clerks@guamlegislature.org

From: Committee on Rules 36GL <cor@guamlegislature.org>
Sent: Thursday, April 8, 2021 11:49 AM
To: Clerks; Rennae Meno
Subject: Messages and Communications for Doc. No. 36GL-21-0391.
Attachments: 36GL-21-0391 (Hardcopy 1).pdf; 36GL-21-0391 (Hardcopy 2).pdf; 36GL-21-0391 (Hardcopy 3).pdf; 36GL-21-0391 (Hardcopy 4).pdf; 36GL-21-0391 (Hardcopy 5).pdf

Håfa Adai Clerks,

Please see attached M&C Doc. No. 36GL-21-0391 for processing:

36GL-21-0391	Guam Land Use Commission Meeting Minutes and attachments. Guam Land Use Commission Meeting Minutes, Staff Report, Zone Change Application No. 2020-02, Supplemental Report Zone Change, and Zone Change Application 2020-02.	Department of Land Management

Si Yu'os Ma'åse',

COMMITTEE ON RULES
Vice Speaker Tina Rose Muña Barnes
36th Guam Legislature
I Mina'trentai Sais Na Liheslaturan Guåhan
163 Chalan Santo Papa Hågatña Guam 96910
Email: cor@guamlegislature.org

"Disclaimer: This message is intended only for the use of the individual or entity to which it is addressed and may contain information which is privileged, confidential, proprietary, or exempt from disclosure under applicable law. If you are not the intended recipient or the individual responsible for delivering the message to the intended recipient, you are strictly prohibited from disclosing, distributing, copying, or in any way using this message. If you have received this communication in error, please notify the sender and immediately delete any copies you may have received. Thank you."

---------- Forwarded message ---------
From: **Office of Senator Amanda L. Shelton** <officeofsenatorshelton@guamlegislature.org>
Date: Wed, Apr 7, 2021 at 3:42 PM
Subject: Re: Messages and Communications for 36GL-21-0391
To: Speaker Therese M. Terlaje <speaker@guamlegislature.org>
Cc: Committee on Rules 36GL <cor@guamlegislature.org>

Good afternoon:

Confirming receipt of Messages and Communications for 36GL-21-0391.

Thank you.

Evelyn Claros
Administrative Officer

Office of the People ● Senator Amanda L. Shelton
Legislative Secretary & Chairwoman, Committee on Air Transportation, Parks, Tourism, Higher Education, and the Advancement of Women, Youth, and Senior Citizens

36th Guam Legislature
163 Chalan Santo Papa, *Hagåtña*, Guam 96910

T +1 (671) 969-2574 • (671) 989-2572
E officeofsenatorshelton@guamlegislature.org

On Wed, Apr 7, 2021 at 3:40 PM Speaker Therese M. Terlaje <speaker@guamlegislature.org> wrote:

Please see attached M&C Doc. No. 36GL-21-0391.

36GL-21-0391	Guam Land Use Commission Meeting Minutes and attachments.	Department of Land Management

Si Yu'os Ma'ase,

Maria Abante
Legislative Assistant

Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice and Culture
I Mina'trentai Sais na Liheslaturan Guåhan
36th Guam Legislature
Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910
Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 989-3590 Email: speaker@guamlegislature.org
website: www.senatorterlaje.com

GOVERNMENT OF GUAM – Department of Land Management
Office of the Recorder

File for Record is Instrument Number 957104

on the Year 20 21 Month 3 Day 22 Time 3:19

Recording Fee DE-OFFICIO Receipt No. DE-OFFICIO

Deputy Recorder: JOEL ANTENOR CRUZ

Above Space for Recorder's Use only

COPY
Legislature

GUAM LAND USE COMMISSION MEETING MINUTES

Department of Land Management
ITC Building, Tamuning, Guam
Via Zoom Virtual Platform

Thursday, January 28, 2021
1:35 p.m. to 2:23 p.m.

Doc Type: 36GL-21-0391
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
04 01 2021
Time: 2:07pm
Received:

COMMITTEE ON RULES
RECEIVED:
April 7, 2021
3:40 P.M.

GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Attendance Sheet

Department of Land Management Conference Room
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

Date of Meeting:	Thursday, January 28, 2021		
Time of Meeting:	GLUC: 1:35 pm	GSPC:	

	GLUC	GSPC
	X	
Regular	X	
Special		
Quorum	X	
No-Quorum		

COMMISSION MEMBERS	SIGNATURE
Chairwoman Anita B. Enriquez	Present, via Zoom platform
Vice Chairman Arthur D. Chan, Jr.	Present, via Zoom platform (arrived at 2:09 pm)
Commissioner Leilani R. Flores	Present, via Zoom platform
Commissioner Brian K. Artero	Present, via Zoom platform
Commissioner, Vacant	

STAFF	
Joseph M. Borja, Executive Secretary	Present, via Zoom
Nicolas E. Toft, Legal Counsel (OAG)	Present, via Zoom
Celine L. Cruz, Chief Planner	Present, via Zoom
Frank Taitano, Planner IV	Present, via Zoom
Penmer Gulac, Planner IV	
M. Grace Vergara, Planner II	
M. Cristina Gutierrez, Recording Secretary	Present, via Zoom MGutierrez

ADJOURNMENT	GLUC: 2:23 pm	GSPC:

GLUC Form 19 - GLUC Commission Attendance Sheet

GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
GUAM-HYBRID LAND USE COMMISSION
Public Attendance Record

Location: Department of Land Management Conference Room
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

X	GLUC	X	Regular	Date:	Thursday, January 28, 2021
	HLUC		Special	Time:	1:35 p.m.
X	Quorum		No Quorum	Adjournment:	2:23 p.m.

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
David Tydingco	Application No. 2021-03	
Peter Santos	KUAM	
Phil Torres	Application No. 2021-03	
Gerry Partido	Guam Daily Post	

GLUC Form 21 - GLUC Public Attendance Record Form - APRIL 2010

GUAM LAND USE COMMISION
GUAM-HYBRID LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION

Speaker's Sign-In Record

Location: Department of Land Management Conference Room
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

[X]	GLUC	[X]	Regular	Date:	Thursday, January 28, 2021
[ ]	HLUC	[ ]	Special	Time:	1:35 p.m.
[X]	Quorum	[ ]	No Quorum	Adjournment:	2:23 p.m.

(THIS RECORD WILL BE USED IN THE TRANSCRIPTION OF THE GLUC/GSPC MINUTES. PLEASE PROVIDE YOUR FULL NAME AND WHO YOU REPRESENT, I.E., ITEM ON AGENDA.)

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
Virgilio P. Olivares	Application No. 2021-03	
Harry D. Gutierrez	Application No. 2021-02	

GLUC Form 20 - GLUC Speaker Log Record Form - APRIL 2010

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES
Via Zoom Meeting Virtual Platform
Zoom ID: [redacted]/Passcode: [redacted]
Thursday, January 28, 2021 • 1:35 p.m. to 2:23 p.m.

I. Attendance

Executive Secretary Joseph Borja conducted roll call; and noted a quorum.

Present were: Chairperson Anita Enriquez, Vice Chairman Arthur Chan (arrived at 2:09 p.m.), Commissioner Leilani Flores, Commissioner Brian Artero, Executive Secretary Joseph Borja, Legal Counsel Nicolas Toft, Chief Planner Celine Cruz, and Planner IV Frank Taitano.

Chairperson Enriquez called the regular meeting of the Guam Land Use Commission for Thursday, January 28, 2021 to order at 1:35 p.m.

II. Approval of Minutes

Chairperson Enriquez notes that the second item on the agenda is the approval of the Minutes from the last GLUC hearing of Thursday, December 10, 2020. Chairperson Enriquez asked for a motion.

Commissioner Artero made a motion to approve the Minutes of December 10, 2020.

Chairperson Enriquez motion made by Commissioner Artero, is there a second.

Commissioner Flores seconds the motion.

Chairperson Enriquez motion to approve the Minutes made by Commissioner Artero, seconded by Commissioner Flores. Noting no errors, omissions, and/or discussion, Chairperson Enriquez puts the motion to a vote.

All in favor of the motion to approve the Minutes of December 10, 2020 say "aye" [Chairperson Enriquez, Commissioner Artero and Commissioner Flores]

[Motion is approved unanimously; 3 ayes, 0 nay]

III. Old or Unfinished Business [None]

IV. New Business [None]

V. Administrative and Miscellaneous Matters

Survey Map Review

A. Application No. 2021-03, the Applicants, Cencio T.C. Vy, Noriko I. Vy and Guam Resorts, Inc. represented by Virgilio P. Olivares; requesting approval for the re-alignment of an existing bull-cart trail between Lots 2121-2-R/1 and 2019-REM, in the Municipality of Tamuning, in an "C" (Commercial) zone. Case Planner: Frank Taitano

Celine Cruz (Chief Planner) summarizes the Commission Brief to include the application summary, discussion, recommendation and conditions. [For full context/content please see attachment]

[Attachment A – Commission Brief dated January 22, 2021]

Chairperson Enriquez opens the floor to the Commissioners for questions.

Commissioner Artero asked if the re-alignment of the bull cart trail will cause abutment of any of the immediate properties.

Celine Cruz responds that the original bull cart trail ran between former lots 2021-2-R1 and 2019-REM. Realigning it will actually allow the property owners to consolidate those two lots, and place that easement as a realignment of the bull cart trail for beach access to the northwestern portion of the property.

Commissioner Artero stated that he was unsure if he had asked the question correctly, and restated the question. Mr. Artero asked whether or the not moving or relocation of the bull cart would immediately abut any other property.

Celine Cruz responded that the answer is "no."

Commissioner Flores had no questions.

Chairperson Enriquez asked for clarification on the lot numbers. Chief Planner Cruz referenced Lot 2020-2-R/1, and asked if it should be 2021 or is it 2121-2-R/1.

Celine Cruz confirms that it is Lot 2021-2-R/1.

Chairperson Enriquez the lot numbers Madam Chair Enriquez was referencing to was the staff report and the corresponding map.

Celine Cruz replied that she was reading the lot numbers off of the map, and further explained that staff had prepared prior to the meeting, the color coating of the areas that would be affected by this request. The bull-cart trail that is being relocated is the purple area on the map, and it will be relocated to the now orange area which created Lot 2019-REM-NEW-2R/W. The request for deletion of easement is going to be the green area and marked on the map as a 3.048-meters wide easement.

Chairperson Enriquez when you referenced green on the screen it slightly looks yellow, and asked Ms. Cruz to confirm this. (Ms. Cruz confirmed that this was correct.) Madam Chair continued that when she referenced 2021-2-R2 it is northeast to the yellow shaded area, and Chief Planner Cruz referenced 2021-2-R2; and asked for clarification on the map being referenced.

Celine Cruz on sheet 2 of 3 on the proposed map, the former is Lot 2121-2-R/1 and that will be the triangular lot abutting the beach area which is actually crossed through and that is a symbol when a new lot is being created. There are five lots that are crossed through to consolidate those lots, and the re-subdivision will be the main lots that are on sheets 3 or 3 which are 2019-REM-NEW-3 and 2019-REM-NEW-R3. Ms. Cruz added that 2121-2-2 is not subject to this request and it is an abutting lot.

Chairperson Enriquez going back to the application summary and it is reading the lots that are affected as 2121-2-R/1 and 2019-REM. The confusion was that Ms. Cruz kept stating Lot 2021-2-R/1. Madam Chair asked if they were going back to what is referenced on the application summary as well as the agenda which is 2121-2-R/1.

Celine Cruz confirmed that it is Lot 2121-2-R/1.

Chairperson Enriquez wanted to ensure that the correct lots were referenced in the Minutes. The other item had to do with the Chamorro Land Trust and differing the applicant to get their concurrence to reflect acknowledgement on the map. Madam Chair Enriquez stated that she understands that the bull cart trail could be the reason why CLTC is being referenced and asked Chief Planner to expand on this.

Celine Cruz there was a memorandum issued by the Assistant Attorney General in December 1980 which clarified that the Government of Guam is the owner of all real property. Ms. Cruz continues to read the Memorandum dated December 22, 1980. [For full content/context, please refer to Attachment A] In conclusion, the memo identified that bull cart trails are Government of Guam land and within 21GCA Chapter 75, Section 75105 it describes the control of the CLTC of available lands which also describes that bull cart trails are part of their jurisdiction.

Chairperson Enriquez should the application be deferred to go through this route, and should the Commission decide to act on this with that particular condition, is there an estimate of how much time this will take.

Celine Cruz responded that she did not have a timeline.

Chairperson Enriquez noting no further questions and/or discussion, Madam Chair Enriquez turned it over to the applicants' representative. Please state your name for the record.

Virgilio Olivares Mr. Olivares stated that his clients are requesting approval for the realignment of the bull cart trail. The realignment which will lead straight to the beach, will be beneficial for both for the landowners and public. The triangular piece cannot be utilized for development because of its size and consolidating of the lots will allow the owners to develop on the property. In closing, Mr. Olivares humbling asked for the Commission's consideration to approve the request.

Chairperson Enriquez questions for Mr. Olivares.

Commissioner Artero asked if Lot 2121-2-2 that is located north of the bull cart trail was an abutting property, and if it was the condominium complex.

Virgilio Olivares replied that it is the applicants' neighbor; but, was not too sure what was on the property since he has not done a site visit.

Commissioner Artero comments he was trying to understand how close this neighboring lot was to the relocation request and if it creates any disturbance to the neighbors.

Virgilio Olivares apologized that he was unsure what was on the lot in question.

Dave Tydingco also represents the interest of the clients and hired Mr. Olivares to do the realignment. Mr. Tydingco believes that Lot 2121-2-2 was formerly the Ocean Jet Ski company.

Mr. Tydingco stated that they are not taking away any of the real estate from the abutting property and that they are taking the existing property that is owned by the applicants and just relocating the bull cart trail to make it go straight towards the water as opposed to cutting it in half. In addition, doing the relocation of the bull cart added more real estate by widening the bull cart trail to give access to the beach side and by consolidating the lots it will be easier to determine how to proceed for future development.

Commissioner Flores comments that she had no questions for the applicants' representative; but, stated that this is a great idea and it will be beneficial for the future development of the property.

Virgilio Olivares comments that after looking at the GIS, it is only a boonie area that adjoins the bull cart trail that they are requesting for relocation, and it is far from the Jet Ski company.

Chairperson Enriquez noting no additional comments and/or discussion, Chairperson Enriquez opened the floor for public comment.

Public Comments

Nicolas Toft the approximate area of the new bull cart trail is about 300 square meters, and asks what is the measurement of what is being deleted.

Virgilio Olivares if you look at the map it is 270, and 300 is being given to widen the bull cart trail.

Nicolas Toft is the 270 number for both of the deletions. Mr. Toft recognizes the diagonal area and also the area that was remarked earlier in the yellowish-green portion that was along side the other part of the bull cart trail.

Virgilio Olivares explains that the diagonal lines were created when the original lot was subdivided into three lots, and that will make it more beneficial for the owners to consolidate the lots for better future development.

Nicolas Toft understands the explanation, but reiterates that his question was more about the exact size amounts. Mr. Toft comments that if this does go to the Chamorro Land Trust this will be a question that will be asked; whether the CLTC will be receiving some sort of comparable size for size in an exchange.

Virgilio Olivares the lot will be slightly larger if you take into consideration the access that goes originally to Lot 2019-1-1, 2019-1-2 and 2019-1-R2. Tthese are the lots of the same owners that accesses the three properties.

Chairperson Enriquez asked Attorney Toft if Mr. Olivares' explanation answered his question.

Nick Toft at this point of the proceedings the explanation will do; however, Mr. Toft added that if the CLTC gets involved that will be an issue as far as what they will be looking at.

Chairperson Enriquez related to that inquiry and for the sake of clarity; and this goes back to Mr. Olivares, the proposed realignment on the orange highlighted section falls within the existing property owners' line.

Virgilio Olivares that is correct.

Chairperson Enriquez noting no additional public comments, public comment period was closed. Noting no further discussion from the members of the Commission, Madam Chair Enriquez noted that this is for Application No. 2021-03, and this is a request to approve the realignment of an existing bull cart trail between lots 2121-2-R/1 and 2019-REM, in the municipality of Tamuning in a "C" (Commercial) zone. The conditions that were presented based on the recommendation of approval; and, that the applicants must satisfy the following conditions:

1. That the 3.048-meter easement created as a modification of the bull cart trail on Lot 2019-REM's northern boundary be not deleted and be incorporated into the proposed Public Access and Utility Easement on Lot 2019-REM-NEW-1 R/W; and,
2. That Chamorro Land Trust acknowledge on the proposed survey map the relocation of the Bull Cart trail.

Madam Chair Enriquez was ready to entertain a motion.

Commissioner Flores Madam Chair, I would like to make a motion to approve the realignment of the bull cart trail between Lots 2121-2-R/1 and 2019-REM in the municipality of Tamuning, Application No. 2021-03 with the following conditions:

1. That the 3.048-meter easement created as a modification of the bull cart trail on Lot 2019-REM's northern boundary not be deleted and be incorporated into the proposed Public Access and Utility Easement on Lot 2019-REM-NEW-1 R/W; and,
2. That Chamorro Land Trust acknowledges on the proposed survey map the relocation of the Bull Cart trail.

Chairperson Enriquez motion is made by Commissioner Flores, is there a second.

Commissioner Artero seconds Commissioner Flores' motion.

Chairperson Enriquez motion is seconded by Commissioner Artero. Noting no additional comments and/or discussion, the motion is put to a vote.

All in favor of the motion signify by saying "aye" and raising your right hand. **[Chairperson Enriquez, Commissioner Flores and Commissioner Artero] [Motion is approved unanimously; 3 ayes, 0 nay]**

Next item on the agenda.

Survey Review Map

B. Application No. 2021-02, the Applicant, JN Development, Inc. represented by Harry D. Gutierrez; pursuant to P.L. 28-128, Section 1(a), is requesting approval of its Agricultural Subdivision Map No. 147FY2019, on basic Lot No. 7126-2, in the Municipality of Yigo, in a "A" (Agricultural/Rural) zone. Case Planner: Celine Cruz

Celine Cruz summarizes staff report to include application summary, facts, discussion, recommendation and conditions. [For full content/context, please see attached report]

[Attachment B – Staff Report dated January 26, 2021]

Chairperson Enriquez acknowledges presence of Vice Chairman Arthur Chan, and opens the floor to the Commissioners for staff.

Commissioner Flores no comments.

Commissioner Artero no comments.

Chairperson Enriquez noting no comments and/or questions, Madam Chair opens the floor to the applicant's representing.

Harry D. Gutierrez questions the requirement of having the Chief Engineer of Public Works having to sign off on the map.

Chairperson Enriquez responds yes, and that is pursuant to P.L. 28-126. Madam Chair acknowledged that the Director of Department of Public Works has signed off on the map, and it is required that the Chief Engineer signs off as well. In addition, Madam Chair notes that DPW has an acting Chief Engineer.

Harry D. Gutierrez acknowledges Madam Chair's explanation and comments that he will have it done. No further comments.

Chairperson Enriquez Commissioners, questions for the applicant's representative. Noting no comments from the Commissioners, Chairperson Enriquez opens the floor for public comment.

Public Comment [None]

Chairperson Enriquez noting none, public comment segment was closed. Before the Commission today is Application No. 2021-02, requesting approval of its Agricultural Subdivision Map No. 147FY2019, on basic Lot No. 7126-2, in an "A" (Rural/Agricultural) zone, in the municipality of Yigo. Commissioners have heard the staff summary report recommending approval with the five (5) conditions. Madam Chair Enriquez asks for a motion.

Commissioner Artero makes a motion to approve Application No. 2021-02 for the applicant JN Development, Inc. represented by Harry D. Gutierrez, requesting approval of an agricultural subdivision map, DLM Map No. 147FY2019, on basic Lot 7126-2, in an "A" (Rural/Agricultural) zone, in the municipality of Yigo, with staff recommendation and conditions to read as follows:

1. That the applicant complies with all conditions noted on the cover sheet of 1 of 2 on Map DLM 147FY2019 and as additionally required by the Government of Guam permitting agencies;
2. That the Certification and signature of the Chief Engineer of the Department of Public Works are placed on sheet 1 of 2 on Map 147FY2019 pursuant to P.L. 28-126 Section 1;
3. That, irrespective of ownership, any future modifications to the parcels such as consolidation and re-subdivision, or any other methods of subdividing said parcels must be subjected the Guam Land Commission's review prior to map approval;
4. That no ownership rights or title shall be transferred unless the required improvements such as water, power and road improvements are in place and ready to service any development on the lots; and,
5. That pursuant to Section 5 of E.O. 96-26, the Developer must apply for and receive a building or grading permit for the approved GLUC project within one (1) year from the date

of recordation of the Notice of Action; otherwise, the approval of the project as granted by the Commission shall expire.

Chairperson Enriquez motion is made by Commissioner Artero, is there a second.

Commission Flores seconds the motion.

Chairperson Enriquez thank you Commissioner Flores who seconds the motion. Noting no additional comments and/or discussion, the motion is put to a vote.

All in favor of approving the motion signify by saying "aye" and raising your right hand **[Chairperson Enriquez, Vice Chairman Chan, Commissioner Flores, Commissioner Artero]. Motion to approve is unanimous; 4 ayes, 0 nay.**

Before moving onto the next item on the agenda, Madam Chair Enriquez asked Executive Secretary Joseph Borja if there were any announcements with regard to future meeting dates.

Joseph Borja by statute the meeting dates are set; however, that is predicated on projects and staff reports coming from the ARC and the Department. As of right now there are none pending. In addition, Mr. Borja informs the Commissioners on the following:

1. The Legislature has introduced nine (9) related bills. Mr. Borja added that the Commissioners should have received an invite to the public hearing that is scheduled next week. The department will be preparing responses and providing testimony to the bills.

2. The first ARC (Application Review Committee) was held yesterday (January 27th, 2021). The meeting was basically to set up logistics to see if a hybrid meeting can be done with applicants being present (face to face) and members attending the meeting via virtual platform. There were no action items on the agenda, but mostly to work out more on the logistics of conducting a meeting. ARC meetings are held every other Thursday per the law.

Chairperson Enriquez extends her appreciation to Mr. Borja for the information provided; and, acknowledged that the Commissioners received an invitation for the upcoming public hearing that is scheduled for February 4, 2021. For the record, Madam Chair Enriquez notes that the Commission entertained a legislative oversight hearing for the Guam Land Use Commission that was held last week January 21st, and was grateful to the Commissioners for being present as well as Executive Secretary/Director of Land Management, Mr. Borja as well as Chief Planner Cruz and other key individuals. Expressed that she was very grateful for everyone's participation.

If there are no additional comments and/or discussion, Madam Chair Enriquez was ready to entertain a motion to adjourn today's meeting.'

VI. Adjournment

Commissioner Artero makes a motion to adjourn today's meeting.

Chairperson Enriquez motion is made by Commissioner Artero, is there a second.

Commissioner Flores seconds the motion.

Chairperson Enriquez motion is seconded by Commissioner Flores. All in favor of the motion signify by saying "aye" and raising your right hand. **[Chairperson Enriquez, Vice Chairman Chan, Commissioner Flores and Commissioner Artero.]**

There being no further business before the Guam Land Use Commission, the meeting was adjourned at 2:23 p.m.

Approved by:

Date:

3-22-21

Anita B. Enriquez, Chairperson
Guam Land Use Commission

Transcribed by:

M. Cristina Gutierrez, Recording Secretary
DLM, Planning Division

Doc. No. 36GL-21-0391.*

GUAM LAND USE COMMISSION

Chairperson Anita B. Enriquez
Vice Chairperson Arthur D. Chan, Jr.
Commissioner Leilani R. Flores

Commissioner Brian K. Artero
Commissioner (Vacant)

Joseph M. Borja, Executive Secretary
Nicolas E. Toft, Legal Counsel (OAG)

AGENDA

THURSDAY, JANUARY 28, 2021 @1:30 p.m.
Department of Land Management
Video Conference – Zoom Platform
[As advertised in the Guam Daily Post – January 21st and January 26th, 2021]
Zoom ID: [redacted], ***PW:*** [redacted]

I. Notation of Attendance [ ] Quorum [ ] No Quorum

II. Approval of Minutes

- GLUC Regular Meeting Minutes of Tuesday, December 10, 2020

III. Old or Unfinished Business [None]

IV. New Business

V. Administrative & Miscellaneous Matters

Survey Review Map

A. Application No. 2021-03, the Applicants, Cencio T.C. Vy, Noriko I. Vy and Guam Resorts, Inc. represented by Virgilio P. Olivares; requesting approval for the re-alignment of an existing bull cart trail between Lots 2121-2-R/1 and 2019-REM, in the Municipality of Tamuning, in a "C" (Commercial) zone. Case Planner: Frank Taitano

B. Application No. 2021-02, the Applicant, JN Development, Inc. represented by Harry D. Gutierrez; pursuant to P.L. 28-128, Section 1(a), is requesting approval of its Agricultural Subdivision Map, DLM Map No. 147FY2019, on basic Lot 7126-2, in an "A" (Rural/Agricultural) zone, in the Municipality of Yigo. Case Planner: Celine Cruz

VI. Adjournment

ATTACHMENT A

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Director

Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

January 22, 2021

MEMORANDUM

TO: Chairperson, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Commission Brief – Re-Alignment of an Existing Bull Cart Trail Between Lot Nos. 2121-2-R/1 and 2019-REM, Municipality of Tamuning, Application No. 2021-03

1. PURPOSE:

a. **Application Summary:** The applicants, Cencio Tan C. Vy, Noriko I. Vy and Guam Resorts represented by Mr. Virgilio Olivares are requesting to delete an existing bull cart trail between Lot Nos. 2121-2-R/1 and 2019-REM and relocate it to the northeastern boundary of Lot 2121-2-R/1 in straight alignment with the existing bull cart trail located on the northeastern boundary of Lot 2019-REM.

b. **Legal Authority:** Title 21, GCA, Chapter 62, Subdivision Law.

2. DISCUSSION:

On August 9, 2007, the Guam Land Use Commission entertained a Subdivision Variance request by the owner of Lot 2019-REM to delete, relocate and modify the existing easements within Lot 2019-REM. The Commission approved the request with the condition, that, in order to provide adequate public and government services access, the owner, provide a 30 feet access easement to lots 2019-1-1, 2019-1-2 and 2019-1-R2 and modify the bull cart trail on Lot 2019-REM's northern boundary to provide a 30 feet access easement to Lot 2121-2-R/1 and the surrounding lots.

Considering that at present, Lots 2019-REM, 2019-1-1, 2019-1-2, 2019-1-R2, 2121-2-R/1 and the easements created as a result of the August 9, 2007 Commission approval, collectively, are owned by the applicants and that the re-location of the existing bull cart trail between Lot Nos. 2121-2-R/1 and 2019-REM to the northeastern boundary of Lot 2121-2-R/1 will be beneficial to the land owners of the subject property and the adjoining land owners.

In addition, that the re-alignment of the bull cart trail will also be beneficial to the general public as an access to the beach area; we support, with reservation, the applicant's proposal to delete the existing easements (except for the 3.048 Meter easement on the northern boundary of Lot 2019-REM), consolidate the subject lots, to include Lot 2121-2-R/1 (if the Commission approves the re-alignment of the bull cart trail between Lot Nos. 2121-2-R/1 and 2019-REM) and eventually subdivide their property into two lots and a public access and utility right-of-way lot.

In support of our position, we also believe that the condition of the Commission's approval on August 9, 2007 to modify the bull cart trail on Lot 2019-REM's northern boundary in order to provide adequate public and government service access is equally beneficial to the adjoining properties, being, that the bull cart trail is the only access available to the properties and that the 3.048 Meter easement created should not be deleted.

In addition, based on information that we have reviewed, we are concerned that the jurisdiction of the bull cart trail could involve the Chamorro Land Trust's interest and that the status of the subject bull cart trail be acknowledged by the Chamorro Land Trust.

Therefore; should the Commission approve this request, we recommend the following conditions:

3. CONDITIONS:

1. That the 3.048 Meter easement created as a modification of the bull cart trail on Lot 2019-REM's northern boundary be not deleted and be incorporated into the proposed Public Access and Utility Easement, Lot 2019-REM-New-1 R/W.

2. That the Chamorro Land Trust acknowledge on the proposed survey map the relocation of the bull cart trail.

Celine L. Cruz

ATTACHMENT:
1. **Request Package**
2. **Notice of Action dated August 9, 2007**
3. **Maps, 349FY80, 176FY84, 053FY87, 105FFY99 & 010FY2008**
4. **Section 75105, Chapter 75, 21GCA**
5. **AG memo dated Dec. 22, 1980**

Case Planner: Frank Taitano

V. P. OLIVARES SURVEYING, LLC
Professional Land Surveyor # 77
P. O. Box 4740
Hagatna, Guam
96932

Tel. No. : (671) 734-5856
Cellular : (671) [redacted]
E-Mail : [redacted]@yahoo.com

Application No.:	2021-03
Real Estate Requirement Survey Map	
Cencio & Noriko Vy/Guam Resorts	
Accepted Date:	25-Feb-20
Case Planner:	Frank Taitano

February 7, 2020

Mr. Joseph M. Borja
Executive Secretary
Guam Land Use Commission
590 S. Marine Corp Drive ITC Building
Tamuning Guam 96913

RE : RE-ALIGNMENT OF BULL-CART TRAIL; Map Number LM 069 FY 2019

Dear Mr. Borja:

I, Virgilio P. Olivares, a Professional Land Surveyor for the Island of Guam, am representing the land owners of Lots 2121-2-R/1, 2019-REM, 2019-1-1, 2019-1-2 and 2019-1-R2.

On behalf of the landowners, I have prepared a map for approval by the Department of Land Management. The map was prepared to delete and transfer the location of a Bull-Cart Trail running across the affected Lots 2121-2-R/1 and Lot 2019-REM to make the property more functional for development without denying access to Agana Bay. Both land owners as well as all other reviewing government agencies have approved or agreed with the relocation of the Bull-Cart Trail, as indicated by their signatures, on the final submittal of the map .

The relocation of the Bull-Cart Trail will be beneficial to the land owner of the property together with the adjoining land owners since it runs between property lines of their corresponding lots. It is also beneficial for the government since the area of the Bull-Cart Trail is now enlarged and becomes wider and at the same time the alignment of the Bull-Cart Trail towards the beach side is straight coming from Ocean Bay Street.

Thank you and I look forward to your favorable review. Please contact me should you have any questions on this matter.

Sincerely Yours,

Virgilio P. Olivares, P.L.S # 77

RECEIVED
2-25-20
Planning
MCG

CERTIFICATIONS AND CONDITIONS

PURSUANT TO PUBLIC LAW 30-126, WE, THE GOVERNMENT OFFICIALS CERTIFY THAT THE PROPOSED AGRICULTURAL SUBDIVISION SURVEY MAP MEETS THE REQUIREMENTS OF TITLE 21 G. C. A. CHAPTER 62

"THIS MAP MEETS THE REQUIREMENTS OF TITLE 21, GCA CHAPTER 62, SUBDIVISION LAW"

DELINE L. CRUZ, ACTING CHIEF PLANNER
DEPARTMENT OF LAND MANAGEMENT — DATE

CONDITIONS OF SUBDIVISION MAP APPROVAL BY THE GUAM CHIEF PLANNER

1. TO COMPLY WITH THE GENERAL REQUIREMENTS FOR SUBDIVISION AS SPECIFIED UNDER ARTICLE 1, SECTION 62108 (a) THRU (g), CHAPTER 62 OF TITLE 21 GUAM CODE ANNOTATED.
2. TO COMPLY WITH THE ROAD CONSTRUCTION STANDARDS PURSUANT TO ARTICLE 6, SECTION 62301 (b) CHAPTER 62 OF TITLE 21 GUAM CODE ANNOTATED AND CHAPTER 3, ARTICLE 2, SECTION 3312 (b) OR SECTION 3219 (b) OF TITLE 10, GOVERNMENT ADMINISTRATIVE RULES AND REGULATIONS WITH RESPECT TO ROAD LOT 2019-REM-NEW-N/W AND NEW BULL CART TRAIL. THAT THIS REQUIREMENT SHALL BE COMPLETED WITHIN ONE (1) YEAR FROM THE DATE OF RECORDATION OF THIS SUBDIVISION MAP.
3. TO COMPLY WITH THE PROVISIONS OF ARTICLE 4, SECTION 62114, CHAPTER 62 OF TITLE 21, GUAM CODE ANNOTATED.

JOSEPH M. BORJA
DIRECTOR DEPARTMENT OF LAND MANAGEMENT — DATE

"THIS MAP MEETS THE REQUIREMENTS OF TITLE 21, GCA CHAPTER 62, SUBDIVISION LAW"

Nov 4 2019
CHIEF ENGINEER, DEPARTMENT OF PUBLIC WORKS — DATE

CONDITIONS OF SUBDIVISION MAP APPROVAL BY THE DIRECTOR OF DPW

1. THIS MAP SHALL CONFORM TO THE REQUIREMENTS OF TITLE 21, GCA CHAPTER 62, SUBDIVISION LAW FROM DATE OF APPROVAL OF THE GUAM CHIEF SURVEYOR / CHIEF OF CADASTRE.
2. DELETION AND RE-ALIGNMENT OF BULL CART TRAIL, 9.144 M WIDE EASEMENT AND 3.048 M WIDE EASEMENT REQUIREMENTS

11-4-19
VINCENT ARRIOLA
DIRECTOR DEPARTMENT OF PUBLIC WORKS — DATE

"THIS MAP MEETS THE REQUIREMENTS OF TITLE 21, GCA CHAPTER 62, SUBDIVISION LAW"

12/1/2019
CHIEF ENGINEER
GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA) — DATE

THIS APPROVAL IS MADE IN ACCORDANCE WITH THE PROVISIONS OF 21 GCA SECTIONS 6130 (a) AND 18 GAR 3219 (c).
TOILET FACILITIES AND SEWAGE DISPOSAL FOR ALL LOTS SHALL BE IN ACCORDANCE WITH 18 GCA CHAPTER 46.

APPLICATION FOR BUILDING PERMIT(S) FOR STRUCTURES AND FACILITIES OTHER THAN THOSE ASSOCIATED WITH INFRASTRUCTURE (e. g. ROADS, WATER LINES, DRAINAGE, ELECTRICAL, etc.) WILL NOT BE MADE UNTIL POTABLE WATER IS AVAILABLE TO ALL LOTS.

PROPOSED PONDING BASIN MUST BE CONSTRUCTED PRIOR TO ISSUANCE OF OCCUPANCY PERMIT FOR ANY STRUCTURES AND FACILITIES.
WATER IS AVAILABLE TO ALL LOTS

12/6/19
MAJOR LEON GUERRERO, ADMINISTRATOR
GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA) — DATE

"THIS MAP MEETS THE REQUIREMENTS OF TITLE 21, GCA CHAPTER 62, SUBDIVISION LAW"

1-30-2020
DALWIN E. C. STONE, FIRE CHIEF
GUAM FIRE DEPARTMENT — DATE

"THIS MAP MEETS THE REQUIREMENTS OF TITLE 21, GCA CHAPTER 62, SUBDIVISION LAW"

for Dafne Manzagol Shimizu 1-29-2020
DAFNE MARGARET SHIMIZU
REVENUE & TAX REAL ESTATE COMMISSION
DIRECTOR OF REVENUE AND TAXATION — DATE

GLUC CONDITIONS OF APPROVAL:

A. THAT THE APPLICANT COMPLIES TO ALL CONDITIONS NOTED ON THE COVER SHEET 1, 2 AND 3 ON THE MAP OR AS REQUIRED BY GOVERNMENT PERMITTING AUTHORITY; AND

B. THAT AS TO GEPA's CONDITION 2, SPECIFICALLY CONCERNING "SEWER", THE APPLICANT IS REQUIRED TO COORDINATE WITH SAID AGENCY FOR AN EXEMPTION PRIOR TO THE EXPIRATION OF THE ONE (1) YEAR REQUIREMENT FROM DATE OF MAP APPROVAL BY DLM AS IMPOSED BY GEPA; AND

C. A COPY OF GEPA's EXEMPTION SHALL BE PROVIDED THE CHIEF PLANNER, OTHERWISE, COMPLIANCE TO THE GEPA's CONDITION 2 SHALL BE ADHERED TO; AND

D. THAT APPLICANT SHALL COORDINATE WITH DPW CONCERNING CONSTRUCTION OF STORMWATER DRAINAGE FACILITIES ; AND

E. THAT ANY FUTURE MODIFICATIONS TO THE PARCELS SUCH AS CONSOLIDATION AND RE-SUBDIVISION OR ANY OTHER METHODS OF SUBDIVIDING SAID PARCELS SHALL FIRST BE REVIEWED AND DECIDED BY THE GUAM LAND USE COMMISSION IRRESPECTIVE OF OWNERSHIP.

F. THAT NO OWNERSHIP RIGHTS OF TITLE TO ANY LOTS SHALL BE TRANSFERRED UNLESS THE REQUIRED IMPROVEMENTS (WATER, POWER, TELEPHONE, SEWER IF APPLICABLE) ARE IN PLACE AND READY TO SERVICE ANY DEVELOPMENT ON THE LOT.

GUAM LAND USE COMMISSION DECISION

THE GUAM LAND USE COMMISSION OF ITS REGULAR MEETING ON _____ 2019,
APPROVED _____, APPROVED WITH CONDITIONS _____,
DISAPPROVED _____, THIS _____

JOHN S. ARRIOLA
CHAIRMAN, GUAM LAND USE COMMISSION — DATE

I, VIRGILIO P. OLIVARES, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT WAS MADE UPON A FIELD SURVEY MADE ON NOVEMBER 10, 2018, IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS, THAT I AM RESPONSIBLE FOR THE ACCURACY OF ALL DATA AND INFORMATION SHOWN HEREON, I ALSO CERTIFY THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED ON THIS MAP.

VIRGILIO P. OLIVARES P. L. S. # 77 — DATE 09-23-19

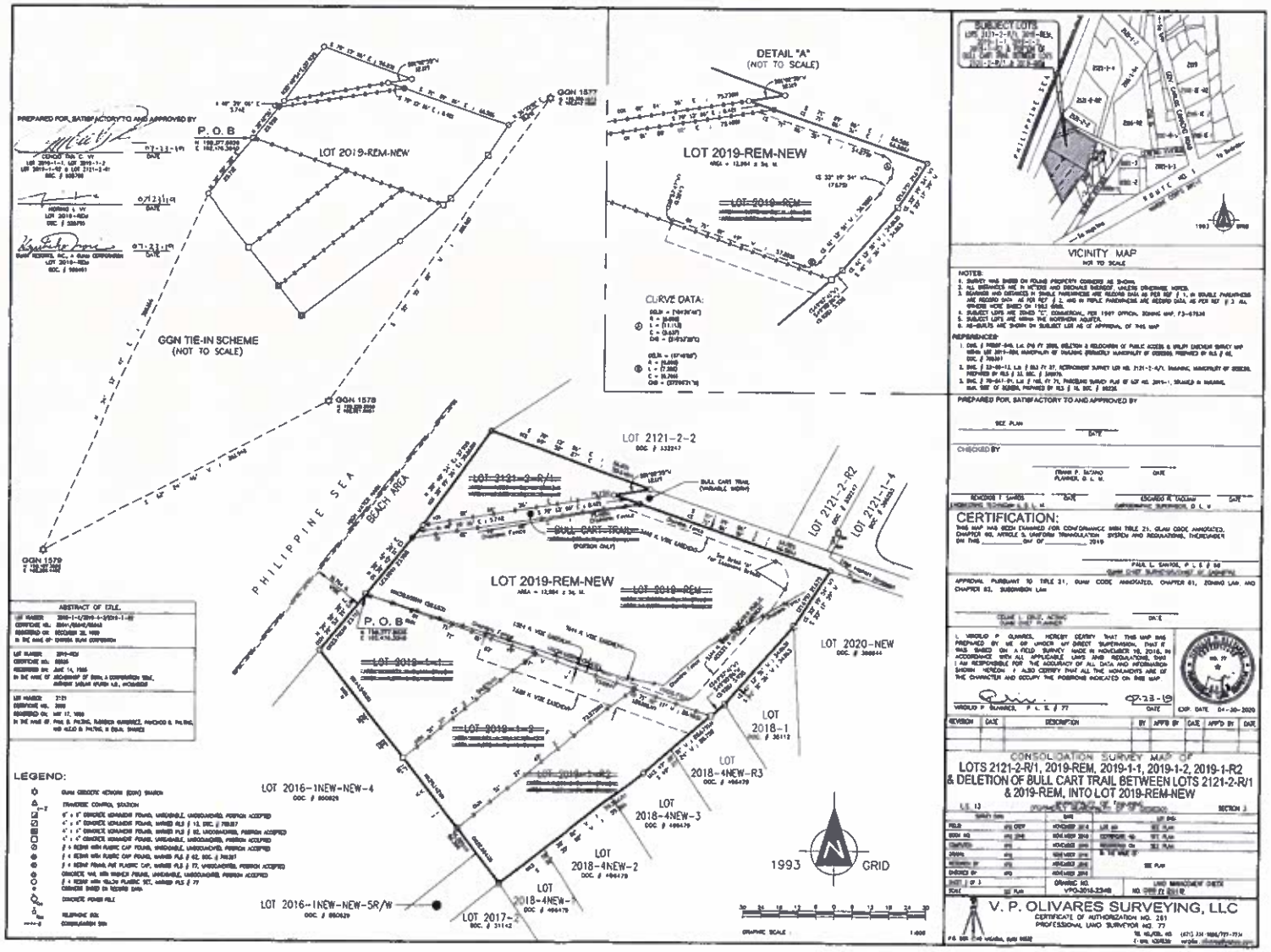
EXP. DATE 04-30-2020

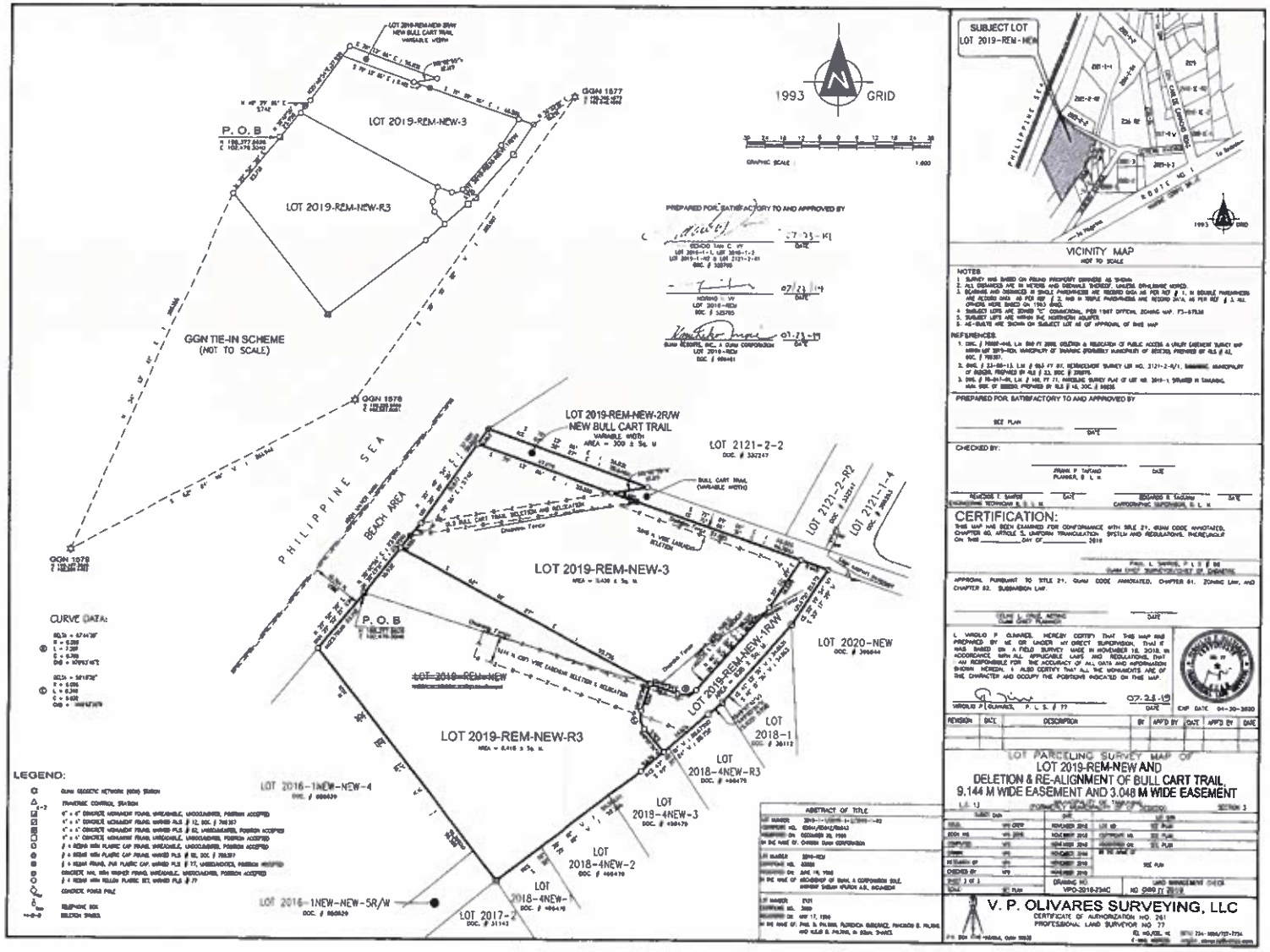
REVISION	DATE	DESCRIPTION	BY	APP'D BY	DATE	APP'D BY	DATE

LOT PARCELING SURVEY MAP OF
LOT 2019-REM-NEW AND
DELETION & RE-ALIGNMENT OF BULL CART TRAIL, 9.144 M WIDE EASEMENT AND 3.048 M WIDE EASEMENT
L. S. 13 — MUNICIPALITY OF TAMUNING (FORMERLY SUBDIVISION OF DEDEDO) — SECTION 3

