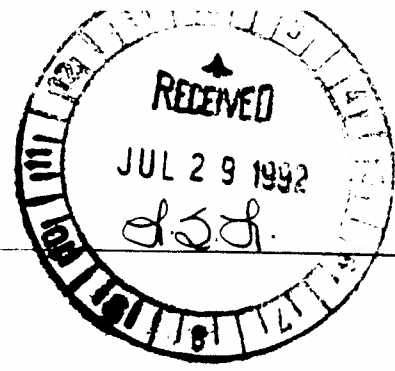




Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
LEONAN YMAZALADE
AGANA, 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. 824 which I have signed into law this date as
Public Law 21-129.

Sincerely yours,

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

FRANK F. BLAS
Governor of Guam
Acting

210911

Attachment

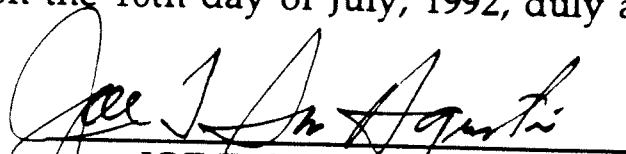


Commonwealth Now!

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

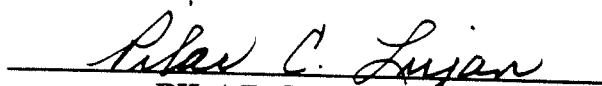
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 824 (LS), "AN ACT TO AUTHORIZE THE EXCHANGE OF A BULLCART TRAIL WITH TWO PARCELS OF PRIVATE PROPERTY IN THE CAMP WATKINS ROAD AREA; TO EXCHANGE AND SELL GOVERNMENT PROPERTY IN AGAÑA; TO CONVEY PROPERTY IN AGAÑA TO THE GUAM POWER AUTHORITY FOR A SUBSTATION, AND TO ADD §61105 TO TITLE 21, GUAM CODE ANNOTATED, ON VOTING REQUIREMENTS FOR THE TERRITORIAL LAND USE COMMISSION," was on the 10th day of July, 1992, duly and regularly passed.




JOE F. 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 4:54 o'clock P.M.



Theresa G. Duenas
Assistant Staff Officer
Governor's Office

APPROVED:



FRANK F. BLAS
Governor of Guam

Date: JUL 28 1992
Acting

Public Law No. 21-129

=

TWENTY FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 824 (LS)

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

Introduced by:

F.R. Santos
H.D. Dierking
E.P. Arriola
C. T. C. Gutierrez
J. P. Aguon
M. Z. Bordallo
P. C. Lujan
G. Mailloux
D. Parkinson
J. T. San Agustin
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 EXCHANGE OF A
BULLCART TRAIL WITH TWO PARCELS OF PRIVATE
PROPERTY IN THE CAMP WATKINS ROAD AREA;
TO EXCHANGE AND SELL GOVERNMENT
PROPERTY IN AGAÑA; TO CONVEY PROPERTY IN
AGAÑA TO THE GUAM POWER AUTHORITY FOR A
SUBSTATION, AND TO ADD §61105 TO TITLE 21,
GUAM CODE ANNOTATED, ON VOTING
REQUIREMENTS FOR THE TERRITORIAL LAND
USE COMMISSION.

=

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

2 **Section 1. Legislative statement.** The Legislature has been approached
3 by the **Onward Agana Beach Hotel** requesting an exchange of an old bullcart
4 trail which forms the boundary between two parcels of private property on
5 which the hotel is situated. The hotel is requesting the exchange of the
6 bullcart trail for two strips of private property, to be delineated from the
7 outermost boundaries of the two aforementioned parcels of private property
8 in order that the overall integrity of the property on which the hotel is
9 situated may be kept whole and secure. The Legislature finds that benefits
10 will accrue due to the alleviation of two basic problems:

- 11 • The existing bullcart trail serves no useful purpose as its location is
12 within the confines of the property controlled by the **Onward Agana**
13 **Beach Hotel**, and, in fact, acts as a collector for water runoff which
14 contributes to the pollution levels in the **Dungca Beach** area;
- 15 • The existing bullcart trail prevents the consolidation of two
16 commercial lots, which consolidation would be beneficial to both the
17 landowners and the government of Guam.

18 The Legislature has been informed that the owners of the two lots
19 separated by the bullcart trail are prepared and desire to exchange with the
20 government of Guam that bullcart trail situated between Lot No. 5172-3-
21 R9NEW, owned by Antonio R. and Joseph M. Palomo, Lots Nos. 5172, 2147-
22 1W, and 2147#1W, owned by First Living Service, USA, Inc., and Lot No.
23 2148-2, owned by Felisa C. Baza, with two new public access trails, the total
24 size of which will exceed the government's bull cart trail, to be created from
25 Lots Nos. 2147-1W and 5172-3-R9NEW.

26 **First Living Services, USA, Inc., doing business as the Onward Agana**

1 **Beach Hotel**, has pledged that it will maintain the public access and insure
2 that such public access to Dungca's Beach will always be open to the public
3 and its use unobstructed.

