



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Refer to  
Legislative Secretary

MAY 16 1997

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>DSP</u>
Time	<u>5:23pm</u>
Date	<u>5-16-97</u>


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

Dear Speaker Unpingco:

Enclosed please find a copy of Bill No. 109 (COR), "AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO EXCHANGE GOVERNMENT LAND IN DEDEDO FOR PROPERTY TAKEN FROM MR. EUGENIO L.G. CRUZ IN SINAJANA BY THE GUAM HOUSING AND URBAN RENEWAL AUTHORITY.", which I have signed into law today as **Public Law No. 24-28**.

Mr. Cruz had his land condemned in 1972 for the Sinajana Urban Renewal Project. Since that time, he has asked for another Guam Housing and Urban Renewal Authority lot to exchange for the one that was taken. This legislation authorizes a land exchange for Mr. Cruz, after a 25 year wait.

Very truly yours,

  
Carl T. C. Gutierrez  
Governor of Guam

Attachment            00222

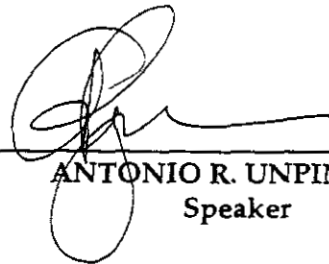
cc:    The Honorable Joanne M. S. Brown  
       Legislative Secretary

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 5-16-97  
Time: 4:15pm  
Rec'd by: am  
Print Name: Annal

TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

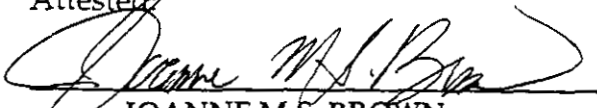
This is to certify that Substitute Bill No. 109 (COR), "AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO EXCHANGE GOVERNMENT LAND IN DEDEDO FOR PROPERTY TAKEN FROM MR. EUGENIO L.G. CRUZ IN SINAJANA BY THE GUAM HOUSING AND URBAN RENEWAL AUTHORITY," was on the 6th day of May, 1997, duly and regularly passed.



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ANTONIO R. UNPINGCO  
Speaker

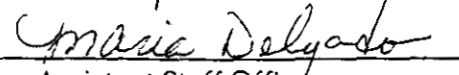
Attested:



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JOANNE M.S. BROWN  
Senator and Legislative Secretary

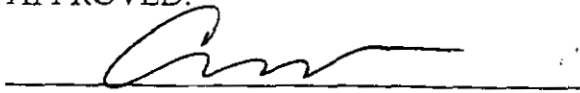
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This Act was received by the Governor this 8th day of May, 1997, at 12:35 o'clock P.M.



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Maria Delgado  
Assistant Staff Officer  
Governor's Office

APPROVED:



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CARL T. C. GUTIERREZ  
Governor of Guam

Date: 5-16-97  
Public Law No. 24-28

TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) REGULAR SESSION

**Bill No. 109 (COR)**

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

Introduced by:

A. R. Unpingco  
Mark Forbes

AN ACT TO AUTHORIZE THE GOVERNOR OF  
GUAM TO EXCHANGE GOVERNMENT LAND IN  
DEDEDO FOR PROPERTY TAKEN FROM MR.  
EUGENIO L.G. CRUZ IN SINAJANA BY THE  
GUAM HOUSING AND URBAN RENEWAL  
AUTHORITY.

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

2           Section 1. Legislative Statement. Mr. Eugenio L.G. Cruz has brought  
3 to the attention of the Guam Legislature that despite numerous attempts he  
4 has made over the years to resolve the matter, he has been unsuccessful in  
5 obtaining the compensation he seeks for the taking of his land in Sinajana by  
6 the Guam Housing and Urban Renewal Authority ("GHURA"), an  
7 instrumentality of the government of Guam.

8           On March of 1972, the GHURA Redevelopment Project filed eminent  
9 domain proceeding under Civil Case No. 38-72 for the taking of his property,  
10 to wit Lot. 3068-1-2, Sinajana, Guam, containing an area of 7,613 square feet  
11 (707.24 square meters), for right-of-way and re-parcelization. Compensation  
12 for the taking in the amount of Two Thousand Two Hundred Forty-eight  
13 Dollars (\$2,248.00) was deposited and remains in the Registry of the District  
14 Court of Guam.

1           Following years of negotiations with GHURA to exchange his  
2 condemned lot for another lot within the GHURA project area due to the in-  
3 actions of GHURA, Mr. Eugenio L.G. Cruz waived his rights, in writing, to  
4 said exchange, pursuant to P.L. 15-68, Section 2, and opted instead, to request  
5 for land exchange elsewhere. GHURA has agreed to this exchange as  
6 evidenced in its July 16, 1992 letter to the Department of Land Management.

