I Mina'Trentai Kuåttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
299-34 (COR)	Thomas C. Ada	AN ACT TO AUTHORIZE *I MAGA'LÅHEN GUÅHAN* TO EXCHANGE TWO HUNDRED AND TWENTY-THREE (223) SQUARE METERS OF CHAMORRO LAND TRUST LOT 243-REM, MUNICIPALITY OF SANTA RITA FOR THE SAME AREA IN PRIVATE LOT 214-3, MUNICIPALITY OF SANTA RITA TO CORRECT MUTUAL ENCROACHMENTS AND TO PROVIDE EASEMENT ACCESS TO CHAMORRO LAND TRUST PROPERTY AND FOR CHAMORRO LAND TRUST LESSEES.	6/8/18 4:38 p.m.						

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

Bill No. 299-34(COR)

Introduced by: Thomas C. Ada

AN ACT TO AUTHORIZE *I MAGA'LÅHEN GUÅHAN* TO EXCHANGE TWO HUNDRED AND TWENTY-THREE (223) SQUARE METERS OF CHAMORRO LAND TRUST LOT 243-REM, MUNICIPALITY OF SANTA RITA FOR THE SAME AREA IN PRIVATE LOT 214-3, MUNICIPALITY OF SANTA RITA TO CORRECT MUTUAL ENCROACHMENTS AND TO PROVIDE EASEMENT ACCESS TO CHAMORRO LAND TRUST PROPERTY AND FOR CHAMORRO LAND TRUST LESSEES.

2018 JUN -8 PM 4:38

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that on January 9, 2018, Matthew R. Quinata appeared before the Chamorro Land Trust Commission requesting an area for area land exchange of two hundred twenty-three (223) square meters of his private Lot 214-3 with contiguous Chamorro Land Trust Lot 243-REM in the *Municipality of Santa Rita*.

I Liheslaturan Guåhan further finds that Mr. Quinata had his property, Lot 214-3, surveyed, the survey uncovered an unintended encroachment of a portion of his home onto Lot 243-REM. Lot 243-REM is a designated easement but fettered access, for adjacent Chamorro Land Trust properties and Chamorro Land Trust Lessees.

I Liheslaturan Guåhan further finds that Chamorro Land Trust lessees who should be utilizing Lot 243-REM for access have instead created separate access due to land conditions and; encroached onto privately owned Lot 214-3.

The Chamorro Land Trust Commission having been notified of the mutual encroachments and of the request and suggested solution by Mr. Quinata were briefed by staff. The mutual encroachments, options and possible solutions were discussed. The Chamorro Land Trust Commission approved and supported the area of area land exchange by passing Resolution 2018-02 attached as "Exhibit A".

Section 2. Authorization for Land Exchange. *I Mina'Trentai Kuåttro Na Liheslaturan Guåhan* hereby authorizes *I Maga'lahen Guahan* to exchange approximately two hundred twenty-three (223) square meters of Chamorro Land Trust Lot 243-REM, *Municipality of* Santa Rita for approximately two hundred twenty-three (223) square meters of privately owned Lot 214-3, *Municipality of* Santa Rita. The proposed exchange is depicted in "Exhibit B".

Section 3. Appraisals. As the parcels are contiguous to each other and this is an area for area exchange, Title 2 GCA §2107 (b) and Rule VI section 6.04 (c) (4) of the Standing Rules of *I Mina'Trentai Kuåttro Na Liheslaturan Guåhan* relative to appraisals of land ***shall not*** apply to this Act.

Section 4. Severability. If any provision of this law or its application to any person or circumstance is found to be invalid or contrary to law, that invalidity *shall not* affect other provisions or applications of this law, which can be given effect without the invalid provisions or applications and to this end the provisions of this act are severable.

