

*I Mina'Trentai Tres Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>268-33 (LS)</b>	V. Anthony Ada	AN ACT TO AUTHORIZE A COMMERCIAL LEASE BETWEEN THE DEPARTMENT OF LAND MANAGEMENT AND THE DEDEDO PAYLESS SUPERMARKET FOR USE OF A PORTION OF THE DEDEDO BUFFER STRIP, AS SPECIFIED IN TITLE 21, GUAM CODE ANNOTATED, SECTION 68901.	02/18/16 3:05 p.m.	02/19/16	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement			



## COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd Guam Legislature

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CHAIRPERSON  
MAJORITY LEADER

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Thomas C. Ada  
VICE CHAIRPERSON  
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Senator  
Nerissa Bretania Underwood  
Member

V. Anthony Ada  
MINORITY LEADER


Mary C. Torres  
MINORITY MEMBER

February 19, 2016

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**   
*Chairperson of the Committee on Rules*

**Subject:** **Referral of Bill No. 268-33(LS)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 268-33(LS)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Tres Na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN*  
2016 (SECOND) Regular Session

Bill No. 268-33 (LS)

Introduced by:

V. Anthony Ada (CS)

**AN ACT TO AUTHORIZE A COMMERCIAL LEASE  
BETWEEN THE DEPARTMENT OF LAND  
MANAGEMENT AND THE DEDEDO PAYLESS  
SUPERMARKET FOR USE OF A PORTION OF THE  
DEDEDO BUFFER STRIP, AS SPECIFIED IN TITLE  
21, GUAM CODE ANNOTATED, SECTION 68901.**

2016 FEB 19 PM 3:05

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

**Section 1. Legislative Statement and Intent.** §68901(a) of Chapter 68, Article 9 of Title 21, Guam Code Annotated, authorized the Department of Land Management, with the approval of *I Maga'lahi* after consultation with the *Dededo* Municipal Planning Council, to enter into commercial lease agreements for properties known as the *Dededo* Buffer Strip. These properties have been leased to numerous business establishments and pursuant to law, commercial leases cannot extend more than ten (10) years.

In 2004, Payless Supermarket entered into a commercial lease agreement with the Department of Land Management, government of Guam, with concurrence by the *Dededo* Municipal Planning Council, and has maintained a portion of the *Dededo* Buffer Strip, particularly identified as that portion of the *Dededo* Buffer Strip, immediately adjacent to Lot 1-4, Lot 1-R4, Tract 217, Municipality of *Dededo*, as shown on map prepared by Roberto R. Ventura, RLS No. 54, Land Management No. 468FY96, Re-Subdivision Survey Map of Lot 1, Tract 217, Municipality of *Dededo*, recorded under Document No. 552211, and having the same length as the common

1 boundary shared with LESSEE's property, containing an area of 2,410± Square Meters.  
2 The lease agreement expired in 2014, and they have requested to enter into another ten  
3 (10) year lease with the Department of Land Management, government of Guam. The  
4 *Dededo* Municipal Planning Council has supported this request through the passage of  
5 Resolution No. 2015-08, dated April 14, 2015, stating that Payless Supermarket has  
6 complied with the mandates of the lease agreement by paving the area for parking,  
7 beautification and maintenance of the property.

8 Furthermore, §60112 of Title 21, Guam Code Annotated, as amended, mandated  
9 that any government-owned real property *shall not* be leased, sub-leased, exchanged or  
10 otherwise transferred without the prior approval by *I Liheslaturan Guåhan*. The  
11 *Dededo* Buffer Strip is considered government-owned property, and thereby pursuant  
12 to law any lease agreement *shall* be approved by *I Liheslaturan Guåhan*.

13 It is, therefore, the intent of *I Liheslaturan Guåhan* to authorize the Department  
14 of Land Management, government of Guam, to enter into a commercial lease  
15 agreement with Payless Supermarket for a portion of the *Dededo* Buffer Strip,  
16 particularly identified as portion of the *Dededo* Buffer Strip, immediately adjacent to  
17 Lot 1-4, Lot 1-R4, Tract 217, Municipality of *Dededo*, as shown on map prepared by  
18 Roberto R. Ventura, RLS No. 54, Land Management No. 468FY96, Re-Subdivision  
19 Survey Map of Lot 1, Tract 217, Municipality of *Dededo*, recorded under Document  
20 No. 552211, and having the same length as the common boundary shared with  
21 LESSEE's property, containing an area of 2,410± Square Meters.

