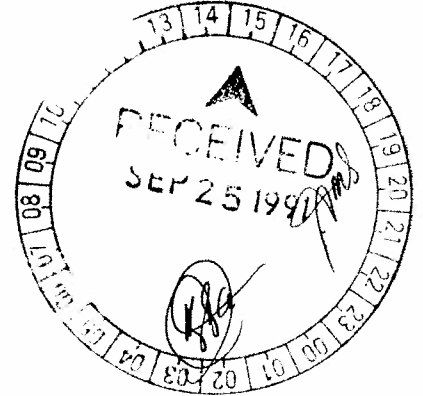




Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
U. FISINAN I MAGALAHI
AGANA, GUAM 96910 U.S.A.

SEP 20 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. 405, which I have signed into law this date as Public Law 21-55.

Sincerely,

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

FRANK F. BLAS
Governor of Guam
Acting

Attachment



Commonwealth Now!

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

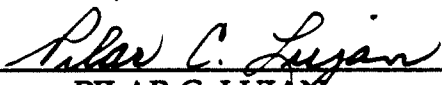
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 405 (COR), "AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO SELL AND EXCHANGE LAND IN THE MUNICIPALITY OF YONA; AND TO REZONE CERTAIN PARCELS OF LAND IN THE MUNICIPALITY OF DEDEDO," was on the 30th day of August, 1991, duly and regularly passed.




JOE T. SAN AGUSTIN
Speaker

Attested:




PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 10th day of September,
1991, at 4:45 o'clock P.m.



Assistant Staff Officer
Governor's Office

APPROVED:



FRANK F. BLAS
Governor of Guam
Acting

Date: SEP 20 1991

Public Law No. 21-55

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 405 (COR)

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

Introduced by:

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

AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO
SELL AND EXCHANGE LAND IN THE MUNICIPALITY OF
YONA; AND TO REZONE CERTAIN PARCELS OF LAND IN
THE MUNICIPALITY OF DEDEDO.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**
2 **Section 1. Legislative findings and statement.** It has been brought to
3 the attention of the Legislature that owners of lots contiguous to Lot No. 196
4 and Tract "I", Yona, desire to purchase said Lot No. 196 and a portion of

1 Tract "I". It has been ascertained by the Legislature that the subject lots do
2 not have access and are bound on one side by a sheer cliff overlooking the
3 Tagachang area and Pacific Ocean. The lots are likewise bound by Lot No. 7
4 and 8, Block 15, Tract 268, Yona which prevent access from the village proper.
5 The Legislature has been further apprised that the Guam Housing and Urban
6 Renewal Authority had agreed to exchange the property, to be sold herein,
7 for other property of the concerned owners required for public easements in
8 the GHURA Yona Redevelopment Project. Such land exchanges were never
9 consummated.

10 The Legislature finds that because of the landlocked nature of the
11 government property it would be to the benefit of the government and to the
12 municipality of Yona to sell the property to the owners of contiguous Lots No.
13 7 and 8, Block 15, Tract 268. As they now exist, Lot No. 196 and Tract "I" are
14 idle and, because of a lack of access are not utilizable by the government. The
15 sale of this real estate would provide the government its fair market value,
16 new real estate tax revenues and, upon consolidation, an increase in the real
17 estate taxes for the contiguous lots. Because portions of taxes on real estate
18 in the village are appropriated to the Municipal Planning Councils of those
19 villages, the Municipal Planning Council of Yona will similarly benefit from
20 the sale of this property.

21 In the instance of the land exchange with Jesus L.G. Cruz, the
22 Legislature has been apprised that the time which has elapsed since the taking
23 of Mr. Cruz's property in Sinajana by the Guam Housing and Urban
24 Renewal Authority has been unreasonable and has been to the detriment of
25 Mr. Cruz. Likewise, the Legislature finds that the property situated in Yona
26 which Mr. Cruz is seeking in exchange for his Sinajana property is presently

1 non-productive. Government agencies concerned with this land exchange
2 have stated that the exchange is fair and favorable for the government in
3 that the government property to be exchanged would be difficult for the
4 government to develop for any purpose.

5 In consideration of these findings, the following provisions are deemed
6 just and reasonable.

7 **Section 2. Sale of Lot No. 196.** The Governor of Guam is authorized to
8 sell Lot No. 196, Municipality of Yona, containing an area of 956± square
9 meters, to Anthony Leon Guerrero, owner of contiguous Lot No. 8, Block 15,
10 Tract 268, Yona.

