



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

REFERRED TO
LEGISLATIVE SECRETARY

RECEIVED BY: [Signature]
Date & Time: 4/19/95 4:03
PRINT NAME: [Signature]

APR 18 1995

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

OFFICE OF THE SPEAKER
Date: 4-19-95
Time: 10:55 A.M.
Received By: [Signature]
Print Name: ALICIA GUZMAN

Dear Speaker Parkinson:

Enclosed please find Bill No. 158 (LS), "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)," which was overridden by the Twenty-Third Guam Legislature notwithstanding my objections on April 7, 1995.

Bill No. 158 (LS) is now **Public Law 23-04**.

Very truly yours,

[Signature]
Carl T. C. Gutierrez

Attachment
230357

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 158 (LS), "AN ACT TO REPEAL SECTION 12 OF PUBLIC LAW 22-72 WHICH REZONED LOT NO. 1, BLOCK NO. 1, TRACT 152, SINAJAÑA, FROM R1 (ONE-FAMILY DWELLING) TO R2 (MULTIPLE DWELLING)," returned to the Legislature without approval of the Governor, was reconsidered by the Legislature and after such reconsideration, the Legislature did, on the 7th day of April, 1995, agree to pass said bill notwithstanding the objection of the Governor by a vote of two-thirds or more of all the members thereof, to wit; by a vote of twenty-one (21) members.



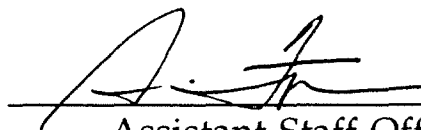
DON PARKINSON
Speaker

Attested:



JUDITH WON PAT-BORJA
Senator and Legislative Secretary

This Act was received by the Governor this 17th day of April,
1995, at 11:35 o'clock A.M.



Assistant Staff Officer
Governor's Office

APPROVED:

CARL T. C. GUTIERREZ
Governor of Guam

Date: April 18, 1995

Public Law No. 23-04

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

Bill No. 158 (LS)

Introduced by:

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

AN ACT TO REPEAL SECTION 12 OF PUBLIC LAW 22-72
WHICH REZONED LOT NO. 1, BLOCK NO. 1, TRACT
152, SINAJAÑA, FROM R1 (ONE-FAMILY DWELLING)
TO R2 (MULTIPLE DWELLING).

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**
2 **Section 1. Legislative statement.** Marcelo and Adela Carlos, the
3 owners of Lot No. 1, Block No. 1, Tract 152, Sinajaña, requested the Twenty-
4 Second Guam Legislature to rezone said property from R1 to R2 so they could
5 build a four-unit apartment. A legislative bill for that purpose was

1 introduced (Bill 537) and it was publicly heard by the Committee on Housing
2 and Community Development on November 29,1993. Notice to the public
3 was published in the Pacific Daily News on November 27, 1993. The
4 Committee advised Mr. Carlos to seek the support of his neighbors and the
5 Agaña Heights Municipal Planning Council (MPC). He indicated that he had
6 spoken to the Mayor and had yet to be placed on the Council's agenda but he
7 would follow-up. The Committee reported out the Bill on December 10, 1993.
8 It was passed by the Legislature and signed by the Governor as part of Public
9 Law 22-72. Mr. Carlos secured a building permit on December 30, 1994. The
10 permit authorizes construction of a six-unit, not a four-unit, apartment.
11 Having begun construction, the landowner is now being challenged by the
12 Mayor, the MPC and surrounding neighbors to stop.

13 The Legislature is aware that Bill 537 was duly heard with no objections
14 and that Mr. Carlos has already expended resources for his project. But had
15 he communicated with the MPC, he would have been advised of the
16 inadequate infrastructure, which results in low water pressure already, and
17 the lack of sewer lines in the area. In addition, his failure to communicate
18 with his neighbors and the Agaña Heights Municipal Council and the fact
19 that the apartment under construction will have six, not four, units are
20 actions which are misrepresentations to the Legislature. The Legislature thus
21 finds that rezoning of Mr. Carlos' property from R1 to R2 should be repealed.

22 **Section 2. Repeal of Section 12, P. L. 22-72.** Section 12 of Public Law
23 22-72 is hereby repealed in its entirety.
24

TWENTY-THIRD GUAM LEGISLATURE

1995 (FIRST) Regular Session

Date: 4/7/95

VOTING SHEET

Bill No. VB 158

Resolution No. _____

Question: Shall VB 158 be enacted into law, not

| 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 | ✓ | | | |

withholding the signature of Governor?

TOTAL

21 _____

05/11/95
4/7/95
23-04



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OFFICE OF THE SPEAKER

Date: 3.31.95

Time: 4:08 pm

Received By: [Signature]

Print Name: LOLA P. BAZA

MAR 31 1995

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

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT

Received By: ACE

Time: 10:40 A.M.

Date: 4-3-95

Dear Speaker Parkinson:

Enclosed please find Bill No. 158 (LS), "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)," which I have **VETOED** in its entirety.

Public Law 22-72 rezoned Lot No. 1, Block No. 1, Tract 152, Subdivision of Lot No. 3354, "Villa Cotla", Paasan, Sinajana, Estate No. 14175, owned by Marcelo S. Carlos and Adela Carlos, from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

The owners of this lot obtained a building permit in good faith, based on the zoning authorized for their lot. In reliance upon the zoning and the building permit, the owners invested in construction, as provided by law, upon the lot. The government cannot now pull the rug from underneath citizens who have proceeded within their legal rights.

