



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OFFICE OF THE SPEAKER

Date: 3.31.95
Time: 10:35 am
Received By: [Signature]
Print Name: LOLA A. BADA

MAR 30 1995

The Honorable Don Parkinson
Speaker
Twenty-Third Guam Legislature
424 West O'Brien Drive
Julale Center - Suite 222
Agana, Guam 96910

Dear Speaker Parkinson:

Enclosed please find Bill No. 63 (LS), "AN ACT TO REPEAL SECTION TWO OF PUBLIC LAW 22-163, RELATIVE TO REPEALING THE EXTENSION OF THAT CERTAIN LEASE BY AND BETWEEN THE GOVERNMENT OF GUAM AND JOHN AND VIRGINIA BOHN", which I have **signed** into law this date as Public Law No. 23-02.

Very truly yours,


Carl T. C. Gutierrez

Enclosure

230329

[Handwritten initials]
3/31/95 330

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 63 (LS), "AN ACT TO REPEAL SECTION TWO OF PUBLIC LAW 22-163, RELATIVE TO REPEALING THE EXTENSION OF THAT CERTAIN LEASE BY AND BETWEEN THE GOVERNMENT OF GUAM AND JOHN AND VIRGINIA BOHN," was on the 17th day of March, 1995, duly and regularly passed.



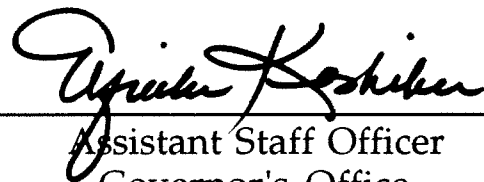
DON PARKINSON
Speaker

Attested:



JUDITH WON PAT-BORJA
Senator and Legislative Secretary

This Act was received by the Governor this 20 day of March,
1995, at 2:40 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 3-30-95

Public Law No. 23-02

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

Bill No. 63 (LS)

Introduced by:

A. L.G. Santos
M. C. Charfauros
V. C. Pangelinan
H. A. Cristobal
D. Parkinson
T. C. Ada
J. P. Aguon
E. Barrett-Anderson
A. C. Blaz
J. S. Brown
F. P. Camacho
M. Forbes
A. C. Lamorena
C. Leon Guerrero
L. Leon Guerrero
T. S. Nelson
S. L. Orsini
J. T. San Agustin
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

AN ACT TO REPEAL SECTION TWO OF PUBLIC LAW
22-163, RELATIVE TO REPEALING THE EXTENSION
OF THAT CERTAIN LEASE BY AND BETWEEN THE
GOVERNMENT OF GUAM AND JOHN AND VIRGINIA
BOHN.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**
2 **Section 1. Legislative Statement.** §2107 of Title 2, Guam Code
3 Annotated, mandates separate consideration of land bills. Section (a) therein

1 states "Every bill authorizing the sale, gift, disposal, transfer, or trade of
2 government of Guam land (hereinafter called 'transfer of land' or 'land
3 transfer'), and every bill authorizing the leasing of any government land for
4 more than two (2) years shall contain only matters reasonably related to one
5 (1) such transaction, and may not be considered with any other transaction or
6 any unrelated matters, unless the particular transaction is a transfer or trade
7 which involves the taking by the government of Guam of more than one
8 privately-owned lot at essentially the same time for the same public purpose
9 and project, in which case the bill may contain all matters related to that
10 transfer or trade. No authorization for such land lease or land transfer may
11 be considered as a "rider" or amendment to another bill, and neither may any
12 unrelated amendment or "rider" be considered by the Legislature on any bill
13 which authorizes the lease or transfer of land."

14 Public Law 22-163, enacted January 18, 1995, contains two unrelated
15 land transactions. The first authorizes the Governor to lease public land to
16 the Doctor's Clinic and the second authorizes the Governor to extend the
17 lease of Agana public land to John A. and Virginia G. Bohn. The original
18 legislative measure, Bill No. 1189, dealt with the Doctor's Clinic solely; thus,
19 the inclusion of the Bohn lease extension to Bill 1189 makes it a "rider",
20 violating the mandate of §2107 of Title 2, Guam Code Annotated.

21 While the merits of the Doctor's Clinic proposed lease of public land
22 was subjected to public hearing and discussion, no such public participation
23 was afforded the Bohn rider. It is the Legislature's intent and objective to
24 follow public mandate and scrutinize the lease extension proposal on its own
25 merits.

1 **Section 2. Section 2 of Public Law 22-163 repealed.** Section 2 of Public
2 Law 22-163, which authorizes the Governor to extend that certain lease of
3 Agana public land to John A. and Virginia G. Bohn, is hereby repealed.

TWENTY-THIRD GUAM LEGISLATURE

1995 (FIRST) Regular Session

6
/

Date: 3/17/95

VOTING SHEET

Bill No. 63

Resolution No. _____

Question: _____

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.				✓
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith	✓			

TOTAL 20 _____ 1 _____



Ufisinan I TaoTao Tano'

Senator Angel L.G. Santos

Chairman, Committee on Community,
Housing, and Cultural Affairs
23rd Guam Legislature

March 14, 1995

Speaker Don Parkinson
Twenty-Third Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Community, Housing, and Cultural Affairs, to which was referred Bill No. 63, hereby reports back to the Legislature with its recommendation **TO DO PASS Bill No. 63, as corrected** - An Act to Repeal Section Two of Public Law 22-163, Relative to Repealing the Extension of That Certain Lease By and Between the Government of Guam and John and Virginia Bohn.