7           Pursuant, therefore, to P.L. 22-73, which requires the government of  
8 Guam to properly compensate landowners whose property has been taken for  
9 public use, the Guam Legislature does hereby enact as follows:

10           **Section 2. Land Exchange Authorized.** The Governor of Guam is  
11 hereby authorized to exchange on a value-for-value basis, a portion of  
12 government of Guam land within Lot No. 10120-R16, in the Municipality of  
13 Dededo, as fair compensation for the land, Lot No. 3068-1-2 in the  
14 Municipality of Sinajana, taken from Mr. Eugenio L.G. Cruz by the Guam  
15 Housing and Urban Renewal Authority in 1972 in a right-of-way  
16 condemnation procedure, referenced as District Court of Guam Civil Case No.  
17 38-72.

18           **Section 3. Appraisals, Survey, Mapping and Registration.** The  
19 Department of Land Management (the "Department") shall have the  
20 properties to be exchanged under this Act appraised by two (2) independent  
21 appraisers licensed to do business in Guam. The averages of the two (2)  
22 appraisals shall be used as the values for the basis of such exchange. The  
23 Department shall have such properties surveyed, mapped and registered.  
24 All costs associated with the exchange authorized herein shall be charged  
25 against the funds deposited in escrow in the Registry of the District Court of

1      Guam. Any shortage of those funds shall be absorbed by the Guam Housing  
2      and Urban Renewal Authority. Any overage of funds shall revert to the  
3      General Fund of the government of Guam.



24<sup>th</sup> GUAM  
LEGISLATURE

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

**SENATOR JOHN CAMACHO SALAS**  
**CHAIRMAN**

April 8, 1997

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. 109, 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	6
Not To Pass	0
Abstain	1
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  
Chairman

Attachments

**SENATOR JOHN CAMACHO SALAS  
TWENTY-FOURTH GUAM LEGISLATURE**

Committee on Agriculture, Land, Housing, Community  
& Human Resources Development  
Twenty-Fourth Guam Legislature  
Tanaka Building, Suite 100, Agana, Guam 96910

**COMMITTEE REPORT**

**ON**

**BILL 109 - AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO EXCHANGE GOVERNMENT LAND IN DEDEDO FOR PROPERTY TAKEN FROM MR. EUGENIO L.G. CRUZ IN SINAJANA BY THE GUAM HOUSING AND URBAN RENEWAL AUTHORITY.**

**I. BACKGROUND**

Senator Edwardo J. Cruz, MD, Acting Chairman for the Committee, had conducted a public hearing on Bill No. 109 on March 14, 1997 at the legislature's public hearing room in Agana, Guam.

Committee members present included:

Senator Edwardo J. Cruz, Acting Chairman  
Senator Lawrence F. Kasperbauer, Member  
Senator William B.S.M. Flores, Member  
Senator Thomas C. Ada, Member

**II. SUMMARY OF TESTIMONY**

**Mr. Ray Aflague**, Department of Land Management was present to testify for Bill 109. He said it was GHURA that condemned the land of Eugenio L.G. Cruz. GHURA should be liable to pay all costs accrued from the exchange. Mr. Aflague said there was land reserved for Mr. Cruz.

**Mr. Joseph M. Borja**, Administrative Director of Chamorro Land Trust Commission. Mr. Borja had no comments concerning Sections 1, 2, 3 & 4 of the bill. Section 5 did not assure the Commission that the government land for exchange is or is not within the 70 acres reserved under PL 22-18. Mr. Borja is requesting for an extended review time so the Commission can present a general statement to the legislature to remedy the land taking problems.

**Acting Chairman Senator Edwardo J. Cruz**, reminded Mr. Borja that all statements pertaining to this bill must be submitted within seven days from the Public Hearing date.

**Ronald Lujan**, GHURA Community Development Manager.

Mr. Lujan blamed the delay to the turn around of administrators and legal counsel. The GHURA attorney is still looking into this matter and will notify Mr. Eugenio L.G. Cruz of settlement.

**Mr. Eugenio L.G. Cruz**, victim of land condemnation from GHURA. Mr. Cruz is seeking overdue compensation for almost three decades. Mr. Cruz is suffering due to errors of GHURA and has sought help through the legislature as a last resort.

**Acting Chairman Senator Edwardo J. Cruz**, asked Mr. Lujan for a list of other land taking victims. Senator Cruz has assigned Mr. Lujan the task of reviewing all records and informing Senator John Camacho Salas of any more cases.

