



*Territory of Guam*  
*Territorio de Guam*

OFFICE OF THE GOVERNOR  
OFISINAN I MAGALAHI  
AGANA, GUAM 96910 U.S.A.

**MAR 31 1992**

The Honorable Joe T. San Agustin  
Speaker, Twenty-First Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 251, which I have signed into law  
as Public Law 21-91 .

Sincerely yours,

*Joseph F. Ada*  
JOSEPH F. ADA  
Governor  
**210732**

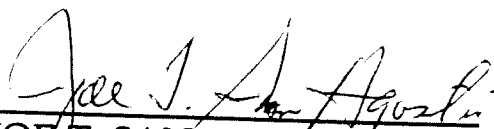
Attachment




TWENTY-FIRST GUAM LEGISLATURE  
1992 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 251 (COR), "AN ACT TO AUTHORIZE THE EXCHANGE OF GOVERNMENT LAND FOR LOT NO. 106, AGAÑA, AND THE HISTORICALLY SIGNIFICANT TWO STORY STRUCTURE SITUATED ON SAID LOT, KNOWN AS THE "GUAM INSTITUTE"; TO AUTHORIZE THE EXCHANGE AND SALE OF CERTAIN GOVERNMENT PROPERTIES IN AGAÑA AND TAMUNING TO U.D.I., INC., FRANCISCA PALACIOS FLORES, RAO K. MEDABALMI, WILLIAM YAMAMOTO, AND MARK PANGILINAN," was on the 10th day of January, 1992, duly and regularly passed.

  
\_\_\_\_\_  
JOE T. SAN AGUSTIN  
Speaker


Attested:

  
\_\_\_\_\_  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 15<sup>th</sup> day of January, 1992,  
at 5:05 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
JOSEPH F. ADA  
Governor of Guam

Date: JAN 27 1992

Public Law No. 21-91

TWENTY FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session

Bill No. 251 (COR)  
As substituted by the  
Committee on Housing,  
Community Development,  
Federal and Foreign Affairs

Introduced by:

F.R. Santos  
J. G. Bamba  
E.P. Arriola  
G.Mailloux  
A.R. Unpingco  
J. P. Aguon  
A. C. Blaz  
M. Z. Bordallo  
D. F. Brooks  
H. D. Dierking  
E. R. Dueñas  
E. M. Espaldon  
C. T. C. Gutierrez  
P. C. Lujan  
M. D. A. Manibusan  
D. Parkinson  
M. J. Reidy  
M. C. Ruth  
J. T. San Agustin  
D. L. G. Shimizu  
T. V. C. Tanaka

AN ACT TO AUTHORIZE THE EXCHANGE OF  
GOVERNMENT LAND FOR LOT NO. 106, AGAÑA, AND THE  
HISTORICALLY SIGNIFICANT TWO STORY STRUCTURE  
SITUATED ON SAID LOT, KNOWN AS THE "GUAM  
INSTITUTE"; TO AUTHORIZE THE EXCHANGE AND SALE OF  
CERTAIN GOVERNMENT PROPERTIES IN AGAÑA AND

TAMUNING TO U.D.I., INC., FRANCISCA PALACIOS  
FLORES, RAO K. MEDABALMI, WILLIAM YAMAMOTO, AND  
MARK PANGILINAN.

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

2           **Section 1. (a) Legislative statement.** The people of Guam are aware of  
3 the need to protect and preserve the history and culture of the island and  
4 have tasked their elected leaders with the development, implementation and  
5 continuation of cultural and historical protection and preservation programs.  
6 The Legislature is cognizant of the need to protect and preserve all aspects of  
7 the history and culture of the island and its people in order that future  
8 Chamorros can identify with the rich cultural and historical heritage of their  
9 forefathers which makes the Chamorros so unique a people. In order to  
10 abate the loss of cultural and historical identity, the Legislature acknowledges  
11 the need to protect those properties which provide such history, culture and  
12 identity.

13           The Legislature has been apprised that Jose C. Lujan, the owner of Lot  
14 No. 106, Agaña, on which is situated the two story structure which is well  
15 known and remembered as the "Guam Institute", desires to exchange the  
16 property, including the historically significant structure thereon, with  
17 government-owned land, on a value-for-value basis. The "Guam Institute"  
18 wrote a significant and important chapter in the history of Guam, with many  
19 of Guam's leaders having been educated there. The history of the Institute  
20 reflects Guam's pre-War history and experience prior to the current age and  
21 present day educational institutions. The rolls of the Guam Institute contain  
22 the names of many of Guam's most significant political, economic and social  
23 leaders, whose names and voices will echo for many years to come and whose

1 humble beginnings should be forever memorialized. The Guam Institute, to  
2 the people of Guam, has no less importance and no less significance than  
3 Constitutional Hall in Philadelphia, or the White House, or Monticello to the  
4 people of America.

5 By virtue of this, it is the consensus of the Legislature that the land and  
6 structure in which was housed the Guam Institute should henceforth belong  
7 to the people of Guam.

8 **(b) Land exchange authorized.** The Governor of Guam is authorized to  
9 exchange that government-owned real property described as a portion of Lot  
10 No. 10119-R11, Municipality of Dededo, for that real property described as  
11 Lot 106, Agaña, together with the two story structure situated thereon,  
12 owned by Jose C. Lujan, on a value-for-value basis.

13 **(c) Survey, mapping and registration.** No later than sixty (60) days  
14 after the enactment of this Act, the Director of Land Management, at the  
15 expense and account of the Government of Guam, shall cause to be surveyed,  
16 mapped and registered that portion of Lot No. 10119-R11 which is to be  
17 exchanged with Lot No. 106, Agaña. The Director of Land Management, at  
18 the expense and account of Jose C. Lujan, shall cause separate appraisals of  
19 that portion of Lot No. 10119-R11 to be exchanged hereunder to be made by  
20 two (2) licensed real estate appraisers, which appraisals shall be the basis for  
21 the exchange authorized in this Act. The Director of Land Management shall  
22 insure that continued access to that portion of Lot No. 10119-R11 to be  
23 exchanged hereunder, shall be maintained in accordance with applicable  
24 regulations and laws.

25 **(d) Appraisal of Lujan house.** The Director of Land Management and  
26 the State Historic Preservation Officer shall cause to be determined the

1 dollar value of Lot No. 106 and the structure situated on said lot, which value  
2 shall be used as the basis for the exchange authorized in this Act. Such  
3 appraisals, at the election of the Director of Land Management and the State  
4 Historic Preservation Officer, may be undertaken by a private real estate  
5 appraiser, licensed to do business in Guam; provided, however, that said  
6 appraisal shall reflect the historical value of the Lujan House.

7 **(e) Transfer to State Historic Preservation Office, Department of**  
8 **Parks and Recreation.** Immediately upon the execution of the Lujan House  
9 land exchange conveyances, the Director of Land Management and the  
10 Attorney General shall cause title and control of the Guam Institute property  
11 to be transferred to the State Historical Preservation Office, Department of  
12 Parks and Recreation.

13 **(f) Authorization for appropriations.** There is hereby authorized to be  
14 appropriated from the General Fund to the Historical Preservation Office,  
15 Two Hundred Thousand Dollars (\$200,000) to fund the necessary  
16 improvements, renovations and upgrading of the Guam Institute House.

17 **(g) Inclusion in DPR budget.** Beginning with the fiscal year  
18 commencing October 1, 1992, the Department of Parks and Recreation shall  
19 incorporate in its annual budget request such sums as are deemed required to  
20 maintain the Guam Institute House to the standards deemed necessary and  
21 appropriate by the State Historical Preservation Officer.

22 **Section 2. (a) Legislative statement.** The Legislature has been  
23 informed by U.D.I., Inc., a Guam corporation ("UDI"), that it wishes to  
24 purchase an alleyway abutting its property in Agaña. The alleyway consists  
25 of twenty three (23) square meters of property abutting Lots Nos. 1400-4-A-  
26 NEW, 1448-1, and 1408-1 along West Soledad Avenue. Because of the small

1 size of the property the Legislature finds that it has no value for the  
2 government of Guam, and that its sale to UDI and its eventual consolidation  
3 with other UDI property, will benefit the government of Guam in the way of  
4 its purchase price at fair market value, and its new taxable status and the  
5 increased taxability of the property with which it will be consolidated.

6 **(b) Authorization.** The Governor of Guam is hereby authorized to sell  
7 to UDI, at fair market value, the alleyway consisting of twenty three (23)  
8 square meters of property abutting Lots Nos. 1400-4-A-NEW, 1448-1, and  
9 1408-1 along West Soledad Avenue, in Agaña, as shown on Land  
10 Management Drawing No. 212-FY90 (the "Property").

11 **(c) Current fair market value basis of sale.** The purchase price of the  
12 Property shall be its current fair market value as established by two (2)  
13 appraisals based on the Property's current highest and best use, to be made by  
14 two (2) Guam-licensed real estate appraisers at UDI's expense no earlier  
15 than six (6) months prior to the date of sale.

16 **(d) Survey, mapping and registration.** The Director of Land  
17 Management shall cause the Property to be surveyed, mapped and registered  
18 at the expense of UDI.

19 **Section 3. (a) Legislative statement.** The Legislature has been  
20 repeatedly advised that the condemnation process used as an attempt to  
21 resolve problems with Agaña fractional lots did not achieve all the desired  
22 results. Because of an apparent lack of adequate controls in the process  
23 several discrepancies have arisen which must be corrected. The case of Mrs.  
24 Francisca Palacios Flores (the "Buyer") is one of those discrepancies which the  
25 Legislature desires to correct. The Legislature finds that the Buyer should  
26 have been sold Lot 22, Block 24, Agaña, rather than Lot 6, Block 22, Agaña. an

1 exchange of lots will correct this error, and the Buyer having stated her  
2 willingness to pay the government of Guam for the minor difference in lot  
3 sizes.

4 **(b) Authorization to exchange Agaña land.** The Governor is hereby  
5 authorized to exchange with the Buyer Lot 22, Block 24, Municipality of  
6 Agaña, containing an area of 657.73 square meters with Lot 6, Block 22,  
7 Municipality of Agaña, containing an area of 632± square meters, shown on  
8 Land Management Drawing No. B4-70T349 recorded under Document No.  
9 96103.

10 **(c) Buyer to pay for difference.** For the difference in area, the Buyer  
11 shall pay to the government of Guam an amount based on the current fair  
12 market value per square meter of such excess, as determined by an appraisal  
13 to be commissioned by the Department of Land Management. In addition,  
14 the Buyer shall pay reasonable administrative costs.

