

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. 659**, [An Act to Authorize the Governor to Exchange a Portion of Government of Guam Lot No. 10120-R16, Municipality of Dededo, Containing an Area of 535 Acres, for Lot No. 421P, Containing an Area of 384± Square Meters, Municipality of Agana, Owned by the Heirs of Rita Mariano Bamba], wishes to report back to the Legislature with its recommendation to pass Bill No. 659, 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
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November 8, 1993

MEMORANDUM

TO: Members

FROM: Chairman

SUBJECT: Committee Report - Bill No. 659, as amended by the Committee "An Act to Authorize the Governor to Exchange a Portion of Government of Guam Lot No. 10120-R16, Municipality of Dededo, Containing an Area of 535 Acres, for Lot No. 421P, Containing an Area of 384± Square Meters, Municipality of Agana, Owned by the Heirs of Rita Mariano Bamba.

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. 659, as amended by the Committee
1. Original Bill No. 659;
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.


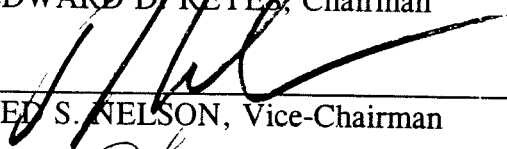

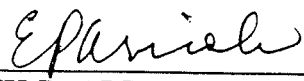
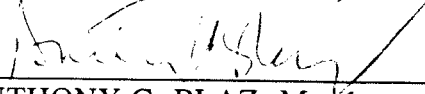
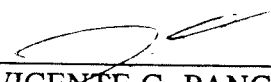

EDWARD D. REYES

attachments

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
 22nd Guam Legislature

VOTING RECORD

Bill No. 659, as amended by the Committee - "An Act to Authorize the Governor to Exchange a Portion of Government of Guam Lot No. 10120-R16, Municipality of Dededo, Containing an Area of 535 Acres, for Lot No. 421P, Containing an Area of 384± Square Meters, Municipality of Agana, Owned by the Heirs of Rita Mariano Bamba"

	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"/>

TWENTY-SECOND GUAM LEGISLATURE
FIRST (1993) REGULAR SESSION

Bill No. 659

as amended by the Committee on
Housing and Community Development

Introduced by:

C.T.C. GUTIERREZ



AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE A PORTION OF GOVERNMENT OF GUAM LOT NO. 10120-R16, MUNICIPALITY OF DEDEDO, CONTAINING AN AREA OF 535 ACRES, FOR LOT NO. 421P, CONTAINING AN AREA OF 384± SQUARE METERS, MUNICIPALITY OF AGANA, OWNED BY THE HEIRS OF RITA MARIANO BAMBA.

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

2 SECTION 1. **Authorization for Land Exchange.** Notwithstanding any
3 provision of Chapter 75 of Title 21, Guam Code Annotated, (Chamorro Land
4 Trust Act) to the contrary, the Governor is authorized to exchange a portion of
5 Lot No. 10120-R16, owned by the government of Guam, for Lot No. 421P,
6 containing an area of 384± square meters, Guaranteed Claim Number 229,
7 Estate Number 3110, located in the Municipality of Agana, owned by the heirs of
8 the estate of Rita Mariano Bamba under Decree Settling the Final Account of
9 Administrator and Final Distribution in Probate Case No. 1116-78, signed
10 January 23, 1987 and filed under DLM Document No. 384288, on a value-for-
11 value basis. When the exchange authorized by this Section is completed, Lot No.
12 421P described above shall be part of the Chamorro Land Trust.

Bill No. 659

Introduced by:

93 ST 19
C. P. C. Gutierrez
PH: 19

AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE A
PORTION OF GOVERNMENT OF GUAM LOT NO. 5401-1,
CONTAINING AN AREA OF 120,013± SQUARE METERS,
MUNICIPALITY OF BARRIGADA, FOR LOT NO. 421P,
CONTAINING AN AREA OF 384± SQUARE METERS,
MUNICIPALITY OF AGANA, AND OWNED BY THE HEIRS
OF RITA MARIANO BAMBA.

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

2 Section 1. Authorization for land exchange. Notwithstanding th
3 any provision of Chapter 75 of Title 21, Guam Code Annotated, (Chamorro
4 Land Trust Act) to the contrary, the Governor is authorized to exchange a
5 portion of Lot No. 5401-1, containing an area of 120,013± square meters,
6 Municipality of Barrigada, as shown on Dwg. No. C4-70T542, Sheet 1 of 1,
7 and owned by the government of Guam, for Lot No. 421P, containing an
8 area of 384± square meters, Guaranteed Claim Number 229, Estate
9 Number 3110, located in Municipality of Agana, and owned by the heirs
10 of the Estate of Rita Mariano Bamba under Decree Settling the Final
11 Account of Administragor and Final Distribution in Probate Case No. 1116-
12 78, signed January 23, 1987 and filed under DLM Document No. 384288, on
13 a value for value basis. When the exchange authorized by this section is
14 completed, Lot No. 421P described above shall be part of the Chamorro
15 Land Trust.

