

I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2010 (Second) Regular Session

2010 NOV 22 PM 2:58

Bill No. 494-30 (LS)

Introduced by:

T.R. Muña-Barnes



**AN ACT TO ZONE APRA HARBOR RESERVATION  
LOT F-12-1 AND LOT F-12-R1, IN THE MUNICIPALITY  
OF PITI, TO LIGHT INDUSTRIAL ("M-1") ZONE**

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

1           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
2 finds Lot Apra Harbor Reservation ("AHR") Nos. F-12-1 and Lot F-12-R1,  
3 in the Municipality of Piti, Estate No. 372, Suburban as said lots are marked  
4 and designated on Drawing No. RCPIT-06, as L.M. Check No. 199 FY 2005  
5 as described in that Parceling Survey Map dated April 16, 2007 and recorded  
6 April 18, 2007 at the Department of Land Management under Document No.  
7 753932 is land returned to Guam by the United States and has therefore  
8 never been given a zone designation. Lots AHR F-12-1 and F-12-R1 are  
9 now held by the Guam Ancestral Lands Commission as "Trustee" for the  
10 GALC Land Bank Trust for the purposes identified at 21 G.C.A. 80104(e).

11           *I Liheslaturan Guåhan* further finds in December of 2003, the Guam  
12 Ancestral Lands Commission conveyed 13,496 square meters of Lot AHR  
13 F-12-R1 to the Estates of Ana Rios Zamora and Agueda Cruz Manibusan in  
14 that Quitclaim Deed recorded with the Department of Land Management of  
15 the Government of Guam on December 31, 2003 under Instrument No.  
16 686064 and also known as "Lot 193, Piti". Lot 193, Piti is EXCLUDED

1 from the land use zone designation established by this Bill. The remainder  
2 of Lots AHR F-12-R1 and F-12-1 was land created by the Navy after World  
3 War II during the dredging of Apra Harbor.

4 Lot AHR F-12 was the property of the United States of America,  
5 acting by and through the Department of Navy, until April 18, 2001 at which  
6 time the United States conveyed Lot AHR F-12 to the Guam Economic  
7 Development Authority in that certain Quitclaim Deed dated April 18, 2001  
8 and recorded with the Department of Land Management on April 25, 2001  
9 under Instrument No. 636645. Guam Economic Development Authority  
10 subsequently conveyed Lot AHR F-12 to the Guam Ancestral Lands  
11 Commission in that Quitclaim Deed dated June 5, 2001 and recorded with  
12 the Department of Land Management on June 6, 2001 under Instrument No.  
13 638645.

14 The Guam Ancestral Lands Commission has entered into commercial  
15 leases for portions of Lot AHR F-12. In 2009, the Guam Ancestral Lands  
16 Commission leased five (5) acres of Lot AHR F-12 to the Balli Steel Guam,  
17 LLC, a Guam limited liability company, for the purpose of establishing a  
18 scrap metal recycling facility. The five (5) acres leased to Balli Steel Guam,  
19 LLC is now known as Lot AHR F-12-1. The Lease Agreement with Balli  
20 Steel Guam, LLC was recorded with the Department of Land Management  
21 on August 18, 2009 under Instrument No. 794595.

22 On July 1, 2010 the Guam Ancestral Lands Commission, as "Trustee"  
23 for the GALC Land Bank Trust, entered into a Lease Agreement with the  
24 Matson Navigation Company, Inc. for 122,449 square meters of Lot AHR F-  
25 12-R1 for the purpose of a container yard, staging areas for construction  
26 materials and other cargo, staging areas for vehicles and containers, office  
27 space, warehouses and other activities permissible in an M-1 zone. The

1 Lease Agreement with the Matson Navigation Company, Inc. was recorded  
2 with the Department of Land Management on July 16, 2010 under  
3 Instrument No. 808809.

4 The Guam Ancestral Lands Commission through its administrative  
5 agent, the Guam Economic Development Authority, is in the process of  
6 leasing other portions of Lot AHR F-12-R1 for uses allowable under an M1  
7 zone.

8 **Section 2. Zoning.**

9 The Guam Ancestral Lands Commission as the Trustee for the GALC  
10 Land Bank Trust, the Guam Economic Development Authority, the Matson  
11 Navigation Company, Inc. and Balli Steel Guam, LLC have all requested the  
12 assistance of *I Liheslaturan Guahån* to establish a zone designation of  
13 Industrial/M-1 for Lot Apra Harbor Reservation F-12-1 and F-12-R1, but not  
14 including the portion of Lot 193 which is within Lot F-12-R1. *I*  
15 *Liheslaturan Guahån* therefore finds that in order to provide uniformity to  
16 the zoning of the lands of Guam, that it is prudent to act on this zone change  
17 request and deems it reasonable and appropriate.

18 **Section 3.** Lot Nos. Apra Harbor Reservation F-12-1 and F-12-R1,  
19 Municipality of Piti, Territory of Guam, Estate No. 372, Suburban as said  
20 lots are marked and designated on Drawing No. RCPIT-06 as L.M. Check  
21 No. 199 FY 2005, as described in that Parceling Survey Map dated April 16,  
22 2007 and recorded April 18, 2007 at the Department of Land Management,  
23 Government of Guam under Document No. 753932; EXCLUDING,  
24 HOWEVER, that portion of Lot AHR F-12-R1, which was conveyed by the  
25 Guam Ancestral Lands Commission to the Estates of Ana Rios Zamora and  
26 Agueda Cruz Manibusan in that Quitclaim Deed recorded with the

1 Department of Land Management on December 31, 2003 under Instrument  
2 No. 686064 and known as “Lot 193, Piti”, is hereby zoned Industrial/M-1.

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