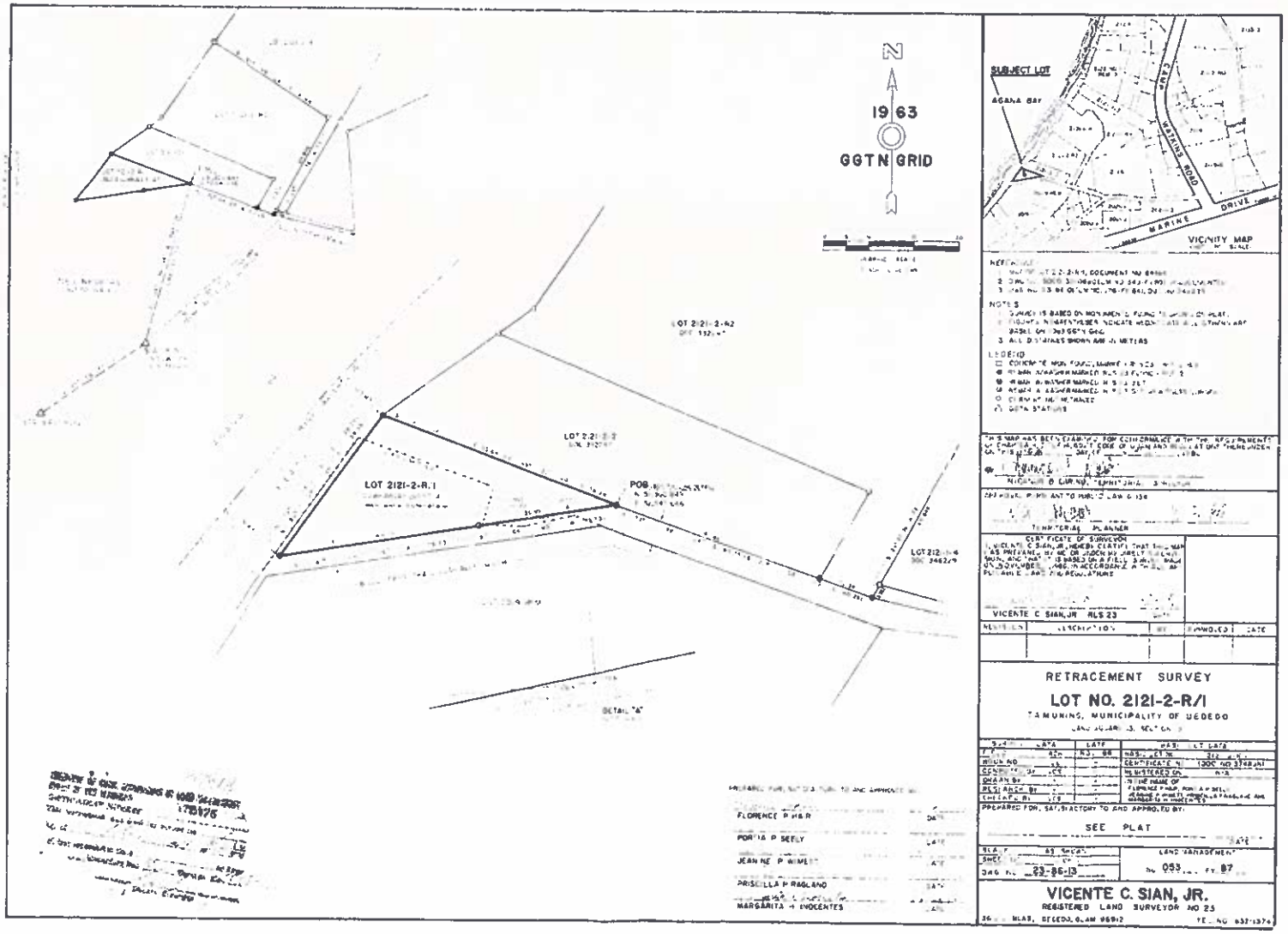
SURVEY DATA		DATE	LAT DATA
FIELD	VPO CREW	NOVEMBER 2018	LAT MARKER
BOOK NO.	479-2019	NOVEMBER 2019	CENTURY NO.
DRAFTED	VPO	NOVEMBER 2019	NUMBERED ON
SHEETS	VPO	NOVEMBER 2019	IN THE MAP OF
REVIEWED BY	VPO	NOVEMBER 2019	
CHECKED BY	VPO	NOVEMBER 2019	
SHEET 1 OF 3		DRAWING NO. VPO-2018-234A	LAND MANAGEMENT CHECK NO. DPR. JY 2019.
SCALE	1" = 100'		

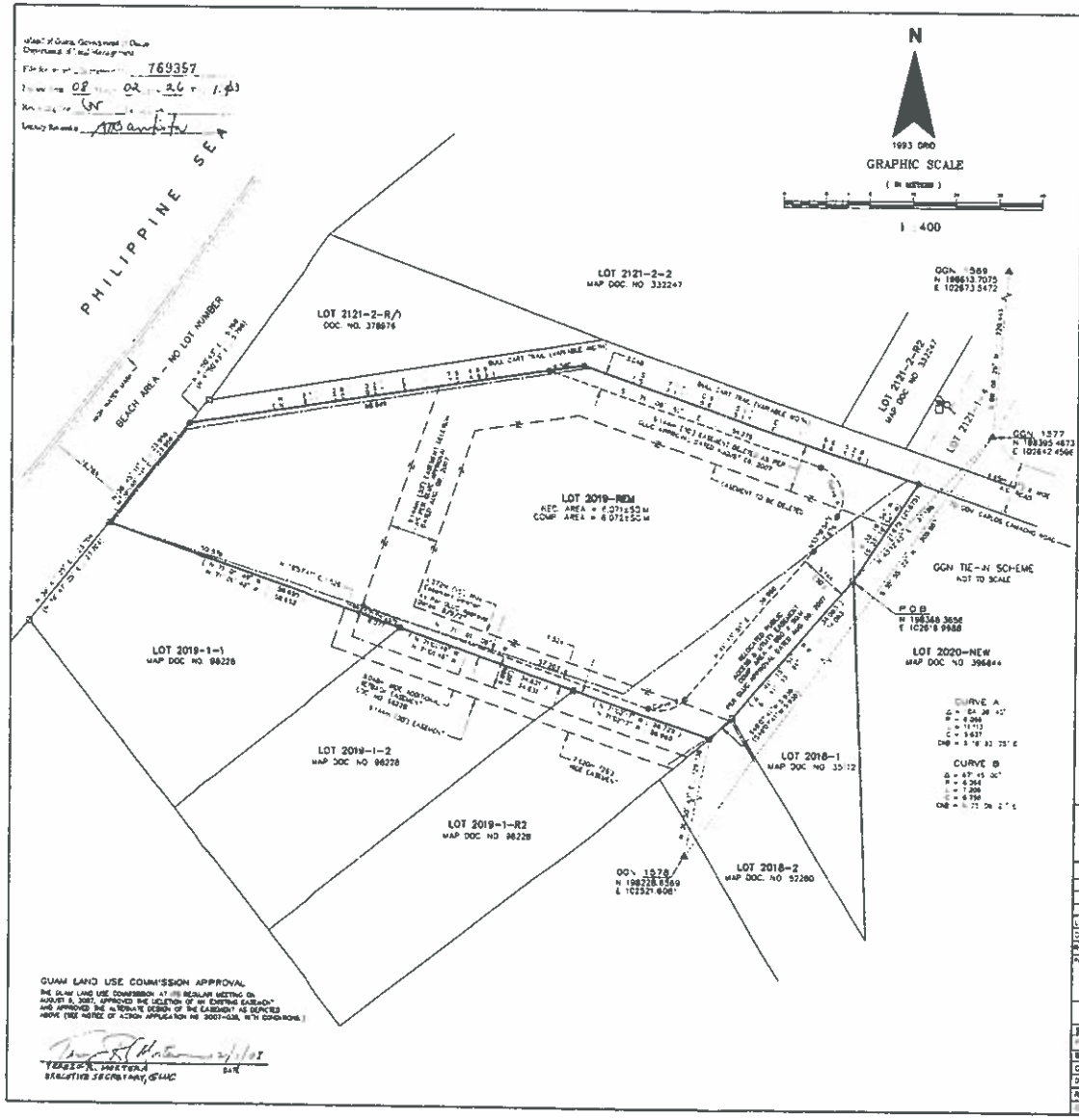
V. P. OLIVARES SURVEYING, LLC
CERTIFICATE OF AUTHORIZATION NO 281
PROFESSIONAL LAND SURVEYOR NO. 77
P.O. BOX 4740 HAGÅTÑA, GUAM 96928 — TEL NO./CEL NO. (671) 734-9956/777-7734 — E-MAIL ADDRESS vpolivares@yahoo.com

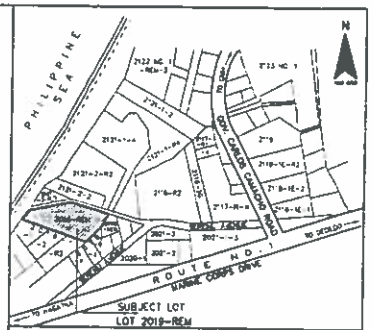

PREPARED FOR, SATISFACTORY TO AND APPROVED BY
P. O. B
LOT 2019-REM-NEW
GGN TIE-IN SCHEME
(NOT TO SCALE)
GGN 1577
GGN 1578
GGN 1579
DETAIL "A"
(NOT TO SCALE)
LOT 2019-REM-NEW
CURVE DATA:
LOT 2121-2-2
LOT 2121-2-R/1
BULL CART TRAIL
LOT 2121-2-R2
LOT 2121-1-4
PHILIPPINE SEA
BEACH AREA
LOT 2019-REM-NEW
LOT 2020-NEW
LOT 2018-1
LOT 2018-4NEW-R3
LOT 2018-4NEW-3
LOT 2018-4NEW-2
LOT 2018-4NEW-1
LOT 2017-2
LOT 2016-1NEW-NEW-4
LOT 2016-1NEW-NEW-5R/W
ABSTRACT OF TITLE
LEGEND:
1993 GRID
GRAPHIC SCALE
VICINITY MAP
NOT TO SCALE
NOTES:
REFERENCES:
CERTIFICATION:
CONSOLIDATION SURVEY MAP OF
LOTS 2121-2-R/1, 2019-REM, 2019-1-1, 2019-1-2, 2019-1-R2
& DELETION OF BULL CART TRAIL BETWEEN LOTS 2121-2-R/1
& 2019-REM, INTO LOT 2019-REM-NEW
V. P. OLIVARES SURVEYING, LLC
CERTIFICATE OF AUTHORIZATION NO. 261
PROFESSIONAL LAND SURVEYOR NO. 77


LOT 2019-REM-NEW-3
LOT 2019-REM-NEW-R3
P. O. B
GGN 1977
GGN 1978
GGN TIE-IN SCHEME
(NOT TO SCALE)
1993 GRID
GRAPHIC SCALE
PHILIPPINE SEA
BEACH AREA
LOT 2019-REM-NEW-2R/W
NEW BULL CART TRAIL
VARIABLE WIDTH
AREA = 300 ± Sq. M
LOT 2121-2-2
LOT 2121-2-R2
LOT 2121-1-4
LOT 2020-NEW
LOT 2018-1
LOT 2018-4NEW-R3
LOT 2018-4NEW-3
LOT 2018-4NEW-2
LOT 2018-4NEW-1
LOT 2017-2
LOT 2016-1NEW-NEW-4
LOT 2016-1NEW-NEW-5R/W
CURVE DATA:
LEGEND:
PREPARED FOR SATISFACTORY TO AND APPROVED BY
SUBJECT LOT
LOT 2019-REM-NEW
PHILIPPINE SEA
ROUTE NO. 1
VICINITY MAP
NOT TO SCALE
NOTES
REFERENCES
CHECKED BY:
CERTIFICATION:
LOT PARCELING SURVEY MAP OF
LOT 2019-REM-NEW AND
DELETION & RE-ALIGNMENT OF BULL CART TRAIL,
9.144 M WIDE EASEMENT AND 3.048 M WIDE EASEMENT
ABSTRACT OF TITLE
V. P. OLIVARES SURVEYING, LLC
CERTIFICATE OF AUTHORIZATION NO. 261
PROFESSIONAL LAND SURVEYOR NO. 77

5562


N
19 63
GGTN GRID
LOT 2121-2-R.1
POB
DETAIL "A"
SUBJECT LOT
AGANA BAY
MARINE DRIVE
VICINITY MAP
NOTES
LEGEND
RETRACEMENT SURVEY
LOT NO. 2121-2-R/1
TAMUNING, MUNICIPALITY OF UEDEDO
SEE PLAT
VICENTE C. SIAN, JR.
REGISTERED LAND SURVEYOR NO 23
FLORENCE P H&R
PORTIA P SEELY
JEANNE P WIMBERLY
PRISCILLA P RAGLAND
MARGARITA T INOCENTES





VICINITY MAP
NOT TO SCALE

LEGEND:

- GCN MONUMENT AS NOTED
- NO. 4 REBAR WITH PLASTIC CAP TEC MARKED PLS NO. 62
- NO. 4 REBAR FOUND, NO IDENTIFICATION DOC. NO. 608280
- NO. 4 REBAR W/ PLASTIC CAP FOUND MARKED PLS NO. 62 DOC. NO. 608280
- 4x4 CONCRETE MONUMENT FOUND, PLS NO. 62 DOC. NO. 638160
- 4x4 CONCRETE MONUMENT FOUND MARKED PLS NO. 12 DOC. NO. 608280
- 4x4 CONC. MONUMENT W/ 1/2" REBAR FOUND NO IDENTIFICATION DOC. NO. 608280
- 4x4 CONCRETE MONUMENT FOUND NO IDENTIFICATION DOC. NO. 608280
- CHAIN LINK FENCE
- CONFLAGRATION STANDS
- WATER METER
- WOODEN POWER POLE

NOTES:

1. ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE IN METERS AND DECIMALS THEREOF, UNLESS OTHERWISE INDICATED
2. SURVEY WAS BASED ON FIELD PROPERTY CORNERS AS SHOWN
3. BEARINGS AND DISTANCE IN PARENTHESES ARE RECORD DATA. ALL OTHERS ARE THIS SURVEY
4. SUBJECT LOT ARE MULTI-ZONE "R1" MULTI-FAMILY RESIDENTIAL AS OF APPROVAL OF THIS MAP
5. SUBJECT LOTS ARE OUTSIDE THE NORTHERN AQUIFER

REFERENCES:

1. DRAWING NO. PRBM07-018 G.U.M. NO. 05-0704, RETRACEMENT SURVEY MAP OF LOT 2019-REM AS PREPARED BY PLS NO. 62, DOC. NO. 608280

CERTIFICATION

APPROVAL PURSUANT TO TITLE 21, GUAM CODE ANNOTATED, DIV. 3, CHAPTER 62, SUBDIVISION LAW

CARLOS R. UNTALAN, ACTING GUAM CHIEF PLANNER, ALTING — 02-04-08 DATE

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH TITLE 21, GUAM CODE ANNOTATED CHAPTER NO. 62 SECTION 3, SHOWN TO HYDRAULIC SYSTEM AND REGULATIONS THEREUNDER ON THIS 4TH DAY OF FEBRUARY, 20 08

PAUL L. SANTOS, PLS NO. 58, GUAM CHIEF SURVEYOR/CHIEF OF SURVEYS

I, PRUDENCIO R. BAUSTAS, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION THAT IT IS BASED ON A FIELD SURVEY MADE ON MAY 30, 2007 IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS, THAT I AM RESPONSIBLE FOR THE ACCURACY OF ALL DATA AND INFORMATION SHOWN HEREON, I ALSO CERTIFY THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED IN THE MAP

12-12-07 DATE

EXPIRATION SEPT 30 2008

CHECKED BY:

JUDY T. CRUZAN, DATE, SURVEYING TECHNICIAN, DPW

MARIA C. SOLIAN, DATE, PLANNER, DPW

REV	DATE	DESCRIPTION	BY	APPR'D

LOT 2019-REM
DEED OF TITLE NO. 60826
REC'D ON JUNE 14, 1988
IN NAME OF
ARCHBISHOP OF GUAM, A CORPORATION SOLE, ANTHONY SIMAN APAGA, D.D.V. CAP. 33, INCUMBENT

SATISFACTORY TO & APPROVED BY:
ANTHONY S. APAGA, ARCHBISHOP OF GUAM — DATE
FR. M. ROJAS

PRUDENCIO R. BAUSTAS AND ASSOC., INC., LAND SURVEYORS
DPS SURVEYING (AERIALTEC & AERICAN) MAPPING-DRAFTING SERVICES
CERTIFICATE OF AUTHORIZATION NO. 143
P.O. BOX 6278 TAMUNING GUAM 96931 TEL. 637-2042

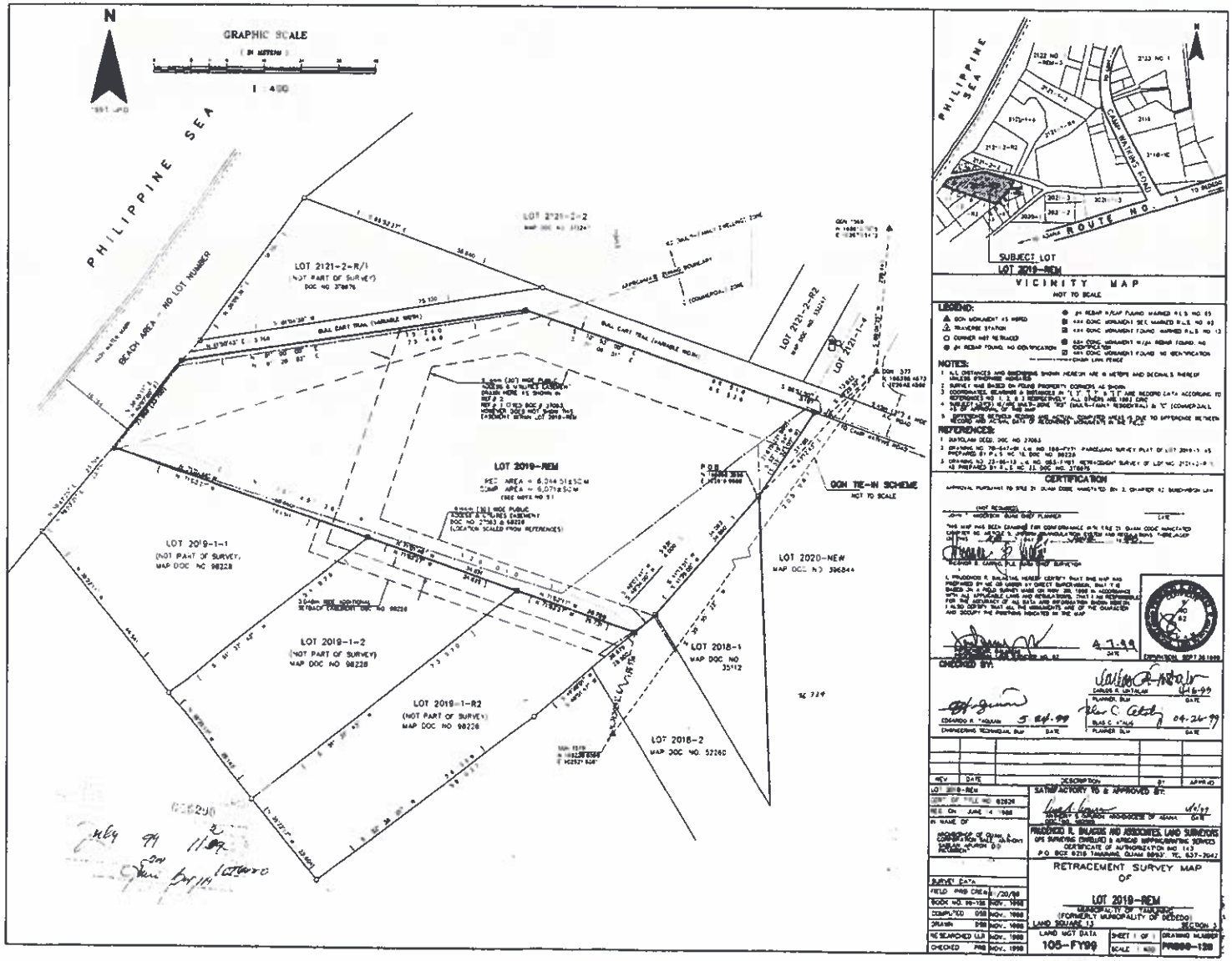
SURVEY DATA		
FIELD	PRB CREW	03/30/07
BOOK NO. 378-38	MAP	2007
COMPUTED	PRB	" "
DRAWN	JR	" "
RESEARCHED	JLR	" "
CHECKED	PRB	" "

DELETION & RELOCATION OF PUBLIC ACCESS & UTILITY EASEMENT SURVEY MAP WITHIN LOT 2019-REM

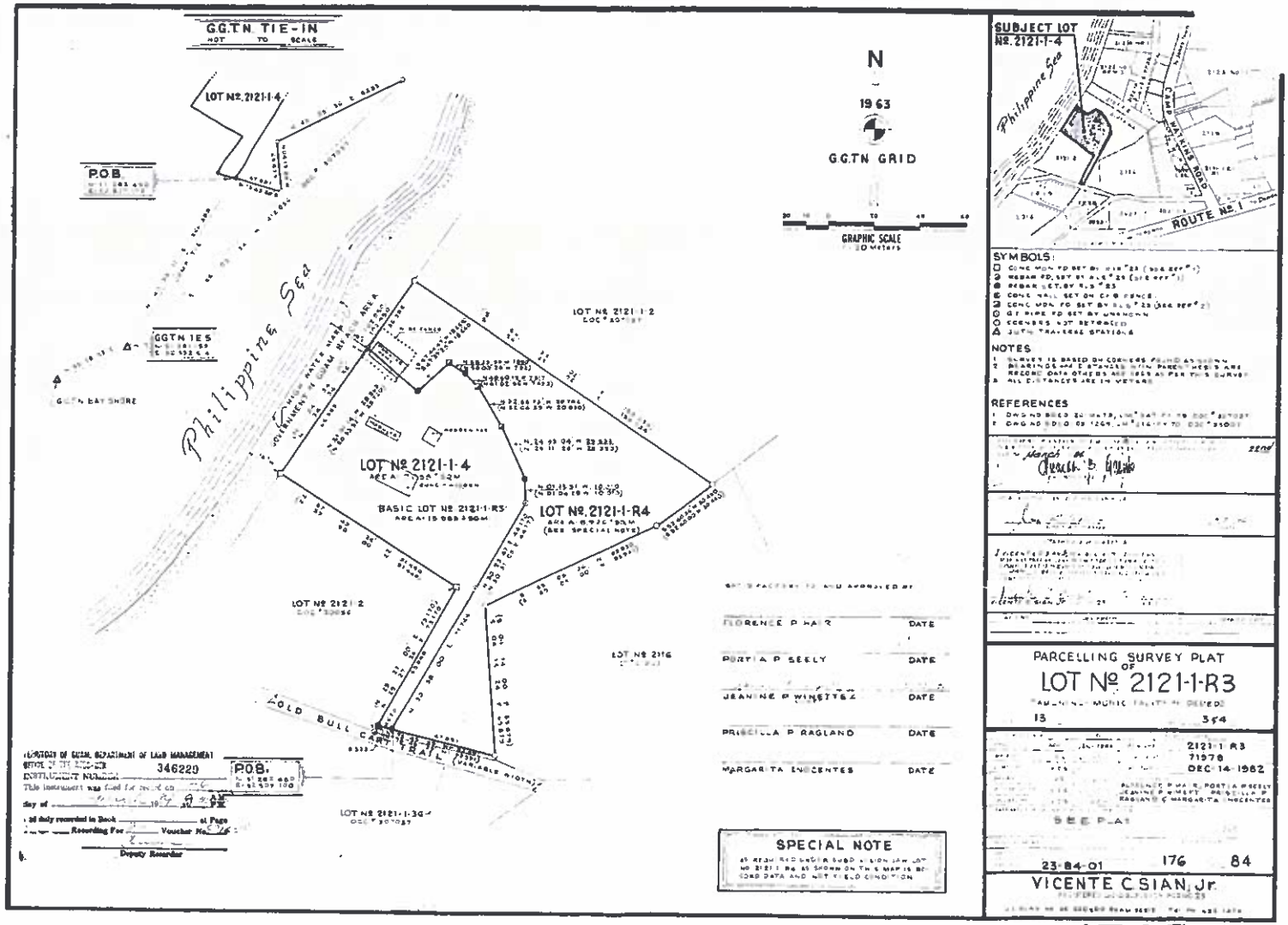
MUNICIPALITY OF TAMUNING
(FORMERLY MUNICIPALITY OF DEDEDO)
LAND SECTION 3 — SECTION 3

LAND MGT DATA	SHEET 1 OF 1	DRAWING NUMBER
010-FY2008	SCALE 1:400	PRB07-048

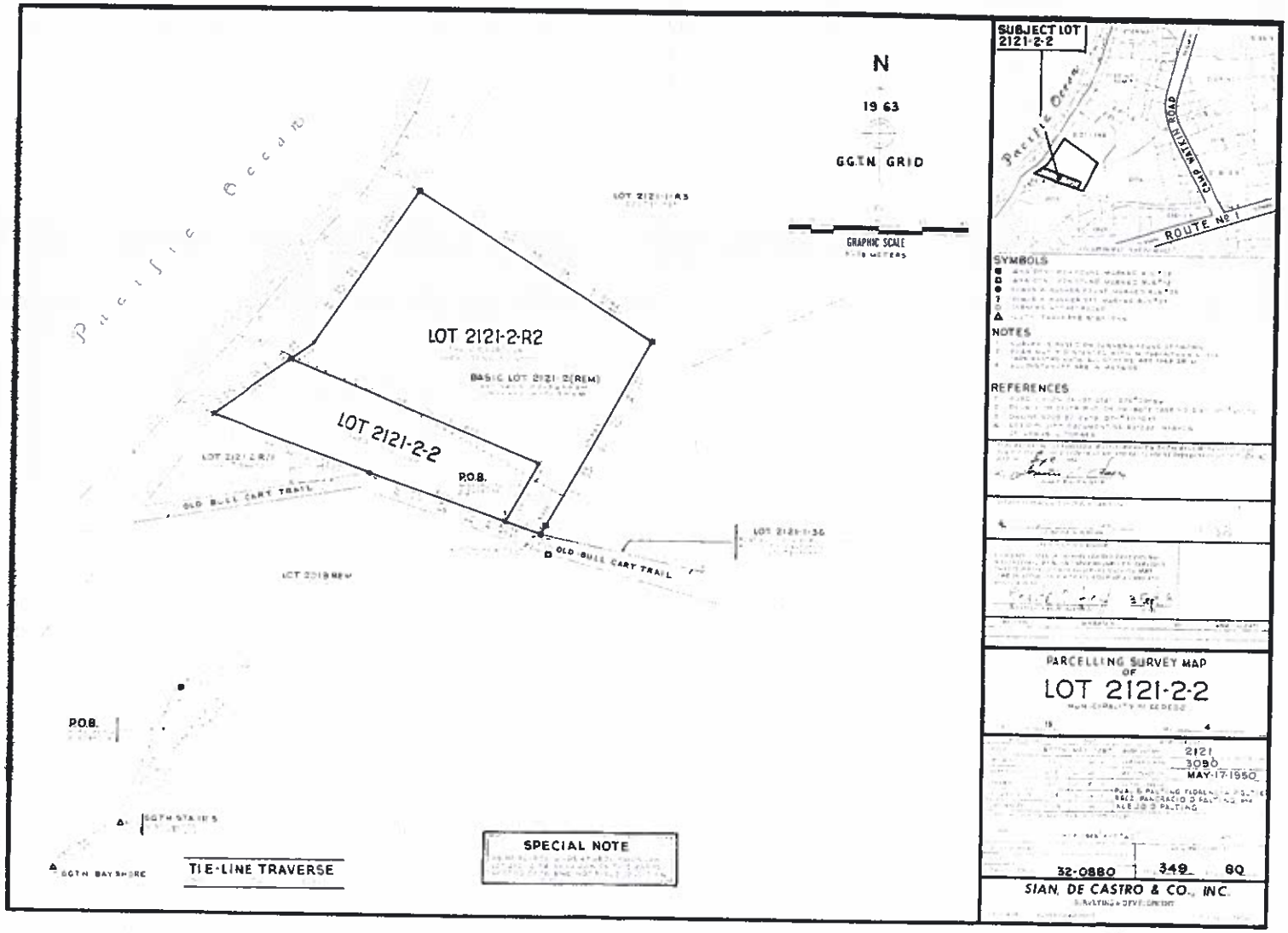
5-13181


N
GRAPHIC SCALE
1 : 400
PHILIPPINE SEA
BEACH AREA - NO LOT NUMBER
LOT 2121-2-R/1
(NOT PART OF SURVEY)
DOC NO 37876
LOT 2121-2-2
LOT 2121-2-R2
LOT 2121-1-4
BULL CART TRAIL (VARIABLE WIDTH)
LOT 2019-REM
P.O.B.
GGN TIE-IN SCHEME
NOT TO SCALE
LOT 2019-1-1
(NOT PART OF SURVEY)
MAP DOC NO 98228
LOT 2019-1-2
(NOT PART OF SURVEY)
MAP DOC NO 98228
LOT 2019-1-R2
(NOT PART OF SURVEY)
MAP DOC NO 98228
LOT 2020-NEW
MAP DOC NO 396844
LOT 2018-1
MAP DOC NO 35112
LOT 2018-2
MAP DOC NO. 52260
PHILIPPINE SEA
CAMP WATERS ROAD
ROUTE NO. 1
TO AGADA
SUBJECT LOT
LOT 2019-REM
VICINITY MAP
NOT TO SCALE
LEGEND:
NOTES:
REFERENCES:
CERTIFICATION
CHECKED BY:
SATISFACTORY TO & APPROVED BY:
RETRACEMENT SURVEY MAP
OF
LOT 2019-REM
MUNICIPALITY OF TAMUNING
(FORMERLY MUNICIPALITY OF DEDEDO)
LAND SQUARE 13
SECTION 3
LAND MGT DATA
105-FY99
SHEET 1 OF 1
DRAWING NUMBER
SCALE 1:400
PR000-120

4735


G.G.T.N. TIE-IN
NOT TO SCALE
LOT Nº 2121-1-4
P.O.B.
GGTN 1ES
GGTN BAY SHORE
Philippine Sea
LOT Nº 2121-1-2
LOT Nº 2121-1-4
BASIC LOT Nº 2121-1-R3
LOT Nº 2121-1-R4
(SEE SPECIAL NOTE)
LOT Nº 2121-1-2
LOT Nº 2116
OLD BULL CARABAO TRAIL
LOT Nº 2121-1-3G
346220
P.O.B.
N
1963
G.G.T.N. GRID
GRAPHIC SCALE
SPECIAL NOTE
FLORENCE P. HAIR
DATE
PORTIA P. SEELY
DATE
JEANINE P. WINETT & Z
DATE
PRISCILLA P. RAGLAND
DATE
MARGARITA INCENTES
DATE
SUBJECT LOT
Nº 2121-1-4
Philippine Sea
ROUTE Nº 1
SYMBOLS:
NOTES
REFERENCES
PARCELLING SURVEY PLAT
OF
LOT Nº 2121-1-R3
13
354
2121-1-R3
71978
DEC 14 1982
SEE PLAT
23-84-01
176
84
VICENTE C. SIAN, Jr.

4735


N
1963
GG.T.N. GRID
GRAPHIC SCALE
Pacific Ocean
LOT 2121-2-R2
BASIC LOT 2121-2(REM)
LOT 2121-2-2
P.O.B.
OLD BULL CART TRAIL
LOT 2121-1-36
LOT 2121-1-R3
LOT 2121-2-R1
LOT 2121-2-R2
P.O.B.
SOTH STATION
SOTH BAYSHORE
TIE-LINE TRAVERSE
SPECIAL NOTE
SUBJECT LOT 2121-2-2
Pacific Ocean
CAMP WATKIN ROAD
ROUTE No 1
SYMBOLS
NOTES
REFERENCES
PARCELLING SURVEY MAP OF
LOT 2121-2-2
2121
3090
MAY-17-1950
32-0880
349
80
SIAN, DE CASTRO & CO., INC.

3653

3653

Government of Guam

Date 07 10 30 Time 10:55AM

Deputy Recorder

MARIA L. NGATA

==========

(Space above for Recordation)

"Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply to the application for Zone Change."

GUAM LAND USE COMMISSION
Department of Land Management
Government of Guam
Hagatna, Guam 96910

2008

NOTICE OF ACTION

August 29, 2007
Date

To: **Archbishop Anthony Sablan Apuron, OFM., Cap., DD, c/o Rosario and Associates, Inc.**

[redacted]

Application No. 2007-38

The Guam Land Use Commission, at its regular scheduled meeting on **August 9, 2007.**

___ Approved ___ Disapproved

_X_ **Approved with Conditions** ___ Tabled

your request on **Lot 2019-REM, Municipality of Tamuning**, Guam for a

___ Zone Change** _X_ **Subdivision Variance**
To delete, relocate, and modify the existing easement within the subject lot

___ Zone Variance
[ ] Height
[ ] Setback

___ Tentative Subdivision

==========

**Approval by the Guam Land Use Commission of a Zone Change DOES NOT CONSTITUTE FINAL APPROVAL but rather a recommendation to the Governor for his approval. Notification will be sent upon action taken by the Governor. [Ref: 21 GCA (Real Property), Chapter 6 (Zoning Law), Section 61634 (Decision by the Commission).]

APPLICATION DESCRIPTION: The Applicant, **Archbishop Anthony Sablan Apuron, OMF, Cap. D.D., Application No. 2007-038 c/o Rosario and Associates, Inc.,** is requesting for a **Subdivision Variance** to delete, relocate, and modify the existing easement within Lot 2019-REM in the Municipality of Tamuning in an "R-2" (Multi-Family Dwelling) Zone.

CONDITIONS: The Guam Land Use Commission **Approved** the application for a **Subdivision Variance** with the following conditions:

GLUC: The Commissioners approved the proposed deletion and modification of the easement within the property, provided that the applicant modify the existing Bull Cart Trail to a 30-foot easement to run along the eastern portion of the northern boundary of Lot 2019-REM, northwest to the northeastern corner of Lot 2121-2R/1: and also provide a 30-foot easement to run from the southeastern portion boundary of Lot 2019-REM to run along to the east corner boundary of Lot 2019-1-1; and also disregard the proposed 25-foot by 20-foot hammerhead easement at the northeast corner of Lot 2019-1-1, instead a modification of the proposed easement along the southern boundary from 15 feet to 5 feet that will run to the northeastern corner boundary of Lot 2019-1-1 (see attached commission approved map sketch). This will provide adequate public and government services access. That the applicant adhere to all ARC conditions and requirements as stipulated on their position statements.

DLM: Planning staff recommends approval of the modification of the existing Bull Cart Trail along the eastern portion of the northern boundary of Lot 2019-REM, and also the deletion and modification of the easement along the southern boundary from (fifteen)15 feet to (five) 5 feet that will run to the northeastern corner boundary of Lot 2019-1-1 and the proposed (modified) hammerhead easement noted on the sketch (to be disregarded) in order to ensure adequate public services is provided by DPW, GFD, GPD, etc. Staff also recommends that the applicant adhere to all ARC conditions and requirements as stipulated on their position statements.

DPW: Department of Public Works (DPW Building Permits & Inspection Section recommends approval.

GWA: Guam Waterworks Authority has reviewed the subject application and has no objection to the applicant's request. Any line extensions of water and sewer lines will be at the owner's or developer's expense.

Guam Power Authority: Has reviewed the application described above and submits the following position:

A. Comments and Recommendations Concerning GPA requirements:

1. GPA has no objection, however customer is required to comply with the following pursuant to the National Electrical Safety Code and GPA's Service Rules and Regulations;

   - Coordinate overhead/underground power requirements with GPA Engineering for new structures and/or additional meters.

   - Maintain minimum clearances between structures and electrical utility easements and lines in accordance with NESC and GPA requirements.
     Secure electric utility easements as required.

   - Provide scheduling and magnitude of project power demand requirements for new loads.

   - All relocation costs for GPA facilities, if necessary, are 100% chargeable to the applicant including but not limited to labor and materials.

2. Distribution line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of the GPA's Service Rules and Regulations.

B. General Comments: GPA has no objection to the request subject to the conditions cited above.

Department of Parks and Recreation: Has cited that their records indicate no historical properties within the lot and no surface disturbance is expected if approval is granted. Therefore, our determination is " No Historical Properties Affected" and recommend approval of the application.

09-17-07		10-25-07	
Carlos R. Untalan **Guam Chief Planner,** **Acting**	**Date**	**Jay L. Lather** **Chairman, GLUC**	**Date**

Case Planner: Penmer C. Gulac
Attachment(s): ARC Distribution List/Findings of Fact
cc: Building Permits Section, DPW (Attn: Mr. Jesus Ninete, Sr.)

CERTIFICATION OF UNDERSTANDING

I/We,_____ / _____
(Applicant, pls. print) *(Representative - pls. print*
understand that pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change. The Commission may grant two (2) one-year extensions of the above approval period at the time of initial approval.

I/We, further agree and accept the conditions above as a part of the Notice of Action, and further agree to adhere to any and all conditions made a part of and attached to this Notice of Action as mandated by the approval of the Guam Land Use Commission/Guam Seashore Protection Commission.

_____
Signature of Applicant or Signature of Representative

_____
Date:

****

ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:

_____
Applicant or Representative / Date

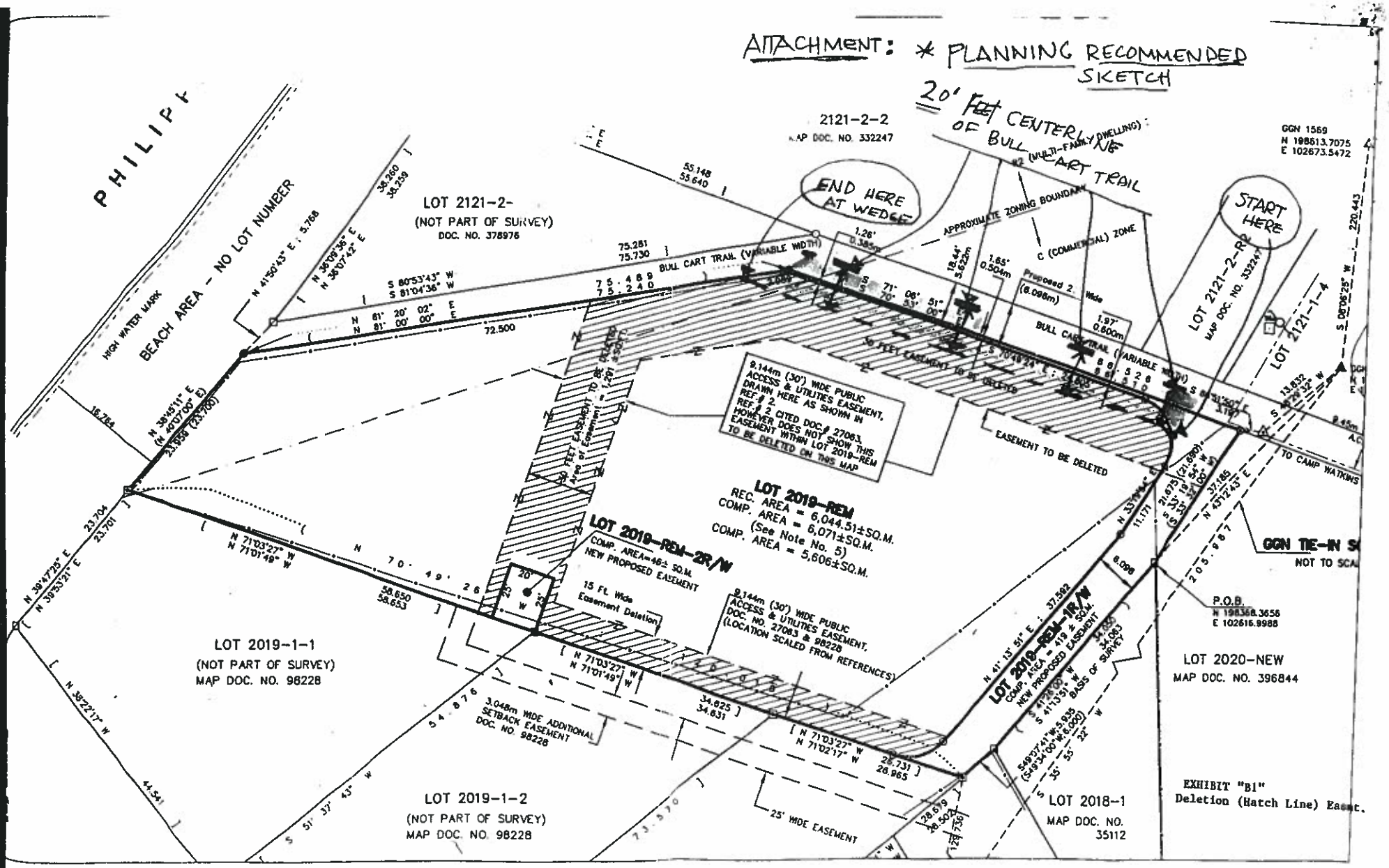
Re: Application No. 2007-038

Attachment

Application Review Committee
(Re: Gov's Directive; Dec 1992)

Department	Signature of Representative	Date Received
Department of Public Works		
Guam Environmental Protection Agency		
Bureau of Statistics and Plans		
Department of Agriculture		
Guam Waterworks Authority		
Guam Power Authority		
Department of Parks & Recreation		
Guam Economic Development and Commerce Authority		
Department of Chamorro Affairs (Ex-Officio)		
Guam Fire Department (Ex-Officio)		
Department of Public Health & Social Services (Ex-Officio)		
Guam Public School System (Ex-Officio)		

ATTACHMENT: * PLANNING RECOMMENDED SKETCH



ATTACHMENT 2007-0398

of Land Management for the extinguishment of ancestral land claims. All such lands shall be described, surveyed and mapped, and that information shall be sent to the Guam Ancestral Lands Commission to be recorded in the Excess Lands Registry.

SOURCE: GC § 13503 repealed and reenacted by P.L. 12-226. P.L. 12-226 provided that effective date of GC § 13503(b) was January 1, 1975. Subsection (a) amended by P.L. 22-18:5. Subsection (b) amended by P.L. 25-45:5.

§ 75104.1. Transfer of Lot No. 237-6-1, Agaña.

[Repealed].

SOURCE: Added by P.L. 22-152:6 (12/29/94). Repealed by P.L. 30-074:2 (Nov. 27, 2009).

§ 75105. Control by Commission of Available Lands; Return to Department.

Upon and after the enactment of this Chapter, all available lands shall immediately assume the status of Chamorro homelands and shall be under the control of the Commission to be used and disposed of in accordance with the provisions of this Chapter, except that:

(a) In case any government land is under lease, permit or agreement at the enactment of this Chapter, such land shall not assume the status of Chamorro homelands until the lease, permit or agreement expires or the lands are withdrawn from the operation of the lease, permit or agreement. If the land is covered by a lease, permit or agreement containing a withdrawal clause, the department shall withdraw such lands from the operation of the lease permit or agreement whenever the Commission gives notice to it that the lands are required by it for the purposes of this Chapter.

