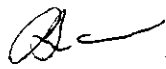


MAY 14 1999

The Honorable Antonio R. Unpingco
Speaker
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910


11:20 AM
5/17/99

Dear Speaker Unpingco:

Enclosed please find Bill No. 71 (COR), "AN ACT TO AUTHORIZE / *MAGA'LAHEN GUAHAN* TO EXCHANGE PORTIONS OF LOT NUMBER 288-1 MERIZO, GUAM FOR LOT NUMBER 134-REM, AGAT, GUAM FOR MR. DAVID YOKOZEKI", which I have signed into law today as **Public Law No. 25-13**.

This legislation authorizes an exchange of government land in Agat, due to the right-of-way reservation for roadway made by the government of more than one-half of the individual's lot. The lot area was 1,542± square meters, and the government claims constitute 1,026± square meters.


Very truly yours,



Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

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

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

SEARCHED
SERIALIZED
5-14-99
1254

Charles

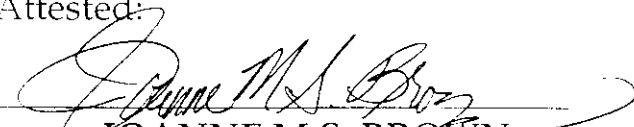
MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

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

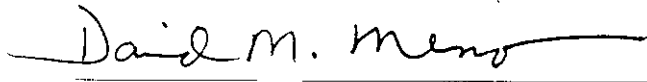
This is to certify that Bill No. 71 (COR), "AN ACT TO AUTHORIZE I MAGA'LAHEN GUAHAN TO EXCHANGE PORTIONS OF LOT NUMBER 288-1 MERIZO, GUAM FOR LOT NUMBER 134-REM, AGAT, GUAM FOR MR. DAVID YOKOZEKI," was on the 28th day of April, 1999, duly and regularly passed.


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahen Guahan this 3RD day of May, 1999,
at 5:26 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: 5-14-99

Public Law No. 25-13

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Bill No. 71 (COR)

As amended on the Floor.

Introduced by:

J. C. Salas
K. S. Moylan
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
M. G. Camacho
Mark Forbes
L. F. Kasperbauer
A.C. Lamorena, V
C. A. Leon Guerrero
V. C. Pangelinan
S. A. Sanchez, II
A. R. Unpingco

AN ACT TO AUTHORIZE *I MAGA'LAHEN*
***GUAHAN* TO EXCHANGE PORTIONS OF LOT**
NUMBER 288-1 MERIZO, GUAM FOR LOT
NUMBER 134-REM, AGAT, GUAM FOR MR.
DAVID YOKOZEKI.

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

2 **Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan***
3 **finds that land has been taken from Mr. David Yokozeki on Lot Number 288-1**
4 **Merizo, Guam in the form of a road right-of-way reservation, as well as a bull**

1 cart trail setback. The total lot area is 1,542+ square meters, so these
2 government claims take over half, or 1,026+ square meters, of his prime, road-
3 frontage property. In exchange for these yet uncompensated impositions by
4 the government of Guam, Mr. Yokozeki is asking for a land exchange. He
5 owns land in Agat, and asks that his holdings be extended to include a sub-
6 standard, fragmented lot and a portion of an old dried up river bed.

7 Whereas government takings, especially road reservations, often go
8 uncompensated for years due to the lack of a formal compensation procedure,
9 and the lack of adequate funds, this is an opportunity to accomplish the
10 proper settlement of such a taking to the satisfaction of the landowner and the
11 government.

12 **Section 2. Exchange of Government Land Authorized.** *I Maga'lahaen*
13 *Guahan* is hereby authorized to exchange government land, Lot Number 134-
14 REM, Agat, Guam, containing an area of 168 square meters, and a portion of
15 Old Dried Up River Bed, containing an area of 137 square meters as shown on
16 the sketch marked **Exhibit A** prepared by Surveyor Remi DeCastro, with
17 the northern and western portion of private land designated as Lot Number
18 288-1, Merizo, containing an area of 894.69 square meters and 131.76 square
19 meters respectively, for a total of 1,026.45 ± square meters, as shown on Map
20 Number L.M. 503 FY 71, recorded under Document Number 401176 and
21 marked **Exhibit B**.

22 **Section 3. No Prohibition Against Building.** Nothing contained
23 in this Act shall be construed to prevent or prohibit the party receiving
24 government land from improving such land or from building, erecting or

1 constructing structures approved in accordance with the building and zoning
2 codes of Guam.

3 **Section 4. Severability.** *If* any provision of this Law or its
4 application to any person or circumstance is found to be invalid or contrary to
5 law, such invalidity shall *not* affect other provisions or applications of this
6 Law which can be given effect without the invalid provisions or application,
7 and to this end the provisions of this Law are severable.

