

Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932 TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho Governor

Kaleo Scott Moylan
Lieutenant Governor

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3 1 DEC 2004

The Honorable Vicente C. Pangelinan Speaker Mina' Bente Siete Na Liheslaturan Guåhan 155 Hessler Street Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 381 (COR), "AN ACT TO APPROPRIATE THE SUM OF EIGHTY-EIGHT THOUSAND DOLLARS (\$88,000.00) TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE OF COMPENSATING PEDRO M. TERLAJE AND CECILIA T. TERLAJE FOR THE TAKING OF THEIR REAL PROPERTY BY THE GOVERNMENT OF GUAM," now designated as **Public Law 27-140**.

Sinseru yan Magahet,

FELIX P. CAMACHO

I Maga låhen Guåhan Governor of Guam

cc:

Attachment: copy attached of signed bill

The Honorable Tina Rose Muna-Barnes Senator and Legislative Secretary

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN 2004 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 381 (COR), "AN ACT TO APPROPRIATE THE SUM OF EIGHTY-EIGHT THOUSAND DOLLARS (\$88,000.00) TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE OF COMPENSATING PEDRO M. TERLAJE AND CECILIA T. TERLAJE FOR THE TAKING OF THEIR REAL PROPERTY BY THE GOVERNMENT OF GUAM," was on the 20th day of December, 2004, duly and regularly passed.

Attested:	icente (Jen) c. pangelinan Speaker
Tina Rose Muña Barnes Senator and Legislative Secretary	
This Act was received by <i>I Maga'lahen Guåhan</i> this at <u>5:50</u> o'clock <u>P</u> .M.	day of December, 2004,
APPROVED:	Assistant Staff Officer Maga'lahi's Office
FELIX P. CAMACHO I Maga'lahen Guåhan Date: <u>December 30, 2004</u>	

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN 2004 (SECOND) Regular Session

Bill No. 381 (COR)

As substituted by the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform, and amended on the Floor.

Introduced by:

1

L. A. Leon Guerrero
v. c. pangelinan
F. B. Aguon, Jr.
J. M.S. Brown
F. R. Cunliffe
Carmen Fernandez
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
J. A. Lujan
T. R. Muña Barnes
J. M. Quinata
R. J. Respicio
Toni Sanford
Ray Tenorio

AN ACT TO APPROPRIATE THE SUM OF EIGHTY-EIGHT THOUSAND DOLLARS (\$88,000.00) TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE OF COMPENSATING PEDRO M. TERLAJE AND CECILIA T. TERLAJE FOR THE TAKING OF THEIR REAL PROPERTY BY THE GOVERNMENT OF GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

- 2 Section 1. Legislative Findings and Intent. I Liheslaturan Guåhan
- 3 finds that Pedro M. Terlaje, owner of undivided fee simple interest real
- 4 property Lot No. 244-R3, Municipality of Asan, Guam, containing an area of

749.34 square meters, as shown on Map Drawing No. PLS-244-64, recorded at the Department of Land Management as Document No. 55212, has agreed to convey a portion of his undivided interest in Lot No. 244-R3 to the government of Guam in return for payment of Eighty-eight Thousand Dollars (\$88,000.00). I Liheslaturan Guåhan further finds that the government of Guam took the above described real property for the travel way described as Murray Road, its shoulder and drainage channel/ditch, and a concrete-covered cliff. and has not justly compensated said land owner, Pedro M. Terlaje. Liheslaturan Guåhan also finds that Pedro M. Terlaje and Cecilia T. Terlaje have brought suit against the government of Guam, Civil Case No. CV0154-02, for failure to compensate them for the above described real property, and that this controversy prevents the reopening of Murray Road. It is therefore the intent of I Liheslaturan Guåhan to appropriate Eighty-eight Thousand Dollars (\$88,000.00) to allow the Department of Public Works to bring closure to this issue and promptly address the reopening of Murray Road.