Very truly yours,

[Signature]
Carl T. C. Gutierrez

Enclosure

230333

TWENTY-THIRD GUAM LEGISLATURE

1995 (FIRST) Regular Session

6

Date: 3/17/95

VOTING SHEET

Bill No. 158
 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. 1 | ✓ | | | |
| BROWN, Joanne S. | ✓ | | | |
| CAMACHO, Felix P. 11 | | ✓ | | |
| CHARFAUROS, Mark C | ✓ | | | |
| CRISTOBAL, Hope A. 11 | | ✓ | | |
| FORBES, MARK 1 | ✓ | | | |
| LAMORENA, Alberto C., V 1 | ✓ | | | |
| LEON GUERRERO, Carlotta | ✓ | | | |
| LEON GUERRERO, Lou | ✓ | | | |
| NELSON, Ted S. | ✓ | | | |
| ORSINI, Sonny L. 1 | ✓ | | | |
| PANGELINAN, Vicente C | ✓ | | | |
| PARKINSON, Don | ✓ | | | |
| SAN AGUSTIN, Joe T. | | ✓ | | |
| SANTOS, Angel L. G. | ✓ | | | |
| SANTOS, Francis E. | ✓ | | | |
| UNPINGCO, Antonio R. | ✓ | | | |
| WONPAT-BORJA, Judith | ✓ | | | |

TOTAL 17 3 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. 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), hereby reports back to the Legislature with its recommendation **TO DO PASS Bill No. 158.**

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. 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).

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

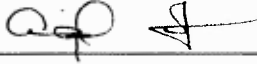

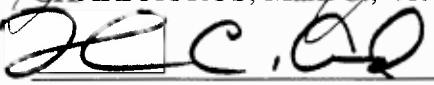
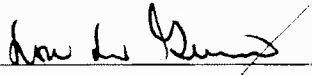
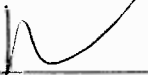


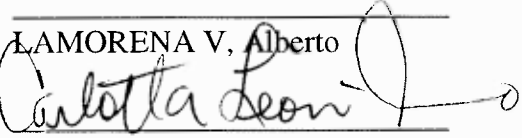
attachments

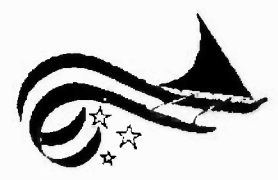


Commonwealth Pa'go!

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

Bill No. 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)

| | <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 | | | | |
| LAMORENA V, Alberto  LEON GUERRERO, Carlotta | ✓ | | | |



Commonwealth Pa'go!



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



REPORT

on

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)

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. 158. Public notice was given in the Pacific Daily News on March 9, 1995.

Committee members present were:

Senator Angel Santos, Chairman

Senator Tom Ada

Senator Ben Pangelinan

Senator Judith Won Pat-Borja

Signed up to testify in favor of the Bill were:

Toni Sanford

John U. Pangelinan

Dolores P. Field

Carmelita P. Castro

June Q. Pangelinan

John F. McDonald

Juan E. Garcia

Jay D. Antenor Cruz

Ronald Maanao

Dorinador Javanile

Bill Afaisen

Vincent R. Flores

Frances Cruz

Harold B. Field

Romy Mielat

Mayor Paul McDonald

Dolores Pangelinan

Gian Tenorio

II. SUMMARY OF THE HEARING

The Agana Heights residents who testified generally stated that they wanted the Legislatur to repeal rezoning of Lot 1, Block 1, Tract 152, Sinajana, really Agana Heights from R1 to R2. Infrastructure is badly in need of upgrading and, while expansion of the sewer line is a planned improvement, they are not sure when upgrading would occur. Meanwhile, low water pressure and over-used sewer lines result in dangerous sewage flows through people's front yard and coordination within the affected families of when to shower and wash.

The additional residents to be added to their area by the existence of an apartment on the rezoned property would damage the basically close knit of families residing in the surrounding area.

III. FINDINGS AND RECOMMENDATION

Marcelo and Adela Carlos, the owners of Lot No. 1, Block No. 1, Tract 152, Sinajana, requested the Twenty-Second Guam Legislature to rezone said property from R1 to R2 so they could build a four-unit apartment. A legislative bill for that purpose was introduced (Bill 537) and it was publicly heard by the Committee on Housing and Community Development on November 29, 1993. Notice to the public was published in the Pacific

Daily News on November 27, 1993. The Committee advised Mr. Carlos to seek the support of his neighbors and the Agana Heights Municipal Planning Council (MPC). He indicated that he had spoken to the Mayor and had yet to be placed on the Council's agenda but he would follow-up. The Committee reported out the Bill on December 10, 1993. It was passed by the Legislature and signed by the Governor as part of Public Law 22-72. Mr. Carlos secured a building permit on December 30, 1994. The permit authorizes construction of a six-unit, not a four-unit, apartment. Having begun construction, the landowner is now being challenged by the Mayor, the MPC and surrounding neighbors to stop.

The Legislature is aware that Bill 537 was duly heard with no objections and that Mr. Carlos has already expended resources for his project. But had he communicated with the MPC, he would have been advised of the inadequate infrastructure, which results in low water pressure already, and the lack of sewer lines in the area. In addition, his failure to communicate with his neighbors and the Agana Heights Municipal Council and the fact that the apartment under construction will have six, not four, units are actions which are misrepresentations to the Legislature. The Legislature thus finds that rezoning of Mr. Carlos' property from R1 to R2 should be repealed.

Accordingly, the Committee on Community, Housing, and Cultural Affairs, to which was referred Bill No. 158, submits its findings and recommendation to the Twenty-Third Guam Legislature "TO DO PASS" 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).

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

Bill No. 158

95 FEB 23 PM 4:37

Introduced by

A.L.G. Santos 

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).