16

COMMITTEE ON HOUSING AND
COMMUNITY DEVELOPMENT
Twenty-Second Guam Legislature

COMMITTEE REPORT
ON BILL NO. 659
as amended by the Committee

"AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE A PORTION OF GOVERNMENT OF GUAM LOT NO. 10120-R16, MUNICIPALITY OF DEDEDO, CONTAINING AN AREA OF 535 ACRES, FOR LOT NO. 421P, CONTAINING AN AREA OF 384± SQUARE METERS, MUNICIPALITY OF AGANA, OWNED BY THE HEIRS OF RITA MARIANO BAMBA."

November 8, 1993

I. OVERVIEW

The Committee on Housing and Community Development scheduled a Public Hearing on September 30, 1993 at 9:00 a.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 Ted S. Nelson, Vice-Chairman
Senator Tom Ada
Senator Tony Blaz
Senator Ben Pangelinan.

Appearing before the Committee to testify in favor of the bill were:

Frank Castro, Director of Land Management
Edward Bamba, Elaine Bamba-Eclavea, and Fred Bamba, heirs of the estate of Rita Mariano Bamba.

II. SUMMARY OF TESTIMONY

Supporters of the Bill

The Director of Land Management supported the land exchange as long as it would be on a value-for-value basis. He also pointed out that the Bamba property is just one fractional lot in Agana and this and other similar lots are a problem that need a solution. Because of their substandard sizes, the respective lot owners cannot develop them in a meaningful way.

The Bamba heirs testified that they would be amenable to exchanging their lot for Dededo government land if the Adacao lot proposed in the original bill is not available.

III. FINDING AND RECOMMENDATION

The heirs of the estate of Rita Mariano Bamba are seeking exchange of their fractional Agana lot for a portion of government land Lot No. 5401-1, Barrigada. The Committee finds that Lot No. 10120-R16, containing 535 acres, was set aside in Public Law 22-18 to facilitate land exchanges between the government of Guam and private land owners, as the need arises, and the Committee amended Bill 659 to reflect this.

The value of the Bamba property is appraised between \$155,000 to \$182,000. The proposed exchange will be on a value-for-value basis and thus, the heirs should receive sufficient property thereafter for their family needs.

The Committee on Housing and Community Development to which was referred **Bill No. 659** - "An Act to Authorize the Governor to Exchange a Portion of Government of Guam Lot No. 10120-R16, Municipality of Dededo, Containing an Area of 535 Acres, for Lot No. 421P, Containing an Area of 384± Square Meters, Municipality of Agana, Owned by the Heirs of Rita Mariano Bamba" - does hereby submit its findings and recommendation to the Twenty-Second Guam Legislature "**TO DO PASS**" **Bill No. 659**, as amended by the Committee.

Twenty-Second Guam Legislature

155 Hesler Street
Pacific Arcade
Agana, Guam 96910
Telephone: (671) 472-3407 thru 9
Fax: 477-3161



CARL T. C. GUTIERREZ
Senator

Chairman, Committee
on Ways & Means
Vice-Chairman, Committee
on Rules
Vice-Chairman, Committee
on Tourism & Transportatio

September 29, 1993

The Honorable Edward D. Reyes
Chairman, Committee on Housing,
Community Development
Twenty-Second Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Senator Reyes:

Attached please find documents submitted to my office relevant to the land exchange of the heirs of the Estate of Rita Mariano Bamba, Bill No. 659.

The documents include clearances from the various government agencies regarding the exchange and the appraisal report of Lot No. 421P, Agana, prepared by J.C. Concepcion and Associates on May 21, 1993, appraisal report of Micronesian Appraisal Associates, Inc. of Lot No. 421P, Agana, prepared on June 28, 1993, and appraisal report of Micronesian Appraisal Associates, Inc. of Lot No. 5401-1, Barrigada, prepared June 28, 1993.

Maps are also provided of Lot No. 5401-1, Barrigada, and the location of Lot 421-P is contained in the appraisal report.

Very truly yours,


Carl T. C. Gutierrez

Attachments as indicated above.

