

Committee Report

on

Bill No. 195

An Act to authorize the Governor to sell  
certain parcels of land in Agana

Committee on Housing, Community Development,  
Federal and Foreign Affairs

Senator Francisco R. Santos  
Chairman

January 6, 1992

# Public Hearing

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred Bill No. 195, scheduled and conducted a public hearing on May 15, 1991, at 9:00 AM, in the Legislature's Public Hearing Room. In accordance with the Standing Rules of the Guam Legislature, public announcement was published in a newspaper of general circulation.

Invitations to submit testimony were transmitted to:

- The Legislative Review Committee  
Office of the Governor
- Department of Land Management
- Bureau of Planning
- Mayor of Agana
- Agana Municipal Planning Council

Present at the public hearing were the following Committee members:

- Senator Francisco R. Santos, Chairman
- Senator Pilar C. Lujan, Vice Chair
- Senator John P. Aguon
- Senator Anthony C. Blaz
- Senator Marilyn D.A. Manibusan
- Senator Edward R. Duenas

Appearing before the Committee to submit testimony were:

- Wilfred K. and Julie Yamamoto, the prospective buyers
- Mr. Frank L.G. Castro, Director of Land Management

## Summary of Testimony

Wilfred K. and Julie Yamamoto, owners of the Hair House beauty salon which is situated on Lot 4, Block 2, New Agana, have initiated efforts to purchase substandard fractional lots contiguous to their property in order that they may be able to consolidate said parcels with their property to provide for expansion capabilities for their enterprise. The two Guam residents purchased their original property and proceeded to purchase privately owned fractional lots in order to consolidate and create a parcel large enough to located their establishment and provide parking. Mr. and Mrs. Yamamoto now wish to expand their business and the purchase of the government land would permit this.

Mr. Frank L.G. Castro, Director of the Department of Land Management noted that the Administration, and Land Management had no objections to the sale of the property to the Yamamotos as the parcels to be sold are substandard and consolidation with larger contiguous lots would be beneficial to all concerned.

## Committee Findings and Recommendations

- The Committee finds that the existence of non utilizable substandard parcels which are intended to serve, in years prior to the war, as village footpaths, such as that which Wilfred K. and Julie Yamamoto desires to purchase, serve no beneficial purpose under the new design and plan of New Agana.
- Rather the Committee finds that the existence of said substandard parcels and alleyways may be disadvantageous in that if they are not properly maintained they tend to become overgrown and pose as potential dumping grounds for trash and garbage or abandoned vehicles, health hazards and eyesores. The areas around the Yamamoto's business has not been permitted to degenerate in such a way simply because the Yamamotos have been maintaining the areas simply so as to prevent any deleterious effects to their business.
- The Committee finds that these footpaths are not serving their intended purposes as utility easements and are better utilized by contiguous lot owners who can use these parcels to expand their businesses.
- In light of the absence of any objections from the administration, in particular, the Department of Land Management, which department has jurisdiction and responsibility for the management of government property, the

Committee finds that it would be advantageous and beneficial to all concerned if the substandard parcels are sold to Wilfred K. and Julie Yamamoto.

- The Committee recommends passage of Bill No. 195 with the following provisions that:

- the purchase/sale price of the property be based on the current fair market value as established by two independent appraisals commission by the Director of Land Management and paid for by the purchaser of the property.

- the purchaser assume all responsibility for the cost of survey, mapping and registration.

- the property cannot be transferred or otherwise conveyed to any other party or person for a period of ten years.

- the documents of conveyance contain reversion provisions to automatically effectuate reversion should there be any attempt to transfer or otherwise convey the property to another party.

Bill No. 25 15

Introduced by:

E. P. ARRIOLA *EPA*

**AN ACT AUTHORIZING THE GOVERNOR TO SELL  
GOVERNMENT-OWNED PROPERTY.**

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

2 **Section 1.** The Governor is authorized to sell Alley 1 within Lot 4, Block 2, New Agana, containi  
3 an area of 22.13 square meters and portion of former General Terrero Street, within Lot 4, Block  
4 containing an area of 255.04 square meters and Alley 2 within Lot 3, Block 2, New Agana, containi  
5 an area of 80.98 square meters, to Wilfred K. and Julie Yamamoto (the Grantees), the adja  
6 landowners, at its current fair market value.

7 **Section 2.** The land sale described in Section 1 of this Act shall be subject to the followin  
8 provisions to determine the current fair market value of the properties being sold:

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

12 (2) Such appraisals shall be based on the current highest and best use of the  
13 parcels being appraised without regard to such parcels' current zoning.

14 (3) The cost of such appraisals and of any severance or other survey ma  
15 necessary for the conveyance or exchange shall be paid by the Grantees, and no sale may b  
16 recorded until such costs are paid. All such appraisals and surveys are subject to th  
17 approval of the Director of Land Management. In making such surveys, the Surveyor sha  
18 install permanent concrete monuments on all points.

Committee Report

on

Bill No. 11

An Act to authorize the Governor to sell  
certain parcels of land in Agana

Committee on Housing, Community Development,  
Federal and Foreign Affairs

Senator Francisco R. Santos  
Chairman

January 6, 1992

# Public Hearing

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred Bill No. 11, scheduled and conducted a public hearing on October 11, 1991, at 9:00 AM, in the Legislature's Public Hearing Room. In accordance with the Standing Rules of the Guam Legislature, public announcement was published in a newspaper of general circulation.

Invitations to submit testimony were transmitted to:

- The Legislative Review Committee  
Office of the Governor
- Department of Land Management
- Bureau of Planning
- Mayor of Agana
- Agana Municipal Planning Council

Present at the public hearing were the following Committee members:

- Senator Francisco R. Santos, Chairman
- Senator Pilar C. Lujan, Vice Chair
- Senator John P. Aguon
- Senator Herminia D. Dierking
- Senator Anthony C. Blaz
- Senator Marilyn D.A. Manibusan
- Senator Edward R. Duenas



Appearing before the Committee to submit testimony were:

- Atty. Edward Terlaje, representing the buyer
- Mr. Frank L.G. Castro, Director of Land Management

## Summary of Testimony

Attorney Edward S. Terlaje, representing Mr. Mark V. Pangelinan, proposed purchaser of the government land, testified that Mr. Pangelinan was desirous of purchasing the property for consolidation with contiguous property that he already owned. The consolidation of the substandard parcels with Mr. Pangelinan's property would enhance the expandability of Mr. Pangelinan's commercial property. This would make good use of property that is presently unused, untaxed and serving no real purpose.

Mr. Frank L.G. Castro, Director of the Department of Land Management noted that the Administration, and Land Management had no objections to the sale of the property to Mr. Pangelinan, provided that that portion already sold to Mr. and Mrs. Paciano Guamtaotao and a portion which serves as an existing utility easement be excluded from any consideration for sale to Mr. Pangelinan.

## Committee Findings and Recommendations

- The Committee finds that the existence of non utilizable substandard parcels which are intended to serve as alleyways, such as that which Mr. Pangelinan desires to purchase, serve no beneficial purpose for the people of Guam.
- Rather the Committee finds that the existence of said substandard parcels and alleyways may be disadvantageous in that if they are not properly maintained they tend to become overgrown and pose as potential dumping grounds for trash and garbage or abandoned vehicles, health hazards and eyesores.
- The Committee finds that these alleyways, if they are not serving their intended purposes as utility easements and service alleys, are better utilized by contiguous lot owners who can use these parcels to expand their businesses.
- In light of the absence of any objections from the administration, in particular, the Department of Land Management, which department has jurisdiction and responsibility for the management of government property, the Committee finds that it would be advantageous and beneficial to all concerned if the substandard parcels are sold to Mr. Pangelinan.
- Therefore, the Committee recommends passage of Bill No. 11 with the provision that those portions previously sold to Mr. and Mrs. Paciano Gumataotao and that portion presently

utilized as a utility easement be specifically excluded from the sale.

- The Committee recommends passage of Bill No. 11 with the following provisions that:

- the purchase/sale price of the property be based on the current fair market value as established by two independent appraisals commission by the Director of Land Management and paid for by the purchaser of the property.

- the purchaser assume all responsibility for the cost of survey, mapping and registration.

- the property cannot be transferred or otherwise conveyed to any other party or person for a period of ten years.

- the documents of conveyance contain reversion provisions to automatically effectuate reversion should there be any attempt to transfer or otherwise convey the property to another party.

**21st GUAM LEGISLATURE**

**COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT,  
FEDERAL AND FOREIGN AFFAIRS - F.R. SANTOS, CHAIRMAN**

**COMMITTEE REPORT ON...**

**BILL NO. 589 - AN ACT TO AUTHORIZE THE GOVERNOR  
OF GUAM TO SELL CERTAIN GOVERNMENT OF GUAM  
PROPERTY IN AGANA TO U.D.I., INC. BY: F.R. SANTOS**

**DECEMBER, 1991**

NOV 05 '91

TWENTY FIRST GUAM LEGISLATURE  
FIRST REGULAR (1991) SESSION

Bill No. 589(COR)

Introduced by:

  
F.R. Santos

AN ACT TO AUTHORIZE THE GOVERNOR OF  
GUAM TO SELL CERTAIN GOVERNMENT OF  
GUAM PROPERTY IN AGANA TO U.D.I., INC.