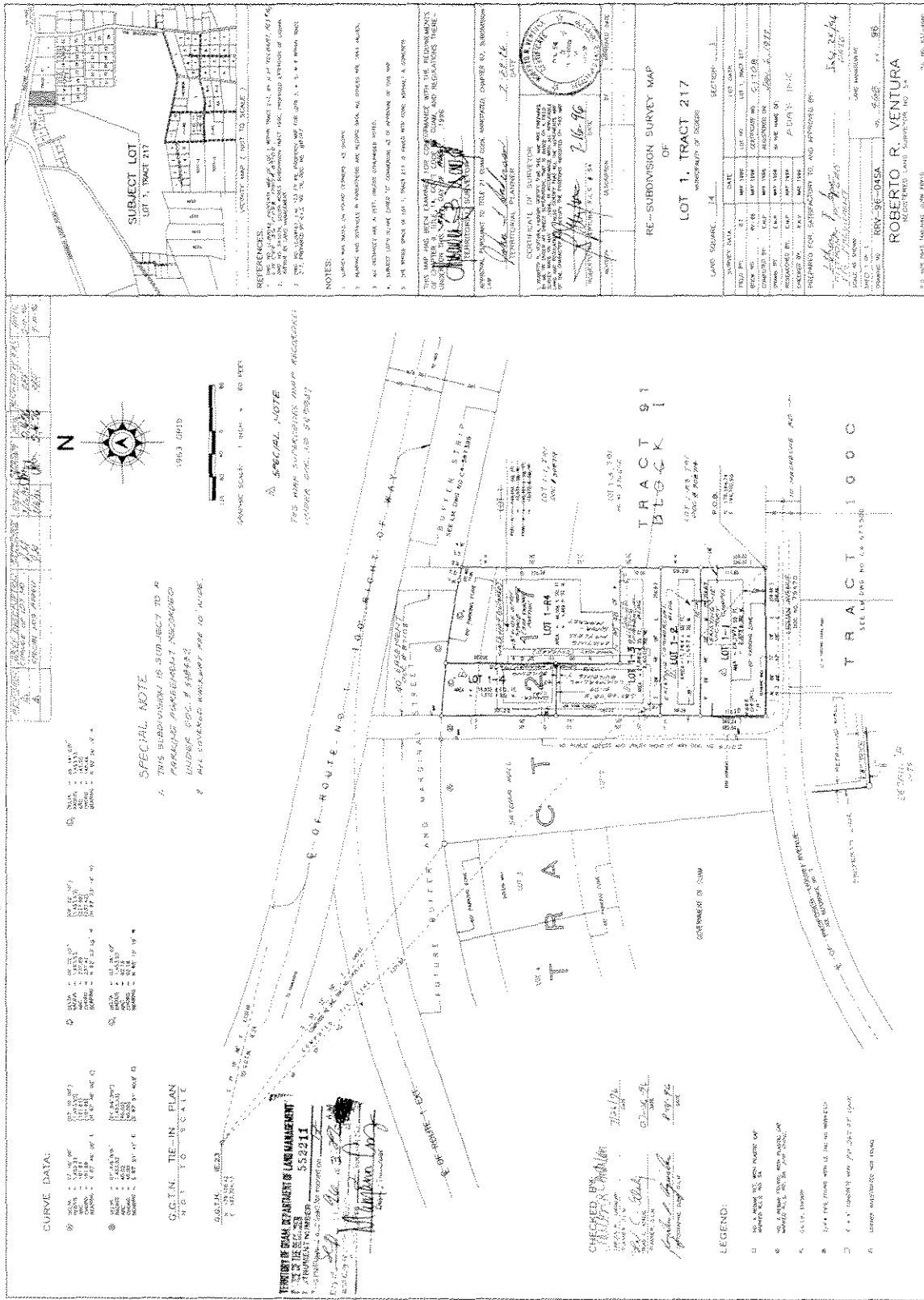
22 **Section 2. Authorization to Lease.** Notwithstanding any other provision of law,  
23 *I Liheslaturan Guåhan* authorizes the Department of Land Management, government  
24 of Guam, to lease a portion of the *Dededo* Buffer Strip, particularly identified as  
25 portion of the *Dededo* Buffer Strip, immediately adjacent to Lot 1-4, Lot 1-R4, Tract  
26 217, Municipality of *Dededo*, as shown on map prepared by Roberto R. Ventura, RLS  
27 No. 54, Land Management No. 468FY96, Re-Subdivision Survey Map of Lot 1, Tract

