSEPH F. ADA  
Governor of Guam

Date: MAR 21 1990

Public Law No. 20-144

TWENTIETH GUAM LEGISLATURE  
1989 (FIRST) Regular Session

Bill No. 223 (COR)  
As substituted by the Committee  
on Rules

Introduced by:

F. R. Santos  
J. T. San Agustin  
T. S. Nelson

---

C. T. C. Gutierrez  
J. P. Aguon  
E. P. Arriola  
M. Z. Bordallo  
H. D. Dierking  
P. C. Lujan  
G. Mailloux  
D. Parkinson  
F. J. A. Quitugua  
E. D. Reyes  
J. G. Bamba  
D. F. Brooks  
E. R. Duenas  
E. M. Espaldon  
M. D. A. Manibusan  
M. C. Ruth  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT AUTHORIZING AND DIRECTING THE  
GOVERNMENT OF GUAM TO EXCHANGE  
GOVERNMENT LAND AND TO SUBSTITUTE  
GOVERNMENT LEASED PROPERTIES FOR  
INDIVIDUALS DISPLACED BY THE WIDENING  
AND RECONSTRUCTION OF THE  
AGAT-UMATAC HIGHWAY.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2 Section 1. Legislative intent. The Legislature has been advised that  
3 certain residents of Guam will be displaced from their properties, either  
4 privately owned, or leased from the government of Guam pursuant to  
5 authorized leases, as a result of the reconstruction and widening of Route  
6 2, commonly known as the Agat-Umatat Road, such reconstruction and  
7 widening being authorized under Public Law 19-20. It is the intent and  
8 desire of the Legislature that such individuals who are so displaced be

1 justly compensated, or afforded the opportunity to exchange lands taken for  
2 the purposes of the reconstruction and widening with other properties on  
3 an area for area basis, or for individuals holding government of Guam  
4 leases, that such individuals are afforded the opportunity to lease adjacent  
5 or contiguous or comparable government of Guam property, equal in area to  
6 the leased property relinquished to the government for the purposes of the  
7 reconstruction and widening of Route 2.

8 Section 2. Exchange of condemned property. The government of  
9 Guam is authorized and directed to exchange with individuals whose  
10 properties are condemned and taken by the government of Guam for the  
11 reconstruction and widening of Route 2, on an area for area basis, other  
12 government of Guam land along Route 2. For the purposes of this section,  
13 the government of Guam shall make all reasonable efforts to offer such land  
14 exchanges in the same proximate areas as the properties condemned.

15 Section 3. Exchange of leased property. The government of Guam is  
16 authorized and directed to exchange, on a leasehold basis, with individuals  
17 holding government of Guam land leases for land along Route 2 which land  
18 was retaken for the reconstruction and widening of Route 2, with other  
19 government of Guam land contiguous and adjacent to the original land being  
20 leased, or, should such land not be available, with other comparable  
21 government of Guam land along Route 2 on an area for area basis.

TWENTIETH GUAM LEGISLATURE  
1989 (FIRST) Regular Session

ROLL CALL SHEET

Bill No. 223

Date: 3/7/90

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

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

	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. P. Aguon	✓			
E. P. Arriola	✓			
J. G. Bamba		✓		
M. Z. Bordallo	✓			
D. F. Brooks		✓		
H. D. Dierking	✓			
E. R. Duenas			✓	
E. M. Espaldon		✓		
C. T. C. Gutierrez	✓			
P. C. Lujan	✓			
G. Mailloux	✓			
M. D. A. Manibusan		✓		
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. A. Quitugua	✓			
E. D. Reyes	✓			
M. C. Ruth		✓		
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka		✓		
A. R. Unpingco		✓		

13 7 1

TWENTIETH GUAM LEGISLATURE  
FIRST (1989) REGULAR SESSION

Rec'd  
1/4/89  
9:20  
Bill No. 253 (cont)  
Introduced by:

F.R. Santos

AN ACT AUTHORIZING AND DIRECTING THE GOVERNMENT  
OF GUAM TO EXCHANGE GOVERNMENT OF GUAM LAND AND  
TO SUBSTITUTE GOVERNMENT OF GUAM LEASED PROPERTIES  
OF INDIVIDUALS DISPLACED BY THE WIDENING AND  
RECONSTRUCTION OF ROUTE 2, THE AGAT-UMATAC HIGHWAY.