15 **Section 4. (a) Legislative statement.** The Legislature finds that since  
16 the government of Guam and its agencies do not intend to utilize a bull cart  
17 trail which runs between Lots Nos. 2132-1 and 2132-2, Tamuning, it is in the  
18 public interest to sell such bull cart trail to the abutting and contiguous lot  
19 owner. The Department of Land Management has stated that the bull cart  
20 trail does not serve as an access nor utility easement to any other lot in the  
21 area and its sale would not cause any landowner to be landlocked or without  
22 access. The owner of surrounding lots, Rao K. Medabalmi (the "Buyer"),  
23 wishes to purchase that bull cart trail in order to be able to consolidate the  
24 two lots into an area more easily developable. The Legislature further finds  
25 that the sale of the bull cart trail to the Buyer and the subsequent  
26 consolidation of the three (3) properties will enhance the tax base of the



1 consolidated property which directly benefits the community.

2 (b) **Authorization to sell Tamuning bull cart trail.** The Governor is  
3 authorized to sell to the Buyer that government land containing  
4 approximately 176 ± square meters, which constitutes the bull cart trail which  
5 divides Lots Nos. 2132-1 and 2132-2 (the "Property").

6 (c) **Current fair market value basis of sale.** The purchase price of the  
7 Property shall be its current fair market value to be established by two (2)  
8 appraisals based on its current highest and best use. Such appraisals shall be  
9 performed at the expense of the Buyer by two (2) Guam-licensed real estate  
10 appraisers commissioned by the Director of Land Management, to be  
11 performed no earlier than six (6) months prior to the date of sale.

12 (d) **Survey, mapping and registration.** The Director of Land  
13 Management shall cause the Property to be surveyed, mapped and registered  
14 at the expense of the Buyer.

15 **Section 5. (a) Legislative statement.** The Legislature has been asked by  
16 Wilfred and Julie Yamamoto, owners of the "Hair House" (the "Buyers"), to  
17 authorized their purchase of the small fractional lots contiguous to the  
18 property on which their business is situated. The Buyers have stated to the  
19 Legislature that their purpose in purchasing the property is to consolidate the  
20 lots in order to increase the size of the parking for their establishment and to  
21 increase the area for potential expansion. The Legislature finds that the sale  
22 of these fractional lots for the purpose of consolidating them with other  
23 larger parcels will be beneficial to the overall development of Agaña and to  
24 the government of Guam in that the lots will be more utilizable and the  
25 eventual consolidation will result in increased taxability of the consolidated  
26 parcel.

1           **(b) Authorization to sell Agaña lots.** The Governor is authorized to sell  
2 to the Buyers those parcels of government land designated as Alley 1, within  
3 Lot 4, Block 2, New Agaña, containing an area of 22.13 square meters, and  
4 Alley 2, within Lot 3, Block 2, New Agaña, containing an area of 80.98 square  
5 meters (the "Properties").

6           **(c) Current fair market value basis of sale.** The sale price of the  
7 Properties shall be at their current fair market value to be established by two  
8 (2) appraisals based on the current highest and best use of the Properties, to  
9 be performed at the expense of the Buyers by two (2) Guam-licensed real  
10 estate appraisers commissioned by the Director of Land Management, no  
11 earlier than six (6) months prior to the date of sale.

12           **(d) Survey, mapping and registration.** The Director of Land  
13 Management shall cause the Properties to be surveyed, mapped and  
14 registered at the expense of the Buyers.

15           **Section 6. (a) Legislative statement.** The Legislature is aware that  
16 there are many substandard and fractional lots in Agaña which serve no  
17 current purpose. Many of these substandard and fractional lots are  
18 alleyways which were originally laid out as service alleys to the small  
19 contiguous lots, but the post-War development of Agaña has made these  
20 alleyways unuseable as alleys because of their small widths and because they  
21 lead nowhere. The Legislature finds that the sale of the substandard parcels  
22 set out in this section to the contiguous lot owner will not be detrimental to  
23 the area or to other parcels of land within the area. The Legislature has been  
24 assured by the Department of Land Management that the sale of the  
25 alleyways will not cause any lots or other parcels to be landlocked as these  
26 alleyways do not now serve as access or utility easements for other parcels in

1 the vicinity. Likewise, the Legislature is aware that the sale of these  
2 substandard parcels to the contiguous lot owners will serve to enhance and  
3 increase the value of those lots, thus increasing the taxable base for these  
4 properties.

5 **(b) Authorization to sell Agaña parcels.** The Governor is authorized to  
6 sell to Mark V. Pangilinan the owner of the adjacent lots (the "Buyer") the  
7 following alleyways and substandard parcels of government land in Agaña:

8 (i) that parcel, containing approximately 80 square meters, situated between  
9 Lots Nos. 1045-1-1 and 1458-1; and (ii) that parcel, containing 50 square  
10 meters, situated within Lots Nos. 22 NEW and 19 NEW, all situated in the  
11 municipality of Agaña (collectively, the "Property"); **provided**, however, that  
12 such sale shall not include any portion of those parcels previously sold to Mr.  
13 and Mrs. Paciano Gumataotao and dedicated as a utility easement as set out  
14 in the written testimony dated October 11, 1991, submitted at a public hearing  
15 by the Department of Land Management.

16 **(c) Current fair market value basis of sale.** The sale price of the  
17 Property shall be at its current fair market value as established by two (2)  
18 appraisals of the Property, to be based on the current highest and best use of  
19 the property, performed at the expense of the Buyer by two (2) Guam-  
20 licensed real estate appraisers commissioned by the Director of Land  
21 Management, no more earlier than six (6) months prior to the date of sale.

22 **(d) Survey, mapping and registration.** The Director of Land  
23 Management shall cause the Property to be surveyed, mapped and  
24 registered, at the expense of the Buyer.

25 **Section 7. Terms, conditions and restrictions.** The land purchases and  
26 exchanges authorized in this Act shall be governed by the following terms and

1 conditions:

2 (a) There shall be no transfer or conveyance, in any manner  
3 or through any form, of the purchased or exchanged lands for a  
4 period of ten (10) years beginning on the date the parties accept  
5 the applicable deeds for each parcel.

6 (b) The exchange documents and applicable deeds shall  
7 each contain reversion clauses to the effect that any conveyance  
8 or transfer of the purchased or exchanged lands, or any part  
9 thereof, shall cause title to the same to revert to the government  
10 of Guam.

11 (c) Nothing in this Act shall be construed to prevent or  
12 prohibit the buyers or land exchangers from improving or having  
13 improved the acquired properties or from constructing structures  
14 thereon.

15 (d) The Attorney General of Guam and the parties to which  
16 government land is to be exchanged or sold under this Act, or their  
17 duly authorized representatives, shall cause to be included in any  
18 contract or agreement of exchange the provisions set out in this  
19 section. Any contract of sale or exchange which does not contain  
20 the stipulations, conditions and restrictions herein mandated shall  
21 have no force and effect and shall be null and void.

22 **Section 8. Land sales/exchanges final.** The land exchanges and  
23 purchases authorized in this Act are hereby approved by the Legislature and  
24 shall require no further legislative action.

**COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT,  
FEDERAL AND FOREIGN AFFAIRS  
TWENTY-FIRST GUAM LEGISLATURE**

163 Chalan Santo Papa  
Agaña, Guam 96910

Senator Francisco R. Santos  
Chairman

Tel: (671) 472-3414/3415  
Fax: (671) 477-3048

January 6, 1992

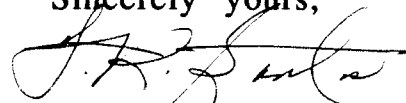
The Honorable Joe T. San Agustin  
Speaker, Twenty First Guam Legislature  
Agana, Guam

Dear Mr. Speaker,

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred **Bill No. 251**, An Act to to authorize the Governor to exchange and sell government land in Agana and Tamuning, has had the same under consideration and herewith submits its report and recommendation is **TO DO PASS**, as amended and substituted, **Bill No. 251**. The Committee votes are as follows:

To Do Pass	-10-
To Do Not Pass	-0-
To Report Out Only	-0-
To Pass On File	-0-
Not Voting	-0-
Off Island	-0-

Sincerely yours,



F.R. Santos

**COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT,  
FEDERAL, AND FOREIGN AFFAIRS  
TWENTY FIRST GUAM LEGISLATURE**

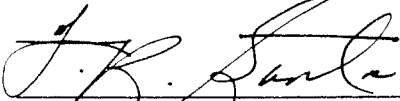


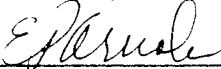
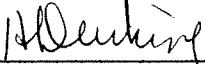
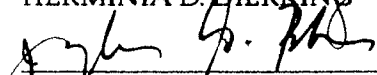
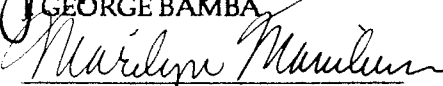
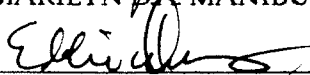
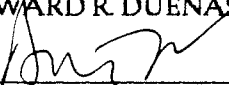
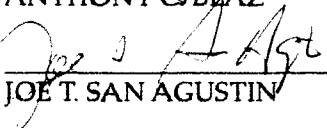
155 Hesler Street  
Agaña, Guam 96910

Senator Francisco R. Santos  
Chairman

Tel: (671) 472-3414/3415  
Fax: (671) 477-3048

**Voting Sheet**

**Bill 251, as further amended by the Committee on Housing, Community Development, Federal and Foreign Affairs: An Act to authorize the Governor to exchange and sell certain parcels of government land in Agana, Tamuning and Dededo.**

	TO DO PASS	TO DO NOT PASS	TO REPORT OUT ONLY	NOT VOTING/ OFF ISLAND
 FRANK R. SANTOS	✓			
 PILAR C. LUJAN	✓			
 JOHN P. AGUON	✓			
 ELIZABETH P. ARRIOLA	✓			
 HERMINIA D. DIERKING	✓			
 GEORGE BAMBA	✓			
 MARILYN D. MANIBUSAN	✓			
 EDWARD R. DUENAS	✓			
 ANTHONY O. BLAZ	✓			
 JOE T. SAN AGUSTIN	✓			

TWENTY FIRST GUAM LEGISLATURE  
FIRST REGULAR (1991) SESSION

Bill No. 251

as Amended and Substituted by the  
Committee on Housing, Community Development,  
Federal and Foreign Affairs

Introduced by:

F.R. Santos  
J.G. Bamba  
E.P. Arriola  
G. Mailloux

AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE  
GOVERNMENT LAND FOR REAL PROPERTY, OWNED BY  
MR. JOSE C. LUJAN, DESCRIBED AS LOT NO. 106, AGANA,  
AND THE HISTORICALLY SIGNIFICANT TWO STORY  
STRUCTURE SITUATED ON SAID LOT, PREVIOUSLY AND  
BETTER KNOWN AS, THE GUAM INSTITUTE HOUSE; AND  
TO AUTHORIZE THE GOVERNOR TO EXCHANGE AND SELL  
CERTAIN PROPERTIES IN AGANA TO U.D.I., INC.,  
FRANCISCA PALACIOS FLORES, WILFRED K. AND JULIE  
YAMAMOTO, AND MARK PANGILINAN; AND TO SELL A  
CERTAIN BULL CART TRAIL IN TAMUNING TO RAO K.  
MEDABALMI.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2 Section 1. a) Legislative Statement: The people of  
3 Guam are acutely aware of the need to protect and preserve the

1 history and culture of the island and through a multitude of  
2 ways, explicit and implicit, have tasked the elected leaders of the  
3 island with the development, implementation and continuation of  
4 said cultural and historical protection and preservation. The  
5 Twenty First Guam Legislature is cognizant of the need to protect  
6 and preserve all aspects of the history and culture of the island  
7 and its people in order that future Chamorros will enjoy  
8 identification with the rich cultural and historical heritage of  
9 their forefathers and which make the Chamorros a unique  
10 people. In this vein and in order to abate and stop the  
11 destruction or loss of cultural and historical identity, the Twenty  
12 First Guam Legislature acknowledges the need to secure those  
13 areas and items which provide such history, culture and  
14 identity.

