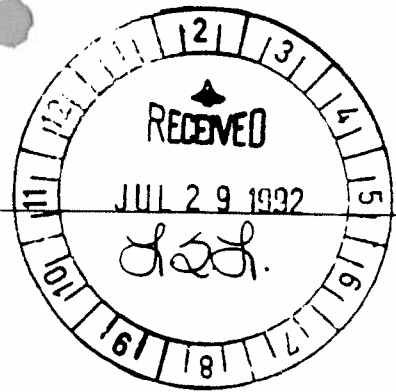




Territory of Guam
Territorio de Guam



JUL 28 1992

The Honorable Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 214 which I have signed into law this date as
Public Law 21-127.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Frank F. Blas".

FRANK F. BLAS
Governor of Guam
Acting

210909

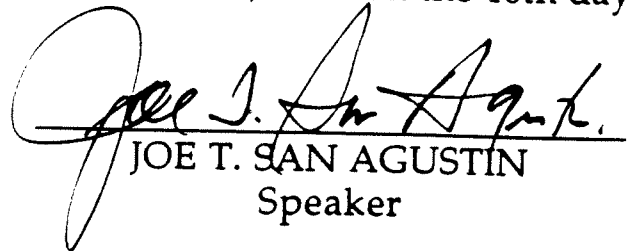
Attachment




TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 214 (COR), "AN ACT TO AUTHORIZE THE GOVERNOR TO LEASE ON A LONG TERM AGRICULTURAL BASIS A PORTION OF LOT NO. 7159, YIGO-DEDEDO AND OTHER LANDS IN YIGO AND BARRIGADA," was on the 10th day of July, 1992, duly and regularly passed.


JOE T. SAN AGUSTIN
Speaker

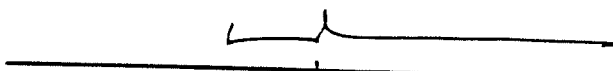
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 10th day of July, 1992,
at 4:50 o'clock P.M.


Assistant Staff Officer
Governor's Office

APPROVED:


FRANK F. BLAS
Governor of Guam
Acting

Date: JUL 28 1992

Public Law No. 21-127

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 214 (COR)

As amended and substituted by the
Committee on Housing, Community
Development, Federal and Foreign
Affairs and as further substituted by
the Committee on Rules

Introduced by:

C. T. C. Gutierrez
H. D. Dierking
E. P. Arriola

J. P. Aguon
M. Z. Bordallo
P. C. Lujan
G. Mailloux
D. Parkinson
J. T. San Agustin
F. R. Santos
D. L. G. Shimizu
J. G. Bamba
A. C. Blaz
D. F. Brooks
E. R. Dueñas
E. M. Espaldon
M. D. A. Manibusan
M. J. Reidy
M. C. Ruth
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO AUTHORIZE THE GOVERNOR TO LEASE
ON A LONG TERM AGRICULTURAL BASIS A
PORTION OF LOT NO. 7159, YIGO-DEDEDO AND
OTHER LANDS IN YIGO AND BARRIGADA.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**
2 **Section 1. Legislative statement. The Legislature finds that the**

1 diversified economic development of Guam's natural resources should be
2 encouraged and bolstered. In so doing, the Legislature will encourage
3 energetic, local entrepreneurs to participate and contribute to goals and
4 objectives designed to decrease Guam's dependency on a single economic
5 lifeline. Likewise, the Legislature finds that there exists a need to encourage
6 the development by local people of an agricultural industry capable of
7 providing fresh produce. The Legislature is aware that there are energetic
8 individuals with the spirit and determination to successfully enter the
9 demanding vocation of commercial agriculture. In authorizing long-term
10 agricultural leases, the Legislature is promoting a diversified use of Guam's
11 public lands with the hope and confidence that the diversity will not only
12 succeed but will flourish, providing an incentive for other ventures. Likewise,
13 because the public lands will be protected by long-term leases with stringent
14 terms and conditions, the trust of the people will be secured.

15 **Section 2. Authorization to lease to Felix Quan.** The Governor is
16 authorized to enter into a long-term agricultural lease agreement with Felix
17 Perez Quan, for a portion, not to exceed fifty (50) acres, of Lot No. 7159,
18 situated between the municipalities of Dededo and Yigo.

19 **Section 3. Authorization to lease to Martha Rubic.** The Governor is
20 hereby authorized to enter into a long-term agricultural lease agreement
21 with Martha Ann Rubic, for a portion, not to exceed twenty (20) acres, of Lots
22 Nos. 7150-R4NEW-5 and 7150-R4NEW-7, Municipality of Yigo.

23 **Section 4. Authorization to lease to Michael Kuhlman.** The Governor
24 is hereby authorized to enter into a long-term agricultural lease agreement
25 with Michael W. Kuhlman, not to exceed twenty (20) acres, of that portion of
26 Lot No. 5412, Municipality of Barrigada, shown on Land Management land
27 registration survey plat Drawing No. 597-FY74 I4-74T019, bordered on the

1 northeast by Lots Nos. 5328-2, 5329 and 5292-3 PART.

2 **Section 5. Terms, conditions and restrictions.** The leases authorized in
3 Sections 2, 3 and 4 of this Act shall each contain, at a minimum, the following
4 provisions:

5 (a) The leased property may be used only for agricultural
6 purposes and for the production of commodities derived from the
7 type of farming applied for and as approved by the Department of
8 Agriculture (the "Department").

9 (b) No permanent buildings may be constructed upon the
10 leased property.

11 (c) The removal of top soil, coral, or rock aggregate from
12 the leased property for any purpose is strictly prohibited.

13 (d) All storage, preparation, mixing and clean-up of
14 agricultural chemicals must be conducted in a storm-proof
15 containment structure and as promulgated by rules and
16 regulations by the Guam Environmental Protection Agency.

17 (e) Excavation or other earth work shall be subject to the
18 permits, rules and regulations of appropriate government
19 agencies.

