

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

May 25, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910


31-11-575

5/26/11
11:26am
g

Dear Madame Speaker:

Transmitted herewith is Bill No. 68-31 (COR) **"AN ACT RELATIVE TO GRANTING A SETBACK VARIANCE AND DENSITY VARIANCE FOR LOT NO. 54-2 REM, LOCATED IN THE MUNICIPALITY OF AGANA HEIGHTS"**, which I signed into law on May 24, 2011 as **Public Law 31-60**.

Senseramente,


EDDIE BAZA CALVO

Attachment: copy of Bill

2011 MAY 27 AM 9:56

575

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

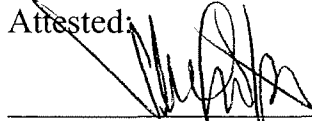
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 68-31 (COR)**, “AN ACT RELATIVE TO GRANTING A SETBACK VARIANCE AND DENSITY VARIANCE FOR LOT NO. 54-2 REM, LOCATED IN THE MUNICIPALITY OF **AGANA HEIGHTS**”, was on the 10th day of May, 2011, duly and regularly passed.



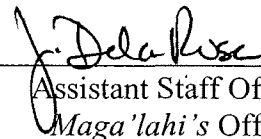
Judith T. Won Pat, Ed.D.
Speaker

Attested:



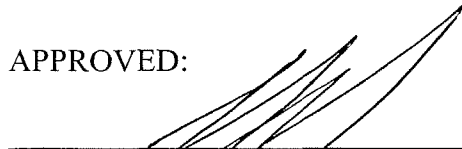
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 12th day of May, 2011, at
10:30 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: MAY 24 2011

Public Law No. 31-60

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 68-31 (COR)

As amended on the Floor.

Introduced by:

T. R. Muña Barnes
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
Adolpho B. Palacios, Sr.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT RELATIVE TO GRANTING A SETBACK
VARIANCE AND DENSITY VARIANCE FOR LOT NO.
54-2 REM, LOCATED IN THE MUNICIPALITY OF
AGANA HEIGHTS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds

that Lot No. 54-2 REM, consisting of approximately 1,161 square meters, located in the municipality of *Agana* Heights, and owned by Ms. Jeena I. Hemlani, has inadvertently subjected the owner to undue hardship, and practical and legal injustice, by the creation of a twenty foot (20') wide easement that was put in place

7 with the installation of a sewer line by the government of Guam in 1962. At that
8 time, the government failed to delete the existing easement, thereby cutting the
9 subject lot in half. This easement bisected the lot from the southwest corner, and
10 continued to approximately midway to the northeast lot line and remained in this
11 position for many years thereafter. It was later determined by both the government
12 of Guam and Mr. Vicente Manglona, the original landowner, that the location of
13 this easement through private property was *not* in the best interests of the
14 government or Mr. Manglona. Therefore, the government of Guam and Mr.
15 Manglona mutually agreed to relocate the easement, and to locate it along the
16 southern boundary of Mr. Manglona's lot, resulting in aligning the width of the
17 road now known as Frederico Drive, thereby abutting Mr. Manglona's lot.

18 With the widening of Frederico Drive and the relocation of the twenty foot
19 (20') wide easement on the southern boundary, Mr. Manglona was never
20 compensated. Additionally, the widening of Frederico Drive rendered the
21 structure's setbacks, which includes a sixteen (16)-density apartment unit, as non-
22 conforming, therefore placing a new burden on the landowner in that it added a
23 new frontage to the lot. The lot previously had only two (2) fronts, namely Route
24 7 and Frederico Drive, and with the relocation of the twenty foot (20') wide
25 easement on the southern boundary, this now created a third front yard.

26 Frederico Drive has served and continues to serve the residents in the
27 immediate area as well as the general public. In its current state, Frederico Drive
28 can only be traversed by a single vehicle, and in an emergency this could be
29 dangerous for emergency vehicles. By accepting the deeded easement property, it
30 will benefit over thirty (30) homes, making their access to their respective homes
31 safer and will further beautify this section of the village of *Agana Heights*.

32 *I Liheslaturan Guåhan* finds that the injustice imposed upon Jeena I.
33 Hemlani, the new owner of the subject lot, warrants the government of Guam to
34 correct this injustice and allow a grant variance on the lot.

35 **Section 2. Grant of Variances in Exchange for Easement and**
36 **Retaining Wall.** Setback variances are hereby granted on Lot 54-2REM, located
37 in the municipality of *Agana Heights*, for the yard fronting *Apugan Drive* to allow
38 the setback of 1.735 m and 1.164 m; and the yard fronting *Frederico Drive* to
39 allow the setback of 1.132 m and 1.135. In addition, because of the taking of
40 additional acreage of a portion of Lot No. 54-2 REM along *Frederico Drive*, which
41 reduces the overall acreage of the Lot 54-2REM, a density variance is also granted
42 to allow for the sixteen (16)-density apartment units to exist.

43 As a condition of these variances, the owner, Ms. Jeena Hemlani, will install
44 a retaining wall between the road and the building at her expense, as well as
45 construct a four (4) foot wall above the retaining wall to serve as a sound barrier
46 and protection for the tenants of the owner, and their respective vehicles.

47 As an additional condition, ten (10) feet of the easement property identified
48 as Lot No. 54-2 REM, located in the municipality of *Agana Heights*, owned by Ms.
49 Jeena Hemlani, shall be deeded to the government of Guam. Lot No. 54-2 REM
50 *shall* be granted a deletion of the dotted easement down the middle of the existing
51 lot, resulting in solving a fifty-eight (58) year dispute in the village of *Agana*
52 *Heights*.

53 The Department of Land Management *shall* enforce the construction of the
54 retaining wall as required by this Act, and record the transfer of the easement to the
55 government of Guam, prior to recording the front yard setbacks and density
56 variance authorized by this Act for Lot No. 54-2 REM.

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: May 10, 2011

VOTING SHEET

Bill No. 68-31(COR)

Resolution No. _____

Question: _____

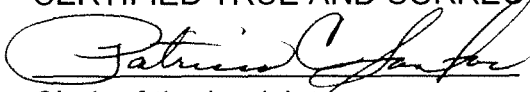
<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

15

0

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

APR 29 2011

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'trentai Unu na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio

Chairperson, Committee on Rules

RE: Committee Report on Bill No. 68-31 (COR), As Introduced

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 68-31 (COR), As Introduced: "An act relative to Lot #54-2 REM, consisting of approximately 1,161 square meters, located in the Municipality of Agana Heights, which would allow for the government of Guam's acceptance of a deeded 10 foot easement property amounting to a 30 foot total easement property, a granting of a setback variance to a total of four sides of the property, and the deletion of the dotted easement down the middle of the existing lot, resulting in solving a fifty eight year dispute in the Municipality of Agana Heights" sponsored by Senator Tina Muña-Barnes which was referred to the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

<u>5</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>0</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan
Chairman

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net

Website: <http://senbenp.com>

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

2011 MAY -2 PM 2:13

epm

COMMITTEE REPORT ON

Bill No. 68-31 (COR), As Introduced

Sponsored by Senator Tina Muña-Barnes

“An act relative to Lot #54-2 REM, consisting of approximately 1,161 square meters, located in the Municipality of Agana Heights, which would allow for the government of Guam's acceptance of a deeded 10 foot easement property amounting to a 30 foot total easement property, a granting of a setback variance to a total of four sides of the property, and the deletion of the dotted easement down the middle of the existing lot, resulting in solving a fifty eight year dispute in the Municipality of Agana Heights”



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

APR 29 2011

MEMORANDUM

To: All Members
Committee on Appropriations, Taxation, Public Debt, Banking,
Insurance, Retirement, and Land

From: Senator Vicente (ben) Cabrera Pangelinan
Committee Chairperson

Subject: Committee Report on Bill No. 68-31 (COR), As Introduced

Transmitted herewith for your consideration is the Committee Report on Bill No. 68-31(COR), As Introduced: "An act relative to Lot #54-2 REM, consisting of approximately 1,161 square meters, located in the Municipality of Agana Heights, which would allow for the government of Guam's acceptance of a deeded 10 foot easement property amounting to a 30 foot total easement property, a granting of a setback variance to a total of four sides of the property, and the deletion of the dotted easement down the middle of the existing lot, resulting in solving a fifty eight year dispute in the Municipality of Agana Heights" sponsored by Senator Tina Muña-Barnes.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 68-31 (COR)
4. Public Hearing Sign-in Sheet
5. Copies of Submitted Testimony & Supporting Documents
6. Copy of COR Referral of Bill No.68-31 (COR)
7. Notices of Public Hearing
8. Copy of the Public Hearing Agenda
9. Fiscal Notes