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

2 **Section 1. Legislative statement.** Marcelo and Adela Carlos, the owners of Lot No. 1,
3 Block No. 1, Tract 152, Sinajana, requested the Twenty-Second Guam Legislature to
4 rezone said property from R1 to R2 so they could build a four-unit apartment. A legislative
5 bill for that purpose was introduced (Bill 537) and it was publicly heard by the Committee
6 on Housing and Community Development on November 29, 1993. Notice to the public
7 was published in the Pacific Daily News on November 27, 1993. The Committee advised
8 Mr. Carlos to seek the support of his neighbors and the Agana Heights Municipal Planning
9 Council (MPC). He indicated that he had spoken to the Mayor and had yet to be placed on
10 the Council's agenda but he would follow-up. The Committee reported out the Bill on
11 December 10, 1993. It was passed by the Legislature and signed by the Governor as part of
12 Public Law 22-72. Mr. Carlos secured a building permit on December 30, 1994. The
13 permit authorizes construction of a six-unit, not a four-unit, apartment. Having begun
14 construction, the landowner is now being challenged by the Mayor, the MPC and
15 surrounding neighbors to stop.

16 The Legislature is aware that Bill 537 was duly heard with no objections and that Mr.
17 Carlos has already expended resources for his project. But had he communicated with the
18 MPC, he would have been advised of the inadequate infrastructure, which results in low

1. water pressure already, and the lack of sewer lines in the area. In addition, his failure to
2. communicate with his neighbors and the Agana Heights Municipal Council and the fact
3. that the apartment under construction will have six, not four, units are actions which are
4. misrepresentations to the Legislature. ~~The Legislature thus finds that rezoning of Mr.~~
5. Carlos' property from R1 to R2 should be repealed.

6. **Section 2. Repeal of Section 12, P.L. 22-72.** Section 12 of Public Law 22-72 is
7. hereby repealed in its entirety.



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. 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 Senator A. L.G. Santos.

Friday, March 10, 1995

2:00 PM

Public Hearing Room

Guam Legislature, Agaña

| NAME (please print) | ORGANIZATION | ORAL/WITTEN | FOR/AGAINST |
|-----------------------------|--------------|----------------|-------------|
| ✓ <u>TONI SANFORD</u> | <u>SELF</u> | <u>ORAL</u> | <u>FOR</u> |
| ✓ <u>JOHN U. PANGELINAN</u> | <u>SELF</u> | <u>ORAL</u> | <u>FOR</u> |
| ✓ <u>Dolores P. Field</u> | <u>SELF</u> | <u>ORAL</u> | <u>FOR</u> |
| <u>CARMELITA P. CASTRO</u> | <u>SELF</u> | <u>ORAL</u> | <u>FOR</u> |
| <u>June B. Pangelinan</u> | <u>SELF</u> | <u>WRITTEN</u> | <u>FOR</u> |
| <u>John F. McDonald</u> | <u>SELF</u> | | <u>For</u> |
| ✓ <u>JUAN E. BARCHA</u> | <u>Self</u> | <u>ORAL</u> | <u>For</u> |
| <u>Jay v. Antenor Cruz</u> | <u>Self</u> | <u>Oral</u> | <u>For</u> |
| <u>Arnold Añonco</u> | <u>Self</u> | <u>oral</u> | <u>For</u> |
| <u>Dominador Sananilo</u> | <u>Self</u> | <u>Oral</u> | <u>For</u> |
| <u>BILL AARSEN</u> | <u>SELF</u> | <u>ORAL</u> | <u>FOR</u> |
| <u>VINCENT R. FLORES</u> | <u>SELF</u> | <u>ORAL</u> | <u>FOR</u> |



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



Office of the Attorney General
Territory of Guam

Phone: (671) 475-3324
Telefax: (671) 472-2493

Donald L. Pallette
Chief Deputy Attorney General

TELEFAX COVERSHEET

DATE & TIME: February 13, 1995
FROM: Armin E. Holloway, Sr., Agaña Hk

TO: Tom Okada
Governor's Office

TITLE OF DOCUMENT:
Copy of letter to:
Paul M. McDonald, Mayor of Agaña Hk

FAX #: 477-6666

OF PAGES: 3
(including telefax coversheet)

COMMENTS:
BY: Armin E. Holloway
RCA/ITE





Calvin E. Holloway, Sr.
Attorney General, Acting

**Office of the Attorney General
Territory of Guam**

Phone: (671) 475-3324
Telefax: (671) 472-2403

February 9, 1995

The Honorable Paul M. McDonald
Mayor
Municipality of Agana Heights
C/O Mayors' Council of Guam
P.O. Box 786
Agana, Guam 96910

Re: Letter Requesting Assistance To Void Legislative Action

Dear Mayor McDonald:

Hafa Adai!

This is to acknowledge receipt of your letter dated January 27, 1995, requesting our assistance to obtain a court injunction. Our staff reviewed your request and determined that we do not have any purview over this matter.

The action you seek can be achieved by approaching the legislature to repeal the statute which permitted the rezoning of the properties in question. You indicated that the property in question is privately owned. Those land owners affected by the rezoning have the right to seek an injunction for whatever reasons that are legally feasible. They might consult with a private attorney for legal advice on this matter.



Commonwealth Now!

Letter to Mayor McDonald
February 9, 1995
Page -2-


We appreciate your concerns; however, the legislature is the only branch of government that can repeal the law. The court upon a proper showing might grant some type of relief.

We regret our response is not favorable.

With thanks in anticipation of your consideration and understanding.

Dangkulo' Na Si Yu'os Ma'ase'.

Sincerely,

A handwritten signature in black ink, consisting of two large, overlapping loops followed by a long horizontal stroke that tapers to the right.

CALVIN E. HOLLOWAY, SR.
Attorney General, Acting

We, residents and property owners in Agana Heights hereby petition the Governor and the Twenty-Third Guam Legislature to repeal P.L. 22-72, the statute which permitted the rezoning of the property owned by Marcelo S. Carlos and Adela Carlos. Misleading if not fraudulent information was provided during the application stage with the Twenty-Second Guam Legislature, and as a result the rezoning request was approved.

We, the undersigned demand your attention to serve our interest to repeal P.L. 22-72.

