



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary

JUN 04 1998


The Honorable Antonio R. Unpingco
Speaker
Mina'Bente Kuattro na Liheslaturan Guahan
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Unpingco:


Enclosed please find Substitute Bill No. 58 (COR), "AN ACT TO DELETE A PORTION OF THE 1966 HIGHWAY MASTER PLAN RESERVATION EASEMENT ON LOT NO. 31, TRACT 19112, TOTO, MUNICIPALITY OF SINAJANA, GUAM", which I have signed into law today as **Public Law No. 24-211**.

This legislation allows a listing of properties which will not be used in the 2010 Highway Master Plan for Guam to be removed from the currently-in-effect 1966 Highway Master Plan. This allows those who own these previously reserved properties to use them, since the properties are not going to be used in Guam's Highway Master Plan.

Very truly yours,


Carl T. C. Gutierrez
I Maga'lahaen Guahan
Governor of Guam

00851

OFFICE OF THE LEGISLATIVE SECRETARY	
RECEIPT	
Received By:	
Time:	4:55pm
Date:	6-5-98

Attachment: copy attached for signed bill
original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 6-5-98

Time: 3:00pm

Rec'd by: 

Print Name: P. Robert

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 58 (COR), "AN ACT TO DELETE A PORTION OF THE 1966 HIGHWAY MASTER PLAN RESERVATION EASEMENT ON LOT NO. 31, TRACT 19112, TOTO, MUNICIPALITY OF SINAJANA, GUAM," was on the 22nd day of May, 1998, duly and regularly passed.



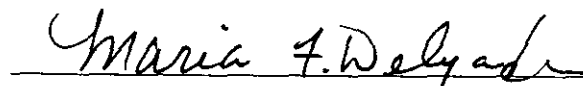
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 28 day of May, 1998,
at 3:00 o'clock P.M.



Maria F. Delyade
Assistant Staff Officer
Maga'laha'i's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 6-4-98

Public Law No. 24-211

**MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1997 (FIRST) Regular Session**

Bill No. 58 (COR)

As substituted by the Committee on
Land, Agriculture, Housing, Community
and Human Resources Development and as
amended on the Floor.

Introduced by:

V.C. Pangelinan
T. C. Ada
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
L. Leon Guerrero
J. C. Salas
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

**AN ACT TO DELETE A PORTION OF THE 1966
HIGHWAY MASTER PLAN RESERVATION
EASEMENT ON LOT NO. 31, TRACT 19112, TOTO,
MUNICIPALITY OF SINAJANA, GUAM.**

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

2 **Section 1. Legislative Findings.** *I Liheslaturan Guahan* finds that the
3 1966 Highway Master Plan of Guam was adopted by the Island of Guam as
4 the official highway plan for the Island. The development of major and minor
5 vehicular arterial roads, and the Island as a whole, have made this plan
6 antiquated, requiring the formulation of the proposed 2010 Highway Master
7 Plan.

8 The adoption of the Guam 2010 Highway Master Plan will supersede
9 the 1966 Highway Master Plan, but not the highway reservation easements of
10 that plan. Lot Number 31, Tract 19112, Toto, Municipality of Sinajana, Guam
11 is situated within the one hundred foot (100')-wide master plan reservation of
12 the proposed Route 7 highway. The proposed Guam 2010 Highway Master
13 Plan does not embrace this Master Plan reservation, and the Department of
14 Public Works ("DPW") has indicated no present or future intention for the
15 use of this reservation.

16 On December 10, 1982 the Guam Land Use Commission reduced the
17 Master Plan reservation width from one hundred feet (100') to forty feet (40'),
18 however, the office of the Attorney General rendered an opinion that *I*
19 *Liheslaturan Guahan*, not the Guam Land Use Commission, has the authority
20 to alter the 1966 Highway Master Plan. Meanwhile, the owners of Lot
21 Number 31 cannot construct or develop the property, and are held hostage
22 from doing so.