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan
Chairman

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

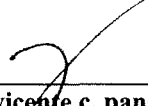
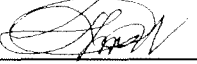

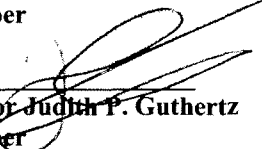

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

**Committee on Appropriations, Taxation, Public Debt, Banking, Insurance,
Retirement, and Land**

Bill No. 68-31 (COR), As Introduced: "An act relative to Lot #54-2 REM, consisting of approximately 1,161 square meters, located in the Municipality of Agana Heights, which would allow for the government of Guam's acceptance of a deeded 10 foot easement property amounting to a 30 foot total easement property, a granting of a setback variance to a total of four sides of the property, and the deletion of the dotted easement down the middle of the existing lot, resulting in solving a fifty eight year dispute in the Municipality of Agana Heights"

Committee Members	To Pass	Not To Pass	Report Out	Abstain	Inactive Files
 Senator Vicente C. Pangelinan Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Speaker Judith T. Won Pat, Ed.D Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Vice Speaker Benjamin J.F. Cruz Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Tina Rose Muña-Barnes Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Judith P. Guthertz Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dennis Rodriguez, Jr. Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator V. Anthony Ada Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Christopher M. Dueñas Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Mana Silva Taijeron Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

Committee Report

Bill No. 68-31 (COR), As Introduced: "An act relative to Lot #54-2 REM, consisting of approximately 1,161 square meters, located in the Municipality of Agana Heights, which would allow for the government of Guam's acceptance of a deeded 10 foot easement property amounting to a 30 foot total easement property, a granting of a setback variance to a total of four sides of the property, and the deletion of the dotted easement down the middle of the existing lot, resulting in solving a fifty eight year dispute in the Municipality of Agana Heights."

I. OVERVIEW

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land convened a public hearing on March 7, 2011 at 9:00 am in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on February 28, 2011 (5-Day Notice), and again on March 5, 2011 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente (ben) Cabrera Pangelinan, Chairman
Vice Speaker Benjamin J. Cruz, Member
Senator Chris Duenas, Member
Senator V. Tony Ada, Member
Senator Adolpho Palacios
Senator Sam Mabini, Ph.D

(b) Appearing before the Committee

Paul McDonald, Agana Heights Mayor
Consuelo Lee, DPW Rights of Way
Harry Gutierrez, Consultant

(c) Written Testimonies Submitted

Mayor Paul McDonald
Mr. Carlos Untalan, DLM Chief Planner
Harry Gutierrez, Consultant

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

II. COMMITTEE PROCEEDINGS

(a) Bill Sponsor Summary

None

Senator Vicente (ben) Cabrera Pangelinan: Bill number 68-31 is an act relative to Lot #54-2 remainder, consisting of approximately 1,161 square meters, located in the municipality of Agana Heights, which would allow for the government of Guam's acceptance of a deeded 10 foot easement property amounting to a 30 foot total easement property, a granting of a setback variance to a total of four sides of the property, and the deletion of the dotted easement down the middle of the existing lot, resulting in solving a fifty eight year dispute in the municipality of Agana Heights.

We have Mr. Harry Gutierrez, Ms. Consuelo Lee and Mr Paul McDonald. Why don't we start with the Mayor.

Just for your information, the bill was introduced by Senator Tina Rose Muña-Barnes.

(b) Testimony

1. Mayor Paul McDonald

Mayor McDonald: Thank you Mr. Chair, Senators, good morning. I'm here in favor of Bill 68-31. First of all, as you can see, the documents I presented today we have had problems with this street as far back as I can remember. As a matter of fact, I can remember part of the problem with the street is, as you can see the pictures I provided the collapsed part of the street and it's only one lane. Very very unsafe. Why is it one lane? Because that's all the easement that we have.

With this bill, Mr. Hemlani is going to provide another ten (10) feet to widen this street. The street is really substandard, it's unsafe and it has caused a lot of miseries to the residents on this street. We have a petition that we have, that I also submitted, with the residents signing up that is about 90% of the residents living on that street. The other 10%, I'm probably sure that they would sign but they were just not home. As you can see, again, if this bill is passed Mr. Hemlani has agreed to construct the retaining wall and widen the street. What I need to be included is that Public Works would provide the design for the street and that is all the cost that we will encounter because of the negotiations with the property owner.

Thanks to Harry for drafting up the agreement with the property owner. That is my testimony this morning.

Panel Comments and Questions

Senator Vicente (ben) Cabrera Pangelinan: Thank you very much.

2. Harry Gutierrez

Mr. Gutierrez: I represent the Hemlani's and they asked me to resolve a setback that they have had that has been ongoing since they purchased the apartment in 1994.

There is a problem in the surveying with the point and everything and it ended up that the Government property line went into that easement, which was never given to the government. I recommended to Mr. Hemlani to donate it or give it to the government in exchange for a setback variance he was requesting.

The problem started way back in 1962 when the federal government decided to put in the main sewer system in the Agana Heights area. They re-routed the roads and the process of re routing the road did not continue on and informing Mr. Mendiola, the original land owner that they had to eliminate certain easements and grant it back to the government.

I talked to the Mayor of Agana Heights and he was very happy and I was happy also, even my relatives are staying behind there, that they would get a full thirty (30) foot easement now with the ten (10) foot being granted and a retaining wall being paid by my client. The construction could start immediately. All they wanted was a granting of a variance on all three front sites of the property. They have three fronts for the road fronting all three sides of the property and their rear lot is what we call a side lot under the variance law.

That is all I have to say.

Panel Comments and Questions

None

Senator Vicente (ben) Cabrera Pangelinan: Thank you.

3. Consuelo Lee, DPW

Ms. Lee: Good morning Senators. My names name is Consuelo P. Lee. (*Translated from Chamorro*) I am a Filipino but I'm from Guam, here before the Organic Act so that makes me Chamorro.

I am now the Rights of Way Supervisor, I started with the Government of Guam March 3rd last year. With a staff at the rights of way division of twenty (20) people, there are only two of us. We are handling all the problems with regards to easements, rights of way, road construction of our major routes.

This case was sent to us last week and we were given three (3) days to submit a position statement. Just the research alone totaled about 3 ½ days and I had to go out and take pictures and sit on this over the weekend and prepare my position report. However, we need more time to assist the Mayor and Harry here to do a proper wording on the act if we could please. We are not against the setbacks, we understand that, however they said there was a major injustice with the owner. Actually, the property was subdivided in 1962 during a distribution of the estate of the owner and there were several owners. With the transfer of ownership, some of the owners had tried to align the easement because it was oddly shaped; probably the water lines ran around there so it wasn't properly aligned by the former owner so that's why there was a problem with the easement. After talking with Harry I found out that that the easement running across the property that they want to delete, I want to make sure that there are no sewer or water line or other utilities on the easement before we delete it. According to Harry there isn't any. I need to confer one more time with GWA to make sure there are no sewer easements below the building. Other than that, we thank the Hemlani's for donating the ten (10) foot easement. The easement was originally thirty (30) feet wide and over the years and when Land Management prepared a severance of the Federico Drive easement somehow it lessened to twenty (20). Now they are giving the ten (10) feet back and it is very good.

I was wondering if there is any funding for the improvement of the easement, we will work with the Mayor to see what we can do to assist them to make sure that this would be a safe road to drive through.

Panel Comments and Questions

Senator Vicente (ben) Cabrera Pangelinan: The deleted easement, who owns that property?

Ms. Lee: The easement belonged to the estate, the easement itself.

Senator Vicente (ben) Cabrera Pangelinan: Was it ever dedicated to the government?

Ms. Lee: No sir.

Senator Vicente (ben) Cabrera Pangelinan: So, it's still a private easement?

Ms. Lee: It is considered a private easement but it's an official public access and utility easement or the people down the road won't get any connection to power or water or sewer.

Senator Vicente (ben) Cabrera Pangelinan: We are giving that back to the owner? We are deleting it right?

Ms. Lee: They are rededicating it so a map will probably be provided by Mr. Hemlani to align the easement the right way because the other residents on the other side has already aligned the easement on their side of the property.