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

**Section 1.** Legislative Intent: The Guam Legislature has been apprised and informed that certain individuals and residents of Guam will be displaced from their properties, either individually and privately owned, or leased from the Government of Guam pursuant to leases authorizing such, as a result of the reconstruction and widening of Route 2, commonly known as the Agat-Umatat Road, such reconstruction and widening authorized under Public Law 19-20. It is the intent and desire of the Guam Legislature to insure that such individuals who are so displaced are justly compensated, or are afforded the opportunity to exchange lands taken for the purposes of the reconstruction and widening, with other properties on an area for area basis, or for individuals holding government of Guam leases, that such individuals are afforded the opportunity to lease adjacent and/or contiguous and/or comparable Government of Guam property, equal in area to leased property relinquished to the government for the purposes of the reconstruction and widening of Route 2.

**Section 2.** The Government of Guam is authorized and directed to exchange, with individuals whose properties are condemned and taken by the Government of Guam, for the purposes of the reconstruction and widening of route 2, the Agat-Umatat Road, on an area for area basis, other government of Guam owned land along route 2. For the purposes of this section, the Government of Guam shall make all reasonable attempts to offer such land exchanges in the same proximate areas as properties condemned.

**Section 3.** The Government of Guam is authorized and directed to exchange, with individuals holding Government of Guam land leases for land along Route 2 and which land must be condemned and retaken for the purposes

of reconstruction and widening of route 2, the Agat-Umatac Road, with other Government of Guam land contiguous and adjacent to the original land being leased, or, should such land not be available, with other comparable Government of Guam land, along Route 2, on an area for area basis.



# SENATOR GORDON MAILLOUX

CHAIRMAN, COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT  
TWENTIETH GUAM LEGISLATURE

February 14, 1990

20-144

Vice-Chairman on the committee on Health, Welfare and Ecology

Member of the Committees on:

• General Governmental Operation

• Economic Development

• Justice, Judiciary & Criminal Justice

• Energy, Utilities and Consumer Protection

• Youth, Human Resources, Senior Citizen & Cultural Affairs

Ethics

Honorable Joe T. San Agustin  
Speaker, Twentieth Guam Legislature  
163 Chalan Santo Papa  
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Housing and Community Development and the Committee on Ways and Means, to which was referred Bill No. 223, "AN ACT AUTHORIZING AND DIRECTING THE GOVERNMENT OF GUAM TO EXCHANGE GOVERNMENT OF GUAM LAND AND TO SUSTITUTE GOVERNMENT OF GUAM LEASED PROPERTIES OF INDIVIDUALS DISPLACED BY THE WIDENING AND RECONSTRUCTION OF ROUTE 2, THE AGAT-UMATAC HIGHWAY," do recommend that the Bill, as Amended, be passed by the Twentieth Guam Legislature.

COMMITTEE ON HOUSING AND  
COMMUNITY DEVELOPMENT

COMMITTEE ON  
WAYS AND MEANS

To Do Pass	<u>10</u>	<u>8</u>
To Not Pass	<u>0</u>	<u>0</u>
To Report Out Only	<u>1</u>	<u>1</u>
To Place in Inactive File	<u>0</u>	<u>0</u>
Not Available	<u>0</u>	<u>2</u>

A copy of the Committee Report and other pertinent documents are enclosed for your perusal.

Sincerely,

GORDON MAILLOUX  
Chairman,

CARL T.C. GUTIERREZ  
Chairman  
Committee on Ways and Means

Enclosures

GM/cq

P.O. Box GL, Agana, Guam 96910 • (671) 472-3436/3498



COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT  
JOINTLY WITH  
COMMITTEE ON WAYS AND MEANS

VOTE SHEET - BILL NO. 223, AS AMENDED

"AN ACT AUTHORIZING AND DIRECTING THE GOVERNMENT OF GUAM TO EXCHANGE GOVERNMENT OF GUAM LAND AND TO SUBSTITUTE GOVERNMENT OF GUAM LEASED PROPERTIES OF INDIVIDUALS DISPLACED BY THE WIDENING AND RECONSTRUCTION OF ROUTE 2, THE AGAT-UMATAK HIGHWAY"