(b) Any available land as may not be immediately needed for the purposes of this Chapter, may be returned to the department for management. Any Chamorro homelands so returned may be disposed of under a general lease only. Each such lease, whether or not stipulated therein, shall be deemed made subject to the right and duty of the department to terminate the lease and return the lands to the Commission whenever the Commission gives notice that

the lands are required by it for the purposes of this Chapter. However, no lease shall be made for a term to exceed twenty-five (25%) years. All income arising out of any lease or license entered into under this subsection shall be credited to and deposited in the Chamorro Home Loan Fund.

(c) The Department, with the approval of the Commission, or the Commission may sell to any contiguous landowner any fractional lot placed under its management which was created by the adoption of the standard block system, or bull cart trails that no longer serve the transportation function originally intended. The Chamorro Land Trust Commission *shall* offer any such land for sale to any contiguous landowner of such property, on written application of such owner, provided:

(1) that the land is not contiguous to government property, does not serve as a utility easement, or does not provide access to natural resources;

(2) that the sale price is based on the appraised fair market value having due regard to the fair market value of contiguous properties, and that the price be paid in full in cash equivalent;

(3) that if the property extends into property other than that belonging to the applicant, that the property to be sold *shall* be subdivided to align with the borders of such adjacent owners;

(4) that notice of the application *shall* be given to all owners of land within five hundred (500) feet adjacent to the applicant's land;

(5) that where the land to be sold adjoins land in addition to the applicant's land, and such adjacent owner timely objects to the application, the land *shall* be sold by the highest cash price bid at an auction conducted, to include the applicant and any other adjacent owner objecting, it being a condition of sale that the highest price bid is not less than the appraised fair market value; and

(6) that unless expressly provided otherwise, any use of the term "owner," in relation to interests in real property, in this Title, as well as any derivative thereof, including, but not limited to, "landowner" or "property owner," is presumed to mean an owner in fee simple or absolute fee, and to exclude any other estate or interest therein.

(d) In the management of any retained available lands not required for leasing under § 75107, the Commission may lease or license such lands to the general public. Any lease or license made under this subsection shall comply with the conditions of subsection (b) above.

(e) The Commission may, in order to consolidate its holdings or to better effectuate the purposes of this Chapter, exchange the title to available lands for land of an equal value. All lands so acquired by the Commission shall assume the status of available lands as though the same were originally designated as such under § 75104.

(f) The Commission shall not lease or license any available land until it is registered under the provisions of Chapter 29 of this Title (Land Title Registration Law).

(g) The Commission shall utilize Lot No. 382-R1, Inarajan, containing an area of 304.76 acres and being Chamorro Homelands, only for affordable housing

SOURCE: GC § 13504 repealed and reenacted by P.L. 12-226. Subsection (g) added by P.L. 22-18:6. Subsection (c) amended by P.L. 33-090:2 (Nov. 9, 2015).

§ 75106. Other Officers Not to Control Chamorro Homelands; Exception.

The powers and duties of the Governor and the department with respect to lands of the territory shall not extend to lands having the status of Chamorro homelands except as specifically provided for in this Chapter.

SOURCE: GC § 13505 repealed and reenacted by P.L. 12-226.

§ 75107. Leases to Chamorro, Licenses.

1 12-80

1.

December 22, 1980

Memorandum

To: Director of Land Management

From: Assistant Attorney General

Subject: Bull Cart Trails

Civil Code Section 670 provides that:

> "The government of Guam is the owner of . . . all [REAL] property lawfully appropriated by it to its own use; of all property dedicated to the government; and of all property of which there is no other owner."

Bull cart trails fall within the above definition as land lawfully appropriated by the government to its own use.

As no one but the Government of Guam owns bull cart trails, there is no need to go through land registration proceedings, and there is no reason why the Government of Guam cannot issue a certificate of title to any person who purchases a bull cart trail from the Government of Guam.

ROLAND FAIRFIELD

GOVERNMENT OF GUAM
AGANA, GUAM 96910

December 22, 1980

RECEIVED
DEC 22 1980
Department of Land Management

Memorandum

To: Director of Land Management

From: Assistant Attorney General

Subject: Bull Cart Trails

Civil Code Section 670 provides that:

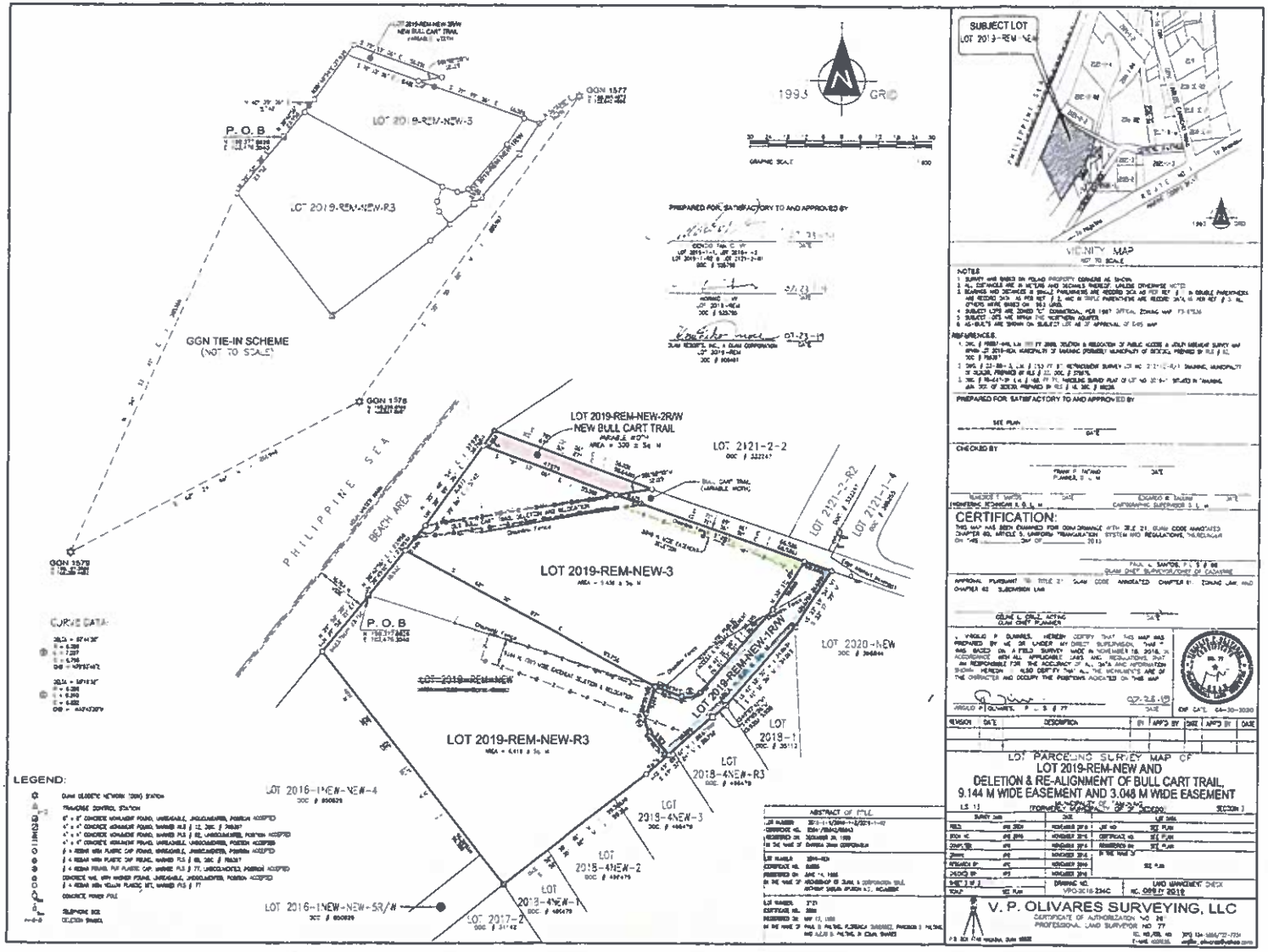
> "The government of Guam is the owner of . . . all [REAL] property lawfully appropriated by it to its own use; of all property dedicated to the government; and of all property of which there is no other owner."

Bull cart trails fall within the above definition as land lawfully appropriated by the government to its own use.

As no one but the Government of Guam owns bull cart trails, there is no need to go through land registration proceedings, and there is no reason why the Government of Guam cannot issue a certificate of title to any person who purchases a bull cart trail from the Government of Guam.

Roland Fairfield
ROLAND FAIRFIELD

24
19103


LOT 2019-REM-NEW-3
LOT 2019-REM-NEW-R3
P.O.B
GGN 1577
GGN 1576
GGN 1578
GGN TIE-IN SCHEME
(NOT TO SCALE)
1993 GRID
GRAPHIC SCALE
PHILIPPINE SEA
BEACH AREA
LOT 2019-REM-NEW-2R/W
NEW BULL CART TRAIL
LOT 2121-2-2
LOT 2121-2-R2
LOT 2121-1-4
LOT 2019-REM-NEW-3
LOT 2019-REM-NEW-1R/W
LOT 2020-NEW
LOT 2019-REM-NEW-R3
LOT 2019-1
LOT 2018-4NEW-R3
LOT 2018-4NEW-3
LOT 2018-4NEW-2
LOT 2018-4NEW-1
LOT 2017-2
LOT 2016-1NEW-NEW-4
LOT 2016-1NEW-NEW-5R/W
CURVE DATA
LEGEND:
SUBJECT LOT
LOT 2019-REM-NEW
VICINITY MAP
NOT TO SCALE
NOTES
REFERENCES
PREPARED FOR SATISFACTORY TO AND APPROVED BY
CHECKED BY
CERTIFICATION:
REVISION DATE DESCRIPTION BY APP'D BY DATE APP'D BY DATE
LOT PARCELING SURVEY MAP OF
LOT 2019-REM-NEW AND
DELETION & RE-ALIGNMENT OF BULL CART TRAIL,
9.144 M WIDE EASEMENT AND 3.048 M WIDE EASEMENT
V. P. OLIVARES SURVEYING, LLC
CERTIFICATE OF AUTHORIZATION NO. 24
PROFESSIONAL LAND SURVEYOR NO. 77

ATTACHMENT B

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

LOURDES A. LEON GUERRERO
Governor

JOSHUA F. TENORIO
Lieutenant Governor

JOSEPH M. BORJA
Director

Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

January 26, 2021

MEMORANDUM

TO: Chairperson, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Staff Report -Application No. 2021-02

RE: DLM Map 147FY2019

1. **PURPOSE:**

A. **Application Summary:** The applicant, JN Development, Inc. represented by Harry D. Gutierrez, is requesting approval to subdivide Lot 7126-2, (total of 27 lots), in the Municipality of Yigo, under DLM Map 147FY2019, pursuant to PL 28-126, Section 1(a).

B. **Legal Authority:** Public Law 28-126, Section 1(a), and guidelines for Certification Process of March 06, 2007.

2. **FACTS:**

A. **Location.** Subject lot occurs in Yigo, off Chalan Emsley onto Chalan Plumerian Kattan. It is approximately 0.85 miles from Chalan Plumerian Kattan to the intersection of Chalan Emsley and Route 1.

B. **Lot area size.** Minimum lot area requirement for lots without availability to public sewer is 19,200 Square Feet or 1,784 Square Meters. All proposed lots meet minimum requirements. Lot area sizes are as follows:

TABLE 1

No.	Proposed Lot Number	Square Meters	Square Feet	Acreage
1	Lot 2126-2-1R/W	3,646	39,245	0.90
2	Lot 2126-2-2	1,784	19,202	0.44
3	Lot 2126-2-3	1,784	19,202	0.44
4	Lot 2126-2-4	1,784	19,202	0.44

5	Lot 2126-2-5	1,784	19,202	0.44
6	Lot 2126-2-6	1,784	19,202	0.44
7	Lot 2126-2-7	1,784	19,202	0.44
8	Lot 2126-2-8	1,784	19,202	0.44
9	Lot 2126-2-9	1,784	19,202	0.44
10	Lot 2126-2-10	1,784	19,202	0.44
11	Lot 2126-2-11	1,784	19,202	0.44
12	Lot 2126-2-12	1,784	19,202	0.44
13	Lot 2126-2-13	1,784	19,202	0.44
14	Lot 2126-2-14	1,784	19,202	0.44
15	Lot 2126-2-15	1,784	19,202	0.44
16	Lot 2126-2-16	1,784	19,202	0.44
17	Lot 2126-2-17	1,784	19,202	0.44
18	Lot 2126-2-18	1,784	19,202	0.44
19	Lot 2126-2-19	1,784	19,202	0.44
20	Lot 2126-2-20	1,784	19,202	0.44
21	Lot 2126-2-21	1,784	19,202	0.44
22	Lot 2126-2-22	1,784	19,202	0.44
23	Lot 2126-2-23	1,784	19,202	0.44
24	Lot 2126-2-24	1,784	19,202	0.44
25	Lot 2126-2-25	1,784	19,202	0.44
26	Lot 2126-2-26	1,784	19,202	0.44
27	Lot 2126-2-R26	1,784	19,202	0.44
	TOTAL	50,030	538,497	12.34

C. **Present Zoning.** Subject property is zone "A" (Rural-Agricultural) pursuant to Official zoning Map of Guam No. F3-67S41.

3. **APPLICATION CHORNOLOGICAL FACTS:**

   a. **Previous Commission Actions.** None.
   b. **Date Heard by ARC.** N/A.
   c. **Public Hearing and Results.** N/A.

4. **DISCUSSION:**

Public Law 28-126 Section 1(a) requires that the Commission *"shall not approve a survey map for any subdivision of any kind, including agricultural subdivisions, unless all of the following government officials have certified in writing that the proposed map meets the requirements if Title 21 G.C. A. Chapter 62."* This map is being submitted as an "Agricultural Subdivision Survey" since the primary purpose is to sell the individual lots.

Doc. No. 36GL-21-0391.*

The following 7 required government officials have affixed their certification as follows:

TABLE 2			
NO.	**AGENCY**	**OFFICIAL**	**CERTIFICATION DATE**
1	DLM	Director	Pending Approval by GLUC
2	DLM	Chief Planner	Pending Approval by GLUC
3	DPW	Director	Signed per sheet 1 on 7/1/2020
4	DPW	Chief Engineer	**Not affixed as of this date. Noted as Condition of approval item 2.**
5	GEPA	Administrator	Signed per sheet 1 on 6/7/2020
6	GFD	Guam Fire Chief	Signed per sheet 1 on 9/19/2019
7	DRT	Real Estate Commissioner	Signed per sheet 1 on 9/17/2019

The map presented for your review contains all of the required certifications *save for* the certification of the Chief Engineer of the Department of Public Works.

The fifteen (15) interior lots of the proposed subdivision are serviced by a thirty-two feet (32') wide right of way. The remaining eleven (11) lots are serviced by a fifty-feet (50') wide right of way. Each lot is designed to have access and to cause every lot to abut a roadway right of way pursuant to Title 21, Chapter 62, Subdivision Law, § 62108 (b), either through Lot 7126-2-1R/W, Chalan Plumerian Kattan, or a documented fifty-feet (50') wide Public Access and Utilities Right of Way (Doc No 111698).

5. **STAFF RECOMMENDATION:**

We recommend **Approval with Conditions** as follows:

1. That the applicant complies with all conditions noted on the cover sheet 1 of 2 on the map (DLM 147FY2019) and as additionally required by Government of Guam permitting agencies;
2. That the Certification and signature of the Chief Engineer of the Department of Public Works are placed on sheet 1 of 2 on the map (DLM 147FY2019) pursuant to PL 28-126 Section 1;
3. That, irrespective of ownership, any future modifications to the parcels such as consolidation and re-subdivision, or any other methods of

Doc. No. 36GL-21-0391.*

subdividing said parcels must be subjected to the Guam Land Use Commission's review prior to map approval;

4. That no ownership rights or title to any lots shall be transferred unless the required improvements such as water, power and road improvements are in place and ready to service any development on the lots; and
5. That pursuant to Section 5 of Executive Order 96-26, the Developer must apply for and receive a building or grading permit for the approved GLUC project within one (1) year of the date of recordation of the Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire.

Celine L. Cruz

Attachment

Doc. No. 36GL-21-0391.*

Application No.:	2021-02
Agricultural Subdivision Map Review	
JN Development, Inc.	
Accepted Date:	30-Dec-20
Case Planner:	Frank Taitano

HARRY D. GUT
CONSULTA
#119 Gutierre
Agana Heights, G

December 30, 2020

Executive Secretary
Guam Land Use Commission
590 S.Marine Corps Drive
Tamuning, Guam 96913

DEC 30 2020
1/5/21

Bueñas Yan Hafa Adai:

I am representing Jay Wan, authorized representative of JN Development, Inc., in its submittal of its Agricultural Subdivision Map on Lot 7126-2, Municipality of Yigo.

Pursuant to PL 28-126, Section 1(a), this map must be subjected to the review of 7-Government of Guam Agencies namely, Director, Department of Land Management, Chief Planner, Department of Land Management, Administrator, Guam Environmental Protection Agency, Guam Fire Chief, Director, Department of Public Works, Chief Engineer, Department of Public Works and the Real Estate Commissioner.

There are two (2) items that I need to bring to your attention prior to the map being submitted to the Guam Land Use Commission:

1st - The map has yet to be sign by the Director, DLM as well as the Chief Planner, Planning Division, DLM. Pursuant to the *"Guidelines Certification Process per PL 28-126,Section 1(a)"* approved in March 2007, the first "certification signatures" required is the Director, DLM and the Chief Planner, DLM. Perhaps this was an oversight however, these two signatures must be annotated on the map prior to review by the Guam Land Use Commission.

2nd - The signature of the Chief Engineer, Department of Public Works is not shown on the map. It is my understanding that there is no Chief Engineer at Public Works.

All remaining Government of Guam Director(s) or Administrator(s) per PL 28-126, Section 1(a) have certified the map as shown by their signatures.

I am requesting that this Agricultural Subdivision Map, Map No. 147 FY 2019, be expeditiously scheduled for the Guam Land Use Commission's review.

Provided with this letter are the map and supporting documents.

Thank you for your prompt action and look forward to the Guam Land Use Commission hearing.

Respectfully,

Harry D. Gutierrez
Consultant

Enclosures

HARRY D. GUTIERREZ
CONSULTANT
#119 Gutierrez Way
Agana Heights, Guam 96932

December 30, 2020

RECEIVED
DEC 30 2020
1-5-21

Chairman
Guam Land Use Commission
590 S.Marine Corps Drive
Tamuning, Guam 96913

Bueñas Yan Hafa Adai, Mr. Chairman:

I am representing Jay Wan, authorized representative of JN Development, Inc., in its submittal of its Agricultural Subdivision Map No. 147 FY 2019 on Basic Lot 7126-2, Municipality of Yigo.

Pursuant to PL 28-126, Section 1(a), this map must be subjected to the review of 7-Government of Guam Agencies namely, Director, Department of Land Management, Chief Planner, Department of Land Management, Administrator, Guam Environmental Protection Agency, Guam Fire Chief, Director, Department of Public Works, Chief Engineer, Department of Public Works and the Real Estate Commissioner. Their certifications are shown on the cover sheet of the map.

Submitted with this Letter are supporting information pertinent to the review of this Agricultural Subdivision Map.

I look forward for the Commission's favorable review and I will be available at any official hearing venue to answer any questions or provide clarification.

I can be contacted at 482-5315 (cell); email: harry.gutierrez@yahoo.com.

Respectfully,

Harry D. Gutierrez
Consultant

Enclosures

AGRICULTURAL SUBDIVISION
OF
LOT 7126-2
MUNICIPALITY OF YIGO

PROJECT SUPPORTING INFORMATION

1. **OWNER:** JN Development, Inc. by Jay Wan, its duly Authorized Representative.

2. **LOT DESIGNATION:** Lot 7126-2.

3. **ZONING:** "A" Agriculture.

4. **ENVIRONMENTAL FACTOR:** The propose Agricultural Subdivision is located within the Northern Water Lens (Groundwater Protection Zone).

5. **PROJECT LOCATION:** **(See ATTACHMENT 1)**. The subdivision is in the Municipality of Yigo.

6. **TOTAL LOTS CREATED: (See ATTACHMENT 2 – TABLE – Lot Area Sizes and Purpose).**

   A. The Acreage of the project property prior to subdividing is as follows:

   Total Acreage: **50,030 sm** or **538,516.41 sf** or **13.46 acres**.

   B. There is a total of 27-Lots. Of these, 1-Lot (Lot 7126-2-1R/W) is reserved for road right-of-way and 1-Lot (Lot 7126-2-13) is reserved for a "Ponding Basin".

   C. Lot Area Size. All of the lots are at 1,784 sm or 19,200 sf. This lot area size is the minimum allowable since it is located within the Northern Water Lens and sewer is not available.

7. **ACCESS:** Total lot area size for the roadway right-of-way is as follows:

   A. Square Meters: **3,646** Square Feet: **39,245.07** Acres: **.98**

   B. A stabilized coral base compacted roadbed is planned and is the minimum acceptable improvement.

PROJECT SUPPORTING INFORMATION CONT'D

C. The width of the internal road right-of-way within the subdivision is at Thirty-Two (32') Feet. The minimum per 21 GCA, Chapter 62, §62108(b) is twenty (20') feet. However, the 32' feet width road right-of-way is generally the acceptable width that Department of Public Works has asked to be maintained. Road Lot 7126-1-R/W was severed at 25' wide. This was combined with the

D. This road right-of-way connects to the collector road (Chalan Emsley); and in-turn, Chalan Emsley intersects and connects with Route 9, a major arterial road.

7. UTILITIES:

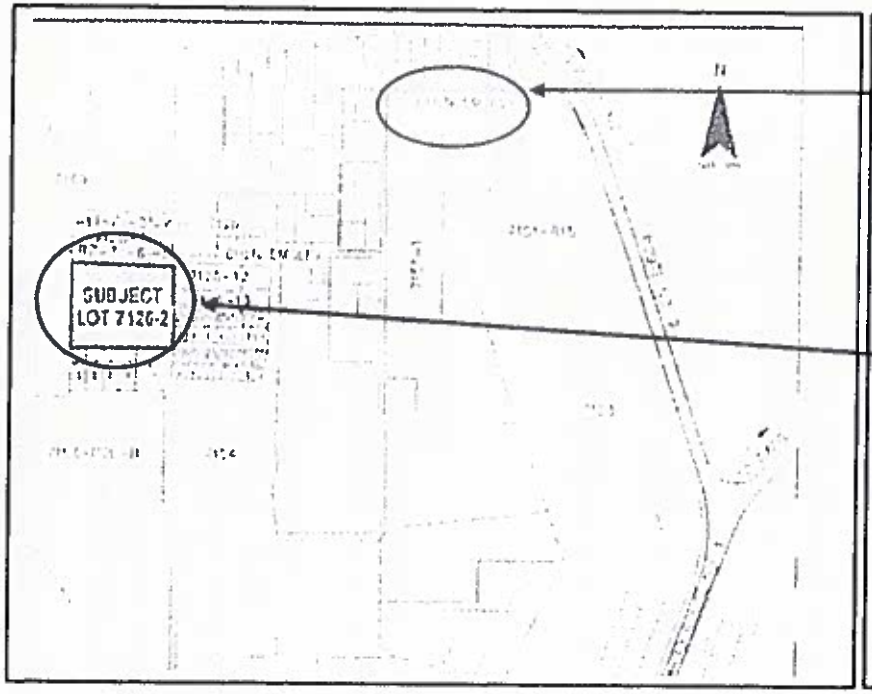
A. Power: Public Power is available along Lot 7126-2-1R/W.

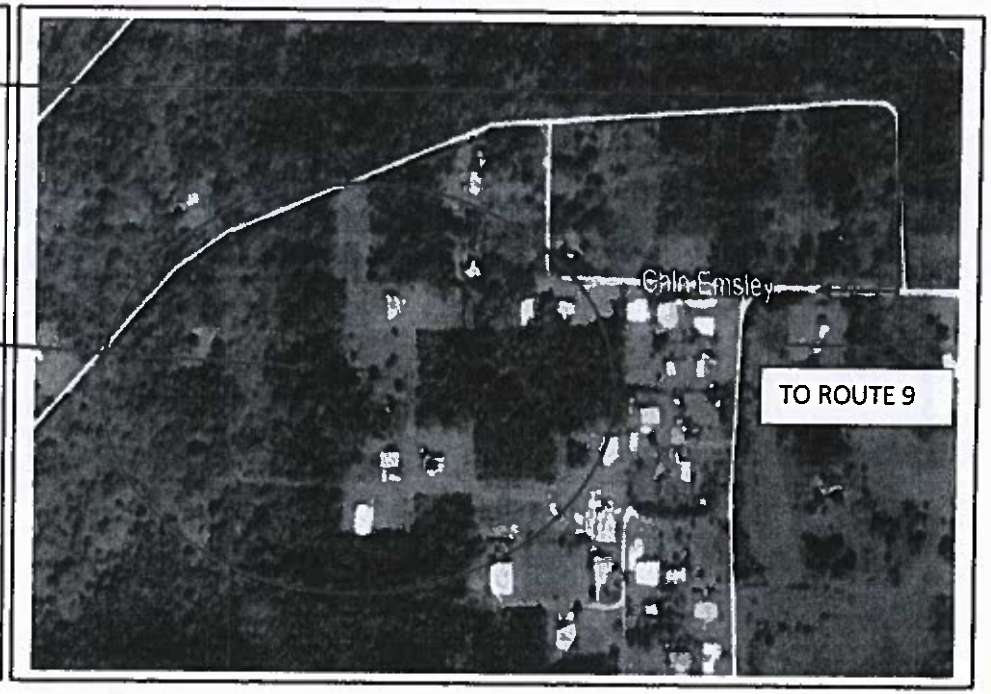
B. Water: Public Water is available and will be extended into the subdivision.

C. Sewer: As was previously mentioned above, is not available and thus the creation of larger acreage lot e.g., 19,200 square feet.

All other specific requirements that further supports improvements or minimizes effects on the environment are specified under the conditions certified by the affected Government of Guam Agencies as indicated on the cover sheet of the map.

Doc. No. 36GL-21-0391.*





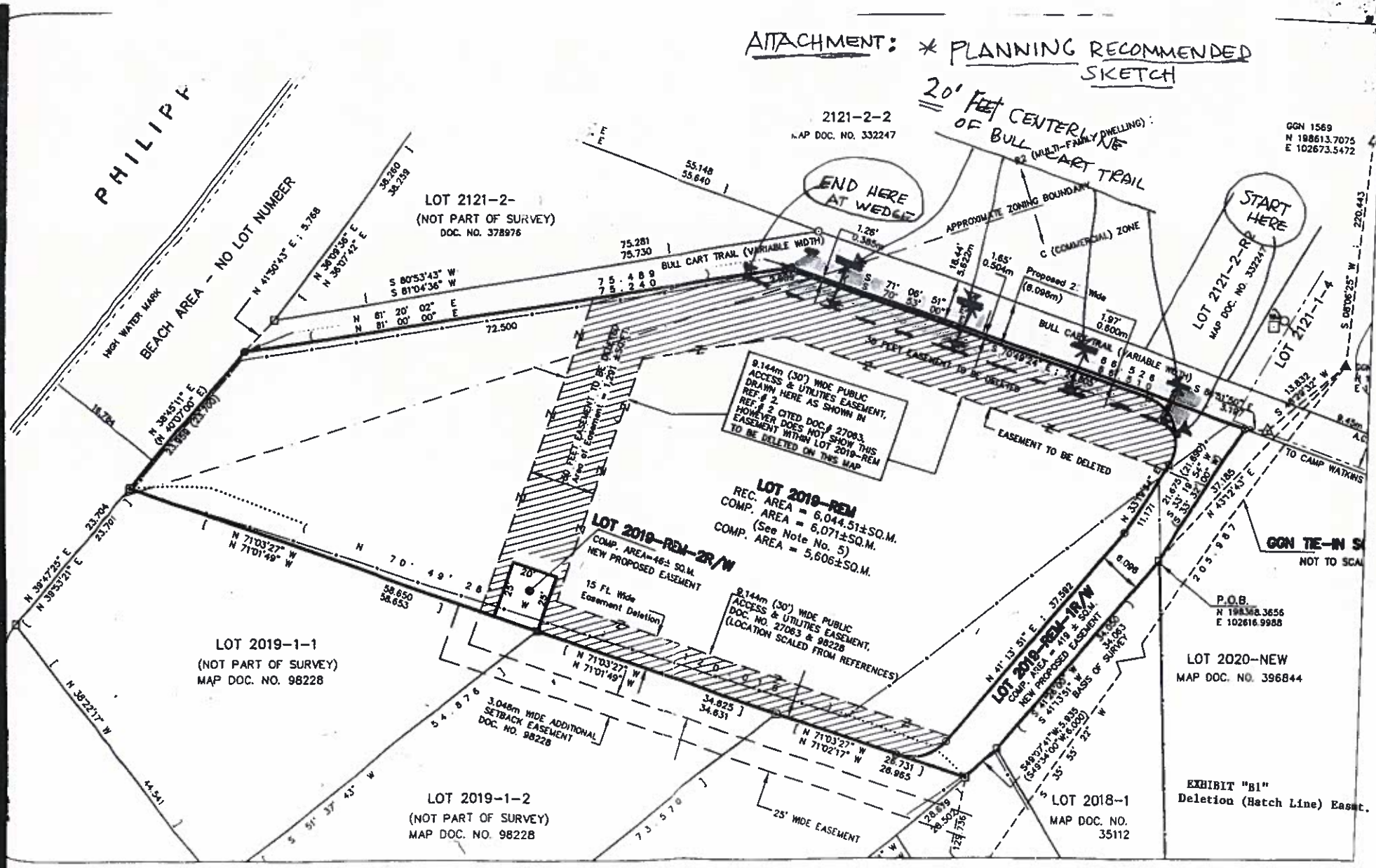
ATTACHMENT 1
(GENERAL PROJECT LOCATION)

TABLE
LOT AREA SIZE AND PURPOSE

	A	B		C	D
	LOT	LOT AREA SIZE SM	SF	PURPOSE	REMARKS
1	Basic Lot 7126-2	50,030	538,516.41		Prior to Subdivision
2	7126-2-2 thru 7126-2-13; 7126-2-15 thru 7126-2-R26	1,784	19,200	House Lots	Total of 25 House Lots
3	7126-2-1R/W	3,646	39,245	1-Lot Road Right-of-Way	Internal Subdivision width of R/W at 32': 7.620m or 25' was severed and join together with the existing collector road.
4	7126-3-14	1,784	19,200	1-Lot Ponding Basin	

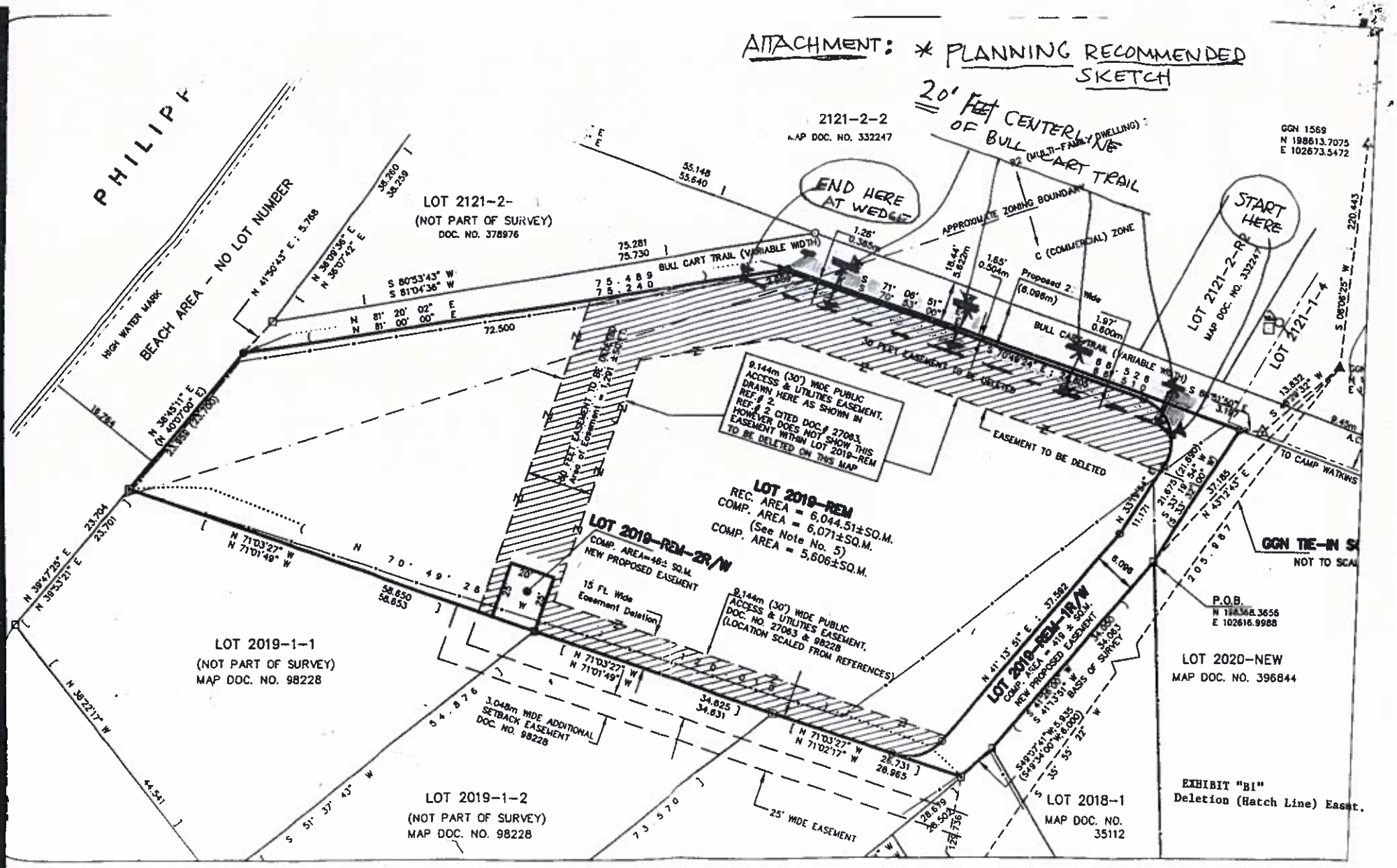
ATTACHMENT 2
(LOT AREA SIZES AND PURPOSE)

ATTACHMENT: * PLANNING RECOMMENDED SKETCH



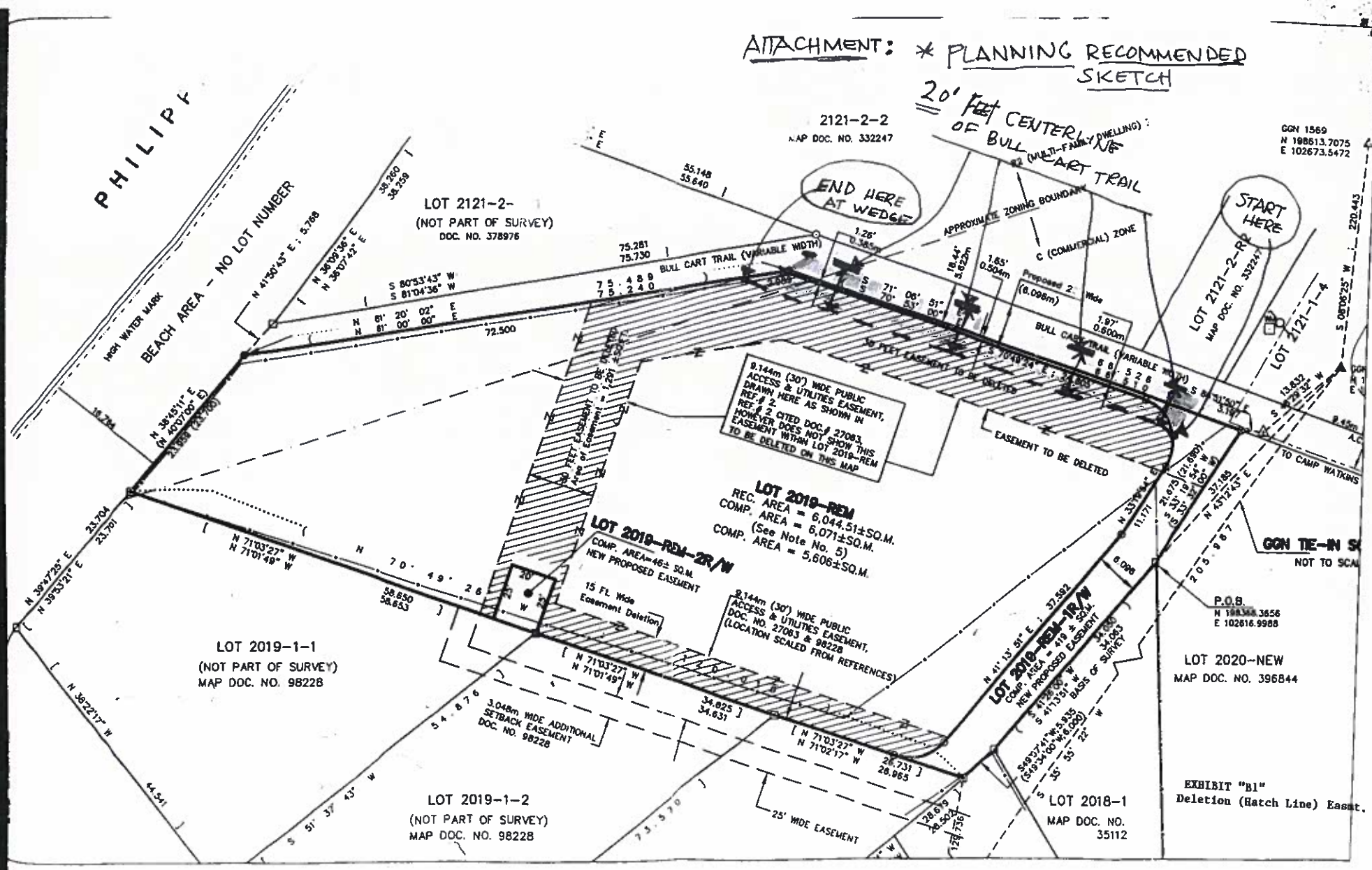
ATTACHMENT 2007-0328

ATTACHMENT: * PLANNING RECOMMENDED SKETCH



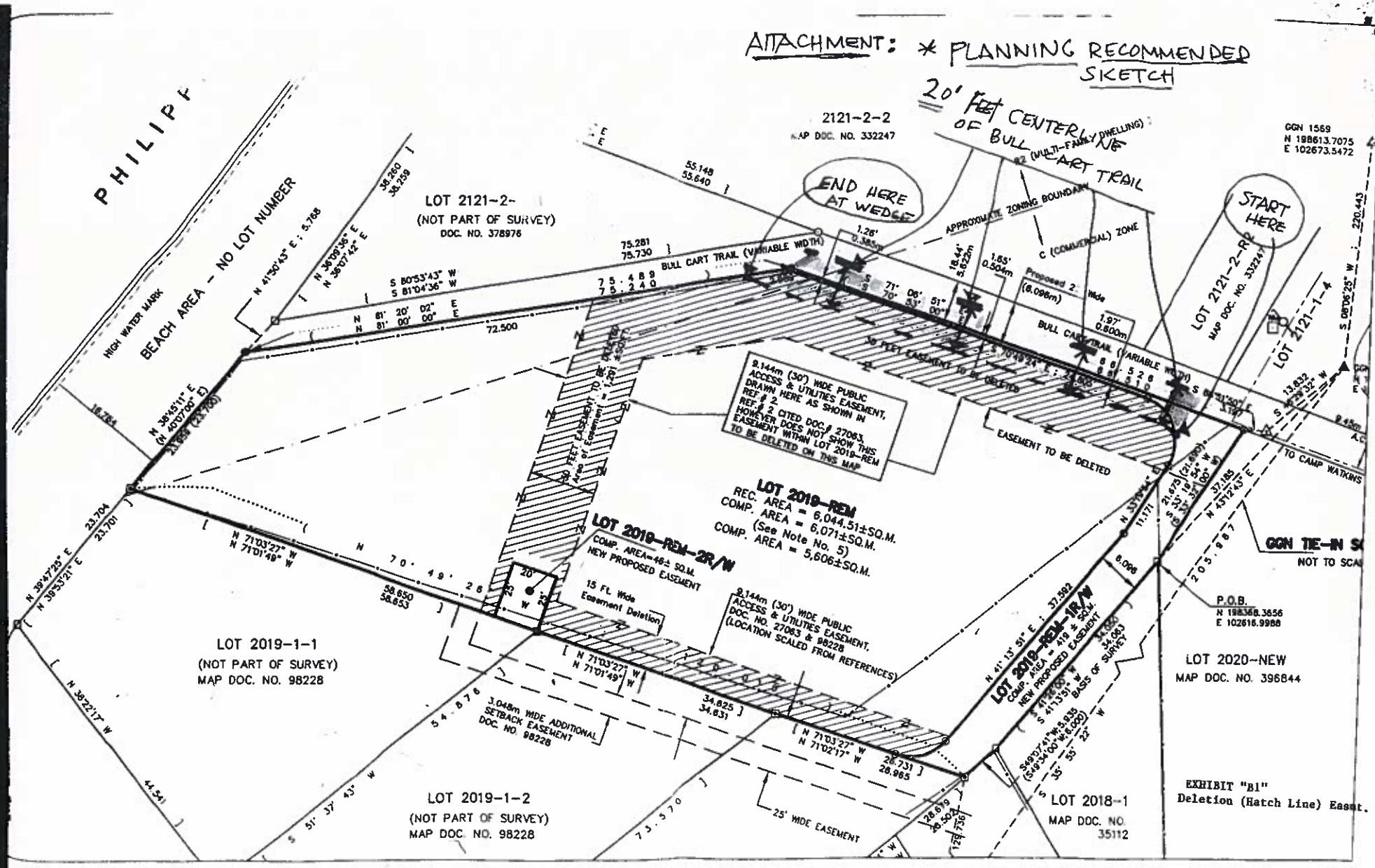
ATTACHMENT 2007-038

ATTACHMENT: * PLANNING RECOMMENDED SKETCH



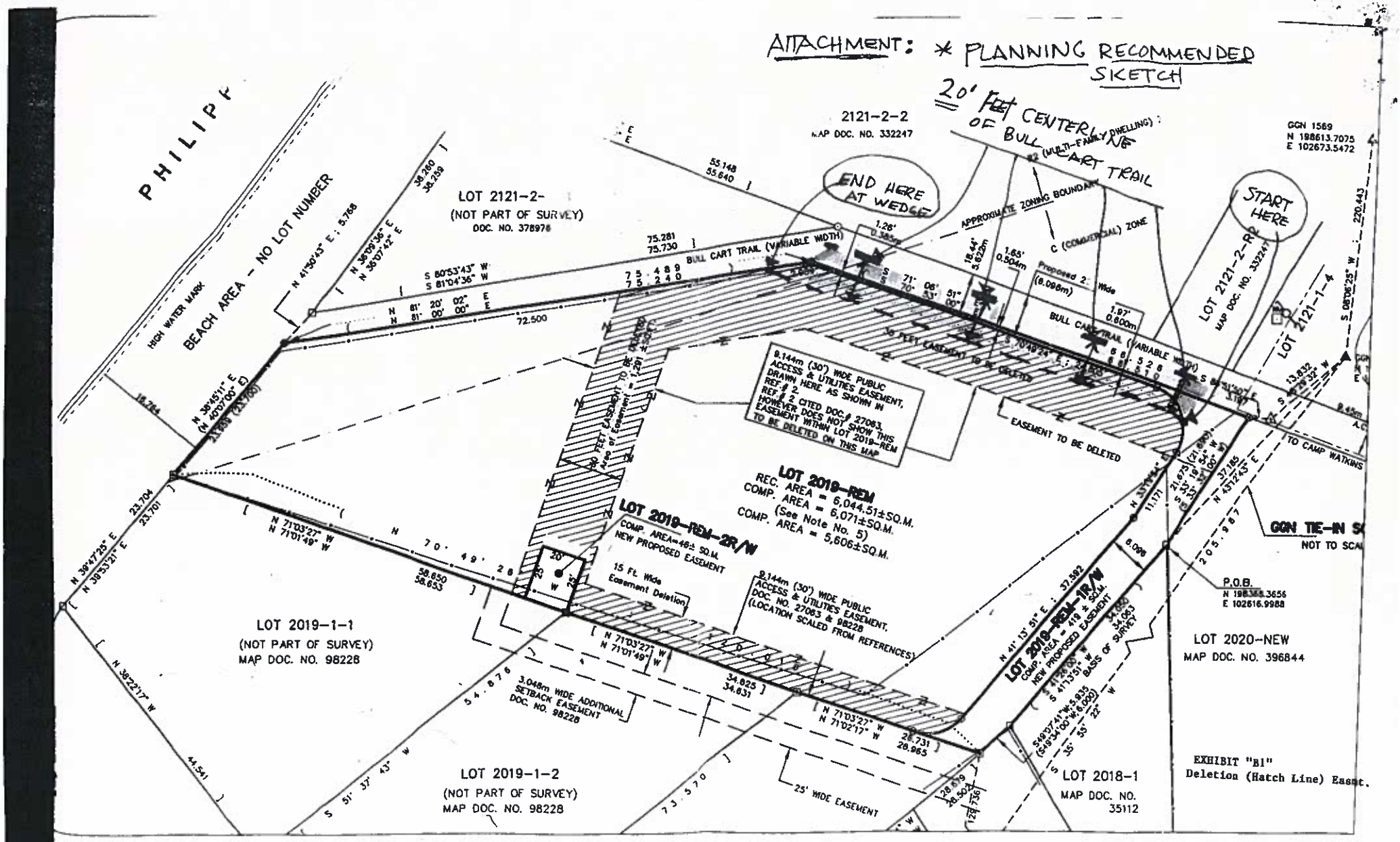
ATTACHMENT 2007-038

ATTACHMENT: * PLANNING RECOMMENDED SKETCH



ATTACHMENT 2007-03

ATTACHMENT: * PLANNING RECOMMENDED SKETCH



ATTACHMENT 2007-0398

AGRICULTURAL SUBDIVISION SURVEY MAP
OF
LOT 7126-2

MUNICIPALITY OF YIGO, TERRITORY OF GUAM

LAND SQUARE 5, SECTION 4

CERITICATIONS AND CONDITIONS: PURSUANT TO PUBLIC LAW 28-126, SECTION 1(a), WE, THE GOVERNMENT OF GUAM OFFICIALS, CERTIFY THAT:

DEPARTMENT OF LAND MANAGEMENT

CONDITIONS OF SUBDIVISION MAP APPROVAL BY THE GUAM CHIEF PLANNER

1 TO COMPLY WITH THE GENERAL REQUIREMENTS FOR THE SUBDIVISION AS SPECIFIED UNDER ARTICLE 1, SECTION 62108(a) THROUGH (g), CHAPTER 62 OF TITLE 21, GUAM CODE ANNOTATED
2 TO COMPLY WITH THE ROAD CONSTRUCTION STANDARDS PURSUANT TO ARTICLE 3, SECTION 62501(b), CHAPTER 62 OF TITLE 21, GUAM CODE ANNOTATED, AND CHAPTER 3, ARTICLE 2, SECTION 3212(b) OR SECTION 3219(b) OF TITLE 10, GOVERNMENT ADMINISTRATIVE RULES AND REGULATIONS WITH RESPECT TO LOT, AND THIS REQUIREMENT SHALL BE COMPLETED WITHIN ONE (1) YEAR FROM THE DATE OF RECORDATION OF THIS SUBDIVISION MAP
3 TO COMPLY WITH THE PROVISIONS OF ARTICLE 21, SECTION 62112, CHAPTER 2, TITLE 21, GUAM CODE ANNOTATED

"THIS MAP MEETS THE REQUIREMENTS OF TITLE 21, GCA CHAPTER 62 SUBDIVISION LAW"

APPROVAL PURSUANT TO TITLE 21, GUAM CODE ANNOTATED, CHAPTER 62, SUBDIVISION LAW

LEONE L. CRUZ — DATE
GUAM CHIEF PLANNER
DEPARTMENT OF LAND MANAGEMENT

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH TITLE 21, GUAM CODE ANNOTATED, CHAPTER 60, ARTICLE 5, UNIFORM TRIANGULATION SYSTEM AND REGULATIONS THERE UNDER ON THIS _____TH DAY OF _____

PAUL L. SANTOS, P.L.S. NO. 68
GUAM CHIEF SURVEYOR/CHIEF OF CADASTRE

JOSEPH U. BORJA — DATE
DIRECTOR
DEPARTMENT OF LAND MANAGEMENT

DEPARTMENT OF PUBLIC WORKS

CONDITIONS OF SUBDIVISION MAP APPROVAL BY THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS

THIS MAP SHALL CONFORM TO THE REQUIREMENTS OF TITLE 21, GCA CHAPTER 62, SUBDIVISION LAW FROM DATE OF APPROVAL OF THE GUAM CHIEF SURVEYOR/CHIEF OF CADASTRE

"THIS MAP MEETS THE REQUIREMENTS OF TITLE 21, GCA, CHAPTER 62, SUBDIVISION LAW"

7-1-20
VINCENT P. ARRIOLA — DATE
DIRECTOR
DEPARTMENT OF PUBLIC WORKS

GUAM LAND USE COMMISSION APPROVAL

ON THIS _____TH DAY OF _____ THE GUAM LAND USE COMMISSION APPROVED THIS SUBDIVISION SURVEY MAP OF LOT 7126-2, DOC NO _____ SUBJECT TO THE CONDITIONS SPECIFIED BY THE CERTIFYING GOVERNMENT OFFICIALS, AS NOTED

_____ (APPROVED) — DATE
GUAM LAND USE COMMISSION

GUAM ENVIRONMENTAL PROTECTION AGENCY

THIS CONDITION IS MADE IN ACCORDANCE WITH THE PROVISIONS OF 21 GCA §6150(c) AND 18 §GAR §3219(c) TOILET FACILITIES AND SEWAGE DISPOSAL FOR ALL LOTS SHALL BE IN ACCORDANCE WITH 10 GCA CHAPTER 48

1 TO COMPLY WITH THE PROVISIONS OF 21GCA §61501(c).
2 TO COMPLY WITH THE PROVISIONS OF 18GAR §3219(c).
3 TO COMPLY WITH 10GCA, CHAPTER 48, "TOILET FACILITIES AND SEWAGE DISPOSAL", AND THE REVISED REGULATIONS FOR CONNECTION TO PUBLIC SEWER SYSTEM.
4 TO COMPLY WITH THE PROVISIONS OF 22GAR, CHAPTER 12, §12108(c), "CONDOMIUM WASTEWATER DISPOSAL SYSTEM REGULATIONS".
5 TO COMPLY WITH THE PROVISION OF 22GAR, CHAPTER 10, "GUAM SOIL EROSION AND SEDIMENTATION CONTROL REGULATIONS", AND
6 WATER SUPPLY, PUBLIC SEWER CONNECTION AND DRAINAGE SYSTEM MUST BE AVAILABLE AT THE SUBDIVISION LOTS PRIOR TO THE APPLICATION OF BUILDING CONSTRUCTION PERMIT

"THIS MAP MEETS THE REQUIREMENTS OF TITLE 21, GCA, CHAPTER 62, SUBDIVISION LAW"

06/19/2020
WALTER LEON GUERRERO, ADMINISTRATOR — DATE
GUAM ENVIRONMENTAL PROTECTION AGENCY

GUAM FIRE DEPARTMENT

THIS APPROVAL IS MADE IN ACCORDANCE WITH THE 10 GCA, CHAPTER 3, SUBSECTION 73111, 2009 IFC AS FOLLOWS

1 PUBLIC ACCESS WAY SHALL ADHERE TO THE REQUIREMENTS OF CHAPTER 3, SECTION 503, AND APPENDIX D OF THE 2009 INTERNATIONAL FIRE CODE
2 PUBLIC ACCESS WAY SHALL PROVIDE ROAD SIGNS AS STATED ON CHAPTER 5, SECTION 505.2 OF THE 2009 INTERNATIONAL FIRE CODE
3 PUBLIC ACCESS WAY SHALL PROVIDE AS NOTED IN CHAPTER 3, SECTION 507, APPENDIX B AND APPENDIX C OF THE INTERNATIONAL FIRE CODE
4 PLANS AND HYDRAULIC CALCULATIONS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL OF THE GUAM FIRE DEPARTMENT PRIOR TO INSTALLATION OF ANY FIRE PROTECTION WATER SUPPLIES AS STATED IN CHAPTER 5, SECTION 508.3 OF THE 2009 INTERNATIONAL FIRE CODE

~~"THIS MAP MEETS THE REQUIREMENTS OF TITLE 21, GCA, CHAPTER 62, SUBDIVISION LAW"~~

9-19-19
DANIEL C. CUDDIHY, ACTING FIRE CHIEF — DATE
GUAM FIRE DEPARTMENT

DEPARTMENT OF REVENUE AND TAXATION

"THIS MAP MEETS THE REQUIREMENTS OF TITLE 21, GCA, CHAPTER 62, SUBDIVISION LAW"

9/17/2019
DAVID W. SHAPIRO, DIRECTOR — DATE
REAL ESTATE COMMISSIONER
DEPARTMENT OF REVENUE AND TAXATION

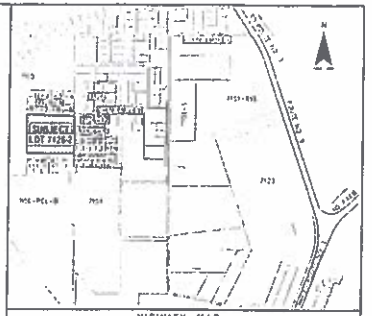
ACCESS OPENING STATEMENT

JN DEVELOPMENT, INC., OWNER/OWNERS OF THE LOT SUBDIVIDED HEREIN, CERTIFY/ALS THAT

(a) APPROVAL OF THIS MAP IS BASED ON THE CONDITION THAT CONSTRUCTION OF THE ACCESS ROAD/S AS SHOWN ON THIS MAP SHALL BE COMPLETED WITHIN ONE (1) YEAR OF THE DATE OF RECORDATION OF THIS MAP ACCORDING TO APPLICABLE LAWS, AND I/WE INDEMNIFY THE GOVERNMENT AGAINST ANY RESPONSIBILITY OF CLAIM TO SO CONSTRUCT. FURTHER, THAT I-WE ACKNOWLEDGE OF A CERTIFICATE OF TITLE BASED ON COMPLETION OF CONSTRUCTION OF ACCESS ROAD/S AS INDICATED ON OTHER SIMILAR DOCUMENT GIVEN TO ANY PURCHASER OR TRANSFEREE SHALL GIVE NOTICE OF THIS CONDITION AND

(b) WITH RESPECT TO POWER, WATER, TELEPHONE, SEWER, AND FIRE HYDRANTS, THAT THE RESPONSIBILITY TO PROVIDE OR INSTALL SUCH IS MINE/OURS AS PROVIDED FOR BY TITLE 21, GUAM CODE ANNOTATED, CHAPTER 62 SECTIONS 62108 62108(c), 62108.1 AND ANY APPLICABLE RULES AND REGULATIONS

JN NAIL AUTHORIZED REPRESENTATIVE — DATE
JN DEVELOPMENT, INC
LOT 7126-2
DOC NO 922561 /



VICINITY MAP
NOT TO SCALE

NOTES:
1 ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE IN METERS AND DECIMALS THEREOF UNLESS OTHERWISE INDICATED
2 SURVEY WAS BASED ON FOUND PROPERTY CORNERS AS SHOWN
3 BEARINGS & DISTANCES IN PARENTHESES ARE RECORD DATA, ALL OTHERS ARE GGSS GRID
4 SUBJECT LOT(S) IS/ARE ZONE "A", AGRICULTURAL AS OF APPROVAL OF THIS MAP. (5-8-2021)
5 SUBJECT LOT(S) WITHIN THE NORTHERN WATER RECHARGE AREA AS APPROVAL OF THIS MAP
6 NO AS-BUILT CHECKED ON SUBJECT LOTS AS OF APPROVAL OF THIS MAP
7 CONTOUR ELEVATION IS IN FEET

REFERENCES:
1 DOC NO 994630, ENC NO SECOND-6232 L.M. NO 112-1972, PARCELING SURVEY OF LOT 7126 PREPARED BY PLS NO 23
2 DOC NO 229537 ENC NO V 623-658 L.M. NO 330-1970 PARCELING SURVEY OF LOTS 7126-1 2, 3, 4, 5, 6, 7, 8 & 9, PREPARED BY PLS NO 23
3 DOC NO 988988, ENC NO 733-91 L.M. NO 658-1992, AGRICULTURAL SUBDIVISION OF LOT 7126-REM PREPARED BY PLS NO 64
4 DOC NO 446521, ENC NO 487-53 L.M. NO 259-1990, PARENTAL SUBDIVISION SURVEY OF LOT 7126-B3 PREPARED BY PLS NO 84
5 DOC NO 343697, ENC NO NC-2487-83 L.M. NO 324-1983, AGRICULTURAL SUBDIVISION SURVEY OF LOT 7125-REM PREPARED BY PLS NO 53
6 DOC NO 828136, ENC NO [illegible] L.M. NO 347-1990, PARENTAL SUBDIVISION SURVEY OF LOT 7126-1-1 PREPARED BY PLS NO 22

CERTIFICATION
APPROVAL PURSUANT TO TITLE 21 GUAM CODE ANNOTATED CH 2 CHAPTER 62, SUBDIVISION LAW & CHAPTER 61, ZONING LAW

LEONE L. CRUZ — GUAM CHIEF PLANNER — DATE

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH TITLE 21 GUAM CODE ANNOTATED, CHAPTER 60, ARTICLE 5, UNIFORM TRIANGULATION SYSTEM AND REGULATIONS THEREUNDER ON THIS _____ DAY OF _____ 20____

PAUL L. SANTOS, P.L.S. 68 GUAM CHIEF SURVEYOR/CHIEF OF CADASTRE

I, DENNIS S. BALAGTAS, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED ON A FIELD SURVEY MADE ON AUGUST 14, 2019 IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS, THAT I AM RESPONSIBLE FOR THE ACCURACY OF ALL DATA AND INFORMATION SHOWN HEREON. I ALSO CERTIFY THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED ON THE MAP

08/03/2020
DENNIS S. BALAGTAS — DATE
PROFESSIONAL LAND SURVEYOR NO. 75

CHECKED BY:

EDWARD B. TAIJERON — DATE
CARTOGRAPHIC SUPERVISOR, GLM

THOMAS J. TOMAS — DATE
ENGINEERING TECHNICIAN II, DLM

TERRY P. TAITANO — DATE
PLANNER IV, DLM

REV.	DATE	DESCRIPTION	BY	APPRVD

GOVERNMENT OF GUAM - Department of Land Management
Office of the Recorder
File for Record in Instrument Number _____
On the Year 20 ___ Month ___ Day ___ Time _____
Recording Fee _____ Receipt Fee _____
Deputy Recorder _____

ABSTRACT OF TITLE
LOT 7126-2
ESTATE NO 21534
LT No 37751
REGISTERED ON JUNE 22, 1972
IN THE NAME OF
HOSTING OYSTER, INC
A CORPORATION

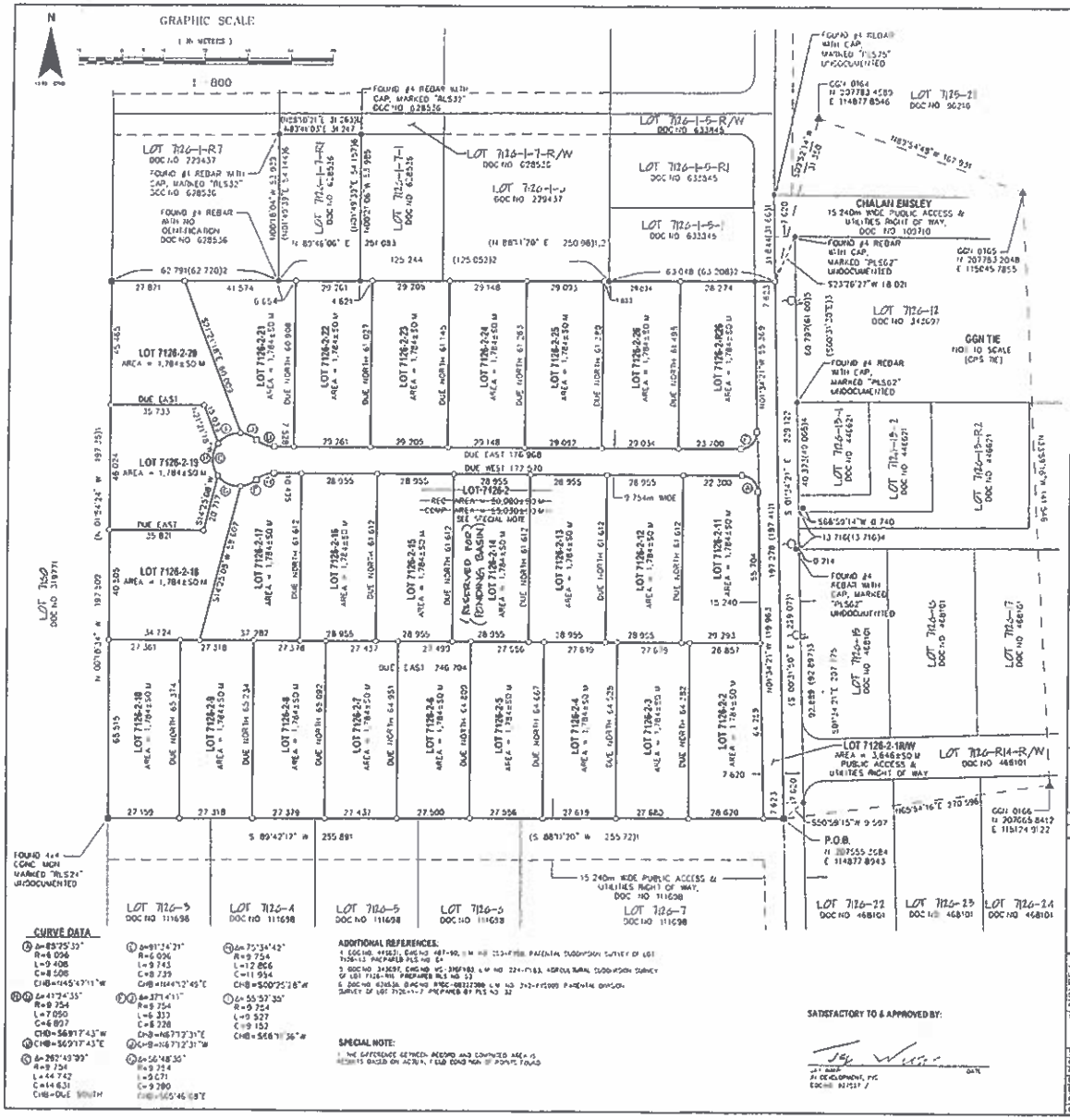
SURVEY DATA
FIELD [illegible] 08/2019
[illegible] 08/2019
COMPUTED GCL 08/2019
[illegible] GCL 08/2019
REFERENCED GCL 08/2019
[illegible] 08/2019

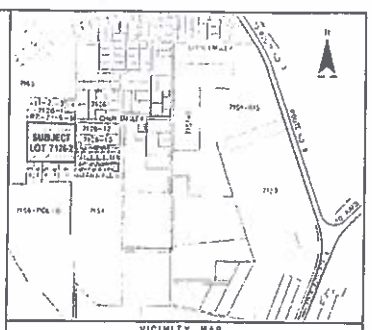
GUAM SURVEYOR, L.L.C. - DENNIS S. BALAGTAS, P.L.S. 075
LAND SURVEYING SERVICES http://www.guamsurveyor.com
CERTIFICATE OF AUTHORIZATION NO 342
179 CHALAN PALE FASHON HAGÅTÑA, GUAM 96910

AGRICULTURAL SUBDIVISION SURVEY MAP
OF
LOT 7126-2

MUNICIPALITY OF YIGO
LAND SQUARE 5 SECTION 4

LAND MGT DATA: 147-FY2019 | SHEET 1 OF 2 | SCALE 1:800 | CADASTRAL SURV. NO 2019041-SUBD1





LEGEND:

NOTES:

REFERENCES:

CERTIFICATION

CHECKED BY:

REV	DATE	DESCRIPTION	BY	APPROVED

GOVERNMENT OF GUAM - Department of Land Management
Office of the Recorder
File for Record in Instrument Number
On the Year 20 Month Day Time
Recording Fee Receipt No
Deputy Recorder

ABSTRACT OF TITLE

GUAM SURVEYOR, LLC. - DENNIS S. BALAGTAS, P.L.S. #75
UNIS SURVEYING SERVICES, INC. CERTIFICATE OF AUTHORIZATION NO 343
125 CHALAN PALE ARNOLD HAGÅTÑA, GUAM 96913

AGRICULTURAL SUBDIVISION SURVEY MAP
OF
LOT 7126-2

MUNICIPALITY OF YIGO
LAND SQUARE 5 SECTION 4

LAYOUT DATA: SHEET 2 OF 2 | GUAM SURV DWG NO 2019041-SUBD1
147-FY2019 | SCALE 1 : 800

Doc. No. 36GL-21-0391.*

Street Address:
90 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Director

Doc Type: 36GL-21-0391

OFFICE OF THE SPEAKER
THERESE M. TERLAJE

-04- 01 2021

Time: 2:07 pm
Received: [illegible]

April 1, 2021

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Staff Report - Application No. 2020-02, Zone Change from "R-2" (Multi-Family Dwelling) to "M-1" (Light Industrial) Zone, on Basic Lots 5035 and 5036 (excluding Lot 5036-5 and a portion of Lot 5036-3), in the Municipality of Dededo.

1. PURPOSE:

A. **Application Summary:** The applicant, Dolores P. Sablan, represented by Harry Gutierrez, requests for a zone change from "R-2" (Multi-Family Dwelling) Zone to "M-1" (Light Industrial) Zone, in order to allow future uses of industrial, public facility, and utilities, and to make it compatible with existing adjacent industrial zones in the Ukudu area of Dededo.

B. **Legal Authority:** Sections 61630 to 61638 of Chapter 61 (Zoning Law), Title 21, GCA (Real Property).

2. FACTS:

A. **Location:** The subject lots are located approximately 0.26 miles southwest of Route 3, where the GWA Sewage Pump Station is located in Ukudu area. Access on the subject lots is from an existing paved road from Route 3.

B. **Lot Area:** See Table Below (excluding Lot 5036-5 and a portion of Lot 5036-3):

LOT NUMBER	SQ.M.	SQ. Ft.	ACREAGE
5035	43,477	467,982.53	10.74
5036	64,392.15	693,111.33	15.91
TOTAL	**107,869.15**	**1,119,661.96**	**26.65**

C. **Present Zoning:** "R-2" (Multi-Family Dwelling) Zone.

D. **Field Description:** A Sewage Pump Station is located on the property and the remainder has been vacant and undeveloped.

E. **Masterplan:** Residential

COMMITTEE ON RULES
RECEIVED:
April 7, 2021
3:40 P.M.
Pegan Justice T. Bakanda

F. **Community Design Plan:** Undesignated

G. **Previous Commission Action:** None

3. **APPLICATION CHRONOLOGICAL FACTS:**

A. **Date Application Accepted:** November 21, 2019

B. **Date Heard By ARC:** December 19, 2019

C. **Public Hearing Results:** A public hearing was held on February 25, 2021 at 6:05 P.M. at the Dededo Senior Community Center. Present were four (4) planning staff including the Chief Planner (Celine Cruz), the Director of Land Management (Mr. Joseph M. Borja), Guam Land Use Commission Vice-Chair (Mr. Arthur Chan), Dededo Vice-Mayor Peter Benavente, the applicant's representative, Mr. Harry Gutierrez, and four (4) attendees from the public (including Mr. Joseph San Nicolas who is also a member of the Dededo Municipal Planning Council).

Mr. Gutierrez explained the zone change application. He responded to some questions and concerns of those present at the public hearing. After responding to all the questions and concerns, the attendees were informed that if they have any other concerns or questions or if they know of anyone who will like to submit their position or inquire further information on the application, they can visit Planning Division, Department of Land Management or they may contact Planning Division at any of the Department's phone numbers and the meeting was adjourned at 6:37 P.M. (See attachment for full public hearing results)

4. **DISCUSSION and STAFF ANALYSIS:**

Pursuant to Section 61630 (Requirements for Changes) of Chapter 61 (Zoning Law) 21 GCA, where it states "The Commission may, with approval of the Governor, change the zones established under this Chapter whenever it finds that the public necessity, convenience and general welfare justify such action".

The applicant in response for the Zone Change submits the following justification:

Public Necessity: Rezoning to "M-1" is a public necessity since it will allow for the establishment of public utilities and facilities as well as ensuring the extension of permitted industrial operations that can provide various industrial products to local retail or construction activities; and a company conducting operations on these lots would be at a prime location to operate and support the ongoing military buildup construction projects as well.

Public Convenience is enhanced when public facilities or utilities are constructed or upgraded once the property is rezoned to "M-1" (Light Industrial), the general public including private landowners in the immediate and surrounding area will benefit greatly.

The proposed zone change to "M-1" (Light Industrial) is a much suitable zone designation for the area. Subject lots are surrounded mostly by light industrial and commercial zones. The only property that is still "R-2" (Multi-Family Dwelling) zone adjacent to the subject lots is Lot 5037 which is north of basic Lot 5036. The properties to the north, northeast, west and southwest of basic Lot 5035 are all "M-1" (Light Industrial) zone, while the properties on the east, south, and southeast of basic Lot 5036 are all zoned "C" (Commercial). The fact that a Zone Variance in Height for a proposed aggregate processing and batching facility was approved on the properties northeast of Lot 5035 (which are Lot 5038 NEW-1 and 5038 NEW-R2), and that the Guam Power Authority New Power Generation Plant will be constructed adjacent or southwest of Lot 5035, the subject lots require a shift from multi-family dwelling uses to industrial uses, to be compatible with the existing nature of adjacent and neighborhood uses. Industrial activity currently in operation which is a batching plant is approximately 0.26 miles away from the subject lots and has not been a detriment to other current commercial or industrial uses in the area.

The area is developing and growing more in the light-industrial and commercial uses rather than residential use. Thus, the proposed zone change is the highest and best use for the subject lots. The zone change will not reduce any zoning standards in the immediate vicinity, but rather, once permitted to the uses in an "M-1" zone the improvements to the subject lot will create a more stable environment that will provide for an orderly development scheme within the area and its surroundings.

General Welfare. The applicant states it will protect the general welfare of the public, by being consistent with the land uses in the immediate surrounding and properties that is on-going at present time and for future use. Should the requested zone change be approved, the applicant ensures that as soon as there will be a specific development on site, all permitting requirements and conditions of the land use commission and all government agencies are adhered to as well as to minimizing impacts to the immediate surroundings and to the general public.

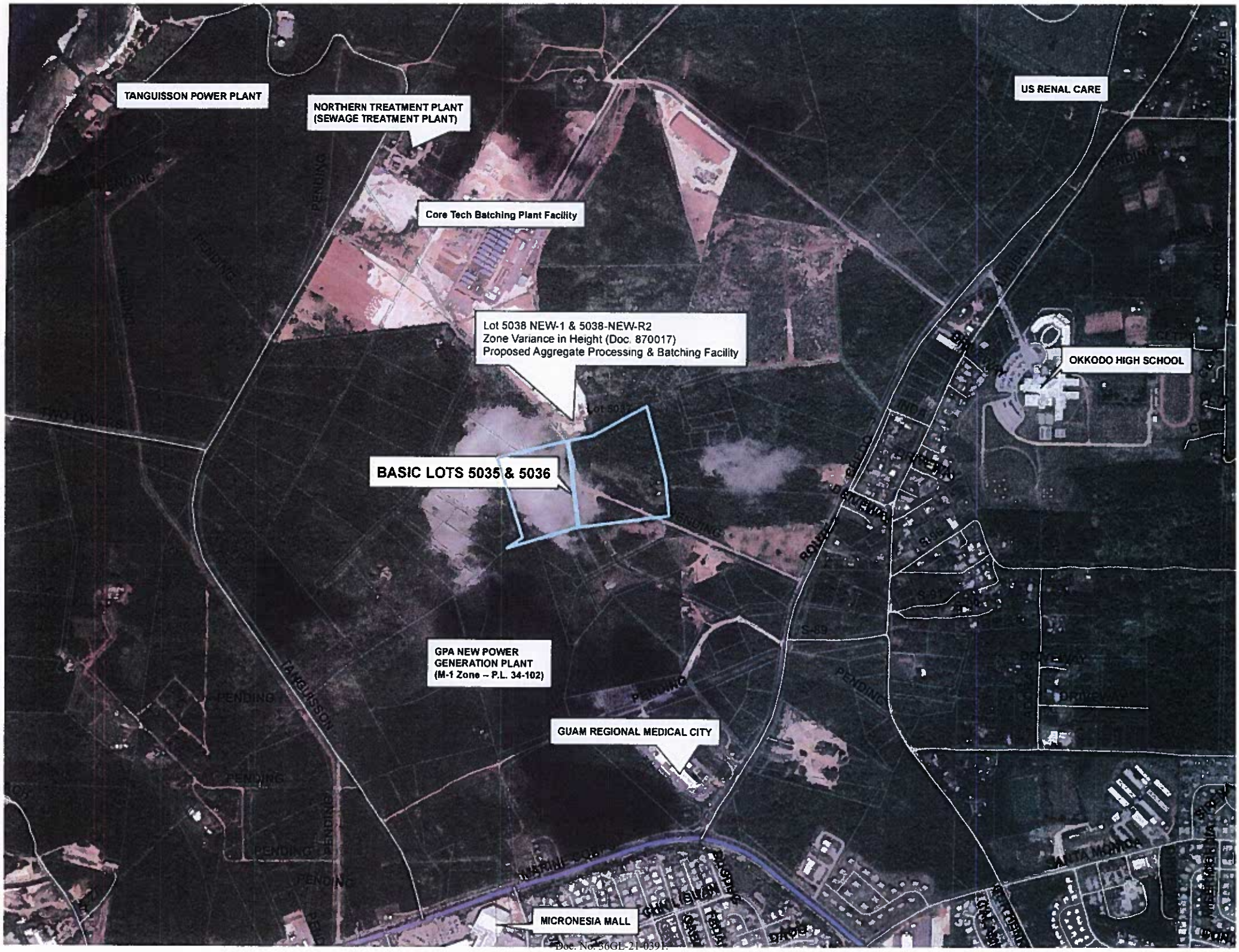
Based on our review and analysis of the form and context of this application in reference to the Zoning Law and the response of the ARC members who have responded with no objections with conditions, we find the criteria for the grant of zone change is justified and that it be considered favorably by the Guam Land Use Commission.

5. **RECOMMENDATION:** Recommend approval, and that the applicant shall adhere to all ARC recommendations/conditions as noted on their official position statements.

Celine L. Cruz
Guam Chief Planner

Attachments: ARC Position Statements Summary & Public Hearing Minutes

Case Planner: Grace Vergara


TANGUISSON POWER PLANT
NORTHERN TREATMENT PLANT
(SEWAGE TREATMENT PLANT)
US RENAL CARE
Core Tech Batching Plant Facility
Lot 5038 NEW-1 & 5038-NEW-R2
Zone Variance in Height (Doc. 870017)
Proposed Aggregate Processing & Batching Facility
OKKODO HIGH SCHOOL
BASIC LOTS 5035 & 5036
GPA NEW POWER
GENERATION PLANT
(M-1 Zone – P.L. 34-102)
GUAM REGIONAL MEDICAL CITY
MICRONESIA MALL
TANGUISSON
PENDING
S-89
SANTA MONICA

PUBLIC HEARING MINUTES - February 25, 2021
Dededo Senior Community Center
Dolores P. Sablan
Zone Change Application No. 2020-02
Lots 5035 and 5036 (excluding Lot No. 5036-5 and a portion of Lot No. 5036-3), Municipality of Dededo

The meeting was called to order at 6:05 PM by Planning Division staff. It was attended by three (3) DLM Planners, Guam Chief Planner (Celine Cruz), DLM Director (Mr. Joseph Borja), GLUC Vice-Chair (Mr. Arthur Chan), Dededo Vice Mayor (Mr. Peter Benavente) and four (4) attendees from the public (to include Mr. Joseph San Nicolas who is also a member of the Dededo Municipal Planning Council). After a brief explanation by Planning Division staff of the public hearing process, the floor was turned over to the applicant's representative (Mr. Harry Gutierrez). Mr. Gutierrez provided the attendees with a detailed description of the zone change application, then after his presentation the floor was opened for questions as noted below:

Q. What can you build in an M1 zone?
A. The permitted uses are: Any use permitted with or without condition in the commercial zone, manufacturing, compounding, processing or treating of such products as drugs, cosmetics, and food products (not including fish and meat products nor the rendering of fats and oils), manufacturing, compounding, assembling or treating of articles or merchandise from previously prepared materials. Automobile repair shops including painting, body and fender work and rebuilding; truck and tractor repairing, and tire retreading. Bottling and packaging plants. Ceramic products manufacturing. Laundries and cleaning and dyeing establishments. Machine shops and sheet metal shops. Warehouses and cold storage plants. Lumber yards, building material salesyards, contractor's equipment storage yards.

Q. What about in a Commercial zone, what can be built?
A. Permitted uses are: Single-family dwellings, Duplexes. Wholesale and retail stores, shops and businesses. Amusement enterprises. Automobile service station, including minor repairs. Bakeries. Mortuaries, Offices, business or professional, inclusive of professional healing arts offices and clinics, and banks. Personal service shops, including barber shops, beauty parlors, laundromats. Repair shops and service shops, including shoe repairs, plumbing, dressmaking, and the like, but not including automobile repair shops for major work. Restaurants and cafes, and Studios.

Q. If our property is commercial and if we want to build a Clinic, do we need to go through the Guam Land Use Commission first?
A. Yes, apply for a Conditional Use.

Q. What happened if there's a manufacturing and something really smells bad, or whatever pollution within our area, what should we do if for example we're stuck in the middle with all of these industrial companies and there's a smell like pollution and you can't breathe really good, stuff like that?
A. So based on the permitted uses, if what they're doing is outright permitted in the property, then it's not a land issue, then it would be one of the other government agencies issues to addressed. If for example it's pollution, you need to call EPA about that. Whatever issue you might feel like is causing any adverse effects to the surrounding neighborhood. But if it's permitted in that particular area, it's not a land issue anymore, unless it's a conditional use that was granted by the Guam Land Use Commission; and there are conditions that the applicant had to follow, then it would be an enforcement for us, but it would probably go and be directed back to the agency that better handle the particular issue.

ATTACHMENT

Q. So, there's no auto mitigation for the dust and the noise pollution, like you say, when manufacturing comes in, right? But if they want to have something like Plastic Manufacturing there'd be pollution and it's dangerous, right? So, don't you have any rules to follow, like they also need to be improved?
A. That would be an EPA issue and yes, they would have to follow whatever rules laid out and mitigate any issues that come up. But again, it's not a land issue if the activity is already permitted on the property.

Q. When a business applies for a zone change or whatever, do they get approval from EPA or they just get a permit then they can build it? I think EPA should be together with you, if you really know that this is going to be a major environmental issue; and I think EPA and Guam Land Use Commission should both agree.
A. EPA is involved in the review of this application. We have their Position Statement as part of the record here with us tonight, if you'd like to view it. But they do review the application with the intended use or proposed use and make their recommendations accordingly, and they recommend to approve or disapprove, or approve with conditions.

Q. And so they don't come to us and ask us for our opinions and it's okay?
A. That would be this process here. This is just one of the steps along the process for a zone change. The results of this public hearing, along with all the other Position Statements we received from the Application Committee members and other government agencies that have oversight over the permitting process, they just have overarching mandates for our land use.

Q. I think EPA should be here because we want to ask questions, and I don't think it's fair for us or you guys. They should be here to answer questions.
A. We're here for a public hearing for a zone change for future uses of industrial, public facility, and utilities, and to make it compatible with the existing adjacent industrial zones in the area. There's no specific project yet it's just for future land use.

Q. So, if there's a company that comes in later and they're going to build something, will EPA let us know or you guys will let us know? And will there be another public hearing?
A. If what they're going to build is permitted on the property, there will be no public hearing anymore unless they need or if they require GLUC approval again like for example if they're building a Warehouse (which is permitted in an M1 zone) but the height is above the allowable maximum height of a building which is 30 feet, then they would need a Zone Variance in Height that requires GLUC approval.

Q. So, we won't have a chance to voice out our concerns? Like to check if there's a pollution?
A. When the zone change is approved, and they're building something permitted in an M1 zone, it will go through the permitting process and those concerns will be addressed by the right government agency during the permitting process, if for example pollution then it will be addressed by EPA.
Comment from Mr. Gutierrez: There's a different regulation with all the problems like noise, pollution or anything you think is not right, a complaint must be filed to the correct government agency.

Q. So, everything gets built first and then we complain? That's why we want to stop it before it happens.
A. Right now, for this zone change application we don't know what the property owner/s would want to build in the future, but for sure it would be something permitted in an M1 zone. This zone change application doesn't have any specific proposed project right now.

Q. How did they rezone our properties?
A. Mr. Joseph Borja explained that it went through the Legislature. Back then when the properties were returned, there was no zoning designation for those properties. The Ancestral Lands Commission through the Legislature contacted the owners of the properties. It may not have been you exactly, it may have been an Administrator. They actually asked each of those people what were the facts were and if they wanted to rezone the property. If they were not contacted or if they did not respond they will rezone the property at that level.

Q. We were not contacted that's why we were surprised when got the land and it's already commercial. We're new at this that's why we are here to learn more about it.
A. If you weren't contacted, there have records at Ancestral Lands Commission and they can verify who was/were notified and who did not respond.

Q. When we talk about infrastructure on this property, I'm wondering if Department of Land Management is well set up that there's a sufficient easement for all the properties surrounding it. If there's a road that goes through the existing road. Is there a plan of all the road/s that would be accessible on the side of the properties? Is there a requirement for these infrastructures? Also, like sewer, water, and power, is there a criterion for them to provide proper easement?
A. The property is abutting 60 feet right of way. As far as utilities, the 60 feet right of way. If they're going to develop it, then a lot better at putting down power poles and water lines and all of those utilities in the easement. If they discover something, they try to deal anything that's outside or they ask for a grant of easement; especially in new developments they're going to ensure that any line that they put down or that they install are able to service any potential development.

Q. What if they closed the road or easements?
A. There's already a recorded declaration of easement, they cannot relocate or consolidate an easement unless they get an approval from the Guam Land Use Commission to relocate or consolidate, and even before they go to the GLUC they should get an approval as well from the affected property owners that they are willing to relocate an easement.

Q. Is there a housing development being built on a property nearby? If you're coming from Route 3 and you take that dirt road and to a property before ours on the right-hand side. It's close to Pacific Rim, is that a housing development?
A. That could be an Industrial Park. They intend to build Industrial Warehouses. It's actually still under the developer right now, but there are lots that the developer tends to sell. But when they came in to GLUC they were required to paved roads and put infrastructure provided to each of the lots that were created and when development happens it means that there's going to be infrastructure and it's going to meet the standard set today.

Doc. No. 36GL-21-0391.*

PUBLIC HEARING MINUTES - February 25, 2021
Dededo Senior Community Center
Dolores P. Sablan
Zone Change Application No. 2020-02
Lots 5035 and 5036 (excluding Lot No. 5036-5 and a portion of Lot No. 5036-3), Municipality of Dededo

Q. When is the GLUC meeting?
A. All the questions from the public hearing will be transcribed and will become part of the record. The next step will be presenting this application at the Guam Land Use Commission meeting. There's no exact date yet for the commission meeting, however it will be posted on the on-site sign and in the newspaper and we will keep you posted when there's already a schedule for the GLUC meeting for this application. The public will have a chance to speak at the commission meeting. The sign on the property will have the date and time of the meeting when it is confirmed.
Any other comments or questions can be sent or emailed to Department of Land Management. There will be a schedule and agenda published in the Guam Post 5 days prior to the meeting.

No further discussions. Meeting adjourned at 6:37PM.

ATTACHMENT

FOR APPLICATION 2020-02
DOLORES SABLAN

Good evening, my name is Leilani Manibusan Nelson, and I am speaking today on behalf of my brother and sisters in California.

Our father, Frank Manibusan, inherited lot #5317-4 in Ukudu from his father's estate, Juan Mesa Manibusan, after the military returned excess land back to Guam's people.

Our family property, which comprises approximately three (3) acres, backs up to and directly abuts lot #5036. Our family has a vested interest in today's Hearing as any zoning change and use of lot #5036 approved by the Guam Land Use Commission will financially impact our family's future development of our land currently zoned for commercial use.

With the exception of the following use activities detailed below changing Lot #5036 from Residential to Light Industrial, our family does not object to the zone change of lot #5036. To protect the value of our land for commercial development, we are today voicing objections to the Guam Land Use Commission approving any of the uses listed:

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
MAR 10 2021
OLTC/GALC/GLUC

- Motor vehicle body, tire shop, or similar repairs or storage
- Welding, sheet metal, or machine shop
- Machinery or equipment sales, services, or storage
- Ice or cold storage plant
- Fuel oil distribution
- Laundry, drycleaning, or dying establishment
- Plumbing, heating, electrical, or paint contractor's sales, repairs, or storage
- Lumber yard or building supply outlet

Should your Commission approve Lot #5036's zoning change from Residential to Light Industrial, our family is also requesting the Commission impose as one of the Conditions of Approval the requirements for fences and walls as detailed in the 2009 International Building Code which the Guam Department of Public Works adopted for use in Guam's building construction.

Should your Commission approve any of the uses detailed earlier in my testimony which would negatively impact the development of our property's use as office and retail space, we are requesting the representatives of Lot #5036 detail their noise and dust mitigation measures to abate such nuisances. These measures should be included as part of the Conditions of Approval by your Commission.

Our family would like to be kept apprised of any activity affecting the change in use and approved activities, as well as any Conditions of Approval your Commission imposes on Lot #5036.

On behalf of our family, thank you very much this evening for your time and consideration.

/s/ Darlene Manibusan Aflague
/s/ Frances Manibusan Adams
/s/ Leilani Manibusan Nelson
/s/ Jesse Vincent Manibusan

Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Director

Doc Type: 36GL-21-0391
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
04-01-2021
Time: 2:07pm
Received:

April 1, 2021

COMMITTEE ON RULES
RECEIVED:
April 7, 2021
3:40 P.M.
Ryan Justice T. Pabauta

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Position Statements by ARC Members

RE: Zone Change Application No. 2020-02

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

DEPARTMENT OF LAND MANAGEMENT (DLM):
Planning staff recommends Approval, and that the applicant shall adhere to all ARC recommendations/conditions as noted on their official position statements.

GUAM POWER AUTHORITY (GPA):
Guam Power Authority has reviewed the application described above and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:
   1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
      - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
      - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
      - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
      - Developer/Owner shall provide necessary electrical utility easements to GPA prior to final connection.
      - Provide scheduling and magnitude of project power demand requirements for new loads.
      - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.

- **GPA reserves its easement rights established under Document No. 878183 on Map 069FY2015.**

2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.

3. A system impact assessment may be required to determine the effect of this development on GPA's existing power facilities.

4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments:
GPA has no objection to the request subject to the conditions cited above.

DEPARTMENT OF PARKS AND RECREATION (DPR):
We reviewed subject application submitted by Harry D. Gutierrez, Consultant and Authorized Representative, on behalf of the applicant, Dolores P. Sablan, Administrator of the Estate of Jose C. Pangelinan. The applicant desires to zone change all the lots to "M-1" to pursue more of the permitted uses that are in line with industrial uses, utilities and related public facilities.

The application states that it is unknown as to the presence or absence of historic properties within the subject lots. Taking into account future developments compatible to the permitted uses of the zone change, our office will require an archaeological survey and testing to address adverse impacts to potential historic properties during future construction ground disturbances.

We have no objection to the approval of subject zone change application, provided our concerns regarding adverse impacts to historic properties are addressed.

DEPARTMENT OF PUBLIC WORKS (DPW):
The above applicant is requesting a zone change from ("R-2") to ("M-1"). The properties identified are part of the "Dos Amantes" area as designated in the official zoning map. The immediate surrounding areas are currently categorized under ("M-1") and include a Wastewater Treatment Plant, a rock quarry, with a hospital and high school further to the east.

We understand the applications also includes the request to build a concrete batching plant, and a request seeking a height variance for a smoke stack with a maximum height variance of sixty feet.