REMARKS

By
Daniel J. Tydingco
Member
Chamorro Land Trust Commission

Public Hearing
On
Bill XXx
Legislative Public Hearing Room
Thursday, September 30, 1993

Hafa Adai and good morning Mr. Chairman and Committee Members:

I am appreciative of the opportunity to appear before you today.

On behalf of the Chamorro Land Trust Commission, I am testifying on Bill 660, specifically Section 9 and Bill 659.

First, I want to commend the Chairman and Members for having keen interest in assisting our people with issues centering on land, particularly those who are trying to provide a home for their families.

While the Chamorro Land Trust Commission fully understands and appreciates this effort, we ask the Committee to be ever mindful of what we have been entrusted with overseeing and administering--namely reserved public lands.

IF, HOWEVER, THIS BODY CHOOSES TO BEGIN PLAYING WITH THOSE RESERVED LANDS, WHETHER ON A PIECEMEAL BASIS OR IN LARGE PART, THEN I MUST NOTE TO YOU THAT THE CHAMORRO LAND TRUST COMMISSION WILL BE UNNECESSARY AND USELESS. I WANT TO ADD THAT SOME OF US EXPRESSED DISMAY OVER COMMENTS SUGGESTING "GRANDFATHERING" THOSE WHO HAVE SQUATTED, DO NOT HAVE VALID LEASES, OR ARE IN NON-COMPLIANCE WITH EXISTING LAND PROGRAMS. IF ANY OF THESE ACTIONS TAKE PLACE, THEN I'LL PROBABLY BE THE FIRST TO SUGGEST THAT WE PACK UP AND CLOSE OUR DOORS.

REGARDING SECTION 9 OF BILL 660, THE COMMISSION HAS SOME QUESTIONS ABOUT THE PUBLIC PROPERTY WHICH MR. CRUZ SEEKS TO PURCHASE.

FIRST, WE WOULD LIKE TO VERIFY WHETHER OR NOT THE LAND SOUGHT IS STILL UNDER THE ARRENDU PROGRAM. AS YOU MAY BE AWARE, ALL LANDS UNDER THAT PROGRAM WERE ENTRUSTED TO THE CHAMORRO LAND TRUST COMMISSION. ANY EFFORT TO SELL, LEASE OR EXCHANGE SUCH RESERVED LANDS BY THIS BODY IS CONTRARY TO THE LAWS AND PROVISIONS WHICH ESTABLISHED THE COMMISSION AND LAND TRUST.

SECOND, IT IS MY UNDERSTANDING THAT PROPERTIES LEASED UNDER THE ARRENDU PROGRAM ARE IN ONE ACRE BLOCKS. IF SO, THEN IN THIS INSTANCE, WHAT HAS BECOME OF THE TWENTY-EIGHT HUNDRED ODD SQUARE METERS?

THIRD, IF THE PROPERTY IS UNDER THE ARRENDU PROGRAM, THEN WOULD THE COMMITTEE BACK THE COMMISSION TO ASSIST THOSE AS IN MR. CRUZ'S SITUATION BY ALLOWING THEM TO APPEAR BEFORE THE COMMISSION AND APPLY FOR THE PROPERTY?

MY FELLOW COMMISSION MEMBERS ARE INDEED EAGER TO HELP OUR PEOPLE WITH PROVIDING LAND FOR BUILDING HOMES. AND WE WILL EXTEND A HELPING HAND TO MR. CRUZ AND HIS FAMILY IF NECESSARY. AS WE ARE IN THE PROCESS OF GETTING OUR OFFICE AND PERSONNEL IN ORDER, WE WILL SOON BE OPENING OUR DOORS TO DO JUST THAT.

ON BILL 659, THE COMMISSION WOULD LIKE TO INQUIRE IF THE LAND SOUGHT FOR EXCHANGE IS RESERVED.

BEFORE WE FORMALLY ARTICULATE OUR POSITION ON THESE BILLS, THE COMMISSION IS RESPECTFULLY REQUESTING ANSWERS TO OUR QUESTIONS.

MR. CHAIRMAN AND COMMITTEE MEMBERS, THANK YOU AND DANKULO NA SI YU'US MA'ASE FOR YOUR TIME.



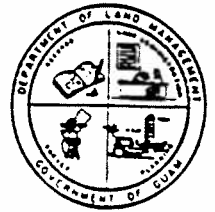
DEPARTMENT OF LAND MANAGEMENT
(DIPATTAMENTON TANO')

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

September 29, 1993

F. L. G. CASTRO
Director

JOAQUIN A. ACFALLE
Deputy Director

The Honorable Edward D. Reyes
Chairman, Committee on Housing
and Community Development
Twenty-Second Guam Legislature
Agana, Guam 96910

Subject: Bill No. 659

Dear Mr. Chairman:

We have no problem supporting the intent particularly when the proposed exchange shall be a value for value basis and as such, we maintain no argument to the exchange.