23 *I Liheslaturan Guahan* further finds that the government of Guam and the
24 proposed Guam 2010 Highway Master Plan does not reflect the need to
25 continue the highway Master Plan reservation embraced within Lot Number

1 31, Toto, Municipality of Sinajana, Guam. It is for the welfare of the people of
2 this community to maximize the utilization of limited available land as a
3 means to spur economic growth and to ease the present shortage of land
4 resource. In order to accomplish this purpose, it is necessary for *I Liheslaturan*
5 *Guahan* to evaluate and modify the master plans adopted by Guam.

6 **Section 2.** The legal reservation easement as per the 1966 Highway
7 Master Plan on Lot Number 31, Tract 19112, consisting of 1,719 ± square
8 meters situated in Toto, Municipality of Sinajana, Guam is hereby deleted.

9 **Section 3.** DPW is hereby directed to identify and submit a list to *I*
10 *Liheslaturan Guahan* all properties that were included in the 1966 Highway
11 Master Plan reservation, but not identified in the 2010 Guam Highway Master
12 Plan for future roadways. This list shall be submitted within sixty (60) days
13 of the enactment of this Act. *I Maga'lahaen Guahan* is hereby authorized to
14 delete such unused lots from the 1966 Highway Master Plan. DPW shall
15 provide timely notification to the property owners of such action.

E DATA

CURVE NO.	A	R	L	C	CHB
(17)	28° 09' 19"	262.25	128.87	127.58	S 15° 45' 40" W
(34)	17° 19' 58"	192.48	58.23	58.01	N 08° 34' 59" E
(38)	34° 48' 27"	192.48	116.93	115.14	N 34° 39' 12" E
(39)	90° 00' 00"	20.00	31.42	28.28	S 07° 03' 25" W
(41)	39° 34' 14"	200.49	138.47	135.73	N 19° 09' 28" W
(42)	21° 01' 26"	200.49	73.57	73.16	N 13° 20' 24" W
(43)	14° 05' 28"	200.49	49.31	49.18	N 30° 53' 51" W
(44)	04° 27' 20"	200.49	15.59	15.59	N 00° 36' 01" W

LOT 1139-R12-1G
DOC. NO. 301180

ROAD LOT 34 R/W
A = 1,012 ± S.F. = 94 ± S.M.
10' UTILITY RIGHT-OF-WAY

100' WIDE RIGHT-OF-WAY
AS PER 1966 MASTER PLAN

(S 52° 03' 25" W, 299.25) S 52° 03' 25" W, 299.25

LOT 145-4
DOC. NO. 90323 & 345555

LOT 31
A = 18,502 ± S.F. = 1,719 ± S.M.
(RESERVED FOR FUTURE WIDENING
AS PER ROUTE 7 MASTER PLAN)

S 52° 03' 25" W, 290.54

ROAD LOT 32 R/W
A = 16,882 ± S.F. = 1,568 ± S.M.
44' WIDE PUBLIC ACCESS & UTILITY RIGHT-OF-WAY

(N 52° 03' 25" E, 207.84) N 52° 03' 25" E, 207.84

P.O.B.
N 162 482.978
E 175 583.288

LOT 144 - A
TOTO-RECREATION AREA
GOV'T
44' WIDE PUBLIC ACCESS & UTILITY
EASEMENT, DOC. NO. 349615
EASEMENT, DOC. NO. 349615

EXISTING A.C. PAVEMENT ROADWAY
NO VEHICLE ACCESS PERMITTED

LOT 30
A = 5,129 ± S.F. = 477 ± S.M.

LOT 29
A = 5,222 ± S.F. = 485 ± S.M.

LOT 28
A = 5,366 ± S.F. = 499 ± S.M.

LOT 27
A = 5,239 ± S.F. = 487 ± S.M.

LOT 26
A = 5,110 ± S.F. = 475 ± S.M.

LOT 25
A = 5,641 ± S.F. = 543 ± S.M.

LOT 24
A = 5,314 ± S.F. = 494 ± S.M.

LOT 23
A = 5,000 ± S.F. = 465 ± S.M.

