



GOVERNMENT OF GUAM

007 15 0 1 1 1

OFFICE OF THE LEGISLATIVE SECRETARY
 ACKNOWLEDGMENT RECEIPT
 Received By Joan Summarter
 Time 3 p.m.
 Date 9-30-97

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 Substitute Bill No. 33 (COR), "AN ACT TO AUTHORIZE THE CONVEYANCE TO THE HEIRS OF MARIANO T. CHARFAUROS OF THE ABANDONED UTILITY EASEMENT CROSSING LOT NO. 216, AGAT, GUAM.", which I have signed into law as **Public Law No. 24-68**.

This utility easement has not been utilized in years, and the landowner has redeemed his contiguous property. The landowner should be allowed to recover also the waterline easement taken from him by the Naval Government of Guam and never used.

Very truly yours,

Carl T. C. Gutierrez
 Governor of Guam

Attachment

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

00443

OFFICE OF THE SPEAKER
 ANTONIO R. UNPINGCO
 893097
 13000
 FILED BY: [Signature]
 FILED Name: Charlene Duenas

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. 33 (COR), "AN ACT TO AUTHORIZE THE CONVEYANCE TO THE HEIRS OF MARIANO T. CHARFAUROS OF THE ABANDONED UTILITY EASEMENT CROSSING LOT NO. 216, AGAT, GUAM," was on the 15th day of September, 1997, duly and regularly passed.



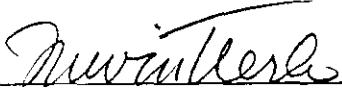
ANTHONY C. BLAZ
Acting Speaker

Attested:



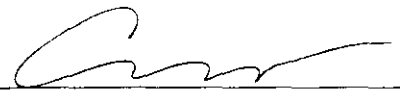
JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 24th day of September, 1997, at
5:00 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 9-30-97

Public Law No. 24-68

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 33 (COR)

As substituted by the Committee on
Finance and Taxation and as amended on
the Floor.

Introduced by:

A. L.G. Santos
A. C. Blaz
T. C. Ada
F. B. Aguon, Jr.
E. Barrett-Anderson
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
V. C. Pangelinan
J. C. Salas
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

AN ACT TO AUTHORIZE THE CONVEYANCE TO
THE HEIRS OF MARIANO T. CHARFAUROS OF
THE ABANDONED UTILITY EASEMENT
CROSSING LOT NO. 216, AGAT, GUAM.

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

1 **Section 1. Legislative Statement.** The Guam Legislature has been asked
2 by the heirs of Mariano T. Charfauros for the return of property which was
3 taken from their father, without compensation, by the Naval Government of
4 Guam for a waterline easement, but was never utilized for such purpose.
5 When the late Mr. Charfauros redeemed his contiguous property, the Naval
6 Government did not include the waterline easement in the sell-back. The
7 Guam Legislature, after reviewing the circumstances surrounding this matter,
8 finds that Mr. Charfauros' heirs should be afforded the opportunity to
9 repurchase the property, which opportunity was improperly denied by the
10 Naval Government.

11 **Section 2. Authorization to Sell.** The Governor is hereby authorized to
12 sell to the heirs of Mariano T. Charfauros the abandoned waterline easement
13 identified as Lot Nos. 216-2-1, 216-2-2, and 216-2-3, an area of 1604 square
14 meters, 808 square meters, and 605 square meters, respectively, Municipality
15 of Agat, Guam. The sale price for the easement shall not exceed the price per
16 square meter paid by the late Mariano T. Charfauros for the redemption of his
17 property, Lot Nos. 216-A and 216-1, which Mr. Charfauros paid to the Naval
18 Government for Tax lien, plus twenty-five percent (25%) administrative costs.

19 **Section 3. General Terms and Conditions of the Sale.** The sale of such
20 government of Guam easement as authorized in this Act is subject to the
21 following terms and conditions:

22 (a) **No Transfer for Ten Years.** The party receiving the
23 government easement shall not transfer or convey, in any manner or
24 form, such land under such easement for a period of ten (10) years

1 except to family members within the second degree of consanguinity,
2 the period to begin on the date the deed is delivered.