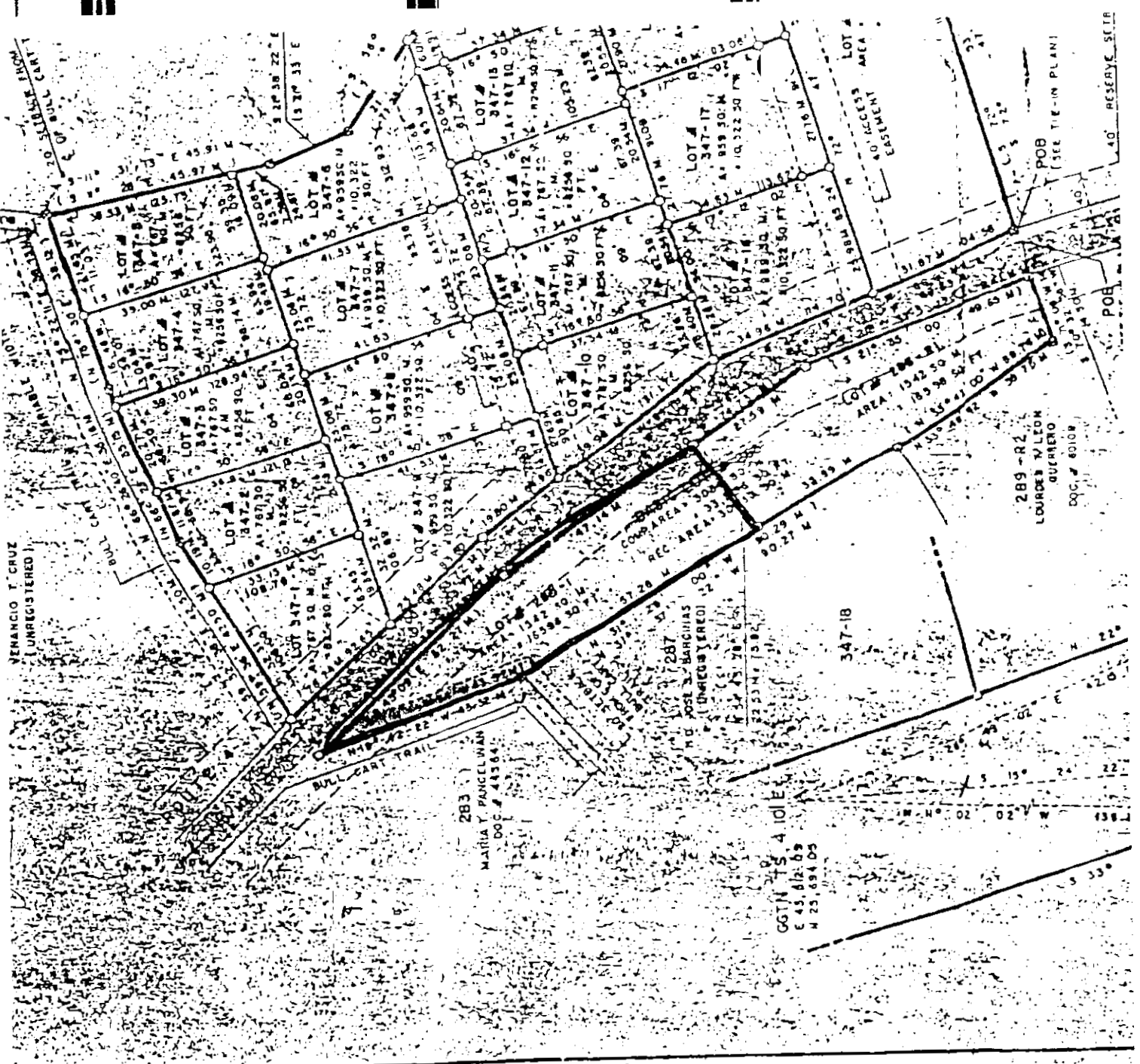
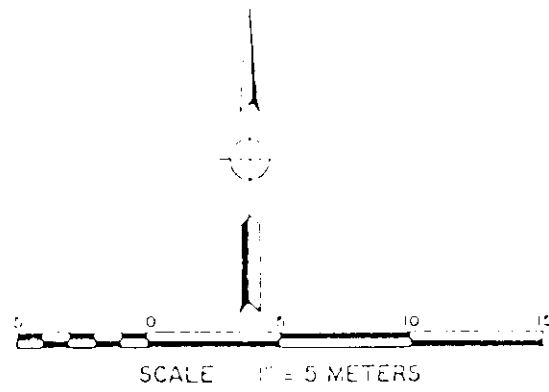
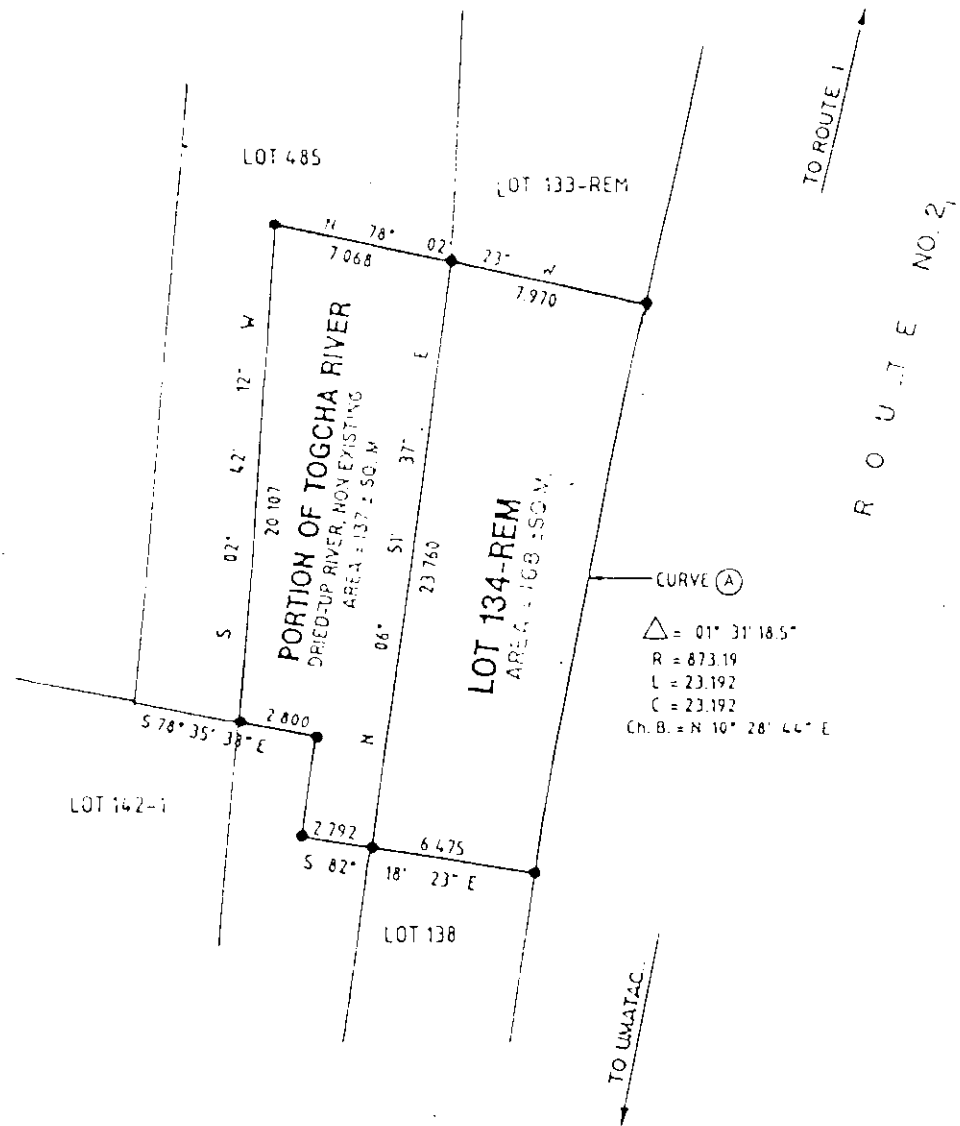


EXHIBIT (A)

REFERENCES:

1. GUARANTEED CLAIM NO. 1960, VOL. 3, AGAT BOOK PAGE 110, ESTATE 500.
2. C.T. 1882, REGISTERED ON 10/16/39.
3. MARIANAS AREA DWG. NO. 10317, ROUTE NO. 2.
4. DECLARATION OF TAKING NO. 1, DOC. 34957.
5. DWG. NO CC-9102, L.M. 428 FY 91, DOC. 462042.
6. DWG. NO. RTDC 041490, LM 261 FY 98, DOC. 586901.



CERTIFICATION:

I, REMI T. DE CASTRO, hereby certify that this SKETCH, was prepared by me based on the references enumerated above.

REMI T. DECASTRO, RLS #32 Date _____





MINA' BENTE KUÁTTO NA LIHESLATURAN GUAHAN
TWENTY-FOURTH GUAM LEGISLATURE

155 Hesler Street, Agana, Guam 96910

May 3, 1999

The Honorable Carl T.C. Gutierrez
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Gutierrez:

Transmitted herewith is Bill No. 71 (COR) which was passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on April 28, 1999.

Sincerely,

David M. Mero
May 3, 1999


JOANNE M.S. BROWN
Senator and Legislative Secretary

Enclosure (1)

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session


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

This is to certify that Bill No. 71 (COR), "AN ACT TO AUTHORIZE I MAGA'LAHEN GUAHAN TO EXCHANGE PORTIONS OF LOT NUMBER 288-1 MERIZO, GUAM FOR LOT NUMBER 134-REM, AGAT, GUAM FOR MR. DAVID YOKOZEKI," was on the 28th day of April, 1999, duly and regularly passed.



