



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

SEP 30 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	<u>Ferni Amador</u>
Time	<u>3 p.m.</u>
Date	<u>9-30-97</u>

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 219 (COR), "AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO SELL A PORTION OF AN ABANDONED PRE-WAR BULL-CART TRAIL IN TALOFOFO TO THE OWNERS OF THE PROPERTY WHICH THE TRAIL ABUTS.", which I have signed into law today as **Public Law No. 24-71**.

This legislation allows the owners of a lot in Talofof, through which a bull cart trail runs, to purchase the portion of the bull cart trail next to their property. This land is not needed for government use since there is another access to the lots in question.

Very truly yours,


Carl T. C. Gutierrez
Governor of Guam

Attachment

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

00446

Office of the Speaker
ANTONIO R. UNPINGCO
 Date 09/30/97
 Time 1:30
 Rec'd by: [Signature]
 Print Name Charles D. Davis

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 219 (COR)

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

Introduced by:

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

**AN ACT TO AUTHORIZE THE GOVERNOR OF
GUAM TO SELL A PORTION OF AN
ABANDONED PRE-WAR BULL-CART TRAIL IN
TALOFOFO TO THE OWNERS OF THE PROPERTY
WHICH THE TRAIL ABUTS.**

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

1 **Section 1. Legislative Findings.** The Guam Legislature was
2 approached by the Tenorio family, who owns property in Talofoyo abutting a
3 portion of a pre-war bull-cart trail. The property is identified as Lot Nos. 25-4,
4 26-4, 25-5, and 26-8-1, Talofoyo, Guam on map Drawing No. DRP-12-8701.
5 The Tenorio's ancestral land was bisected in order to provide a means of
6 access to surrounding lots. The Guam Legislature further finds that with the
7 development of Route 4A (Talofoyo Road), which runs almost parallel with
8 the trail, and the creation of the Mantanona Street easement, which runs
9 perpendicular to the Tenorio lots, there is no longer a need for the
10 government to provide access through these lots. The Guam Legislature
11 recognizes the desires of the Tenorio family to acquire that portion of the bull-
12 cart trail that is part of their ancestral lands and to put these lands into
13 productive use.

14 **Section 2. Authorizing Sale.** The Governor of Guam is authorized to
15 sell that portion of the abandoned pre-war bull-cart trail abutting Lot No. 26-
16 4, Talofoyo, Guam to the owner of Lot No. 26-4, Talofoyo, Guam, Mr. John
17 Tenorio. The Governor is also authorized to sell to the owners of Lot Nos. 26-
18 8-1 and 25-5, Talofoyo, Guam that portion of the referenced bull-cart trail that
19 abuts their property, after dividing the trail down its center line.

20 **Section 3. Selling Price.** The selling price shall be the amount
21 determined by the government to cover the costs of the consolidation survey
22 and mapping, and the costs for registering these new lots under the
23 ownership of the respective Tenorio families.

22 24-71

✓



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

June 30, 1997

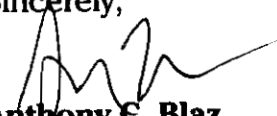
The Honorable Speaker Antonio R. Unpingco
 24th Guam Legislature
 155 Hesler Street
 Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Finance and Taxation, to which was referred Bill No. 219, "AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO SELL A PORTION OF AN ABANDONED PREWAR BULLCART TRAIL IN TALOFOFO TO THE OWNERS OF THE PROPERTY WHICH THE TRAIL ABUTS," herein reports back with the recommendation **TO DO PASS.**

Votes of the committee members are as follows:

- 12 To Pass
- _____ Not To Pass
- _____ To Place in Inactive File
- _____ Abstained
- _____ Off-Island
- _____ Not Available


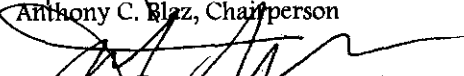
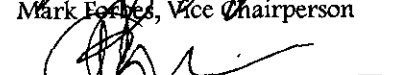

