

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
221-37 (COR)	Tina Rose Muña Barnes Christopher M. Dueñas Joe S. San Agustin	AN ACT TO TRANSFER LOT NO. 2417-1-R7, MUNICIPALITY OF MANGILAO, FORMERLY KNOWN AS THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES CENTRAL HEADQUARTERS, FROM THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO THE GUAM COMMUNITY COLLEGE FOR THE CONSTRUCTION OF A NURSING ANNEX.	12/18/23 4:47 p.m.						Exhibit A

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 221-37 (COR)

Introduced by:

Tina Rose Muña Barnes

Christopher M. Duenas

Joe S. San Agustin

AN ACT TO TRANSFER LOT NO. 2417-1-R7, MUNICIPALITY OF MANGILAO, FORMERLY KNOWN AS THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES CENTRAL HEADQUARTERS, FROM THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO THE GUAM COMMUNITY COLLEGE FOR THE CONSTRUCTION OF A NURSING ANNEX.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. As the government of Guam continues its efforts to improve the quality of locally available health care, one need that must be addressed is the pace in which we educate our next generation of nurses and other health care and allied health professionals.

One practical constraint that limits the ability for institutions, like the Guam Community College (GCC), is the lack of physical space to accommodate the demand for higher enrollment for and staffing to support these programs.

Expanding GCC's footprint will also afford the space to begin offering new and needed courses, like the first-ever accredited paramedic certification program

1 and a radiologic technician certification program for Guam.

2 Another barrier obstructing the GCC's contributions to improving local health
3 care is the depletion of its land inventory, including the loss of approximately 314
4 acres in the Radio Barrigada area from GCC to the Guam Ancestral Lands
5 Commission through Public Law 31-134.

6 *I Liheslaturan Guåhan* finds that a former landmark of the local government's
7 health care programs, namely the previous headquarters of the Department of Public
8 Health and Social Services (DPHSS) in Mangilao, is an ideal location for GCC's
9 expansion efforts, as it is in the same municipality as the College's main campus,
10 and within a corridor of other institutions of education and health - both from the
11 private and public sectors.

12 This building, located on Lot No. 2417-1-R7, Municipality of Mangilao, has
13 been sitting idle since a reported electrical fire shut down the building in November
14 2019, and then was subsequently deemed unsafe by the Guam Fire Department.

15 *I Liheslaturan Guåhan* additionally finds that the available space should be
16 sufficient to house GCC's programs but would also allow the College's nursing and
17 allied health students to gain valuable clinical hours within the same facility.

18 Reviving this unused asset would also allow greater collaboration between
19 GCC and other government agencies that are in the midst of complementary efforts
20 to improve health care, like DPHSS and the Guam Memorial Hospital Authority.

21 Therefore, it is the intent of *I Liheslaturan Guåhan* to transfer Lot No. 2417-
22 1-R7, Municipality of Mangilao, formerly known as the Department of Public
23 Health and Social Services Central Headquarters, from the Department of Public
24 Health and Social Services to the Guam Community College for the construction of
25 a nursing annex.

26 **Section 2. Designated Use of Property.** The use of Lot No. 2417-1-R7
27 shall be consistent with the purpose of constructing a nursing annex as the location

1 for the GCC's nursing and other allied health educational programs, and any other
2 purpose as approved by the Board of Trustees of the GCC.

3 **Section 3. Appropriation.** Three Hundred Fifty Thousand Dollars
4 (\$350,000) is appropriated from the General Fund to the Guam Community College
5 (GCC) to fund a construction planning study on converting the Central Public Health
6 Building to a GCC Workforce Annex.

7 **Section 4. Transfer of Property.** Lot No. 2417-1-R7 in the Municipality
8 of Mangilao, consisting of a computed area of seventeen thousand seven hundred
9 seventeen (17,717) square meters as shown on Map No. 225FY2021 (Lot), is hereby
10 transferred from the Department of Public Health and Social Services to the Guam
11 Community College (GCC), pursuant to 21 GCA § 60112, for the purpose of
12 developing and constructing a nursing annex for the GCC. A survey map designating
13 the area of seventeen thousand seven hundred seventeen (17,717) square meters
14 square meters (Map) for the property has been prepared, recorded, and provided by
15 the Department of Land Management for the GCC. A copy of the Map is attached
16 hereto as **Exhibit A**.