PRINT AND SIGN

- | | |
|---|--|
| 1) <u>JOHN U. PANGELINAN</u> <u>[Signature]</u> | 11) <u>Catherine N. McDonald</u> <u>Catherine N. McDonald</u> |
| 2) <u>ANTHONY B. DELGADO</u> <u>[Signature]</u> | 12) <u>JOSEPH A. CRUZ</u> <u>Joseph A. Cruz</u> |
| 3) <u>FRANKLIN NINETE</u> <u>[Signature]</u> | 13) <u>Lina B. Cruz</u> <u>[Signature]</u> |
| 4) <u>MARLENE CARBULLIDO</u> <u>Marlene Carbullido</u> | 14) <u>Florence C. Martinez</u> <u>[Signature]</u> |
| 5) <u>CLAIRE M. MENDO</u> <u>Claire M. Mendo</u> | 15) <u>MONICA E.B. DELGADO</u> <u>[Signature]</u> |
| 6) <u>JUAN E. GARCIA</u> <u>[Signature]</u> | 16) <u>JOHN CAMACHO</u> <u>[Signature]</u> |
| 7) <u>Patricia E. McDonald-Lizama</u> <u>Patricia E. McDonald-Lizama</u> | 17) <u>ROLAND P. CUASITO</u> <u>[Signature]</u> |
| 8) <u>Lucia G. McDonald</u> <u>Lucia G. McDonald</u> | 18) <u>ANNE G. CUASITO</u> <u>Anne G. Cuasito</u> |
| 9) <u>PAUL A CARBULLIDO</u> <u>[Signature]</u> | 19) <u>ALFREDA P. Cuasito</u> <u>Alfreda P. Cuasito</u> |
| 10) <u>Charles H. McDonald</u> <u>Charles H. McDonald</u> | 20) <u>Tai Fong Choy</u> <u>TAI FONG CHOY</u> |

21) HAROLD B. FIELD

Harold B. Field

22) Dolores P. Field

Dolores P. Field

23) John F. McDonald

John F. McDonald

24) June B. Pangelinan

June B. Pangelinan

25) Gian C. Tenorio

Gian C. Tenorio

26) Jesus S. Delgado

Jesus S. Delgado

27) Sylvia P. Delgado

Sylvia P. Delgado

28) Pedro F. Urtalaw

Pedro F. Urtalaw

29) ANTOINETTE D. SANFORD

Antoinette D. Sanford

30) CARMELITA P. CASTRO

Carmelita P. Castro

31) GERIANNE U. PANGELINAN

Gerianne U. Pangelinan

32) William C. Reyes

William C. Reyes

33) FRANCISCO S. DELGADO

Francisco S. Delgado

34) JOSEPH U. PANGELINAN

Joseph U. Pangelinan

35) DOLORES M. PANGELINAN

Dolores M. Pangelinan

36) JUAN L. PANGELINAN

Juan L. Pangelinan

37) FRANK M. RAMOS

Frank M. Ramos

38) JESUS M. MANIBUSAN

Jesus M. Manibusan

39) MICHAEL V. DELGADO

Michael V. Delgado

40) RICK NAPUTI

Rick Naputi

41) MELANCOLLEEN M.R. CAMACHO

Melancolleen M.R. Camacho

42) REBECCA S. REYES

Rebecca S. Reyes

43) WILFRED C. REYES

Wilfred C. Reyes

44) DAVID P. AGUON

David P. Aguon

45) ROSALIE AGUON

Rosalie Aguon

46) KENNETH J.V. AGUON

Kenneth J.V. Aguon

47) LOLA U. HOGAN

Lola U. Hogan

48) ~~OK Williams~~

OK Williams

49) EVA M.S. CAORERA

Eva M.S. Caorera

50) JOSEPH C. GARCIA

Joseph C. Garcia

51) PAUL M. McDONALD

Paul M. McDonald

52) DENNIS A. CALVO

Dennis A. Calvo

53) DORIS EGERAN

Doris Egeran

54) ELEN CRUZ

Elen Cruz

55) MELVIN T. CALIZO

Melvin T. Calizo

56) VICENTE ZUMALACETA

Vicente Zumalaceta

57) LORIANNE U. FLORES

Lorianne U. Flores

58) ARNOLD MAANAO

Arnold Maanao

59) MILLIE LUJAN

Millie Lujan

60) WILLIAM J.C. AFANSEN

William J.C. Afansen

61) PAUL MUNOZ

Paul Munoz

62) ROY CRUZ

Roy Cruz

63) CARL E. AFANSEN

Carl E. Afansen

64) KENNETH AFANSEN

Kenneth Afansen

65) DAVID C. WFAISEN

David C. Wfaisen

66) DENISE N. BIGTAS

Denise N. Bigtas

67) NOREEN G. TORRES

Noreen G. Torres

68)

69)

70)

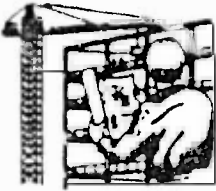
71)

72)



POST PERMIT OR COPY ON A CONSPICUOSE PLACE

BUILDING SAFE IS NO ACCIDENT



OFFICE OF BUILDING PERMITS & INSPECTION

TERRITORY OF GUAM

BUILDING PERMIT

PH # 632-1118

DATE December 30, 1994 PERMIT NO. 3617

Applicant EM CONSTRUCTION CORP. Address P.O. BOX 22285, GME, GUAM 96931-5216
CONSTRUCT NEW 2 APARTMENT (Type of Improvement) (No.) Story (Proposed Use) Number of Dwelling Units (Contractor's License)

At (Location) SINAJANA Zoning District R-2

Between 152 (Cross Street) And 1 (Cross Street)
Tract No. 152 Lot 1 Block 1

Building is to be 34 Ft. Wide By 72'8" Ft. Long By 8'6" Ft. In Height And Shall Conform In Construction

To Type II Use Group R-1 Basement Walls Or Foundation CONCRETE
Remarks: TO CONSTRUCT SIX (6) UNITS APARTMENT ONLY.

