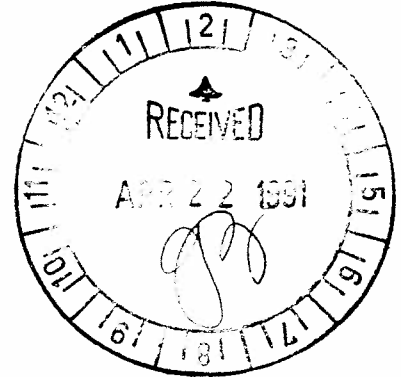




Territory of Guam
Territorio de Guam

OFFICE OF THE GOVERNOR
URISNAN I MAGALAHI
AGANA, GUAM 96910, USA

APR 22 1991




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. 298, which was signed into
as Public Law 21-14.

Sincerely yours,


FRANK F. BLAS
Governor of Guam
Acting

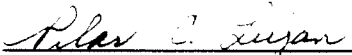
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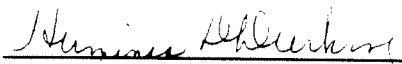
TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 298 (COR), "AN ACT TO CHANGE THE ZONING OF PART OF BLOCK 1, LOT 6, TRACT 109, BARRIGADA, FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO COMMERCIAL ("C") AND OF LOT NO. 2-1, BLOCK D, TRACT 9, BARRIGADA, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO AUTHORIZE THE EXCHANGE OR SALE OF CERTAIN GOVERNMENT REAL PROPERTY, INCLUDING PROPERTIES IN TAMUNING, IN AGAT, IN AGANA, IN TUMON, IN BARRIGADA, IN DEDEDO, AND IN MERIZO; TO ESTABLISH METHODS OF DETERMINING FAIR MARKET VALUE IN CONNECTION WITH SUCH SALES AND EXCHANGES; TO EXEMPT SUCH SALES AND EXCHANGES FROM CERTAIN STATUTORY REQUIREMENTS; TO REQUIRE AFFECTED LANDOWNERS TO PAY APPRAISAL AND OTHER COSTS; TO AUTHORIZE THE LEASE OF PROPERTY IN AGAT TO POST NO. 2917 OF THE VETERANS OF FOREIGN WARS; TO REPEAL AND REENACT §61303 OF TITLE 21, GUAM CODE ANNOTATED, ON CONDITIONAL USE REGULATIONS OF THE TERRITORIAL LAND USE COMMISSION AND MAKING AN APPROPRIATION THEREFOR; TO REZONE CERTAIN PROPERTY IN MANGILAO; TO AUTHORIZE THE LEASE OF FOUR ACRES OF GOVERNMENT LAND TO VEGES GUAM, INC. FOR AGRICULTURAL PURPOSES; TO AUTHORIZE AN AGRICULTURAL LEASE TO MATSUZATO CORPORATION OF LAND IN YIGO FOR HYDROPONICS; TO AUTHORIZE AN EASEMENT ACROSS LOT NO. 10154 IN DEDEDO; TO ADD A NEW §4911a TO TITLE 15, GUAM CODE ANNOTATED, SIMPLIFYING ADMINISTRATION OF LAND CLAIMS AWARDS; TO ADD §62111 TO TITLE 21, GUAM CODE ANNOTATED, ON GOVERNMENT SUBDIVISIONS; TO REZONE LOT NO. 3316-7 NEW-R2 IN AGANA HEIGHTS; TO REPEAL AND REENACT §23105, TITLE 5, GUAM CODE ANNOTATED, TO INCREASE THE MILEAGE ALLOWANCE FOR PRIVATELY-OWNED VEHICLES USED ON OFFICIAL BUSINESS; TO REZONE LOTS NOS. 3325-3 AND 3325-4, SINAJANA, AND LOT NO. 3242-1-3, CHALAN PAGO, SINAJANA FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO LIGHT INDUSTRIAL ("M-1"); TO AMEND §61401, TITLE 21, GUAM CODE ANNOTATED, TO CHANGE HEIGHT LIMITATIONS IN CERTAIN ZONES; TO REZONE LOT NOS. 3380-3, 3380-5, 3380-6 AND 3380-7, ORDOT, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO REZONE LOTS NOS. 3249-5, 3249-6-1, AND 3249-6-R1, CHALAN PAGO, FROM AGRICULTURAL ("A") TO COMMERCIAL ("C"); TO REZONE LOT NO. 3412-1-3, CHALAN PAGO, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2")," was on the 4th day of April, 1991, duly and regularly passed.


PILAR C. LUJAN
Acting Speaker

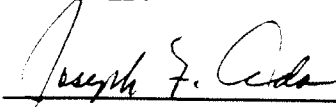
Attested:


HERMINIA D. DIERKING
Senator and Acting Legislative Secretary

This Act was received by the Governor this _____ day of _____, 1991, at _____ o'clock _____ m.

Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: April 20, 1991

Public Law No. 21-14

**TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session**

**Bill No. 298 (COR)
Substitute Bill
4/4/91**

Introduced by:

**C. T. C. Gutierrez
J. P. Aguon
E. P. Arriola
J. G. Bamba
A. C. Blaz
D. F. Brooks
H. D. Dierking
E. R. Duenas
E. M. Espaldon
P. C. Lujan
G. Mailloux
M. D.A. Manibusan
D. Parkinson
M. J. Reidy
M. C. Ruth
J. T. San Agustin
F. R. Santos
D. L.G. Shimizu
T. V.C. Tanaka
A. R. Unpingco**

AN ACT TO CHANGE THE ZONING OF PART OF BLOCK 1, LOT 6, TRACT 109, BARRIGADA, FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO COMMERCIAL ("C") AND OF LOT NO. 2-1, BLOCK D, TRACT 9, BARRIGADA, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO AUTHORIZE THE EXCHANGE OR SALE OF CERTAIN GOVERNMENT REAL PROPERTY, INCLUDING PROPERTIES IN TAMUNING, IN AGAT, IN AGANA, IN TUMON, IN BARRIGADA, IN DEDEDO, AND IN MERIZO; TO ESTABLISH METHODS OF DETERMINING FAIR MARKET VALUE IN CONNECTION WITH SUCH SALES AND EXCHANGES; TO EXEMPT SUCH SALES AND EXCHANGES FROM CERTAIN STATUTORY REQUIREMENTS; TO REQUIRE AFFECTED LANDOWNERS TO PAY APPRAISAL AND OTHER COSTS; TO AUTHORIZE THE LEASE OF