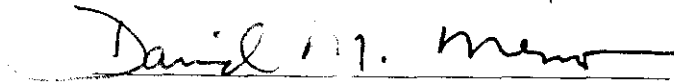
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guahan* this 3RD day of May, 1999,
at 5:26 o'clock F .M.



Daniel M. Mena
Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Bill No. 71 (COR)

As amended on the Floor.

Introduced by:

J. C. Salas
K. S. Moylan
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
M. G. Camacho
Mark Forbes
L. F. Kasperbauer
A.C. Lamorena, V
C. A. Leon Guerrero
V. C. Pangelinan
S. A. Sanchez, II
A. R. Unpingco

AN ACT TO AUTHORIZE I MAGA'LAHEN
GUAHAN TO EXCHANGE PORTIONS OF LOT
NUMBER 288-1 MERIZO, GUAM FOR LOT
NUMBER 134-REM, AGAT, GUAM FOR MR.
DAVID YOKOZEKI.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

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1 cart trail setback. The total lot area is 1,542± square meters, so these
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3 frontage property. In exchange for these yet uncompensated impositions by
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4 application to any person or circumstance is found to be invalid or contrary to
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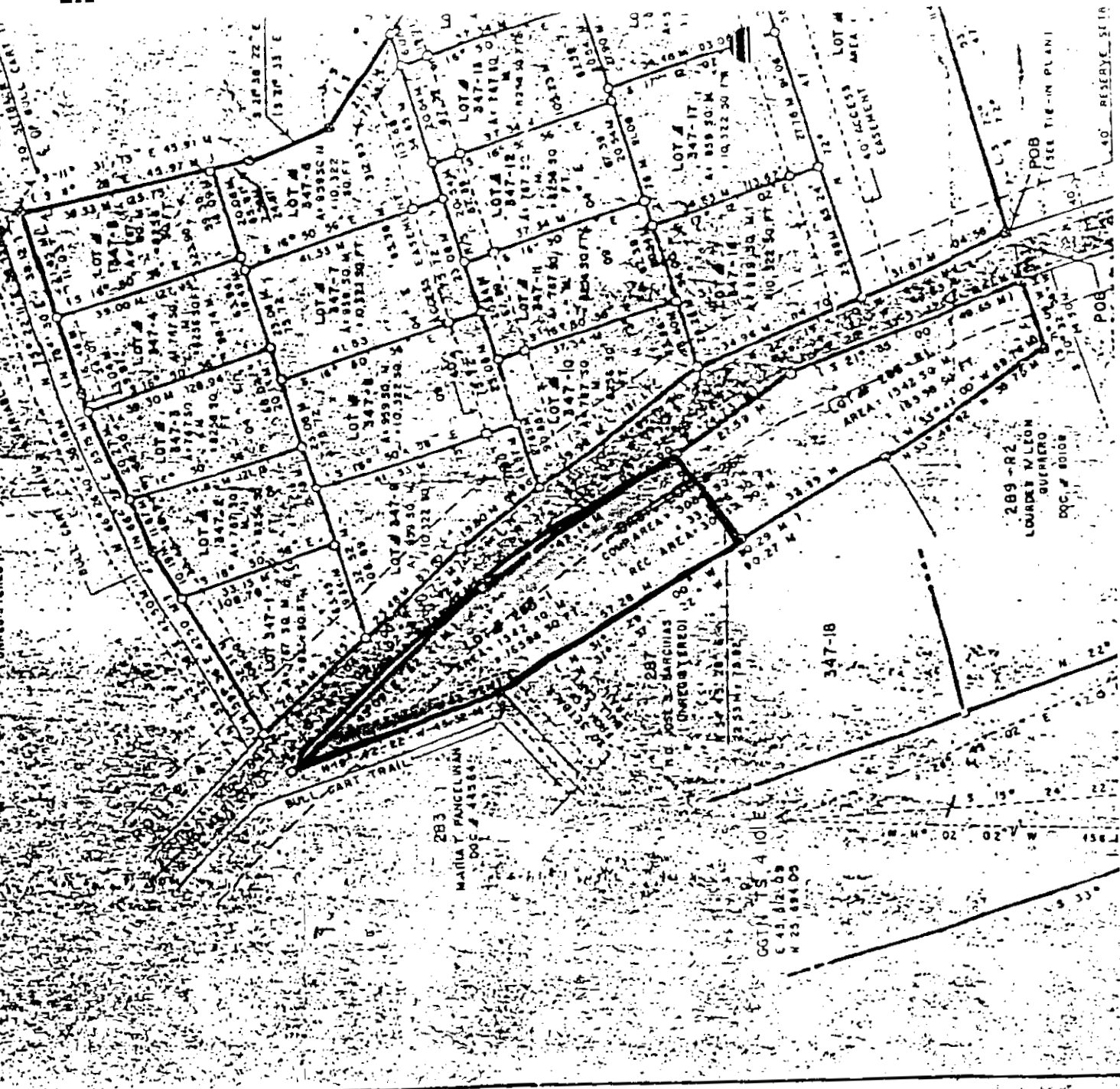
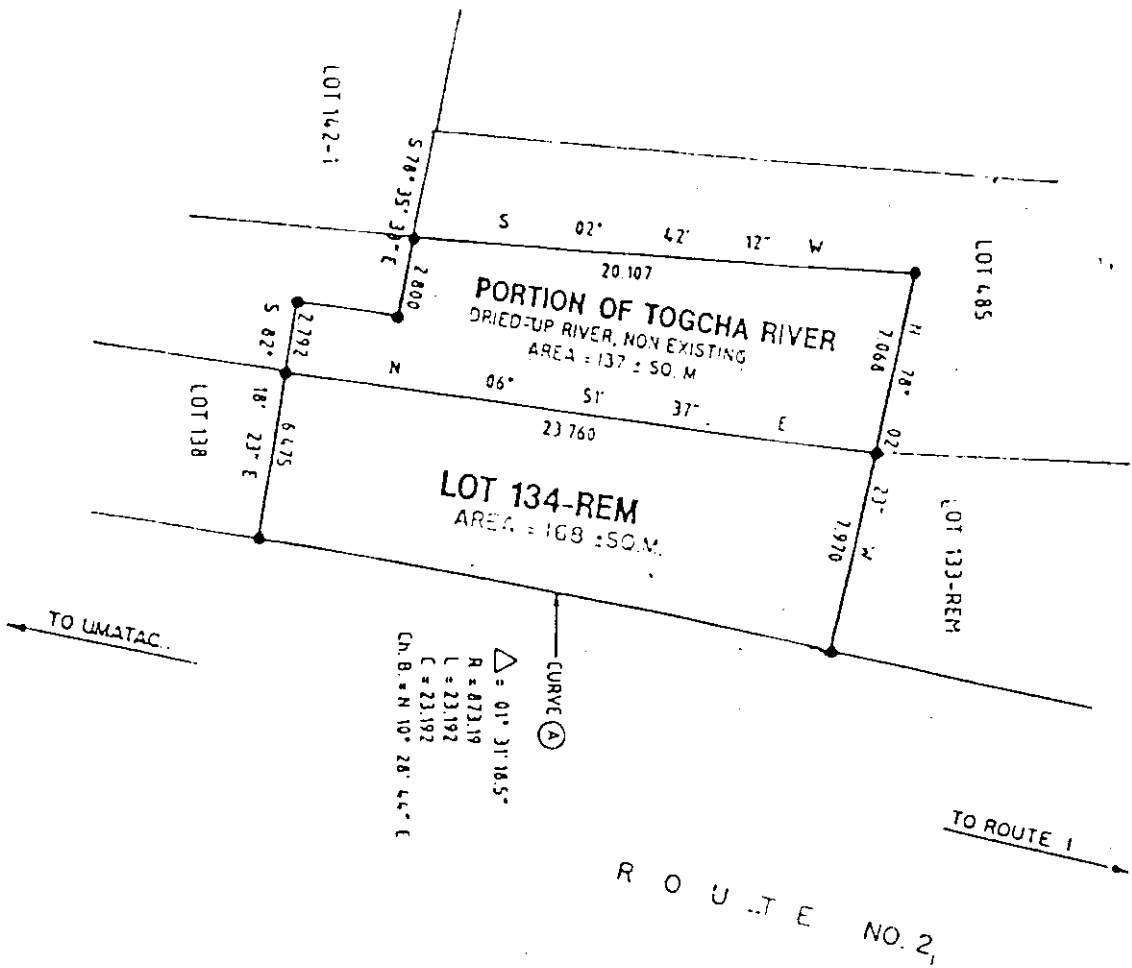
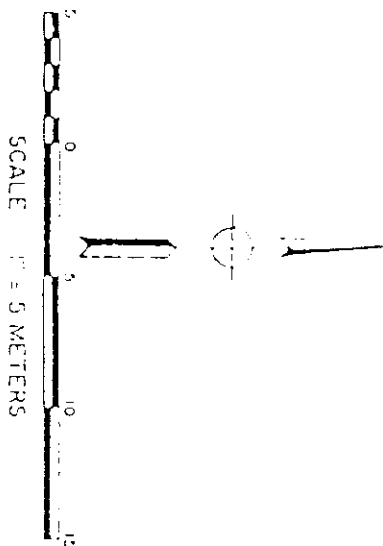