3 **(b) Reverter Clause.** The sale document and deed thereunder
4 shall contain a reverter clause to the effect that upon any subsequent
5 conveyance of the land under the easement, or any part thereof, within
6 the ten (10) year prohibited period, such easement shall immediately go
7 back in effect to the use of the government of Guam.

8 **(c) No Prohibition Against Building.** Nothing contained in this
9 Act shall be construed to prevent or prohibit the party receiving the
10 government easement from improving the land thereunder or from
11 building, erecting or constructing structures thereon in accordance with
12 the building and zoning laws of Guam.



D.L. 24-68

TWENTY-FOURTH GUAM LEGISLATURE

Office of the Vice-Speaker

ANTHONY C. BLAZ

LEGISLATIVE
COMMITTEE
MEMBERSHIP

Chairman
Finance & Taxation

Vice-Chairman
Rules,
Government Reform
& Federal Affairs

Education

Natural Resources

Health &
Human Services

Tourism, Economic
Development & Cultural
Affairs

Judiciary,
Public Safety &
Consumer Protection

Transportation,
Telecommunications, &
Micronesian Affairs

MEMBERSHIP

Guam Finance
Commission

Commission on Self
Determination

September 9, 1997

The Honorable Speaker Antonio R. Unpingco
24th Guam Legislature
155 Hesler Street
Agana, Guam 96910


Dear Mr. Speaker:

The Committee on Finance and Taxation now reports its findings on Bill No. 33, An Act to Authorize the Conveyance to the Heirs of Mariano T. Charfauros of the Abandoned Utility Easement Crossing Lot No. 216, Agat, to the full Legislature with the recommendation TO DO PASS.

Votes of the committee members are as follows:

To Pass	<u>10</u>
Not To Pass	_____
Inactive File	_____
Abstained	_____
Off-Island	_____
Not Available	_____

Copies of the Committee Report and all pertinent documents are attached for your information.


Anthony C. Blaz

Attachments

Committee on Finance and Taxation
Report on Bill No. 33

"AN ACT TO AUTHORIZE THE CONVEYANCE TO THE HEIRS OF MARIANO T. CHARFAUROS OF THE ABANDONED UTILITY EASEMENT CROSSING LOT NO. 216, AGAT"

PUBLIC NOTICE:

Pursuant to the requirements of the Standing Rules, notice of the Public Hearing on Bill No. 33 was published in the Pacific Daily News on March 22nd and 24th.

PUBLIC HEARING:

The Committee on Finance and Taxation conducted a public hearing on Monday, March 24, 1997 to hear testimonies on Bill No. 33, "AN ACT TO AUTHORIZE THE CONVEYANCE TO THE HEIRS OF MARIANO T. CHARFAUROS OF THE ABANDONED UTILITY EASEMENT CROSSING LOT NO. 216, AGAT"

The public hearing was held in the Legislative Public Hearing Room.

MEMBERS PRESENT:

The hearing was called to order by the Chairperson of the Committee on Finance and Taxation, Vice Speaker Anthony C. Blaz. Committee members present were:

Senator Elizabeth Barrett-Anderson
Senator Edwardo J. Cruz
Senator Joanne M.S. Brown
Senator Alberto A.C. Lamorena, V.

Other Senators present were:

Senator Vicente C. Pangelinan
Senator Frank B. Aguon, Jr.

Providing Public Testimony on the Bill:

Robert R. Ventura - Mariano T. Charfauros (oral)
Ray Aflague - Department of Land Management (written/oral)
Mariano C. Charfauros - Mariano T. Charfauros (oral)

BACKGROUND:

The intent, being to make sure that there's a map that shows the easement on Lot No. 216 and 217 because the water line that was built by the Navy runs through the property of the late Mr. Mariano T. Charfauros, the Federal Government prevented Mr. Charfauros from using his land, and if the Federal Government is no longer using the property it should given back to Mr. Charfauros. And if the Government of Guam needs it, they should be able to pay for the use of that property.

