

I Mina'Trentai Kuáttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
213-34 (LS)	Thomas C. Ada	AN ACT TO PROVIDE FOR THE FURTHER LEGAL DEVELOPMENT OF CHALAN FAMHA IN THE MUNICIPALITY OF CHALAN PAGO-ORDOT; FOR A LAND EXCHANGE OF PRIVATE PROPERTY BEING USED AS PUBLIC ACCESS IN CHALAN FAMHA WITH GOVERNMENT PROPERTY IN THE MUNICIPALITY OF DEDEDO; AND FOR THE DELETION OF A DEDICATED EASEMENT, UNUSED, IN CHALAN FAMHA AND THE RETURN OF THAT DELETED EASEMENT TO THE ORIGINAL LANDOWNERS	12/2/17 2:02 p.m.						

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 213-34(LS)

Introduced by:

Thomas C. Ada 

AN ACT TO PROVIDE FOR THE FURTHER LEGAL DEVELOPMENT OF *CHALAN FAMHA* IN THE MUNICIPALITY OF CHALAN PAGO-ORDOT; FOR A LAND EXCHANGE OF PRIVATE PROPERTY BEING USED AS PUBLIC ACCESS IN CHALAN FAMHA WITH GOVERNMENT PROPERTY IN THE MUNICIPALITY OF DEDEDO; AND FOR THE DELETION OF A DEDICATED EASEMENT, UNUSED, IN CHALAN FAMHA AND THE RETURN OF THAT DELETED EASEMENT TO THE ORIGINAL LANDOWNERS.

2017 DEC -2 PM 2: 02



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

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

3 *I Liheslaturan Guåhan* finds that the road known as “Chalan Famha” in the
4 Municipality of Chalan Pago-Ordot is used and traversed by approximately fifty plus
5 (50+) households, their families and their guests as their *only means of unfettered*
6 *access* to their residences.

7 *I Liheslaturan Guåhan* further finds that some portions of Chalan Famha,
8 which are *dedicated public access easements*, are not necessarily the portions used
9 by the residents and the public for public access due to the topography of the land
10 and other geologic features.

11 *I Liheslaturan Guåhan* also additionally finds that portions of the access road
12 known as “Chalan Famha”, which are not *dedicated public access easements*, are

1 being used by the residents and the public for their fettered access. Such fettered
2 access and undedicated status hampers further development, especially of public
3 utilities and their maintenance thereof.

4 Therefore, *I Liheslaturan Guåhan* intends to provide for the further legal
5 development of Chalan Famha by exchanging Government land in Dededo reserved
6 by Public Law 22-18 for such land exchanges with certain private properties owned
7 by the Estate of Francisco Cruz Santos, Deceased. The Government land in Dededo
8 reserved by Public Law 22-18 known as Tract 11405 is ***not Chamorro Land Trust***
9 ***property***. Further legal development of Chalan Famha will provide for the
10 opportunity for the use of public funds to develop and maintain Chalan Famha and
11 will ease the installation and maintenance of public facilities and utilities all for the
12 public good and for public benefit.

13 *I Liheslaturan Guåhan* further intends to return, to the original landowners,
14 those portions of Chalan Famha which are dedicated public easements but are not
15 necessarily used by the public for access due to topographic conditions and other
16 geologic features which are not conducive for unfettered access.

17 **Section 2. Land Exchange for the Estate of Francisco Cruz Santos,**
18 **Deceased to Provide for Legal Public Access through Chalan Famha.**

19 *I Maga'lahren Guahan shall* cause a land exchange involving Lot 3287 in the
20 Municipality of Chalan Pago-Ordot, privately owned by the Estate of Francisco
21 Cruz Santos, Deceased and a suitable and equal portion of Tract 11405,
22 Government land in the Municipality of Dededo. The land exchange *shall* be on
23 an area for area basis.

24 **Section 3. Issuance of Certificate of Title.** The Department of Land
25 Management *shall* issue a certificate of title for that portion of Tract 11405,
26 Municipality of Dededo exchanged in the name of the Estate of Francisco Cruz
27 Santos, Deceased.

1 **Section 4. Exemption.** § 2107 of Title 2, Guam Code Annotated and the
2 Standing Rules of *I Mina'Trentai Kuåttro Na Liheslaturan Guahan* relative to land
3 appraisals of land bills *shall not* apply to this Act.

4 **Section 5. Deletion of Easement.**

5 The Easement known as “Lot 3452-9-R/W Public Access and Utility
6 Easement” in Document No. 309892 is hereby deleted due to its inability to be
7 used as a viable public access and utility easement.

8 **Section 6. Return of Easement.**

9 The Easement previously known as “Lot 3452-9-R/W Public Access and
10 Utility Easement” in Document No. 309892 is hereby returned to acreage and to its
11 original owners.

12 **Section 7. Severability.** If any provision of this Act or its application to
13 any person or circumstance is found to be invalid or contrary to law, that invalidity
14 *shall not* affect other provisions or applications of this Act that can be given effect
15 without the invalid provisions or applications, and to this end the provisions of this
16 Act are severable.