11 **Section 3. Sale of portion of Tract I.** The Governor of Guam is hereby
12 authorized to sell a portion, not to exceed 160 square meters, of Tract "I",
13 **Tagachang**, Municipality of Yona, to Jesse Leon Guerrero, the owner of
14 contiguous Lot No. 7, Block 15, Tract 268, Municipality of Yona.

15 **Section 4. Sale prices.** The sale prices of the government-owned land
16 authorized to be sold by this Act shall be at its current fair market value to be
17 established by two (2) independent appraisals of the property, based on its
18 current highest and best use, said appraisals to be performed by two (2) Guam
19 licensed real estate appraisers. Said appraisals shall be performed no more
20 than six (6) months prior to the date of sale. The cost of said appraisals shall
21 be for the account of the buyers.

22 **Section 5. Exchange of Lot No. 123.** The Governor of Guam is hereby
23 authorized to exchange the whole or a portion of Lot No. 123, Yona, for Lot
24 No. 3068-1-R2, which lot was taken from Jesus L.G. Cruz for the Guam
25 Housing and Urban Renewal Authority's Sinajana Redevelopment Project.

1 **Section 6. (a) Basis of exchange.** The exchange authorized in Section 5
2 of this Act shall be on a value for value basis and shall be based upon the value
3 of the land at the time that Lot No. 3068-1-R2 was taken from Jesus L.G.
4 Cruz. The government land in Yona set aside for this exchange shall be
5 appraised and the exchange shall be based upon the value of the government
6 land at the time of the taking of Mr. Cruz's Sinajana property.

7 **(b) Costs.** All appraisals and survey, registration and mapping costs
8 involving the Yona property and associated with the exchange authorized in
9 this Act, shall be for the account of Jesus L.G. Cruz.

10 **Section 7. Restrictions in deeds.** The deeds conveying the property
11 authorized by this Act to be sold or exchanged shall each contain a provision
12 that the property conveyed or exchanged cannot be transferred or otherwise
13 conveyed to any other person for a period of no less than ten (10) years from
14 the date of the sale or exchange, and that a violation of the prohibition shall
15 cause the title to said property to automatically revert to the government of
16 Guam.

17 **Section 8. Authorization.** The land sales and exchange authorized in
18 this Act are hereby approved by the Legislature, and no further submission to,
19 or authorization or approval by, the Legislature is required.

20 **Section 9. Rezoning from Agricultural ("A") to Light Industrial ("M-1").**
21 The following lots, all situated in the Harmon area of the Municipality of
22 Dededo, being suitable and appropriate for light industrial use and
23 warehouse facilities, are hereby rezoned from Agricultural ("A") to Light
24 Industrial ("M1"):

1	LOTS NOS.:	OWNERS:
2	• 5235-1	Dolores B. Bello
3	• 5235-2	Margarita G. Benavente
4	• 5235-3	Eric Eun-Ha Choi
5	• 5235-4	Pedro G. Benavente
6	• 5235-5	Rosario B. Espinoza
7	• 5235-6	Calvo Enterprises
8	• 5235-7	Calvo Enterprises
9	• 5235-R7	Calvo Enterprises
10	• 5242-2-2NEW	Sung Hee Development, Inc.
11	• 5242-2-2-R2	Sung Hee Development, Inc.
12	• 5243-3-R11	Charles Whang
13	• 5224-2-4NEW-R3	Francisco G. Benavente
14	• 5224-2-4NEW-1	Francisco G. Benevente
15	• 5224-2-4NEW-2	Francisco G. Benevente
16	• 5224-2-4NEW-3	Francisco G. Benevente
17	• 5224-2, Lot No. 4, Tract 1417	Francisco G. Benavente
18	• 5224-1-20-1 thru 16	Dolores B./Benny B. Bello
19	• 5224 Lot No. 1, Tract 1410A	Carline B. Bukikosa
20	• 5224 Lot 2, Lot 4, Lot 5, Tract 1410A	Dolores B. Bello
21	• 5224-1-3	Bella B. Martinez
22	• 5224-1-11	Bella B. Martinez
23	• 5224-1-12	George B. Bello
24	• 5224-1-13	George B. Bello
25	• 5224-1-14	Josephine Bello Duenas
26	• 5224-1-15	Josephine Bello Duenas