The Department has completed its review of the applications and has the following comments:

- The immediate surrounding areas are currently zoned M-1 so there is compatibility with the zoning.
- To the extent that noise, fumes, and dust impact the project area, we recommend utilizing trees, fencing, walls, etc. to minimize these issues.
- The proposed project must comply with all regulations as mandated by the Guam

Environmental Protection Agency, Guam Fire Department, and the current and latest Building Code.

- The proposed project must only operate during the daytime hours.
- The proposed project must work with this Department to address any and all traffic issues that may arise from ingress and egress on Route 3.

Assuming these issues are addressed, we support the Applications 2020-02 and 2020-19.

DEPARTMENT OF AGRICULTURE (DoAg):
The Department of Agriculture (DOAG) has reviewed the subject lot for the proposed zone change from a R-2 to an M1-Light Industrial zone request and finds some concerns. The DOAG advises that the request for zone change should be denied until concerns are addressed.

The response provided in Tab E, titled "Environmental Impact Assessment" does not provide a detailed plan regarding development of the property if it were to be used as an M1-Light Industrial zone, nor does it give a detailed statement regarding the impact of zone change and further development on threatened and endangered species.

There is a lack of reference to the most current usage of land around the lot of interest. Recently, Guam Power Authority has submitted an environmental review for a proposed power plant to be built in the area of Dos Amantes Ukudu Dededo. The presence of the tourist attraction site, Dos Amantes, access to Tanguisson Beach Park, and Core Tech's offices and workers housing that exist must also be taken into consideration when rezoning Dos Amantes Ukudu Dededo. Without the most current Guam Land Use Plan taken into consideration when rezoning, issues may arise.

An Impact Study must be required to help determine if there are any threatened or endangered species on the lot or species that may be impacted by disruption of land, such as the Mariana fruitbat, migratory birds, and other native birds. The Impact Study should be focused on noise, light, and air pollution.

In response to an Impact Study, a conservation management plan must be developed and approved by Division of Aquatics and Wildlife for species that occur or may occur on property.

BUREAU OF STATISTICS AND PLANS (BSP):
The Bureau of Statistics and Plans (Bureau) has completed its review of the above-mentioned application pursuant to its authorities under 5GCA Ch. 1 Article 2 Centralized Planning and the Guam Coastal Zone Management Program (GCMP) Enforceable Policies pursuant to Executive Order 78-37. Moreover, in accordance with Executive Order 96-26, the Bureau hereby submits its position statement based on its professional and technical analysis of effects to statutory authorities under the Bureau's purview.

Project Overview
The applicant, Dolores P. Sablan (Administrator), represented by Mr. Harry D. Gutierrez, requests a zone change to rezone the lots from "R-2" (Multi Family Dwelling) to "M-1" (Light Industrial) in order to allow for industrial, public facilities and other industrial uses. The request to rezone is intended to make it compatible with existing adjacent industrial zones in the Ukudu area, Municipality of Dededo.

The total area of the properties for parent Lot 5035 is 43,508 square meters and for parent Lot 5036 is 65,499 square meters. The properties are located approximately midway that is

bounded by Tanguisson Road to its north and Route 3 to its South. The surrounding land uses include single family dwellings, multi-family dwellings, commercial and industrial uses, a hospital, private businesses, and a school.

Landscape Assessment

This property is located on the Northern Watershed. Having an accurate picture of an area's landscape and understanding how that landscape is changing is important information for planning efforts. Land cover data can help provide that big-picture view. According to NOAA's C Change Analysis Program (CCAP) land cover data from 2011, shows this watershed has changed by 9.03% due to increased impervious surfaces.

In terms of development impacts, 29.42% of the Northern Watershed is developed and 15.05% is comprised of impervious surfaces. An area is at greater risk of flooding the more an area is developed and levels of impervious surfaces are high. Areas with impervious surface rates will likely experience negative impacts to water quality. Impervious surfaces significantly reduce the water quantity and quality in a watershed. It is reported that the impervious surface degrades the watershed quality by greatly reducing the stream flow and increasing the stream temperature. They carry huge pollutant loads downstream, causing due harm to aquatic life. Severe degradation can be expected when rates reach 25 percent. Effects of runoff can be seen along Northern beaches during periods of heavy rain that result in channeling and loss of beach profile along untreated storm drain outfalls, sediment plumes along Tumon and Tanguisson beach, Algae blooms along the shoreline and occasional noxious orders as result in poor water quality.

Effects Test Review and Analysis and Conditions

Land Use. The property is identified as the "Dos Amantes Planning Area" designation in the official zoning map adopted by the Guam Land Use Commission (GLUC) in accordance with Public Law 30-211. This zoning map adopted by the GLUC designates these lots as "R-2" Multiple-Family Dwelling Zone. Public Law 30-224, the North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). Policy LU-1 (b) General Residential states "The Residential Category provides for a range of residential densities, ranging from low density single family residences to multiple family structures. Nonresidential uses are generally discouraged except for public facilities, schools, and institutions, provided their nature and location are not detrimental to the residential environment." This zone allows for duplexes and multi-family residential uses, as well as single family dwellings and hotels.

Rezoning the property to M1 (Light Industrial) is not consistent with the land use for the area. Moreover, the applicant fails to provide any substance in the application to justify a benefit to public necessity and general welfare.

Development Policy

Policy NS-1 Protect the Northern Aquifer watershed and recharge areas through appropriate land use categories and development standards including requirements for public sewer infrastructure for all residential subdivisions, low development density for unsewered areas, on-site storm water disposal, and limiting heavy industrial activities.

Policy NS-17 (c) Develop criteria and standards for development of industrial and light industrial uses over the Northern Aquifer, particularly activities that involve bulk manufacturing, large quantity storage, and transport of petroleum products, chemicals, and other substances that could migrate to groundwater and near-shore marine waters, especially the down gradient Tumon Bay.

Rezoning the property to M1 (Light Industrial) is not consistent with Guam's Development Policies.

Recommendation and Decision

Pursuant to Executive Order 96-26, Appendix A § 700 (g), the Bureau hereby recommends disapproval based on the above mentioned conditions.

As government officials, it is our primary responsibility to ensure that growth and development are done in a manner that does not harm public health or safety, but works to promote the public welfare and convenience in a manner that is within balance with the environment in order to preserve and sustain the unique culture, traditions and beauty of our island for future generations.

GUAM WATERWORKS AUTHORITY (GWA):

The Guam Waterworks Authority (GWA) has reviewed the applicant's zone change application from "R2" (Multi-family) to "I" (Industrial) zone for nine lots in Basic Lot 5035 and thirteen lots in Basic Lot 5036.

The original application included Lots 5036-5 and 5036-3. Lot 5036-5 and a portion of Lot 5036-3 are owned by GWA. The applicant/applicant's representative did not contact GWA prior to submitting the application. The applicant does not have the authority to represent GWA for property or easements that are owned by GWA. GWA does not agree to the zone change request for GWA-owned properties. The applicant's supplemental report submitted to GWA on May 12, 2020, removed the GWA-owned lots from the zone change application.

This memorandum shall serve as GWA's position statement for the referenced application related to the availability of water and sewer infrastructure to serve the above subject lots, with the exception of the lots and easements owned by GWA. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development, including fire flow, without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to GWA rules and regulations. Any required extension to the existing facilities to serve the subject properties shall be at the applicant's expense.

The following comments are conditions for GWA's position in favor of the approval of this application, with the exclusion of the properties owned by GWA.

1. A wastewater lift station is located within an easement on Lot 5035-5, as noted on the application. Access to GWA easements shall not be impeded, nor shall construction occur within GWA easements. GWA easements are located on the lots listed below.
   Lot 5035-2
   Lot 5035-5
   Lot 5036-4
   Lot5036-6
   Lot 5036-9
   Lot 5036-11
2. The applicant must provide GWA with site development plans to construct the proposed development. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations.

3. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to the building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing GWA facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary. Utility capacity analysis will consider service to existing customers, as well as approved projects in the building permit/construction stage, as unavailable for use by newly proposed developments. Discussions with the GWA Engineering Department will also include applicable GWA standards and requirements.

4. If off-site water and sewer infrastructure improvements are installed by the developer, they will require prior approval from GWA, must meet GWA standards, be constructed in the public easement or right of way, and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant. GWA's approval of the occupancy permit application will be contingent upon the completion of offsite utility improvements.

   The developer shall register maps and documents for new public rights of way or utility easements with the Department of Land Management and provide copies to GWA.

5. Developers and subdivision owners who have installed water and/or wastewater pump stations whose sole purpose is to serve only the proposed development or subdivision, and consequently have no excess capacity to serve customers beyond the boundaries of said development or subdivision, shall be required to maintain their own pump station(s) and force main(s) in proper working condition to the satisfaction of GWA.

6. GWA does not guarantee that water service will meet Guam Fire Department's fire suppression requirements. The applicant is responsible for any onsite or offsite utility improvements needed to meet fire suppression requirements.

7. The applicant shall install GWA water meters in the public right of way or easement.

8. Backflow prevention devices are required for non-residential activities, swimming pools, or when a development will be served by a master meter.

9. New development is subject to water and/or sewer system development charges.

10. Certain activities are subject to sewer pre-treatment requirements. Grease traps or interceptors are required for food service establishments. Oil-water separators are required for vehicle maintenance activities. See GWA for additional industrial wastewater pre-treatment requirements.

11. Only wastewater shall be discharged to the sanitary sewer system. Stormwater, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.

12. After a GWA utility service account is opened, the account holder is responsible for informing GWA of onsite activity changes that may affect the account's classification and utility service requirements. Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance activities.

This memorandum shall remain valid for 365 calendar days from the date of this response.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):
The staff of this Agency has reviewed the application for proposed zone change and has the following concerns related to the proposal (as reviewed):

A. Stormwater and Erosion Control
   1. The proposed development must meet all requirements of the Guam Soil Erosion and Sediment Control Regulations (22 GAR Chapter 10), and must provide both pre- and post-construction stormwater controls meeting the requirements of the 2006 CNMI and Guam Stormwater Management Manual, as implemented by Executive Order No. 2012-02. In particular for this application, the applicant is advised of the following for planning purposes:

B. Water & Wastewater
   1. The proposed development is located within the designated Groundwater Protection Zone (GPZ) of Northern Guam, and must be connected to adequate public sewer. Pursuant to the Guam Water Quality Standards, 22 GAR §5101(c)(1)(A) and (B), industrial development should not occur within the GPZ without adequate public sewer infrastructure, and neither should high density residential development, at more than one dwelling per one half acre. The applicant is responsible for working with the Guam Waterworks Authority to determine the adequacy of public sewer and water service, and for installing any improvements necessary to properly service the proposed development.

In addition to the above concerns, the applicant is reminded that any development proposed for the subject location must comply with all other, relevant environmental laws and regulations administered by the Guam Environmental Protection Agency.

DEPARTMENT OF PUBLIC HEALTH and SOCIAL SERVICES (DPH&SS):
No Position Statement has been received as of the date of this Memorandum of April 1, 2021.

GUAM FIRE DEPARTMENT (GFD):
No Position Statement has been received as of the date of this Memorandum of April 1, 2021.

GUAM DEPARTMENT OF EDUCATION (GDOE):
No Position Statement has been received as of the date of this Memorandum of April 1, 2021.

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):
No Position Statement has been received as of the date of this Memorandum of April 1, 2021.

Celine L. Cruz

Attachments: ARC Position statements
Cc: Executive Secretary, GLUC

Lourdes A. Leon Guerrero
Governor
Joshua F. Tenorio
Lt. Governor

Department of Parks and Recreation
Dipattamenton Plaset yan Dibuetsion
Government of Guam
Director's Office, Parks and Recreation Divisions:
#1 Paseo de Susana, Hagåtña, Guam 96910
P.O. Box 2950, Hagåtña, Guam 96932
(671) 475-6288, Facsimile (671) 477-0997
Guam Historic Resources Division
490 Chalan Palasyo, Agana Heights, Guam 96910
(671) 475-6294/6355, Facsimile (671) 477-2822

Richard Y. Ybanez
Acting Director
Victor R. Villagomez
Acting Deputy Director

In reply refer to:
RC2020-0194

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
JUL 22 2020
CLTC/GALC/GLUC

February 03, 2020

To: Executive Secretary, Guam Land Use Commission

From: Acting Director, Department of Parks and Recreation

Subject: DPR Position Statement:
GLUC No. 2020-02 Zone Change Application to Rezone the lots under Basic Lots 5035 and 5036, from "R-2" (Multi-Family Dwelling) to "M-1" (Light Industrial) Zone in Order to Allow for Industrial, Public Facilities and other Industrial Uses to make it Compatible with Existing Adjacent Industrial Zones in the Ukudu Area of Dededo

We reviewed subject application submitted by Harry D. Gutierrez, Consultant and Authorized Representative, on behalf of the applicant, Dolores P. Sablan, Administrator of the Estate of Jose C. Pangelinan. The applicant desires to zone change all the lots to "M-1" to pursue more of the permitted uses that are in line with industrial uses, utilities and related public facilities.

The application states that it is unknown as to the presence or absence of historic properties within the subject lots. Taking into account future developments compatible to the permitted uses of the zone change, our office will require an archaeological survey and testing to address adverse impacts to potential historic properties during future construction ground disturbances.

We have no objection to the approval of subject zone change application, provided our concerns regarding adverse impacts to historic properties are addressed.

Should you have any questions, please contact Mr. John Mark Joseph, State Archaeologist at 475-6339, or by email: johnmark.joseph@dpr.guam.gov.

Sincerely,

for Richard Y. Ybanez

Cc: Harry D. Gutierrez, Consultant
harry.gutierrez@yahoo.com

Q.7-23 06

Lourdes A. Leon Guerrero
Governor
Joshua F. Tenorio
Lt. Governor

Department of Agriculture
Dipåttamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913

Chelsa Muña-Brecht
Director
Adrian Cruz
Deputy Director

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
JUL 15 2020
7/16/20

MEMORANDUM

To: Joseph Borja
Director, Department of Land Management

From: Chelsa-Muña Brecht
Director, Department of Agriculture

Date: June 25, 2020

Subject: "Agricultural & Environmental Impact Statement" for a "Zone Change" request from an R-2 to and M1-Light Industrial" zone to allow for "Industrial Public Facilities and other Industrial Uses" and to make it compatible with existing adjacent industrial zones for Application 2020-02 on Basic Lot 5035 and Lot 5036 located in the area of Dos Amantes Ukudu Dededo. (Dolores P. Sablan).

Hafa Adai! The Department of Agriculture (DOAG) has reviewed the subject lot for the proposed zone change from a R-2 to an M1-Light Industrial zone request and finds some concerns. The DOAG advises that the request for zone change should be denied until concerns are addressed.

The response provided in Tab E, titled "Environmental Impact Assessment" does not provide a detailed plan regarding development of the property if it were to be used as an M1-Light Industrial zone, nor does it give a detailed statement regarding the impact of zone change and further development on threatened and endangered species.

There is a lack of reference to the most current usage of land around the lot of interest. Recently, Guam Power Authority has submitted an environmental review for a proposed power plant to be built in the area of Dos Amantes Ukudu Dededo. The presence of the tourist attraction site, Dos Amantes, access to Tanguisson Beach Park, and Core Tech's offices and workers housing that exist must also be taken into consideration when rezoning Dos Amantes Ukudu Dededo. Without the most current Guam Land Use Plan taken into consideration when rezoning, issues may arise.

An Impact Study must be required to help determine if there are any threatened or endangered species on the lot or species that may be impacted by disruption of land, such

as the Mariana fruitbat, migratory birds, and other native birds. The Impact Study should be focused on noise, light, and air pollution.

In response to an Impact Study, a conservation management plan must be developed and approved by Division of Aquatics and Wildlife for species that occur or may occur on property.

For questions or concerns regarding Agriculture's position please contact our office at 735-0279 or email Jeffery.Quitugua@daog.guam.gov and doag.permits@doag.guam.gov. Thank you in this regard.

Doc. No. 36GL-21-0391.*

GUAM POWER AUTHORITY

ATURIDÅT ILEKTRESEDÅT GUAHAN
P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
JAN 03 2020
9:20
CLTC/GALC/GBUC

January 3, 2020

MEMORANDUM

To: Chairman, Guam Land Use Commission
Executive Secretary, Guam Land Use Commission

From: General Manager

Subject: Lots 5035 & 5036, Municipality of Dededo, (Dolores P. Sablan, Administrator); Zone Change Application from "R-2" (Multi-Family Dwelling) to "M-1" (Light Industrial) for a Concrete Batch Plant. **Application No. 2020-02**

Guam Power Authority has reviewed the application described above and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:

1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
   - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
   - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
   - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
   - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
   - Provide scheduling and magnitude of project power demand requirements for new loads.
   - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
   - **GPA reserves its easement rights established under Document No. 878183 on Map 069FY2015.**

2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.

3. A system impact assessment may be required to determine the effect of this development on GPA's existing power facilities.

4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments
GPA has no objection to the request subject to the conditions cited above.

JOHN M. BENAVENTE, P.E.

ASG/arp

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Dolores P. Sablan, Administrator
Location: Lots 5035 & 5036, Dededo
Type of Application: Zone Change
GLUC/GSPC Application No. 2020-02
Brief Project Description:
"R-2" to "M-1" for a Concrete Batch Plant.

For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: **power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.**

1. I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **AVAILABLE AND IN PLACE** to support this project:
   Yes ☒ No ☐

2. If the answer to #1 above is YES, then:
   I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **ADEQUATE** to support this project:

   Yes ☐ No ☒

3. If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are **NOT AVAILABLE** or they are **AVAILABLE, BUT NOT ADEQUATE,** itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:

Services, Facilities and Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified
Please see comments below				

I hereby certify that the foregoing is true and correct to the best of my knowledge.

JOHN M. BENAVENTE, P.E.
General Manager

1/7/2020
Date

Comments:
Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project. A system impact assessment may be required to determine the effect of this development on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

ASG/arp

Lourdes A. Leon Guerrero
Governor of Guam

Joshua F. Tenorio
Lieutenant Governor

BUREAU OF STATISTICS & PLANS

SAGAN PLANU SIHA YAN EMFOTMASION

Government of Guam
P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812

Tyrone J. Taitano
Director
Matthew C. Santos
Deputy Director

FEB 27 2020

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
MAR 13 2020
CLTC/GALC/GLUC 3/4/20

MEMORANDUM

TO: Director, Department of Land Management

ATTN: Division of Planning

FROM: Director, Bureau of Statistics and Plans

SUBJECT: **Application No.** 2020-02
Location: Lot 5035-1R/W, Lot 5035-2, Lot 5035-3, Lot 5035-4R/W, Lot 5035-5, Lot 5035-6, Lot 5035-7, Lot 5035-8R/W, Lot 5035-R8, Lot 5036-1R/W, Lot 5036-2, Lot 5036-3, Lot 5036-4, Lot 5036-5, Lot 5036-6, Lot 5036-7, Lot 5036-8R/W, Lot 5036-9, Lot 5036-10R/W, Lot 5036-11, Lot 5036-12R/W, Lot 5036-R12
Applicant: Ms. Dolores P. Sablan
Proposed Use: Zone Change

Buenas yan Håfa Adai! The Bureau of Statistics and Plans (Bureau) has completed its review of the above-mentioned application pursuant to its authorities under 5GCA Ch.1 Article 2 Centralized Planning and the Guam Coastal Zone Management Program (GCMP) Enforceable Policies pursuant to Executive Order 78-37. Moreover, in accordance with Executive Order 96-26, the Bureau hereby submits its position statement based on its professional and technical analysis of effects to statutory authorities under the Bureau's purview.

Project Overview

The applicant, Dolores P. Sablan (Administrator), represented by Mr. Harry D. Gutierrez, requests a zone change to rezone the lots from "R-2" (Multi Family Dwelling) to "M-1" (Light Industrial) in order to allow for industrial, public facilities and other industrial uses. The request to rezone is intended to make it compatible with existing adjacent industrial zones in the Ukudu area, Municipality of Dededo.

The total area of the properties for parent Lot 5035 is 43,508 square meters and for parent Lot 5036 is 65,499 square meters. The properties are located approximately midway that is bounded by Tanguisson Road to its north and Route 3 to its South. The surrounding land uses include single family dwellings, multi-family dwellings, commercial and industrial uses, a hospital, private businesses, and a school.

Landscape Assessment

This property is located on the Northern Watershed. Having an accurate picture of an area's landscape and understanding how that landscape is changing is important information for planning efforts. Land cover data can help provide that big-picture view. According to NOAA's C Change Analysis Program (CCAP) land cover data from 2011, shows this watershed has changed by 9.03% due to increased impervious surfaces.

In terms of development impacts, 29.42% of the Northern Watershed is developed and 15.05% is comprised of impervious surfaces. An area is at greater risk of flooding the more an area is developed and levels of impervious surfaces are high. Areas with impervious surface rates will likely experience negative impacts to water quality. Impervious surfaces significantly reduce the water quantity and quality in a watershed. It is reported that the impervious surface degrades the watershed quality by greatly reducing the stream flow and increasing the stream temperature. They carry huge pollutant loads downstream, causing due harm to aquatic life. Severe degradation can be expected when rates reach 25 percent. Effects of runoff can be seen along Northern beaches during periods of heavy rain that result in channeling and loss of beach profile along untreated storm drain outfalls, sediment plumes along Tumon and Tanguisson beach, Algae blooms along the shoreline and occasional noxious orders as result in poor water quality.

Effects Test Review and Analysis and Conditions

Land Use. The property is identified as the "Dos Amantes Planning Area" designation in the official zoning map adopted by the Guam Land Use Commission (GLUC) in accordance with Public Law 30-211. This zoning map adopted by the GLUC designates these lots as "R-2" Multiple-Family Dwelling Zone. Public Law 30-224, the North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). Policy LU-1 (b) General Residential states "The Residential Category provides for a range of residential densities, ranging from low density single family residences to multiple family structures. Nonresidential uses are generally discouraged except for public facilities, schools, and institutions, provided their nature and location are not detrimental to the residential environment." This zone allows for duplexes and multi-family residential uses, as well as single family dwellings and hotels.

Rezoning the property to M1 (Light Industrial) is not consistent with the land use for the area. Moreover, the applicant fails to provide any substance in the application to justify a benefit to public necessity and general welfare.

Development Policy

Policy NS-1 Protect the Northern Aquifer watershed and recharge areas through appropriate land use categories and development standards including requirements for public sewer infrastructure for all residential subdivisions, low development density for unsewered areas, on-site storm water disposal, and limiting heavy industrial activities.

Policy NS-17 (c) Develop criteria and standards for development of industrial and light industrial uses over the Northern Aquifer, particularly activities that involve bulk manufacturing, large quantity storage, and transport of petroleum products, chemicals, and other substances that could migrate to groundwater and near-shore marine waters, especially the down gradient Tumon Bay.

Rezoning the property to M1 (Light Industrial) is not consistent with Guam's Development Policies.

Recommendation and Decision

Pursuant to Executive Order 96-26, Appendix A § 700 (g), the Bureau hereby recommends disapproval based on the above mentioned conditions.

As government officials, it is our primary responsibility to ensure that the growth and development are done in a manner that does not harm public health or safety, but works to promote the public welfare and convenience in a manner that is within balance with the environment in order to preserve and sustain the unique culture, traditions and beauty of the island for future generations. ***Si Yu'os Ma'ase'.***

Tyrone J. Taitano

Tyrone Taitano
Director

The Honorable
LOURDES A. LEON GUERRERO
Maga' Hâga • Governor

The Honorable
JOSHUA F. TENORIO
Sigundo Maga' Lâhi • Lieutenant Governor

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
VINCENT P. ARRIOLA
Director
JESSE G. GARCIA
Deputy Director

MEMORANDUM

July 14, 2020

FILE

TO: Chairman, Guam Land Use Commission
Director< Department of Land Management
GLUC, Executive Secretary

FROM: Director, Department of Public Works
APPLICANT: Dolores P. Sablan
APPLICATION NO. 2020-02 and 2020-19
SUBJECT : Zone Change Application (2020-02) from Multi-Family Dwelling ("R-2") to Light Industrial ("M-1"), Lots to be re-zoned from basic Lots 5035 and 5036, Ukudu, Guam.

Hafa Adai! The above applicant is requesting a zone change from ("R-2") to ("M-1"). The properties identified are part of the "Dos Amantes" area as designated in the official zoning map. The immediate surrounding areas are currently categorized under ("M-1") and include a Wastewater Treatment Plant, a rock quarry, with a hospital and high school further to the east.
We understand the applications also includes the request to build a concrete batching plant, and a request seeking a height variance for a smoke stack with a maximum height variance of sixty feet.

The Department has completed its review of the applications and has the following comments.

- The immediate surrounding areas are currently zoned M-1 so there is compatability with the zoning.
- To the extent that noise, fumes, and dust impact the project area, we recommend utilizing trees, fencing, walls, etc. to minimize these issues.
- The proposed project must comply with all regulations as mandated by the Guam Environmental Protection Agency, Guam Fire Department, and the current and latest Building Code.
- The proposed project must only operate during the daytime hours.
- The proposed project must work with this Department to address any and all traffic issues that may arise from ingress and egress on Route 3.

Assuming these issues are addressed, we support the Applications 2020-02 and 2020-19.

Thank you for your kind consideration.

Sincerely,

Vincent P. Arriola

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
JUL 15 2020
7/16/20
CLERICAL OFFICE

542 North Marine Corps Drive, Tamuning, Guam 96913 • (671) 646-3131 / 647-5055 • Fax (671)649-6178

GUAM ENVIRONMENTAL PROTECTION AGENCY • *AHENSIAN PRUTEKSIÓN LINA'LA' GUÁHAN*
LOURDES A. LEON GUERRERO • GOVERNOR OF GUAM | JOSHUA F. TENORIO • LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO • ADMINISTRATOR | MICHELLE C. R. LASTIMOZA • DEPUTY ADMINISTRATOR

FEB 2 6 2020

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
FEB 2 6 2020
CLTC/GALC/GLUC

Mr. Tae Oh,
Chairman, Guam Land Use Commission
c/o Department of Land Management
590 S. Marine Corps Drive
ITC Bldg, Ste. 733
Tamuning, Guam 96913

Ref: <u>Application No. 2020-02</u>, Dolores P. Sablan (Administrator, Estate of Jose C. Pangelinan) represented by Harry D. Gutierrez; request for a Zone Change from "R-2" (Multi Family Dwelling) to "M-1" (Light Industrial) zone, to allow for future permitted uses in a light industrial zone and public facilities as well as to make the lots compatible with existing adjacent industrial zones in the Ukudu area, on basic Lot Nos. 5035 and 5036 (Ukudu), in the Municipality of Dededo.

Hafa adai Mr. Oh,

Buenas yan Saluda. The staff of this Agency has reviewed **the application for proposed zone change** and has the following concerns related to the proposal (as reviewed):

A. Stormwater and Erosion Control

1. The proposed development must meet all requirements of the Guam Soil Erosion and Sediment Control Regulations (22 GAR Chapter 10), and must provide both pre- and post-construction stormwater controls meeting the requirements of the 2006 CNMI and Guam Stormwater Management Manual, as implemented by Executive Order No. 2012-02. In particular for this application, the applicant is advised of the following for planning purposes:

B. Water & Wastewater

1. The proposed development is located within the designated groundwater Protection Zone (GPZ) of Northern Guam, and must be connected to adequate public sewer. Pursuant to the Guam Water Quality Standards, 22 GAR §5101(c)(1)(A) and (B), industrial development should not occur within the GPZ without adequate public sewer infrastructure, and neither should high density residential development, at more than one dwelling per one half acre. The applicant is responsible for working with the Guam Waterworks Authority to determine the adequacy of public sewer and water service, and for installing any improvements necessary to properly service the proposed development.

In addition to the above concerns, the applicant is reminded that any development proposed for the subject location must comply with all other, relevant environmental laws and regulations administered by the Guam Environmental Protection Agency.

If you have any questions, please feel free to contact Mr. Walter Leon Guerrero, Administrator, at walter.leonguerrero@epa.guam.gov or at (671) 300-4751/52. For technical questions, you may also contact CDR Brian Bearden, P.E., BCEE, Chief Engineer at brian.bearden@epa.guam.gov or 300-4779.

Dångkolu na si Yu'us ma'åse'.

Senseramente,

WALTER S. LEON GUERRERO
Administrator

cc: Mr. Joseph M. Borja
Executive Secretary
Department of Land Management

GUAM WATERWORKS AUTHORITY
Gloria B. Nelson Public Service Building
688 Route 15, Mangilao, Guam 96913

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
JUN 29 2020
CLTC/GALC/GLUC
6-30-20

MEMORANDUM

June 10, 2020

TO: Joseph Borja, Acting Director, Department of Land Management

CC: Mayor Melissa B. Savares, Municipality of Dededo (melissa.savares@gmail.com)

FROM: Miguel C. Bordallo, P.E., General Manager

SUBJECT: Position Statement on Zone Change Application 2020-02 for the Following Lots in the Municipality of Dededo:

APPLICANT: Dolores P. Sablan

The Guam Waterworks Authority (GWA) has reviewed the applicant's zone change application from "R2" (Multi-family) to "I" (Industrial) zone for nine lots in Basic Lot 5035 and thirteen lots in Basic Lot 5036.

The original application included Lots 5036-5 and 5036-3. Lot 5036-5 and a portion of Lot 5036-3 are owned by GWA. The applicant/applicant's representative did not contact GWA prior to submitting the application. The applicant does not have the authority to represent GWA for property or easements that are owned by GWA. GWA does not agree to the zone change request for GWA-owned properties. The applicant's supplemental report submitted to GWA on May 12, 2020, removed the GWA-owned lots from the zone change application.

This memorandum shall serve as GWA's position statement for the referenced application related to the availability of water and sewer infrastructure to serve the above subject lots, with the exception of the lots and easements owned by GWA. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development, including fire flow, without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to GWA rules and regulations. Any required extension to the existing facilities to serve the subject properties shall be at the applicant's expense.

The following comments are conditions for GWA's position in favor of the approval of this application, with the exclusion of the properties owned by GWA.

1. A wastewater lift station is located within an easement on Lot 5035-5, as noted on the application. Access to GWA easements shall not be impeded, nor shall construction occur within GWA easements. GWA easements are located on the lots listed below.
   Lot 5035-2
   Lot 5035-5
   Lot 5036-4
   Lot 5036-6
   Lot 5036-9
   Lot 5036-11

2. The applicant must provide GWA with site development plans to construct the proposed development. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations.

3. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to the building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing GWA facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary. Utility capacity analysis will consider service to existing customers, as well as approved projects in the building permit/construction stage, as unavailable for use by newly proposed developments. Discussions with the GWA Engineering Department will also include applicable GWA standards and requirements.

4. If off-site water and sewer infrastructure improvements are installed by the developer, they will require prior approval from GWA, must meet GWA standards, be constructed in the public easement or right of way, and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant. GWA's approval of the occupancy permit application will be contingent upon the completion of offsite utility improvements.

   The developer shall register maps and documents for new public rights of way or utility easements with the Department of Land Management and provide copies to GWA.

5. Developers and subdivision owners who have installed water and/or wastewater pump stations whose sole purpose is to serve only the proposed development or subdivision, and consequently have no excess capacity to serve customers beyond the boundaries of said development or subdivision, shall be required to

maintain their own pump station(s) and force main(s) in proper working condition to the satisfaction of GWA.

6. GWA does not guarantee that water service will meet Guam Fire Department's fire suppression requirements. The applicant is responsible for any onsite or offsite utility improvements needed to meet fire suppression requirements.

7. The applicant shall install GWA water meters in the public right of way or easement.

8. Backflow prevention devices are required for non-residential activities, swimming pools, or when a development will be served by a master meter.

9. New development is subject to water and/or sewer system development charges.

10. Certain activities are subject to sewer pre-treatment requirements. Grease traps or interceptors are required for food service establishments. Oil-water separators are required for vehicle maintenance activities. See GWA for additional industrial wastewater pre-treatment requirements.

11. Only wastewater shall be discharged to the sanitary sewer system. Stormwater, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.

12. After a GWA utility service account is opened, the account holder is responsible for informing GWA of onsite activity changes that may affect the account's classification and utility service requirements. Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance activities.

This memorandum shall remain valid for 365 calendar days from the date of this response. Contact Brian Hess, P.E., GWA Permits and New Area Development Supervisor (#300-6041 or bhess@guamwaterwork.org) for water and sewer system standards or additional information.

Doc Type: 36GL-21-0391

OFFICE OF THE SPEAKER
THERESE M. TERLAJE

04 01 2021

Time: 2:07 pm

Received:

GLUC APPLICATION NO. 2020-02

GRACE VERGARA
CASE PLANNER

COMMITTEE ON RULES
RECEIVED:
April 7, 2021
3:40 P.M.

Ryan Justice T. Pabauta

12/26/19
RECEIVED

SUPPLEMENTAL REPORT

ZONE CHANGE

LOTS TO BE REZONED

FROM BASIC LOT 5035

LOT 5035-1R/W
LOT 5035-2
LOT 5035-3
LOT 5035-4R/W
LOT 5035-5
LOT 5035-6
LOT 5035-7
LOT 5035-8R/W
LOT 5035-R8

FROM BASIC LOT 5036

LOT 5036-1R/W
LOT 5036-2
LOT 5036-4
LOT 5036-6
LOT 5036-7
LOT 5036-8/R/W
LOT 5036-9
LOT 5036-10 R/W
LOT 5036-11
LOT 5036-12 R/W
LOT 5036-R12

Prepared by
HARRY D. GUTIERREZ
CONSULTANT

[redacted]

GLUC APPLICATION: 2020-02

Case Planner:

_____

ZONE CHANGE APPLICATION

TO REZONE THE LOTS FROM "R-2" (MULTI-FAMILY DWELLING) TO "M-1" (LIGHT INDUSTRIAL) ZONE IN ORDER TO ALLOW FOR INDUSTRIAL, PUBLIC FACILITIES AND OTHER INDUSTRIAL USES; AND TO MAKE IT COMPATIBLE WITH EXISTING ADJACENT INDUSTRIAL ZONES IN THE UKUDU AREA OF DEDEDO.

LOTS TO BE REZONED

FROM BASIC LOT 5035

LOT 5035-1R/W
LOT 5035-2
LOT 5035-3
LOT 5035-4R/W
LOT 5035-5
LOT 5035-6
LOT 5035-7
LOT 5035-8R/W
LOT 5035-R8

FROM BASIC LOT 5036

LOT 5036-1R/W
LOT 5036-2
LOT 5036-3
LOT 5036-4
LOT 5036-5
LOT 5036-6
LOT 5036-7
LOT 5036-8R/W
LOT 5036-9
LOT 5036-10R/W
LOT 5036-11
LOT 5036-12R/W
LOT 5036-R12

ESTATE OF JOSE C. PANGELINAN
DOLORES P. SABLAN (AS THE ESTATE ADMINISTATOR)

Prepared by
HARRY D. GUTIERREZ
CONSULTANT
[redacted]

AFFIDAVIT OF AUTHORIZATION ..... TAB A

ZONE CHANGE APPLICATION ..... TAB B

ZONE CHANGE JUSTIFICATION ..... TAB C

ATTACHMENT 1 – LISTING OF PARCELED LOTS FROM PARENT LOTS 5035 & 5036 ..... TAB D

ENVIRONMENTAL IMPACT ASSESSMENT..... TAB E

RADIUS MAPS (1000', 750' & 500') ..... TAB F

OWNERSHIP & COURT ORDER AND ESTATE JUDGEMENTS AND MISCELLANEOUS SUPPORTING DOCUMENTS RELATED TO THE SUBJECT PROPERTIES OF THE ESTATE ..... TAB G

RECORDED PROPERTY MAP & OTHER SUPPORTING MAPS OF THE ESTATE ..... TAB H

AUTHORIZATION

DOLORES P. SABLAN, Administrator of Lot 5035 and Lot 5036 in the Municipality of Dededo. Is legal age and with power bestowed as the Administrator of the subject properties, through this instruments hereby do grant and authorize the following:

1. That HARRY D. GUTIERREZ is hereby authorized to represent us in obtaining an **M-1 Zone** with the Department of Land Management.

2. That my authorized representative/consultant to conduct himself accordingly to arbitrate, negotiate, commit represent, mitigate and abate the proposed project through all reviewing instrumentalities involved along the process.

I hereunto affix my signatures to this affidavit:

Dolores Sablan
Dolores P. Sablan
Administrator and Date

GUAM U.S.A.)
)
)

SUBSCRIBED AND SWORN TO before me this 29th day,

March, 2019 by **Administrator.**

Jana Rose Tarusan
NOTARY PUBLIC

JANA ROSE TARUSAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: APR. 06, 2021
238 E. Marine Corps Drive Suite 202, Hagatna Guam 96910

ZONE CHANGE

TO: Executive Secretary, Guam Land Use Commission
c/o Land Planning Division, Department of Land Management
Government of Guåhan, P.O. Box 2950, Hagatna, Guåhan 96932

The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a *Zone Change*.

1. Information on Applicant:

Name of Applicant: Dolores P. Sablan Administrator U.S. Citizen: [X] Yes [ ] No

Mailing Address: c/o Harry D. Gutierrez, Consultant Representative

Telephone No.: Business: 482-5315 Home: N/A

2. Location, Description and Ownership:

Subdivision Name: N/A

Lot(s): **See Attachment 1 at TAB D** Block: N/A Tract: N/A

Lot Area: Acres **See Attachment 1 at TAB D** Square Meters: **See Attachment 1 at TAB D**
Square Feet: **See Attachment 1 at TAB D**

Village: Dos Amantes Place Name of Ukudu Municipality: Dededo

Registered Owner: Estate of Jose C. Pangelinan, PR0105-10

See **TAB G.** Order Granting Letters of Administration

Certificate of Title No.: N/A Recorded Document No.: 815116

3. Current and Proposed Land Use:

Current Use: Public Facility and Utilities Zoned: R-2

Proposed Use: Industrial and Public Facility and Utilities Proposed Zone: M-1

Master Plan Designation: Dos Amantes Zone Map F3 67S 52

4. Attach a one page typed, brief and concise justification (letter format explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist; your intentions and purpose of the Zone Change request justifying public necessity, public convenience and general welfare in accordance with ***Guam Code Annotated 21 GCA, Chapter 61, Section 61630***.

5. Support Information. The following supporting information shall be attached to this application:

a. 8 1/2" X 14" map, drawn to scale, showing existing zoning within 1000 feet radius from the subject lot's boundaries.

ATTACHMENT: Section 61630 (Requirements for Changes) and Section 61638 (Review by Municipal Planning Council is attached for your information and guidance in preparation of your Zone Change Application. For additional requirements, visit the Zoning Section, Land Planning Division.

Doc. No. 36GL-21-0391.*

ZONE CHANGE

Supporting Information (Continuation):

b. All parcels and their uses within 750 feet radius from the subject lot's boundaries. The map shall also contain:
   (1) Lot number for every parcel(s);
   (2) Identify by name and use all existing activities on all parcel(s) through a legend/code reference;
   (3) All adjacent inclusive and exclusive easements and roads to the property, their widths, and condition of surfaces;
   (4) The nearest location of all public utilities to the subject lot;
   (5) All natural or topographic peculiarities.

c. 8 1/2" X 14" map, drawn to scale, showing all parcels within 500 feet radius of the subject lot's boundaries. Each parcel shall be identified with property lot number.

d. The most recent survey map, certified and recorded at the Department of Land Management, showing the subject property.

e. A detailed As-Built Plan of the lot shall include the following:
   (1) Total number and types of building;
   (2) Parcel size in square meters/feet;
   (3) Layouts of utilities and drainage;
   (4) Proposed lot coverage of building(s) and accessories in square meters/feet;
   (5) Approximate gross and net densities allowed on parcel;
   (6) Feasibility study;
   (7) Topography;
   (8) Existing earth faults and sinkholes;
   (9) Water courses and lens;
   (10) Reservation, conservation and historic places;
   (11) Total percentage of open spaces exclusive of parking stalls and other man-man features;
   (12) Percentage of building footprint (PD only); and
   (13) Compatibility to surrounding uses (PD only).

f. If leased, lease agreement (the assignment of lease and the covenant).

g. An initial comprehensive ***Environmental Impact Assessment (EIA)*** in accordance with Executive Order 90-10.

h. Additional information as required by the Guåhan Chief Planner

i.

Submit one set of the Application with all the supporting information listed above. Once the Application is reviewed and accepted, applicant must submit the required number of hard copies (32 sets) of the Application and nine (9) copies of the Application in electronic format (example: in CD format, etc.)

Filing Fee: Fifty Dollars ($50.00) filing fee for the first five pages, and $.25 for any additional page, under Public Law 29-02, Chapter V, Part III *(Fees and Charges Assessed by the Department of Land Management).*

In an effort to provide a more effective means by which the municipality's concerns are heard and accommodated according to the land and regulations of real property uses, this land use application must be assessed for the need to an empanelment of a Hybrid Commission pursuant to **P.L. 33-219.** A Hybrid Commission will be empaneled if this application represents a development cost of **more than three million dollars ($3,000,000.00)**, exclusive of the cost of the property as described in this application.

LESS THE VALUE OF THE PROPERTY, WILL THIS PROJECT COST MORE THAN $3,000,000.00? O Yes O No

Please sign attesting to your answer: ⟹ **NOT APPLICABLE FOR ZONE CHANGE APPLICATION**

See attachment for more information on P.L. 33-219 and 33-209, as the affect the process of assessment of this application)

Doc. No. 36GL-21-0391.*

ZONE CHANGE

9. **Required Signatures:** All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

"I hereby certify that all information contained in this application and its supplements are true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that thirty-two (32) sets of the above listed required information is provided."

Dolores P. Sablan, Administrator
Owner(s) or Lessee(s) and Date)

Harry D. Gutierrez, Consultant 10-4-19
(Representative, if any, and Date)

THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.

FOR OFFICIAL USE ONLY

Date Accepted: _____ Accepted By: _____

Date of Notice in Newspaper(s): _____ Date of Notice to Adjacent Property Owners: _____

Date of Public Hearing: _____

Filing Fee(s) Paid *($)*: Yes [ ] No [ ] Check [ ] Cash [ ] Other [ ] _____

Receipt No.: _____ Application Number: _____

Date of GLUC Action: _____ Conditions: Yes [ ] (See Below) No [ ]

Conditions of Approval: _____

_____

GLUC Resolution No.: _____ Date of Notice of Action: _____

Doc. No. 36GL-21-0391.*

HARRY D. GUTIERREZ
CONSULTANT
[redacted]

October 4, 2019

Chairman
Guam Land Use Commission

Hafa Adai Mr. Chairman:

Submitted is a Zone Change application for my client, Dolores P. Sablan, Administrator of the Estate of Jose C. Pangelinan, for the Lots as shown at **ATTACHMENT 1**, Dos Amantes Planning Area, Place Name of Ukudu, Municipality of Dededo. **ATTACHMENT 1** list all of the lots parceled from Basic Lot 5035 and Lot 5036.

The property is mostly vacant except for an existing sewage pumping station as shown on the parceling survey map at **ATTACHMENT 2**. My client desires to zone change all of the Lots currently zoned "R-2" Multi-Family Dwelling to "M-1" Light Industrial zone. It is understood that once zone all of the permitted uses could be pursued. However, the primary intent for the rezoning to "M-1" zone, is to pursue more that is in line with industrial uses, utilities and related public facilities.

JUSTIFICATION FOR THE ZONE CHANGE IS AS FOLLOWS:

RELATIVE TO "PUBLIC NECESSITY"

The surrounding zones and land uses consists predominantly of "M-1" and "C" zones. "R-2" zone does exist south of the property, however, this "R-2" zone designation is not widespread. The zoning on the northern and western side of then basic Lot 5035 is "M-1" and to the south are lots zone "C". Likewise, the lots north of then basic Lot 5036 are zone "M-1"; and on its eastern and southern side the zone is "C".

The nearest and current uses in existence are as follows: due north and approximately 729.54 meters is the Northern Wastewater Treatment Facility and zone "M-2" (Heavy Industrial); the approved Ukudu workforce housing facility is due north east and approximately 900 meters and zone "M-1"; South is the Guam Regional Medical City (GRMC) and approximately 545.82 meters a mix of "C" and "M-1"; and further southeast is the new dialysis renal care center that is approximately 1,607.44 meters.. Adjacent to the GRMC hospital is an ongoing construction that is planned for a medical library and related facilities. This area is zone "C".

As can be realized, the requested zone to "M-1" is a more compatible zone designation and would not detract from the overall zoning scheme in the immediate or surrounding areas.

