I Mina'Trentai Dos Na Liheslaturan Guahan

Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
169-32 (LS) P.L. 32-112	T.R. MUÑA Barnes	AN ACT TO REZONE LOT NO. 5168-4, LOCATED IN THE MUNICIPALITY OF TAMUNING, FROM SINGLE-FAMILY DWELLING ZONE (R1) TO LIGHT INDUSTRIAL ZONE (M1).	8/16/13 1:34 p.m.	08/16/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land	11/22/13 2 p.m.	Committee Report Received 01/09/14	**Fiscal Note Request Received 08/21/13 Fiscal Note Received 9/25/13**
	DATE PASSED	**TITLE**	**TRANSMITTED**		**DUE DATE**	**DATE SIGNED BY I MAGA'LAHEN GUAHAN**	**PUBLIC LAW NO.**	**NOTES**
	2/1/2014	AN ACT TO REZONE LOT NO. 5168-4, LOCATED IN THE MUNICIPALITY OF TAMUNING, FROM ONE-FAMILY DWELLING ZONE (R1) TO LIGHT INDUSTRIAL ZONE (M1).	2/1/14	10:50 p.m.	2/13/2014	2/10/2014	32-112	

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

32-14-1293

Office of the Speaker
Judith T. Won Pat, Ed.D.
Date 2/14/14
Time 2:54 pm
Received by

FEB 1 3 2014

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

2014 FEB 14 PM 4:48

Dear Madame Speaker:

Transmitted herewith is Bill No. 169-32 (LS) **"AN ACT TO REZONE LOT NO. 5168-4, LOCATED IN THE MUNICIPALITY OF *TAMUNING* FROM ONE-FAMILY DWELLING ZONE (R1) TO LIGHT INDUSTRIAL ZONE (M1)"** which I signed into law on February 10, 2014 as **Public Law 32-112.**

Senseramente,

EDDIE BAZA CALVO

1293

Ricardo J. Bordallo Governor's Complex • Adelup, Guam 96910
Tel: (671) 472-8931 • Fax: (671) 477-4826 • governor.guam.gov • calendar.guam.gov
Eddie Baza Calvo @eddiebazacalvo @governorcalvo governorofguam

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

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

This is to certify that **Bill No. 169-32 (LS), "AN ACT TO REZONE LOT NO. 5168-4, LOCATED IN THE MUNICIPALITY OF *TAMUNING*, FROM ONE-FAMILY DWELLING ZONE (R1) TO LIGHT INDUSTRIAL ZONE (M1),"** was on the 1st day of February, 2014, 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 1ST day of FEB, 2014, at 10:50 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: FEB 10 2014

Public Law No. 32-112

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 169-32 (LS)

Introduced by:

T. R. Muña Barnes
T. C. Ada
V. Anthony Ada
Frank B. Aguon, Jr.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO REZONE LOT NO. 5168-4, LOCATED IN THE MUNICIPALITY OF *TAMUNING*, FROM ONE-FAMILY DWELLING ZONE (R1) TO LIGHT INDUSTRIAL ZONE (M1).

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that it is the desire of the owners of Lot No. 5168-4 to maximize the use of their property, located in the municipality of *Tamuning*, to its highest potential. *I Liheslaturan Guåhan* further finds that in order to achieve the maximum and best use of their property, the owners have requested the assistance of *I Liheslaturan*

Guåhan to rezone Lot No. 5168-4 from its current One-Family Dwelling Zone (R1) to Light Industrial Zone (M1).

I Liheslaturan Guåhan further finds that the owners of Lot No. 5168-4 acquired this property through a land exchange with the government of Guam authorized by Public Law 31-253. After months of waiting for the completion of the implementation of Public Law 31-253, the approval process for the Deed of Exchange was completed and the owners received their copy of the official Deed of Exchange *(See document attached as Exhibit "A")*. Furthermore, the owners conducted research on the zoning status of the property and their findings determined that the property had a zoning designation of R1 *(See document attached as Exhibit "B")*.

I Liheslaturan Guåhan further finds that based on the findings of the R1 designation, the property owners not only want to achieve the maximum and best use of their property, but want the zoning of their property to be consistent with the surrounding properties that are either zoned Light Industrial or Commercial *(See reduced Zoning Map attached as Exhibit "C")*.

It is therefore the intent of *I Liheslaturan Guåhan* to authorize the rezoning of the lot described herein for the purposes of assisting the owners in maximizing the highest and best use of their property, as well as rezoning the property to maintain consistency with the surrounding properties.

Section 2. Lot Rezoning. Notwithstanding any other provision of law, Lot No. 5168-4, containing an area of 3,976+/- square meters and located in the municipality of *Tamuning*, is hereby rezoned from One-Family Dwelling Zone (R1) to Light Industrial Zone (Ml). The real property rezoned herein is officially described as:

Lot No. 5168-4, Parceling Survey Map of Lot 5168, municipality of *Tamuning*, containing an area of 3,976+/- square meters as shown on

map prepared by Government of Guam, Department of Land Management, L.M. Check No. 201FY89, Land Management I4-89T330, recorded under Document No. 417648, Certificate of Title GC#3114. Water and Power (electricity) and Sewer are available or within a distance of 100 feet from the property (*Parceling Survey Map of Lot 5168 attached as Exhibit "D"*).

Section 3. Effective Date. This provisions contained herein *shall* take effect upon enactment of this Act.

EXHIBIT "A"

Island of Guam, Government of Guam
Department of Land Management Officer of the Recorder

File for Record is Instrument No. 853894

On the Year 2013 Month 07 Day 11 Time 11:16

Recording Fee 25 Receipt No. 38195

Deputy Recorder

(Space above this line for recorder's use only)

13-0336R

DEED OF EXCHANGE

This DEED, made and entered into this 10th day of July, 2013, by and between the **DEPARTMENT OF LAND MANAGEMENT, GOVERNMENT OF GUAM,** whose address is P.O. Box 2950, Hagatna, Guam 96932, herein called the *PARTY OF THE FIRST PART*, and **JUDY R. UNTALAN, PATRICIA T. ROSARIO, DOLORES R. BOARDMAN and LORENZO C. ROSARIO, JR.,** all of legal age U.S citizens, hereinafter referred to as *PARTIES OF THE SECOND PART*, who shall share and share alike in accordance with the Final Distribution entered on September 11, 2009 in the *Estate of Lorenzo Camacho Rosario, Deceased*, Superior Court of Guam, Probate Case No. PR0054-97 and which is recorded in the Office of the Recorder, Department of Land Management as Instrument Number 796626 on September 29, 2009, do declare that they did, and do by these present make an exchange of Real Property as authorized by Public Law 31-253.

WHEREAS, the *PARTY OF THE FIRST PART* is the owner of certain real property in Tamuning described as follows:

BRYANT F.

Lot No. 5168-4, Parceling Survey Map of Lot 5168, Municipality of Tamuning, containing an area of 3,976± square meters as shown as shown on map prepared by Government of Guam, Department of Land Management, L.M. Check No. 201FY89, Land Management I4-89T330, recorded under Document No. 417648, Certificate of Title GC#3114. Water and Power (electricity) and Sewer are available or within a distance of 100 feet from the property.

WHEREAS, the *PARTIES OF THE SECOND PART* are the owners of certain real property described as follows:

Lot No. 5024-1-R1NEW-2, Re-Subdivision Survey Map of Lot 5024-1-R1NEW, Municipality of Tamuning, containing an area of 1,545± square meters as shown on map prepared by Duenas & Swavely, Incorporated, L.M. Check No. 015FY2011, recorded under Document No. 825429. Water and power (electricity) and sewer are available or within a distance of 100 feet from the property.

WHEREAS, both parties agree to exchange their respective properties which are the subject of this Deed of Exchange based on the Final Judgment entered on June 2, 2010 in *Judy R. Untalan, et al. vs. Government of Guam*, Superior Court of Guam Civil Case No. CV1894-93, and in accordance with Public Law 31-253.

NOW, THEREFORE, in consideration of the foregoing premises:

KNOW ALL MEN BY THESE PRESENTS:

THAT, *PARTY OF THE FIRST PART*, for and in consideration of the conveyance of property below listed, does hereby grant, transfer, convey, exchange, set over and deliver unto *PARTIES OF THE SECOND PART*, the following described parcel:

Lot No. 5168-4, Parcelling Survey Map of Lot 5168, Municipality of Tamuning, containing an area of 3,976± square meters as shown as shown on map prepared by Government of Guam, Department of Land Management, L.M. Check No. 201FY89, Land Management I4-89T330, recorded under Document No. 417648, Certificate of Title GC#3114. Water and Power (electricity) and Sewer are available or within a distance of 100 feet from the property.

THAT, *PARTIES OF THE SECOND PART*, for and in consideration of the conveyance of property below listed, does hereby grant, transfer, convey, exchange, set over and deliver unto the *PARTY OF THE FIRST PART*, the following described parcel:

Lot No. 5024-1-R1NEW-2, Re-Subdivision Survey Map of Lot 5024-1-R1NEW, Municipality of Tamuning, containing an area of 1,545± square meters as shown on map prepared by Duenas & Swavely, Incorporated, L.M. Check No. 015FY2011, recorded under Document No. 825429. Water and power (electricity) and sewer are available or within a distance of 100 feet from the property.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remained or remainders, rents, issues and profits thereof, and also all the right, estate title and interest, possession, claim and demand whatsoever, both at law and equity of the Government of Guam, in and into the above granted premises, and every part and parcel thereof with appurtenances thereto.

To have and to hold the said properties, the one to the other, their heirs, and assigns forever, free from any liens, mortgages, or encumbrances.

PARTY OF THE FIRST PART
GOVERNMENT OF GUAM:

MONTE MAFNAS, Director
Department of Land Management

Date: 6-26-13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 26th day of JUNE, 2013, before me, the undersigned notary, personally appeared Monte Mafnas, Director, Department of Land Management, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

THERESE A. YBARRA
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires December 02, 2016
ITC Bldg. Suite 806
800 South Marine Corps Dr.
Tamuning, Gu 96913

PARTIES OF THE SECOND PART:

ATTORNEY IN FACT,

JUDY R. UNTALAN

JUDY R. UNTALAN
LORENZO C. ROSARIO, JR.
Attorney-In-Fact - Document No. 822140

Date: 6/18/13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.,** known to me to be the person whose name is subscribed to the within instrument as the Attorney-In-Fact for **JUDY R. UNTALAN,** and acknowledged to me the he subscribed the name of **JUDY R. UNTALAN,** thereto as principal, and his own name as Attorney-In-Fact, for its stated purpose on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond S.N. Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **Mar. 07, 2015**
P.O. Box 1972 Hagatna, Guam 96932

PARTIES OF THE SECOND PART:

PATRICIA T. ROSARIO

Date: 6/18/13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me, the undersigned notary, personally appeared **PATRICIA T. ROSARIO**, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that she signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond SN Sayas

Raymond SN Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **Mar. 07, 2015**
P.O. Box 1972 Hagatna, Guam 96932

PARTIES OF THE SECOND PART:
ATTORNEY IN FACT.

DOLORES R. BOARDMAN

DOLORES ROSARIO BOARDMAN
LORENZO C. ROSARIO, JR.
Attorney-In-Fact - Document No. 822139

Date: 6/18/13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.,** known to me to be the person whose name is subscribed to the within instrument as the Attorney-In-Fact for **DOLORES ROSARIO BOARDMAN,** and acknowledged to me the he subscribed the name of **DOLORES ROSARIO BOARDMAN,** thereto as principal, and his own name as Attorney-In-Fact, for its stated purpose on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond S. N. Sayas

Raymond S. N. Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **Mar. 07, 2015**
P.O. Box 1972 Hagatna, Guam 96932

PARTIES OF THE SECOND PART:

LORENZO C. ROSARIO, JR.

Date: 6/18/13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me, the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.**, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond SN Sayas

Raymond SN Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Mar. 07, 2015
P.O. Box 1972 Hagatna, Guam 96932

APPROVED AS TO LEGALITY
AND FORM:

LEONARDO M. RAPADAS
Attorney General of Guam

Date: 7/5/13

CDM 13-0336

GOVERNMENT OF GUAM

EDWARD J.B. CALVO
Governor of Guam

Date: JUL 10 2013

EXHIBIT "B"

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guåhan)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MONTE MAFNAS
Director

DAVID V. CAMACHO
Deputy Director

Street Address:
130 S. Marine Corps Drive
ITC Building,
Tamuning, GU 96913

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

Website:
http://dlm.guam.gov

E-mail Address:
dlm@mail.gov.gu

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

Date: July 15, 2013

7-16-13
RECEIVED

To: Chief Planner, Land Planning Division

From: Franklin Jimenez, Associeat Broker, Titan Realty
Mailing Address: 121 Takano Lane, Suite 205
Tamuning, Guam 96913

Re: **Request for DLM Certification of Designated Zone**
(A recorded Survey Map should accompany this Request Form)

***Property Description:** Lot 5168-4, consisting of approx. 3,976.00±- square meters

Municipality of Dededo, Guam Project/Application Name: Franklin Jimenez

Franklin Jimenez
Requestor *(Print name)*

Contact Number(s):
Work: 479.4663 Beeper: _____
Cellular 727-2891 Home: _____

FOR OFFICIAL USE ONLY

Verification of Designated Zone

ZONING DISTRICT: [ ] A [✓] R-1 [ ] R-2 [ ] C [ ] M-1 [ ] M-2 [ ] PD [ ] H [ ] S-1 [ ] PF

REMARKS Subject lot is Zoned "R1"
As per Official Zoning Map

PROPERTY STATUS F367538

7/17/13
SIGNATURE *(Research Verified By: Land Agent Supervisor)*

Certification of Zone *(above)*

[✓] Approved [ ] Disapproved

7-18-13
Guam Chief Planner *Date*

*This is a written request for the above information. **Filing Fee: Ten Dollars ($10.00)** filing fee as per Public Law 29-02, Chapter V, Part III *(Fees and Charges Assessed by the Department of Land Management); available approximately four (4) working days as per P.L. 25-06, Section 1(d), Sunshine Reform Law, except for zone verifications.*

Completion Date: 7/18/13
Total No. of Pages: 2
Amount Due: $ 10

Documents Received by: _____ *(Print Name)*
Payment Received by: _____ *(DLM Staff*

