



Rec'd by: BC Date: 12/9 Time: 2:10 p

RECEIVED
OFFICE OF THE SPEAKER
DATE: 12/9/93
TIME: 10:30 AM
RECD BY: [Signature]

Routing: _____ Date: _____ Sen's Ini. _____
Territory of Guam
Jackie Blas _____
Territorial Guam
Jose Magaña _____

OFFICE OF THE GOVERNOR
URFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

DEC 06 1993

REFER TO
LEGISLATIVE SECRETARY
[Signature]

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

Dear Mr. Speaker:

Bill No. 602 has become law without the Acting Governor's signature and has been designated Public Law 22-48.

The reason that the Acting Governor did not sign the measure is that an error in the description of one of the properties makes it impossible for a formal reversion of the easement to be executed by the government until the error is corrected. I request that the Legislature consult with the Director of Land Management for a proper description of the properties in question.

Sincerely yours,

[Signature]

JOSEPH F. ADA
Governor of Guam
220445

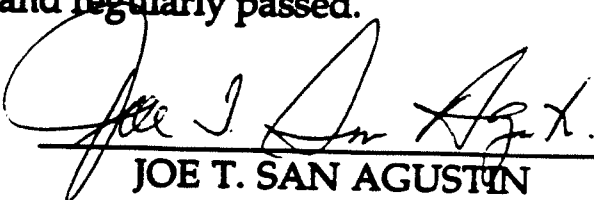
Attachment



TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 602 (COR), "AN ACT TO REMOVE THE PUBLIC EASEMENT AFFECTING LOTS NOS. 5161-R2, 5161-2-R1 AND 5161-2-1, ALL PRIVATE PROPERTIES, IN HARMON, DEDEDO," was on the 19th day of November, 1993, duly and regularly passed.



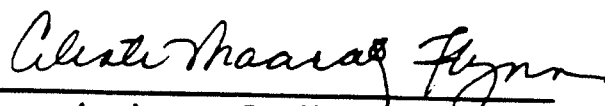
JOE T. SAN AGUSTIN
Speaker

Attested:



PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 19 day of November,
1993, at 5:35 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:

JOSEPH F. ADA
Governor of Guam

Date: DEC 2 1993

Public Law No. 22-48

**TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session**

Bill No. 602 (COR)
As amended by the Committee on
Housing and Community Development

Introduced by:

E. D. Reyes
A. C. Blaz
T. S. Nelson
H. D. Dierking
C. T. C. Gutierrez
E. P. Arriola
D. F. Brooks
T. C. Ada
J. P. Aguon
J. G. Bamba
M. Z. Bordallo
F. P. Camacho
P. C. Lujan
M. D. A. Manibusan
V. C. Pangelinan
D. Parkinson
J. T. San Agustin
F. E. Santos
D. L. G. Shimizu
T. V. C. Tanaka
A. R. Unpingco

**AN ACT TO REMOVE THE PUBLIC EASEMENT
AFFECTING LOTS NOS. 5161-R2, 5161-2-R1 AND 5161-
2-1, ALL PRIVATE PROPERTIES, IN HARMON,
DEDEDO.**

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

2 Section 1. Legislative statement. The heirs of the late Antonia and Jose

3 L. G. Rios, through Helen R. Jones, administratrix, have asked the

1 Legislature for assistance in resolving a dilemma created by the government
2 of Guam concerning their property. The 1967 Highway Master Plan reserved
3 a sixty-foot (60') wide easement which bisected their property, Lot No. 5161-
4 R1, Harmon, Dededo. The government of Guam has never formally acquired
5 such sixty-(60-) foot wide Master Plan reservation. The Legislature therefore
6 finds that the removal of such easement on Lot 5161-R2 would correct an
7 injustice caused by the government of Guam. The Legislature further finds
8 that removal of such easement will not landlock any other properties since
9 the easement only services Lots Nos. 5161-R2, 5161-2-R1 and 5161-2-1.

10 **Section 2. Easement removed.** The sixty-foot (60') reservation on Lot
11 No. 5161-R2, Harmon, Dededo, for future grant of easement, as identified in
12 the 1967 Highway Master Plan, and the sixty-foot (60') wide public access and
13 utility easement, created in the 1974 subdivision of Lot No. 5161-R1, Harmon,
14 Dededo, into Lots Nos. 5161-R2 and 5161-2-R1, are hereby removed.