20 (f) The sale, mortgage, hypothecation, collateralization, or
21 subordination of the lease in any manner, means or form, and the
22 sublease or assignment of the lease to secure any financing or in
23 any joint venture or partnership shall require the prior statutory
24 authorization of the Legislature and the prior approval of the
25 Governor.

26 (g) If at least fifty percent (50%) of the leased property is not
27 used for any significant agricultural purposes for three (3)

1 consecutive years, or if the lessee defaults under the terms of the
2 lease, the lease shall be terminated upon sixty (60) days'
3 notification by the Department, and the leased property shall
4 revert to the government of Guam without compensation to the
5 lessee.

6 (h) The rent shall be based on the leased property's fair
7 market value as agricultural and not commercial land. To
8 determine such value, the leased property shall be appraised by a
9 registered appraiser licensed to do business on Guam at the
10 expense of the lessee. Every ten (10) years thereafter such
11 property shall be similarly reappraised and the rent adjusted
12 accordingly.

13 (i) The government of Guam shall be indemnified and held
14 harmless for any losses, claims, property damage, injuries or
15 deaths which may occur on the leased property.

16 (j) The lease term shall be for an initial ten (10) years,
17 renewable every ten (10) years thereafter, up to a maximum of
18 fifty (50) years.

19 **Section 6. Surveying, mapping and registration.** The survey, mapping
20 and registration of the leased property herein shall be performed at the
21 direction of the Director of Land Management with the cost for such to be
22 borne by the lessees.

23 **Section 7. Review by Attorney General.** The Attorney General shall
24 insure that the provisions specified in this Act are made an integral part of the
25 lease agreements herein authorized. The Department, together with the
26 Attorney General, who shall insure compliance with the provisions thereof,
27 shall prepare the lease agreements herein authorized for final approval and

1 execution by the Governor.

2 **Section 8. Reversion of other leased property.** The proposed lessee of
3 the lease set out in Section 2 of this Act is a current lessee of other government
4 of Guam land. If such lessee wishes to be lessee under the lease authorized in
5 such section, he shall first relinquish and quitclaim to the government of
6 Guam the other leased properties, without compensation, or payment for any
7 standing crops thereon.

8 **Section 9. Final approval.** Passage of this Act by the Legislature shall
9 constitute final approval by the Legislature of the leases authorized herein
10 and no further legislative action is required.

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Date: 7/10/92

VOTING SHEET

Bill No. 214

Resolution No. _____

Question: _____

	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George				✓
BLAZ, Anthony C.	✓			
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
DIERKING, Herminia D.	✓			
DUENAS, Edward R.	✓			
ESPALDON, Ernesto M.	✓			
GUTIERREZ, Carl T.C.	✓			
LUJAN, Pilar C.	✓			
MAILLOUX, Gordon	✓			
MANIBUSAN, Marilyn D.A.	✓			
PARKINSON, Don	✓			
REIDY, Michael J.	✓			
RUTH, Martha C.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SHIMIZU, David L.G.				✓
TANAKA, Thomas V.C.	✓			
UNPINGCO, Antonio R.	✓			

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**COMMITTEE ON HOUSING,
COMMUNITY DEVELOPMENT,
FEDERAL AND FOREIGN AFFAIRS
TWENTY-FIRST GUAM LEGISLATURE
163 Chalan Santo Papa
Agaña, Guam 96910**

Senator Francisco R. Santos
Chairman

Tel: (671) 472-3414/3415
Fax: (671) 477-3048

May 8, 1992

The Honorable Joe T. San Agustin
Speaker, 21st Guam Legislature
155 Hesler St.
Agana, Guam

Dear Mr. Speaker,

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred **BILL NO.214: *An Act to authorize the Governor to enter into a long term agricultural lease for government land in the Yigo-Dededo area*** has had the same consideration and herewith reports its recommendation **TO DO PASS** as amended and substituted by the Committee. The Committee votes were as follows:

TO DO PASS	- 9-
TO DO NOT PASS	-0-
TO REPORT OUT ONLY	-1-
OFF ISLAND/NOT VOTING	-0-

Sincerely yours,

F.R. Santos

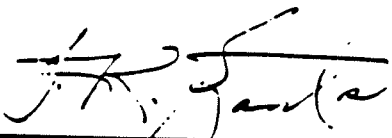
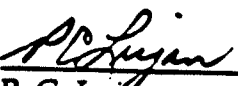


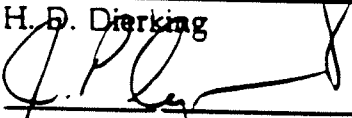
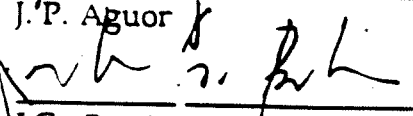
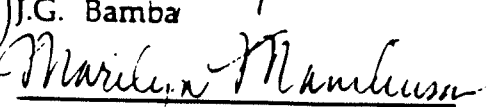
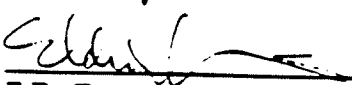
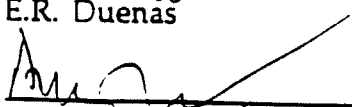
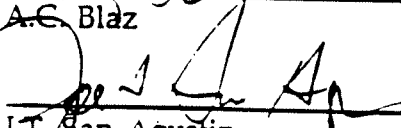
**COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT,
FEDERAL AND FOREIGN AFFAIRS
TWENTY-FIRST GUAM LEGISLATURE
163 Chalan Santo Papa
Agaña, Guam 96910**

Senator Francisco R. Santos
Chairman

Tel: (671) 472-3414/3415
Fax: (671) 477-3048

VOTE SHEET

BILL NO. 214: *An Act to authorize the Governor to enter into a long term agricultural lease of government land with Mr. Felix P. Quan.*