PROPERTY IN AGAT TO POST NO. 2917 OF THE VETERANS OF FOREIGN WARS; TO REPEAL AND REENACT §61303 OF TITLE 21, GUAM CODE ANNOTATED, ON CONDITIONAL USE REGULATIONS OF THE TERRITORIAL LAND USE COMMISSION AND MAKING AN APPROPRIATION THEREFOR; TO REZONE CERTAIN PROPERTY IN MANGILAO; TO AUTHORIZE THE LEASE OF FOUR ACRES OF GOVERNMENT LAND TO VEGES GUAM, INC. FOR AGRICULTURAL PURPOSES; TO AUTHORIZE AN AGRICULTURAL LEASE TO MATSUZATO CORPORATION OF LAND IN YIGO FOR HYDROPONICS; TO AUTHORIZE AN EASEMENT ACROSS LOT NO. 10154 IN DEDEDO; TO ADD A NEW §4911a TO TITLE 15, GUAM CODE ANNOTATED, SIMPLIFYING ADMINISTRATION OF LAND CLAIMS AWARDS; TO ADD §62111 TO TITLE 21, GUAM CODE ANNOTATED, ON GOVERNMENT SUBDIVISIONS; TO REZONE LOT NO. 3316-7 NEW-R2 IN AGANA HEIGHTS; TO REPEAL AND REENACT §23105, TITLE 5, GUAM CODE ANNOTATED, TO INCREASE THE MILEAGE ALLOWANCE FOR PRIVATELY-OWNED VEHICLES USED ON OFFICIAL BUSINESS; TO REZONE LOTS NOS. 3325-3 AND 3325-4, SINAJANA, AND LOT NO. 3242-1-3, CHALAN PAGO, SINAJANA FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO LIGHT INDUSTRIAL ("M-1"); TO AMEND §61401, TITLE 21, GUAM CODE ANNOTATED, TO CHANGE HEIGHT LIMITATIONS IN CERTAIN ZONES; TO REZONE LOT NOS. 3380-3, 3380-5, 3380-6 AND 3380-7, ORDOT, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO REZONE LOTS NOS. 3249-5, 3249-6-1, AND 3249-6-R1, CHALAN PAGO, FROM AGRICULTURAL ("A") TO COMMERCIAL ("C"); TO REZONE LOT NO. 3412-1-3, CHALAN PAGO, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2").

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

2 Section 1. The following parcels of land in the municipality of
3 Barrigada are hereby rezoned as follows: (i) The rear portion

1 (approximately thirty feet (30') in width and seven hundred thirty (730)
2 square meters in area) of Block 1, Lot 6, Tract 109, Barrigada, Guam, as
3 shown on L. M. Drawing No. D4-64T205, recorded at the office of the
4 Recorder, Guam under Instrument No. 57025, owned by Melchior and
5 Priscilla Martinez, is rezoned from Single Family Residential ("R-1") to
6 Commercial ("C"); (ii) Lot No. 2-1, Block D, Tract 9, Barrigada, containing
7 an area of five thousand± (5,000±) square meters, owned by Ana Ulloa, is
8 rezoned from Agricultural ("A") to Multi-Family Residential ("R-2").

9 **Section 2.** (a) The Governor shall sell to Constancia D. Rivera
10 that portion containing approximately three hundred sixty-four (364)
11 square meters of that bull cart trail which traverses Lot No. 2149-R14,
12 Tamuning, at its current fair market value.

13 (b) The Governor shall sell to Jose L. G. Camacho that portion
14 containing approximately one hundred fifty-six (156) square meters of
15 that bull cart trail which traverses Lot No. 5172-1-4-R5, Tamuning, at its
16 current fair market value.

17 **Section 3.** (a) The Governor shall sell the following
18 properties in Tumon, Dededo, to the following abutting landowners (the
19 "Landowners") at such properties' fair market value at the time of sale:

20 (i) Lot No. A-5, Tract 111, containing an area of approximately
21 three hundred forty-eight (348) square meters, to Cecil and Anella
22 Edwards; (ii) Lot No. A-3, Tract 111, containing an area of
23 approximately three hundred fifteen (315) square meters, to Joaquin and
24 Elizabeth Arriola; (iii) Lot No. A-4, Tract 111, containing an area of
25 approximately three hundred forty-eight (348) square meters, to Douglas
26 Edwards, (iv) Lot No. A-2, Tract 111, containing an area of
27 approximately three hundred two (302) square meters, to Joaquin and

1 Elizabeth Arriola; (v) Lot No. A-6, Tract 111, containing an area of
2 approximately three hundred two (302) square meters, to Frank and Nga
3 Martin; (vi) Lot No. A-7, Tract 111, containing an area of
4 approximately seventy (70) square meters, to Cecil and Anella Edwards;
5 (vii) Lot No. C-1, Tract 111 containing an area of approximately six
6 hundred ninety-eight (698) square meters, to Oscar and Joyce Miyashita,
7 and Richard and Yoko Pipes; and (viii) Lot No. A-8, Tract 111, containing
8 approximately thirty-three (33) square meters, to Florida G. Sanchez.

9 (b) In addition, the Governor shall sell Lot No. B, Tract 111, to
10 the landowners whose lands abut such Lot No. B on the northern, ocean
11 side of Lot No. B, such sale to be a series of sales to each such owner whose
12 land so abuts Lot No. B on its northern side, of that portion of Lot No. B
13 immediately adjacent to such owner's property, at such parcel's fair
14 market value at the time of sale.

15 (c) The lots and parcels being sold under this section shall be
16 combined with the respective adjoining lots of the Landowners and the
17 other purchasers, and each combined lot shall be designated with one (1)
18 parcel number, all as set out in a survey map subject to the approval of the
19 Director of Land Management.

20 **Section 4.** The Governor shall sell to Tokyu Micronesian
21 Development Corporation at its current fair market value that portion of
22 the prewar bull-cart trail in Tumon, Dededo, situated between Lots Nos.
23 5143 and 5144-3 New, (formerly Lot No. 5144-3), containing an area of
24 eight hundred nineteen± (819±) square meters. In determining the
25 current fair market value of such parcel, its unusual shape shall not be
26 considered, and its value will be based on the value of the surrounding
27 properties.

1 **Section 5.** The Governor shall sell Alley-1, situated in old
2 Agaña, containing an area of approximately one hundred thirteen (113)
3 square meters, to Fred Gabriel, the adjacent landowner (the "Landowner"),
4 at its current fair market value; **provided**, however, that in the event the
5 government of Guam decides to reacquire said Alley it shall pay therefor
6 no more than what the Landowner paid, and the deed to the Landowner
7 shall so provide.

8 **Section 6.** The Governor shall exchange for Lot No. 513,
9 Merizo, as shown on Land Management Drawing No. 14-82T156, containing
10 an area of approximately two thousand four hundred seventy-five (2,475)
11 square meters and owned by Edward A. Cruz and Dolores C. Cruz, a portion
12 of Lot No. 268, Merizo, as shown on Public Works Project No. 140-D-1005-
13 F-TER, on a current value-for-value basis.

14 **Section 7.** (a) The Governor shall exchange government real
15 property in Barrigada with Lot No. 1090-2-3, Barrigada, containing an area
16 of approximately one thousand one hundred seven (1,107) square meters,
17 belonging to Juan A. Camacho and Dolores U. Camacho (the Owners") on a
18 current value-for-value basis. The Directors of Public Works and Land
19 Management shall negotiate with the Owners for an acceptable tract of
20 government real property to be so exchanged.

21 (b) The Governor is authorized to exchange government real
22 property in Barrigada with Lot No. 1090-2-1, Barrigada, containing an area
23 of one thousand one hundred fifty five± (1,155±) square meters, belonging
24 to Gregorio A. and Maria T. Garrido (the "Owners") on a current value-for-
25 value basis. The Directors of Public Works and Land Management shall
26 negotiate with the Owner for an acceptable tract of government real
27 property to be exchanged.