VERIFICATION OF ZONING

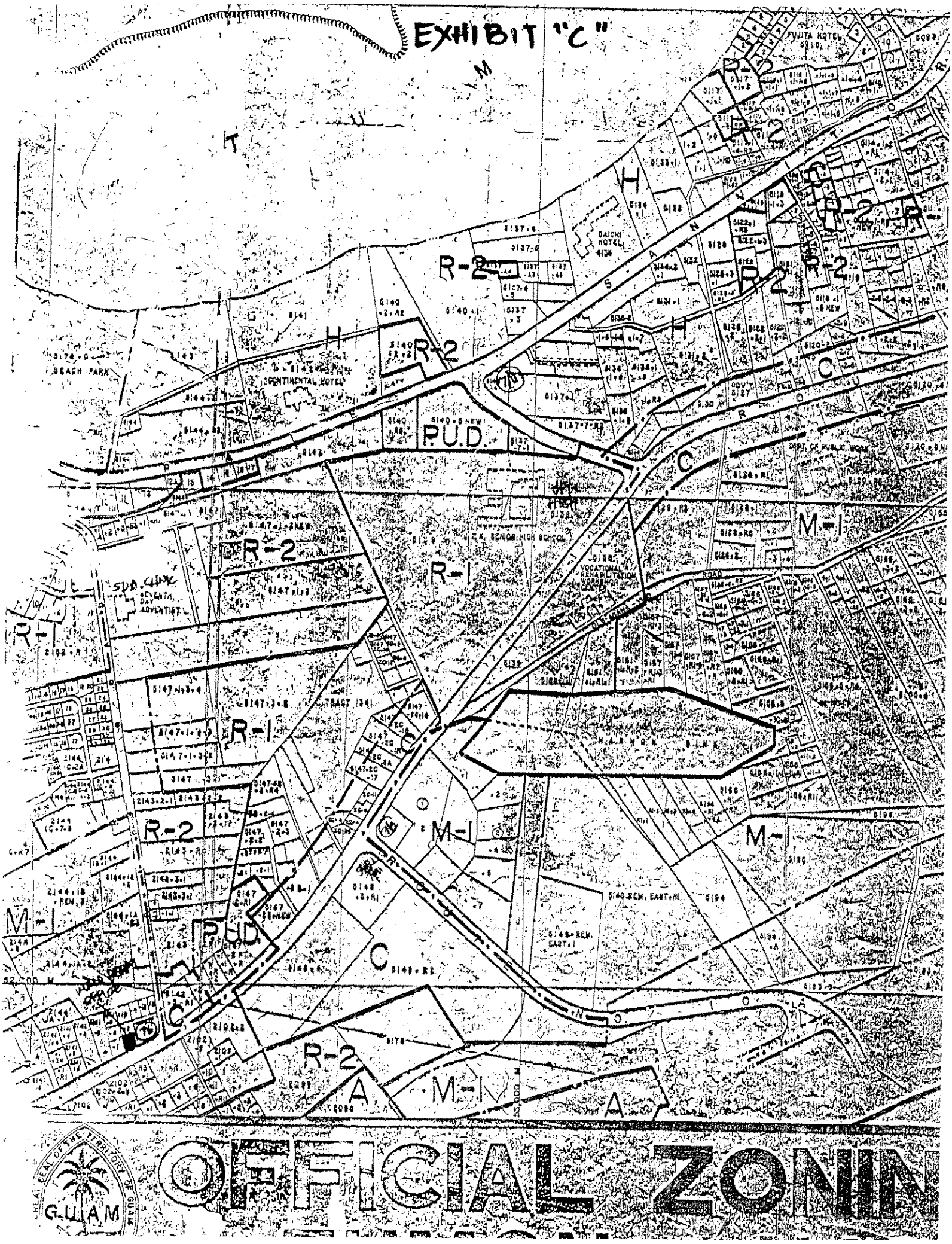
FOR OFFICIAL USE ONLY

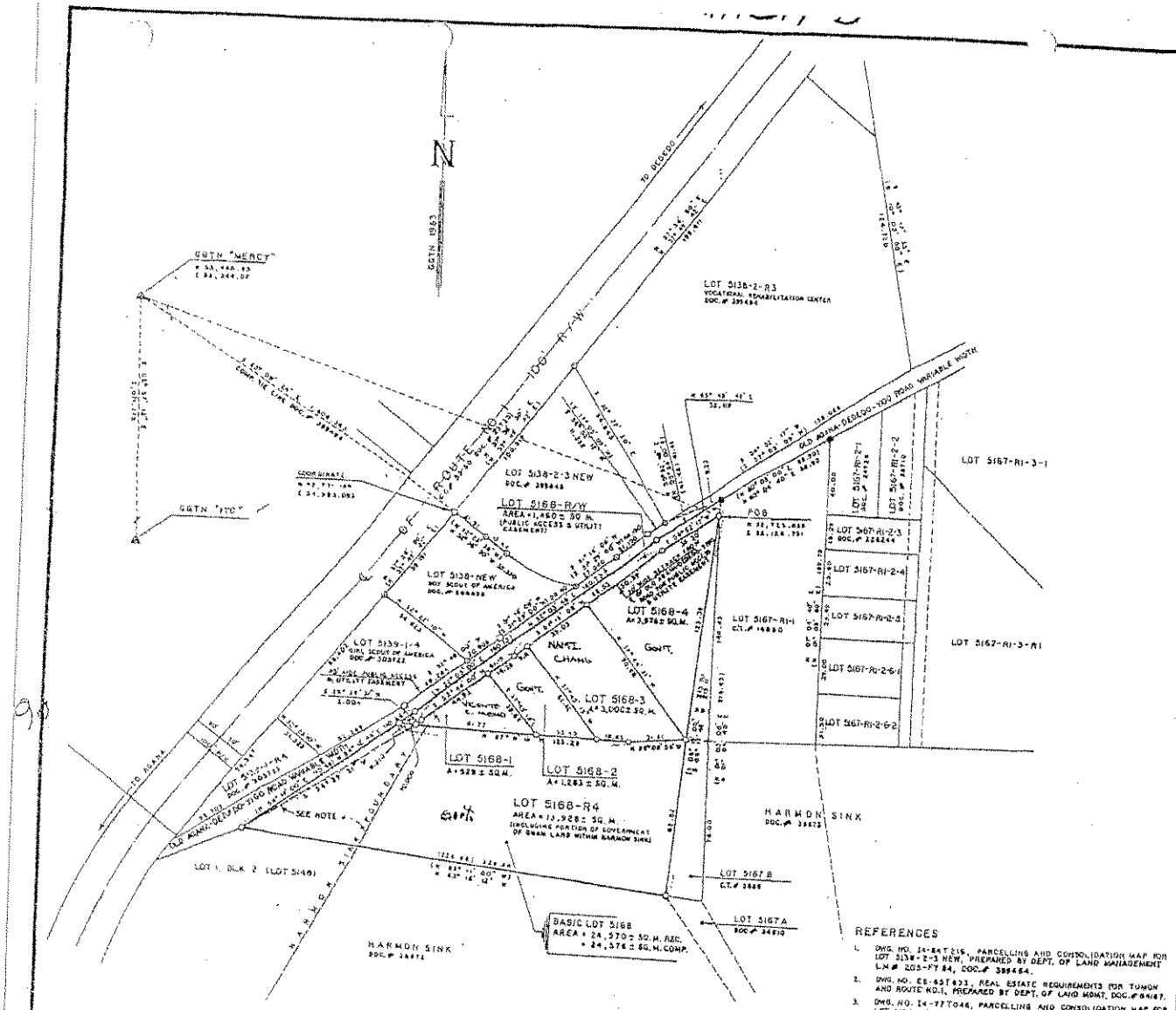
RESOURCES	FINDINGS / FACTS
Legislative Zone Change	no findings
Land Use Application *(1987 to Present)*	no findings
Amendment Zone Changes	no findings
Summary Zone Change *(P. L. 21-82 as amended by P.L. 21-144, Section 8)*	no findings
Split Zone Change *(Pursuant to P.L. 25-131)*	no findings
HPR Master Listing	no findings
Litigation Files	no findings
Official Zoning Map	as per official zoning map subject lot
F3-67S34 [ ] F3-67S43 [ ]	is zoned "R-1" (Residential). F3-67S38
F3-67S35 [ ] F3-67S44 [ ]	
F3-67S36 [ ] F3-67S45 [ ]	
F3-67S37 [ ] F3-67S46 [ ]	
F3-67S38 [ ] F3-67S47 [ ]	
F3-67S39 [ ] F3-67S48 [ ]	
F3-67S40 [ ] F3-67S49 [ ]	
F3-67S41 [ ] F3-67S50 [ ]	
F3-67S42 [ ] F3-67S51 [ ] F3-67S52 [ ]	
Other:	

Stephanie Duenas

Researched Completed By

EXHIBIT "C"


FUJITA HOTEL
DAICHI HOTEL
BEACH PARK
CONTINENTAL HOTEL
P.U.D.
R-2
R-1
M-1
C
SEVENTH DAY ADVENTIST
VOCATIONAL REHABILITATION WORKSHOP
TRACT 1341
GUAM
OFFICIAL ZONIN



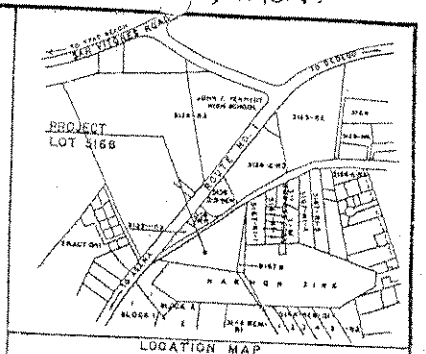
6-2-89
Doc. No. 417648

SYMBOLS

- GGTN TRIANGULATION STATION
- CONC. MON. FOUND, SET BY R.L.S.# 23
- CONC. MON. FOUND, SET BY UNKNOWN
- REBAR FOUND, W/ YELLOW PLASTIC CAP MARKED GOV-GUAM.
- # 4 REBAR SET, W/ YELLOW PLASTIC CAP MARKED GOV-GUAM

REFERENCES

1. DWG. NO. 24-86T 216, PARCELLING AND CONSOLIDATION MAP FOR LOT 5138-2-3 NEW, PREPARED BY DEPT. OF LAND MANAGEMENT LM.# 203-FT 84, DOC.# 389454.
2. DWG. NO. 28-85T 833, REAL ESTATE REQUIREMENTS FOR TUMON AND ROUSE RD.-1, PREPARED BY DEPT. OF LAND MGMT. DOC.# 84187.
3. DWG. NO. 24-77T 046, PARCELLING AND CONSOLIDATION MAP FOR LOT 5138-NEW, PREPARED BY DEPT. OF LAND MGMT. DOC.# 286698.
4. DWG NO. APWD # 1576, REAL ESTATE REQUIREMENTS FOR STORM DRAINAGE SYSTEM N.A.S. AGANA TO HARMON SINK, DATED 1/23/57 DOC.# 33369
5. DWG. NO. 24-77T 67, PARCELLING OF 5139-1-R3, PREPARED BY DEPT. OF LAND MANAGEMENT LM.# 295-FT 79, DOC.# 305722
6. DWG. NO. SDOO 24-0870, PARENTAL SUBDIVISION OF LOT 5167-R1-2A PREPARED BY R.L.S.# 23, LM.# 033-FT 79 DOC.# 296336.



LOCATION MAP
NOT TO SCALE

NOTES

1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN
2. ALL DISTANCES ARE IN METERS, UNLESS OTHERWISE NOTED
3. BEARINGS AND DISTANCES ARE BASED ON 1963 VALUE ALL IN PARENTHESIS ARE RECORD DATA.
4. DOC.# 38473, SPECIFIED THAT THE AREA COVERED BY THE HARMON SINK WITHIN LOT 5168 IS ONLY 10,735 SQUARE METERS MORE OR LESS, HENCE THE EXCESS OF 2,192 SQUARE METERS MORE OR LESS IS STILL A PORTION OF GOVERNMENT OF GUAM LAND.

CERTIFICATIONS

I, RICARDO B. CARING, HEREBY CERTIFY THAT THIS MAP WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS BASED UPON A FIELD SURVEY MADE IN FEBRUARY 1989 AND THAT IT MEETS ALL THE REQUIREMENTS OF CHAPTER 9, TITLE XIV, OF THE GOVERNMENT CODE OF GUAM AND REGULATIONS THEREUNDER.

RICARDO B. CARING
BY:
TERRITORIAL SURVEYOR (ACTING) — DATE

APPROVAL PURSUANT TO PUBLIC LAW 6-134 TITLE 19 GOVERNMENT CODE OF GUAM.

TERRITORIAL PLANNER — DATE

APPROVED BY

DIRECTOR OF LAND MANAGEMENT — DATE

SURVEY DATA		
SUBJECT	BY	DATES
JOB NUMBER	4E6-3-88	MARCH 1988
RESEARCHED	B.T.O. / R.C.	APRIL 1989
FIELD BOOK	D-09	APRIL 1989
FIELD BY	AMESA/CREW	APRIL 1989
FIELD SUPV.	B.T. ORTEGA	MAY 1989
COMPUTED	B.T. ORTEGA	MAY 1989
DRAWN	J.G. ISAAC	MAY 1989
CHECKED BY	R.B. CARING	MAY 1989

ABSTRACT OF TITLE

BASIC LOT 5168

CERT OF TITLE G.C.# 3114

REGISTERED ON MAR. 11, 1929

IN NAME OF DOC.# 26219 GOVERNMENT OF GUAM

REV.	DATE	BRIEF DESCRIPTION	BY	DATE	APPROVED

PARCELLING SURVEY MAP OF

LOT 5168

TAMUNING, MUNICIPALITY OF DEDEDO

LS 13 SEC. 1 — LS 14 SEC. 2

GOVERNMENT OF GUAM
DEPARTMENT OF LAND MANAGEMENT
LAND SURVEY DIVISION

SCALE 1" = 1" = 30 mtrs. — DRAWING NUMBER

EXHIBIT "D"

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

February 1, 2014

The Honorable Edward J.B. Calvo
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 61-32(COR), 70-32(COR), 71-32(COR), 130-32(COR), 146-32(COR), 169-32(COR), 179-32(COR), 180-32(COR), 190-32(COR), 192-32(COR), 197-32(COR), 201-32(COR), 202-32(COR), 204-32(COR), 206-32(COR), 214-32(COR), 221-32(COR), 225-32(COR), 226-32(COR), 231-32(COR), 232-32(COR), 235-32(COR), 236-32(COR), 237-32(COR), 242-32(COR), 245-32(COR), 247-32(COR), 248-32(COR) and 268-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on February 1, 2014.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

FEB 1, 2014
10:50 p.m.

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

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

This is to certify that **Bill No. 169-32 (LS), "AN ACT TO REZONE LOT NO. 5168-4, LOCATED IN THE MUNICIPALITY OF *TAMUNING*, FROM ONE-FAMILY DWELLING ZONE (R1) TO LIGHT INDUSTRIAL ZONE (M1),"** was on the 1st day of February, 2014, 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 1st day of Feb, 2014, at 10:50 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 169-32 (LS)

Introduced by:

T. R. Muña Barnes
T. C. Ada
V. Anthony Ada
Frank B. Aguon, Jr.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO REZONE LOT NO. 5168-4, LOCATED IN THE MUNICIPALITY OF *TAMUNING*, FROM ONE-FAMILY DWELLING ZONE (R1) TO LIGHT INDUSTRIAL ZONE (M1).

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that it is the desire of the owners of Lot No. 5168-4 to maximize the use of their property, located in the municipality of *Tamuning*, to its highest potential. *I Liheslaturan Guåhan* further finds that in order to achieve the maximum and best use of their property, the owners have requested the assistance of *I Liheslaturan*

Guåhan to rezone Lot No. 5168-4 from its current One-Family Dwelling Zone (R1) to Light Industrial Zone (M1).

I Liheslaturan Guåhan further finds that the owners of Lot No. 5168-4 acquired this property through a land exchange with the government of Guam authorized by Public Law 31-253. After months of waiting for the completion of the implementation of Public Law 31-253, the approval process for the Deed of Exchange was completed and the owners received their copy of the official Deed of Exchange *(See document attached as Exhibit "A").* Furthermore, the owners conducted research on the zoning status of the property and their findings determined that the property had a zoning designation of R1 *(See document attached as Exhibit "B").*

I Liheslaturan Guåhan further finds that based on the findings of the R1 designation, the property owners not only want to achieve the maximum and best use of their property, but want the zoning of their property to be consistent with the surrounding properties that are either zoned Light Industrial or Commercial *(See reduced Zoning Map attached as Exhibit "C").*

It is therefore the intent of *I Liheslaturan Guåhan* to authorize the rezoning of the lot described herein for the purposes of assisting the owners in maximizing the highest and best use of their property, as well as rezoning the property to maintain consistency with the surrounding properties.

Section 2. Lot Rezoning. Notwithstanding any other provision of law, Lot No. 5168-4, containing an area of 3,976+/- square meters and located in the municipality of *Tamuning*, is hereby rezoned from One-Family Dwelling Zone (R1) to Light Industrial Zone (Ml). The real property rezoned herein is officially described as:

Lot No. 5168-4, Parceling Survey Map of Lot 5168, municipality of *Tamuning*, containing an area of 3,976+/- square meters as shown on

map prepared by Government of Guam, Department of Land Management, L.M. Check No. 201FY89, Land Management I4-89T330, recorded under Document No. 417648, Certificate of Title GC#3114. Water and Power (electricity) and Sewer are available or within a distance of 100 feet from the property (*Parceling Survey Map of Lot 5168 attached as Exhibit "D"*).

Section 3. Effective Date. This provisions contained herein *shall* take effect upon enactment of this Act.

EXHIBIT "A"

Island of Guam, Government of Guam
Department of Land Management Officer of the Recorder

File for Record is Instrument No. 853894

On the Year 2013 Month 07 Day 11 Time 11:16

Recording Fee 25 Receipt No. 38195

Deputy Recorder

(Space above this line for recorder's use only)

13-0336R

DEED OF EXCHANGE

This DEED, made and entered into this 10th day of July, 2013, by and between the **DEPARTMENT OF LAND MANAGEMENT, GOVERNMENT OF GUAM,** whose address is P.O. Box 2950, Hagatna, Guam 96932, herein called the *PARTY OF THE FIRST PART*, and **JUDY R. UNTALAN, PATRICIA T. ROSARIO, DOLORES R. BOARDMAN and LORENZO C. ROSARIO, JR.,** all of legal age U.S citizens, hereinafter referred to as *PARTIES OF THE SECOND PART*, who shall share and share alike in accordance with the Final Distribution entered on September 11, 2009 in the *Estate of Lorenzo Camacho Rosario, Deceased*, Superior Court of Guam, Probate Case No. PR0054-97 and which is recorded in the Office of the Recorder, Department of Land Management as Instrument Number 796626 on September 29, 2009, do declare that they did, and do by these present make an exchange of Real Property as authorized by Public Law 31-253.

WHEREAS, the *PARTY OF THE FIRST PART* is the owner of certain real property in Tamuning described as follows:

BRYANT F.

Lot No. 5168-4, Parceling Survey Map of Lot 5168, Municipality of Tamuning, containing an area of 3,976± square meters as shown as shown on map prepared by Government of Guam, Department of Land Management, L.M. Check No. 201FY89, Land Management I4-89T330, recorded under Document No. 417648, Certificate of Title GC#3114. Water and Power (electricity) and Sewer are available or within a distance of 100 feet from the property.

WHEREAS, the *PARTIES OF THE SECOND PART* are the owners of certain real property described as follows:

Lot No. 5024-1-R1NEW-2, Re-Subdivision Survey Map of Lot 5024-1-R1NEW, Municipality of Tamuning, containing an area of 1,545± square meters as shown on map prepared by Duenas & Swavely, Incorporated, L.M. Check No. 015FY2011, recorded under Document No. 825429. Water and power (electricity) and sewer are available or within a distance of 100 feet from the property.

WHEREAS, both parties agree to exchange their respective properties which are the subject of this Deed of Exchange based on the Final Judgment entered on June 2, 2010 in *Judy R. Untalan, et al. vs. Government of Guam*, Superior Court of Guam Civil Case No. CV1894-93, and in accordance with Public Law 31-253.

NOW, THEREFORE, in consideration of the foregoing premises:

KNOW ALL MEN BY THESE PRESENTS:

THAT, *PARTY OF THE FIRST PART*, for and in consideration of the conveyance of property below listed, does hereby grant, transfer, convey, exchange, set over and deliver unto *PARTIES OF THE SECOND PART*, the following described parcel:

Lot No. 5168-4, Parcelling Survey Map of Lot 5168, Municipality of Tamuning, containing an area of 3,976± square meters as shown as shown on map prepared by Government of Guam, Department of Land Management, L.M. Check No. 201FY89, Land Management I4-89T330, recorded under Document No. 417648, Certificate of Title GC#3114. Water and Power (electricity) and Sewer are available or within a distance of 100 feet from the property.

THAT, *PARTIES OF THE SECOND PART*, for and in consideration of the conveyance of property below listed, does hereby grant, transfer, convey, exchange, set over and deliver unto the *PARTY OF THE FIRST PART*, the following described parcel:

Lot No. 5024-1-R1NEW-2, Re-Subdivision Survey Map of Lot 5024-1-R1NEW, Municipality of Tamuning, containing an area of 1,545± square meters as shown on map prepared by Duenas & Swavely, Incorporated, L.M. Check No. 015FY2011, recorded under Document No. 825429. Water and power (electricity) and sewer are available or within a distance of 100 feet from the property.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remained or remainders, rents, issues and profits thereof, and also all the right, estate title and interest, possession, claim and demand whatsoever, both at law and equity of the Government of Guam, in and into the above granted premises, and every part and parcel thereof with appurtenances thereto.

To have and to hold the said properties, the one to the other, their heirs, and assigns forever, free from any liens, mortgages, or encumbrances.

PARTY OF THE FIRST PART
GOVERNMENT OF GUAM:

MONTE MAFNAS, Director
Department of Land Management

Date: 6-26-13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 26th day of JUNE, 2013, before me, the undersigned notary, personally appeared Monte Mafnas, Director, Department of Land Management, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

THERESE A. YSARRA
NOTARY PUBLIC
Guam, U.S.A.
My Commission Expires December 10, 2016
ITC Bldg. Suite 301
240 South Marine Corps Dr.
Tamuning, Gu 96913

PARTIES OF THE SECOND PART:

ATTORNEY IN FACT,

JUDY R. UNTALAN

JUDY R. UNTALAN
LORENZO C. ROSARIO, JR.
Attorney-In-Fact - Document No. 822140

Date: 6/18/13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.,** known to me to be the person whose name is subscribed to the within instrument as the Attorney-In-Fact for **JUDY R. UNTALAN,** and acknowledged to me the he subscribed the name of **JUDY R. UNTALAN,** thereto as principal, and his own name as Attorney-In-Fact, for its stated purpose on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond S.N. Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **Mar. 07, 2015**
P.O. Box 1972 Hagatna, Guam 96932

PARTIES OF THE SECOND PART:

PATRICIA T. ROSARIO

Date: 6/18/13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me, the undersigned notary, personally appeared **PATRICIA T. ROSARIO**, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that she signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond SN Sayas

Raymond SN Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Mar. 07, 2015
P.O. Box 1972 Hagatna, Guam 96932

PARTIES OF THE SECOND PART:
ATTORNEY IN FACT.