15 The Twenty First Guam Legislature has been apprised that  
16 Mr. Jose C. Lujan, the owner of Lot No. 106, Agana, on which is  
17 situated the two story structure which is better known and  
18 remembered as the Guam Institute, desires to exchange said Lot  
19 No. 106 and historically significant structure, with government  
20 owned land on a value for value basis. The Guam Institute is a  
21 significant and important chapter in the history of Guam. Many  
22 of Guam's leaders were educated or taught at the Guam  
23 Institute. The history of the Institute is resplendent with annals  
24 of Guam's journey and experience prior to the age of modern  
25 and present day educational institutions. The roll books of this  
26 Institute contain the names of many of Guam's political, economic  
27 and social dignitaries whose names and voices will echo for many



1 years to come and whose humble beginnings should be for  
2 memorialized. The Guam Institute, to the people of Guam,  
3 deserves no less importance and no less significance than  
4 Constitutional Hall in Philadelphia or the residence at 1600  
5 Pennsylvania Ave, Washington, D.C., or Monticello to the people  
6 of America.

7 By virtue of this, it is the consensus of the Twenty First  
8 Guam Legislature that the land and structure in which was  
9 housed the Guam Institute should now and heretofore belong to  
10 the people of Guam

11 **b) Land Exchange Authorized:** The Governor of Guam  
12 is hereby authorized to exchange government owned real  
13 property, described as a portion of Lot No. 10119-R11,  
14 Municipality of Dededo, for real property described as Lot 106,  
15 Agana, together with the two story structure situated on said  
16 Lot No. 106 and owned by Mr. Jose C. Lujan, on a value for value  
17 basis.

18 **c). Survey, Mapping and Registration:** No later than  
19 Sixty (60) days after the enactment hereof, the Director of Land  
20 Management, for the government's expense and account, shall  
21 cause to be surveyed, mapped and registered that portion of Lot  
22 No. 10119-R11 which is to be exchanged with Lot No. 106,  
23 Agana. The Director of Land Management, for Mr. Jose C. Lujan's  
24 expense and account, shall cause to be performed separate  
25 appraisals of that portion of Lot No. 10119-R11 to be exchanged  
26 hereunder by Two (2) licensed real estate appraisers, which  
27 appraisals shall be the basis for the exchange authorized herein.

1 The Director of Land Management shall insure that access, to that  
2 portion of Lot No. 10119-R11 to be exchanged heretofore, shall  
3 be provided in accordance with applicable regulations, statutes  
4 and/or laws.

5 **d) Appraisal of Lujan House:** The Director of Land  
6 Management and the State Historic Preservation Officer shall  
7 cause to be determined the value of Lot No. 106 and the  
8 structure situated on said lot, in terms of dollars, which value  
9 shall be used as the basis for the exchange authorized herein.  
10 The appraisals required herein, at the election of the Director of  
11 Land Management and the State Historic Preservation Officer,  
12 may be performed by a real estate appraiser, licensed to do  
13 business in Guam, provided, however, that said appraisal shall be  
14 adjusted to reflect the historic value of the Lujan House.

15 **d) Transfer to State Historic Preservation Office,**  
16 **Department of Parks and Recreation:** Immediately upon the  
17 execution of the Lujan House land exchange, the Director of Land  
18 Management and the Attorney General shall cause to be  
19 transferred, title and control of the Guam Institute House to the  
20 State Historical Preservation Office, Department of Parks and  
21 Recreation.

22 **e) Appropriations:.** There is hereby authorized to be  
23 appropriated from the General Fund to the State Historical  
24 Preservation Office, such funds as are necessary for the purpose  
25 of funding the necessary improvements, renovations and  
26 upgrading of the Guam Institute House.

1           **f) Inclusion in DPR Budget:** Beginning with the Fiscal  
2 Year beginning October 1, 1992, the Department of Parks and  
3 Recreation shall incorporate into its annual budget such sums  
4 and amounts as are deemed required to maintain and repair the  
5 Guam Institute House to the condition and standard deemed  
6 necessary and appropriate by the State Historical Preservation  
7 Officer.

8           **Section 2. a) Legislative Statement:** The Legislature  
9 has been informed by U.D.I., Inc. that it desires to purchase an  
10 alley way adjacent to its property in Agana. The alley way  
11 consists of twenty three (23) square meters of property  
12 abutting Lot No. 1400-4-A-NEW, Lot No. 1448-1, and Lot No.  
13 1408-1 along West Soledad Avenue. Because of the size of the  
14 property (23 sqmtrs) the Legislature is of the opinion that it has  
15 no utility for the government. Likewise, the Legislature is of the  
16 consensus that the sale of the substandard parcel to U.D.I., Inc.  
17 and the eventual consolidation with other U.D.I., Inc. property,  
18 would provide benefits to the government in the form of: 1) the  
19 original purchase price which would be established at fair market  
20 value; and 2) the taxability and increased taxability of property  
21 to which the subject lot is consolidated.

22           **b) Authorization:** The Governor of Guam is hereby  
23 authorized to sell, at fair market value, the alley way consists of  
24 twenty three (23) square meters of property abutting Lot No.  
25 1400-4-A-NEW, Lot No. 1448-1, and Lot No. 1408-1 along West  
26 Soledad Avenue, and which is delineated on Land Management

1 Drawing No. 212-FY90, to U.D.I., Inc., a corporation duly  
2 registered and licensed to do business on Guam.

3       **c) Current Fair Market Value Basis of Sale:** The sale  
4 price of the government owned land, herein authorized to be  
5 sold, shall be at the current fair market value to be established  
6 by two appraisals of said property, said appraisals to be based on  
7 the current highest and best use of said property, to be  
8 performed by two Guam licensed real estate appraisers. Said  
9 appraisals shall be performed no more than six (6) months prior  
10 to the date of sale. The cost of said appraisal shall be for the  
11 account of the buyers.

12       **d) Survey, Mapping and Registration:** The Director of  
13 Land Management shall cause to be surveyed, mapped and  
14 registered, in accordance with the provisions herein, the  
15 property sold to U.D.I., Inc.. All costs and expenses for the  
16 survey, mapping and registration of the property sold  
17 hereunder shall be for the expense of U.D.I., Inc..

18       **Section 3. a) Legislative Statement:** The Guam  
19 Legislature has been repeatedly apprised that the condemnation  
20 process used as an attempt to resolve problems with Agana  
21 fractional lots did not necessarily achieve the desired results.  
22 Because of an apparent lack of adequate controls in the process  
23 several discrepancies have arisen which must be corrected. The  
24 case of Mrs. Francisca Palacios Flores is one of those discrepancies  
25 which the Legislature desires to correct through this legislation.  
26 It has been ascertained that Mrs. Flores should have been sold  
27 Lot 22, Block 24, Agana, rather than Lot 6, Block 22, Agana. This

1 legislation will correct this discrepancy and Mrs. Flores has stated  
2 her willingness to pay the government for the minor difference  
3 in lot sizes.

4       **b) Authorization to Exchange Agana Land:** The  
5 Governor is hereby authorized to exchange that parcel of  
6 Government land designated as Lot 22, Block 24, Municipality of  
7 Agana, said to contain an area of 657.73 square meters with that  
8 parcel of land designated as Lot 6, Block 22, Municipality of Agana,  
9 said to contain an area of 632 +/- square meters, said parcel  
10 registered to Ms. Francisca Palacios Flores under Land  
11 Management Drawing No. B4-70T349 and recorded under  
12 Document No. 96103.

13       **c) Buyer to pay for difference:** For the difference in  
14 area, Mrs. Francisca Palacios Flores agrees to pay to the  
15 government of Guam an amount based on the current fair  
16 market value per square meter, as determined by an appraisal  
17 to be commissioned by the Department of Land Management. In  
18 addition, Mrs. Flores agrees to pay reasonable administrative  
19 costs.

20       **Section 4. a) Legislative Statement:** The Guam  
21 Legislature finds that since the government and its agencies do  
22 not intend to utilize a bull cart trail which traverses between  
23 Lots No. 2132-1 and 2132-2, it is in the public interest to sell  
24 such bull cart trail to the abutting and contiguous lot owner.  
25 Likewise, as the Department of Land Management has indicated  
26 that the bull cart trail does not serve as an access nor utility  
27 easement to any other lot in the area and its sale would not

1 cause any landowner to be landlocked or without access. The  
2 owner of said lot, Mr. Rao K. Medabalmi, has expressed his desire  
3 to purchase that bull cart trail in order to be able to consolidate  
4 the two lots into an area more easily developable. The  
5 Legislature further finds that the sale of the bull cart trail to Mr.  
6 Medabalmi and the subsequent consolidation of his two lots will  
7 enhance the tax base and value of the property thus accruing  
8 direct benefits to the island.

9 **b) Authorization to sell Tamuning bull cart trail:**

10 The Governor is authorized to sell to Mr. Rao K. Medabalmi that  
11 portion of government land containing approximately 176 +/-  
12 square meters which portion constitutes the bull cart trail which  
13 traverses Lots No. 2132-1 and 2132-2.

14 **c) Current Fair Market Value Basis of Sale:**

15 The sale price of the government owned land, herein authorized to be  
16 sold, shall be at the current fair market value to be established  
17 by two appraisals of said property, said appraisals to be based on  
18 the current highest and best use of said property. The appraisals  
19 shall be performed by two Guam licensed real estate appraisers  
20 commissioned by the Director of Land Management. Said  
21 appraisals shall be performed no more than six (6) months prior  
22 to the date of sale. The cost of said appraisal shall be at the  
23 expense of Mr. Rao K. Medabalmi..