1 **Section 8.** The Governor shall sell a portion of Lot No. C, Tract
2 111, Tumon, Dededo, containing an area of approximately nine hundred
3 thirty-five (935) square meters, to William Au-Yeung, for its current fair
4 market value.

5 **Section 9.** (a) The land sales and exchanges described in
6 Sections 2, 3, 4, 5, 6, 7, and 8 of this Act shall all be subject to the following
7 provisions to determine the current fair market value of a parcel:

8 (i) Each parcel shall be the subject of no less than two
9 (2) written appraisals prepared by qualified licensed Guam
10 appraisers, such appraisals to be completed no earlier than six
11 (6) months prior to the date of conveyance or exchange of the
12 parcels;

13 (ii) Such appraisals shall be based on the current
14 highest and best use of the parcels being appraised without
15 regard to such parcels' current zoning or irregular size or
16 shape.

17 (b) The cost of such appraisals and of any severance or other
18 survey map necessary for the conveyance or exchange shall be paid by the
19 private party buying or exchanging the property, and no sale or exchange
20 may be recorded until such costs are paid. All such surveys, as well as the
21 appraisals required in subparagraph (a) of this section, are subject to the
22 approval of the Director of Land Management. In making such surveys,
23 the surveyor shall install permanent concrete monuments on all points.

24 (c) Neither the provisions of §2109, Title 2, Guam Code
25 Annotated (separate consideration of land bills), nor the provisions of
26 Chapter 75, Title 21, Guam Code Annotated (the Chamorro Land Trust Act),

1 shall apply to any sale, exchange, lease, or other disposition of government
2 land authorized or directed by this Act.

3 (d) The private grantee(s) of any deed of sale or exchange
4 shall not sell or convey the parcel obtained by the sale or exchange for a
5 period of ten (10) years following execution of the deed, which shall
6 contain an appropriate reverter clause providing that such a sale shall
7 cause title to the property to automatically revert to the government of
8 Guam.

9 (e) If two (2) parcels being exchanged are not of equal value,
10 then either the parcels shall be adjusted in size to be of equal value, or the
11 difference in value shall be paid in cash by the party receiving the more
12 valuable parcel.

13 **Section 10.** The Governor shall to lease at nominal rent Lot No.
14 266-1, Agat, containing an area of approximately eleven thousand (11,000)
15 square meters, to the Veterans of Foreign Wars Post No. 2917, for a term
16 of Fifty (50) years, to construct and operate a clubhouse, and recreational
17 facilities, the latter to be open to the general public. such lease may not
18 be assigned or the property subleased.

19 **Section 11.** (a) §61303 of Title 21, Guam Code Annotated, is
20 hereby repealed and reenacted to read:

21 "§61303. Conditional use. (a) In addition to
22 permitted uses in each of the zones, specified uses are
23 permitted upon approval by the Commission of the site plan
24 including, but not limited to, disposal of sewage, access,
25 parking, structure location and dimensions of buildings, impact
26 of the proposed use on adjacent land uses, and accompanying
27 covenants that may include performance standards. The

1 Commission shall also consider such other elements as may be
2 reasonably related to the health, safety and general welfare of
3 the community.

4 (b) Notwithstanding any prior conditional use as
5 provided in subsection (a) of this section, any amendment to a
6 site plan which plan was previously approved by the
7 Commission shall be approved by the Commission in
8 accordance with the criteria set forth in subsections (a) and (c)
9 of this section.

10 (c) In any hearing or meeting on an application
11 for conditional use whether based on an original or amended
12 site plan, in each of the zones, the Commission shall require the
13 applicant to give personal written notice at least ten (10) days
14 prior to the hearing to property owners within a radius of five
15 hundred feet (500') or if personal notice is not possible, then
16 written notice to the last known address of such owner at least
17 twenty-five (25) days prior to the hearing by certified mail,
18 return receipt requested. In addition, the commission shall
19 require the applicant to erect a sign on the subject location, no
20 smaller than four feet (4') by eight feet (8') in height and
21 width, displayed to make the following information available to
22 the general public in a reasonable manner: (a) a Statement
23 of Public Notice that an application for conditional use has been
24 filed with the Territorial Land Use Commission; (b) the title of
25 the application as filed, containing the name of the owner, the
26 name of the developer, the lot number, and the proposed
27 conditional use; and (c) the date, time and place of each public

1 hearing and Commission meeting where public comments can
2 be presented to the Commission. The sign shall be required to
3 be erected and displayed with current information no less than
4 ten (10) consecutive days prior to each scheduled public
5 hearing or meeting. The Commission shall not render a
6 decision in favor of any applicant that fails to comply with this
7 sign requirement and any other public notice requirement that
8 is prescribed or imposed. Failure to meet the notice
9 requirements as provided herein renders any approval by the
10 commission null and void."

11 (b) Pursuant to subsection (a) of this section, the Department of
12 Land Management (the "Department") shall determine the names and
13 addresses and properly serve or mail all required notices to all persons
14 within the five hundred foot (500') radius of the proposed project who will
15 be affected thereby. As provided in subsection (a), the notices shall be
16 served not less than ten (10) calendar days before any public hearing is to
17 be conducted. The five hundred foot (500') radius shall be measured from
18 the exterior boundary lines of the project, and not from the center.

19 (c) The Department shall charge the applicants with all costs
20 incurred in carrying out the requirements of subsection (b) of this section,
21 and all costs and fees so collected shall be deposited in the Department's
22 operational funds to be expended for the Division of Planning as the
23 Director of Land Management may determine.

24 (d) One Hundred Fifty Thousand Dollars (\$150,000) are
25 appropriated from the General Fund to the Department to employ
26 additional staff to undertake the work required by this section, to
27 purchase "4 x 4" wheel vehicles for the Department, and to purchase desks

1 and chairs, filing cabinets and other logistical necessities required by the
2 Department to accomplish the work required by this section.

3 **Section 12.** Lot No. 1098-4-1, Lalo, Mangilao, Barrigada,
4 containing an area of approximately two thousand nine hundred sixty-
5 eight (2,968) square meters, and owned by Tony C. Park, is hereby rezoned
6 from Single Family Residential ("R-1") to Commercial("C").

7 **Section 13.** The lease of four (4) acres of Lot No. 10119-8,
8 Dededo, shown on Department of Land Management Document No. 391755,
9 to Veges Guam, Inc. for agricultural purposes, as set out in an agricultural
10 lease signed by the Governor on January 28, 1988, and submitted with
11 amendments to the Legislature on May 16, 1988, is hereby approved with
12 the following amendments: That the property may be used only for
13 agricultural purposes, that only foodstuffs raised on the property may be
14 sold thereat, that no permanent buildings for non-agricultural purposes be
15 constructed thereon, that such lease not be assigned or the property
16 subleased, that if the property is not used for significant agricultural
17 purposes for three (3) consecutive years, the lease shall terminate, and
18 that the rent shall be based on the property's fair market value as
19 agricultural land, the property to be reappraised and the rent adjusted
20 every five (5) years based on the property's then fair market value.

