



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

DEC 27 2002

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Suite 200
130 Aspinal Street
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

Enclosed please find Bill No. 277 (COR), "AN ACT TO REZONE LOT 27, BLOCK 10, DEDEDO MUNICIPALITY, FROM "R-1 (SINGLE FAMILY DWELLING)" TO "R-2 (MULTIPLE FAMILY DWELLING)", which was **signed** by the Governor into law as **Public Law No. 26-160**.

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 Antonio R. Unpingco
Speaker

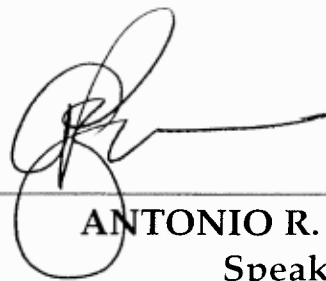
OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGEMENT RECEIPT	
Received By	<u>9294</u>
Time	
Date	<u>12/30/02</u>

01020

MINA'BENTE SAIS NA LIHESLATURAN GUAHAN
2002 (SECOND) Regular Session

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

This is to certify that Bill No. 277 (COR) "AN ACT TO REZONE LOT 27, BLOCK 10, DEDEDO MUNICIPALITY, FROM "R-1 (SINGLE FAMILY DWELLING)" TO "R-2 (MULTIPLE FAMILY DWELLING)," was on the 24th day of December, 2002, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker

Attest:



JOANNE M. S. BROWN
Senator and Legislative Secretary


.....

This Act was received by I Maga'lahaen Guahan this 24TH day of DECEMBER, 2002,
at 10:00 o'clock P. .M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 12-27-02

Public Law No. 26/60

MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 277 (COR)

As amended.

Introduced By:

J. F. Ada
T. C. Ada
F. B. Aguon, Jr.
J. M.S. Brown
E. B. Calvo
F. P. Camacho
M. C. Charfauros
Mark Forbes
L. F. Kasperbauer
L. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
A. L. G. Santos
A. R. Unpingco
J. T. Won Pat

**AN ACT TO REZONE LOT 27, BLOCK 10, DEDEDO
MUNICIPALITY, FROM "R-1 (SINGLE FAMILY
DWELLING)" TO "R-2 (MULTIPLE FAMILY
DWELLING)."**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* has
3 been petitioned by Mr. Lawrence Kodyanplakkal and Mr. Mathew M.
4 Mathew to rezone Lot Number 27, Block Number 10, located in the Village of
5 Dededo, municipality of Dededo. Mr. Kodyanplakkal and Mr. Mathew

1 initially purchased the property from Pacific Financial Corporation as a
2 foreclosed lot and an apartment complex was included on it at the time of the
3 transaction.

4 After completing minor repairs, Mr. Kodyanplakkal and Mr. Mathew
5 went to the Department of Land Management to apply for a license to rent out
6 their apartment complex consisting of six (6) units, only to discover that the
7 property was zoned "R-1 (Single family dwelling)." Taken aback, they went
8 to the Department of Public Works ("DPW") to see if an Occupancy Permit
9 was ever issued for the building. DPW records in relation to the building on
10 the property did *not* exist, other than an aerial photograph taken sometime
11 during the months of February, 1975 to June, 1975.

12 The only copy of a permit of any sort was found in the Property Tax
13 Division of the Department of Land Management. On the Building Permit –
14 Certificate of Occupancy, filed on April 28, 1989, the proposed use of the
15 building was as a duplex. This permit originally had the word "Apartment"
16 written on it, but it was typewritten with "Duplex" instead.

17 Mr. Jesse A. Perez, the previous owner of the property, had a property
18 business license (no. 14000090139004) indicating the license was for a three (3)
19 unit apartment, while in actuality the complex had six (6) units in it, the same
20 six (6) units that have been rented out since 1975.

21 Thus, Mr. Kodyanplakkal and Mr. Mathew are requesting at this time
22 that their property be rezoned from "R-1 (Single family dwelling)" to "R-2
23 (Multiple family dwelling)."