24 **d) Survey, Mapping and Registration:**

25 The Director of Land Management shall cause to be surveyed, mapped and  
26 registered, in accordance with the provisions herein, the  
27 property sold to Mr. Rao K. Medabalmi.. All costs and expenses for

1 the survey, mapping and registration of the property sold  
2 hereunder shall be at the expense of the buyer.

3 **Section 5. a) Legislative Statement:** The Guam  
4 Legislature has been approached by Wilfred K. and Julie  
5 Yamamoto, owners of the Hair House, relative to purchasing  
6 small fractional lots contiguous to their property on which his  
7 business is situated. Mr. and Mrs. Yamamoto have stated to the  
8 Legislature that their intent on purchasing the property is to  
9 consolidate the lots in order to increase the size of the parking lot  
10 for their establishment and to increase the area for potential  
11 expansion of their business. The Legislature finds that the sale of  
12 these fractional lots for the purpose of consolidating with other  
13 larger parcels will be beneficial to the overall make up of Agana  
14 and to the government in that the lots will be more utilizable and  
15 the eventual consolidation will result in increased taxability of  
16 the consolidated parcel.

17 **b) Authorization to sell Agana lots:** The Governor is  
18 authorized to sell those parcels of government land designated as  
19 Alley 1, within Lot 4, Block 2, New Agana, containing an area of  
20 22.13 square meters and Alley 2, within Lot 3, Block 2, New  
21 Agana, containing an area of 80.98 square meters, to Wilfred K.  
22 and Julie Yamamoto, owners of the adjacent and contiguous lots.

23 **c) Current Fair Market Value Basis of Sale:** The sale  
24 price of the government owned land, herein authorized to be  
25 sold, shall be at the current fair market value to be established  
26 by two appraisals of said property, said appraisals to be based on  
27 the current highest and best use of said property. The appraisals

1 shall be performed by two Guam licensed real estate appraisers  
2 commissioned by the Director of Land Management. Said  
3 appraisals shall be performed no more than six (6) months prior  
4 to the date of sale. The cost of said appraisal shall be at the  
5 expense of Wilfred K Yamamoto and Julie Yamamoto.

6 **d) Survey, Mapping and Registration:** The Director of  
7 Land Management shall cause to be surveyed, mapped and  
8 registered, in accordance with the provisions herein, the  
9 property sold to Wilfred K. and Julie Yamamoto.. All costs and  
10 expenses for the survey, mapping and registration of the  
11 property sold hereunder shall be at the expense of the buyer.

12 **Section 6. a) Legislative Statement:** The Guam  
13 Legislature is aware that there are many substandard and  
14 fractional lots in Agana which serve no purposes at the present  
15 time. Many of these substandard and fractional lots are  
16 alleyways which were to have served the purpose of service  
17 alleys to contiguous lots. However, the development of Agana  
18 has been in such a manner as to render these alleyways not  
19 utilizable because of their relative widths and because they lead  
20 to no where. Such is the case with the parcels of property  
21 designated for sale in this section of this Act. The Guam  
22 Legislature finds that the sale of these substandard parcels to the  
23 contiguous lot owner will not be detrimental to the area or other  
24 parcels of land within the area. The Legislature has been assured  
25 by the Department of Land Management that the sale of the  
26 alleyways will not cause any lots or other parcels to be  
27 landlocked as these alleyways do not now serve as access or



1 utility easements for other parcels in the vicinity. Likewise, the  
2 Legislature is aware that the sale of these substandard parcels to  
3 the contiguous lot owners will serve to enhance and increase the  
4 value of those lots thus increasing the taxable base for these  
5 properties.

6 **b) Authorization to sell Agana parcels:** The Governor  
7 is authorized to sell those substandard parcels of government  
8 land said to contain approximately 80 square meters, situated  
9 between Lot 1045-1-1 and Lot No. 1458-1; and 50 square  
10 meters, situated within Lot No. 22 NEW and Lot No. 19 NEW, all  
11 situated in the municipality of Agana, to the owner of the  
12 adjacent and contiguous lot, Mr. Mark V. Pangelinan, provided,  
13 however, that such sale shall not include any portions of said  
14 parcels previously sold to Mr. and Mrs. Paciano Gumataotao and  
15 dedicated as a utility easement as noted on the public hearing  
16 testimony submitted by the Department of Land Management,  
17 dated October 11, 1991..

18 **c) Current Fair Market Value Basis of Sale:** The sale  
19 price of the government owned land, herein authorized to be  
20 sold, shall be at the current fair market value to be established  
21 by two appraisals of said property, said appraisals to be based on  
22 the current highest and best use of said property. The appraisals  
23 shall be performed by two Guam licensed real estate appraisers  
24 commissioned by the Director of Land Management. Said  
25 appraisals shall be performed no more than six (6) months prior  
26 to the date of sale. The cost of said appraisal shall be at the  
27 expense of Mr. Mark V. Pangelinan.

1           **d) Survey, Mapping and Registration:** The Director of  
2 Land Management shall cause to be surveyed, mapped and  
3 registered, in accordance with the provisions herein, the  
4 property sold to Mr. Mark V. Pangelinan.. All costs and expenses  
5 for the survey, mapping and registration of the property sold  
6 hereunder shall be at the expense of the buyer.

7           **Section Terms, Conditions and Restrictions:** The land  
8 exchanges authorized herein shall be governed by the following  
9 terms and conditions:

10           (a) The parties agree that there shall be no transfer or  
11 conveyance, in any manner or through any form, of the  
12 exchanged lands for a period of ten (10) years beginning on the  
13 date the parties accept the applicable deeds for each parcel.

14           (b) The parties agree to incorporate, into the exchange  
15 document and applicable deeds, reversion clauses to the effect  
16 that any conveyance or transfer of the exchanged lands, or any  
17 part thereof, the exchanged lands shall be reverted to the  
18 original owners.

19           (c) Nothing contained herein shall be construed to  
20 prevent or prohibit the parties from improving or having  
21 improved the properties or from building, erecting or  
22 constructing structures approved in accordance with the  
23 building and zoning codes of Guam.

24           (d) The Attorney General of Guam and the parties to  
25 which government land will be exchanged or sold, or their duly  
26 authorized representatives shall cause to be included in any  
27 contract or agree of exchange the provisions herein stipulated.

1 Any contract of sale or exchange which do not contain the  
2 stipulations, conditions and restrictions herein mandated shall  
3 have no force and effect and shall be considered null and void.

4 **Section . Land Sales/Exchanges Final:** The land  
5 exchanges herein authorized shall be considered approved by  
6 the Guam Legislature and shall require no further action by the  
7 Guam Legislature.

**COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT,  
FEDERAL AND FOREIGN AFFAIRS  
TWENTY-FIRST GUAM LEGISLATURE  
163 Chalan Santo Papa  
Agaña, Guam 96910**

Senator Francisco R. Santos  
Chairman

Tel: (671) 472-3414/3415  
Fax: (671) 477-3048

August 26, 1991

The Honorable Joe T. San Agustin  
Speaker  
Twenty First Guam Legislature  
Agana, Guam

Dear Mr. Speaker,

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred **Bill No. 251**, has had said bill under consideration and herewith reports the same with its recommendation **TO DO PASS AS SUBSTITUTED BY THE COMMITTEE**. The votes of the Committee members are as follows:

<b>TO DO PASS</b>	<b>9</b>
<b>TO DO NOT PASS</b>	<b>0</b>
<b>TO REPORT OUT ONLY</b>	<b>0</b>
<b>NOT VOTING/PASS ON FILE</b>	<b>0</b>
<b>OFF-ISLAND</b>	<b>0</b>

Sincerely yours,



F.R. Santos

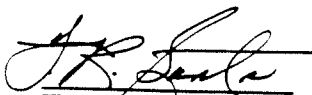
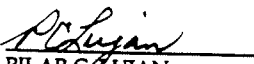
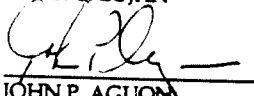
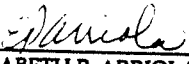
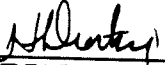
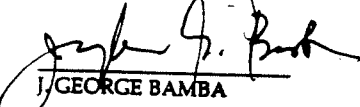

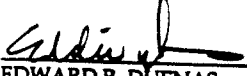
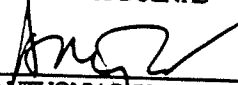
COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT,  
 FEDERAL, AND FOREIGN AFFAIRS  
 TWENTY FIRST GUAM LEGISLATURE  
 155 Hesler St.  
 Agaña, Guam 96910

Senator Francisco R. Santos  
 Chairman

Tel: (671) 472-3414/3415  
 Fax: (671) 477-3048

Voting Sheet

On Bill No. 251: an Act to Authorize the Governor to Exchange  
 Government Land for property owned by Mr. Jose C. Lujan on which  
 stands the Guam Institute House

	TO DO PASS	TO DO NOT PASS	TO REPORT OUT ONLY	OFF ISLAND OUT ONLY
 FRANK R. SANTOS	✓	_____	_____	_____
 PILAR C. LUJAN	✓	_____	_____	_____
 JOHN P. AGUON	✓	_____	_____	_____
 ELIZABETH P. ARRIOLA	✓	_____	_____	_____
 HERMINIA D. DIERKING	✓	_____	_____	_____
 GEORGE BAMBA	✓	_____	_____	_____
 MARILYN D.A. MANIBUSAN	✓	_____	_____	_____
 EDWARD R. DUENAS	✓	_____	_____	_____
 ANTHONY C. BLAZ	✓	_____	_____	_____

## PREFACE

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred Bill No. 251, scheduled a public hearing on said measure on Wednesday, May 15, 1991. In accordance with applicable laws and the Standing Rules of the 21st Guam Legislature, public hearing announcements were published in a newspaper of general circulation on three separate occasions prior to the hearing. Additionally, individual invitations to affected departments, agencies and individuals were hand delivered well in advance of the hearing.

## PUBLIC HEARING

The public hearing was conducted as scheduled on Wednesday, May 15, 1991 at 9:30 am in the Legislative Public Hearing Room. Senators in attendance were:

1. Senator Frank R. Santos, Chairman
2. Senator Pilar C. Lujan, Vice Chairperson
3. Senator Herminia D. Dierking
4. Senator Elizabeth P. Arriola
5. Senator Anthony C. Blaz

Individuals appearing at the public hearing to provide testimony on the proposed legislation were:

1. Mr. Joseph Lujan, representing his father,  
Mr. Jose C. Luan, owner of the property.
2. Attorney David A. Terlaje
3. Representatives of the State Historical Preservation  
Office and Department of Parks and Recreation.
4. Mr. Frank L.G. Castro, Director  
Department of Land Management

Written testimony was submitted by Mr. Jose C. Lujan and the State Historical Preservation Officer, both testimonies in favor of the exchange.