The few existing "R-2" zone designated on the map at the time the Dos Amantes Zoning Map was prepared was established to provide a mixture of zones. But as can be seen, numerous lots that were initially designated to be zone "R-2" were changed at the request of the individual landowners either to "C" or "M-1" prior to the final approval of the Dos Amantes Zone Map in January 2011. Property owners whose property(is) remained as R-2" zone opted to maintained that zone designation in order to assess the trends and changes in the area where "C" and "M-1" zones exist.

The rezoning of the lots to "M-1" will not be detrimental to its immediate and surrounding areas. While it is understood that any permitted or conditional uses may be pursued, if zone "M-1", the planned uses for this zone change application would be more oriented towards a specific industrial or utility use.

The rezoning to "M-1" is a public necessity since it will allow for the establishment of public utilities and facilities as well as ensuring the extension of permitted industrial operations that can provide various industrial products to local retail or construction activities; and a company conducting operations on these lots would be at a prime location to operate and support the ongoing military buildup construction projects as well. In fact, a propose concrete batching plant is planned to be built on Lot 5035-R8; and the sewage pumping station, a public facility, will continue to remain on Lot 5036-9 as well as all of its related sewer and utility easements on separate lots as shown on the property survey map.

RELATIVE TO "CONVENIENCE"

It appears clear that the zones surrounding these lots which are mostly "C" and "M-1" zones with the uses inherent in these zones would heavily impact whatever uses is utilized in the "R-2" zone. It would be more of a "convenience" that the properties rezone to "M-1" will allow land uses that would be the same uses with those properties already zone "C" and "M-1". When public facilities or utilities are constructed or upgraded as a result of this permitted use in the "M-1" zone, the general public including the private landowners in the immediate and surrounding area stands to benefit greatly.

AS TO PUBLIC WELFARE

The properties are located approximately midway that is bounded by Tanguissan Road to its north and Route 3 to its south. The current "R-2" zone, if kept as is and the uses that could potentially be attained, would substantially be affected by the predominant commercial and industrial uses that also could and will exist around its adjacent and abutting properties that has been zone "C" and "M-1".

The trend in the Dos Amantes area whether it is along the route 3 or along Tanguissan Road caters to commercial, industrial, public facilities or utilities. Single-Family, Multi-Family, hotel uses, etc. are less regarded. It can be deduced that the people's desire and the public's demands are uses in these higher zone designations. Therefore, if rezone to "M-1", the public's welfare would be protected.

I believe that adequate justification has been provided. On a final note, prior to the approval of the Dos Amantes Zone Map, a Legislative Public Hearing was held for the purpose of soliciting the input of the landowners as well as the public on whether they agreed with the zone designations or desired a change. The result was that many landowners opted to request a higher zone designation than what was initially proposed. Public Law 30-211 lists those changes and as a result such changes were noted on the Official Dos Amantes Zone Map F367S52.

Therefore, I humbly request your favorable consideration of this zone change application.

Sincerely,

Harry D. Gutierrez
Authorized Representative

Attachments
1. List of Parceled Lots from Basic Lots 5035 and 5036
2. Property Map

SOURCE LM 069 FY 2015

MAP DOCUMENT No. 878183

	LIST OF LOTS PARCELLED FROM PARENT LOT 5035 (TOTAL AREA: 43,508 SM)			LIST OF LOTS PARCELLED FROM PARENT LOT 5036 (TOTAL AREA: 65,499 SM)		
		AREA	REMARKS		AREA	REMARKS
1	5035-1R/W	75 SM	Public Access and Utilities Right-of-Way	5036-1 R/W	1,861 SM	PUBLIC ACCESS AND UTILITIES RIGHT OF WAY
2	5035-2	243 SM	Portion of Parcel D, Force Main Reserved Easement for Sewage Pumping Station	5036-2	1,962 SM	Portion of Parcel 1, Reserved Easement
3	5035-3	9,757 SM		5036-3	4,602 SM	
4	5035-4R/W	2,253 SM	PUBLIC ACCESS AND UTILITIES RIGHT OF WAY	5036-4	463 SM	Portion of Parcel B-3, 10' SANITARY SEWER ESM'T
5	5035-5	40 SM	Portion of Parcel 2, Sewage Pumping Station	5036-5	356 SM	
Portion 6	5035-6	5,445 SM		5036-6	184 SM	20' WIDE 8" DUCTILE PIPE WATER MAIN ESM'T
7	5035-7	1,832 SM	Portion of Parcel A-1 & A-2, Reserved Easement for AT&T Cable	5306-7	1,907 SM	
8	5035-8 R/W	895 SM	PUBLIC ACCESS AND UTILITIES RIGHT OF WAY	5036-8 R/W	266	PUBLIC ACCESS AND UTILITIES RIGHT OF WAY
9	5035-R8	22,968 SM		5036-9	1,665 SM	Portion of Parcel 2, SEWAGE PUMPING STATION
10				5036-10 R/W	508 SM	PUBLIC ACCESS AND UTILITIES RIGHT OF WAY
11				5036-11	527 SM	Portion of Parcel D, FORCE MAIN, RESERVED ESM'T FOR SEWAGE PUMPING STATION
12				5036-12 R/W	174 SM	PUBLIC ACCESS AND UTILITIES RIGHT OF WAY
13				5036-R12	51,025 SM	

ATTACHMENT 1

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA)
ENVIRONMENTAL IMPACT ASSESSMENT (SHORT FORM)
October 1999

GEPA has developed this EIA form for use by developers proposing projects or land use activities, which may pose only insignificant environmental impacts. This form is provided as an alternative to the EIA standard format provided to satisfy the requirements of Executive Order 96-26. If potential environmental impacts and issues are assessed or determined to be significant either by the applicant or GEPA, a more detail EIA may be required including a thorough presentation and discussion of alternatives as required by the *Guidelines for the Preparation of Environmental Impact Assessments and Statements* (GEPA October 1999).

This EIA format constitutes the minimum necessary assessment and disclosure of potential impacts for a project. This form may also be used as a preliminary scoping guide or checklist in consultation with the Agency.

Case No: _____

Project Title: **Zone Change to "M-1"**

1. Name, address and business telephone of applicant: Dolores P. Sablan, Administrator c/o Harry D. Gutierrez, Consultant, [redacted]

2. Name, title and telephone number of representative: Harry D. Gutierrez, Consultant, [redacted]

3. Name, title and telephone number of EIA document preparer: Harry D. Gutierrez, Consultant, [redacted]

4. Location of the proposed project: (include tract, block, lot, municipality and a location map) Dos Amantes Planning Area, Ukudu

5. Describe the general nature or type of proposed project: Zone Change from "R-2" Multi-Family Dwelling Zone to "M-1" Light Industrial Zone

6. Are the following critical environmental factors affected by the proposed project? If yes, describe the impact and state why it would not be significant. If not affected, provide reasons why. If more space is required refer to and attach additional sheets.

a. Ground water recharge area: Since this action is for a "Zone Change" at this phase and that there is no ongoing construction/development actions occurring, I believe that it is premature to determine any effects to the Ground Water Protection Zone at this time

b. Watersheds: Since this action is for a "Zone Change" at this phase and that there is no ongoing physical construction/development actions occurring, I believe that it is premature to determine any effects to the Watershed at this time.

c. Wellhead protection zone: Since this action is for a "Zone Change" at this phase and that there is no ongoing physical construction/development actions occurring, I believe that it is premature to determine any effects to the Wellhead Protection Zone at this time.

e. Marine waters: The Subject lots are not near any marine waters.

f. Reef flats: The Subject Lots are not near any Reef Flats.

g. Pristine forest: I am not aware that there exist areas that may be deemed as "Pristine Forest" since various portions in the immediate and surrounding areas had been previously disturbed, e.g., the development of the Northern Wastewater Treatment Facility, an existing sewage pumping station along Parcel J (a 100' foot wide easement), and along Route 3, the newly constructed Guam Regional Medical City and adjacent is the ongoing Medical Library Building.

h. Critical habitat area: Response is the same as Paragraph 6g above

i. Wetlands: Response is the same as Paragraph 6g above

j. Flood hazard area: It is unknown if there has been any flooding in the area.

k. Archaeological feature(s) or historical sites: It is unknown as to whether there are any Archaeological or historic sites on the subject lot. However, what is known is that the area had been previously disturbed based on the fact that there exist a sewage pumping station on one of the subject lots.

7. Will the project result in any of the following environmental or infrastructure impacts.

a. Production of toxic or hazardous waste: Since this is for a "Zone Change", determination will have to made at the time that a specific development use is pursued in the future.

b. Dislocation of existing businesses, residents or public areas: Since this is a "Zone Change" action at this point in time, it is not anticipated that there will be disruption of any existing uses. What is known is that there are in existing industrial and commercial uses and which this "M-1" zone change is a compatible zone.

c. Production of air contaminants (temporary or permanent): Since this action is for a Zone Change, determination relative to production of air contaminants whether temporary or permanent will have to be determine at the time when a development plan is submitted under the permitting phase.

8. Will the project require an increase in the requirements for any of the following public service (provide estimated quantities or volumes)? If answering yes to any of these items you must describe how the impact affects current infrastructure capacity. In addition, if the applicant/ developer proposes contributions or mitigation to offset impacts, describe the contribution or mitigation.

   a. Drinking water: Since this action is for a Zone Change, determination will have to be made at the time a specific development use is submitted under the Permitting phase.

   b. Sewage disposal (public system): There will be a requirement for sewage directly associated with any uses inherent in the requested "M-1" zone; however, there are also numerous sewer easements and existing sewer lines that potentially can be use; and there is an existing sewage pumping station on one of the lots that directly ties to the NWTF.

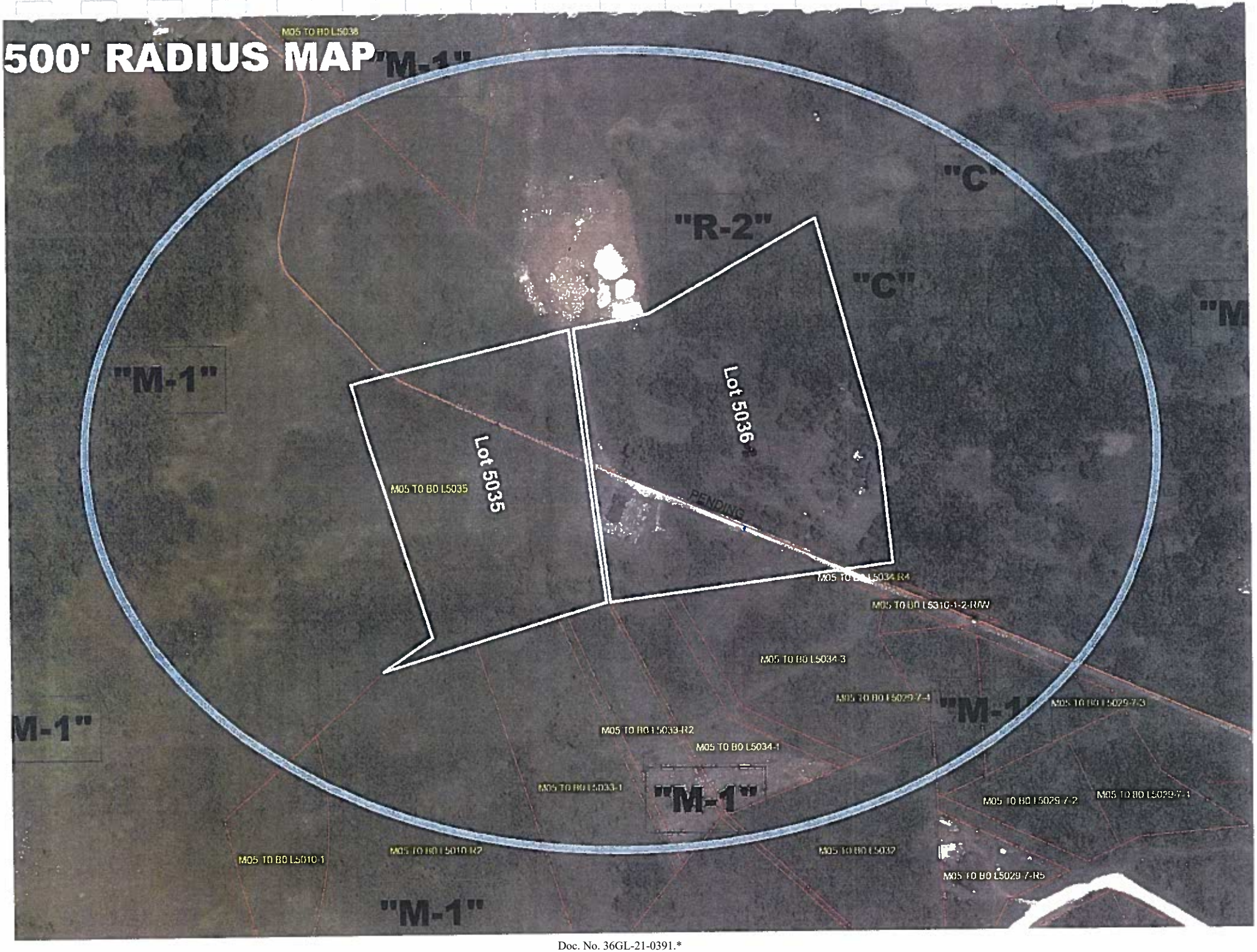
   c. Vehicle traffic: Determination will have to be made at the time of a specific use pursued at the permitting phase. At this point in time, since this is for a Zone Change, it is rather difficult to provide any exact vehicle traffic analysis.

9. Will clearing and/or grading be required (include the number of acres and a general description of site soil and slope conditions):
   This requirement will have to be determine at the permitting phase since the requested action at this point in time is for a "Zone Change".

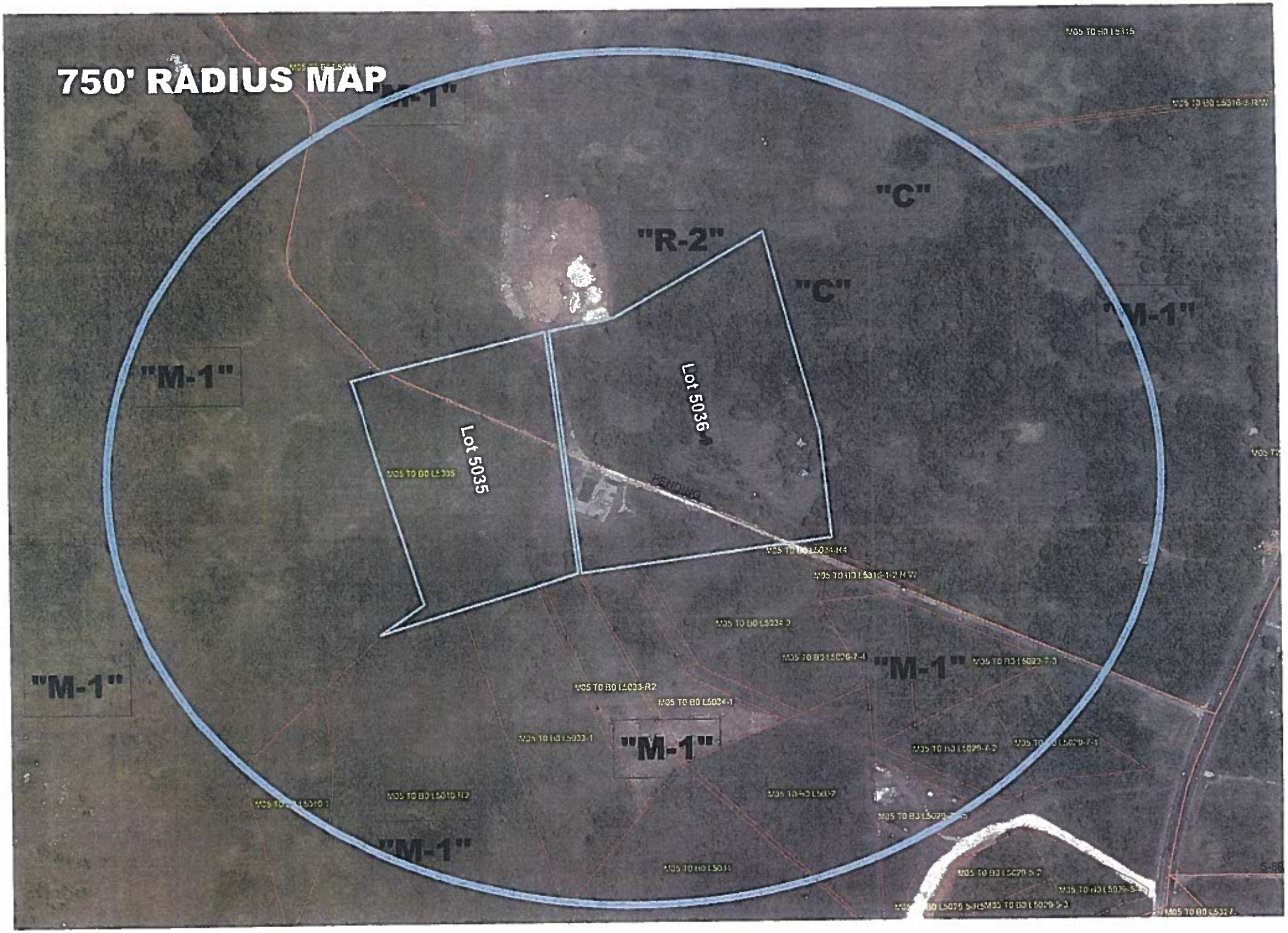
10. Will the project utilize an individual waste water disposal system such as septic tank/leaching field system, secondary package treatment system...etc.?). Since this requested action is for a "Zone Change" determination will have to be made at the permitting phase. However, since there exists a sewage pumping station and numerous sewer easements, it can be deduced that the primary waste water disposal system will be via an existing public sewer system.

Providing false or misleading information in this assessment may constitute grounds for permit and EIA suspension or disapproval until such time as the applicant or document preparer makes all appropriate amendments or corrections as required by Guam EPA. Statements made in this form are binding for the purpose of environmental protection and the preparer and/or applicant is responsible for the timely implementation of protection and mitigation measures identified. Failure to fulfill stated avoidance, minimization or mitigation measures may also constitute grounds for Agency enforcement actions to the full extent of all applicable environmental regulations and statues.

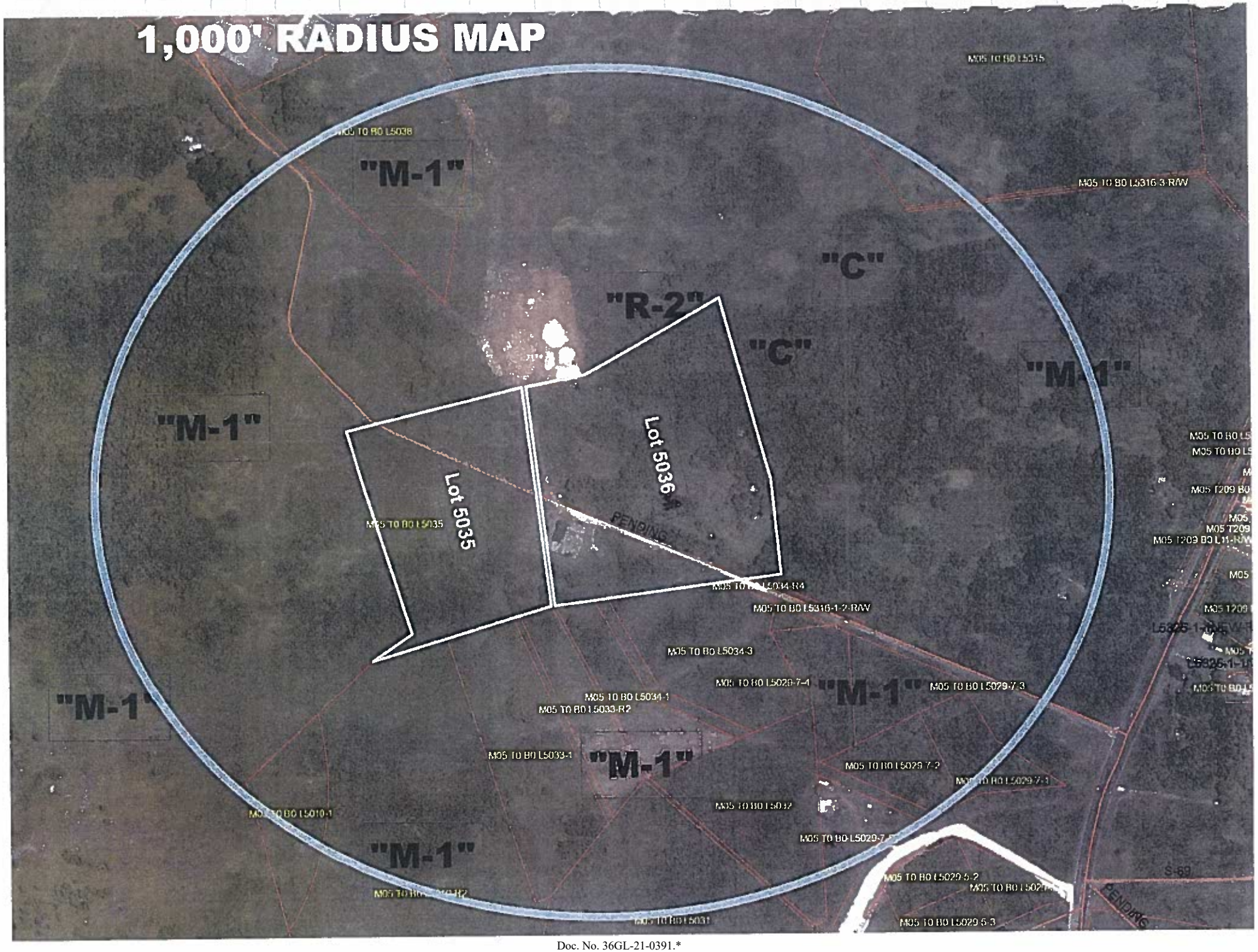
GEPA-EPR001 (12/12/96)



Doc. No. 36GL-21-0391.*

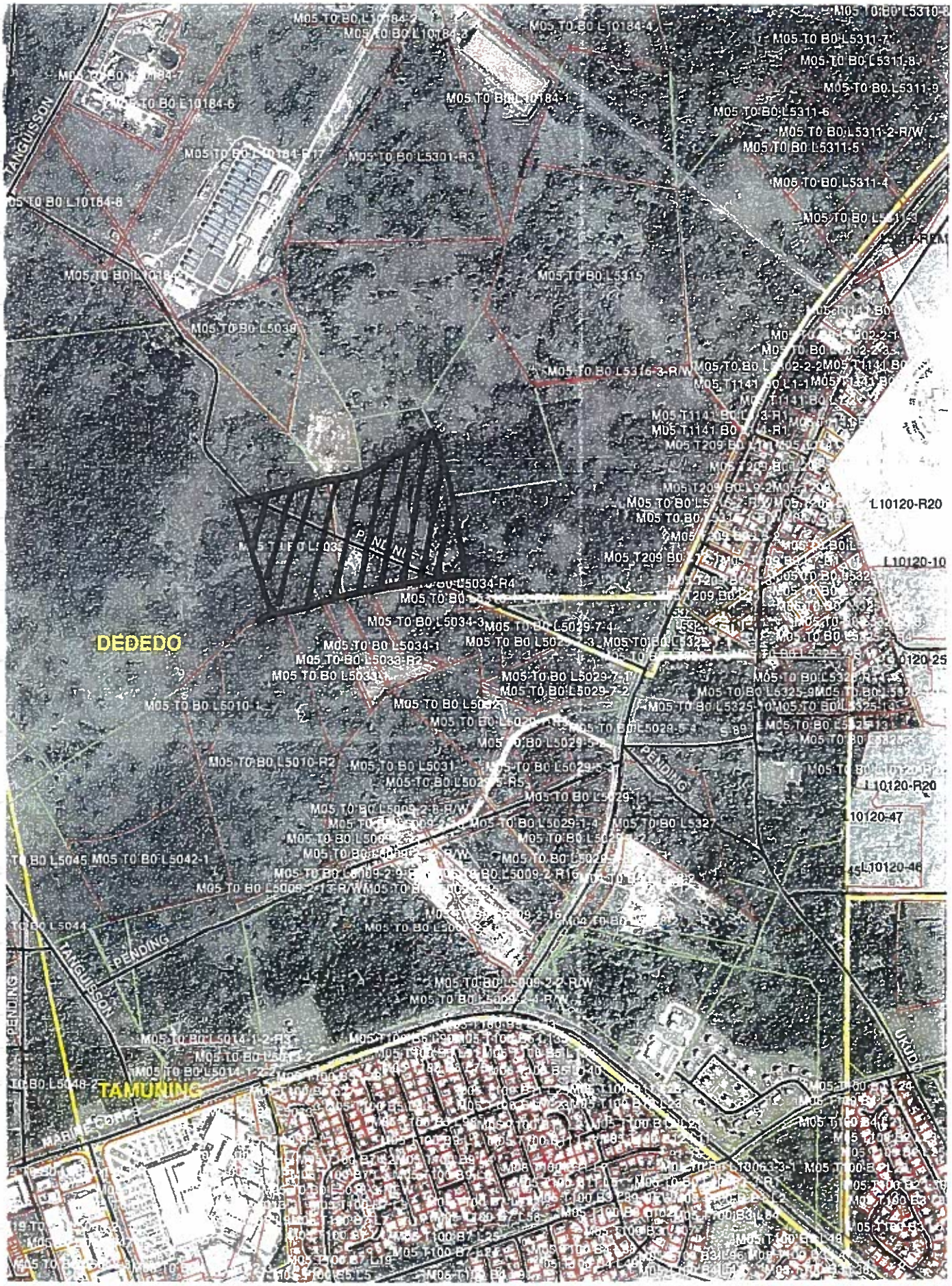

750' RADIUS MAP
"M-1"
"C"
"R-2"
"C"
"M-1"
"M-1"
Lot 5036
Lot 5035
PENDING
"M-1"
"M-1"
"M-1"
"M-1"

1,000' RADIUS MAP

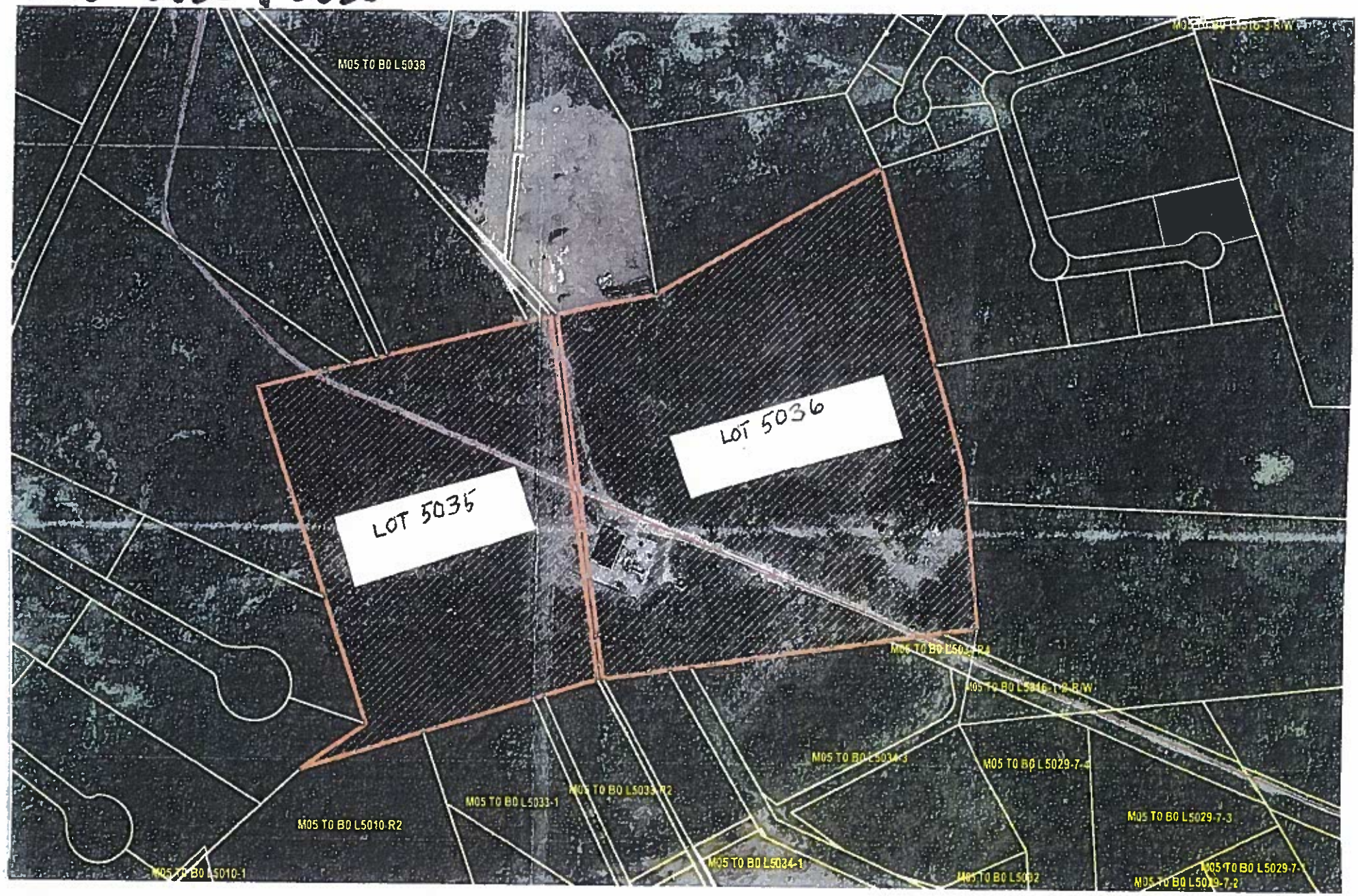


1,607.44 m.
729.54 m.
545.82 m.
Lot 5036
Lot 5035
PENDING
TANGUISSON
DRIVEWAY
S-89
S-91
ADORA
CLTP

SITE LOCATION: LOTS 5035 & 5036



LOTS: 5035 & 5036



LAW OFFICE OF CYNTHIA V. ECUBE, ESQ.

A Professional Corporation

February 24, 2012

VIA CERTIFIED MAIL/RETURN RECEIPT REQUEST:

THE ESTATE OF JOSE C. PANGELINAN
C/O Dolores Sablan
[redacted]

Re: In the Matter of the Estate of Jose C. Pangelinan; PR0105-10.

Dear Estate of Jose C. Pangelinan:

Please be advised that the undersigned legal counsel represents the Estate of Jose C. Pangelinan in the above-entitled probate matter pending in the Superior Court of Guam.

On October 11, 2010, the Superior Court of Guam granted the Petition for Letters of Administration and for the Appointment of Co-administrator's Dolores P. Sablan and Maria C. Pangelinan for the Estate of Jose C. Pangelinan. Pursuant to the Petition, the following real property returned from the Government of Guam to the original landowner, Decedent, Jose C. Pangelinan, to wit:

REAL PROPERTY:

1. Lot No. 5036, Dededo as referenced and taken in Civil Case 10-50 and Civil Case No. 33-50 as contained in:

   Lot Andersen Communications Annex No. 1 (Wettengel Receiver - AJKD) that certain real property situated in the Municipality of Dededo, consisting of approximately 865.21 acres, more or less, as described in Exhibit "A" of Document Number 660299, recorded at the Department of Land Management on July 26, 2002.

   and

   Lot Andersen VOR Annex (AJKZ) that certain real property situated in the Municipality of Dededo, consisting of approximately 308.99 acres, more or less, as described in Exhibit "A" of Document Number

207 Martyr Street, Suite 3 • Hagatña, Guam 96910
Tel (671) 472-8889 • Fax (671) 472-8890 • Email: ecubelaw@guam.net

664868, recorded at the Department of Land Management on July 26, 2001, and as shown on Map Drawing No. RE-95-07.

2. Lot No. 5035, or a portion thereof, Dededo as referenced and condemned in Civil Case 10-50 and Civil Case No. 33-50 as contained in:
Lot Andersen Communications Annex No. 1 (Wettengel Receiver - AJKD) that certain real property situated in the Municipality of Dededo, consisting of approximately 865.21 acres, more or less, as described in Exhibit "A" of Document Number 660299, recorded at the Department of Land Management on July 26, 2002.

and

Lot Andersen VOR Annex (AJKZ) that certain real property situated in the Municipality of Dededo, consisting of approximately 308.99 acres, more or less, as described in Exhibit "A" of Document Number 664868, recorded at the Department of Land Management on July 26, 2001, and as shown on Map Drawing No. RE-95-07.

Since the commencement of the probate action, the Co-administrators have already obtained a survey map of the property which was duly recorded with the Department of Land Management, under Instrument No. 830059. Enclosed please find a copy of the Survey Map for your records. The undersigned is also informed that all the heirs of the Estate have agreed to sell the above property and distribute the proceeds from the sale to the heirs based upon their respective percentages in accordance with Guam law. According to the Co-administrators, they have not received any prospective offers for the purchase the property. As such, on February 17, 2012, the Court issued an Order directing the Co-administrators to list the above-property with a qualified and licensed real estate broker. Enclosed please find a copy of the Order for your records.

Once the property is listed with a broker, the Estate anticipates prospective offers. Under Guam law, the Estate must sell the property for not less than ninety percent (90%) of the appraised

value of the property. The Court must approved the sale once the Estate enters into a contract with a bonafide purchaser so long as the purchase is at least ninety percent (90%) or more for the property. Once the property is sold, the net proceeds from the sale will be used to pay all Court costs and attorney's fees prior to distribution to the heirs. The undersigned is also informed that many of the heirs have not probated their parents' estates. In order to effect the distribution of the proceeds from the Estate to the heirs, each clan will be required to commence probate action for their respective families.

The undersigned will be coordinating with a Broker in the next week to commence listing the property for sale in order to move forward with the closing of the probate. When the property is sold, the Estate will file an Inventory and Appraisement of the Property and Petition for Final Distribution.

If you have any other questions concerning this matter, please contact the undersigned's law office.

Sincerely,

CYNTHIA V. ECUBE

Enclosures

cc: Ms. Maria C. Pangelinan and Ms. Dolores P. Sablan,
Co-Administratrix of the Estate of Jose C. Pangelinan

CVE\wdj
L:Server\my documents\CVE\Clients\Estate of Jose C. Pangelinan\Ltr to Heirs dated 02.24.12

LAW OFFICE OF CYNTHIA V. ECUBE, ESQ.
A Professional Corporation
207 Martyr Street, Suite 3
Hagåtña, Guam 96910
Telephone No.: (671) 472-8889
Telecopier No.: (671) 472-8890
Email address: ecubelaw@guam.net

Attorney for Petitioners
MARIA C. PANGELINAN AND DOLORES P. SABLAN

IN THE SUPERIOR COURT OF GUAM

HAGÅTÑA, GUAM

IN THE MATTER OF THE ESTATE OF JOSE C. PANGELINAN, *Decedent.*	PROBATE CASE NO. PR105-10 ORDER LISTING THE ESTATE PROPERTY FOR SALE

This matter having come on regularly for hearing on the 2nd day of February, 2012, before the Honorable Elizabeth Barrett-Anderson, presiding. Present in Court was CYNTHIA V. ECUBE, ESQ., representing the Estate. Also present were the Co-Administrators, MARIA C. PANGELINAN AND DOLORES P. SABLAN.

The Court having been apprised of the premises, and for good cause shown;

IT IS HEREBY ORDERED THAT:

A. The Co-administrators are hereby authorized and directed to list the following estate property for sale with a certified and licensed realtor, to wit:

CVE/wdj
L:\CLIENTS\CVE-CLIENTS\Estate of Jose C. Pangelinan\Order to List & Sell Property

1. Lot No. 5036, Dededo as referenced and taken in Civil Case 10-50 and Civil Case No. 33-50 as contained in:

Lot Andersen Communications Annex No. 1 (Wettengel Receiver - AJKD) that certain real property situated in the Municipality of Dededo, consisting of approximately 865.21 acres, more or less, as described in Exhibit "A" of Document Number 660299, recorded at the Department of Land Management on July 26, 2002.

and

Lot Andersen VOR Annex (AJKZ) that certain real property situated in the Municipality of Dededo, consisting of approximately 308.99 acres, more or less, as described in Exhibit "A" of Document Number 664868, recorded at the Department of Land Management on July 26, 2001, and as shown on Map Drawing No. RE-95-07.

2. Lot No. 5035, or a portion thereof, Dededo as referenced and condemned in Civil Case 10-50 and Civil Case No. 33-50 as contained in:
Lot Andersen Communications Annex No. 1 (Wettengel Receiver - AJKD) that certain real property situated in the Municipality of Dededo, consisting of approximately 865.21 acres, more or less, as described in Exhibit "A" of Document Number 660299, recorded at the Department of Land Management on July 26, 2002.

and

Lot Andersen VOR Annex (AJKZ) that certain real property situated in the Municipality of Dededo, consisting of approximately 308.99 acres, more or less, as described in Exhibit "A" of Document Number 664868, recorded at the Department of Land Management on July 26, 2001, and as shown on Map

Doc. No. 36GL-21-0391.*

Drawing No. RE-95-07.

2. The Co-administrators are further authorized and directed to execute any and all necessary and proper documents to effect the listing of said property for sale; The Co-administrators shall then seek confirmation and approval of the sale of the Estate property by the Court subject to the property being sold for not less than ninety percent (90%) of the appraised value.

So Ordered this FEB 15 2012 day of February, 2012.

Original Signed By:
Hon. E. Barrett-Anderson

HONORABLE ELIZABETH BARRETT-ANDERSON
Judge, Superior Court of Guam

Respectfully submitted by:

LAW OFFICE OF CYNTHIA V. ECUBE, ESQ.
A Professional Corporation

CYNTHIA V. ECUBE, ESQ.
Attorney for Co-Administrators
Maria C. Pangelinan and Dolores P. Sablan

[illegible]

FEB 17 2010

Deputy Clerk, Superior Court of Guam

CVE/wdj
L:\CLIENTS\CVE-CLIENTS\Estate of Jose C. Pangelinan\Order to List & Sell Property

Doc. No. 36GL-21-0391.*

GOVERNMENT OF GUAM
DEPARTMENT OF LAND MANAGEMENT

815116

OFFICE OF THE RECORDER

RECORDING DATE:	INSTRUMENT NUMBER:	NO. PAGE:
December 15 2010	815116	4

FILE TIME A.M.	FILE TIME P.M.	FILING FEES	RECEIPT NO:
1014		25	A10 – 00870

Appointed Deputy Recorders for Ex-Officio Recorder		Signature of Recorder
Maria L. Ngata	Victoria C. Torres	Lisa Q. Manggur
Andrew D. Santos	Amy T. Bautista	
Jane T. Yamasaki	Joel Antenorcruz	
Lisa Q. Manggur		

MARK (X) TYPE OF INSTRUMENT RECORDED

	DEED		AFFIDAVIT
	MORTGAGE		RELEASE
	ASSIGNMENT		AMENDMENT
	ADDENDUM		ASSUMPTION
✓	DECREE		MAP
	ORDERS		JUDGEMENT
	POWER OF ATTORNEY		REVOCATION
	AGREEMENT		TERMINATION

MARK (X) TYPE OF INSTRUMENT RECORDED

	LEASE		CLAIMS
	CONTRACT		CANCELLATION
	CERTIFICATE		NOTICE
	DECLARATION		BILL OF SALE
	EASEMENT		WITHDRAWAL
	OTHERS:		

ABSTRACT OF TITLE SUMMARY

ABSTRACT BY:	DATE	NEW CERTIFICATE OF TITLE NO.	CANCELLED CERTIFICATE OF TILE NO.

COMMENTS

815116

GOVERNMENT OF GUAM
DEPARTMENT OF LAND MANAGEMENT

OFFICE OF THE RECORDER

Island of Guam, Government of Guam
Department of Land Management Office of the Recorder

File for Record is Instrument No. 815116

On the Year 10 Month 12 Day 15 Time 1014

Recording Fee 25 Receipt No. A10-00870

Deputy Recorder Susa Managuar

ORDER GRANTING LETTERS OF ADMINISTRATION AND FOR APPOINTMENT OF CO-ADMINISTRATRIX

IT IS SO ORDERED AND ADJUDGED THAT:

1. The above-named Decedent, JOSE C. PANGELINAN, died intestate on or about the 10th day of December, 1968, at Tamuning, Guam. At the time of his death, Decedent left property in Guam subject to

2. Due search and inquiry has been made to ascertain if Decedent left any will and testament, but none has been found and according to the best knowledge and belief of Petitioner, said decedent died intestate;

3. Petitioners are over the age of majority and a bona fide resident of Guam.

4. That Petitioner, MARIA C. PANGELINAN is the paternal granddaughter of said Decedent; That DOLORES P. SABLAN is the maternal granddaughter of said Decedent, and are hereby qualified and thereby entitled to administer upon said estate.

5. MARIA C. PANGELINAN AND DOLORES P. SABLAN, are hereby appointed Administratrixes of Decedent's estate, and that Letters of Administration be issued to MARIA C. PANGELINAN AND DOLORES P. SABLAN upon taking the oath as required by law without bond.

SO ORDERED: OCT 1 1 2010

Original Signed By:
Hon. Elizabeth Barrett-Anderson

HONORABLE ELIZABETH BARRETT-ANDERSON
Judge, Superior Court of Guam

DEC 1 ...
Tammy L. P...

Doc. No. 36GL-21-0391.*

FIRM/BRANCH: INDIVIDUAL
ATTN: BARBARA PANGELINAN
REQ. #58273

GUAM ANCESTRAL LANDS COMMISSION
Kumision i Tano' Saina-ta
Government of Guam
Received by: [illegible]
Date: 10/31/03 Time: 3:05pm

TITLE GUARANTY OF GUAM, INC.
HERNAN CORTEZ AVENUE
TITLE GUARANTY BLDG., SUITE 320 HAGATNA, GUAM 96932
P.O. BOX 771 HAGATNA, GUAM 96932
Telephone: (671) 477-7147, 477-8618, 477-2330 and 472-5016/7
Fax: (671) 477-1071
Email: tgtitle@netpci.com

ABSTRACT OF TITLE

LOT NUMBER 5035, MUNICIPALITY OF DEDEDO, TERRITORY OF GUAM, ESTATE NUMBER 3995, SUBURBAN

AGANA VOLUME 22, PAGE 43, ESTATE NUMBER 3995

1. SUBURBAN- In Record number 105, year 1928 and under Date of JANUARY 29, 1929, The Island Court, Guam, Honorable V.P. CAMACHO, Judge presiding. Did upon petition filed by LORENZO LUJAN PANGELINAN under the following decree

Owner: LORENZO LUJAN PANGELINAN, single is the owner in fee as his property of the following described premises.