1 **Section 2. Lot Rezoning.** Lot Number 27, Block Number 10, located
2 in the Village of Dededo, municipality of Dededo, is hereby rezoned from “R-
3 1 (Single family dwelling)” to “R-2 (Multiple family dwelling).”

200-160

6

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 12/24/02

VOTING SHEET

Bill No. 277

Resolution No. _____

Question: Vote about engrossment

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.					✓
BROWN, Joanne M. S.	111	✓			
CALVO, Eddie B.	✓				
CAMACHO, Felix P.					✓
CHARFAUROS, Mark C.					✓
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.					✓
UNPINGCO, Antonio R.	111	✓			
WON PAT, Judith T.	111	✓			

TOTAL 8 3 0 0 4

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Chairman:
**Committee on Power,
Public Safety and
the Judiciary**

Suite 5A • Sinajana Shopping Mall II
777 Route 4 • Sinajana, Guam 96926

Phone 1.671 472-3431
Fax 1.671 472-3433

16 December 2002

The Honorable Antonio R. Unpingco
Speaker
I Mina' Bente Sais Na Liheslaturan Guahan
155 Hessler Street
Hagatna, Guam 96910

Dear Mr. Speaker:

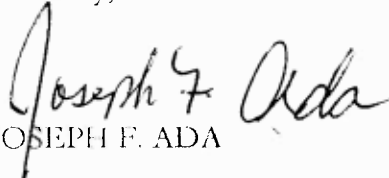
The Committee on Power, Public Safety and Judiciary, to which was referred **Bill No. 277 (COR)**, "AN ACT TO REZONE LOT 27, BLOCK 10, DEDEDO MUNICIPALITY FROM R-1 (SINGLE FAMILY DWELLING) TO R-2 (MULTIPLE FAMILY DWELLING)," does hereby report back with the recommendation **TO DO PASS**.

The Committee votes are as follows:

<u>6</u>	To Pass
<u> </u>	Not To Pass
<u> </u>	To The Inactive File
<u> </u>	Abstained
<u> </u>	Off-Island
<u>4</u>	Not Available

A copy of the Committee Report and all pertinent documents are attached for your information and file.

Sincerely,


JOSEPH F. ADA

VOTING SHEET

BILL 277 (COR)

Committee on Power, Public Safety and the Judiciary

RECOMMEND:
 TO PASS
 NOT TO PASS
 TO REPORT OUT ONLY
 ABSTAIN
 INACTIVE FILE

Signature

COMMITTEE MEMBER

COMMITTEE MEMBER	RECOMMEND: TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE	Signature
Senator Joseph F. Ada, Chairman	✓					Joseph F. Ada
Senator Kaleo S. Moylan, Vice Chairman						
Speaker Antonio R. Unpingco						
Vice Speaker Larry F. Kasperbauer	✓					L. Kasperbauer
Senator Tom C. Ada	✓					T. C. Ada
Senator Eddie B. Calvo	✓					E. B. Calvo
Senator Felix P. Camacho						
Senator Mark C. Charfauros	✓					Mark C. Charfauros
Senator Mark Forbes	✓					Mark Forbes
Senator Angel L.G. Santos						

COMMITTEE REPORT

ON

BILL NO. 277 (COR)

COMMITTEE ON POWER, PUBLIC SAFETY AND THE JUDICIARY

“AN ACT TO REZONE LOT 27, BLOCK 10, DEDEDO MUNICIPALITY FROM R-1 (SINGLE FAMILY DWELLING) TO R-2 (MULTIPLE FAMILY DWELLING).”

COMMITTEE MEMBERS

Chairman: Joseph F. Ada

Vice Chairman: Kaleo S. Moylan

Ex-Officio Member: Antonio R. Unpingco

Lawrence F. Kasperbauer, Member

Thomas C. Ada, Member

Eddie B. Calvo, Member

Felix P. Camacho, Member

Mark C. Charfauros, Member

Mark Forbes, Member

Angel L.G. Santos, Member

COMMITTEE REPORT
COMMITTEE ON POWER, PUBLIC SAFETY AND THE JUDICIARY

BILL NO. 246 (COR)

AN ACT TO REZONE LOT 27, BLOCK 10, DEDEDO MUNICIPALITY FROM R-1 (SINGLE FAMILY DWELLING) TO R-2 (MULTIPLE FAMILY DWELLING)."