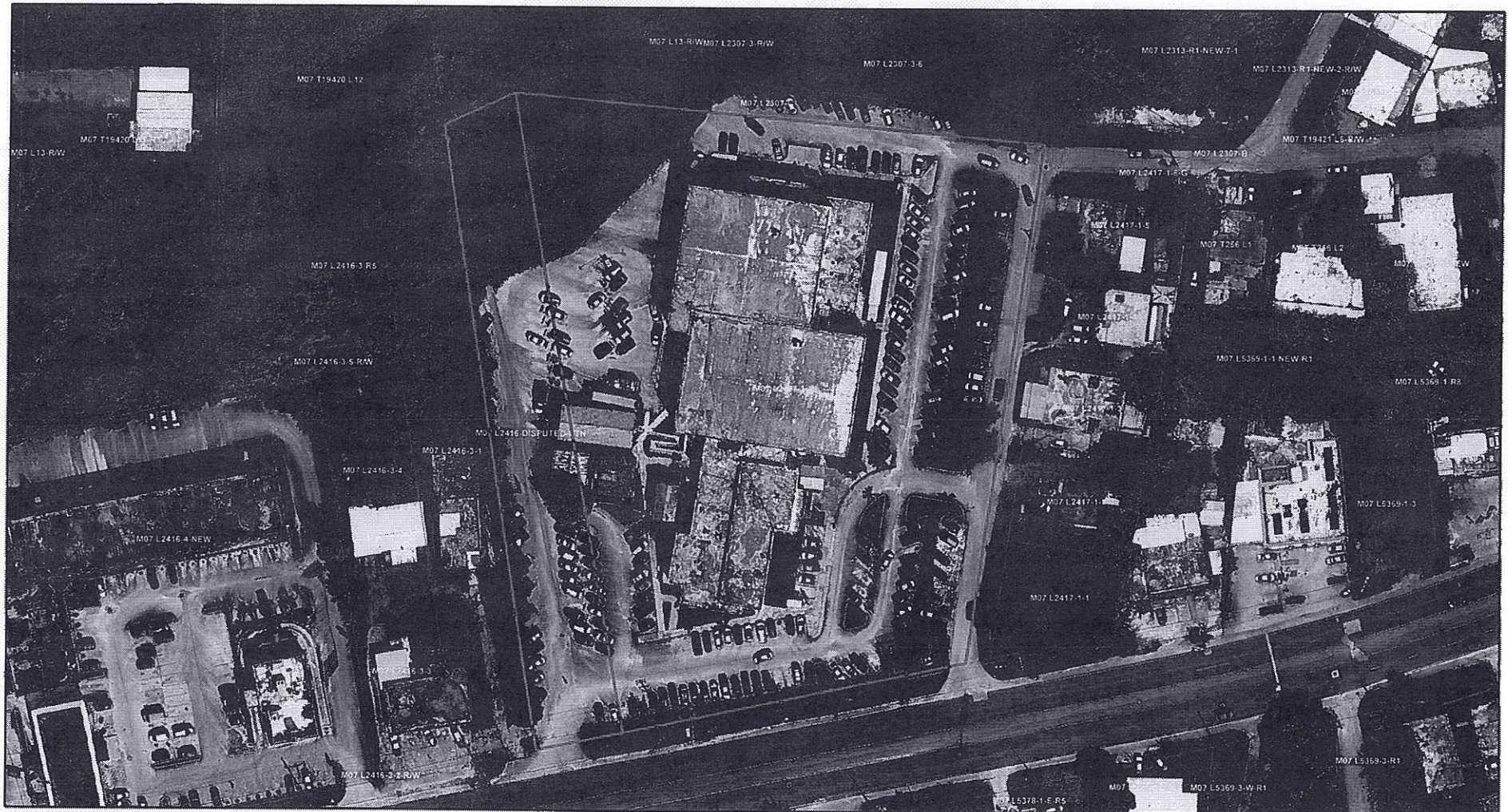
17 **Section 5. Issuance of Certificate of Title.** The Department of Land
18 Management (DLM) shall issue a certificate of title for Lot No. 2417-1-R7 in the
19 name of the Guam Community College (GCC) as owner in fee simple so long as the
20 Lot is used to construct a nursing annex as the location for the GCC's nursing and
21 other allied health educational programs. If the use of Lot No. 2417-1-R7 is
22 inconsistent with the purposes stated in Section 1 of this Act, then Lot No. 2417-1-
23 R7 shall automatically revert to the government of Guam. These covenants shall be
24 contained in any certificate of title or deed issued by DLM to GCC under this Act.

25 **Section 6. Exemption from Appraisals.** 2 GCA § 2107(b) and the
26 Standing Rules of *I Mina'trentai Siette Na Liheslaturan Guåhan*, relative to land
27 appraisals, shall not apply to this Act.