Premises: Lot 5035, Ukudu, Agana
Area: 43,477 +/- Square Meters
Lot 5036, Ukudu, Agana
Area: 65,728 +/- Square Meters

Dated: JANUARY 29, 1929
Recorded: FEBRUARY 23, 1929

Guarantee Claim: 3150
Owner: LORENZO LUJAN PANGELINAN
Premises: Lot 5035, Agana Suburban, Estate Number 3995

CONTINUED ON NEXT PAGE

ORIGINAL

JUDGMENT ON DECLARATION OF TAKING
CIVIL CASE #10-50

Plaintiff: NAVAL GOVERNMENT OF GUAM, for and on behalf of The UNITED STATES OF AMERICA
Defendant: 19,420,000 +/- Square Meters of Land, more or less in the Municipalities of Machanao and Dededo, Island of Guam, Marianas Islands and JUAN M. MANIBUSAN, ETAL
In favor of: NAVAL GOVERNMENT OF GUAM, for and on behalf of the UNITED STATES OF AMERICA
Purpose: Proposed Boundaries of Navy Communication Station
Premises: Lot 5035, Dededo
How Condemned: Part
Dated: MARCH 30, 1950
Recorded: MARCH 30, 1950
Document Number: **20991**

NOTICE OF LIS PENDENS
CIVIL CASE #33-50

Plaintiff: NAVAL GOVERNMENT OF GUAM, for and on behalf of the UNITED STATE OF AMERICA
Defendant: 3,856,608 +/- Square Meters of Land, more or less, in the Municipality of Dededo, Island of Guam, Marianas Islands and JUAN P. SAN NICOLAS, ETAL
Purpose: Real Estate requirements for permanent acquisition, Revised Harmon Air Force Base
Premises: Lot 5035, Dededo
How Condemned: Part
Dated: JULY 19, 1950
Recorded: JULY 25, 1950
Document Number: **21899**

CONTINUED ON NEXT PAGE

ORIGINAL

DECLARATION OF TAKING
CIVIL CASE #33-50

Plaintiff: THE NAVAL GOVERNMENT OF GUAM, for and on behalf of the UNITED STATES OF AMERICA
Defendant: 3,856,608 +/- Square Meters of Land, more or less, in the Municipality of Dededo, Island of Guam, Marianas Islands and JUAN P. SAN NICOLAS, ETAL
In favor of: NAVAL GOVERNMENT OF GUAM, for and on behalf of the UNITED STATES OF AMERICA
Purpose: Real Estate requirements for permanent acquisition, Revised Harmon Air Force Base
Owner: JOSE CRUZ PANGELINAN
Premises: Lot 5035, Dededo
Area: Part
Certificate of Title: 2713
Dated: SEPTEMBER 28, 1951
Recorded: OCTOBER 28, 1951
Document Number: **23718**

Certificate of Title: 5682
Owner: The NAVAL GOFERNMENT OF GUAM, for and on behalf of the UNITED STATES OF AMERICA
Premises: "Revised Harmon Air Force Base" Civil Case #33-50
Area: 3856.608 +/- Square Meters of Land, more or less
Reference Number: 23718

JUDGMENT ON AMENDED DECLARATION OF TAKING
CIVIL CASE #33-50

Plaintiff: UNITED STATES OF AMERICA
Defendant: 3,856,608 +/- Square Meters of Land, more or less, in the Municipality of Dededo, Island of Guam, Marianas Islands and JUAN P. SAN NICOLAS, ETAL
Purpose: "Real Estate requirements for permanent acquisition Revised Harmon Air Force Base, Land square 11, Section 3 and 4"
Premises: Lot 5035, Dededo
Area: Part
Lot 5036#1, Dededo
Area: Part
Dated: OCTOBER 11, 1954
Recorded: OCTOBER 29, 1954
Document Number: **28019**

CONTINUED ON NEXT PAGE

ORIGINAL
Doc. No. 36GL-21-0391.*

JUDGMENT ON AMENDED DECLARTION
CIVIL CASE #10-50

Plaintiff: UNITED STATE OF AMERICA
Defendant: 19,420,000 +/- Square Meters of Land, more or less, in the Municipalities of Machanao and Dededo, Island of Guam, Marianas Islands and JUAN M. MANIBUSAN, ETAL
Purpose: "Real Estate requirements Naval radio station (R) Finegayan Area 16"
In favor of: UNITED STATES OF AMERICA
Premises: Lot 5035 (D)
Area: N/A
Lot 5036 (D)
Area: N/A
Dated: FEBRUARY 17, 1955
Recorded: FEBRUARY 28, 1955
Document Number: **28745**

JUDGMENT
CIVIL CASE #10-50

Petitioner: UNITED STATES OF AMERICA
Defendant: 19,420,000 +/- Square Meters of Land, more or less in the Municipality of Machanao and Dededo, Island of Guam, Marianas Islands and JUAN M. MANIBUSAN, ETAL
Premises: Lot 5035-1, Dededo, Suburban (unofficial designation), part of Suburban Estate number 3995
Amount of Compensation: $200.00
Awarded To: JOSE CRUZ PANGELINAN
Note: Filed at the District Court of Guam on FEBRUARY 18, 1953

GRANT OF CONTINGENT FUTURE INTEREST

Grantor: DEPARTMENT OF LAND MANAGEMENT, GOVERNMENT OF GUAM
Grantee: "The Heirs of JOSE CRUZ PANGELINAN", Deceased
Premises: Lot 5035, Harmon Cliffilne, Tamuning
Dated: APRIL 7, 1998
Recorded: JULY 30, 1998
Document Number: **587934**

CONTINUED ON NEXT PAGE

ORIGINAL

JUDEMENT ON DECLARATION OF TAKING
CIVIL CASE #10-50

Plaintiff: NAVAL GOVERNMENT OF GUAM, for and on behalf of the UNITED STATE OF AMERICA
Defendant: 19,420,000 +/- Square Meters of Land, more or less in the Municipalities of Machanao and Dededo, Island of Guam, Marianas Islands and JUAN M. MANIBUSAN, ETAL
In favor of: NAVAL GOVERNMENT OF GUAM, for and on behalf of the UNITED STATE OF AMERICA
Purpose: Proposed Boundaries of Navy Communication Station
Premises: Lot 5036, Dededo
How Condemned: Part
Dated: MARCH 30, 1950
Recorded: MARCH 30, 1950
Document Number: **20991**

NOTICE OF LIS PEDENS
CIVIL CASE #33-50

Plaintiff: NAVAL GOVERNMENT OF GUAM, for and on behalf of the UNITED STATES OF AMERICA
Defendant: 3,856,608 +/- Square Meters of Land, more or less in the Municipality of Dededo, Island of Guam, Marianas Islands and JUAN P. SAN NICOLAS, ETAL
Purpose: Real Estate requirements for permanent acquisition, Revised Harmon Air Force Base
Premises: Lot 5036#1, Dededo
How Condemned: Part
Certificate of Title: 2714
Dated: JULY 19, 1950
Recorded: JULY 25, 1950
Document Number: **21899**

CONTINUED ON NEXT PAGE

ORIGINAL

DECLARATION OF TAKING
CIVIL CASE #33-50

Plaintiff: The NAVAL GOVERNMENT OF GUAM, for and on behalf of the UNITED STATES OF AMERICA
Defendant: 3,856,608 +/- Square Meters of Land, more or less, in the Municipality of Dededo, Island of Guam, Marianas Islands and JUAN P. SAN NICOLAS, ETAL
In favor of: NAVAL GOVERNMENT OF GUAM, for and on behalf of the UNITED SATATES OF AMERICA
Purpose: Real Estate requirements for permanent acquisition, Revised Harmon Air Force Base
Owner: JOSE CRUZ PANGELINAN
Premises: Lot 5036#1, Dededo
Area: Part
Certificate of Title: 2714
Dated: SEPTEMBER 28, 1951
Recorded: OCTOBER 28, 1951
Document Number: **23718**

Certificate of Title: 5682
Owner: THE NAVAL GOVERNMENT OF GUAM, for and on behalf of the UNITED STATES OF AMERICA
Premises: "Revised Harmon Air Force Base" Civil Case #33-50
Area: 3,856,608 +/- Square Meters of Land, more or less
Reference Number: 23718

JUDGMENT ON AMENDED DECLARATION OF TAKING
CIVIL CASE #33-50

Plaintiff: UNITED STATES OF AMERICA
Defendant: 3,856,608 +/- Square Meters of Land, more or less, in the Municipality of Dededo, Island of Guam, Marianas Islands and JUAN P. SAN NICOLAS, ETAL
Purpose: "Real Estate requirements for permanent acquisition Revised Harmon Air Force Base, Land Square 11, Section 3 and 4"
Premises: Lot 5035, Dededo
Area: Part
Lot 5036#1, Dededo
Area: Part
Dated: OCTOBER 11, 1954
Recorded: OCTOBER 29, 1954
Document Number: **28019**

CONTINUED ON NEXT PAGE

ORIGINAL

JUDGMENT ON AMENDED DECLARATION OF TAKING
CIVIL CASE #10-50

Plaintiff: UNITED STATES OF AMERICA
Defendant: 19,420,000 +/- Square Meters of Land, more or less in the Municipalities of Machanao and Dededo, Island of Guam, Marianas Islands and JUAN M. MANIBUSAN, ETAL
Purpose: "Real Estate requirements Naval radio station (R) Finegayan Area16"
In favor of: UNITED STATES OF AMERICA
Premises: Lot 5035 (D)
Area: N/A
Lot 5036 (D)
Area: N/A
Dated: FEBRUARY 17, 1955
Recorded: FEBRUARY 28, 1955
Document Number: **28745**

GRANT OF CONTINGENT FUTURE INTEREST

Grantor: DAPERTMENT OF LAND MANAGEMENT, GOVERNMENT OF GUAM
Grantee: "The Heirs of JOSE CRUZ PANGELINAN" Deceased
Premises: Lot 5036, Harmon Cliffline, Tamuning
Dated: APRIL 7, 1998
Recorded: JULY 30, 1998
Document Number: **587933**

CLAIM OF INTEREST

Made by: BARBARA CRUZ PANGELINAN, Salesperson for JESUS LUJAN PANGELINAN, Heir to the ESTATE OF JOSE CRUZ PANGELINAN
Premises: Lot 5036, Ukudu, Dededo
Dated: AUGUST 15, 2001
Recorded: AUGUST 16, 2001
Document Number: **642422**

CONTINUED ON NEXT PAGE

ORIGINAL

LAND PURCHASE AND SALE AGREEMENT

This Purchase and Sale Agreement ("Agreement") is made this 16th day of November 2018, by and between **Dolores P. Sablan, Administratrix of the Estate of Jose C. Pangelinan** whose current mailing address is [redacted] residents of Guam, (hereinafter referred to as "Seller") and the **Guam Waterworks Authority**, whose business address is Gloria B. Nelson Public Service Building, 688 Route 15, Mangilao, Guam 96913, (hereinafter referred to as "Buyer").

WITNESSETH:

WHEREAS, Seller is the owner of the property herein described and desires to sell said property.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements hereinafter set forth, the parties agree as follows:

1. **PROPERTY:** Seller agrees to sell and Buyer agrees to purchase the real property located in the Municipality of Dededo, Territory of Guam (the "property") more particularly described as follows:

A portion of Lot 5036-3 having an area of 752.85± square meters, portion as shown on the attached Preliminary Sketch of Lot 5036-3, Municipality of Dededo. Lot Number 5036-3, Dededo Guam, Suburban, is described in that Parceling Survey Map of Lots 5035 and 5036 (Court Distribution), as shown Drawing Number DCAI-S-14-67, as L.M. Check Number 069 FY 2015, dated 05 May 2015 and recorded on 11 May 2015 under Instrument No. 878183 at Land Management.

For informational purposes only, the above referenced map indicates the property, including the portion to be purchased, contains an area of 4,602± square meters.

Last Certificate of Title Number: 2714- Jose Cruz Pangelinan (as to Basic Lot 5036; Estate Number 3995).

Buyer shall be responsible for preparation and Government of Guam approval of the parceling survey map creating the portion of Lot 5036-3 to be acquired.

2. **PURCHASE PRICE:** Purchase price shall be $66 per square meter x 752.85± square meters for a total of $49,690.00 (Forty-Nine Thousand Six Hundred Ninety Dollars) is acceptable for GWA, payable by certified or cashier's check as a deposit to be applied to the price at close of escrow described hereinafter, subject to a current Appraisal of the Property. DS

Doc. No. 36GL-21-0391.*

3. **ESCROW**: Upon the execution of this Agreement an escrow shall be opened to consummate the sale of the property pursuant to this Agreement at **Security Title Inc.** offices of Guam, located at 356 S. Marine Corps Dr. Tamuning, Guam, shall confirm its willingness to serve in such capacity by signing the acceptance on Page 10 of this Agreement. If the escrow agent should be unable or unwilling to act, the parties shall designate another agent.

The sale of the property shall close sixty (60) days from the date of this Agreement (the "Closing Date"), Subject to Court Approval or at such other time as the parties may otherwise agree to in writing. The sale shall be considered closed when the Warranty Deed to the property is recorded.

Within five (5) days of the Acceptance Date, the parties shall execute and deliver to **Security Title Inc.** the parties' joint escrow instructions consistent with the terms of this Agreement and shall provide **Security Title Inc.** with such other information, documents and instruments as Security Title Inc., may reasonably require to enable it to close the transaction on the Closing Date.

4. **TITLE:** Upon close of escrow, title to the property described herein shall pass to the Guam Waterworks Authority in fee simple title.

5. **SELLER'S WARRANTIES:** Seller represents, warrants and covenants that it is now the owner, in fee simple absolute and has the absolute unrestricted right to possession of the property which the subject of this Agreement and possesses all requisite right and authority to enter into this Agreement, and to execute a Warranty Deed pursuant to the Agreement in furtherance thereof. If Seller is a corporation, seller shall present Buyer with a corporate resolution authorizing the transfer and sale of the property prior to closing.

6. **TRANSFER BY WARRANTY DEED:** Seller shall by Warranty Deed convey to Buyer a fee simple interest, free and clear of all title defects, liens, encumbrances, except real property taxes for the current year, a lien not yet due and payable. The Warranty Deed shall contain the following warranties:

   (a) Title to the property has been registered in accordance with Guam law;

   (b) That Grantor is lawfully seized of the property in fee simple;

Doc. No. 36GL-21-0391.*

(c) A Certificate of Title has been issued free, clear, and insurable that the same is free and clear of all encumbrances, expecting current real estate taxes, which are not yet due and payable;

(d) That Grantor has good right to sell and convey said property as aforesaid; (i.e.) That Grantee shall have the right of quiet enjoyment of said property; and

(e) that Grantor and their heirs, executors, and administrators warrant and defend the same to Grantee, his successors and assigns, against the lawful claims and demands of all persons.

7. **CLOSING COSTS:** Seller shall pay all costs and expenses of clearing title. Buyer shall pay all recording fees, preparing, executing and acknowledging the Warranty Deed (except those in connection with clearing title), the premium for any owner's title insurance policy and all fees and costs for any financing. Buyer and Seller shall each pay one-half (1/2) of the escrow fee. Each party shall be responsible for delivering any other documents required to be generated by this Agreement.

8. **SURVEYING, RE-PARCELING and NUMBERING OF PREMISES:** The parties desire and intend that the Premises shall be surveyed, subdivided or parceled to create a new separate legal lot, and that such new lot be assigned a separate legal lot number by the Government of Guam and that a map of the new separate legal lot be filed for record in the Department of Land Management and that the Premises be legally recognized under applicable Guam law as a separate legally constituted lot for all purposes. Seller authorizes Purchaser, at its sole cost and expense, to promptly commence and pursue all such actions as may be necessary or appropriate to survey, subdivide, re-parcel, as necessary, the Premises in order to create the Premises as a legally recognized and legally recorded separate lot with the Premises having its own lot number duly assigned by the Department of Land Management of the Government of Guam. Such survey shall also create a separate and legally recognized and legally recorded separate lot with the remaining portion of Lot 5036-3, Dededo, Guam, having its own lot number duly assigned by the Department of Land Management of the Government of Guam. The precise location of such subdivision line shall be subject to Seller's reasonable approval. In connection with the Purchaser's survey work, Purchaser shall mark all property points marked for the Premises. All actions and proceedings necessary to create and legally record the Premises and the remaining portion of Lot 5036-3, Dededo, Guam, as separate legally

recognized lots in accordance with the provisions of the Section shall be the responsibility of the Purchaser. The parties shall, in good faith, at all times cooperate as to the actions set forth in this Section.

9. **SURVIVAL OF REPRESENTATIONS AND WARRANTIES:** All representatives, warranties and covenants of Seller herein shall continue and shall be true and correct on and as of the Closing Date hereunder with the same force and effect as if made at that time, and all such representations, warranties and covenants shall survive closing and shall not be affected by any investigation, verification or approval by any party hereto or by anyone on Buyer's behalf.

10. **TITLE INSURANCE:** If a preliminary title search by a title insurance company chosen by Buyer reveals any encumbrances or clouds upon the title to the property (except for current taxes and any other matters expressly provided for herein) and if Seller is unable to clear said defects and remove said encumbrances on or before the date of closing, such failure to provide clear title may at Buyer's election be treated as a default by Seller.

11. **DEFAULT:** If default shall be made by either party in any of the conditions and covenants by they to be performed hereunder and such default shall continue for a period of five (5) days, then after the lapse of such period.

(a) Seller's Default: In the event of the default by Seller, Buyer shall have the following rights:

I. Buyer may terminate this Agreement without liability on the part of Buyer by giving written notice thereof to Seller and in such event, Seller shall repay to Buyer any amounts paid by Buyer to Seller and Escrow shall release to Buyer any amounts deposited in escrow by Buyer together with any interest earned thereon and thereafter neither party shall have any rights as against the other; or

II. Buyer may waive any one or more of its rights under this Agreement and proceed to pay the purchase price and take title to the property; or

III. Buyer may postpone closing for as long as Buyer deems necessary and, upon prior written concurrence from seller, Buyer shall have the right to use such portions of the purchase price as may be necessary to clear or bring the title to the property into compliance with Seller's warranties as set forth herein and to cover such cost and

expenses, including without limitation, reasonable attorney's fees as Buyer may incur in such effort Buyer's expenditure of portions of the purchase price pursuant to this subparagraph shall be by disbursements from escrow which shall be made by the escrow agent upon and according to Buyer's instructions and may be deemed a dollar for dollar reduction in the purchase price.

(b) General Remedies: Without limitation of any other remedies specifically provided for herein, each party shall have such remedies as are available at law and equity, and without limitation Buyer shall be entitled to the remedy of specific performance.

12. **ENTIRE AGREEMENT:** This Agreement constitutes the entire agreement between the parties hereto and supersedes all oral or written agreements and understandings made and entered into by the parties prior to the date hereof. Except as otherwise provided herein, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties unless by a written statement signed by each of them.

13. **TIME IS OF THE ESSENCE:** Time is specifically declared of the essence of this Agreement regarding all acts required to be done and performed by the parties.

14. **BROKERS:** The Seller has a listing agreement for REMAX Diamond Realty to Sell the property and this is a court order for the probate file. Seller pays the commission to REMAX Diamond Realty and agrees to indemnify the Buyer against any commissions that are due to the Broker.

Buyer represents and warrants to Seller that they have not engaged any broker, finder, or agent in connection with this transaction and have not incurred any unpaid liability to any broker, finder, or agent or any brokerage fees, finder's fees, or commissions with respect to this transaction; and each agrees to indemnify the other against any claims asserted against the other for any such fees or commissions by any persons purporting to act or to have acted for or on behalf the indemnifying party.

15. **ATTORNEY'S FEES:** If either party files any action against the other arising out of this Agreement, or is made a party to any action or proceeding brought by the escrow agent, then as between Seller

and Buyer, the prevailing party shall be entitled to recover as an element of its costs of suit, and not as damages, reasonable attorney's fees to be fixed by the arbitrator or court.

16. **WAIVER:** No waiver by a party of any provision of this Agreement shall be considered a waiver of any other provision or any subsequent breach of the same or any other provision, including the time for performance of any such provision.

17. **GOVERNING LAW:** This Agreement shall be construed and interpreted in accordance with the laws of the Territory of Guam. Any legal action regarding this Agreement shall be brought in the Courts of Guam.

IN WITNESS WHEREOF, the parties have executed this instrument on the date first above written.

SELLER(S):

Dolores P. Sablan
Administratrix of the Estate of Jose C. Pangelinan

BUYER:

Guam Waterworks Authority

Miguel C. Bordallo, P.E., General Manager

ACKNOWLEDGEMENT

In and for Guam)
)ss
City of Hagatna)

On this 16th day of November 2018, before me, a Notary Public in and for Guam, personally appeared Dolores P. Sablan, known to me to be the person whose name are subscribed to the foregoing Land Purchase and Sell Agreement and acknowledged to me that She executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day, month and year first above written.

Notary Public

MARIE M. LEON GUERRERO
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: FEB. 24, 2022
P.O. Box 2221 Hagatna, Guam 96932

TAB H

ACKNOWLEDGEMENT

In and for Guam)
)ss
City of Mangilao)

On this 16th day of November 2018, before me, a Notary Public in and for Guam, personally appeared **Miguel C. Bordallo, P.E.**, known to me to be the person whose name are subscribed to the foregoing **Land Purchase and Sell Agreement** and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day, month and year first above written.

Notary Public

ANGEL MARKAY C. MAFNAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: SEPT. 30, 2019
456 West O'Brien Drive, Suite 102D, Hagatna, Guam 96910

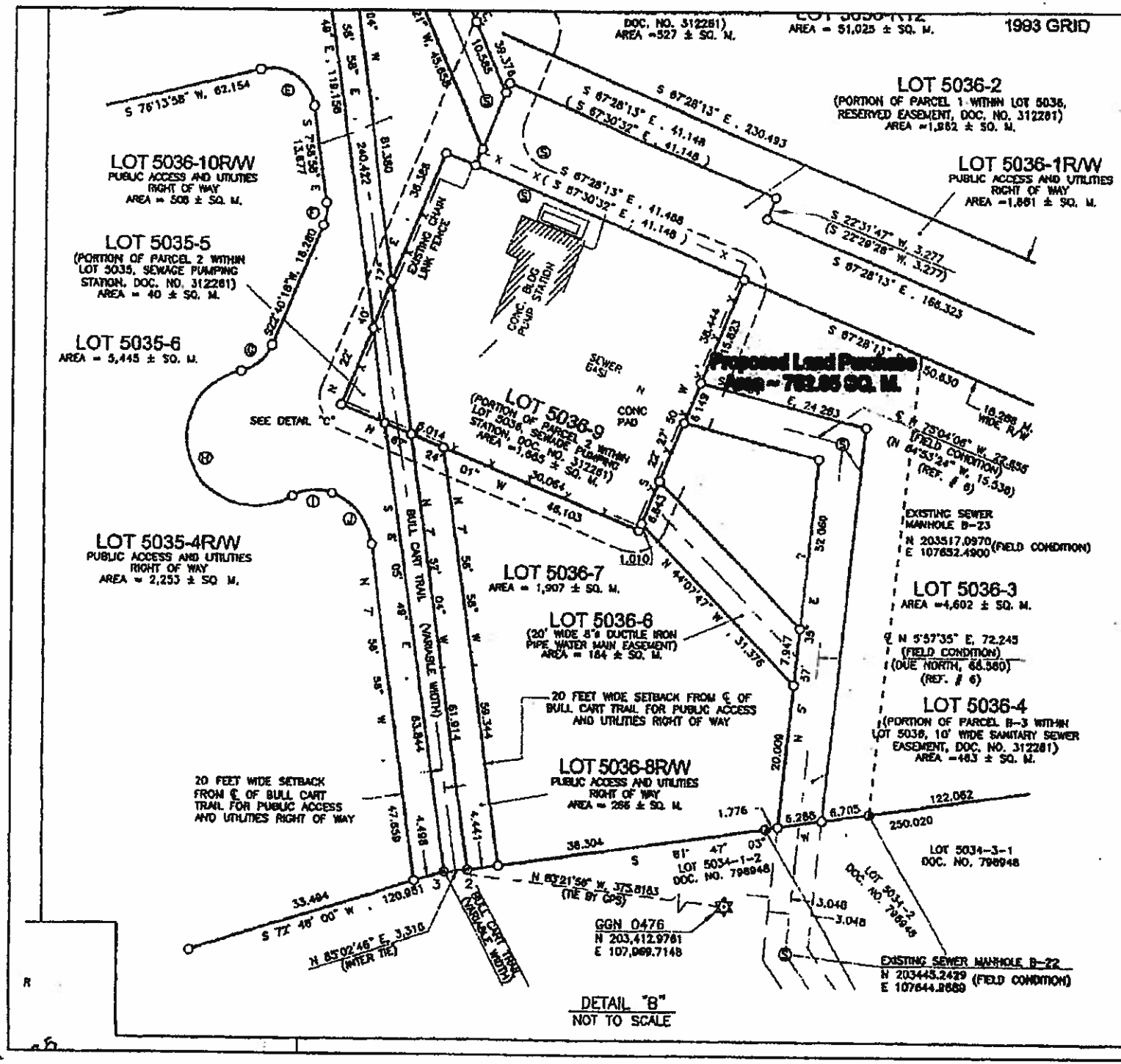
ACKNOWLEDGEMENT AND ACCEPTANCE OF ESCROW

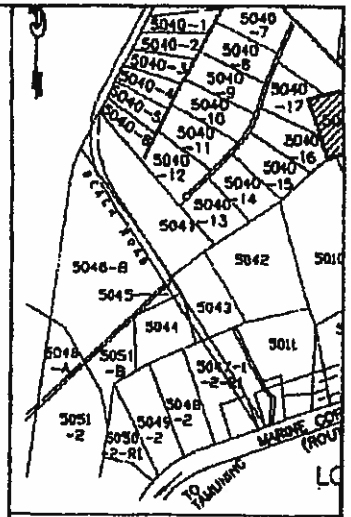
Escrow agent hereby acknowledges receipt of the Agreement and agrees to serve as escrow agent.

Dated _____ this day of _____, 2018

Security Title Inc.

By:_____
Its Authorized Representative





NOTES:
(SEE SHEET 1 OF 2)

SYMBOLS:
(SEE SHEET 1 OF 2)

REFERENCES:
(SEE SHEET 1 OF 2)

CERTIFICATE O
THIS MAP HAS BEEN EXAMINED FOR CO
CHAPTER 48, ARTICLE 5, UNIFORM TRIA
ON THIS 5TH DAY OF MAY, 20

CERTIFICATE OF
APPROVAL PURSUANT TO TITLE 21, GUA
AND CHAPTER 61, ZONING LAW.
MARVIN Q. AGU
GUAM CHIEF PLA

CERTIFICATE OF SU
I, NESTORIO C. IGNACIO, HEREBY CERTIF
PREPARED BY ME OR UNDER MY DIRECT
BASED ON A FIELD SURVEY MADE IN 1

LAND PURCHASE AND SAME AGREEMENT AMENDMENT

The Purchase and Sale Agreement ("Agreement") made on 7th day of March, 2019, by and between Dolores P. Sablan, Administratix of the Estate of Jose C. Pangelinan whose current mailing address is P.O. BOX 363, HAGATNA, GU 96932, residents of Guam, (hereinafter referred to as "Seller") and the Guam Waterworks Authority, whose business address is Gloria B. Nelson Public Service Building, 688 Route 15, Mangilao, Guam (hereinafter referred to as "Buyer").

WITNESSETH AND AGREEMENT:

ITEM 2. PURCHASE PRICE: The negotiated price of $70.00 per square meter x 752.85 square meters for a total of $52,699.50 (Fifty Two Thousand Six Hundred Ninety Nine and 50/100 Dollars).

All other terms and conditions remain the same.

IN WITNESS WHEREOF, the parties have executed this instrument on this 7th day of March, 2019.

SELLER:

Dolores P. Sablan
Administratix of the Estate of
Jose C. Pangelinan

BUYER:
Guam Waterworks Authority

Miguel C. Bordallo, P.E.
General Manager

LAW OFFICE OF
CYNTHIA V. ECUBE, ESQ.
A Professional Corporation

Cynthia V. Ecube, Esq.

May 15, 2019

Deanna Palmer, Associate Broker
RE/MAX DIAMOND REALTOR
238 E. Marine Corps Drive, Suite 202
Hagåtña, Guam 96910

RE: LOT NO. 5036-3, DEDEDO, GUAM
ESTATE OF JOSE C. PANGELINAN, PR0105-10

Dear Deanna:

Please be advised that our office is in receipt of the Court's Order Granting the Estate of Jose Pangelinan's Petition for Return of Sale and for Confirmation of Sale of Real Property on May 14, 2019, regarding the above-entitled probate matter. Enclosed please find a copy of the Order for your files and records.

In accordance with the Court's order, our office will transmit a certified copy of the Order to the Escrow company. Please confirm who our office shall deliver the Order to and the name of the Escrow agent assigned to opening escrow for this transaction.

If you have any questions regarding this matter, please feel free to contact me or my office. I look forward to your soonest reply.

Sincerely,

LAW OFFICE OF CYNTHIA V. ECUBE, ESQ.

Cynthia V. Ecube

Enclosure as stated.
cc: Dolores Sablan, Administratrix
ESTATE OF JOSE C. PANGELINAN

207 Martyr Street, Suite 3 Hagåtña, Guam 96910 | Telephone No.: (671) 472-8889 | Fax No.: (671) 472-8890 | Email: info@ecubelaw.com

LAW OFFICE OF CYNTHIA V. ECUBE, ESQ.
A Professional Corporation
207 Martyr Street, Suite 3
Hagåtña, Guam 96910
Telephone No: (671) 472-8889
Telecopier No: (671) 472-8890
Email address: info@ecubelaw.com

Attorney for Petitioner
DOLORES SABLAN

FILED
SUPERIOR COURT
OF GUAM
2019 MAY 14 PM 1:05
CLERK OF COURT
BY:

IN THE SUPERIOR COURT OF GUAM

HAGATNA, GUAM

IN THE MATTER OF THE ESTATE OF JOSE C. PANGELINAN, *Deceased.*	PROBATE CASE NO. PR0105-10 ORDER GRANTING PETITION FOR RETURN OF SALE AND FOR CONFIRMATION OF SALE OF ESTATE'S REAL PROPERTY

This matter having come on regularly for hearing on April 24, 2019, on a Return of Sale of Real Property and Verified Petition for Order Confirming Sale of Real Property by Petitioner DOLORES SABLAN, Administrator on behalf of the Estate of JOSE C. PANGELINAN, *Deceased*, and for Confirmation of Sale of Real Property before the Honorable Maria T. Cenzon, presiding. Present in Court was CYNTHIA V. ECUBE, ESQ. with the LAW OFFICE OF CYNTHIA V. ECUBE, ESQ., *A Professional Corporation*, representing Petitioner.

The Court, having reviewed Petitioner's Return of Petition and Confirmation of Sale of Real Property, and having heard all arguments adduced at the hearing, and having reviewed all the pleadings and records filed in support, thereof, hereby finds as follows:

1. All notices of said hearing on the Return of Sale and Petition have been properly given as provided by law;

COPY

2. In accordance with Title 15 G. C. A. §2313 and §2315 of the Guam Probate Code, and the applicable provisions of the Guam Probate statutes governing the sale of estate real property, Petitioner, on behalf of the Estate of JOSE C. PANGELINAN, executed an Amended Contract of Sale for the following real property located in the Municipality of Dededo, Guam, and more particularly described as follows:

> A portion of Lot 5036-3 containing an area of 752.85± square meters, as shown on the attached Preliminary Sketch of Lot 5036-3, Municipality of Dededo, Suburban, is described in that Parceling Survey Map of Lots 5035 and 5036 (Court Distribution), as shown Drawing Number DCAI-S-14-67, as L.M. Check Number 069 FY 2015, dated 05 May 2015 and recorded on 11 May 2015 under Instrument No. 878183 at Land Management.
>
> For informational purposes only, the above referenced map indicates that the property, including the portion to be purchased, contains a total area of 4,602± square meters.
>
> Last Certificate of Title Number: 2714- Jose Cruz Pangelinan (as to Basic Lot 5036; Estate Number 3995).

3. That an appraisal report was prepared on January 2, 2019 by Cornerstone Valuation Guam, Inc. for Lot No. 5036-3, Municipality of Dededo, Guam, reflecting that the fair market value of said Property is Seventy-Four Dollars ($74.00) per square meter;

4. That the total purchase price for the sale of said Property, to wit: A portion of Lot 5036-3 containing an area of 752.85± square meters is Fifty-Two Thousand Six Hundred Ninety-Nine Dollars and 50/100 Dollars ($52,699.50), and that said purchase price represents more than ninety percent (90%) of the fair market value of the subject Property, as provided by law;

5. That the sale of the aforementioned real property was legally made and fairly conducted; That all conditions of such sale was in compliance with the applicable provisions of the Guam Probate Code, and that such sale was made in best interest of the estate; Now therefore;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The Return of Sale and Petition for Confirmation of Sale for the following real property, is hereby confirmed and approved, to wit:

> A portion of Lot 5036-3 containing an area of 752.85± square meters, as shown on the attached Preliminary Sketch of Lot 5036-3, Municipality of Dededo, Suburban, is described in that Parceling Survey Map of Lots 5035 and 5036 (Court Distribution), as shown Drawing Number DCAI-S-14-67, as L.M. Check Number 069 FY 2015, dated 05 May 2015 and recorded on 11 May 2015 under Instrument No. 878183 at Land Management.

2. That the Administrator is hereby ordered and directed to execute the necessary and proper warranty deed documents to effect the transfer and conveyance of Decedent's interest in said real property mentioned herein-above to Buyer, namely, Guam Waterworks Authority ("GWA"), for a total purchase price of Fifty-Two Thousand Six Hundred Ninety-Nine and 50/100 ($52,699.50);

3. That the remaining net proceeds of the sale of said property, less all reasonable costs and expenses associated with the sale, shall be deposited in a bank account under the name of the Estate of JOSE C. PANGELINAN; Further, all monies deposited into the Estate's bank account from the sale shall be used to pay all administration costs, to include court costs, administrator's commissions, all attorney's fees, and reasonable expenses associated with the subject probate; Any remaining proceeds thereafter shall be distributed as provided under Guam's Probate Code at the time of final distribution, herein;

/ / /

/ / /

/ / /

4. The sale of said property shall be made subject to compliance of all statutory purchase requirements by Buyer, current covenants, conditions, restrictions, reservations, rights of way, and easements of record.

SO ORDERED: MAY 09 2019.

Original Signed By:
Honorable Maria T. Cenzon

HONORABLE MARIA T. CENZON
Judge, Superior Court of Guam

MAY 14 2019
I do hereby certify that the foregoing is a full true and correct copy of the original on file in the office of the clerk of the Superior Court of Guam

Alfred A. Santos
Deputy Clerk Superior Court of Guam

Hawaiian Rock Products

Monday, February 04, 2019

Estate of Jose C. Pangelinan Trust
Dolores Sablan Administratrix

Reference: Lot 5035-R8

Dear Ms. Sablan,

The purpose of this letter is to express Hawaiian Rock Product's interest in the possibility of purchasing Lot 5035-R8 (approx. 22,000 SM) from the Estate of Jose C. Pangelinan Trust. We are presently looking for M-1 property for sale in the vicinity of the subject lot.

Sincerely,

Jerrold C. Johnson
President
Hawaiian Rock Products

READY MIX CONCRETE • ASPHALTIC CONCRETE • CONCRETE BLOCKS • CONCRETE PIPES AGGREGATES • PAVING CONTRACTOR
1402 Rt.15, Mangilao, Guam 96913
Telephone: (671) 734-2971-6 • FAX-Dispatch: (671) 734-5030
FAX-Engineering: (671) 734-0990 • FAX-Accounting: (671) 734-6374 • FAX-Executive: (671) 734-3744
Website Address: www.hawaiianrock.com

SYMBOLS

- ○ GGN control station
- △ Traverse station
- 4" x 4" conc. mon. marked PLS # 73 found as per ref. no. 6 & 7
- ⊕ No. 4 rebar with plastic cap marked PLS # 19 found as per ref. no. 4, used as basis of survey
- ⊕ No. 4 rebar with blue plastic cap marked PLS # 73 set, accepted by PLS # 34 as per ref. no. 5
- ■ 4" x 4" conc. mon. marked PLS # 34 found as per ref. no. 5
- ● No. 4 rebar with blue plastic cap marked PLS # 73 set.
- cpp Concrete power pole
- wpp Wooden power pole
- swh Sewer man hole
- b/c Concrete bound cable pedestal

REFERENCE

1) Dwg. no. P-155, M.A. Dwg. no. 9036, Property Map depicting Lot 5036
2) Dwg. no. P-153, M.A. Dwg. no. 9033, Property Map depicting Lot 5035 & Lot 5036
3) Dwg. no. P-251, M.A. Dwg. no. 9185, Property Map depicting Lot 5036.
4) Retracement of Lot 5031 & Lot 5032, L.M. no. 209 FY 2004, by PLS # 73, Doc. # 699031
5) Parcelling of Lot 5317-1, L.M. no. 240 FY 2006, by PLS # 34, Doc. # 790229.
6) Dwg. no. RE-95-07, ANDERSEN VOR ANNEX (AJCD), Doc. # 664168
7) Dwg. no. RE-95-02, ANDERSEN COMMUNICATION ANNEX NO 1 (AJCD), Doc. # [illegible]

1993 GRID

SPECIAL NOTES

1) Lot 5035 and Lot 5036 are both within Lot ANDERSEN VOR ANNEX (AJCD) and Lot ANDERSEN COMMUNICATION ANNEX NO 1 (AJCD).
2) The difference between record and computed area is a match based on actual field condition.
3) Sewage Pumping Station (Parcel No. 2) as per Doc. # 12261 (A = 1,568+/- Sq. M.) Pursuant hence (A = 1,765+/- Sq. M.)
4) 8" Dip Water Main, as per Government of Guam PUAG Southern Link Truck Sewer Plan and Profile, PUAG Job No. S 90-008 LOC.
5) 48" RCP Sewer Line, as per Government of Guam PUAG Southern Link Truck Sewer Plan and Profile, PUAG Job No. S 90-008 LOC.
6) Property identing Lot between Lot ANDERSEN VOR ANNEX (AJCD) and Lot ANDERSEN COMMUNICATION ANNEX NO 1 (AJCD)

GGN 8478
N 203,923.8584
E 107,332.2116

GGN 8477
N 203,651.4587
E 107,398.9540

P.O.B. 1
N 203,646.8563
E 107,369.8469

Lot 5036
A=65,581+/- Sq. M. (Rec.)
A=65,502+/- Sq. M. (Comp.)
(see special note no. 1 & no. 2)

Portion of Parcel A-2
20' wide Telephone Line Easement, Doc # 660299 (within subject Lot 5035)

Lot 5035
A=43,477+/- Sq. M. (Rec.)
A=43,469+/- Sq. M. (Comp.)
(see special note no. 1 & no. 2)

Portion of Parcel A-1
Reserved Easement for AT&T Telephone Cable Doc. # 664168 (within subject Lot 5035)

EASEMENT PARCEL NO 1 Doc. # 12261

P.O.B. 2
N 203,492.4671
E 107,847.2378

GGN 8476
N 203,412.9761
E 107,969.7148

Lot ANDERSEN COMMUNICATION ANNEX NO. 1 (AJCD) Doc. # [illegible]

(Continuation of Abstract of Title)

ABSTRACT OF TITLE

Base Lot: Lot 5035
Certificate of Title: C.T. 2713-552
Registered on: November 15, 1948
In Name of: Jose Cruz Pangelinan
A Citizen of Guam

Base Lot: Lot 5036
Certificate of Title: C.T. 2714-552
Registered on: November 15, 1948
In Name of: Jose Cruz Pangelinan
A Citizen of Guam

Base Lot: "Revised Harmon Air Force Base" Civil Case No. 33-50
Certificate of Title: C.T. # 3682-223[illegible]
Registered on: October 31, 1957
In Name of: The Naval Government of Guam, For And On Behalf Of The United States Of America

PREPARED FOR and SATISFACTORY TO:

We, the undersigned Administrators, do hereby acknowledged that our surveyor physically performed the field survey of Lot 5035 and Lot 5036, and that we or our representatives were shown the placement of our boundary corners accordingly

Maria C. Pangelinan — 9/16/11
Maria C. Pangelinan — Date
Administrator, Doc # 815116

Dolores P. Sablan — [illegible]
Dolores P. Sablan — Date
Administrator, Doc # 815116

GRAPHIC SCALE
1 inch = 50 Meters

Island of Guam, Government of Guam
Department of Land Management Office of the Recorder

File for Record in Instrument No. 830059
On the Year 11 Month 12 Day 13 Time 3:15
Recording Fee 45 Receipt No. 31461
Deputy Recorder: Lisa Q. Mangaoang

9-19-2011
Date

N

SUBJECT
LOT 5035
& LOT 5036

ANDERSEN COMMUNICATION ANNEX No. 1 (AJCD)

(N C S)

VICINITY MAP
not to scale

CERTIFICATION OF SURVEYOR

I, Raymond A. Cruz, hereby certify that this map was prepared by me or under my direct supervision. That it is based on a field survey made on January 5, 2005, in conformance with all applicable laws and regulations. That I am responsible for the accuracy of all data and information shown hereon. I also certify that all the monuments are of the character and occupy the positions indicated on this map

9/16/11
RAYMOND A. CRUZ, P.L.S. # 73 — DATE

RAYMOND A. CRUZ CERTIFICATE No. 73 EXP. 9/30/12 GUAM PROFESSIONAL LAND SURVEYOR

CERTIFICATION OF GUAM CHIEF PLANNER

Approval pursuant to Title 21, Guam Code Annotated, Chapter 62, Subdivision Law

NOT REQUIRED 9-20-2011
CARLOS R. UNTALAN — DATE
GUAM CHIEF PLANNER, Acting

CERTIFICATION OF GUAM CHIEF SURVEYOR

This map has been examined for conformance with Title 21, Guam Code Annotated, Chapter 60, Article 5, Uniform Triangulation System (Tie) requirements. Examined on this 1st Day of December, 20[illegible]

PAUL L. SANTOS, P.L.S # 68
CHIEF OF CADASTRE / GUAM CHIEF SURVEYOR

SURVEY DATA		
SUBJECT	BY	DATES
Job Number	209 - 07	
Researched	RAC	Dec. 2004
Field Book	RAC - J	
Field By	RAC/Crew	Jan 05 / Feb 05
Field Super	RAC	Jan 05 / Feb 05
Computed	RAC	Jan 06 / Feb 06
Drawn By	RAC	Jan 06 / Feb 06
Checked By	RAC	Feb. 2007

ABSTRACT OF TITLE

Lot 5035 transferred from Government of Guam to Estate of Jose Cruz Pangelinan under Document No. 587934

Lot 5036 transferred from Government of Guam to Estate of Jose Cruz Pangelinan under Document No. 587933

(see continuation of Abstract of Title on plan)

Rev. no	Brief Description	By	Date	Approved

RETRACEMENT SURVEY MAP OF LOT 5035 and LOT 5036

MUNICIPALITY OF DEDEDO

LAND SQUARE 1[illegible] — SECTION 3 & 4

RLS SERVICES, LLC
CERTIFICATE OF AUTHORIZATION NO. 263
PROFESSIONAL LAND SURVEYOR NO 73
P.O. Box 5296 Hagatna, Guam 96932 / Tel 989-3763 / Cell 987-1558
rls_pls@yahoo.com / www.racruz-rlsservices.vpweb.com

SHEET 1 of 1	DRAWING NUMBERS	
SCALE 1" = 50 M.	MAP DWG. NO RCDED - 20	L.M. CHECK NO 116 FY 2007

(RS-TRACEMENT)

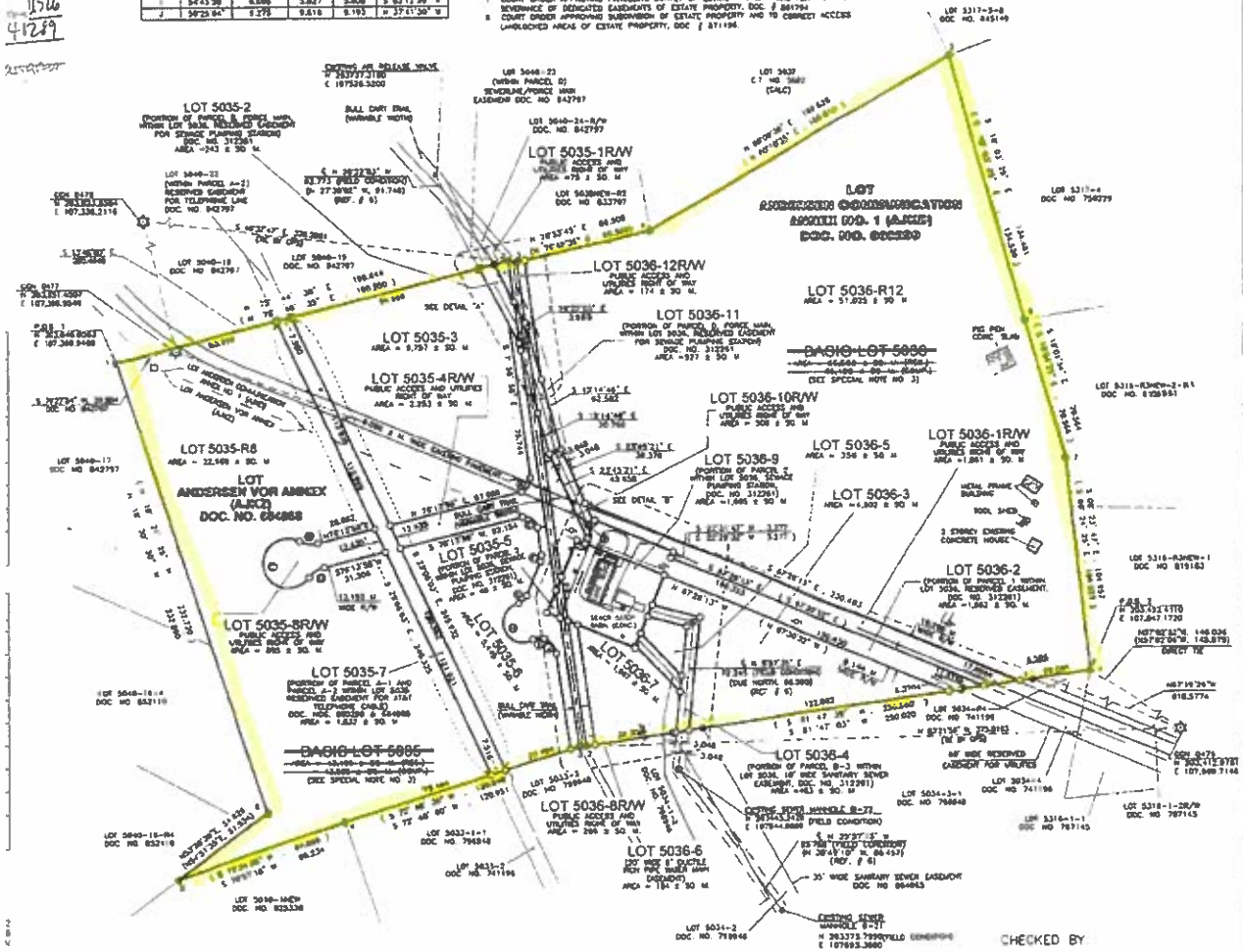
CURVE DATA						
CURVE	Δ	R	L	T	CHB	
A	84°12'54"	8.000	8.940	5.175	N 34°07'50" E	
B	41°24'36"	12.192	8.812	4.621	S 63°03'48" E	
C	242°48'09"	12.192	58.925	18.288	N 13°46'03" W	
D	41°24'36"	12.192	8.812	4.621	S 35°31'41" W	
E	99°47'51"	8.000	10.181	6.643	N 58°52'30" W	
F	38°36'16"	6.000	3.242	3.323	N 67°28'40" E	
G	54°43'39"	8.000	3.817	3.058	N 50°53'17" E	
H	119°36'12.5"	9.784	33.461	19.323	N 22°21'32" W	
I	54°43'39"	8.000	3.817	3.058	S 81°17'39" W	
J	56°23.04"	9.275	9.616	5.193	N 37°11'30" W	

REFERENCES:

1. DWG. # RCOED-39, LM # 116 FY 2007, RETRACHEMENT SURVEY MAP OF LOT 5035 AND LOT 5036, MUNICIPALITY OF DEDEDO, PREPARED BY PLS # 73, DOC # 830059.
2. DWG. # DCAI-S-12-10, LM # 138 FY 2012, SUBDIVISION SURVEY MAP FOR COURT DISTRIBUTION OF LOT 5040 PLACE OF UKUDU, MUNICIPALITY OF DEDEDO, PREPARED BY PLS # 65, DOC # 847797.
3. DWG. # DCAI-S-11-29, LM # 062 FY 2012, CONSOLIDATION SURVEY MAP OF LOTS 5038, 5039-1, AND PORTION OF OLD BULL CART TRAIL INTO LOT 5039 REV. AND PARCELING SURVEY MAP OF LOT 5036 REV. PLACE OF UKUDU, MUNICIPALITY OF DEDEDO, PREPARED BY PLS # 65, DOC. # 833707.
4. DWG. # RE-06-07, ANDERSEN VOR ANNEX (AJK2), DOC. # 864086.
5. DWG. # RE-05-01, ANDERSEN COMMUNICATION ANNEX NO. 1 (AJK2), DOC # 868399
6. GRANT OF EASEMENT FOR THE NORTHERN DISTRICT SEWAGE SYSTEM, DOC. # 312281.
7. COURT ORDER APPROVING PARCELING SURVEY OF ESTATE PROPERTY AND FOR PARTITION AND SEVERANCE OF DEDICATED EASEMENTS OF ESTATE PROPERTY, DOC. # 861794
8. COURT ORDER APPROVING SUBDIVISION OF ESTATE PROPERTY AND TO CORRECT ACCESS LANDLOCKED AREAS OF ESTATE PROPERTY, DOC # 871196.