Section 2. The sum of Eighty-eight Thousand Dollars (\$88,000.00) is hereby appropriated from the General Fund to the Department of Public Works. Said sum or an appropriate portion thereof may be used to compensate Pedro M. Terlaje and Cecilia T. Terlaje for the conveyance, pursuant to a judgment entered in Civil Case No. CV0154-02, of a portion of the undivided fee simple interest in Lot No. 244-R3 in the Municipality of Asan, Guam, containing an area of 749.34 square meters, as shown on Map Drawing No. PLS-244-64, recorded at the Department of Land Management as Document No. 55212, and on the condition that prior to the release of funds, the Warranty Deed for Lot No. 244-R3 must be signed and released to

- 1 the government of Guam, and all other necessary and pertinent documents
- 2 are duly signed and approved by the Department of Public Works. This
- 3 appropriation is not subject to I Maga'lahi's transfer authority, and, if not
- 4 encumbered by the end of the current fiscal year, shall revert back to the
- 5 General Fund.
- 6 Section 3. Severability. If any provision of this Law or its application
- 7 to any person or circumstances is found to be invalid or contrary to law, such
- 8 invalidity shall not affect other provisions or applications of this Law which
- 9 can be given effect without the invalid provisions or applications, and to this
- 10 end the provisions of this Law are severable.



FRANK B. AGUON, JR.

Vice Speaker

December 15, 2004

MEMORANDUM

The Honorable ben c. pangelinan Speaker, I Mina' Bente Siete Na Liheslaturan Guåhan 155 Hesler Street Hagåtña, Guam 96910

Via: Honorable Senator Lou Leon Guerrero, Committee on Rules & Health

Dear Speaker pangelinan:

The Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform, to which was referred, Bill No. 381 (COR) - AN ACT TO APPROPRIATE THE SUM OF EIGHTY-EIGHT THOUSAND DOLLARS (\$88,000) TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE OF COMPENSATING PEDRO M. TERLAJE AND CECILIA T. TERLAJE FOR THE TAKING OF THEIR REAL PROPERTY BY THE GOVERNMENT OF GUAM, has had the same under consideration, and now wishes to report back the same with the recommendation TO PASS As Substituted by the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform.

The voting record is as follows:

TO PASS	6
NOT TO PASS	0
TO ABSTAIN DUE TO POTENTIAL CONFLICT	
TO PLACE IN INACTIVE FILE	Ø

Copies of the Committee Report and other pertinent documents are attached. Thank you for your attention to this matter. Dangkolo' Na Si Yu'os Ma'ase.

Respectfully,

FRANK BLAS AGUÓN, JR.

Vice Speaker/Senator

I Mina' Bente Siete Na Liheslaturan Guåhan







FRANK B. AGUON, JR.

Vice Speaker

December 15, 2004

MEMORANDUM

TO:

Members, Committee on Appropriations and Budgeting, General Governmental

Operations, Reorganization and Reform

FROM:

Vice Speaker Frank B. Aguon, Jr.

Chairman, Committee on Appropriations and Budgeting, General Governmental

Operations, Reorganization and Reform

SUBJECT: Committee Report – Bill No. 381 (COR): AN ACT TO APPROPRIATE THE SUM OF EIGHTY-EIGHT THOUSAND DOLLARS (\$88,000) TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE OF COMPENSATING PEDRO M. TERLAJE AND CECILIA T. TERLAJE FOR THE TAKING OF THEIR REAL PROPERTY BY THE GOVERNMENT OF GUAM.

Transmitted herewith for your information and action is the report on Bill No. 381 (COR) As Substituted by the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform.

This memorandum is accompanied by the following:

- 1. Committee Voting Sheet
- 2. Committee Report
- 3. Bill 381 (COR) As Substituted by the Committee
- 4. Public Hearing Sign-in Sheet
- 5. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me. Dangkolo' Na Si Yu'os Ma'ase.

Respectfully,

FRANK BLAS AGUÓŃ, JR.

Vice Speaker/Senator

I Mina Bente-Siete Na Liheslaturan Guåhan







FRANK B. AGUON, JR.

Vice Speaker

Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform VOTING SHEET

Bill No. 381 (COR) As Substituted by the Committee: AN ACT TO APPROPRIATE THE SUM OF EIGHTY-EIGHT THOUSAND DOLLARS (\$88,000) TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE OF COMPENSATING PEDRO M. TERLAJE AND CECILIA T. TERLAJE FOR THE TAKING OF THEIR REAL PROPERTY BY THE GOVERNMENT OF GUAM.