Senator	To Do Pass	To Do Not Pass	Report Out Only	Not Voting
 F. R. Santos	✓			
 P. C. Lujan	✓			
 E. P. Arriola	✓			
 H. D. Dierking	✓			
 J. P. Aguor	✓			
 J.G. Bamba	✓			
 M.D.A. Manibusan			5/11/92 ✓ man	
 E.R. Duenas	✓			
 A.C. Blaz	✓			
 J.T. San Agustin	✓			

**COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT,
FEDERAL AND FOREIGN AFFAIRS
TWENTY-FIRST GUAM LEGISLATURE
163 Chalan Santo Papa
Agaña, Guam 96910**

**Senator Francisco R. Santos
Chairman**

**Tel: (671) 472-3414/3415
Fax: (671) 477-3048**

Bill No. 214

LONG TERM AGRICULTURAL LEASE

Felix P. Quan

**COMMITTEE ON HOUSING,
COMMUNITY DEVELOPMENT,
FEDERAL AND FOREIGN AFFAIRS
TWENTY-FIRST GUAM LEGISLATURE
163 Chalan Santo Papa
- Agaña, Guam 96910**

Senator Francisco R. Santos
Chairman

Tel: (671) 472-3414/3415
Fax: (671) 477-3048

COMMITTEE REPORT

o n

Bill No. 214

*An Act to Authorize the Governor to enter into a long term
agricultural lease of government land.*

April 27, 1992

COMMITTEE FINDINGS

- The Committee finds that the proposed long term agricultural leases, contained in Bill No. 214 has the inherent potential to accrue substantial benefits to the people of Guam in terms of:

- providing needed and desired agricultural products and produce which would bolster the economic development of Guam's natural resources;

- providing job opportunities and experience in a much needed area; and

- desirable utilization of public lands to maximum potential, much of this land now idle.

- The Committee finds that there is support for the proposed lease, as expressed by testimony submitted and offered by government agencies, as well as, private individuals.

- The Committee finds that the entrepreneurial spirit displayed by individuals, such as Mr. Quan, should be nurtured and encouraged and that granting the Governor the authorization to consummate these leases presents a unique opportunity to encourage such spirit and energy among all on Guam.

- The Committee finds that authorizing the lease of government property protects and secures the public trust

and desirable uses of said property for the period of the lease, provided that protective clauses and restrictions are made integral parts of that agreement.

COMMITTEE RECOMMENDATIONS

- The Committee recommends granting the Governor the authority to enter into the lease agreement contained in the substituted and amended legislation. However, the Committee, upon recommendation of the Department of Land Management (noting their concern for establishing the precedence of leasing parcels in excess of 100 acres), further recommends that the size of the parcel to be leased be reduced to 100 acres rather than the 121 acres requested.

- The Committee recommends that protective and restrictive clauses be incorporated into the lease with the purpose of preventing subleasing, mortgaging, hypothecation, collateralization and other methods of placing the land or lease in the control of any party other than the individual to which the lease is authorized in the first place without the prior statutory authorization of the Legislature and the Governor.

- The Committee recommends the standard prohibitions against the removal and sale of top soil, aggregate, coral or rock from the parcels or the any earth

work or excavation without the prior approval of the permitting and regulatory agencies and the Department of Agriculture.

PUBLIC HEARING

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred Bill No. 214, conducted a public hearing on said measure on June 20, 1991, in the Legislative Public Hearing Room.

Committee members present at the public hearing were:

- Sen. Francisco R. Santos, Chairman
- Sen. Pilar C. Lujan, Vice Chair
- Sen. John P. Aguon
- Sen. Elizabeth P. Arriola
- Sen. Anthony C. Blaz
- Sen. J. George Bamba
- Sen. Marilyn D.A. Manibusan
- Sen. E.R. Duenas

TESTIMONY RECEIVED

Testifying in support of the lease proposed in Bill No. 214, at the public hearing of June 20, 1991 were:

- Mr. Felix P. Quan, proposed lessor
- Mr. Ramon San Agustin, farmer and member of the Ag Board
- Mr. Jesus San Nicolas, farmer and member of the Ag Board

Mr. Tom Blas, representing the Department of
Agriculture.

Mr. Frank Castro, Director, Land Management

All testimony received were in favor of granting the lease to Mr. Quan. Both Mr. San Agustin and Mr. San Nicolas note that they have known Mr. Quan for a period of years and know of his desire and ability to farm the property. Mr. Blas noted that the Department of Agriculture supports the legislation and the lease as Mr. Quan is one of the more experienced farmers on Guam.

Mr. Castro testified that he supports the idea of a long term agricultural lease to Mr. Quan as he does not question Mr. Quan's ability as a farmer. However, he has reservations about the amount of land being proposed on the lease. Mr. Castro did note that much of the property is not utilizable for cultivation but that he feels that granting a lease of property in excess of 100 acres would establish a precedence that is better avoided. Further, Mr. Castro notes that should Mr. Quan eventually need the additional acreage, because he holds this initial lease, he should not have any difficulty amending the lease to add more acreage.

Mr. Quan noted that areas not utilizable for cultivation in yearly harvested cash crops will be planted in long term crops and trees which would serve as wind breaks for other crops needing that form of protection.

NOTATION

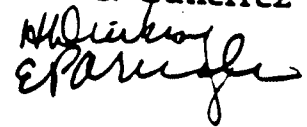
The subject of Bill No. 214 was first introduced in the Twentieth Guam Legislature. The Committee on Housing and Community Development, Sen. Gordon Mailloux, Chairman, reported out said measure with the recommendation to do pass. The Committee Report on said proposal is hereto appended for reference.