Area or Volume 2,761.08 S.F. Estimated Cost \$358,510.18 Permit Fee \$1,658.08

Owner CARLOS, M/M MARCELO S.
P.O. BOX 8682
TAMUNING, GUAM 96931

Building Official

DIRECTOR OF PUBLIC WORKS

BUILDING PERMIT SHALL EXPIRE IF THE WORK AUTHORIZED IS NOT COMMENCED WITHIN THREE (3) MONTHS OR IS SUSPENDED OR ABANDONED FOR A PERIOD OF THREE (3) MONTHS AFTER WORK HAS BEEN COMMENCED.



Office of the Mayor
Municipality of Agana Heights
c/o Mayors' Council of Guam
P.O. Box 786, Agana, Guam 96910



PAUL M. MCDONALD
Mayor

Telephone No.: 472-8286
472-6393
FAX No.: 472-6124

February 8, 1995

Marcelo S. Carlos
Adela Carlos

RE: Bill No. 537

Dear Sir:

My office has recently been informed that your lot have been re-zoned from that of R1 to R2. The information received also indicates that misleading if not fraudulent information was provided during the application stage with the Guam Legislature, and as a result the re-zoning request was approved.

PLEASE TAKE NOTICE that my office has contacted both the Attorney General's Office and the Guam Legislature in an effort to correct this situation. I strongly encourage you to refrain from constructing any buildings which may violate the R1 zone limitations until this dispute is resolved.

Sincerely,



PAUL M. MCDONALD

Attendance

Update meeting Sunday, Feb. 26, 1995, 7:00 p.m. regarding the six (6) unit apartment on corner of Chalan Macajna and Kotla Dr. at the Agana Heights Community Center.

| <u>PRINT NAME</u> | <u>ADDRESS</u> | <u>CONTACT NO.</u> |
|-------------------------------|---|---------------------------------|
| <u>ROLAND CUASITO</u> | <u>174 KOTLA DR.</u> | <u>472 8233</u> |
| <u>Gian C. Tenorio</u> | <u>133 Kotla rd.</u> | <u>646-8710 WK 477-8296 hm.</u> |
| <u>JOHN U. PANGELINAN</u> | <u>510 CHLN MACAJNA</u> | <u>472-6608(H) 647-7817(W)</u> |
| <u>NONY M. PEREIRA</u> | <u>129 KOTLA PL -</u> | <u>472-7066</u> |
| <u>DEBAIL R. PEREIRA</u> | <u>129 KOTLA PL.</u> | <u>472-7066</u> |
| <u>JESUS S. DELGADO</u> | <u>132 Kotla Dr.</u> | <u>477-1420</u> |
| <u>Sylvia B. Delgado</u> | <u>"</u> | <u>"</u> |
| <u>DECKO F. UNTALAN</u> | <u>168 ULLOA UNTALAN CD.</u> | <u>472-6580</u> |
| <u>TONI SANDRO</u> | <u>397 A J. CRUZ AVE</u> | <u>472-6165</u> |
| <u>C. P. CASTRO</u> | <u>358 PALE K. HICKY DR. SINATANA, GUAM 96926</u> | <u>477-7039</u> |
| <u>GERIANNE U. PANGELINAN</u> | <u>P.O. BOX 341 AGANA 96910</u> | <u>472-6587</u> |
| <u>FRANCISCO S. DELGADO</u> | <u>P.O. BOX 2083 AGANA 96910</u> | <u>477-5894</u> |
| <u>WILLIAM C. REYES</u> | <u>525 MAKANAN ST.</u> | <u>472-1540</u> |
| <u>JOSEPH U. PANGELINAN</u> | <u>127 B. KOTLA DR. US</u> | <u>477-9508</u> |
| <u>Harold B. Field</u> | <u>502 Chalan Makahna</u> | <u>472 1619</u> |
| <u>Dolores (Loling) Field</u> | <u>502 Chalan Makahna</u> | <u>472 1619</u> |
| <u>JUAN E. GARCIA</u> | <u>MANSON Rd.</u> | <u>472 8392</u> |
| <u>THOMAS C OKADA</u> | <u>119 BITA CT; SINATANA</u> | <u>477-3524</u> |
| <u>Juan L. Pangellinan</u> | <u>427 Joseph Cruz</u> | <u>472 6587</u> |
| <u>Bill SWINDHORN</u> | <u>P.O. BOX 1510 AGANA, GUAM</u> | <u>472-8951/3</u> |
| <u>Dolores M. Pangellinan</u> | <u>557 Chalan Macajana Rd</u> | <u>477-4737</u> |
| <u>June B. Pangellinan</u> | <u>510 Chalan Macajana</u> | <u>472-6608</u> |
| <u>JAMES T. McDONALD</u> | <u>557 - Chalan macajana A. Hg 5</u> | <u>472-2066</u> |

Update meeting Sunday, Feb. 26, 1995, 7:00 p.m. regarding the six (6) unit apartment on corner of Chalan Macajna and Kotla Dr. at the Agana Heights Community Center.

