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Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

26 JAN 2009

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 389(LS), "AN ACT TO WAIVE THE SUBDIVISION AND ZONING SETBACK REQUIREMENTS FOR LOT NO 151, MUNICIPALITY OF INARAJAN, TO ALLOW FOR DEVELOPMENT OF THE LOT AND A PRIVATE ROAD" which was signed into law on January 26, 2009 as Public Law 29-136.

Sinseru yan Magåhet,

[Handwritten signature of Michael W. Cruz]

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

Attachment: copy of Bill

2009 JAN 28 PM 4:01 - [Handwritten initials]

30-09-0132

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 1/28/09
Time 11:30
Received by [Signature]

0134

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

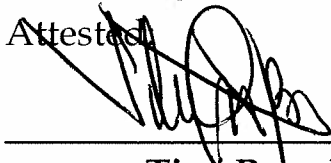
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 389 (LS), "AN ACT TO WAIVE THE SUBDIVISION AND ZONING SETBACK REQUIREMENTS FOR LOT NO. 151, MUNICIPALITY OF INARAJAN, TO ALLOW FOR DEVELOPMENT OF THE LOT AND A PRIVATE ROAD,"** was on the 30th day of December, 2008, duly and regularly passed.



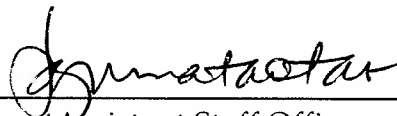
Judith T. Won Pat, Ed. D.
Speaker

Attested



Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 31 day of Dec, 2008, at
3:10 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date:

1/26/09

Public Law No.

29-136

I MINA'BENTE NUEBI NA LIHESLATURAN GUÁHAN
2008 (SECOND) Regular Session

Bill No. 389 (LS)

As substituted by the Committee
on Education, General and
Omnibus Affairs.

Introduced by:

Dr. David L.G. Shimizu

Tina Rose Muña Barnes

J. T. Won Pat, Ed. D.

Frank F. Blas, Jr.

Edward J.B. Calvo

B. J.F. Cruz

James V. Espaldon

Mark Forbes

Judith P. Guthertz, DPA

Frank T. Ishizaki

J. A. Lujan

A. B. Palacios, Sr.

v. c. pangelinan

R. J. Respicio

Ray Tenorio

**AN ACT TO WAIVE THE SUBDIVISION AND ZONING
SETBACK REQUIREMENTS FOR LOT NO. 151,
MUNICIPALITY OF INARAJAN, TO ALLOW FOR
DEVELOPMENT OF THE LOT AND A PRIVATE ROAD.**

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

2 **Section 1.** (a) **Background.** Lot No. 151, Municipality of Inarajan,
3 containing an area of four thousand seven hundred ninety-six (4,796) square
4 meters, recorded on Land Management Document No. 278510, dated May 19,
5 1977, is a long lot from front to back, with the narrow side fronting on an existing

1 paved road. There is an existing sewer line along the frontage road. There are two
2 (2) houses on the lot, one (1) adjacent to the road and one (1) directly behind it.
3 Behind the second house, there are, in a row, three (3) lot areas with sizes ranging
4 from seven thousand three hundred ninety-five (7,395) square feet to seven
5 thousand nine hundred eighty (7,980) square feet. The three (3) lots behind the
6 first two (2) houses are landlocked, due to lack of access from the existing road in
7 front of the first house. It is desirable to waive the lot and set back minimum
8 requirements set out in §61501 of Chapter 61 of Title 21 of the Guam Code
9 Annotated, and the minimum requirements for an access road, to allow family
10 members of the residents of the first two (2) houses placed on Lot No. 151 to build
11 homes behind their family members on this lot.

12 The purpose of this waiver and allowance is to allow for the creation of an
13 access road ranging in width from a minimum of fourteen feet (14') to a maximum
14 of fifteen feet (15') wide along the left side lot line and within Lot No. 151, strictly
15 for the use of the owners of Lot No. 151 only, to enable the three (3) lots in the rear
16 of the family subdivision to have an access across the two (2) lots in the front.
17 Without this access road, and area waivers, the area to the rear of Lot No. 151
18 cannot be developed.

19 (b) **Waiver and allowances.** For Subdivision lots within Lot No. 151,
20 Municipality of Inarajan, containing an area of four thousand seven hundred
21 ninety-six (4,796) square meters, recorded on Land Management Document No.
22 278510, dated May 19, 1977, the following setback and area requirements of law
23 are waived:

24 (1) Front yard setback requirement of fifteen feet (15') as required
25 by §61501 (a) of Chapter 61 of Title 21, Guam Code Annotated, is waived
26 to a minimum of zero feet (0') for the two (2) existing structures.

1 (2) Lot width requirement of fifty feet (50') as required by §61501
2 (b) of Chapter 61 of Title 21 of the Guam Code Annotated, is waived as long
3 as the side yard requirement of eight feet (8') is met.

4 (3) Access road width requirement of twenty feet (20') as required
5 by §62108 (b) of Chapter 62 of Title 21, Guam Code Annotated, is waived
6 from a minimum of fourteen feet (14') to a maximum of fifteen feet (15')
7 wide; and to designate said access road as a 'private access road' in lieu of
8 declaring it as 'public access and utilities right-of-way'.

9 (4) Lot area requirement as required by §61501 (a) Chapter 61 of
10 Title 21, Guam Code Annotated, and described in §62105 (a) of Chapter 62
11 of Title 21, Guam Code Annotated, are waived from ten thousand (10,000)
12 square feet but *no less than* seven thousand three hundred ninety-five
13 (7,395) square feet, provided property owners connect to the existing sewer
14 line.

15 (5) A utility easement is established on the right side of Lot No.
16 151, and existing utilities *shall* be relocated to the right side of the lot.

17 (6) A dead end turn around is allowed at the end of Lot No. 151 to
18 allow ingress and egress.

19 (7) The road to be built on Lot No. 151 is a private road for use of
20 Lot No. 151 owners and lessees only. However, additionally, emergency
21 vehicles such as fire trucks and ambulances are allowed access over the
22 road.

23 (8) Any other provisions of law that would restrict the construction
24 of three (3) houses on the back portion of Lot No. 151 and the construction
25 of the private road as provided for in this Section are also waived.