



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Refer to  
Legislative Secretary

JUN 02 1997

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. 101 (COR), "Bill No. 101 (COR), "AN ACT TO AUTHORIZE THE EXCHANGE OF CERTAIN PROPERTY IN TUMON TO COMPLETE THE WIDENING OF PALE SAN VITORES ROAD.", which was vetoed and subsequently overridden by the Legislature on May 28, 1997. This legislation is now numbered **Public Law No. 24-38.**

Very truly yours,

  
Carl T. C. Gutierrez  
Governor of Guam

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>DST</u>
Time	<u>12:06pm</u>
Date	<u>6-3-97</u>

Attachment **00257**


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

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 6/3/97  
Time: 1045  
Rec'd by: [Signature]  
Print Name: Charlene Demas

TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

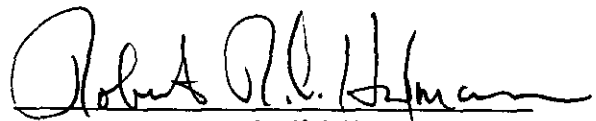
This is to certify that Bill No. 101 (COR), "AN ACT TO AUTHORIZE THE EXCHANGE OF CERTAIN PROPERTY IN TUMON TO COMPLETE THE WIDENING OF PALE SAN VITORES ROAD," returned to the Legislature without approval of the Governor, was reconsidered by the Legislature and after such consideration, the Legislature did, on the 28th day of May, 1997, agree to pass said bill notwithstanding the objection of the Governor by a vote of fourteen (14) members.

  
\_\_\_\_\_  
ANTONIO R. UNPINGCO  
Speaker

Attested:

  
\_\_\_\_\_  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 30<sup>th</sup> day of May, 1997, at 8:24 o'clock A.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

Date: \_\_\_\_\_

Public Law No. 24-38

TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session

Bill No. 101 (COR)

Introduced by:

Mark Forbes

AN ACT TO AUTHORIZE THE EXCHANGE OF  
CERTAIN PROPERTY IN TUMON TO COMPLETE  
THE WIDENING OF PALE SAN VITORES ROAD.

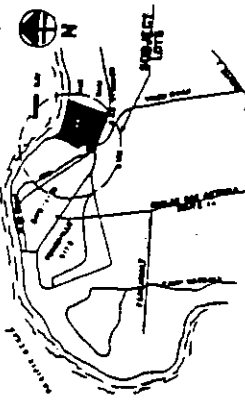
1           BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2           Section 1. **Legislative Findings.** In 1985, in Civil Case No. CV1171-85,  
3 Government of Guam vs. 6083.61 square meters of land, filed in the Superior  
4 Court of Guam, the government of Guam lawfully condemned certain parcels  
5 of land along the highways in Tumon in order to widen Pale San Vitores Road  
6 and to straighten out certain intersections, as a result of which the  
7 government of Guam acquired title to a strip of land belonging to Hotels of  
8 the Marianas, Inc. ("Hilton") and located on the northern side of Pale San  
9 Vitores Road. Although the government of Guam deposited the necessary  
10 funds in court so as to vest title in the government, Hilton preferred not to  
11 receive cash for the parcel but to obtain in exchange two (2) abutting parcels  
12 of land belonging to the government of Guam equivalent in value, offering in  
13 addition a strip of land belonging to Hilton and located along the public road  
14 leading from the Hilton intersection to the Ypao Beach parking lot so as to  
15 make equal in aggregate size the parcels proposed to be exchanged. Over a  
16 period of years, an agreement was reached between the Executive Branch of  
17 the government of Guam and Hilton respecting the proposed exchange and a

1 land exchange map was prepared. Thereafter, it was discovered that the  
2 government of Guam had built a fence and a wall along what was thought to  
3 be the boundary between the government of Guam park (Ypao Park) and the  
4 Hilton, but in fact such fence and wall were located inside government land  
5 and not on the Hilton boundary. Hilton has built a thirteen-story tower on  
6 the property next to the park and wishes to take over maintenance of the wall,  
7 increase its height, and plant coconut trees and otherwise landscape the  
8 property on both sides of the wall. The Department of Parks and Recreation  
9 has concurred with this concept. Additionally, it was discovered that a  
10 pumping station operated by the Public Utility Agency of Guam was actually  
11 located on Hilton property, at least in part. The Executive Branch of the  
12 government of Guam and Hilton then agreed that the property acquired from  
13 Hilton in the road condemnation be slightly increased in size so as to  
14 encompass the pumping station and so as to make the government parcels  
15 being exchanged with the Hilton parcels the same in aggregate area. A  
16 revised land exchange map was prepared, which map is attached hereto  
17 marked "Exhibit A." Accordingly, the Legislature finds that the exchange set  
18 out in Section 2 of this act is beneficial to the people of Guam in that the  
19 government land being exchanged is of no particular value or use, one parcel  
20 being on the hillside below old Guam Memorial Hospital and the other being  
21 a narrow strip, never used by the government, between the wall and the  
22 Hilton property line, while the land the government obtains now includes the  
23 pumping station and is of greater value than the parcels Hilton is to obtain  
24 since they are located along public highways. Additionally, by so exchanging  
25 the relatively valueless government parcels, the government of Guam saves

1 itself the considerable cash it might have to pay were the condemnation to be  
2 litigated to determine actual value, current values in the area approximating  
3 One Thousand Dollars (\$1,000) per square meter. Finally, Hilton has agreed  
4 not only to maintain, heighten and improve the wall but also to landscape and  
5 maintain the government land immediately adjacent to the wall. The  
6 Legislature, therefore, concludes that the exchange set out in Section 2 of this  
7 Act should be approved.

