

***MINA' TRENTAI DOS NA LIHESLATURAN GUÁHAN***  
**2014 (SECOND) Regular Session**

Bill No. 340-32 (COR)

Introduced by:

**FRANK B. AGUON, JR.**  
**V. Anthony Ada**

**AN ACT RELATIVE TO THE TRANSFER OF GUAM  
DEPARTMENT OF AGRICULTURE PROPERTY TO THE  
OFFICE OF VETERANS AFFAIRS WITH RESPECT TO THE  
BOUNDARIES OF THE GUAM VETERANS CEMETERY.**

2014 MAY 22 PM 3:18

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

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahån*  
3 recognizes that a memorandum of understanding dated April 1, 2014, was made by  
4 and between the Guam Department of Agriculture (GDOA) and the Office of  
5 Veterans Affairs (OVA) with respect to the boundaries of the Guam Veterans  
6 Cemetery, 150 Spruance Drive; Piti, Guam 96915. (Attachment A)

7       The United States Navy built a cemetery in the 1950's for the interment of  
8 Guam's veterans and all other eligible persons, e.g., dependant spouse and children  
9 of Guam veterans. When the cemetery was being constructed, the boundaries of  
10 the cemetery were laid out and a fence enclosing the cemetery was constructed.  
11 The Navy turned the cemetery over to the Government of Guam's control by virtue  
12 of a Quitclaim Deed to which was attached a map showing the cemetery  
13 boundaries. The Navy took the Quitclaim Deed and the attached map to it, to the  
14 Department of Land Management where it was duly recorded.

15       Unbeknownst to the Navy and the Government of Guam the map showing  
16 the boundaries of the Guam Veterans Cemetery and the actual fenced boundary of  
17 the cemetery were not congruent. The Navy map showed the northwest boundary

1 to about fifty (50) feet within the cemetery's fence and approximately twenty-four  
2 (24) graves were in the fifty (50) feet area.

3 *I Liheslaturan Guahån* further recognizes the GDOA desired to build an  
4 access road into the Masso River reservoir and hence followed the erroneous Navy  
5 map which showed the northwest boundary to be about fifty (50) feet within the  
6 cemetery's fence line. The GDOA property line showing the access road to be fifty  
7 (50) feet within the cemetery line was duly recorded. The Navy realizing it had  
8 made a mistake, tried to record a corrected map (the Meregilliano map) wherein  
9 the actual, fenced northwest boundary of the cemetery was congruent with the  
10 cemetery property and the GDOA boundary was outside the cemetery fence line.  
11 The Meregilliano map had never been recorded at Department of Land  
12 Management for unknown reason. The GDOA still owns the land fifty (50) feet  
13 inside the cemetery's fence line. This error has gone unnoticed since the return of  
14 the veteran's cemetery to Government of Guam jurisdiction. (Attachment B)

15 Therefore, it is the intent of *I Liheslaturan Guahån* to resolve the  
16 aforementioned discrepancy and grant the transfer of a small portion of the Guam  
17 Department of Agriculture property to the Office of Veterans Affairs with respect  
18 to the boundaries of the Guam Veterans Cemetery.

19 **Section 2. Property Transfer.** The real property described as fifty (50)  
20 feet of boundary into the northwest corner of the Guam Veterans Cemetery, Apra  
21 Harbor Reservation Area B-R1, owned by the Guam Department of Agriculture is  
22 hereby transferred to the Office of Veterans Affairs, Government of Guam, with  
23 respect to the boundaries of the Guam Veterans Cemetery. The Office of Veterans  
24 Affairs shall record the appropriate map showing the boundaries of the cemetery to  
25 be congruent with the actual fence line on the northwest border to be included  
26 within the cemetery boundary. All expenses in effectuating this transfer shall be  
27 borne by the Office of Veterans Affairs.

1           Pertinent Government of Guam agencies and offices affected by the  
2 provisions contained herein shall work collectively with the Office of Veterans  
3 Affairs in the timely and appropriate implementation of the provision herein. The  
4 transfer of said property shall become effective immediately upon enactment.