Senator Edward D. Reyes

Chairman

Committee on Housing and Community Development
Twenty-Second Guam Legislature

228 Archbishop Flores St.
Agana, Guam 96910

Tel: (671) 472-3453 ~ 4
Fax: (671) 477-6338

November 9, 1993

SPEAKER JOE T. SAN AGUSTIN
Twenty-Second Guam Legislature
155 Hesler St.
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Housing and Community Development, to which was referred **BILL NO. 602**, [An Act to Remove the Requirement to Maintain Public Easements on Lot Nos. 5161-R1, 5161-R2 and 5161-2-R1, All Private Properties, in Harmon], wishes to report back to the Legislature with its recommendation to pass Bill No. 602, as amended by the Committee. The voting record is as follows:

TO PASS	<u>6</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.


EDWARD D. REYES

Attachments

Senator Edward D. Reyes

Chairman

Committee on Housing and Community Development
Twenty-Second Guam Legislature

228 Archbishop Flores St.
Agana, Guam 96910

Tel: (671) 472-3453 ~ 4
Fax: (671) 477-6338

November 9, 1993

MEMORANDUM

TO: Members

FROM: Chairman

SUBJECT: Committee Report - Bill No. 602 - "An Act to Remove the Requirement to Maintain Public Easements on Lot Nos. 5161-R1, 5161-R2 and 5161-2-R1, All Private Properties, in Harmon".

Transmitted herewith for your information and action is the Committee on Housing and Community Development's Report on the subject Bill.

The narrative report is accompanied by the following:

1. Bill No. 602, as amended by the Committee
1. Original Bill No. 602;
2. Committee on Housing and Community Development Voting Sheet;
3. Written Testimony and Sign-in Sheet
4. Public Hearing Notice.

Should you have any questions on the narrative report or the accompanying documents, I would be most happy to answer any of them.

Please take the appropriate action on the attached voting sheet and return the documents to my office for transmittal to the other members.

Your attention and cooperation in this matter is greatly appreciated.


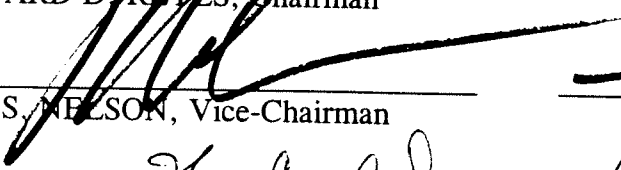
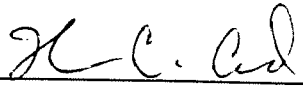
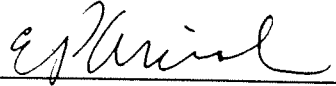
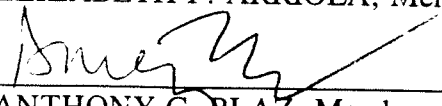


EDWARD D. REYES

attachments

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
 22nd Guam Legislature

VOTING RECORD

Bill No. 602 - "An Act to Remove the Requirement to Maintain Public Easements on Lot Nos. 5161-R1, 5161-R2 and 5161-2-R1, All Private Properties, in Harmon"

	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 EDWARD D. REYES, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 TED S. NELSON, Vice-Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 THOMAS C. ADA, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 ELIZABETH P. ARRIOLA, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 ANTHONY C. BLAZ, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FELIX P. CAMACHO, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARILYN D.A. MANIBUSAN, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 VICENTE C. PANGELINAN, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOE T. SAN AGUSTIN, Ex-Officio Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMMITTEE ON HOUSING AND
COMMUNITY DEVELOPMENT
Twenty-Second Guam Legislature

COMMITTEE REPORT
ON BILL NO. 602
as amended by the Committee

"AN ACT TO REMOVE THE REQUIREMENT TO
MAINTAIN PUBLIC EASEMENTS ON LOT NOS. 5161-R2,
5161-2-R1 AND 5161-2-1, ALL PRIVATE PROPERTIES, IN
HARMON."

October 19, 1993

I. OVERVIEW

The Committee on Housing and Community Development scheduled a Public Hearing on August 31, 1993 at 2:00 p.m. in the Legislative Public Hearing Room, Temporary Legislative Building, Agana, Guam.

Members of the Committee present at the public hearing were:

Senator Edward D. Reyes, Chairman
Senator Tom Ada
Senator Ben Pangelinan.

Appearing before the Committee to testify on the bill were:

Helen Jones, Ricardo Rios and Marianne Rios.

II. SUMMARY OF TESTIMONY

Supporters of the Bill

Helen Jones, Ricardo Rios, and Marianne Rios all testified in favor of this bill.