8       **Section 2. Exchange.** The area encompassing the exchange is shown  
9 and described on Drawing No. L-845, prepared by Robert Beam, and recorded  
10 at the office of the Recorder, Guam, under Instrument No. 362617, which  
11 drawing is attached hereto, marked "Exhibit B." The Governor of Guam shall  
12 exchange portions of Lots Nos. 5174-C and 5174 REM-2, Tumon, Dededo,  
13 namely Parcels B and C, containing an aggregate area of nine hundred fifty-  
14 five (955) square meters, as shown outlined in yellow on "Exhibit A," for  
15 portions of Lots Nos. 5174-D-R3 and 5174-D-2, namely, Lot No. 5174-3G and  
16 Parcel A, containing an identical aggregate area of nine hundred fifty-five  
17 (955) square meters, as shown outlined in green on "Exhibit A," belonging to  
18 Hilton.



**VICINITY MAP**  
NOT TO SCALE

- LEGEND:**
- 1. INDICATED WITH UNBROUGHT TO BEYOND
  - 2. INDICATED WITH UNBROUGHT TO BEYOND
  - 3. INDICATED WITH UNBROUGHT TO BEYOND
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  - 9. INDICATED WITH UNBROUGHT TO BEYOND
  - 10. INDICATED WITH UNBROUGHT TO BEYOND

**NOTES:**

1. ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
2. THE BOUNDARIES OF THE SUBJECT PROPERTY ARE SHOWN AS SHOWN ON THE PLANS AND FIELD NOTES.
3. ALL DISTANCES AND DIMENSIONS ARE SHOWN AS SHOWN ON THE PLANS AND FIELD NOTES.

**REFERENCES:**

1. THE PLANS AND FIELD NOTES OF THE SUBJECT PROPERTY.
2. THE PLANS AND FIELD NOTES OF THE SUBJECT PROPERTY.
3. THE PLANS AND FIELD NOTES OF THE SUBJECT PROPERTY.

**DEFINITION:**

THE WORDS "AND DECIMALS THEREOF" SHALL BE CONSIDERED TO BE PART OF THE DEFINITION OF THE WORDS "FEET" AND "DIMENSIONS" AS SHOWN ON THE PLANS AND FIELD NOTES.

**DECKED BY:**

DATE: 11/15/51  
BY: [Signature]

**APPROVED BY:**

DATE: 11/15/51  
BY: [Signature]

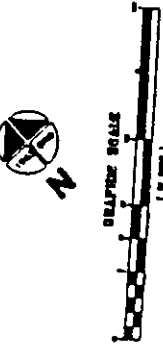
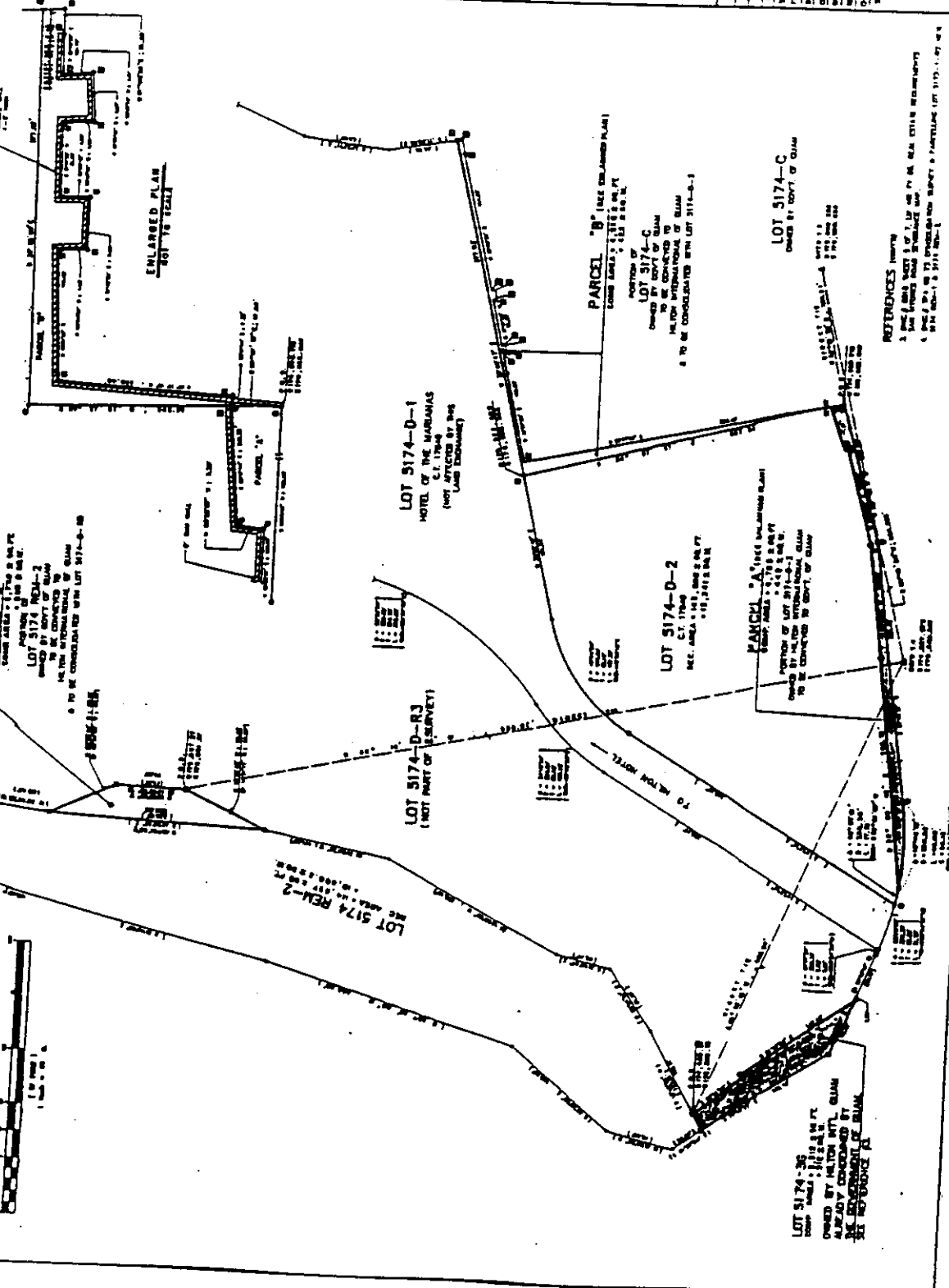
**PROCEEDING N. BALDWIN**