Juan L. Pangeliman # 407 J.W. Cruz Ave.
Joqui B. Santos AHMPC
Gian C. Tenorio 133 Kotla rd. AH
HAROLD B. / DOLORES P. FIELD 536 CH. MAKAHNA A.H.
GERIANNE PANGELINAN (2) Vacant lots
ROMY MICLAT 155 KOTLA DRIVE
Florence & Joseph S. Martinez 120 KOTLA DR. 417-113
Nony & Cesar R. PEREYRA 129 KOTLA PL.
CARMELITA P. CASTRO Kotla Drive
Lucia H. McDonald 557 Chalan Macajna
Cyrus J. Santos Frederico Dr.
Moses S. Iglesias
*Raymond and Leonora Cruz (see back) Lot(3) # 19 Ag. Hgts.
Linda Cruz-Ortiz Lot(1) # 19 Ag. Hgts.
Johnny C. Martinez Lot(1) # 19 Ag. Hgts.
John F. McDonald 506 Chalan Makahna
Thomas M. Cruz 104 ~~AGA~~ DR A.H.
JANET S. CRUZ 104 ~~AGA~~ DR A.H.
Anna & Ric Atlaque 132 Kotla Dr. A.H.
Monica B. Delgado 132 Kotla Dr. A.H.
Jesus & Sylvia Delgado 132 Kotla Dr A.H.
RAYMOND L. CRUZ & JOSEPH CRUZ Lot(4) # 19 AGANA HGTS.
Antionette Delgado-Sanford Kotla Villa
June/John Pangeliman 510 Chalan Makahna
Giana Pangeliman

TESTIMONY
before the
Committee on Community, Housing and Cultural Affairs
Twenty-third Guam Legislature

Public Hearing
Session Hall, Agana
March 10, 1995

Honorable Chairman and Committee Members:

I am Catherine Sablan Gault, inheritor, owner and current resident of Lot 19-New-R-2, Agana Heights. My property is beyond the 500-foot affected radius of the proposed apartment building, but as a bona fide citizen of Guam and long-time resident of Agana Heights, I wish to express support for Bill and my opposition to the proposed construction of a multi-unit apartment building in the heart of my home village.

In 1993, several of my neighbors and I appeared before the Legislature to ask that the Department of Land Management's disapproval of a similar rezoning request be upheld. Land Management had based its decision on reports from GPA and PUAG which stated that power and water lines were available but inadequate to service the proposed project. Since this new proposed project is less than half a mile from the site of the project proposed in 1993, and since no new power or water lines have been added, the infrastructure limitations still exist.

Since 1993, a couple of single family homes have been built near my house, and I can tell you from firsthand, daily experience that these new additions seem to have affected water pressure in our area. We once enjoyed good, steady pressure. Now, there often is not enough pressure to flush the toilet or take a shower. Within my family's Lot 19 area alone, there are at least three undeveloped R-1 lots belonging to my brother and two cousins, who still hope to build their own single family homes someday. I truly hope they can build someday, but I wonder if there will be enough water for all of use, especially if apartments buildings are allowed to be built nearby.

To my knowledge, my area of Agana Heights, the heart of the village, remains a low density residential area in the proposed Tano'-ta plan. Also, the 1967 Master Plan used often by Land Management also designated it as low density residential. Given the extensive efforts to encourage community input into the development of I Tano-ta' Master Plan, it is obvious that citizens' concerns are beginning to carry weight.

In times past, the TLUC was often criticized for ignoring or discounting community input, and approving development projects despite community objections. Perhaps the TLUC has learned from its mistakes. In our particular case, our objections were duly recorded, judiciously weighed and seriously considered. The TLUC's decision in 1993 to disapprove a project we opposed

Gault Testimony
March 10, 1995
page 2

renewed our faith in the power of the people. The TLUC, the DLM and the Legislature listened to us and acted in our favor in 1993. Since not much has changed, I hope this Legislature also will listen and favor our concerns now.

We, the residents of Agana Heights who come before you, are just common, ordinary people. Using the best means available to us, we are trying to stop something that we genuinely and sincerely feel is not in our community's best interest. We hope you will agree with us. Please do what is necessary to halt rezoning in the heart of our village. Please help us keep this one small area of Guam free from the problems of urbanization.

Thank you.

Catherine Sablan Gault
227 Chalan Guam Yuus
Agana Heights
Tel. 472-4285

Wagner
Donald
 472-6124

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
 REFERRED BILLS
 (475-6462)