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

3  
4 Section 1. Legislative Statement: The Legislature has been informed  
5 by U.D.I., Inc. that it desires to purchase an alley way adjacent to its  
6 property in Agana. The alley way consists of twenty three (23) square  
7 meters of property abutting Lot No. 1400-4-A-NEW, Lot No. 1448-1, and  
8 Lot No. 1408-1 along West Soledad Avenue. Because of the size of the  
9 property (23 sqmtrs) the Legislature is of the opinion that it has no utility  
10 for the government. Likewise, the Legislature is of the consensus that the  
11 sale of the substandard parcel to U.D.I., Inc. and the eventual  
12 consolidation with other U.D.I., Inc. property, would provide benefits to  
13 the government in the form of: 1) the original purchase price which would  
14 be established at fair market value; and 2) the taxability and increased  
15 taxability of property to which the subject lot is consolidated.  
16

17 Section 2. Authorization: The Governor of Guam is hereby  
18 authorized to sell, at fair market value, the alley way consists of twenty  
19 three (23) square meters of property abutting Lot No. 1400-4-A-NEW, Lot  
20 No. 1448-1, and Lot No. 1408-1 along West Soledad Avenue, and which is  
21 delineated on Land Management Drawing No. 212-FY90, to U.D.I., Inc., a  
22 corporation duly registered and licensed to do business on Guam.

1  
2 Section 3. The sale price of the government owned land, herein  
3 authorized to be sold, shall be at the current fair market value to be  
4 established by two appraisals of said property, said appraisals to be based  
5 on the current highest and best use of said property, to be performed by  
6 two Guam licensed real estate appraisers. Said appraisals shall be  
7 performed no more than six (6) months prior to the date of sale. The cost  
8 of said appraisal shall be for the account of the buyers.  
9

10 Sectionn 4. Survey, Mapping and Registration: The Director  
11 of Land Management shall cause to be surveyed, mapped and registered,  
12 in accordance with the provisions herein, the property sold to U.D.I., Inc..  
13 All costs and expenses for the survey, mapping and registration of the  
14 property sold hereunder shall be for the expense of U.D.I., Inc..  
15

16 Section 5. The document for the conveyance of the sale herein  
17 authorized shall contain an appropriate clause, or clauses, which shall  
18 specify that the ownership and title of the land, herein authorized to be  
19 sold, shall remain with original individuals to which such property was  
20 sold and shall not be transferred or otherwise conveyed to any other  
21 person for a period no less thann ten (10) years from the date of the sale.  
22 Said clauses shall also contain provisions that should ownership or title of  
23 said property be transferred or, in any other way, conveyed, within less  
24 than ten (10) years from the date of sale, in violation of these provisions,  
25 the ownership and title to said property shall automatically and  
26 immediately revert to the government of Guam.

## **I. INTRODUCTION**

ON WEDNESDAY , OCTOBER 30, 1991 THE COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT, FEDERAL AND FOREIGN AFFAIRS CONDUCTED A PUBLIC HEARING AT THE TEMPORARY OFFICES OF THE GUAM LEGISLATURE , AGANA (PACIFIC ARCADE BLDG., 155 HESLER ST.) TO RECEIVE TESTIMONY ON BILL NO. 589; " AN ACT AUTHORIZING THE GOVERNOR OF GUAM TO SELL CERTAIN GOVERNMENT OF GUAM PROPERTY IN AGANA TO U.D.I., INC."

THE PUBLIC HEARING WAS CALLED TO ORDER 9:00 A.M. BY THE CHAIRMAN WHO NOTED FOR THE RECORD THAT THE COMMITTEE MEMBERS IN ATTENDANCE WERE:

<b>SENATOR FRANCISCO R. SANTOS,</b>	<b>CHAIRMAN</b>
<b>SENATOR PILAR C. LUJAN,</b>	<b>VICE-CHAIR</b>
<b>SENATOR ELIZABETH P. ARRIOLA</b>	<b>MEMBER</b>
<b>SENATOR JOHN PEREZ AGUON</b>	<b>MEMBER</b>
<b>SENATOR HERMINIA D. DIERKING</b>	<b>MEMBER</b>
<b>SENATOR MARILYN D.A. MANIBUSAN</b>	<b>MEMBER</b>
<b>SENATOR ANTHONY C. BLAZ</b>	<b>MEMBER</b>

APPEARING TO TESTIFY ON BILL NO. 589 WERE:

**MR. FRANK L.G. CASTRO, DIRECTOR  
DEPARTMENT OF LAND MANAGEMENT, GOV'T. OF GUAM**

**MR. MICHAEL J. CRUZ, ACTING DIRECTOR  
BUREAU OF PLANNING, GOVERNMENT OF GUAM**

**MR. DAVID S. TERLAJE, ATTORNEY  
REPRESENTING U.D.I., INC.**

**MR. RICHARD KIM, PRESIDENT AND OWNER  
U.D.I., INCORPORATED**

## **II. SUMMARY OF TESTIMONY**

THE DEPARTMENT OF LAND MANAGEMENT PROVIDED WRITTEN TESTIMONY TO THE COMMITTEE STATING THAT THE GOVERNMENT SUPPORTS THE INTENT OF BILL NO. 589 AND THUS, RECOMMENDS PASSAGE WITHOUT ISSUE (SEE APPENDIX).

THE BUREAU OF PLANNING ON THE OTHER HAND, CONTENDS THAT THE PROPERTY IN QUESTION-- ALSO REFERRED TO AS "THE ALLEY", SERVES AS THE ONE ACCESS TO LOT NO. 1400-4 AND AS SUCH IT IS PERHAPS IN THE BEST INTEREST OF THE THE GOVERNMENT OF GUAM TO RETAIN OWNERSHIP OF THIS PROPERTY FOR THE PURPOSE OF GUARANTEEING UNRESTRICTED ACCESS TO LOT NO. 1400-4. CONTRARY TO THIS, THE DEPARTMENT OF LAND MANAGEMENT PROVIDED TESTIMONY INDICATING THE ALLEY AS HAVING NO USEFUL PURPOSE TO THE GOVERNMENT OF GUAM.

MR. RICHARD KIM, OWNER OF U.D.I., INC. EXPRESSED HIS SUPPORT FOR THE BILL AND THANKED THE COMMITTEE AND ITS MEMBERS FOR THEIR CONSIDERATION OF THE MATTER. WITH MR. KIM APPEARED HIS LEGAL COUNSEL MR. DAVID S. TERLAJE WHO HIGHLIGHTED THE NEED FOR THE COMPANY TO ACQUIRE THIS LOT AS A MEANS OF ENHANCING ACCESS TO ITS BUSINESS LOCATION IN ANIGUA.

COUNSEL FOR U.D.I. FURTHER ADVISED THE COMMITTEE THAT THE PROPERTY BEING SOUGHT FOR PURCHASE CONSISTS OF ABOUT 23 SQ. METERS AND THAT IN ALL LIKELIHOOD, THE GOVERNMENT WOULD NOT HAVE FUTURE NEED FOR THE PROPERTY. THE AQUISITION SUGGESTED IN BILL NO. 589 IS SIMPLY TO PROVIDE AN ALTERNATIVE ACCESS TO PROPERTIES AND FACILITIES OWNED OR LEASED BY U.D.I., INC.

### **III. COMMITTEE FINDINGS AND RECOMMENDATIONS**

THE COMMITTEE FINDS THAT U.D.I., INC. DESIRES TO PURCHASE AT FAIR MARKET VALUE AN ALLEYWAY ADJACENT TO ITS PROPERTY IN AGANA. THE ALLEYWAY WOULD CONSIST OF 23 SQ. METERS OF LAND ABUTTING LOT NO. 1400-4-A-NEW, LOT NO. 1448-1, AND LOT NO. 1408-1 ALONG WEST SOLEDAD AVENUE. ACCEPTING THE VIEW THAT THIS SUBSTANDARD PARCEL OF LAND COULD BE PLACED TO SOME ECONOMIC AND TAX GENERATING USE , THE COMMITTEE RECOMMENDS THAT THE BILL NO. 589 BE PASSED INTO LAW.





GOVERNMENT OF GUAM  
AGANA, GUAM 96910

TESTIMONY OF BILL NO. 589  
BY MICHAEL J. CRUZ  
ACTING DIRECTOR, BUREAU OF PLANNING

OCT 30 1991

AN ACT TO AUTHORIZE THE GOVERNOR OF  
GUAM TO SELL CERTAIN GOVERNMENT  
GUAM PROPERTY IN AGANA TO U.D.I., INC.

Thank you for allowing the Bureau to review the comment on Bill No. 589, An Act To Authorize the Governor of Guam to Sell Certain Government of Guam Property in Agana to U.D.I., Inc.

The Bureau notes that the alley appears to be the only access to Lot No. 1400-4. We are concerned that the sale of the alley to U.D.I., Inc. for purposes of consolidation with its Lot No. 1400-4-A-New, would effectively render inaccessible Lot No. 1400-4. Our research at the Records Section, Department of Land Management, indicated that Lot No. 1400-4 does not belong to U.D.I. but to a different owner. The Bureau considers it more a fiduciary obligation of the government to retain ownership of the alley for the purpose of guaranteeing continued and unrestricted access to Lot No. 1400-4, which we feel far outweighs any pecuniary benefits that may accrue to the government from the sale of the substandard parcel to U.D.I., Inc.