4 **Section 2. Authorization for exchange.** In consideration of the pledge
5 made by **Onward Agana Beach Hotel** that it will maintain the public access
6 and insure its perpetual use by the public, the Governor of Guam is hereby
7 authorized to exchange the bullcart trail between Lot No. 2148-2, owned by
8 Felisa C. Baza, Lot No. 5172-3-R9NEW, owned by Antonio R. and Joseph M.
9 Palomo, and Lots Nos. 5172, 2147-1W, and 2147#1W, owned by First Living
10 Service, USA, Inc., all situated along the Camp Watkins Road area of
11 Tamuning, with two public access trails to be created along the outer
12 boundaries of Lots Nos. 2147-1W and 5172-3-R9NEW, as delineated on
13 Drawing No. PRB 91-126, prepared by P.R. Balagtas, RLS No. 62. The two
14 public access trails to be created under the provisions of this Act each shall be
15 no less than ten feet (10') wide and shall be registered and deeded in fee
16 simple to the government of Guam; provided, that such access trails shall be
17 wide enough at the beach end to permit a motor vehicle to turn around.

18 **Section 3. Cost of survey, mapping and registration.** The Director of
19 Land Management shall cause to be surveyed, mapped and registered the
20 parcels set out in Section 2 of this Act, at the expense of First Living Service,
21 USA, Inc.

22 **Section 4. No denial of access to beach.** No provisions of this Act shall
23 be construed to deny public access to the sites or beaches adjacent to or in the
24 vicinity of the lands covered by this Act. All laws of Guam relative to public
25 access to historical sites or beaches shall apply.

26 **Section 5. (a) Legislative intent.** This Act is intended to correct an
27 exclusion to the amended and substituted version of Bill No. 195 which was

1 enacted as Section 5 of Public Law 21-91. Such original version called for the
2 sale of Alley 1 within Lot 4, Block 2, New Agaña, containing an area of 22.13
3 square meters and a portion of former General Terrero Street, within Lot 4,
4 Block 2, containing an area of 255.04 square meters and Alley 2 within Lot 3
5 Block 2, New Agaña, containing an area of 80.98 square meters to Wilfred and
6 Julie Yamamoto, owners of the adjacent and contiguous lots, for the purpose
7 of developing those lots to their highest and best uses. A public hearing was
8 conducted at which the Department of Land Management testified in support
9 of the sale as delineated in the original Bill No. 195. However, committee
10 staff inadvertently omitted the language ". . . a portion of former General
11 Terrero Street, within Lot 4 Block 2, containing an area of 255.04 square
12 meters . . ." in the final version and the measure was reported out to the
13 floor, with the recommendation to do pass, with the omission never being
14 corrected. Thus, the language contained in paragraph (b) below is to correct
15 the inadvertent omission and to authorize the Governor to sell all necessary
16 parcels.

17 (b) **Amendment to Section 5(b) of Public Law 21-91.** Section 5 (b) of
18 Public Law 21-91 is hereby amended to read:

19 "(b) **Authorization to sell Agaña lots.** The Governor is
20 authorized to sell to the Buyers those parcels of government
21 designated as Alley 1, within Lot 4, Block 2, New Agaña,
22 containing an area of 22.13 square meters, a portion of former
23 General Terrero Street, within Lot 4, Block 2, containing an area
24 of 255.04 square meters and Alley 2 within Lot 3, Block 2, New
25 Agaña, contain an area of 80.98 square meters (the "Properties")."

26 **Section 6. (a) Legislative intent.** During the legislative processing of
27 Bill No. 254, William Au-Yeung, the property owner requesting the purchase

1 of the abutting government parcel, passed away. He had requested the
2 purchase in order to increase the size of his property's available parking
3 spaces. Since his untimely demise, the Legislature has been approached by his
4 children in an effort to have the name of the authorized buyer of the
5 government property changed to Dragon, Inc., the business which belonged
6 to Mr. Au-Yeung and which he has passed on to his children. Additionally,
7 the children, through their local attorney, have asked for clarifying language
8 on the designation of the abutting property to be purchased as the
9 overlapping boundaries of parallel lots located on top of the cliffline in
10 Tumon have made such boundaries and the original intent of Bill No. 254, as
11 well as Public Law 21-14, unclear. It should be noted that the original request
12 of the buyer was to purchase the abutting property encompassed by the two
13 side boundaries of Mr. Au-Yeung's property up to the base of the cliffline.

14 (b) To amend Section 8, Public Law 21-14. Section 8, Public Law 21-14,
15 is hereby amended to read:

16 "(b) The Governor shall sell a portion of Lot No. C., Tract
17 111, Tumon, Dededo, delineated by extending the side boundary
18 lines of the abutting property to the base of the cliffline adjacent to
19 said property, containing an area of approximately nine hundred
20 thirty-five (935) square meters, to Dragon, Inc., for its current fair
21 market value."

22 Section 7. (a) Legislative statement. The Legislature has been
23 apprised by the Department of Land Management that the Guam Telephone
24 Authority's Agaña Exchange building encroaches on the abutting private
25 property owned by Toyomenka Development Guam, Inc. Because of this
26 encroachment, the Governor has requested that the Legislature authorize the
27 exchange of identically-sized government property abutting the Toyomenka

1 property on which the encroachment was permitted. Additionally, the
2 Governor has requested that the Legislature approve the sale of 233.47
3 square meters of government property abutting the same Toyomenka parcel.
4 Because of the substandard size of the government parcel, it is the consensus
5 of the Legislature that the sale of the property to Toyomenka would be the
6 highest and best use of the property as the property is to be consolidated to
7 the larger Toyomenka parcel, thereby increasing its utility and increasing its
8 value for real property tax purposes.