**Senator William Flores**, could not believe that it has taken this long to address Mr. Cruz's problem.

**Mr. Albert Santos**, GHURA Chief of Engineer.

Mr. Santos blamed the system with the delay. GHURA failed to deposit money to the Treasurer of Guam. That was GHURA's only error, from the suggestion of their legal counsel. Department of Land Management has assured GHURA there is a lot set aside for Mr. Eugenio Cruz.

**Senator Thomas Ada**, suggested the deletion of lines 11, 12 & 13, from Section 3 of Bill 109 which obligates Mr. Eugenio Cruz to pay all costs associated with the exchange. He stated Section 4 should be revised not to limit Mr. Cruz after the land exchange is completed. He further stated Section 5 should not be in the bill, but this section should be amended in identifying the land to be exchanged. Bill introducers can change provisions.

### III. COMMITTEE FINDINGS

Based on the testimony provided at the hearing, the Committee finds that the Government of Guam has delayed for over 30 years the just compensation of Mr. Eugenio Cruz. While GHURA blames a change in administration and delays in the actions of legal counsel, it is clear that Mr. Cruz and his family's well being was never considered. As a last resort, he came before the Legislature to resolve his dilemma.

While Bill 109 does address the issue of just compensation, the Committee finds it disturbing that the charges for surveying, appraisals, mapping, and registration should be shouldered by Mr. Cruz. The Committee also finds unjust that Mr. Cruz must wait 10 years before he can pass his legacy on to his family.

### IV. COMMITTEE RECOMMENDATIONS

Based on the testimony provided at the hearing, the Committee recommends that Bill 109 be revised to ensure that charges relating to the land exchange be shouldered by GHURA, since they are the agency responsible for the condemnation of Mr. Eugenio Cruz's land. The Committee also recommends that the provision in Bill 109 restricting Mr. Cruz to for a period of 10 years be deleted from the bill, and allow Mr. Cruz to use the land.

The Committee recommends **TO DO PASS** Bill 109, as substituted by Committee to reflect GHURA's shouldering costs associated with the land exchange and the deletion of 10 year time period restriction.





24th GUAM LEGISLATURE

# SENATOR JOHN CAMACHO SALAS

CHAIRMAN

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

### VOTING SHEET

Bill Number **109**

Title An act to authorize the Governor of Guam to exchange Government land in Dededo for property taken from Mr. Eugenio L.G. Cruz in Sinajana by the Guam Housing and Urban Renewal Authority.

	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 John Camacho Salas, Chairman	✓			
 Edwardo J. Cruz, M.D., Vice-Chair	✓			
 Elizabeth Barrett-Anderson, Member			✓	
 Larry Kasperbauer, Member	X			
 Carlotta Leon Guerrero, Member	✓			
 Thomas Ada, Member	✓			
 William Flores, Member	✓			
Anthony Unpingco, Ex-Officio Member				

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

**BBMR-F7**

Bill Number: 109  
 Amendatory Bill: N/A

Date Received: March 27, 1997  
 Date Reviewed: April 7, 1997

Department/Agency Affected: Department of Land Management  
 Department/Agency Head: Carl J.C. Aguon, Acting  
 Total FY Appropriation to Date: \$3,694,501

Bill Title (preamble): AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO EXCHANGE GOVERNMENT LAND IN DEDEDO FOR PROPERTY TAKEN FROM MR. EUGENIO L.G. CRUZ IN SINAJANA BY THE GUAM HOUSING AND URBAN RENEWAL.

Change in Law: N/A

**Bill's Impact on Present Program Funding:**

Increase \_\_\_\_\_ Decrease \_\_\_\_\_ Reallocation X No Change \_\_\_\_\_

**Bill is for:**

Operations \_\_\_\_\_ Capital Improvement \_\_\_\_\_ Other X

**FINANCIAL/PROGRAM IMPACT**

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Natural Resources, Recreation & Arts			//

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

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? N/A -- IF NO, ADD'L AMOUNT REQUIRED \$ //

AGENCY/PERSON/DATE CONTACTED: Land Management/E. Santos

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER						
TOTAL						N/A

ANALYST A. Flores DATE 4/10/97 DIRECTOR Francis Balañad DATE APR 11 1997  
*Joseph E. Rivera, Acting*

**FOOTNOTES:** // Although an appropriation measure is not provided, enactment of Bill No. 109 will impact on scarce government land resources, reserved for exchange, estimated at under 35 acres. It is not known whether all land exchanges issues of the government can be addressed with the remaining acreage of under 35 acres. Additionally, if affected government lots are unsurveyed, then survey costs are anticipated should the bill be enacted.