1	LOTS NOS.:	OWNERS:
2	• 5225-1-NEW	Dolores B. Bello
3	• 5224-3-2	Myong S. Chong
4	• 5224-6-R4	Pedro G. Benavente
5	• 5224-6-3	Pedro G. Benavente
6	• 5224-6-4	Pedro G. Benavente
7	• 5224-7-1	Northern Island Co., Inc
8	• 5224-7-2	Northern Island Co., Inc.
9	• Tract No. 1415, Block 1 Lots 1 thru 7	Jose G./Joseph M. Benavente
10	• Tract No. 1415, Block 2, Lot 1	Jose G. Benavente
11	• 5223-R9-1	Juan L.G. Guerrero

12 **Section 11. Rezoning from Multi-Family Dwelling ("R-2") to Light**
13 **Industrial ("M-1").** The following lots, all situated in the Harmon area of the
14 Municipality of Dededo, being suitable and appropriate for light industrial
15 use and warehouse facilities, are hereby rezoned from Multi-Family
16 Dwelling ("R-2") to Light Industrial ("M-1"):

17	LOTS NOS.:	OWNERS:
18	• 5071-#1-5	Francisco M. Rosario
19	• 5048-4	Calvo Enterprises
20	• Tract 100-C, Block 1, Lot 5	Damian C. Flores
21	• 5248-5	Calvo Enterprises
22	• 5248-3-3	Calvo Enterprises

COMMITTEE REPORT

on

SUBSTITUTE BILL NO. 405

*An Act to Authorize the Governor of Guam
to sell and exchange government land in the
Municipality of Yona.*

**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

August 26, 1991

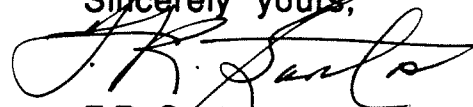
The Honorable Joe T. San Agustin
Speaker
Twenty First Guam Legislature
Agana, Guam

Dear Mr. Speaker,

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred **BILLS NO. 405 and 406** has had said bills under consideration and herewith reports the same with its recommendation **TO DO PASS AS CONSOLIDATED AND SUBSTITUTED BY THE COMMITTEE.** The votes of the Committee members are as follows:

TO DO PASS	8
TO DO NOT PASS	0
TO REPORT OUT ONLY	0
NOT VOTING/PASS ON FILE	0
OFF-ISLAND	2

Sincerely yours,



F.R. Santos

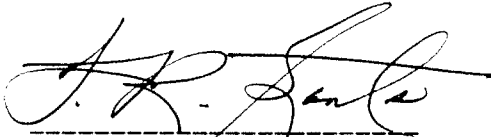
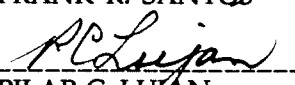
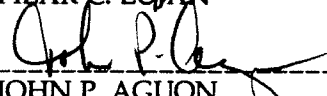
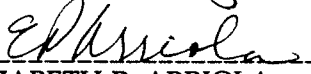
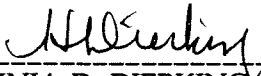
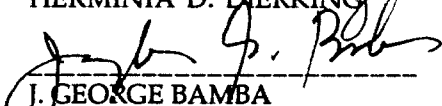
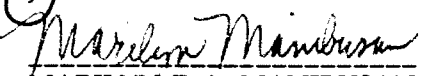
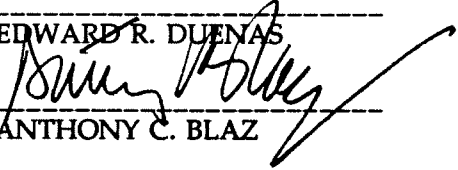
**COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT,
FEDERAL, AND FOREIGN AFFAIRS
TWENTY FIRST GUAM LEGISLATURE
155 Hesler Street
Agaña, Guam 96910**

Senator Francisco R. Santos
Chairman

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

Voting Sheet

**On Substitute Bill No. 405: An Act to authorize the Governor of Guam
to sell and exchange government land in the Municipality of Yona.**

	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	✓ 8/20/91 man	-----	-----	-----
EDWARD R. DUENAS	-----	-----	-----	-----
 ANTHONY C. BLAZ	✓	-----	-----	-----
JOE T. SAN AGUSTIN	-----	-----	-----	-----