TWENTY FIRST GUAM LEGISLATURE
FIRST REGULAR (1991) SESSION

Bill No. 214

As amended and substituted by the
Committee on Housing, Community Development,
Federal and Foreign Affairs

Introduced by:

C.T.C. Gutierrez


AN ACT TO AUTHORIZE THE GOVERNOR TO
ENTER INTO A LONG TERM AGRICULTURAL
LEASE FOR GOVERNMENT LAND IN THE
YIGO-DEDEDO AREA.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF
2 GUAM:
3

4 SECTION 1. LEGISLATIVE STATEMENT: The Twenty
5 First Guam Legislature finds that there exists the necessity to
6 encourage and bolster a diversified economic development of
7 Guam's natural resources. In so doing, the Legislature
8 encourages local and energetic entrepreneurs to participate
9 and contribute to goals and objectives designed to decrease
10 Guam's dependency on a single form of economic lifeline.
11 Likewise, the Twenty First Guam Legislature finds that there
12 exists a need to encourage the development of an agricultural
13 industry capable of providing fresh produce, however,

1 limited, to the people of Guam. The Legislature has been
2 made aware that there are energetic individuals with the
3 spirit and determination to enter the most demanding
4 vocation of commercial agriculture. In authorizing these
5 agricultural long term leases, the Twenty First Guam
6 Legislature is promoting a diversified use of Guam's public
7 lands with the hope and confidence that the diversity will not
8 only succeed but will flourish and provide an incentive for
9 other similar type ventures. Likewise, because the public
10 lands will be covered and protected by a long term lease with
11 stringent terms and conditions, the trust of the people will be
12 secured.

13 **SECTION 2. AUTHORIZATION TO LEASE.**

14 Notwithstanding any other provision of law, the Governor is
15 hereby authorized to enter into a long term agricultural lease
16 agreements with Mr. Felix Perez Quan, for a portion, not to
17 exceed One Hundred (100) acres, of Lot No. 7159, and
18 situated between the municipalities of Dededo and Yigo; and

19 **SECTION 3. TERMS, CONDITIONS AND**

20 **RESTRICTIONS.** The leases authorized in Section 2 hereof
21 shall contain the following provisions:

22 a) the property involved may be used only for
23 agricultural purposes and for the production of commodities
24 related to the type of farming applied for and as approved by
25 the Department of Agriculture;

1 b) No permanent buildings(s) except for dwelling and
2 for reproduction, for non-agricultural purposes may be
3 constructed upon the premises;

4 c) The removal, from the parcel leased, of top soil,
5 coral, and/or rock aggregate for any purpose is strictly
6 prohibited.

7 d) Any excavation or earth work shall be subject to the
8 permitting rules and regulations of the appropriate
9 government agencies;

10 e) The sale, mortgage or subordination of this lease in
11 any manner, means or form and/or the sublease, assignment,
12 hypothecation, collateralization or use of this lease to secure
13 any financing or in any joint venture or partnership is strictly
14 prohibited without the prior statutory authorization of the
15 Guam Legislature and prior approval of the Governor.

16 f) If the property is not used for any significant
17 agricultural purposes for three (3) consecutive years, the lease
18 shall be terminated upon Sixty (60) day notification by the
19 Department of Agriculture.

20 g) The rent shall be based on the property's fair
21 market value as agricultural land and not that of other
22 commercial value consideration;

23 h) The government of Guam shall be indemnified and
24 held harmless for any losses, claims, property damage,
25 injuries or deaths which may on the leased property.

26 **SECTION 4. SURVEYING, MAPPING AND**
27 **REGISTRATION.** In the event that the property herein

1 specified must be surveyed, mapped and duly registered, the
2 Director of Land Management shall cause said surveying,
3 mapping and registration to be accomplished. Said survey,
4 mapping and registration shall be for the account of the
5 lessee.

6 **SECTION 4. REVIEW BY ATTORNEY GENERAL.** The
7 Attorney General of Guam shall insure that the provisions
8 herein specified are made an integral part of the lease
9 agreement herein authorized. The Department of Agriculture,
10 together with the Attorney General of Guam, who shall insure
11 compliance with the provisions hereof, shall prepare the
12 Lease Agreement herein authorized for final approval by the
13 Governor.

14 **SECTION 5. FINAL APPROVAL.** Passage of this Bill by
15 the Guam Legislature shall constitute final approval by the
16 ~~Guam Legislature of the lease authorized herein and no~~
17 further Legislative action is necessary or required.

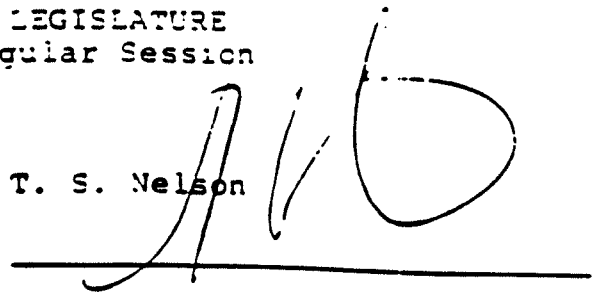
18

THE TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session

Bill No. 1232(16)

Introduced by:

T. S. Nelson



AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM
TO LEASE A PORTION OF GOVERNMENT LAND FOR
AGRICULTURAL DEVELOPMENT.

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

2 Section 1. Notwithstanding any other provision of law,

3 the Governor of Guam is authorized to lease Lot No. 7139,

4 containing an area of 434,217 ± square meters and situated between

5 the municipalities of Cededo and Yigo and particularly described

6 on Land Management Drawing No. 14-87T296 prepared by the

7 government of Guam Land Survey Division, to Felix P. Quan for

8 the purpose of developing a fruit and vegetable plantation.

9 The length of the term of any lease executed pursuant to this

10 Section and the amount of rent due such lease shall be determined

11 in accordance with Sections 7 and 8 of Public Law 13-19. The

12 lease be executed regardless of whether title to the land to

13 be leased has been registered.

14 Any lease executed pursuant to this Section shall provide

15 that:

16 1. the government will not be liable to the lessee for

17 any damages in the event that any portion of the land

18 leased is determined not to be owned by the government

19 of Guam; and

20 2. if at any time the land leased is no longer being

21 used for the purposes authorized pursuant to this

22 Section, the land shall revert to the government of

23 Guam; and

24 3. if the land lies idle for five (5) years, it shall

25 revert to the government of Guam; and

- 1 4. the lease shall terminate if any topsoil or coral
2 is removed from the land for profit; and
3 5. any topsoil or coral removed from the land for the
4 purpose of clearing the land shall be and remain the
5 property of the government of Guam.