1 **BORDALLO & LUJAN**

2 Attorneys - At - Law

3 P. O. BOX 1833  
4 AGANA, GUAM 96910  
5 Tel: 777-8450

6 **D E E D O F G I F T**

7 **KNOW ALL MEN BY THESE PRESENTS:**

8 That we, JESUS V. CRUZ and RITA G. CRUZ, husband and wife,  
9 residents of the territory of Guam, for an in consideration of the  
10 natural love and affection, which we have unto EUGENIO L.G. CRUZ  
11 and CATHERINE L.G. CRUZ, husband and wife, U.S. citizens and  
12 residents of the territory of Guam, do by these presents give,  
13 grant, bargain and convey unto EUGENIO L.G. CRUZ and CATHERINE L.G.  
14 CRUZ, their heirs and assigns forever, all that piece or parcel of  
15 land situated in the municipality of Sinajana, territory of Guam,  
16 more particularly described as follows:

17 Lot No. 3068-1-2, Agana Heights,  
18 municipality of Sinajana, terri-  
19 tory of Guam, containing an area  
20 of 1,172 ± square meters, as shown  
21 on Drawing No. SDCO 52-0271, map  
22 prepared by SIAN, DE CASTRO & CO., INC.

23 Together with all and singular the tenements, hereditaments,  
24 and appurtenances thereunto belonging or in anywise appertaining,  
25 and the reversion and reversions, remainder and remainders, rents,  
26 issues, and profits thereof, and all the estate, right, title,  
interest, claim and demand, whatsoever, of ourselves, of, in, and  
to the premises, with the appurtenances, and every part thereof.

TO HAVE AND TO HOLD all and singular the above-granted pre-  
mises, with the appurtenances, unto the said EUGENIO L.G. CRUZ and  
CATHERINE L.G. CRUZ, their heirs and assigns, to their proper use  
forever.



TERRITORY OF GUAM, DEPARTMENT OF LAND MANAGEMENT  
OFFICE OF THE RECORDER

INSTRUMENT NUMBER 101036

This instrument was filed for record on 14  
day of April, 1971, at 5:55 P.M.

and duly recorded in Book \_\_\_\_\_ at Page \_\_\_\_\_  
Recording Fee 12.00 Voucher No. 49085

Jase P. Cruz  
Deputy Recorder

1<sup>o</sup> BORDALLO & LUJAN

2 Attorneys - At - Law  
3 P. O. BOX 1833  
4 AGANA, GUAM 96910  
5 Tel: 777-8480

6 D E E D O F G I F T

7 KNOW ALL MEN BY THESE PRESENTS:

8 That we, JESUS V. CRUZ and RITA G. CRUZ, husband and wife,  
9 residents of the territory of Guam, for an in consideration of the  
10 natural love and affection, which we have unto EUGENIO L.G. CRUZ  
11 and CATHERINE L.G. CRUZ, husband and wife, U.S. citizens and  
12 residents of the territory of Guam, do by these presents give,  
13 grant, bargain and convey unto EUGENIO L.G. CRUZ and CATHERINE L.G.  
14 CRUZ, their heirs and assigns forever, all that piece or parcel of  
15 land situated in the municipality of Sinajana, territory of Guam,  
16 more particularly described as follows:

17 Lot No. 3068-1-2, Agana Heights,  
18 municipality of Sinajana, terri-  
19 tory of Guam, containing an area  
20 of 1,172 ± square meters, as shown  
21 on Drawing No. SDCO 52-0271, map  
22 prepared by SIAN, DE CASTRO & CO., INC.

23 Together with all and singular the tenements, hereditaments,  
24 and appurtenances thereunto belonging or in anywise appertaining,  
25 and the reversion and reversions, remainder and remainders, rents,  
26 issues, and profits thereof, and all the estate, right, title,  
interest, claim and demand, whatsoever, of ourselves, of, in, and  
to the premises, with the appurtenances, and every part thereof.

TO HAVE AND TO HOLD all and singular the above-granted pre-  
mises, with the appurtenances, unto the said EUGENIO L.G. CRUZ and  
CATHERINE L.G. CRUZ, their heirs and assigns, to their proper use  
forever.