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

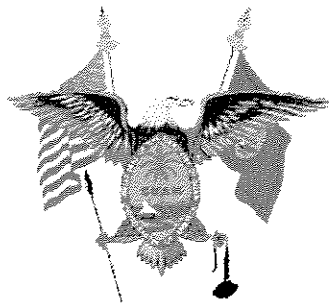
# **Attachment “A”**

## **Memorandum of Understanding between the Office of Veterans Affairs and Department of Agriculture**

**Eddie B. Calvo**  
Governor

**Ray Tenorio**  
Lieutenant Governor

**John S. Unpingco**  
Administrator



**OFFICE OF VETERANS AFFAIRS**

Office of the Governor

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Hagatna, Guam 96932

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**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE  
OFFICE OF VETERANS AFFAIRS  
AND  
DEPARTMENT OF AGRICULTURE**



This Memorandum of Understanding dated April 1, 2014 is made by and between the Guam Department of Agriculture (GDOA) and the Office of Veterans Affairs (OVA) with respect to the boundaries of the Guam Veterans Cemetery, 150 Spruance Drive; Piti, Guam 96915.

**RECITALS:**

**WHEREAS**, the United States Navy built a cemetery in the 1950's for the interment of Guam's veterans and all other eligible persons, e.g., dependent spouse and children of Guam veterans;

**WHEREAS**, when the cemetery was being constructed, the boundaries of the cemetery were laid out and a fence enclosing the cemetery was constructed;

**WHEREAS**, the Navy turned the cemetery over to Government of Guam's control by virtue of a Quitclaim Deed to which was attached a map (Attachment 1) showing the cemetery boundaries;

**WHEREAS**, the Navy took the Quitclaim Deed and the attached map to it, to the Department of Land Management where it was duly recorded;

**WHEREAS**, unbeknownst to the Navy and the Government of Guam the map showing the boundaries of the Guam Veterans Cemetery and the actual fenced boundary of the cemetery were not congruent;

**WHEREAS**, the Navy map showed the northwest boundary to be about fifty (50) feet within the cemetery's fence and approximately twenty four (24) graves were in the fifty (50) feet area;

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**WHEREAS**, the GDOA desired to build an access road into the Masso River reservoir and hence followed the erroneous Navy map which showed the northwest boundary to be about fifty (50) feet within the cemetery's fence line;

**WHEREAS**, the GDOA property line showing the access road to be fifty (50) feet within the cemetery line was duly recorded;

**WHEREAS**, the Navy realizing it had made a mistake, tried to record a corrected map (the Meregilliano map) wherein the actual, fenced northwest boundary of the cemetery was congruent with the cemetery property and the GDOA boundary was outside the cemetery fence line;

**WHEREAS**, the Meregilliano map had never been recorded at Department of Land Management for unknown reasons;

And, the GDOA still owns the land fifty (50) feet inside the cemetery's fence line;

**WHEREAS**, this error has gone unnoticed since the return of the Veterans Cemetery to Government of Guam jurisdiction;

**NOW**, therefore to resolve the aforementioned discrepancy, the parties to this Memorandum of Understanding agree to the following:

1. The GDOA agrees to:
  - a. The transfer of the fifty (50) feet of its boundary into the northwest corner of the cemetery to the OVA as its access road to the Masso reservoir remains undisturbed by the transfer;
  - b. As both parties hereto are line agencies of the Government of Guam the transfer will be at no cost to either party;
  - c. GDOA will cooperate with OVA to the fullest extent possible to take whatever action is necessary to effectuate said transfer such as but not limited to, obtaining approval by the Guam Legislature;
  - d. GODA hereby transfers the fifty (50) feet of property in the cemetery fence line to the Guam Veterans Cemetery.

2. The Office of Veterans Affairs agrees to:
  - a. Record the appropriate map showing the boundaries of the cemetery to be congruent with the actual fence line on the northwest border of the cemetery;
  - b. If a map is not extant showing the above, then the Office of Veterans Affairs will obtain a survey and a map at its cost only showing the actual fence line on the northwest border to be included within the cemetery boundary;
  - c. Take whatever action is necessary to effectuate this transfer, such as but not limited to, obtaining approval by the Guam Legislature;
  - d. All expenses in effectuating this transfer shall be borne by OVA;
  - e. The OVA will immediately seek Legislative approval of the transfer;
  - f. The OVA accepts the transfer of the fifty (50) feet of GDOA property.
3. Modification to this Memorandum of Understanding shall be made only upon written approval of the parties represented by the signatories to this instrument.
4. Execution - So understood and agreed to by the parties hereto. Any reference to the date of this Memorandum of Understanding shall be to the date at first stated hereinabove.