MEMBERS OF THE  
COMMITTEE ON HOUSING  
AND COMMUNITY DEVELOPMENT

TO DO  
PASS

TO NOT  
PASS

REPORT  
OUT ONLY

INACTIVE FILE

*G. Mailloux*  
GORDON MAILLOUX  
Chairman

*Madeleine Z. Bordallo*  
MADELEINE Z. BORDALLO  
Vice-Chairperson

*John P. Aguon*  
JOHN P. AGUON

*E. Arriola*  
ELIZABETH P. ARRIOLA

*P. Lujan*  
PILAR C. LUJAN

*Ted S. Nelson*  
TED S. NELSON

DON PARKINSON

*E. D. Reyes*  
EDWARD D. REYES

*F. R. Santos*  
FRANCISCO R. SANTOS


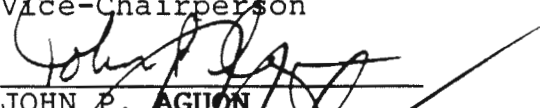
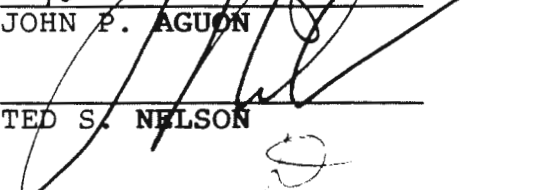
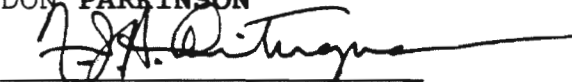

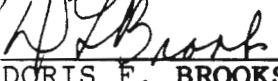
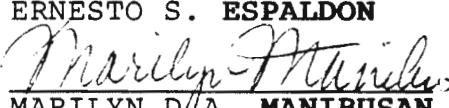

*J. George Bamba*  
J. GEORGE BAMBA

*Marilyn D.A. Manibusan*  
MARILYN D.A. MANIBUSAN

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT  
 JOINTLY WITH  
 COMMITTEE ON WAYS AND MEANS

VOTE SHEET - BILL NO. 223, AS AMENDED

"AN ACT AUTHORIZING AND DIRECTING THE GOVERNMENT OF GUAM TO EXCHANGE GOVERNMENT OF GUAM LAND AND TO SUBSTITUTE GOVERNMENT OF GUAM LEASED PROPERTIES OF INDIVIDUALS DISPLACED BY THE WIDENING AND RECONSTRUCTION OF ROUTE 2, THE AGAT-UMATAK HIGHWAY"

<u>MEMBERS OF THE COMMITTEE ON WAYS AND MEANS</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>REPORT OUT ONLY</u>	<u>INACTIVE FILE</u>
 CARL T.C. GUTIERREZ Chairman	✓			
HERMINIA D. DIERKING Vice-Chairperson				
 JOHN P. AGUON	✓			
 TED S. NELSON	✓			
DON PARKINSON			✓	
 FRANKLIN J.A. QUITUGUA	✓			
 J. GEORGE BAMBA	✓			
 DORIS F. BROOKS	✓			
ERNESTO S. ESPALDON				
 MARILYN D/A. MANIBUSAN	✓			
 MARTHA C. RUTH				

2/13/90

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT  
AND  
COMMITTEE ON WAYS AND MEANS

JOINT PUBLIC HEARING MINUTES ON BILL NO. 223

"AN ACT AUTHORIZING AND DIRECTING THE GOVERNMENT  
OF GUAM TO EXCHANGE GOVERNMENT OF GUAM LAND AND  
TO SUBSTITUTE GOVERNMENT OF GUAM LEASED PROPERTIES  
OF INDIVIDUALS DISPLACED BY THE WIDENING AND  
RECONSTRUCTION OF ROUTE 2, THE AGAT-UMATAAC HIGHWAY"

DATE: AUGUST 16, 1989  
TIME: 9 A.M.  
PLACE: LEGISLATIVE SESSION HALL

**Members Present:** Chairperson Senator Gordon Mailloux; Member  
Senator Edward D. Reyes.

**Witnesses Present:** Mr. Francis Taitano, representing Mr. Benigno M.  
Palomo, Director, Department of Public Works (DPW); Mr. John A.  
Quidachay, Assistant Commissioner of Agat.

(Mr. Joseph Cruz of the Department of Land Management was called to  
the stand to testify.)

**SUMMARY OF TESTIMONY**

All witnesses supported passage of Bill 223.

The Director of the Department of Public Works testified that funds  
are available for the purchase of private properties within Phase I  
of the road construction. It does not, however, object the land  
exchange sought by Bill 223.

