

Territory of Guam
Territorio Guam

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

Received *Sen*
SEP 14 1989
J



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

Dear Mr. Speaker:

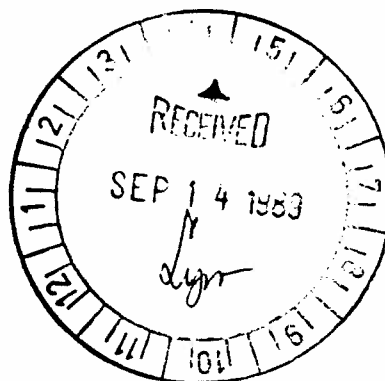
Transmitted herewith is Bill No. 463, which I have signed into law this date as Public Law 20-70.

Sincerely,

Joseph F. Ada
JOSEPH F. ADA
Governor

Attachment

200460



TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 463 (LS), "AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE GOVERNMENT OF GUAM REAL PROPERTY, AND MAKING AN APPROPRIATION THEREFOR", was on the 1st day of September, 1989, duly and regularly passed.



JOE T. SAN AGUSTIN
Speaker

Attested:



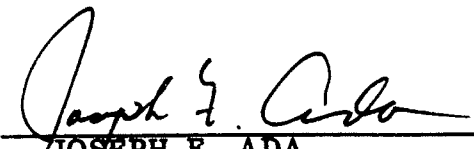
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 2 day of Sept, 1989,
at 1:31 o'clock p.m.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: September 14, 1989

Public Law No. 20-70

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 463 (LS)
As substituted by the
Committee on Rules
8/31/89

Introduced by:

H. D. Dierking
C. T. C. Gutierrez
T. S. Nelson

E. P. Arriola
E. D. Reyes
J. P. Aguon
J. G. Bamba
M. Z. Bordallo
P. C. Lujan
G. Mailloux
D. Parkinson
F. J. A. Quitugua
F. R. Santos
J. T. San Agustin
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 TO AUTHORIZE THE GOVERNOR TO
EXCHANGE GOVERNMENT OF GUAM REAL
PROPERTY, AND MAKING AN
APPROPRIATION THEREFOR.

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

2 Section 1. The Governor of Guam is hereby authorized to exchange
3 government of Guam real property, Lot No. 505-8, situated in Pigua,
4 Merizo, for Lot No. 243-1-R1 with improvements, owned by Jose R. and
5 Eleanor C. Barcinas.

6 The Legislature, concurring with the Department of Land Management
7 (the "Department") and the Governor, hereby appropriates from the General
8 Fund Seven Thousand Eighty-Five Dollars (\$7,085) to the Department to
9 compensate Jose and Eleanor Barcinas, representing the difference in value
10 between the two (2) properties.

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

ROLL CALL SHEET

Bill No. 463

Date: 9/1/89

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	✓			

20



SENATOR GORDON MAILLOUX

CHAIRMAN, COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
TWENTIETH GUAM LEGISLATURE

April 7, 1989

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

Member of the
Committees on:

- General Govern-
mental Operation
- Economic Deve-
lopment
- Justice, Judiciary
& Criminal Justice
- Energy, Utilities
and Consumer Pro-
tection
- Youth, Human
Resources, Senior
Citizen & Cultural
Affairs

Ethics

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

VIA: Chairperson, Committee on Rules

Dear Mr. Speaker:

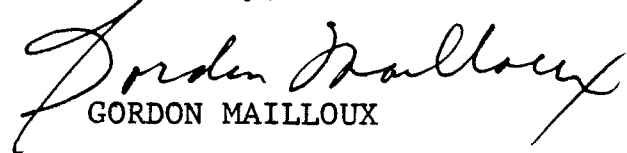
The Committee on Housing and Community Development to which Bill No. 463; "AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO EXCHANGE GUAM REAL PROPERTY" has had the same under consideration, and now wishes to report back the same with the recommendation to do pass.

The Committee votes are as follows:

TO DO PASS	<u>10</u>
TO NOT PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO REPORT OUT ONLY	<u>1</u>

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

Sincerely,


GORDON MAILLOUX

Enclosure:

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT

VOTING SHEET

BILL NO. 463 (LS) - AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE
GOVERNMENT OF GUAM REAL PROPERTY.

<u>Committee Members</u>	<u>To Do Pass</u>	<u>To Not Pass</u>	<u>Abstain</u>	<u>Off-Island</u>	<u>To Report Out Only</u>
<i>Gordon Mailloux</i> GORDON MAILLOUX Chairman	✓				
<i>Madeleine Z. Bordallo</i> MADELEINE Z. BORDALLO Vice-Chair					
<i>John P. Aguon</i> JOHN P. AGUON Member	✓				
<i>Elizabeth P. Arriola</i> ELIZABETH P. ARRIOLA Member	✓				
<i>Pilar C. Lujan</i> PILAR C. LUJAN Member	✓				
<i>Ted S. Nelson</i> TED S. NELSON Member	✓				✓
DON PARKINSON Member					
<i>Eddie D. Reyes</i> EDDIE D. REYES Member	✓				
<i>Francisco R. Santos</i> FRANCISCO R. SANTOS Member	✓				
<i>J. George Bamba</i> J. GEORGE BAMBA Member	✓				
<i>Marilyn D.A. Manibusan</i> MARLYN D.A. MANIBUSAN Member	✓				

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
REPORT ON
BILL NO. 463 (LS)

AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE
GOVERNMENT OF GUAM REAL PROPERTY. [Exhibit 1]

Introduced by Senator Ted S. Nelson

PREFACE:

The Committee on Housing and Community Development, to which was referred Bill No. 463, "An act to authorize the Governor to exchange government of Guam real property," conducted a public hearing on Tuesday, March 14, 1989 at 9:00 a.m. in the Legislative Session Hall. [Exhibit 2, Hearing Notice] Committee members present were Senator Gordon Mailloux, Chairman, and Senators Madeleine Z. Bordallo, Elizabeth P. Arriola, Marilyn D.A. Manibusan and J. George Bamba.

TESTIMONIES:

Appearing before the Committee was Mr. Ignacio 'Buck' Cruz, Commissioner of Merizo. Mr. Cruz expressed his gratitude to the Committee for expeditious conducting a hearing on Bill No. 463. At this point, Commissioner Cruz enlightened the Committee by stating that the legislation corrects and injustice done to the Barcinas family. He went on to say that this is not a matter of convenience, but rather, a matter of safety. The Barcinas family, according to Commissioner Cruz, have been living in a nightmare.

Passage of Bill 463, will correct a gross injustice done to the Barcinas family, and Commissioner urged for its speedy action on the part of the Legislature.