LOT 5174-D-2, 5174-C, 5174-D-1 & REPLACEMENT OF LOT 5174-B-3C FOR LAND EXCHANGE BETWEEN [Name] AND [Name] WITH REFERENCE TO [Name]

DATE OF SALE	11/15/51
DATE OF PLAN	11/15/51
DATE OF SURVEY	11/15/51
DATE OF RECORDING	11/15/51
DATE OF INDEXING	11/15/51
DATE OF CLOSING	11/15/51
DATE OF RECORDING	11/15/51
DATE OF INDEXING	11/15/51
DATE OF CLOSING	11/15/51

**LAND EXCHANGE SUMMARY**

PARCELS RECEIVED BY DEPT. OF GUAM	PARCELS RECEIVED BY MEXICAN INTL. BANK
ACRES: 1.125	ACRES: 1.125
SQ. FT.: 77,160	SQ. FT.: 77,160
TOTAL AREA: 154,320 SQ. FT.	TOTAL AREA: 154,320 SQ. FT.





SEE SHEET 1 OF 2

LEGEND:  
VICINITY MAP  
NOT TO SCALE

NOTES

REFERENCES

CERTIFICATION

APPROVAL AUTHORITY TO PRACTICE LAND SURVEYING IN THE STATE OF CALIFORNIA  
I, PROGENCIO R. BALAGIAS, a duly licensed Professional Engineer in the State of California, do hereby certify that I am the author of the above described plat and that the same is a true and correct copy of the original as shown to me by the person claiming to be the owner of the same.

CHECKED BY:  
PROGENCIO R. BALAGIAS  
DATE: 12-15-1982

DATE: 12-15-1982

SCALE: AS SHOWN

PROJECT NO.: 5174-D-1-NEW

DATE: 12-15-1982

SCALE: AS SHOWN

PROJECT NO.: 5174-D-1-NEW

DATE: 12-15-1982

SCALE: AS SHOWN

PROJECT NO.: 5174-D-1-NEW

DATE: 12-15-1982

SCALE: AS SHOWN

PROJECT NO.: 5174-D-1-NEW

DATE: 12-15-1982

SCALE: AS SHOWN

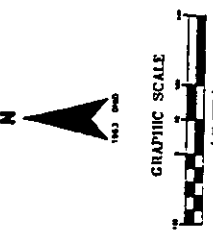
PROJECT NO.: 5174-D-1-NEW

DATE: 12-15-1982

SCALE: AS SHOWN

PROJECT NO.: 5174-D-1-NEW

DATE: 12-15-1982



TUMON BAY

LOT 5174-D-1-NEW  
COMP. AREA = 807,188 S. SQ. FT.  
= 73,018 S. SQ. M.

LOT 5174-D-R4  
NOT PART OF SURVEY

LOT 5173-1-R2-NEW-R2  
L.S. 84-817700

CURVE	STATION	CHORD	ANGLE	BEARING	AREA
1	1+00.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	1+100.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	1+200.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	1+300.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	1+400.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	1+500.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	1+600.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	1+700.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	1+800.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	1+900.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	2+000.00	200.00	180.00	N 00° 00' 00" E	40000.00
1	2+100.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	2+200.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	2+300.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	2+400.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	2+500.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	2+600.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	2+700.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	2+800.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	2+900.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	3+000.00	300.00	270.00	N 00° 00' 00" E	90000.00
1	3+100.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	3+200.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	3+300.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	3+400.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	3+500.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	3+600.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	3+700.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	3+800.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	3+900.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	4+000.00	400.00	360.00	N 00° 00' 00" E	160000.00
1	4+100.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	4+200.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	4+300.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	4+400.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	4+500.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	4+600.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	4+700.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	4+800.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	4+900.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	5+000.00	500.00	450.00	N 00° 00' 00" E	250000.00
1	5+100.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	5+200.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	5+300.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	5+400.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	5+500.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	5+600.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	5+700.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	5+800.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	5+900.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	6+000.00	600.00	540.00	N 00° 00' 00" E	360000.00
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1	6+500.00	100.00	90.00	N 00° 00' 00" E	10000.00
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1	6+800.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	6+900.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	7+000.00	700.00	630.00	N 00° 00' 00" E	490000.00
1	7+100.00	100.00	90.00	N 00° 00' 00" E	10000.00
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1	7+900.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	8+000.00	800.00	720.00	N 00° 00' 00" E	640000.00
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1	8+300.00	100.00	90.00	N 00° 00' 00" E	10000.00
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1	8+700.00	100.00	90.00	N 00° 00' 00" E	10000.00
1	8+800.00	100.00	90.00	N 00° 00' 00" E	10000.00
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CONVEYANCE LINES UNDEVELOPED

