

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 169-32 (LS)

Introduced By:

T.R. MUÑA BARNES

**AN ACT TO REZONE LOT NO. 5168-4, LOCATED IN THE
MUNICIPALITY OF TAMUNING, FROM SINGLE-FAMILY
DWELLING ZONE (R1) TO LIGHT INDUSTRIAL ZONE (M1).**

2013 AUG 16 PM 1:34

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that it is the desire of the owners of Lot No. 5168-4 to maximize the use of their property located in the Municipality of Tamuning to its highest potential. *I Liheslaturan Guåhan* further finds that in order to achieve the maximum and best use of their property, the owners have requested the assistance of *I Liheslaturan Guåhan* to rezone Lot No. 5168-4 from its current Single-Family Dwelling Zone (R1) to Light Industrial Zone (M1).

I Liheslaturan Guåhan further finds that the owners of Lot No. 5168-4 acquired this property through a land exchange with the Government of Guam authorized by Public Law 31-253. After months of waiting for the completion of the implementation of Public Law 31-253, the approval process for the Deed of Exchange was completed and the owners received their copy of the official Deed of Exchange. (See document attached as Exhibit "A"). Furthermore, the owners conducted research on the zoning status of the property and their findings determined that the property had a zoning designation of R1. (See document attached as Exhibit "B").

1 *I Liheslaturan Guåhan* further finds that based on the findings of the R1
2 designation, the property owners not only want to achieve the maximum and best
3 use of their property, but want the zoning of their property to be consistent with the
4 surrounding properties that are either zoned Light Industrial or Commercial. (*See*
5 *reduced Zoning Map attached as Exhibit "C"*).

6 It is therefore the intent of *I Liheslaturan Guåhan* to authorize the rezoning
7 of the lot described herein for the purposes of assisting the owners in maximizing
8 the highest and best use of their property, as well as rezoning the property to
9 maintain consistency with the surrounding properties.

10 **Section 2. Lot Rezoning.** Notwithstanding any other provisions of law,
11 Lot No. 5168-4, containing an area of 3,976+/- square meters, located in the
12 Municipality of Tamuning, is hereby rezoned from Single-Family Dwelling Zone
13 (R1) to Light Industrial Zone (MI). The real property rezoned herein is officially
14 described as:

15 Lot No. 5168-4, Parceling Survey Map of Lot 5168, Municipality of
16 Tamuning, containing an area of 3,976+/- square meters as shown on
17 map prepared by Government of Guam, Department of Land
18 Management, L.M. Check No. 201FY89, Land Management I4-
19 89T330, recorded under Document No. 417648, Certificate of Title
20 GC#3114. Water and Power (electricity) and Sewer are available or
21 within a distance of 100 feet from the property. (*Parceling Survey*
22 *Map of Lot 5168 attached as Exhibit "D"*).

23 **Section 3. Effective Date.** This provisions contained herein shall take
24 effect immediately upon enactment of this Act.

EXHIBIT "A"

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

File for Record is Instrument No. 853894

On the Year 2013 Month 07 Day 11 Time 11:14

Recording Fee 25 Receipt No. 38195

Deputy Recorder _____

Juan P. Cruz

(Space above this line for recorder's use only)

13-03362

DEED OF EXCHANGE

This DEED, made and entered into this 10th day of July, 2013, by and between the **DEPARTMENT OF LAND MANAGEMENT, GOVERNMENT OF GUAM**, whose address is P.O. Box 2950, Hagatna, Guam 96932, herein called the *PARTY OF THE FIRST PART*, and **JUDY R. UNTALAN, PATRICIA T. ROSARIO, DOLORES R. BOARDMAN and LORENZO C. ROSARIO, JR.**, all of legal age U.S citizens, hereinafter referred to as *PARTIES OF THE SECOND PART*, who shall share and share alike in accordance with the Final Distribution entered on September 11, 2009 in the *Estate of Lorenzo Camacho Rosario, Deceased*, Superior Court of Guam, Probate Case No. PR0054-97 and which is recorded in the Office of the Recorder, Department of Land Management as Instrument Number 796626 on September 29, 2009, do declare that they did, and do by these present make an exchange of Real Property as authorized by Public Law 31-253.

WHEREAS, the *PARTY OF THE FIRST PART* is the owner of certain real property in Tamuning described as follows:

BRYANT F.