Representing Mr. Jose R. Barcinas, was his son, Joe Barcinas. Mr. Barcinas apprised the Committee that there could be no other testimony supporting the passage of Bill No. 463, unlike what was witnessed by the Chairman who was at the site of the destruction. Mr. Barcinas went on to say that during the rainy season, most people try to find warmth, the Barcinas family try to remain afloat and survive.

In closing, Mr. Barcinas commented that the flooding problem that his parents have experienced over the last thirty years should be, corrected once and for all. He further said that no family should be made to experience what his parents have gone through.

There being no further witnesses on Bill No. 463, the Chairman opened the discussion by calling on Committee members to ask questions.

At this time, Senator Madeleine Bordallo expressed her support for the bill, and also reiterated her concern that such condition has existed.

Senator Elizabeth Arriola, for the record, noted that Mrs. Barcinas called her office on the very day when the flooding occurred. The Senator also stated that immediately after her conversation with Mrs. Barcinas, she contacted the Department of Public Works and was assured that they will go to the Barcinas residence to take corrective actions. Senator Arriola, at this time requested the Chairman that the legislation include and appropriation for architectural and engineering design to truly alleviate the flooding problem.

At this time, the Chairman expressed his support for the Barcinas family and elaborated on his experience and the need to rectify the problem encountered by the Barcinas family. The Chairman went to say that he will request that an engineering study be done, and assured Mr. Barcinas that this request will be separate and will not jeopardize the passage of Bill No. 463. He also stated that from all indications, the transaction being requested by the Barcinas family, is a fair and equitable settlement.

There being no further questions, the Chairman adjourned the Committee hearing on Bill No. 463.

OVERVIEW:

On or about December 29, 1987, Jose and Eleanor Barcinas informed the Director of Land Management that each year, heavy rains have caused widespread damage to low-lying areas in the southern villages. That residences located along waterways and rivers suffer the most during this period. The Barcinas also informed the Director that their house is located right along the largest river in Malessso. They also attested to the fact that the only barrier that stands between their house and the river is a manmade 7-foot wall constructed several years ago at considerable expense to the Barcinas family. The wall, however, proved to be useless and has eroded beyond repair.

In that same letter, the Barcinas family also stated that a large bridge was erected to correct the problem, however, its design and construction caused more problems. Another factor mentioned, was that debris from other areas get tangled on the compartments thus preventing the free flow of water under the bridge. They also stated that during typhoons, their house becomes flooded and eventually destroys most of the household contents.

The Barcinas family have lived with this hardship for the last 26 years. To this date, all efforts to correct the problem have failed. However, with the introduction and Committee hearing on Bill No. 463, there appears to be hope in sight and relief for the family.

FINDINGS:

The Committee on Housing and Community Development, to which was referred Bill No. 463, finds, that:

1. The Governor, on January 11, 1989, forwarded to the Speaker for favorable and expeditious consideration the disposal of Government land, Lot No. 505-8, Pigua, Merizo, inexchange with Lot No. 243-1-R1 and all improvements, owned by Mr. and Mrs. Jose R. Barcinas.
2. The Governor in his letter to the Speaker, said that flooding problems continues to hound the Barcinas family, their property and personal belongings for the past 26 years.
3. With respect to the value presented to the Governor's office by the Barcinas family, the Governor's concluded that the value of the Barcinas property together with improvements was averaged at \$49,000 plus \$7,085.00 for relocation cost as well as compensation for existing trees and/or plants.
4. Bill No. 463 was introduced by Senator Ted S. Nelson, on February 14, 1989 and subsequently forwarded to the Committee on Housing and Community Development for appropriate action.
5. The Committee, upon receipt of the Referral from the Committee on Rules, schedules a public hearing set for Tuesday, March 14, 1989, at 9:00 a.m. in the Legislative Session Hall.

RECOMMENDATION:

The Committee on Housing and Community development, to which was referred Bill No. 463, "An act to authorize the Governor to exchange government of Guam real property," has had the same under consideration, and now wishes to report back the same with the recommendation to do

Twentieth Guam Legislature

Committee on Housing
and
Community Development



Mailing Address:
163 Chalan Santo Papa St., CB-1
Agana, Guam 96910
Office Address:
334 Soledad Ave.
2nd Floor, Quan's Bldg., Agana
Telephone:
(671) 472-3436
(671) 477-7281
(671) 472-3498

Senator Gordon Mailloux
Chairman

Senator Madeleine Z. Bordallo
Vice-Chairman

March 7, 1989

MEMORANDUM

To: Members, Committee on Housing and Community
Development

From: Chairman, Committee on Housing and Community
Development

Subj: Public Hearing

Please be advised that the Committee on Housing & Community
Development will conduct a public hearing on **Tuesday, March
14, 1989**,^{9:00 AM} in the Legislative Session Hall.

Your presence at the hearing will be greatly appreciated.


GORDON MAILLOUX

cc: Speaker
All Senators



SENATOR GORDON MAILLOUX

CHAIRMAN, COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
TWENTIETH GUAM LEGISLATURE

March 10, 1989

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

Member of the
Committees on:

- General Govern-
mental Operation
- Economic Deve-
lopment
- Justice, Judiciary
& Criminal Justice
- Energy, Utilities
and Consumer Pro-
tection
- Youth, Human
Resources, Senior
Citizen & Cultural
Affairs

Ethics

Mr. Ignacio "Buck" S. Cruz
Commissioner of Merizo
P.O. Box 786
Agana, Guam 96910

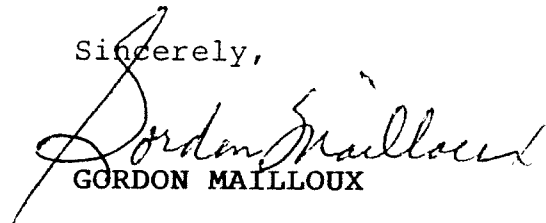
Dear Mr. Cruz:

The Committee on Housing and Community Development has scheduled its public hearing on Tuesday, March 14, 1989, at 9:00 a.m. in the Legislative Session Hall to hear the following:

BILL NO. 463(LS): AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE GOVERNMENT OF GUAM REAL PROPERTY.

If you plan to testify, please provide members of the committees copies of your written testimony, and any other pertinent documents.