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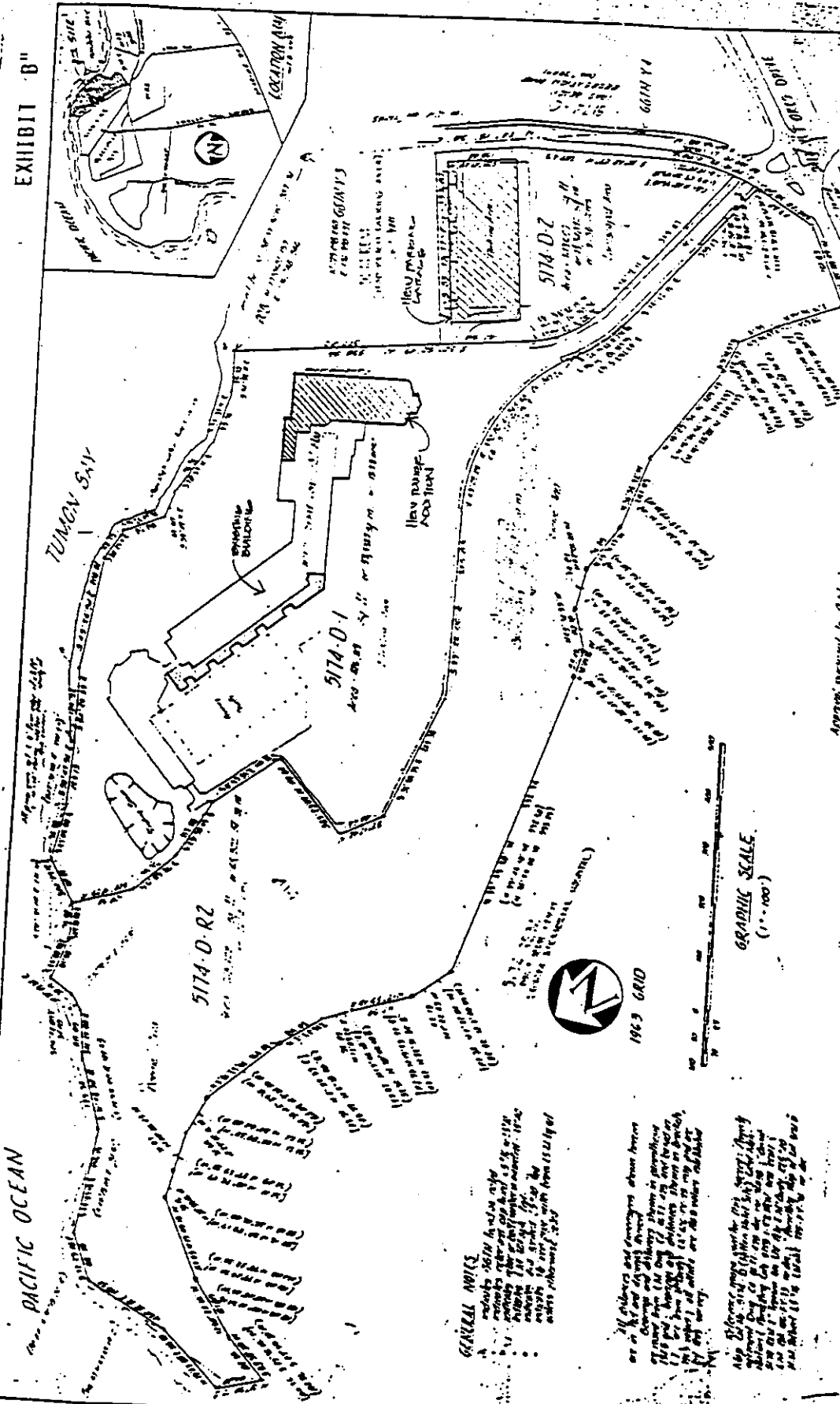
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<p><b>PARCELLING MAP</b>  <b>LOT 107 Q-1415 107</b>  <b>5174-D-1 5174-D-2 5174-D-R2</b>  <b>IN 1960 - MUNICIPALITY OF OCEANO</b></p>	
<p>APPROVED BY THE BOARD OF SUPERVISORS          MAY 1963</p>	<p>DATE OF PREPARATION          MAY 1963</p>
<p>PROJECT NO.          107 Q-1415 107</p>	<p>SCALE          1" = 100'</p>

<p>OWNER          STATE OF CALIFORNIA</p>	<p>DESIGNER          J. J. ...</p>
<p>DATE          MAY 1963</p>	<p>PROJECT NO.          107 Q-1415 107</p>

PACIFIC OCEAN

5174-D-R2

5174-D-1

207-115



1963 GRID

GRAPHIC SCALE  
 (1" = 100')

**GENERAL NOTICE**  
 This map has been prepared to show the proposed grading for the above project. It is not intended to show the existing conditions. The owner is responsible for the accuracy of the data furnished to the engineer. The engineer is not responsible for the accuracy of the data furnished to him.