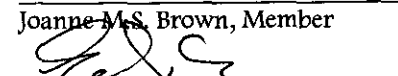

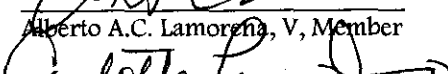
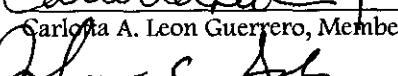
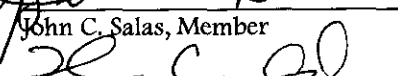
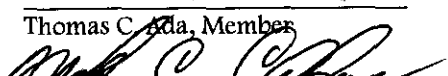
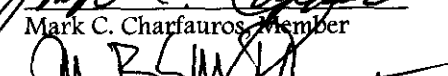
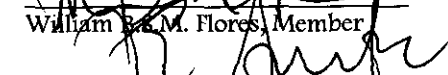
Sincerely,

 Anthony C. Blaz

Attachments

Committee on Finance and Taxation

Vote Sheet on Bill No. 219

"AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO SELL A PORTION OF AN ABANDONED PREWAR BULLCART TRAIL IN TALOFOFO TO THE OWNERS OF THE PROPERTY WHICH THE TRAIL ABUTS."

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	NO VOTE
 Anthony C. Blaz, Chairperson	✓			
 Mark Forbes, Vice Chairperson	✓			
 Antonio R. Umpingco, Ex-Officio	✓			
 Elizabeth Barrett-Anderson, Member	✓			
 Joanne M.S. Brown, Member	✓			
 Edwardo J. Cruz, Member	✓			
 Lawrence F. Kasperbauer, Member	✓			
 Alberto A.C. Lamorena, V, Member	✓			
 Carlotta A. Leon Guerrero, Member	✓			
 John C. Salas, Member	✓			
 Thomas C. Ada, Member	✓			
 Mark C. Charfauros, Member	✓			
 William B. M. Flores, Member	✓			
 Francis E. Santos, Member	✓			

Committee on Finance and Taxation

Report on Bill No. 219

"AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO SELL A PORTION OF AN ABANDONED PREWAR BULLCART TRAIL IN TALOFOFO TO THE OWNERS OF THE PROPERTY WHICH THE TRAIL ABUTS."

PUBLIC NOTICE:

Pursuant to the requirements of the Standing Rules, notice of the Public Hearing on Bill No. 219 was published in the Pacific Daily News on June 12, 1997.

PUBLIC HEARING:

The Committee on Finance and Taxation conducted a public hearing on Thursday, June 12, 1997 to hear testimonies on Bill No. 219 "AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO SELL A PORTION OF AN ABANDONED PREWAR BULLCART TRAIL IN TALOFOFO TO THE OWNERS OF THE PROPERTY WHICH THE TRAIL ABUTS."

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 Thomas Ada
Senator Mark Charfauros
Senator Alberto A.C. Lamorena V
Senator Francis E. Santos

Other Senators present were:

Senator Frank B. Aguon, Jr.
Senator Francisco P. Camacho
Senator Lou Leon Guerrero
Senator Vicente C. Pangelinan
Senator Judith Won Pat-Borja

Providing Public Testimony on the Bill:

Mayor Ben Taitague, Talafofo Mayor
Maria A.T. Rivera
Bernadita Tenorio
Leonard C. Tenorio
Barbara Tenorio Paulino
Ronald E. Teehan, Chamorro Land Trust Commission (oral/written)
James Diaz, Chamorro Land Trust Commission
Carl Aguon, Director, Department of Land Management

BACKGROUND:

Vice Speaker Blaz addressed all individuals interested in providing testimony on Bill 219.

Leonard C. Tenorio, representing his father, Leonardo Tenorio, testified in support of Bill 219. In his oral testimony he urged the committee to return this ancestral property since the bull cart trail is no longer being utilized as an access way, since Route 4A which runs parallel to it provides the access needed. Tenorio outlined that the intention of the family was to preserve as much of the family's property as possible and that if the bull cart trail remains an easement as it is, it will effect the family business operations of the Chamorro Botanical Gardens that provides cultural tours to our visitors.

Mayor Taitague, Talafofo, presented a Resolution No. 97-001 adopted by the Talafofo Municipal Planning Council, relative to supporting Bill 219. (attached). He summarized his support of the bill and suggested however that Sec.3 Selling Price be amended to reflect a one dollar cost for the survey and mapping, and the costs for registering these new lots under the ownership of the respective Tenorio families.

Carl Aguon, Director, Department of Land Management in his written testimony supported Bill 219 stating that the Department has no objections to the bill and is in full support.