1 **Section 7. Effective Date.** This Act *shall* become effective upon enactment.

2 **Section 8. Severability.** If any provision of this Act or its application to any
3 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
4 *not* affect other provisions or applications of this Act, which can be given effect
5 without the invalid provisions or applications, and to this end the provisions of this
6 Act are severable.

LOT 2417-1-R6, MANGILAO FORMER PUBLIC HEALTH FACILITY



DISCLAIMER: This map is for planning purposes only. Not for use in litigation or for mapping requiring survey level accuracy. Some data maybe in confirmation process at the time this overlay was prepared. The Department does not assume any liability for any inaccuracies in the map.

PREPARED BY: MARGARITA V. BORJA
DEPARTMENT OF LAND MANAGEMENT

REFERENCES:

1. L.A. DWG. # 10356, REAL ESTATE REQUIREMENTS, ROUTE 10.
2. PARCELLING OF LOT # 2417-1, L.A. SKETCH # 1118.
3. RETRACEMENT SURVEY LOT NO. 2417-1, TRACT 256, L.A. DWG. # 1044777, DOC. NO. 271264.
4. DWG. NO. 7204-08, L.A. 784 FY 72, PARCELLING SURVEY OF LOT NO. 2416, PREPARED BY RLS. NO. 17, DOC. NO. 19418.
5. PROPERTY MAP LOT NOS. 2438, 5369 & 5378, MAP DWG. C-547284, DOC. NO. 034924.
6. LAND & CLAIMS COMMISSION PROPERTY MAP DWG. # P-174, (UNRECORDED)
7. U.S. NAVAL GOVT. OF GUAM CADASTRAL MAP DWG. # P-257, (UNRECORDED)
8. SUBDIVISION OF LOT # 2438NEW, TRACT 256, DWG. # C-4707530, DOC. NO. 106124.
9. PARCELLING SURVEY MAP OF LOT 2417-1, L.A. NO. 243 FY 81, PREPARED BY RLS. NO. 15, DOC. NO. 964234.
10. DECEDENT ESTATE SURVEY MAP OF TRACT 19420, L.A. NO. 357 FY 97, PREPARED BY RLS. # 32, DOC. # 276892.
11. PARCELLING MAP OF LOT NO. 2307, L.A. NO. 199 FY 75, PREPARED BY RLS. # 23, DOC. NO. 270397.
12. AGRICULTURAL SUBDIVISION LOTS 2307-1 & 2307-2, L.A. NO. 243 FY 81, PREPARED BY RLS. NO. 15, DOC. NO. 330703.
13. RE-SUBDIVISION SURVEY MAP OF LOT 2416-3, L.A. NO. 215 FY 98, PREPARED BY RLS. # 70, DOC. NO. 584730.
14. RE-SUBDIVISION SURVEY MAP OF LOT 2416-3, L.A. NO. 185 FY 96, PREPARED BY RLS. # 54, DOC. NO. 547998.