EXECUTIVE SUMMARY OF SB 405

1. Substitute Bill No. 405 is a consolidation of Bill 405 and Bill 406. Because the measures are by the same sponsor, are similar in nature and both affect the village of Yona, it was thought both advisable and expedient to consolidate the measures. **THE COMMITTEE REPORT RECOMMENDS PASSAGE.**
2. Section 1. Legislative intent provides basic history and justification for the sale and exchange of land.
3. Section 2. Authorizes sale of Lot No 196 (area of 956 Sq. Mtrs) to Mr. Anthony Leon Guerrero, the owner of the abutting lot.
4. Section 3. Authorizes sale of a portion of Tract "I" to Mr. Jesse Leon Guerrero, owner of the abutting lot.
5. Section 4. Provides for sale price to be at current fair market value at highest and best use as determined by two independent appraisals.
6. Section 5. Prohibits alienation or conveyance for a period of 10 years. Provides automatic reversion clause.
7. Section 6. Authorizes exchange of Yona land with Mr. Jesus L.G. Cruz (Lullaby) for his property taken by Sinajana Urban Renewal.
8. Section 7. Exchange shall be on value for value basis at time of taking of Sinajana property.
9. Section 8. Costs associated with Yona property, (survey, appraisal, registration, mapping) for account of Mr. Cruz.
10. Section 9. Prohibits alienation or conveyance for 10 years and provides automatic reversion clause.
11. Section 10. No further legislation needed.

TWENTY FIRST GUAM LEGISLATURE
FIRST REGULAR (1991) SESSION

Bill No. 405 (COR)

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

Introduced by:

F.R. Santos;
M. Manibusan
9/2/91
ACT 2

AN ACT TO AUTHORIZE THE GOVERNOR OF
GUAM TO SELL AND EXCHANGE LAND IN
THE MUNICIPALITY OF YONA .

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

3
4 Section 1. Legislative Findings and Statement: It has been brought
5 to the attention of the Guam Legislature that owners of lots contiguous to
6 Lots No. 196 and Tract "I", Yona, desire to purchase said Lot No. 196 and a
7 portion of Tract "I". It has been ascertained by the Guam Legislature that
8 the subject lots do not have access and are bounded on one side by a sheer
9 cliff overlooking the Tagachang area and Pacific Ocean. The lots are
10 likewise bounded by Lot No. 7 and 8, Block 15, Tract 268, Yona which
11 prevent access from the village proper. The Legislature has been further
12 apprised that the Guam Housing and Urban Renewal Authority had
13 agreed to exchange the property, to be sold herein, for property the
14 referenced owners owned but were required for public easements in the
15 GHURA Yona Redevelopment Project. Said land exchange were never
16 consummated.

17
18 The Guam Legislature finds that because of the landlocked nature of
19 the government property it would be to the benefit of the government and
20 to the municipality of Yona to sell the property to the owners of contiguous
21 Lots No. 7 and 8, Block 15, Tract 268. As they now exist, Lot No. 196 and

1 Tract "I" are idle and because of a lack of access are not utilizable to the
2 government. The sale of this real estate would provide to the government
3 the fair market value, new real estate tax revenues and, upon
4 consolidation, an increase in the real estate taxes for the contiguous lots.
5 Because portions of taxes on real estate in the villages are appropriated to
6 the Municipal Planning Councils of those villages, the Municipal Planning
7 Council of Yona will benefit from the sale of this property.

8
9 In the instance of the land exchange with Mr. Jesus LG Cruz, the
10 Guam Legislature has been apprised that the time which has elapsed since
11 the taking of Mr. Cruz's property in Sinajana, by the Guam Urban
12 Renewal Authority, has been unreasonable and has been to the detriment
13 of Mr. Cruz. Likewise, the Guam Legislature finds that the property
14 situated in Yona which Mr. Cruz is seeking in exchange for his Sinajana
15 property is presently non-productive. Government agencies commenting
16 on this land exchange have indicated that the exchange is fair and
17 favorable for the government in that the government property to be
18 exchange would be difficult for the government to develop for any
19 purpose.

20
21 In consideration of the findings and statements herein, the following
22 legislation is deemed just and reasonable.