Mr. Charfauros pointed out that there's a water line that runs through his property and it divides it in half and that he is trying to find a map that shows the easement on that property.

Mr. Aflague is doing some research on Lot No. 216 and 217 he said that he found a map for those two lots but there is no such easement.

FINDINGS:

The Committee finds that:

Section 1. This is a special interest legislation directing the Governor of Guam to sell Lot No. 216-2-2 in Agat, originally taken without compensation by the Naval Government for a waterline easement which never materialized, to heirs of Mariano T. Charfauros for the redemption of his property, Lot 216-A and 216-1 plus 25% administrative cost, subject to the conditions that the property shall revert back to the Government of Guam if transferred or conveyed, in any manner of form within 10 years of the effective date of return.

COMMITTEE RECOMMENDATION:

The Committee, having reviewed the testimonies presented at the hearing, does hereby recommend to the Legislature **to do pass amended Bill No. 33** "AN ACT TO AUTHORIZE THE CONVEYANCE TO THE HEIRS OF MARIANO T. CHARFAUROS OF THE ABANDONED UTILITY EASEMENT CROSSING LOT NO. 216, AGAT"



DEPARTMENT OF LAND MANAGEMENT
(DEPARTMENTON TANO')
GOVERNMENT OF GUAM



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

APRIL 28, 1997

Honorable Anthony C. Blas
Vice-Speaker
Twenty-Fourth Guam Legislature
Chairman, Committee on Finance
and Taxation
155 Hesler Street
Agana, Guam 96910

Subject: Bill Nos. 143, 146 and 33

Dear Mr. Vice-Speaker:

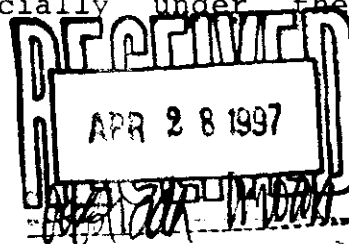
Reference to your letter of April 15, 1997, wherein you are requesting written testimony as to our research and conclusion of the Bills above mentioned:

BILL NO. 143 (COR)

AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE EQUAL PORTIONS OF LOT 46 IN MERIZO CONSISTING OF 372 SQ. METERS FOR A PORTION OF LOT 46A OWNED BY THE GOVERNMENT OF GUAM CONSISTING OF 160 SQ. METERS AND ALLOW LAWRENCE R. NAPUTI TO PURCHASE THE REMAINING PORTION OF LOT 46A.

Department of Land Management has no objection to the content of Bill No. 143, however, a concern must be addressed; the Master Plan for the expansion of San Dimas Street, not only affects Lot No. 46, but the entire length of San Dimas Street; the setback of 80 ft. wide as per the Master Plan; Will this Master Plan materialize in the near future? Our understanding was that the Master Plan was originated in 1967. Should the setback of 80 ft. wide as per the Master Plan becomes a dead issue, then, the exchange won't be necessary.

Moreover, the government claimed, designated as Lot No. 46A, is not officially under the GOV/GUAM ownership. It must go through Land Registration with Superior Court and prove ownership before the GOV/GUAM can dispose subject property. Again, we have no objection on Bill No. 143, provided, however, that Public Works can justify that the setback of 80 ft. wide as per the Master Plan in the South is still in motion and that the designated Lot No. 46A, is officially under the GOV/GUAM ownership.



Commonwealth Now!

Letter to the Vice-Speaker
Subject: Bill Nos. 143, 146 and 33
Page 2 of 3

BILL NO. 146

AN ACT TO AUTHORIZE THE GOVERNOR TO SELL A PORTION OF "THE AGANA-PITI ROAD, BETWEEN LOT 24, 25, 26 AND 27, BLOCK 10 & LOT 1454-2-1, 1453 AND 1452, ALSO THE ALLEY BETWEEN LOTS 1452-3, 1452-2, 1452-1, 1452, ALL LOTS ARE WITHIN BLOCK 10, CITY OF NEW AGANA-AREA 283± SQUARE METERS".