This map has been prepared to show the proposed grading for the above project. It is not intended to show the existing conditions. The owner is responsible for the accuracy of the data furnished to the engineer. The engineer is not responsible for the accuracy of the data furnished to him.

Approved pursuant to Public Law 85-625  
 Department of the Interior

This map has been prepared to show the proposed grading for the above project. It is not intended to show the existing conditions. The owner is responsible for the accuracy of the data furnished to the engineer. The engineer is not responsible for the accuracy of the data furnished to him.

*Signature*  
 1963

DATE: MAY 1963





OFFICE OF THE GOVERNOR  
TERRITORY OF GUAM

Office of the Speaker  
ANTONIO R. UNPINGCO

Date: 5/20/97  
Time: 1050  
Rec'd by: [Signature]  
Print Name: Charlae Dumas

**MAY 20 1997**

**Refer to  
Legislative Secretary**

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

OFFICE OF THE LEGISLATIVE SECRETARY  
ACKNOWLEDGMENT RECEIPT  
Received By: [Signature]  
Time 2:55pm  
Date 5-20-97

Dear Speaker Unpingco:

Enclosed please find a copy of Bill No. 101 (COR), "Bill No. 101 (COR), "AN ACT TO AUTHORIZE THE EXCHANGE OF CERTAIN PROPERTY IN TUMON TO COMPLETE THE WIDENING OF PALE SAN VITORES ROAD.", which I have **vetoed**.

The land that the legislature authorized for exchange in this legislation is part of the Chamorro Land Trust. The land is part of a collection of lots known as "old GMH" or "Hospital Point", which is an area with a great deal of promise for the beneficiaries of the Chamorro Land Trust.

Initially, both parcels of land which are the subject of this land exchange, including the land upon which the Hilton hotel sits, the surrounding area, and the pump station, all belonged to the government of Guam. The Hilton hotel land was conveyed by the government of Guam to the Hotels of the Marianas, Inc. (Hilton) back in the 1960's in order to start our very early visitor industry. Hilton hotel is not the original landowner.

When San Vitores Road was widened and improved, certain parcels of land along the roadway were condemned in 1986. Consequently, Hotels of the Marianas, Inc. (Hilton), was offered approximately \$38,400 for the 512 square meters of land which were condemned at the time. The government was condemning land that had been owned previously by the government, and deeded away.

Instead of accepting a cash settlement for the land condemnation of 512 square meters, the private landowner would like additional land -- 955 square meters of land -- which at today's market price of \$2,000 per square meter is worth approximately \$2 Million. Why should the Chamorro Land Trust give up approximately \$2 Million worth of land when the private

landowner could only claim the amount of the 1986 settlement offer, plus interest? And this claim would be against the government, not the Chamorro Land Trust.


What is the value of this land exchange to the Chamorro Land Trust? According to this legislation, nothing. The Chamorro Land Trust loses land and receives **nothing** in exchange. The legislation indicates that the "Governor" shall exchange the land. The Governor, however, is not the custodian of the Chamorro Land Trust and cannot give away Chamorro land trust property. The 512 square meters of land that the government condemned from Hilton lies underneath San Vitores Road. The benefit of the condemned land's usage is to the government of Guam. Its condemnation by the government in 1986 was **not** a benefit to the Chamorro Land Trust.

This legislation makes the Chamorro Land Trust and its beneficiaries foot the bill for a land condemnation made in 1986 on behalf of the government of Guam.

Just last year, for several months members of the Nacion y Chamorru were sleeping in huts in front of the Ricardo J. Bordallo Governor's Complex. They were protesting that the Chamorro Land Trust was not being implemented fast enough. Now, the Legislature has sent a bill to the Governor which gives away Chamorro Land Trust land in exchange for nothing of benefit to the Trust. The land given away could be used to bring income to the Trust which in turn could support the cost of providing infrastructure to housing lots. The very same individuals who led the cry to implement the Chamorro Land Trust are now so easily voting the lands away. Only 1 senator voted against this bill, Senator Judith Won-Pat Borja.

The land being given away is located in the heart of the visitor industry, Tumhom. Once given away, it is not likely that the Chamorro Land Trust will ever be able to own land in this prime location again.

Very truly yours,

  
Madeleine Z. Bordallo  
Acting Governor of Guam

Attachment

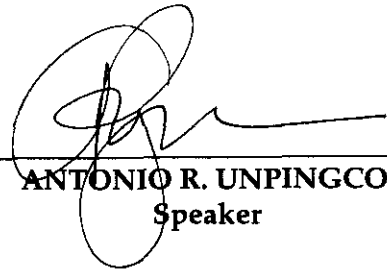
00230

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

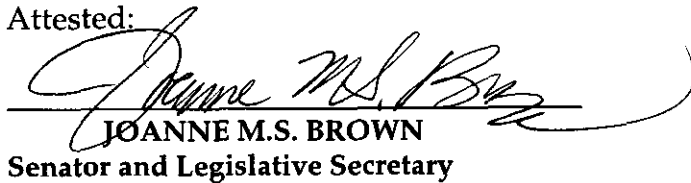
TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

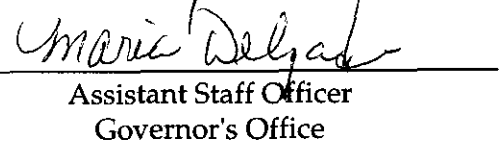
This is to certify that Bill No. 101 (COR), "AN ACT TO AUTHORIZE THE EXCHANGE OF CERTAIN PROPERTY IN TUMON TO COMPLETE THE WIDENING OF PALE SAN VITORES ROAD," was on the 6th day of May, 1997, duly and regularly passed.



