

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

DEC 31 2014

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

33-15-0027

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

Date: 01/06/15

Time: 4:09 PM

Received By: CARL SANCHEZ, MPA

Dear Madame Speaker:

Transmitted herewith is Bill No. 345-32 (COR) "AN ACT TO AMEND SECTION 3 AND SECTION 4, AND TO REPEAL SECTION 6, ALL OF PUBLIC LAW 21-130, RELATIVE TO AUTHORIZING THE DEPARTMENT OF LAND MANAGEMENT TO EXCHANGE PRIVATE PROPERTY TAKEN FOR THE CONSTRUCTION OF THE AGAT-UMATAAC HIGHWAY WITH GOVERNMENT LAND; AND TO ADD A NEW ITEM (2) TO SECTION 1(u) OF CHAPTER V OF PUBLIC LAW 32-181, RELATIVE TO ALLOCATING TWENTY THOUSAND DOLLARS (\$20,000) TO THE DEPARTMENT OF LAND MANAGEMENT TO CONDUCT APPRAISALS OF GOVERNMENT OF GUAM PROPERTIES" which I signed into law on December 29, 2014 as Public Law 32-211.

Senseramente,

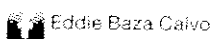

EDDIE BAZA CALVO

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governorofguam

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

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

This is to certify that Bill No. 345-32 (COR), "AN ACT TO *AMEND* SECTION 3 AND SECTION 4, AND TO *REPEAL* SECTION 6, ALL OF PUBLIC LAW 21-130, RELATIVE TO AUTHORIZING THE DEPARTMENT OF LAND MANAGEMENT TO EXCHANGE PRIVATE PROPERTY TAKEN FOR THE CONSTRUCTION OF THE *AGAT-UMATAK* HIGHWAY WITH GOVERNMENT LAND; AND TO *ADD* A NEW ITEM (2) TO SECTION 1(u) OF CHAPTER V OF PUBLIC LAW 32-181, RELATIVE TO ALLOCATING TWENTY THOUSAND DOLLARS (\$20,000) TO THE DEPARTMENT OF LAND MANAGEMENT TO CONDUCT APPRAISALS OF GOVERNMENT OF GUAM PROPERTIES," was on the 17th day of December, 2014, duly and regularly passed.

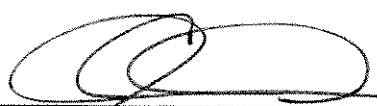


Judith T. Won Pat, Ed.D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 21 day of Dec,
2014, at
6:35 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: DEC 29 2014

Public Law No. 32-211

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 345-32 (COR)

As amended by the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land.

Introduced by:

Vicente (ben) C. Pangelinan

T. C. Ada

V. Anthony Ada

FRANK B. AGUON, JR.

B. J.F. Cruz

Chris M. Dueñas

Michael T. Limtiaco

Brant T. McCreadie

Tommy Morrison

T. R. Muña Barnes

R. J. Respicio

Dennis G. Rodriguez, Jr.

Michael F. Q. San Nicolas

Aline A. Yamashita, Ph.D.

Judith T. Won Pat, Ed.D.

AN ACT TO AMEND SECTION 3 AND SECTION 4, AND TO REPEAL SECTION 6, ALL OF PUBLIC LAW 21-130, RELATIVE TO AUTHORIZING THE DEPARTMENT OF LAND MANAGEMENT TO EXCHANGE PRIVATE PROPERTY TAKEN FOR THE CONSTRUCTION OF THE AGAT-UMATAC HIGHWAY WITH GOVERNMENT LAND; AND TO ADD A NEW ITEM (2) TO SECTION 1(u) OF CHAPTER V OF PUBLIC LAW 32-181, RELATIVE TO ALLOCATING TWENTY THOUSAND DOLLARS (\$20,000) TO THE DEPARTMENT OF LAND MANAGEMENT TO CONDUCT APPRAISALS OF GOVERNMENT OF GUAM PROPERTIES.

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

2 **Section 1.** Section 3 of Public Law 21-130 is hereby *amended* to read as
3 follows:

4 **“Section 3. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
5 has been apprised by the Department of Land Management (DLM) and the
6 Department of Public Works (DPW) that the continuation of the work on
7 Route 2, the *Agat-Umatac* Highway, is totally dependent on the acquisition
8 of certain parcels of private property. *I Liheslaturan Guåhan* finds that such
9 widening and reconstruction of the *Agat-Umatac* Highway must continue,
10 and thus it is clear those private properties which have *not* been condemned
11 for such purposes must be utilized. With this in mind, it is the intent of *I*
12 *Liheslaturan Guåhan* that the owners of such properties either be justly
13 compensated or be afforded the opportunity to exchange the lands required
14 for the reconstruction and widening with government properties on a value-
15 for-value basis.

16 It has been over twenty-one (21) years since the enactment of this Act
17 to exchange government parcels with private property in order for the DPW
18 to complete the work to widen Route 2. Unfortunately, as of this date there
19 are some private landowners who were never compensated or afforded the
20 opportunity to exchange lands pursuant to law.

21 Over the years, the DPW has made a determination that the
22 government land identified in this Act is unsuitable for development and
23 therefore, the DLM has identified new parcels of government land for
24 exchange.

1 *I Liheslaturan Guåhan* further finds that the DLM worked diligently
2 with the private landowners and the Mayor of *Umatac*, to identify parcels of
3 government land acceptable for the exchange.

4 Therefore, *I Liheslaturan Guåhan* intends to right the wrong that was
5 done to these private landowners for over twenty-one (21) years and
6 authorize the DLM to exchange government parcels with the private
7 landowners.”