Senator Vicente (ben) Cabrera Pangelinan: This easement that runs down the middle will be now relocated to the side of the property which would abut the existing twenty (20) foot. How wide is the easement in the middle?

Ms. Lee: The easement on the back side of the property is twenty (20) feet.

Senator Vicente (ben) Cabrera Pangelinan: Mr. Hemlani is going to get back twenty (20) feet and he's only going to give up ten?

Ms. Lee: Ten on the side and ten on the back side. That would all adjust itself. I'll be working together with their surveyors.

Mr. Gutierrez: Hemlani is not going to get anything back. That easement is his; it wasn't dedicated over to the government. When Mr. Mendiola deeded the property over to Mr. Gabriel, or sold the property to Mr. Gabriel, Mr. Gabriel should have deleted that easement because it was all moved further down, it was rerouted so the sewer could accommodate the other houses behind. Mr. Hemlani is not going to get any property back. In the old days when you put a dotted line the owner of that property owns that property and when you put a solid line that means he is dedicating it and it was never dedicated over to the government. That easement was placed there just to accommodate Mr. Mendiola's property that is way behind. Like I said, in 1961 when the Navy came they rerouted that easement, the Navy forgot to delete the other easement.

Senator Vicente (ben) Cabrera Pangelinan: Is there anything built on that dotted line easement?

Ms. Lee: An apartment building stands right on top of it, right on top of the easement. A new map was never prepared to align the easement and properly set the property

Senator Cruz: Just for clarification Harry, on the last page of the bill, it talks about a setback variance of four (4) sides you testified setback variance on three (3) sides. Is it four sides or three sides?

Mr. Gutierrez: The other side doesn't really need a variance it falls under the 91/97 ruling by the Attorney General that if it was built before 1994, 1995, 1996, it doesn't need a setback variance, it would be legal and non conforming. To expedite the matter all four sides should be granted.

Senator Cruz: I just want to clarification because you testified three and it says four. I want to make sure when they do the committee report that you are asking for four and not for three.

Senator Vicente (ben) Cabrera Pangelinan: Does anything we are doing here make anything legal or conforming?

Mr. Gutierrez: Nothing. It will be legal non-conforming.

Senator Vicente (ben) Cabrera Pangelinan: Everything will just be non-conforming no matter what we do.

Ms. Lee: Yes because the building is already existing. I am concerned about a four-foot wall the owner was planning on building for privacy of the residents. I would like to have our engineering staff look at that because we are concerned about the air flow to the apartments. Have the fire department look at it as well if it is okay with them. I know they want to put a barrier in the back to protect the residents, we'll see how far from the boundary line it falls. It's pretty close to the boundary line. If you put a concrete wall there it would restrict the air flow in case of a fire. I'm just concerned about that.

Senator Vicente (ben) Cabrera Pangelinan: Mister Mayor did you have something else?

Mayor McDonald: Senators, my concern also in regards to this issue is, I don't know if you notice this but I've sent in a letter to public works in September, a letter of urgency in regards to the wall that holds up the street and would you believe that they have never responded all this time? I would just like to note that and they should be more responsive because it really is a safety hazard and they have not responded.

Senator Vicente (ben) Cabrera Pangelinan: Thank you very much Mr. Mayor and we'll take that for the record. No further questions? If not, thank you and si yu'os ma'ase for your presence and your testimony this morning.


III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land hereby reports out Bill No. 68-31 (COR), As Introduced, with the recommendation TO PASS.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 68-31 (COR)

Introduced By:

T.R. Muña Barnes 

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

2011 FEB - 3 PM 2:34 

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

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

3 *I Liheslaturan Guåhan* finds that the property, Lot # 54-2 REM, consisting
4 of approximately 1,161 square meters, located in the municipality of Agana
5 Heights, and owned by Ms. Jeena I. Hemlani, has inadvertently subjected the own-
6 er to undue hardship, practical, and legal injustice by the creation of a 20' wide
7 easement that was put in place with the installation of a sewer line by the Govern-
8 ment of Guam in 1962. At this time, the Government failed to delete the existing

1 easement, thereby cutting the subject lot in half. This easement bisected the lot
2 from the southwest corner and continued to approximately midway to the northeast
3 lot line and remained in this position for many years thereafter, when it was later
4 determined by both the Government of Guam and Mr. Vicente Manglona, the orig-
5 inal landowner, that the location of this easement through private property was not
6 in the best interest of the Government or Mr. Manglona. Therefore, the Govern-
7 ment of Guam and Mr. Manglona mutually agreed to relocate the easement and lo-
8 cate it along the southern boundary of Mr. Manglona's lot, resulting in aligning the
9 width of the road now known as Frederico Drive, thereby abutting Mr. Manglona's
10 lot. With the widening of Frederico Drive and the relocation of the 20' wide
11 easement on the southern boundary, Mr. Manglona was never compensated. Addi-
12 tionally, the widening of Frederico Drive rendered the structure's setbacks, which
13 includes a 16-density apartment unit, as non-conforming, therefore placing a new
14 burden to the landowner in that it added a new frontage to the lot. The lot pre-
15 viously had only two fronts, namely Route 7 and Frederico Drive and with the re-
16 location of the 20' wide easement on the southern boundary, now created a third
17 front yard.

18 Frederico Drive has served and continues to serve the residents in the imme-
19 diate area as well as the general public. In its current state, Frederico Drive can
20 only be used by a single car and in an emergency, this could be dangerous for the

1 emergency vehicles. By accepting the deeded easement property, it will benefit
2 over thirty (30) homes, making their access to their respective homes safer and will
3 further beautify this section of the village of Agana Heights.

4 **Section 2. Legislative Action.** *I Liheslaturan Guåhan* finds that the injus-
5 tice imposed on Jeena I. Hemlani , new owner, of subject lot warrants the Govern-
6 ment of Guam to correct this injustice and allow a grant variance on the lot. There-
7 fore, a setback variance is granted on the front yard setback fronting Apugan Drive
8 to allow the setback of 1.735 m and 1.164 m; and the front setback at 1.132 m and
9 1.135 m fronting Frederico Drive to exist. As a condition of this agreement, the
10 owner Ms. Jeena Hemlani, will install a retaining wall between the road and the
11 building at her expense, as well as construct a four foot wall above the retaining
12 wall to serve as a sound barrier and protection for the tenants of the owner, and
13 their respective vehicles. In addition, because of the taking of additional acreage
14 of a Portion of Lot 54-2 REM along Frederico Drive, the acreage of the lot will be
15 reduced. Therefore, a density variance is also granted to allow for the 16-density
16 apartment units to exist.

17 Ten feet of the easement property identified as LOT # 54-2 REM, located in
18 the municipality of Agana Heights, owned by Ms. Jeena Hemlani, is hereby deeded
19 to the Government of Guam. Lot # 54-2 REM shall be granted a setback variance

1 to a total of four sides of the property and granted a deletion of the dotted easement
2 down the middle of the existing lot, resulting in solving a fifty eight year dispute in
3 the village of Agana Heights.



Mina'trentai Unu Na Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

**COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,
INSURANCE, RETIREMENT AND LAND**

Monday, March 7, 2011

Bill No. 68

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT
						<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
HARRY GUTIERREZ	Ay Hts	4825315				Yes
Consuelo P. Lee	DPW Rights-of-Way	649-3148			✓	
Ange/Santos		7349273				
Bobby Wallford	Willford Heights				✓	



MUNICIPALITY OF AGANA HEIGHTS
Mayor's Council of Guam

Wanshelon Makol Aquilino

FILE COPY

Paul M. McDonald

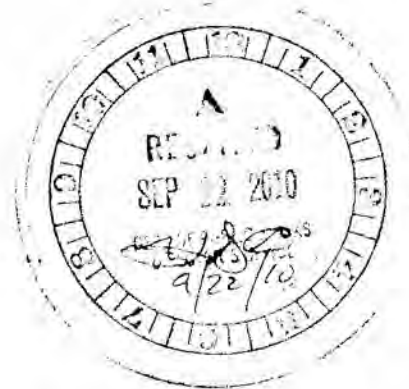
Mayor

URGENT

September 20, 2010

ANDREW S. LEON GUERRERO, Director

Department of Public Works
542 North Marine Corps Drive
Upper Tumon, Guam 96913



SUBJECT: COLLAPSED RETAINING WALL AT FEDERICO DRIVE

Dear Mr. Leon Guerrero

The attached picture displays the collapsed retaining wall at Federico Drive making this street unsafe to drive on. Please make the necessary repairs to make the street safe once again for the many residents that travel in this area. Likewise, please let our office know if there is anything we can do to help assist with the immediate repairs.