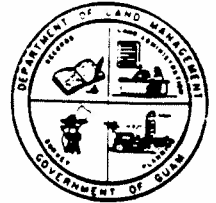
The Bureau, based on the foregoing considerations, cannot support Bill No. 589.

  
MICHAEL J. CRUZ  
Acting Director





DEPARTMENT OF LAND MANAGEMENT  
(DIPATTAMENTON MANMANEHAN TANO')  
GOVERNMENT OF GUAM  
P.O. BOX 2950  
AGANA, GUAM 96910



TEL: (671) 475-LAND/FAX: (671) 477-0883

JOSEPH F. ADA  
Governor

F. L.G. CASTRO  
Director

FRANK F. BLAS  
Lieutenant Governor

JOAQUIN A. ACFALLE  
Deputy Director

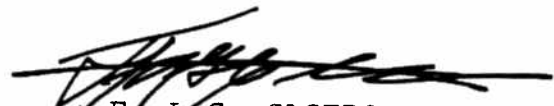
October 30, 1991

The Honorable Frank R. Santos  
Chairman, Committee on Housing,  
Community Development, Federal  
and Foreign Affairs  
Twenty-First Guam Legislature  
Agana, Guam 96910

Subject: Legislative Bill No. 589

Dear Mr. Chairman:

We support the intent of Bill 589 and recommend passage without issue. Here again, the alley applied for serves no useful purpose to the Government while on the other hand, it will enhance the Applicants property.

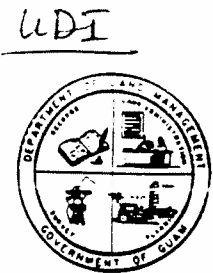
  
F. L.G. CASTRO  
Director, Department of  
Land Management





DEPARTMENT OF LAND MANAGEMENT  
(DIPATTAMENTON MANMANEHAN TANO')  
GOVERNMENT OF GUAM  
P.O. BOX 2950  
AGANA, GUAM 96910

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Deputy Director

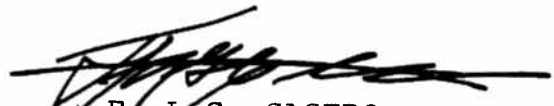
October 30, 1991

The Honorable Frank R. Santos  
Chairman, Committee on Housing,  
Community Development, Federal  
and Foreign Affairs  
Twenty-First Guam Legislature  
Agana, Guam 96910

Subject: Legislative Bill No. 589

Dear Mr. Chairman:

We support the intent of Bill 589 and recommend passage without issue. Here again, the alley applied for serves no useful purpose to the Government while on the other hand, it will enhance the Applicants property.



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



TWENTY FIRST GUAM LEGISLATURE  
FIRST REGULAR (1991) SESSION

Bill No. 589

Introduced by:

  
F.R. Santos

AN ACT TO AUTHORIZE THE GOVERNOR OF  
GUAM TO SELL CERTAIN GOVERNMENT OF  
GUAM PROPERTY IN AGANA TO U.D.I., INC.

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

3  
4 Section 1. Legislative Statement: The Legislature has been informed  
5 by U.D.I., Inc. that it desires to purchase an alley way adjacent to its  
6 property in Agana. The alley way consists of twenty three (23) square  
7 meters of property abutting Lot No. 1400-4-A-NEW, Lot No. 1448-1, and  
8 Lot No. 1408-1 along West Soledad Avenue. Because of the size of the  
9 property (23 sqmtrs) the Legislature is of the opinion that it has no utility  
10 for the government. Likewise, the Legislature is of the consensus that the  
11 sale of the substandard parcel to U.D.I., Inc. and the eventual  
12 consolidation with other U.D.I., Inc. property, would provide benefits to  
13 the government in the form of: 1) the original purchase price which would  
14 be established at fair market value; and 2) the taxability and increased  
15 taxability of property to which the subject lot is consolidated.  
16

17 Section 2. Authorization: The Governor of Guam is hereby  
18 authorized to sell, at fair market value, the alley way consists of twenty  
19 three (23) square meters of property abutting Lot No. 1400-4-A-NEW, Lot  
20 No. 1448-1, and Lot No. 1408-1 along West Soledad Avenue, and which is  
21 delineated on Land Management Drawing No. 212-FY90, to U.D.I., Inc., a  
22 corporation duly registered and licensed to do business on Guam.

1  
2 Section 3. The sale price of the government owned land, herein  
3 authorized to be sold, shall be at the current fair market value to be  
4 established by two appraisals of said property, said appraisals to be based  
5 on the current highest and best use of said property, to be performed by  
6 two Guam licensed real estate appraisers. Said appraisals shall be  
7 performed no more than six (6) months prior to the date of sale. The cost  
8 of said appraisal shall be for the account of the buyers.  
9


10 Sectionn 4. Survey, Mapping and Registration: The Director  
11 of Land Management shall cause to be surveyed, mapped and registered,  
12 in accordance with the provisions herein, the property sold to U.D.I., Inc..  
13 All costs and expenses for the survey, mapping and registration of the  
14 property sold hereunder shall be for the expense of U.D.I., Inc..  
15

16 Section 5. The document for the conveyance of the sale herein  
17 authorized shall contain an appropriate clause, or clauses, which shall  
18 specify that the ownership and title of the land, herein authorized to be  
19 sold, shall remain with original individuals to which such property was  
20 sold and shall not be transferred or otherwise conveyed to any other  
21 person for a period no less thann ten (10) years from the date of the sale.  
22 Said clauses shall also contain provisions that should ownership or title of  
23 said property be transferred or, in any other way, conveyed, within less  
24 than ten (10) years from the date of sale, in violation of these provisions,  
25 the ownership and title to said property shall automatically and  
26 immediately revert to the government of Guam.

TWENTY-FIRST GUAM LEGISLATURE  
1991 (First) Regular Session

Bill No. 11

Introduced by:

G. Mailloux 

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AN ACT AUTHORIZING THE GOVERNOR TO SELL  
CERTAIN PUBLIC LOT REMNANTS IN AGANA

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF

2 GUAM:

3 Section 1. Legislative Findings. The Legislature finds  
4 hinderances to growth and development in Agana. Namely, a real  
5 estate mosaic consisting of a substantial number of tiny unusable land  
6 lots under both private and public ownership. Further, the Legislature  
7 finds the only fate for such lot remnants to be eventual incorporation  
8 into larger, usable land lots. And the Legislature finds that, in certain  
9 cases, now is an appropriate time for such incorporation.

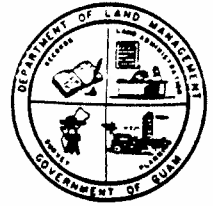
10 Section 2. The Director of Land Management shall, within thirty  
11 (30) days from the date of enactment of this act, obtain an appraisal of  
12 lot remnants within the Agana-Piti Road Lot 22, Block 10, Agana,  
13 Guam as described below:

- 14 1. 80 square meters situated between Lot 1451-1-1 and Lot  
15 1458-1; and  
16 2. 50 square meters situated within Lot 22 NEW and Lot 19  
17 NEW, including an existing alleyway.

18 Section 3. The Governor is hereby authorized to sell the land lot  
19 remnants, described in Section 2 herein, at an amount reflected by the  
20 fair market value derived from the appraisal obtained in accordance  
21 with Section 2 herein to the owner(s) of Lot 1451-1-1 and Lot 1458.



DEPARTMENT OF LAND MANAGEMENT  
(DIPATTAMENTON MANMANEHAN TANO')  
GOVERNMENT OF GUAM  
P.O. BOX 2950  
AGANA, GUAM 96910



TEL: (671) 475-LAND/FAX: (671) 477-0883

JOSEPH F. ADA  
Governor

FRANK F. BLAS  
Lieutenant Governor

F. L.G. CASTRO  
Director

JOAQUIN A. ACFALLE  
Deputy Director

October 11, 1991

The Honorable Frank R. Santos  
Chairman, Committee on Housing,  
Community Development, Federal  
and Foreign Affairs  
Twenty-First Guam Legislature  
Agana, Guam 96910

Subject: **Legislative Bill No. 11**

Dear Mr. Chairman:

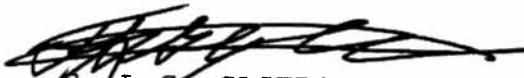
The Department of Land Management has no objections to most of the intent of Bill No. 11 but we cannot, and must not support the matter in its entirety for the following reasons:

1. The part of the area colored in green on the attached sketch has been sold priorly to Mr. and Mrs. Paciano Gumataotao; and,

2. The part colored in Pink is an existing ten (10) feet utility easement under Document No. 20083.

Therefore, while we are supportive to selling the other parts of the area involved, we are objecting to the inclusion of the two areas mentioned above and such exclusion should be made clear on the subject Bill.