The voting record is as follows:

TO PASS	<u>8</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
INACTIVE FILE	<u>0</u>

The Committee Report and supporting documents are attached.

ANGEL L.G. SANTOS
attachments



Commonwealth Pa'go!



Ufisinan I TaoTao Tano'
Senator Angel L.G. Santos
Chairman, Committee on Community,
Housing, and Cultural Affairs
23rd Guam Legislature

March 14, 1995

MEMORANDUM

TO: Members

FROM: Chairman

SUBJECT: Committee Report on **Bill No. 63, as corrected** - An Act to Repeal Section Two of Public Law 22-163, Relative to Repealing the Extension of That Certain Lease By and Between the Government of Guam and John and Virginia Bohn.

Transmitted herewith for your consideration and action is our Committee Report on the subject matter.

Please indicate your choice on the attached VOTING RECORD and return the documents to my office for transmittal to the other members.

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

Your attention and cooperation in this matter are greatly appreciated.

ANGEL L.G. SANTOS

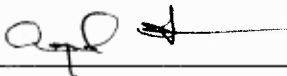
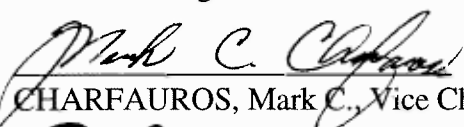



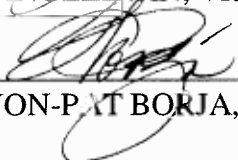

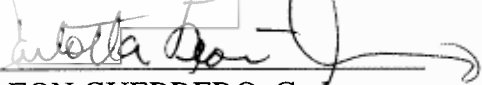
attachments



Commonwealth Pa'go!

COMMITTEE ON COMMUNITY, HOUSING, AND CULTURAL AFFAIRS
23rd Guam Legislature
VOTING RECORD

Bill No. 63, as corrected - An Act to Repeal Section Two of Public Law 22-163, Relative to Repealing the Extension of That Certain Lease By and Between the Government of Guam and John and Virginia Bohn.

	<u>TO</u> <u>PASS</u>	<u>NOT TO</u> <u>PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE</u> <u>FILE</u>
 SANTOS, Angel L.G., Chairman	✓	—	—	—
 CHARFAUROS, Mark C., Vice Chairman	✓	—	—	—
 ADA, Thomas C.	✓	—	—	—
CRISTOBAL, Hope A.	—	—	—	—
 LEON GUERRERO, Lou	✓	—	—	—
NELSON, Ted S.	✓	—	—	—
 PANGELINAN, Vicente C.	✓	—	—	—
 WON-PAT BORJA, Judith	✓	—	—	—
BLAZ, Anthony C.	—	—	—	—
FORBES, Mark	—	—	—	—
  LEON GUERRERO, Carlotta	✓	—	—	—

✓ for reply at!



Commonwealth Pa'go!



COMMITTEE ON COMMUNITY, HOUSING,
AND CULTURAL AFFAIRS
Twenty-Third Guam Legislature



REPORT

on

Bill No. 63, as corrected

An Act to Repeal Section Two of Public Law 22-163, Relative to Repealing the Extension of That Certain Lease By and Between the Government of Guam and John and Virginia Bohn.

March 14, 1995

I. OVERVIEW

The Committee on Community, Housing, and Cultural Affairs conducted a public hearing on March 10, 1995 at 2:00 PM at the Legislative Public Hearing Room, Agana, to receive public input on Bill No. 63, as corrected. Public notice was given in the Pacific Daily News on March 9, 1995.

Committee members present were:

Senator Angel Santos, Chairman

Senator Lou Leon Guerrero Senator Ben Pangelinan

Senator Judith Won Pat-Borja

Joseph Santo Tomas testified in support of the Bill.

II. SUMMARY OF THE HEARING

Joseph Santo Tomas submitted written testimony in emphatic favor of repealing P.L. 22-163, which was, by law, illegal to have been passed anyway.

Chairman Santos, in summation, noted that the 22nd Guam Legislature violated the provisions of Title 2, Guam Code Annotated by allowing consideration of more than one land transaction on one legislative measure. Furthermore, the land under lease to the Bohn's is property which was returned decades ago by the U.S. government to the government of Guam and which was never returned to its rightful owner.

III. FINDINGS AND RECOMMENDATION

§2107 of Title 2, Guam Code Annotated, mandates separate consideration of land bills. Section (a) therein states "Every bill authorizing the sale, gift, disposal, transfer, or trade of government of Guam land (hereinafter called 'transfer of land' or 'land transfer'), and every bill authorizing the leasing of any government land for more than two (2) years shall contain only matters reasonably related to one (1) such transaction, and may not be considered with any other transaction or any unrelated matters, unless the particular transaction is a transfer or trade which involves the taking by the government of Guam of more than one privately-owned lot at essentially the same time for the same public purpose and project, in which case the bill may contain all matters related to that transfer or trade. No authorization for such land lease or land transfer may be considered as a "rider" or amendment to another bill, and neither may any unrelated amendment or "rider" be considered by the Legislature on any bill which authorizes the lease or transfer of land."