Lot No. 5168-4, Parceling Survey Map of Lot 5168, Municipality of Tamuning, containing an area of 3,976± square meters as shown as shown on map prepared by Government of Guam, Department of Land Management, L.M. Check No. 201FY89, Land Management I4-89T330, recorded under Document No. 417648, Certificate of Title GC#3114. Water and Power (electricity) and Sewer are available or within a distance of 100 feet from the property.

WHEREAS, the *PARTIES OF THE SECOND PART* are the owners of certain real property described as follows:

Lot No. 5024-1-R1NEW-2, Re-Subdivision Survey Map of Lot 5024-1-R1NEW, Municipality of Tamuning, containing an area of 1,545± square meters as shown on map prepared by Duenas & Swavely, Incorporated, L.M. Check No. 015FY2011, recorded under Document No. 825429. Water and power (electricity) and sewer are available or within a distance of 100 feet from the property.

WHEREAS, both parties agree to exchange their respective properties which are the subject of this Deed of Exchange based on the Final Judgment entered on June 2, 2010 in *Judy R. Untalan, et al. vs. Government of Guam*, Superior Court of Guam Civil Case No. CV1894-93, and in accordance with Public Law 31-253.

NOW, THEREFORE, in consideration of the foregoing premises:

KNOW ALL MEN BY THESE PRESENTS:

THAT, *PARTY OF THE FIRST PART*, for and in consideration of the conveyance of property below listed, does hereby grant, transfer, convey, exchange, set over and deliver unto *PARTIES OF THE SECOND PART*, the following described parcel:

Lot No. 5168-4, Parcelling Survey Map of Lot 5168, Municipality of Tamuning, containing an area of 3,976± square meters as shown as shown on map prepared by Government of Guam, Department of Land Management, L.M. Check No. 201FY89, Land Management I4-89T330, recorded under Document No. 417648, Certificate of Title GC#3114. Water and Power (electricity) and Sewer are available or within a distance of 100 feet from the property.

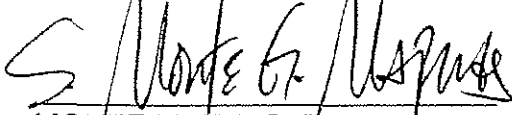
THAT, *PARTIES OF THE SECOND PART*, for and in consideration of the conveyance of property below listed, does hereby grant, transfer, convey, exchange, set over and deliver unto the *PARTY OF THE FIRST PART*, the following described parcel:

Lot No. 5024-1-R1NEW-2, Re-Subdivision Survey Map of Lot 5024-1-R1NEW, Municipality of Tamuning, containing an area of 1,545± square meters as shown on map prepared by Duenas & Swavely, Incorporated, L.M. Check No. 015FY2011, recorded under Document No. 825429. Water and power (electricity) and sewer are available or within a distance of 100 feet from the property.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remained or remainders, rents, issues and profits thereof, and also all the right, estate title and interest, possession, claim and demand whatsoever, both at law and equity of the Government of Guam, in and into the above granted premises, and every part and parcel thereof with appurtenances thereto.

To have and to hold the said properties, the one to the other, their heirs, and assigns forever, free from any liens, mortgages, or encumbrances.

PARTY OF THE FIRST PART
GOVERNMENT OF GUAM:

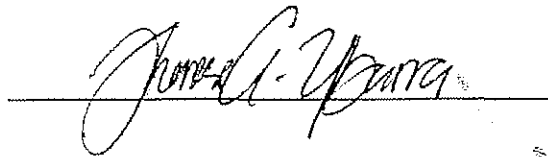

MONTE MAFNAS, Director
Department of Land Management
Date: 6-26-13

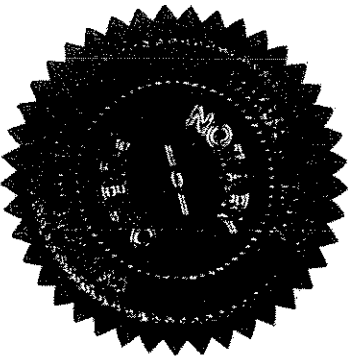
ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 26th day of JUNE, 2013, before me, the undersigned notary, personally appeared Monte Mafnas, Director, Department of Land Management, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.