9 (b) **Exchange and sale authorized.** The Governor may sell to
10 Toyomenka Development Guam, Inc., at its current fair market value, Lot No
11 1260-2-R2, Agaña, Guam, as shown on Land Management Map Check No.
12 150-FY84, recorded as Instrument No. 345580 on May 7, 1984, containing an
13 area of approximately 233.47 square meters or may exchange government
14 property on an area-for-area basis with Toyomenka Development Guam,
15 Inc., for that Toyomenka property on which the Guam Telephone Authority
16 has encroached, for an equal portion of Lot No. 1260-2-R2, Agaña, Guam.

17 (c) **Appraisals.** The two (2) appraisals to be performed on the parcels
18 to be exchanged and sold under this section shall be conducted by registered
19 appraisers licensed to do business in Guam. The expense for the two (2)
20 appraisals shall be for the account of the private landowner.

21 (d) **Survey, mapping and registration.** The survey, mapping and
22 registration of the parcels to be exchanged and sold herein shall be
23 performed at the direction of the Director of Land Management with all costs
24 therefor to be borne by the private landowner.

25 (e) **Reversionary clause.** Title and ownership for the property sold or
26 exchanged under this section must remain with the private landowner for a
27 period of ten (10) years. In the event that said title and ownership for the

1 property are conveyed or otherwise transferred to another within such
2 period, then the title and ownership of the parcels transferred by the
3 government of Guam shall thereupon revert to the government of Guam.

4 **Section 8. (a) Legislative intent.** The Governor is requesting the
5 authority to convey title to 1,522 square meters of government land in the
6 Anigua area to the Guam Power Authority ("GPA") to build a new substation
7 which would provide primary power and redundancy for GPA customers in
8 Agaña. The property requested is a portion of that lot previously leased to
9 and used by the Guam Farmers' Co-operative (the "Co-op"). After the
10 closing of the Co-op, the property has been in limbo pending resolution of the
11 Co-op's bankruptcy proceedings. Recently, GPA has been advised that such
12 property can be conveyed to GPA notwithstanding the bankruptcy
13 proceedings since all leased government of Guam land reverts to the
14 government upon termination of the lease for any reason. The legislation
15 authorizing this sale, Bill No. 509, introduced by the Committee on Rules at
16 the request of the Governor, was given a public hearing on April 29, 1992.
17 The Department of Land Management, testifying on behalf of the
18 Administration, supported the bill without any condition.

19 **(b) Authorization.** The Governor of Guam is authorized to convey to
20 GPA, for One Dollar (\$1), all the right, title and interest of the government of
21 Guam in and to that certain parcel of land described as a portion of basic Lot
22 No. 1361-1-C-NEW, containing an area of 1,522 square meters, situated in
23 the city of Agaña, as shown on Land Management Drawing No. I4-81T134,
24 recorded under Document No. 319946 (the "Property").

25 **(c) Survey, mapping and registration.** The survey, mapping and
26 registration of the Property herein shall be performed at the direction of the
27 Director of Land Management with the cost for such to be borne by GPA.

=

1 (e) **Reversionary clause.** Title and ownership of the Property must
2 remain with GPA for a period of at least ten (10) years. In the event that title
3 and ownership for the Property be conveyed or otherwise transferred to
4 another, such title and ownership of the Property shall revert to the
5 government of Guam.

6 **Section 9. (a) Legislative intent.** The Legislature has been approached
7 by the owner of Lots Nos. 831-1-2-2 and 840-2 and Lot No. 7, Block 5, New
8 Agaña, with a request to purchase substandard parcels of government
9 property, namely, Lot No. 839-1-2 and Pazos Street, said to contain an
10 aggregate area of 371.46 square meters (collectively, the "Property"). The
11 purchase of the Property is requested in order to consolidate all of the lots
12 into a usable parcel of larger dimensions. The owner than contemplates
13 building thereon a commercial building with professional office space. The
14 Legislature finds that such a plan would put the Property to its best and most
15 beneficial use. Likewise, the Legislature finds that the real property taxes to
16 be gained from the sale of the Property and the eventual consolidation of the
17 lots far outweigh having the Property lay idle and without utilities because of
18 its substandard size.

19 (b) **Sale Authorized.** The Governor is hereby authorized to sell at fair
20 market value the Property to Manu Melwani, the owner of contiguous Lots
21 Nos. 831-1-2-2 and 840-2 and Lot 7, Block 5, New Agaña (the "Buyer").

22 (c) **Appraisals.** The two appraisals to be performed on the Property to
23 be sold hereunder shall be conducted by registered appraisers licensed to do
24 business in Guam, at the expense of the Buyer.

25 (d) **Survey, mapping and registration.** The survey, mapping and
26 registration of the Property sold hereunder shall be performed at the
27 direction of the Director of Land Management, at the cost of the Buyer.