Sincerely,


GORDON MAILLOUX

Enclosure:

GM/bpt

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

ROUTING SLIP

<u>Committee Members</u>	<u>Initial</u>	<u>Date</u>	<u>Time</u>
SENATOR F. R. SANTOS	<u>FS</u>	<u>3/9</u>	<u>8:45</u>
SENATOR T. S. NELSON	<u>TSN</u>	<u>3/9</u>	<u>8:40</u>
SENATOR P. C. LUJAN	<u>PCQ</u>	<u>3/9/89</u>	<u>8:20 AM,</u>
SENATOR E. P. ARRIOLA	<u>ac Arriola</u>	<u>3/9/89</u>	<u>8:35 AM.</u>
SENATOR D. PARKINSON	<u>TCruz</u>	<u>3/9/89</u>	<u>8:45 am</u>
SENATOR J. G. BAMBA	<u>JGB</u>	<u>3-9-89</u>	<u>8:30 AM</u>
SENATOR M.D. A. MANIBUSAN	<u>MDA</u>	<u>3/9/89</u>	<u>08:30 AM.</u>
SENATOR J. P. AGUON	<u>J.P.</u>	<u>3/9/89</u>	<u>9:10</u>
SENATOR E. D. REYES	<u>EDR</u>	<u>3/9/89</u>	<u>8:42 am</u>
SENATOR M. Z. BORDALLO	<u>MZB</u>	<u>3/9/89</u>	<u>8:30 am</u>

DEPARTMENT OF LAND MANAGEMENT

Mr. and Mrs. Jose Barcinas
P.O. Box 8026
Merizo, Guam 96916

Dear Mr. and Mrs. Barcinas:

This is to inform you that we have completed our review and analysis of the two (2) appraisal reports presented. In our review, we concluded that the value of your property together with improvement is set at Forty Nine Thousand Dollars (\$49,000.00) plus Seven Thousand Eight-Five Dollars (\$7,085.00) for relocation cost and existing trees and/or plants (Bearing and Non-Bearing), realizing a total of Fifty Six Thousand Eighty-Five Dollars (\$56,085.00).

Since you expressed the desire to exchange with government land adjacent to Pigua Subdivision, Merizo, and since you did not present an appraisal report on Government Land, we have set an in-house value of Ten Dollars (\$10.00) per square meter based on the value set for Mr. and Mrs. Charles Hambley as evidenced by Public Law 18-35:1. With this in mind, the area affected shall be no less or no more than 4,900+ square meters which it should equal to Forty Nine Thousand Dollars (\$49,000.00) based at Ten Dollars (\$10.00) per square meter. This will in essence reflect value for value. The difference of Seven Thousand Eighty Five Dollars (\$7,085.00) will be allocated as you indicated in our meeting. Additionally, you are required to provide us an approved map of the area of interest. This is needed for our submission to the Governor for approval.

Should you agree of our presentation, please affix your signature on the space provided below. Upon affixing your signature, a copy must be forwarded to this office for our record. However, should you find our offer not to your satisfaction, and you wish

Letter - Mr. & Mrs. Barcinas
Ref.: Exchange-Pigua Subdivision, Merizo
Page 2 of 2

to discuss the matter further, please feel free to contact my
Secretary, Mrs. Sandra Stanley, at 472-8851 thru 472-8854 to set
our meeting schedule.

Thank you for your patience and understanding in this regard.

Sincerely yours,

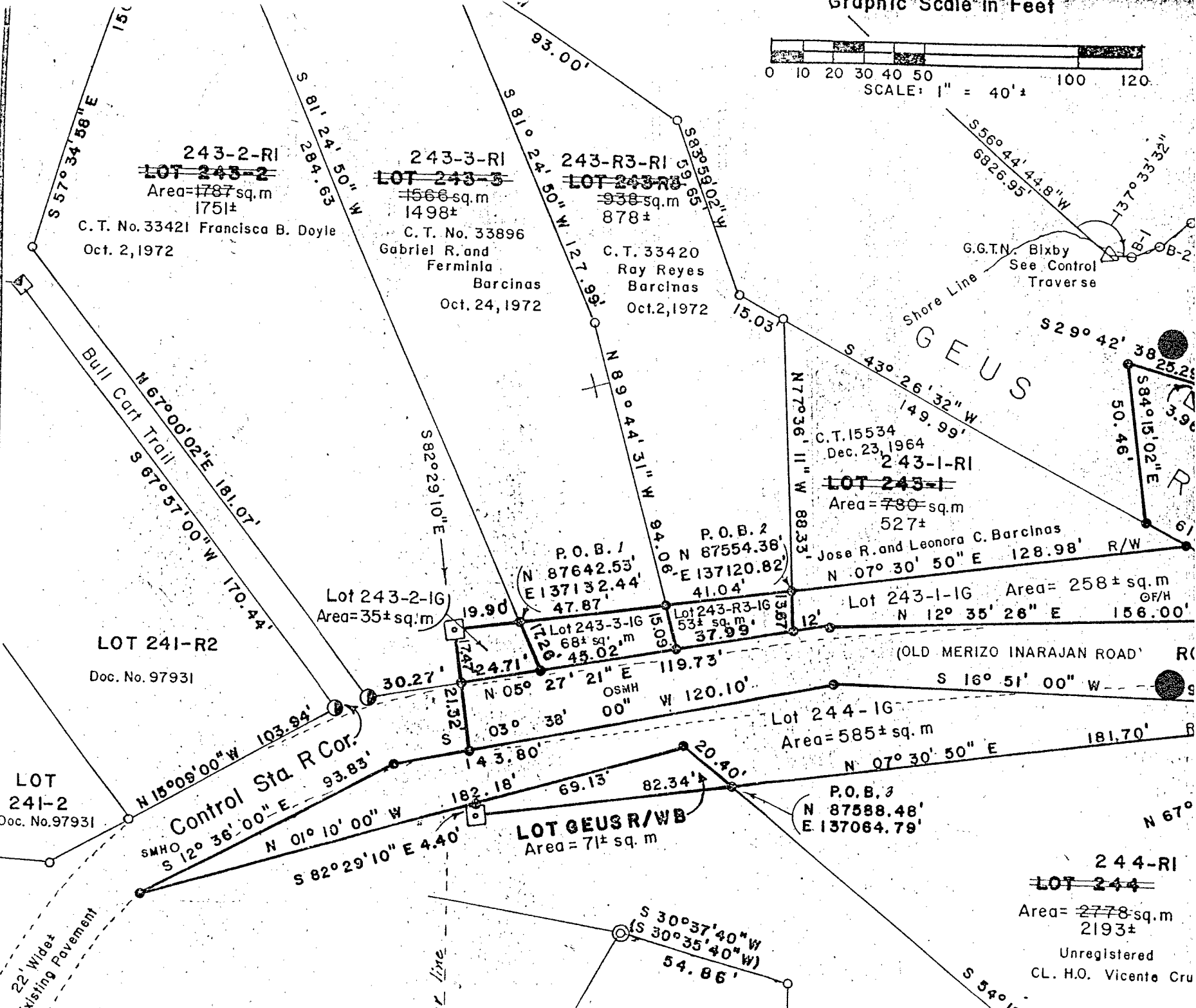
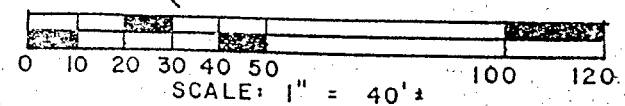