TERESITA A. YBARRA
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires December 31, 2013
17C Bldg. Suite 808
500 South Marine Corps Dr
Tamuning, GU 96913

PARTIES OF THE SECOND PART:

JCR, ATTORNEY IN FACT,
JUDY R. UNTALAN

JUDY R. UNTALAN
LORENZO C. ROSARIO, JR.
Attorney-In-Fact - Document No. 822140

Date: 6/18/13

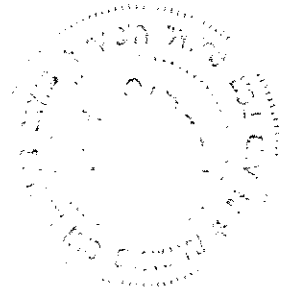
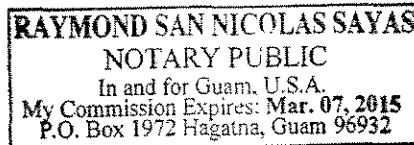
ACKNOWLEDGMENT

CITY OF TAMUNING) ss

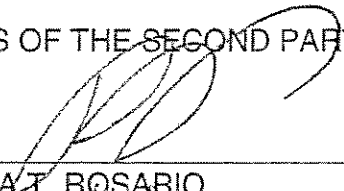
On this 18th day of June, 2013, before me the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.**, known to me to be the person whose name is subscribed to the within instrument as the Attorney-In-Fact for **JUDY R. UNTALAN**, and acknowledged to me the he subscribed the name of **JUDY R. UNTALAN**, thereto as principal, and his own name as Attorney-In-Fact, for its stated purpose on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond S. Sayas
Raymond S. N. Sayas



PARTIES OF THE SECOND PART:



PATRICIA T. ROSARIO

Date: 6/18/13

ACKNOWLEDGMENT


CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me, the undersigned notary, personally appeared **PATRICIA T. ROSARIO**, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that she signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond Sayas
Raymond S N sayas

PARTIES OF THE SECOND PART:

 DOLORES R. BOARDMAN

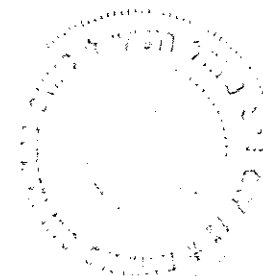
DOLORES ROSARIO BOARDMAN

LORENZO C. ROSARIO, JR.

Attorney-In-Fact - Document No. 822139

Date: 6/18/13

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **Mar. 07, 2015**
P.O. Box 1972 Hagatna, Guam 96932



ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.**, known to me to be the person whose name is subscribed to the within instrument as the Attorney-In-Fact for **DOLORES ROSARIO BOARDMAN**, and acknowledged to me the he subscribed the name of **DOLORES ROSARIO BOARDMAN**, thereto as principal, and his own name as Attorney-In-Fact, for its stated purpose on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

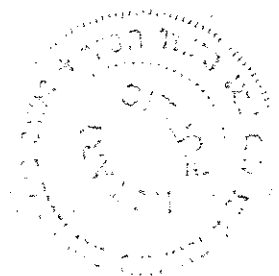
Raymond S. N. Sayas
Raymond S. N. Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **Mar. 07, 2015**
P.O. Box 1972 Hagatna, Guam 96932

PARTIES OF THE SECOND PART:

[Signature]
LORENZO C. ROSARIO, JR.

Date: 6/18/13



13-0336 R

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me, the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.**, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond SN Sayas
Raymond SN Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **Mar. 07, 2015**
P.O. Box 1972 Hagatna, Guam 96932

APPROVED AS TO LEGALITY
AND FORM:

[Signature]

LEONARDO M. RAPADAS
Attorney General of Guam

Date: 7/5/13

LDM 13-0336



GOVERNMENT OF GUAM

[Signature]

EDWARD J.B. CALVO
Governor of Guam

Date: JUL 10 2013

EXHIBIT "B"



DIPATTAMENTON MINANEHAN TANO'
(Department of Land Management)
GUBETNAMENTON GUAHAN
(Government of Guahan)



EDDIE BAZA CALVO
Governor

MONTE MAFNAS
Director

RAY TENORIO
Lieutenant Governor

DAVID V. CAMACHO
Deputy Director

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

Date: July 15, 2013

7-16-13
RECEIVED

To: Chief Planner, Land Planning Division

From: Franklin Jimenez, Associate Broker, Titan Realty
Mailing 121 Takano Lane, Suite 205
Address: Tamuning, Guam 96913

Re: Request for DLM Certification of Designated Zone
(A recorded Survey Map should accompany this Request Form)

*Property Description: Lot 5168-4, consisting of approx. 3,976.00±- square meters

Municipality of Dededo, Guam Project/Application Name: Franklin Jimenez

Franklin Jimenez Requestor (Print name)  Contact Number(s):
Work: 479.4663 Beeper: _____
Cellular 727-2891 Home: _____