Committee Members	To Pass	Not to Pass	To Abstain due to potential	To place in Inactive
FRANK B. AGUON, JR.			Conflict ———	File
ANTOINETTE D. SANFORD				
Vice Chair LOUNEON GUERRERO	<u> </u>			
TINA R. MUNA-BARNES				
JOHN M. OUNIATA			————	
Member RORY J. RESPICIO	nu			
Member	4			
CARMEN FERNANDEZ Member	,			
MARK FORBES Member				
LAWRENCE F. KASPERBAUER Member				







I MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN

Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform

VICE SPEAKER FRANK B. AGUON, JR. CHAIRMAN

Committee Report

On

Bill No. 381 (COR)

As Substituted by the Committee on Appropriations and Budgeting, General Governmental Operations,

Reorganization and Reform

"AN ACT TO APPROPRIATE THE SUM OF EIGHTY-EIGHT THOUSAND DOLLARS (\$88,000) TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE OF COMPENSATING PEDRO M. TERLAJE AND CECILIA T. TERLAJE FOR THE TAKING OF THEIR REAL PROPERTY BY THE GOVERNMENT OF GUAM."





I. Overview

The Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform held a public hearing on Bill No. 381 (COR) at 8:00 a.m. on Monday, December 13, 2004 in the Public Hearing Room, *I Liheslaturan Guåhan*. Public notice for this hearing was made on: Friday, December 3, 2004 and Thursday, December 9, 2004 in the Pacific Daily News in the form of a paid advertisement. A press article also appeared in the Marianas Variety on December 10.

Senators present at the public hearing were:

Vice Chair Antoinette D. Sanford (presiding), and non-member Senator Robert Klitzkie.

II. Summary of testimony

No testimonies, written or oral, were provided. Mr. Pedro and Mrs. Cecilia Terlaje attended the public hearing to observe, but declined to comment without their attorney.

III. Findings and recommendation

Subsequent to the public hearing, the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform received supporting documents on the subject claim and civil case from the sponsor's office. Committee staff conducted further research on the status of Civil Case No. CV0154-02 at the Superior Court of Guam. The matter has not yet been adjudicated.

With the assistance of Legislative Counsel, substitute language was prepared to accurately describe the situation that this bill intends to address. The Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform finds that Bill No. 381 (COR), As Substituted, provides funding to facilitate the reopening of Murray Road.

Accordingly, the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform, to which Bill No. 381 (COR) was referred does hereby recommend to *I Mina' Bente Siete Na Liheslaturan Guåhan* to Pass Bill No. 381 (COR) As Substituted by the Committee: "AN ACT TO APPROPRIATE THE SUM OF EIGHTY-EIGHT THOUSAND DOLLARS (\$88,000) TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE OF COMPENSATING PEDRO M. TERLAJE AND CECILIA T. TERLAJE FOR THE TAKING OF THEIR REAL PROPERTY BY THE GOVERNMENT OF GUAM".



Mina' Bente Siete Na Liheslaturan Guahan TWENTY-SEVENTH GUAM LEGISLATURE

Senator Lou Leon Guerrero

Chairwoman, Committee on Rules & Health Majority Leader, Democratic Party

Facsimile Transmittal

Date:	December 14, 2004			
Subject:	Bill NO. 381			
To:	Office of Senator Frank Aguon			
Fax No:	477-4827			
Attention:	Daryl Taggerty			
Sender:	Lisa Cipollone			
From Fax No:	(671) 472-3591			
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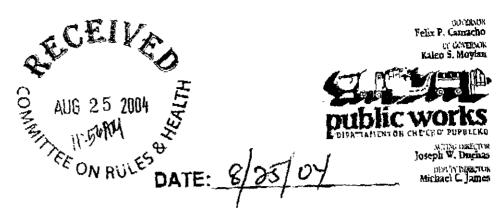
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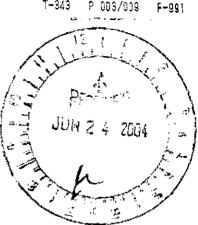
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ATTN: USA	
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Office of the Attorney General