6 Any lease to be executed pursuant to the authorization
7 granted in this Section shall be approved by the Legislature.
8 The lessee shall not invest in or improve the property until
9 the lease is approved by the Legislature.



SENATOR GORDON MAILLOUX

CHAIRMAN, COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
TWENTIETH GUAM LEGISLATURE

July 13, 1990

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

Member of the
Committees on:

- Tourism, Transportation and Communications
- 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
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

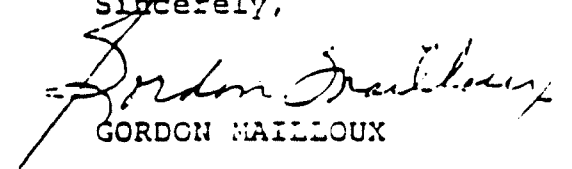
The Committee on Housing and Community Development to which was referred Bill No. 1232, "AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO LEASE A PORTION OF GOVERNMENT LAND FOR AGRICULTURAL DEVELOPMENT," hereby recommends the Bill to Pass by the Twentieth Guam Legislature.

The Committee votes are as follow:

To Do Pass	7
To Not Pass	1
To Report Out Only	0
To Place in Inactive File	3

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

Sincerely,


GORDON MAILLOUX

Enclosures

GM/pjb

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

VOTE SHEET

BILL NO. 1232

"AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO LEASE A PORTION OF GOVERNMENT LAND FOR AGRICULTURAL DEVELOPMENT"

<u>COMMITTEE MEMBERS</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>REPORT OUT ONLY</u>	<u>INACTIVE FILE</u>
<u><i>G. Mailoux</i></u> GORDON MAILLOUX Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>Mabelleine Z. Bordallo</i></u> MABELEINE Z. BORDALLO Vice-Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>JOHN P. AGUON</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>E. Arriola</i></u> ELIZABETH P. ARRIOLA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>P. C. Lujan</i></u> PILAR C. LUJAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>TED S. NELSON</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>DON PARKINSON</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>E. D. Reyes</i></u> EDWARD D. REYES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>F. R. Santos</i></u> FRANCISCO R. SANTOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>J. George Bamba</i></u> J. GEORGE BAMBA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>MARILYN D. MANIBUSAN</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

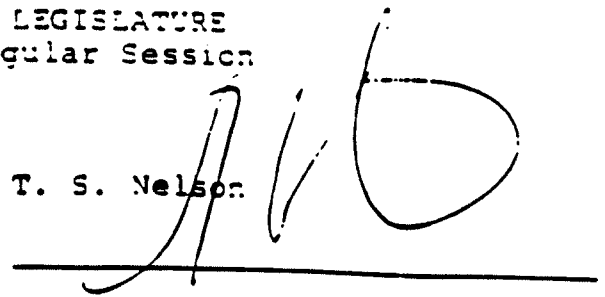
FEB 27 1990

TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session

Bill No. 1232(16)

Introduced by:

T. S. Nelson



AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM
TO LEASE A PORTION OF GOVERNMENT LAND FOR
AGRICULTURAL DEVELOPMENT.

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

2 Section 1. Notwithstanding any other provision of law,

3 the Governor of Guam is authorized to lease Lot No. 7139,

4 containing an area of 484,217 ± square meters and situated between

5 the municipalities of Dededo and Yigo and particularly described

6 on Land Management Drawing No. 14-87T286 prepared by the

7 government of Guam Land Survey Division, to Felix P. Quan for

8 the purpose of developing a fruit and vegetable plantation.

9 The length of the term of any lease executed pursuant to this

10 Section and the amount of rent due such lease shall be determined

11 in accordance with Sections 7 and 8 of Public Law 15-13. The

12 lease be executed regardless of whether title to the land to

13 be leased has been registered.

14 Any lease executed pursuant to this Section shall provide

15 that:

16 1. the government will not be liable to the lessee for

17 any damages in the event that any portion of the land

18 leased is determined not to be owned by the government

19 of Guam; and

20 2. if at any time the land leased is no longer being

21 used for the purposes authorized pursuant to this

22 Section, the land shall revert to the government of

23 Guam; and

24 3. if the land lies idle for five (5) years, it shall

25 revert to the government of Guam; and

- 1 4. the lease shall terminate if any topsoil or coral
2 is removed from the land for profit; and
3 5. any topsoil or coral removed from the land for the
4 purpose of clearing the land shall be and remain the
5 property of the government of Guam.

6 Any lease to be executed pursuant to the authorization
7 granted in this Section shall be approved by the Legislature.
8 The lessee shall not invest in or improve the property until
9 the lease is approved by the Legislature.

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

PUBLIC HEARING MINUTES ON BILL NO. 1232

"AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO LEASE A PORTION OF GOVERNMENT LAND FOR AGRICULTURAL DEVELOPMENT"

DATE: MAY 8, 1990
TIME: 2:00 P.M.
PLACE: LEGISLATIVE CONFERENCE ROOM
PACIFIC ARCADE BUILDING

MEMBERS PRESENT: Chairman Senator Gordon Mailloux; Members Vice-Speaker Ted S. Nelson and Senator J. George Bamba.

WITNESSES PRESENT: Mr. Jesus Terlaje; Mr. Felix P. Quan, applicant.

SUMMARY OF TESTIMONIES

All witnesses testified in support of Bill No. 1232.

Mr. Quan is currently leasing eight acres under long term lease and another eight acres under temporary lease, a total of 16 acres. Out of the 16 acres, only 6 acres are tillable. When questioned about releasing the untillable acres to be used for something else, Mr. Quan stated that long term crops can be produced on untillable areas, such as fruit trees, etc. Mr. Quan is in need of a larger farming area in order to give the soil a break between planting time.