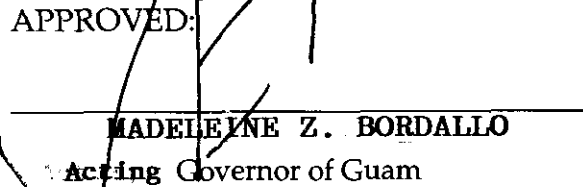
ANTONIO R. UNPINGCO  
Speaker

Attested:  
  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

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



Assistant Staff Officer  
Governor's Office

APPROVED:  
  
MADELEINE Z. BORDALLO  
Acting Governor of Guam

Date: \_\_\_\_\_  
Public Law No. \_\_\_\_\_



✓

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. 101, 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	7
Not To Pass	0
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  
 Chairman

Attachments

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

## COMMITTEE REPORT

ON

### **BILL NO. 101 - AN ACT TO AUTHORIZE THE EXCHANGE OF CERTAIN PROPERTY IN TUMON TO COMPLETE THE WIDENING OF PALE SAN VITORES ROAD.**

#### I. BACKGROUND

Senator John Camacho Salas, Chairman for the Committee, had conducted a public hearing on Bill No.101 on February 28, 1997 at the legislature's public hearing room in Agana, Guam.

Committee members present included:

Senator John Camacho Salas, Chairman  
Senator Edwardo J. Cruz, Vice-Chairman  
Senator Lawrence Kasperbauer, Member  
Senator Thomas Ada, Member  
Senator William B.S.M. Flores, Member  
Senator Elizabeth Barrett-Anderson, Member

#### II. SUMMARY OF TESTIMONY

**Anthony Corn**, Guam Hilton Management Team Member. The Hilton is requesting consideration for approval of this bill. It will provide an equitable compromise between the Hilton and the people of Guam.

**Herman Ehrlich**, Guam Hilton. Asked for favorable consideration of Bill 101.

**Senator Salas** stated that this Bill is making right what was done several years ago. The Senator thought that this was resolved in 1992. This is not a taking of government land, but an equitable return of Guam Hilton property.

**Senator Cruz** asked what the value of the land is. He calculated that the value is close to \$1 million, at \$1,000 per square meter. Senator Cruz stated that he is looking for money for the hospital, and suggested that the value be \$2,000 per s.m., and that half of the value be given to the hospital.

**Mr. Corn** explained the maps provided for display. Hilton's property was condemned for the San Vitores Road. A sewage pump station sits on Hilton's property. Instead of accepting monetary compensation for these areas, the Hilton is proposing an exchange of government property for these areas. The property is identified as a rock cropping.

**Senator Kasperbauer** asked if the property proposed for exchange included the cave in the area. Mr. Corn stated that it does not.

**Senator F. Aguon** asked Mr. Corn to clarify the areas proposed for exchange.

Senator Barrett-Anderson asked if the Bill addresses the PUAG substation. Mr. Corn responded affirmatively.

**Senator Ada** asked if the areas are equivalent in size. Mr. Ehrlich explained that it is equivalent.

**Senator F. Aguon** questioned the agreement that the Hilton will maintain, heighten, and improve the wall. Mr. Corn stated that Hilton has been doing the maintenance for esthetic purposes.

**Senator Salas** stated that this matter has been languishing for many years, and the Hilton wanted to know clearly where its boundaries were given the current configuration. The proposal has not changed in nine years.

**Senator F. Camacho** asked if the zoning of the area fronting San Vitores Road is Hotel. It wasn't determined, though Mr. Corn stated that the value of the out-cropping is less than the San Vitores Road property.

### III. COMMITTEE FINDINGS

Based on testimony provided at the hearing, the Committee finds the proposed land exchange had been languishing for nine years. It is also evident that the Hilton Hotel is acting in good faith by proposing not only a value for value exchange, but offering additional property that is useful to the government as it fronts San Vitores Boulevard. The Committee finds the land exchange to be equitable for the both the Government of Guam and Hilton Hotel.

### IV. COMMITTEE RECOMMENDATIONS

Based on the testimony provided at the hearing, the Committee recommends **TO DO PASS** Bill 101.





24th GUAM LEGISLATURE

# SENATOR JOHN CAMACHO SALAS CHAIRMAN

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

### VOTING SHEET

Bill Number 101

Title An Act to Authorize the Exchange of Certain Property in Tumon to Complete the Widening of Pale San Vitores Road.

TO  
PASS

NOT TO  
PASS

ABSTAIN

INACTIVE  
FILE

*John C. Salas*  
John Camacho Salas, Chairman

✓

*Edwardo J. Cruz*  
Edwardo J. Cruz, M.D., Vice-Chair

✓

*Elizabeth Barrett-Anderson*  
Elizabeth Barrett-Anderson, Member

✓

*Larry Kasperbauer*  
Larry Kasperbauer, Member

X

*Carlotta Leon Guerrero*  
Carlotta Leon Guerrero, Member

✓

*Thomas Ada*  
Thomas Ada, Member

✓

*William Flores*  
William Flores, Member

✓

Anthony Unpingco, Ex-Officio Member



# SENATOR JOHN CAMACHO SALAS CHAIRMAN

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

## TESTIMONY SIGN IN SHEET

Bill Number 101

Subject An Act to Authorize the Exchange of Certain Property in Tumon to Complete the Widening of  
Pale San Vitores Road.