When questioned by the Chair, Mr. Taitano responded that their  
Department has contracted a private appraiser to appraise the  
privately owned properties and those under government leased lands.  
If the property is unregistered or unclear, then the Department would  
file condemnation proceedings. Phase 1 of the project extended to  
the dip before the Morrison house in the outskirts of the village of  
Umatac.

Mr. Joseph Cruz stated that the land use permittees who are to be  
affected will be relocated and will be compensated for their  
agricultural plants.

Senator Reyes noted that the Bill only authorizes and mandates that  
land exchanges be made. When questioned, Mr. Cruz responded that  
this Bill is needed to be passed into law. The only statute, Chapter  
6 Title 14, that authorizes the Governor to exchange properties has  
been repealed in its entirety. At this time, the Department of Land  
Management can proceed with the processing of requests, but it cannot

act on it without the authorization of the Governor and the Legislature. It is for this reason that previous land condemnations had been coming in by piecemeal before the Legislature.

- -        **FINDINGS/RECOMMENDATIONS**

Bill No. 223 addresses and authorizes the Government of Guam to compensate or exchange government land with those individuals who will be displaced from their privately owned properties or who are leasing government land within the Agat/Umatac road.

On September 13, 1988, the Chairperson of the Committee on Housing and Community Development held a public hearing on the same bill, known then as Bill No. 983. Witnesses from the village of Umatac noted that private properties to be affected must be compensated or exchanged on a value for value basis.

In that Chapter 6 Title 14 of the Government Code has been repealed in its entirety, Bill No. 223 is necessary to authorize and effectuate the land exchange of privately owned properties to be affected by the widening of the Agat/Umatac road.

The Committee on Housing and Community Development and the Committee on Ways and Means hereby recommend Bill No. 223, as Amended, to Pass by the Twentieth Guam Legislature.

**ATTACHMENTS**

1. BILL NO. 223, AS AMENDED BY THE COMMITTEES.
2. BILL 223, AS REFERRED TO THE COMMITTEES.
3. TESTIMONY OF THE DIRECTOR OF DEPT. OF PUBLIC WORKS.
4. TESTIMONY OF THE ASSISTANT COMMISSIONER OF AGAT.
5. MINUTES OF BILL 983, HEARD SEPTEMBER 13, 1988.
6. FISCAL NOTE FROM BUREAU OF BUDGET, DATED 10/07/88, ON BILL NO. 983 (EXACTLY THE SAME AS BILL NO. 223).
7. ATTENDANCE SHEET.

TWENTIETH GUAM LEGISLATURE  
FIRST (1989) REGULAR SESSION

BILL NO. 223

Amended by the Committee on  
Housing and Community Development  
and the Committee on Ways and Means

Introduced by:

① F. R. Santos  
② [Signature]  
③ [Signature]  
④ [Signature]  
⑤ MCRUTCHIE  
⑥ F. J. A. [Signature]  
⑦ J. P. A. GU  
⑧ DFB BOOKS  
⑨ [Signature]

AN ACT AUTHORIZING AND DIRECTING THE  
GOVERNMENT OF GUAM TO EXCHANGE GOVERNMENT  
OF GUAM LAND AND TO SUBSTITUTE GOVERNMENT  
OF GUAM LEASED PROPERTIES OF INDIVIDUALS  
DISPLACED BY THE WIDENING AND RECONSTRUCTION  
OF ROUTE 2, THE AGAT-UMATAC HIGHWAY.

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

2 Section 1. Legislative Intent: The Guam Legislature has  
3 been apprised and informed that certain individuals and residents  
4 of Guam will be displaced from their properties, either indivi-  
5 dually and privately-owned, or leased from the Government of Guam  
6 pursuant to leases authorizing such, as a result of the recon-  
7 struction and widening of Route 2, commonly known as the Agat-  
8 Umatac Road, such reconstruction and widening authorized under  
9 Public Law 19-20. It is the intent and desire of the Guam  
10 Legislature to insure that such individuals who own private  
11 properties and who are so displaced are justly compensated, or  
12 are afforded the opportunity to exchange lands taken for the  
13 purposes of the reconstruction and widening of Route 2, with  
14 other properties on [an area for area] a value for value  
15 basis[,]; or for individuals holding Government of Guam leases,  
16 that such individuals are afforded the opportunity to lease

1 adjacent and/or contiguous and/or comparable Government of Guam  
2 property, equal in area to leased property relinquished to the  
3 government for the purposes of the reconstruction and widening of  
4 Route 2.