23
24 Section 2. The Governor of Guam is hereby authorized to sell Lot
25 No. 196, situated in the Municipality of Yona, and said to contain an area
26 of 956 +/- square meters, to the owner of contiguous Lot No. 8, Block 15,
27 Tract 268, Municipality of Yona.

28
29 Section 3. The Governor of Guam is hereby authorized to sell a
30 portion, not to exceed 160 square meters, of Tract "I", Tagachan, situated
31 in the Municipality of Yona, to the owner of contiguous Lot No. 7, Block
32 15, Tract 268, Municipality of Yona.

33
34 Section 4. The sale price of the government owned land, herein
35 authorized to be sold, shall be at the current fair market value to be
36 established by two independent appraisals of said property, said
37 appraisals to be based on the current highest and best use of said property,

1 and said appraisals to be performed by two Guam licensed real estate
2 appraisers. Said appraisals shall be performed no more than six (6)
3 months prior to the date of sale. The cost of said appraisal shall be for the
4 account of the buyers.
5

6 Section 5. The document for the conveyance of the sale herein
7 authorized shall contain an appropriate clause, or clauses, which shall
8 specify that the ownership and title of the land, herein authorized to be
9 sold, shall remain with original individuals to which such property was
10 sold and shall not be transferred or otherwise conveyed to any other
11 person for a period of no less than ten (10) years from the date of the sale.
12 Said clauses shall also contain provisions that should ownership or title of
13 said property be transferred or, in any other way, conveyed, within less
14 than ten (10) years from the date of sale, in violation of these provisions,
15 the ownership and title to said property shall automatically revert to the
16 government of Guam.
17

18 Section 6. The Governor of Guam is hereby authorized to exchange
19 the whole or a portion of Lot No 123, Yona, for Lot No. 3068-1-R2 which
20 lot was taken from Jesus L.G. Cruz for the Guam Housing and Urban
21 Renewal Authority Sinajana Redevelopment Project.
22

23 Section 7. The exchange authorized herein shall be on a value for
24 value basis and shall be based upon the value of the land at the time that
25 Lot No. 3068-1-R2 was taken from Mr. Jesus L.G. Cruz. The Government
26 land in Yona, under consideration for this exchange, shall be appraised
27 and the exchange shall be based upon the value of the government land at
28 the time of the taking of Mr. Cruz's Sinajana property.
29

30 Section 8. All appraisals and survey, registration and mapping
31 costs, of the Yona property and associated with the exchange authorized
32 herein, shall be for the account of Mr. Jesus L.G. Cruz.
33

34 Section 9. The documents of conveyance for the governmentnt land
35 to be exchanged herein shall contain a reversion clause which shall clearly
36 state that the ownership or title to the government property herein
37 exchanged shall not be transferred or conveyed from Mr. Jesus L.G. Cruz

1 or his direct heirs, to any other person, for a period of ten (10) years and
2 that should such a transfer or conveyance occur or be attempted without
3 prior statutory authorization the ownership and title of the government
4 land herein exchanged shall automatically revert to the government of
5 Guam.

6
7 Section 10. The land sale and land exchange authorized herein shall
8 be considered, for the purposes of the Guam Legislature, approved by the
9 Guam Legislature final and no further submission to or authorization by
10 or approval by the Guam Legislature is required.

1 **Committee Recommendation**

2
3
4 **After due consideration of the requests, the**
5 **recommendations of government officials and the**
6 **testimony provided at the public hearing, the Committee**
7 **recommends the approval of both the land sale to**
8 **Messrs. Anthony and Jesse Leon Guerrero and the land**
9 **exchange with Mr. Jesus L.G. Cruz. The Committee**
10 **further recommends the consolidation of the measures**
11 **into a single legislation, Substitute Bill No. 405, for**
12 **expediency purposes.**

13
14
15
16 **Public Hearing**

17
18
19 **The Committee on Housing, Community Development, Federal and**
20 **Foreign Affairs, to which was referred Bills No. 405 and 406, scheduled a**
21 **public hearing to receive testimony on such measure on June 20, 1991, in**
22 **the Legislative Session Hall. Public notice was provided in accordance**
23 **with the Standing Rules of the 21st Guam Legislature and the appropriate**
24 **government of Guam agencies and officials were apprised of the hearing**
25 **and hearing subject matter.**