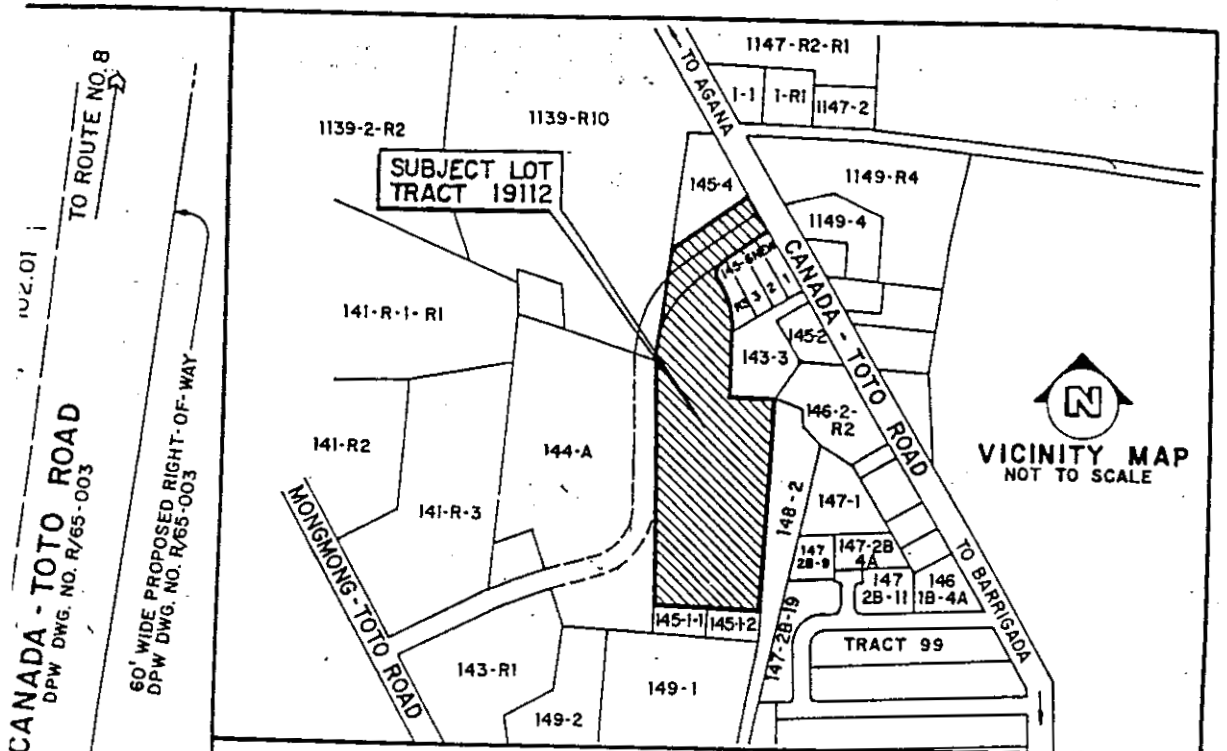
LOT 145-GNEW-R3
DOC. NO. 300079

LOT 145-GNEW-3
DOC. NO. 365104

LOT 145-GNEW-2
DOC. NO. 302888

LOT 145-GNEW-1
DOC. NO. 300047

LOT 145-3
DOC. NO. 413139



TS-MT.2
12.60
15.52

MT.3

REFERENCES:

1. DWG. NO. J.P.D.-S-84-23, REVERSION TO ACREAGE OF LOT 145-R6, PREPARED BY RLS NO. 64, L.M. NO. 318-FY85, DOC. NO. 363928.
2. DWG. NO. AS-03-84, SUBDIVISION MAP OF TRACT 19112, PREPARED BY RLS NO. 42, L.M. NO. 345-FY84, DOC. NO. 349704.

NOTES:

1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN.
2. ALL DISTANCES SHOWN ARE IN FEET.
3. BEARINGS AND DISTANCES IN PARENTHESES ARE RECORD DATA, ALL OTHERS ARE 1963 GRID VALUES.
4. T.P.C. APPROVED THE REDUCTION OF THE 100' R/W (AS PER MASTER PLAN, 1966) TO A 40' R/W ON DECEMBER 10, 1981. SEE MAP DOC. NO. 349615.