1 217, Municipality of Dededo, recorded under Document No. 552211, and having the  
2 same length as the common boundary shared with Tract 217, Lot 1-R4, Municipality of  
3 Dededo, containing an area of 2,410± square meters, for a period of ten (10) years. The  
4 commercial lease agreement *shall* comply with the provisions of §68901(a), Chapter  
5 68, Article 9 of Title 21, Guam code Annotated.

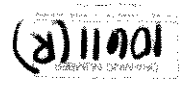
6 **Section 3. Prohibited Use.** The property *shall not* be used so as to make the  
7 property unusable upon the expiration of the lease term. This *shall* include, but *not* be  
8 limited to, such uses as ponding basins.

9 **Section 4. Severability.** *If* any provisions of this Law or its application to any  
10 person or circumstances is found to be invalid or contrary to law, such invalidity shall  
11 *not* affect other provisions or applications of this Law which can be given effect  
12 without the invalid provisions or application, and to this end the provisions of the Law  
13 are severable.

# EXHIBIT "A": Dededo Buffer Strip-Payless Supermarket Lease



542211



REPRINT



**EXHIBIT "B"**

**DEDEDO MUNICIPAL PLANNING COUNCIL  
MUNICIPALITY OF DEDEDO**

**RESOLUTION NO. 2015-08**

Introduced by:

Melissa B. Savares, Chairperson

Andrew Peter A. Benavente, Vice Chairperson

**MEMBERS:**

Acda, Romy

Artero, Pascual V.

Chan, Jose-Arthur Jr.

Cruz, Elizia

Espinosa, Laura

Gines, Bernardo

Mafnas, Frank

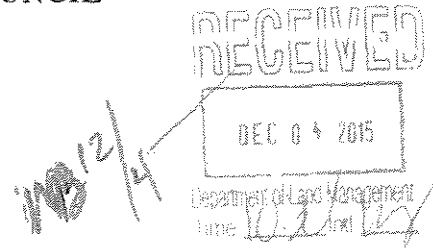
Makepeace, Annie

Pangelinan, Edith

San Nicolas, Josphe

Tainatongo, Carmen

Wusstig, Ernie



Relative to the Dededo Municipal Planning Council's (DMPC) support of Pay-Less Supermarkets request to lease a portion of the Dededo Buffer Strip, fronting Lot No. 1-4, Lot No. 1-R4, Tract No. 217, in the Municipality of Dededo.

**BE IT RESOLVED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL:**

**WHEREAS**, on Tuesday, April 14, 2015, during a DMPC meeting, members reviewed and discussed the request from Pay-Less Supermarkets to renew the lease for a portion of the Dededo Buffer Strip, fronting Lot No. 1-4, Lot No. 1-R4, Tract No. 217; and

**WHEREAS**, members discussed that in the last ten (10) years, Pay-Less Supermarkets did pave the area for a parking and continue to beautify the property; and

**WHEREAS**, members agreed that Pay-Less Supermarkets staff continue to maintain the above property in a sanitary manner; and

**WHEREAS**, members motioned for Pay-Less Supermarkets to pay 6% of the appraised value per square foot for the lease of this property; and

**BE IT RESOLVED**, that after further discussion, members of the DMPC motioned to approve the lease for this portion of the Dededo Buffer Strip, fronting Lot No. 1-4, Lot No. 1-R4, Tract No. 217; and therefore be it

**FURTHER RESOLVED**, that the Chairperson of the Dededo Municipal Planning Council certify to and the secretary attest the adoption hereof and that copies of the same be therefore transmitted to the Department of Land Management, Department of Public Works and the Department of Administration.

DULY RECORDED AND REGULARLY ADOPTED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL ON THIS 14<sup>th</sup> DAY OF April 2015.

  
MELISSA B. SAVARES, MAYOR OF DEDEDO

  
YVONNE S. ACDA, Secretary DMPM