Your most expeditious response and immediate action with this matter will be greatly appreciated.

Sincerely yours,

PAUL M. MCDONALD
Mayor



OFFICE OF THE MAYOR

P.O. Box 786, Hagåtña, Guam 96932 • Office: (671) 472 8285 / 6 / 6393 • Fax: (671) 472 6124

Email: mayormcdonald@hotmail.com

Entrance to Frederico Drive, Agaña Heights



* ENTRANCE TO FREDERICO DRIVE, AGANA HEIGHTS





MUNICIPALITY OF AGANA HEIGHTS

Mayor's Council of Guam

Kanahakien - Mahot (Guamian)

URGENT

Paul M. McDonald

Mayor

February 28, 2011

TO: FREDERICO DRIVE RESIDENTS

SUBJECT: BILL NO. 68-31 (COR)


An act to grant of a setback variance in return deeding 10 foot easement amounting to a 30 foot total easement property. Allowing for widening and repair of Frederico Drive making it beautiful and most importantly, safe.

Dear Resident:

This letter invites you and all residents of Frederico Drive to provide written and/or oral testimony at a Public Hearing scheduled for 9:00AM on Monday, March 7, 2011 at the Guam Legislature's Public Hearing Room. If Bill No. 68-31 is passed into Law, it will allow for the widening of Frederico Drive. I encourage you to please come and testify or submit written testimony. Our office is also available for those needing assistance with their testimony and or use of a computer and printer.

Please contact our office at 472-8285/6 for more information. I look forward to seeing you on Monday, March 7.

Sincerely yours,


PAUL M. MCDONALD
Mayor



Agaña Heights

OFFICE OF THE MAYOR

P.O. Box 786, Hagåtña, Guam 96932 • Office: (671) 472-8285 /6 /6393 • Fax: (671) 472 6124

Email: mayormcdonald@hotmail.com



MUNICIPALITY OF AGANA HEIGHTS
Mayor's Council of Guam

Konschelon - Mahot Gjudhan

Paul M. McDonald

Mayor

March 2, 2011

TO: ALL FREDERICO DRIVE RESIDENTS

The attached petition is in support of Bill No. 68-31. For those residents who will not be able to attend or provide written testimony on Monday, March 7, 2011, your signature on this petition will help support the Bill as I will be sure to attach all signatures compiled to my testimony.

Sincerely yours,


PAUL M. MCDONALD
Mayor



Ancient Latta Stones

OFFICE OF THE MAYOR

P.O. Box 786, Hagåtña, Guam 96932 • Office: (671) 472-8285 / 6 / 6393 • Fax: (671) 472-6124

Email: mayormcdonald@hotmail.com

PETITION

In Support of Bill No. 68-31 (COR)

We, the undersigned residents of Agana Heights who utilize Frederico Drive daily as access to our homes are in favor of Bill No. 68-31 (COR), making it possible for the widening and repair of this road to make it beautiful and most importantly safe for all who live and drive in the area.

	<u>PRINT NAME</u>	<u>SIGNATURE</u>	<u>DATE</u>
1.	JOSEPH R. MAGUI	<i>[Signature]</i>	3/3/11
2.	Serphina M. Iliou	<i>[Signature]</i>	3/3/11
3.	DAVID R. Lefever	<i>[Signature]</i>	3/3/11
4.	Isabel Urue	<i>[Signature]</i>	3/3/11
5.	Dolores L. Meno	<i>[Signature]</i>	3/3/11
6.	ANGIE Cepeda	<i>[Signature]</i>	3/3/11
7.	EPAFANIA ENDO	<i>[Signature]</i>	3/3/11
8.	NAKITA Meru	<i>[Signature]</i>	3/3/11
9.	Trishalynn A. Cing	<i>[Signature]</i>	3/3/11
10.	BACH Y. JINNEL	<i>[Signature]</i>	3/3/11
11.	FLORENCE SABLAN	<i>[Signature]</i>	3/3/11
12.	<i>[Signature]</i>		
13.	Sonya Manglona	<i>[Signature]</i>	3.3.11
14.	ANTONIA P. SOSA	<i>[Signature]</i>	3.03.11
15.	MANUEL J. SOSA	<i>[Signature]</i>	3.03.11
16.	VIVIAN J. SOSA	<i>[Signature]</i>	3-2-11
17.	Feliciano C. Pascualji	<i>[Signature]</i>	3.03.11
18.	Soladed C. Pascualji	<i>[Signature]</i>	3.03.11
19.	KEANIT FLORES	<i>[Signature]</i>	3.3.11
20.	JIMMY FLORES	<i>[Signature]</i>	3.3.11
21.	ERICKA FLORES	<i>[Signature]</i>	3.3.11
22.	DAVID M. DYBRO	<i>[Signature]</i>	3-3-11
23.	Karel Dybro	<i>[Signature]</i>	3-3-11
24.			
25.			

[Handwritten mark]

Harry D. Gutierrez
Consultant
119 Gutierrez Way
Agana Heights, Guam 96910
482-5315 E-mail harry.gutierrez@yahoo.com

January 8, 2010
Senator Tina R. Muna-Barnes
Guam Legislature
155 Hesler Place
Hagatna, Guam 9691

Senator Muna-Barnes:

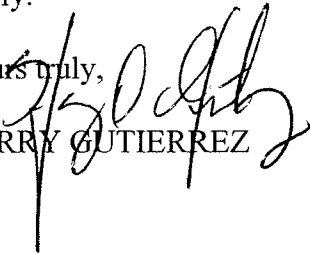
I am enclosing several items to help you to clearly understand my client's problems, that was created, before she purchase the subject lot. The Government realigned the easement to put in place the sewer line in 1962, but did not deleted existing easement cutting the subject lot in half.

The apartment was constructed in early 1980's, and was approved the all Government agencies. This problems now is a big problem for my client and all she wants to do is correct this 55 year problem. Enclosed are the following documents:

1. Existing profile of the area.
2. Proposal of the new road after propose giving of 10 foot.
3. A history of the problem, Legislative intend and Action.

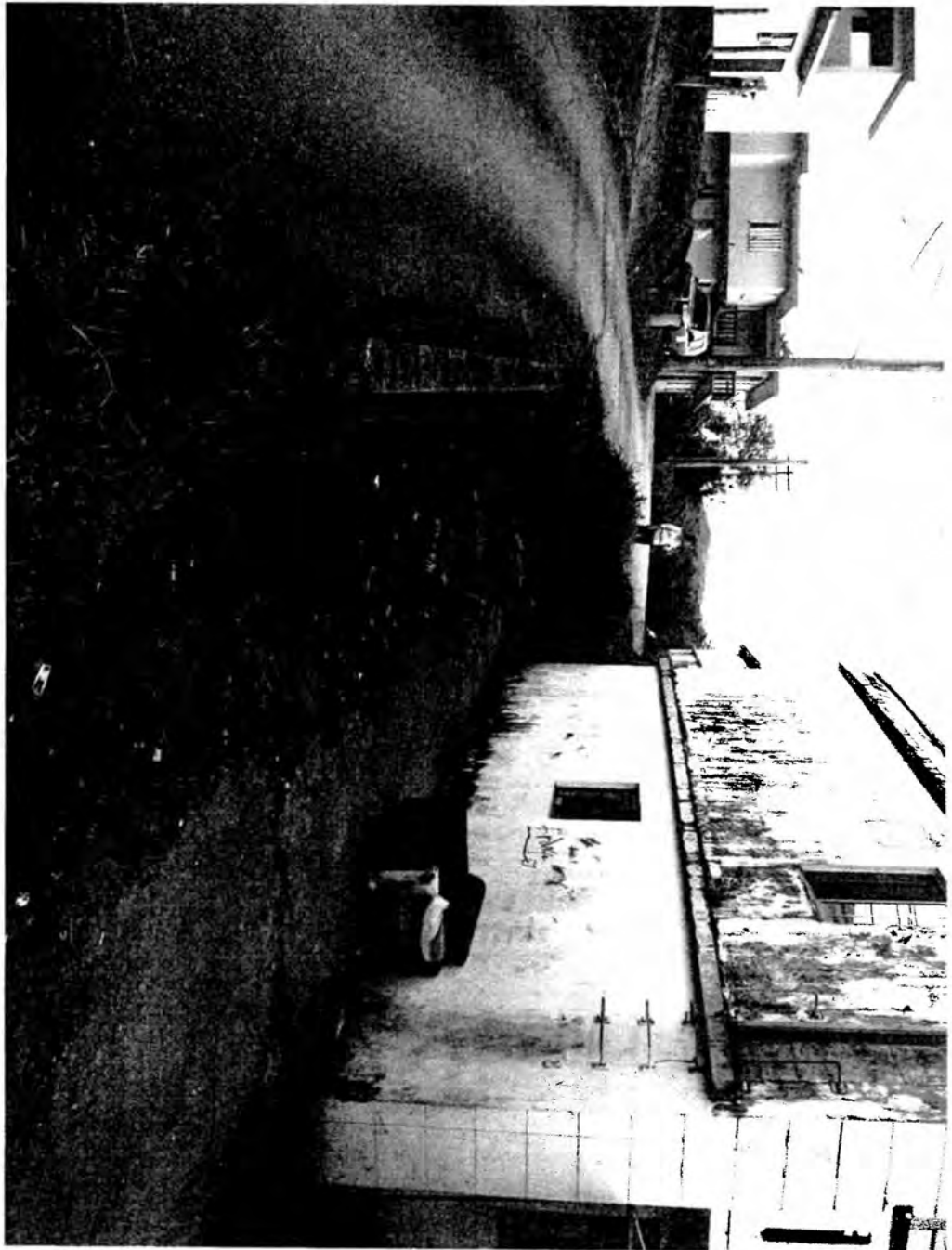
Senator, by you introducing a bill, accepting the easement and granting the Variance, this will solve a 55 year problem and making the easement safe for two vehicles to pass safely.