We support Bill No. 146; the portion of the Agana-Piti Road and the alley in question is right in the middle of Mr. Marciano V. Pangilinan properties. The portion of the Agana-Piti Road and the Alley is of no use to anyone but Mr. Pangilinan, as shown on the enclosed map shaded pink for your easy reference.

Again, we fully support the passage of this Bill in its entirety.

BILL NO. 33

AN ACT TO AUTHORIZE THE CONVEYANCE TO THE HEIRS OF MARIANO T. CHARFAUROS OF THE ABANDONED UTILITY EASEMENT CROSSING LOT NO. 217, AGAT.

A thorough research was conducted in reference to Bill No. 33, which is the waterline easement taken by the Naval Government of Guam but was never utilized for such purpose. Being that the waterline was never utilized and remains abandoned; by disposing said waterline to the heirs of Mariano T. Charfauros, will not create any landlocked situation to the interior landowners, therefore, we fully support the passage of this Bill in its entirety.

However, a slight correction on Bill No. 33, must be made and should read:

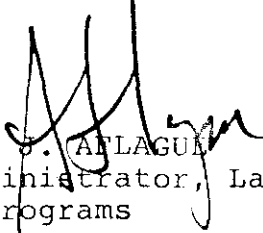
"AN ACT TO AUTHORIZE THE CONVEYANCE TO THE HEIRS OF MARIANO T. CHARFAUROS OF THE ABANDONED UTILITY EASEMENT CROSSING BASIC LOT NO. 216, AGAT.

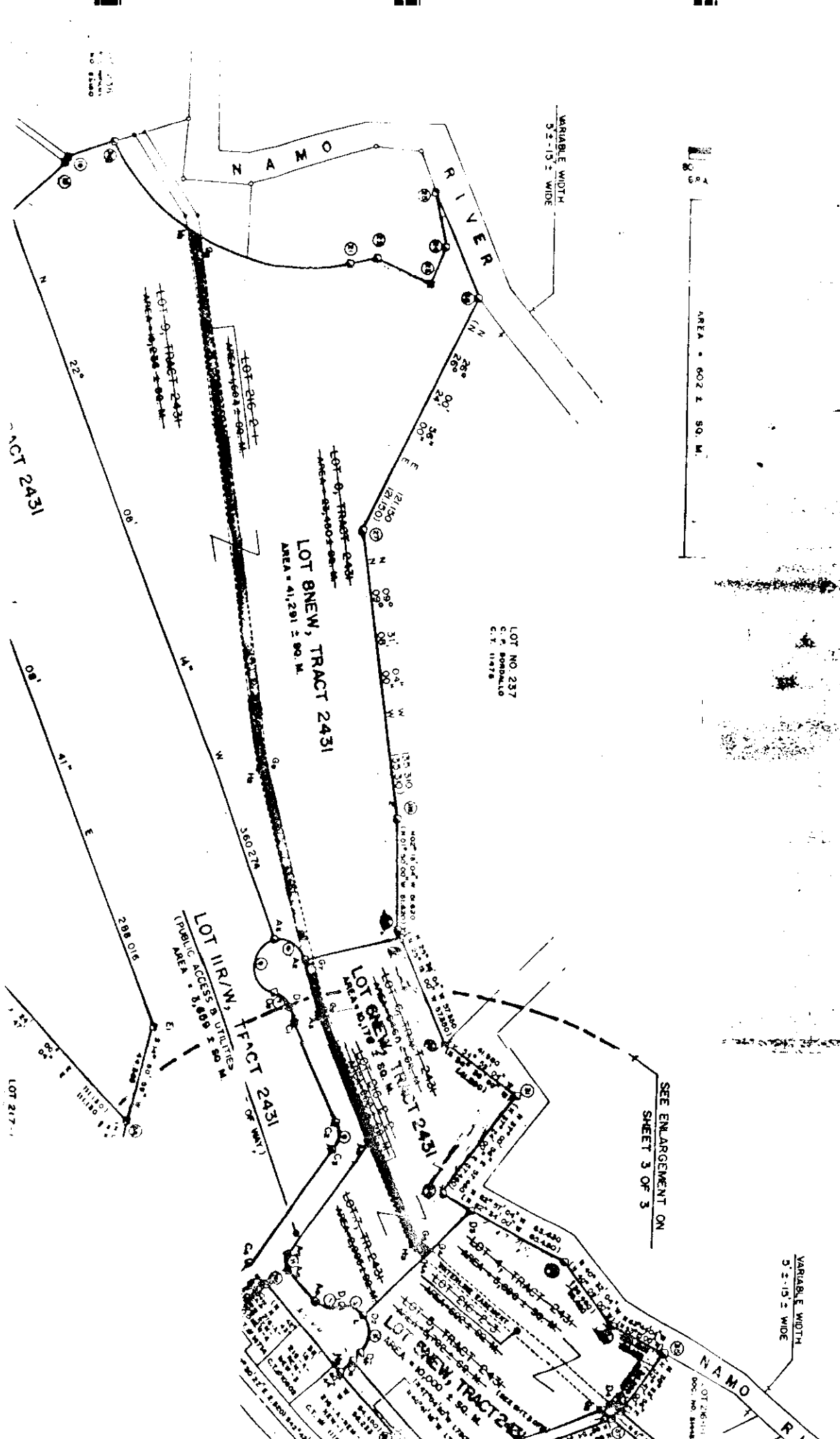
Section 2, Authorization to Sell. The Governor is hereby authorized to sell to the heirs of Mariano T. Charfauros, the abandoned waterline easement identified as Lot Nos. 216-2-1,