Vice-Speaker Nelson stated that the government has always encouraged our local people to get into farming. It, therefore, has the responsibility to give our local people the resources necessary in order to expand the agricultural industry.

FINDINGS/RECOMMENDATIONS

Bill No. 1232 authorizes the Governor of Guam to lease 484,217 +/- Square Meters of government land to Mr. Felix P. Quan for agricultural development. The property is described as Lot No. 7159, situated between the Municipalities of Dededo and Yigo. The amount of rent due will be determined in accordance with Sections 7 and 8 of Public Law 15-18.

The subject property is an unregistered government land, and the Government has yet to secure clear title and registration. The Government, however, has undergone the proceedings of Administrative Transfer to secure clear title. The Department of Land Management is now awaiting for the Attorney General to pursue final Court Action.

The Department of Land Management, on June 6, 1989, executed and transmitted for the Governor's consideration the Administrative Transfer of said property to the Department of Agriculture. The Department of Agriculture is in charge of executing long term agricultural leases.

The Committee, hereby, recommends Bill No. 1232, as Amended, to Pass by the Twentieth Guam Legislature.

ATTACHMENTS:

1. BILL NO. 1232, AS AMENDED BY THE COMMITTEE.
2. BILL NO. 1232, AS REFERRED TO THE COMMITTEE.
3. LETTER TO MR. FELIX QUAN FROM THE DIRECTOR OF DEPT. OF LAND MANAGEMENT, DATED 12/21/89, WITH RELEVANT DOCUMENTS.
4. PUBLIC LAW 15-18.
5. FISCAL NOTE FROM THE DIRECTOR OF BUREAU OF BUDGET.
6. MAP OF SUBJECT AREA.
7. ATTENDANCE SHEET.

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) REGULAR SESSION

BILL NO. 1000
Amended by the Committee on
Housing and Community Development

Introduced by:

T.S. NELSON

AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO LEASE A
PORTION OF GOVERNMENT LAND FOR AGRICULTURAL DEVELOPMENT.

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

2 Section 1. Notwithstanding any other provision of law, the
3 Governor of Guam is authorized to lease Lot NO. 7159, containing
4 an area of 484,217 +/- Square Meters and situated between the
5 municipalities of Dededo and Yigo and particularly described on
6 Land Management Drawing No. 14-87T286 prepared by the Government
7 of Guam Land Survey Division, to Felix P. Quan for the purpose of
8 developing a fruit and vegetable plantation. The length of the
9 term of any lease executed pursuant to this Section and the amount
10 of rent due such lease shall be determined in accordance with
11 Sections 7 and 8 of Public Law 15-18. The lease be executed
12 regardless of whether title to the land to be leased has been
13 registered.

14 Any lease executed pursuant to this Section shall provide
15 that:

16 1. The Government will not be liable to the lessee for
17 any damages in the event that any portion of the land leased is
18 determined not to be owned by the Government of Guam; and

19 2. If at any time the land leased is no longer being
20 used for the purposes authorized pursuant to this Section, the

1 3. If the land lies idle for five (5) years, it shall
2 revert to the Government of Guam; and

3 4. The lease shall terminate if any topsoil or coral
4 is removed from the land for profit; and

5 5. Any topsoil or coral removed from the land for the
6 purpose of clearing the land shall be and remain the property of
7 the Government of Guam; and

8 6. The lease agreement shall be a ten-year lease,
9 renewable every ten (10) years up to fifty (50) years.

10 Any lease to be executed pursuant to the authorization
11 granted in this Section shall be approved by the Legislature. The
12 lessee shall not invest in or improve the property until the lease
13 is approved by the Legislature. ---

TWENTIETH GUAM LEGISLATURE
1990 SECOND Regular Session



Bill No. 100
Introduction Date:

Handwritten notes:
Diana
Dec 5/90
[Signature]

Handwritten signature: S. Nelson

AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM
TO LEASE A PORTION OF GOVERNMENT LAND FOR
AGRICULTURAL DEVELOPMENT.

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

Section 1. Notwithstanding any other provision of law, the Governor of Guam is authorized to lease lot No. 1100, containing an area of 414,117 square meters and situated in the municipalities of Tadeo and Viga and particularly defined on Land Management Drawing No. 14-877256 prepared by the government of Guam Land Survey Division, to Felix P. Juan for the purpose of developing a fruit and vegetable plantation. The length of the term of any lease executed pursuant to this Section and the amount of rent due such lease shall be determined in accordance with Sections 7 and 8 of Public Law 11-11. The lease be executed regardless of whether title to the land to be leased has been registered.

Any lease executed pursuant to this Section shall provide that:

1. the government will not be liable to the lessee for damages in so event that any portion of the land to be leased is determined not to be owned by the government of Guam; and
2. if at any time the land leased is no longer used for the purposes authorized pursuant to this Section, the land shall revert to the government of Guam; and
3. if the land lies idle for five (5) years, it shall revert to the government of Guam; and

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4. The lease shall terminate if any person or corporation is removed from the land for reasons not

otherwise provided for in this section and the land shall be sold by the authority of the government of Utah.

Any lease to be executed pursuant to the administration provided in this section shall be approved by the legislature. The lessee shall not invest in or improve the property until the lease is approved by the legislature.

DEPARTMENT OF LAND MANAGEMENT
OFFICE OF THE ATTORNEY GENERAL

December 21, 1989

Mr. Felix P. Quan
P.O. Box 12596
Tamuning, Guam 96911

Subject: In the matter of Lot No. 7159 situating in the Municipality of Dededo and Yigo

Dear Mr. Quan:

Please accept my apology for the delay in effectuating the Administrative Transfer of the subject property to the Department of Agriculture but I am sure that you understand that without the Government securing a clear title to the property, the transfer cannot be possible. The said land remains an unregistered Government property.