Sincerely,

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



SCALE

1/2" = 10'  
1" = 20'  
2" = 40'

PORTION OF ASHLEY RD.  
WITHIN LOT 21 BLOCK 10  
NEW AGANA  
DOC #

1441 W. 1  
A = 450 SQM

P.O.B.  
N 165446.312  
E 160,802.814

DOC # 20083

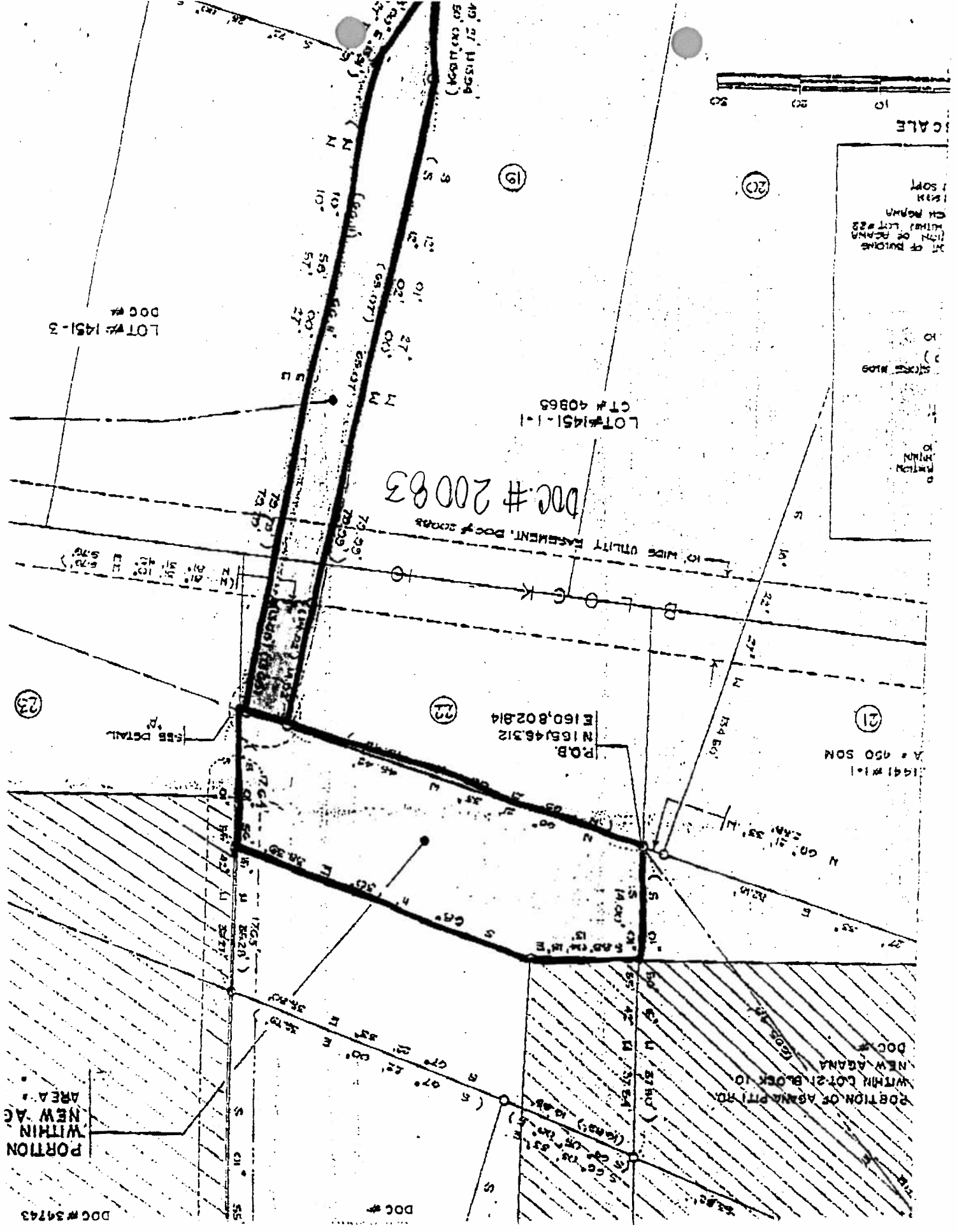
LOT # 1451-1-1  
CT # 40868

LOT # 1451-3  
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PORTION  
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**COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT,  
FEDERAL AND FOREIGN AFFAIRS  
TWENTY-FIRST GUAM LEGISLATURE**

163 Chalan Santo Papa  
Agaña, Guam 96910

Senator Francisco R. Santos  
Chairman

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

OCTOBER 18, 1991

MEMORANDUM

TO: MEMBERS, COMMITTEE ON HOUSING, COMMUNITY  
DEVELOPMENT, FEDERAL AND FOREIGN AFFAIRS

FROM: CHAIRMAN

SUBJ: PUBLIC HEARING, OCTOBER 30, 1991

THE COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT,  
FEDERAL AND FOREIGN AFFAIRS WILL BE CONDUCTING A PUBLIC  
HEARING WEDNESDAY, OCTOBER 30, 1991 AT 9:00 A.M. AT THE PUBLIC  
HEARING ROOM OF THE GUAM LEGISLATURE, 155 HESLER ST., AGANA  
(PACIFIC ARCADE BUILDING) TO RECEIVE PUBLIC INPUT AND TESTIMONY  
ON PROPOSED LEGISLATION AS FOLLOWS;

BILL NOS.:

261: AN ACT TO SELL GOVERNMENT OF GUAM PROPERTY (BULL CART  
TRAIL) TO RAO K. MEDABALMI, BY SEN. A.R. UNPINGCO;

510: AN ACT TO AUTHORIZE THE GOVERNOR TO SELL A PORTION OF  
THE BULL CART TRAIL KNOWN AS OLD PRICE ROAD, MUNICIPALITY  
OF BARRIGADA, BETWEEN LOT NOS. 1020-REM-3, 1020-REM-R3 AND  
1087-REM AND TO REZONE LOT NOS. 1020-REM-3, 1020-REM-R3 AND  
1087-REM FROM RESIDENTIAL (R-1) TO COMMERCIAL (C), BY SEN.  
M.D.A. MANIBUSAN;

520: AN ACT TO REZONE LOT NO. 4-2, BLOCK NO. 4, TRACT 115,  
BARRIGADA, FROM AGRICULTURAL (A) TO MULTIPLE- FAMILY  
DWELLING (R-2), BY SEN. D. PARKINSON;

558: AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO CONVEY ALL TITLE, RIGHTS AND INTERESTS IN LOT NO. 10122-14, DEDEDO, TO THE GUAM POWER AUTHORITY, BY SEN. D. PARKINSON;

588: AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO EXCHANGE GOVERNMENT OF GUAM LAND IN THE MUNICIPALITY OF AGANA AND TO SELL GOVERNMENT OF GUAM LAND IN AGAT, BY SEN. F.R. SANTOS

589: AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO SELL GOVERNMENT OF GUAM PROPERTY IN AGANA TO U.D.I., INC., BY SEN. F.R. SANTOS;

591: AN ACT TO REZONE LOT NOS. 90-C-1-4 AND 90-C-1-R4, SITUATED IN THE MUNICIPALITY OF YONA, FROM AGRICULTURAL (A) TO COMMERCIAL (C), BY SEN. F.R. SANTOS.

THE COMMITTEE IS INVITING THE GENERAL PUBLIC, MAYORS,, RESPECTIVE DEPARTMENTS AND AGENCIES AND ALL INTERESTED PARTIES TO APPEAR AND TESTIFY OR SUBMIT INPUT RELATIVE TO THE BILLS REFERENCED ABOVE. SHOULD THERE BE ANY QUESTIONS CONCERNING THIS MATTER, KINDLY CONTACT THE OFFICE OF SEN. FRANK SANTOS AT 472-3414/5.

YOUR USUAL ATTENDANCE AND PARTICIPATION IS APPRECIATED.



F.R. SANTOS

CC: GOVERNOR'S LRC;  
LAND MGMT.  
BUREAU OF PLANNING;  
MAYORS COUNCIL;  
MEDIA  
EXECUTIVE DIRECTOR;  
PROTOCOL OFFICE

Introduced

APR 03 '91

TWENTY FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session

Bill No. 261 (COR)

Introduced by:

A.R. Unpingco

AN ACT TO SELL GOVERNMENT OF GUAM  
PROPERTY (BULL CART TRAIL) TO RAO  
K. MEDABALMI

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

2 Section 2. Findings. It is the findings of this Legislature  
3 that since the Government or any of its agencies do not intend to use  
4 a bull cart trail which traverses between lots 2132-1 and 2132-2, as  
5 a utility easement or public access, it is within the public's  
6 interest to sell this Government land to Rao K. Medabalmi, who is  
7 interested in purchasing it, for the purposes of adjoining these two  
8 lots and then developing them.

9 Section 2. The Governor is authorized to sell to Rao K.  
10 Medabalmi that portion containing approximately 176+ square meters of  
11 the above stated land.

Introduced

AUG 27 '91

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) REGULAR SESSION

Bill no. 510 (COR)  
Introduced by:

M D.A. MANIBUSAN *Mdm*

AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO SELL THE OLD BULLCART TRAIL KNOWN AS OLD PRICE ROAD, MUNICIPALITY OF BARRIGADA BETWEEN LOTS 1020-REM-3, 1020-REM-R3 AND 1087-REM AND TO REZONE LOTS 1020-REM-3, 1020-REM-R3 AND 1087 REM FROM R-1 TO "C" COMMERCIAL.

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

Section 1. The Governor of Guam is hereby authorized to sell the Old Bullcart trail known as Old Price Road located in the Municipality of Barrigada between Lot 1087-REM, and Lots 1020-REM-3 and 1020-REM-R3 to the Lessee of said properties for fair market value.

Section 2. The following Lots currently being leased to Barrigada Equities, a Guam corporation, are hereby rezoned from "R-1", Residential to "C", Commercial.