5 Section 2. The Government of Guam is authorized and  
6 directed to exchange, with individuals whose private properties  
7 are condemned and taken by the Government of Guam, for the  
8 purposes of the reconstruction and widening of route 2, the Agat-  
9 Umatac Road, on [an area for area] a value for value basis, with  
10 other Government of Guam owned land along route 2. For the  
11 purposes of this section, the Government of Guam shall make all  
12 reasonable attempts to offer such land exchanges in the same  
13 proximate areas as properties condemned.

14 Section 3. The Government of Guam is authorized and  
15 directed to exchange, with individuals holding Government of Guam  
16 land leases for land along Route 2 and which land must be con-  
17 demned and retaken for the purposes of reconstruction and  
18 widening of route 2, the Agat-Umatac Road, with other Government  
19 of Guam land contiguous and adjacent to the original land being  
20 leased, or, should such land not be available, with other  
21 comparable Government of Guam land, along Route 2, on an area  
22 for area basis.

Introduced

TWENTIETH GUAM LEGISLATURE  
FIRST (1989) REGULAR SESSION

JAN 04 '89

Bill No. 223 (COR)  
Introduced by:

F.R. Santos

AN ACT AUTHORIZING AND DIRECTING THE GOVERNMENT  
OF GUAM TO EXCHANGE GOVERNMENT OF GUAM LAND AND  
TO SUBSTITUTE GOVERNMENT OF GUAM LEASED PROPERTIES  
OF INDIVIDUALS DISPLACED BY THE WIDENING AND  
RECONSTRUCTION OF ROUTE 2, THE AGAT-UMATAAC HIGHWAY.

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**Section 2.** The Government of Guam is authorized and directed to exchange, with individuals whose properties are condemned and taken by the Government of Guam, for the purposes of the reconstruction and widening of route 2, the Agat-Umatac Road, on an area for area basis, other government of Guam owned land along route 2. For the purposes of this section, the Government of Guam shall make all reasonable attempts to offer such land exchanges in the same proximate areas as properties condemned.

**Section 3.** The Government of Guam is authorized and directed to exchange, with individuals holding Government of Guam land leases for land along Route 2 and which land must be condemned and retaken for the purposes

COPIED AT GOVERNMENT EXPENSE

of reconstruction and widening of route 2, the Agat-Umatat Road, with other Government of Guam land contiguous and adjacent to the original land being leased, or, should such land not be available, with other comparable Government of Guam land, along Route 2, on an area for area basis.

COPIED AT GOVERNMENT EXPENSE





AUG 15 1989

Bill 223

The Honorable Joe T. San Agustin  
Speaker, Twentieth Guam Legislature  
163 Chalan Santo Papa  
Agana, Guam 96910

Dear Mr. Speaker:

Thank you for the opportunity to comment on Bill No. 223, "An Act Authorizing and Directing the Government of Guam to Exchange Government of Guam Land and to Substitute Government of Guam Leased Properties of individuals displaced by the Widening and Reconstruction of Route 2, the Agat-Umatac Highway."

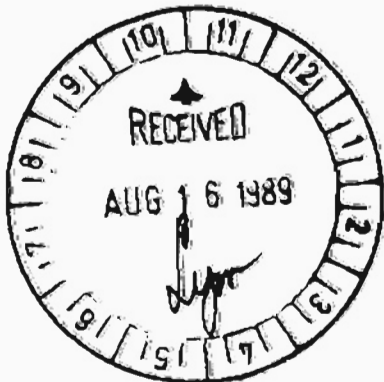
This Department has no objections to the intent of Bill No. 223 and welcomes the opportunity to work with the Legislature and the landowners in resolving the land acquisition issue. Though funds are available for the purchase of private properties within Phase I, which is presently under construction, we would not object to land exchanges as long as the Government property is not needed by any of its agencies or is not a reserved conservation or seashore protection site.

Concerning the Government land use permittees who are affected by the road reconstruction, we have referred the matter to the Department of Land Management (controlling agency) to determine the extent to which these individuals may be accommodated.

We appreciate the opportunity to comment on this Bill. Should you have any questions I would be happy to discuss them with you.