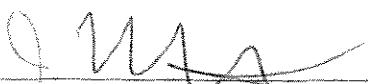
**GUAM DEPARTMENT OF AGRICULTURE**

By:   
MARIQUITA F. TAITAGUE, *Director*

*5/13/14*

Date: *5/13/14*

**OFFICE OF VETERANS AFFAIRS**

By:   
JOHN S. UNPINGCO, *Administrator*

Date: *5/13/14*

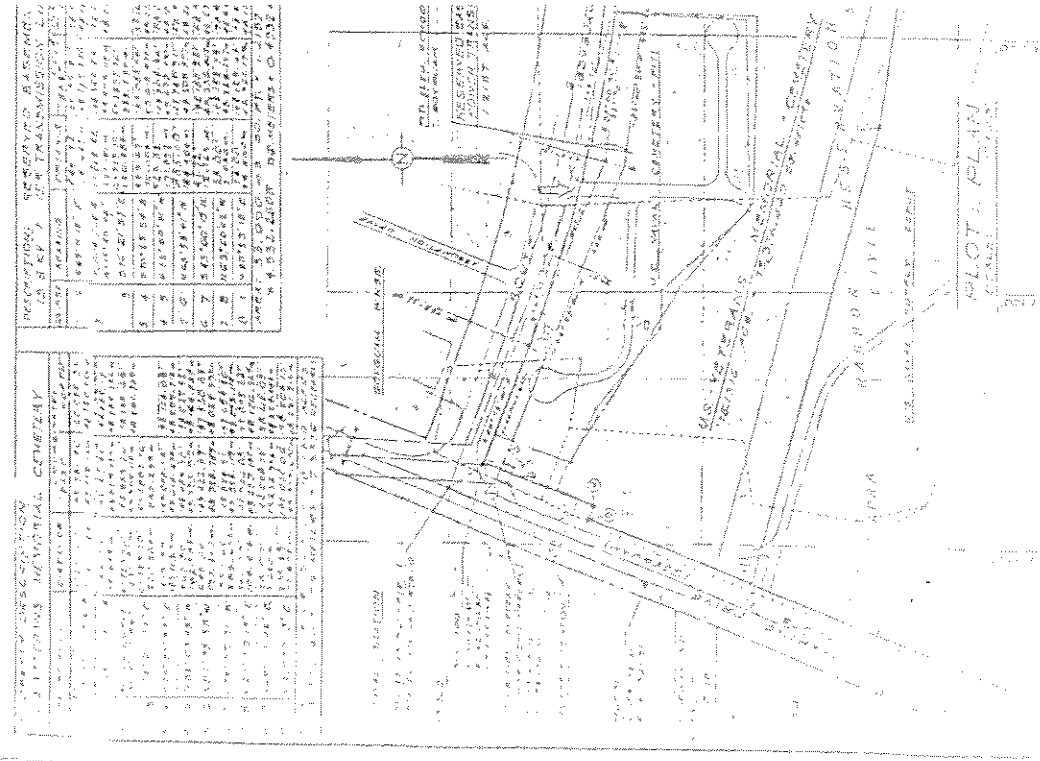
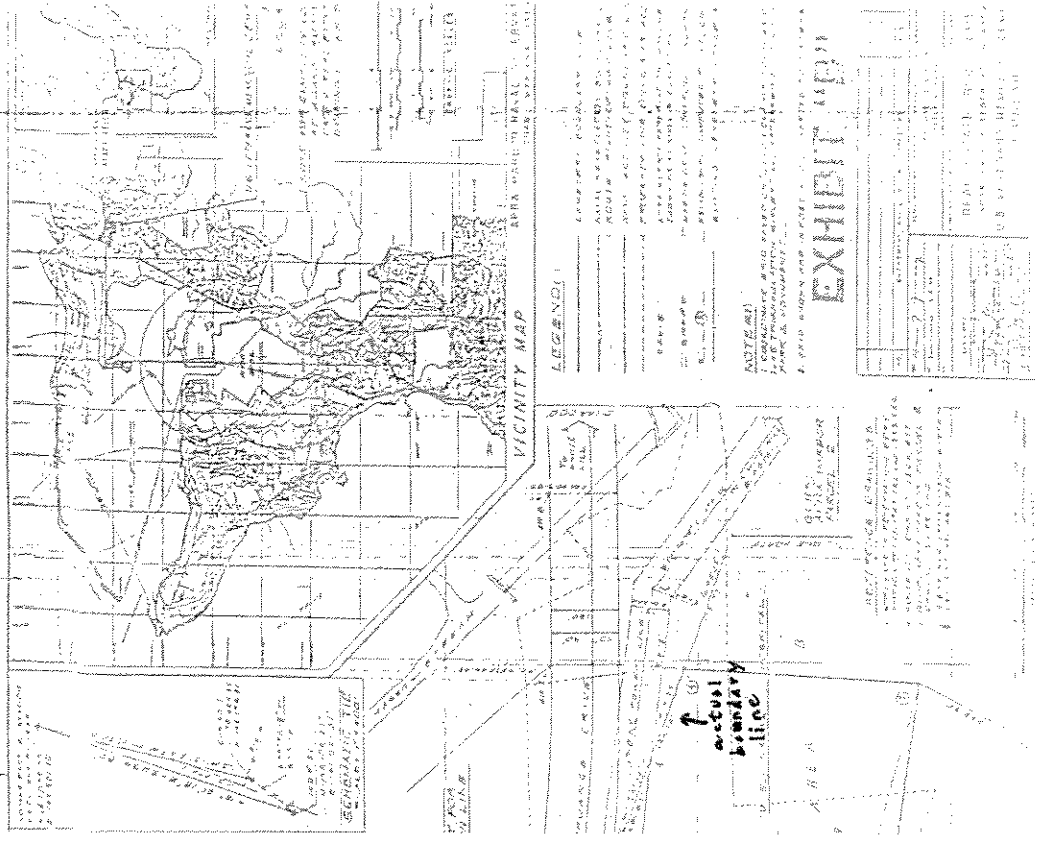
## **Attachment “B”**