- A) Lot number 1087-REM, Municipality of Barrigada, Guam. As shown on map entitled "Villa Carmen Subdivision", recorded in the Department of Land Management under Document No. 25354. Total area 3,746.05 ± square meters.
- B) Lot number 1020 REM-3, Municipality of Barrigada, Guam. Containing 801 ± square meters as reflected on that parcelling survey map of Lot 1020 REM, prepared by Chamorro Surveying Services, Inc. recorded with the Department of Land Management, Government of Guam on January 25, 1990 under Instrument number 428817.
- C) Lot number 1020 REM, Municipality of Barrigada, Guam. Containing 22,611 ± square meters recorded with the Department of Land Management, Guam on February 18, 1983 under document number 335161.

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) REGULAR SESSION

Introduced

AUG 27 '91

Bill No. 520 (cor)  
Introduced By:

D. Parkinson

F.R. SANTOS - 

**AN ACT TO CHANGE THE ZONING OF LOT 4-2, BLOCK  
NO. 4, TRACK 115, BARRIGADA GUAM FROM A  
AGRICULTURAL ZONING TO A MULTI-RESIDENTIAL  
("R2") ZONING.**

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

Section 1. The Zoning of lot 4-2, Block No. 4, Track 115,  
(Subdivision of Lot No. 5291-1), Barrigada Guam, Estate No.  
62969, Suburban, containing an area of 1,858 square meters is  
hereby changed from Agricultural Zoning to a Multi-Residential  
("R2") Zoning.

**TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) REGULAR SESSION**

Bill No. 558  
Introduced By:

D. Parkinson



**AN ACT TO AUTHORIZE THE GOVERNOR OF  
GUAM TO CONVEY ALL TITLE, RIGHTS AND  
INTERESTS IN LOT NO. 10122-14, DEDEDO, TO  
THE GUAM POWER AUTHORITY.**

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

2           Section 1. Notwithstanding any other provisions of  
3 Law, the Governor of Guam is hereby authorized to transfer  
4 and to convey all title, rights and interests unto the Guam  
5 Power Authority, an autonomous agency of the Government of  
6 Guam, that real property identified as being Lot No. 10122-  
7 14, containing an area of 25,499 square meters, more or  
8 less, situated in the Municipality of Dededo, as shown and  
9 delineated on Land Management Map No. 188FY-84, a copy of  
10 which is attached hereto.

11           Section 2. This conveyance of title to the Guam Power  
12 Authority shall be without charge. However, should in the  
13 future, the said Authority determine that it no longer need  
14 the conveyed property for its operation, or that the said  
15 Authority is dissolved, title to the land involved,  
16 inclusive of all improvement made thereon shall revert back  
17 to the Government of Guam under the administrative  
18 jurisdiction of the Department of Land Management.

19           Section 3. The lot is hereby zoned M1 (light  
20 industrial.)

21

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session

Bill No. 530 (LS)

Introduced by:

J.P. AGUON 

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AN ACT TO REZONE LOT NO. 138-R1, MUNICIPALITY OF  
INARAJAN, FROM AGRICULTURAL TO SINGLE FAMILY  
RESIDENTIAL.

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

2 Section 1. Lot No. 138-R1, Municipality of Inarajan, containing an area  
3 of Seven Hundred Twenty-Nine and Eighty-Three One Hundredths (729.83)  
4 Square Meters is hereby rezoned from Agricultural (A) to Single Family Residential  
5 (R-1).

*Resd Legal*  
*10/17/91*  
*10:20 A.M.*

TWENTY FIRST GUAM LEGISLATURE  
FIRST REGULAR (1991) SESSION

Bill No. 588

Introduced by:

  
F.R. Santos

AN ACT TO AUTHORIZE THE GOVERNOR OF  
GUAM TO EXCHANGE GOVERNMENT OF  
GUAM LAND IN THE MUNICIPALITY OF  
AGANA AND TO SELL GOVERNMENT OF  
GUAM LAND IN THE MUNICIPALITY OF AGAT.

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 exchange  
5 that parcel of Government of Guam land designated as Lot 22, Block 24,  
6 Municipality of Agana, said to contain an area of 661± Square Meters with  
7 that parcel of land designated as Lot 6, Block 22, Municipality of Agana,  
8 said to contain an area of 632 ± Square Meters, said parcel registered to  
9 Ms. Francisca Palacios Flores under Land Management Drawing No. 34-  
10 70T349 and recorded under Document No. 96103.  
11

12 Section 2. For the difference in area, Ms. Francisca Palacios Flores  
13 agrees to pay to the Government of Guam an amount based on the current  
14 fair market value per square meter, as determined by an appraisal to be  
15 commissioned by the Department of Land Management, plus reasonable  
16 administrative costs.



1           Section 3. The Governor of Guam is authorized to sell to the heirs of  
2 Mariano T. Charfauros the abandonend waterline easement identified as  
3 Lot No. 216-2-2 within Basic Lot No. 216, Municipality of Agat. Sale price  
4 shall not exceed the price per square meter paid by the late Mariano T.  
5 Charfauros for the redemption of this property, Lots No. 216-A and 216-1,  
6 for tax lien from the Naval Government. Said Lot No. 216-2-2 was  
7 severed from Basic Lot No. 216, Municipality of Agat, for a waterline  
8 easement, which was abandoned, and not sold back by the Naval  
9 Government to Mariano T. Charfauros at the time he redeemed his  
10 property for tax lien.

11/1/91  
11:01 AM

TWENTY FIRST GUAM LEGISLATURE  
FIRST REGULAR (1991) SESSION

Bill No. 589

Introduced by:

  
F.R. Santos

AN ACT TO AUTHORIZE THE GOVERNOR OF  
GUAM TO SELL CERTAIN GOVERNMENT OF  
GUAM PROPERTY IN AGANA TO U.D.I., INC.

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

3  
4 Section 1. Legislative Statement: The Legislature has been informed  
5 by U.D.I., Inc. that it desires to purchase an alley way adjacent to its  
6 property in Agana. The alley way consists of twenty three (23) square  
7 meters of property abutting Lot No. 1400-4-A-NEW, Lot No. 1448-1, and  
8 Lot No. 1408-1 along West Soledad Avenue. Because of the size of the  
9 property (23 sqmtrs) the Legislature is of the opinion that it has no utility  
10 for the government. Likewise, the Legislature is of the consensus that the  
11 sale of the substandard parcel to U.D.I., Inc. and the eventual  
12 consolidation with other U.D.I., Inc. property, would provide benefits to  
13 the government in the form of: 1) the original purchase price which would  
14 be established at fair market value; and 2) the taxability and increased  
15 taxability of property to which the subject lot is consolidated.

16  
17 Section 2. Authorization: The Governor of Guam is hereby  
18 authorized to sell, at fair market value, the alley way consists of twenty  
19 three (23) square meters of property abutting Lot No. 1400-4-A-NEW, Lot  
20 No. 1448-1, and Lot No. 1408-1 along West Soledad Avenue, and which is  
21 delineated on Land Management Drawing No. 212-FY90, to U.D.I., Inc., a  
22 corporation duly registered and licensed to do business on Guam.

1  
2 Section 3. The sale price of the government owned land, herein  
3 authorized to be sold, shall be at the current fair market value to be  
4 established by two appraisals of said property, said appraisals to be based  
5 on the current highest and best use of said property, to be performed by  
6 two Guam licensed real estate appraisers. Said appraisals shall be  
7 performed no more than six (6) months prior to the date of sale. The cost  
8 of said appraisal shall be for the account of the buyers.  
9

10 Sectionn 4. Survey, Mapping and Registration: The Director  
11 of Land Management shall cause to be surveyed, mapped and registered,  
12 in accordance with the provisions herein, the property sold to U.D.I., Inc..  
13 All costs and expenses for the survey, mapping and registration of the  
14 property sold hereunder shall be for the expense of U.D.I., Inc..  
15

16 Section 5. The document for the conveyance of the sale herein  
17 authorized shall contain an appropriate clause, or clauses, which shall  
18 specify that the ownership and title of the land, herein authorized to be  
19 sold, shall remain with original individuals to which such property was  
20 sold and shall not be transferred or otherwise conveyed to any other  
21 person for a period no less thann ten (10) years from the date of the sale.  
22 Said clauses shall also contain provisions that should ownership or title of  
23 said property be transferred or, in any other way, conveyed, within less  
24 than ten (10) years from the date of sale, in violation of these provisions,  
25 the ownership and title to said property shall automatically and  
26 immediately revert to the government of Guam.

*Bill # 591  
10/17/91  
F.R.S.*

TWENTY FIRST GUAM LEGISLATURE  
FIRST REGULAR (1991) SESSION

Bill No. 591

Introduced by:

  
F.R. Santos

AN ACT TO REZONE LOT NOS. 90-C-1-4 AND  
90-C-1-R4, SITUATED IN YLIG, MUNICIPALITY  
OF YONA, FROM AGRICULTURAL (A) TO  
COMMERCIAL (C).

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

4 Section 1. The Guam Legislature has become aware of the increase  
5 in the number of residential dwellings built and being built along Route 17,  
6 in the Yona-Windward Hills-Talofofo area, and the increasing number of  
7 families electing to live in the relative peace and quiet of that area.  
8 Likewise, the Guam Legislature has been made aware of a need and  
9 increasing need for child care facilities, i.e., nurseries and day care centers,  
10 in the area in order that working parents may be able to have their  
11 children, in particular, pre-school, cared for during the regular working  
12 day.

