

I MINA TRENTA NA LIHESLATURAN GUÅHAN
2009 (First) Regular Session

Bill No. 84 (COR)

Introduced by:


v.c. Pangelinan

2009 MAR 27 AM 10:35 MC

AN ACT TO AUTHORIZE *I MAGA'LAHEN GUAHAN* TO EXCHANGE EQUAL PORTIONS OF LOT NO. 43, LOT NO. 42, AND LOT NO. 41 FOR THE PORTION OF LOT NO. 532, LOT NO. 533, AND LOT NO. 534 AND TO AUTHORIZE THE PURCHASE OF THE REMAINING PORTIONS OF LOT NO. 532, LOT NO. 533, AND LOT NO. 534 LOCATED IN THE MUNICIPALITY OF MERIZO.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that the
2 government of Guam ("government") public roadway, known as Chalan Kanton Tasi,
3 also known as San Dimas Street, encroaches upon private property Lot No. 43 owned by
4 Vicente A. Baza, Lot No. 42 owned by Anthony A Meno and Lot No. 41 owned by
5 Frederick B. Quinene. The encroachment has been used by the government as part of the
6 major road through the village which connects to the major roadway around the island.

7 The government has taken the private property of these landowners and used the
8 property for years without condemnation or any payment for the use. The government has
9 resolved the same problem with an adjoining lot owner by allowing the exchange of
10 government land behind the private property lots on an area for area basis.

11 Therefore, *I Liheslaturan Guahan* intends to remedy these takings of private lands
12 in the same manner with an area for area exchange of a portion of government properties

Lot No. 532, Lot No. 533 and Lot No. 534 located directly behind and contiguous to Lot No. 43, Lot No. 42, and Lot No. 41 for the area encroached upon by the government.

I Liheslaturan Guahan further intends to authorize the private landowners to purchase the government's remaining fractional lot from the severance of the exchange of Lot No. 532 with Lot No. 43, Lot No. 533 with Lot No. 42, and Lot No. 534 with Lot No. 41.

Section 2. Authorization to Exchange and Purchase. Notwithstanding any other provision of law, rules or regulations *I Maga'lahaen Guahan* is hereby authorized to exchange the government of Guam's encroachment of portions of Lot No. 43 for portions of government of Guam Lot No. 532, Lot No. 42 for portions of government of Guam Lot No. 533 and Lot No. 41 for portions of government of Guam Lot No. 534 used by the government of Guam as part of Chalan Kanto Tasi in Merizo and to allow the landowners to purchase the fractional lot remaining after the exchange.

Section 3. Terms and Conditions. Notwithstanding any other provision of law, rules or regulations, the government of Guam and the respective private landowners shall enter into a contractual agreement relative to the exchange of an equal portion of Lot No. 43 for a portion of government of Guam Lot No. 532, Lot No. 42 for a portion of government of Guam Lot No. 533 and Lot No. 41 for a portion of government of Guam Lot No. 534 respectively located in Merizo, Guam. The Director of the Department of Land Management shall ensure that all terms and conditions of the contractual agreement governing the exchange and/or purchase of the government of Guam's properties Lot No. 532, Lot No. 53 and Lot No. 534 located in Merizo, Guam are met by the buyer prior to transferring title to said properties. The Department of Land Management will oversee

1 efforts of a private surveyor who will conduct a full survey of the areas required to be
2 exchanged and the balance of the area to be purchased. Two (2) appraisals shall be
3 required to consummate this land exchange and/or transaction as required by §2107(b) of
4 Title 2 Guam Code Annotated. As this transaction is the result of the government of
5 Guam's encroachment on the property, the Department of Land Management shall incur
6 all costs of the appraisal.

7 **Section 4. Sale Proceeds to go to the Chamorro Land Trust Commission.**

8 Notwithstanding any provision of law or rules or regulations, proceeds from the sale
9 approved by this Act shall be transferred to the Chamorro Land Trust Commission.