

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
154-35 (COR)	Tina Rose Muña Barnes	AN ACT TO AUTHORIZE I MAGA'LÁHEN GUAHÁN TO RELOCATE 384± SQUARE METERS OF AN EXISTING BULL CART TRAIL WITHIN LOT 5071#1-2, IN MUNICIPALITY OF TAMUNING TO AN AREA CONSISTING OF 746± SQUARE METERS WITHIN SAID LOT FOR PUBLIC RIGHT-OF-WAY USE.	6/3/19 2:39 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 154-35 (copr)

Introduced by:

Tina Rose Muña Barnes

AN ACT TO AUTHORIZE *I MAGA'LÅHEN GUAHÅN* TO RELOCATE 384± SQUARE METERS OF AN EXISTING BULL CART TRAIL WITHIN LOT 5071#1-2, IN MUNICIPALITY OF TAMUNING TO AN AREA CONSISTING OF 746± SQUARE METERS WITHIN SAID LOT FOR PUBLIC RIGHT-OF-WAY USE.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that in various areas throughout the island, Bull Cart Trails (BCTs) serve as the only
4 means of public access to private properties. However, in many cases, full
5 enjoyment of BCTs have been compromised due to failure in memorializing their
6 existence as properties continued to be subdivided and developed in the past. In
7 many instances BCTs have outlived their usefulness, requiring either full
8 improvement when in use or outright deletion to accommodate full enjoyment of
9 private lands. The government is challenged when BCTs are hindered from
10 opportunities of improvement full use particularly when hindered that is improving
11 their physical condition as occurring at various widths to being upgraded to meet
12 current minimum standards of public safety.

13 *I Liheslaturan Guåhan* further finds that a particular variable-width BCT
14 exists between Lots 5007-3 & 5007-4 and Lot 5071#1-2 in the municipality of
15 Tamuning, to which an enclave of private property owners has depended on as the

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1 sole access their residence for over thirty (30) years. Presently, access to this
2 portion of the BCT from Route 16 occurs through private property on Lot 5007-4,
3 under agreement of the private property owner. This agreement has been extended
4 by the current lessee of Lot 5007-4, MOMO Corporation.

5 *I Liheslaturan Guåhan* lastly finds that however time and effort to assert
6 certain corrections to achieve full use of the BCT from East Taitano Street into the
7 housing enclave to ultimately eliminate public access through Lot 5007-4, *I*
8 *Liheslaturan Guåhan* recognizes the willingness of the property lessee of Lot 5007-
9 4 to allow public access through such property with the understanding the
10 government of Guam continues to pursue remedy to realize full use of the BCT's
11 alignment from East Taitano Street and that the government of Guam will be held
12 harmless in all matters concerning Momo Corporation's desire to allow such
13 temporary public access.

14 **Section 2. Authorization for Land Exchange.** *I Mina'Trentai Singko Na*
15 *Liheslaturan Guåhan* hereby authorizes *I Maga'lahren Guåhan* to delete 384±
16 square meters of an existing Bull Cart Trail that exists between Lots 5007-3 & 5007-
17 4 and Lot 5071#1-2 in the municipality of Tamuning. In exchange, MOMO
18 Corporation will provide and improve 746± square meters of land on Lot 5071#1-
19 2 in the municipality of Tamuning for public access and utilities use. The proposed
20 acts of deletion and exchange is depicted in "Exhibit A".