## SUMMARY OF TESTIMONY

### **Mr. Joseph Lujan/Attorney David Terlaje**

Mr. Lujan noted that his father had agreed to exchange the Guam Institute House with the government of Guam several years ago. He further noted that this was the third time the legislation was introduced and that on each introduction the family testified and noted that exchanging the Guam Institute House, on a value for value basis, with government of Guam land was what the father and the family wanted.

Mr. Lujan further noted that he was concerned about the delays in approving the land exchange as the Guam Institute House has not been lived in and that the house itself is deteriorating rapidly because no one is living there and taking care of the building and the surrounding yard.

Attorney David Terlaje suggested an amendment to the measure stating that the land exchange authorized in the legislation shall be considered approved when consummated by the Governor and Mr. Lujan and that no further approvals of the Legislature is required.

### **Department of Land Management**

The Director of Land Management, Mr. Frank L.G. Castro, testified in behalf of his Department and the Executive Branch of the government of Guam. **Mr. Castro noted that the Executive Branch supports the land exchange in Bill 251 because of the historical significance of the Guam Institute House.** Mr. Castro likewise noted that the Administration offers no objections relative to the government land earmarked for this exchange despite the fact that the area in which the earmarked land is set aside has been designated as a site for possible use by non-profit organizations.

Because the appraisals have not been performed, Mr. Castro was not able to comment on the ratio for the land exchange based on a value for value basis. In subsequent discussions Mr. Castro noted that the ratio will not be one-to-one and that the value of the Agana property exceeds that of the designated land for exchange. In this instance, it should be noted that the Mr. Lujan will obtaining property considerably larger in size than the property in Agana. It is felt that this is offset by the historical value of the Lujan House.



**Department of Parks and Recreation/State Historical Preservation Office**

The representatives of the Department of Parks and Recreation and the State Historical Preservation Office noted that the DPR and SHPO are extremely excited at the thought and possibility of securing the structure that housed the Guam Institute because of the historical significance of that school and its alumni to and for the people of Guam. The officials noted that the Lujan House is one of the few remaining houses in Agana built in the pre-War period and exhibiting architectural and design characteristics common to that period. The officials noted that the Lujan House would have uses that would contribute to the protection and preservation of the cultural of the Chamorro people as it existed prior to World War II. Likewise, because many illustrious and noted political, government, religious, educational, social and cultural leaders of Guam were educated in the Guam Institute the house can later be designated to house the Guam Hall of Fame.

Whatever the ultimate use of the Lujan House will be designated for, the officials of DPR and SHPO note that acquisition of the House will enhance the Government of Guam's inventory of historically significant places and structures. The officials strongly support expeditious passage and accomplishment of the intent of the bill.

The officials of DPR and SHPO, after questioning by the Chairman, noted that the DPR and SHPO will be requesting for funding for the restoration and upgrading of the Guam Institute House, for the year maintenance and repair of the structure and lot on which it sits, and for whatever is necessary for its preservation and exhibit as a historically

significant structure. (In later communications with the DPR/SHPO the Committee was provided with varying amounts needed for the cost of renovations, needed improvements and repairs. It is felt that the most prudent approach to this matter would be to grant DPR and SHPO an adequate level of funding exceeding their estimates with a reversion clause for all unexpended funds.)

## COMMITTEE FINDINGS

1. The Committee finds that the government's efforts to secure title and ownership of the Guam Institute House has been delayed with disadvantages to the government, including the rapid deterioration of the building because of non-use.
2. The Committee, after reviewing the records of previous legislation to the same effect, finds that the government can no longer afford to delay this matter because of the deterioration factor.
3. The Committee finds that because the government has delayed this matter for so long, Mr. Jose C. Lujan has been left in a state of perpetual limbo, knowing not whether he should develop the property, lease out the structure or other effectuate other plans which would yield to him and his family some form or level of economic benefit. The Committee finds this as unjust and unfair and unreasonably denies Mr. Lujan beneficial use of his private property.
4. The Committee finds that there are no reasonable causes for these delays and desires that this matter to finalized as expeditiously as possible in order that the Lujan House may be included in Guam's inventory of

historical places, included in the Island's inventory of educational exhibits and included in the inventory of tourist attraction spots.

5. The Committee finds that there is a need to place time constraints on this legislation in order to insure that its intent and purposes are accomplished as expeditiously as possible.

## COMMITTEE RECOMMENDATIONS

1. The Committee recommends that the exchange proposed in this legislation be approved by the Legislature as a whole.
2. The Committee recommends that the exchange authorized be on a value for value basis with a reasonable historical value to be established by the State Historical Preservation Officer and the Department of Parks and Recreation utilizing recommended and established methodology to establish such value.
3. The Committee recommends that the exchange authorized be governed by the following provisions:
  - a) a provision against the sale, transfer or conveyance of exchanged property within ten years of the date of exchange.
  - b) a reversion clause should either party effect a conveyance or transference of the property exchanged.
  - c) the cost of the appraisal for the government property to be exchanged shall be at the expense of the government.
  - d) the cost of the appraisal for the Lujan House shall be at the expense of Mr. Jose C. Lujan.

e) the cost of the survey, mapping and registration of the government property to be exchanged shall be at the expense of the government.

f) the cost of the survey, mapping and registration of the Lujan House shall be at the expense of Mr. Jose C. Lujan.

4. The Committee recommends that provisions be included to indicate that the authorization contained in the measure is total and complete and that the exchange effectuated shall be considered approved and shall require no further legislative action.

5. The Committee recommends an appropriation of TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) from the General Fund to the Department of Parks and Recreation and the State Historical Preservation Officer to fund necessary repairs, renovations and improvements to the Lujan House to make it ready for use as a public facility and to provide continuing maintenance funds to September 30, 1992. (The funding requests submitted by Parks and Rec have fluctuated within the last 60 days and due to this fluctuation it is felt that the \$200,000 would be adequate to insure the quality of work necessary for this structure.

TWENTY FIRST GUAM LEGISLATURE  
FIRST REGULAR (1991) SESSION

Bill No. 251  
as Amended by the  
Committee on Housing, Community Development,  
Federal and Foreign Affairs

Introduced by:

F. B. Santos  


AN ACT TO AUTHORIZE THE GOVERNOR OF  
GUAM TO EXCHANGE GOVERNMENT LAND  
FOR REAL PROPERTY, OWNED BY MR. JOSE C.  
LUJAN, DESCRIBED AS LOT NO. 106, AGANA,  
AND THE HISTORICALLY SIGNIFICANT TWO  
STORY STRUCTURE SITUATED ON SAID LOT,  
PREVIOUSLY AND BETTER KNOWN AS, THE  
GUAM INSTITUTE.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF  
2 GUAM:  
3

4 Section 1. Legislative Intent and Findings: The people of Guam are  
5 acutely aware of the need to protect and preserve the history and culture  
6 of the island and through a multitude of ways, explicit and implicit, have  
7 tasked the elected leaders of the island with the development,  
8 implementation and continuation of said cultural and historical protection  
9 and preservation. The Twenty First Guam Legislature is cognizant of the  
10 need to protect and preserve all aspects of the history and culture of the  
11 island and its people in order that future Chamorros will enjoy  
12 identification with the rich cultural and historical heritage of their  
13 forefathers and which make the Chamorros a unique people. In this vein  
14 and in order to abate and stop the destruction or loss of cultural and

1 historical identity, the Twenty First Guam Legislature acknowledges the  
2 need to secure those areas and items which provide such history, culture  
3 and identity.  
4

5 The Twenty First Guam Legislature has been apprised that Mr. Jose  
6 C. Lujan, the owner of Lot No. 106, Agana, on which is situated the two  
7 story structure which is better known and remembered as the Guam  
8 Institute, desires to exchange said Lot No. 106 and historically significant  
9 structure, with government owned land on a value for value basis. The  
10 Guam Institute is a significant and important chapter in the history of  
11 Guam. Many of Guam's leaders were educated or taught at the Guam  
12 Institute. The history of the Institute is resplendent with annals of Guam's  
13 journey and experience prior to the age of modern and present day  
14 educational institutions. The roll books of this Institute contain the names  
15 of many of Guam's political, economic and social dignitaries whose names  
16 and voices will echo for many years to come and whose humble beginnings  
17 should be for memorialized. The Guam Institute, to the people of Guam,  
18 deserves no less importance and no less significance than Constitutional  
19 Hall in Philadelphia or the residence at 1600 Pennsylvania Ave,  
20 Washington, D.C., or Monticello to the people of America.  
21

22 By virtue of this, it is the consensus of the Twenty First Guam  
23 Legislature that the land and structure in which was housed the Guam  
24 Institute should now and heretofore belong to the people of Guam  
25

26 Section 2. The Governor of Guam is hereby authorized to exchange  
27 government owned real property, described as a portion of Lot No. 10119-  
28 R11, Municipality of Dededo, for real property described as Lot 106,  
29 Agana, together with the two story structure situated on said Lot No. 106  
30 and owned by Mr. Jose C. Lujan, on a value for value basis.  
31

32 Section 3. No later than Sixty (60) days after the enactment hereof,  
33 the Director of Land Management, for the government's expense and  
34 account, shall cause to be surveyed, mapped and registered that portion of  
35 Lot No. 10-119-R11 which is to be exchanged with Lot No. 106, Agana.  
36 The Director of Land Management, for Mr. Jose C. Lujan's expense and  
37 account, shall cause to be performed separate appraisals of that portion of

1 Lot No. 10119-R11 to be exchanged hereunder by Two (2) licensed real  
2 estate appraisers, which appraisals shall be the basis for the exchange  
3 authorized herein. The Director of Land Management shall insure that  
4 access, to that portion of Lot No. 10119-R11 to be exchanged heretofore,  
5 shall be provided in accordance with applicable regulations, statutes  
6 and/or laws.

7  
8 Section 4. The Director of Land Management and the State Historic  
9 Preservation Officer shall cause to be determined the value of Lot No. 106  
10 and the structure situated on said lot, in terms of dollars, which value shall  
11 be used as the basis for the exchange authorized herein.

12  
13 Section 5. The land exchange authorized herein shall be governed  
14 by the following terms and conditions:

15  
16 (a) The parties agree that there shall be no transfer or conveyance,  
17 in any manner or through any form, of the exchanged lands for a period of  
18 ten (10) years beginning on the date the parties accept the applicable deeds  
19 for each parcel.

20  
21 (b) The parties agree to incorporate, into the exchange document  
22 and applicable deeds, reversion clauses to the effect that any conveyance  
23 or transfer of the exchanged lands, or any part thereof, the exchanged  
24 lands shall be reverted to the original owners.

25  
26 (c) Nothing contained herein shall be construed to prevent or  
27 prohibit the parties from improving or having improved the properties or  
28 from building, erecting or constructing structures approved in accordance  
29 with the building and zoning codes of Guam.