Public Law 22-163, enacted January 18, 1995, contains two unrelated land transactions. The first authorizes the Governor to lease public land to the Doctors' Clinic and the second

authorizes the Governor to extend the lease of Agana public land to John A. and Virginia G. Bohn. The original legislative measure, Bill No. 1189, dealt with the Doctors' Clinic solely; thus, the inclusion of the Bohn lease extension to Bill 1189 makes it a "rider", violating the mandate of §2107 of Title 2, Guam Code Annotated.

While the merits of the Doctors' Clinic proposed lease of public land was subjected to public hearing and discussion, no such public participation was afforded the Bohn rider. It is the Legislature's intent and objective to follow public mandate and scrutinize the lease extension proposal on its own merits.

Accordingly, the Committee on Community, Housing, and Cultural Affairs, to which was referred Bill No. 63, as corrected, submits its findings and recommendation to the Twenty-Third Guam Legislature "TO DO PASS" Bill No. 63, as corrected.

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

Bill No. 63
as corrected

Introduced by

A.L.G. Santos *ces*
M.C. Charfauros *mc*
V.C. Pangelinan
H.A. Cristobal *H.A. Cristobal*
D. Parkinson *Don Parkinson*

AN ACT TO REPEAL SECTION TWO OF PUBLIC LAW 22-163, RELATIVE TO REPEALING THE EXTENSION OF THAT CERTAIN LEASE BY AND BETWEEN THE GOVERNMENT OF GUAM AND JOHN AND VIRGINIA BOHN.

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

2 **Section 1. Legislative statement.** §2107 of Title 2, Guam Code Annotated, mandates
3 separate consideration of land bills. Section (a) therein states "Every bill authorizing the
4 sale, gift, disposal, transfer, or trade of government of Guam land (hereinafter called
5 'transfer of land' or 'land transfer'), and every bill authorizing the leasing of any
6 government land for more than two (2) years shall contain only matters reasonably related
7 to one (1) such transaction, and may not be considered with any other transaction or any
8 unrelated matters, unless the particular transaction is a transfer or trade which involves the
9 taking by the government of Guam of more than one privately-owned lot at essentially the
10 same time for the same public purpose and project, in which case the bill may contain all
11 matters related to that transfer or trade. No authorization for such land lease or land
12 transfer may be considered as a "rider" or amendment to another bill, and neither may any
13 unrelated amendment or "rider" be considered by the Legislature on any bill which
14 authorizes the lease or transfer of land."

15 Public Law 22-163, enacted January 18, 1995, contains two unrelated land
16 transactions. The first authorizes the Governor to lease public land to the Doctors' Clinic
17 and the second authorizes the Governor to extend the lease of Agana public land to John
18 A. and Virginia G. Bohn. The original legislative measure, Bill No. 1189, dealt with the

1 Doctors' Clinic solely; thus, the inclusion of the Bohn lease extension to Bill 1189 makes it
2 a "rider", violating the mandate of §2107 of Title 2, Guam Code Annotated.

3 While the merits of the Doctors' Clinic proposed lease of public land was subjected to
4 public hearing and discussion, no such public participation was afforded the Bohn rider. It
5 is the Legislature's intent and objective to follow public mandate and scrutinize the lease
6 extension proposal on its own merits.

7 **Section 2. Section 2 of Public Law 22-163 repealed.** Section 2 of Public Law 22-
8 163, which authorizes the Governor to extend that certain lease of Agana public land by
9 John A. and Virginia G. Bohn, is hereby repealed.

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

Bill No. 165

Introduced by

A.L.G. Santos 

AN ACT TO AUTHORIZE THE GOVERNOR TO SELL THE
UNUSED RIGHT-OF-WAY ABUTTING LOT NO. 8-1, TRACT 139,
MANGILAO, GUAM.

95 HAR - 3 P11 1:30

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

2 **Section 1. Legislative statement.** Judith Paulette Guthertz is the owner of Lot No. 8-
3 2, Tract 139, Mangilao, Guam, otherwise known as "House Number 159, Ministry Road,
4 Mangilao". Her house abuts a documented forty-foot wide government of Guam right-of-
5 way that terminates at a dead-end along the extension of her northern boundary line and
6 the back wall/fence of the University Gardens condominium complex.

7 Ever since Ms. Guthertz acquired Lot 8-1, the dead-end portion of the documented
8 government of Guam right-of-way has been in dire neglect of any kind of maintenance
9 from any government agency. There is no apparent utility line visible of any kind - power,
10 telephone, water or sewer - within the bounds of the extension of the northerly and
11 southerly lines of the documented 40 foot wide right-of-way. In order to prevent the
12 continuation of illegal dumping by some irresponsible persons in this area, Ms. Guthertz
13 has taken it upon herself to regularly clean, maintain and mow the entire dead-end right-of-
14 way area abutting her property line.

15 Ms. Guthertz has requested the Guam Legislature's assistance to purchase the
16 abandoned and documented 40 foot wide dead-end right-of-way in order to properly
17 maintain and beautify the area which surrounds her residence. The Legislature is willing to
18 facilitate sale of this easement which has no apparent current or future utility to the
19 government or to any other residents of the area other than Ms. Guthertz.