26
27
28 **Members of the Committee present at the public hearing were:**

29
30
31 **Senator Francisco R. Santos, Chairman**
32 **Senator Pilar C. Lujan, Vice Chair**
33 **Senator Elizabeth P. Arriola**
34 **Senator Anthony C. Blaz**
35 **Speaker Joe T. San Agustin, ex officio**
36

1
2 **Appearing before the Committee to provide testimony were:**
3

4 **Mr. Frank L.G. Castro**
5 **Director, Department of Land Management**
6

7 **Mr. Jesse Leon Guerrero**
8 **Representing the Guerrero Family**
9

10 **Mr. Jesus L.G. Cruz**
11 **Representing himself**
12

13 **The Honorable Vicente Bernardo**
14 **Mayor of Yona**
15

16 The Bureau of Planning and the Guam Housing and Urban Renewal
17 Authority provided written testimony at a later date.
18

19
20 **Overview and Summary**
21

22
23 **ON THE SALE OF GOVERNMENT LAND**

24 Sections 2 through 5 of the Substitute measure
25

26 The Committee on Housing, Community Development, Federal and
27 Foreign Affairs was approached by the owners of Lots No. , Municipality
28 of Yona, respectively, Messrs. Anthony and Jesse Leon Guerrero, with a
29 request to purchase contiguous government of Guam land. The owners
30 apprised the Committee the government has been approached on various
31 occasions requesting such purchase based on several valid positions:
32

33 1. When the Guam Housing and Urban Renewal Authority's
34 Yona Redevelopment Project was designed, it was necessary for the
35 government to secure portions of property belonging to the Guerreros for
36 public rights of way and easements as such infrastructure existing in the
37 Village prior to Supertyphoon Karen were substandard and inadequate in

1 terms of federal requirements. At the time, the government, in a mutually
2 agreeable verbal understanding, agreed to exchange portions of
3 government property contiguous to the Guerrero property for those
4 portions condemned for Redevelopment purposes.
5

6 2. The property which the Guerreros seek to purchase is
7 contiguous to their residential lots in Yona and situated on the cliffline
8 overlooking the Tagachang shore area. Access to the property via the
9 Tagachang area would be extremely difficult and costly to the government
10 as there are no roads existing through the Tagachang area. Likewise, as the
11 property is situated on the cliffline above Tagachang, access would require
12 the construction of nearly vertical stairways. The cost of such construction
13 would be prohibitive and the justification and rationale for such would be
14 questionable.
15

16 3. Access to the government property through Yona Village
17 proper is non-existence. The only method by which access could be
18 secured would be to condemn property belonging to the Guerreros.
19 Securing a 40 foot easement and ROW through the Guerrero properties
20 would be difficult, if not impossible, to justify and establish the degree of
21 public need such a condemnation would require to meet legal tests. A
22 review of the attached property map will provide an indication of items 2
23 and 3 herein.
24

25 4. The sale of the government property to the Guerreros
26 would benefit the government of Guam and the Municipality of Yona in
27 the following ways:
28

29 a. The government would realize immediate revenues
30 through the purchase price. The substitute legislation calls for the price to
31 be set on the current fair market value and at the property's highest and
32 best use. This insures the government that it will receive the best price
33 possible for property which now lies idle.
34

35 b. The sale of the property, and the eventual
36 consolidation of the lots, will result in the increase of the value of the real

1 estate now owned by the Guerreros. This increase in value would equate
2 and result in an increase in the real estate taxes paid by the Guerreros.
3 Statute now provides for a mechanism by which municipalities share in the
4 real estate tax revenues generated by parcels within the municipality. The
5 sale would thus generate revenues for the Municipal Planning Council of
6 Yona. As this property now exists there are no revenues to the government
7 or the Muncipal Planning Council of Yona.

8
9 Testimony provided by the Bureau of Planning in opposition to the
10 sale of the property notes that the Bureau envisions providing a tourist
11 overlook for the Tagachang area. However, the testimony also notes that in
12 order for such an overlook to be possible, the government would have to
13 secure access to the parcels through the Guerrero property and does not
14 address establishing access from the Tagachang area itself.