Helen Rios Jones is the Administratrix of the estate of the late Antonia and Jose L.G. Rios. She testified that a sixty-foot wide reservation for future grant of easement, as approved in the 1967 Highway Master Plan, later designated as a sixty-foot wide public access and utility easement partially bisecting the estate property into Lot No. 5161-R2 and Lot No. 5161-2-R1 in Harmon, municipality of Dededo extends to, abuts and ends on the boundary line between Rios' and Peter D. Hemlani's property. Two other easements, one forty-foot public access and utility easement and a twenty-foot (20') centerline setback in the western edge of the Rios property, were required by the government in the 1974 parceling of the property. The Rios family is desirous of consolidating their property for the purpose of leasing on a long-term lease basis and that doing away with the sixty-foot easement will not land lock property owners in the neighborhood because each and everyone have their own access to their own property. Further, the recommendations of the 1967 Highway Master Plan for the Harmon Industrial Complex have not been fully implemented and they will not be a part of the nearly completed 2010 Highway Master Plan. It is therefore the intent of the Rios family to delete all the designated easements within the property as approved in the 1967 Highway Master Plan and as prescribed in the 1974 parceling of the property so as to allow the family to consolidate their property. The family petitions the Legislature to delete the sixty-foot wide reservation for future grant of easement, the superimposed sixty-foot wide public access and utility easement, the forty-foot wide public access and utility easement and twenty-foot wide centerline setback within the family property in Harmon, and requests that these easements be reverted to the family for property consolidation and future reparcelling according to new development plans of prospective lessees.

III. FINDING AND RECOMMENDATION

The heirs of the estate of the late Antonia and Jose L.G. Rios have been pursuing business ventures to make use of their property in Harmon. Their efforts are being frustrated by the insistence of the Department of Public Works that easements through their property cannot be removed in order for them to re-consolidate their lots.

This bill will remove a sixty-foot wide easement envisioned by the 1967 Highway Master Plan as well as a sixty-foot wide public access and utility easement in the same location, a forty-foot wide public access and utility easement and a twenty-foot centerline setback, the latter three easements being required by law when Basic Lot No. 5161-R1 was subdivided into Lots No. 5161-R2 and 5161-2. The establishment of a public roadway through the length of the Harmon Industrial Complex has not been accomplished by the government of Guam as called for in the 1967 Plan. The "2010" Highway Plan now proposes that the road in the vicinity of parceled Lots 5161 and 5158 follow the pre-war Agana-Yigo Road to the northwest of those lots. The highway easement reservation can be removed because the government of Guam is proposing another path for the industrial complex road and no land owner will be land locked. The two utility easements and the centerline setback should also be removed since they were required to follow the mandate of the reservation for future grant of easement.

No one from the government of Guam raised objection to the bill's proposal for the easements' removal. The only objector is the adjacent lot owner, Mr. Hemlani, who argues that his property would be land locked as a result of the removal. In reviewing a map of the area, the Committee found no indication that such a negative result would occur. The Committee further points out that Mr. Hemlani and another land owner collect tolls from vehicles traversing their respective properties in order to reach the weekend "flea market". No toll is assessed during weekdays, leading the Committee to believe that such a toll is possible because the roadway is still private property and not a public road.

The Committee finds that the need to ensure a public roadway continues to service the business community in the area is being addressed. The Committee also finds that the Rios family needs assistance so they may proceed with development of their property. With the government treasury's precarious condition, it is prudent that this prime land be put to use so taxes can be collected.

The Committee on Housing and Community Development to which was referred **Bill No. 602** - "An Act to Remove the Requirement to Maintain Public Easements on Lot Nos. 5161-R2, 5161-2-R1 and 5161-2-1, All Private Properties, in Harmon" - does hereby submit its findings and recommendation to the Twenty-Second Guam Legislature **"TO DO PASS" Bill No. 602, as amended by the Committee.**



TWENTY-SECOND GUAM LEGISLATURE
FIRST (1993) REGULAR SESSION

Bill No. 602

as amended by the Committee on
Housing and Community Development

Introduced by:

E.D. Reyes

A.C. BLAZ 


AN ACT TO REMOVE THE REQUIREMENT TO MAINTAIN PUBLIC
EASEMENTS ON LOT NOS. 5161-R2, 5161-2-R1 AND 5161-2-1, ALL
PRIVATE PROPERTIES, IN HARMON.

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

2 SECTION 1. **Legislative Statement.** The heirs of the late Antonia and
3 Jose L.G. Rios, through Helen R. Jones, administratrix, have approached the
4 Legislature for assistance in resolving a dilemma created by the government of
5 Guam concerning their property. The 1967 Highway Master Plan reserved a
6 sixty-foot (60') wide easement which bisected their property, Lot No. 5161-R1,
7 Harmon, Municipality of Dededo. In 1974, two other easements, one a forty-foot
8 (40') wide public access and utility easement and a twenty-foot (20') center line
9 set-back, required by the "Subdivision Law" 21 GCA, were mandated by the
10 government of Guam from the land owner, because the government of Guam
11 knew that since 1967 it had never formally acquired the 60-foot wide Master Plan
12 reservation. The 40' and the 20' easements would not be necessary if the 1967
13 Master Plan easement was removed.