1 **Section 2. Sale of government land authorized.** The Governor of Guam is hereby
2 authorized to enter into the following land transaction with Ms. Judith Paulette Guthertz:

3 a) the Governor is authorized to sell at fair market value the unused public right-of-
4 way abutting Lot No. 8-1, Tract 139, Mangilao, Guam;

5 b) the cost of all appraisals, surveys, map preparation or any other costs related to the
6 above land sale shall be paid by Ms. Judith Paulette Guthertz. All surveys and appraisals
7 required for the land sale herein shall be done by registered land surveyor and appraisers
8 and shall be subject to the approval of the Director of Land Management. In conducting
9 the survey, the surveyor shall install permanent concrete monuments at all points.

10 **Section 3. Proceeds of land sale to be deposited in Chamorro Home Loan Fund.**

11 All proceeds from the sale of land authorized in Section 2 above shall be promptly
12 deposited in the Chamorro Land Trust Commission's Chamorro Home Loan Fund.

LEASE OF GROUND

This lease, made and executed this 17th day of June, 1958,

by and between the Government of Guam, hereinafter referred to as the Lessor, and JOHN A. BOHN and VIRGINIA G. BOHN as joint tenants, hereinafter referred to as the Lessee;

WITNESSETH:

WHEREAS, the Lessor is the owner and in possession of that tract of land hereinafter referred to as the Premises and described as follows:

Lot No. 1, Block 5, New Agana, Guam; and

WHEREAS, the premises have been designated by the Territorial Planning Commission and reserved by the Lessor for a post office site; and

WHEREAS, by a lease agreement to be entered into by the United States Post Office Department and the Lessee, the Lessee is to construct a building suitable for a post office and to lease said building to the Department for a term of thirty years from the date of completion of said building with four successive five year options for renewal thereafter also granted to said Post Office Department; and

WHEREAS, in order to effectuate the plan of the Territorial Planning Commission it is necessary that the premises be made available to the Lessee:

NOW, THEREFORE, in consideration of the foregoing:

1. The Lessor hereby leases to the Lessee, the above-described premises to have and to hold for and during a term of fifty (50) years commencing on the 6th day of June, 1958, being the same date as the commencement date of the lease agreement to be entered into by the United States Post Office Department and the Lessee.

2. Lessee agrees to pay to Lessor, as rent for the premises, the sum of Seven Hundred Twenty-Five Dollars (\$725.00) per year,

1/3 34813

APPROVED BY GOVERNMENT OF GUAM (PRINTED)

Government of Guam. The first annual payment shall be made on execution of this agreement, and all subsequent payments on the 8th day of June of each and every succeeding year thereafter.

3. Lessee agrees to construct on the premises herein described, a building suitable for use by the Post Office Department in accordance with plans and specifications approved by the Department at the time and in the manner provided in the lease agreement dated June 6, 1958 between leasee and the Government of the United States.

4. In the event that the United States Post Office Department does not elect to exercise its options, or any of them, for renewal of its lease from lessee hereunder, if the premises and building constructed thereon is re-rented and used for other purposes, the said premises and building may not be used for any purpose to which the Governor of Guam may reasonably object as being offensive or inconsistent with the general land use pattern of the area. Upon the approval of the Governor of any new use of the premises, the annual rent provided in paragraph 1 of this lease shall be increased from seven hundred and twenty-five dollars (\$725.00) to a new annual rental to be computed by adding to the ground rent hereunder an amount which will represent the same proportion of increase as the new rent to be received by lessee bears to the option rental granted to the Post Office Department under the terms of the lease of June 6, 1958 payable in equal annual installments; in any event, the minimum annual rental shall be One Thousand Four Hundred Fifty Dollars (\$1,450.00).

5. It is mutually understood and agreed that upon final termination and expiration of this lease, the premises and all buildings and improvements thereon shall revert to and become the exclusive property of the Government of Guam, lessor herein.

IN WITNESS WHEREOF, the parties hereto have executed this lease in duplicate this 18th day of June, 1958.

GOVERNMENT OF GUAM

APPROVED AS TO FORM:

By: Cristobal C. Duenas
CRISTOBAL C. DUENAS
Director of Land Management

Louis A. Otto, Jr.
LOUIS A. OTTO, JR.
Attorney General

LESSEE

Date: 18 June 58

By: John A. Bohn
JOHN A. BOHN

APPROVED:

Richard Barrett Lowe
RICHARD BARRETT LOWE
Governor of Guam

Virginia G. Bohn
VIRGINIA G. BOHN

Date: JUN 18 1958

ACKNOWLEDGMENT

TERRITORY OF GUAM)
MUNICIPALITY OF AGANA) ss

On this, the 18th day of June, 1958, before me, a Notary Public in and for the Territory of Guam, personally appeared Cristobal C. Duenas, known to me to be the Director of Land Management of the Government of Guam and the person who executed the foregoing instrument on behalf of the Government of Guam, under authority of Section 13520, Government Code of Guam, and acknowledge that the said instrument was executed by the Government of Guam for the purposes stated therein; and John A. Bohn personally known to me, and that he acknowledged said instrument by affixing his signature thereto.

In testimony whereof I have hereunto set my hand and affixed the Great Seal of the Territory of Guam at Agana, Guam, this 18th day of June, 1958.