EXHIBIT (A)



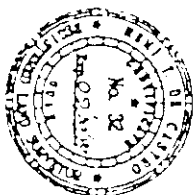
- REFERENCES:
1. GUARANTEED CLAIM NO. 1960, VOL. 3, AGAT BOOK PAGE 110, ESTATE 500.
 2. C.T. 1982, REGISTERED ON 10/16/39.
 3. MARIANAS AREA DWG. NO. 10317, ROUTE NO. 2.
 4. DECLARATION OF TAKING NO. 1, DOC. 34957.
 5. DWG. NO. CC-9102, L.M. 428 FY 91, DOC. 462042.
 6. DWG. NO. RTDC 0414911, L.M. 2615799, DOC. 586901.



CERTIFICATION:

I, REMI T. DE CASTRO, hereby certify that this SKETCH was prepared by me based on the references enumerated above.

REMI T. DE CASTRO, RLS #32 Date



I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 4/28/99

VOTING SHEET

Bill No. 71 (COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT ROLL CALL</u>
AGUON, Frank B., Jr.					
BLAZ, Anthony C.					
BERMUDES, Eulogio C.					
BROWN, Joanne M. S.					
CALVO, Eddie B.					
CAMACHO, Marcel G.					
FORBES, Mark					
KASPERBAUER, Lawrence F.					
LAMORENA, Alberto C., V					
LEON GUERRERO, Carlotta A.					
MOYLAN, Kaleo Scott					
PANGELINAN, Vicente C.					
SALAS, John C.					
SANCHEZ, Simon A., II					
UNPINGCO, Antonio R.					EA

TOTAL _____

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

April 26, 1999

(DATE)

Memorandum

To: Senator JOHN C. SALAS

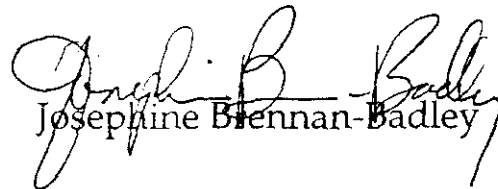
From: Clerk of the Legislature

Subject: Report on Bill No. 71 (COR)

FILE
COPY

Pursuant to §7.04 of Rule VII of the 25th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 71(COR), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.


Josephine Brennan-Badley

Attachment

RECEIVED
Time: _____
Date: _____



The Office of

Senator Marcel G. Camacho

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Twenty-Fifth Guam Legislature

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

1/3 Aspral Avenue, Hagåtña, Guam 96910
Suite 108A • Ada Plaza Corner
Phones: (671) **479 8261 / 62 / 63 / 64**
Facsimile (671) **472 8223**

April 20, 1999

The Honorable Antonio Unpingco, Speaker
I Mina' Bente Singko na Liheslaturan Guahan
155 Hesler St.
Hagåtña, Guam 96910

Via: Committee on Rules

Dear Mr. Speaker:

The Committee on Land, Agriculture, Military Affairs and the Arts, to which was referred the following: **Bill No. 71 "AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE GOVERNMENT LAND, LOT 134 AGAT AND ADJACENT PORTION OF OLD DRIED UP RIVER BED, CONTIANING A TOTAL AREA OF 305± SQ. METERS WITH PRIVATE LAND, PORTIONS OF LOT NUMBER 299-1 MERIZO, CONTAINING A TOTAL AREA OF 1,026± SQ. METERS."** wishes to report back to the Legislature its recommendation **TO DO PASS.**

Committee Voting Record:


To do pass: 8

Not to pass:

Abstain:

A copy of the Committee Report is attached for your consideration.

Sincerely yours,


MARCEL G. CAMACHO
Chairman

Attachments



The Office of

Senator Marcel G. Camacho

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Twenty-Fifth Guam Legislature

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Aspina Avenue, Hagåtña, Guam 96910
Suite 108A • Ado Plaza Center
Phones (671) **479 8261 / 62 / 63 / 64**
Facsimile (671) **472 8223**

March 24, 1999

MEMORANDUM

**TO: Members,
Committee on Land, Agriculture, Military Affairs and the Arts**

FR: Chairman

RE: BILL NO. 71 (SEE ATTACHED)

Transmitted herewith for your consideration is the Committee on Land, Agriculture, Military Affairs, and the Arts' Report **BILL NO. 71 (SEE ATTACHED FOR DETAILS)**.

Should you have any questions please contact me or my Chief-of-Staff, Alfred Duenas.

