

I MINA'TRENTA NA LIHESLATURAN GUAHAN
2010 (SECOND) Regular Session

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Bill No. 401-30(COR)

Introduced by:

Judith T. Won Pat, Ed. D. *JTW*
T. R. Muña Barnes *TRM*

AN ACT TO ADD A NEW §80105 (e) TO CHAPTER 80 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF PROPERTY UNDER THE JURISDICTION OF THE PORT AUTHORITY OF GUAM TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that
3 certain ancestral lands in the municipalities of *Piti*, *Sumay* and *Agat* were
4 condemned under Civil Action No. 5-49 by the Naval Government of Guam
5 creating the Apra Harbor Reservation Boundary. Eventually, the United States
6 quitclaimed portions of the Apra Harbor Reservation to the Government of Guam
7 in December 1984 containing certain parcels, with eventual transfer to the
8 Commercial Port of Guam now known as the Port Authority of Guam (PAG) for
9 development. In formal conferences and legislative session meetings between the
10 PAG and *I Liheslatura* (the Legislature), it has been stated by the PAG board,
11 management, and personnel that the PAG *does not* have any future plans for the
12 development or use of certain portions of the parcels under their jurisdiction.

13 Therefore, *I Liheslatura* intends to transfer such land parcels and properties
14 to the Guam Ancestral Lands Commission so that the Guam Ancestral Lands
15 Commission *can and shall* proceed with the return of such land parcels and

1 properties to the original landowners or their estates, pursuant to the Commission’s
2 enabling legislation and mandates.

3 **Section 2.** A new §80105(e) is hereby *added* to §80105 of Chapter 80,
4 Title 21, Guam Code Annotated, to read as follows:

5 “(e) Portions of Parcel 1 South of Route 18 and contiguous to the
6 North of Apra Harbor Parcel 6, also abutting Marine Corps Drive on the
7 east, specifically original lots: No. 136-A PI originally owned by the Estate
8 of Juan San Nicolas Manibusan in the Municipality of Piti. The properties
9 *shall* be transferred and *shall* be deeded to the Guam Ancestral Lands
10 Commission within thirty (30) days of the effective date of this Act. The
11 Guam Ancestral Lands Commission *shall* within one hundred eighty (180)
12 days dispose of the land parcels and lots transferred by this Act in a manner
13 consistent with and pursuant to its enabling legislation and its mandates. All
14 pre-condemnation roads, easements and bull cart trails *shall* remain as
15 easements for public access and utilities. The transferred properties *shall* be
16 zoned “A” – Agricultural zone.”

17 **Section 3.** The Department of Land Management *shall* plot, plan, design,
18 and provide within sixty (60) days of enactment an aerial overlay map
19 delineating all roads, easements, bull-cart trails, and public access as to
20 determine such access or easements’ location in relation to the return subject
21 lot so that *no* lot is landlocked. The overlay *shall* show all original lot lines
22 generally.

23 **Section 4. Severability.** *If* any of the provisions of this Act or the
24 application thereof to any person or circumstance is held invalid, such
25 invalidity *shall* not affect any other provision or application of this Act
26 which can be given effect without the invalid provision or application, and to
27 this end the provisions of this Act are severable.