204

Joseph Jablonski
JOSEPH JABLONSKI
Notary Public in and for
the territory of Guam

My commission expires August 24, 1961. (3)

24613

UNINCORPORATED TERRITORY OF
GUAM, CITY OF NEW AGANA SS

PRESENTATION NO. 34813
ESTATE NO. 10590 (Urban)
RECORD NO. 22nd (Suburban)

This instrument was filed for record
on 7 day of July
19 58 at 11:00 A M. and duly
recorded in Book Forty-four of
Misc. Deeds at page 265
on July 11, 1958
FEE CHARGED: \$ 6.00
PAY IN VOUCHER No. 52/315

[Signature]
Deputy Registrar
of Titles

34813

RECORDED IN THE OFFICE OF THE DEPUTY REGISTRAR OF TITLES

I, LEWIS MORRILL, County Clerk of the County of Solano, State of California (and also Clerk of the Superior Court, the same being a Court of Record of the aforesaid County and State, having by law, a seal), do hereby certify

that Janice Clymo Esq., whose name is subscribed to the attached certificate of acknowledgment, proof or affidavit, was at the time of taking said acknowledgment, proof or affidavit, a Notary Public, duly commissioned and sworn, and residing in said County and was as such, an officer of said State, duly authorized by the laws thereof, to take and certify the same as well as to take and certify the proof and acknowledgment of deeds and other instruments in writing to be recorded in said State, and that full faith and credit are and ought to be given to his official acts; and I further certify that I am well acquainted with his hand writing, and verily believe that the signature to the attached certificate is his genuine signature.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my Official

Seal this 25th day of June 1958

34813 Lewis Morrill, Clerk

By [Signature] Deputy Clerk

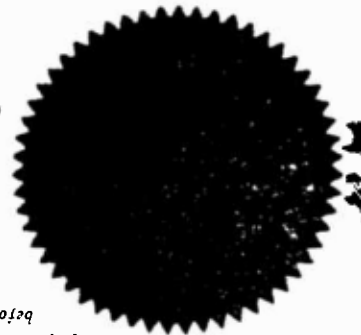
Cowdry's Form No. 36—(Acknowledgment General) (C. C. Sec. 1189)

Notary Public in and for the Solano County of Solano State of California. My Commission Expires 34813

in the Solano County of Solano State of California, on this 25th day of June, 1958, in the year one thousand nine hundred and forty eight

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal and executed the same. I am well acquainted with the handwriting of Janice Clymo and know to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

JANICE CLYMO residing therein, duly commissioned and sworn, personally appeared before me, a Notary Public in and for the SOLANO County of Solano State of California.