Sincerely yours,

BENIGNO M. PALOMO  
Director of Public Works



AGAT COMMISSIONER'S OFFICE  
P.O. BOX 7388  
AGAT, GUAM 96928  
565-2524

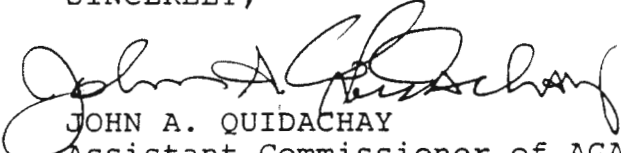
August 16, 1989

GOOD MORNING LADIES AND GENTLEMEN, MEMBERS OF THIS COMMITTEE, MR. CHAIRMAN. FIRST OF ALL, I WOULD LIKE TO COMMEND SENATOR FRANK R. SANTOS FOR PUTTING OUT THIS BILL. I WOULD LIKE TO BEGIN MY TESTIMONY BY INTRODUCING MYSELF ONCE AGAIN, FOR THOSE OF YOU PRESENT TODAY WHO DON'T KNOW ME. I AM JOHN A. QUIDACHAY. ASSISTANT COMMISSIONER FOR THE VILLAGE OF AGAT. THIS BILL IS VERY IMPORTANT FOR ALL THOSE INDIVIDUALS WHOSE LAND IS AFFECTED BY THE RECONSTRUCTION OF THE AGAT-UMATAC ROAD. AS THE BILL STATES, SEVERAL OF THESE INDIVIDUALS RESIDE ON THE LAND AFFECTED WHILE OTHERS ARE FARMING ON GOVERNMENT OF GUAM LEASED LAND.

WHATEVER THE CASE MAY BE, THEY ALL DESERVE A FAIR EXCHANGE FOR THE PURPOSE OF LIVING OR FARMING. THESE FARMERS ARE JUST AS IMPORTANT TO YOU AS THEY ARE TO ME. WE KNOW THAT MOST OF THESE PEOPLE EARN THEIR LIVING BY FARMING. TO DISPLACE THESE PEOPLE WITHOUT OFFERING A FAIR EXCHANGE IS INHUMAN. I KNOW THE LEGISLATURE AND THE GOVERNMENT HAVE NO INTENTION OF DOING THAT. THIS BILL IS PROOF OF FAIRNESS AND CONSIDERATION FOR THOSE WHO ARE AFFECTED BY THIS VERY IMPORTANT PROJECT. WE ALL KNOW THAT THE RECONSTRUCTION OF THE ROAD IS VERY IMPORTANT AND WILL BENEFIT EVERYONE WHO USES THE ROAD ON A DAILY BASIS.

ONCE AGAIN, I WOULD LIKE TO THANK YOU ON BEHALF OF THE RESIDENTS AND FARMERS FROM THE VILLAGE OF AGAT.

SINCERELY,

  
JOHN A. QUIDACHAY  
Assistant Commissioner of AGAT

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

COMMITTEE REPORT ON BILL NO. 983

"AN ACT AUTHORIZING AND DIRECTING THE GOVERNMENT OF GUAM  
TO EXCHANGE GOVERNMENT OF GUAM LAND AND TO SUBSTITUTE GOVERNMENT  
OF GUAM LEASED PROPERTIES OF INDIVIDUALS DISPLACED BY THE  
WIDENING AND RECONSTRUCTION OF ROUTE 2, THE AGAT-UMATAC HIGHWAY

A Public Hearing on Bill No. 983 was conducted by the Committee on Housing and Community Development on September 13, 1988 at 2:00 p.m. in the Legislative Session Hall.

Committee Members Present: Chairperson Senator Madeleine Z. Bordallo; Senators Ted S. Nelson and Joe T. San Agustin.

Witnesses Heard: Frank Castro, Acting Director of Land Management; Antonio C. Babauta, Commissioner of Agat; Cecilia Q. Morrison, Commissioner of Umatac; Mr. Vicente Q. Sanchez; Mr. Albert Topasna.

SUMMARY OF TESTIMONY

Everyone testified in favor of the Bill provided the following concerns are addressed.

Acting Director of Dept. of Land Management:

(1) The Bill should address whether or not property owners originally affected by the creation of the present Route 2 are to be extended the same opportunity for compensation as properties being affected now. Only three of the original property owners were compensated for road land takings. He offered to work with the Dept. of the Navy regarding the original land taken for the same road.

(2) The Bill should appropriate fund for surveying and mapping cost.

Commissioner Babauta of Agat:

(1) The GovGuam and/or Dept. of Public Works must ensure that entrance driveways and culverts are provided by the contractors to the farmers left in the area.