1 (e) **Reversionary clause.** Title and ownership for the Property sold
2 hereunder must remain with the Buyer for a period of ten (10) years. In the
3 event that such title and ownership are conveyed or otherwise transferred to
4 another, the title and ownership of the Property shall revert to the
5 government of Guam.

6 **Section 10.** §61105 is hereby added to Chapter 61, Title 21, Guam Code
7 Annotated, to read:

8 "§61105. **Vote requirements for the Commission.** In any action
9 by the Commission under this Title, including but not limited to
10 approvals of zone, changes in zones, variances, appeals, and all
11 other actions, four (4) affirmative votes of the members of the
12 Commission shall be required. The Chairperson of the Commission
13 shall vote on all matters before it."

6

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Date: 7/10/92

VOTING SHEET

Bill No. 824
Resolution No. _____
Question: _____

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



**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

March 12, 1992

The Honorable Joe T. San Agustin
Speaker
Twenty First Guam Legislature
Agaña, Guam

Dear Mr. Speaker,

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred Bill No. 824, *An Act to authorize the Governor to exchange government land for privately owned property in the Camp Watkins Road area*, has had the same under consideration and herewith reports out Bill No. 824 with its recommendation TO DO PASS as amended and substituted by the Committee. Votes of the Committee were as follows:

TO DO PASS	-10-
TO DO NOT PASS	-0-
TO REPORT OUT ONLY	-0-
OFF ISLAND	-0-

Sincerely yours,


F.R. Santos



**COMMITTEE ON HOUSING,
COMMUNITY DEVELOPMENT,
FEDERAL, AND FOREIGN AFFAIRS
TWENTY FIRST GUAM LEGISLATURE**

155 Hesler Street
Agaña, Guam 96910

Senator Francisco R. Santos
Chairman

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

Voting Sheet

Bill No. 824 - An Act to Authorize the Governor to exchange government land for privately owned property in the Camp Watkins Road area and for other purposes.

	TO DO PASS	TO DO NOT PASS	TO REPORT OUT ONLY	NOT VOTING/ OFF ISLAND
 FRANK R. SANTOS	✓			
 PILAR C. LUJAN	✓			
 JOHN P. AGUON	✓			
 ELIZABETH P. ARRIOLA	✓			
 HERMINIA D. DIERKING	✓			
 J. GEORGE BAMBA	✓			
 MARILYN D.A. MANIBUSAN	✓ <i>5/2/92 Manibusan</i>			
 EDWARD R. DUENAS	✓			
 ANTHONY C. BLAZ	✓			
 JOE 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

COMMITTEE REPORT

on

BILL NO. 824

*AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE
GOVERNMENT LAND FOR PRIVATELY OWNED PROPERTY IN THE
CAMP WATKINS ROAD AREA.*

May 12, 1992

TWENTY FIRST GUAM LEGISLATURE
FIRST REGULAR (1991) SESSION

Bill No. 824

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

Introduced by:

F.R. Santos
H.D. Dierking
E.P. Arriola

M. Mambusan

AN ACT TO AUTHORIZE THE GOVERNOR TO
EXCHANGE A GOVERNMENT OWNED BULL
CART TRAIL WITH TWO PARCELS OF
PRIVATE PROPERTY IN THE CAMP WATKINS
ROAD; TO EXCHANGE AND SELL
GOVERNMENT PROPERTY IN AGANA AND
FOR OTHER PURPOSES.

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

4 **SECTION 1. LEGISLATIVE STATEMENT**

5 **FOR THE ONWARD AGANA BEACH HOTEL.** The Guam
6 Legislature has been approached by the Onward Agana Beach
7 Hotel requesting an exchange of an old bull cart trail which
8 forms the boundary between two parcels of private property
9 on which the hotel is situated. The hotel is requesting the
10 exchange of the bull cart trail for two strips of private
11 property, to be delineated from the outer most boundaries of

1 the two aforementioned parcels of private property in order
2 that the overall integrity of the property on which the hotel is
3 situated may be kept whole and secure. The Legislature finds
4 that benefits will accrue due to the alleviation of two basic
5 problems:

6 • the existing bull cart trail serves no useful purpose
7 as its location is within the confines of the property
8 controlled by the Onward Agana Beach Hotel and, in fact,
9 forms as a collector for runoff which contributes to the
10 pollution levels in the Dungca Beach area;

11 • the existing bull cart trail prohibits the
12 consolidation of two commercial lots which consolidation
13 would be beneficial to both the land owner and the
14 government:

15 The Legislature has been informed that the owners of the
16 two lots separated by the bull cart trail are prepared, and
17 desire, to exchange with the government of Guam that bull
18 cart trail situated between Lot No. 5172-3-R9NEW, owned by
19 Antonio R. and Joseph M. Palomo; Lot No. 5172, 2147-1W, and
20 Lot No. 2147#1W, owned by First Living Service, USA, Inc.; and
21 Lot No. 2148-2, owned by Felisa C. Baza; with two new public
22 access trails, the total size of which will exceed the
23 government's bull cart trail, to be created from Lots No. 2147-
24 1W and Lot 5172-3-R9NEW. The proposed exchange has been
25 delineated on a survey map by Registered Land Surveyor
26 Prudencio R. Balagtas, at the expense of First Living Services,

1 USA, Inc., but yet to be submitted or approved by the
2 Department of Land Management. A review of said map has
3 satisfactorily indicated to the Committee on Housing,
4 Community Development, Federal and Foreign Affairs that the
5 exchange will be for the benefit of all parties.