BILL No. 299-34 (COR) **Exhibit A**

CHAMORRO LAND TRUST COMMISSION
RESOLUTION NO. 2018-02

Declaration of Support for Land Exchange
Between the Chamorro Land Trust Commission and
Matthew R. Quinata in the Municipality of Santa Rita

WHEREAS, the Chamorro Land Trust Commission (CLTC), in accordance with Title 21, Guam Code Annotated, declares its support to exchange a portion of its property with an adjacent portion of private property owned by Matthew R. Quinata in the municipality of Santa Rita;

WHEREAS, the CLTC board of commissioners recognizes portions of CLTC properties subdivided from Lot 243 REM, Municipality of Santa Rita, in an approved Agricultural Subdivision Master Plan, recorded at the Department of Land Management as Instrument No. 880833, encroaches onto the designed right-of-way and private property due to actual access way topography and preexisting buildings (EXHIBIT "A");

WHEREAS, the concrete home on Lot 214-3, Municipality of Santa Rita, as shown on survey map Drawing No. ISL3-66 AG489, by Island Surveyors LTD, Instrument No. 78746, owned by Matthew R. Quinata, encroaches onto Lot 243 REM (EXHIBIT "B");

WHEREAS, Matthew R. Quinata, on January 9, 2018, requested in writing for consideration for a land exchange to correct the encroachment of his house, located on Lot 214-3, onto CLTC property and to correct the actual access way that serves CLTC properties on Lot 243 REM but transits through Lot 214-3 (EXHIBIT "C");

WHEREAS, the Department of Land Management has determined that an equal area of ±223 square meters be exchanged to offset the mutual encroachments as shown in Proposed Lot Scheme of Lot 243-REM, Scheme No. M18-S004 (EXHIBIT "D");

WHEREAS, on February 15, 2018, the CLTC board of commissioners at their regularly scheduled meeting, Tamuning, Guam, reviewed and approved by motion to support legislation for an area for area land exchange of ±223 square meters to correct the mutual encroachments, in accordance with the Subdivision Law and rights-of-way realignment;

WHEREAS, on March 8, 2018, the CLTC informed its lessees in the affected lots of the pending alteration of the Lot 243 REM Agricultural Subdivision Master Plan and received no objections.

NOW THEREFORE BE IT RESOLVED,

1. The Chamorro Land Trust Commission Board of Commissioners approves a ±223 square meter area for area land exchange with Lot 214-3, owned by Matthew R. Quinata, and Lot 243 REM, owned by the Chamorro Land Trust Commission;

2. The Chamorro Land Trust Commission recommends and supports legislation to authorize such land exchange;

3. The Chamorro Land Trust Commission Board of Commissioners transmits this Resolution to *I Liheslaturan Guahan*.

DULY AND REGULARLY ADOPTED BY THE CHAMORRO LAND TRUST COMMISSION THIS 8th DAY OF MARCH 2018.