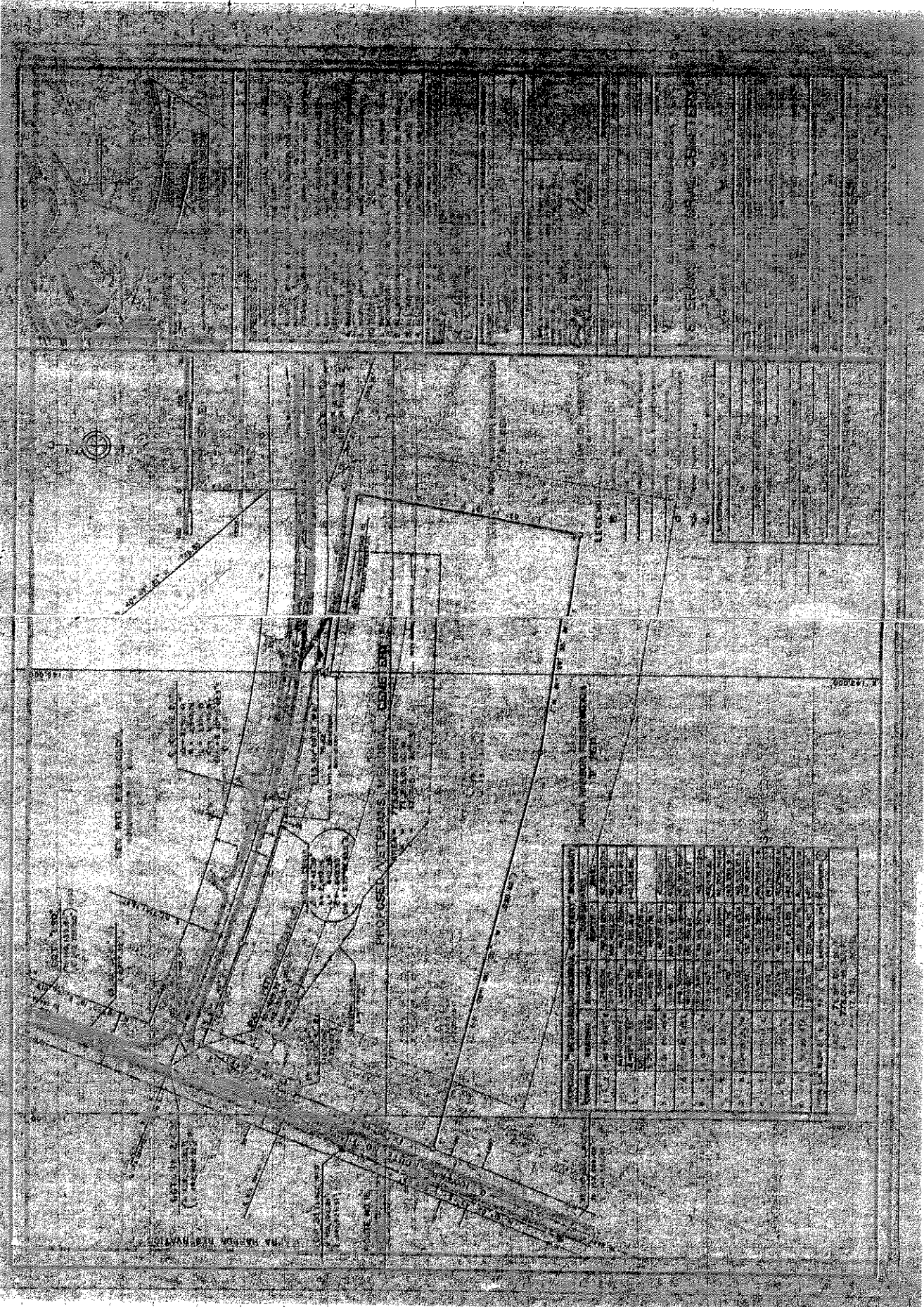
**Apra Harbor Reservation Area B-R1 Map**