Sincerely,

MARCEL G. CAMACHO
Chairman

Attachments

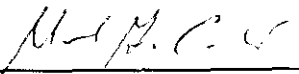


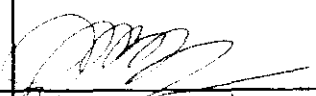
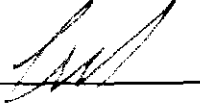
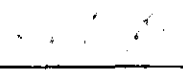
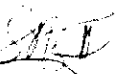
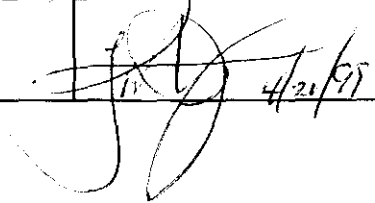
**COMMITTEE ON LAND, AGRICULTURE, MILITARY AFFAIRS
and the ARTS**

**I Mina'Benta Singko Na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature**

VOTING SHEET

April 20, 1999

RE: Bill No. 71 " AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE GOVERNMENT LAND, LOT 134 AGAT AND ADJACENT PORTION OF OLD DRIED UP RIVER BED, CONTAINING A TOTAL AREA OF 305± SQ. METERS WITH PRIVATE LAND, PORTIONS OF LOT NUMBER 288-1 MERIZO, CONTAINING A TOTAL AREA OF 1,026± SQ. METERS"

COMMITTEE MEMBERS:	TO DO PASS	NOT TO PASS	ABSTAIN	TO PLACE IN INACTIVE FILE	SIGNATURE
Sen. Marcel G. Camacho Chairman	/				
Speaker Antonio "Tony" R. Unpingco, ex. officio	/				
Senator Lawrence F. Kaperbauer, Vice-Speaker	X				
Senator Joanne M.S. Brown					
Senator Eduardo B. Calvo					
Senator Kaleo S. Moylan					
Senator Simon A. Sanchez, II					
Senator Frank B. Aguon, Jr.	/				 4/21/99

Committee on Land, Agriculture, Military Affairs & the Arts
Senator Marcel G. Camacho, Chairperson

PUBLIC HEARING
March 22, 1999

Committee Report

Senators present: Marcel G. Camacho, Frank Aguon, Jr., John C. Salas, Eloy C. Bermudes, Ben C. Pangelinan, Alberto "Tony" Lamorena, Larry Kasperbauer.

Bill No. 71 (COR): "AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE GOVERNMENT LAND, LOT 134 AGAT AND ADJACENT PORTION OF OLD DRIED UP RIVER BED, CONTAINING A TOTAL AREA OF 305± SQ. METERS WITH PRIVATE LAND, PORTIONS OF LOT NUMBER 28801 MERIZO, CONTAINING A TOTAL AREA OF 1,026± SQ. METERS", authored by Senator John C. Salas.

Testimony Submitted by:

Mr. David Yokozeki, Landowner (Written)
Mr. Carl Aguon, Director of Land Management (Written)

Summary of Testimonies:

Sen. Camacho: Has an effort been made to find a solution to this by speaking with all agencies involved and the Governor's office to determine if they will support the land exchange?

Mr. Yokozeki stated, "This initially started when DLM jointly with DPW prepared maps indicating they wanted to expand Route 4 in Merizo. So we wanted to be cooperative with the government and felt that another possible solution to the problem would be a land exchange, for parts of lot 134 in Agat. We are giving up almost two-thirds of our property in order for the exchange to happen, so value for value, area for area, I would think it would be in the best interest of the government. I communicated with Land Management and they are in approval. I met with DPW's Highway Division and they are in favor. I notified Chamorro Land Trust Commission and we were in touch with other Agencies that were concerned."

Sen. Pangelinan: Has your property been condemned by the government ?

Mr. Yokozeki responded, "No it has not been condemned but reserved for rights of way."

Sen. Salas: When was your land reserved as a right of way easement? Have you been paying taxes for your property and have they giving any kind of waiver in exchange of the reservation of your property?

Mr. Yokozeki responded, "It has been reserved for about ten years, yes I have been paying taxes for my property and I haven't been given any kind of waiver or compensation."

Sen. Lamorena stated he supports the bill.

Sen. Pangelinan: For the committee's information there is a bill that was passed into law last year that requires DPW Rights of Way and Land Management to do inventory of all easements reserved for right of way.

Bill No. 71 (COR) has been publicly heard.

The Committee recommends TO DO PASS Bill No. 71.



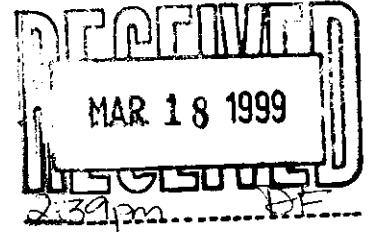
**DEPARTMENT OF LAND MANAGEMENT
(DEPARTAMENTON TANO')
GOVERNMENT OF GUAM**



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

MAR 18 1999

Senator Marcel G. Camacho
Chairman
Committee on Land, Agriculture,
Military Affairs and the Arts
173 Aspinall Avenue, Suite 108A
Hagatna, Guam 96910



Hafa Adai Senator Camacho:

The department appreciates the opportunity to give comments on the following bills:

Bill 55:

The Legislature has established the mechanism to rezone lands under Title 21 GCA, Chapter 61, Article 6, Section 61630, "Zone Changes". Hundreds of landowners have gone via this process and have gotten their zoning sought. Except for a few cases, the process has taken longer than usual but upon close examination, it is not the process but rather the complexity of the project proposed within the new zone.

The department maintains that all rezoning conforms to the present process. The process provides for "extensive" review by experts including environmentalists, land use planners, engineers, economists and others.

The department does not support rezoning by piece meal legislation and urges the present Liheslaturan Guahan to refrain from doing so.

Bills 71 and 72:

Public land exchanges should be carefully evaluated and only allowed as an absolute last resort in private land-taking. Our public land holdings have diminished in huge acreage in past exchanges where the private land value far exceeds the selected public land. Low value public lands have been routinely selected to achieve a highly distorted land exchange in favor of the private land owner. This has to stop as future land needs for public projects are threatened.

The department recommends that this legislature pass a specific public land disposal policy for itself and the Executive Branch and thereafter all exchanges be subject to it.

Senseramente,

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





MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat
Senator Mark Forbes, Chairman

FEB 10 1999

MEMORANDUM

TO: Chairman
Committee on Land, Agriculture, Military Affairs and Arts

FROM: Chairman
Committee on Rules, Government Reform, Reorganization
and Federal Affairs

SUBJECT: Principal Referral – Bill No. 71

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Bill No. 71 (CAP)

Introduced by:

J. C. Salas *Salas*
K. S. Moylan *Moylan*

AN ACT TO AUTHORIZE THE GOVERNOR TO
EXCHANGE GOVERNMENT LAND, LOT 134
AGAT, AND ADJACENT PORTION OF OLD
DRIED UP RIVER BED, CONTAINING A TOTAL
AREA OF 305± SQUARE METERS WITH PRIVATE
LAND, PORTIONS OF LOT NUMBER 288-1
MERIZO, CONTAINING A TOTAL AREA OF
1,026± SQUARE METERS.

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4 in the form of a road right-of-way reservation as well as a bull cart trail
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6 claims take over half, or 1,026± square meters, of his prime road-frontage
7 property. In exchange for these yet uncompensated impositions by the
8 Government of Guam, Mr. Yokozeki is asking for a land exchange. He owns
9 land in Agat, and asks that his holdings be extended to include a sub-
10 standard, fragmented lot and a portion of an old dried up river bed.

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2 uncompensated for years due to the lack of a formal compensation
3 procedure, and the lack of adequate funds, this is an opportunity to
4 accomplish the proper settlement of such a taking to the satisfaction of the
5 landowner and the Government.