F. L.G. CASTRO
Acting Director
Department of Land Management
Agana, Guam 96910

AGREED: Eleanor C. Barcinas

Date: Sept. 27, 1988

Graphic Scale in Feet



~~243-2-RI~~
~~LOT 243-2~~
Area=1787 sq.m
1751±

C.T. No. 33421 Francisca B. Doyle
Oct. 2, 1972

~~243-3-RI~~
~~LOT 243-3~~
Area=1566 sq.m
1498±

C.T. No. 33896
Gabriel R. and
Ferminia
Barcinas
Oct. 24, 1972

~~243-R3-RI~~
~~LOT 243-R3~~
Area=938 sq.m
878±

C.T. 33420
Ray Reyes
Barcinas
Oct. 2, 1972

C.T. 15534
Dec. 23, 1964
~~243-1-RI~~
~~LOT 243-1~~
Area=780 sq.m
527±

Jose R. and Leonora C. Barcinas
N 07° 30' 50" E 128.98' R/W

Lot 243-1-IG Area= 258± sq.m
N 12° 35' 28" E 156.00'

LOT 241-R2
Doc. No. 97931

LOT 241-2
Doc. No. 97931

LOT GEUSR/WB
Area= 71± sq. m

Lot 244-1G
Area= 585± sq. m

~~244-RI~~
~~LOT 244~~
Area= 2778 sq.m
2193±
Unregistered
CL. H.O. Vicente Cru

22' Widest
Existing Pavement

Shore Line
G.E.U.S.

G.G.T.N. Bixby
See Control
Traverse

(OLD MERIZO INARAJAN ROAD)

Gr line

SETDISION MAHPLAHEHA

DEC 22 1988

Memorandum

To: Director, Department of Land Management
From: Director, Bureau of Planning
Subject: Comments on Proposed Land Exchange
Lot No. 243-1-R1, Merizo and Lot No. 505-8, Merizo

As a follow up to my memorandum dated November 21, 1988 (copy attached), pertaining to the subject stated above, the Bureau has since been informed orally (memorandum to be forthcoming) by an official within Rights-of-Way Division, Department of Public Works that the appropriation of \$30,000 was not for the Barcinas property but instead had been appropriated for a different parcel in Merizo.

An earlier review of subject lots ascertained compliance with the Interim Guidelines for the disposition of Government land and in this regard, the Bureau finds the documentation to be in order. As a result, the Bureau does not object to the proposed land exchange as presented and recommends that the appropriate documents be forwarded for the Governor's review and signature.

/s/
PETER P. LEON GUERRERO

Attachments

cc: Governor's Office
Department of Public Works
Chrono/GCMP

JANDERSON/tc

C
O
P
Y



SETBISION MAMPLANEHA
GOVERNMENT OF GUAM
AGANA, GUAM 96910

NOV 21 1988

Memorandum

To: Director, Department of Land Management
From: Director, Bureau of Planning
Subject: Lot No. 243-1-R1, Merizo
Mr. and Mrs. Jose R. Barcinas

The Bureau is in receipt of your memorandum dated November 2, 1988 pertaining to the subject referenced above.

This particular land exchange proposal is still undergoing review at this time. ~~Initially, the Bureau supported the proposed land exchange,~~ however, during the course of review, we were informed that an appropriation had been passed to correct the flooding problem within the area.

Department of Public Works (DPW) verified the appropriation. As a result, DPW was requested to justify why the government was still advocating a land exchange when an appropriation of \$30,000 had been made (copy of memorandum to DPW attached). To date, the Bureau is still awaiting response.

Until this issue on the appropriation is adequately addressed and justified, the Bureau cannot issue a supportive position.


PETER P. LEON GUERRERO

Attachment

cc; The Governor
Department of Public Works

SETBISION MAMPLAREHA

APR 13 1963

Memorandum

To: The Governor
From: Director, Bureau of Planning
Subject: Land Exchange
Mr. and Mrs. Jose R. Barcinas, Merizo

The Bureau of Planning has made a preliminary review of the above subject land exchange proposal. We feel that there may have been government actions, in design on the bridge, which could have contributed to the flooding problem on the Barcinas property.

Attached for your signature is a memorandum, directing Department of Land Management to initiate the proper processing of the land exchange proposal.

15/
PETER P. LEON GUERRERO
Acting

cc: Chrono/GCMP

AFLEON/tc

89 FEB 14 AM 9:31

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. **463**

(LS)

Introduced by:

T. S. Nelson

AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE
GOVERNMENT OF GUAM REAL PROPERTY.

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

2 Section 1. The Governor of Guam is hereby authorized to
3 exchange government of Guam real property, Lot No. 505-8, situated
4 in Pigua, Merizo, in exchange for Lot No. 243-1-R1 with
5 improvements, owned by Jose R. and Eleanor C. Barcinas.

6 The Guam Legislature concurring with the Department of
7 Land Management and the Governor hereby appropriate the sum
8 of Seven Thousand Eighty-Five Dollars (\$7,085.00) to the Barcinas
9 Family.

DEPARTMENT OF LAND MANAGEMENT

SEP 11 1964

Mr. and Mrs. Jose Barcinas
P.O. Box 8026
Merizo, Guam 96916

Dear Mr. and Mrs. Barcinas:

This is to inform you that we have completed our review and analysis of the two (2) appraisal reports presented. In our review, we concluded that the value of your property together with improvement is set at Forty Nine Thousand Dollars (\$49,000.00) plus Seven Thousand Eight-Five Dollars (\$7,085.00) for relocation cost and existing trees and/or plants (Bearing and Non-Bearing), realizing a total of Fifty Six Thousand Eighty-Five Dollars (\$56,085.00).

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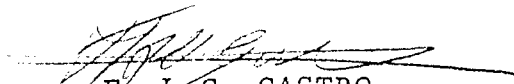
Should you agree of our presentation, please affix your signature on the space provided below. Upon affixing your signature, a copy must be forwarded to this office for our record. However, should you find our offer not to your satisfaction, and you wish