Letter to the Vice-Speaker
Subject: Bill Nos. 143, 146 and 33
Page 3 of 3

216-2-2, and 216-2-3, an area of 1604 square meters, 808 square meters, and 605 square meters, respectively, Municipality of Agat. The sale price for the easement shall not exceed the price per square meter paid by the late, Mariano T. Charfauros, for the redemption of his property, Lot Nos. 216-A and 216-1, which Mr. Charfauros paid to the Naval Government for Tax lien, plus twenty-five percent (25%) administrative cost. All other section on Bill No. 33 is sound.

Sincerely yours,


RAY S. AFLAGUI
Administrator, Land Management
Programs



VARIABLE WIDTH
32-152 WIDE

AREA = 602 ± 90. M.

LOT NO 237
C.F. 8000.150
C.T. 11478

LOT BNEW, TRACT 2431
AREA = 41,291 ± 90. M

SEE ENLARGEMENT ON
SHEET 3 OF 3

VARIABLE WIDTH
32-152 WIDE

LOT 7-6-111
C.F. 1000.000
C.T. 11478

LOT 217-1
C.F. 1000.000
C.T. 11478

LOT 217-2
C.F. 1000.000
C.T. 11478

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TRACT 2431

10, TR. 2431

~~LOT 6, TR. 2431~~
~~A = 10,177 ± SQ. M.~~

LOT 6 NEW, TR. 2431
A = 10,177 ± SQ. MTS.
FOR TRANSFER TO
MAXIMA C. CHARFAUROS

~~LOT 216-2-2~~
~~A = 608 ± SQ. M.~~

LOT 11 R/W, TR. 2431
A = 3,359 ± SQ. M.

~~LOT 7, TR. 2431~~
~~A = 2,905 ± SQ. M.~~

~~LOT 4, TR. 2431~~
~~A = 2,496 ± SQ. M.~~

LOT NO. 5 NEW, TR. 2431
A = 10,000 ± SQ. MTS.