Yours truly,


HARRY GUTIERREZ

Legislative Intent. Jenna I. Hemlani, owner of that parcel legally described as Portion Lot 54-2 Rem has been subjected to several undue hardship, practical and legal injustice by the creation of a 20' wide easement as cited under Document Nos. 27264 and 225786. The first injustice occurred when the easement was originally created that bisected his lot from the southwest corner and continuing to approximately midway to the northeast lot line and remained in this position for many years. In (insert the year), the Government of Guam realized that the location of this easement through private property was not in the best interest of the Government or Mr. Vicente Manglona (owner of subject lot in 50's and 60's) therefore, in coordination with Mr. Manglona, mutually agreed to relocate the easement and locate it along the southern boundary of Mr. Manglona lot. In addition, the Government of Guam further needed to align the width of the road now known as Federico Drive abutting Mr. Manglona's lot. Again, Mr. Manglona agreed and subsequently Federico Drive was widen and has served and continues to serve the residents in the immediate area as well as the general public. This was the second injustice in that with the widening of Federico Drive and the relocation of the 20' wide easement on the southern boundary, Mr. Manglona, was never compensated. In addition, the widening of Federico Drive rendered one of the structure's setbacks as non conforming. It also placed a new burden in that it added a new frontage to the lot. The lot previously had only two fronts namely Route 6 and Federico Drive and with the relocation of the 20' wide easement on the southern boundary, now created a third front yard.

Legislative Action: The legislature finds that the injustice imposed on **Jeena I Hemlani**, new owner, of subject lot warrants the Government of Guam to correct this injustice and allow a grant of variance on the lot. Therefore, a setback variance is granted on the front yard setback fronting Apugan Drive to allow the setback of 1.735 m and 1.164 m; and the front setback at 1.132 m and 1.135 m fronting Federico Drive to exist. In addition, because of the taking of additional acreage of a Portion of Lot 54-2 REM along Federico Drive, by default reduced the acreage of the lot. Therefore, a density variance is also granted to allow for the 16-density apartment units to exist.











EDDIE BAZA, CALVO
Governor

RAY TENORIO
Lieutenant Governor

DIPATTAMENTON MINANEHAN TANO'
(Department of Land Management)
GUBETNAMENTON GUAHAN
(Government of Guam)



ANISIA B. TERLAJE
Acting Director



*on
Committee bill
file*

Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
<http://dlm.guam.gov>

E-mail Address:
dlmdir@dlm.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

February 8, 2011

MEMORANDUM

TO: Honorable Senator Ben Pangelinan
Chairman, Committee on Appropriations, Taxation, Public Debt,
Banking, Insurance, Retirement and Land

FROM: Guam Chief Planner

SUBJECT: Bill 68-31 (COR)

REFERENCE BILL 68-31 (COR)

Undoubtedly, any encumbrance on the property will have an effect as to its value and marketability including possible non-compliance to code. In this case, the property has several unique factors which are:

1. On its northern boundary, is Route 6.
2. On its eastern boundary is "Federico Street".
3. On its southern boundary is "Apugan Street".
4. Bisecting from a southwestern corner to a northeastern corner diagonal direction is a "dotted line" easement.

The existing conditions on the property is that a 16-unit apartment exists. While the use is a permitted use in the current "R-2" zone, the physical structure is noncomplying to the Yard and Area Table of the Zoning Law.

The unusual situation that created the noncomplying setback appears to be as a result of the creation of two easements and the widening of another by the Government of Guam. The placement of the "dotted line" easement which bisects the property in a diagonal direction should not have been made in this manner. Protocol location for easements are along property lines. The widening of Federico Street, while benefitting not only those who reside in the immediate area and the general public, did not consider its affect on the subject property.

Continuation Memorandum
RE; Comment on Bill No. 68-31 (COR)
February 8, 2011
Page 2 of 2

Third, the creation of Apugan Street also rendered the setback of the structure to be noncompliant. All of these factors placed a burden on the property by causing the property to have three-front yards (Route 6, Frederico Street and Apugan Street); and caused the noncompliance to the front setbacks from Frederico and Apugan Streets;

Further and as a result of the road widening, decreased the lot area size of the property. Prior to the road widening, the density calculations for the 16-density units was in compliance based on the lot area size at the time; and as can be realized, the road widening of Frederico Street which usurped additional acreage from the property, concurrently reduced the lot area size of the property.

With all these factors affecting the property then and continues to this day, its land value including improvements does not command a high appraisal assessment. The question is, who would want to buy a noncompliant structure including existing encumbrances; and what financial institution will be willing to take the risk to finance it?

In this particular case, the fact that two front setbacks are noncompliant to the Yard and Area Table of the Zoning Law by the widening of Frederico Street and the creation of Apugan Street; the reduction of the property's lot area size which automatically rendered the allowable density to be concurrently reduced and the placement of the "dotted line" easement in a diagonal direction within the property, synergistically placed a burden on the property through no fault of the owners then and now.

The current action to grant a setback and a density variance including the deletion of the "dotted line" easement will ensure compliancy via the passage of this Bill. Otherwise, if allowed to exist as it is, its marketability would be difficult if not impossible; and any non-compliances to the Zoning and or Subdivision Codes will continue to exist with major effects on potential loan financing or refinancing on the property or improvements.

Therefore, we have no objection to the Bill.

Senseramente,



Carlos R. Untalan
Guam Chief Planner

Concur: Anisia B. Terlaje 2/8/11
Anisia B. Terlaje Date
Acting Director, Land Management

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR**BENITA A. MANGLONA**
ACTING DIRECTOR**RAY TENORIO**
LIEUTENANT GOVERNOR**STEPHEN J. GUERRERO**
DEPUTY DIRECTOR**FEB 21 2011**

The Bureau requests that Bill No. 68-31 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The Bill provides for the Government of Guam's acceptance of a deeded 10 foot easement property amounting to a 30 foot total easement property, and a granting of a setback variance to resolve a fifty eight year dispute in the municipality of Agana Heights.

The passage of this bill would not have a financial impact on the Government of Guam.

Please take note that Bill No. 68-31 is identical to that of Bill No. 502-30 (COR) for which a waiver was also requested on December 28, 2010.

A handwritten signature in cursive script that reads "Benita Manglona".

BENITA A. MANGLONA
Acting Director



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

February 7, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill Nos. 67-31 (COR) through 69-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 67-31 (COR) through 69-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os ma'åse!