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7 Governor is hereby authorized to exchange government land, Lot Number
8 134, Agat, containing an area of 168 square meters, and a portion of Old
9 Dried Up River Bed, containing an area of 137 square meters as shown on
10 the Sketch marked Exhibit A prepared by Surveyor Remi DeCastro, with the
11 northern and western portion of private land designated as Lot Number
12 288-1, Merizo, containing an area of 894.69 square meters and 131.76 square
13 meters respectively, for a total of 1,026.45 ± square meters, as shown on Map
14 No. L.M. 503 FY 71, recorded under Document No. 401176 and marked
15 Exhibit B.

16 **Section 3. No Prohibition Against Building.** Nothing contained in
17 this Act shall be construed to prevent or prohibit the party receiving
18 government land from improving such land or from building, erecting, or
19 constructing structures approved in accordance with the building and zoning
20 codes of Guam.

21 **Section 4. Severability.** If any provision of this Law or its
22 application to any person or circumstance is found to be invalid or contrary
23 to law, such invalidity shall not affect other provisions or applications of this
24 Law which can be given effect without the invalid provisions or application,
25 and to this end the provisions of this Law are severable.

March 24, 1999

To: Senator Marcel Camacho, Twenty-Fifth Guam Legislature,
Committee Chairman on Committee of Agriculture, Land, Housing,
Community & Resources Development, and to his fellow Senators
on this Committee:

Re: Written Statement in Support of Bill No. 71 (COR) introduced
in the First Session of the Twenty-Fifth Guam Legislature, An
Act to authorize the Governor to exchange Government Land,
Lot 134 Agat and adjacent portion of old dried up river bed
containing an area of 305 +/-square meters with private land
portions of Lot Number 288-1 Merizo containing a total area of
1,026 +/-square meters, which bill was heard before the afore-
mentioned Senate Committee on Monday, March 22, 1999.

Dear Honorable Senators:

My oral testimony before your august body on March 22, 1999
may have been incomplete, so I wish to avail this opportunity to
submit to you this written statement in support of Bill No. 71
for your further consideration, as follows:

1. A Land Registration & Distribution Map of Lot 288 Merizo
was prepared for the then Director of Land Management who signed
said map and recorded same as Instrument No. 401107 on July 22, 1988.
This map sets aside 1,026 square meters out of a total area of
1,542 +/-square meters of Lot 288-1 Merizo for widening of primary
Highway Route 4 (Merizo) by taking 40 foot width from owners of
each side of said highway. At this time, the roadway secured was
21 foot in width with A/C pavement, and the aforesaid additional
taking was to make Route 4, 80 foot in total width.

2. Subsequent to said map recordation, the area supposedly
reserved for future expansion has already been encroached upon with
a good portion already A/C paved in daily use with road side parking
provided. Nevertheless, undersigned as owner continues to pay the
annual real property taxes.

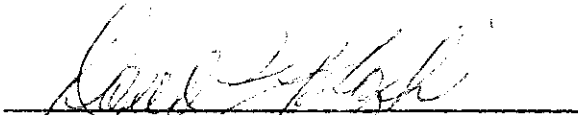
3. During the hearing, suggestion was offered that perhaps a general legislation to cancel reservations of land by Government of Guam be considered if same is not immediately or urgently needed. Such remedial legislation may be helpful in instances where the already existing easements or takings were of substantial width or if dealing with less than a primary highway as Route 4. When an access easement for hotels, condominiums, commercial-industrial sites all require a 40 foot width, except single family residence where a 20 foot width is approved by Dept. Of Public Works for construction permits, a 21 foot width primary highway seems inappropriate, and especially in this matter where the highway is already using the so-called reserved area for daily vehicular traffic.

4. We are all aware that under the United States Constitution that private property cannot be taken by the government without payment of fair compensation monetary or in kind normally under eminent domain (suit for condemnation). We are all also aware that with diminishing tax revenues, that the government is under severe budgetary constraints to use the revenues in the most acutely needed areas as education, police/ & fire protection, general welfare, etc. limiting or for all practical purposes eliminating the possibilities of payment for lands reserved or secured by the Government. Furthermore since all unallocated government real properties are under the jurisdiction of the Chamorro Land Trust Commission, any property which can be used by beneficiaries of said Commission would not be available for land exchange. In this instance, before hearing, I spoke with the Ass't Director of said Commission who was present in support of re-confirmation of Ms. Rita Okada to the said Commission, and advised him as follows:

That Gov-Guam's Lot 134 Agat contains only 168+/-square, the portion left over after taking portion needed to widen Route 2 Agat to a 100 foot wide highway. With construction of said highway, the Old Togcha River (Agat, and not to be confused with another river in Talofofo with same name) flow was diverted from its original course to flow beneath said highway, and exit out a concrete culvert to the immediate south of Lot 134 thus creating the 137 +/-square meters of the dried river bed which with Lot 134 Agat makes up the 305+/-square meters of Gov-Guam's land for exchange. In view of the aforesaid, there are no private land owners to the east with said highway, and none to the south with Togcha River flowing adjacent to south of Lot 134 Agat. Immediately to the north of Lot 134 Agat, undersigned owns Lot 132-REM & Lot 133-Rem; immediately to the east of Lot 134 Agat, undersigned is registering Lot 485 Agat and immediately east of Lot 485 Agat, undersigned owns Lot 142-2 Agat. In short, adjacent to Lot 134 Agat, only the lands belonging to undersigned exist. In view of the aforesaid, neither the Director/ nor Ass't Director ^{OF CHAMORRO LAND TRUST COMMISSION} though present at the hearing voiced any opposition to Bill No. 71.

CONCLUSION; Area for area, obviously land offered to Gov-Guam is larger than portion to be received from Gov-Guam, and likewise portion of Lot 288-1 Merizo, with 1,026+/-square meters, zoned R-1 usable for single family residence is greater in value than Lot 134 Agat and portion of dried river bed, which is sub-standard in area for any development to be placed on same. Nevertheless, since Lot 134 Agat and portion of dried river bed are adjacent to properties of the undersigned, despite any substantial difference in value favoring Gov-Guam, undersigned requests willingly the proposed land exchange as contained in the provisions of Bill No. 71 of the Twenty-Fifty Guam Legislature.

The aforesaid written statement is hereby most respectfully submitted to the above entitled Committee Chairman and his fellow Senators of the Twenty-Fifth Guam Legislature by undersigned for favorable consideration of Bill No. 71.