15
16 As noted previously access through the Tagachang area would
17 require the building of an access road or public right of way which would
18 essentially open up the Tagachang area and thus defeat efforts to maintain
19 its untouched and unspoiled nature. Likewise, in conjunction with the
20 building of a public right of way through Tagachang, access to the cliffline
21 property would still require the building of stairways to the parcels
22 contiguous to the Guerrero property. The cost of such projects cannot, at
23 this time, be ascertained by the Committee and the Bureau of Planning did
24 not provide any figures to such effect. It is concluded by the Committee
25 that the Bureau of Planning did not address a Tagachang access because of
26 the prohibitive costs involved.

27
28 Relative to the Bureau of Planning's testimony regarding the
29 condemnation of the Guerrero's property to create an access the following
30 points have to be considered:

31
32 1. The Committee cannot ascertain what rationale or
33 justification can be used to meet the legal tests necessary for the issuance of
34 a declaration of taking.

1 2. The Bureau of Planning did not provide any testimony as
2 to the impact of increased vehicular traffic, particularly in the form of tour
3 buses, through the residential area where the Guerrero property is located.
4

5 The Committee has been informed that the Municipal Planning
6 Council of Yona, at the urging of the Mayor of Yona, is preparing
7 objections to the land sale to the Guerrero's. The Committee has not
8 received such objections and is of the consensus that this legislation should
9 not be delayed for such but with the suggestion that if such objections are
10 posited that they be transmitted to the Governor's Legislative Review
11 Committee if this legislation should be adopted by the Legislature and
12 transmitted to the Governor for enactment.
13
14

15 **ON THE MATTER OF THE LAND EXCHANGE**

16 Sections 6 through 9 of the Substitute Measure.
17

18 The Committee was approached by Mr. Jesus L.G. Cruz in an effort to
19 resolve a problem which has been in existence for several years. After
20 reviewing the matter and discussing it with Mr. Cruz and with the Guam
21 Housing and Urban Renewal Authority, the Committee was of the
22 consensus that matter justified the legislation contained in Substitute Bill
23 No. .
24

25 In order to implement and complete the designs and plans for the
26 Sinajana Redevelopment Project, after the devastation caused by
27 Supertyphoon Karen, the Guam Housing and Urban Renewal Authority
28 needed to condemn and take possession of the majority of parcels of
29 property in Sinajana. Much of this property was taken with the promise
30 and commitment that the owners of the property would have priority over
31 residential lots created under the Redevelopment Project. However,
32 because of the limited land area and because of the amount of land needed
33 for roadways and utility easements, as well as, the low rent housing units,
34 it was questionable whether parcels could be provided for all displaced
35 individuals.
36

1 Mr. Cruz and his family were one of the residents who were
2 displaced and who were qualified to acquire parcels within the
3 Redevelopment Project. However, for one of the parcels taken by GHURA,
4 instead of exercising his option to re-purchase the improved parcel, Mr.
5 Cruz elected to seek an exchange for government land in Yona.
6

7 For a variety of reasons, this process has taken an inordinate number
8 of years. At this point in time, Mr. Cruz, GHURA and other concerned
9 agencies have reached an agreement which requires only this legislation to
10 finalize.
11

12 In support of the legislation and exchange, Mayor Vicente Bernardo
13 testified and noted that the property to be exchanged is, in his opinion, "not
14 worth one penny". The Mayor further noted that he cannot foresee how
15 the government or the community of Yona would ever be able to develop
16 the property as it is extremely rough terrain and cannot now even be used
17 for farming purposes.
18

19 The Mayor was asked by the Chair whether he had testimony in
20 regards to the sale of government property to the Guerreros and Mayor
21 Bernardo replied that he did not have official testimony to give at the time
22 but would be preparing testimony for submission at a later date. To date
23 this testimony has not been received despite the fact that the Mayor was
24 informed that the Committee would receive testimony up to the time the
25 legislation would be routed for signature. A member of the Municipal
26 Planning Council of Yona was also apprised that written testimony would
27 be received to the time of routing. To date no written testimony has been
28 received by the Committee.
29

30 The Director of Land Management, Mr. Frank LG Castro provided
31 testimony in support of the exchange of the government property with
32 Sinajana property owned by Mr. Jesus LG Cruz. Mr. Castro noted that the
33 property situated in Yona was very rough terrain and the cost of
34 development would be substantial. Likewise, Mr. Castro noted that the
35 government has no plans to develop the property.
36

1 When asked the Chair whether the Department of Land Management
2 had any testimony in regards to the sale of government land to the
3 Guerreros, Mr. Castro noted that the Department of Land Management did
4 not have official testimony to present as that matter was turned over to the
5 Bureau of Planning. However, Mr. Castro noted that he did not have any
6 objections to the sale of the government property to the Guerreros.