SYMBOLS: SEE SHEET 1 OF 2
NOTES: SEE SHEET 1 OF 2

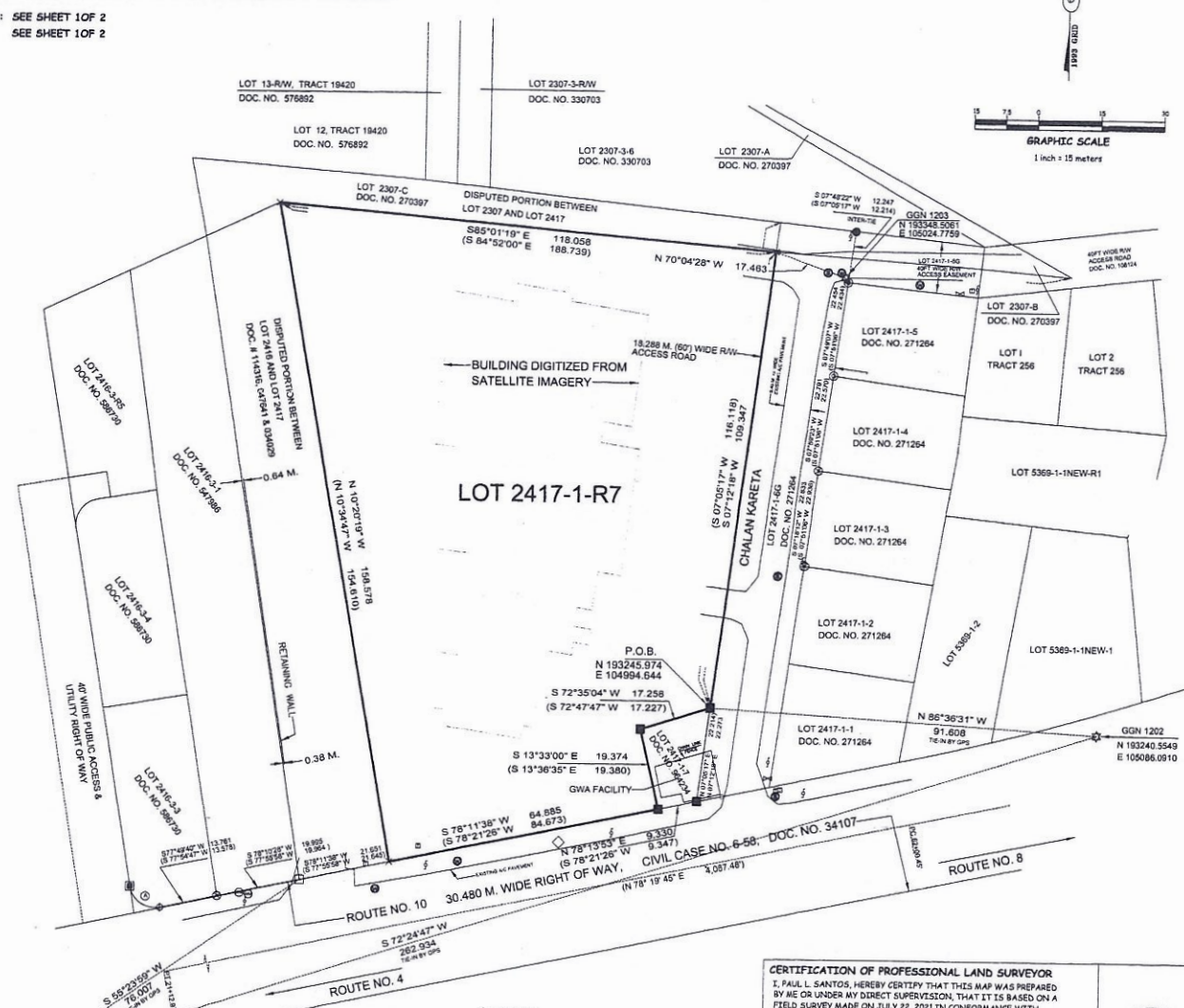
GOVERNMENT OF GUAM - Department of Land Management
Office of the Recorder

File for Record is Instrument Number **866048**

On the Year **20** Month **10** Day **20** Time **4:32**

Recording Fee **DE-OFF-100** Receipt No. **DE-OFF-100**

Deputy Recorder **Paul L. Santos**



SURVEYOR'S REPORT AND BOUNDARY ANALYSIS

An analysis of the boundary of Lot 2417 and its adjoining lots indicate that the "disputed areas" were erroneously indicated as such, and, therefore, do not exist.

The property map C-547284, Doc#034924 of Lot Nos. 2438, 5369, & 5378, prepared by the Department of Land Management dated 3/18/1954 showed Lot(s) 2417, 2416, and 2307 all contiguous to each other—no overlaps were indicated. It was only later during the survey of Lot 2416 and 2307 were overlaps shown as disputed areas.

An overlap indicated as "Disputed Area" between L2417 and L2307 was shown under the Partitioning Map of Lot 2307, 199FY75, Doc#270397 recorded 7/20/1976.

An overlap indicated as "Disputed Portion" between L2417 and L2416 was shown under the Parceling Survey of Lot 2416, 784FY72 Doc#114316, recorded 7/24/72.

Subsequent surveys, deeds, and other recorded documents did not address the "disputed" portions that supposedly overlapped onto Lot 2417.

In the case of the "Disputed Area" between L2417 and L2307:

The Agricultural Subdivision of Lot 2307-1 and Lot 2307-3, 243FY82, Doc#330703 was recorded 8/06/1982. This map parceled out Lots 2307-1 and 2307-3 into several parcels, but did not address the disputed portion, designated as Lot 2307-C as shown in 199FY75, essentially leaving it as is, status quo.

The Decedent Estate Survey Map of Tract 19420 (formerly Lot 2307-2), 357FY97 was recorded under Doc#576892 2/3/1998. This map did not include the disputed portion shown as Lot 2307-C in 199FY75, again, leaving it as is.

In the case of the overlap indicated as "Disputed Portion" between L2417 and L2416:

The Resubdivision Survey Map of Lot 2416-3, 168FY96, was recorded under Doc#547980 on 6/28/1996. This map parceled out Lot 2416-3 into two parcels but did not address the disputed portion shown in 784FY72.