SYMBOLS:

- △ GGTN STATION
- FND, 4"x 4" CONC. MON., SET BY UNKNOWN.
- ▣ FND. 4"x 4" CONC. MON., SET BY RLS NOS. 16 & 26, DOC. NO. 303274
- 4"x 4" CONC. MON. SET, WITH PLASTIC CAP MARKED RLS NO. 64
- FND. NO. 4 REBAR WITH CAP MARKED RLS NO. 18.
- ⊙ FND. NO. 4 REBAR, SET BY RLS NO. 42.
- ⊖ FND. NO. 4 REBAR, SET BY UNKNOWN.
- NO. 4 REBAR SET, WITH PLASTIC CAP MARKED RLS NO. 65.

CERTIFICATE OF TERRITORIAL SURVEYOR

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 9, TITLE 14, GOVT. CODE OF GUAM AND REGULATIONS THEREUNDER ON THIS 21st DAY OF AUGUST, 1991.

Michael B. Kautz
TERRITORIAL SURVEYOR

CERTIFICATE OF TERRITORIAL PLANNER

APPROVAL PURSUANT TO PUBLIC LAW 8-134, SUBDIVISION LAW, GOVT. CODE OF GUAM AND 24 PER TUC APPROVAL DATED JULY 26, 1991.



24th GUAM
LEGISLATURE

COMMITTEE ON
AGRICULTURE, LAND, HOUSING,
COMMUNITY & HUMAN RESOURCES DEVELOPMENT

SENATOR JOHN CAMACHO SALAS
CHAIRMAN

April 21, 1998

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Agricultural, Land, Housing, Community & Human Resources Development to which was referred Bill No. 58, has had the same under consideration and now wishes to report back the same with the recommendation **TO DO PASS.**

The Committee votes are as follows:

To Do Pass	8
Not To Pass	1
Abstain	0
Other (Off-Island)	0

A copy of the Committee's report and other pertinent documents are enclosed for your reference and information.

Sincerely,

John C. Salas
Senator John Camacho Salas, Jr.
Chairman

Attachments



SENATOR JOHN CAMACHO SALAS

CHAIRMAN

COMMITTEE ON AGRICULTURE, LAND, HOUSING, COMMUNITY AND HUMAN RESOURCES DEVELOPMENT

VOTING SHEET

Bill Number 58

Title An Act to delete a portion of the 1966 Highway Master Plan Reservation Easement on Lot No. 31, Tract 19112, Toto, Municipality of Sinajana, Guam.

	TO DO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 John Camacho Salas, Chairman	✓			
 Edwardo J. Cruz, M.D., Vice-Chairman	✓			
 Elizabeth Barrett-Anderson, Member	✓			
 Larry F. Kasperbauer, Member	X			
 Felix P. Camacho, Member	✓			
 Carlotta M. Leon Guerrero, Member	✓			
 Thomas C. Ada, Member	✓			
 William B.S.M. Flores, Member		✓		
 Frank B. Aguon, Jr., Member	✓			



24th GUAM LEGISLATURE

SENATOR JOHN CAMACHO SALAS CHAIRMAN

COMMITTEE ON AGRICULTURE, LAND, HOUSING, COMMUNITY AND HUMAN RESOURCES DEVELOPMENT

TESTIMONY SIGN IN SHEET

Legislative Public Hearing Room

Bill Number **58**

Title An Act to delete a portion of the 1966 Highway Master Plan Reservation Easement on Lot No. 31, Tract 19112, Toto, Municipality of Sinajana, Guam.

NAME <i>Roland Villaverde</i>	ORGANIZATION	TESTIMONY <input checked="" type="checkbox"/> FOR <input type="checkbox"/> WRITTEN
CONTACT <i>734-6034 (w) 687-5236 (H)</i>	MAILING ADDRESS	<input type="checkbox"/> AGAINST <input checked="" type="checkbox"/> ORAL
NAME <i>LIU SHURONG</i>	ORGANIZATION <i>ZHONG YE, INC.</i>	TESTIMONY <input checked="" type="checkbox"/> FOR <input checked="" type="checkbox"/> WRITTEN
CONTACT	MAILING ADDRESS	<input type="checkbox"/> AGAINST <input checked="" type="checkbox"/> ORAL
NAME	ORGANIZATION	TESTIMONY <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN
CONTACT	MAILING ADDRESS	<input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL
NAME	ORGANIZATION	TESTIMONY <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN
CONTACT	MAILING ADDRESS	<input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL
NAME	ORGANIZATION	TESTIMONY <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN
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NAME	ORGANIZATION	TESTIMONY <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN
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NAME	ORGANIZATION	TESTIMONY <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN
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NAME	ORGANIZATION	TESTIMONY <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN
CONTACT	MAILING ADDRESS	<input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL



24th GUAM
LEGISLATURE

COMMITTEE ON
AGRICULTURE, LAND, HOUSING,
COMMUNITY & HUMAN RESOURCES DEVELOPMENT

SENATOR JOHN CAMACHO SALAS
CHAIRMAN

PUBLIC HEARING

Legislative Public Hearing Room
Wednesday, June 18, 1997
6:00 P.M. - 9:00 P.M.

AGENDA & BILL SYNOPSIS

- Confirmation Hearing on the appointment of Mr. Joseph T. Gumataotao to serve as a member of the Chamorro Land Trust Commission

Mr. Joseph T. Gumataotao is currently an Acting Member of the Chamorro Land Trust Commission (CLTC). His appointment, with Legislative confirmation, is three (3) years in length expiring on May 6, 2000.

- Bill 58 - An act to delete a portion of the 1966 Highway Master Plan Reservation Easement on Lot No. 31, Tract 19112, Toto, Municipality of Sinajana, Guam

Main Sponsor: V. C. Pangelinan

The adoption of the Guam 2010 Highway Master Plan will supersede the 1966 Highway Master Plan, but not the highway reservation easement of that plan. Lot No. 31, Tract 19112, Toto, Municipality of Sinajana, is situated within the 100' wide 1966 Master Plan reservation of the proposed Route 7 highway.

The Territorial Land Use Commission reduced the master plan reservation width from 100 feet to 40 feet. However the Attorney General's office rendered an opinion that the Legislature, not the Territorial Land Use Commission, has the authority to alter the 1966 Highway Master Plan.

The proposed Guam 2010 Highway Master Plan does not reflect a need to continue the 1966 Master Plan reservation within Lot No. 31, Tract 19112. According to the bill's sponsor, Department of Public Works has indicated no present or future intention to use this reservation.



**DEPARTMENT OF LAND MANAGEMENT
(DEPARTAMENTON TANO')
GOVERNMENT OF GUAM**



P.O. Box 2950 • Agana, Guam 96910 • Phone No.: (671) 475-LAND • Fax: (671) 477-0883

June 18, 1997

Senator John C. Salas
Chairman, Committee on Agriculture, Land, Housing,
Community & Human Resources Development
24th Guam Legislature
155 Hesler Street
Agana, Guam 96910

Re: Request for Comments on Bill Nos. 58, 71, and 235

Dear Senator Salas,

The Department received this date the packet of bills for our comments and due to the time constraint, this is what we are able to submit.

I personally know Mr. Gumataotao to be a competent, dedicated and hard-working person. Certainly his reappointment to the Commission is an affirmation of this. The Committee is urged to confirm his appointment unanimously.

Bill 58:

It appears that the easement reservation over Lot 31, Tract 19112, Toto, Municipality of Sinajana may have been in compliance with the 1966 Highway Master Plan. Since this route is deleted in the 2010 version, it would be "unfair and inequitable" to not only this tract but to all parcels affected by it. Therefore, it is recommended that all parcels be evaluated for inclusion in the deletion under Section 2 of the Bill. With their inclusion, the Bill is recommended for passage.

Bill 71:

It appears that this legislation is now ripe for our real estate market. Real estate has grown many fold starting in the real estate boom years of the early seventies and expanded in the mini-boom of the late eighties and early nineties. Currently the market again is showing some sign of increasing growth after years of soft activity.

Bill 71 provides safeguards to unsuspecting buyers and provides for accountability from sellers. The disclosure while it imposes more requirements on real estate transactions, the protection afforded is well worth the effort and expense. The Committee's favorable action is recommended.