**Meregilliano Map**

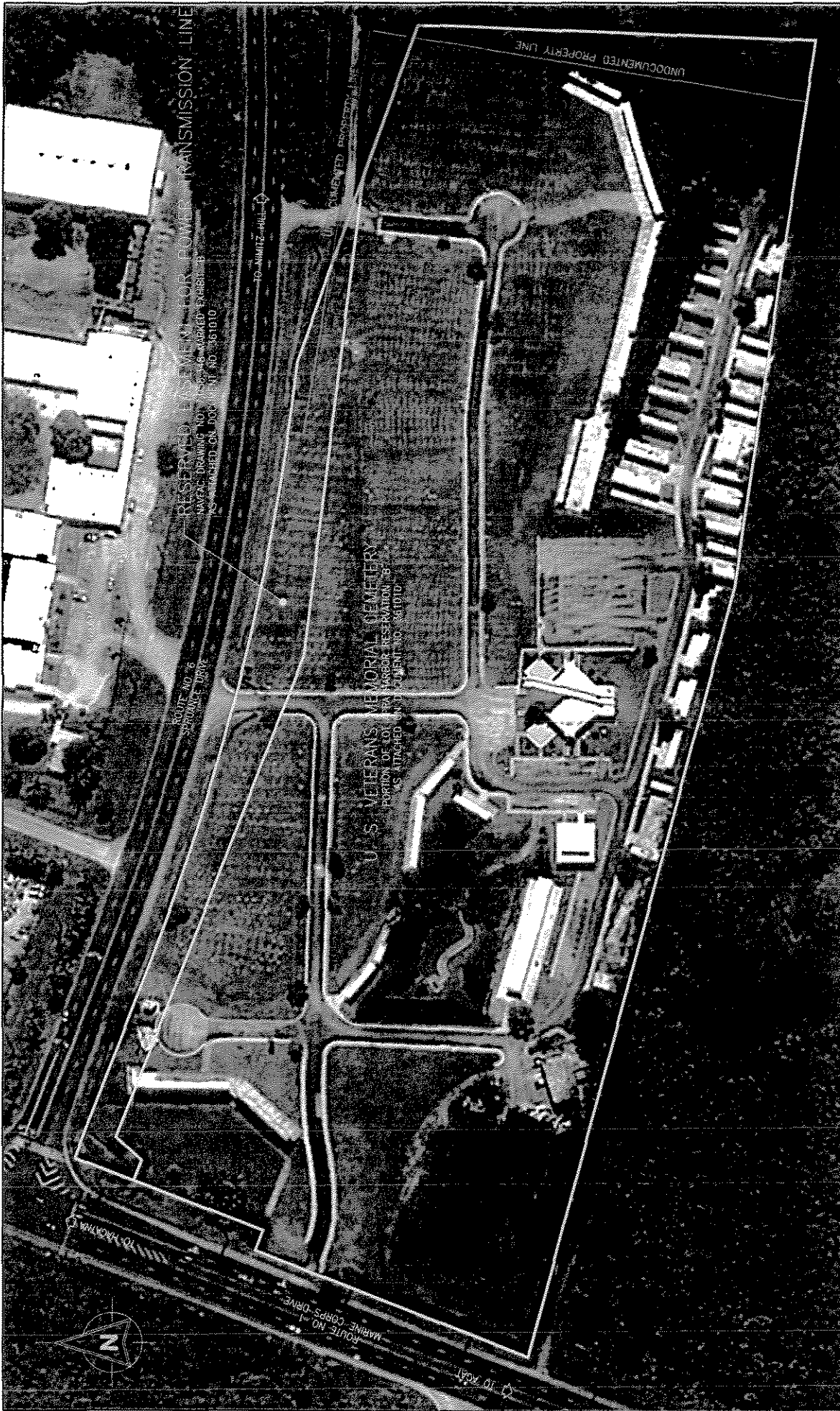
**Pineda Surveying Map**







Attachment "B" of  
 2-11-53 - 200-92 (GAR)



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 pneda@pnedasurveying.com  
 TEL. (307) 787-1785 / 989-1785

BOUNDARY  
 TOPOGRAPHIC  
 CONSTRUCTION  
 HYDROGRAPHIC  
 GS

Attachment "B" of  
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