1 BORDALLO & LUJAN  
2 Attorneys - At - Law  
3 P. O. BOX 1933  
4 AGANA, GUAM 96910  
5 Tel: 777-8450

6 IN WITNESS WHEREOF, we have hereunto set our hands this 31st  
7 day of March, 1971.

*Jesus V. Cruz*  
Right thumb

JESUS V. CRUZ

*Rita G. Cruz*  
RITA G. CRUZ

11 TERRITORY OF GUAM )  
12 ) SS.  
13 CITY OF AGANA )

14 On this 31st day of March, 1971, before me a Notary Public,  
15 in and for the territory of Guam, personally appeared ~~JESUS V. CRUZ~~  
16 and RITA G. CRUZ, known to me to be the person whose name is  
17 subscribed to the within instrument and acknowledged to me that  
18 she executed the same.

19 WITNESS my hand and affixed my official seal.

*Diana S.A. Bell*  
Diana S. A. Bell  
Notary Public  
In and for the Territory of Guam  
My Commission Expires Nov. 14, 1975

21 Territory of Guam )  
22 City of Agana ) SS.

23 On this 31st day of March, 1971, before me a Notary public, in  
24 and for the territory of Guam, personally appeared Jesus V. Cruz,  
25 to me known to be the identical person who executed the within  
26 and foregoing instrument by his mark, in my presence and in the  
presence of María Guerrero and Diana S.A. Bell, as witnesses, and  
acknowledged to me that he executed the same as his free and  
voluntary act and deed for the uses and purposes therein set forth;  
said instrument having been read to him, he being a person unable  
to read or write.

Witness my hand and affixed my official seal.

*Diana S.A. Bell*  
Diana S. A. Bell  
Notary Public  
In and for the Territory of Guam  
My Commission Expires Nov. 14, 1975

TERRITORY OF GUAM, DEPARTMENT OF LAND MANAGEMENT  
OFFICE OF THE RECORDER

INSTRUMENT NUMBER 101036

This instrument was filed for record on 14

day of April, 1971, at 5:55 <sup>A.M.</sup> ~~P.M.~~

and duly recorded in Book \_\_\_\_\_ at Page \_\_\_\_\_

Recording Fee 12.00 Voucher No. 49085

Jase  
Deputy Recorder









# GHURA

Guam Housing and Urban Renewal Authority  
P.O. Box CS Agana, Guam 96910  
(671) 477-9851 to 4 • Fax: (671) 477-4184

DEPARTMENT

OF

LAND MANAGEMENT

JUL 16 2 03 PM '92

*Joseph F. Ada*  
Governor

*Frank F. Blas*  
Lieutenant Governor

*Pilar A. Cruz*  
Executive Director

*Ricardo A. Calvo*  
Deputy Director

JUL 16 1992

**Board of Commissioners**

*Vicente C. San Nicolas*  
Chairman

*Evelyn A. Blas*  
Vice-Chairperson

*Nicolas D. Francisco*  
Member

*Jesus T. Lizama*  
Member

*Marilyn P. Megofna*  
Member

*Galo E. Camacho*  
Member

*Jesus L. Perez*  
Member

**MEMORANDUM:**

**TO:** Director, Department of Land Management

**FROM:** Executive Director

**SUBJECT:** Civil Case No. 38-72  
Eugenio L. G. Cruz  
Lot 3068-1-2, Sinajana, Guam

We understand from Mr. Eugenio L. G. Cruz that he had approached you on previous occasion about him obtaining government land as an exchange for his real property acquired by Guam Housing and Urban Renewal Authority (GHURA) in a condemnation proceeding for the Sinajana Urban Renewal Project. However, you wanted more information on his condemned property.

Please be informed that GHURA acquired Mr. Cruz's Lot 3068-1-2, Sinajana, Guam, containing an area of 7,613 square feet for right-of-way and reparcelization via the eminent domain proceedings filed under Civil Case No. 38-72. Our estimated just compensation for the taking in the amount of \$2,248.00 is deposited and still in the Registry of the District Court of Guam. A copy of the color sketch delineating Mr. Cruz's Lot 3068-1-2 and the portion taken from him for the Sinajana Project is attached.

We have been negotiating with Mr. Cruz to settle this matter and finally we reached a compromise for an out of court settlement. GHURA is very anxious to settle the condemnation and Department of Land Management can make it happen by way of an exchange of Government of Guam land. Of course this is subject to Department of Land Management requirements and the availability of land for exchange.



Director, Department of Land Management

**Re:** Civil Case No. 38-72



Eugenio L. G. Cruz

Lot 3068-1-2, Sinajana, Guam

Page 2 of 2

For your further information, please find attached Public Law 15-68 as a reference and guidance. **GHURA** is ready to assist Mr. Cruz in this effort including preparation of documents in compliance of the requirements of said public law.

Your prompt attention to this request is greatly appreciated.

  
**PILAR A. CRUZ**  


Attachments