14 Therefore, the Legislature finds that removal of all easements on Lot 5161-
15 R2 would correct an injustice caused by the government of Guam in not acquiring
16 the easement reserved by the Master Plan for the past 27 years, and by requiring
17 the land owner to create additional easements. The Legislature further finds that

1 removal of these easements will not land lock any other properties since the
2 easements only service Lot No. 5161-R2.

3 **SECTION 2. (a) Easements Removed.** The sixty-foot (60') reservation for
4 future grant of easement, as identified in the 1967 Highway Master Plan, and the
5 sixty-foot (60') wide public access and utility easement, created in the 1974
6 subdivision of Lot No. 5161-R1, Harmon, Municipality of Dededo, into Lot Nos.
7 5161-R2 and Lot No. 5161-2-R1, are hereby removed. In addition, two other
8 easements, one forty-foot (40') and a twenty-foot (20') public access and utility
9 easement, required by the "Subdivision Law", 21 GCA, which have never been
10 used and are presently covered by vegetation, are also removed.

11 **(b) Condition for Removal of Easements.** The easements identified in
12 paragraph (a) above shall be removed only if no lot becomes land-locked as a
13 result of such easement removal.

TWENTY-SECOND GUAM LEGISLATURE
FIRST (1993) REGULAR SESSION

Introduced

SEP 07 '93

Bill No. 602 (COR)

Introduced by:

E.D. Reyes *R*

AN ACT TO REMOVE THE REQUIREMENT TO MAINTAIN
PUBLIC EASEMENTS ON LOT NOS. 5161-R1, 5161-R2 AND 5161-2-
R1, ALL PRIVATE PROPERTIES, IN HARMON.

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

3 SECTION 1. **Legislative Statement.** The heirs of the late Antonia and Jose L.G.
4 Rios, Helen R. Jones, administratrix, have approached the Legislature for assistance in
5 resolving a dilemma concerning their property. A sixty-foot (60') wide public access
6 and utility easement, as approved in the 1966 Highway Master Plan, bisected the
7 property in Harmon, Municipality of Dededo, Lot No. 5161-R1, into Lot No. 5161-
8 R2 and Lot No. 5161-2-R1. The 60' easement extends to, abuts and ends on the
9 property line between the Rios' and Mr. Peter D. Hemlani's property. It does not
10 continue through and beyond Mr. Hemlani's property. Two other easements, one
11 forty-foot (40') and a twenty-foot (20') public access and utility easement, required by
12 the "Subdivision Law", 21 GCA, have never been used and are presently covered by
13 vegetation. The Rios family is exploring all avenues in consolidating their property for
14 the best and highest uses. Removing the sixty-foot wide and the forty-foot wide public
15 access and utility easement will not landlock properties in the area. The Department
16 of Public Works has indicated that the "2010" Highway Master Plan proposes that the
17 public road through the area will run along the Rios property's northern boundary,
18 parallel with the old Agana/Dededo bull cart trail, and not through the property.

1 The Legislature finds that public access through the Harmon industrial complex
2 is being addressed by activation of the old Agana/Dededo bull cart trail. Because there
3 will no longer be a need to use the Rios property for this purpose, it is only right and
4 fair that the government of Guam no longer require that the Rios easements exist so
5 the landowners can be free to develop their property. Already, several business
6 proposals have come and gone, depriving the family of economic benefits and the
7 government of tax revenues.

8 **SECTION 2. (a) Easements Removed.** The sixty-foot (60') wide public access
9 and utility easement, as approved in the 1966 Highway Master Plan, which bisected
10 Lot No. 5161-R1, Harmon, Municipality of Dededo, into Lot Nos. 5161-R2 and Lot
11 No. 5161-2-R1 is hereby removed. In addition, two other easements, one forty-foot
12 (40') and a twenty-foot (20') public access and utility easement, required by the
13 "Subdivision Law", 21 GCA, which have never been used and are presently covered
14 by vegetation, are also removed to facilitate consolidation of Lot Nos. 5161-R2 and
15 Lot No. 5161-2-R1.

16 **(b) Condition for Removal of Easements.** The easements identified in
17 paragraph (a) above shall be removed only if no lot becomes land-locked as a result of
18 such easement removal.