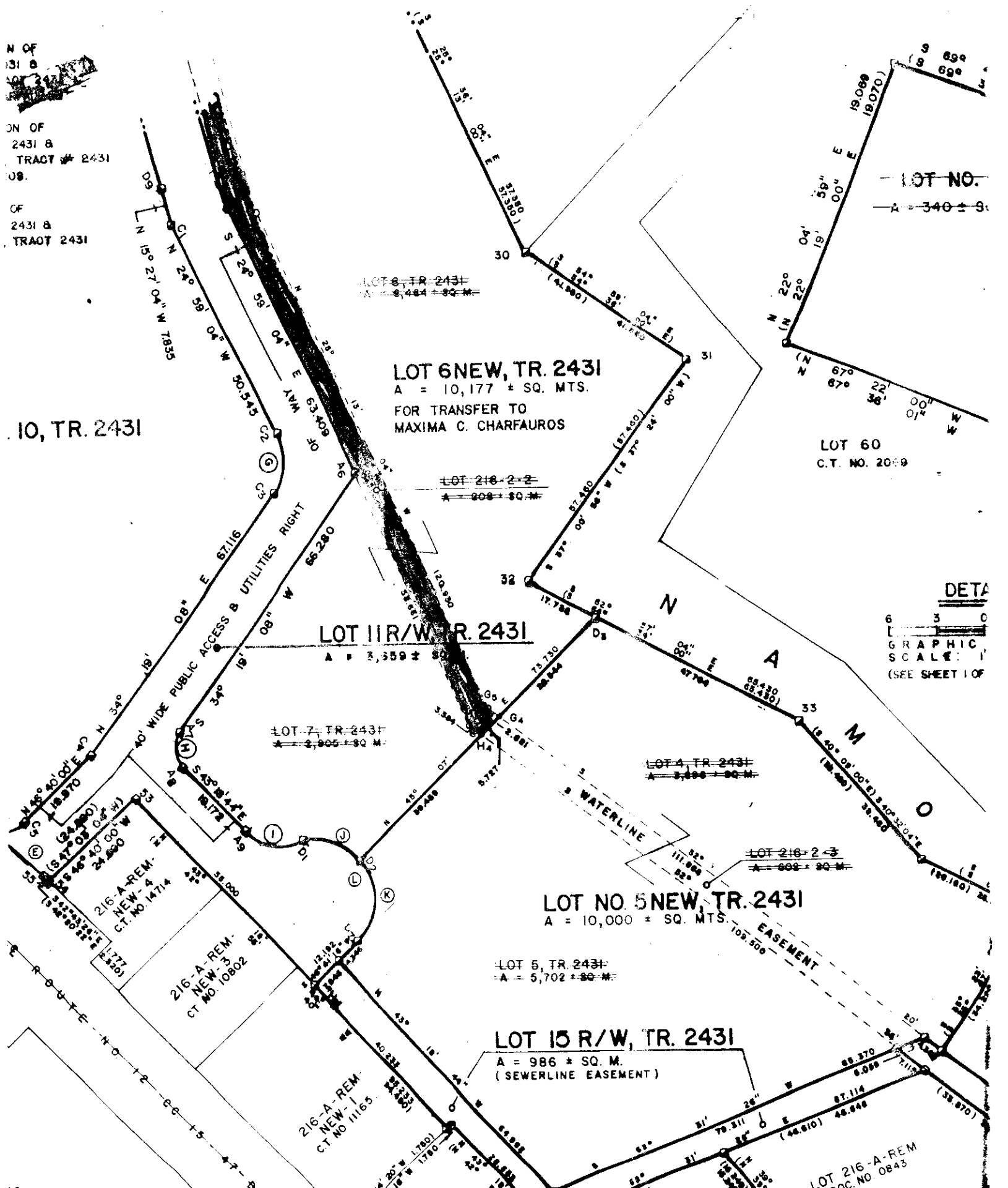
~~LOT 5, TR. 2431~~
~~A = 5,702 ± SQ. M.~~

LOT 15 R/W, TR. 2431
A = 986 ± SQ. M.
(SEWERLINE EASEMENT)

LOT NO.
A = 340 ± SQ. M.

LOT 60
C.T. NO. 2069

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GRAPHIC
SCALE: 1"
(SEE SHEET 1 OF



FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7

Bill Number: 33 Date Received: 3/18/97
 Amendatory Bill: N/A Date Reviewed: 3/21/97

Department/Agency Affected: Department of Land Management
 Department/Agency Head: Joseph A. Martinez
 Total FY Appropriation to Date: \$3,694,501 (General Fund)

Bill Title (preamble): AN ACT TO AUTHORIZE THE CONVEYANCE TO THE HEIRS OF MARIANO T. CHARFAUROS OF THE ABANDONED UTILITY EASEMENT CROSSING LOT NO 217, AGAT.