30  
31 (d) The Attorney General of Guam and Mr. Jose C. Lujan or his  
32 duly authorized representative shall cause to be included in any contract or  
33 agree of exchange the provisions herein stipulated.

34  
35 Section 6. Immediately upon the execution of this land exchange, the  
36 Director of Land Management and the Attorney General shall cause to be

1 transferred title and control of the Guam Institute House to the State  
2 Historical Preservation Office, Department of Parks and Recreation.

3  
4 Section 6. The land exchanged herein authorized shall be  
5 considered approved by the Guam Legislature and shall require no further  
6 action by the Guam Legislature.

7  
8 Section . There is hereby appropriated from the General Fund to the  
9 Historical Preservation Office, the sum of **TWO HUNDRED THOUSAND**  
10 **DOLLARS (\$200,000.00)** for the purpose of funding the necessary  
11 improvements, renovations and upgrading of the Guam Institute House.  
12 All funds appropriated hereunder and unexpended on September 30, 1992  
13 shall revert to the General Fund.

14  
15 Section 8. Beginning with the Fiscal Year beginning October 1, 1992,  
16 the Department of Parks and Recreation shall incorporate into its annual  
17 budget such sums and amounts as are deemed required to maintain and  
18 repair the Guam Institute House to the condition and standard deemed  
19 necessary and appropriate by the State Historical Preservation Officer.

20  
21





Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

RECEIVED

SEN. F/R SANTOS

by: *F. Santos*

Date: *3/20/91*

Time: *10:50 am*

March 18, 1991

Committees:

CHAIRPERSON

Rules

General  
Governmental  
Operations

VICE CHAIRPERSON

Ways & Means

Energy  
Utilities and  
Consumer  
Protection

MEMBER:

Economic and  
Agricultural  
Development

Education

Health,  
Ecology and  
Welfare

Housing  
Community  
Development,  
Federal and  
Foreign Affairs

Judiciary  
and  
Criminal Justice

Tourism and  
Transportation

Youth, Senior  
Citizens, and  
Cultural Affairs

MEMORANDUM

TO: Chairperson, Committee on Housing,  
Community Development,  
Federal and Foreign Affairs

FROM: Chairperson, Committee on Rules

SUBJECT: Referral - Bill Nos. 251, 253, 254, 258  
and 260

The above Bills are referred to your Committee. Please note that the referrals are subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.

*H. Dierking*

**HERMINIA D. DIERKING**

Enclosures

Introduced

TWENTY FIRST GUAM LEGISLATURE  
FIRST REGULAR (1991) SESSION

APR 03 '91

Bill No. 251 (cor)

Introduced by:

F.R. Santos  


AN ACT TO AUTHORIZE THE GOVERNOR OF  
GUAM TO EXCHANGE GOVERNMENT LAND  
FOR REAL PROPERTY, OWNED BY MR. JOSE  
C. LUJAN, DESCRIBED AS LOT NO. 106,  
AGANA, AND THE HISTORICALLY  
SIGNIFICANT TWO STORY STRUCTURE  
SITUATED ON SAID LOT, PREVIOUSLY AND  
BETTER KNOWN AS, THE GUAM INSTITUTE.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF  
2 GUAM:  
3

4 Section 1. Legislative Intent and Findings: The people of Guam  
5 are acutely aware of the need to protect and preserve the history  
6 and culture of the island and through a multitude of ways, explicit  
7 and implicit, have tasked the elected leaders of the island with the  
8 development, implementation and continuation of said cultural and  
9 historical protection and preservation. The Twenty First Guam  
10 Legislature is cognizant of the need to protect and preserve all  
11 aspects of the history and culture of the island and its people in  
12 order that future Chamorros will enjoy identification with the rich  
13 cultural and historical heritage of their forefathers and which make  
14 the Chamorros a unique people. In this vein and in order to abate  
15 and stop the destruction or loss of cultural and historical identity,  
16 the Twenty First Guam Legislature acknowledges the need to secure  
17 those areas and items which provide such history, culture and  
18 identity.

1  
2       The Twenty First Guam Legislature has been apprised that  
3 Mr. Jose C. Lujan, the owner of Lot No. 106, Agana, on which is  
4 situated the two story structure which is better known and  
5 remembered as the Guam Institute, desires to exchange said Lot  
6 No. 106 and historically significant structure, with government  
7 owned land on a value for value basis. The Guam Institute is a  
8 significant and important chapter in the history of Guam. Many of  
9 Guam's leaders were educated or taught at the Guam Institute. The  
10 history of the Institute is resplendent with annals of Guam's  
11 journey and experience prior to the age of modern and present day  
12 educational institutions. The roll books of this Institute contain the  
13 names of many of Guam's political, economic and social dignitaries  
14 whose names and voices will echo for many years to come and  
15 whose humble beginnings should be for memorialized. The Guam  
16 Institute, to the people of Guam, deserves no less importance and  
17 no less significance than Constitutional Hall in Philadelphia or the  
18 residence at 1600 Pennsylvania Ave, Washington, D.C., or  
19 Monticello to the people of America.  
20

21       By virtue of this, it is the consensus of the Twenty First Guam  
22 Legislature that the land and structure in which was housed the  
23 Guam Institute should now and heretofore belong to the people of  
24 Guam  
25

26       Section 2. The Governor of Guam is hereby authorized to  
27 exchange government owned real property, described as a portion of  
28 Lot No. 10119-R11, Municipality of Dededo, for real property  
29 described as Lot 106, Agana, together with the two story structure  
30 situated on said Lot No. 106 and owned by Mr. Jose C. Lujan, on a  
31 value for value basis.  
32

33       Section 3. No later than Sixty (60) days after the enactment  
34 hereof, the Director of Land Management, for Mr. Jose C. Lujan's  
35 expense and account, shall cause to be surveyed, mapped and  
36 registered that portion of Lot No. 10-119-R11 which is to be  
37 exchanged with Lot No. 106, Agana. The Director of Land

1 Management, for Mr. Jose C. Lujan's expense and account, shall  
2 cause to be performed separate appraisals of that portion of Lot No.  
3 10119-R11 to be exchanged hereunder by Two (2) licensed real  
4 estate appraisers, which appraisals shall be the basis for the  
5 exchange authorized herein. The Director of Land Management  
6 shall insure that access, to that portion of Lot No. 10119-R11 to be  
7 exchanged heretofore, shall be provided in accordance with  
8 applicable statutes.

9  
10 Section 4. The Director of Land Management and the State  
11 Historic Preservation Officer shall cause to be determined the value  
12 of Lot No. 106 and the structure situated on said lot, in terms of  
13 dollars, which value shall be used as the basis for the exchange  
14 authorized herein.



DEPARTMENT OF LAND MANAGEMENT  
GOVERNMENT OF GUAM  
AGANA GUAM 96910

May 15, 1991

The Honorable Frank R. Santos  
Chairman, Committee on Housing,  
Community Development, Federal  
and Foreign Affairs  
Twenty First Guam Legislature  
Agana, Guam 96910

Subject: L.B. No. 251 (COR) concerning land exchange with  
Mr. Jose C. Lujan

Dear Mr. Chairman:

The need of the people of Guam to own and to preserve what was formerly known as the NIEVES INSTITUTE in Agana should, and must not be overlooked, and for that reason that the Department of Land Management has been consistent in its opinion to support the movement of exchanging the Lujan's property with government land on a value for value basis, as may be determined by two Professional and Licensed Appraisers. The department is still standing with the same position, and I am reiterating the same support.

I recollected that lastly, this matter was entertained by the Committee on Youth, Senior Citizens, Cultural Affairs and Human Resources under the Twentieth Guam Legislature but if I am not mistaken, the matter never got beyond the Rules Committee and never got to the floor for adoption. Consequently, I believe that Legislative Bill No. 129 died without adoption.

The proposed exchanged has been discussed numerous times between the Department of Land Management and Mr. Lujan and his attorney, and during which times, two Appraisal Reports were submitted. Taking the average between the two reports, the appraised values are as follows:

(1) The Lujan's Agana property (lot and building) were appraised at a grand total of -----\$336,000.00

(2) The government land in Yigo, which was then under negotiation for exchange with the Agana property was appraised at \$13.50 per square meter which if transacted, the government will be conveying to Mr. Lujan a total of 24,889 square meters.



Commonwealth No

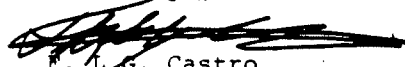
The Honorable Frank R. Santos  
L.B. No. 251 (COR) Land Exchange  
Page 2

Frankly, I questioned the concept of the government property in Yigo being valued at only \$13.50 per square meter but on the contrary, I am not in the position to dispute the determination of a licensed Appraiser. With that in mind, it appeared that the government should have the Yigo property appraised by a third Appraiser at the government's expense. Land Management however, supports the concept of exchange and it should be pursued.

I would also like to point out that between the time that the Legislature entertained a public hearing on the matter in March 1989 and now, the Governor released Executive Order No. 90-19, and wherein, the subject site in Yigo has been set aside for non-profit organizational uses. It is of my opinion however, that both needs can be accommodated within the said area since the land is over 408,000 square meters in size. Incidentally, we should henceforth be citing "A PORTION OF LOT NO. 10119-R12" instead of a portion of Lot 10119-R11.

Thank you for affording us the opportunity to comment on the matter.

Sincerely yours,

  
F. L. G. Castro  
Director Department of  
Land Management

Attachments

LOT 10119-2  
GHURA 505  
DOC# 290231 & 236908

~~LOT 10119-R11~~  
~~AREA 409,082 SQ. M. REC.~~

3-1G  
ACCESS & UTILITY  
DOC# 236908

LOT 10119-R12  
AREA 408,850 SQ. M.  
(SEE SPECIAL NOTE)

110± MTS

A = 24,880±  
#1250 SQ. MTS.  
(409,083)

LOT 10119-11  
DOCA 402935

LOT 10119-8  
DOCA 391755

LOT 10119-10  
DOCA 401649

P.O.B  
N = 55,027.896  
E = 62,761.522

LOT 10119-12  
AREA 232 SQ. M.  
= 2,500 SQ. FT.  
(SEE ENLARGEMENT)

LOT 10119-3G(R/W)  
DOCA 400065

LOT 10117-R3  
DOCA 96983 & 400065

LOT 10117-R1  
DOCA 400065

30' TRANSMISSION EASEMENT  
C.C.A. 3-49, DOCA 630

G.G.T.N. IE. 30

LOT 10117-2G (R/W)  
DOCA 400065

G.G.T.N. "ASATDAS"  
N = 54,910.60  
E = 62,464.00

COMP. TIE  
15°  
16"  
N 05° 26' 00" E  
103.3261

TIE IN.  
16"  
N 56° 56' 56" E  
432.412  
DOCA 391755

DOCA 391755

S 89° 54' 10" W  
BASIS OF SURVEY

N 89° 54' 10" W  
(147.648)

N 26° 00' 00" W  
(209.083)

N 89° 54' 10" E 312.244

N 00° 05' 50" W 341.419

N 00° 05' 50" W 341.419

N 00° 05' 50" W 341.419

N 85° 00' 06" W (263.068)

N 85° 08'

S 01° 47' 04" E 431.706

S 04° 58' 35" W 315.692

S 04° 58' 35" W 315.692

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Lujan House  
Addition to Bill

Upkeep and improvement of the Lujan house once exchange passes in legislation.