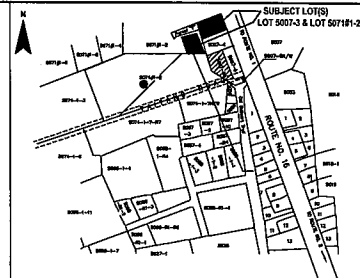
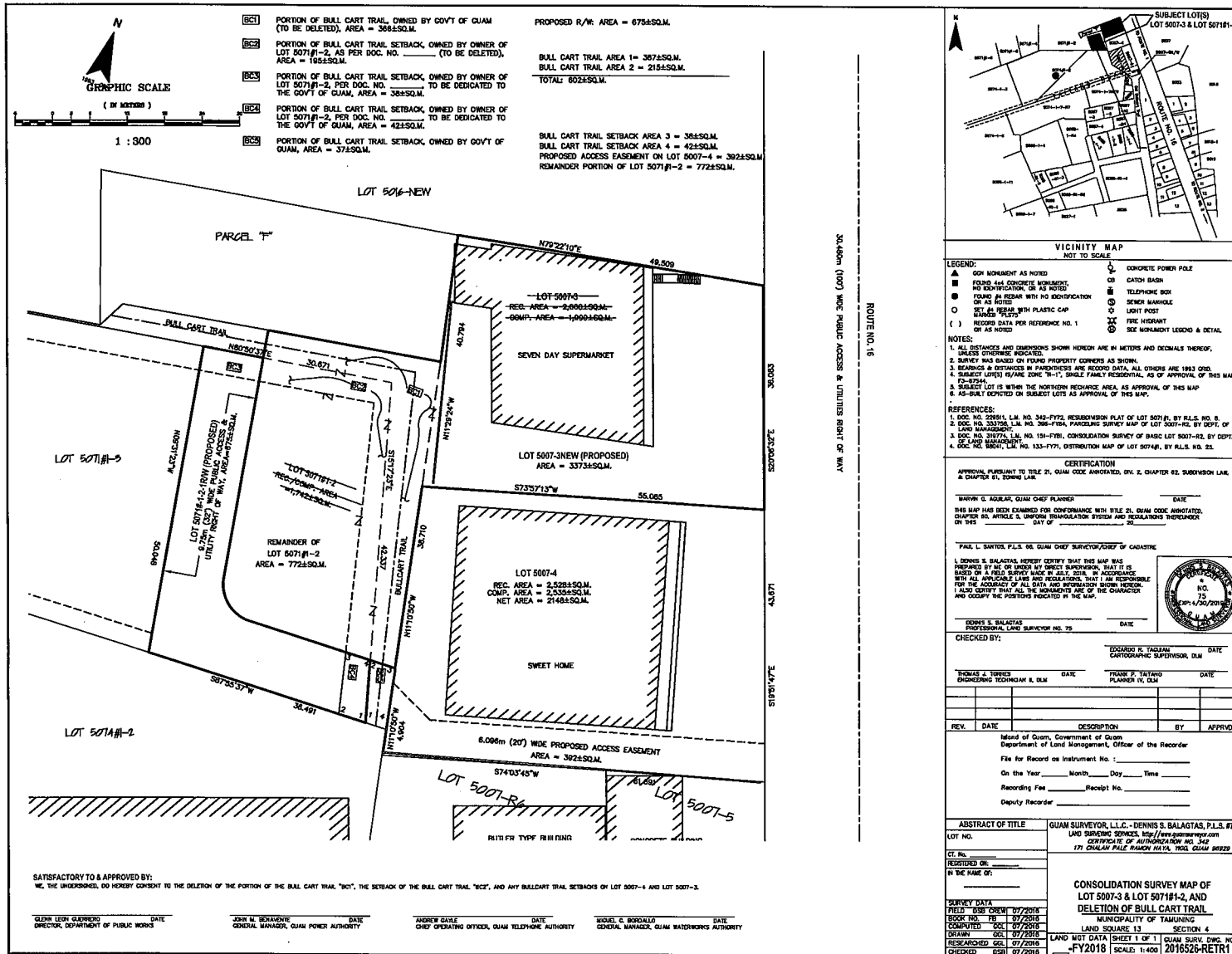
21 **Section 3. Appraisals.** As the parcel of proposed exchange is of
22 significantly greater land area to that of the parcel for proposed deletion, greater
23 good to public safety will be achieved by having more land area for road
24 improvement. Thus, Title 2 GCA § 2107(b) and Section 6.04 (c)(4) of Rule VI of
25 the Standing Rules of *I Mina'Trentai Singko Na Liheslaturan Guåhan* relative to
26 appraisals of land *shall not* apply to this Act.

1 **Section 4.** Requirements of Chapter 62 of Title 21 Guam Code Annotated, §
2 62108(b) is hereby waived to allow inclusion of a thirty-two (32) feet wide right-
3 of-way.