12/7/94

LEASE-SALE TRANSFER REZONE EXCHANGE
 BILL NO. TITLE

AUTHOR DATE REFERRED DISTRICT HEARING/REPORTED DATE OUT COMMENTS

| Bill No. | Title | Author | Date Referred | District | Hearing/Reported Date Out | Comments |
|----------|---|-------------|---------------|-------------|---------------------------|-----------|
| 570 | REDESIGNATION FOR ROBERT LAND OWNER (NAS) | GUERRERO | 6/28/93 | DEDEDO | 11/29/93-12/10/93 | |
| 569 | EXPAND LAND USE PERMIT TO FARMERS | NELSON | 7/19/93 | SINAIJANA | 8/4/93-11/10/93 | PL#22-72 |
| 568 | LOT 1, 3, 4, 5, 6 GUJEDRO UNTALAN (R1-R2) | REYES | 7/19/93 | YICO | 8/4/93-12/7/93 | PL#22-122 |
| 567 | LOT 2032-3-1-1 AND 2 FRANK MIAO MIAO FENG-SONG (R1-R2) | REYES | 7/19/93 | DEDEDO | 8/4/93-12/7/93 | PL#22-122 |
| 566 | COMPTON MICROGRAPHIC SUPERVISOR/TECH LAND MANG | NELSON | 7/19/93 | YONA | 8/4/93-8/30/93 | PL#22-63 |
| 565 | LOT 3, 4, 5-1-3-R1 AND LOT 6 BARBARAJAMES CUSHING (A-R2) | REYES | 7/19/93 | AGAT | 11/29/93-12/10/93 | PL#22-72 |
| 564 | ROSARIO DETENTION FACILITY | REYES | 7/19/93 | MERIZO | | |
| 563 | LOT 164-4 (A-R2) MR. EARL KLOPPENBURG | REYES | 7/19/93 | BARRIGADA | 8/27/93-12/7/93 | PL#22-122 |
| 562 | LOT NO. 180-4A-D (A-R2) BABAUTA FAMILY | REYES | 7/19/93 | BARRIGADA | 8/27/93-11/29/94 | |
| 561 | LANDLESS INFRASTRUCTURE FUND | NELSON | 8/29/93 | HARMON | 8/31/93-11/10/93 | PL#22-48 |
| 560 | LOT NO. 34 (C-R2) HERRERT CRUZ | SAN AGUSTIN | 8/29/93 | | | |
| 559 | LOTS MONGMONG FOR LOTS IN MERIZO ENCROACHMENTS | NELSON | 8/29/93 | | | |
| 558 | JOSEPH T. BARCINAS | REYES/ADA | 8/17/93 | | | |
| 557 | LOT NO. 5290-3-7-1 (A-C) MANUEL CRUZ BLAS (KINNEY'S CAFE) | REYES | 8/18/93 | | | |
| 556 | LOT NO. 10-1 GUAM RADIO SERVICES, INC. | NELSON | 8/26/93 | | | |
| 555 | POSTAL FACILITY IN INARAJAN | REYES | 8/26/93 | | | |
| 554 | REVIEWS OF GUAM'S BUILDING CODE (REALS) | REYES | 8/26/93 | | | |
| 553 | LOT NO. 5161-R1 & 5161-2-R1 PUB EASEMENT HEIRS JOSE RIOS | REYES | 8/26/93 | | | |
| 552 | JOBS LOSS DUE TO EARTHQUAKE | REYES | 9/2/93 | BARRIGADA | | |
| 551 | EARTHQUAKE DISASTER ASSIST. FUNDS 2 MILLION | NELSON | 9/2/93 | AGAT | 8/31/93-12/6/93 | PL#22-122 |
| 550 | LOT NO. 18 BLK F TRACT 9 TAKEN BY RE-ALIGNMENT | NELSON | 9/2/93 | MERIZO | 8/31/93-12/6/93 | PL#22-122 |
| 549 | LOT NO. 251-3-1 & 251-2-R1 MR. BRIAN P. PALOMO | REYES | 9/2/93 | DEDEDO | | |
| 548 | LOT NO. 142-1 (R1-R2) FREDDY VAN DOX SANTOS | REYES | 9/2/93 | AGANA | 2/11/94 | PL#22-122 |
| 547 | LOT NO. 2149-3-20A-R1 (R2-C) ANGEL LEGASPI | AGUON | 9/2/93 | CHALAN PAGO | 3/1/94 | B924 |
| 546 | LOT NO. 1 BLOCK 3 GUAM MUSEUM FACILITY | BLAZ | 9/2/93 | YONA | 3/1/94 | B924 |
| 545 | LOT NO. 9-45-7 (A-R2) MR. JOSEPH & JULIE TORRES | BLAZ | 9/2/93 | BARRIGADA | 3/1/94 | B924 |
| 544 | LOT NO. 6 (A-R1) MRS. CARLYN TORRES-CASTRO | BLAZ | 9/2/93 | AGANA | 3/1/94 | B924 |
| 543 | LOT NO. 158-1-2 (R2-C) JOSE & LEONILLA ICHIHARA | BLAZ | 9/2/93 | YONA | 3/1/94 | B924 |
| 542 | LOT NO. 1024-REM-4 (R1-R2) JUDITH PEREZ SALLAS | NELSON | 9/2/93 | | | |
| 541 | LOT NO. 1361-1-C-NEW MARI V. PANGILINAN | NELSON | 9/2/93 | | | |
| 540 | LOT NO. 90-C-4 (A-R2) JOSEPH & LINDA SAN AGUSTIN | BLAZ | 9/2/93 | | | |

RIDBR753&826 COR LOT #22-97
 PL#22-72

Mc Donald
472-6124

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
REFERRED BILLS
(475-6462)