DOLORES R. BOARDMAN

DOLORES ROSARIO BOARDMAN
LORENZO C. ROSARIO, JR.
Attorney-In-Fact - Document No. 822139

Date: 6/18/13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.,** known to me to be the person whose name is subscribed to the within instrument as the Attorney-In-Fact for **DOLORES ROSARIO BOARDMAN,** and acknowledged to me the he subscribed the name of **DOLORES ROSARIO BOARDMAN,** thereto as principal, and his own name as Attorney-In-Fact, for its stated purpose on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond S. N. Sayas

Raymond S. N. Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Mar. 07, 2015
P.O. Box 1972 Hagatna, Guam 96932

PARTIES OF THE SECOND PART:

LORENZO C. ROSARIO, JR.

Date: 6/18/13

13-0336 R

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me, the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.**, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Ray SN Sayas
Raymond SN Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Mar. 07, 2015
P.O. Box 1972 Hagatna, Guam 96932

APPROVED AS TO LEGALITY
AND FORM:

LEONARDO M. RAPADAS
Attorney General of Guam

Date: 7/5/13
CDLM 13-0336

GOVERNMENT OF GUAM

EDWARD J.B. CALVO
Governor of Guam

Date: JUL 10 2013

EXHIBIT "B"

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guåhan)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MONTE MAFNAS
Director

DAVID V. CAMACHO
Deputy Director

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

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

Website:
http://dlm.guam.gov

E-mail Address:
dlm@mail.gov.gu

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

Date: July 15, 2013

7-16-13
RECEIVED

To: Chief Planner, Land Planning Division

From: Franklin Jimenez, Associeat Broker, Titan Realty
Mailing Address: 121 Takano Lane, Suite 205
Tamuning, Guam 96913

Re: **Request for DLM Certification of Designated Zone**
(A recorded Survey Map should accompany this Request Form)

***Property Description:** Lot 5168-4, consisting of approx. 3,976.00±- square meters

Municipality of Dededo, Guam Project/Application Name: Franklin Jimenez

Franklin Jimenez
Requestor *(Print name)*

Contact Number(s):
Work: 479.4663 Beeper: _____
Cellular 727-2891 Home: _____

FOR OFFICIAL USE ONLY

Verification of Designated Zone

ZONING DISTRICT: [ ] A [X] R-1 [ ] R-2 [ ] C [ ] M-1 [ ] M-2 [ ] PD [ ] H [ ] S-1 [ ] PF

REMARKS Subject lot is Zoned "R1"
As per Official Zoning Map

PROPERTY STATUS F367538

7/17/13
SIGNATURE *(Research Verified By: Land Agent Supervisor)*

Certification of Zone *(above)*

[X] **Approved** [ ] **Disapproved**

Guam Chief Planner 7-18-13
Date

*This is a written request for the above information. **Filing Fee:** Ten Dollars ($10.00) filing fee as per Public Law 29-02, Chapter V, Part III *(Fees and Charges Assessed by the Department of Land Management)*; *available approximately four (4) working days as per P.L. 25-06, Section 1(d), Sunshine Reform Law, except for zone verifications.*

Completion Date: 7/18/13
Total No. of Pages: 8
Amount Due: $ 10

Documents Received by: _____ *(Print Name)*
Payment Received by: _____ *(DLM Staff*

VERIFICATION OF ZONING

FOR OFFICIAL USE ONLY

RESOURCES	FINDINGS / FACTS
Legislative Zone Change	no findings
Land Use Application *(1987 to Present)*	no findings
Amendment Zone Changes	no findings
Summary Zone Change *(P. L. 21-82 as amended by P.L. 21-144, Section 8)*	no findings
Split Zone Change *(Pursuant to P.L. 25-131)*	no findings
HPR Master Listing	no findings
Litigation Files	no findings
Official Zoning Map	as per official zoning map subject lot
F3-67S34 [ ] F3-67S43 [ ]	is zoned "R-1" (Residential). F3-67S38
F3-67S35 [ ] F3-67S44 [ ]	
F3-67S36 [ ] F3-67S45 [ ]	
F3-67S37 [ ] F3-67S46 [ ]	
F3-67S38 [ ] F3-67S47 [ ]	
F3-67S39 [ ] F3-67S48 [ ]	
F3-67S40 [ ] F3-67S49 [ ]	
F3-67S41 [ ] F3-67S50 [ ]	
F3-67S42 [ ] F3-67S51 [ ] F3-67S52 [ ]	
Other:	

Stephanie Duenas

Researched Completed By

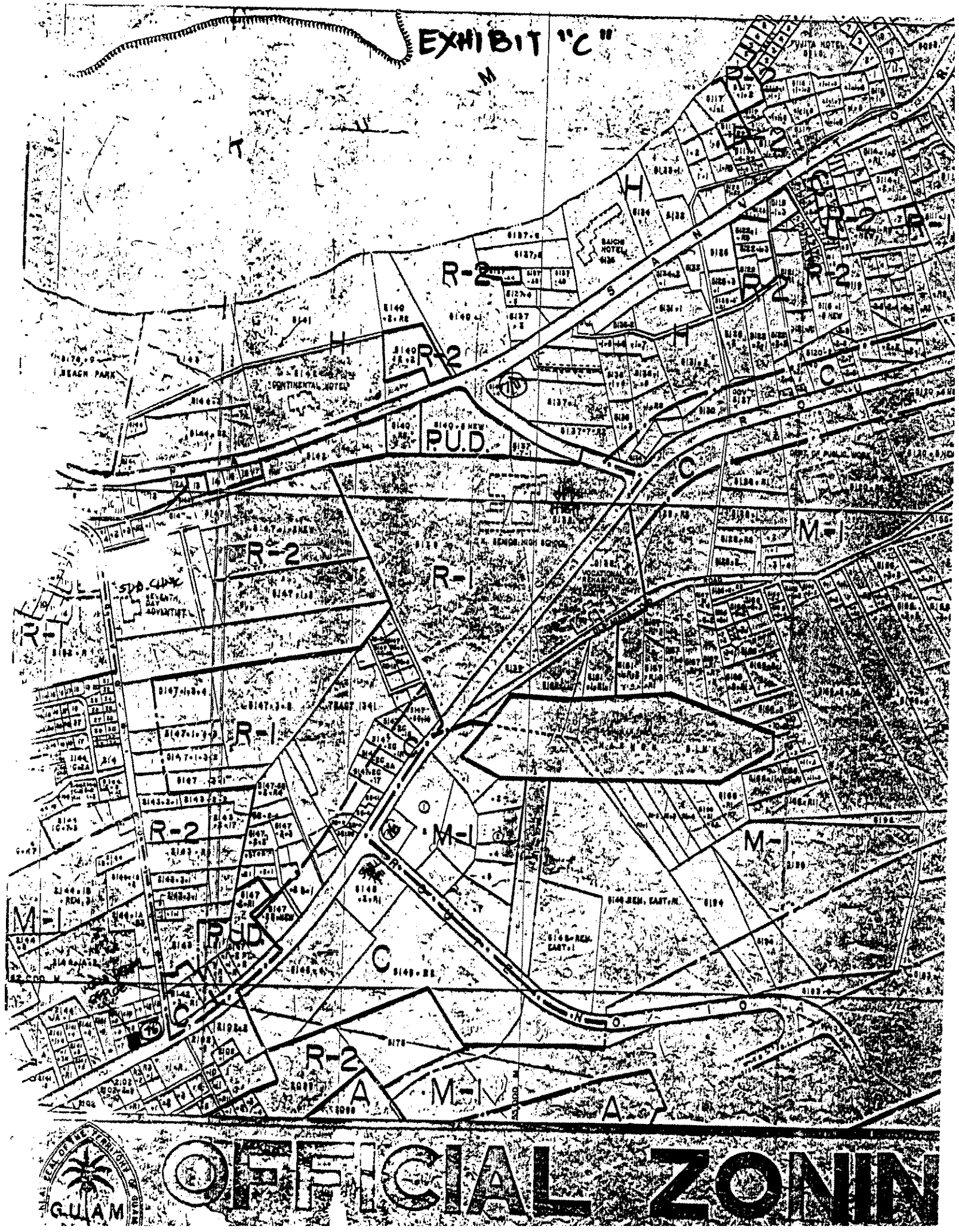
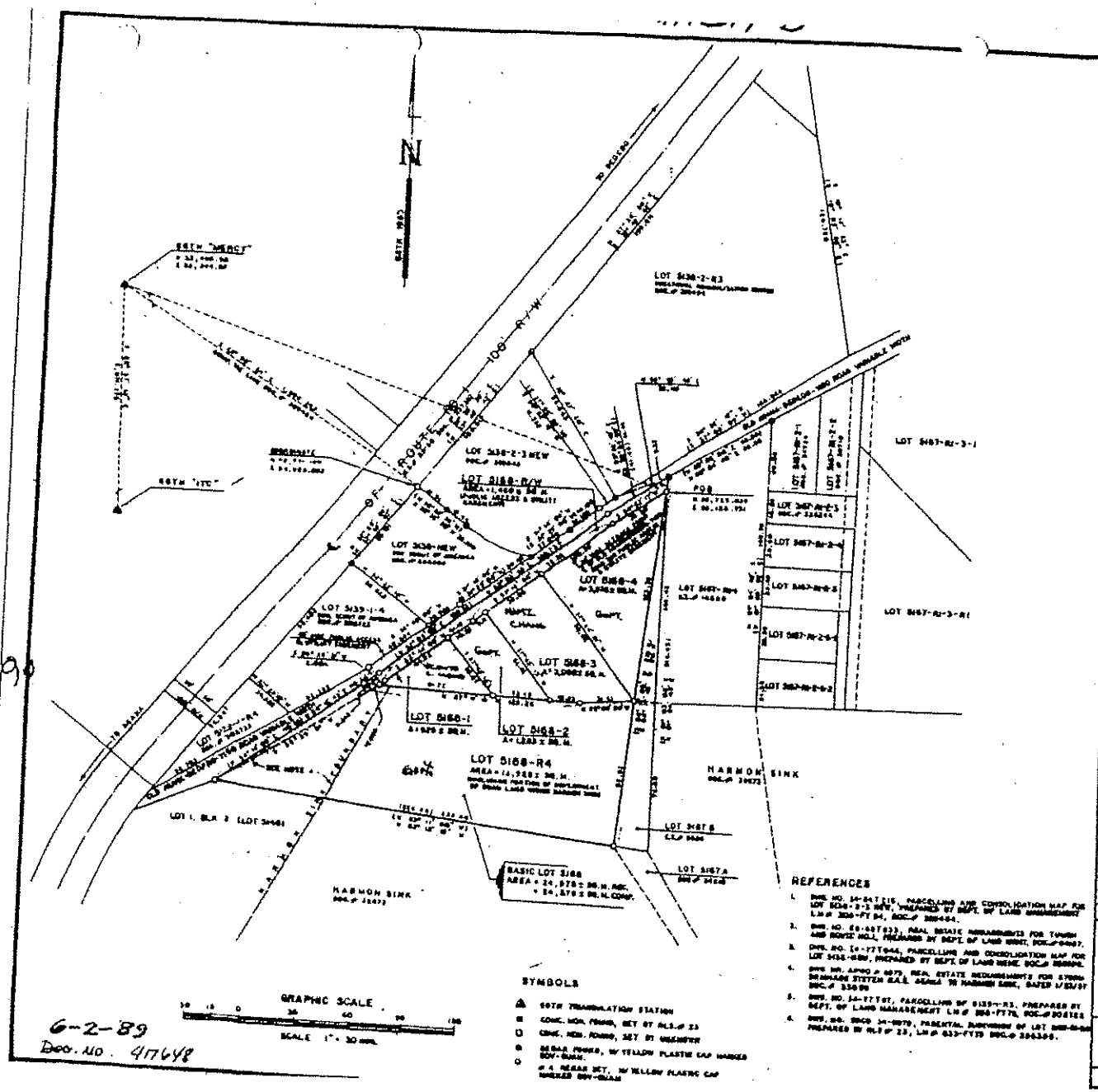
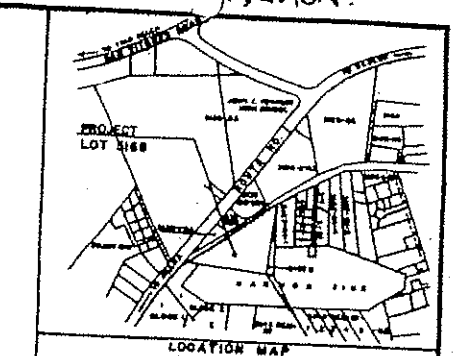


EXHIBIT "C"
R-2
R-1
M-1
P.U.D.
C
A
BEACH PARK
CONTINENTAL HOTEL
SDA CHURCH
SEVENTH DAY ADVENTIST
R.H. SENIOR HIGH SCHOOL
VOCATIONAL REHABILITATION CENTER
DEPT. OF PUBLIC WORKS
TUMON BAY
OFFICIAL ZONING
GUAM

EXHIBIT "D"





LOCATION MAP
NOT TO SCALE

NOTES

1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN
2. ALL DISTANCES ARE IN METERS, UNLESS OTHERWISE NOTED
3. BEARINGS AND DISTANCES ARE BASED ON NAD VALUE ALL IN PARENTHESIS ARE RECORD DATA.
4. DOC. # 54673, SPECIFIES THAT THE AREA COVERED BY THE HARMON SINK WITHIN LOT 5168 IS ONLY 10,736 SQUARE METERS MORE OR LESS, HOWEVER THE EXCESS OF 3,752 SQUARE METERS MORE OR LESS IS STILL A PORTION OF GOVERNMENT OF GUAM LAND.

CERTIFICATIONS

I, MAXIMO S. CARINO, HEREBY CERTIFY THAT THIS MAP WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS BASED UPON A FIELD SURVEY MADE IN FEBRUARY 1989, AND THAT IT MEETS ALL THE REQUIREMENTS OF CHAPTER 5, TITLE 21V, OF THE GOVERNMENT CODE OF GUAM AND REGULATIONS THEREUNDER.

BY: _____
TERRITORIAL SURVEYOR — DATE

APPROVAL PURSUANT TO PUBLIC LAW 6-134 TITLE 10 GOVERNMENT CODE OF GUAM.

BY: _____
TERRITORIAL PLANNER — DATE

APPROVED BY

_____
DIRECTOR OF LAND MANAGEMENT — DATE

SURVEY DATA		
SUBJECT	BY	DATES
JOB NUMBER	4-6-3-88	MARCH 1988
RESEARCHED	B.T.O. / R.C.	APRIL 1989
FIELD BOOK	9-09	APRIL 1989
FIELD BY	A.MESA/CREW	APRIL 1989
FIELD SUPV.	B.T.ORTEGA	MAY 1989
COMPUTED	B.T. ORTEGA	MAY 1989
DRAWN	J.G ISAAC	MAY 1989
CHECKED BY	M.S.CARINO	MAY 1989

ABSTRACT OF TITLE
SURVEY LOT 5168
CERT OF TITLE S.C.# 3114
REGISTERED ON MAR.H.1939 IN NAME OF DOC.# 23210 GOVERNMENT OF GUAM

REV.	DATE	SURVEY DESCRIPTION	BY	DATE	APPROVED

PARCELLING SURVEY MAP
OF
LOT 5168

TAMUNING, MUNICIPALITY OF DEDEDO
LS 18 SEC. 1 — LS 15 SEC. 3

GOVERNMENT OF GUAM
DEPARTMENT OF LAND MANAGEMENT
LAND SURVEY DIVISION

SCALE 1" = 1" = 30 meters — DRAWN BY

6-2-89
Doc. no. 417648

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall
February 1, 2014

Bill No. 169-32 (COR)

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓	I			
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓	I			
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓	I			
Senator Aline A. YAMASHITA, Ph.D.	✓				
TOTAL	15				
	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

Office of

the People

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

JAN 07 2014

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos 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. 169-32 (LS), As Introduced

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 169-32 (LS), As Introduced: "An Act to Rezone Lot No. 5168-4, Located in the Municipality of Tamuning, from Single-Family Dwelling Zone (R1) to Light Industrial Zone (M1) sponsored by Senator Tina Muna-Barnes which was referred to by the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land.

Committee votes are as follows:

4 TO PASS
0 TO NOT PASS
2 TO REPORT OUT ONLY
0 TO ABSTAIN
0 TO PLACE IN INACTIVE FILE

2014 JAN -9 PM 3:58

Si Yu'os Ma'åse',

Vicente (Ben) Cabrera Pangelinan
Chairman

Chairman
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Member
Committee on Education, Public Libraries and Women's Affairs

Member
Committee on General Government Operations and Cultural Affairs

Member
Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Development Authority

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

Member
Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations

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

COMMITTEE REPORT
ON

Bill No. 169-32 (LS), As Introduced

Sponsored by Senator Tina Muna-Barnes

"An Act to Rezone Lot No. 5168-4, Located in the Municipality of Tamuning, from Single-Family Dwelling Zone (R1) to Light Industrial Zone (M1)."

Office of

the People

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

JAN 07 2014

MEMORANDUM

To: All Members
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Chairman
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Member
Committee on Education, Public Libraries and Women's Affairs

Member
Committee on General Government Operations and Cultural Affairs

Member
Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Development Authority

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

Member
Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations

From: Senator Vicente (Ben) Cabrera Pangelinan
Chairman

Subject: Committee Report on Bill No. 169-32 (LS), As Introduced

Transmitted herewith for your consideration is the Committee Report on Bill No. 169-32 (LS), "An Act to Rezone Lot No. 5168-4, Located in the Municipality of Tamuning, from Single-Family Dwelling Zone (R1) to Light Industrial Zone (M1)" Introduced by Senator Tina Muna-Barnes.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 169-32 (LS), As Introduced
4. Public Hearing Sign-in Sheet
5. Copies of Written Testimonies
6. Copy of Letter to Request Fiscal Note Waiver
7. Copy of COR referral
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda

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

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

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

---

Bill 169-32 (LS), as introduced, "An Act to Rezone Lot No. 5168-4, Located in the Municipality of Tamuning, from Single-Family Dwelling Zone (R1) to Light Industrial Zone (M1)".

