

MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 502-30 COV

Introduced By:
Barnes

T.R. Muña

2010 DEC 11 AM 8:54
Barnes

AN ACT RELATIVE TO LOT # 54-2 REM, CONSISTING OF APPROXIMATELY 1,161 SQUARE METERS, LOCATED IN THE MUNICIPALITY OF AGANA HEIGHTS, WHICH WOULD ALLOW FOR THE GOVERNMENT OF GUAM'S ACCEPTANCE OF A DEEDED 10 FOOT EASEMENT PROPERTY AMOUNTING TO A 30 FOOT TOTAL EASEMENT PROPERTY, A GRANTING OF A SETBACK VARIANCE TO A TOTAL OF FOUR SIDES OF THE PROPERTY, AND THE DELETION OF THE DOTTED EASEMENT DOWN THE MIDDLE OF THE EXISTING LOT, RESULTING IN SOLVING A FIFTY EIGHT YEAR DISPUTE IN THE MUNICIPALITY OF AGANA HEIGHTS.

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

2 **Section 1. Legislative Findings and Intent.**

3 *Lihselaturan Guåhan* finds that the property, Lot # 54-2 REM, consisting of ap-
4 proximately 1,161 square meters, located in the municipality of Agana Heights, and
5 owned by Ms. Jeena I. Hemlani, has inadvertently subjected the owner to undue
6 hardship, practical, and legal injustice by the creation of a 20' wide easement that
7 was put in place with the installation of a sewer line by the Government of Guam in
8 1962. At this time, the Government failed to delete the existing easement, thereby
9 cutting the subject lot in half. This easement bisected the lot from the southwest
10 corner and continued to approximately midway to the northeast lot line and re-
11 mained in this position for many years thereafter, when it was later determined by
12 both the Government of Guam and Mr. Vicente Manglona, the original landowner,

1 that the location of this easement through private property was not in the best inter-
2 est of the Government or Mr. Manglona. Therefore, the Government of Guam and Mr.
3 Manglona mutually agreed to relocate the easement and locate it along the southern
4 boundary of Mr. Manglona's lot, resulting in aligning the width of the road now
5 known as Federico Drive, thereby abutting Mr. Manglona's lot. With the widening of
6 Federico Drive and the relocation of the 20' wide easement on the southern bound-
7 dary, Mr. Manglona was never compensated. Additionally, the widening of Federico
8 Drive rendered the structure's setbacks, which includes a 16-density apartment unit,
9 as non-conforming, therefore placing a new burden to the landowner in that it added
10 a new frontage to the lot. The lot previously had only two fronts, namely Route 6 and
11 Federico Drive and with the relocation of the 20' wide easement on the southern
12 boundary, now created a third front yard.

13 Federico Drive has served and continues to serve the residents in the imme-
14 diate area as well as the general public. In its current state, Federico Drive can only
15 be used by a single car and in an emergency; this could be dangerous for the emer-
16 gency vehicles. By accepting the deeded easement property, it will benefit over thir-
17 ty (30) homes, making their access to their respective homes safer and will further
18 beautify this section of the village of Agana Heights.

19 **Section 2. Legislative Action.** *I Liheslaturan Guåhan* finds that the injustice im-
20 posed on Jeena I. Hemlani , new owner, of subject lot warrants the Government of
21 Guam to correct this injustice and allow a grant variance on the lot. Therefore, a set-

1 back variance is granted on the front yard setback fronting Apugan Drive to allow
2 the setback of 1.735 m and 1.164 m; and the front setback at 1.132 m and 1.135 m
3 fronting Federico Drive to exist. As a condition of this agreement, the owner Ms. Jee-
4 na Hemlani, will install a retaining wall between the road and the building at her ex-
5 pense, as well as construct a four foot wall above the retaining wall to serve as a
6 sound barrier and protection for the tenants of the owner, and their respective ve-
7 hicles. In addition, because of the taking of additional acreage of a Portion of Lot 54-
8 2 REM along Federico Drive, the acreage of the lot will be reduced. Therefore, a den-
9 sity variance is also granted to allow for the 16-density apartment units to exist.

10 Ten feet of the easement property identified as LOT # 54-2 REM, located in the
11 municipality of Agana Heights, owned by Ms. Jeena Hemlani, is hereby deeded to the
12 Government of Guam. Lot # 54-2 REM shall be granted a setback variance to a total
13 of four sides of the property and granted a deletion of the dotted easement down the
14 middle of the existing lot, resulting in solving a fifty eight year dispute in the village
15 of Agana Heights.