Douglas B. Moylan

Attorney General of Guam Guam Judicial Center, Suite 2-200E 120 West O'Brien Drive Hagarria, Guam 96910 • USA (671) 475-3324 • (671) 472-2493 (Fax) www.gupnetcomeygenetal.com • law@mail.justice.guv.gu



DATE & TIME: TO:	Cynthia Jackson, BPW
FACSIMILE NO.:	449-6178 Page(s) 8
SUBJECT:	Pedro M. Talage v. Gov Cenan; CV019402 Utr. to J. Mitchel
FROM:	I'm Mitchell
Remarks:	
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6-24-04:11:44AM :

John C. Terlaje Attorney at Law Ste. 216, Former Union Bank Bldg. 194 Hernan Cortes Avenue

Hagatna, Guam 96910

Telephone (671) 477-8894 Facaimile (671) 472-8896

Tune 23, 2004

To:

1 !

Jim Mitchell

Assistant Attorney General
Office of the Attorney General

Guern Judicial Center Hapatna, Guam 96910

Re: Pedro M. Terlaje v. Government of Guan; CV-0154-02

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Jim:

·阿林 : 10 000 I am attaching a draft of the Stipulated ludgment and the Deed of Conveyance for your review. If it is acceptable please informing office and I will send the executed document to your office. المرافأ الراقط فجراز والتبود فالمجرار بالماء

The plaintiffs are requesting that this matter be taken care of as soon as possible. As you can imagine they are very skeptical of the government ever compensating them for their loss. They are an older couple who would like to enjoy their tempaining years. It would be appreciated if you could get back to me be by next week on the format of the paperwork.

If I could be of any further assistance please do not bentate to call. Thank you for your assistance in this matter and look forward to hearing from you.

DEC-14-2004 04:56PM FAX:+6714723591

ID:VICE SPKR F8 AGUONJR PAGE:004 R=100% 5-24-04; 11:44*63*

JOHN C. TERLAJE Attorney at-Law 194 Homan Cortes Avenue Hagains, Guam 96910 Telephone 477-8894 Facsimile 472-8896 3 4 IN THE SUPERIOR COURT OF GUAM 5 CIVIL CASE NO. CV01:4-02 PEDRO M. TERLAJE and CECILIA T. Ó TERLAIE, husband and wife, 7 STIPULATED JUDGMENT 3 GOVERNMENT OF GUAM, 9 Defendant 10 11 The parties have agreed on the following in setting the above captioned matter: 12 Plaintiffs conveys a portion of his undivided interest in Lot 1 to. 244-R3, 1 13 Municipality of Asan, to Defendant, 14 In return, Defendant will pay Eighty- Eight Thousand and 66/100 (\$88,000.00) to 2 15 16 Plaintiffs: Plaintiffs must execute a Release of claims against Defendant in consideration of 17 Ŧ. \$88,000.00 to be paid by Defendant to Plaintiffs, and; 18 19 Planniffs must convey a Deed of Conveyance 4. 20 SO STIPULATED: 21 JOHN C. TERLAJE 22 Attorney for Plaintiff. 23 24 25

5-24-04111:44AM

PEDRO M. TERL	AJE, Plaintil	DATE
CECILIA T. TERI	AJE, Plaintiff	DATE
JOSEPH DURNAS Director of Public V	Acting Vorks	DATE
JAMES T JIM MITCHE Assistant Attornal Attorney for the	lange ri	DATE
	E. Ph. of	2004
•	HONOR	
	Judge, Su	ABLE JUDGE perior Court of Crusta
er engliste	Judge, Su	
	Judge, Su	

6-24-04111: 24AM : 1 PEDRO M. TERLAJE, Plaint DATE 2 3 CECILIA T. TERLAJE, Plainniff DATE 4 5 6 DATE JOSEPH DUENAS, Acting Director of Public Works 7 8 JAMES T. MITCHER 9 DATE JIM MITCHELL Assistant Attorney General 10 Attorney for the Government of Guarn 11 SO ORDERED this _____ day of __ 12 13 14 15 HONORABLE JUDGE Judge, Superior Court of Guern 16 17 18 19 **Z**0 21 22 23 24 25