8 **Section 2.** Section 4 of Public Law 21-130 is hereby *amended* to read as
9 follows:

10 “**Section 4. Land Exchanges Authorized.** (a) Notwithstanding any
11 other provision of law, *I Maga’lahen Guåhan* (the Governor of Guam) is
12 authorized to exchange government property, on a value-for-value basis, with
13 the following owners for their respective parcels situated along the proposed
14 route for Route 2, the *Agat- Umatac* Highway:

15	Owners:	Parcels:	Areas in square meters:
16	Louise G. Sanchez, (dec.)	Tract 3331, Lot 2-2-3G-R/W	519,
17	Herbert R. Gofigan,	Tract 3331, Lot 2-2-1G-R/W	1370,
18		Tract 3331, Lot 3-1G-R/W and	
19		Tract 3331, Lot 4-1GR/W,	1256,
20	Victoria G. Sanchez and		
21	Gregorio Q. Gofigan (dec.),	Tract 3331, Lot 5-1G R/W and	
22		Tract 3331, Lot 10,	7899,
23	Sylvia G. Quinata,	Tract 3331, Lot 9-1G R/W,	919,
24	Vicente A. Quinata (dec.),	Lot 40-1G R/W,	1164.

25 (b) The privately-owned parcels set out in Subsection (a) hereof
26 *shall* be exchanged for the following government parcels, each containing an
27 area of nine hundred forty (940) square meters, on a value-for-value basis.

1 The government lots to be exchanged are identified as Block 5B,
2 Tract 3241, *Ulag*, municipality of *Umatac*, as shown in L.M. Checked No.
3 259FY2011, prepared by the Department of Land Management, and *shall* be
4 based on the recorded and registered maps.

5 **Government lots to be exchanged:**

6 Block 5B, Tract 3241 Lot 1

7 Block 5B, Tract 3241 Lot 2

8 Block 5B, Tract 3241 Lot 3

9 Block 5B, Tract 3241 Lot 4

10 Block 5B, Tract 3241 Lot 5

11 Block 5B, Tract 3241 Lot 6

12 Block 5B, Tract 3241 Lot 8

13 Block 5B, Tract 3241 Lot 9

14 Block 5B, Tract 3241 Lot 11

15 Block 5B, Tract 3241 Lot 12

16 Block 5B, Tract 3241 Lot 13

17 Block 5B, Tract 3241 Lot 14

18 Block 5B, Tract 3241 Lot 15

19 Block 5B, Tract 3241 Lot 16

20 Block 5B, Tract 3241 Lot 17

21 Block 5B, Tract 3241 Lot 18

22 Block 5B, Tract 3241 Lot 19

23 Block 5B, Tract 3241 Lot 20

24 Block 5B, Tract 3241 Lot 21

25 (c) The distribution of the government parcels to be exchanged set
26 out in Subsection (b) of this Section *shall* be distributed by lottery to the
27 following families and/or their heirs:

1 Louise G. Sanchez (dec.),
2 Herbert G. Gofigan,
3 Victoria G. Sanchez (dec.),
4 Gregorio Q. Gofigan (dec.),
5 Sylvia G. Quinata (dec.), and
6 Vicente A. Quinata (dec.).

7 The lottery *shall* be administered jointly by the Department of Land
8 Management and the Mayor of *Umatac*.

9 (d) The Director of the Department of Land Management *shall*
10 have the properties to be exchanged under this Act appraised by two (2)
11 independent appraisers licensed to do business on Guam. The two (2)
12 appraisals *shall* be completed within one hundred eighty (180) days of the
13 enactment of this Act. The averages of the two (2) appraisals *shall* be used
14 as the values for the basis of such exchange. Three (3) lots from Block 5B,
15 Track 3241 will be appraised with the average of the two (2) appraisals and
16 *shall* be used to determine the price per square meter for the land exchange.
17 The Department *shall* have such properties surveyed, mapped and
18 registered.”

19 **Section 3.** A new Item (2) is hereby *added* to Section 1(u) of Chapter V of
20 Public Law 32-181 to read as follows:

21 “(2) The sum of Twenty Thousand Dollars (\$20,000) *shall* be
22 allocated to the Department of Land Management from the Land Survey
23 Revolving Fund appropriation in Subsection (u)(1) to conduct appraisals for
24 the following government lots to be exchanged for private properties in the
25 municipality of *Agat*:

26 Block 5B, Tract 3241 Lot 1

27 Block 5B, Tract 3241 Lot 2

- 1 Block 5B, Tract 3241 Lot 3
- 2 Block 5B, Tract 3241 Lot 4
- 3 Block 5B, Tract 3241 Lot 5
- 4 Block 5B, Tract 3241 Lot 6
- 5 Block 5B, Tract 3241 Lot 8
- 6 Block 5B, Tract 3241 Lot 9
- 7 Block 5B, Tract 3241 Lot 11
- 8 Block 5B, Tract 3241 Lot 12
- 9 Block 5B, Tract 3241 Lot 13
- 10 Block 5B, Tract 3241 Lot 14
- 11 Block 5B, Tract 3241 Lot 15
- 12 Block 5B, Tract 3241 Lot 16
- 13 Block 5B, Tract 3241 Lot 17
- 14 Block 5B, Tract 3241 Lot 18
- 15 Block 5B, Tract 3241 Lot 19
- 16 Block 5B, Tract 3241 Lot 20
- 17 Block 5B, Tract 3241 Lot 21.”

18 **Section 4.** Section 6 of Public Law 21-130 is hereby *repealed*.

19 **Section 5. Effective Date.** This Act *shall* become effective upon
20 enactment.

21 **Section 6. Severability.** If any provision of this Law or its application to
22 any person or circumstances is found to be invalid or contrary to law, such invalidity
23 *shall not* affect other provisions or applications of this Law which can be given
24 effect without the invalid provisions or application and to this end the provisions of
25 this Act are severable.