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
Senator Vicente (ben) Cabrera Pangelinan Chairman	✓				
Vice Speaker Benjamin J. F. Cruz Vice Chairperson					
Speaker Judith T. Won Pat, Ed.D Member			✓		
Senator Tina Rose Muña-Barnes Member	✓				
Senator Dennis Rodriguez, Jr. Member					
Senator Michael San Nicolas Member	✓				
Senator Michael Limtiaco Member			1/2/14		
Senator Tommy Morrison Member	✓				

Office of

the People

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

Chairman
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Member
Committee on Education, Public Libraries and Women's Affairs

Member
Committee on General Government Operations and Cultural Affairs

Member
Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Development Authority

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

Member
Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations

Committee Report

Bill No. 169-32 (LS), "An Act to Rezone Lot No. 5168-4, Located in the Municipality of Tamuning, from Single-Family Dwelling Zone (R1) to Light Industrial Zone (M1)" Introduced by Senator Tina Muna Barnes:

I. OVERVIEW

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land convened a public hearing on November 22, 2013, 2013 at 2:00pm 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 Friday, November 15, 2013 (5-Day Notice), and again on Wednesday, November 20, 2013 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente (ben) C. Pangelinan, Chairman
Speaker Judith Won Pat, Member
Senator Tina Muna-Barnes, Member
Senator Tommy Morrison, Member
Senator Chris Duenas

(b) Appearing before the Committee

Glenn Eay

(c) Written Testimonies Submitted

Dave Camacho, Department of Land Management
Lorenzo C. Rosario Jr.
Judy Rosario
Patricia Rosario
Dolores Rosario Boardman
Joaquin Flores, Guam Power Authority

II. COMMITTEE PROCEEDINGS

Chairman Pangelinan: We will now hear testimony on Bill No. 169-32 (LS)), introduced by Senator Tina Muna-Barnes "An Act to Rezone Lot No. 5168-4, Located in the Municipality of Tamuning, from Single-Family Dwelling Zone (R1) to Light Industrial Zone (M1)" I would like to give the author of the bill an opportunity to briefly describe the bill and it's intent.

Sponsor Summary

Senator Muna-Barnes: Si yu'os ma'åse Mr. Chair, thank you for giving me the opportunity. This piece of legislation was introduced at the request of the owners of Lot number 5168-4. I want to say the owners of this property acquired this property through land exchange with the government of Guam that was authorized by the Public Law 31-253 and after months of waiting for the completion of the implementation of Public Law 31-253 the approval process for the deed of exchange was completed and the owner received their copy and receive the official receipt of the exchange. Furthermore, when the owners conducted research on their property their finds of the zoning was designated R1.

The summary of this bill seeks to rezone this from a single family zone R1 to a light industrial zone and this is just, Mr. Chair, to allow the owner to achieve the maximum and best use of their property and to provide consistency with the surrounding properties that are either zoned commercial or light industrial. and I want to say for the record, I want to thank you and your committee for having a hearing to hear this bill you and I know that the exchange in question Public Law 31-253 was over two decades of working with family members to exchange lands that the government was utilizing land in another area that was in a light industrial zone. The Rosario family, I guess assumed when they did the exchange for the Government it would be the same as the property the family owned prior to the government taking their land, the family's property previously that the government has utilize. When they did their finding at land management they found out it was R1 and of course they had to go through the whole step all over again and this is where we are at today. The family has been waiting. Recently they had to extend their apologies for not being here, their son is going through medical treatment back there and that is the only reason why there are not here today. Thank you for giving me this opportunity to speak and give a synopsis of this bill 169-32. I hope my colleague support it. Saina ma'åse.

Chairman Pangelinan: thank you very much and si yu'os ma'åse Senator Barnes. Mr. Eay will you present your testimony

Testimony

Glenn Eay

Mr. Eay: Thank you Mr. Chairman, thank you Senator Tina Muna-Barnes, Senator Won Pat, Senator Ben Pangelinan, Senator Tom Ada, Senator Chris Duenas, Senator Tom Morrison. I am here today as a member of application review committee from the department of public works, I support bill 169-32 an act to rezone lot 5168-4 from single dwelling family R1 to light industrial zone M1. As mentioned before by Senator Barnes that abutting properties from that area, there is a road the old Agana-Dededo-Yigo road and that connects to the Harmon

industrial park area and the area was zoned M1 light industrial and I mentioned earlier the abitting area they thought it was zoned M1 as research went by it was zone an R1. 1 support this bill because the abutting property which is lot number 5167 R1-1 is also an M1 property it would be only fair to be consistent with the adjacent property. Further down there is an auto shop, further down there is mostly auto shop in that area M1. Yes I do support the act to rezone R1 to M1.

Chairman Pangelinan: when you look at the property map you say the abutting properties are all sides of the property; all the abutting sides are also M1?

Mr. Eay: The abutting property, we have a restaurant, seyoung restaurant, we have the property to be rezone and the property next to it is M1. And then we have further down again is M1 as well. You know, because the surrounding properties are M1, I support the rezoning.

Chairman Pangelinan: Thank you very much. Senator Muna Barnes?

Senator Muna-Barnes: You talked about the abutting properties but the one in question, the government, in fair exchange to the Rosario family or the estate of Florencio Rosario families, are you familiar with what was committed on the exchange? Are you a part of the Rosario Family?

Mr. Eay: No I am not.

Senator Muna-Barnes: I apologize Because I do know that in the representation this case has been going on for over twenty years and when the exchange was made the family thought that they were going to get that property exchanged equivalent inclusive of the zoning efforts and when they looked at it there was nothing and I just thought you were familiar with the case thank you for the issue the only reason the Rosario came in because they came in the past and went through the process and they went through many many years their father and grandfather have come and gone and now they are dealing with third generation to try and close this. it's not the property that the parents owned but the exchange with the government has been over two decades and they were hoping to get this clear so they can maximize their property that the government gave them. Thank you Mr. Chair again I apologize for that I thought he had some information about that.

Chairman Pangelinan: The property in question is about a hectare?

Senator Muna-Barnes: three thousand nine hundred (3,900) Yes.

Chairman Pangelinan: About three thousand nine hundred plus. Speaker Won Pat do you have any question?

Speaker Won Pat: are you familiar with this particular property?

Mr. Eay: No, the reason I am familiar, no, not too much.

Speaker Won Pat: I am trying to look at the map but that doesn't help because the numbers are really small. I need a magnifying glass to look at it. I think I might have found it 68-04 what is – dash three (-3) what is that zone? Do you have that?

Mr. Eay: I don't have the dash three (-3) but I believe that would be the abutting property where the restaurant is.....

Chairman Pangelinan: that is commercial.

Speaker Won Pat: Right. Now the way I look at this we have four then we have three and I guess two and one, it's not very clear and I am looking at another map which is a lot bigger but I see residential lots on the back side of it **I** want to make sure that this property is not abutting residences. That is the reason I would like for you to clarify, I understand properties are commercial or M1 but we want to make sure it's not residential. Maybe on the back side it is residential and the front side is commercial.

Mr. Eay: The back side is Harmon sink which is owned by airport authority. There is no residential behind that.

Speaker Won Pat: Maybe I can work with the senators and see where exactly this is what properties there are. Thank you.

Senator Tom Ada: thank you Mr. Eay, I guess am just a little confused here, are you here as a DPW representative?

Mr. Eay: I am an ARC member. Application Review Committee.

Senator Tom Ada: Which is a part of DPW?

Mr. Eay: For DPW

Chairman Pangelinan: that's under the Guam Land Use Commission that has agency representative.

Senator Tom Ada: I guess I am just a little confused, when somebody tries to take the rezoning to the legislature it's the landowner normally that comes to the government..... I have never seen DPW come here and advocate for rezoning.

Mr. Eay: on the normal case for rezoning when it goes to the GLUC it goes to the ARC from there all the agency puts in their position statement and then it goes to the GLUC for approval.

Senator Tom Ada: do you know if the landowner is aware of all the requirements, the conditions that GPA is putting for their concurrence with this rezone that any basically any relocation cost is born by the landowner.

Mr. Eay: yes.

Senator Tom Ada: they are aware

Mr. Eay: For any relocation the cost bears to the landowners.

Senator Tom Ada: ok. Fine.

Chairman Pangelinan: Senator Duenas, any questions?

Senator Chris Duenas: If I am not mistaken, I believe the ARC member would know this, this is the settlement right? The author is correct, what happen here was a major injustice in terms by the taking of the water well and this contiguous lot, and what happened to this family is they lost the zoning of the light industrial zoning property and so they got stuck when the exchange and the settlement was made. While Normally I would I know that this legislature, and past legislation mailed in a report now the report should come with land management an attached to this from the ARC we don't like to short cut the process of the zoning but for the benefit of this committee this family was so wronged. This is an appropriate change, so thank you for representing ARC. Thank you Mr. Chairman.

Chairman Pangelinan: no further questions? Senator Morrison?

Senator Muna-Barnes: for the record I would like to submit written testimonies

Chairman Pangelinan: for the record and those will be submitted as part of the committee report.

Thank you very much, Si Yu'os Ma'ase. This concludes the testimony on Bill No. 169-32 (LS). There being no additional individuals to present any additional testimony, this Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to my office directly on 324 W. Soledad Avenue, Hagatna, as well as the Guam Legislature at 155 Hesler St., Hagatna or email at office@guam.net

This hearing is adjourned.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land, hereby reports Bill No. 169-32 (LS) with the recommendation To pass.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 169-32 (LS)

Introduced By: T.R. MUÑA BARNES

2013 AUG 16 PM 1:34

AN ACT TO REZONE LOT NO. 5168-4, LOCATED IN THE MUNICIPALITY OF TAMUNING, FROM SINGLE-FAMILY DWELLING ZONE (R1) TO LIGHT INDUSTRIAL ZONE (M1).

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that it is the desire of the owners of Lot No. 5168-4 to maximize the use of their property located in the Municipality of Tamuning to its highest potential. *I Liheslaturan Guåhan* further finds that in order to achieve the maximum and best use of their property, the owners have requested the assistance of *I Liheslaturan Guåhan* to rezone Lot No. 5168-4 from its current Single-Family Dwelling Zone (R1) to Light Industrial Zone (M1).

I Liheslaturan Guåhan further finds that the owners of Lot No. 5168-4 acquired this property through a land exchange with the Government of Guam authorized by Public Law 31-253. After months of waiting for the completion of the implementation of Public Law 31-253, the approval process for the Deed of Exchange was completed and the owners received their copy of the official Deed of Exchange. *(See document attached as Exhibit "A").* Furthermore, the owners conducted research on the zoning status of the property and their findings determined that the property had a zoning designation of R1. *(See document attached as Exhibit "B").*

I Liheslaturan Guåhan further finds that based on the findings of the R1 designation, the property owners not only want to achieve the maximum and best use of their property, but want the zoning of their property to be consistent with the surrounding properties that are either zoned Light Industrial or Commercial. *(See reduced Zoning Map attached as Exhibit "C").*

It is therefore the intent of *I Liheslaturan Guåhan* to authorize the rezoning of the lot described herein for the purposes of assisting the owners in maximizing the highest and best use of their property, as well as rezoning the property to maintain consistency with the surrounding properties.

Section 2. Lot Rezoning. Notwithstanding any other provisions of law, Lot No. 5168-4, containing an area of 3,976+/- square meters, located in the Municipality of Tamuning, is hereby rezoned from Single-Family Dwelling Zone (R1) to Light Industrial Zone (MI). The real property rezoned herein is officially described as:

> Lot No. 5168-4, Parceling Survey Map of Lot 5168, Municipality of Tamuning, containing an area of 3,976+/- square meters as shown on map prepared by Government of Guam, Department of Land Management, L.M. Check No. 201FY89, Land Management I4-89T330, recorded under Document No. 417648, Certificate of Title GC#3114. Water and Power (electricity) and Sewer are available or within a distance of 100 feet from the property. *(Parceling Survey Map of Lot 5168 attached as Exhibit "D").*

Section 3. Effective Date. This provisions contained herein shall take effect immediately upon enactment of this Act.

EXHIBIT "A"

Island of Guam, Government of Guam
Department of Land Management Officer of the Recorder

File for Record is Instrument No. 853894

On the Year 2013 Month 07 Day 11 Time 11:16

Recording Fee 25 Receipt No. 38195

Deputy Recorder

(Space above this line for recorder's use only)

13-0836R

DEED OF EXCHANGE

This DEED, made and entered into this 10th day of July, 2013, by and between the **DEPARTMENT OF LAND MANAGEMENT, GOVERNMENT OF GUAM,** whose address is P.O. Box 2950, Hagatna, Guam 96932, herein called the *PARTY OF THE FIRST PART*, and **JUDY R. UNTALAN, PATRICIA T. ROSARIO, DOLORES R. BOARDMAN and LORENZO C. ROSARIO, JR.,** all of legal age U.S citizens, hereinafter referred to as *PARTIES OF THE SECOND PART*, who shall share and share alike in accordance with the Final Distribution entered on September 11, 2009 in the *Estate of Lorenzo Camacho Rosario, Deceased*, Superior Court of Guam, Probate Case No. PR0054-97 and which is recorded in the Office of the Recorder, Department of Land Management as Instrument Number 796626 on September 29, 2009, do declare that they did, and do by these present make an exchange of Real Property as authorized by Public Law 31-253.

WHEREAS, the *PARTY OF THE FIRST PART* is the owner of certain real property in Tamuning described as follows:

BRYANT F.

Lot No. 5168-4, Parceling Survey Map of Lot 5168, Municipality of Tamuning, containing an area of 3,976± square meters as shown as shown on map prepared by Government of Guam, Department of Land Management, L.M. Check No. 201FY89, Land Management I4-89T330, recorded under Document No. 417648, Certificate of Title GC#3114. Water and Power (electricity) and Sewer are available or within a distance of 100 feet from the property.

WHEREAS, the *PARTIES OF THE SECOND PART* are the owners of certain real property described as follows:

Lot No. 5024-1-R1NEW-2, Re-Subdivision Survey Map of Lot 5024-1-R1NEW, Municipality of Tamuning, containing an area of 1,545± square meters as shown on map prepared by Duenas & Swavely, Incorporated, L.M. Check No. 015FY2011, recorded under Document No. 825429. Water and power (electricity) and sewer are available or within a distance of 100 feet from the property.

WHEREAS, both parties agree to exchange their respective properties which are the subject of this Deed of Exchange based on the Final Judgment entered on June 2, 2010 in *Judy R. Untalan, et al. vs. Government of Guam*, Superior Court of Guam Civil Case No. CV1894-93, and in accordance with Public Law 31-253.

NOW, THEREFORE, in consideration of the foregoing premises:

KNOW ALL MEN BY THESE PRESENTS:

THAT, *PARTY OF THE FIRST PART*, for and in consideration of the conveyance of property below listed, does hereby grant, transfer, convey, exchange, set over and deliver unto *PARTIES OF THE SECOND PART*, the following described parcel:

Lot No. 5168-4, Parcelling Survey Map of Lot 5168, Municipality of Tamuning, containing an area of 3,976± square meters as shown as shown on map prepared by Government of Guam, Department of Land Management, L.M. Check No. 201FY89, Land Management I4-89T330, recorded under Document No. 417648, Certificate of Title GC#3114. Water and Power (electricity) and Sewer are available or within a distance of 100 feet from the property.

THAT, *PARTIES OF THE SECOND PART*, for and in consideration of the conveyance of property below listed, does hereby grant, transfer, convey, exchange, set over and deliver unto the *PARTY OF THE FIRST PART*, the following described parcel:

Lot No. 5024-1-R1NEW-2, Re-Subdivision Survey Map of Lot 5024-1-R1NEW, Municipality of Tamuning, containing an area of 1,545± square meters as shown on map prepared by Duenas & Swavely, Incorporated, L.M. Check No. 015FY2011, recorded under Document No. 825429. Water and power (electricity) and sewer are available or within a distance of 100 feet from the property.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remained or remainders, rents, issues and profits thereof, and also all the right, estate title and interest, possession, claim and demand whatsoever, both at law and equity of the Government of Guam, in and into the above granted premises, and every part and parcel thereof with appurtenances thereto.

To have and to hold the said properties, the one to the other, their heirs, and assigns forever, free from any liens, mortgages, or encumbrances.

PARTY OF THE FIRST PART
GOVERNMENT OF GUAM:

MONTE MAFNAS, Director
Department of Land Management

Date: 6-26-13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 26th day of JUNE, 2013, before me, the undersigned notary, personally appeared Monte Mafnas, Director, Department of Land Management, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

THERESE A. YBAÑEZ
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires December 18, 2016
ITC Bldg. Suite 803
866 South Marine Corps Dr.
Tamuning, Gu 96913

PARTIES OF THE SECOND PART:

ATTORNEY IN FACT.

JUDY R. UNTALAN

JUDY R. UNTALAN
LORENZO C. ROSARIO, JR.
Attorney-In-Fact - Document No. 822140

Date: 6/18/13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.,** known to me to be the person whose name is subscribed to the within instrument as the Attorney-In-Fact for **JUDY R. UNTALAN,** and acknowledged to me the he subscribed the name of **JUDY R. UNTALAN,** thereto as principal, and his own name as Attorney-In-Fact, for its stated purpose on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond S.N. Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Mar. 07, 2015
P.O. Box 1972 Hagatna, Guam 96932

PARTIES OF THE SECOND PART:

PATRICIA T. ROSARIO

Date: 6/18/13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me, the undersigned notary, personally appeared **PATRICIA T. ROSARIO**, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that she signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond SN Sayas

Raymond SN Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Mar. 07, 2015
P.O. Box 1972 Hagatna, Guam 96932

PARTIES OF THE SECOND PART:
ATTORNEY IN FACT.

DOLORES R. BOARDMAN

DOLORES ROSARIO BOARDMAN
LORENZO C. ROSARIO, JR.
Attorney-In-Fact - Document No. 822139

Date: 6/18/13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.,** known to me to be the person whose name is subscribed to the within instrument as the Attorney-In-Fact for **DOLORES ROSARIO BOARDMAN,** and acknowledged to me the he subscribed the name of **DOLORES ROSARIO BOARDMAN,** thereto as principal, and his own name as Attorney-In-Fact, for its stated purpose on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond S. N. Sayas

Raymond S. N. Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **Mar. 07, 2015**
P.O. Box 1972 Hagatna, Guam 96932

PARTIES OF THE SECOND PART:

LORENZO C. ROSARIO, JR.