I. PUBLIC HEARING

The Committee on Power, Public Safety and Judiciary and the Committee on Rules held a joint public hearing on March 21, 2002 AT 10:00 a.m. to hear testimony on Bill No. 246 (LS) "AN ACT TO REZONE LOT 27, BLOCK 10, DEDEDO MUNICIPALITY FROM R-1 (SINGLE FAMILY DWELLING) TO R-2 (MULTIPLE FAMILY DWELLING)."

The hearing was called to order by Senator Joseph F. Ada, Chairman of the Committee on Power, Public Safety and Judiciary. Committee member Senator Tom Ada was present. Senators Judi Won Pat and Ben Pangelinan were also present.

Present to testify were Mathew M. Mathew and Lawrence Kodiyanplakkal, the owners of the lot in question.

II. TESTIMONY

MATHEW M. MATHEW AND LAWRENCE KODIYANPLAKKAL

In testimony signed by both witnesses, Mathew and Kodiyanplakkal stated they purchased a foreclosed property that was being used as a multifamily dwelling. They describe many indications that led them to believe the property was zoned for multiple family use, including the presence of six (6) separate water, power and telephone connections. The owners testified they later discovered they could only get a business license to operate a duplex, yet the previous owner was issued a permit to operate the property as a three-unit apartment. Further, the original building permit indicated construction of an apartment building.

III. FINDINGS

The Committee finds that Bill No. 277 (COR) will make the use of Lot 27, Block 10, Dededo consistent with the surrounding lots and consistent with various building permits business licenses issued over many years.

IV. RECOMMENDATIONS

The Committee on Power, Public Safety and Judiciary hereby reports Bill No. 277 (COR) with the recommendation ***TO DO PASS.***

Bill 277

March 21, 2002.

To: Honorable Senators of the 25th Guam Legislature

Reference: Bill No. 277 – An act to rezone Lot 27, Block 10, Dededo, Municipality from R-1 (single family dwelling) to R-2 (Multiple family dwelling)

On October 10, 2001 we purchased a 6-unit apartment building and lot located on Lot 27, Block 10, located in the municipality of Dededo. We purchased the above property through a bank foreclosure from Pacific Financial Corporation. At the time of purchase, we were under the impression that the building is a multifamily dwelling. The building was used as an apartment and our inquiries at that time indicated that it was being rented out to different families.

The building is a well-constructed, fully concrete structure and is suitable for use as a multiple family dwelling and in our opinion, is in compliance with public works regulations for such structures. The building has six separate water, power, and telephone connections and is connected to the sewer system. There are similar buildings in the neighborhood that are being used as apartment buildings.

Since the building was in a run-down situation at the time of purchase, we spent much time and money to renovate and up-grade the building.

We approached the One-Stop business license center to obtain a business license to rent the units. We were informed by the department of land management that we could obtain a business license only for a duplex and not for a 6-unit apartment.

We managed to obtain a copy of the building permit/certificate of occupancy dated April 28, 1989 (permit No. 12260) which indicate an original use of the building as an apartment. However, it appears that the certificate of occupancy was crossed out in pen and the term "duplex" was handwritten on this document. However, the pervious owner had a business license to rent it out as a three-unit apartment.

We humbly request your support to change the zoning for the lot from a R-1 to R-2 (multiple family dwelling). If we are unable to rent the units out, it will result in considerable financial hardship and loss to both parties and their families. Our goal is get the needed approvals to rent all six units legally .

We are grateful for your kind and favorable consideration of bill 277(COR).