Witnesses from Umatac shared the following concerns:

(1) The Bill must identify the source of funds and possible lands available for exchange by Government of Guam; exchanges must be equitable on a value-for-value basis.

(2) As noted in a previous public hearing held in Umatac, the road widening project should end at the entrance to the village.

(3) Resolution 153 (dated July 1987) was introduced, requesting an identified group of GovGuam departments to resolve problems prerequisite to the widening of the Agat-Umatac road. Prior to the commencement of construction of Route 2, the government must first acquire rights-of-access, including but not limited to the acquisition and fair value exchange of privately owned properties. Would like to know whether this has already been done, whether a plan has been formulated that would guide the widening project towards a smooth completion.

(4) Re Section 2 of the Bill: If the bill intends to resolve the exchange conflict, the Legislature might look into the possibility of either amending the existing subdivision law in Umatac to accommodate those people whose lands are to be taken rather than to accommodate them through land condemnation or add another section to the Bill to clearly address solutions to some of the problems that might be encountered. There will be scores of problems encountered if the route of land exchange is going to be taken. Each lot in Umatac has its own problem in itself, and an exchange would not resolve the problem. There is concern whether eminent domain would be exercised on those residents who are unwilling to exchange their properties on the basis of an area to area exchange, as currently provided for in the Bill.

(5) Oppose the area to area exchange in the Bill, since property values are different. With an area to area land exchange only the property owner stands to lose.

When it was revealed to the Chair by Senator Santos' staff that the road widening project will only affect land owners from the Santa Ana Church area to the Cetti Bay Overlook, the witnesses and Committee Members expressed their dismay.

It was noted that most frequently accidents occur on the road beyond the Cetti Bay Overlook. The Bill, Resolution 153, and the public law that authorizes the revenue bond have each indicated that the road widening project will extend from Santa Ana Chapel to the end of Umatac village. It was the expressed opinion of the Umatac witnesses that the people have been short-changed again.

#### **COMMITTEE FINDINGS/RECOMMENDATIONS**

According to Senator San Agustin this was part of the consideration during the discussion of the Revenue Bond. Both the Bill, the issuing of the Bond itself, and the resolution that authorizes the issuing of the bond have always been based on the premise that the project will be from Santa Ana to the end of Umatac village.

According to Senator Nelson the shortening of the road widening project was done at a special session called by the Governor. The Ways and Means and General Governmental Operations committees were never involved in the deliberation.

The Chair stated that the Committee will take all the comments into account and gather the latest information on the road widening project, and another public hearing will be conducted. She also suggested that the reason for not completing the widening road project might be due to the increase in cost. She offered that it might be better that the project proceed as is, and find ways later to complete it as originally intended.

Senator Nelson stated, with the concurrence of the Chair, that a joint oversight committee public hearing will be held by Ways and Means, Governmental Operations, and Committee on Housing & Community Development. (Held October 12, 1988.)

COMMENTS ON BILL NO. 983(LS)

Bill No. 983(LS) is "An Act Authorizing and Directing the Government of Guam to Exchange Government of Guam Land and to Substitute Government of Guam Leased Properties of Individuals Displaced by the Widening and Reconstruction of Route 2, the Agat-Umatac Highway."

The fiscal impact which will result upon enactment of Bill No. 983 (LS) cannot be determined at this time. The fiscal impact will be as a result of land exchanges conducted on an area-for-area basis which is not in the best interest of the government, unlike exchanges based on the fair market value.

  
MICHAEL J. REIDY

NINETEENTH GUAM LEGISLATURE  
Second (1988) Regular Session

AUG 22 '88

Bill No. 983 (LS)

Introduced by:

F.R. Santos  
T.S. Nelson  
J.T. San Agustin

AN ACT AUTHORIZING AND DIRECTING THE  
GOVERNMENT OF GUAM TO EXCHANGE  
GOVERNMENT OF GUAM LAND AND TO SUBSTITUTE  
GOVERNMENT OF GUAM LEASED PROPERTIES OF  
INDIVIDUALS DISPLACED BY THE WIDENING AND  
RECONSTRUCTION OF ROUTE 2, THE AGAT-UMATAAC HIGHWAY

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

Section 1. Legislative Intent: The Nineteenth Guam Legislature has been apprised and informed that certain individuals and residents of Guam will be displaced from their properties, either individually and privately owned, or leased from the Government of Guam pursuant to leases authorizing such, as a result of the reconstruction and widening of Route 2, commonly known as the Agat-Umatac Road, such reconstruction and widening authorized under Public Law 19-20. It is the intent and desire of the 19th Guam Legislature to insure that such individuals who are so displaced are justly compensated, or are afforded the opportunity to exchange lands taken for the purposes of the reconstruction and widening of such road, with other properties on an area for area basis, or for individuals holding Government of Guam property leases, that such individuals are afforded the opportunity to lease adjacent and/or contiguous and/or comparable Government of Guam property, equal in area to similar Government of Guam property relinquished to the Government for the purposes of the reconstruction and widening of Route 2.