FOR OFFICIAL USE ONLY

Verification of Designated Zone


ZONING DISTRICT: [] A [] MR-1 [] R-2 [] C [] IM-1 [] IM-2 [] IPD [] H [] S-1 [] PF

REMARKS Subject lot is Zoned "R1"
As per Official Zoning Map
PROPERTY STATUS F367S38

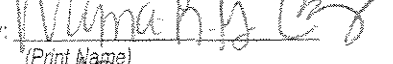
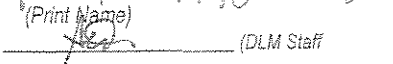
 7/17/13
SIGNATURE (Research Verified By: Land Agent Supervisor)

Certification of Zone (above)

Approved Disapproved

 7-18-13
Guam Chief Planner Date

*This is a written request for the above information. Filing Fee: Ten Dollars (\$10.00) filing fee as per Public Law 29-02, Chapter V, Part III (Fees and Charges Assessed by the Department of Land Management); available approximately four (4) working days as per P.L. 25-06, Section 1(d), Sunshine Reform Law, except for zone verifications.

Completion Date: 7/18/13 Documents Received by: 
Total No. of Pages: 2 (Print Name)
Amount Due: \$ 10 Payment Received by:  (DLM Staff)

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

Website:
<http://dlm.guam.gov>

E-mail Address:
dlm@mail.gov.gu

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

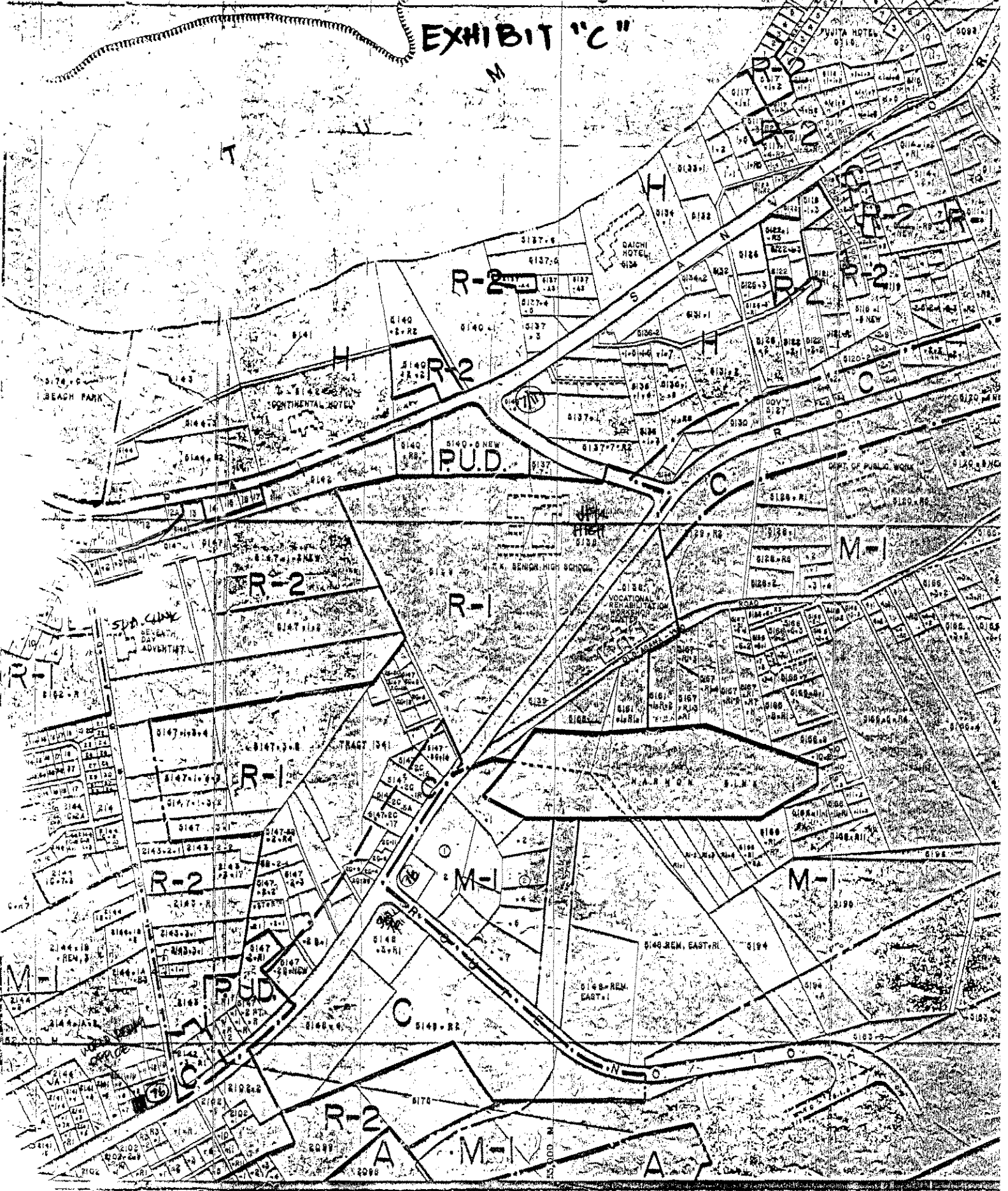
VERIFICATION OF ZONING
FOR OFFICIAL USE ONLY