A Stipulation and Order PR0228-90 was recorded under Doc#540212 1/23/1996 that gave Peter D. Arellano Lot 2416-3-1 referred to in 168FY96.

A Deed of Gift was recorded Doc#540213 1/23/1996 for Peter D. Arellano to Peter D. Arellano and Jovita T. Arellano for Lot 2416-3-1 referred to in 168FY96 Area=2994 square meters.

An Affidavit was recorded under Doc#568196 6/27/1997 for Jovita T. Arellano, as surviving spouse of Peter D. Arellano.

A Decree Settling Final Account of Administrator and Final Distribution PR0228-90 was recorded under Doc#673605 4/22/2003, that gave the eastern portion Lot 2416-3 referred to in 168FY96 as Lot 2416-3-1, to Jovita T. Arellano and the western portion of Lot 2416-3 referred to as Lot 2416-3-R1, to Gregorio Quichocho, Rosario Quichocho, Rosalia Peralta (deceased), and Josefina Perez. Nothing was mentioned of the disputed portion on the eastern boundary.

A Warranty Deed was recorded under Doc#788552 11/13/2009 from Jovita T. Arellano to Salvador M. Espino and Belinda I. Espino for Lot 2416-3-1, as referred to in 168FY96, Area=2994 square meters.

Basic Lot 2416 was issued GC 3947 on 3/7/1939. Basic Lot 2417 was issued GC4020 on 8/30/1939; and Basic Lot 2307 was issued GC4137 on 3/15/1940. However, Basic Lot 2417 was decreed its title in 7/28/1938, (see Doc#14353) although its GC was issued later. It is therefore, my opinion that, based on senior rights, the property lines of Lot 2417 are correctly shown as depicted and do not overlap with the other parcels.

Furthermore, the owners of Lot 2416 and Lot 2307 "slept" on their rights as they did not pursue claims to the respective disputed areas; the various recorded maps and deeds did not lay further claim to the disputed portions. In fact, except for the maps under 784FY72 and 199FY75, none of the subsequent documents assert that disputed portions exist. The disputed portions or overlaps between Lot 2417 and Lot 2416-3-1 along its eastern property line, and between Lot 2417 and the parceled lots of Lot 2307 (Lot 2307-3-4 and Lot Tract 19420, formerly part of Lot 2307), along their southern property lines do not exist. Lot 2417-1-R7 is entitled to its whole area of 17471 square meters, more or less, or as a field survey would reveal.

Paul L. Santos
Professional Land Surveyor No. 68

REVISIONS	DESCRIPTION	BY	APPROVED BY	DATE
RETRACEMENT SURVEY MAP OF LOT 2417-1-R7 LAND SQUARE 19 MUNICIPALITY OF MANGILAO SECTION 4				
JOB NO.	SURVEY DATA	BASIC LOT DATA		
COMPUTED BY	EDT	DATE	LOT	2417
DRAWN BY	EDT	7/22/2021	CERTIFICATE OF TITLE NO.	8-2 NO 4020
REGISTERED ON	7/22/2021	REGISTERED ON	AUGUST 30, 1939	
RESEARCHED BY	EDT	7/22/2021	DECLARED ON	JULY 29, 1939 (DOC NO. 14353)
FIELD BY	WJO & CREW	7/22/2021	ESTATE NO.	118
CHECKED BY	PLS	7/22/2021	IN THE NAME OF	
SCALE IS IN METRIC SYSTEM AS SHOWN SHEET 2 OF 2 DWG. NO. DLM 14-021779 L.M. CHECK NO. 225 FY 2021				
THE UNITED STATES OF AMERICA GOVERNMENT OF GUAM GUBERNAMENTON GUÅHAN DEPARTMENT OF LAND MANAGEMENT DIPATTAMENTON MINANEHAN TÀNGO LAND SURVEY DIVISION DIVISION AGADAMSIAN TÀNGO				

CERTIFICATION OF PROFESSIONAL LAND SURVEYOR

I, PAUL L. SANTOS, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED ON A FIELD SURVEY MADE ON JULY 22, 2021 IN CONFORMANCE WITH ALL APPLICABLE LAWS AND REGULATIONS, AND 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.

Paul L. Santos 9/29/2021
PROFESSIONAL LAND SURVEYOR NO. 68 DATE



CURVE DATA:

CURVE	Δ	R	L	C	CH8
A	91°23'34"	8.056	9.136	8.743	19.5047437W
	(2°29'54")	(8.096)	(9.859)	(8.829)	(19.55°47'10"W)

5-16271 2/2