James Diaz, Admin. Director, Chamorro Land Trust Commission, testified in support of Bill 219. The Commission made a recommendation to the committee that no charges should be assessed for original landowners or their descendants whose lands where utilized for public benefit not be subjected to any costs or further inconvenience. The costs for consolidation should apply only to those landowners who acquires their lands through purchase transactions in fee simple subsequent to the time of taking.

FINDINGS:

The Committee finds that:

- Since Route 4A runs parallel to the easement and provides the necessary access , the committee feels that the bull cart trail is no longer needed for its intended purpose.

COMMITTEE RECOMMENDATION:

The Committee, having reviewed the testimonies presented at the hearing, does hereby recommend to the Legislature the following:

To Do Pass Bill 219, "AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO SELL A PORTION OF AN ABANDONED PREWAR BULLCART TRAIL IN TALOFOFO TO THE OWNERS OF THE PROPERTY WHICH THE TRAIL ABUTS."

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

June 12, 1997

Hon. Anthony C. Blaz
Vice Speaker & Chairman
Committee on Finance & Taxation
24th Guam Legislature

TESTIMONY

on

BILL NO. 219, an Act to authorize the Governor of Guam to sell a portion of an abandoned pre-war bull-cart trail in Talofoto to the owners of the property which the trail abuts.

Mr. Chairman, on behalf of the Chamorro Land Trust Commission, I wish to thank you for this opportunity to testify **in favor of Bill No. 219**. The passage of this Bill will not negatively impact the interests or assets of the Commission.

Mr. Chairman, situations similar to those addressed in Bill No. 219 may be found throughout the island. Though the establishment of this particular bull-cart easement may have at one time been in the interest of the adjacent landowners, today, in 1997, it no longer serves a valid purpose. The Commission is sympathetic to the situation of the Tenorio family of Talofoto, and does support the return of their ancestral land without cost for acquisition.

We do have, however, have one concern relative to this bill which we would ask the Committee to address. The Bill should be amended so as to provide that those original landowners or their descendants whose lands were utilized for public benefit not be subjected to any costs or further inconvenience. The costs for consolidation should only apply to those landowners who acquired their lands through purchase transactions in fee simple subsequent to the time of taking.

Thank you, Mr. Chairman.



James Diaz
Administrative Director
(Acting)



DEPARTMENT OF LAND MANAGEMENT
(DIPATTAMENTON TANO')
GOVERNMENT OF GUAM
AGANA, GUAM 96910
TEL: (671) 475-LAND - FAX: (671) 477-0883

CARL T. C. GUTIERREZ
Governor

MADELEINE Z. BORDALLO
Lieutenant Governor

CARL J. C. AGUON
Acting Director

FRANCISCO P. SAN NICOLAS
Deputy Director

June 10, 1997

Senator Anthony C. Blaz
Chairman,
Committee on Finance and Taxation
Twenty-fourth Guam Legislature
155 Hesler St.
Agana, Guam 96910

Re: Request for Comments on Bill Nos. 211, 212, and 219

Hafa Adai Senadot Blaz:

Thank you for the opportunity to comment on proposed Bill Nos. 211, 212 and 219. Overall, the Department of Land Management has no objections to any of the bills referenced and is in full support of their passage. I would however like to bring one item to the attention of the Legislature pertaining to Section 4 of Bill No. 211.

This section states that the proceeds of the sale of Lot No. 20, Block 27, Tract 120 shall be transferred to the Chamorro Land Trust Commission to cover administrative and operational expenses. This same bill requires the Director of the Department of Land Management to formulate the terms and conditions that will govern the sale of this lot. It also stipulates that "The Director of the Department of Land Management shall ensure that all terms and conditions governing the sale are met by the buyer prior to transferring title to said property". During this time of budgetary constraints and cutbacks, I feel it would be more appropriate that the proceeds should go to DLM, as it is DLM's resources that will be used.