David T. Yokozeki, Applicant
P.O. Box GY, Hagtña, Guam
Tel: (671) 649-5419
Fax: " 646-3406

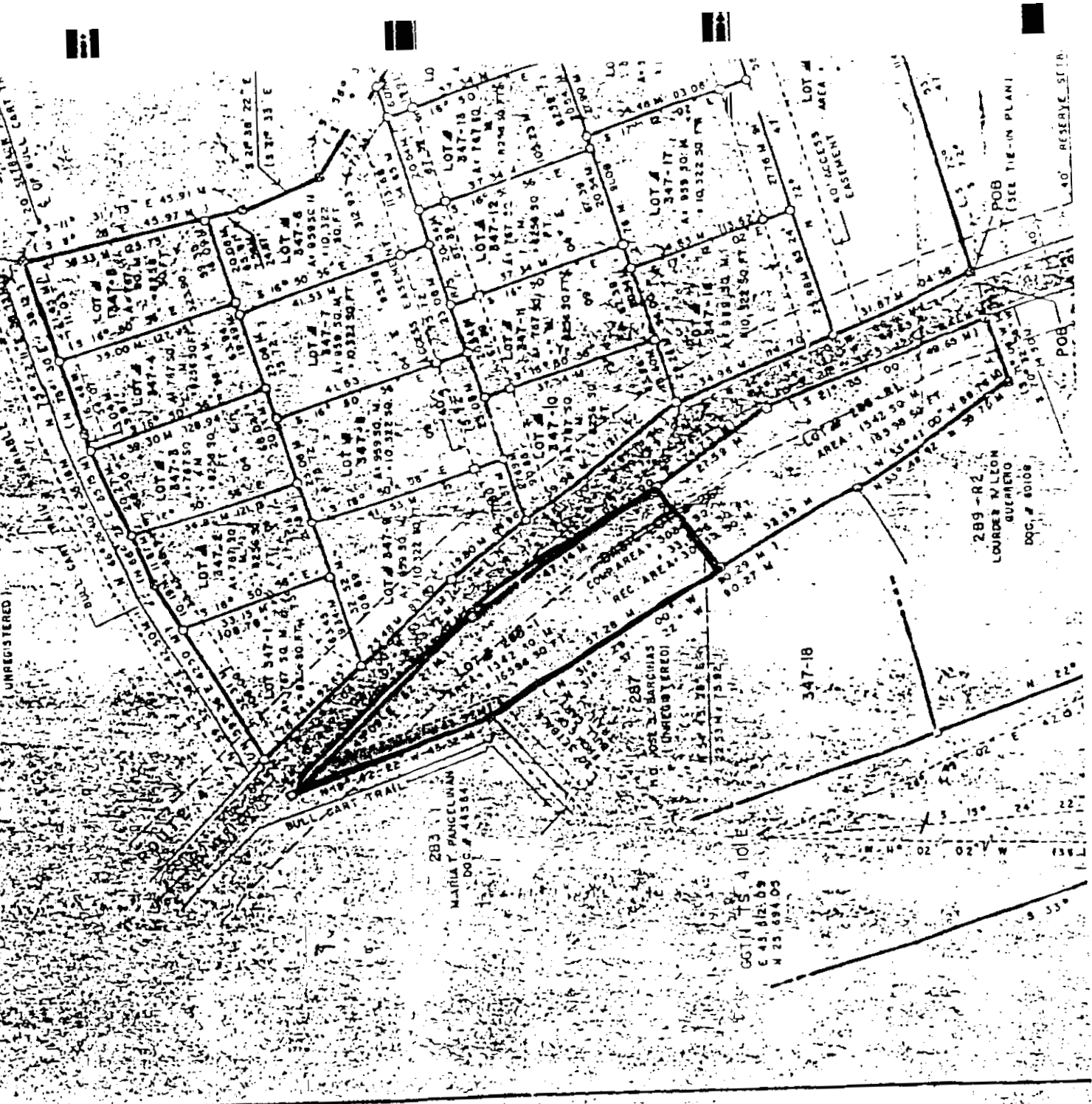
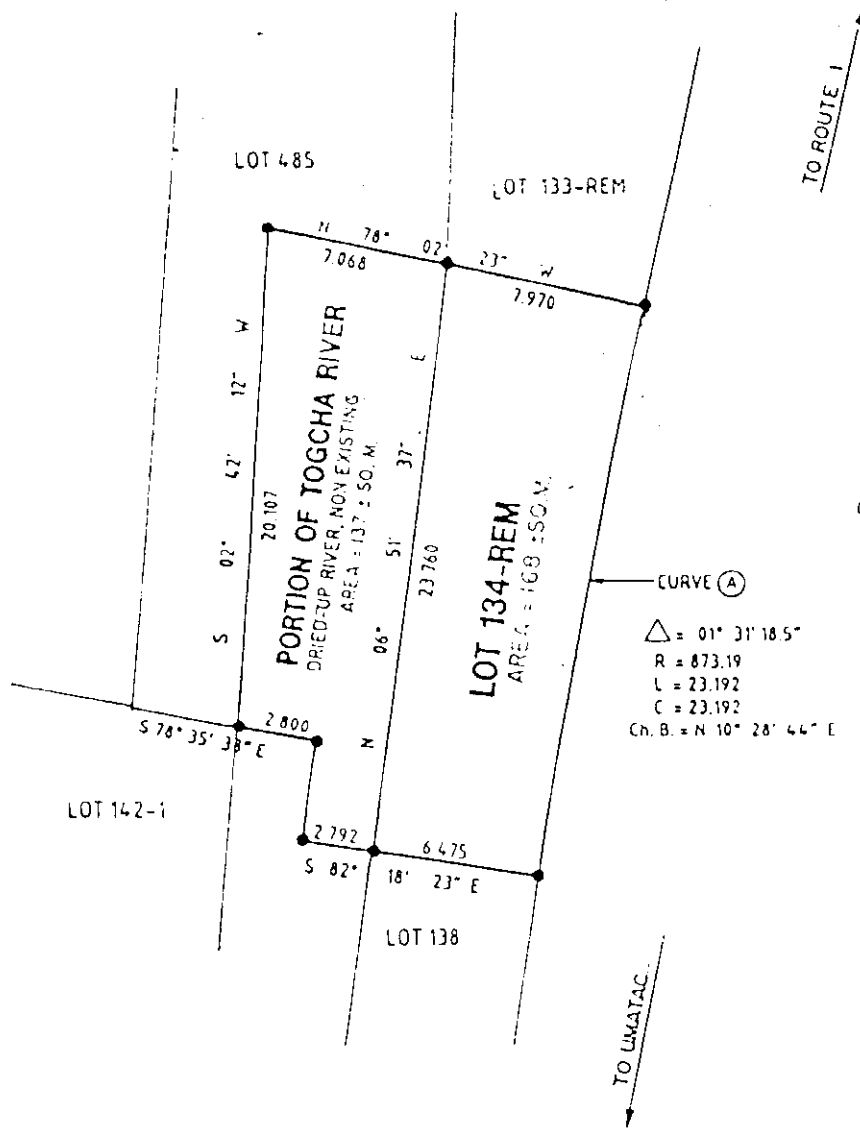
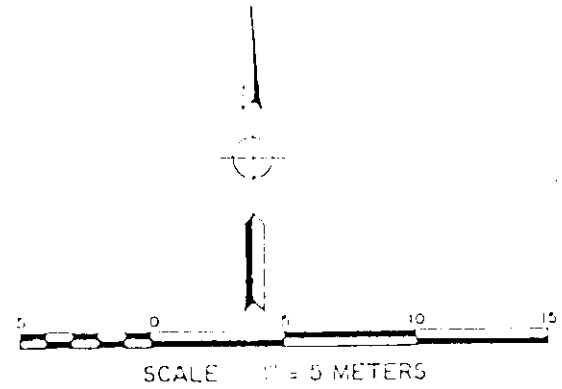


EXHIBIT (A)



REFERENCES:

1. GUARANTEED CLAIM NO. 1360, VOL. 3, AGAT BOOK PAGE 110, ESTATE 500.
2. C.T. 1882, REGISTERED ON 10/16/39.
3. MARIANAS AREA DWG. NO. 10317, ROUTE NO. 2.
4. DECLARATION OF TAKING NO. 1, DOC. 34957.
5. DWG. NO CC-9102, L.M. 428 FY 91, DOC. 462042.
6. DWG. NO. RTDC 041490, LM 261/FY98, DOC. 586901.