6 Additionally, First Living Services, USA, Inc., doing
7 business as the Onward Agana Beach Hotel, has stated that it
8 will maintain the public accesses and insure that public
9 access to Dungca's Beach will always be open and
10 unobstructed.

11 **SECTION 2. AUTHORIZATION FOR**
12 **EXCHANGE:**

13 The Governor of Guam is hereby authorized to exchange
14 the bull cart trail between Lot No. 2148-2, owned by Felisa C.
15 Baza; Lot No. 5172-3-R9NEW, owned by Antonio R. and Joseph
16 M. Palomo; and Lots No. 5172, 2147-1W, and Lot 2147#1W,
17 owned by First Living Service, USA, Inc., all situated along the
18 Camp Watkins Road area of Tamuning, with two public access
19 trails to be created along the outer boundaries of Lots No.
20 2147-1W and Lot 5172-3-R9NEW, as depicted and delineated
21 on Drawing No. PRB 91-126, prepared by P.R. Balagtas, RLS
22 No. 62. The two public access trails to be created under the
23 provisions of this Act shall be registered and deeded in fee
24 simple to the government of Guam.

25 **SECTION 3. COST OF SURVEY, MAPPING AND**
26 **REGISTRATION.**

1 The Director of Land Management shall cause to be
2 surveyed, mapped and registered the parcels designated in
3 Section 2 hereof. The cost of all surveying, mapping and
4 registration shall be borne by First Living Service, USA, Inc.

5 **SECTION 4. NO DENIAL OF ACCESS TO**
6 **BEACH.**

7 No provisions of this Act shall be construed to deny
8 public access to historical sites or beaches adjacent to or in
9 the vicinity of the lands covered by this Act. All laws of
10 Guam relative to public access to historical sites or beaches
11 shall apply.

12 **SECTION 5. (a) LEGISLATIVE INTENT:**

13 This legislation is intended to correct an exclusion to the
14 amended and substituted version of Bill No. 195 which was
15 enacted as Section 5 of Public Law 21-91. The original
16 legislation called for the sale of Alley 1 within Lot 4, Block 2,
17 New Agana, containing an area of 22.13 square meters and a
18 portion of former General Terrero Street, within Lot 4, Block
19 2, containing an area of 255.04 square meters and Alley 2
20 within Lot 3 Block 2, New Agana, containing an area of 80.98
21 square meters to Wilfred and Julie Yamamoto, owners of the
22 adjacent and contiguous lots for the purpose of developing
23 those lots to their highest and best uses. A public hearing was
24 conducted at which the Department of Land Management
25 testified in support of the sale as delineated in the original
26 Bill No. 195 (LS), however, committee staff inadvertently
27 omitted the language " . . . a portion of former General

1 Terrero Street, within Lot 4 Blcok 2, containing an area of
2 255.04 square meters . . ." in the final version and the
3 measure was reported out to the floor, with the
4 recommendation to do pass, with the omission never
5 corrected.. Thus, the language herein incorporated is to
6 correct the inadvertent omission and to authorize the
7 Governor to sell all parcels as contained in

8 **(b). To amend Section 5 (b) of P.L. 21-91.** Section
9 5 (b) of P.L. 21-91 is hereby amended to read:

10 **"(b) Authorization to sell Agaña lots.** The Governor
11 is authorized to sell to the Buyers those parcels of
12 government designated as Alley 1, within Lot 4, Block 2,
13 New Agaña, containing an area of 22.13 square meters, **a**
14 **portion of former General Terrero Street, within**
15 **Lot 4, Block 2, containing an area of 255.04 square**
16 **meters** and Alley 2 within Lot 3, Block 2, New Agaña,
17 contain an area of 80.98 square meters (the
18 "Properties")."

19 **SECTION 6. (a) LEGISLATIVE INTENT.**

20 During the legislative processing of Bill No. 254, the
21 property owner requesting to purchase the abutting
22 government parcel passed away. Mr. William Au-Yeung, the
23 property owner, had requested to purchase the government
24 property abutting his commercial property in Tumon in
25 order to increase the size of that property's available parking
26 spaces. Since his untimely demise, the Legislature has been
27 approached by Mr. Au-Yeung's children in an effort to have

1 the name of the authorized buyer of the government property
2 changed to Dragon, Inc., the business which belonged to Mr.
3 Au-Yeung and which he has passed on to his children.
4 Additionally, the children, through their local attorney, have
5 asked for clarifying language on the designation of the
6 abutting property to be purchased as the overlapping
7 boundaries of parallel lots located on top of the cliffline in
8 Tumon have made such boundaries and the original intent of
9 Bill No. 254, as well as, Public law 21-14 unclear. It should be
10 noted that the original request of the Buyer was to purchase
11 the abutting property encompassed by the two side
12 boundaries of Mr. Au-Yeung's property up to the base of the
13 cliffline.