Respectfully submitted



MATHEW M. MATHEW



LAWRENCE KODIYANPLAKKAL


MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (Second) REGULAR SESSION

Bill No. 277 (COR)

Introduced By:

J.F. Ada


AN ACT TO REZONE LOT 27, BLOCK 10, DEDEDO MUNICIPALITY, FROM "R-1 (SINGLE FAMILY DWELLING)" TO "R-2 (MULTIPLE FAMILY DWELLING)."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* has been petitioned by Lawrence Kodyanplakkal and Mathew M. Mathew to rezone Lot 27, Block 10, located in the village of Dededo, municipality of Dededo. Mr. Kodyanplakkal and Mr. Mathew initially purchased the property from Pacific Financial Corporation as a foreclosed lot; an apartment complex was included on it at the time of the transaction.

After completing minor repairs, Mr. Kodyanplakkal and Mr. Mathew went to the Department of Land Management to apply for a license to rent out their apartment complex consisting of six units, only to discover that the property was zoned "R-1 (Single family dwelling)." Taken aback, they went to the Department of Public Works to see if an Occupancy Permit was ever issued for the building. DPR records in relation to the building on the property did not exist other than an aerial photograph taken sometime during the months of February 1975 to June 1975.

The only copy of a permit of any sort was found in the Property Tax Division of the Department of Land Management. On the Building Permit – Certificate of Occupancy, filed on April 28, 1989, the proposed use of the building was as a duplex.

This permit originally had the word "Apartment" written on it but it was typewritten with "Duplex" instead.

Mr. Jesse A. Perez, the previous owner of the property, had a property business license (no. 14000090139004) indicating the license was for for a three-unit apartment, while in actuality the complex had six units in it -- the same six units that have been rented out since 1975.

Thus, Mr. Kodyanplakkal and Mr. Mathew are requesting at this time that their property be rezoned from "R-1 (Single family dwelling)" to "R-2 (Multiple family dwelling)."

Section 2. Lot Rezoning. Lot 27, Block 10, located in the village of Dededo, municipality of Dededo, is hereby rezoned from "R-1 (Single family dwelling)" to "R-2 (Multiple family dwelling)."

Agenda
Public Hearing
March 21, 2002
10 a.m.
Legislative Public Hearing Room

Bill #	Sponsor	Description
213	F. P. Camacho J.F. Ada M.C. Charfauros	AN ACT TO ADD ARTICLE 7, CHAPTER 3 OF TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO MOTORIST AND PEDESTRIAN SAFETY IN TUMON.
246	J.F. Ada	AN ACT TO REZONE LOT NO. 45-2-NEW-4, PITI AND AGAT, GUAM FROM AN AGRICULTURAL TO A COMMERCIAL ZONE.
277	J.F. Ada	AN ACT TO REZONE LOT 27, BLOCK 10, DEDEDO MUNICIPALITY, FROM "R-1 (SINGLE FAMILY DWELLING)" TO "R-2 (MULTIPLE FAMILY DWELLING)."
182	F.P. Camacho	AN ACT TO AMEND §22.50 OF CHAPTER 22 OF GUAM CODE ANNOTATED TITLE 9 RELATIVE TO CUSTODIAL INTERFERENCE.
224	F.B. Aguon Jr.	AN ACT RELATIVE TO THE ESTABLISHMENT OF A "COMMUNITY FIREFIGHTER RESERVE PROGRAM" WITHIN THE GUAM FIRE DEPARTMENT WHICH SHALL PROVIDE A POOL OF TRAINED RESERVE FIREFIGHTERS TO AUGMENT THE DEPARTMENT'S NEEDS DURING EXTREME LOCAL EMERGENCIES TO INSURE PROPER AND EFFECTIVE SERVICE TO THE ISLAND COMMUNITY AND THE PEOPLE OF GUAM
261	F.B. Aguon Jr.	AN ACT TO ESTABLISH THE ' <i>OFF-DUTY POLICE OFFICERS COMMUNITY SERVICE PROGRAM</i> ' TO ALLOW FOR THE PROVISION OF EXTENDED LAW ENFORCEMENT SERVICES TO THE PEOPLE OF GUAM, WHILE INSURING THE MAXIMUM VISIBILITY AND USE OF ON-DUTY UNIFORMED POLICE OFFICERS TOWARD PROVIDING THE PUBLIC SAFETY NEEDS OF THE ISLAND.
231	E.B. Calvo	AN ACT TO PROHIBIT THE GUAM POLICE DEPARTMENT FROM IMPOUNDING MOTOR VEHICLES FOR THE MERE FAILURE TO HAVE A CURRENT MOTOR VEHICLE REGISTRATION SO LONG AS THE DEPARTMENT OF REVENUE AND TAXATION DOES NOT OPERATE ITS STATUTORILY MANDATED MAIL ORDER VEHICLE REGISTRATION NOTIFICATION PROGRAM AND TO AMEND PARAGRAPH (c) OF SECTION 7171 OF TITLE 16 OF THE GUAM CODE ANNOTATED TO MAKE IMPOUNDMENT OF UNREGISTERED VEHICLES CONDITIONAL UPON THE EXISTENCE OF EXIGENT CIRCUMSTANCES THAT COMPOUND THE OFFENSE OF NON-REGISTRATION
232	J.T. Won Pat	AN ACT TO REPEAL AND REENACT SECTION 7171 AND TO REPEAL SECTION 7172, CHAPTER 7 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO ANY VEHICLE OPERATING UPON ANY HIGHWAY ON GUAM WITHOUT THE REGISTRATION AND LICENSE FEE HAVING FIRST BEEN PAID AS REQUIRED.
243	J.T. Won Pat L. Leon Guerrero	AN ACT TO AMEND SECTION 3401.1 (F) OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ISSUING OF CITATIONS TO VIOLATORS OF ACCESSIBLE PARKING.