Ltr. to Sen. John C. Salas
Re: Request for Comments on Bill Nos. 58, 71, and 235
June 18, 1997
Page 2

Bill 235:

The Survival of Chamorro Land Trust Commission and its many faceted land programs for the benefit of the indigenous people needs steady and sufficient sources of revenue. Its Land for the Landless programs while extremely beneficial to our people, is a financial burden. Indeed, the Commission has in its land inventory high revenue yielding properties which under commercial leases reap direly needed sums for the Commission. Extending them the authority for commercial leases reduces their dependency on the government already overburden general fund. The Department supports the passage of this bill.


CARL J. C. AGUON
Director, Department of Land Management

Zhong Ye, Inc.

Young's Plaza Upper Tumon, Marine Drive
P.O. Box 7268 Tamuning, Guam 96911
Telephone: 646-8862 or 649-8545 Facsimile: 649-4126

June 18, 1997

Senator John C. Salas
Chairman
Committee on Land, Housing, Community, and Human Resources Development
155 Hessler Place
Agana, Guam 96910

Ref: Testimony in support of Bill 58.

Hafa Adai:

We are in support of Bill 58. The Territory of Guam adopted the 1966 Highway Master Plan (HMP) of Guam as the official highway plan for the territory. This plan is an element of the Territorial Master plan adopted in April of 1967. Over the last three decades, the development of major and minor vehicular arterial roads have made this plan antiquated. This stimulated the formulation of the proposed Guam 2010 Highway Master Plan (HMP). The Department of Public Works and the Territorial Planning Commission has sanctioned this plan. The adoption of the Guam 2010 HMP will supersede the 1966 HMP. However, the 2010 HMP does not incorporate any provision for the deletion of any of the highway reservation easements of the 1966 HMP.

Lot Number 31, Tract 19112, Toto, Municipality of Sinajana, is within the 100 feet wide master plan reservation of the proposed Route 7 highway. The lot is found across Toto Park development next to the intersection of the Toto/Canada Road. A copy of the vicinity map is attached for your reference.

The Route 7 reservation does not follow any existing road alignments. The Route 7 reservation easement extends adjacently to Townhouse Department Store from Route 4 transecting through the Agana Swamp wetlands and ends at Route 8. Many homes and apartments have been constructed over the alignment of the Route 7 reservation. The Guam 2010 HMP does not embrace this master plan reservation. Additionally, the Department Public Works has shown in writing no present or future intention for this reservation. On December 10, 1982, we obtained an approval from the Territorial Land Use Commission (TLUC) to reduce the reservation embraced within the lot from a width of 100 feet to 40 feet. The Attorney General's Office rendered an opinion subsequent to that action qualifying that the Guam Legislature not the TLUC has the mandate to alter the 1966 HMP.

The provision established by §62103 Chapter 62, Title 21 Guam Code Annotated, prevents property owners from developing or constructing on the delineated HMP reservation. However, the provision was not actually enforced prior to 1987. A myriad of development has encroached within the alignment of Route 7 since then. As such, we cannot construct or develop the property and are held

hostage from doing so. The previous legislature under the Committee on General Governmental Operations & Micronesian Affairs steered by Senator Ted Nelson, has determined that the government of Guam and the proposed Guam 2010 HMP, does not reflect a need to continue the highway master plan reservation embraced within Lot No. 31. Additionally, the fiscal impact in approving this proposed legislation is negligible in comparison to the liabilities that the government of Guam may incur by property owners who are unable legally to develop on their private property that are assessed property tax. Unlike property owners who have a legally described, dedicated or delineated public easement on their parcel, the reservation easement established by the HMP does not have any legal mechanisms for the deferment or proration of property taxes. The Guam 2010 HMP demonstrates no intention of utilizing or developing the proposed Route 7 reservation. This places the government in a very precarious liability that may be interpreted as a "taking" without compensation or retribution. The government has demonstrated no intention of facilitating or carrying out the Route 7 reservation.