Letter - Mr. & Mrs. Barcinas
Ref.: Exchange-Pigua Subdivision, Merizo
Page 2 of 2

to discuss the matter further, please feel free to contact my
Secretary, Mrs. Sandra Stanley, at 472-8851 thru 472-8854 to set
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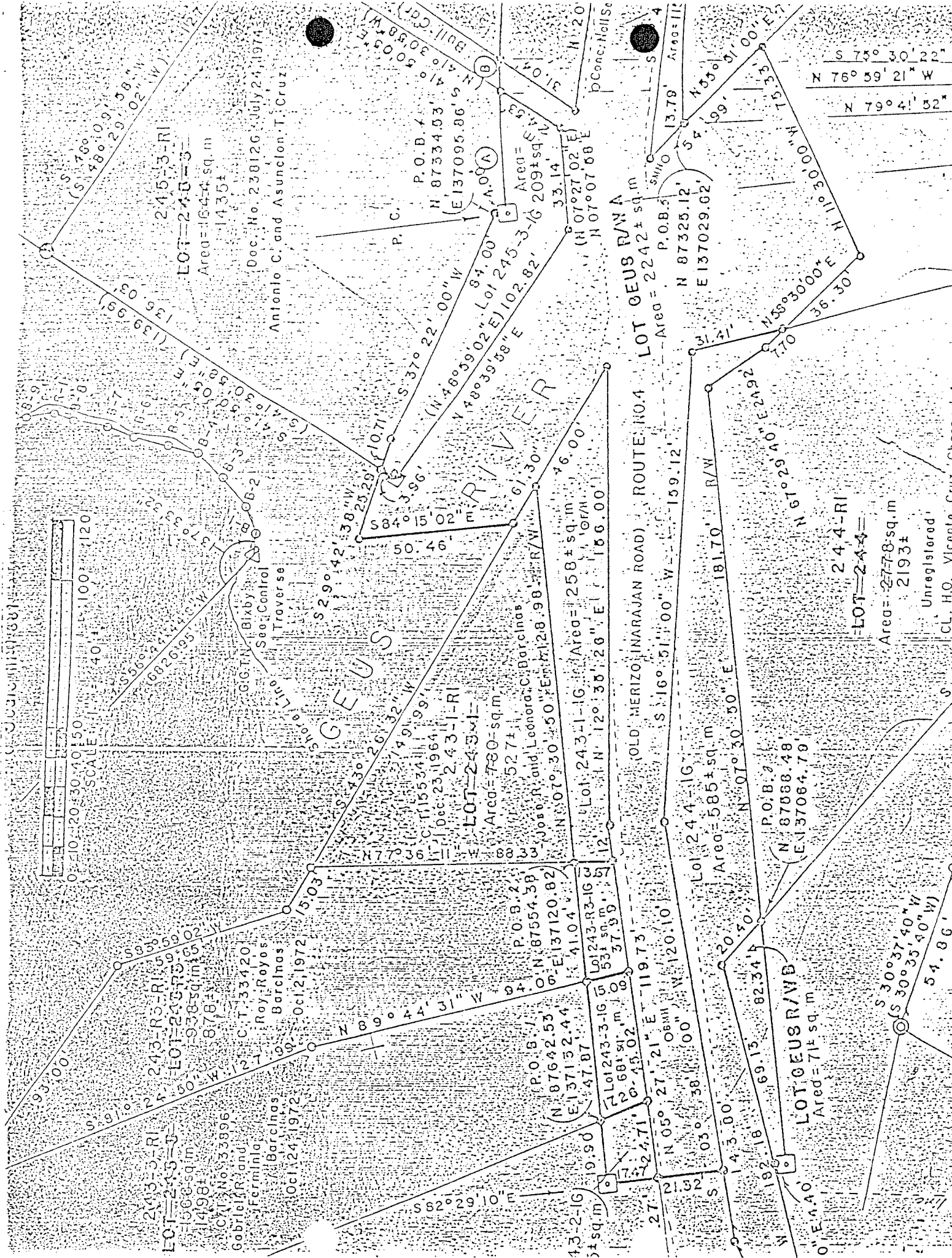
Sincerely yours,



F. L.G. CASTRO
Acting Director
Department of Land Management
Agana, Guam 96910

AGREED: Eleanor C. Barcinas

Date: Sept. 27, 1988



LOT 243-3-RI
 Area = 1566 sq.m.
 14981
 C.T. No. 33896
 Gabriel R. and
 Ferminio
 Barcinas
 30 Oct. 24, 1972

LOT 243-3-RI
 Area = 9385 sq.m.
 8781
 C.T. 33420
 Roy Royos
 Barcinas
 30 Oct. 2, 1972

LOT 243-1-IG
 Area = 258 ± sq.m.
 166.00
 P.O.B. 2
 N 87554.59
 E 137120.82
 41.04
 Lot 243-R3-1G
 531 sq.m.
 37.99

LOT 243-1-IG
 Area = 585 ± sq.m.
 181.70
 P.O.B. 2
 N 87558.48
 E 137064.79

LOT 244-RI
 Area = 2778 sq.m.
 2193 ±
 Unregistered
 CL. H.O. Vicente Cruz Chorgualar

LOT 245-3-RI
 Area = 1644 sq.m.
 1435 ±
 Doc. No. 238126 July 24, 1974
 Antonio C. and Asuncion T. Cruz

GEUS RIVER
 G.G.T.N. Gixby
 See Control
 Traverse
 Shore Line
 S 29° 42' 38" W 107.11
 S 37° 22' 00" W 94.00
 (N 48° 59' 02" E) 102.82
 (N 48° 39' 58" E) 102.82
 S 33° 14' 00" W 33.14
 (H 07° 27' 02" E) 33.14
 (N 07° 07' 58" E) 33.14
 S 16° 51' 00" W 159.12
 S 16° 51' 00" W 159.12
 N 07° 30' 50" E 181.70
 N 07° 30' 50" E 181.70
 N 61° 29' 40" E 249.92
 N 61° 29' 40" E 249.92
 S 30° 37' 40" W 54.86
 S 30° 35' 40" W 54.86
 S 75° 30' 22" E
 N 76° 59' 21" W
 N 79° 41' 52" W

LOT 243-1-IG
 Area = 780 sq.m.
 52.7 ±
 P.O.B. 2
 N 87554.59
 E 137120.82
 41.04
 Lot 243-R3-1G
 531 sq.m.
 37.99

LOT 243-1-IG
 Area = 258 ± sq.m.
 166.00
 P.O.B. 2
 N 87554.59
 E 137120.82
 41.04
 Lot 243-R3-1G
 531 sq.m.
 37.99

LOT 244-RI
 Area = 2778 sq.m.
 2193 ±
 Unregistered
 CL. H.O. Vicente Cruz Chorgualar

LOT 245-3-RI
 Area = 1644 sq.m.
 1435 ±
 Doc. No. 238126 July 24, 1974
 Antonio C. and Asuncion T. Cruz