1993 GRID

1 : 1,250 METERS
GRAPHIC SCALE



SPECIAL NOTE:

1. PURSUANT TO P. L. 28-126, SECTION 1 (e), THIS IS A "LOT PARCELING" AND THEREFORE, EXEMPTED FROM THE MAP PROCESS REQUIREMENTS OF P. L. 28-126, SECTION (a).
2. LOT 5035 AND LOT 5036 ARE BOTH WITHIN LOT ANDERSEN VOR ANNEX (AJK2) AND LOT ANDERSEN COMMUNICATION ANNEX NO. 1 (AJK2).
3. THE DIFERENCE IN AREA BETWEEN THE RECORD AND COMPUTED IS DUE TO FIELD CONDITION.

SATISFACTORY TO AND APPROVED BY:

MARIA C. PANGELINAN
ADMINISTRATRIX, DOC # 815116 — DATE 3/12/15

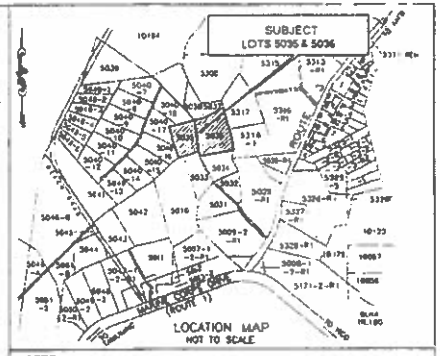
DOLORES P. SABLAN
ADMINISTRATRIX, DOC # 815116 — DATE 3/12/15

CHECKED BY:

FRANK P. TAITANO
PLANNER, DLM — DATE 4/3/15

JIMMY L. CAMACHO
ENGINEERING TECHNICIAN, DLM — DATE 4.13.15

EDGARDO R. TAGUAM
CARTOGRAPHIC SUPERVISOR, DLM — DATE 4.20.15



NOTES:

1. SURVEY WAS BASED ON FOUND PROPERTY CORNERS AS SHOWN ON THIS MAP.
2. ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE IN METERS, UNLESS OTHERWISE NOTED.
3. BEARING AND DISTANCES IN PARENTHESES ARE RECORD DATA AS PER REF 1, ALL OTHERS ARE 1993 GRID VALUES AND FIELD CONDITIONS
4. SUBJECT LOTS ARE ZONED "R2" MULTIPLE-FAMILY DWELLING PER 2008 "DOS AMANTES" OFFICIAL TOWNING MAP, F367532.
5. SUBJECT LOTS ARE WITHIN THE NORTHERN AQUIFER.
6. AS-BUILTS ARE AS SHOWN IN PLAT AS OF APPROVAL OF THIS MAP
7. THE DIFFERENCE IN AREA BETWEEN THE RECORD AND COMPUTED IS DUE TO FIELD CONDITION

SYMBOLS.

- GUAM GEODETIC NETWORK (GGN) STATION
- 4" x 4" CONCRETE MONUMENT FOUND, MARKED PLS # 83, DOC. # 842797
- 4" x 4" CONCRETE MONUMENT FOUND, MARKED PLS # 33, AS PER REFERENCES 4 & 5
- #4 REBAR WITH PLASTIC CAP MARKED PLS # 73 FOUND, DOC # 830059.
- #4 REBAR WITH PLASTIC CAP MARKED PLS # 85 FOUND, DOC # 845152.
- #4 REBAR WITH PLASTIC CAP MARKED PLS # 10 FOUND, DOC # 741196
- #4 REBAR WITH PLASTIC CAP MARKED PLS # 65, SET
- FORCE MAIN AIR RELEASE VALVE.
- SEWER MANHOLE.
- CONCRETE POWER POLE
- WOODEN POWER POLE

CERTIFICATE OF GUAM CHIEF SURVEYOR

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH TITLE 21, GUAM CODE ANNOTATED, CHAPTER 60, ARTICLE 5, MERIDIAN GRIDSQUARE SYSTEM AND REGULATIONS PROMULGATED ON THIS 5TH DAY OF MAY, 2015

PAUL L. SANTOS, PLS # 68
GUAM CHIEF SURVEYOR / CHIEF OF CADASTRE

CERTIFICATE OF GUAM CHIEF PLANNER

APPROVAL PURSUANT TO TITLE 21, GUAM CODE ANNOTATED, CHAPTER 62, SUBDIVISION LAW, AND CHAPTER 61, ZONING LAW

MARVIN Q. AGUILAR
GUAM CHIEF PLANNER — DATE 4-3-2015

CERTIFICATE OF SURVEYOR

I, NESTORIO C. IGNACIO, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION. THAT IT IS BASED ON A FIELD SURVEY MADE IN 11/18/2013 IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS. THAT I AM RESPONSIBLE FOR THE ACCURACY OF ALL DATA AND INFORMATION SHOWN HEREON. I FURTHER CERTIFY THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED ON THIS MAP.

NESTORIO C. IGNACIO, PLS # 65 — DATE 3/12/15

NESTORIO C. IGNACIO
No. 65
GUAM
REGISTERED LAND SURVEYOR

DCA
DUEÑAS-CAMACHO
• ENGINEERING & ARCHITECTURAL
• CONSTRUCTION MANAGEMENT • PLANNING
• ENVIRONMENTAL SERVICES • SURVEYING
• DEVELOPMENT CONSULTATION
• GEOGRAPHIC INFORMATION SYSTEMS
P.O. Box 4980 Tamuning, Guam 96931

REV.	BY	DESCRIPTION	APPROVED	DATE

PARCELING SURVEY MAP
OF
LOTS 5035 AND 5036
(COURT DISTRIBUTION)
MUNICIPALITY OF DEDEDO

L.S. 11 — SEC. 3. & 4

SURVEY DATA		DATE	LOT DATA
FIELD	FSS & CREW	2013	LOT NUMBER:
BOOK NO	DCA/CPS		CERT. OF TITLE #
COMPUTED	PTMJR	8/2013	REGISTERED ON
DRAWN	PTMJR	8/2013	IN THE NAME OF
RESEARCHED	FD	7/2013	
CHECKED	MCI		

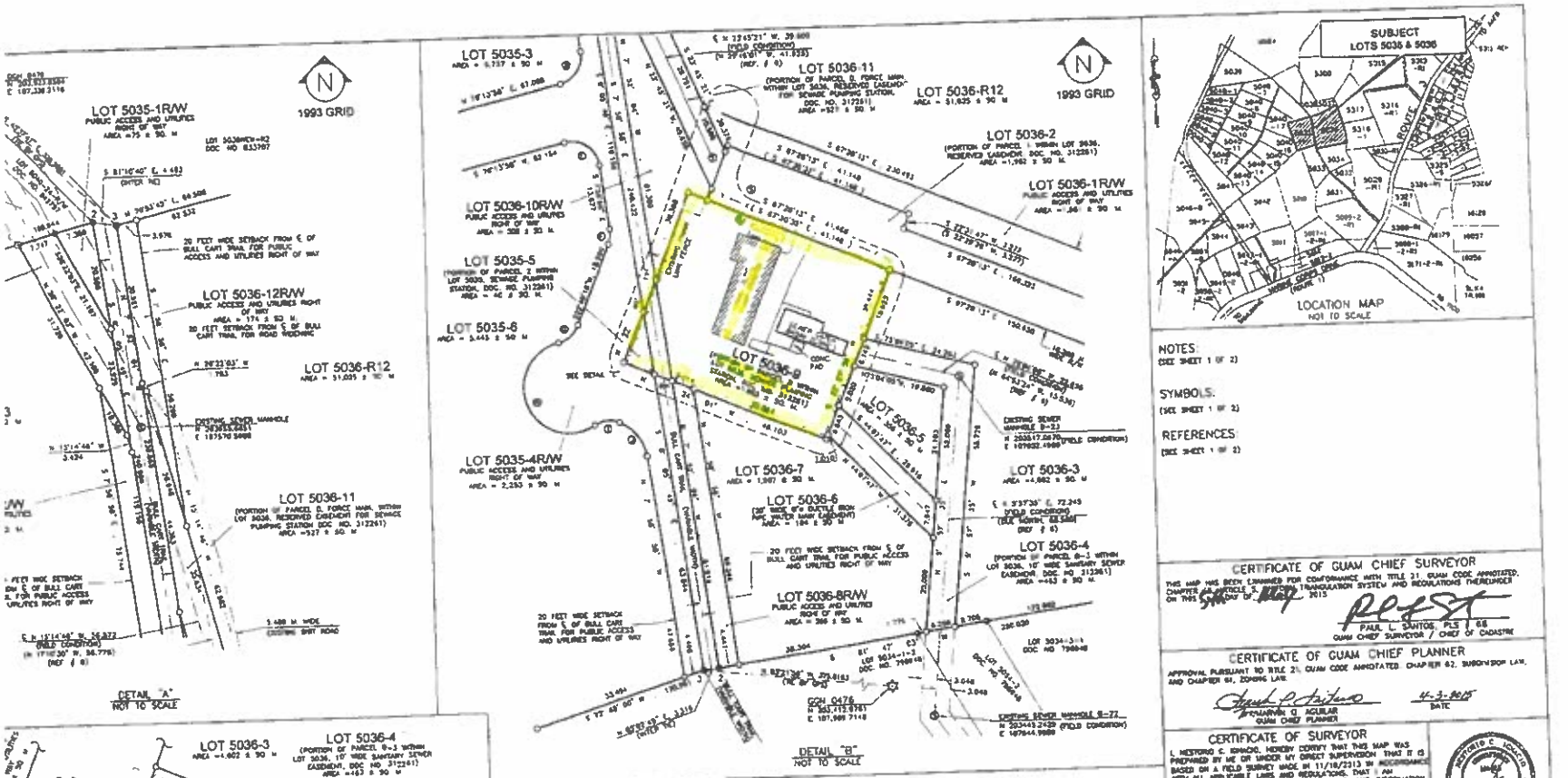
SATISFACTORY TO & APPROVED BY:

(SEE PLAN)

DWG # DCAI-S-14-67 | SCALE 1:1,250 | SHT 1 OF 2 | LM CHECKED # 089 FY2015

ATTACHMENT 1

5-14682 1/2



NOTES:
(SEE SHEET 1 OF 2)

SYMBOLS:
(SEE SHEET 1 OF 2)

REFERENCES:
(SEE SHEET 1 OF 2)

CURVE DATA

CURVE	Δ	R	L	C	CHB
A	04°17'56"	6.096	0.340	0.175	N 34°07'50" E
B	41°24'35"	12.192	8.812	4.631	S 63°03'43" E
C	352°49'09"	12.192	33.923	18.298	N 12°46'02" W
D	41°24'35"	12.192	8.812	4.631	S 53°31'51" W
E	87°47'04"	6.096	10.191	9.043	N 53°53'30" W
F	50°36'18"	6.096	3.263	3.233	N 07°39'48" E
G	54°43'39"	6.096	5.827	5.606	N 50°03'17" E
H	199°56'13.3"	9.754	33.981	19.923	N 22°21'53" W
I	54°43'39"	6.096	5.827	5.606	S 85°12'09" W
J	56°23'54"	9.275	9.618	9.193	N 37°41'39" W

CERTIFICATE OF GUAM CHIEF SURVEYOR

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH TITLE 21 GUAM CODE ANNOTATED, CHAPTER 48 ARTICLE 3, NATIONAL TRIANGULATION SYSTEM AND REGULATIONS THEREUNDER ON THIS 30 DAY OF MAY 2015

PAUL L. SANTOS, PLS / 68
GUAM CHIEF SURVEYOR / CHIEF OF CADASTRE

CERTIFICATE OF GUAM CHIEF PLANNER

APPROVAL PURSUANT TO TITLE 21, GUAM CODE ANNOTATED CHAPTER 62, SUBDIVISION LAW, AND CHAPTER 61, ZONING LAW.

FERNANDINO Q. AGUILAR
GUAM CHIEF PLANNER

4-3-2015
DATE

CERTIFICATE OF SURVEYOR

I, NESTORIO C. IGNACIO, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION THAT IT IS BASED ON A FIELD SURVEY MADE IN 11/18/2013 IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS. THAT I AM RESPONSIBLE FOR THE ACCURACY OF ALL DATA AND INFORMATION SHOWN HEREON. I FURTHER CERTIFY THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED ON THIS MAP

NESTORIO C. IGNACIO, PLS / 55

3/13/15
DATE

NESTORIO C. IGNACIO
CERTIFIED
PROFESSIONAL LAND SURVEYOR

DCA
BUENAS · CAMACHO & ASSOCIATES

- ENGINEERING CIVIL/STRUCTURAL
- CONSTRUCTION MANAGEMENT • PLANNING
- ENVIRONMENTAL SERVICES • SURVEYING
- DEVELOPMENT CONSULTATION
- GEOGRAPHIC INFORMATION SYSTEMS

Tamuning, Guam 96931
P.O. Box 8998

REV.	BY	DESCRIPTION	APPROVED	DATE

PARCELING SURVEY MAP
OF
LOTS 5035 AND 5036
(COURT DISTRIBUTION)

MUNICIPALITY OF DEDEDO SEC. 3, & 4

L.S. 11

SURVEY DATA		DATE
FIELD	FSS & CREW	2013
BOOK NO.	DCAGPS	
COMPUTED	PTMJR	8/2013
DRAWN	PTMJR	8/2013
RESEARCHED	FD	7/2013
CHECKED	NCI	

LOT DATA
LOT NUMBER: (SEE SHEET 1 OF 2)
CERT. OF TITLE:
REGISTERED ON
IN THE NAME OF

SATISFACTORY TO & APPROVED BY:
(SEE SHEET 1 OF 2)

DWG # DCA-S-14-67 | SCALE: | SHT 2 OF 2 | LM CHECKED # 069 FY2015

SATISFACTORY TO AND APPROVED BY:

MARIA C. PANGELINAN
ADMINISTRATRIX, DOC # 815116
3/13/15
DATE

DOLORES P. SABLAN
ADMINISTRATRIX, DOC # 815116
3-13-15
DATE

CHECKED BY

FRANK P. TAITANO
PLANNER, DLM
4/3/15
DATE

JIMMY T. CAMACHO
ENGINEERING TECHNICIAN DLM
4/3/15
DATE

EDGARDO R. TAGUAM
CARTOGRAPHIC SUPERVISOR, DLM
4-30-15
DATE

ATTACHMENT 1

S-16682 2/2

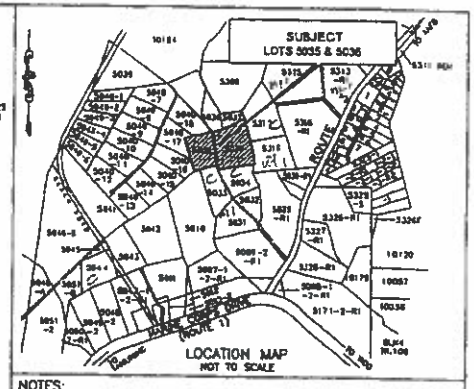
CURVE DATA					
CURVE	Δ	R	L	C	CHD
A	84°12'56"	6.000	8.666	8.175	N 24°57'28" E
B	41°31'30"	12.102	8.812	8.621	S 83°53'43" E
C	252°40'00"	12.102	53.353	18.266	N 13°13'02" W
D	41°31'30"	12.102	8.812	8.621	S 62°37'47" W
E	93°13'54"	6.000	10.101	9.013	N 50°31'39" W
F	30°30'16"	6.000	3.323	3.323	N 07°20'48" E
G	54°13'54"	6.000	5.837	5.616	N 50°31'17" E
H	199°30'17.5"	9.754	33.361	19.233	N 22°11'52" W
I	84°13'30"	6.000	8.817	8.038	S 69°12'55" W
J	99°23'54"	9.276	9.818	9.183	N 37°41'30" W

REFERENCES:

1. DWG. # ACCED-20, LM # 116 FY 2007, REPLACEMENT SURVEY MAP OF LOT 5035 AND LOT 5036, MUNICIPALITY OF DEDEDO, PREPARED BY PLS # 73, DOC. # 530098.
2. DWG # DCM-S-12-10, LM # 135 FY 2012, SUBDIVISION SURVEY MAP FOR COURT DISTRIBUTION OF LOT 5040, PLACE OF UHUDU, MUNICIPALITY OF DEDEDO, PREPARED BY PLS # 85, DOC. # 842797.
3. DWG. # DCM-S-11-39, LM # 083 FY 2012, CONSOLIDATION SURVEY MAP OF LOTS 5036, 5036-1, AND PORTION OF OLD BULL CART TRAIL INTO LOT 5036 NEW, AND PARCELING SURVEY MAP OF LOT 5036 NEW, PLACE OF UHUDU, MUNICIPALITY OF DEDEDO, PREPARED BY PLS # 68, DOC. # 833707.
4. DWG. # RE-03-07, ANDERSEN VOR ANNEX (AJKZ), DOC. # 664886.
5. DWG. # RE-03-02, ANDERSEN COMMUNICATION ANNEX NO. 1 (AJKD), DOC. # 666239
6. GRANT OF EASEMENT FOR THE NORTHERN DISTRICT SEWERS SYSTEM, DOC. # 312261.
7. COURT ORDER APPROVING PARCELING SURVEY OF ESTATE PROPERTY AND FOR PARTITION AND REVERANCE OF DEDICATED EASEMENTS OF ESTATE PROPERTY, DOC. # 861794.
8. COURT ORDER APPROVING SUBDIVISION OF ESTATE PROPERTY AND TO CORRECT ACCESS LANDLOCKED AREAS OF ESTATE PROPERTY, DOC. # 871196.

N
1993 GRID

1 : 1,250 METERS
GRAPHIC SCALE



NOTES:

1. SURVEY WAS BASED ON FOUND PROPERTY CORNERS AS SHOWN ON THIS MAP.
2. ALL DISTANCES AND BEARINGS SHOWN HEREON ARE IN METERS, UNLESS OTHERWISE NOTED.
3. BEARING AND DISTANCES IN PARENTHESES ARE RECORD DATA AS PER REF. 1. ALL OTHERS ARE 1993 GRID VALUES AND FIELD CONDITIONS
4. SUBJECT LOTS ARE ZONED "R2" MULTIPLE-FAMILY DWELLING PER 2009 "DOS AMANTES" OFFICIAL ZONING MAP, #347932.
5. SUBJECT LOTS ARE WITHIN THE NORTHERN AQUIFER.
6. AS-BUILTS ARE AS SHOWN IN PLAT AS OF APPROVAL OF THIS MAP.
7. THE DIFFERENCE IN AREA BETWEEN THE RECORD AND COMPUTED IS DUE TO FIELD CONDITION.

SYMBOLS:

- GUAM GEODETIC NETWORK (GGN) STATION
- 4" x 4" CONCRETE MONUMENT FOUND, MARKED PLS # 63, DOC. # 842797.
- 4" x 4" CONCRETE MONUMENT FOUND, MARKED PLS # 33, AS PER REFERENCES 4 & 5
- #4 REBAR WITH PLASTIC CAP MARKED PLS # 73 FOUND, DOC. # 530098.
- #4 REBAR WITH PLASTIC CAP MARKED PLS # 63 FOUND, DOC. # 545152.
- #4 REBAR WITH PLASTIC CAP MARKED PLS # 10 FOUND, DOC. # 741196.
- #4 REBAR WITH PLASTIC CAP MARKED PLS # 63, SET
- FORCE MAIN AIR RELEASE VALVE.
- SEWER MANHOLE
- CONCRETE POWER POLE
- WOODEN POWER POLE

CERTIFICATE OF GUAM CHIEF SURVEYOR

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH TITLE 21, GUAM CODE ANNOTATED, CHAPTER 61, ARTICLE 5, UNIFORM TRANSLATION SYSTEM AND REGULATIONS THEREUNDER ON THIS 5TH DAY OF MARCH, 2015.

PAUL L. SANTOS, PLS # 68
GUAM CHIEF SURVEYOR / CHIEF OF CADASTRE

CERTIFICATE OF GUAM CHIEF PLANNER

APPROVAL PURSUANT TO TITLE 21, GUAM CODE ANNOTATED, CHAPTER 62, SUBDIVISION LAW, AND CHAPTER 61, ZONING LAW.

4-3-2015
DATE

MARVIN Q. AGUILAR
GUAM CHIEF PLANNER

CERTIFICATE OF SURVEYOR

I, NEFTORO C. IGNACIO, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED ON A FIELD SURVEY MADE IN 11/18/2013 IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS, THAT I AM RESPONSIBLE FOR THE ACCURACY OF ALL DATA AND INFORMATION SHOWN HEREON, I FURTHER CERTIFY THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED ON THIS MAP.

3/12/15
DATE

NEFTORO C. IGNACIO, PLS # 68

DCA
DUENAS • CAMACHO
ENGINEERING LAND SURVEYING
CONSTRUCTION MANAGEMENT • PLANNING
ENVIRONMENTAL SERVICES • SURVEYING
DEVELOPMENT CONSULTATION
GEOGRAPHIC INFORMATION SYSTEMS
P.O. Box 8566 Tamuning, Guam 96931

REV.	BY	DESCRIPTION	APPROVED	DATE

PARCELING SURVEY MAP
OF
LOTS 5035 AND 5036
(COURT DISTRIBUTION)
MUNICIPALITY OF DEDEDO

L.S. 11 SEC. 1, 3, & 4

SURVEY DATA		DATE	LOT DATA
FIELD	FSS-& CREW	2013	LOT NUMBER:
BOOK NO.	DCA/CPS		CERT. OF TITLE #
COMPUTED	PTM/R	8/2013	REGISTERED ON:
DRAWN	PTM/R	8/2013	IN THE NAME OF:
RESEARCHED	FD	7/2013	
CHECKED	NCI		

SATISFACTORY TO & APPROVED BY:
(SEE PLAN)

DWG. # DCM-S-14-37 SCALE 1:1,250 SHT. 1 OF 2 L.M. CHECKED # 089 FY2015

SATISFACTORY TO AND APPROVED BY:

MARIA C. PANGELINAN
ADMINISTRATRIX, DOC. # 815116
3/12/15
DATE

DOLORES P. SABLAN
ADMINISTRATRIX, DOC. # 815116
3/12/15
DATE

SPECIAL NOTE:

1. PURSUANT TO P. L. 28-126, SECTION 1 (4), THIS IS A "LOT PARCELING" AND THEREFORE, EXEMPTED FROM THE MAP PROCESS REQUIREMENTS OF P. L. 28-126, SECTION (6).
2. LOT 5035 AND LOT 5036 ARE BOTH WITHIN LOT ANDERSEN VOR ANNEX (AJKZ) AND LOT ANDERSEN COMMUNICATION ANNEX NO. 1 (AJKD).
3. THE DIFERENCE IN AREA BETWEEN THE RECORD AND COMPUTED IS DUE TO FIELD CONDITION.

CHECKED BY:

FRANK P. TAITANO
PLANNER, DLM
4/3/15
DATE

JIMMY L. CAMACHO
ENGINEERING TECHNICIAN, DLM
4.19.15
DATE

EDGARDO R. TAGUAM
CARTOGRAPHIC SUPERVISOR, DLM
4-30-15
DATE

ATTACHMENT 2

LOT
ANDERSEN COMMUNICATION
ANNEX NO. 1 (AJKD)
DOC. NO. 660299
LOT 5038NEW-R2
DOC. NO. 833707
LOT 5040-19
DOC. NO. 842797
LOT 5036-12R/W
PUBLIC ACCESS AND
UTILITIES RIGHT OF WAY
AREA = 174 ± SQ. M.
LOT 5036-R12
AREA = 51,025 ± SQ. M.
LOT 5036-11
(PORTION OF PARCEL D, FORCE MAIN,
WITHIN LOT 5036, RESERVED EASEMENT
FOR SEWAGE PUMPING STATION)
DOC. NO. 312261
AREA =527 ± SQ. M.
BASIC LOT 5036
(SEE SPECIAL NOTE NO. 3)
LOT 5035-3
AREA = 9,757 ± SQ. M.
LOT 5035-4R/W
PUBLIC ACCESS AND UTILITIES
RIGHT OF WAY
AREA = 2,253 ± SQ. M.
LOT 5036-10R/W
PUBLIC ACCESS AND
UTILITIES RIGHT OF WAY
AREA = 508 ± SQ. M.
LOT 5036-1R/W
PUBLIC ACCESS AND
UTILITIES RIGHT OF WAY
AREA =1,861 ± SQ. M.
LOT 5036-5
AREA = 356 ± SQ. M.
LOT 5036-9
(PORTION OF PARCEL 2
WITHIN LOT 5036, SEWAGE
PUMPING STATION,
DOC. NO. 312261)
AREA =1,665 ± SQ. M.
LOT 5036-3
AREA =4,602 ± SQ. M.
LOT 5035-5
(PORTION OF PARCEL 2
WITHIN LOT 5035, SEWAGE
PUMPING STATION,
DOC. NO. 312261)
AREA = 40 ± SQ. M.
LOT 5036-2
(PORTION OF PARCEL 1 WITHIN
LOT 5036, RESERVED EASEMENT,
DOC. NO. 312261)
AREA =1,962 ± SQ. M.
LOT 5035-8R/W
PUBLIC ACCESS AND
UTILITIES RIGHT OF WAY
AREA = 895 ± SQ. M.
LOT 5035-7
(PORTION OF PARCEL A-1 AND
PARCEL A-2 WITHIN LOT 5035,
RESERVED EASEMENT FOR AT&T
TELEPHONE CABLE)
DOC. NOS. 660299 & 664868
AREA = 1,832 ± SQ. M.
LOT 5035-6
AREA = 5,445 ± SQ. M.
LOT 5036-7
AREA = 1,907 ± SQ. M.
BASIC LOT 5035
(SEE SPECIAL NOTE NO. 3)
LOT 5036-4
(PORTION OF PARCEL B-3 WITHIN
LOT 5036, 10' WIDE SANITARY SEWER
EASEMENT, DOC. NO. 312261)
AREA =463 ± SQ. M.
LOT 5036-8R/W
PUBLIC ACCESS AND
UTILITIES RIGHT OF WAY
AREA = 266 ± SQ. M.
LOT 5036-6
(20' WIDE 8" DUCTILE
IRON PIPE WATER MAIN
EASEMENT)
LOT 5033-3
DOC. NO. 796948
LOT 5033-1-1
DOC. NO. 796948
LOT 5033-2
DOC. NO. 741196
LOT 5034-1-2
DOC. NO. 796948
LOT 5034-R4
DOC. NO. 741196
LOT 5034-4
DOC. NO. 741196
LOT 5034-3-1
DOC. NO. 796948
LOT 5316-1-1
DOC. NO. 787145
LOT 5317-4
DOC. NO. 750
PIG PEN
CONC. SLAB
METAL FRAME
BUILDING
TOOL SHED
2 STOREY EXISTING
CONCRETE HOUSE
BULL CART TRAIL
(VARIABLE WIDTH)
6.096 ± M. WIDE EXISTING PAVEMENT
SEE DETAIL "A"
SEE DETAIL "B"
SEWER CATCH
BASIN (CONC)
EXISTING SEWER MANHOLE B-22
N 203445.2429 (FIELD CONDITION)
E 107644.9889
60' WIDE RESERVED
EASEMENT FOR UTILITIES
35' WIDE SANITARY SEWER EASEMENT
N 83°21'56" W, 375.8163
(TIE BY GPS)
S 45°37'47" E, 328.2881
(TIE BY GPS)
N 76°53'45" E, 66.508
(N 76°48'35" E, 66.500)
S 28°22'03" E
3.769
S 15°14'46" E
62.582
S 15°14'46" E
20.766
S 23°45'21" E
39.376
S 23°45'21" E
45.658
S 22°31'47" W, 3.277
(S 22°29'32" W, 3.277)
S 67°28'13" E, 230.493
(S 67°30'32" E)
N 67°28'13" W
150.630
(N 67°30'32" W)
S 67°28'13" E
156.323
N 76°13'58" E, 67.068
S 76°13'58" W, 62.154
S 25°06'03" E, 245.932
S 25°06'03" E, 246.325
S 7° 58' 58" E, 75.744
S 16°01'34" E, 70.564
(S 16°04'25" E, 70.566)
S 06° 23' 47" E, 104.957
(S 06° 24' 25" E, 104.927)
134.481
(134.520)
N 5°57'35" E
72.245 (FIELD CONDITION)
(DUE NORTH, 68.580)
(REF. # 6)
N 35°57'15" W
85.788 (FIELD CONDITION)
(N 35°49'10" W, 86.457)
(REF. # 6)
S 81°47'35" W, 250.060
(S 81°47'03" W, 250.020)
S 72° 48' 35" W, 120.940
(S 72° 48' 00" W, 120.951)
N 76°13'58"E
S76°13'58"W
31.306
12.192 M.
WIDE R/W
9.144 M.
WIDE R/W
18.288 M.
WIDE R/W
112.935
112.869
120.562
121.021
122.062
75.444
33.494
38.304
3.048
3.048
7.580
7.516
28.862
12.435
12.435
6.586
28.085
17.8864
11.5160
6.3704
EN LARGE (RE-TRACEMENT)

HARRY D. GUTIERREZ
CONSULTANT
[redacted]

April 1, 2021

Chairperson
Commission Members
Guam Land Use Commission
Department of Land Management
590 S. Marine Corps Drive
Tamuning, Guam 96913

Doc Type: 36GL-21-0391
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
04 01 2021
Time: 2:07pm
Received:

Ref: Zone Change Application 2020-02

Bueñas Yan Hafa Adai:

I am submitting my rebuttal concerning the recommendation of disapproval by Bureau of Statistics and Plans (BSP) as cited in their Position Statement of February 27, 2020 on Zone Change Application No. 2020-02

In summary, BSP states that the Zone Change did not justify a *"public necessity"* and that the Zone Change *"is not consistent with the land uses in the area"*.

I have provided at the **ATTACHMENT** discussion points providing different perspectives on the justifications for approving the zone change. Oppositely, it shows my disagreement with the analysis and conclusion reached by BSP.

I have also provided a zoning overlay of the current zone designations within and surrounding the propose properties to be rezoned. I am sure you will see that the requested zone designation of "M-1" is the predominant zone in the area.

Most significant to note is the fact that when the *Dos Amantes* zone map was being created with the various zone designation boundaries being established in the area, the previous members of the Guam Land Use Commission at the time, had the foresight to acknowledged that such zone designations which was new in the area could change based on the changing trend of required land uses and the desires of the property owners in the ensuing years. In addition, at the Legislative public hearing, the Legislators also reaffirmed what the GLUC foresaw.

Since 2009, the time of the approval of the *Dos Amantes* zone map we have seen and still are experiencing the fast changing land use trend in the area. This substantiates that a *"public necessity"* for the new uses is in demand and that the desires of the property owners for such uses indicates that a change in zone designations is warranted and supported.

The Rebuttal and Discussion Paper provides more information that hopefully will provide clarification on the requested zone change.

I look forward in attending the Commission's hearing on the review of the requested zone change. I can be contacted at [redacted], email: [redacted].

Respectfully,

Harry D. Gutierrez
Consultant
Authorize Representative

COMMITTEE ON RULES
RECEIVED:
April 7, 2021
3:40 P.M.
Ryan Justice T. Pakanta

ATTACHMENT
Rebuttal to BSP Position Statement
Overlay – Zone Designations

April 1, 2021

REBUTTAL and DISCUSSION PAPER

REF:

APPLICATION NO. 2020-02 – ZONE CHANGE

BUREAU OF STATISTICS and PLANS

POSITION STATEMENT OF FEB. 27, 2020

Doc. No. 36GL-21-0391 *

Introduction: BSP's Position Statement under paragraph titled "Effects Test Review and Analysis and Conditions cites:

"This zoning map adopted by the GLUC designates these lots as "R-2" Multiple-Family Dwelling Zone. Public Law 30-224, the North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). Policy LU-I (b) General Residential sta

tes "The Residential Category provides for a range of residential densities, ranging from low-density single-family residences to multiple family structures. Non-residential uses are generally discouraged except for public facilities, schools, and institutions, provided their nature and location are not detrimental to the residential environment." This zone allows for duplexes and multi-family residential uses, as well as single family dwellings and hotels.

Rezoning the property to MI (Light Industrial) is not consistent with the land use for the area. Moreover, the applicant fails to provide any substance in the application to justify a benefit to public necessity and general welfare".

Discussion:

Point #1. The Dos Amantes Zone Map with the zone designations as shown i.e., R-2, C and M-1 were zones planned throughout the numerous parcels within the Ukudu area. During the public hearing both at the Guam Land Use Commission hearing and during the Legislative hearing, most of the landowners whose lots were initially planned for R-2 or C zones opted a higher zone designation to M-1. Other landowners whose lots were initially planned for C chose to retain such C zone designation of their lots. Other landowners whose properties were planned to be zone R-2 retained that zone designation simply to wait and see the trend in the area in the ensuing years before deciding to pursue a higher zone designation.

The Guam Land Use Commission understood the desire of those property owners who opted to wait and observe what the predominant uses would be the in the years after the zone map was approved; and with this in mind the GLUC encouraged those property owners to come before the Commission and request for a change of zone when ready.

Point #2. A review of the Dos Amantes Zone Map shows that the predominant zone is "M-1" followed by the "C" zone and last was the "R-2" zone. As can be deduced, the Ukudu area was deemed and planned to be an "industrial" area rather than it being "residential"; and it was further believed that the uses would be in the higher use category rather than at the lower end. The higher end uses are now realized by the fact that today we physically see commercial and industrial uses with corresponding buildings being built as being more predominant.

Point #3. The rezoning of the lots to "M-1" generally stirs the idea that the uses planned would be that of an industrial use. However, this line of thought, perhaps more of a feeling, is not quite correct. A review of the uses under the "M-1" zone category is more oriented towards commercial activities; and with a few uses would be more in line as industrial uses. Thus, the logic that the "M-1" designation is termed "light'" rather than "heavy" industrial uses.

Point #4. BSP states that" Rezoning the property to MI (Light Industrial) is not consistent with the land use for the area". However, simply because the zone designation is not R-2 does not mean that the land uses within an M-1 zone is not consistent. In the M-1 zone, any uses permitted in an R-2 zone is also permitted in an M-1 zone and in fact, any uses either permitted or conditional in an "C" zone is an outright permitted use in an "M-1" zone. Therefore, land uses are very much consistent in the area; and the only inconsistency is the zone designation., e.g., designation of "R-2" vs "M-1". Otherwise, the land uses are consistent.

Doc. No. 36GL-21-0391 *

Point #5. BSP states that "Moreover, the applicant fails to provide any substance in the application to justify a benefit to public necessity and general welfare". The requested zone change in this application is unique in that it involves a zone change involving numerous lots compared to the majority of zone change application which typically only involves a single property.

Since this zone change spans many lots, any single "land use" permitted could be potentially implemented. For instance, if the owner plans to develop single-family residential subdivisions or develop multi-family housing complexes on each and every separate parcels, would these uses then be readily acceptable and looked at as having met "public necessity and general welfare" criteria?

A zone change unlike a conditional use or a variance is conceptual and must be looked at from the perspective of "probability". In other words, it must be viewed in terms of the likely hood that any "land use" could be realized and not just a single particular use; and that in this particular case and for this specific property which is Lot 5035-R8, a land use for a "concrete batch plant" has been firmly planned for this specific lot..

This use is considered a "public necessity" in that the property has acreage that more than accommodates the intended use; the "use" will provide needed support and materials to the ongoing military buildup and further will provide the same service and products to immediate community and the northern communities. Hawaiian Rock Products will build and operate the concrete batch plant. The end product will be available to the local community on a continuing basis.

On one parcel amongst the numerous individual parcels created from basic lot 5306 sits GWA's sewage pumping station located within the middle of the other parcels. GWA's sewage pump station had existed for many years within the basic lot prior to the basic lot being subdivided.

Subsequently thereafter the properties were up for sale and at the onset there were several potential buyers; however, ultimately, all interested buyers decline the offer for sale because the sewage pumping station emits obnoxious sewage odors. This effect was the initial finding that the area was not suitable for residential development and an alternative development must be considered.

Because of this effect , the landowner considered that an industrial use would be the best and highest use in the area however, the zone designation from "R-2" to"M-1" would have to be made. The M-1 zone, which was favorable to the GLUC when the zone map was being crafted, took this under consideration and expected landowners to upgrade to the M-1 zone in the future. Hence, this anticipation by the GLUC back in 2009 is now being realized today.

Point #6. It is not that the current "R-2" zone designation was not desired but because of the presence of the sewage pump station that emits the obnoxious odor in the immediate area that the uses in the "R-2" which is primarily a "residential" use was not favorable. Potential buyers of the lots opted out of the sale simply for this reason.

One specific duty and function of DRC Member agency (in this case, its BSP), is to *"...To advise petitioners on **alternatives** (emphasis added) to ensure that proposed projects comply with applicable laws."*

BSP's position statement did not provide for any ***alternatives*** but provides reasons that the proposed use is not consistent with Guam's Development Policies. Within the Dos Amantes Planning Area, there exist and has existed the Northern Wastewater Treatment Plant, a previously approved 2000± Temporary Workforce Housing Facility, and a recently approved

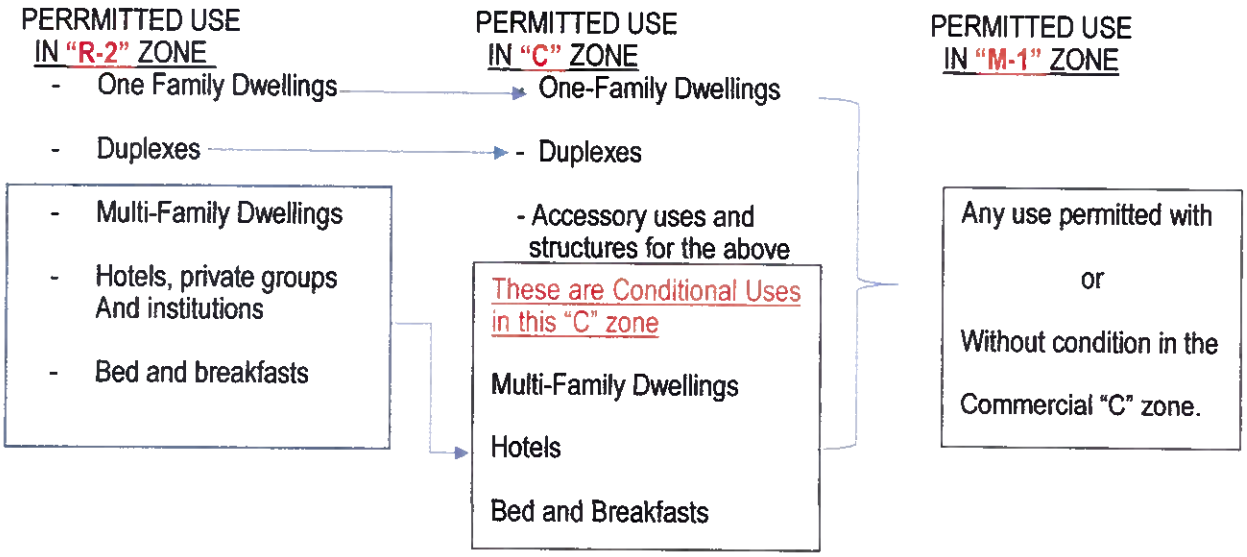
Doc. No. 36GL-21-0391.*

concrete batch plant development. All of these uses/development are zoned "M-2" (the former) or "M-1" (the latter).

It is ironic that on one of the Subdivided Lots of Basic Lot 5040 (west of the subject lots being considered for rezoning), a major multi-family development was not opposed by BSP, yet the zone of the property remained as "M-1", light Industrial. The question raised is if the "Multi-Family Use" was a preferred use, why then was the "M-1"zone designation allowed to continue? If consistency of land use is favored, why was the zone designation not changed from M-1 and downgraded to R-2" instead!? Afterall, if consistency and/or compatibility is highly argued, why then was the M-1 zone designation allowed at all and then not objecting to the R-2 – Multiple Family use being pursued and approved? In fact, the Multi-Family Structure required a "Height Variance" which was not objected to by BSP and subsequently approved by the GLUC.

The point being emphasized is that the "M-1" zone designation and the land uses inherent in the zone is an acceptable and consistent land use which BSP says otherwise.

Case in point: Comparative view of land uses in each of the different zones; such land uses can be found in the ascending higher zone designations:



Clearly, the M-1 Zone Designation contains the same uses as that listed under the "R-2"; and therefore, land uses within the M-1 Zone shows consistency and compatibility.

Provided at the **ATTACHMENT OVERLAY** is the current surrounding Zone Designations in relation to the subject lots' current zone and the action to rezone to M-1. It will be noted that the lots being considered for rezoning to M-1 does blend in, is compatible and is consistent with the existing zone designations within the immediate area.

Doc. No. 36GL-21-0391.*

ATTACHMENT
ZONE DESIGNATIONS OVERLAY