

MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) REGULAR SESSION

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BILL NO. 240-30 (COV)

Introduced by:

E. J.B. Calvo

Ray Tenorio

T. Ada



AN ACT TO SUBDIVIDE AND TRANSFER PORTIONS OF BLOCK 1, TRACT 268, MUNICIPALITY OF YONA FROM THE GUAM WATER WORKS AUTHORITY TO THE WOMEN VETERANS OF AMERICA, CHAPTER 28, GUAM FOR USE AS HOUSING FOR HOMELESS VETERANS; TO THE YOÑA MAYOR'S OFFICE FOR THE PURPOSE OF MAINTAINING THE EXISTING MULTIPURPOSE FIELD AND THE REMAINDER TO BE KEPT BY GUAM WATERWORKS AUTHORITY TO BE USED AS A SEWER PUMP STATION.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the temporary school structure used by the Saint Francis School
4 after Typhoon Pongsona has been abandoned and is currently in a
5 dilapidated and deteriorating condition. An earlier attempt in 2005 to
6 transfer this property to the Department of Education did not materialize
7 due to lack of interest by the Department of Education.

8 *I Liheslaturan Guåhan* has been approached by the Women Veterans of
9 America, Chapter 28, Guam a homeless advocacy group, to authorize them
10 to convert the school structure to living quarters to accommodate Guam's

1 homeless Veterans. This advocacy group intends to apply for federal grants
2 within the Department of Veterans Affairs, to finance the renovation and
3 conversion of the existing structure into a livable habitat which will be
4 home for Guam's Veterans.

5 *I Liheslaturan Guåhan* further finds that the Yoña Mayor's Office has
6 been maintaining and operating a community multi-purpose field located
7 within this same parcel of land. The Yoña Mayor's Office, in 2005,
8 requested that this portion be conveyed to them so they could augment the
9 recreation facilities of their village and make improvements on this parcel
10 for their use and benefit.

11 It is the intent of *I Liheslaturan Guåhan* to have Block 1, Tract 268
12 parceled into three (3) parcels with one (1) parcel conveyed to the Women
13 Veterans of America, Chapter 28, Guam; one (1) parcel conveyed to the
14 Yoña Mayor's Office, and, one (1) parcel kept by Guam Waterworks
15 Authority.

16 **Section 2. Conveyance and parceling of Block 1, Tract 268,**
17 **Municipality of Yona.** (a) Notwithstanding any other provisions of law,
18 the Guam Waterworks Authority is directed to transfer portions of certain
19 Guam Waterworks Authority real property to the Women Veterans of
20 America, Chapter 28, Guam and the Yoña Mayor's Office herein referred to
21 as the "Parcel" and more particularly described as:

22 **BLOCK 1 TRACT 268**, Municipality of Yoña, belonging to the
23 Guam Waterworks Authority, containing an area of
24 ±148,065 square feet, more particular described within
25 sheet 5 of 7 within drawing reference number 721-FY72
26 recorded as Document Number 224672 and a Grant of
27 Deed recorded as Document Number 567559 filed at the
28 Department of Land Management.

1 The following conditions shall apply prior to the parceling and transfer of
2 the Parcel:

3 (1) The Director of the Department of Land Management shall
4 cause for the Guam Waterworks Authority the parceling of
5 approximately One and Two Tenths (± 1.2) acres of the Parcel located
6 adjacent to Jose B. Sudo Street containing all structural chattels which
7 supported the temporary St. Francis School Campus and shall convey
8 such property to the Women Veterans of America, Chapter 28, Guam.
9 The parceling map shall be prepared reflecting the as-built location of
10 the structures in compliance with setbacks of the zone.

11 (2) The Guam Waterworks Authority shall parcel
12 approximately Fifteen Hundredths (± 15) acre of the Parcel located
13 adjacent to the distal portion of Jose Eustaquio Court and shall
14 continue possession of such area situating a sewage pump station,
15 pneumatic sewage easement and access structures.

16 (3) The remainder of the Parcel not subjected to §§(1) and (2)
17 supra, shall be conveyed to the Yoña Mayor’s Office for the purpose
18 maintaining and operating a community multi-purpose field and for
19 the public and community uses identified by the Yoña Municipal
20 Planning Council. The Yoña Mayor’s Office shall be responsible for
21 the maintenance and upkeep of the property and improvements
22 thereon.

23 (4) The parceling shall meet setback, yard, and area
24 requirements prior to the finalization of the parceling map.

25 (b) The Recorder of the Department of Land Management, upon
26 presentation of the requisite parceling map and documents of conveyance
27 necessary to effectuate the transfer of property, shall record the
28 instruments waiving all required filing fees.

1 **Section 2. Granting of Conditional Use.** Notwithstanding §61303 of
2 Chapter 61 of Title 21 of the Guam Code Annotated, all uses existing or
3 occurring on the Parcel not limited to residential, multi-purpose field,
4 sewage pump station and other access public facilities is hereby granted
5 conditional use pursuant to §61305(b) of Chapter 61 of Title 21 of the Guam
6 Code annotated within the Single family (R-1) Zone.

7 **Section 3. No Prohibition Against Building.** Nothing contained in
8 this Act shall be construed to prevent or prohibit any party from improving
9 such land or from building, erecting, or construction structures approved
10 in accordance with the building and zoning codes of Guam.

11 **Section 4. Effective Date of Act.** This Act shall take effect upon
12 enactment and the parceling map and documents of conveyance necessary
13 to effectuate the transfer of property shall be accomplished within one
14 hundred twenty (120) days from enactment and shall not affect in the
15 interim, any other improvements necessary to be done in carrying out the
16 purpose of this Act.

17 **Section 5. Severability.** If any provisions of this Act or the
18 application of any such provision to any person or circumstances should be
19 held invalid by a court of component jurisdiction, the remainder of this Act
20 or the application of its provisions to persons or circumstances other than
21 to which it is held invalid shall not be affected thereby.