Date: 6/18/13

13-0336 R

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me, the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.**, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond SN Sayas

Raymond SN Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Mar. 07, 2015
P.O. Box 1972 Hagatna, Guam 96932

APPROVED AS TO LEGALITY
AND FORM:

LEONARDO M. RAPADAS
Attorney General of Guam

Date: 7/5/13

DLM 13-0336

GOVERNMENT OF GUAM

EDWARD J.B. CALVO
Governor of Guam

Date: JUL 10 2013

EXHIBIT "B"

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guåhan)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MONTE MAFNAS
Director

DAVID V. CAMACHO
Deputy Director

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

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

Website:
http://dlm.guam.gov

E-mail Address:
dlm@mail.gov.gu

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

Date: July 15, 2013

7-16-13
RECEIVED

To: Chief Planner, Land Planning Division

From: Franklin Jimenez, Associeat Broker, Titan Realty
Mailing Address: 121 Takano Lane, Suite 205
Tamuning, Guam 96913

Re: **Request for DLM Certification of Designated Zone**
(A recorded Survey Map should accompany this Request Form)

***Property Description:** Lot 5168-4, consisting of approx. 3,976.00±- square meters

Municipality of Dededo, Guam Project/Application Name: Franklin Jimenez

Franklin Jimenez
Requestor *(Print name)*

Contact Number(s):
Work: 479.4663 Beeper: _____
Cellular 727-2891 Home: _____

FOR OFFICIAL USE ONLY

Verification of Designated Zone

ZONING DISTRICT: [ ] A [M] R-1 [ ] R-2 [ ] C [ ] M-1 [ ] M-2 [ ] PD [ ] H [ ] S-1 [ ] PF

REMARKS Subject lot is Zoned "R1"
As per Official Zoning Map

PROPERTY STATUS F369538

7/17/13
SIGNATURE *(Research Verified By: Land Agent Supervisor)*

Certification of Zone *(above)*

[✓] **Approved** [ ] **Disapproved**

7-18-13
Guam Chief Planner *Date*

*This is a written request for the above information. **Filing Fee: Ten Dollars ($10.00)** filing fee as per Public Law 29-02, Chapter V, Part III *(Fees and Charges Assessed by the Department of Land Management)*; *available approximately four (4) working days as per P.L. 25-06, Section 1(d), Sunshine Reform Law, except for zone verifications.*

Completion Date: 7/18/13
Total No. of Pages: 2
Amount Due: $ 10

Documents Received by: _____ *(Print Name)*
Payment Received by: _____ *(DLM Staff*

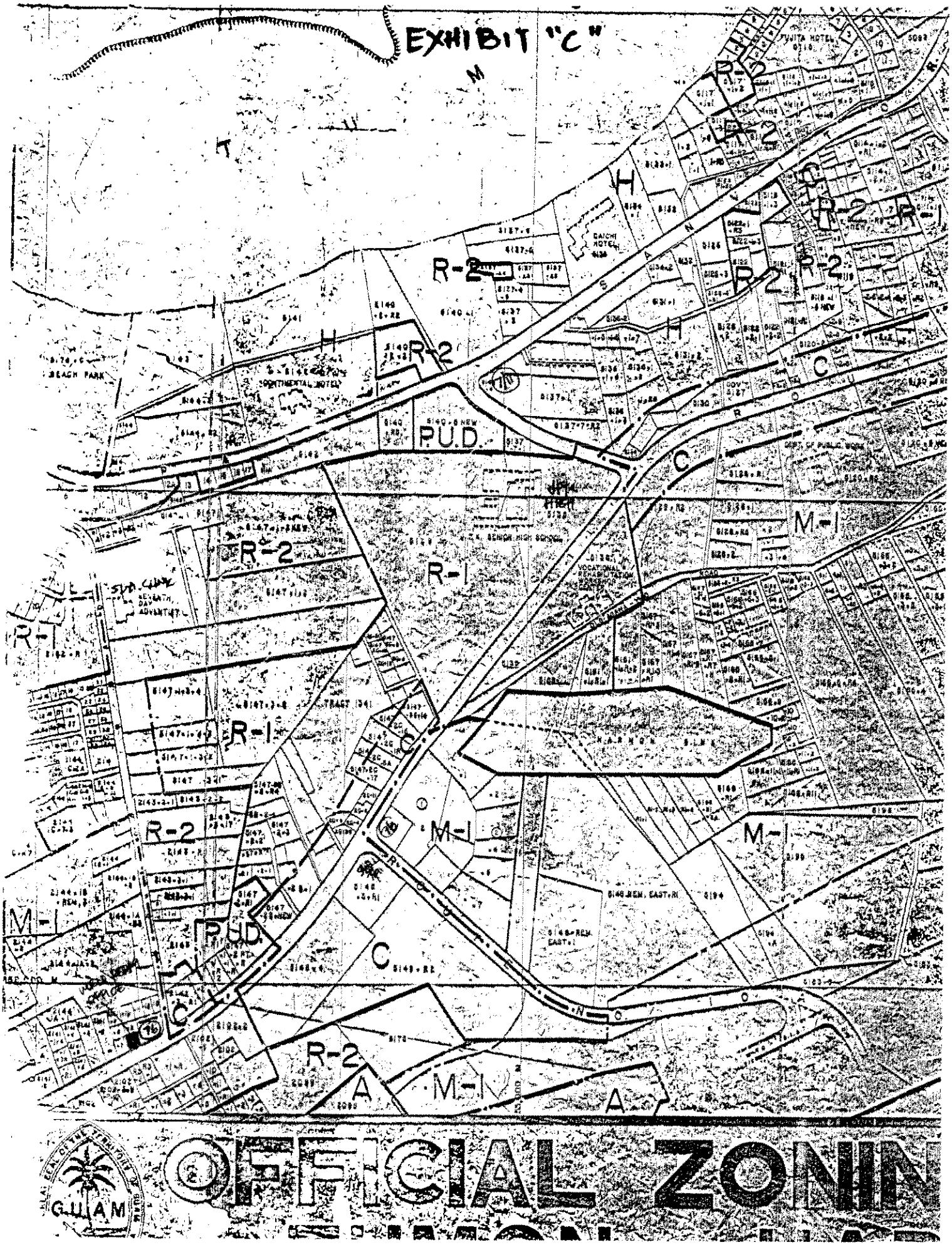
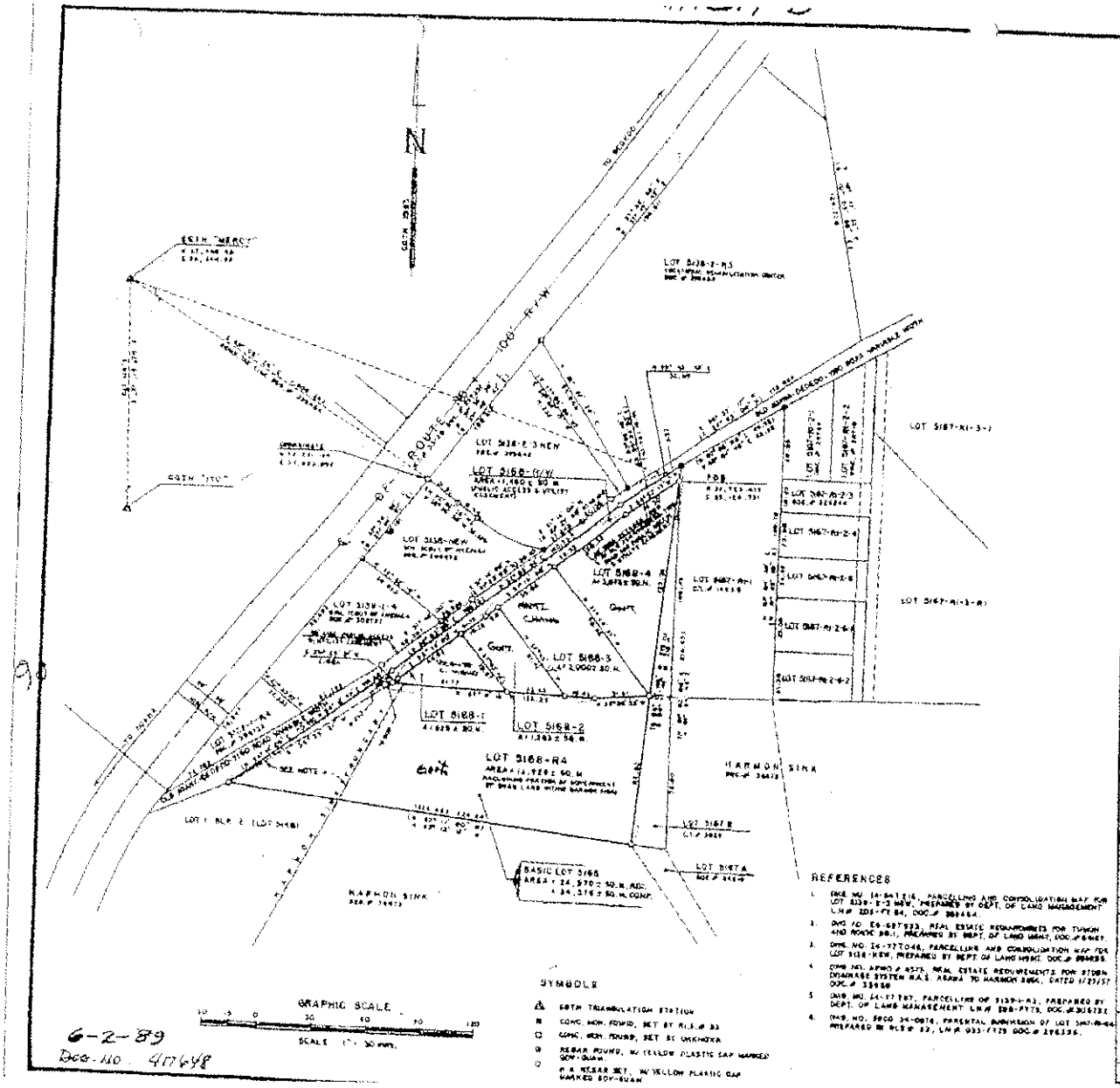


EXHIBIT "C"
R-2
R-1
P.U.D.
M-1
C
A
H
GUAM
OFFICIAL ZONING

EXHIBIT "D"



SYMBOLS

- △ GRTN TRIANGULATION STATION
- ■ CONC. MON. FOUND, SET BY R.L.S. # 33
- ○ CONC. MON. FOUND, SET BY UNKNOWN
- ⊕ REBAR FOUND, W/ YELLOW PLASTIC CAP MARKED GOV-GUAM
- ○ R.B. REBAR SET, W/ YELLOW PLASTIC CAP MARKED GOV-GUAM

REFERENCES

1. DWG. NO. 24-5411-E, PARCELLING AND CONSOLIDATION MAP FOR LOT 5139-E-3 NEW, PREPARED BY DEPT. OF LAND MANAGEMENT L.M.# 1201-FT 84, DOC.# 389454.
2. DWG. NO. E6-637533, REAL ESTATE REQUIREMENTS FOR TUMON AND ROADS #8.1, PREPARED BY DEPT. OF LAND MGMT, DOC.# 8467.
3. DWG. NO. 24-7770-48, PARCELLING AND CONSOLIDATION MAP FOR LOT 5138-NEW, PREPARED BY DEPT OF LAND MGMT. DOC.# 8845.
4. DWG. NO. 8PWO-# 4575, REAL ESTATE REQUIREMENTS FOR STORM DRAINAGE SYSTEM W.A.S. AGANA TO HARMON SINK, DATED 12/27/57 DOC.# 33959
5. DWG. NO. 24-77 187, PARCELLING OF 5139-R-R3, PREPARED BY DEPT. OF LAND MANAGEMENT L.M.# 898-77TS, DOC.# 306731.
6. DWG. NO. FDCO 34-0874, PARENTAL SUBDIVISION OF LOT 5167-R-R4 PREPARED BY R.L.S. # 33, L.M.# 933-77TS DOC.# 296336.

LOCATION MAP
NOT TO SCALE

NOTES

1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN
2. ALL DISTANCES ARE IN METERS, UNLESS OTHERWISE NOTED
3. BEARINGS AND DISTANCES ARE BASED ON 1983 VALUE ALL IN PARANTHESIS ARE RECORD DATA.
4. DOC. # 39673, SPECIFIES THAT THE AREA COVERED BY THE HARMON SINK WITHIN LOT 5168 IS 0.0167 HA. (168.734 SQUARE METERS MORE OR LESS). HOWEVER THE EXCESS OF 1,102 SQUARE METERS MORE OR LESS IS STILL A PORTION OF GOVERNMENT OF GUAM LAND.

CERTIFICATIONS

I, HOWARD B. CARRIER, HEREBY CERTIFY THAT THIS MAP WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS BASED UPON A FIELD SURVEY MADE IN FEBRUARY 1988, AND THAT IT MEETS ALL THE REQUIREMENTS OF CHAPTER 8, TITLE XIV, OF THE GOVERNMENT CODE OF GUAM AND REGULATIONS THEREUNDER.

TERRITORIAL SURVEYOR — DATE

APPROVAL PURSUANT TO PUBLIC LAW 4-134 TITLE 19 GOVERNMENT CODE OF GUAM.

TERRITORIAL PLANNER — DATE

APPROVED BY

DIRECTOR OF LAND MANAGEMENT — DATE

SURVEY DATA			
SUBJECT	BY	DATES	
JOB NUMBER	[illegible]	MARCH 1988	
REFERENCES	R.T.G. / R.O.	APRIL 1988	
FIELD BOOK	D.L.M.	APRIL 1988	
FILE #	[illegible]	APRIL 1988	
FIELD INSPY.	R.T. OTERO	MAY 1988	
COMPUTED	R.T. OTERO	MAY 1988	
DRAWN	J.A. DEAC	MAY 1988	
CHECKED BY	R.B. CARRIER	MAY 1988	

ABSTRACT OF TITLE
BASIC LOT 5168
DEED OF TITLE D.O.# 3114
REGISTERED ON MAR. 17, 1978 IN NAME OF DOC.# 33219 GOVERNMENT OF GUAM

MAY	DATE	BRIEF DESCRIPTION	BY	DATE	APPROVED

PARCELLING SURVEY MAP OF

LOT 5168

TAMUNING, MUNICIPALITY OF DEDEDO
LS 15 SEC. 1 — LS 16 SEC. 1

GOVERNMENT OF GUAM
DEPARTMENT OF LAND MANAGEMENT
LAND SURVEY DIVISION

SCALE 1" = 1" = 30 meters — DRAWING NUMBER

6-2-89
Doc. no. 417648

Mina'trentai Dos na Liheslaturan Guahan

32ND GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT, PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

Friday, November 22, 2013
Bill No. 169
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes	SUPPORT No
GLENN BAY	DPW	649-3149	glenn.bay@dpw.guam.gov		✓		

324 W. Soledad Ave. Hagatna, Guam 96910
Ph. 473-4236 Fax. 473-4238
Email: senbenp@guam.net

10-1-13

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MONTE MAFNAS
Director

DAVID V. CAMACHO
Deputy Director

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

September 12, 2013

Senator Vicente (ben) C. Pangelinan
32nd Guam Legislature
Chairman, Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and Land
324 W. Soledad Ave., Suite 100
Hagatna, GU 96932

RECEIVED
OCT 01 2013

SUBJECT: Testimony on Bill No. 169-32 (COR)

Bueñas Yan Hafa Adai: The Department has reviewed Bill 169-32 (COR) – **AN ACT TO REZONE LOT NOS. 5168-4, LOCATED IN THTE MUNICIPALITY OF TAMUNING, FROM SINGLE FAMILY DWELLING (R1) TO LIGHT INDUSTRIAL ZONE (M1)**

Hereby submitted are the testimonies for the above-described proposal. Based on the requirements of Title 21, Guam Code Annotated, Chapter 61 Zoning Law, Article 3, §61301 we render the following:

Lot No. 5168-4 containing an area of 3,976+/- square meters, located in the Municipality of Tamuning, and in close proximity to surrounding properties that have been zoned as Light Industrial or Commercial.

It is further noted that Department of Land Management at one time recommended that properties located within these particular areas that were acquired through government land exchange be rezoned unconditionally as Light Industrial to be consistent with the proposed plan.

Department of Land Management therefore supports this legislative intent to rezone the said property from its current Single Family Dwelling (R1) to Light Industrial Zone (M-1).

With respect to potential impacts to our mandates as requested by the Bureau of Budget Management and Resources, passage of Legislative Bills 169-32 (COR) will not have any affects, thereof.

Moreover, the Department would like to remind all concern that our Guam Legislature delegated land use development including zone changes through Public Law 1-88, as amended, to the Guam Land use Commission and the Department of Land Management. Furthermore, a viable zone change process exist, is efficient, and considers all aspect of land use planning in protecting the community and our island's interest.

We thank you for the opportunity to comment on this bill.

Senseramente,

DAVID V. CAMACHO
Acting Director

cc: Planning Division, DLM
Jtaseditedbymqa:mydocs/:Leg.bills_comment on leg bills 169-32

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guahan)

EDDIE BAZA CALVO
Governor

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MONTE G. MAFNAS
Director

DAVID V. CAMACHO
Deputy Director

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Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

November 19,2013

Senator Vicente (ben) C. Pangelinan
32nd Guam Legislature
Chairman, Committee on Appropriations, Taxation,
Public Debt, Banking, Insurance, Retirement, and Land
324 W. Soledad Ave. Suite 100
Hagatna, GU 96932

SUBJECT: BILL NO. 169-32
LAND ZONING CONSIDERATION REPORT

Buenas Yan Hafa Ada Senator,

Pursuant to Public Law 31-157, Department of Land Management hereby submits the Land Zoning Consideration Report for the aforementioned bill.

Senseramente,

David V. Camacho,
ACTING DIRECTOR

RECEIVED
NOV 20 2013

§ 2110. "Land Zoning Consideration Reports" Required for Land Zoning Legislation

Any bill that seeks to designate a particular zoning for any real property shall not be placed on a legislative session agenda until a "Land Zoning Consideration Report" has been issued by the Department of Land Management.

