

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
63-35 (COR)	Therese M. Terlaje	AN ACT TO ADD A NEW (d) to § 77125, CHAPTER 77, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO APPROVING AND AUTHORIZING THE GUAM NATIONAL TENNIS FEDERATION TO ASSIGN ITS LEASE TO ITS SUCCESSOR ENTITY AND FOR THE GUAM NATIONAL TENNIS FEDERATION, INC. TO ENTER INTO A LEASEHOLD MORTGAGE PURSUANT TO § 77125 (b) (2) OF CHAPTER 77, TITLE 21, GCA.	3/12/19 3:58 p.m.						

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

Bill No. *63* -35 (COR)

Introduced by:

Therese M. Terlaje *YHT*

AN ACT TO *ADD* A NEW (d) to § 77125, CHAPTER 77, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO APPROVING AND AUTHORIZING THE GUAM NATIONAL TENNIS FEDERATION TO ASSIGN ITS LEASE TO ITS SUCCESSOR ENTITY AND FOR THE GUAM NATIONAL TENNIS FEDERATION, INC. TO ENTER INTO A LEASEHOLD MORTGAGE PURSUANT TO § 77125 (b) (2) OF CHAPTER 77, TITLE 21, GCA.

2019 MAR 12 PM 3:58 *YHT*

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Public Law 31-67, codified as 21 GCA § 77125, authorized a lease by and
4 between the Government of Guam and the Guam National Tennis Federation
5 (GNTF). *I Liheslaturan Guåhan* further finds that § 77125 (b) (2) of Chapter 77,
6 Title 21 GCA authorizes that GNTF “may subject property and its improvements
7 to a leasehold mortgage, subject to the approval of *I Liheslatura*.” Similarly, §
8 77125 (b) (4) provides that GNTF’s leasehold may only be assigned with *I*
9 *Liheslaturan Guåhan*’s approval.

10 *I Liheslaturan Guåhan* finds that the Guam National Tennis Federation, Inc.
11 was incorporated under the laws of Guam in February of 2017 and that the GNTF,
12 which was an Association organized under the laws of Guam and certified by the
13 Director of the Department of Revenue and Taxation on June 1, 1973, was duly

1 merged into the new corporation and is now known as the “Guam National Tennis
2 Federation, Inc.” (“GNTF Inc.”) and that the Association transferred to the
3 corporation all its money, accounts, equipment, property, members, officers and
4 directors. The GNTF wishes to complete the formality of assigning its leasehold
5 interest in the property to the GNTF Inc.

6 *I Liheslaturan Guåhan* further finds that GNTF Inc. has worked diligently to
7 obtain corporate sponsorship, financing, and development plans for a new tennis
8 center. The GNTF Inc. successfully negotiated for the construction of six (6) tennis
9 courts, four (4) child courts and a small building as Phase 1 of the project. The
10 GNTF Inc. also secured approximately \$500,000 in donations and commitments
11 for a similar amount to be paid by several sponsors in annual installments over the
12 next ten (10) years and bank financing in the amount of \$700,000 for the remaining
13 cost of construction, which will require a leasehold mortgage on the property
14 leased from the Department of Parks & Recreation. It is the intent of *I*
15 *Mina’Trentai Singko Na Liheslaturan Guåhan* to approve and authorize the GNTF
16 Inc. to enter into a leasehold mortgage to secure the bank financing to cover the
17 remaining cost of construction and to approve the assignment of the lease by the
18 GNTF to the GNTF Inc.

19 **Section 2. A new (d) is hereby added to § 77125, Chapter 77 of Title 21,**
20 **Guam Code Annotated, to read:**

21 **“(d) Approval and Authorization to Enter into a Leasehold Mortgage and to**
22 **Assign the Lease.** *I Liheslaturan Guåhan* hereby approves and authorizes the
23 Guam National Tennis Federation to assign the lease authorized by 21 GCA
24 77125, to the Guam National Tennis Federation, Inc. and for the GNTF Inc. to
25 enter into a leasehold mortgage of up to \$700,000 in substantially similar form as
26 attached in Exhibit One and to enter into a “Landlord’s Estoppel Certificate” in
27 substantially similar form as attached as Exhibit Two for land adjacent to the

1 Harmon Sports Complex: Parcel 1, a portion of Lot No. 10142- NEW-R4,
2 Municipality of Dededo, Guam containing an area of 132,515.6 ±square feet
3 (12,311.2 ±square meters) and Parcel 2, a portion of Lot No. 10142-NEW-3,
4 Document No. 788675 containing an area of 85,241 ±square feet (7,919.2 ±square
5 meters). All other restrictions of P.L. 31-67 *shall* continue to apply, and any
6 amendments to the leasehold mortgage shall require new legislative approval.”

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