

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN  
2013 (FIRST) REGULAR SESSION

Bill No. 68.32 (COT)

Introduced by:

V.C. Pangelinan

AN ACT TO AUTHORIZE *I MAGA'LAHEN GUÅHAN*  
TO EXCHANGE A PORTION OF TRACT 11405  
(FORMERLY LOT NUMBER 10120-20),  
MUNICIPALITY OF DEDEDO, WITH A PORTION OF  
LOT NUMBER 3255-6-R4, MUNICIPALITY OF  
ORDOT-CHALAN PAGO.

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BE IT ENACTED BY THE PEOPLE OF GUAM:

1           **SECTION 1. Legislative findings and intent.** *I Liheslaturan Guåhan* finds  
2 during the original construction of Route 4, the government entered Lot No. 3255-6-  
3 R4, the private property of Mr. Samuel and Mrs. Min-jung Sparks, and constructed a  
4 ponding basin to collect Route 4 water runoff and alleviate the flooding caused to  
5 private properties in the area of Naki Street in Chalan Pago. According to the  
6 Department of Public Works (DPW) and the landowners, the construction occurred  
7 without any consent by the Sparks or condemnation of the private land by the  
8 government for public benefit use, and there has been no compensation paid by the  
9 government for the use of the land. The government and DPW have utilized these  
10 properties for over twenty (20) years now.

11           The DPW, in response to official inquiry by *I Liheslaturan Guåhan*, assured that  
12 the flooding problem would be resolved by the newly completed re-construction of  
13 Route 4. Recently, the culvert leading to the ponding basin was removed as part of the  
14 reconstruction of Route 4. Recent rains have caused the ponding basin to continue to

1 receive water runoff from adjoining properties, which indicate the continued need for  
2 the ponding basin.

3 The landowners have sought the assistance of the Department of Land  
4 Management, the Mayor of Ordot-Chalan Pago, and DPW via *I Liheslaturan Guåhan*,  
5 and exhausted their efforts to get this matter resolved.

6 Despite numerous pleading over the years by Mr. Samuel and Mrs. Min-jung  
7 Sparks for the government to address this de facto taking of their property, the matter  
8 remains unresolved.

9 Resolution for the Sparks is either the removal of the ponding basin from their  
10 property, which will cause continued flooding in the area and is not feasible, or a land  
11 exchange with the government and the continued use of the Sparks property as a  
12 ponding basin for the public's benefit.

13 *I Liheslaturan Guåhan* finds that there are lots reserved for land exchange in the  
14 Municipality of Dededo (Tract 11405, Formerly Lot No. 10120-20), and that the  
15 landowners are open to resolving the issue through a land exchange.

16 *I Liheslaturan Guåhan* does hereby intend to remedy the long-standing land  
17 issue and to finally provide relief to Mr. Samuel and Mrs. Min-jung Sparks by  
18 exchanging their property utilized by DPW with property identified pursuant to Public  
19 Law Number 22-18, which identifies Government of Guam reserved lands available  
20 for land exchange.

21 **SECTION 2. Land Exchange Authorized.** Notwithstanding any provision of  
22 law, Mr. Samuel and Mrs. Min-jung Sparks shall receive and *I Maga'lahen Guåhan* is  
23 hereby authorized to exchange on a value-for-value basis, a portion of Tract 11405  
24 (Formerly Lot No. 10120-20), Municipality of Dededo, Guam, owned by the  
25 Government of Guam, as an exchange for a portion of their property, Lot No. 3255-6-  
26 R4, Municipality of Ordot-Chalan Pago. They shall not receive monetary  
27 compensation. The properties shall hereby be transferred for the purpose of this land

1 exchange. *I Maga'lahaen Guåhan* shall provide Mr. Samuel and Mrs. Min-jung Sparks  
2 deeds and certificates of title, as joint tenants with right of survivorship, to said lot.

3 **SECTION 3. Appraisals, Survey, Mapping and Registration.** The  
4 Department of Land Management (“Department”) shall have the properties to be  
5 exchanged under this Act appraised by two (2) independent appraisers licensed to do  
6 business on Guam. The two (2) appraisals shall be completed within one hundred  
7 eighty (180) days after enactment of this Act. The averages of the two (2) appraisals  
8 shall be used as the values for the basis of such exchange. The Department shall have  
9 such properties surveyed, mapped and registered.

10 **SECTION 4. Severability.** If any of the provisions of this Act or the  
11 application thereof to any person or circumstance is held invalid, such invalidity  
12 *shall* not affect any other provision or application of this Act which can be given  
13 effect without the invalid provision or application, and to this end the provisions of  
14 this Act are severable.