14 (b) To amend Section 8, PL 21-14. Section 8, Public
15 Law 21-14 is hereby amended to read:

16 "(b) The Governor shall sell a portion of Lot No. C. Tract
17 111, Tumon Dededo, delineated by extending the side
18 boundary lines of the abutting property to the base of
19 the cliffline adjacent to said property, containing an area
20 of approximately nine hundred thirty-five (935) square
21 meters, to [~~William Au-Yeung~~] Dragon, Inc., for its
22 current fair market value."

23 **SECTION 7. (a) LEGISLATIVE STATEMENT.**

24 The Legislature has been apprised by the Department of
25 Land Management that the Guam Telephone Authority Agana
26 Exchange building encroaches on the abutting private
27 property owned by Toyomenka Development Guam, Inc.

1 Because of this encroachment, the Governor has requested
2 that the Legislature authorize the exchange of identical size
3 government property abutting the Toyomenka property on
4 which the encroachment was permitted. Additionally, the
5 Governor has requested that the Legislature approve the sale
6 of 233.47 square meters of government property abutting the
7 same Toyomenka parcel. Because of the substandard size of
8 the government parcel, the Legislature is of the consensus
9 that the sale of the property to Toyomenka would be the
10 highest and best use of the property as the property is to be
11 consolidated to the larger Toyomenka parcel thereby
12 increasing its utility and increasing its value for real property
13 tax purposes.

14 **(b) EXCHANGE AND SALE AUTHORIZED.** The
15 Governor may sell to Toyomenka Development Guam, Inc., at
16 fair market value, Lot No 1260-2-R2, as shown on Land
17 Management Map Check No. 150-FY84 recorded as Instrument
18 No. 345580 on May 7, 1984, Agana, Guam contain an area of
19 approximately 233.47 square meters. The Governor may
20 exchange government property on an area for area basis with
21 Toyomenka Development Guam, Inc., Toyomenka property,
22 on which Guam Telephone Authority encroached, for an equal
23 portion of Lot No. 1260.2.R2, Agana, Guam.

24 **(c) APPRAISALS.** The two appraisals to be performed
25 on the parcels to be exchange and sold herein shall be
26 conducted by registered appraisers licensed to do business on

1 Guam. The expense for the two appraisals shall be for the
2 account of the buyer.

3 (d) **SURVEY, MAPPING AND REGISTRATION.** The
4 survey, mapping and registration of the parcels to the
5 exchange and sold herein shall be performed at the direction
6 of the Director of Land Management with all costs for such to
7 be borne by the buyer.

8 (e) **REVERSIONARY CLAUSE.** Title and ownership for
9 the property to be sold herein shall remain with the buyer for
10 a period of ten years. In the event that title and ownership
11 for the property to be sold herein, notwithstanding
12 consolidation with the abutting lot, is conveyed or otherwise
13 transferred to another, the title and ownership of the parcel
14 sold by the government shall revert to the government of
15 Guam.

16 **SECTION 8. (a) LEGISLATIVE INTENT.**

17 The Guam Legislature has been approached by the owner
18 of Lots No. 831-1-2-2 andn 840-2 and Lot 7 Block 5, New
19 Agana, with a request to purchase substandard parcels of
20 government property, namely Lot No. 839-1-2 and Pazos
21 Street, said to contain an aggregate area of 371.46 square
22 meters. The purchase of the property is being requested in
23 order to consolidate all of the lots into a usable parcel of
24 larger dimensions. The owner than contemplates building a
25 commercial building and professional office spaces. The
26 Legislature finds that such a plan would put the property to
27 its best and most beneficial uses. Likewise, the Legislature

1 finds that the real property tax dollars to be gained from the
2 sale of this property and the eventual consolidation of the
3 lots far outweigh the benefits of having the property lay idle
4 with no utility because of their substandard sizes.

5 **(b) Sale Authorized.** The Governor is hereby
6 authorized to sell those government of Guam substandard
7 parcels of land designated as Lot No. 839-1-2 and Pazos Street,
8 said to contain a total area of 371.46 square meters, to Mr.
9 Manu Melwani, the owner of contiguous Lots No. 831-1-2-2
10 and 840-2 and Lot 7, Block 5, New Agana.

11 **(c) APPRAISALS.** The two appraisals to be performed
12 on the parcels to be exchange and sold herein shall be
13 conducted by registered appraisers licensed to do business on
14 Guam. The expense for the two appraisals shall be for the
15 account of the buyer.

16 **(d) SURVEY, MAPPING AND REGISTRATION.** The
17 survey, mapping and registration of the parcels to the
18 exchange and sold herein shall be performed at the direction
19 of the Director of Land Management with all costs for such to
20 be borne by the buyer.

21 **(e) REVERSIONARY CLAUSE.** Title and ownership for
22 the property to be sold herein shall remain with the buyer for
23 a period of ten years. In the event that title and ownership
24 for the property to be sold herein, notwithstanding
25 consolidation with the abutting lot, is conveyed or otherwise
26 transferred to another, the title and ownership of the parcel

1 sold by the government shall revert to the government of
2 Guam.