- A) \$75,000.00 for the initial adaptive reuse of the building in keeping with its historic character.
- B) Recommend a dedicated building maintenance fund with a \$5,000.00 annual appropriation. The fund would support regular maintenance needs and accumulate sufficient resources for periodic major expenses (eg. roof replacements, painting, and etc.)
- C) Waiver from regular building code requirements where these present unresolvable conflicts with maintenance of the historic character. Each code item waived is to be noted by DPW building inspector and chairman of the Guam Historic Preservation Review Board.





GOVERNMENT OF GUAM  
AGANA, GUAM 96910

DEPARTMENT OF PARKS AND RECREATION  
490 Chalan Palasyo  
Agana Heights, Guam 96919  
phone# 477-9620/1  
fax# 477-2822

Director: ANTHONY C. MARIANO

Deputy Director: DENNIS M. ZERMENO

FACSIMILE TRANSMITTAL SHEET

PLEASE DELIVER TO: Senator Frank Santos

FROM: Ken Puen

RE: Lujan House

Number of pages including this one: 2

Sender: [Signature] Date: 5-29-91


Time: 8:20 am

Please call sender, should you not receive legible copies, at the above number. Thank you!



Bill No. 11 (LS)

Introduced by

S. Mailloux 

AN ACT AUTHORIZING THE GOVERNOR TO SELL  
CERTAIN PUBLIC LOT REMNANTS IN AGANA

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

Section 1. Legislative Findings. The Legislature finds  
hinderances to growth and development in Agana. Namely, a real  
estate mosaic consisting of a substantial number of tiny unusable land  
lots under both private and public ownership. Further, the Legislature  
finds the only fate for such lot remnants to be eventual incorporation  
into larger, usable land lots. And the Legislature finds that, in certain  
cases, now is an appropriate time for such incorporation.

Section 2. The Director of Land Management shall, within thirty  
days from the date of enactment of this act, obtain an appraisal of  
lot remnants within the Agana-Piti Road Lot 22, Block 10, Agana,  
Guam as described below:

1. 80 square meters situated between Lot 1451-1-1 and Lot  
1458-1; and
2. 50 square meters situated within Lot 22 NEW and Lot 19  
NEW, including an existing alleyway.

Section 3. The Governor is hereby authorized to sell the land lot  
remnants, described in Section 2 herein, at an amount reflected by the  
fair market value derived from the appraisal obtained in accordance  
with Section 2 herein to the owner(s) of Lot 1451-1-1 and Lot 1458.

TWENTY FIRST GUAM LEGISLATURE  
FIRST REGULAR (1991) SESSION

Introduced

NOV 05 '91

Bill No. 588(cor)

Introduced by:

F.R. Santos

AN ACT TO AUTHORIZE THE GOVERNOR OF  
GUAM TO EXCHANGE GOVERNMENT OF  
GUAM LAND IN THE MUNICIPALITY OF  
AGANA AND TO SELL GOVERNMENT OF  
GUAM LAND IN THE MUNICIPALITY OF AGAT.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF  
2 GUAM:  
3

4 Section 1. The Governor of Guam is hereby authorized to exchange  
5 that parcel of Government of Guam land designated as Lot 22, Block 24,  
6 Municipality of Agana, said to contain an area of 661± Square Meters with  
7 that parcel of land designated as Lot 6, Block 22, Municipality of Agana,  
8 said to contain an area of 632 ± Square Meters, said parcel registered to  
9 Ms. Francisca Palacios Flores under Land Management Drawing No. 34-  
0 70T349 and recorded under Document No. 96103.  
1

2 Section 2. For the difference in area, Ms. Francisca Palacios Flores  
3 agrees to pay to the Government of Guam an amount based on the current  
4 fair market value per square meter, as determined by an appraisal to be  
5 commissioned by the Department of Land Management, plus reasonable  
6 administrative costs.

1 Section 3. The Governor of Guam is authorized to sell to the heirs of  
2 Mariano T. Charfauros the abandonend waterline easement identified as  
3 Lot No. 216-2-2 within Basic Lot No. 216, Municipality of Agat. Sale price  
4 shall not exceed the price per square meter paid by the late Mariano T.  
5 Charfauros for the redemption of this property, Lots No. 216-A and 216-1,  
6 for tax lien from the Naval Government. Said Lot No. 216-2-2 was  
7 severed from Basic Lot No. 216, Municipality of Agat, for a waterline  
8 easement, which was abandoned, and not sold back by the Naval  
9 Government to Mariano T. Charfauros at the time he redeemed his  
0 property for tax lien.

NOV 05 '91

TWENTY FIRST GUAM LEGISLATURE  
FIRST REGULAR (1991) SESSION

Bill No. 589(COR)

Introduced by:

  
F.R. Santos

AN ACT TO AUTHORIZE THE GOVERNOR OF  
GUAM TO SELL CERTAIN GOVERNMENT OF  
GUAM PROPERTY IN AGANA TO U.D.I., INC.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF  
2 GUAM:

3  
4 Section 1. Legislative Statement: The Legislature has been informed  
5 by U.D.I., Inc. that it desires to purchase an alley way adjacent to its  
6 property in Agana. The alley way consists of twenty three (23) square  
7 meters of property abutting Lot No. 1400-4-A-NEW, Lot No. 1448-1, and  
8 Lot No. 1408-1 along West Soledad Avenue. Because of the size of the  
9 property (23 sqmtrs) the Legislature is of the opinion that it has no utility  
10 for the government. Likewise, the Legislature is of the consensus that the  
11 sale of the substandard parcel to U.D.I., Inc. and the eventual  
12 consolidation with other U.D.I., Inc. property, would provide benefits to  
13 the government in the form of: 1) the original purchase price which would  
14 be established at fair market value; and 2) the taxability and increased  
15 taxability of property to which the subject lot is consolidated.  
16

17 Section 2. Authorization: The Governor of Guam is hereby  
18 authorized to sell, at fair market value, the alley way consists of twenty  
19 three (23) square meters of property abutting Lot No. 1400-4-A-NEW, Lot  
20 No. 1448-1, and Lot No. 1408-1 along West Soledad Avenue, and which is  
21 delineated on Land Management Drawing No. 212-FY90, to U.D.I., Inc., a  
22 corporation duly registered and licensed to do business on Guam.

1  
2 Section 3. The sale price of the government owned land, herein  
3 authorized to be sold, shall be at the current fair market value to be  
4 established by two appraisals of said property, said appraisals to be based  
5 on the current highest and best use of said property, to be performed by  
6 two Guam licensed real estate appraisers. Said appraisals shall be  
7 performed no more than six (6) months prior to the date of sale. The cost  
8 of said appraisal shall be for the account of the buyers.  
9

10 Sectionn 4. Survey, Mapping and Registration: The Director  
11 of Land Management shall cause to be surveyed, mapped and registered,  
12 in accordance with the provisions herein, the property sold to U.D.I., Inc..  
13 All costs and expenses for the survey, mapping and registration of the  
14 property sold hereunder shall be for the expense of U.D.I., Inc..  
15

16 Section 5. The document for the conveyance of the sale herein  
17 authorized shall contain an appropriate clause, or clauses, which shall  
18 specify that the ownership and title of the land, herein authorized to be  
19 sold, shall remain with original individuals to which such property was  
20 sold and shall not be transferred or otherwise conveyed to any other  
21 person for a period no less thann ten (10) years from the date of the sale.  
22 Said clauses shall also contain provisions that should ownership or title of  
23 said property be transferred or, in any other way, conveyed, within less  
24 than ten (10) years from the date of sale, in violation of these provisions,  
25 the ownership and title to said property shall automatically and  
26 immediately revert to the government of Guam.

Bill No. 25

Introduced by:

E. P. ARRIOLA *EPA*

**AN ACT AUTHORIZING THE GOVERNOR TO SELL  
GOVERNMENT-OWNED PROPERTY.**

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

**Section 1.** The Governor is authorized to sell Alley 1 within Lot 4, Block 2, New Agana, containing an area of 22.13 square meters and portion of former General Terrero Street, within Lot 4, Block 2, containing an area of 255.04 square meters and Alley 2 within Lot 3, Block 2, New Agana, containing an area of 80.98 square meters, to Wilfred K. and Julie Yamamoto (the Grantees), the adjacent landowners, at its current fair market value.

**Section 2.** The land sale described in Section 1 of this Act shall be subject to the following provisions to determine the current fair market value of the properties being sold:

(1) Each parcel shall be the subject of no less than two (2) written appraisals prepared by qualified licensed Guam appraisers, such appraisals to be completed no earlier than six (6) months prior to the date of conveyance;

(2) Such appraisals shall be based on the current highest and best use of the parcels being appraised without regard to such parcels' current zoning.

(3) The cost of such appraisals and of any severance or other survey map necessary for the conveyance or exchange shall be paid by the Grantees, and no sale may be recorded until such costs are paid. All such appraisals and surveys are subject to the approval of the Director of Land Management. In making such surveys, the Surveyor shall install permanent concrete monuments on all points.

1  
2  
3  
4  
5  
6

(4) The provisions of Chapter 75, Title 21, GCA (the Chamorro Land T  
Act) shall not apply to any sale of government land authorized by this Act.

(5) The Grantees shall not sell or convey the parcels obtained by the sale f  
period of ten (10) years following the execution of the deed, which shall contain  
appropriate reverter clause providing that such a sale shall cause title to the property  
automatically revert to the Government of Guam.



Committee Report

on

Bill No. 261

An Act to authorize the Governor to sell a bull  
cart trail in Tamuning.

Committee on Housing, Community Development,  
Federal and Foreign Affairs

Senator Francisco R. Santos  
Chairman

January 6, 1992

## Public Hearing

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred Bill No. 261, scheduled and conducted a public hearing on October 30, 1991, at 9:00 AM, in the Legislature's Public Hearing Room. In accordance with the Standing Rules of the Guam Legislature, public announcement was published in a newspaper of general circulation.