Sincerely yours,

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



J.C. CONCEPCION & ASSOCIATES

Real Estate Appraisal Services

Suite 212, 194 Hernan Cortes Avenue, Agana, Guam 96910 - Tel (671) 477-6366/7 Fax - (671) 477-6368

May 21, 1993

Frank Castro - Director
Department of Land Management
P.O. Box 2950,
Agana, Guam 96910

RE: Appraisal of
Lot 5401-1,
District of Manigilao, Barrigada, Guam

Dear Mr. Castro,

We have inspected the above property relative to the request for an appraisal, the purpose of which was to estimate its market value. As reported, the subject property is to be used as a basis of a probable exchange with a vacant parcel located in the district of Agana. The method of exchange is on a value-per-value basis.

The subject is located in the district of Mangilao, in the vicinity of the Radio Towers site. It contains a total land area of 120,013 square meters. Parcel is currently vacant/unimproved.

In the valuation process of the property, we looked into its probable value relative to its highest and best use. We studied current land sales, investigated demands and appeal of the area and other essential factors to value. These include the following:

1. Manilao district is in a stable state of activity. New developments are limited to the New Mangilao Golf Course and the typical single family residences scattered along route 15, also known as the Back Road to Adersen Air Force Base.
2. Parcel is within a agricultural zoning area. Property site map submitted shows no forms adverse encroachments. Upon inspection and submitted documents, site appears level in topography.
3. Sales of properties of equal zoning as the subject in municipality were adequately adjusted for all marketable differences to derive at a most probable trend for the subject parcel.

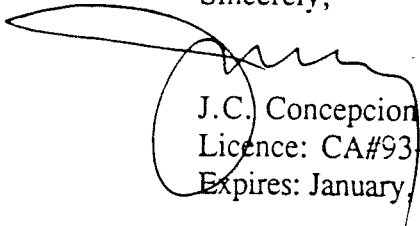
The estimated value derived from the market approach, as of the date of this letter is said to be:

FOUR MILLION TWO HUNDRED THOUSAND FOUR HUNDRED DOLLARS
(\$4,200,400)

Deriving at a per unit value of;

THIRY-FIVE DOLLARS PER SQUARE METER
(\$35.00 / S.M.)

Sincerely,



J.C. Concepcion
Licence: CA#93,007
Expires: January, 1995

APPRAISAL REPORT

of

Lot Number 421P
Municipality of Agana, Guam

PREPARED FOR:

The Department of Land Management
Government of Guam
Agana, Guam

AS OF:

May 21, 1993

PREPARED BY:

J.C. Concepcion and Associates

J.C. Concepcion & Associates
Suite 212, 194 Hernan Cortes Avenue
Agana, Guam 96910

Borrower/Client Bamba, Jose M.G.			
Property Address Lot 421 P			
City Agana	County N/A	State Guam	Zip Code 96910
Lender			

LETTER OF TRANSMITTAL & CERTIFICATIONS

PREPARED FOR: The Department of Land Management
Government of Guam
Agana, Guam 96910

REFERENCE: Market Value Estimates of
Lot 421 P
Agana, Guam 96910

As requested, we have completed an appraisal on the above subject property. The report contains our opinions, along with supporting data relative to the value selected.

Subject property is a vacant parcel of land located within the Latte Stone Park in the district of Agana. It contains 384 square meters of land.

The subject was inspected on April 27, 1993, which is also the effective date of this report.

The value assigned to the property is subject to all limiting conditions and assumptions attached herein, as of the date of this report, was:

ONE HUNDRED EIGHT ONE THOUSAND FIVE HUNDRED DOLLARS
(\$181,500)

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF:

- the statements of fact contained in this report are true and correct.
- the reported analysis, opinions and conditions are only limited by the reported assumptions and limiting conditions and are my personal, unbiased professional analysis, opinions and conclusions.
- I have no present or prospective interest in the property that is the subject of the report and I have no personal interest or bias with respect to the parties involved.
- my compensation is not contingent upon the reporting of a predetermined amount, value or direction in value that favors the cause of the client, the amount of value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- my analysis, opinions and conclusions were developed, this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the subject property that is stated in this report.
- no one provided significant professional assistance to the person signing this report.

J.C. Concepcion
License CA#93-007
Expires 01/31/95