6-64-04:11:44AM

(Space above this line for Recorder's use)

DEED OF CONVEYANCE

THIS DEED is made and entered into this _______ day of June, 2004 in the Municipality of Hagaina, Guam between PEDRO M. TERLAJE (S.S. # 547-52-0024), and CECILIA T. TERLAJE (S.S. # 228-01-4198) whose mailing address are P.O. Box 3595 Hagaina, Guam 96932, (hereinafter, GRANTORS), and the wit: GIVERNMENT OF GUAM, DEPARTMENT OF PUBLIC WORKS whose address is 542 North Marine Drive, Tempuring, Guam 96911 (hereinafter, GRANTEES).

WHEREAS, GRANTORS are the owners of undivided fee shaple interest in the following real property:

Lot No. 244-R3, Municipality of Asan, Territory of Guam, containing An area of 749-34 square meters, as shown on Map Drawing No. PLS-244-64, recorded at the Department of Land Management at Document No. 55212.

Water and Electricity are available within 100 feet of property.

WHEREAS, the conveyance of property herein results from the settlement of civil lawsnit against GRANTEES by GRANTORS (Superior Court of Guam Case No. CV0154-02, Stipulated Judgment filed on) for taking a portion of real property the above described for Murray Road traveled way, its shoulder and drainage channel.

NOW THEREFORE, GRANTORS, for and in consideration of the sum of EICHTY-EIGHT THOUSAND and 00/100 DOLLARS (\$88,000.00), the receipt of which

Francisco de la facilità de la companya della compa

8-24-94; 11:44AM

is hereby acknowledged, does hereby grant, transfer, convey, set over and deliver unto GRANTEES, its heirs and assigns forever, every and all of GRANTOR'S estate, rights, title and interests at law and in equity, in to that portion of the above described property for Murray Road traveled way, its shoulder and drainage channel

Together with all and singular tenement, hereditaments and appurenances thereunto belonging or in any way appertaining and the reversion and reversions remainder or remainders, rents, issues and profit thereof.

To have and hold said portion, their heirs and assigns forever, free from liens, mortgages or encumbrances

IN WITNESS WHEREOF, GRANTORS and GRANTEE: have executed this metrument on this date birst above written.

Commence of the fire the second particles of the contract

GRANTORS: A COMMENT OF THE PARTY OF THE PART

PEDRO M. TERLAJE

TERLAJE CECUIA T. TERLAJE

ACKNOWLEDGMENT

GUAM, U.S.A. ss

On this ______day of June, 2004, before one the undersigned notary, personally appeared PEDRO M. TERLAJE and CECILIA T. TERLAJE known to me to be the persons whose names is signed on this documents, and acknowledged to me that they signed it voluntarily for its stated purpose as GRANTORS for a portion of Lot No. 244-R3 Municipality of Asan.

IN WITNESS WHEREOF, I have hereunto affixed my name and official scal in Hagama, Guam the day and year first above written.

NOTARY PUBLIC

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ACCEPTANCE

In behalf of the Government of Guam, I heroby accept the deed conveyed above.

FELIX P. CAMACHO Governor of Guern	DATE
APPROVED AS TO FORM:	
DOUGLAS MOYLAN Altomicy General of Guam	CARLOS B. BORDA LLO, Acting Director, Burcan of Budger and Management Research.
DATE	DATE
JOE DUENAS, Acting Director of Public Works	FOR: JOE DUENAS CERTIFYING OFFICER
DATE	DATE



Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform Vice Speaker Frank B. Aguon, Jr., Chairman

Public Hearing: Monday, December 13, 2004 ◆ 8:00 a.m.

I Liheslaturan Guahån, Hagåtña

Witness sign in sheet

Bill No. 381 (COR) An act to appropriate the sum of Eighty-eight Thousand Dollars (\$88,000.00) to Pedro M. Terlaje and Cecilia T. Terlaje for the purpose of complying with a Superior Court stipulated judgement against the Government of Guam.

NAME (Please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
				· · · · · · · · · · · · · · · · · · ·		
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