RESOURCES	FINDINGS / FACTS
Legislative Zone Change	no findings
Land Use Application (1987 to Present)	no findings
Amendment Zone Changes	no findings
Summary Zone Change (P. L. 21-82 as amended by P.L. 21-144, Section 8)	no findings
Split Zone Change (Pursuant to P.L. 25-131)	no findings
HPR Master Listing	no findings
Litigation Files	no findings
<u>Official Zoning Map</u> F3-67S34 [] F3-67S43 [] F3-67S35 [] F3-67S44 [] F3-67S36 [] F3-67S45 [] F3-67S37 [] F3-67S46 [] F3-67S38 [] F3-67S47 [] F3-67S39 [] F3-67S48 [] F3-67S40 [] F3-67S49 [] F3-67S41 [] F3-67S50 [] F3-67S42 [] F3-67S51 [] F3-67S52 []	as per official zoning map subject lot is zoned "R-1" (Residential). F3-67S38
Other:	

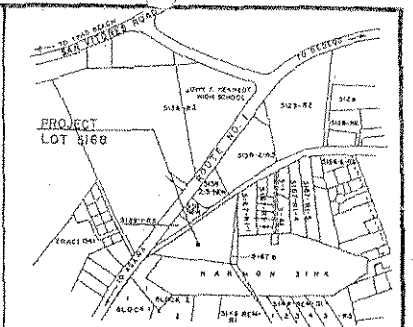
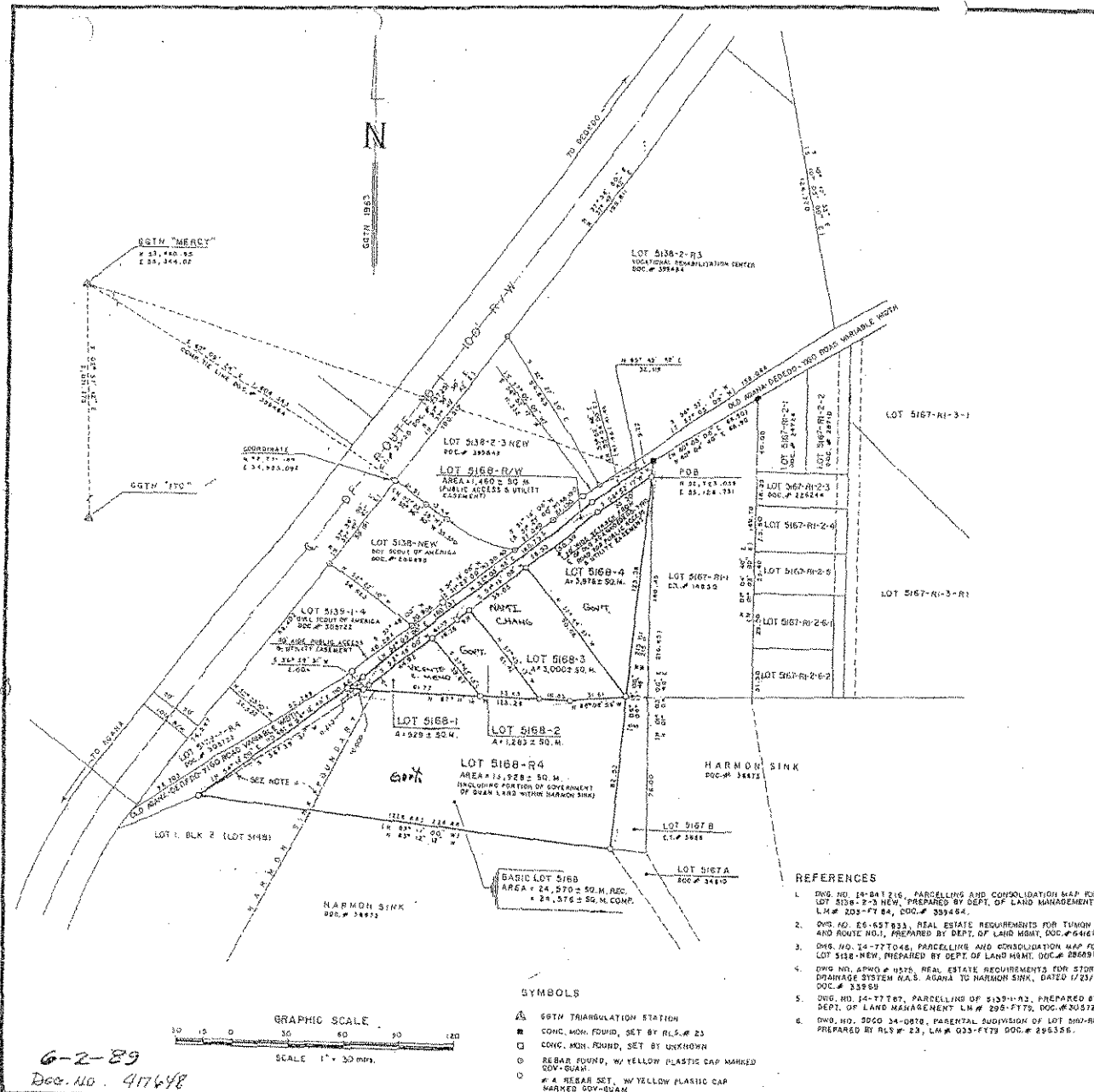
Stephanie Duenas