**Agenda
Public Hearing
March 21, 2002
10 a.m.
Legislative Public Hearing Room**

Bill #	Sponsor	Description
108	V. Pangelinan	AN ACT TO ADD A NEW SUBSECTION §1102(rr), AND A NEW §3346 TO TITLE 16, GUAM CODE ANNOTATED, TO AMEND §9502(a) OF TITLE 7, GUAM CODE ANNOTATED, AND TO ADD A NEW §7111 TO TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE YOUTH ACTIVITIES AND CRIME PREVENTION FUND, AND TO AUTHORIZING THE GUAM POLICE DEPARTMENT TO INSTALL AND OPERATE A AUTOMATED TRAFFIC SIGNAL MONITORING SYSTEM TO MONITOR, RECORD AND CITE DRIVERS NOT IN COMPLIANCE WITH TRAFFIC SIGNAL LIGHTS AT INTERSECTIONS.
206	V. Pangelinan L. Leon Guerrero	AN ACT TO CREATE THE GUAM POLICE DEPARTMENT ASSETS FORFIETURE FUND FOR THE EXCLUSIVE USE OF THE GUAM POLICE DEPARTMENT THROUGH THE ESTABLISHMENT OF A NEW CHAPTER 79 OF PART II OF DIVISION 3 OF TITLE 10, GUAM CODE ANNOTATED AND OTHER PURPOSES.


Public notice

Public notice for the hearing of this bill was given during newcasts on K-57 radio and appeared in the public notices section of the Pacific Daily News.

MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (Second) REGULAR SESSION

Bill No. 277 (WR)

Introduced By:


J.F. Ada

AN ACT TO REZONE LOT 27, BLOCK 10, DEDEDO
MUNICIPALITY, FROM "R-1 (SINGLE FAMILY
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6 property from Pacific Financial Corporation as a foreclosed lot; an
7 apartment complex was included on it at the time of the transaction.

8 After completing minor repairs, Mr. Kodyanplakkal and Mr. Mathew
9 went to the Department of Land Management to apply for a license to rent
10 out their apartment complex consisting of six units, only to discover that

1 the property was zoned "R-1 (Single family dwelling)." Taken aback, they
2 went to the Department of Public Works to see if an Occupancy Permit was
3 ever issued for the building. DPR records in relation to the building on the
4 property did not exist other than an aerial photograph taken sometime
5 during the months of February 1975 to June 1975.

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7 Division of the Department of Land Management. On the Building Permit
8 - Certificate of Occupancy, filed on April 28, 1989, the proposed use of the
9 building was as a duplex. This permit originally had the word
10 "Apartment" written on it but it was typewritten with "Duplex" instead.

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