Friday, February 28, 1997

Name	Organization	Testimony	
<i>Arturo Lopez</i>	<i>SUPAN HILTON</i>	<input checked="" type="checkbox"/> ORAL	<input checked="" type="checkbox"/> FOR
<i>Richard Enriquez</i>	<i>BUMON HILTON</i>	<input type="checkbox"/> WRITTEN	<input type="checkbox"/> AGAINST
<i>Joe Borja / <sup>by</sup> Ronald E. Teehan</i>	<i>Chamorro Land Trust Commission</i>	<input checked="" type="checkbox"/> ORAL	<input checked="" type="checkbox"/> FOR
		<input type="checkbox"/> WRITTEN	<input type="checkbox"/> AGAINST
		<input type="checkbox"/> ORAL	<input type="checkbox"/> FOR
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		<input type="checkbox"/> WRITTEN	<input type="checkbox"/> AGAINST

REF: 8801.11

February 24, 1997

Mr. Marcel G. Camacho  
Planning & Development Consultant  
Twenty-Fourth Guam Legislature  
Office of Sen. John Camacho Salas  
Tanaka Bldg., Ste. 100  
Agana, Guam 96910

ARCHITECTURE  
SPACE PLANNING  
PROJECT ADMINISTRATION

Re: **Bill No. 101**  
**Land Exchange between Government of Guam and Guam Hilton Hotel**

Dear Marcel,


We are please to submit to your office the following items:

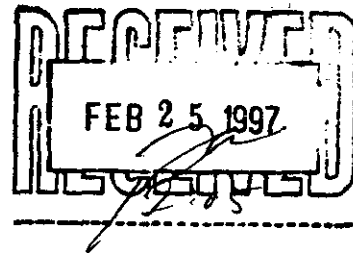
1. Exhibits A, B, C and D - full-sized property maps mounted on board for presentation.
2. 21 colored copies of item 1 above for distribution.

Upon reviewing the said Bill, we have made a revision to Section 2 to incorporate Exhibits C and D. Exhibit C is an enlarged map indicating details of the exchanged parcels. Exhibit D is the newly approved Parceling Survey and Consolidation Map, recorded at the Office of the Recorder on August 19, 1996. Please refer to the attached revised Section 2 as a recommendation for amendment.

Should you have questions, please call our office.

Respectfully,  
Von Watson Architects

  
Muni Abdullah, AIA  
Regional Manager



cc: Herman Ehrlich, GH, 649-1190

GUAM  
P.O. BOX 8151  
TAMUNING GUAM, 96931  
TEL: (671) 472-2005  
FAX: (671) 472-8242  
YWA@MAFA.NET.GU

Section 2. Exchange. The area encompassing the exchange is shown and described on Drawing Nos. PRB 91-015, marked Exhibit A, and PRB 91-53, marked Exhibit C, prepared by Prudencio R. Balagtas dated February 3, 1992, and April 10, 1991, respectively, with references to Drawing No. L-848, prepared by Robert Beam, and recorded at the office of the Recorder, Guam, under Instrument No. 362617, which drawing is attached hereto, marked Exhibit B, and Drawing No. MS-89013, prepared by RLS No. 53, LM 392 FY-96, Parceling Survey Map of Lot 5174-D-R3 into Lot 5174-D-4, and Lot 5174-D-R4 and consolidation of Lot 5174-D-1 and -2 and Lot 5174-D-4 into Lot 5174-D-1NEW, recorded at the office of the Recorder, Guam, under instrument No. 551056, marked Exhibit D. The Governor of Guam shall exchange portions of Lots Nos. 5174-C and 5174 REM-2, Tumon, Dededo, namely Parcels B and C, containing an aggregate area of nine hundred fifty-five (955) square meters, as shown outlined in yellow on Exhibit A and Exhibit C, for portions of Lots Nos. 5174-D-R4 and 5174-D-1NEW, namely Lot No. 5174-3G and Parcel A, containing an identical aggregate are of nine hundred fifty-five (955) square meters, as shown outlined in green on Exhibit A and Exhibit C, belonging to Hilton.

# Chamorro Land Trust Commission

P.O. Box 2950 Agana, Guam 96910

Phone: 475-4251 Fax: 477-8082

Carol A. Ibanez, Chairperson  
Rita C. Okada, Commissioner  
John Q. Finona, Commissioner  
Joseph T. Gumataotao, Commissioner  
Tomas T. Aguon, Commissioner

Joseph M. Borja  
Administrative Director

Lydia T. Cruz  
Deputy Administrative Director

**28 February 1997**

## **Testimony on Bill No. 101**

before the

### **Committee on Land, Agriculture, Housing, Community Planning and Human Resources Development**

Mr. Chairman, I wish to thank you and the members of the Committee for this opportunity to provide testimony on Bill No. 101.

The consideration of Bill No. 101 is a matter of grave concern to the interests of the Chamorro Land Trust Commission. The lands identified in Bill No. 101 for exchange are in fact part of the Trust's inventory, although not currently listed. Pursuant to the provisions of P.L. 22-18, Lot No. 5174-REM-2, along with numerous other parcels, will continue to be added to our inventory as the Commission and the Department of Land Management proceed with the processes involved in the identification and transfer of lots qualifying as 'available lands.' For your information, this lot is a significant piece in a collection of lots which collectively comprise what is known as "old GMH" or "Hospital Point". It is a property of great value and significance to the Commission.