However, you should be delighted to know that on July 5, 1989, I requested the Office of the Attorney General into petitioning the Court of Jurisdiction for the Land Registration Proceeding of the said case and following that action, the matter was designated as being LAND REGISTRATION CASE NO. 0020-89. Subsequently, Attorney Roland Fairfield of the Attorney General's Office prepared the necessary Public Notice and so ordered for the posting of the said notice.

Accordingly, the notice was posted at the Yigo Mayor's Office; the Yigo Post Office; and, the Dededo Mayor's Office. The Clerk of Court also posted the Notice at the Superior Court's area. The Affidavit of Posting was filed in Court December 19, 1989.

With all the actions taken, we are now waiting for the Attorney General to pursue the matter for the final Court Action. When the case is finally scheduled and heard in Court, we do not anticipate anyone to adversely claim against the government but then, that is only a presumption and we could be wrong. With that in mind, we can only wait and see what happens.

Lot No. 7159, Municipality of Dededo and Yigo
December 21, 1989
Page 2 of 3 pages

Please be assured that if the Judgement of the Court goes in the direction of adjudging that title to the property clearly lies with the Government of Guam, we shall immediately move with the actions of issuing the Necessary Certificate of Title and in effectuating the Administrative Transfer to the Department of Agriculture.

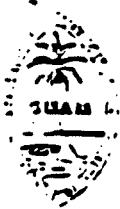
We humbly ask for your further patience and understanding.

Sincerely,



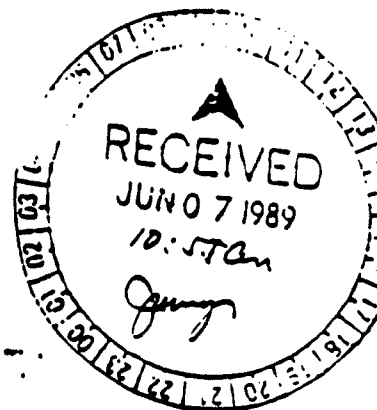
F. L.G. CASTRO
Director, Department of
Land Management

cc: Director of Agriculture



DEPARTMENT OF LAND MANAGEMENT
GOVERNMENT OF GUAM
AGANA GUAM 96910

June 6, 1989



Memorandum

To: The Governor
From: Director of Land Management
Subject: In the matter of Lot No. 7159, Dededo/Yigo

Mr. Felix Quan has been pursuing his application for the long term leasing of the subject mentioned property and knowing that Mr. Quan is highly capable of making the land productive, Land Management fully supported the application. Accordingly, on April 10, 1989, I executed and transmitted for your consideration, the Administrative Transfer Documentation. Without the said document, the Department of Agriculture cannot proceed with the finalization of the Lease Agreement for Mr. Quan.

The problem of course lies in the area where the said property is an unregistered government land and while I must concede that the best direction to take would be, not to make the transfer to the Department of Agriculture until the Registration Proceeding is completed in Court. However, as time is of the essence for Mr. Quan, I am maintaining the position that transferring jurisdiction at this point in time is not too defective for we are only transferring whatever rights and interest we believe to have had on the property. Moreover, that if the Lease Agreement with Mr. Quan can clearly stipulate that the government will be held harmless should the Court adjudicates ownership to Lot 7159 to other than the Government of Guam, I believed that we should proceed with the transaction. We actually do not foresee anyone claiming ownership to the said land against the government.

Nevertheless, attached for your information is a XEROX copy of my cover letter to the Attorney General requesting that the case be brought for Land Registration. In the meantime, I still think that you should execute the Transfer Document which was forwarded April 10, 1989.

F. L. G. CASTRO

- Attachments: 1) Copy of Transfer Document dated April 10, 1989
2) Copy of Memo to A.G. dated June 5, 1989

cc: Director of Agriculture



LOT 10083-R/W
 BY THE PUBLIC ACQUISITION
 DEC. 319888

LOT 10083-S-R/W
 BY THE PUBLIC ACQUISITION
 DEC. 319888

LOT 10083-4

LOT 10194-3

LOT 7160

LOT 7160

LOT 10083-6-R/W
 BY THE PUBLIC ACQUISITION
 DEC. 319888

LOT 10083-6-1
 LOT 10083-6-2
 LOT 10083-6-3
 LOT 10083-6-4

LOT 10083-5-1
 LOT 10083-5-2
 LOT 10083-5-3
 LOT 10083-5-4

LOT 10083-4-1
 LOT 10083-4-2
 LOT 10083-4-3
 LOT 10083-4-4

LOT 7159
 AREA - 484,217 ± SQ. FT.
 = 11.212,044 ± ACRES
 = 119.852 ACRES

13 00° 38' 58" W 637.7421
 5 00° 38' 58" W 637.823

13 00° 38' 58" W 637.7421
 5 00° 38' 58" W 637.823

13 00° 38' 58" W 637.7421
 5 00° 38' 58" W 637.823

13 00° 38' 58" W 637.7421
 5 00° 38' 58" W 637.823

13 00° 38' 58" W 637.7421
 5 00° 38' 58" W 637.823

PROPOSED AGRICULTURAL LEASE
OF
GOVERNMENT OF GUAM LAND

LOT #7159 - MUNICIPALITY OF DEDEDO & YIGO
FOR VEGETABLE AND FRUIT PRODUCTION

BY:

FELIX P. QUAN
(FARMER/AGRICULTURAL PRODUCER)

1. Introduction

This proposal is submitted in hopes that the Government of Guam administrative and legislative branches alike, will favorably grant the proponent a long-term agricultural land lease on Government of Guam, Lot #7159 in the Municipality of Dededo and Yigo, Guam.

It is the intent of the proponent to commercially farm the land with employment of safeguard measures to assure that environmental effects are minimal.

While the proponent is a current lessee of Government of Guam land in Tract 1 Dededo, the room for expansion in said tract is not feasible. The bases for the proponent's need for expansion include:

1. Current farm land is too small to provide for commercial farming;

2. Current production capabilities (machinery and other forms of input) out-weigh existing land resources and;

3. Market demand for fresh produce can easily absorb production from expansion.

II. Farm Plan

The following outlines the intended use of the land (Lot #7159).