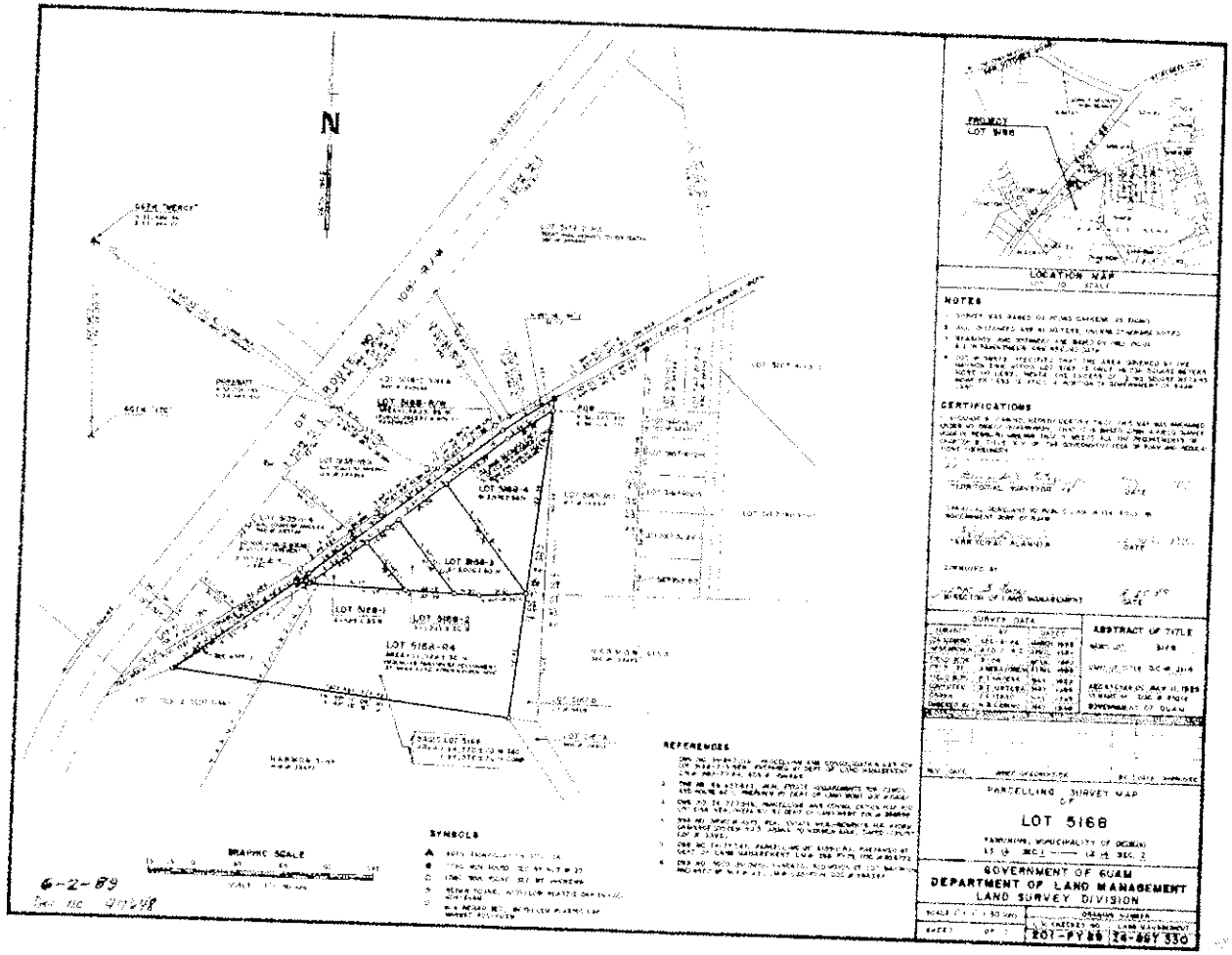
CONTENTS

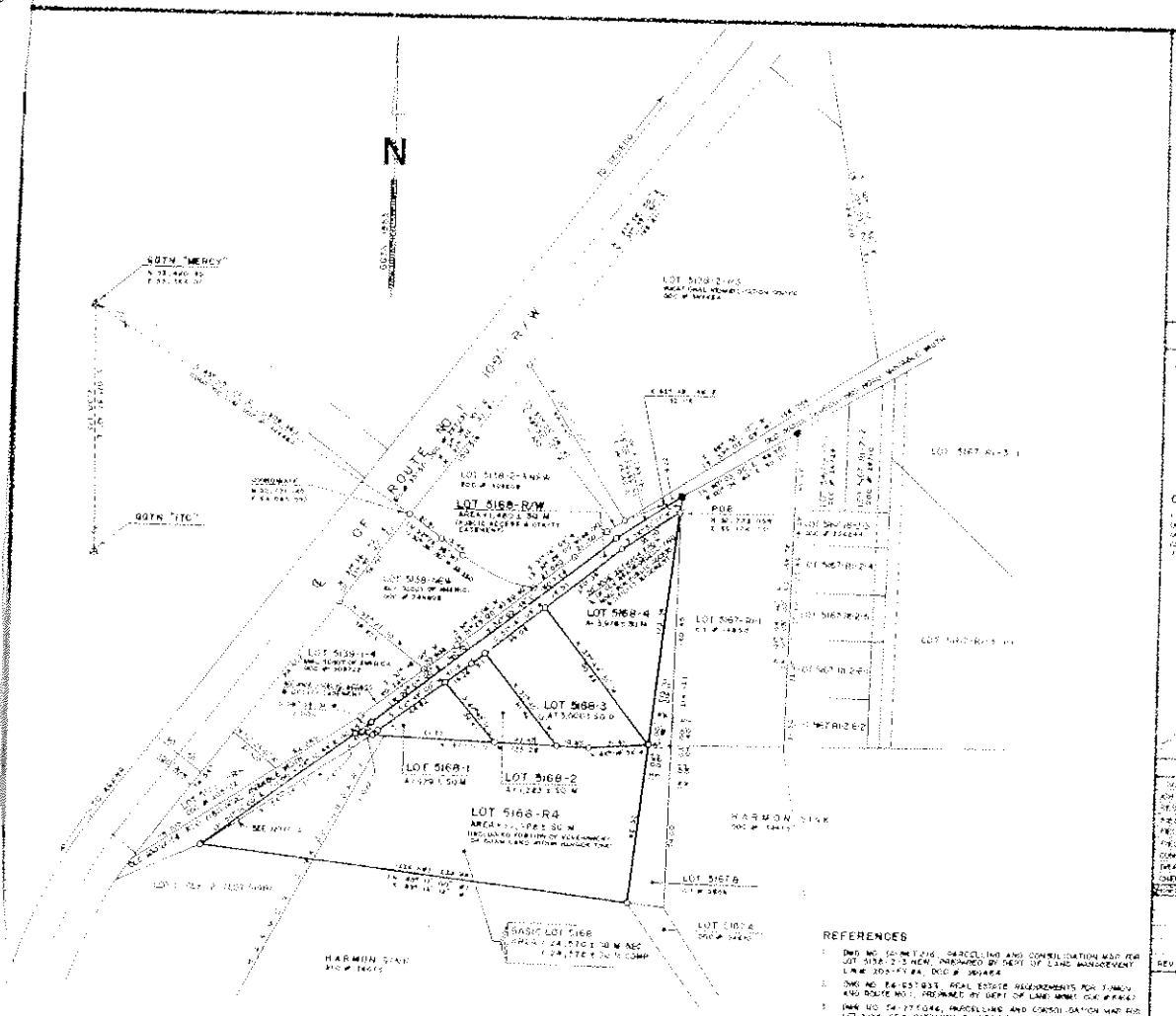
2. Recommendations of the Application Review Committee

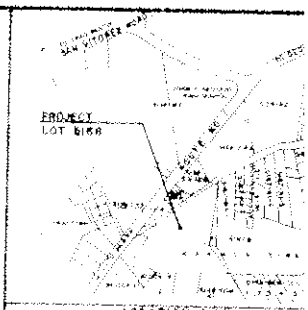
Authority: Title 2GCA Chapter 2, §2110(b)(2)

Not Available

I-330


N
LOT 5168-R4
LOT 5168-1
LOT 5168-2
LOT 5168-3
LOT 5168-4
LOT 5168-R6
LOCATION MAP
NOTES
CERTIFICATIONS
SURVEY DATA
ABSTRACT OF TITLE
REFERENCES
SYMBOLS
GRAPHIC SCALE
PARCELLING SURVEY MAP OF
LOT 5168
GOVERNMENT OF GUAM
DEPARTMENT OF LAND MANAGEMENT
LAND SURVEY DIVISION
201-FY89 24-861 330
6-2-89





LOCATION MAP

NOTES

CERTIFICATIONS

TERRITORIAL SURVEYOR — DATE

TERRITORIAL PLANNER — DATE

DIRECTOR OF LAND MANAGEMENT — DATE

SURVEY DATA			
SUBJECT	BY	DATED	
JOB NUMBER		MARCH 1988	
FIELD BOOK		APRIL 1989	
FIELD TO		MAY 1989	
FIELD SURV		MAY 1989	
COMPUTED		MAY 1989	
DRAWN		1989	
CHECKED BY		MAY 1989	

ABSTRACT OF

BASIC LOT

SUBD. IN TOLE

REGISTERED IN MAR

IN NAME OF DOC #

GOVERNMENT OF GUAM

REV. DATE CHECK DESCRIPTION BY DATE

PARCELLING SURVEY MAP OF

LOT 5168

TAMUNING, MUNICIPALITY OF DEDEDO

GS 3 SEC 1 ——— GS 14 SEC. 2

GOVERNMENT OF GUAM
DEPARTMENT OF LAND MANAGEMENT
LAND SURVEY DIVISION

SCALE 1" = 1" = 30 FEET | DRAWING NUMBER

SHEET OF | L.M. CHECKED NO. 201-FY89 | LAND MANAGEMENT 14-89T

6-2-89
Inst. Doc 97698

I 330

5. EVIDENCE OF CONSULTATION

Authority: Title 2GCA, Chapter 2, §2110(b)(5)

Not Available

7. TIMELINES

a. Date of Departmental Official Receipt of Request ..... August 15, 2013
b. Date of 45 day Deadline ..... September 29, 2013
c. Date Submitted to Requesting Standing Body ..... November 20, 2013

Gmail by Google

Franklin Jimenez <fcjimenez@gmail.com>

testimony letters

2 messages

susan merlette <susan-larry@hotmail.com> Wed, Nov 20, 2013 at 5:07 AM
To: Franklin Jimenez <fcjimenez@gmail.com>

Sent from Windows Mail

---

susan merlette <susan-larry@hotmail.com> Wed, Nov 20, 2013 at 5:26 AM
To: Franklin Jimenez <fcjimenez@gmail.com>

Yet another one....

32nd Guam legislature
November 19, 2013

Due to an oversight from a lot of people, we are back again for one more request of approval from the legislature. Unfortunately, I am unable to be there in person as I was, for the original process to obtain property 5168-4. Please accept mr. Frank Jiminez as our representative to see this process through. Due to zoning issues my family and I once again ask for your consideration and support to rezone lot 5168-4 to m-1 from r-1. We want to put this to rest once and for all, stemming from a long and hard legal battle that lasted over 20 plus years. Thanks so much.
Sent from Windows Mail

Sincerely,
Lorenzo C. Rosario Jr.

Gmail by Google

Franklin Jimenez <fcjimenez@gmail.com>

Judy's Testimony

susan merlette <susan-larry@hotmail.com>
To: Franklin Jimenez <fcjimenez@gmail.com>

Wed, Nov 20, 2013 at 5:33 AM

To the 32nd Guam legislature,
Bill Number 169-32

As we try to move on with our lives and have a better life for our children and family, my siblings and I are requesting to have lot 5168-4 rezoned from R1 to M1 This is the last remaining portion of property that was a part of my father's estate. After over 20 years of finally getting compensated for us we run into another snag of this property zone. On behalf of my siblings and I, please rezone our last property that was entrusted to us. Thank you in advance.

Much appreciation,
Judy Rosario

Almost There

Me and my family come before the Legislature to help with Bill 169-32. A massive oversight occurred w hen we received the deed. The property still remained in residential zoning. Our automatic assumption w as the zone changed to commercial. Please help us rectify all this once and for all

My name is Patricia T. Rosario, heir of Lorenzo C. Rosario Sr. and respectfully request your assistance in this matter

Dated this day, November 18, 2013.

Thank you.

Patricia T. Rosario

November 20, 2013

Buenas yan Hafa Adai I Lihesladuran Guahan!

Esteemed members of the Legislature:

You have before you today Bill No. 169-32 (LS) for your consideration.

The approval of this bill will finally come full circle for our family in that it had taken my family a very long and arduous 23 years to complete.

With your help, we humbly request that you favor this bill to rezone this plot of land from Single family dwelling, R1, to Light Industrial, M1, so that it is consistent will all other surrounding properties.

Si Yu'os Ma'ase

Dolores R Boardman

Dolores Rosario Boardman

11/20/2013

Date

GUAM POWER AUTHORITY

ATURIDÅT ILEKTRESEDÅT GUAHAN
P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

RECEIVED
NOV 2 2 2013
Office of the Speaker
Senator Vicente C. Pangelinan
Received by:

November 19, 2013

The Honorable Vicente C. Pangelinan
Senator, 32nd Guam Legislature
324 W. Soledad Ave. Suite 101
Hagatna, Guam 96910

Subject: Lot 5168-4, Municipality of Tamuning, to rezone from "R-1" (Single-Family Dwelling) to "M-1" (Light Industrial). **Bill No. 169-32 (LS)**

Guam Power Authority has reviewed the application described above and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:

1. GPA has no objection, however customer is required to comply with the following pursuant to the National Electrical Code, National Electrical Safety Code and GPA's Service Rules and Regulations:
   - Coordinate overhead/underground power requirements with GPA Engineering for new structures
   - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code
   - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements
   - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection
   - Provide scheduling and magnitude of project power demand requirements for new loads
   - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials

2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.

3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.

4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments
GPA has no objection to the request subject to the conditions cited above.

Sincerely,

for **JOAQUIN C. FLORES, P.E.**
General Manager

12-2-13 tu

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor

BUREAU OF STATISTICS & PLANS

SAGAN PLANU SIHA YAN EMFOTMASION

Government of Guam
P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812

Lorilee T. Crisostomo
Director

NOV 29 2013

RECEIVED

Honorable Ben Pangelinan
Chairman, Committee on Appropriations,
Public Debt, Legal Affairs, Retirement, Public Parks,
Recreation, Historic Preservation and Land
32nd Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

TESTIMONY ON BILL 169-32(LS) – AN ACT TO REZONE LOT NUMBER 5168-4, LOCATED IN THE MUNICIPALITY OF TAMUNING, FROM SINGLE FAMILY DWELLING (R-1) TO LIGHT INDUSTRIAL ZONE (M-1).

Hafa Adai Chairman Pangelinan,

The Bureau of Statistics and Plans (BSP) appreciates this opportunity to offer its written testimony on Bill 169-32 to rezone Lot 5168-4 in Tamuning from Single Family Dwelling (R-1) to Light Industrial Zone (M-1). After reviewing the bill, we believe that a light-industrial activity will be compatible to the surrounding land uses that already have several light industrial activities including a restaurant, a service station, the Boys' and Girl's Scout Offices, and the Vocational Rehabilitation Center. Infrastructures such as water, power and sewer are available in the immediate areas. Although this rezoning request would not cause any major impacts, we recommend that the applicant/landowner(s) coordinate with the Guam Environmental Protection Agency to develop the best management practices in order to prevent adverse impacts to our environment as the light-industrial activities on Lot 5168-4 start to materialize.

Also, we recognize the need for the Guam Legislature to step in to move the rezone process forward expeditiously on a case-by-case basis. However, we hope that the nearby landowners were informed about the bill to rezone and given able time to express their desires to the Legislature similar to the process conducted by the Guam Land Use Commission.

In closing, BSP supports the rezone request to Light Industrial Zone in order to develop future business activities that will address the island's growing economic needs. Thank you for giving us the time to provide our written comments and support on this bill.

Sincerely,

LORILEE CRISOSTOMO
Director

COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • *www.guamlegislature.com*
E-mail: *roryforguam@gmail.com* • Tel: (671)472-7679 • Fax: (671)472-3547

September 25, 2013

Memorandum

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Fiscal Notes**

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

FISCAL NOTES:
Bill No. 169-32(LS)
Bill No. 176-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2013 SEP 25 01 10: 46

Bureau of Budget & Management Research
Fiscal Note of Bill No. 169-32 (LS)

AN ACT TO REZONE LOT NO. 5168-4, LOCATED IN THE MUNICIPALITY OF TAMUNING, FROM SINGLE-FAMILY DWELLING ZONE (R-1) TO LIGHT INDUSTRIAL ZONE (M1).

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Land Management	Dept./Agency Head: David Camacho, Acting Director
Department's General Fund (GF) appropriation(s) to date:	380,882
Department's Other Fund (Specify) appropriation(s) to date: Land Survey Revolving Fund, Chamorro Land Trust Operations Fund	3,227,764
Total Department/Agency Appropriation(s) to date:	$3,607,846

Fund Source Information of Proposed Appropriation	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance[1]		$0	$0
FY 2013 Adopted Revenues	$0	$0	$0
FY 2013 Appro. (P.L. 31-233)	$0	$0	$0
Sub-total:	$0	$0	$0
Less appropriation in Bill	$0	$0	$0
Total:	$0	$0	$0

Estimated Fiscal Impact of Bill	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	$0	$0	$0	$0	$0	$0
(Specify Special Fund)	1/	$0	$0	$0	$0	$0
Total	1/	$0	$0	$0	$0	$0

1. Does the bill contain "revenue generating" provisions? /X/ Yes / / No
   If Yes, see attachment 1/
2. Is amount appropriated adequate to fund the intent of the appropr /X/ N/A / / Yes / / No
   If no, what is the additional amount required? $ _____
3. Does the Bill establish a new program/agency? /X/ N/A / / Yes / / No
   If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
   Is there a federal mandate to establish the program/agency? / / Yes /X/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes / / No
   /X/ Requested agency comments not received as of the due date / / Other:

Analyst: Jason Baza Date: 9/10/13 Director: Date: SEP 23 2013
Jason W. Baza, BMA I John A. Rios, Director

Footnotes:
1/ See attached comments.