21 **Section 14.** (a) Legislative findings. The Legislature finds that
22 Matsuzato Corporation ("Applicant") is an eligible company in accordance
23 with Section 4 of Public Law 15-18. Applicant has submitted a business
24 plan for engaging in agriculture, which plan has been reviewed and
25 approved by the Guam Environmental Protection Agency, by the
26 Department of Agriculture, and by the Extension Service of the University
27 of Guam. Applicant's proposal is to utilized twenty (20) acres of land in

1 Yigo for hydroponics. "Hydroponics" is included in the term "Agriculture" in
2 Public Law 15-18, which law authorizes agricultural leases of government
3 land. This Legislature also finds that Applicant has funds available to
4 finance this agricultural enterprise.

5 (b) Lease authorized. The Governor shall execute a long term
6 agricultural lease with Applicant for twenty (20) acres of land contained
7 in Lot No. 7150-3-4, Yigo. The Governor shall execute all instruments
8 necessary to such lease transaction which lease the Legislature hereby
9 approves, with the following provisions: That the property may be used
10 only for agricultural purposes, that only foodstuffs raised on the property
11 may be sold thereat, that no permanent buildings for non-agricultural
12 purposes be constructed thereon, that such lease not be assigned or the
13 property subleased, and that if the property is not used for significant
14 agricultural purposes for three (3) consecutive years, the lease shall
15 automatically terminate.

16 (c) Rent. The rent shall be based on the property's current fair
17 market value as agricultural land, the property to be reappraised and the
18 rent adjusted every five (5) years based on the property's then fair
19 market value.

20 **Section 15.** The Legislature finds that the government of Guam
21 needs better access to Lot No. 10154, Dededo, from **Adotgan Luchan**
22 Street. Accordingly, the Governor shall, pursuant to the provisions of
23 Section 115 of Public Law 20-221, provide a fifty foot (50') public access
24 and utility easement across such Lot No. 10154, along the west side of Lots
25 Nos. 10077-1New-R8-R/W, 10077-1New-6, and 10077-1New-1, all in
26 Dededo, as shown on Drawing No. 23-85-05, prepared by Vicente C. Sian,
27 Jr. As a condition to the grant of such easement, Francisco U. Torres, the

1 owner of Lot No. 10077-1New-1, Dededo, containing an area of
2 approximately eight thousand (8,000) square meters, shall provide a fifty
3 foot (50') public access and utility easement across such Lot No. 10077-
4 1New-1, to connect with the cul-de-sac off of **Adotgan Luchan Street**,
5 thus allowing access from Lot No. 10154 to **Adotgan Luchan Street**.

6 **Section 16.** §4911a is added to Chapter 49, Title 15, Guam Code
7 Annotated, to read:

8 "§4911a. No further administration in certain cases. A
9 decree of preliminary or final distribution, an order setting
10 aside a land claims award, or an affidavit filed pursuant to
11 §4910 of this Title passes title to any additional sums awarded
12 by the District Court of Guam with respect to the parcel
13 identified in the decree, order or affidavit. No further
14 administration is required upon the decedent's estate in
15 respect of such additional awards and the person authorized in
16 the decree, order or affidavit to collect and distribute the
17 original award is authorized to collect and distribute any
18 additional awards for said parcel to the same heirs and in the
19 same proportions as provided in the decree, order or affidavit."

20 **Section 17.** §62111 is added to Title 21, Guam Code Annotated,
21 to read:

22 "§62111. **Government subdivisions.** In any
23 subdivision of government of Guam land, including land of
24 autonomous agencies, in which there are more applicants for
25 lots within the subdivision than there are lots, the Director of
26 Land Management shall conduct a public lottery, under the
27 direction of the Attorney General, among those applicants

1 holding the same priorities to determine which applicants of
2 equal priority obtain the lots."

3 **Section 18.** Lot No. 3316-7 NEW-R2, Agaña Heights, owned by
4 Lloyd's Marketing and Supply and L&S Construction Company, presently
5 zoned Single Family Residential in part ("R-1") and Agricultural ("A") in
6 part, is hereby rezoned Multi-Family Residential ("R-2").

7 **Section 19. (a) Findings.** The Legislature finds that there is an
8 ever-increasing use by government of Guam employees of their personal
9 vehicles for official business because of the non-availability of government
10 of Guam vehicles. With the rises in the cost of operating a vehicle,
11 including increases in gasoline and oil prices, vehicle maintenance and
12 vehicle insurance, the Legislature deems it unjust that these employees are
13 not currently given a fair and reasonable reimbursement of their expenses
14 in operating and maintaining their vehicles when such vehicles are used
15 for the benefit of the government of Guam. The purpose of this section,
16 therefore, is to establish a just and reasonable level of reimbursement for
17 the use of personal vehicles for government of Guam business.

18 (b) **Change in mileage allowance.** §23105 of Title 5,
19 Guam Code Annotated, is hereby repealed and reenacted to read:

20 "§23105. **Mileage allowance.** Persons
21 authorized to travel at government expense shall, in accordance
22 with regulations and whenever such mode of transportation is
23 authorized or approved as more advantageous to the
24 government, be paid in lieu of transportation not to exceed
25 Sixty Cents (60¢) per mile for the use of privately-owned four
26 wheeled-passenger motor vehicles, when engaged on official
27 business."

1 (c) **Effective date.** The provisions of this section shall go
2 into effect thirty (30) days after the approval of this Act.

3 **Section 20.** (a) Lots Nos. 3325-3 and 3325-4, Sinajaña,
4 containing an aggregate area of 25,637± square meters are hereby rezoned
5 from Single Family Residential ("R-1") to Light Industrial ("M-1").

6 (b) Lot No. 3242-1-3, Chalan Pago, Sinajaña, containing an
7 area of 21,020± square meters, is hereby rezoned from Single Family
8 Residential ("R-1") to Light Industrial ("M-1").

9 **Section 21.** §61401 of Title 21, Guam Code Annotated, is hereby
10 amended to read:

11 "§61401. Height Limit Established. In the A, **R1**, **LC**,
12 **R2**, **C**, **M1** and **M2** Zones, no building or structure shall be
13 erected or maintained, nor shall any existing building or
14 structure be altered, enlarged, moved, or maintained, to exceed
15 a height limit of three stories (the three stories shall not exceed
16 a height of thirty (30) feet), **except** that in the C Zone within
17 the **New Agaña** lot and block system the building height limit
18 shall be six (6) stories (the six stories shall not exceed a height
19 of seventy-five (75) feet)."

20 **Section 22.** The following lots in Ordot, municipality of Sinajaña,
21 Guam, are hereby rezoned from Agricultural ("A") to Multi-Family
22 Residential ("R-2"):

23	Lots Nos.:	Areas in square meters:
24	3380-3	4,132±,
25	3380-5	11,547±,
26	3380-6	16,536±,
27	3380-7	16,511±.

1 **Section 23.** The following lots in Chalan Pago, municipality of
2 Sinajaña, are hereby rezoned from Agricultural ("A") to Commercial ("C"):

3	Lots Nos.:	Areas in square meters:
4	3249-5,	4,700±,
5	3249-6-1,	1,767±,
6	3249-6-R1,	7,395±.

7 **Section 24.** Lot No. 3412-1-3, Chalan Pago, municipality of
8 Sinajaña, containing an area of approximately fifty-seven thousand seven
9 hundred thirty-four (57,734) square meters, is hereby rezoned from
10 Agricultural ("A") to Multi-Family Residential ("R-2").