LOT 245-3-RI
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 1435 ±
 Doc. No. 238126 July 24, 1974
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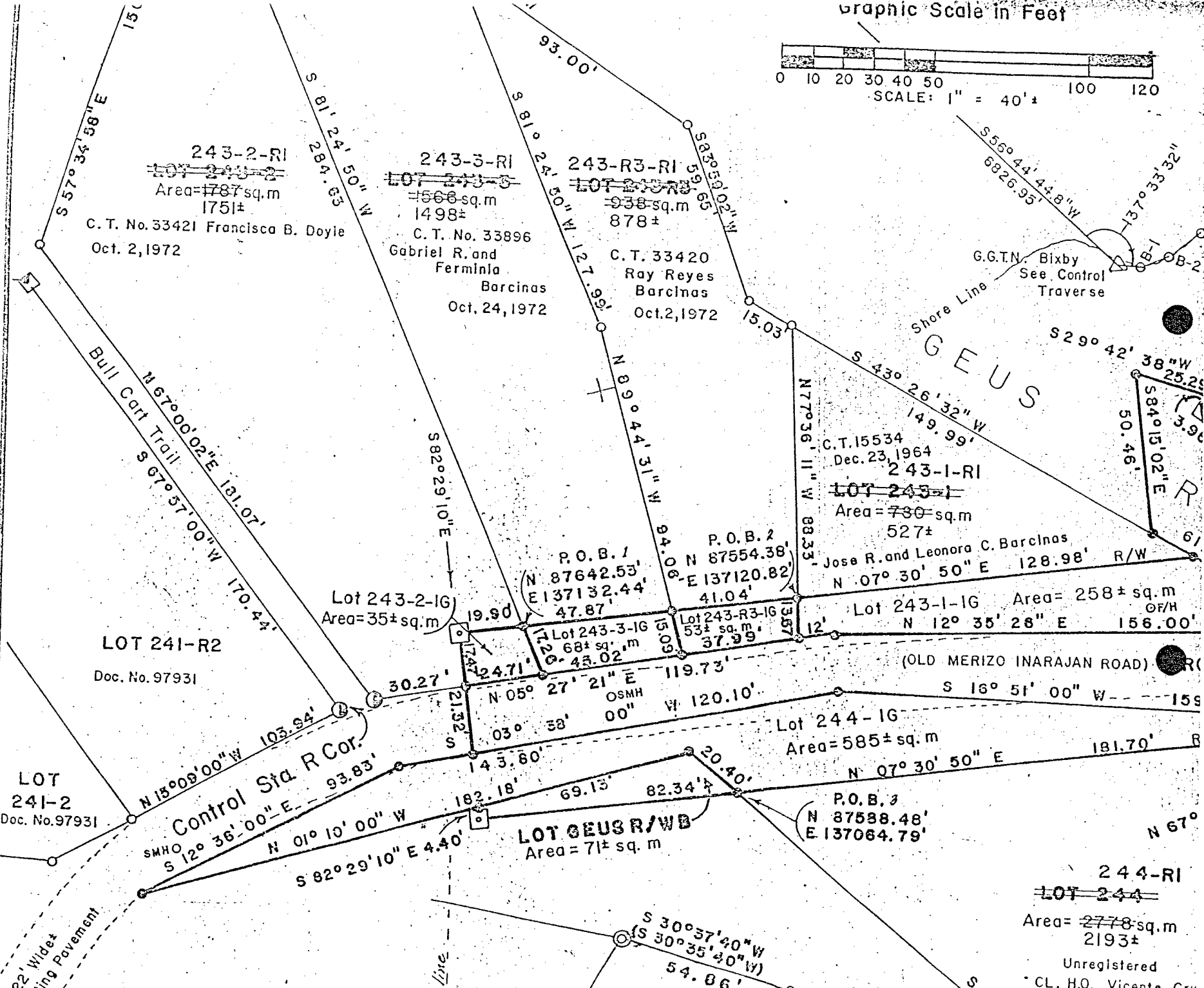
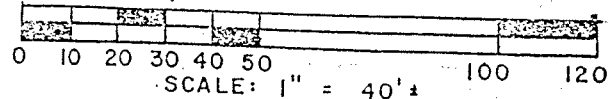
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LOT 245-3-RI
 Area = 1644 sq.m.
 1435 ±
 Doc. No. 238126 July 24, 1974
 Antonio C. and Asuncion T. Cruz

Graphic Scale in Feet



~~LOT 243-2~~
243-2-R1
Area=1787 sq.m
1751±

C.T. No. 33421 Francisca B. Doyle
Oct. 2, 1972

~~LOT 243-3~~
243-3-R1
Area=1566 sq.m
1498±

C.T. No. 33896
Gabriel R. and
Ferminla
Barcinas
Oct. 24, 1972

~~LOT 243-R3~~
243-R3-R1
Area=938 sq.m
878±

C.T. 33420
Ray Reyes
Barcinas
Oct. 2, 1972

C.T. 15534
Dec. 23, 1964
~~LOT 243-1~~
243-1-R1
Area=730 sq.m
527±

Jose R. and Leonora C. Barcinas
N 07° 30' 50" E 128.98' R/W

Lot 243-1-IG Area= 258± sq.m
N 12° 35' 28" E 156.00' OF/H

LOT 241-R2
Doc. No. 97931

LOT 241-2
Doc. No. 97931

LOT GEUS R/W
Area= 71± sq. m

Lot 244-1G
Area=585± sq. m

P.O.B. 3
N 87588.48'
E 137064.79'

~~LOT 244~~
244-R1
Area= 2778 sq.m
2193±

Unregistered
CL. H.O. Vicenta Cru

December 29, 1987

Frank Castro
Director
Department of Land Management
Agana, Guam 96910

Dear Mr. Castro:

Each year, heavy rains cause widespread damage to low-lying areas in the southern end of Guam. Residences located along waterways and rivers suffer from floods. Unfortunately, our house is located right along the largest river in Merizo. Numerous smaller tributaries flow into and connect with the Geus River. This potentially dangerous river flows behind our house. The only barrier that stands between our house and the river is a man made 7-foot wall constructed several years ago at a considerable expense to my family. This wall, however, proved to be useless and has eroded beyond repair.

Although a large bridge was erected to correct this problem, its design and structure created even more problems. Instead of having one large opening, the bridge has four small compartments. Debris from other areas are tangled on these compartments preventing the water from freely flowing under the bridge. Because of this blockage, the river rises and backfires into our yard. In 1976, during Typhoon Pamela, our ~~house was flooded and we lost all our furniture.~~ This occurrence does not include the countless number of times we were victimized by the same harsh conditions. Furthermore, instead of being situated in a straight direction with the river, the bridge is built at an angle. Undoubtedly, this oversight contributes to and does not in any way alleviate the problem. Due to the construction of this bridge, our land has decreased in size. The Government of Guam purchased a sizable portion of our land to provide the much needed space for construction.

My family lived with this hardship for the last 26 years. To this day, all efforts to correct this problem failed and it appears that there is no hope in sight. As a family, we humbly request your help and assistance on this matter. We are willing to sacrifice our house and land for government land of equal value and ideally situated for a permanent, safe residence. Presently, land in the Pigua area of Merizo has been targeted for development. If possible, we would like to build a home and live on this area.

Thank you and dangku-lu na si yuus maase for your kind consideration on this urgent request. Any assistance that you can provide will be greatly appreciated.