7 8 9 COMMITTEE FINDINGS

10
11 **1. The Committee finds that the land sale to Messrs. Anthony
12 and Jesse Guerrero would accrue benefits to the government of Guam
13 and to the Municipal Planning Council of Yona in the form of the funds
14 to be received at the purchase of the property at current fair market value
15 and its highest and best use, and in an increase in real estate taxes for the
16 abutting Guerrero property.**

17
18 **2. The Committee finds that the objections of the Bureau of
19 Planning to the proposed land sale does not adequately provide
20 justification for the Committee to consider that access to the parcels in
21 question can be reasonably provided through the Tagachang area and/or
22 that there is adequate justification, which would meet legal tests, to
23 support a declaration of taking of Guerrero property for public access.**

24
25 **3. Likewise, the Bureau of Planning has not provided an impact
26 statement on the building of a public access and right of way through the
27 Tagachang conservation area or permitting an increase in tourist traffic
28 through a residential sector of Yona Village proper. This lack of such an
29 impact statement provides indication that the government is not
30 contemplating such an access to the property in question.**

31
32 **4. The Committee finds that the delays experienced in the
33 exchange of Sinajana property, belonging to Mr. Jesus LG Cruz, with
34 government property in Yona, are unnecessary and to the unnecessary
35 and unjustified detriment of Mr. Cruz.**

1 **5. The Committee finds, through the testimony of Mayor**
2 **Vicente Bernardo and Mr. Frank LG Castro, that the government**
3 **property in Yona to be exchanged would realize greater benefits to the**
4 **government and to the Municipal Planning Council of Yona through real**
5 **estate tax revenues not now being accessed on the property.**
6

7 **6. The Committee finds, through the testimony of these**
8 **government officials, that it is extremely doubtful whether the property**
9 **will ever be developed for government purposes because of its situation**
10 **and natural condition. In the words of Mayor Bernardo: "the property**
11 **isn't worth a penny."**
12
13
14
15
16

TWENTY FIRST GUAM LEGISLATURE
FIRST REGULAR (1991) SESSION

Introduced

JUN 04 '91

Bill No. 105 (COR)

Introduced by:

F.R. Santos

AN ACT TO AUTHORIZE THE GOVERNOR OF
GUAM TO SELL LOT NO. 196 AND A PORTION
OF TRACT "I", TAGACHAN, SITUATED IN THE
MUNICIPALITY OF YONA.

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

3
4 Section 1. The Governor of Guam is hereby authorized to sell Lot
5 No. 196, situated in the Municipality of Yona, and said to contain an area
6 of 956 +/- square meters, to the owner of contiguous Lot No. 8, Block 15,
7 Tract 268, situated in the Municipality of Yona.

8
9 Section 2. The Governor of Guam is hereby authorized to sell a
10 portion, not to exceed 160 square meters, of Tract "I", Tagachan, situated
11 in the Municipality of Yona, to the owner of contiguous Lot No. 7, Block
12 15, Tract 268, situated in the Municipality of Yona.

13
14 Section 3. The sale price of the government owned land, herein
15 authorized to be sold, shall be at the current fair market value to be
16 established by two appraisals of said property, said appraisals to be based
17 on the current highest and best use of said property, to be performed by
18 two Guam licensed real estate appraisers. Said appraisals shall be
19 performed no more than six (6) months prior to the date of sale. The cost
20 of said appraisal shall be for the account of the buyers.

21

1 Section 4. The document for the conveyance of the sale herein
2 authorized shall contain an appropriate clause, or clauses, which shall
3 specify that the ownership and title of the land, herein authorized to be
4 sold, shall remain with original individuals to which such property was
5 sold and shall not be transferred or otherwise conveyed to any other
6 person for a period no less than ten (10) years from the date of the sale.
7 Said clauses shall also contain provisions that should ownership or title of
8 said property be transferred or, in any other way, conveyed, within less
9 than ten (10) years from the date of sale, in violation of these provisions,
10 the ownership and title to said property shall automatically and
11 immediately revert to the government of Guam.