**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
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COMMITTEE REPORT

o n

BILL NO. 824

*An Act to authorize the Governor to exchange government land
for privately owned property in the Camp Watkins Road area.*

May 11, 1992

COMMITTEE FINDINGS

The Committee finds that the exchange of the government owned bull cart trail dissecting the property on which sits the Onward Agana Beach Hotel with two public trails on the two sides of the hotels property is reasonable and beneficial because:

- the bullcart trail presently serves no useful purpose as it is inaccessible to any vehicle and very dangerous for persons who attempt to use the trail on foot.
- the trail was made extremely dangerous because it serves as the runoff ditch for rainwater along Camp Watkins Road. The area where the trail abutts Camp Watkins Road acts somewhat like a collector where the runoff collects and gathers speed.
- the Onward Agana Beach Hotel have volunteered to exchange the existing bull cart trail with two footpaths situated on each side of the Onward Agana Beach Hotel property. These footpaths would lead from Camp Watkins Road on one side and Harrison Avenue (Chalan Alupang) on the other side, to Dungca's Beach.
- the Onward Agana Beach Hotel has stated that it will maintain these footpaths in usable condition and would insure that access will forever be guaranteed to the public.

The Committee finds that the exchange is beneficial to the government in that maintenance of the existing bull cart trail is not being performed by GovGuam and that conveyance to Onward Agana Beach would provide for the maintenance thereby improving the bullcart trail as well as the surround properties.

The Committee finds, based on testimony by the Department of Public Works, that the exchange would benefit the

rainwater runoff system along Camp Watkins Road as Onward Agana Beach Hotel would have to design the runoff system to insure that it is adequate and channels water away from Camp Watkins Road, as well as, the hotel property, in such a manner that it would not pose a threat to individuals and would insure mitigation of erosion from rainwater runoff.

COMMITTEE RECOMMENDATIONS

The Committee recommends approval of the exchange of a government owned bullcart trail along Camp Watkins Road with two footpaths to be created at the outside boundaries of the Onward Agana Beach Hotel property.

The Committee recommends inclusion of provisions in the legislation that would guarantee public access.

The Committee recommends inclusion of provisions in the legislation which would guarantee maintenance of the footpaths, to be conveyed to the government, by the Onward Agana Beach Hotel.

PUBLIC HEARING

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred Bill No. 824 , scheduled and conducted a public hearing on said proposed legislation on April 10, 1992, at 9:00 a.m. in Legislative Public Hearing Room, Temporary Guam Legislature Building, Agana, Guam.

Committee members present at said public hearing were:

- Senator Francisco R. Santos, Chairman

- Senator Elizabeth P. Arriola
- Senator Anthony C. Blaz
- Senator J. George Bamba
- Senator Edward R. Duenas

Appearing before the Committee to provide testimony were:

- Atty Edward Ching, representing the
Onward Agana Beach Hotel
- Mr. Antonio Palomo, an affected land owner
- Mr. Frank Leon Guerrero, representing
Onward Agana Beach Hotel
- Mr. Frank Castro, Director
Dept. of Land Management
- Mr. Francis Taitano, Highway Division
Dept. of Public Works

Summary of Testimony

Atty. Edward Ching, representing the Onward Agana Beach Hotel, presented testimony requesting noting that the hotel was requesting the exchange of the government owned bull cart trail with two other foot trails, the aggregate of which would be greater than the original bull cart trail to be exchanged. The hotel is requesting the exchange in order to:

- enable a consolidation of parcels owned by the hotel but separated by the bull cart trail;

- eliminate a dangerous gully which extends from Camp Watkins Road to Dungca's Beach and which traverses the areas owned and operated by the hotel.

- improve the area in order to eliminate an eyesore detracting from the hotel.

Mr. Ching noted that Onward Agana Beach Hotel was prepared to exchange with the government two foot trails on both ends of the Hotel property which would lead from Camp Watkins Road and Alupang Drive to the Dungca Beach area. This would provide pedestrian access to the beach where no existing access is available. Mr. Ching noted that the bull cart trail now owned by the government cannot be used as an access to Dungca's Beach because it is washed out and too dangerous for pedestrian traffic.

Mr. Frank L.G Castro, Director of Land Management

Mr. Francis Taitano, Rights of Way Division, DPW

Both of these government officials testified in favor of the exchange noting that:

- the footpaths to be created by the hotel will provide public access to Dungca's Beach which does not now exist.

- the repair of the bullcart trail into a runoff system will improve the drainage of Camp Watkins

Written testimony was received from former Governor Paul M. Calvo. Governor Calvo testified in favor of the measure as a landowner in the area noting that he supported the measure because it would provide all of the improvements cited.