STATE OF CALIFORNIA, } ss.
COUNTY OF SOLANO }

NOTARY PUBLIC STATE OF CALIFORNIA

LOT DESCRIPTIONS

R O I

21 MARINE DRIVE			25 ASPINALL Cont'd		
COURSE	BEARING	DISTANCE	COURSE	BEARING	DISTANCE
1 2	S 86° 05' 45" E	28.31m	5 1	N 01° 56' 15" E	15.39m
2 3	ALONG CURVE L= 2.39m R= 1.52m Ch.B. S 45° 12' 57" E C= 2.13m		COORDINATES COR. 1, E 49,945.64m N 50,216.21m AREA = 595.48 SQ. M.		
3 4	S 01° 37' 51" W	19.62m	24 ASPINALL		
4 5	N 88° 22' 09" W	29.62m	COURSE	BEARING	DISTANCE
5 1	N 01° 37' 51" E	21.30m	1 2	S 88° 22' 09" E	30.35m
COORDINATES COR. 1, E 49,986.34m N 50,326.94m AREA = 631.594 SQ. M.			2 3	S 01° 37' 51" W	18.29m
7 MURRAY			3 4	N 88° 22' 09" W	30.45m
COURSE	BEARING	DISTANCE	4 1	N 01° 37' 51" E	18.30m
1 2	S 88° 22' 09" E	29.62m	COORDINATES COR. 1, E 49,944.26m N 50,236.49m AREA = 556.174 SQ. M.		
2 3	S 01° 37' 51" W	18.29m	20 ASPINALL		
3 4	N 88° 22' 09" W	29.62m	COURSE	BEARING	DISTANCE
4 1	N 01° 37' 51" E	18.29m	1 2	S 88° 22' 09" E	30.29m
COORDINATES COR. 1, E 49,985.73m N 50,305.65m AREA = 545.408 SQ. M.			2 3	S 01° 37' 51" W	12.195m
11 MURRAY			3 4	N 88° 22' 09" W	30.35m
COURSE	BEARING	DISTANCE	4 1	N 01° 37' 51" E	12.197m
1 2	S 88° 22' 09" E	29.62m	COORDINATES COR. 1, E 49,944.67m N 50,248.68m AREA = 369.806 SQ. M.		
2 3	S 01° 37' 51" W	17.23m	14 ASPINALL		
3 4	N 87° 44' 00" W	0.56m	COURSE	BEARING	DISTANCE
4 5	N 89° 54' 00" W	29.27m	1 2	S 88° 22' 09" E	30.12m
5 1	N 01° 37' 51" E	18.00m	2 3	S 01° 37' 51" W	31.12m
COORDINATES COR. 1, E 49,985.21m N 50,287.37m AREA = 525.082 SQ. M.			3 4	N 88° 22' 09" W	30.285m
15 MURRAY			4 1	N 01° 37' 51" E	31.14m
COURSE	BEARING	DISTANCE	COORDINATES COR. 1, E 49,945.73m N 50,279.80m AREA = 940.547 SQ. M.		
1 2	S 89° 54' 00" E	29.27m	13 ASPINALL		
2 3	S 87° 44' 00" E	0.56m	COURSE	BEARING	DISTANCE
3 4	S 01° 37' 51" W	22.55m	1 2	S 88° 22' 09" E	29.96m
4 5	N 88° 22' 09" W	29.62m	2 3	S 01° 37' 51" W	25.70m
5 1	N 01° 37' 51" E	21.77m	3 4	N 88° 22' 09" W	30.08m
COORDINATES COR. 1, E 49,984.70m N 50,269.37m AREA = 661.082 SQ. M.			4 1	N 01° 37' 51" E	25.77m
19 MURRAY			COORDINATES COR. 1, E 49,946.52m N 50,305.51m AREA = 714.12 SQ. M.		
COURSE	BEARING	DISTANCE	14 ASPINALL		
1 2	S 88° 22' 09" E	29.62m	COURSE	BEARING	DISTANCE
2 3	S 01° 37' 51" W	30.30m	1 2	S 88° 22' 09" E	29.93m
3 4	N 88° 22' 09" W	29.62m	2 3	S 01° 37' 51" W	18.20m
4 1	N 01° 37' 51" E	30.30m	3 4	N 88° 22' 09" W	29.89m
COORDINATES COR. 1, E 49,984.06m N 50,247.61m AREA = 509.51 SQ. M.			4 1	N 01° 37' 51" E	12.20m
27 MURRAY			COORDINATES COR. 1, E 49,946.94m N 50,315.70m AREA = 888.2 SQ. M.		
COURSE	BEARING	DISTANCE	19 MARINE DRIVE		
1 2	S 88° 22' 09" E	29.62m	COURSE	BEARING	DISTANCE
2 3	S 01° 37' 51" W	28.56m	1 2	ALONG CURVE L= 2.59m R= 1.52m Ch.B. N 46° 56' 15" E C= 2.16m	
3 4	N 88° 22' 09" W	31.16m	2 3	S 88° 09' 45" E	26.34m
4 5	ALONG CURVE L= 21.34m R= 21.34m Ch.B. N 46° 37' 51" E C= 30.18m		3 4	S 01° 37' 51" W	12.40m
5 1	N 01° 37' 51" E	7.22m	4 5	N 88° 22' 09" W	29.89m
COORDINATES COR. 1, E 49,985.21m N 50,217.12m AREA = 945.38 SQ. M.			5 1	N 01° 37' 51" E	11.04m
28 ASPINALL			COORDINATES COR. 1, E 49,947.51m N 50,326.75m AREA = 972.6 SQ. M.		
COURSE	BEARING	DISTANCE			
1 2	S 88° 22' 09" E	30.45m			
2 3	S 01° 37' 51" W	7.19m			
3 4	ALONG CURVE L= 19.15m R= 12.19m Ch.B. S 46° 37' 51" W C= 17.24m				
4 5	N 88° 22' 09" W	16.37m			

Continued next column

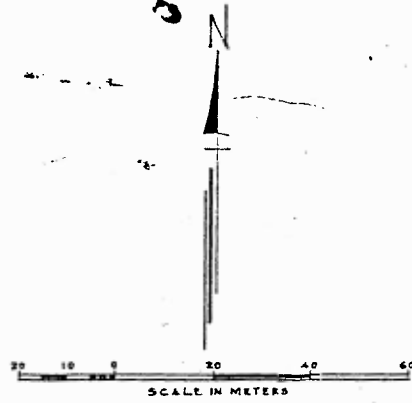
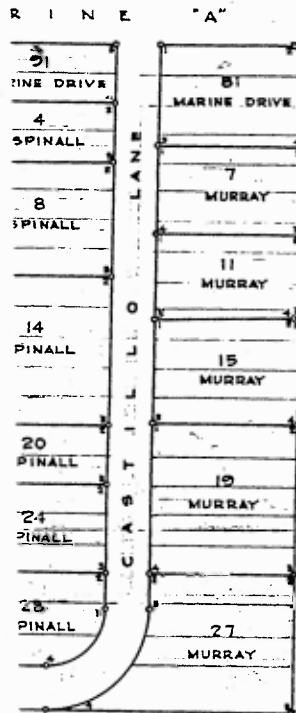
B-313

PLANNED DISTRIBUTION - MINE, CALIFORNIA

PLANNED DISTRIBUTION - MINE, CALIFORNIA

SPINALL AVENUE WEST

No. 1 (MARINE DRIVE)



SYMBOLS:
 [Symbol] CONCL. MONUMENT FOUND
 [Symbol] MON. PIN FOUND

NOTES:
 1. SURVEY WAS BASED ON A.C.C. 100 VALUE
 2. REFERENCE MAP P-371 (L.M. NO. 6-B)

CERTIFICATE OF SURVEYOR
 I, THE UNDERSIGNED, AS TERRITORIAL SURVEYOR COMPLETED THE SURVEY OF THE LAND SHOWN ON THIS PLAT, THAT THE SAID PLAT IS A CORRECT REPRESENTATION OF THE LAND THEREIN DESCRIBED AND PLATTED; THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN PLACED THEREON AND THAT SAID LAND IS LOCATED IN THE MUNICIPAL DISTRICT OF AGANA, TERRITORY OF GUAM.