Based on the issues presented a punch list is outlined below:

1. **The government of Guam has demonstrated through the Guam 2010 HMP no intention or desire to develop the Route 7 HMP reservation alignment.**
2. **The Department of Public Works has indicated no intention or need for the development of this specific reservation.**
3. **The property owner has administratively demonstrated to correct this matter and has obtained an approval through the TLUC to reduce the reservation width that embraces his lot.**
4. **The administrative action required a public hearing and there were no objections. The TLUC through the advice of the government agencies prudently rendered an approval to reduce the reservation width.**
5. **The Attorney General's Office rendered an opinion that the TLUC's action is not within their mandate nullifying the approval.**
6. **The government of Guam does not have the resource nor the ability to compensate a "taking" on this issue especially since the alignment of Route 7 transects through a large wetland area in addition through a primary residential area.**

The "Taking" issue may present substantial litigation expenses to the government especially with the realization of property owner's rights. We have provided an opportunity through the TLUC for the public to voice their opposition on this matter. The legislature has also given the public an opportunity to voice their opposition on this matter. No opposition has ever been received or voiced. It is therefore my belief that due process has been conveyed on this matter.

Thank you very much and hoping for a favorable legislative concurrence on this matter.

Sincerely,



LIU SHURONG
President

BBMR-77

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

Bill No. 58 Date Received 1/30/97
 Amendatory Bill YES NO Date Reviewed 2/11/97

Department/Agency Affected: Department of Public Works
 Department/Agency Head: Mr. Gil Shinohara, Director
 Total FY appropriation to Date: \$24,521,938 (General Fund); \$8,130,000 (THE Fund)

Bill Title (Preamble): An Act to Delete A Portion of the 1996 Highway Master Plan Reservation Easement on Lot No. 31, Tract 19112, Toto, Municipality of Sinajana, Guam.

Change in Law: n/a
 Bill's Impact on Present Program Funding:
 Increase Decrease Reallocation No
 Change
 Bill is for: Operations Capital Improvement Other

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)

PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
<u>Infrastructure & Utilities</u>	<u>-0-</u>		<u>-0-</u>

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)

FUND	1st	2nd	3rd	4th	5th	TOTAL
TOTAL						
GENERAL FUND	<u>(see attached comments)</u>					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO - IF NO, ADD'L AMOUNT REQUIRED \$ see comments
 AGENCY/PERSON/DATE CONTACTED: Dept. of Public Works / Mr. Ray Torres/ February 21, 1996
Dept. of Land Mgmt./ Mr. John Anderson/ February 22, 1996

ESTIMATED POTENTIAL MULTI-YEAR REVENUES

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	<u>n/a</u>					
OTHER						
TOTAL						

ANALYST Frank Lizania DATE 2/11/96 DIRECTOR JOSEPH V. RIVERA DATE FEB 14 1997
 Acting Director

Bureau of Budget & Management Research
Comments to Legislative Bill 58
February 11, 1997

The deletion of a reservation easement of the 1966 Highway Master Plan relative to Lot Number 31, Tract 19112, Toto, Municipality of Sinajana, which consists of about 1,719 square meters, is for the purpose of allowing the owners of such property to construct and develop the property. Although the adoption of the 2010 Highway Master Plan will supercede the 1966 Highway Master Plan, the reservation easements of that plan will not supercede the reservation easements of the proposed Route 7 highway.

Information pertaining to the location of the subject property was not available since the Department of Land Management does not have maps available for the area specified. The Highway Planning Division of the Department of Public Works does not have specific information, as well, on the subject property and consequently, the department will have to conduct a reassessment of the surrounding area to determine the reservation easements identified for the proposed Route 7 highway.

The fiscal impact in approving this proposed legislation cannot be fully ascertained since a reassessment of the highway reservation easements will have to be made. The proposed deletion of the subject property from the reservation easements will entail administrative costs in revising the highway master plans and respective maps.

On the other hand, however, revision of reservation easements for the purpose of deleting specific subject properties from such requirements may present "unfair and inequitable" conditions for surrounding property owners. Disagreements and claim disputes may arise from surrounding property owners not given the same preferences in being granted revised easement requirements and therefore, may present substantial litigation expenses to the government.