13 The owners of Lots No. 90-C-1-4 and 90-C-1-4 have expressed their  
14 desire and intent to build a day care center on their property situated on  
15 Route 17 which property is advantageously located relative to the Baza  
16 Gardens subdivisions, Windward Hills and the soon to open Miyama Hills  
17 project and to traffic to and from Talofofo and other southern areas. The  
18 advantageous location of these parcels to vehicular traffic makes these  
19 parcels extremely suitable for a day care center, particularly for those  
20 residents of the south commuting to and from their work sites in the  
21 northern sectors of the island. The Guam Legislature finds that this

1 suitability and the desire of the owners to build a day care center will  
2 provide a much needed service to the people of that area of Guam  
3

4 Section 2. Rezoning: The following lots in Ylig, Municipality of  
5 Yona, are hereby rezoned from Agricultural ("A") to Commercial ("C"):  
6

7 Lot Number:

Area in Square Meters

8  
9 90-C-1-4

1,886 +/- square meters

10 90-C-1-R4

1,886 +/- square meters  
11

**COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT,  
FEDERAL AND FOREIGN AFFAIRS  
TWENTY-FIRST QUAM 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

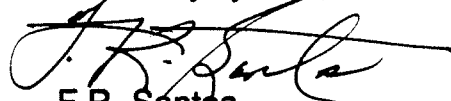
The Honorable Joe T. San Agustin  
Speaker  
Twenty First Guam Legislature  
Agana, Guam

Dear Mr. Speaker,

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred **Bill No. 251**, has had said bill under consideration and herewith reports the same with its recommendation **TO DO PASS AS SUBSTITUTED BY THE COMMITTEE**. The votes of the Committee members are as follows:

<b>TO DO PASS</b>	<b>9</b>
<b>TO DO NOT PASS</b>	<b>0</b>
<b>TO REPORT OUT ONLY</b>	<b>0</b>
<b>NOT VOTING/PASS ON FILE</b>	<b>0</b>
<b>OFF-ISLAND</b>	<b>0</b>

Sincerely yours,

  
F.R. Santos

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

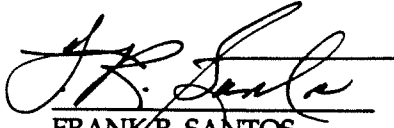






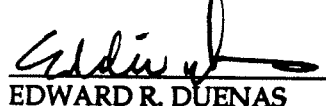
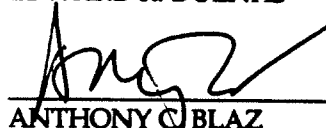
155 Hesler St.  
Agaña, Guam 96910

Senator Francisco R. Santos  
Chairman

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

**Voting Sheet**

On Bill No. 251: an Act to Authorize the Governor to Exchange  
Government Land for property owned by Mr. Jose C. Lujan on which  
stands the Guam Institute House

	TO DO PASS	TO DO NOT PASS	TO REPORT OUT ONLY	OFF ISLAND
 FRANK R. SANTOS	✓	_____	_____	_____
 PILAR C. LUJAN	✓	_____	_____	_____
 JOHN P. AGUON	✓	_____	_____	_____
 ELIZABETH P. ARRIOLA	✓	_____	_____	_____
 HERMINIA D. DIERING	✓	_____	_____	_____
 J. GEORGE BAMBA	✓	_____	_____	_____
 MARILYN D.A. MANIBUSAN	✓	_____	_____	_____
 EDWARD R. DUENAS	✓	_____	_____	_____
 ANTHONY C. BLAZ	✓	_____	_____	_____

## PREFACE

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred Bill No. 251, scheduled a public hearing on said measure on Wednesday, May 15, 1991. In accordance with applicable laws and the Standing Rules of the 21st Guam Legislature, public hearing announcements were published in a newspaper of general circulation on three separate occasions prior to the hearing. Additionally, individual invitations to affected departments, agencies and individuals were hand delivered well in advance of the hearing.

## PUBLIC HEARING

The public hearing was conducted as scheduled on Wednesday, May 15, 1991 at 9:30 am in the Legislative Public Hearing Room. Senators in attendance were:

1. Senator Frank R. Santos, Chairman
2. Senator Pilar C. Lujan, Vice Chairperson
3. Senator Herminia D. Dierking
4. Senator Elizabeth P. Arriola
5. Senator Anthony C. Blaz



Individuals appearing at the public hearing to provide testimony on the proposed legislation were:

1. Mr. Joseph Lujan, representing his father, Mr. Jose C. Luan, owner of the property.
2. Attorney David A. Terlaje
3. Representatives of the State Historical Preservation Office and Department of Parks and Recreation.
4. Mr. Frank L.G. Castro, Director  
Department of Land Management

Written testimony was submitted by Mr. Jose C. Lujan and the State Historical Preservation Officer, both testimonies in favor of the exchange.

## **SUMMARY OF TESTIMONY**

### **Mr. Joseph Lujan/Attorney David Terlaje**

Mr. Lujan noted that his father had agreed to exchange the Guam Institute House with the government of Guam several years ago. He further noted that this was the third time the legislation was introduced and that on each introduction the family testified and noted that exchanging the Guam Institute House, on a value for value basis, with government of Guam land was what the father and the family wanted.

Mr. Lujan further noted that he was concerned about the delays in approving the land exchange as the Guam Institute House has not been lived in and that the house itself is deteriorating rapidly because no one is living there and taking care of the building and the surrounding yard.

Attorney David Terlaje suggested an amendment to the measure stating that the land exchange authorized in the legislation shall be considered approved when consummated by the Governor and Mr. Lujan and that no further approvals of the Legislature is required.

### **Department of Land Management**

The Director of Land Management, Mr. Frank L.G. Castro, testified in behalf of his Department and the Executive Branch of the government of Guam. Mr. Castro noted that the Executive Branch supports the land exchange in Bill 251 because of the historical significance of the Guam Institute House. Mr. Castro likewise noted that the Administration offers no objections relative to the government land earmarked for this exchange despite the fact that the area in which the earmarked land is set aside has been designated as a site for possible use by non-profit organizations.

Because the appraisals have not been performed, Mr. Castro was not able to comment on the ratio for the land exchange based on a value for value basis. In subsequent discussions Mr. Castro noted that the ratio will not be one-to-one and that the value of the Agana property exceeds that of the designated land for exchange. In this instance, it should be noted that the Mr. Lujan will obtaining property considerably larger in size than the property in Agana. It is felt that this is offset by the historical value of the Lujan House.

## **Department of Parks and Recreation/State Historical Preservation Office**

The representatives of the Department of Parks and Recreation and the State Historical Preservation Office noted that the DPR and SHPO are extremely excited at the thought and possibility of securing the structure that housed the Guam Institute because of the historical significance of that school and its alumni to and for the people of Guam. The officials noted that the Lujan House is one of the few remaining houses in Agana built in the pre-War period and exhibiting architectural and design characteristics common to that period. The officials noted that the Lujan House would have uses that would contribute to the protection and preservation of the cultural of the Chamorro people as it existed prior to World War II. Likewise, because many illustrious and noted political, government, religious, educational, social and cultural leaders of Guam were educated in the Guam Institute the house can later be designated to house the Guam Hall of Fame.

Whatever the ultimate use of the Lujan House will be designated for, the officials of DPR and SHPO note that acquisition of the House will enhance the Government of Guam's inventory of historically significant places and structures. The officials strongly support expeditious passage and accomplishment of the intent of the bill.

The officials of DPR and SHPO, after questioning by the Chairman, noted that the DPR and SHPO will be requesting for funding for the restoration and upgrading of the Guam Institute House, for the year maintenance and repair of the structure and lot on which it sits, and for whatever is necessary for its preservation and exhibit as a historically

significant structure. (In later communications with the DPR/SHPO the Committee was provided with varying amounts needed for the cost of renovations, needed improvements and repairs. It is felt that the most prudent approach to this matter would be to grant DPR and SHPO an adequate level of funding exceeding their estimates with a reversion clause for all unexpended funds.)

## COMMITTEE FINDINGS

1. The Committee finds that the government's efforts to secure title and ownership of the Guam Institute House has been delayed with disadvantages to the government, including the rapid deterioration of the building because of non-use.
2. The Committee, after reviewing the records of previous legislation to the same effect, finds that the government can no longer afford to delay this matter because of the deterioration factor.
3. The Committee finds that because the government has delayed this matter for so long, Mr. Jose C. Lujan has been left in a state of perpetual limbo, knowing not whether he should develop the property, lease out the structure or other effectuate other plans which would yield to him and his family some form or level of economic benefit. The Committee finds this as unjust and unfair and unreasonably denies Mr. Lujan beneficial use of his private property.
4. The Committee finds that there are no reasonable causes for these delays and desires that this matter to finalized as expeditiously as possible in order that the Lujan House may be included in Guam's inventory of

historical places, included in the Island's inventory of educational exhibits and included in the inventory of tourist attraction spots.

5. The Committee finds that there is a need to place time constraints on this legislation in order to insure that its intent and purposes are accomplished as expeditiously as possible.