ACTIVE TERRITORIAL SURVEYOR

REVISION	DATE	DESCRIPTION	BY	APPROVED
DESIGN	6/21			
FIELD				
COMPUTED	6/21/66			
DRAWN	6/21/66			
TRACED	6/21/66			
SURV.	6/21/66			
FIELD SUPV.	6/21/66			
CHECKED	6/21/66			
DATE	6-21-66			
SCALE	1" = 20 METERS			
APPROVED	6-21-66			

GOVERNMENT OF GUAM
 DEPARTMENT OF LAND MANAGEMENT
 LAND SURVEY DIVISION

PROPERTY MAP
CITY OF AGANA
 TERRITORY OF GUAM
 LAND 50, 13, SECTION 3

APPROVED: [Signature] DIRECTOR OF LAND MANAGEMENT
 L.M. DRAWING NO. B4-661-03
 Sheet 2 of 2

DC # 077480

**FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

BMR-F7

Bill No. 63 Date Received 3/16/95
 Amendatory Bill? YES NO Date Reviewed 3/16/95

Department/Agency Affected: CHAMORRU LAND TRUST COMMISSION
 Department/Agency Head: Joe Boria
 Total FY Appropriation to Date: \$432,000

Bill Title (preamble) : An act to repeal section two of Public Law 22-163, relative to repealing the extension of that certain lease by and between the Government of Guam and John and Virginia Bohn.

Change in Law: _____

Bill's Impact on Present Program Funding:
 ___ Increase ___ Decrease ___ Reallocation X No Change

Bill is for: ___ Operations ___ Capital Improvement X Other (Land Lease)

FINANCIAL/PROGRAM IMPACT

PROGRAM CATEGORY	ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)		TOTAL
	GENERAL FUND	OTHER	
	- 0 -		- 0 -

FUND	ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)					TOTAL
	1st	2nd	3rd	4th	5th	
GENERAL FUND	See attached comments					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO-IF NO, ADD'L AMOUNT REQUIRED \$ N/A
 AGENCY/PERSON/DATE CONTACTED: Bureau of Planning / Lola Leon Guerrero / 3/16/95

FUND	ESTIMATED POTENTIAL MULTI-YEAR REVENUES					TOTAL
	1st	2nd	3rd	4th	5th	
GENERAL FUND	See attached comments					
OTHER						
TOTAL						

ANALYST J. RIVERA DATE 3/16/95 DIRECTOR Joseph E. Rivera DATE MAR 16 1995

FOOTNOTES:

Comments on Bill No. 63

The lease extension of Agana Lot 1, Block 5 articulated in P.L. 22-163 would commence on June 18, 2008 or thirteen years from hence. Bill 63 proposes to repeal such an extension of lease. Any transaction regarding the use of Government land, would have a fiscal impact, however, since the Government is locked into the lease for still thirteen years, a dollar amount of such future impact cannot be determined at this time.

Joseph E. Rivera

JOSEPH E. RIVERA
Acting

JER

To: Chairman, Committee on Housing & Cultural Affairs
From: Joseph Santo Tomas

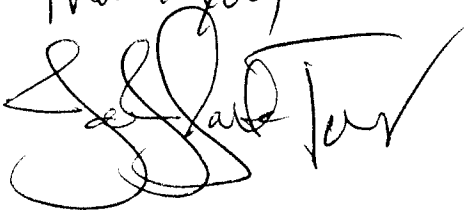
111 Linda Way Tamuning

H 646-5346



W 477-5700

I will testify in emphatic favor of a
repeal of PL 22-163, which was, by law,
illegal to have been passed anyway.

Thank you,



3-10-94


SENATOR DON PARKINSON

 424 W. O'Brien Drive - Julale Center 222
 AGANA, GUAM 96910
 22ND GUAM LEGISLATURE

MAJORITY LEADER and CHAIRPERSON, COMMITTEE ON ELECTRICAL POWER AND CONSUMER PROTECTION

December 19, 1994

RECEIVED
 OFFICE OF THE SPEAKER
 DATE: 12-19-94
 TIME: 8:10am
 RECD BY: [Signature]

Speaker Joe T. San Agustin
 Speaker, 22nd Guam Legislature
 Agana, Guam

Dear Speaker San Agustin:

As you know, bill 1189 passed the Legislature last week, but has not been transmitted to the Governor. Because of irregularities in the bill and its "passage", I am requesting that it not be transmitted to the Governor.

It appears the bill was illegally passed by the Guam Legislature, in violation of Section 2107 of title 2, Guam Code Annotated, a copy of which is attached. Section 2107 prohibits land leases or transfers from being considered by the legislature as riders to unrelated matters. Clearly, bill 1189 violates section 2 GCA 2107.

In addition to the procedural illegality of bill 1189, I am requesting this unusual action for two additional reasons. The first and most obvious reason is that extending the Bohn lease of Government of Guam land in Agana where the post office is sitting for another fifty years serves no conceivable public purpose. If Mr. Bohn wants to build an office building, that is commendable; however he should lease or purchase privately owned land just like any other developer. To give him government land for his building is unfair to all the other developers who have to go out into the private marketplace to purchase or lease land for their projects.

An additional important concern is Section 1 of Bill 1189, permitting the Governor to begin negotiations for a lease of Government land for use as a regional medical campus. This section is extremely important to improve medical care on Guam. It is an example of how the Government and the private sector can work together to improve peoples life on Guam. However, the inclusion by Senator Nelson of the Bohn lease rider on the bill could throw the legality of the negotiations on the Medical Campus into disarray because of the apparent violation of 2 GCA 2107. We cannot permit this to happen.