CERTIFICATION:

I, REMI T. DE CASTRO, hereby certify that this SKETCH, was prepared by me based on the references enumerated above.

REMI T. DECASTRO, RLS #32 Date _____





The Office of

Senator Marcel G. Camacho

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

Twenty-Fifth Guam Legislature

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Asana Avenue, Hagåtña, GUAM 96910
Suite 108A • Ada Pazo Center
Phone (671) 479 8261 / 62 / 63 / 64
Facsimile (671) 472 8223

Monday, March 22, 1999

9:00 AM - 5:00 PM

AGENDA

- I. Confirmation Hearing** - Ms. Rita Okada re-appointment to Chamorro Land Trust Commission
- II. Bill No. 71 (COR)** - AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE GOVERNMENT LAND, LOT 134 AGAT AND ADJACENT PORTION OF OLD DRIED UP RIVER BED, CONTAINING A TOTAL AREA OF 305± SQUARE METERS WITH PRIVATE LAND, PORTIONS OF LOT NUMBER 288-1 MERIZO, CONTAINING A TOTAL AREA OF 1,026± SQUARE METERS.
- III. Bill No. 72 (COR)** - AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE A PORTION OF THE AGANA-PITI ROAD BETWEEN LOTS 32, 33, 34, 8 AND 7 CONTAINED WITHIN BLOCK 10, CITY OF NEW AGANA, GUAM FOR A PORTION OF LOT 237-3-2-1 ON A VALUE-FOR-VALUE BASIS.
- IV. Bill No. 18 (COR)** - AN ACT RELATIVE TO RECOGNIZING THE TREMENDOUS IMPORTANCE OF GUAM'S TRADITIONAL AGRICULTURE INDUSTRY THROUGH EXTENDING THE ASSISTANCE OF THE GOVERNMENT OF GUAM IN ENCOURAGING THE ESTABLISHMENT OF A GUAM FARMERS COOPERATIVE ASSOCIATION WHICH WILL SUPPORT THE DISTRIBUTION AND MARKETING OF AGRICULTURAL PRODUCTS/GOODS AND PROVIDE FURTHER ASSISTANCE TO THE LOCAL FARMERS.
- V. Bill No. 28 (COR)** - AN ACT RELATIVE TO THE ESTABLISHMENT OF "THE GUAM NATIONAL GUARD EDUCATIONAL TRAINING AND SCHOLARSHIP PROGRAM"
- VI. Bill No. 55 (COR)** - AN ACT TO REZONE LOT NOS. 55-1-3-1, 55-1-3-2, 55-1-3-3, 55-1-3-4, 55-1-3-5, 55-1-3-6 AND 55-1-3-R6, CONTAINING A TOTAL AREA OF 10,000 SM FROM "A" (AGRICULTURAL) TO "C" (COMMERCIAL); AND TO REZONE LOT NO. 55-1-4 FROM "A" (AGRICULTURAL) TO "R1" (SINGLE-FAMILY RESIDENTIAL), ALL LOCATED IN THE MUNICIPALITY OF TALOFOFO.
- VII. Bill No. 135 (COR)** - AN ACT TO REPEAL AND REENACT §63202, ARTICLE 2, CHAPTER 63, TITLE 10, GUAM CODE ANNOTATED, TO AUTHORIZE THE RANK OF BRIGADIER GENERAL FOR THE ASSISTANT ADJUTANT GENERAL FOR ARMY OF THE GUAM NATIONAL GUARD.

Pacific Bathy News, Friday, March 19, 1999 80

IN
1
B



Senator Marcel G. Camacho

Chairman, Committee on Land,
Agriculture, Military Affairs and the Arts
125 Hagåtña • Hagåtña, GU 96914 • Phone: 679-8261 • Fax: 672-8223

Public Hearing

Monday, March 22, 1999 at 9:00 a.m.

Confirmation Hearing - Rita Okada reappointment to serve as member of the Chamorro Land Trust Commission.

Bill No. 71 (COR) - An act to authorize the Governor to exchange government land, lot 134 Agat, and adjacent portion of old dried up river bed, containing a total area of 305+ sq. meters with private land, portions of lot number 288-1 Merizo, containing a total area of 1,026+ sq. meters.

Bill No. 72 (COR) - An act to authorize the Governor to exchange a portion of the Agana-Piti road between lots 32, 33, 34, 8, and 7 contained within Block 10, city of New Agana, Guam for a portion of lot 237-3-2-1 on a value-for-value basis.

Bill No. 18 (LS) - An act relative to recognizing the tremendous importance of Guam's traditional agriculture industry through extending the assistance of the Government of Guam in encouraging the establishment of a Guam Farmers Cooperative Association which will support the distribution and marketing of agricultural products/goods and provide further assistance to the local farmers of Guam.

Bill No. 28 (LS) - An act relative to the establishment of "The Guam National Guard Educational Training and Scholarship Program."

Bill No. 55 (COR) - An act to rezone lot nos. 55-1-3-1, 55-1-3-2, 55-1-3-3, 55-1-3-4, 55-1-3-5, 55-1-3-6, and 55-1-3-R6, containing a total area of 10,000 sq. meters from "A" (Agricultural) to "C" (Commercial); and to rezone lot no. 55-1-4 from "A" (Agricultural) to "R1" (Single-Family Residential), all located in the Municipality of Talofofo.

Bill No. 135 (COR) - An act to repeal and reenact §63202, Article 2, Chapter 63, Title 10, Guam Code Annotated, to authorize the rank of Brigadier General for the Assistant Adjutant General for Army of the Guam National Guard.

The public is invited and encouraged to attend.



Bill 71

TESTIMONY SIGN-IN SHEET
COMMITTEE ON LAND, AGRICULTURE, MILITARY AFFAIRS and the ARTS

TESTIMONY RELATIVE TO THE PUBLIC HEARING: Monday, March 22, 1999
 9:00 am - 5:00 pm - Legislature Public Hearing Room

NAME	AGENCY/BUSINESS/SELF/ORGANIZATION	TOPIC	WRITTEN TESTIMONY	ORAL TESTIMONY	REMARKS
1 DAVID T. YOKOZAKI	SELF	Bill 71	—	ORAL	If needed
2 JOSEPH M. BORNER	CLTC	B 71		✓	—
3					
4					
5					
6					
7					
8					
9					
10					

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Bill No. _____ ()

Introduced by:

J. C. Salas *Salas*
K. S. Moylan *Moylan*

AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE GOVERNMENT LAND, LOT 134 AGAT, AND ADJACENT PORTION OF OLD DRIED UP RIVER BED, CONTAINING A TOTAL AREA OF 305± SQUARE METERS WITH PRIVATE LAND, PORTIONS OF LOT NUMBER 288-1 MERIZO, CONTAINING A TOTAL AREA OF 1,026± SQUARE METERS.

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