Section 2. Notwithstanding any other provision of law, the Government of Guam is authorized and directed to exchange, with individuals whose properties are condemned and taken by the Government of Guam, for the purposes of the reconstruction and widening of Route 2, the Agat-Umatac Road, on an area for area basis, other Government of Guam owned land along Route 2. For the purposes of this section, the Government of Guam shall make all reasonable attempts to offer such land exchanges in the same proximate areas as properties condemned.

Section 3. Notwithstanding any other provision of law, the Government of Guam is authorized and directed to exchange, with individuals holding Government of Guam land leases for land along Route 2 and which land must be condemned and retaken for the purposes of the reconstruction and widening of Route 2, the Agat-Umatac Road, with other Government of Guam land contiguous and adjacent to the original land being leased, or, should such land not be available, with other comparable Government of Guam land, along Route 2, on an area for area basis.

Bill No. 983(LS)

Date Received 10/24/88

Amendatory Bill Yes  No

Date Reviewed 10/27/88

Department/Agency Affected: N/A

Department/Agency Head: N/A

Total Fiscal Year Appropriation: N/A

Bill Title (concise): AN ACT AUTHORIZING AND DIRECTING THE GOVERNMENT OF GUAM TO EXCHANGE GOVERNMENT OF GUAM LAND AND TO SUBSTITUTE GOVERNMENT OF GUAM LEASED PROPERTIES OF INDIVIDUALS DISPLACED BY THE WIDENING AND RECONSTRUCTION OF ROUTE 2, THE AGAT-UMATAO HIGHWAY.

Change in Law: N/A

Bill Attempts to:

Bill is for:

- Increase Program Funding
- Decrease Program Funding
- Reallocate Present Program Funding

- Operations
- Capital Improvement
- Other Land Exchange

FINANCIAL/PROGRAM IMPACT

PROGRAM CATEGORIES	Minimum Estimated Required Funds (For Five Years)		
	GENERAL FUND	FEDERAL	OTHER
N/A	(See Comments)		
GRAND TOTAL			

ESTIMATED MULTI-YEAR FUND REQUIREMENTS

SOURCES	1st	2nd	3rd	4th	5th
General Fund	(See Comments)				
Federal Fund					
Other Fund					
GRAND TOTAL					

ESTIMATED MULTI-YEAR REALIZED REVENUES

SOURCES	1st	2nd	3rd	4th	5th
General Fund	N/A				
Federal Fund					
Other Fund					
GRAND TOTAL					

Angela F. Merfalen

PROGRAM ANALYST

MICHAEL J. REIDY

DIRECTOR

Date Review Terminated: 10/28/88

COMMENTS:

ATTENDANCE SHEET

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

DATE: August 16, 1989

BILL NO.: 223

AN ACT AUTHORIZING AND DIRECTING THE GOVERNMENT OF GUAM TO EXCHANGE GOVERNMENT OF GUAM LAND AND TO SUBSTITUTE GOVERNMENT OF GUAM LEASED PROPERTIES OF INDIVIDUALS DISPLACED BY THE WIDENING AND RECONSTRUCTION OF ROUTE 2, THE AGAT-UMATAC HIGHWAY.

NAME

TESTIMONY

AGENCY/INTEREST GROUP

COMMENT

Printed:

Sign:

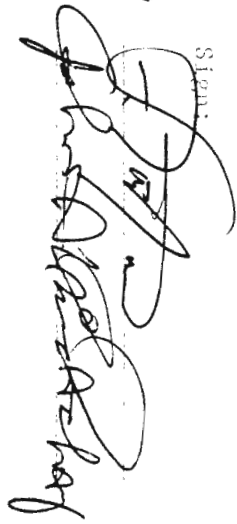
Written:

Oral:

Support:

Against:

FRANCIS TAITANO  
GIDDACHAY, J. A.



DPW

~~Agg. Ass. 4. Comm.~~