For these reasons, I propose that you not transmit bill 1189 to the Governor, and that either bill 1189 be taken back to 2nd reading to be corrected, or that a new, clean bill be introduced containing only Section 1 of Bill 1189, for passage at the first possible opportunity.

Sincerely,


 Senator Don Parkinson

220905

Commonwealth Now!



Ufisinan I TaoTao Tano'
Senator Angel L.G. Santos

Chairman, Committee on Community,
 Housing, and Cultural Affairs
 23rd Guam Legislature

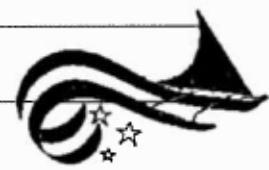
WITNESS SIGN-IN SHEET
 Public Hearing

Bill No. 63, as corrected

An Act to Repeal Section Two of Public Law 22-163, Relative to Repealing the Extension of that Certain Lease by and Between the Government of Guam and John and Virginia Bohn; by Senators A. L.G. Santos, M.C. Charfauros, V.C. Pangelinan, H.A. Cristobal, D. Parkinson.

Friday, March 10, 1995
2:00 PM
Public Hearing Room
Guam Legislature, Agana

NAME (please print)	ORGANIZATION	ORAL/WRITTEN	FOR/AGAINST
<i>BILL AFAISEN</i>	<i>SELF</i>	<i>ORAL</i>	<i>FOR</i>
<i>Joseph Santos Tomas</i>	<i>SELF</i>	<i>WRITTEN</i>	



Commonwealth Pa'go!

NOTICE OF PUBLIC HEARING

Committee on Community, Housing & Cultural
Affairs

Senator Angel L.G. Santos, Chairman

23rd Guam Legislature

Friday, March 10, 1995, 2:00 PM

Legislative Public Hearing Room

155 Hesler St., Agana

AGENDA

Bill No. 63, as corrected - An Act to Repeal Section Two of Public Law 22-163, Relative to Repealing the Extension of that Certain Lease by and Between the Government of Guam and John and Virginia Bohn; by Senators . L.G. Santos, M.C. Charfauros, V.C. Pangelinan, H.A. Cristobal, D. Parkinson.

Bill No. 158 - An Act to Repeal Section 12 of Public Law 22-72 Which Rezoned Lot No. 1, Block No. 1, Tract 152, Sinajana, from R1 (One-Family Dwelling) to R2 (Multiple Dwelling); by A. L.G. Santos.

Bill No. 165 - An Act to Authorize the Governor to Sell the Unused Right-of-Way Abutting Lot No. 8-1, Tract 139, Mangilao, Guam; by A. L.G. Santos



The Public is Invited to Participate

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

Introduced

MAR 13 1995

Bill No. 63 (LS)
as corrected

Introduced by

A.L.G. Santos *ces*

M.C. Charfauro *mc*

V.C. Pangelinan

H.A. Cristobal *H.A. Cristobal*

D. Parkinson *D. Parkinson*

AN ACT TO REPEAL SECTION TWO OF PUBLIC LAW 22-163, RELATIVE TO REPEALING THE EXTENSION OF THAT CERTAIN LEASE BY AND BETWEEN THE GOVERNMENT OF GUAM AND JOHN AND VIRGINIA BOHN.

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

2 **Section 1. Legislative statement.** §2107 of Title 2, Guam Code Annotated, mandates
3 separate consideration of land bills. Section (a) therein states "Every bill authorizing the
4 sale, gift, disposal, transfer, or trade of government of Guam land (hereinafter called
5 'transfer of land' or 'land transfer'), and every bill authorizing the leasing of any
6 government land for more than two (2) years shall contain only matters reasonably related
7 to one (1) such transaction, and may not be considered with any other transaction or any
8 unrelated matters, unless the particular transaction is a transfer or trade which involves the
9 taking by the government of Guam of more than one privately-owned lot at essentially the
10 same time for the same public purpose and project, in which case the bill may contain all
11 matters related to that transfer or trade. No authorization for such land lease or land
12 transfer may be considered as a "rider" or amendment to another bill, and neither may any
13 unrelated amendment or "rider" be considered by the Legislature on any bill which
14 authorizes the lease or transfer of land."

15 Public Law 22-163, enacted January 18, 1995, contains two unrelated land
16 transactions. The first authorizes the Governor to lease public land to the Doctors' Clinic
17 and the second authorizes the Governor to extend the lease of Agana public land to John
18 A. and Virginia G. Bohn. The original legislative measure, Bill No. 1189, dealt with the

1 Doctors' Clinic solely; thus, the inclusion of the Bohn lease extension to Bill 1189 makes it
2 a "rider", violating the mandate of §2107 of Title 2, Guam Code Annotated.

3 While the merits of the Doctors' Clinic proposed lease of public land was subjected to
4 public hearing and discussion, no such public participation was afforded the Bohn rider. It
5 is the Legislature's intent and objective to follow public mandate and scrutinize the lease
6 extension proposal on its own merits.

7 **Section 2. Section 2 of Public Law 22-163 repealed.** Section 2 of Public Law 22-
8 163, which authorizes the Governor to extend that certain lease of Agana public land by
9 John A. and Virginia G. Bohn, is hereby repealed.