Sincerely,



Jose R. Barcinas



Eleanor C. Barcinas



Office of the Commissioner Government of Guam

P.O. Box 8078
Merizo, Guam U.S.A. 96916

February 24, 1988

IGNACIO S. "BUCK" CRUZ
Commissioner

PEDRO B. CRUZ
Administrative Assistant

RITA A. TAINATONGO
Municipal Clerk

MERIZO MUNICIPAL
PLANNING COUNCIL

IGNACIO S. "BUCK" CRUZ
Chairman

PATTY JO HOFF
Vice Chairperson

MISS DINA R. SALAS
Secretary/Treasurer

MEMBERS

Michael A. Aguon
Jesse M. Anderson
Anthony T. Barcinas
George L. Charfauros
Edward A. Cruz
Esteban C. Meno
Vicente Q. Nangauta
Elizabeth J.C. Quinata
Gregorio L.G. Roberto
Joaquin B. San Nicolas
Mary C. Santiago
Jose M. Tedpahogo

Memorandum

To: Director, Land Management

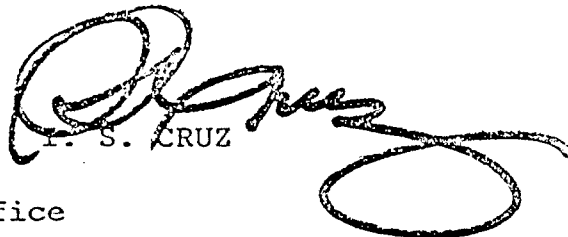
From: Commissioner

Subject: Mr. & Mrs. Jose R. Barcinas
Land Request

I concur, and strongly support Mr. & Mrs. Jose R. Barcinas request for a government land in exchange for their present house and property (ref. Mr. & Mrs. Barcinas letter to Land Management of 29 Dec. 87).

This family has been living in nightmares for over 26 years, not knowing from one rainy season to another rainy season when their home would be washed away completely by the constant onslaught of heavy flooding. I happen to have witnessed many times when their home is severly threatened by floods.

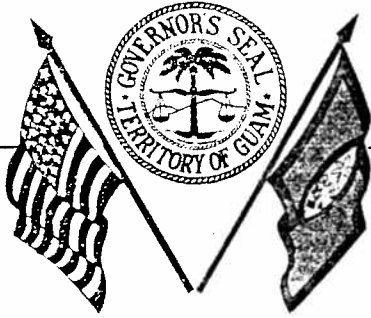
I strongly urge your kind consideration on this request. If you need more input from me, I stand ready to assist you.


I. S. CRUZ

cc: Governor's Office
Civil Defense
Dept. of Public Works
Mr. & Mrs. Jose R. Barcinas

TELEPHONES:

828-8312
828-8772



Territory of Guam
Territorion Guam

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

Honorable Joe T. San Agustin
Speaker
Twentieth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

Forwarded for your favorable and expeditious action is a proposed disposal of Government land, Lot No. 505-8, Pigua, Merizo, in exchange with Lot 243-1-R1 and improvements, presently owned by Mr. and Mrs. Jose R. Barcinas. To effectuate said exchange, legislation is needed since statutory procedure for disposal has been repealed, pursuant to Public Law 12-226 (Chamorro Land Trust Commission Act).

In their (Mr. and Mrs. Barcinas) letter of December 29, 1987, they indicated that flooding problem continues to hound their family, their property and personal belongings for the past 26 years. They further indicated that all efforts were made to correct the problems, but failed. Additionally, a letter filed in this office signed by Mr. Buck Cruz, Commissioner of Merizo, attesting to the problem that Mr. and Mrs. Jose R. Barcinas are encountering.

Regarding value, the "Barcinas" presented to this office two (2) appraisal reports. In our review to the appraisal reports provided, we concluded that the value of their property together with improvement is set at Fifty-Three Thousand Dollars (\$53,000.00) by Gaspard and Company, Inc. and Forty Five Thousand Dollars (\$45,000.00) by Bancorp Finance of Hawaii-Guam (Appraisal Department). Both values were averaged and we derived a value of Forty Nine Thousand Dollars (\$49,000.00) plus Seven Thousand Eighty-Five Dollars (\$7,085.00) for relocation cost as well as compensation for existing trees and/or plants (bearing and non-bearing), realizing a total of Fifty-Six Thousand Eighty-Five Dollars (\$56,085.00). With respect to the Government land, no appraisal report was presented by Mr. and Mrs. Barcinas. In the absence of said appraisal, we have set an in-house value of Ten Dollars (\$10.00) per square meter based on the value set for Mr. and Mrs. Charles Hambley, pursuant to Public Law 18-35:1. With this in mind, negotiation has been completed as agreed by Mr. and Mrs. Barcinas. Copy

Proposed Land Exchange
Mr. and Mrs. Barcinas
January 11, 1989
Page 2

of Mrs. Barcinas acceptance of the offer is attached for your references. In this letter it should be noted that the sum of Seven Thousand Eighty-Five Dollars (\$7,085.00) must be allocated and/or appropriated as requested by Mrs. Barcinas.

In light of the above, I have given my consent and I trust the Legislature will act similarly and thus, freeing the family from the nightmare as a result of flooding.

With warmest personal regard, I remain.

Sincerely

JOSEPH F. ADA
Governor of Guam

Enclosure

TRANSACTION ANALYSIS OF PROPERTIES

(A) Legal Description

Lot 243-1-R1, GBUS, Merizo, containing an area of 527± square
meters, as shown on map Drawing No. P.W. 82-M02 (L.M. # FY-161-82)

(B) Approved Map

Attached Copy

(C) Reference Certificate of Title.

Certificate of Title #72785 - Copy attached

Note: Basic Lot 243-1 was severed by the Department of Public
Works, Right of Way Division.

(D) Proposed Contract to Deed

Deed of Exchange attached

(E) Selling Price \$49,000 (Building and Land)

Required down payment N/A

Current use of property Residential

Current Fair Market Value \$49,000 (Building and Land)

(F) Narrative Justification The aforesaid lot I been encountering
flooding condtions and it was for the reason that hte Barcinas
family expressed the desire to enter into an exchange with
Government Land, Lot 505-8, Pigua, Merizo.

ARE IN FEET, UNLESS OTHERWISE NOTED.
 DISTANCE ARE 1963 VALUE.

ACCORDING TO PUBLIC LAW 6-134 TITLE 19, GOVERNMENT CODE OF GUAM

PLANNER

WAS EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS OF
 SECTION 14, GOVERNMENT CODE OF GUAM AND REGULATIONS THERE-
 UNDER, EFFECTIVE 1977

SURVEYOR

I, THOMAS T. ANDERSON, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY
 ME UNDER DIRECT SUPERVISION, THAT IT IS BASED UPON A FIELD
 SURVEY CONDUCTED IN SEPTEMBER, 1988 IN CONFORMANCE WITH ALL
 APPLICABLE REGULATIONS.