## COMMITTEE RECOMMENDATIONS

1. The Committee recommends that the exchange proposed in this legislation be approved by the Legislature as a whole.
2. The Committee recommends that the exchange authorized be on a value for value basis with a reasonable historical value to be established by the State Historical Preservation Officer and the Department of Parks and Recreation utilizing recommended and established methodology to establish such value.
3. The Committee recommends that the exchange authorized be governed by the following provisions:
  - a) a provision against the sale, transfer or conveyance of exchanged property within ten years of the date of exchange.
  - b) a reversion clause should either party effect a conveyance or transference of the property exchanged.
  - c) the cost of the appraisal for the government property to be exchanged shall be at the expense of the government.
  - d) the cost of the appraisal for the Lujan House shall be at the expense of Mr. Jose C. Lujan.

e) the cost of the survey, mapping and registration of the government property to be exchanged shall be at the expense of the government.

f) the cost of the survey, mapping and registration of the Lujan House shall be at the expense of Mr. Jose C. Lujan.

4. The Committee recommends that provisions be included to indicate that the authorization contained in the measure is total and complete and that the exchange effectuated shall be considered approved and shall require no further legislative action.

5. The Committee recommends an appropriation of TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) from the General Fund to the Department of Parks and Recreation and the State Historical Preservation Officer to fund necessary repairs, renovations and improvements to the Lujan House to make it ready for use as a public facility and to provide continuing maintenance funds to September 30, 1992. (The funding requests submitted by Parks and Rec have fluctuated within the last 60 days and due to this fluctuation it is felt that the \$200,000 would be adequate to insure the quality of work necessary for this structure.

TWENTY FIRST GUAM LEGISLATURE  
FIRST REGULAR (1991) SESSION

Bill No. 251  
as Amended by the  
Committee on Housing, Community Development,  
Federal and Foreign Affairs

Introduced by:

F. R. Santos  


AN ACT TO AUTHORIZE THE GOVERNOR OF  
GUAM TO EXCHANGE GOVERNMENT LAND  
FOR REAL PROPERTY, OWNED BY MR. JOSE C.  
LUJAN, DESCRIBED AS LOT NO. 106, AGANA,  
AND THE HISTORICALLY SIGNIFICANT TWO  
STORY STRUCTURE SITUATED ON SAID LOT,  
PREVIOUSLY AND BETTER KNOWN AS, THE  
GUAM INSTITUTE.

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

3  
4 Section 1. Legislative Intent and Findings: The people of Guam are  
5 acutely aware of the need to protect and preserve the history and culture  
6 of the island and through a multitude of ways, explicit and implicit, have  
7 tasked the elected leaders of the island with the development,  
8 implementation and continuation of said cultural and historical protection  
9 and preservation. The Twenty First Guam Legislature is cognizant of the  
10 need to protect and preserve all aspects of the history and culture of the  
11 island and its people in order that future Chamorros will enjoy  
12 identification with the rich cultural and historical heritage of their  
13 forefathers and which make the Chamorros a unique people. In this vein  
14 and in order to abate and stop the destruction or loss of cultural and

1 historical identity, the Twenty First Guam Legislature acknowledges the  
2 need to secure those areas and items which provide such history, culture  
3 and identity.

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5 The Twenty First Guam Legislature has been apprised that Mr. Jose  
6 C. Lujan, the owner of Lot No. 106, Agana, on which is situated the two  
7 story structure which is better known and remembered as the Guam  
8 Institute, desires to exchange said Lot No. 106 and historically significant  
9 structure, with government owned land on a value for value basis. The  
10 Guam Institute is a significant and important chapter in the history of  
11 Guam. Many of Guam's leaders were educated or taught at the Guam  
12 Institute. The history of the Institute is resplendent with annals of Guam's  
13 journey and experience prior to the age of modern and present day  
14 educational institutions. The roll books of this Institute contain the names  
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17 should be for memorialized. The Guam Institute, to the people of Guam,  
18 deserves no less importance and no less significance than Constitutional  
19 Hall in Philadelphia or the residence at 1600 Pennsylvania Ave,  
20 Washington, D.C., or Monticello to the people of America.

21  
22 By virtue of this, it is the consensus of the Twenty First Guam  
23 Legislature that the land and structure in which was housed the Guam  
24 Institute should now and heretofore belong to the people of Guam

25  
26 Section 2. The Governor of Guam is hereby authorized to exchange  
27 government owned real property, described as a portion of Lot No. 10119-  
28 R11, Municipality of Dededo, for real property described as Lot 106,  
29 Agana, together with the two story structure situated on said Lot No. 106  
30 and owned by Mr. Jose C. Lujan, on a value for value basis.

31  
32 Section 3. No later than Sixty (60) days after the enactment hereof,  
33 the Director of Land Management, for the government's expense and  
34 account, shall cause to be surveyed, mapped and registered that portion of  
35 Lot No. 10-119-R11 which is to be exchanged with Lot No. 106, Agana.  
36 The Director of Land Management, for Mr. Jose C. Lujan's expense and  
37 account, shall cause to be performed separate appraisals of that portion of



1 Lot No. 10119-R11 to be exchanged hereunder by Two (2) licensed real  
2 estate appraisers, which appraisals shall be the basis for the exchange  
3 authorized herein. The Director of Land Management shall insure that  
4 access, to that portion of Lot No. 10119-R11 to be exchanged heretofore,  
5 shall be provided in accordance with applicable regulations, statutes  
6 and/or laws.

7  
8 Section 4. The Director of Land Management and the State Historic  
9 Preservation Officer shall cause to be determined the value of Lot No. 106  
10 and the structure situated on said lot, in terms of dollars, which value shall  
11 be used as the basis for the exchange authorized herein.

12  
13 Section 5. The land exchange authorized herein shall be governed  
14 by the following terms and conditions:

15  
16 (a) The parties agree that there shall be no transfer or conveyance,  
17 in any manner or through any form, of the exchanged lands for a period of  
18 ten (10) years beginning on the date the parties accept the applicable deeds  
19 for each parcel.

20  
21 (b) The parties agree to incorporate, into the exchange document  
22 and applicable deeds, reversion clauses to the effect that any conveyance  
23 or transfer of the exchanged lands, or any part thereof, the exchanged  
24 lands shall be reverted to the original owners.

25  
26 (c) Nothing contained herein shall be construed to prevent or  
27 prohibit the parties from improving or having improved the properties or  
28 from building, erecting or constructing structures approved in accordance  
29 with the building and zoning codes of Guam.

30  
31 (d) The Attorney General of Guam and Mr. Jose C. Lujan or his  
32 duly authorized representative shall cause to be included in any contract or  
33 agree of exchange the provisions herein stipulated.

34  
35 Section 6. Immediately upon the execution of this land exchange, the  
36 Director of Land Management and the Attorney General shall cause to be

1 transferred title and control of the Guam Institute House to the State  
2 Historical Preservation Office, Department of Parks and Recreation.

3  
4 Section 6. The land exchanged herein authorized shall be  
5 considered approved by the Guam Legislature and shall require no further  
6 action by the Guam Legislature.

7  
8 Section . There is hereby appropriated from the General Fund to the  
9 Historical Preservation Office, the sum of **TWO HUNDRED THOUSAND**  
10 **DOLLARS (\$200,000.00)** for the purpose of funding the necessary  
11 improvements, renovations and upgrading of the Guam Institute House.  
12 All funds appropriated hereunder and unexpended on September 30, 1992  
13 shall revert to the General Fund.

14  
15 Section 8. Beginning with the Fiscal Year beginning October 1, 1992,  
16 the Department of Parks and Recreation shall incorporate into its annual  
17 budget such sums and amounts as are deemed required to maintain and  
18 repair the Guam Institute House to the condition and standard deemed  
19 necessary and appropriate by the State Historical Preservation Officer.



Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

RECEIVED

SEN. F. R. SANTOS

By: *R. Santos*

Date: 3/20/91

Time: 10:50 am

March 18, 1991

Committees:

CHAIRPERSON:

Rules

General

Governmental

Operations

VICE CHAIRPERSON:

Ways & Means

Energy

Utilities and

Consumer

Protection

MEMBER:

Economic and

Agricultural

Development

Education

Health,

Ecology and

Welfare

Housing

Community

Development,

Federal and

Foreign Affairs

Judiciary

and

Criminal Justice

Tourism and

Transportation

Youth, Senior

Citizens, and

Cultural Affairs

MEMORANDUM

TO: Chairperson, Committee on Housing,  
Community Development,  
Federal and Foreign Affairs

FROM: Chairperson, Committee on Rules

SUBJECT: Referral - Bill Nos. 251, 253, 254, 258  
and 260

The above Bills are referred to your Committee. Please note that the referrals are subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.

**HERMINIA D. DIERKING**

Enclosures

Introduced

TWENTY FIRST GUAM LEGISLATURE  
FIRST REGULAR (1991) SESSION

APR 03 '91

Bill No. 251 (COR)

Introduced by:

F.R. Santos



AN ACT TO AUTHORIZE THE GOVERNOR OF  
GUAM TO EXCHANGE GOVERNMENT LAND  
FOR REAL PROPERTY, OWNED BY MR. JOSE  
C. LUJAN, DESCRIBED AS LOT NO. 106,  
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13 cultural and historical heritage of their forefathers and which make  
14 the Chamorros a unique people. In this vein and in order to abate  
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3 Mr. Jose C. Lujan, the owner of Lot No. 106, Agana, on which is  
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5 remembered as the Guam Institute, desires to exchange said Lot  
6 No. 106 and historically significant structure, with government  
7 owned land on a value for value basis. The Guam Institute is a  
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27 exchange government owned real property, described as a portion of  
28 Lot No. 10119-R11, Municipality of Dededo, for real property  
29 described as Lot 106, Agana, together with the two story structure  
30 situated on said Lot No. 106 and owned by Mr. Jose C. Lujan, on a  
31 value for value basis.