11 **Section 25.** The Governor shall sell to Steve and Ann Hering at
12 its current fair market value that portion of the former bull-cart trail in
13 Dededo situated between Lots Nos. 5003A-5 and 5004 containing an area
14 of approximately eighty-seven± (87±) square meters. In determining the
15 fair market value of such parcel, its narrow shape shall not be considered,
16 and its value will be based on the value of the surrounding properties.

Bill No. 298

Resolution No. _____

Question: _____

Date: 4-4-91

	Ayes	Noes	NOT VOTING	Absent
1. AGUON, John Perez	✓			
2. ARRIOLA, Elizabeth Perez			✓	
3. BAMBA, J. George	✓			
4. BLAZ, Anthony Crisostomo	✓		HA	
5. BROOKS, Doris Flores		✓	HA	
6. DIERKING, Herminia Duenas	✓			
7. DUENAS, Edward Ramirez				✓
8. ESPALDON, Ernesto M. (M.D.)	✓			
9. GUTIERREZ, Carl T. C.	✓			
10. LUJAN, Pilar Cruz	✓			
11. MAILLOUX, Gordon	✓			
12. MANIBUSAN, Marilyn D. A.			✓	
13. PARKINSON, Don	✓			
14. REIDY, Michael		✓	HA	
15. RUTH, Martha Cruz		✓	HA	
16. SAN AGUSTIN, Joe Taitano	✓			
17. SANTOS, Francisco Rivera	✓			
18. SHIMIZU, David L. G. (M.D.)	✓			
19. TANAKA, Thomas V. C.			HA	
20. UNPINGCO, Antonio Reyes		✓	HA	

12

21

5

HA
HA

1

Example

Required

Example

Required

*22.12
last 20
2000
2000*

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

AMP
Introduced

APR 03 '91

Bill No. 298 (COE)

Introduced by:

Arriola
C. T. C. Gutierrez
J. P. Aguon
E. P. Arriola
J. G. Bamba
A. C. Blaz
D. F. Brooks
H. D. Dierking
E. R. Duenas
E. M. Espaldon
P. C. Lujan
G. Mailloux
M. D. A. Manibusan
D. Parkinson
M. J. Reidy
M. C. Ruth
J. T. San Agustin
F. R. Santos
D. L. G. Shimizu
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO CHANGE THE ZONING OF PART OF BLOCK 1, LOT 6, TRACT 109, BARRIGADA, FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO COMMERCIAL ("C") AND OF LOT NO. 2-1, BLOCK D, TRACT 9, BARRIGADA, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO AUTHORIZE THE EXCHANGE OR SALE OF CERTAIN GOVERNMENT REAL PROPERTY, INCLUDING PROPERTIES IN TAMUNING, IN AGAT, IN AGAÑA, IN TUMON, IN BARRIGADA, IN DEDEDO, AND IN MERIZO; TO ESTABLISH METHODS OF DETERMINING FAIR MARKET VALUE IN CONNECTION WITH SUCH SALES AND EXCHANGES; TO EXEMPT SUCH SALES AND EXCHANGES FROM CERTAIN STATUTORY REQUIREMENTS; TO REQUIRE AFFECTED LANDOWNERS TO PAY APPRAISAL AND OTHER

COSTS; TO AUTHORIZE THE LEASE OF PROPERTY IN AGAT TO POST NO. 2917 OF THE VETERANS OF FOREIGN WARS; TO REPEAL AND REENACT §61303 OF TITLE 21, GUAM CODE ANNOTATED, ON CONDITIONAL USE REGULATIONS OF THE TERRITORIAL LAND USE COMMISSION AND MAKING AN APPROPRIATION THEREFOR; TO REZONE CERTAIN PROPERTY IN MANGILAO, BARRIGADA; TO AUTHORIZE THE LEASE OF FOUR ACRES OF GOVERNMENT LAND TO VEGES GUAM, INC. FOR AGRICULTURAL PURPOSES; TO AUTHORIZE AN AGRICULTURAL LEASE TO MATSUZATO CORPORATION OF LAND IN YIGO FOR HYDROPONICS; TO AUTHORIZE AN EASEMENT ACROSS LOT NO. 10154 IN DEDEDO; TO ADD A NEW §4911a TO TITLE 15, GUAM CODE ANNOTATED, SIMPLIFYING ADMINISTRATION OF LAND CLAIMS AWARDS; TO ADD §62111 TO TITLE 21, GUAM CODE ANNOTATED, ON GOVERNMENT SUBDIVISIONS; TO REZONE LOT NO. 3316-7 NEW-R2 IN AGAÑA HEIGHTS; TO REPEAL AND REENACT §23105, TITLE 5, GUAM CODE ANNOTATED, TO INCREASE THE MILEAGE ALLOWANCE FOR PRIVATELY-OWNED VEHICLES USED ON OFFICIAL BUSINESS; TO AUTHORIZE CERTAIN LAND EXCHANGES TO COMPLETE THE WIDENING OF PALE SAN VITORES ROAD; TO AMEND §61401, TITLE 21, GUAM CODE ANNOTATED, TO CHANGE HEIGHT LIMITATIONS IN CERTAIN ZONES; TO REZONE LOT NOS. 3380-3, 3380-5, 3380-6 AND 3380-7, ORDOT, FROM AGRICULTURAL ("A") TO MULTI-FAMILY RESIDENTIAL ("R-2"); TO REZONE LOTS NOS. 3249-5, 3249-6-1, AND 3249-6-R1, CHALAN PAGO, FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO COMMERCIAL ("C"); TO REZONE LOT NO. 3412-1-3, CHALAN PAGO, FROM AGRICULTURAL ("A") TO COMMERCIAL ("C"); AND TO REZONE LOT NO. 7090-1, YIGO, FROM A PLANNED UNIT DEVELOPMENT ("PUD") TO MULTI-FAMILY RESIDENTIAL ("R-2").

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

2 **Section 1.** The following parcels of land in the municipality of
3 Barrigada are hereby rezoned as follows: (i) The rear portion (approximately
4 thirty feet (30') in width and seven hundred thirty (730) square meters in
5 area) of Block 1, Lot 6, Tract 109, Barrigada, Guam, as shown on L.M. Drawing

1 No. D4-64T205, recorded at the office of the Recorder, Guam under
2 Instrument No. 57025, owned by Melchior and Priscilla Martinez, is rezoned
3 from Single Family Residential ("R-1") to Commercial ("C"); (ii) Lot No. 2-1,
4 Block D, Tract 9, Barrigada, containing an area of five thousand± (5,000±)
5 square meters, owned by Ana Ulloa, is rezoned from Agricultural ("A") to
6 Multi-Family Residential ("R-2").

7 **Section 2.** (a) The Governor shall sell to Constancia D. Rivera that
8 portion containing approximately three hundred sixty-four (364) square
9 meters of that bull cart trail which traverses Lot No. 2149-R14, Tamuning, at
10 its current fair market value.