TWENTY FIRST GUAM LEGISLATURE
FIRST REGULAR (1991) SESSION

Introduced

Bill No. 824(LS)

MAY 1 '92

Introduced by:

F.R. Santos

AN ACT TO AUTHORIZE THE GOVERNOR TO
EXCHANGE A GOVERNMENT OWNED BULL
CART TRAIL WITH TWO PARCELS OF PRIVATE
PROPERTY IN THE CAMP WATKINS ROAD
AREA OF TAMUNING

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

4 SECTION 1. Legislative Intent: The Guam Legislature has been
5 approached by the Onward Agana Beach Hotel requesting an exchange of
6 an old bull cart trail which forms the boundary between two parcels of
7 private property on which the hotel is situated. The hotel is requesting the
8 exchange of the bull cart trail for two strips of private property, to be
9 delineated from the outer most boundaries of the two aforementioned
10 parcels of private property in order that the overall integrity of the
11 property on which the hotel is situated may be kept whole and secure. The
12 Legislature finds that benefits will accrue due to the alleviation of two
13 basic problems:

14 • the existing bull cart trail serves no useful purpose as its
15 location is within the confines of the property controlled by the Onward
16 Agana Beach Hotel and, in fact, forms as a collector for runoff which
17 contributes to the pollution levels in the Dungca Beach area;

1 • the existing bull cart trail prohibits the consolidation of two
2 commercial lots which consolidation would be beneficial to both the land
3 owner and the government:

4 The Legislature has been informed that the owners of the two lots
5 separated by the bull cart trail are prepared, and desire, to exchange with
6 the government of Guam that bull cart trail situated between Lot No.
7 5172-3-R9NEW, owned by Antonio R. and Joseph M. Palomo; Lot No.
8 5172, 2147-1W, and Lot No. 2147#1W, owned by First Living Service, USA,
9 Inc.; and Lot No. 2148-2, owned by Felisa C. Baza; with two new public
10 access trails, the total size of which will exceed the government's bull cart
11 trail, to be created from Lots No. 2147-1W and Lot 5172-3-R9NEW. The
12 proposed exchange has been delineated on a survey map by Registered
13 Land Surveyor Prudencio R. Baiagtas, at the expense of First Living
14 Services, USA, Inc., but yet to be submitted or approved by the Department
15 of Land Management. A review of said map has satisfactorily indicated to
16 the Committee on Housing, Community Development, Federal and
17 Foreign Affairs that the exchange will be for the benefit of all parties.

18 Additionally, First Living Services, USA, Inc., doing business as the
19 Onward Agana Beach Hotel, has stated that it will maintain the public
20 accesses and insure that public access to Dungca's Beach will always be
21 open and unobstructed.

22 **SECTION 2. AUTHORIZATION FOR EXCHANGE:** The Governor
23 of Guam is hereby authorized to exchange the bull cart trail between Lot
24 No. 2148-2, owned by Felisa C. Baza; Lot No. 5172-3-R9NEW, owned by
25 Antonio R. and Joseph M. Palomo; and Lots No. 5172, 2147-1W, and Lot
26 2147#1W, owned by First Living Service, USA, Inc., all situated along the
27 Camp Watkins Road area of Tamuning, with two public access trails to be

1 created along the outer boundaries of Lots No. 2147-1W and Lot 5172-3-
2 R9NEW, as depicted and delineated on Drawing No. PRB 91-126,
3 prepared by P.R. Balagtas, RLS No. 62. The two public access trails to be
4 created under the provisions of this Act shall be registered and deeded in
5 fee simple to the government of Guam.

6 **SECTION 3. COST OF SURVEY, MAPPING AND**
7 **REGISTRATION.** The Director of Land Management shall cause to be
8 surveyed, mapped and registered the parcels designated in Section 2
9 hereof. The cost of all surveying, mapping and registration shall be borne
10 by First Living Service, USA, Inc.

11 **SECTION 4. NO DENIAL OF ACCESS TO BEACH:** No provisions
12 of this Act shall be construed to deny public access to historical sites or
13 beaches adjacent to or in the vicinity of the lands covered by this Act. All
14 laws of Guam relative to public access to historical sites or beaches shall
15 apply.

16

17

18

**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

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Witness Sign Up Sheet

On Bill No. 824

Name (Please Print)	Village/ Representing	Phone No.	Favor/ Against
1 FRANK CASTRO	DKM	475-5252	FOR
2 FRANK CASTRO	DKM	475-5252	FOR
3 KUNYA TANIGUCHI TAM		649-2263	FOR
4		649-7570	FOR
5 FRANKLIN GUERRERO	F.L.S.	649-2444	FOR
6			
7			
8			
9			
10			



SETBISION MAMPLANEHA
Bureau of Planning
GOVERNMENT OF GUAM
AGANA, GUAM 96910

APR 10 1992

Honorable Frank F. Santos
Chairman
Committee On Housing, Community Development,
Federal and Foreign Affairs
Twenty-First Guam Legislature

Thank you for giving us the opportunity to review and comment on
Bill No. 824:

"An Act to Authorize the Governor to Exchange A
Government Owned Bull Cart Trail with Two Parcels of Private
Property in the Camp Watkins Road Area of Tamuning."

The Bureau has reviewed Bill No. 824 and our findings indicate that
the subject Bull Cart Trail is one of the few public access ways to
the Dungca Beach area. Although the exchange as proposed in the
attached bill will close this passageway, we support the idea of
replacing the Bull Cart Trail by two (2) public access trails to
the beach areas which will be maintained, and kept unobstructed, by
the Onward Agana Beach Hotel. Furthermore, no other property in
the immediate vicinity of the Bull Cart Trail will be landlocked.

We have no objections to the subject exchange.

Si Yu'os Ma'ase'


PETER P. LEON GUERRERO
Director
Bureau of Planning