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 169-32 (LS)
(for revenue generating provisions)

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	$0	$0	$0	$0	$0
Land Survey Revolving Fund	$50	$0	$0	$0	$0
Territorial Education Facilities Fund	$209	$209	$209	$209	$209
Total	$259	$209	$209	$209	$209

Comments:

1/ The proposed legislation to rezone Lot No. 5168-4, in the municipality of Tamuning from a Single-Family Dwelling Zone (R-1) to a Light Industrial Zone (M1) is an attempt by the owners of said property to: 1) maximize the use of their property and 2) to be consistent with the surrounding properties that are either zoned Light Industrial (M1) or Commercial (C). Per the Department of Revenue and Taxation, the subject property, which amounts to 3,976± square meters, was formerly owned by the Government of Guam and was not required to pay any local or federal fees towards real property taxes. Because the said property is under new ownership, the real property taxes will be implemented hereafter. The Bureau does not anticipate any further construction, therefore not anticipating additional building permits or increases in building taxes. If the proposed legislation is passed, the Bureau estimates that $208.75 (3,976 sq. ft. X $60 per square foot [appraised value] X 0.0875033% [land tax rate]) will be received by the Department of Revenue and Taxation in the form of real property taxes. The Bureau also estimates that $50 will be received by the Department of Land Management in the form of a zone change amendment fee. The estimated total estimated to be received by the Government of Guam amounts to $258.75

COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • *www.guamlegislature.com*
E-mail: *roryforguam@gmail.com* • Tel: (671)472-7679 • Fax: (671)472-3547

August 16, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 169-32(LS)**

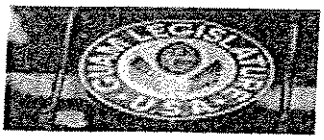
As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 169-32(LS)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of

I Mina'Trentai Dos Na Liheslaturan Guahan

Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
169-32 (LS)	T.R. MUÑA Barnes	AN ACT TO REZONE LOT NO. 5168-4, LOCATED IN THE MUNICIPALITY OF TAMUNING, FROM SINGLE-FAMILY DWELLING ZONE (R1) TO LIGHT INDUSTRIAL ZONE (M1).	8/16/13 1:34 p.m.	08/16/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land			



Lisa Dames <cipo@guamlegislature.o

Public Hearing - FIRST NOTICE

Lisa Dames <cipo@guamlegislature.org> Fri, Nov 15, 2013 at 5:07 P
To: PHrg Notice <phnotice@guamlegislature.org>, phmaterials@guamlegislature.org

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land will hold a public hearing on Friday, November 22, 2013 beginning at 9:00 am and 2:00 pm in the Guam Legislature Public Hearing Room. The following is on the agenda:

9:00 AM

STATUS UPDATE BY THE GUAM ECONOMIC DEVELOPMENT AUTHORITY ON THE HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS

2:00 PM

Confirmation Hearing

Mr. Andrew C. Park, Member of the Guam Land Use Commission

Bills

Bill No. 209-32 (COR) – Introduced by Speaker Judith Won Pat: An Act to Amend Section 1 of Public Law 31-234, Relative to extending the deadline to obligate or expend American Recovery and Reinvestment Funds.

Bill No. 219-32 (LS) – Introduced by Senator Vicente (ben) Cabrera Pangelinan: An Act to Amend §30109 of Article 1, Chapter 30, 5 Guam Code Annotated Relative to the duties of the Attorney General of Guam.

Bill No. 169-32 (LS) – Introduced by Senator Tina Muna Barnes: An Act to Rezone Lot No. 5168-4, Located in the Municipality of Tamuning, from Single-Family Dwelling Zone (R1) to Light Industrial Zone (M1).

Bill No. 223-32 (COR) – Introduced by Senator Vicente (ben) Cabrera Pangelinan: An Act to Appropriate the sum of Four Hundred Thousand Dollars ($400,000) for the Compensation to Farmers for Crop Damages

Program established pursuant to Chapter 64A, Title 5 of the Guam Code Annotated.

Yanggen un nisisita espesiåt na setbision, put fabot ågang i Ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hålom gi i uepsait i Liheslaturan Guåhan gi www.guamlegislature.com Yanggen para ur na'hålom testigu-mu, chule' para i ifisinan-måmi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kuatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi office@senbenp.com Este na nutisiu inapåsi nu i fendon gubetnamento.

If you require any special accommodations, auxiliary aids or other special services or for further information, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at office@senbenp.com

Lisa Dames
Chief of Staff
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.
(671) 473-4236 (office)
(671) 473-4238 (fax)
senbenp.com
www.guamlegislature.org

Agenda_Nov 22.doc
49K

Lisa Dames <cipo@guamlegislature.o

Public Hearing - FIRST NOTICE

Lisa Dames <cipo@guamlegislature.org> Fri, Nov 15, 2013 at 5:00 I
To: news@k57.com, news@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Krystal Paco <krystal@kuam.com>, Josh Tyquiengco <jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <jontalk@gmail.com>, Jon Anderson <editor@mvguam.com>, gerry@mvguam.com, marvic@mvguam.com, louella@mvguam.com, Frank Whitman <frank@mvguam.com>, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com

Hafa Adai,
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Lisa Dames
Chief of Staff
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
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Lisa Dames <cipo@guamlegislature.o

Public Hearing - SECOND NOTICE

Lisa Dames <cipo@guamlegislature.org> Wed, Nov 20, 2013 at 8:47
To: PHrg Notice <phnotice@guamlegislature.org>, phmaterials@guamlegislature.org

Hafa Adai,

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Histori Preservation, and Land will conduct a public hearing beginning at **9:00am** and **2:00pm** on **Friday, November 22 2013** at the Guam Legislature's Public Hearing Room.

The following is the agenda:

9:00 am

STATUS UPDATE BY THE GUAM ECONOMIC DEVELOPMENT AUTHORITY ON THE HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS

2:00 pm

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Lisa Dames <cipo@guamlegislature.or

Public Hearing - SECOND NOTICE

Lisa Dames <cipo@guamlegislature.org> Wed, Nov 20, 2013 at 8:42 A
To: news@k57.com, news@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Krystal Paco <krystal@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <jontalk@gmail.com>, Jon Anderson <editor@mvguam.com>, gerry@mvguam.com, marvic@mvguam.com, louella@mvguam.com, Frank Whitman <frank@mvguam.com>, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com

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I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

November 20, 2013

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing – SECOND NOTICE

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Chairman
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Member
Committee on Education, Public Libraries and Women's Affairs

Member
Committee on General Government Operations and Cultural Affairs

Member
Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Development Authority

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

Member
Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910
Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net
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I Mina'trentai Dos na Liheslaturan Guåhan
32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

INEKUNGOK PUPBLEKO
(PUBLIC HEARING)

gi Måttes, gi diha 22 gi Nubembre, 2013
Friday, November 22, 2013

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

TAREHA
(AGENDA)

alas nuebi gi egga'an
(9:00 AM)

STATUS UPDATE BY THE GUAM ECONOMIC DEVELOPMENT AUTHORITY ON THE HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS

alas dos gi despues di talo'åni
(2:00 PM)

Para Komfitmasion:
(Confirmation Hearing)

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32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

INEKUNGOK PUPBLEKO
(PUBLIC HEARING)

gi Betnes, gi diha 22 gi Nubembre, 2013
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(*PUBLIC* HEARING)

***gi Betnes, gi diha 22 gi Nubembre*, 2013**
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As of August 27, 2013

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mspeps4873@gmail.com
mvariety@pticom.com
mwatanabe@guampdn.com
news@guampdn.com
news@spbguam.com
nick@kuam.com
norman.aguilar@guamcc.edu
nsantos@guamlegislature.org
odngirairikl@guampdn.com
office@senatorada.org
oliviampalacios@gmail.com
onlyonguam@acubedink.com
pacificjournalist@gmail.com
parroyo@k57.com
pdkprg@gmail.com
pete@tonyada.com
phillipsguam@gmail.com
publisher@glimpsesofguam.com
qduenas_8@yahoo.com
rennae@guamlegislature.org
responsibleguam@gmail.com
rfteehan@yahoo.com
rgibson@k57.com

richdevera@gmail.com
ricknauta@hitradio100.com
rlimtiaco@guampdn.com
rob@judiwonpat.com
rolly@ktkb.com
roryforguam@gmail.com
ryanjames@senatormorrison.com
santos.duenas@gmail.com
senator@senatorbjcruz.com
senatorbrantmccreadie@gmail.com
senator@tinamunabarnes.com
senatordrodriguez@gmail.com
senatorsannicolas@gmail.com
senatortonyada@guamlegislature.org
senbenp@guam.net
sgflores@tinamunabarnes.com
sgtarms@guamlegislature.org
sitarose2@yahoo.com
slimtiaco@guampdn.com
sonedera-salas@guamlegislature.org
speaker@judiwonpat.com
tanya4families@gmail.com
tasigirl@gmail.com
tcastro@guam.net
telo.taitague@guam.gov
tessa@senatorbjcruz.com
thebigshow@guamcell.net
thebigshow@k57.com
therese.hart.writer@gmail.com
therese@judiwonpat.com
tinamunabarnes@gmail.com
tjtaitano@cs.com
tom@senatorada.org
tommy@senatormorrison.com
tony@tonyada.com
trittent@pstripes.osd.mil
tterlaje@guam.net
val@tonyada.com
vincent@tinamunabarnes.com
wil@judiwonpat.com
will@senatorada.org
xiosormd@gmail.com
xiosormd@yahoo.com
ylee2@guam.gannett.com
zita@mvguam.com
zpalomo@guamag.org

COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • *www.guamlegislature.com*
E-mail: *roryforguam@gmail.com* • Tel: (671)472-7679 • Fax: (671)472-3547

August 21, 2013

VIA E-MAIL
john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 166 through 171-32 (LS)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Rory J. Respicio

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 AUG 21 AM 9:37

Bill Nos.	Sponsor	Title
166-32 (LS)	Judith T. Won Pat, Ed.D., Aline A. Yamashita, Ph.D., B.J.F. Cruz	AN ACT TO TRANSFER TITLE OF LOT NO. 5397 MUNICIPALITY OF BARRIGADA, GUAM TO THE UNIVERSITY OF GUAM.
167-32 (LS)	R.J. Respicio	AN ACT TO REPEAL § 23113 OF CHAPTER 23, TITLE 22 OF THE GUAM CODE ANNOTATED TO REMOVE THE CURRENT TAX EXEMPTION ON PREMIUMS COLLECTED BY INSURANCE COMPANIES AS PARTOF THE QC PROGRAM.
168-32 (LS)	T.R. MUÑA Barnes	AN ACT TO REZONE LOT NOS. 22 AND 23, BLOCK NO. 4, TRACT NO. 170, WEST ACRESSUBDIVISION, DEDEDO, GUAM FROM SINGLE- FAMILY DWELLING ZONE (R-1) TO MULTIPLE- FAMILY DWELLING ZONE (R-2)
169-32 (LS)	T.R. MUÑA Barnes	AN ACT TO REZONE LOT NO. 5168-4, LOCATED IN THE MUNICIPALITY OF TAMUNING, FROM SINGLE-FAMILY DWELLING ZONE (R1) TO LIGHT INDUSTRIAL ZONE (M1).
170-32 (LS)	Vicente (ben) C. Pangelinan	AN ACT TO ADD A NEW SUBSECTION (w) TO §8104, TO AMEND §8139.1, TO AMEND SUBSECTION 8143(j), TO AMEND §8144, §8145, §8146, §8149, §8150, §8151, §8152, §8153, §8154, §8156, §8157, §8158, and §8158.1 ALL OF ARTICLE 1, CHAPTER 8, TITLE 4 OF THE GUAM CODE ANNOTATED RELATIVE THE DEFINED BENEFITS PLAN OF THE GOVERNMENT OF GUAM RETIREMENT FUND.
171-32 (LS)	V. Anthony Ada, B. J.F. Cruz	AN ACT TO AMEND §§ 3114 OF 16GCA, 57103 OF 10GCA, 4121 OF 4GCA AND 1107 OF 17GCA RELATIVE TO GOVERNMENT OF GUAM ID CARDS ISSUEDTOPERSONS UNDER 21 YEARSOF AGE.

COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • *www.guamlegislature.com*
E-mail: *roryforguam@gmail.com* • Tel: (671)472-7679 • Fax: (671)472-3547

August 16, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 169-32(LS)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 169-32(LS)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

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

Si Yu'os Ma'åse!

Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 169-32 (LS)

Introduced By: T.R. MUÑA BARNES

2013 AUG 19 PM 1:34

AN ACT TO REZONE LOT NO. 5168-4, LOCATED IN THE MUNICIPALITY OF TAMUNING, FROM SINGLE-FAMILY DWELLING ZONE (R1) TO LIGHT INDUSTRIAL ZONE (M1).

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that it is the desire of the owners of Lot No. 5168-4 to maximize the use of their property located in the Municipality of Tamuning to its highest potential. *I Liheslaturan Guåhan* further finds that in order to achieve the maximum and best use of their property, the owners have requested the assistance of *I Liheslaturan Guåhan* to rezone Lot No. 5168-4 from its current Single-Family Dwelling Zone (R1) to Light Industrial Zone (M1).

I Liheslaturan Guåhan further finds that the owners of Lot No. 5168-4 acquired this property through a land exchange with the Government of Guam authorized by Public Law 31-253. After months of waiting for the completion of the implementation of Public Law 31-253, the approval process for the Deed of Exchange was completed and the owners received their copy of the official Deed of Exchange. *(See document attached as Exhibit "A").* Furthermore, the owners conducted research on the zoning status of the property and their findings determined that the property had a zoning designation of R1. *(See document attached as Exhibit "B").*

I Liheslaturan Guåhan further finds that based on the findings of the R1 designation, the property owners not only want to achieve the maximum and best use of their property, but want the zoning of their property to be consistent with the surrounding properties that are either zoned Light Industrial or Commercial. *(See reduced Zoning Map attached as Exhibit "C").*

It is therefore the intent of *I Liheslaturan Guåhan* to authorize the rezoning of the lot described herein for the purposes of assisting the owners in maximizing the highest and best use of their property, as well as rezoning the property to maintain consistency with the surrounding properties.

Section 2. Lot Rezoning. Notwithstanding any other provisions of law, Lot No. 5168-4, containing an area of 3,976+/- square meters, located in the Municipality of Tamuning, is hereby rezoned from Single-Family Dwelling Zone (R1) to Light Industrial Zone (Ml). The real property rezoned herein is officially described as:

> Lot No. 5168-4, Parceling Survey Map of Lot 5168, Municipality of Tamuning, containing an area of 3,976+/- square meters as shown on map prepared by Government of Guam, Department of Land Management, L.M. Check No. 201FY89, Land Management I4-89T330, recorded under Document No. 417648, Certificate of Title GC#3114. Water and Power (electricity) and Sewer are available or within a distance of 100 feet from the property. *(Parceling Survey Map of Lot 5168 attached as Exhibit "D").*

Section 3. Effective Date. This provisions contained herein shall take effect immediately upon enactment of this Act.

EXHIBIT "A"

Island of Guam, Government of Guam
Department of Land Management Officer of the Recorder

File for Record is Instrument No. 853894

On the Year 2013 Month 07 Day 11 Time 11:16

Recording Fee 25 Receipt No. 38195

Deputy Recorder

(Space above this line for recorder's use only)

13-0336R

DEED OF EXCHANGE

This DEED, made and entered into this 10th day of July, 2013, by and between the **DEPARTMENT OF LAND MANAGEMENT, GOVERNMENT OF GUAM,** whose address is P.O. Box 2950, Hagatna, Guam 96932, herein called the *PARTY OF THE FIRST PART*, and **JUDY R. UNTALAN, PATRICIA T. ROSARIO, DOLORES R. BOARDMAN and LORENZO C. ROSARIO, JR.,** all of legal age U.S citizens, hereinafter referred to as *PARTIES OF THE SECOND PART*, who shall share and share alike in accordance with the Final Distribution entered on September 11, 2009 in the *Estate of Lorenzo Camacho Rosario, Deceased*, Superior Court of Guam, Probate Case No. PR0054-97 and which is recorded in the Office of the Recorder, Department of Land Management as Instrument Number 796626 on September 29, 2009, do declare that they did, and do by these present make an exchange of Real Property as authorized by Public Law 31-253.

WHEREAS, the *PARTY OF THE FIRST PART* is the owner of certain real property in Tamuning described as follows:

BRYANT F.

Lot No. 5168-4, Parceling Survey Map of Lot 5168, Municipality of Tamuning, containing an area of 3,976± square meters as shown as shown on map prepared by Government of Guam, Department of Land Management, L.M. Check No. 201FY89, Land Management I4-89T330, recorded under Document No. 417648, Certificate of Title GC#3114. Water and Power (electricity) and Sewer are available or within a distance of 100 feet from the property.

WHEREAS, the *PARTIES OF THE SECOND PART* are the owners of certain real property described as follows:

Lot No. 5024-1-R1NEW-2, Re-Subdivision Survey Map of Lot 5024-1-R1NEW, Municipality of Tamuning, containing an area of 1,545± square meters as shown on map prepared by Duenas & Swavely, Incorporated, L.M. Check No. 015FY2011, recorded under Document No. 825429. Water and power (electricity) and sewer are available or within a distance of 100 feet from the property.

WHEREAS, both parties agree to exchange their respective properties which are the subject of this Deed of Exchange based on the Final Judgment entered on June 2, 2010 in *Judy R. Untalan, et al. vs. Government of Guam*, Superior Court of Guam Civil Case No. CV1894-93, and in accordance with Public Law 31-253.

NOW, THEREFORE, in consideration of the foregoing premises:

KNOW ALL MEN BY THESE PRESENTS:

THAT, *PARTY OF THE FIRST PART*, for and in consideration of the conveyance of property below listed, does hereby grant, transfer, convey, exchange, set over and deliver unto *PARTIES OF THE SECOND PART*, the following described parcel:

Lot No. 5168-4, Parcelling Survey Map of Lot 5168, Municipality of Tamuning, containing an area of 3,976± square meters as shown as shown on map prepared by Government of Guam, Department of Land Management, L.M. Check No. 201FY89, Land Management I4-89T330, recorded under Document No. 417648, Certificate of Title GC#3114. Water and Power (electricity) and Sewer are available or within a distance of 100 feet from the property.

THAT, *PARTIES OF THE SECOND PART*, for and in consideration of the conveyance of property below listed, does hereby grant, transfer, convey, exchange, set over and deliver unto the *PARTY OF THE FIRST PART*, the following described parcel:

Lot No. 5024-1-R1NEW-2, Re-Subdivision Survey Map of Lot 5024-1-R1NEW, Municipality of Tamuning, containing an area of 1,545± square meters as shown on map prepared by Duenas & Swavely, Incorporated, L.M. Check No. 015FY2011, recorded under Document No. 825429. Water and power (electricity) and sewer are available or within a distance of 100 feet from the property.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remained or remainders, rents, issues and profits thereof, and also all the right, estate title and interest, possession, claim and demand whatsoever, both at law and equity of the Government of Guam, in and into the above granted premises, and every part and parcel thereof with appurtenances thereto.

To have and to hold the said properties, the one to the other, their heirs, and assigns forever, free from any liens, mortgages, or encumbrances.

PARTY OF THE FIRST PART
GOVERNMENT OF GUAM:

MONTE MAFNAS, Director
Department of Land Management

Date: 6-26-13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 26th day of JUNE, 2013, before me, the undersigned notary, personally appeared Monte Mafnas, Director, Department of Land Management, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

THERESE A. YSARRA
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires December 18, 2016
ITC Bldg. Suite 905
590 South Marine Corps Dr.
Tamuning, Gu 96913

PARTIES OF THE SECOND PART:

ATTORNEY IN FACT.