A. Enterprises

Aside from the planting of windbreak trees, only two (2) enterprises will occur on the land. The enterprises will include:

1. Vegetable Enterprise (Short-term crops)
2. Fruit Orchard Enterprise (Long-term crops)

B. Production Scheme

1. Vegetable Enterprise - Short-term crops will be planted in open-field conditions on a crop rotation basis. Trellising/staking practices will be used on appropriate crops. Farm machinery will be used to work the soil. Approximately 60 acres will be devoted for vegetable enterprises.
2. Fruit Orchard Enterprise - Long-term tropical fruit-bearing trees will be planted in orchard conditions. Among the primary trees are: coconuts, papayas, lemons, tangerines, and various other suitable fruit crops at a smaller scale. Approximately 20 acres will be devoted for the fruit orchard enterprise.
3. Windbreaks/Access Roads/Non-Arable Plots - Approximately 40 acres will be comprised of windbreak trees, roadways, and unsuitable land for the above two cited enterprises. Windbreaks will be planted on the perimeter of the lot and between field plots of approximately 200' running north and south for plot designation. A roadway will extend around the perimeter of the lot and alongside designated plots.

C. Irrigation Practices

1. *Source of Water*- Source of irrigation water will be purchased through the PUAG agricultural water distribution system. Wells will not be dug

2. *Distribution of Water* - Distribution of water to the crops will comprise primarily of the drip/trickle irrigation distribution system. Overhead sprinkler system will be employed on an as-needed basis.

3. *Fertigation* - A fertilizer injection unit will be incorporated with the drip irrigation system for fertilizer sidedress application. All safety measures, such as the use of an anti-siphon (backflow prevention) device, will be incorporated as well in the drip irrigation system. The use of a fertilizer injection unit in a drip irrigation system assures minimal use of fertilizer unlike direct dry fertilizer application. The backflow prevention device provides assurance of safety to municipal sources.

D. Fertilizer Use/Application

1. *Fertilizer Use* - The type and amount of fertilizer to be used will be based on soil testing results and recommendations of the Cooperative Extension Service, University of Guam. There will be no indiscriminate application of fertilizers so as to cause environmental problems, aside from the effects of excessive production cost.

2. *Fertilizer Application Methods* - Preplant - All applications of fertilizers will be conducted through the Band or Spot (pin-point) method as opposed to the *Broadcast* method. *Band* and *Spot* methods of application utilize less fertilizer and are readily accessible to the plants whereas, the Broadcast method of application requires more fertilizer and in most cases is not available to the plant, but rather becomes more available for movement in the soil through percolation.

3. *Sidedressing* - Most, if not all, of the sidedress applications of fertilizer will be accomplished through fertigation as mentioned above on Section II, Part C, item 3. Some Spot (pin-point) fertilizer application may be utilized at a minimal level.

E. Pest Control

Pesticides - EPA registered fungicides, miticides, bactericides and insecticides will be used to control/prevent pest damages. However, control of weed pests will be done primarily through the use of a *mulching & cultivation* system. Little or no herbicides will be used and, no soil fumigation measures will be practiced on the farm land.

Application - Chemical pesticides will be applied through the use of standard agricultural sprayers. However, serious consideration is being given to incorporate the use of an air mist blower which 1) uses less water per area of application and; 2) better coverage on plant parts, thereby reducing chemical solution contact with the soil. Recommended application rates will, as shown on the pesticide label, be strictly adhered to.

Scouting- A pest incidence scouting method will be employed to minimize the frequency of pesticide applications. Through scouting, levels of pest infestation will determine when spraying is needed when pest counts go beyond tolerable levels.

F. Crop/Field Rotation

The practice of crop rotation with the vegetable enterprise will be incorporated with emphasis on field rotation. That is, some vegetable field plots will be left for non-commercial production activities for a period of at least one growing season. This practice will allow for organic soil build-up.

G. Soil Conservation Measures

In an effort to retain and maintain good soil conditions at the farm land, a Soil Conservation Service (SCS-USDA) approved plan will be utilized as well as recommendations from entities such as the Cooperative Extension Service, UOG and the Department of Agriculture.

III. Background of proponent

The proponent's background includes the following:

1. Exposed to farm life from childhood to adult - both parents were in farming and fishing.
2. Livestock farmer from 1973 to 1985 - Combination full-time/part-time commercial swine operation.
3. Farmer Cooperative Manager from 1979-1985.

4. Full-time commercial vegetable crop farmer from 1985 to present (1990).

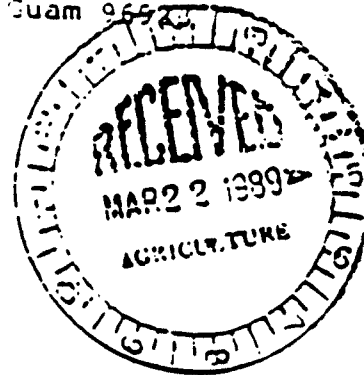
The proponent also maintains/owns several farm equipment, tools, and supplies to operate a large scale farm. The proponent is currently a licensed Certified Pesticide Applicator at a Commercial category.



United States
Department of
Agriculture

Soil
Conservation
Service

UOG Station
Mangilao, Guam 96920



November 19, 1987

Mr. Felix P. Quan
General Delivery
Dededo, Guam 96912

Dear Mr. Quan:

This is to inform you that in the event that land lease is granted in your favor on Lot 7159 (formerly Tract "HC") municipalities of Dededo and Yigo, the U.S. Department of Agriculture Soil Conservation Service Staff is committed to assist you in developing a conservation farm plan.

Should you need additional assistance pertaining to conservation, please feel free to contact me at 734-3496.

Sincerely,

Laurie K. Ho

LAURIE K. HO
District Conservationist

LKH:cpc

cc: File