SECTION NO. 42 DATE

BRIEF DESCRIPTION	BY	APPROVED

DATE	<p>THOMAS T. ANDERSON REGISTERED LAND SURVEYOR NO. 42 JULIALE SHOPPING CENTER, SUITE 223E, AGANA, GU. TEL. 477-1589</p> <p>PARCELLING SURVEY MAP OF LOT 505-R7 Y-PIGUA, MUNICIPALITY OF MERIZO LS. 38 SEC. 283</p>
SEPT. 1988	
" "	
" "	
" "	

DATE	BASIC LOT NO	505
	CERTIFICATE OF TITLE NO	33482
	REGISTERED ON	10/25/1972
	IN THE NAME OF : GOVERNMENT OF GUAM	
	SHEET OF	DRAWING NO.
	1 OF 1	TTA-1189
	SCALE	
	1" = 50 FT.	

EXPIRES 12-31-77

89

SECRETARIA DE PLANEACION

APR 13 1971

Memorandum

To: The Governor
From: Director, Bureau of Planning
Subject: Land Exchange
Mr. and Mrs. Jose R. Barcinas, Merizo

The Bureau of Planning has made a preliminary review of the above subject land exchange proposal. We feel that there may have been government actions, in design on the bridge, which could have contributed to the flooding problem on the Barcinas property.

Attached for your signature is a memorandum, directing Department of Land Management to initiate the proper processing of the land exchange proposal.

15/
PETER P. LEON GUERRERO
Acting

cc: Chrono/GCMP

AFLEON/tc



SETBISION MAMPLANEHA
GOVERNMENT OF GUAM
AGANA, GUAM 96910

NOV 2 1988

Memorandum

To: Director, Department of Land Management
From: Director, Bureau of Planning
Subject: Lot No. 243-1-R1, Merizo
Mr. and Mrs. Jose R. Barcinas

The Bureau is in receipt of your memorandum dated November 2, 1988 pertaining to the subject referenced above.

This particular land exchange proposal is still undergoing review at this time. Initially, the Bureau supported the proposed land exchange, however, during the course of review, we were informed that an appropriation had been passed to correct the flooding problem within the area.

Department of Public Works (DPW) verified the appropriation. As a result, DPW was requested to justify why the government was still advocating a land exchange when an appropriation of \$30,000 had been made (copy of memorandum to DPW attached). To date, the Bureau is still awaiting response.

Until this issue on the appropriation is adequately addressed and justified, the Bureau cannot issue a supportive position.


PETER P. LEON GUERRERO

Attachment

cc; The Governor
Department of Public Works

SETEISION MANPLAMENA

DEC 22 1988

Memorandum

To: Director, Department of Land Management
From: Director, Bureau of Planning
Subject: Comments on Proposed Land Exchange
Lot No. 243-1-R1, Merizo and Lot No. 505-8, Merizo

As a follow up to my memorandum dated November 21, 1988 (copy attached), pertaining to the subject stated above, the Bureau has since been informed orally (memorandum to be forthcoming) by an official within Rights-of-Way Division, Department of Public Works that the appropriation of \$30,000 was not for the Barcinas property but instead had been appropriated for a different parcel in Merizo.

An earlier review of subject lots ascertained compliance with the Interim Guidelines for the disposition of Government land and in this regard, the Bureau finds the documentation to be in order. As a result, the Bureau does not object to the proposed land exchange as presented and recommends that the appropriate documents be forwarded for the Governor's review and signature.

(S)
PETER P. LEON GUERRERO

Attachments

cc: Governor's Office
Department of Public Works
Chrono/GCMP

JANDERSON/tc

C
O
P
Y

Memorandum .

To: Director, Department of Land Management

From: The Governor

Subject: Land Exchange
Mr. and Mrs. Jose R. Barcinas

Attached is a copy of a memorandum dated February 23, 1988, from the Commissioner of Merizo, Mr. Ignacio S. Cruz, referring to the above subject's letter dated December 29, 1987. As noted in the memorandum, Commissioner Cruz is in support of Mr. and Mrs. Barcinas' proposal to exchange their present house and lot with a government land in Pigua, Merizo. The request to exchange is prompted by regular flooding on the property.

Mr. and Mrs. Barcinas allege that the government, in part, created the flooding problem on their property through the design of the nearby bridge.

In this regard, I am directing your agency to investigate Mr. Barcinas' concerns and, if deemed necessary, take appropriate action to address this problem.

JOSEPH F. ADA

Attachment

cc: BUREAU OF PLANNING

AFLEON/PPLEONGUERRERO/tc

February 21, 1989

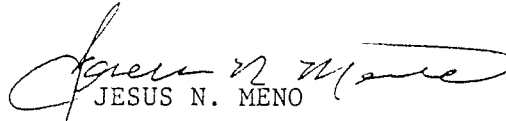
To: Senator Gordon Mailloux
From: Mr. Jesus N. Meno
Subj: Land Exchange

In reference of Mr. & Mrs. Jose R. Barcinas and Eleanor C. Barcinas, resident of Merizo.

This problem has been the same for many years, but things got worst when the new bridge was built because the water would flood their house, eight (8) inches high from the floor throughout the rooms.

~~The rooms~~ Mr. Barcinas built of a retaining wall is four (4) feet high from the side of the river, ~~with~~ his house gets flooded.

I recommend that relocation is the solution to the family of this problem.


JESUS N. MENO



ATTENDANCE SHEET

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

DATE: MARCH 14, 1989

BILL NO.: 463

AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE

GOVERNMENT OF GUAM REAL PROPERTY.

NAME

Print:

Sign:

TESTIMONY

Written:

Oral:

AGENCY/INTEREST GROUP

COMMENT

Favor:

Against:

Buck Cruz
JOSEPH C. BACUNAS

[Handwritten signatures]

✓
✓

[Handwritten signature]
WIFE: MRS. _____
SON: JOSE BACUNAS

✓
✓

Introduced

MAR 2 '89

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 463 (LS)

Introduced by:

T. S. Nelson

AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE
GOVERNMENT OF GUAM REAL PROPERTY.

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

2 Section 1. The Governor of Guam is hereby authorized to
3 exchange government of Guam real property, Lot No. 505-8, situated
4 in Pigua, Merizo, in exchange for Lot No. 243-1-R1 with
5 improvements, owned by Jose R. and Eleanor C. Barcinas.

6 The Guam Legislature concurring with the Department of
7 Land Management and the Governor hereby appropriate the sum
8 of Seven Thousand Eighty-Five Dollars (\$7,085.00) to the Barcinas
9 Family.