(3) Attachments

2011 FEB - 7 PM 3:16

epm

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

February 3, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
68-31 (COR)	T. R. Muña Barnes	AN ACT RELATIVE TO LOT # 54-2 REM, CONSISTING OF APPROXIMATELY 1,161 SQUARE METERS, LOCATED IN THE MUNICIPALITY OF AGANA HEIGHTS, WHICH WOULD ALLOW FOR THE GOVERNMENT OF GUAM'S ACCEPTANCE OF A DEEDED 10 FOOT EASEMENT PROPERTY AMOUNTING TO A 30 FOOT TOTAL EASEMENT PROPERTY, A GRANTING OF A SETBACK VARIANCE TO A TOTAL OF FOUR SIDES OF THE PROPERTY, AND THE DELETION OF THE DOTTED EASEMENT DOWN THE MIDDLE OF THE EXISTING LOT, RESULTING IN SOLVING A FIFTY EIGHT YEAR DISPUTE IN THE MUNICIPALITY OF AGANA HEIGHTS.	2/03/11 2:34 p.m.	2/7/11		Committee on Appropriation s, Taxation, Public Debt, Banking, Insurance, Retirement and Land.			



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

February 28, 2011

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice – FIRST NOTICE



Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am on Monday, March 7, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

Presentation by the Chamorro Land Trust Commission.

Confirmation Hearings for the following:

Mr. Michael J.G. Borja, Member, Chamorro Land Trust Commission

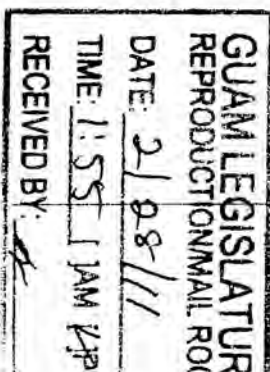
Ms. Rita T. Franquez, Member, Chamorro Land Trust Commission

Bill No. 45-31 (COR): An Act relative to Authorizing the Guam Police Department the continual operations of its Headquarters and Administrative Offices in Tiyan, until a permanent Headquarters and Administrative Office Facility is constructed or identified through amending a restrictive provision contained in Public Law 26-100.

Bill No. 56-31 (COR): An Act relative to policymakers participating in the government of Guam HealthCare Insurance Negotiating Team by amending §4302 (c) of Article 3, Chapter 4, Title 4, Guam Code Annotated.

Bill No. 59-31 (COR): An Act to amend Section 20 of Chapter XIII of Public Law 30-196 relative to requiring all government of Guam agencies to comply with the staffing pattern disclosure mandates inclusive of the fourth quarter of fiscal year 2010.

Bill No. 68-31 (COR): An Act relative to Lot #54-2 REM, consisting of approximately 1,161 square meters, located in the Municipality of Agaña Heights, which would allow for the government of Guam's acceptance of a deeded 10 foot easement property amounting to a 30 foot total easement property, a



324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net

Website: <http://senbenp.com>

Notice to Senators
February 28, 2011
Page 2

grating of a setback variance to a total of four sides of the property and the deletion of the dotted easement down the middle of the existing lot, resulting in solving a fifty eight year dispute in the Municipality of Agana Heights.

Bill No. 73-30 (COR): An Act to appropriate funds to the Guam Environmental Protection Agency (GEPA) for actions arising from the enforcement of 10 GCA Chapter 76.

cc: Tom Unsiong, Sergeant-at-Arms
Clerk's Office
MIS
Protocol



Scott Mendiola <smendiola@guamlegislature.org>

First Notice Public Hearing

2 messages

Scott Mendiola <smendiola@guamlegislature.org>

Mon, Feb 28, 2011 at 2:12 PM

To: speaker@judiwonpat.com, senadotbjcruz@gmail.com, tinamunabarnes@gmail.com, roryforguam@gmail.com, judiguthertz@pticom.com, office@senatorada.org, senabpalacios@gmail.com, senatordrodriguez@gmail.com, frank.blasjr@gmail.com, aline4families@teleguam.net, senatortonyada@guamlegislature.org, duenasenator@gmail.com, info@senatormabini.com, senatormana@gmail.com
Bcc: Napu Castro <tcastro@guam.net>

I Mina'Trentai Unu Na

Lihselaturan Guahan

THIRTY-FIRST GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan Office of the People

INEKUNGOK PUPBLEKO

(PUBLIC HEARING)

gi Lunes, gi diha 7 gi Mátso na mes, 2011

(Monday, March 7, 2011)

Kuátton Inekungok Pupbleko gi I Lihselaturan Guáhan

(Guam Legislature Public Hearing Room)

Alas 9 gi ega'an

(9:00 AM)

TAREHA

(AGENDA)

Huntan Inanokdha'

Report from the Chamorro Land Trust Commission

Komfitmasion Siha:

(Confirmation hearings)

Mr. Michael J.G. Borja, Member, Chamorro Land Trust Commission

Ms. Rita T. Franquez, Member, Chamorro Land Trust Commission

Priniponi Siha

(Bills)

Bill No. 45-31 (COR): An Act relative to Authorizing the Guam Police Department the continual operations of its Headquarters and Administrative Offices in Tiyan, until a permanent Headquarters and Administrative Office Facility is constructed or identified through amending a restrictive provision contained in Public Law 26-100.

Bill No. 56-31 (COR): An Act relative to policymakers participating in the government of Guam HealthCare Insurance Negotiating Team by amending §4302 (c) of Article 3, Chapter 4, Title 4, Guam Code Annotated.

Bill No. 59-31 (COR): An Act to amend Section 20 of Chapter XIII of Public Law 30-196 relative to requiring all government of Guam agencies to comply with the staffing pattern disclosure mandates inclusive of the fourth quarter of fiscal year 2010.

Bill No. 68-31 (COR): An Act relative to Lot #54-2 REM, consisting of approximately 1,161 square meters, located in the Municipality of Agana Heights, which would allow for the government of Guam's acceptance of a deeded 10 foot easement property amounting to a 30 foot total easement property, a grating of a setback variance to a total of four sides of the property and the deletion of the dotted easement down the middle of the existing lot, resulting in solving a fifty eight year dispute in the Municipality of Agana Heights.

Bill No. 73-30 (COR): An Act to appropriate funds to the Guam Environmental Protection Agency (GEPA) for actions arising from the enforcement of 10 GCA Chapter 76.

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Policy Research Analyst
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Committee on Appropriations, Taxation, Public Debt,
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Scott Mendiola <smendiola@guamlegislature.org>

Mon, Feb 28, 2011 at 2:21 PM

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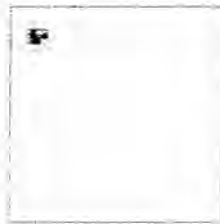
First Notice Public Hearing

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Lihselaturan Guahan

THIRTY-FIRST GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan Office of the People

INEKUNGOK PUPBLEKO

(PUBLIC HEARING)

gi Lunes, gi diha 7 gi Mátso na mes, 2011

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31st Guam Legislature
THIRTY-FIRST GUAM LEGISLATURE
 Senator Vicente "Ben" Cabanra Pangilinan
 Office of the People

INEKUNGOK PUBLIKO (PUBLIC HEARING)

gi Lunes, gi ñña 7 gi Matsa na mes, 2011 (Thursday, January 27, 2011)

Kuñion Inekungok Publiko gi / Liheslaturan Guahan
 (Guam Legislature Public Hearing Room)

Alasá gi oga'an (9:00 AM)

TAREHA (AGENDA)

Huntan kanokñhe'
 Report from the Chamorro Land Trust Commission
 Konfirmasion Sise: (Confirmation hearings)

Mr. Michael J.G. Borja, Member, Chamorro Land Trust Commission
 Ms. Rita T. Frimques, Member Chamorro Land Trust Commission
 Principari Sise (BBS)

Bill No. 45-31 (COR): An Act relative to Authorizing the Guam Police Department the continual operations of its Headquarters and Administrative Offices in Tiyen, until a permanent Headquarters and Administrative Office Facility is constructed or identified through amending a restrictive provision contained in Public Law 26-100.

Bill No. 55-31 (COR): An Act relative to policymakers participating in the government of Guam HealthCare Insurance Negotiating Team by amending §4302 (c) of Article 3, Chapter 4, Title 4, Guam Code Annotated.

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Bill No. 75-30 (COR): An Act to appropriate funds to the Guam Environmental Protection Agency (SEPA) for actions arising from the enforcement of 10 GCA Chapter 76.