Researched Completed By

EXHIBIT "C"



OFFICIAL ZONING



NOTES

1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN
2. ALL DISTANCES ARE IN METERS, UNLESS OTHERWISE NOTED
3. BEARINGS AND DISTANCES ARE BASED ON 1983 VALUE ALL IN PARENTHESES ARE RECORD DATA.
4. DOC. # 38472, SPECIFIED THAT THE AREA COVERED BY THE HARMON SINK WITHIN LOT 5168 IS ONLY 10,756 SQUARE METERS MORE OR LESS, HENCE THE EXCESS OF 6,192 SQUARE METERS MORE OR LESS IS STILL A PORTION OF GOVERNMENT OF GUAM LAND.

CERTIFICATIONS

I, MICHAEL B. CARING HERCERY CERTIFY THAT THIS MAP WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS BASED UPON A FIELD SURVEY MADE IN FEBRUARY 1989 AND THAT IT MEETS ALL THE REQUIREMENTS OF CHAPTER 9, TITLE XIV, OF THE GOVERNMENT CODE OF GUAM AND REGULATIONS THEREUNDER.

Michael B. Caring Hercery
TERRITORIAL SURVEYOR (Signature) DATE: 04-11-1989

APPROVAL PURSUANT TO PUBLIC LAW 6-134 TITLE 19 GOVERNMENT CODE OF GUAM.

John B. Caran
TERRITORIAL PLANNER DATE: 11-26-1989

APPROVED BY: *John B. Caran* DATE: 05-25-89
DIRECTOR OF LAND MANAGEMENT

SURVEY DATA			ABSTRACT OF TITLE	
SUBJECT	BY	DATE	BASIC LOT	
JOB NUMBER	426-3-88	MARCH 1988	5168	
REFERENCE	LS 2, P.C.	APRIL 1989		
FIELD BOOK	D-05	JUNE 1989		
FIELD BY	AMEAZA/SHER	APRIL 1989		CERT OF TITLE G.C. # 3114
FIELD SUPV.	B. ORTEGA	MAY 1989		REGISTERED ON MAR. 11, 1929
COMPUTED	B. ORTEGA	MAY 1989		IN NAME OF DOC # 22819
DRAWN	J. G. ISAAC	MAY 1989		GOVERNMENT OF GUAM
CHECKED BY	H. B. CARING	MAY 1989		

REV.	DATE	BRIEF DESCRIPTION	BY	DATE APPROVED

PARCELLING SURVEY MAP OF LOT 5168

TAMUNING, MUNICIPALITY OF DEDEGD
LS IN SEC. 1 — LS IN SEC. 1

GOVERNMENT OF GUAM
DEPARTMENT OF LAND MANAGEMENT
LAND SURVEY DIVISION

SCALE 1" = 30 METERS DRAWING NUMBER

EXHIBIT 45