L-LEASE S-SALE E-TRANSFER R-REZONE E-EXCHANGE
CODE BILL TITLE

12/7/94

| CODE | BILL NO. | TITLE | AUTHOR | DATE REFERRED | DISTRICT | HEARING/REPORTED DATE OUT | COMMENTS |
|------|----------|--|-------------|---------------|-------------|---------------------------|--------------------------------|
| | 547 | LOT NO. 11-A-1-A-1 (A-C) CARLOS P. ADEL & MARY ELLEN | GUERRERO | 6/28/93 | DEDEDO | 11/29/93-12/10/93 | RIDBR753&826 COR 1 PL#22-72 |
| | 548 | LOT NO. 10-1 GUAM RADIO SERVICES, INC. | NELSON | 7/19/93 | | | |
| | 549 | LOT NO. 10-1 AND USE PERMIT TO FARMERS | NELSON | 7/19/93 | | | |
| | 550 | LOT NO. 14-5-6 GRIPEIRO LN. YONAH (R1-R2) | REYES | 7/19/93 | SINAJANA | 8/4/93-11/10/93 | PL#22-72 |
| | 550 | LOT NO. 34-1-1 AND 2 FRANK MIAO MIAO HENG-SONG (R1-R2) | REYES | 7/19/93 | YIGO | 8/4/93-12/7/93 | PL#22-122 |
| | 551 | COMPUTER MICROGRAPHER SUPERVISOR/TECH LAND MANG. | NELSON | 7/19/93 | | | |
| | 552 | LOT NO. 14-5-4-3-R1 AND 2 (R1-R2) BARBARA JAMES CRUZ (R1-R2) | REYES | 7/19/93 | DEDEDO | 8/4/93-12/7/93 | PL#22-122 |
| | 557 | ROSARIO DETENTION FACILITY | REYES | 7/19/93 | | 8/4/93-11/29/94 | |
| | 558 | LOT NO. 164-4 (A-R2) MR. EARL KLOPPENBURG | REYES | 7/19/93 | YONA | 8/4/93-2/14/94 | DELETED B964 |
| | 559 | LOT NO. 180-4A-D (A-R1) BABAUTA FAMILY | REYES | 7/19/93 | AGAT | 8/4/93-8/30/93 | PL#22-72 |
| | 571 | LANDLESS INFRASTRUCTURE FUND | NELSON | 8/29/93 | | 8/4/93-11/9/93 | PL#22-63 |
| | 572 | LOT NO. 34 (C-R2) HERBERT CRUZ | SAN AGUSTIN | 8/29/93 | MERIZO | 11/29/93-12/10/93 | PL#22-72 |
| | 574 | LOTS MONGMONG FOR LOTS IN MERIZO ENCROACHMENTS JOSEPH T. BARCINAS | NELSON | 8/29/93 | MERIZO | | |
| | 587/590 | LOT NO. 5290-3-7-1 (A-C) MANUEL CRUZ BLAS (KINNEYS CAFE) | REYES/ADA | 8/17/93 | BARRIGADA | 8/27/93-12/7/93 | PL#22-122 |
| | 594 | LOT NO. 10-1 GUAM RADIO SERVICES, INC. | REYES | 8/18/93 | BARRIGADA | 8/27/93-11/29/94 | |
| | 598 | POSTAL FACILITY IN INARAJAN | NELSON | 8/26/93 | INARAJAN | | |
| | 601 | REVIEWS OF GUAM'S BUILDING CODE (PEALS) | REYES | | | | |
| | 602 | LOT NO. 5161-R1 & 5161-2-R1 PUB EASEMENT HEIRS JOSE RIOS | REYES | 8/26/93 | HARMON | 8/31/93-11/10/93 | PL#22-48 |
| | 603 | JOBS LOSS DUE TO EARTHQUAKE | REYES | | | | |
| | 604 | EARTHQUAKE DISASTER ASSIST. FUNDS 2 MILLION | REYES | | | | |
| | 607 | LOT NO. 18 BLK F TRACT 9 TAKEN BY RE-ALIGNMENT | NELSON | 9/2/93 | BARRIGADA | | |
| | 608 | LOT NO. 251-3-1 & 251-2-R1 MR. BRIAN P. PALOMO | NELSON | 9/2/93 | AGAT | | |
| | 609 | LOT NO. 142-1 (R1-R2) FREDDY VAN DOX SANTOS | REYES | | MERIZO | 8/31/93-12/6/93 | PL#22-122 |
| | 610 | LOT NO. 2149-3-20A-R1 (R2-C) ANGEL LEGASPI | REYES | | DEDEDO | 8/31/93-12/6/93 | PL#22-122 |
| | 614 | LOT NO. 1 BLOCK 3 GUAM MUSEUM FACILITY | AGUON | 9/2/93 | AGANA | | |
| | 615 | LOT NO. 9-15-7 (A-R2) MR. JOSEPH & JULIE TORRES | BLAZ | 9/2/93 | TALOFORO | 2/11/94 | |
| | 616 | LOT NO. 6 (A-R1) MRS. CARLYN TORRES-CASTRO | BLAZ | 9/2/93 | CHALAN PAGO | 2/11/94 | |
| | 617 | LOT NO. 158-1-2 (R2-C) JOSE & LEONILLA ICHIHARA | BLAZ | 9/2/93 | YONA | 3/1/94 | PL#22-122 B924 |
| | 618/431 | LOT NO. 1024-REM-1 (R1-R2) JUDITH PEREZ SALAS | BLAZ | 9/2/93 | BARRIGADA | 3/1/94 | B924 |
| | 620 | LOT NO. 1361-1-C NEW MARK V. PANGILINAN | NELSON | 9/2/93 | AGANA | 3/1/94 | |
| | 622 | LOT NO. 90-C-1 (A-R2) JOSEPH & LINDA SAN AGUSTIN | BLAZ | 9/2/93 | YONA | 3/1/94 | B924 |

MAR 13 1995

Bill No. 158(LS)

Introduced by

A.L.G. Santos *AS*

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).

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

2 **Section 1. Legislative statement.** Marcelo and Adela Carlos, the owners of Lot No. 1,
 3 Block No. 1, Tract 152, Sinajana, requested the Twenty-Second Guam Legislature to
 4 rezone said property from R1 to R2 so they could build a four-unit apartment. A legislative
 5 bill for that purpose was introduced (Bill 537) and it was publicly heard by the Committee
 6 on Housing and Community Development on November 29, 1993. Notice to the public
 7 was published in the Pacific Daily News on November 27, 1993. The Committee advised
 8 Mr. Carlos to seek the support of his neighbors and the Agana Heights Municipal Planning
 9 Council (MPC). He indicated that he had spoken to the Mayor and had yet to be placed on
 10 the Council's agenda but he would follow-up. The Committee reported out the Bill on
 11 December 10, 1993. It was passed by the Legislature and signed by the Governor as part of
 12 Public Law 22-72. Mr. Carlos secured a building permit on December 30, 1994. The
 13 permit authorizes construction of a six-unit, not a four-unit, apartment. Having begun
 14 construction, the landowner is now being challenged by the Mayor, the MPC and
 15 surrounding neighbors to stop.

16 The Legislature is aware that Bill 537 was duly heard with no objections and that Mr.
 17 Carlos has already expended resources for his project. But had he communicated with the
 18 MPC, he would have been advised of the inadequate infrastructure, which results in low

1 water pressure already, and the lack of sewer lines in the area. In addition, his failure to
2 communicate with his neighbors and the Agana Heights Municipal Council and the fact
3 that the apartment under construction will have six, not four, units are actions which are
4 misrepresentations to the Legislature. The Legislature thus finds that rezoning of Mr.
5 Carlos' property from R1 to R2 should be repealed.

6 **Section 2. Repeal of Section 12, P.L. 22-72.** Section 12 of Public Law 22-72 is
7 hereby repealed in its entirety.