

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN
2013 (Second) Regular Session

Bill No. 345-32 (COR)

Introduced by:

V.C. Pangelinan 

AN ACT TO AMEND SECTION 3, SECTION 4, AND TO REPEAL SECTION 6 ALL OF PUBLIC LAW 21-130 TO AUTHORIZE DEPARTMENT OF LAND MANAGEMENT TO EXCHANGE PRIVATE PROPERTY TAKEN FOR THE CONSTRUCTION OF THE AGAT – UMATAC HIGHWAY WITH GOVERNMENT LAND.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Section 3 of Public Law 21-130 is hereby amended to read as follows:

“Legislative findings and intent. The Legislature has been apprised by the Department of Land Management (DLM) and the Department of Public Works (DPW) that the continuation of the work on Route 2, the Agat-Umatatc Highway, is totally dependent on the acquisition of certain parcels of private property. The Legislature finds that such widening and reconstruction of the Agat-Umatatc Highway must continue, and thus it is clear those private properties which have not been condemned for such purposes must be utilized. With this in mind, it is the intent of the Legislature that the owners of such properties either be justly compensated or be afforded the opportunity to exchange the lands required for the reconstruction and widening with government properties on a value-for-value basis.

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1 It has been over twenty-one (21) years since the enactment of this Act to
2 exchange government parcels with private property in order for the DPW to
3 complete the work to widen Route 2. Unfortunately, as of this date there are some
4 private landowners who were never compensated or afforded the opportunity to
5 exchange lands pursuant to law.

6 Over the years, the DPW has made a determination that the government land
7 identified in this Act is unsuitable for development and therefore the DLM has
8 identified new parcels of government land for exchange.

9 *I Liheslatura Guåhan* further finds that the DLM worked diligently with the
10 private landowners and the Mayor of Umatac, to identify parcels of government
11 land acceptable for the exchange.

12 Therefore, *I Liheslatura Guåhan* intends to right the wrong that was done to
13 these private landowners for over twenty-one (21) years and authorize the DLM to
14 exchange government parcels with the private landowners.”

15 **Section 2. Section 4 in Public Law 21-130 is hereby amended to read as**
16 **follows:**

17 “Section 4. Land exchanges authorized. (a) Notwithstanding any other
18 provision of law, the Governor of Guam is authorized to exchange government
19 property, on a value-for-value basis, with the following owners for their respective
20 parcels situated along the proposed route for Route 2, the Agat- Umatac Highway:

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		Areas in
Owners:	Parcels:	square meters:
Louise G. Sanchez,	Tract 3331, Lot 2-2-3G-R/W	519,
Herbert R Gofigan,	Tract 3331, Lot 2-2-1G-R/W	1370,
	Tract 3331, Lot 3-1G-R/W and	

1		Tract 3331, Lot 4-1GR/W,	1256,
2	Victoria G. Sanchez and		
3	Gregorio Q. Gofigan (dec),	Tract 3331, Lot 5-1G R/W and	
4		Tract 3331, Lot 10,	7899
5	Sylvia G. Quinata,	Tract 3331, Lot 9-1G R/W,	919,
6	Vicente A. Quinata (dec),	Lot 40-1G R/W,	1164.

7 (b) The privately-owned parcels set out in subsection (a) hereof shall be
8 exchanged for the following government parcels, each containing an area of 926
9 square meters, on a value-for-value basis. ~~Should the value of the government land~~
10 ~~exceed the value of the private land for which it is to be exchanged, the owner with~~
11 ~~whom the land exchange is to be made shall be required to pay the difference.~~

12	Owners:	Government lots to be exchanged:
13	Louise G. Sanchez,	Tract 3241, Block 5, Lot 8, and
14		Tract 3241, Block 5, Lot 9,
15	Herbert R. Gofigan,	Tract 3241, Block 3, Lot 19, and
16		Tract 3241, Block 4, Lot 15,
17	Victoria G. Sanchez and	
18	Gregorio Q. Gofigan (dec),	Tract 3241, Block 6, Lot 4,
19		Tract 3241, Block 7, Lot 1,
20		Tract 3241, Block 7, Lot 2,
21		Tract 3241, Block 7, Lot 5,
22		Tract 3241, Block 9, Lot 8,
23		Tract 3241, Block 9, Lot 9,
24		Tract 3241, Block 9, Lot 10,

1 ~~Tract 3241, Block 9, Lot 11,~~
2 ~~Sylvia G. Quinata, Tract 3241, Block 2, Lot 20,~~
3 ~~Vicente A. Quinata (dec), Tract 3241, Block 5, Lot 12,~~
4 ~~Tract 3241, Block 5, Lot 13.~~

5 ~~The government land to be exchanged consists of fifteen (15) lots totaling 13,935~~
6 ~~square meters. The private land to be exchanged consists of 13,127 square meters.~~
7 ~~The Government lots to be exchanged are identified as Block 5B, Tract 3241,~~
8 ~~Ulag, Municipality of Umatac and shall be based on the recorded and registered~~
9 ~~maps.~~

10 **Government lots to be exchanged:**

- 11 Block 5B, Tract 3241 lot 1
- 12 Block 5B, Tract 3241 Lot 2
- 13 Block 5B, Tract 3241 Lot3
- 14 Block 5B, Tract 3241 Lot 4
- 15 Block 5B, Tract 3241 Lot 5
- 16 Block 5B, Tract 3241 Lot 6
- 17 Block 5B, Tract 3241 Lot 8
- 18 Block 5B, Tract 3241 Lot 9
- 19 Block 5B, Tract 3241 Lot 10
- 20 Block 5B, Tract 3241 Lot 11
- 21 Block 5B, Tract 3241 Lot 12
- 22 Block 5B, Tract 3241 Lot 13
- 23 Block 5B, Tract 3241 Lot 14
- 24 Block 5B, Tract 3241 Lot 15
- 25 Block 5B, Tract 3241 Lot 16
- 26 Block 5B, Tract 3241 Lot 17

- 1 Block 5B, Tract 3241 Lot 18
- 2 Block 5B, Tract 3241 Lot 19
- 3 Block 5B, Tract 3241 Lot 20
- 4 Block 5B, Tract 3241 Lot 21

5 (c) The distribution of the government parcels to be exchanged set out in
6 Subsection (b) of this Section shall be distributed by lottery to the following
7 families and/or their heirs:

- 8 Louise G. Sanchez (dec),
- 9 Herbert G. Gofigan,
- 10 Victoria G. Sanchez (dec),
- 11 Gregorio Q. Gofigan (dec),
- 12 Sylvia G. Quinata (dec), and
- 13 Vicente A. Quinata (dec).

14 The lottery shall be administered jointly by the Department of Land
15 Management and the Mayor of Umatac.

16 **Section 3. Section 6 of Public Law 21-130 is hereby repealed in its entirety.**

17 ~~“Section 6. No further legislation required. Aware of the importance of this~~
18 ~~Act toward the most expeditious and economical completion of the Agat-Umatac~~
19 ~~Highway, the passage of this Act and its enactment into law shall be deemed~~
20 ~~approval by the Legislature of the exchanges and no further legislative action shall~~
21 ~~be required.”~~

22 **Section 4. Effective Date.** This Act *shall* become effective upon enactment.

23 **Section 5. Severability.** If any provision of this Law or its application to any
24 person or circumstances is found to be invalid or contrary to law, such invalidity
25 *shall not* affect other provisions or applications of this Law which can be given
26 effect without the invalid provisions or application and to this end the provisions of
27 this Act are severable.