Invitations to submit testimony were transmitted to:

- The Legislative Review Committee  
Office of the Governor
- Department of Land Management
- Bureau of Planning
- Mayor of Tamuning
- Tamuning Municipal Planning Council

Present at the public hearing were the following Committee members:

- Senator Francisco R. Santos, Chairman
- Senator Pilar C. Lujan, Vice Chair
- Senator John P. Aguon
- Senator Anthony C. Blaz
- Senator Marilyn D.A. Manibusan
- Senator Edward R. Duenas

Appearing before the Committee to submit testimony were:

- Mr. Rao K. Medabalmi, prospective purchaser
- Mr. Frank L.G. Castro, Director of Land Management

## Summary of Testimony

Mr. Rao K. Medabalmi is the owner of Lots No. 2131-1 and 2132-2, situated in the Camp Watkins Road area in Tamuning. The two lots are separated by an old bull cart trail which belongs to the government of Guam. Thus, Mr. Medabalmi is in possession of two valuable lots in a heavily commercialized area but which he cannot utilize as a whole because of its separation by bull cart trail which is less than ten feet wide. Mr. Medabalmi is not able to build a single building utilizing both lots because of this separation. Likewise, because the bull cart trail belongs to the government, it is exceedingly difficult for Mr. Medabalmi to utilize the property to their highest and best uses. In attempt to resolve this dilemma, Mr. Medabalmi has attempted to purchase the property from the government. Meeting with little success with the Administration agencies, Mr. Medabalmi has approached the Guam Legislature seeking assistance.

Mr. Frank L.G. Castro, Director of the Department of Land Management noted that the Administration, and Land Management has no objections to the sale of the bull cart trail noting that the trail is not presently utilized nor are there plans

for future utilization of the trail as a utility easement or public access.

In one of its only positive recommendations, the Bureau of Planning is not objecting to the sale of the property to Mr. Medabalmi, noting, as did Land Management that there are no existing nor future government needs for the parcel.

## Committee Findings and Recommendations

- The Committee finds that the sale of the bull cart trail as proposed in Bill 261 will enable the owner of the two contiguous lots to consolidate his property thereby enhancing the value and utility of that property thus creating benefits not only for the owner but also for the government of Guam.

- The Committee further finds that there are no existing nor plans for the future utilization of the bull cart trail by any of the government's agencies.

- The Committee recommends passage of Bill No. 261 with the following provisions that:

- the purchase/sale price of the property be based on the current fair market value as established by two independent appraisals commission by the Director of Land Management and paid for by the purchaser of the property.

- the purchaser assume all responsibility for the cost of survey, mapping and registration.
  
- the property cannot be transferred or otherwise conveyed to any other party or person for a period of ten years.
  
- the documents of conveyance contain reversion provisions to automatically effectuate reversion should there be any attempt to transfer or otherwise convey the property to another party.
  
- For the purpose of expediency in the consideration and resolution of this matter, the Committee recommends that Bill No. 261 be consolidated with Bill No. 251 as the intent and purposes of both measures are germane as they related to the sale and/or exchange of government land.



GOVERNMENT OF GUAM  
AGANA GUAM 96910

TESTIMONY OF BILL NO. 261(COR)  
BY MICHAEL J. CRUZ  
ACTING DIRECTOR, BUREAU OF PLANNING

AN ACT TO SELL GOVERNMENT OF GUAM  
PROPERTY (BULL CART TRAIL)  
TO RAO K. MEDABALMI

OCT 30 1991

Thank you for the opportunity to review and comment on Bill 261(COR). Our findings have indicated there are no existing nor future government needs for the 176 square meter portion of the Bull Cart Trail situated between the properties of Rao K. Medabalmi. There being no other user of the trail, the sale of this parcel will not create a land-locked situation in the area.

We have, therefore, no objections to the sale provided at least two current appraisals are submitted by the applicant at, no cost to the government, in compliance with the provisions of P.L. 20-161.

  
MICHAEL J. CRUZ  
Acting Director



Commonwealth Now!

Committee Report

on

Bill No. 588, §1 & 2

An Act to authorize the Governor to exchange  
and sell certain parcels of land in Agana

Committee on Housing, Community Development,  
Federal and Foreign Affairs

Senator Francisco R. Santos  
Chairman

January 6, 1992

any attempt to transfer or otherwise convey the property to another party.



reasonable and indicates that Ms. Flores is interested in what is fair and is not attempting to take advantage of the government.

- The Committee recommends that since execution of the exchange and sale of government land with and to Ms. Francisca P. Flores can proceed towards the resolution of this long standing problem, that Sections 1 and 2 of Bill No. 588 be separated from Bill 588 and consolidated with Bill 251 for immediate consideration with a recommendation to do pass.

- The Committee recommends passage of Bill No. 588, Sections 1 and 2 with the following provisions that:

- the purchase/sale price of the property be based on the current fair market value as established by two independent appraisals commission by the Director of Land Management and paid for by the purchaser of the property.

- the purchaser assume all responsibility for the cost of survey, mapping and registration.

- the property cannot be transferred or otherwise conveyed to any other party or person for a period of ten years.

- the documents of conveyance contain reversion provisions to automatically effectuate reversion should there be

Castro pointed out that the reference number should be changed to reflect the correct reference.

## Committee Findings and Recommendations

- The Committee finds that the Agana Fractional Lot program, which was intended to consolidate substandard lots and sell them to the owners of larger contiguous lots, though good in intent left much to be desired in its administration. This is evidenced by the recent court case where the government of Guam was ordered to proceed resolving the myriad of problems associated with the condemnation of substandard parcels and the conveyance of consolidated lots to qualified recipients. Ms. Francisca Palacios Flores was one of those individuals whose problems were never resolved.

- This problem was made known to the Guam Legislature as early as 1987 and proposed legislation was introduced in an effort to correct the problem. Unfortunately, the legislation was never acted upon..

- The Committee finds that there exists no reasons for delaying the resolution of Ms. Flores' problem as soon as possible. Testimony received from the Department of Land Management indicates that the Administration is in agreement with the exchange of the primary lots and the sale of the difference.

- The Committee also finds that Ms. Flores' agreement to pay for the difference and a reasonable administrative cost is

Appearing before the Committee to submit testimony were:

- Mrs. Norbert P. Flores, representing the prospective buyers
- Mr. Frank L.G. Castro, Director of Land Management

## Summary of Testimony

Ms. Francisca Palacios Flores was the designated owner of Lot No. 22, Block No. 24, Agana, as a result of the Agana Fractional Lot Program. Because of unknown administrative problems and mix-ups, Ms. Flores was given title to Lot 6, Block 22, Agana. Ms. Flores now wishes to correction the situation by exchanging the lot she was given to the lot she was supposed to have received. In addition, because Lot No. 22, Block 24 is slightly larger than Lot 6, Block 22, Ms. Flores is willing to pay for the difference at the current fair market value to be determined by two independent appraisals. Ms. Flores also indicated that she would be amenable to paying the government reasonable administrative costs for the difference.

Mr. Frank L.G. Castro, Director of the Department of Land Management noted that the Administration, and Land Management had no objections to the exchange of lots and the sale of the difference. However, Mr. Castro did note that the size of Lot No. 22, Block 24 is actually smaller by approximately 4 square meters than that contained in the original bill. Also, Mr.

## Public Hearing

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred Bill No. 588, scheduled and conducted a public hearing on October 30, 1991, at 9:00 AM, in the Legislature's Public Hearing Room. In accordance with the Standing Rules of the Guam Legislature, public announcement was published in a newspaper of general circulation.

Invitations to submit testimony were transmitted to:

- The Legislative Review Committee  
Office of the Governor
- Department of Land Management
- Bureau of Planning
- Mayor of Agana
- Agana Municipal Planning Council

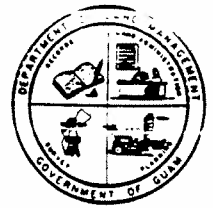
Present at the public hearing were the following Committee members:

- Senator Francisco R. Santos, Chairman
- Senator Pilar C. Lujan, Vice Chair
- Senator John P. Aguon
- Senator Anthony C. Blaz
- Senator Marilyn D.A. Manibusan
- Senator Edward R. Duenas



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JOSEPH T. ADA  
Governor

F. L.G. CASTRO  
Director

FRANK F. BLAS  
Lieutenant Governor

JOAQUIN A. ACFALLE  
Deputy Director

October 30, 1991

The Honorable Frank R. Santos  
Chairman, Committee on Housing,  
Community Development, Federal  
and Foreign Affairs  
Twenty-First Guam Legislature  
Agana, Guam 96910

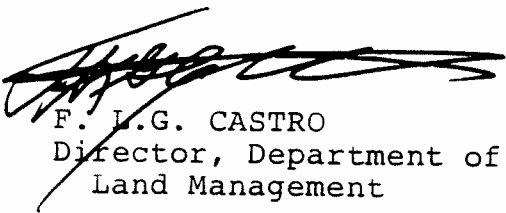
Subject: Legislative Bill No. 588

Dear Mr. Chairman:

We support the intent of Bill 588 with the conditions that the following necessary corrections be applied:

1. Under Section 1, the area of Lot No. 22, Block No. 24 should be cited as being 657.73 square meters instead of 661 square meters. Moreover, the Map Number for Lot No. 6, Block 22 should be cited as being No. B4-70T349 instead of 34-70T349.

Otherwise, we recommend passage of Bill 588.

  
F. L.G. CASTRO  
Director, Department of  
Land Management

MAR 15 '89

TWENTIETH GUAM LEGISLATURE  
FIRST (1989) REGULAR SESSION

Bill No. 504 (COR)

Introduced by:

F.R. Santos

AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO  
EXCHANGE GOVERNMENT OF GUAM LAND IN THE MUNICIPALITY  
OF AGANA AND TO SELL GOVERNMENT OF GUAM LAND  
IN THE MUNICIPALITY OF AGAT.

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

Section 1. The Governor of Guam is hereby authorized to exchange that parcel of Government of Guam land designated as Lot 22, Block 24, Municipality of Agana, said to contain an area of 661± Square Meters with that parcel of land designated as Lot 6, Block 22, Municipality of Agana, said to contain an area of 632± Square Meters, said parcel registered to Ms. Francisca Palacios Flores under Land Management Drawing No. 34-70T349 and recorded under Document No. 96103.

Section 2. For the difference in area, Ms. Francisca Palacios Flores agrees to pay to the Government of Guam an amount based on the fair market value per square meter plus reasonable administrative costs.

Section 3. The Governor of Guam is authorized to sell to the heirs of Mariano T. Charfauros the abandoned waterline easement identified as Lot No. 216-2-2 within Basic Lot No. 216, Municipality of Agat. Sale price shall not exceed the price per square meter paid by the late Mariano T. Charfauros for the redemption of his property, Lots, No. 216-A and 216-1, for tax lien from the Naval Government. Said Lot No. 216-2-2 was severed from Basic Lot No. 216, Municipality of Agat, for a waterline easement and not sold back by the Naval Government to Mariano T. Charfauros at the time he redeemed his property for tax lien.