Si Yu'os Ma'ase'


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

TALOFOFO MUNICIPAL PLANNING COUNCIL
MUNICIPALITY OF TALOFOFO

RESOLUTION NR: 97-001

INTRODUCED BY: VICENTE S. TAITAGUE, CHAIRMAN
ROMAN L.G. QUINATA, MEMBER
RAYMOND V.C. CASERES, MEMBER
LYDIA T. CRUZ, MEMBER
PATRICK A.Q. CRUZ, MEMBER
SALOMAE N. SANTOS, MEMBER
PATRICIA SANNICOLAS, MEMBER
MARIE MENO, MEMBER
PEDRO PAULINO, MEMBER
JOSEPHINE MANTANONA, MEMBER
PEDRO NAUTA, MEMBER

RELATIVE TO THE TALOFOFO MUNICIPAL PLANNING COUNCIL
SUPPORTING BILL NR: 219,

"AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM
, TO SELL A PORTION OF AN ABANDONED PRE-
WAR BULL CART TRAIL IN TALOFOFO TO THE
OWNERS OF THE PROPERTY WHICH THE TRAIL
ABUTS".

BE IT RESOLVED BY THE TALOFOFO MUNICIPAL
PLANNING COUNCIL, MUNICIPALITY OF TALOFOFO

WHEREAS, lot number 25-4, 26-4, 25-5 and 26-8-1, owner Juan C. Tenorio and Leonardo C. Tenorio are proposing to buy abandoned pre-war bull-cart trail that bisected their ancestral land; and

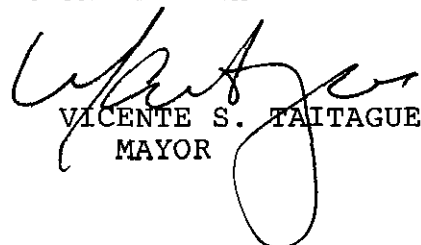
WHEREAS, property owners wish to subdivide the property to allow family members to opportunity to build single dwelling homes; and

WHEREAS, the development of route 4A, which runs almost parallel perpendicular to the Tenorio's lot, there is no longer a need for the government to provide access through these lots; and

WHEREAS, the Municipal Planning Council, do hereby fully support the intend; now therefore be

RESOLVED, that the Chairman of the Talofoffo Municipal Planning Council certify and attest the adoption hereby.

DULY AND REGULARLY ADOPTED BY THE TALOFOFO
MUNICIPAL PLANNING COUNCIL ON THE 9th DAY
OF JUNE 1997.


VICENTE S. TAITAGUE
MAYOR

219
==

TESTIMONY

Concerning the property known as the pre-war bull cart trail that provides access to property belonging to the Tenorio families. It is to the best interest of all parties that this ancestral property be returned.

- 1. The bull cart trail is no longer being utilized as an access way, since Route 4A that runs parallel to it provides access.**
- 2. Our families stand to lose more property if this bull cart trail remains an easement. Our intention is to preserve as much of our family property as possible.**
- 3. If the bull cart trail remains an easement it will drastically affect business operations of Tenorio's Chamorro Gardens since it will divide the land on which the garden exists. Tenorio's Chamorro Gardens is a pristine Botanical garden that provides cultural tours to our visitors. It is one of Guams oldest botanical gardens.**

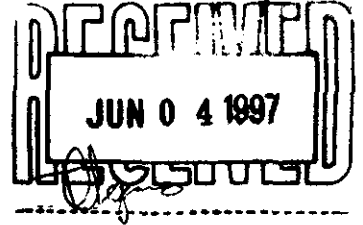
Our desire and intent is to preserve as much as possible our ancestral lands. We desire to continue to operate and expand our botanical garden for the benefit of not just visitors or our selves but for the people of Guam.

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7

Bill Number: 219(COR)
 Amendatory Bill: No

Date Received: 5/20/97
 Date Reviewed: 5/27/97



Department/Agency Affected: Land Management
 Department/Agency Head: Carl Aguon
 Total FY Appropriation to Date: \$3,694,501 (General Fund)

Bill Title (preamble): **AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO SELL A PORTION OF AN ABANDONED PRE-WAR BULL-CART TRAIL IN TALOFOFO TO THE OWNERS OF THE PROPERTY WHICH THE TRAIL ABUTS.**

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			1/

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

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 5/27/97 DIRECTOR Joseph E. Rivera, Acting DATE JUN 08 1997

FOOTNOTES: 1/ Although an appropriation measure is not provided, enactment of Bill No. 219(COR) will impact on scarce government land resources.