11 (b) The Governor shall sell to Jose L.G. Camacho that portion
12 containing approximately one hundred fifty-six (156) square meters of that
13 bull cart trail which traverses Lot No. 5172-1-4-R5, Tamuning, at its current
14 fair market value.

15 **Section 3.** (a) The Governor shall sell the following properties in
16 Tumon, Dededo, to the following abutting landowners (the "Landowners") at
17 such properties' fair market value at the time of sale: (i) Lot No. A-5, Tract
18 111, containing an area of approximately three hundred forty-eight (348)
19 square meters, to Cecil and Anella Edwards; (ii) Lot No. A-3, Tract 111,
20 containing an area of approximately three hundred fifteen (315) square
21 meters, to Joaquin and Elizabeth Arriola; (iii) Lot No. A-4, Tract 111,
22 containing an area of approximately three hundred forty-eight (348) square
23 meters, to Douglas Edwards; (iv) Lot No. A-2, Tract 111, containing an area of
24 approximately three hundred two (302) square meters, to Joaquin and
25 Elizabeth Arriola; (v) Lot No. A-6, Tract 111, containing an area of
26 approximately three hundred two (302) square meters, to Frank and Nga

1 Martin; (vi) Lot No. A-7, Tract 111, containing an area of approximately
2 seventy (70) square meters, to Cecil and Anella Edwards; (vii) Lot No. C-1,
3 Tract 111, containing an area of approximately six hundred ninety-eight
4 (698) square meters, to Oscar and Joyce Miyashita, and Richard and Yoko
5 Pipes; and (viii) Lot No. A-8, Tract 111, containing approximately thirty-three
6 (33) square meters, to Florida G. Sanchez.

7 (b) In addition, the Governor shall sell Lot No. B, Tract 111, to the
8 landowners whose lands abut such Lot No. B on the northern, ocean side of
9 Lot No. B, such sale to be a series of sales to each such owner whose land so
10 abuts Lot No. B on its northern side, of that portion of Lot No. B immediately
11 adjacent to such owner's property, at such parcel's fair market value at the
12 time of sale.

13 (c) The lots and parcels being sold under this section shall be
14 combined with the respective adjoining lots of the Landowners and the other
15 purchasers, and each combined lot shall be designated with one (1) parcel
16 number, all as set out in a survey map subject to the approval of the Director
17 of Land Management.

18 **Section 4.** (a) The Governor shall sell to Tokyu Micronesian
19 Development Corporation at its current fair market value that portion of the
20 prewar bull-cart trail in Tumon, Dededo, situated between Lots Nos. 5143 and
21 5144-3 New, (formerly Lot No. 5144-3), containing an area of eight hundred
22 nineteen± (819±) square meters. In determining the current fair market
23 value of such parcel, its unusual shape shall not be considered, and its value
24 will be based on the value of the surrounding properties.

25 (b) The Governor shall sell to Guam Dai-Ichi Hotel, Inc. at its current
26 fair market value that portion of the former bull-cart trail in Tumon, Dededo,

1 situated between basic Lots Nos. 5136-2-1 and 5136-1-5, 5136-1-6, and
2 5136-1-7 (formerly all part of Lot No. 5136 and now consolidated as Lot No.
3 5136-1-4 NEW), containing an area of four hundred seven± (407±) square
4 meters. In determining the current fair market value of such parcel, its
5 narrow shape shall not be considered, and its value will be based on the value
6 of the surrounding properties.

7 (c) The Governor shall sell to Steve Herring at its current fair market
8 value that portion of the former bull-cart trail in **Finegayan**, Dededo,
9 situated between Lots Nos. 5003A-5 and 5004, containing an area of
10 approximately nine hundred three (903) square meters. In determining the
11 fair market value of such parcel, its narrow shape shall not be considered,
12 and its value will be based on the value of the surrounding properties.

13 **Section 5.** The Governor shall sell Alley-1, situated in old Agaña,
14 containing an area of approximately one hundred thirteen (113) square
15 meters, to Fred Gabriel, the adjacent landowner (the "Landowner"), at its
16 current fair market value; **provided**, however, that in the event the
17 government of Guam decides to reacquire said Alley it shall pay therefor no
18 more than what the Landowner paid, and the deed to the Landowner shall so
19 provide.

20 **Section 6.** The Governor shall exchange for Lot No. 513, Merizo, as
21 shown on Land Management Drawing No. 14-82T156, containing an area of
22 approximately two thousand four hundred seventy-five (2,475) square
23 meters and owned by Edward A. Cruz and Dolores C. Cruz, a portion of Lot No.
24 268, Merizo, as shown on Public Works Project No. 140-D-1005-F-TER, on a
25 current value-for-value basis.

1 **Section 7.** The Governor shall exchange government real property in
2 Barrigada with Lot No. 1090-2-3, Barrigada, containing an area of
3 approximately one thousand one hundred seven (1,107) square meters,
4 belonging to Juan A. Camacho and Dolores U. Camacho (the "Owners") on a
5 current value-for-value basis. The Directors of Public Works and of Land
6 Management shall negotiate with the Owners for an acceptable tract of
7 government real property to be so exchanged.

8 **Section 8.** (a) The Governor shall sell a portion of Lot No. C, Tract
9 111, Tumon, Dededo, containing an area of approximately nine hundred
10 thirty-five (935) square meters, to William Au-Yeung, for its current fair
11 market value.

12 (b) The Governor shall further exchange another portion of Lot C,
13 Tract 111, Tumon, Dededo, for portions of Lots Nos. 16 and 17, Tract 111,
14 Tumon, Dededo, belonging to Jose C. Guerrero, containing areas of thirteen
15 (13) square meters and sixty-six (66) square meters, respectively, which
16 portions were taken in the **San Vitores** road expansion. The value of the
17 government land being exchanged shall be its current fair market value, and
18 the value of the property taken for the **San Vitores** Road shall be its value
19 at the time of its taking.

20 **Section 9.** (a) The land sales and exchanges described in Sections 2,
21 3, 4, 5, 6, 7, and 8 of this Act shall all be subject to the following provisions to
22 determine the current fair market value of a parcel:

23 (i) Each parcel shall be the subject of no less than two (2)
24 written appraisals prepared by qualified licensed Guam appraisers,
25 such appraisals to be completed no earlier than six (6) months prior
26 to the date of conveyance or exchange of the parcels;

1 (ii) Such appraisals shall be based on the current highest and
2 best use of the parcels being appraised without regard to such
3 parcels' current zoning or irregular size or shape.

4 (b) The cost of such appraisals and of any severance or other survey
5 map necessary for the conveyance or exchange shall be paid by the private
6 party buying or exchanging the property, and no sale or exchange may be
7 recorded until such costs are paid. All such surveys, as well as the appraisals
8 required in subparagraph (a) of this section, are subject to the approval of the
9 Director of Land Management. In making such surveys, the surveyor shall
10 install permanent concrete monuments on all points.

11 (c) Neither the provisions of §2109, Title 2, Guam Code Annotated
12 (separate consideration of land bills), nor the provisions of Chapter 75, Title
13 21, Guam Code Annotated (the Chamorro Land Trust Act), shall apply to any
14 sale, exchange, lease, or other disposition of government land authorized or
15 directed by this Act.