JUDY R. UNTALAN

JUDY R. UNTALAN
LORENZO C. ROSARIO, JR.
Attorney-In-Fact - Document No. 822140

Date: 6/18/13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.**, known to me to be the person whose name is subscribed to the within instrument as the Attorney-In-Fact for **JUDY R. UNTALAN,** and acknowledged to me the he subscribed the name of **JUDY R. UNTALAN,** thereto as principal, and his own name as Attorney-In-Fact, for its stated purpose on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond S.N. Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **Mar. 07, 2015**
P.O. Box 1972 Hagatna, Guam 96932

PARTIES OF THE SECOND PART:

PATRICIA T. ROSARIO

Date: 6/18/13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me, the undersigned notary, personally appeared **PATRICIA T. ROSARIO**, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that she signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond SN Sayas

Raymond SN Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **Mar. 07, 2015**
P.O. Box 1972 Hagatna, Guam 96932

PARTIES OF THE SECOND PART:

ATTORNEY IN FACT.

DOLORES R. BOARDMAN

DOLORES ROSARIO BOARDMAN
LORENZO C. ROSARIO, JR.
Attorney-In-Fact - Document No. 822139

Date: 6/18/13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.,** known to me to be the person whose name is subscribed to the within instrument as the Attorney-In-Fact for **DOLORES ROSARIO BOARDMAN,** and acknowledged to me the he subscribed the name of **DOLORES ROSARIO BOARDMAN,** thereto as principal, and his own name as Attorney-In-Fact, for its stated purpose on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond Sayas
Raymond S. N. Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **Mar. 07, 2015**
P.O. Box 1972 Hagatna, Guam 96932

PARTIES OF THE SECOND PART:

LORENZO C. ROSARIO, JR.

Date: 6/18/13

13-0336 R

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me, the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.**, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond SN Sayas

Raymond SN Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Mar. 07, 2015
P.O. Box 1972 Hagatna, Guam 96932

APPROVED AS TO LEGALITY
AND FORM:

LEONARDO M. RAPADAS
Attorney General of Guam

Date: 7/5/13

DLM 13-0336

GOVERNMENT OF GUAM

EDWARD J.B. CALVO
Governor of Guam

Date: JUL 10 2013

EXHIBIT "B"

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guåhan)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MONTE MAFNAS
Director

DAVID V. CAMACHO
Deputy Director

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

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

Website:
http://dlm.guam.gov

E-mail Address:
dlm@mail.gov.gu

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

Date: July 15, 2013

7-16-13
RECEIVED

To: Chief Planner, Land Planning Division

From: Franklin Jimenez, Associeat Broker, Titan Realty
Mailing Address: 121 Takano Lane, Suite 205
Tamuning, Guam 96913

Re: **Request for DLM Certification of Designated Zone**
(A recorded Survey Map should accompany this Request Form)

***Property Description:** Lot 5168-4, consisting of approx. 3,976.00±- square meters

Municipality of Dededo, Guam Project/Application Name: Franklin Jimenez

Franklin Jimenez
Requestor *(Print name)*

Contact Number(s):
Work: 479.4663 Beeper: _____
Cellular 727-2891 Home: _____

FOR OFFICIAL USE ONLY

Verification of Designated Zone

ZONING DISTRICT: [ ] A [✓] R-1 [ ] R-2 [ ] C [ ] M-1 [ ] M-2 [ ] PD [ ] H [ ] S-1 [ ] PF

REMARKS Subject Lot is Zoned "R1"
As per Official Zoning Map

PROPERTY STATUS F369538

7/17/13
SIGNATURE *(Research Verified By: Land Agent Supervisor)*

Certification of Zone *(above)*

[✓] **Approved** [ ] **Disapproved**

Guam Chief Planner 7-18-13
Date

*This is a written request for the above information. **Filing Fee: Ten Dollars ($10.00)** filing fee as per Public Law 29-02, Chapter V, Part III *(Fees and Charges Assessed by the Department of Land Management); available approximately four (4) working days as per P.L. 25-06, Section 1(d), Sunshine Reform Law, except for zone verifications.*

Completion Date: 7/18/13
Total No. of Pages: 21
Amount Due: $ 10

Documents Received by: _____ *(Print Name)*
Payment Received by: _____ *(DLM Staff*

VERIFICATION OF ZONING

FOR OFFICIAL USE ONLY

RESOURCES	FINDINGS / FACTS
Legislative Zone Change	no findings
Land Use Application *(1987 to Present)*	no findings
Amendment Zone Changes	no findings
Summary Zone Change *(P. L. 21-82 as amended by P.L. 21-144, Section 8)*	no findings
Split Zone Change *(Pursuant to P.L. 25-131)*	no findings
HPR Master Listing	no findings
Litigation Files	no findings
Official Zoning Map	as per official zoning map subject lot
F3-67S34 [ ] F3-67S43 [ ]	is zoned "R-1" (Residential). F3-67S38
F3-67S35 [ ] F3-67S44 [ ]	
F3-67S36 [ ] F3-67S45 [ ]	
F3-67S37 [ ] F3-67S46 [ ]	
F3-67S38 [ ] F3-67S47 [ ]	
F3-67S39 [ ] F3-67S48 [ ]	
F3-67S40 [ ] F3-67S49 [ ]	
F3-67S41 [ ] F3-67S50 [ ]	
F3-67S42 [ ] F3-67S51 [ ] F3-67S52 [ ]	
Other:	

Stephanie Duenas

Researched Completed By

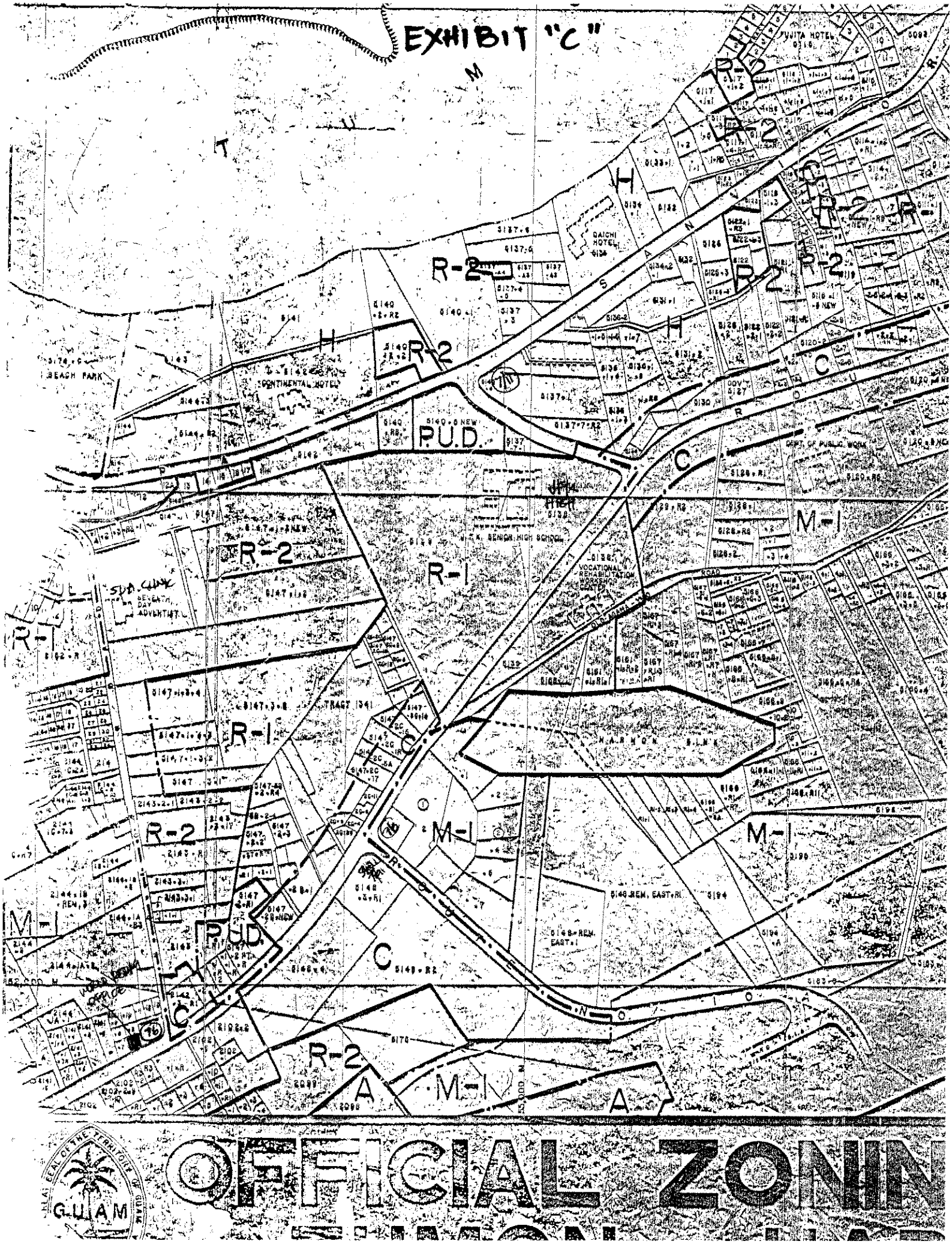
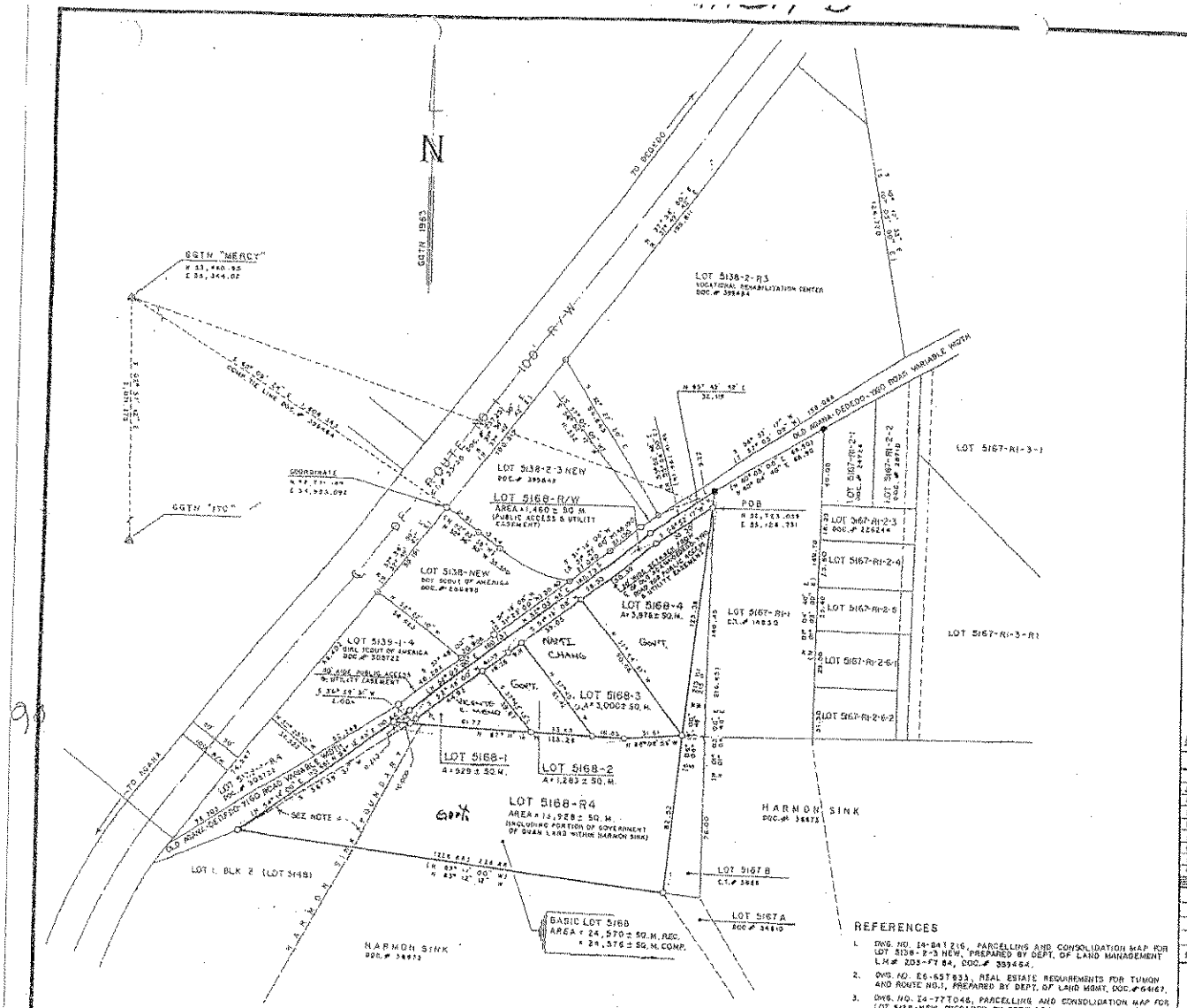
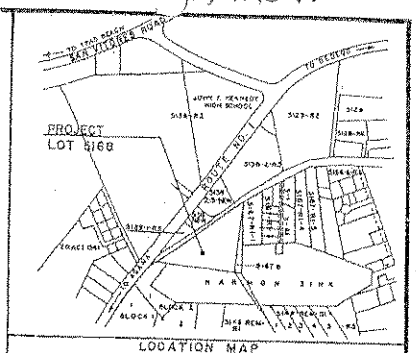


EXHIBIT "C"
FUJITA HOTEL
DAICHI HOTEL
CONTINENTAL HOTEL
BEACH PARK
P.U.D.
DEPT. OF PUBLIC WORK
JHS HIGH
N.K. SENIOR HIGH SCHOOL
VOCATIONAL REHABILITATION WORKSHOP CENTER
SDA CHURCH
SEVENTH DAY ADVENTIST
TRACT 34
HARMON SLNK
R-1
R-2
R-3
M-1
C
A
GUAM
OFFICIAL ZONIN

EXHIBIT "D"





LOCATION MAP
NOT TO SCALE

NOTES

1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN
2. ALL DISTANCES ARE IN METERS, UNLESS OTHERWISE NOTED
3. BEARINGS AND DISTANCES ARE BASED ON 1963 VALUE ALL IN PARENTHESIS ARE RECORD DATA.
4. DOC. # 38673, SPECIFIED THAT THE AREA COVERED BY THE HARMON SINK WITHIN LOT 5168 IS ONLY 10,736 SQUARE METERS MORE OR LESS. HENCE THE EXCESS OF 2,192 SQUARE METERS MORE OR LESS IS STILL A PORTION OF GOVERNMENT OF GUAM LAND.

CERTIFICATIONS

I, NICANOR B. CARINO, HEREBY CERTIFY THAT THIS MAP WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS BASED UPON A FIELD SURVEY MADE IN FEBRUARY 1989, AND THAT IT MEETS ALL THE REQUIREMENTS OF CHAPTER 9, TITLE XIV, OF THE GOVERNMENT CODE OF GUAM AND REGULATIONS THEREUNDER.

FOR: NICANOR B. CARINO
BY: [signature] MAY 11, 1989
TERRITORIAL SURVEYOR (ACTING) DATE

APPROVAL PURSUANT TO PUBLIC LAW 6-134 TITLE 19 GOVERNMENT CODE OF GUAM.

FOR: [signature] MAY 24, 1989
TERRITORIAL PLANNER DATE

APPROVED BY
[signature] 6-2-89
DIRECTOR OF LAND MANAGEMENT DATE

SURVEY DATA		
SUBJECT	BY	DATES
JOB NUMBER	426-3-88	MARCH 1988
RESEARCHED	B.T.O. / R.C.	APRIL 1989
FIELD BOOK	D-05	APRIL 1989
FIELD BY	A.MESA/CHEW	APRIL 1989
FIELD SUPV.	B.T. ORTEGA	MAY 1989
COMPUTED	B.T. ORTEGA	MAY 1989
DRAWN	J.B. ISAAC	MAY 1989
CHECKED BY	N.B. CARINO	MAY 1989

ABSTRACT OF TITLE
BASIC LOT 5168
CERT OF TITLE G.C.# 3114
REGISTERED ON MAR. 11, 1929
IN NAME OF DOC # 20219
GOVERNMENT OF GUAM

REV.	DATE	BRIEF DESCRIPTION	BY	DATE	APPROVED

PARCELLING SURVEY MAP
OF
LOT 5168

TAMUNING, MUNICIPALITY OF DEDEDO
LS 13 SEC. 1 —— LS 14 SEC. 2

GOVERNMENT OF GUAM
DEPARTMENT OF LAND MANAGEMENT
LAND SURVEY DIVISION

SCALE 1" = 1" = 30 mtrs. | DRAWING NUMBER

REFERENCES

1. DWG. NO. 14-841 216, PARCELLING AND CONSOLIDATION MAP FOR LOT 5138-2-3 NEW, PREPARED BY DEPT. OF LAND MANAGEMENT LM # 203-FY 84, DOC. # 339464.
2. DWG. NO. E0-657833, REAL ESTATE REQUIREMENTS FOR TUMON AND ROUTE NO.1, PREPARED BY DEPT. OF LAND MGMT. DOC. # 64167.
3. DWG. NO. 14-77T048, PARCELLING AND CONSOLIDATION MAP FOR LOT 5138-NEW, PREPARED BY DEPT. OF LAND MGMT. DOC. # 88689.
4. DWG NO. APWO # 9576, REAL ESTATE REQUIREMENTS FOR STORM DRAINAGE SYSTEM N.A.S. AGANA TO HARMON SINK, DATED 1/23/57 DOC. # 33969
5. DWG. NO. 14-77T87, PARCELLING OF 5139-1-R3, PREPARED BY DEPT. OF LAND MANAGEMENT LM # 295-FY79, DOC. # 305722
6. DWG. NO. SDCO 34-0878, PARENTAL SUBDIVISION OF LOT 5167-R1-26 PREPARED BY RLS # 23, LM # 035-FY79 DOC. # 296356.

SYMBOLS

- △ GGTN TRIANGULATION STATION
- ■ CONC. MON. FOUND, SET BY RLS. # 23
- □ CONC. MON. FOUND, SET BY UNKNOWN
- ⊙ REBAR FOUND, W/ YELLOW PLASTIC CAP MARKED GOV-GUAM
- ○ # 4 REBAR SET, W/ YELLOW PLASTIC CAP MARKED GOV-GUAM

GRAPHIC SCALE
30 15 0 30 60 90 120
SCALE 1" = 30 mtrs.

6-2-89
Doc. No. 417648