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

EXHIBIT A
OF
BILL NO. 154-35 (COE)

Exhibit A of Bill No. 154-35 (COR)



- LEGEND:**
- CON MONUMENT AS NOTED
 - FOUND 4-44 CONCRETE MONUMENT, NOT IDENTIFICATION, OR AS NOTED
 - FOUND 44 REBAR WITH NO IDENTIFICATION OR AS NOTED
 - SET IN PLACE WITH PLASTIC CAP OR AS NOTED
 - RECORD DATA PER REFERENCE NO. 1 OR AS NOTED
 - CONCRETE POWER POLE
 - CATCH BASIN
 - TELEPHONE BOX
 - SEWER MANHOLE
 - LIGHT POST
 - FIRE HYDRANT
 - SEE MONUMENT LEGEND & DETAIL

- NOTES:**
- ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE IN METERS AND DECIMALS THEREOF, UNLESS OTHERWISE INDICATED.
 - SURVEY WAS BASED ON FOUND PROPERTY CORNERS AS SHOWN.
 - SEARCHES & REFERENCES IN PARAGRAPHS ARE RECORD DATA, ALL OTHERS ARE 1983 DATA.
 - SUBJECT LOT(S) IS/ARE ZONE "R-1", SINGLE FAMILY RESIDENTIAL, AS OF APPROVAL OF THIS MAP, 04-24-2018.
 - SUBJECT LOT IS WITHIN THE NORTHERN RECHARGE AREA, AS APPROVAL OF THIS MAP & IS-SUBJECT DEPENDED ON SUBJECT LOTS AS APPROVAL OF THIS MAP.

CERTIFICATION

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

DATE _____

1983 MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH TITLE 21, GUAM CODE ANNOTATED, CHAPTER 60, ARTICLE 5, UNIFORM SUBDIVISION SYSTEM AND REGULATIONS THEREUNDER ON THIS DATE _____

PAUL L. SANTOS, P.L.S. OR GUAM CHIEF SURVEYOR/CHIEF OF CADASTRIC

I, DENNIS S. BALAGATAS, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED ON A FIELD SURVEY MADE IN JULY, 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 MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED IN THE MAP.

DENNIS S. BALAGATAS
PROFESSIONAL LAND SURVEYOR NO. 75

DATE _____



CHECKED BY:

DONALDO R. TAGLAM
CARTOGRAPHIC SUPERVISOR, DLM

DATE _____

THOMAS J. TERRES
ENGINEERING TECHNICIAN II, DLM

FRANCO J. TELFORD
PLANNER IV, DLM

DATE _____

REV.	DATE	DESCRIPTION	BY	APPROV.
		Island of Guam, Government of Guam, Department of Land Management, Office of the Recorder		
		File for Record as Instrument No. _____		
		On the Year _____ Month _____ Day _____ Time _____		
		Recording Fee _____ Receipt No. _____		
		Deputy Recorder _____		

ABSTRACT OF TITLE

LOT NO. _____

GUAM SURVEYOR, L.L.C. - DENNIS S. BALAGATAS, P.L.S. #75

LAND SURVEYING SERVICES, <http://www.guamsurveyor.com>

CERTIFICATE OF AUTHORIZATION NO. 348

179 CHALAN PALE RAMON NAYLA, TROCI GUAM BARRIO

CONSOLIDATION SURVEY MAP OF LOT 5007-3 & LOT 5071#1-2, AND DELETION OF BULL CART TRAIL

MUNICIPALITY OF TAMUNING

LAND SQUARE 13 SECTION 4

LAND MET DATA SHEET 1 OF 1 GUAM SURV. INSTR. NO. _____

-FY2018 SCALE: 1:400 201826-RETR1

SURVEY DATA

FIELD JOB COMPLETED 07/2018

BOOK NO. 75 07/2018

COMPLETED 07/2018

DRAWN 07/2018

RESEARCHED 07/2018

CHECKED 07/2018

SATISFACTORY TO & APPROVED BY:

WE, THE UNDERSIGNED, DO HEREBY CONSENT TO THE DELETION OF THE PORTION OF THE BULL CART TRAIL, "BCT", THE SETBACK OF THE BULL CART TRAIL, "BCS", AND ANY BULLCART TRAIL SETBACKS ON LOT 5007-4 AND LOT 5007-3.

GLENN LEVIN CLARRO DIRECTOR, DEPARTMENT OF PUBLIC WORKS DATE _____

JOHN M. BERARDE GENERAL MANAGER, GUAM POWER AUTHORITY DATE _____

ANDREW GALE CHIEF OPERATING OFFICER, GUAM TELEPHONE AUTHORITY DATE _____

MIGUEL C. BORDALLO GENERAL MANAGER, GUAM WATERWORKS AUTHORITY DATE _____

ROUTE NO. 16

30.400m (100') WIDE PUBLIC ACCESS & UTILITIES RIGHT OF WAY