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SPORTS

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Pacific Daily News, Monday, February 28, 2011 guampdn.com

MMA

Penn, Fitch draw at UFC 127

SYDNEY — B.J. Penn and Jon Fitch fought to a majority draw Sunday at UFC 127, the UFC's second major show in Australia. English middleweight Michael Bisping stopped Jorge Rivera early in the second round of the co-main event with a brutal flurry of punches, later taunting his fallen opponent at Acer Arena. Former two-division champion Penn (16-7-2) spent most of the fight wrestling near the cage with Fitch, who has lost just once in the past seven years. Fitch (26-3-1) specializes in grinding victories, and he posted a dominant third round after Penn badly injured Fitch's nose in the second round. Two judges scored the bout as a draw, while a third favored Fitch 29-28. Both fighters say they're open to a rematch.

Baseball

Torre hired as VP of operations

SCOTTSDALE, Ariz. — Joe Torre has been hired as Major League Baseball's executive vice president of baseball operations. He confirmed the appointment to The Associated Press on Saturday before Commissioner Bud Selig was to make the announcement at the spring facility for the Arizona Diamondbacks and Colorado Rockies. The 70-year-old Torre likely will help Selig in a variety of roles. MLB lost chief operating of-

ficer Bob DuPuy last fall after he spent more than eight years as the commissioner's top aide. Torre won four World Series titles for the New York Yankees during a 29-year career as a manager. He retired after last season following three years with the Los Angeles Dodgers. He played parts of 18 seasons in the majors.

Football

Goodell updates NFL owners

INDIANAPOLIS — NFL Commissioner Roger Goodell and the league's top labor negotiator used this week's annual scouting combine to update owners on the collective bargaining negotiations. In an e-mail to The Associated Press, league spokesman Greg Aiello confirmed Saturday that Goodell and Jeff Pash met Friday with the owner's labor committee at the Colts' team complex. Colts owner Jim Irsay, Aiello said, did not participate because he was out of town. "There was a meeting yesterday at the Colts' offices of the ownership's labor committee for another update from the negotiating team," Aiello wrote. The NFL Players Association and league owners are trying to work out a new collective bargaining agreement before the old expires at the end of Thursday. The two sides spent seven straight days negotiating in front of federal mediator George Cohen in Washington before talks ended Thursday. They are scheduled to resume Tuesday.

The Associated Press

Cycling: Saipan's Carey leads women

▲ Continued from Page 32

The views were gorgeous and I would most definitely come back to Guam again," said Peariso.

Rounding out the top five in the men's division were riders from Japan — Hamada Shimpei and Kenji Hashimoto. The two finished with times of 3:12:55 and 3:16:20, respectively. The first local male rider to finish the race was Peter Lombard who finished in sixth place with a 3:17:20 time.

Women's race

In the women's division, Saipan's Miko Carey cruised through the course and beat out her nearest opponent by a little more than 10 minutes. Carey's time of 3:30:27 bettered second-place finisher Ji Hyun Lee's time of 3:40:47. Finishing in third for the ladies was Michelle Peariso, who had an official time of 4:02:01. Rounding out the top

five for the women was Guam's Mylene Garcia (4:31:45) and Japan's Fumiko Yamaguchi (4:55:36).

Team races

The event also had a team division that was divided into several categories including: two-man male, two-man female, two-man coed, and a four-man.

The two-man male division was captured by Saipan's team Kinoath (Kieran Daly and Matt Macau) who finished with a time of 3:51:07. The female top duo was team Hormagesty (Julie Mages, Monessa Horton) of Guam. Capturing the coed title was Guam's Joe Dela Cruz and Karly O'Neal (4:09:04).

Four-man team honors went to another Guam group — Aki Ito, Yoshio Ito, Mikiya Fukimoto and Isa Kawasaki. Kawasaki finished the team's final leg with an official race time of 4:28:53.

Rainbows for All Children Guam

23rd Annual 3.5 Mi. Run Walk for Youth 2011

Saturday, March 5, 2011 • Micronesia Mall

Showtime:
 Registration on Race Day: 5:30-8:45am • Fee: \$15
 Go Time: 9am • End Time: 9am

Official Timers: Father Duenas Memorial School • Water stops along the course
 Pre-registration: MARKS SPORTING GOODS • Fee: \$10 • Deadline: Friday March 4, 2011, 5pm

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YOU HAVE TO BE PRESENT TO WIN!

Company Sponsored Team Categories:
 BRONZE: \$500 up to 15 participants
 SILVER: \$1,000 up to 30 participants
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 Delta Air Lines roundtrip to the US Mainland
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 Maria Yonata 445-9645 • Sara Tellez 472-4907 482-7243 • Francis Yonata 445-8620

Philippines marks 25 years since 'People Power'



MANILA (AP) — Philippine President Benigno Aquino III said Friday that the struggle for good governance and the fight against the corruption that characterized the brutal regime of Ferdinand Marcos continues 25 years after the late dictator's ouster in the "People Power" revolution. In a speech to mark the four-day revolt in 1986 that restored democracy and ended Marcos' 20-year regime, Aquino recalled that Marcos ruled with an iron fist as he enriched his family and associates amid the nation's poverty.

Marcos died in exile in Hawaii three years after his ouster. Poverty, corruption and insurgency are still major problems in the Philippines.

Aquino said the revolt raised hopes that democracy would also bring prosperity and a government that would safeguard the people's money, but said that did not happen in the decade under his predecessor, Gloria Macapagal Arroyo.

"There were some who betrayed the public trust and

raided government coffers," he said. "With good governance to fight corruption, we can free our people from poverty."

Arroyo held power for nine years, surviving several coup attempts by disgruntled military officers and impeachment bids by the opposition, who accused her of corruption, election fraud and human rights abuses. She has denied the charges.

Aquino is the son of the country's two democracy icons. His mother, Corazon Aquino, claimed victory against Marcos in the fraud-marred elections two weeks before the revolt, and was installed as his successor. His father and Marcos' archrival, former Senator Benigno "Ninoy" Aquino, was assassinated by soldiers in 1983.

Aquino has resumed peace talks with communist insurgents and Muslim separatist rebels to end more than four decades of armed conflict that has also stunted the country's economic growth.

▲ Philippine President Benigno Aquino III, center, Vice President Jejomar Binay, left, and former President Fidel Ramos, right, link arms as they sing a patriotic song to celebrate the 25th People Power Anniversary Friday Feb. 25 at the People Power Monument along EDSA highway at suburban Quezon city, northeast of Manila, Philippines. Ramos was one of the leaders of the near bloodless four-day people power revolution 25 years ago that ousted the late strongman Ferdinand Marcos from 20-year rule and helped install Aquino's mother Corazon "Cory" Aquino to the presidency.

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DEPARTMENT OF ADMINISTRATION
(DIPATTAMEN TO ATMENESTRASION)
DIRECTOR'S OFFICE
(Ugharan Direktor)
Post Office Box 9884 • Hagatña, Guam 96932
TEL: (671) 475-1161/1250 • FAX: (671) 477-6788

2011 GROUP LIFE INSURANCE PROGRAM REQUEST FOR PROPOSAL (RFP) Procurement No: RFP/DOA/HR-010-11

The Department of Administration is accepting proposals from interested life insurance companies, agents or brokers of life insurance companies licensed to do business of Guam under the laws of Guam to provide Life Insurance coverage to eligible government of Guam active employees, retired employees, survivors of retired employees and covered dependents, thereof.

A copy of the Request For Proposal (RFP) may be obtained at the Department of Administration, Human Resources Division, Employee Benefits Branch. A non-refundable fee of \$ 25.00 per RFP package will be charged at the time an RFP package is picked up. A certified check or cashier's check will be accepted and must be made payable to the Treasurer of Guam. The RFP is also available on the Department of Administration, Human Resources Division's website at www.hr.doa.guam.gov at no charge.

All written inquiries regarding the RFP should be submitted to the Director of the Department of Administration, as identified in the RFP no later than 2:00 p.m., February 25, 2011, Guam Time.

All proposals, proposal modifications, or late withdrawals must be received no later than 4:00 p.m., March 14, 2011, Guam time.