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
<i>Natural Resources Recreation & Arts</i>			//

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? ___ -- IF NO, ADD'L AMOUNT REQUIRED \$ _____

AGENCY/PERSON/DATE CONTACTED: _____

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

ANALYST A. Flores DATE 3/21/97 DIRECTOR Francis Balajadia DATE MAR 24 1997
Joseph E. Rivera, Acting


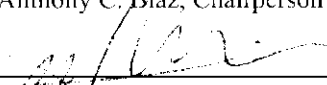
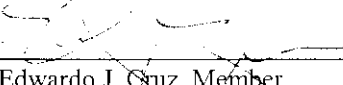
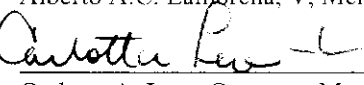
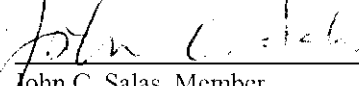

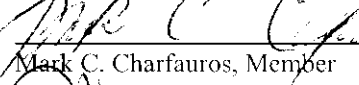
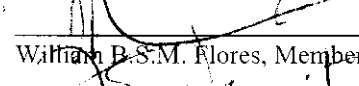
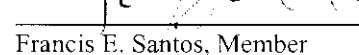
FOOTNOTES: //Although an appropriation measure is not provided, enactment of Bill No. 143(COR) will impact on scarce government land resources, which may not address all issues of same nature. Additionally, it entails administrative costs to carry out the intent of the proposed legislation.

Committee on Finance and Taxation

Vote Sheet on

Bill No. 33

"AN ACT TO AUTHORIZE THE CONVEYANCE TO THE HEIRS OF MARIANO T. CHARFAUROS OF THE ABANDONED UTILITY EASEMENT CROSSING LOT NO. 216, AGAT"

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 Anthony C. Blaz, Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Mark Forbes, Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Antonio R. Unpingco, Ex-Officio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Elizabeth Barrett-Anderson, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joanne M.S. Brown, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Edwardo J. Cruz, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lawrence F. Kasperbauer, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alberto A.C. Lamorena, V, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Carlotta A. Leon Guerrero, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 John C. Salas, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Thomas C. Ada, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Mark C. Charfauros, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 William B.S.M. Flores, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Francis E. Santos, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



TWENTY-FOURTH GUAM LEGISLATURE

Office of the Vice-Speaker

ANTHONY C. BLAZ

LEGISLATIVE
COMMITTEE
MEMBERSHIP

Chairman
Finance & Taxation

Vice-Chairman
Rules,
Government Reform
& Federal Affairs

Education

Natural Resources

Health &
Human Services

Tourism, Economic
Development & Cultural
Affairs

Judiciary,
Public Safety &
Consumer Protection

Transportation,
Telecommunications, &
Micronesian Affairs

MEMBERSHIP

Guam Finance
Commission

Commission on Self
Determination

September 9, 1997


To: Senator Mark Forbes, Vice Chairperson
Speaker Antonio R. Unpingco, Ex-Officio Member
Senator Elizabeth Barrett-Anderson, Member
Senator Joanne M.S. Brown, Member
Senator Edwardo J. Cruz, Member
Senator Lawrence F. Kasperbauer, Member
Senator Alberto A.C. Lamorena, V, Member
Senator Carlotta A. Leon Guerrero, Member
Senator John C. Salas, Member
Senator Thomas C. Ada, Member
Senator Mark C. Charfauros, Member
Senator William B.S.M. Flores, Member
Senator Francis E. Santos, Member

From: Vice Speaker Anthony C. Blaz, Chairperson
Committee on Finance and Taxation

Re: Voting Sheet on Bill No. 33

Transmitted herewith are the voting sheet and Committee Report on Bill No. 33 for your review and signature.

Your attention to this matter is greatly appreciated.


Anthony C. Blaz