16 (d) The private grantee(s) of any deed of sale or exchange shall not
17 sell or convey the parcel obtained by the sale or exchange for a period of ten
18 (10) years following execution of the deed, which shall contain an appropriate
19 reverter clause providing that such a sale shall cause title to the property to
20 automatically revert to the government of Guam.

21 (e) If two (2) parcels being exchanged are not of equal value, then
22 either the parcels shall be adjusted in size to be of equal value, or the
23 difference in value shall be paid in cash by the party receiving the more
24 valuable parcel.

25 **Section 10.** The Governor shall to lease at nominal rent Lot No. 266-1,
26 Agat, containing an area of approximately eleven thousand (11,000) square

1 meters, to the Veterans of Foreign Wars Post No. 2917, for a term of fifty (50)
2 years, to construct and operate a clubhouse, and recreational facilities, the
3 latter to be open to the general public. Such lease may not be assigned or the
4 property subleased.

5 **Section 11.** (a) §61303 of Title 21, Guam Code Annotated, is hereby
6 repealed and reenacted to read:

7 "§61303. **Conditional use.** (a) In addition to permitted
8 uses in each of the zones, specified uses are permitted upon
9 approval by the Commission of the site plan including, but not
10 limited to, disposal of sewage, access, parking, structure location
11 and dimensions of buildings, impact of the proposed use on
12 adjacent land uses, and accompanying covenants that may include
13 performance standards. The Commission shall also consider such
14 other elements as may be reasonably related to the health, safety
15 and general welfare of the community.

16 (b) Notwithstanding any prior conditional use as provided
17 in subsection (a) of this section, any amendment to a site plan
18 which plan was previously approved by the Commission shall be
19 approved by the Commission in accordance with the criteria set
20 forth in subsections (a) and (c) of this section.

21 (c) In any hearing or meeting on an application for
22 conditional use whether based on an original or amended site
23 plan, in each of the zones, the Commission shall require the
24 applicant to give personal written notice at least ten (10) days
25 prior to the hearing to property owners within a radius of five
26 hundred feet (500') or if personal notice is not possible, then

1 written notice to the last known address of such owner at least
2 twenty-five (25) days prior to the hearing by certified mail,
3 return receipt requested. In addition, the Commission shall
4 require the applicant to erect a sign on the subject location, no
5 smaller than four feet (4') by eight feet (8') in height and width,
6 displayed to make the following information available to the
7 general public in a reasonable manner: (a) a Statement of Public
8 Notice that an application for conditional use has been filed with
9 the Territorial Land Use Commission; (b) the title of the
10 application as filed, containing the name of the owner, the name of
11 the developer, the lot number, and the proposed conditional use;
12 and (c) the date, time and place of each public hearing and
13 Commission meeting where public comments can be presented to
14 the Commission. The sign shall be required to be erected and
15 displayed with current information no less than ten (10)
16 consecutive days prior to each scheduled public hearing or
17 meeting. The Commission shall not render a decision in favor of
18 any applicant that fails to comply with this sign requirement and
19 any other public notice requirement that is prescribed or imposed.
20 Failure to meet the notice requirements as provided herein
21 renders any approval by the Commission null and void."

22 (b) Pursuant to subsection (a) of this section, the Department of Land
23 Management (the "Department") shall determine the names and addresses
24 and properly serve or mail all required notices to all persons within the five
25 hundred foot (500') radius of the proposed project who will be affected
26 thereby. As provided in subsection (a), the notices shall be served not less

1 than ten (10) calendar days before any public hearing is to be conducted. The
2 five hundred foot (500') radius shall be measured from the exterior boundary
3 lines of the project, and not from the center.

4 (c) The Department shall charge the applicants with all costs incurred
5 in carrying out the requirements of subsection (b) of this section, and all costs
6 and fees so collected shall be deposited in the Department's operational funds
7 to be expended for the Division of Planning as the Director of Land
8 Management may determine.

9 (d) One Hundred Fifty Thousand Dollars (\$150,000) are appropriated
10 from the General Fund to the Department to employ additional staff to
11 undertake the work required by this section, to purchase "4 x 4" wheel
12 vehicles for the Department, and to purchase desks and chairs, filing cabinets
13 and other logistical necessities required by the Department to accomplish the
14 work required by this section.

15 **Section 12.** Lot No. 1098-4-1, Lalo, Mangilao, Barrigada, containing
16 an area of approximately two thousand nine hundred sixty-eight (2,968)
17 square meters, and owned by Tony C. Park, is hereby rezoned from Single
18 Family Residential ("R-1") to Commercial ("C").

19 **Section 13.** The lease of four (4) acres of Lot No. 10119-8, Dededo,
20 shown on Department of Land Management Document No. 391755, to Veges
21 Guam, Inc. for agricultural purposes, as set out in an agricultural lease signed
22 by the Governor on January 28, 1988, and submitted with amendments to the
23 Legislature on May 16, 1988, is hereby approved with the following
24 amendments: That the property may be used only for agricultural purposes,
25 that only foodstuffs raised on the property may be sold thereat, that no
26 permanent buildings for non-agricultural purposes be constructed thereon,

1 that such lease not be assigned or the property subleased, that if the property
2 is not used for significant agricultural purposes for three (3) consecutive
3 years, the lease shall terminate, and that the rent shall be based on the
4 property's fair market value as agricultural land, the property to be
5 reappraised and the rent adjusted every five (5) years based on the
6 property's then fair market value.

7 **Section 14. (a) Legislative findings.** The Legislature finds that
8 Matsuzato Corporation ("Applicant") is an eligible company in accordance with
9 Section 4 of Public Law 15-18. Applicant has submitted a business plan for
10 engaging in agriculture, which plan has been reviewed and approved by the
11 Guam Environmental Protection Agency, by the Department of Agriculture,
12 and by the Extension Service of the University of Guam. Applicant's proposal
13 is to utilize twenty (20) acres of land in Yigo for hydroponics. "Hydroponics"
14 is included in the term "Agriculture" in Public Law 15-18, which law
15 authorizes agricultural leases of government land. This Legislature also finds
16 that Applicant has funds available to finance this agricultural enterprise.

17 **(b) Lease authorized.** The Governor shall execute a long term
18 agricultural lease with Applicant for twenty (20) acres of land contained in
19 Lot No. 7150-3-4, Yigo. The Governor shall execute all instruments necessary
20 to such lease transaction which lease the Legislature hereby approves, with
21 the following provisions: That the property may be used only for agricultural
22 purposes, that only foodstuffs raised on the property may be sold thereat,
23 that no permanent buildings for non-agricultural purposes be constructed
24 thereon, that such lease not be assigned or the property subleased, and that if
25 the property is not used for significant agricultural purposes for three (3)
26 consecutive years, the lease shall automatically terminate.

1 (c) **Rent.** The rent shall be based on the property's current fair
2 market value as agricultural land, the property to be reappraised and the
3 rent adjusted every five (5) years based on the property's then fair market
4 value.