Understandably, we cannot but be concerned whenever lands having the assured potential to attract significant investment capital are targeted for other purposes. And, unfortunately, this is not the first time this particular asset has been legislatively targeted. Though not the intent of the bill, please understand that actions of this nature cannot but contribute to diminishing the viability of the Trust. In all fairness, how can you expect us to build up our programs while taking away our ability

to establish their foundation. The Trust's viability will diminish at a rate proportional to the decimation of our assets.

Mr. Chairman, the vast majority of usable 'available lands' are residential and agricultural grade properties. A far smaller percentage could be classed as having commercial and non-commercial potential. In other words, lands that may be suitable for business, community or non-profit organization type ventures. I would quickly add, that, desiring to be good neighbors, any proposed use in any category would of course be evaluated on a case-by-case basis, and would take into account the interests of the immediate community, the public's interest in general, applicable statutes and regulations, and the progression of our mission. We are respectful and sensitive to considerations as to Guam's sustainable yield, as such would apply to sustainable development.

Unfortunately, precious few are those properties having an assured potential to attract significant investment capital, and thus provide opportunities for the Commission to develop a sound revenue base. A revenue base sorely needed to fund programs we are tasked to create and manage. Programs currently languishing or on hold for want of a desperately needed revenue stream to properly develop and maintain them.

I do not believe anyone would argue the fact that Tumon Bay is rapidly reaching the limit of its ability to further accommodate additional hotels or other ventures which are land intensive. Consequently, Hospital Point, in immediate proximity to Tumon Bay, has become extremely attractive to numerous investors and other interests. It is enticingly attractive, as well, to non-commercial interests desiring to see the development of fine arts facilities, convention centers and other like activities. And, with the congestion and overcrowding in Tamuning, there is pressure directed towards the development of parks and community centers. It is for these reasons that the Commission repeatedly finds itself in the difficult position of having to defend our claim to our most precious asset. But that is not to mean we are not insensitive to other needs.

The Commission has a fiduciary responsibility to maximize the benefits to accrue to the Trust from the use of its assets. As a practical matter, however, and based on our desire to be good neighbors, we are inclined to insure that any activity we eventually license would provide some benefits to the community at large as well. In this light, Lot No. 5174-REM-2 is clearly not a property where best use and highest value would be attained in our residential or agricultural programs. Best use and highest value lies with the maximization of a revenue flow-stream, the benefits from which collectively accrue to the beneficiaries of the Trust. It likewise lies with the concurrent consideration and incorporation of these other needs as conditions of any license, to the extent such is reasonably possible. Thus, it is reasonable for the Commission to seek out qualified investors willing to infuse significant capital into development schemes which provide multifaceted benefits. This win-win approach towards the development of Hospital Point is currently possible due to the current size and features of the lots under discussion.

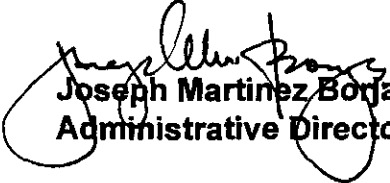
It may be argued by proponents of Bill No. 101 that the portion targeted for exchange is a small area. We would counter that due to the topography of the area proposed for exchange, any reduction in size would diminish the development potential of the remaining area. As a practical matter, the remaining portion would have a diminished value to anyone other than the adjacent landowner. If this were to occur, we foresee a future request to obtain the balance of the area, which, due to its reduced size and diminished value is no longer of any practical use to anyone else.

It is our understanding, and contrary to findings of Section 1 of the Bill, that the wall bordering Ypao Park was actually built by the Hilton, not the government of Guam. As is correctly noted in the Bill, the wall was in fact built inside government land and not on the Hilton boundary. At this point in time it is difficult to ascertain as to why this discrepancy occurred. Regardless, the fence has denied the public rightful use of a precious public asset.

Section 1 of the Bill notes as well that the PUAG pump station is "at least in part" located on Hilton property. In light of the existing location of the fence, it seems reasonable that consideration should be given to exchanging only a portion of the area

within the fence for an area equal to the encroachment the pump station. The remaining difference in area behind the fence, if any, could be exchanged to offset in part the taking for the road. Assuming, of course, that this would be acceptable to the Department of Parks & Recreation. Further, any difference in liability by the government of Guam to the Hilton should then be extinguished by the payment of funds already deposited with the court. This approach would maintain the viability of Lot No. 5174-REM-2. As proposed in Bill No. 101, however, the value of Lot No. 5174-REM-2 would be diminished at a rate adversely disproportional to the cost of a straightforward monetary settlement.

We do not see the Hilton as being any more entitled to land exchange than the families on Guam who have likewise been subjected to a taking. Unfortunately, there is a glaring historical disparity between the consideration and attention given to a major economic interest and that which is extended to the average family. If one were to apply a time-of-taking consideration to this type of situation, how many families would by-all-rights be in line far ahead of the Hilton for their opportunity for an equally equitable legislative redress of their plight? Unlike the situations faced by our average citizens, the funds required to extinguish this public liability to the Hilton corporation have been set aside. Let us use these funds, as opposed to diminishing the value and viability of an asset that provides the means to in part support the programs of the Trust. Programs which are vital to the interest of thousands of Chamorro families.

  
**Joseph Martinez Borja**  
**Administrative Director**