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34 hereof, the Director of Land Management, for Mr. Jose C. Lujan's  
35 expense and account, shall cause to be surveyed, mapped and  
36 registered that portion of Lot No. 10-119-R11 which is to be  
37 exchanged with Lot No. 106, Agana. The Director of Land

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4 estate appraisers, which appraisals shall be the basis for the  
5 exchange authorized herein. The Director of Land Management  
6 shall insure that access, to that portion of Lot No. 10119-R11 to be  
7 exchanged heretofore, shall be provided in accordance with  
8 applicable statutes.

9  
10 Section 4. The Director of Land Management and the State  
11 Historic Preservation Officer shall cause to be determined the value  
12 of Lot No. 106 and the structure situated on said lot, in terms of  
13 dollars, which value shall be used as the basis for the exchange  
14 authorized herein.



DEPARTMENT OF LAND MANAGEMENT  
GOVERNMENT OF GUAM  
AGANA, GUAM 96910

May 15, 1991

The Honorable Frank R. Santos  
Chairman, Committee on Housing,  
Community Development, Federal  
and Foreign Affairs  
Twenty First Guam Legislature  
Agana, Guam 96910

Subject: L.B. No. 251 (COR) concerning land exchange with  
Mr. Jose C. Lujan

Dear Mr. Chairman:

The need of the people of Guam to own and to preserve what was formerly known as the NIEVES INSTITUTE in Agana should, and must not be overlooked, and for that reason that the Department of Land Management has been consistent in its opinion to support the movement of exchanging the Lujan's property with government land on a value for value basis, as may be determined by two Professional and Licensed Appraisers. The department is still standing with the same position, and I am reiterating the same support.

I recollected that lastly, this matter was entertained by the Committee on Youth, Senior Citizens, Cultural Affairs and Human Resources under the Twentieth Guam Legislature but if I am not mistaken, the matter never got beyond the Rules Committee and never got to the floor for adoption. Consequently, I believe that Legislative Bill No. 129 died without adoption.

The proposed exchanged has been discussed numerous times between the Department of Land Management and Mr. Lujan and his attorney, and during which times, two Appraisal Reports were submitted. Taking the average between the two reports, the appraised values are as follows:

(1) The Lujan's Agana property (lot and building) were appraised at a grand total of -----\$336,000.00

(2) The government land in Yigo, which was then under negotiation for exchange with the Agana property was appraised at \$13.50 per square meter which if transacted, the government will be conveying to Mr. Lujan a total of 24,889 square meters.



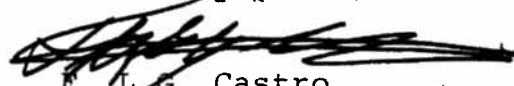
The Honorable Frank R. Santos  
L.B. No. 251 (COR) Land Exchange  
Page 2

Frankly, I questioned the concept of the government property in Yigo being valued at only \$13.50 per square meter but on the contrary, I am not in the position to dispute the determination of a licensed Appraiser. With that in mind, it appeared that the government should have the Yigo property appraised by a third Appraiser at the government's expense. Land Management however, supports the concept of exchange and it should be pursued.

I would also like to point out that between the time that the Legislature entertained a public hearing on the matter in March 1989 and now, the Governor released Executive Order No. 90-19, and wherein, the subject site in Yigo has been set aside for non-profit organizational uses. It is of my opinion however, that both needs can be accommodated within the said area since the land is over 408,000 square meters in size. Incidentally, we should henceforth be citing "A PORTION OF LOT NO. 10119-R12" instead of a portion of Lot 10119-R11.

Thank you for affording us the opportunity to comment on the matter.

Sincerely yours,

  
F. L. G. Castro  
Director Department of  
Land Management

Attachments



LOT 10119-2  
GHURA 505  
DOC# 290231 & 236908

~~LOT 10119-R11~~  
~~AREA=409,082 SQ.M. REG.~~

3-1G  
ACCESS & UTILITY  
DOC# 236908

LOT 10119-R12  
AREA=408,850 SQ.M.  
(SEE SPECIAL NOTE)

110± MTS

A = 24,880±  
#1250 SR. MTS.  
(402.083)

26' (209.083)

(N 89° 54' 10" E)  
(147.648)

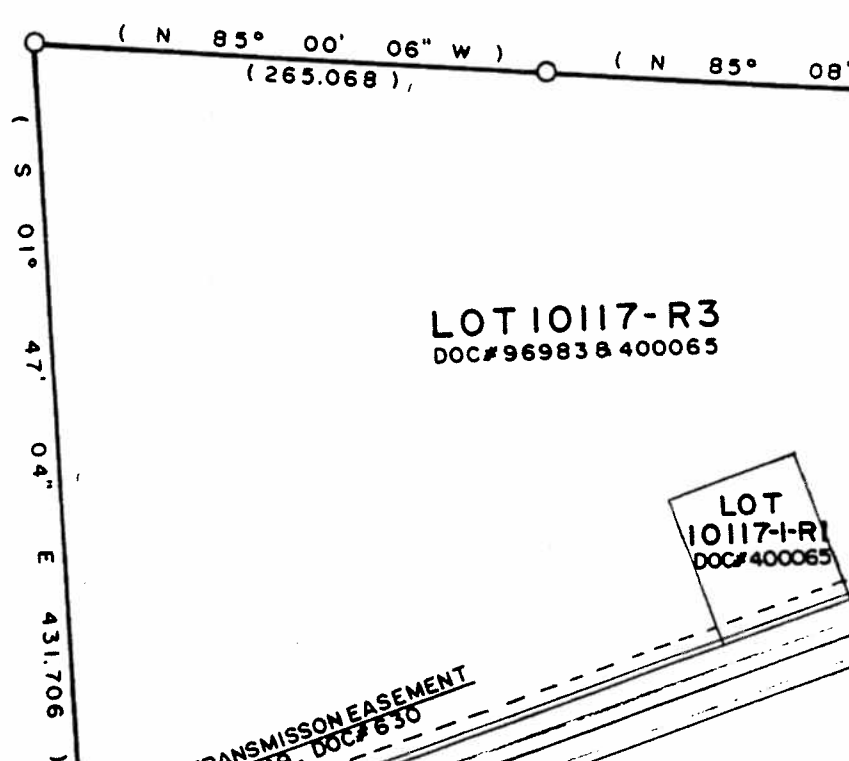
LOT 10119-11  
DOC# 402935

LOT 10119-8  
DOC# 391755

(167.539)  
(S 89° 54' 10" W)  
BASIS OF SURVEY

LOT 10119-10  
DOC# 401649

P.O.B  
N = 55,027.896  
E = 62,761.522



LOT 10117-R3  
DOC# 96983 & 400065

LOT  
10117-I-R1  
DOC# 400065

50' TRANSMISSION EASEMENT  
C.C# 3-49, DOC# 630

G.G.T.N. IE. 30

LOT 10117-2G (R/W)  
DOC# 400065

15°  
16"  
TIE IN. DOC# 391755  
56" E 432.412  
26' (209.083)

Lujan House  
Addition to Bill

Upkeep and improvement of the Lujan house once exchange passes in legislation.

- A) \$75,000.00 for the initial adaptive reuse of the building in keeping with its historic character.
- B) Recommend a dedicated building maintenance fund with a \$5,000.00 annual appropriation. The fund would support regular maintenance needs and accumulate sufficient resources for periodic major expenses (eg. roof replacements, painting, and etc.)
- C) Wavier from regular building code requirements where these present unresolvable conflicts with maintenance of the historic character. Each code item wavier is to be noted by DPW building inspector and chairman of the Guam Historic Preservation Review Board.

MAY 29 '91 06:55 GU HPO

P.1



GOVERNMENT OF GUAM  
AGANA, GUAM 96910

DEPARTMENT OF PARKS AND RECREATION  
490 Chalan Palasyo  
Agana Heights, Guam 96919  
phone# 477-9620/1  
fax# 477-2822

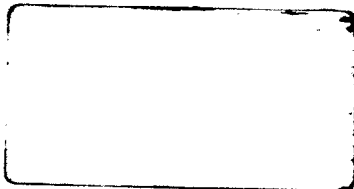
Director: ANTHONY C. MARIANO

Deputy Director: DENNIS M. ZERMENO

FACSIMILE TRANSMITTAL SHEET

PLEASE DELIVER TO: Senator Frank Santos  
FROM: Ken Perry  
RE: Lujan House  
Number of pages including this one: 2  
Sender: [Signature] Date: 5-29-91  
Time: 8:20 am

Please call sender, should you not receive legible copies, at the above number. Thank you!



Introduced

TWENTY FIRST GUAM LEGISLATURE  
FIRST REGULAR (1991) SESSION

APR 03 '91

Bill No. 251 (COR)

Introduced by:

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AN ACT TO AUTHORIZE THE GOVERNOR OF  
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