Should you have any questions regarding this RFP, please call the Human Resources Division, Department of Administration at (671) 475-1179/1296

/s/ by: Benita A. Mangiona
Acting Director, Department of Administration

1^{ma} Trentai Unu Na Lihelaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE
Senator Vicente "ben" Cabrera Pangelinan
Office of the People

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(Guam Legislature Public Hearing Room)
Alas 9 gi egiaton
(9:00 AM)
TARENA
(AGENCIA)

Report from the Chamorro Land Trust Commission

Confirmation Site:
(Confirmation Hearing)
Mr. Michael J.G. Berja, Member, Chamorro Land Trust Commission
Ms. Rita T. Francisco, Member, Chamorro Land Trust Commission
Principal Site:
(BIRs)

Bill No. 45-31 (COR): An Act relative to Authorizing the Guam Police Department the continual operation of its Headquarters and Administrative Offices in Tiyan, until a permanent Headquarters and Administrative Office Facility is constructed or identified through awarding a restrictive provision contained in Public Law 26-100.

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I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

March 3, 2011

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice – SECOND NOTICE

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

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Committee on Education

Member
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Micronesian Affairs and
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Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am on Monday, March 7, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

Presentation by the Chamorro Land Trust Commission.

Confirmation Hearings for the following:

Mr. Michael J.G. Borja, Member, Chamorro Land Trust Commission

Ms. Rita T. Franquez, Member, Chamorro Land Trust Commission

Bill No. 45-31 (COR): An Act relative to Authorizing the Guam Police Department the continual operations of its Headquarters and Administrative Offices in Tiyan, until a permanent Headquarters and Administrative Office Facility is constructed or identified through amending a restrictive provision contained in Public Law 26-100.

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Notice to Senators
February 28, 2011
Page 2

grating of a setback variance to a total of four sides of the property and the deletion of the dotted easement down the middle of the existing lot, resulting in solving a fifty eight year dispute in the Municipality of Agana Heights.

Bill No. 73-30 (COR): An Act to appropriate funds to the Guam Environmental Protection Agency (GEPA) for actions arising from the enforcement of 10 GCA Chapter 76.

cc: Tom Unsiong, Sergeant-at-Arms
Clerk's Office
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Hafa Adai,

The Office of Appropriations, Taxation, Public Debt, Banking, Insurance Retirement and Land will have a public hearing on Monday, March 7, 2011 beginning at 9:00am. Please see attached agenda.

Lisa Cipollone
Chief of Staff
Office of Senator ben c. panigueran
(671) 473-4236
cipo@guamlegislature.org

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From the Office of Senator Vicente (ben) Cabrera Pangelinan.

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

gi Lunes, gi diha 7 gi Måtso na mes, 2011
 (Monday, March 7, 2011)

Kuåtton Inekungok Pupbleko gi Lihaslaturan Guåhan
 (Guam Legislature Public Hearing Room)

Alas 9 gi ega'an
 (9:00 AM)

**TAREHA
(AGENDA)**

Huntan Inanokdha'
 Report from the Chamorro Land Trust Commission

Komfitmasion Siha:
 (Confirmation hearings)

Mr. Michael J.G. Borja, Member, Chamorro Land Trust Commission
 Ms. Rita T. Franquez, Member, Chamorro Land Trust Commission

Priniponi Siha
 (Bills)

Bill No. 45-31 (COR): An Act relative to Authorizing the Guam Police Department the continual operations of its Headquarters and Administrative Offices in Tiyan, until a permanent Headquarters and Administrative Office Facility is constructed or identified through amending a restrictive provision contained in Public Law 26-100.

Bill No. 56-31 (COR): An Act relative to policymakers participating in the government of Guam HealthCare Insurance Negotiating Team by amending §4302 (c) of Article 3, Chapter 4, Title 4, Guam Code Annotated.

Bill No. 69-31 (COR): An Act to amend Section 20 of Chapter XIII of Public Law 30-196 relative to requiring all government of Guam agencies to comply with the staffing pattern disclosure mandates inclusive of the fourth quarter of fiscal year 2010.

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THIRTY-FIRST GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan Office of the People

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

***gi Lunes, gi diha 7 gi Mátso na mes, 2011
(Monday, March 7, 2011)***

***Kuátton Inekungok Pupbleko gi I Liheslaturan Guáhan
(Guam Legislature Public Hearing Room)***

***Alas 9 gi ega'an
(9:00 AM)***

***TAREHA
(AGENDA)***

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Bill No. 59-31 (COR): An Act to amend Section 20 of Chapter XIII of Public Law 30-196 relative to requiring all government of Guam agencies to comply with the staffing pattern disclosure mandates inclusive of the fourth quarter of fiscal year 2010.

Bill No. 68-31 (COR): An Act relative to Lot #54-2 REM, consisting of approximately 1,161 square meters, located in the Municipality of Agana Heights, which would allow for the government of Guam's acceptance of a deeded 10 foot easement property amounting to a 30 foot total easement property, a grating of a setback variance to a total of four sides of the property and the deletion of the dotted easement down the middle of the existing lot, resulting in solving a fifty eight year dispute in the Municipality of Agana Heights.

Bill No. 73-31 (COR): An Act to appropriate funds to the Guam Environmental Protection Agency (GEPA) for actions arising from the enforcement of 10 GCA Chapter 76.


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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 68-31 (cop)

Introduced By:

T.R. Muña Barnes 

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

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

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

3 *I Liheslaturan Guåhan* finds that the property, Lot # 54-2 REM, consisting
4 of approximately 1,161 square meters, located in the municipality of Agana
5 Heights, and owned by Ms. Jeena I. Hemlani, has inadvertently subjected the own-
6 er to undue hardship, practical, and legal injustice by the creation of a 20' wide
7 easement that was put in place with the installation of a sewer line by the Govern-
8 ment of Guam in 1962. At this time, the Government failed to delete the existing

1 easement, thereby cutting the subject lot in half. This easement bisected the lot
2 from the southwest corner and continued to approximately midway to the northeast
3 lot line and remained in this position for many years thereafter, when it was later
4 determined by both the Government of Guam and Mr. Vicente Manglona, the orig-
5 inal landowner, that the location of this easement through private property was not
6 in the best interest of the Government or Mr. Manglona. Therefore, the Govern-
7 ment of Guam and Mr. Manglona mutually agreed to relocate the easement and lo-
8 cate it along the southern boundary of Mr. Manglona's lot, resulting in aligning the
9 width of the road now known as Frederico Drive, thereby abutting Mr. Manglona's
10 lot. With the widening of Frederico Drive and the relocation of the 20' wide
11 easement on the southern boundary, Mr. Manglona was never compensated. Addi-
12 tionally, the widening of Frederico Drive rendered the structure's setbacks, which
13 includes a 16-density apartment unit, as non-conforming, therefore placing a new
14 burden to the landowner in that it added a new frontage to the lot. The lot pre-
15 viously had only two fronts, namely Route 7 and Frederico Drive and with the re-
16 location of the 20' wide easement on the southern boundary, now created a third
17 front yard.

18 Frederico Drive has served and continues to serve the residents in the imme-
19 diate area as well as the general public. In its current state, Frederico Drive can
20 only be used by a single car and in an emergency, this could be dangerous for the

1 emergency vehicles. By accepting the deeded easement property, it will benefit
2 over thirty (30) homes, making their access to their respective homes safer and will
3 further beautify this section of the village of Agana Heights.

4 **Section 2. Legislative Action.** *I Liheslaturan Guåhan* finds that the injus-
5 tice imposed on Jeena I. Hemlani , new owner, of subject lot warrants the Govern-
6 ment of Guam to correct this injustice and allow a grant variance on the lot. There-
7 fore, a setback variance is granted on the front yard setback fronting Apugan Drive
8 to allow the setback of 1.735 m and 1.164 m; and the front setback at 1.132 m and
9 1.135 m fronting Frederico Drive to exist. As a condition of this agreement, the
10 owner Ms. Jeena Hemlani, will install a retaining wall between the road and the
11 building at her expense, as well as construct a four foot wall above the retaining
12 wall to serve as a sound barrier and protection for the tenants of the owner, and
13 their respective vehicles. In addition, because of the taking of additional acreage
14 of a Portion of Lot 54-2 REM along Frederico Drive, the acreage of the lot will be
15 reduced. Therefore, a density variance is also granted to allow for the 16-density
16 apartment units to exist.

17 Ten feet of the easement property identified as LOT # 54-2 REM, located in
18 the municipality of Agana Heights, owned by Ms. Jeena Hemlani, is hereby deeded
19 to the Government of Guam. Lot # 54-2 REM shall be granted a setback variance

1 to a total of four sides of the property and granted a deletion of the dotted easement
2 down the middle of the existing lot, resulting in solving a fifty eight year dispute in
3 the village of Agana Heights.