5 **Section 15.** The Legislature finds that the government of Guam needs
6 better access to Lot No. 10154, Dededo, from **Adotgan Luchan Street**.
7 Accordingly, the Governor shall, pursuant to the provisions of Section 115 of
8 Public Law 20-221, provide a fifty foot (50') public access and utility
9 easement across such Lot No. 10154, along the west side of Lots Nos. 10077-
10 1New-R8-R/W, 10077-1New-6, and 10077-1New-1, all in Dededo, as shown
11 on Drawing No. 23-85-05, prepared by Vicente C. Sian, Jr. As a condition to
12 the grant of such easement, Francisco U. Torres, the owner of Lot No. 10077-
13 1New-1, Dededo, containing an area of approximately eight thousand (18,000)
14 square meters, shall provide a fifty foot (50') public access and utility
15 easement across such Lot No. 10077-1New-1, to connect with the cul-de-sac
16 off of **Adotgan Luchan Street**, thus allowing access from Lot No. 10154 to
17 **Adotgan Luchan Street**.

18 **Section 16.** §4911a is added to Chapter 49, Title 15, Guam Code
19 Annotated, to read:

20 "§4911a. **No further administration in certain cases.** A
21 decree of preliminary or final distribution, an order setting aside a
22 land claims award, or an affidavit filed pursuant to §4910 of this
23 Title passes title to any additional sums awarded by the District
24 Court of Guam with respect to the parcel identified in the decree,
25 order or affidavit. No further administration is required upon the
26 decedent's estate in respect of such additional awards and the person

1 authorized in the decree, order or affidavit to collect and distribute
2 the original award is authorized to collect and distribute any
3 additional awards for said parcel to the same heirs and in the same
4 proportions as provided in the decree, order or affidavit."

5 **Section 17.** §62111 is added to Title 21, Guam Code Annotated, to
6 read:

7 "§62111. **Government subdivisions.** In any subdivision of
8 government of Guam land, including land of autonomous agencies, in
9 which there are more applicants for lots within the subdivision than
10 there are lots, the Director of Land Management shall conduct a
11 public lottery, under the direction of the Attorney General, among
12 those applicants holding the same priorities to determine which
13 applicants of equal priority obtain the lots."

14 **Section 18.** Lot No. 3316-7 NEW-R2, Agaña Heights, owned by Lloyd's
15 Marketing and Supply and L&S Construction Company, presently zoned Single
16 Family Residential in part ("R-1") and Agricultural ("A") in part, is hereby
17 rezoned Multi-Family Residential ("R-2").

18 **Section 19.** (a) **Findings.** The Legislature finds that there is an
19 ever-increasing use by government of Guam employees of their personal
20 vehicles for official business because of the non-availability of government of
21 Guam vehicles. With the rises in the cost of operating a vehicle, including
22 increases in gasoline and oil prices, vehicle maintenance and vehicle
23 insurance, the Legislature deems it unjust that these employees are not
24 currently given a fair and reasonable reimbursement of their expenses in
25 operating and maintaining their vehicles when such vehicles are used for the
26 benefit of the government of Guam. The purpose of this section, therefore, is

1 to establish a just and reasonable level of reimbursement for the use of
2 personal vehicles for government of Guam business.

3 (b) **Change in mileage allowance.** §23105 of Title 5, Guam Code
4 Annotated, is hereby repealed and reenacted to read:

5 "§23105. **Mileage allowance.** Persons authorized to travel
6 at government expense shall, in accordance with regulations and
7 whenever such mode of transportation is authorized or approved as
8 more advantageous to the government, be paid in lieu of
9 transportation not to exceed Sixty Cents (60¢) per mile for the use of
10 privately-owned four wheeled-passenger motor vehicles, when
11 engaged on official business."

12 (c) **Effective date.** The provisions of this section shall go into effect
13 thirty (30) days after the approval of this Act.

14 **Section 20. (a) Purposes of exchanges.** In order to complete
15 the acquisition of the parcels of land in Tumon necessary to the widening of
16 **Pale San Vitores Road**, the Governor shall make the following land
17 exchanges:

18 (1) The Governor shall exchange portions of Lots Nos. 5174 REM and
19 5174 REM-2, Tumon, Dededo, containing an aggregate area of nine thousand
20 six hundred eighty-three (9,683) square feet, Lots Nos. 5174 REM and 5174
21 REM-2 being shown on Drawing No. L-848, prepared by Robert A Beam (the
22 "Drawing"), for portions of Lots Nos. 5174-D-2 and 5174-D-R2, containing an
23 aggregate area of nine thousand six hundred eighty-three (9,683) square feet,
24 as shown on the Drawing, belonging to Hotels of the Marianas, Inc.;

25 (2) The Governor shall exchange Lot No. 5173-REM (Part)-A, Tumon,
26 Dededo, containing an area of approximately one hundred eighty (180) square

1 meters as shown on Land Management Drawing No. 547-FY89, Map No. MS-
2 89045, recorded under Instrument No. 440820 (the "Map"), for Lot No. 2152-
3 F-5, now designated as Lot No. 2152-F-5-1G R/W, Tumon, Dededo, Guam,
4 containing an area of approximately one hundred eighty (180) square meters,
5 as shown on the Map, belonging to Su Eor Huang.

6 (b) **Negotiated exchanges.** The land exchanges authorized in
7 subsection (a) of this section are based on the negotiations between the
8 landowners and the government of Guam arising out of the **Pale San**
9 **Vitores** road widening and have been agreed to by the landowners and the
10 Executive Branch of the government of Guam.

11 **Section 21.** §61401 of Title 21, Guam Code Annotated, is hereby
12 amended to read:

13 "§61401. **Height Limit Established.** In the A, R1, LC, R2,
14 C, M1 and M2 Zones, no building or structure shall be erected or
15 maintained, nor shall any existing building or structure be altered,
16 enlarged, moved, or maintained, to exceed a height limit of [~~two~~]
17 three stories (the [~~two~~] three stories shall not exceed a height of
18 thirty (30) feet), **except** that in the C Zone within the **New Agaña**
19 lot and block system the building height limit shall be six (6) stories
20 (the six stories shall not exceed a height of seventy-five (75) feet)."

21 **Section 22.** The following lots in Ordot, municipality of Sinajaña,
22 Guam, are hereby rezoned from Agricultural ("A") to Multi-Family Residential
23 ("R-2"):

Lots Nos.:	Areas in square meters:
3380-3	4,132±,
3380-5	11,547±,

1 3380-6 16,536±,
2 3380-7 16,511±.

3 **Section 23.** The following lots in Chalan Pago, municipality of
4 Sinajaña, are hereby rezoned from Single Family Residential ("R-1") to
5 Commercial ("C"):

6	Lots Nos.:	Areas in square meters:
7	3249-5,	4,700±,
8	3249-6-1,	1,767±,
9	3249-6-R1,	7,395±.

10 **Section 24.** Lot No. 3412-1-3, Chalan Pago, municipality of
11 Sinajaña, containing an area of approximately fifty-seven thousand seven
12 hundred thirty-four (57,734) square meters, is hereby rezoned from
13 Agricultural ("A") to Multi-Family Residential ("R-2").

14 **Section 25.** Lot No. 7090-1, Yigo, containing an area of
15 approximately eighty-three thousand (83,000) square meters, located next to
16 Andersen Air Force Base, and adjacent to military base housing and **A n o**
17 Estates, is hereby rezoned from a Planned Unit Development ("PUD") to Multi-
18 Family Residential ("R-2").