

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

2010 AUG 13 AM 10:11

Bill No. 447-30(L)

Introduced by:

J.V. Espaldon
T.R. Muna Barnes

AN ACT TO *AMEND* SECTION 3 AND SECTION 4 OF
PUBLIC LAW 28-91, RELATIVE TO LEASING A
PORTION OF NO. 10142 NEW PTN TRACT 100, ALSO
KNOWN AS THE DEDEDO SPORTS COMPLEX.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. Public Law 24-259, authored by then-Senator Felix P. Camacho, authorized a lease of government property to “*Strike Zone*,” a commercial interest offering to construct and operate a baseball and softball training center adjacent to other developments at the Dededo Sports Complex. This authorization was subsequently amended by Public Law 28-91, which changed the location of the lease from Dededo to Paseo. This amendment was prompted by a change in the plans to *not* construct baseball and softball fields at the Dededo Sports Complex. The original plans to construct baseball fields will now be realized in late 2010 when the current construction is completed. As such, the commercial interest is requesting a change in the authorization to return to the Dededo Sports Complex for the purposes already approved and in accordance with the terms and conditions set out in Public Law 28-91. By passage of this legislation, *I Liheslaturan Guahan* affirms its intent to authorize the lease of land for the purposes previously approved.

Section 2. Amendment. Section 3 of Public Law 28-91 is amended to read:

“**Authorization to Lease a Portion of [~~Paseo de Susana~~] Lot No. 10142 NEW PTN Tract 100, also known as the Dededo Sports Complex.** *I Maga 'lahen Guáhan* is authorized to execute a lease with “ABSS International” dba: “Strike Zone” for a baseball/softball training facility for that portion of [~~Paseo de Susana in Hagatña situated between the east wall of Paseo Stadium and the existing roadway, designated as “Lot Paseo de Susana Portion I”, particularly described as follows: beginning at a point, a computed corner having coordinates of North 165,650.00 feet and East 164,958.50 feet, then along then following five (5) courses:~~

1 ~~1) Along a curve concave to the right with a central angle of 90°00'00", a radius of 73.00 feet, a~~
2 ~~chord bearing of South 46°00'58" West, 103.24 feet to corner 2, a computed corner; then 2)~~
3 ~~North 88°10'02" West, 25.00 feet to corner three (3), a computed corner; then 3) North 00°57'45~~
4 ~~West, 423.50 feet to corner four (4), a computed corner; 4) Then, South 88°10'02" East, 1~~
5 ~~18.650 feet to corner five (5), a computed corner; 5) Then, South 01°49'58" West, 350.00 feet to~~
6 ~~point of beginning, containing an area of approximately forty four thousand six hundred seventy~~
7 ~~seven (44,677) square feet or approximately four thousand one hundred fifty one (4,151)~~
8 ~~square meters, as generally shown on Sketch Map of Lot *Paseo de Susana* Portion 1. The Lot~~
9 ~~*Paseo de Susana* Portion 1 is bounded on the North by a baseball field, on the East by an existing~~
10 ~~paved roadway and parking area, on the South by an existing paved roadway and *Y Sengsong*~~
11 ~~*Chamorro*, and on the West by *Paseo Stadium*] Lot No. 10142 NEW PTN Tract 100, also known
12 as the *Dededo Sports Complex*.~~

13 **Section 3. Amendment.** Section 4 of Public Law 28-91 is amended to read:

14 **"Section 4. Terms and Conditions.** I *Maga'lahaen Guåhan* and "*ABSS International*"
15 dba: "*Strike Zone*" shall enter into a lease agreement relative to leasing a portion of [~~*Paseo de*~~
16 ~~*Susana* identified as Lot *Paseo de Susana* Portion 1, particularly described as follows: Beginning~~
17 ~~at a point, a computed corner having coordinates of North 165,650.00 feet and East 164,958.50~~
18 ~~feet, then along then following five (5) courses: 1) Along a curve concave to the right with a~~
19 ~~central angle of 90°00'00", a radius of 73.00 feet, a chord bearing of South 46°00'58" West,~~
20 ~~103.24 feet to corner 2, a computed corner; then 2) North 88°10'02" West, 25.00 feet to~~
21 ~~corner three (3), a computed corner; then 3) North 00°57'45 West, 423.50 feet to corner four(4), a~~
22 ~~computed corner; 4) Then, South 88°10'02" East, 118.650 feet to corner five (5), a computed~~
23 ~~corner; 5) Then, South 01°49'58" West, 350.00 feet to point of beginning, containing an area of~~
24 ~~approximately forty four thousand six hundred seventy seven (44,677) square feet or~~
25 ~~approximately four thousand one hundred fifty one (4,151) square meters, as generally shown on~~
26 ~~Sketch Map of Lot *Paseo de Susana* Portion 1] Lot No. 10142 NEW PTN Tract 100, also known
27 as the *Dededo Sports Complex*, wherein applicable terms and conditions to govern the lease shall
28 be formulated by *I Maga'lahaen Guåhan* for a term of twenty-five (25) years, with an option to
29 renew for an additional twenty-five (25) years. The terms and conditions of the lease shall
30 require the lessee to indemnify the government of Guam for any liability arising from the use of
31 the leasehold and include a lease rental of *no* less than fair market value, based on the property's~~

1 intended use and covenants that run with the land. The lease shall restrict use of the property to a
2 baseball/softball training facility only. Any use of the property other than for a baseball/softball
3 facility shall render the lease null and void. Said lease shall be executed by *I Maga'lahi*,
4 approved as to form by the Attorney General of Guam, and submitted to *I Liheslaturan Guåhan*
5 for final approval together with documentation substantiating compliance with this Act. The
6 lease and all documentation substantiating compliance with this Act shall be posted on *I*
7 *Maga'lahi's* website prior to submission to *I Liheslaturan Guåhan* for final approval. The lease
8 shall contain a clause mandating an increase in the rent every five (5) years throughout the entire
9 term of the lease so that the government continues to receive fair market value for the property.”