G. PIKA FEJERAN, Chairwoman
Chamorro Land Trust Commission

Date: 4-12-18

MICHAEL J.B. BORJA, Administrative Director
Chamorro Land Trust Commission

Date: 4/11/18

EXHIBIT "A" – Lot 243 REM Agricultural Subdivision Master Plan

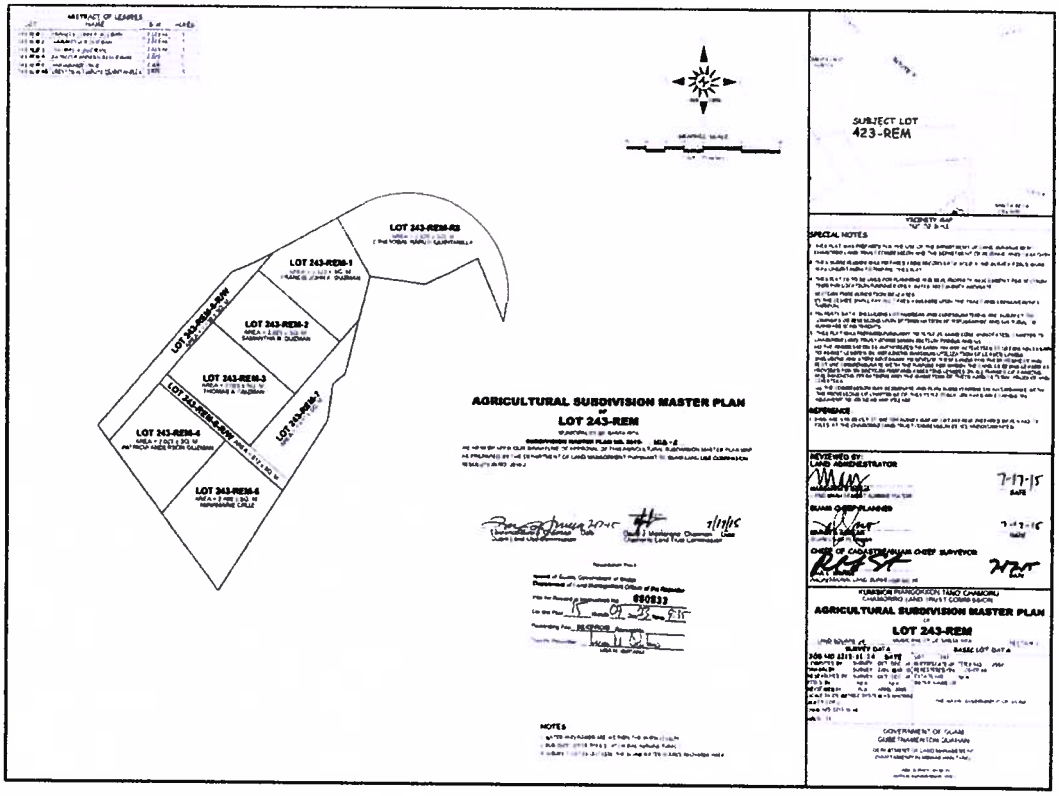


EXHIBIT "B" – Drawing No. ISL3-66 AG489

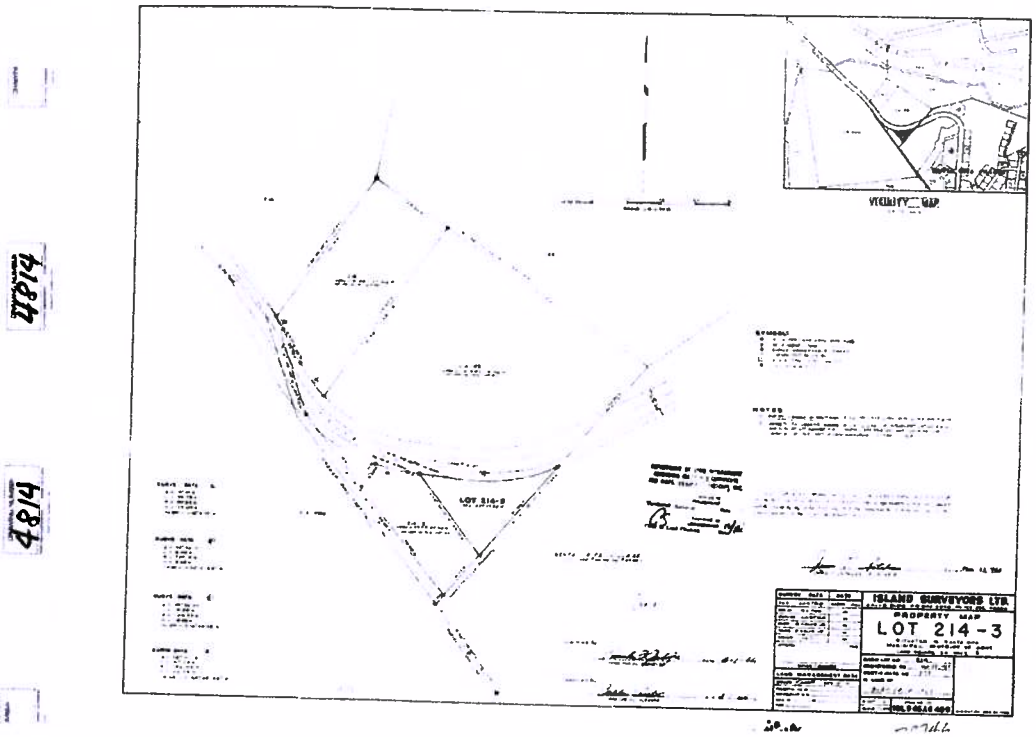
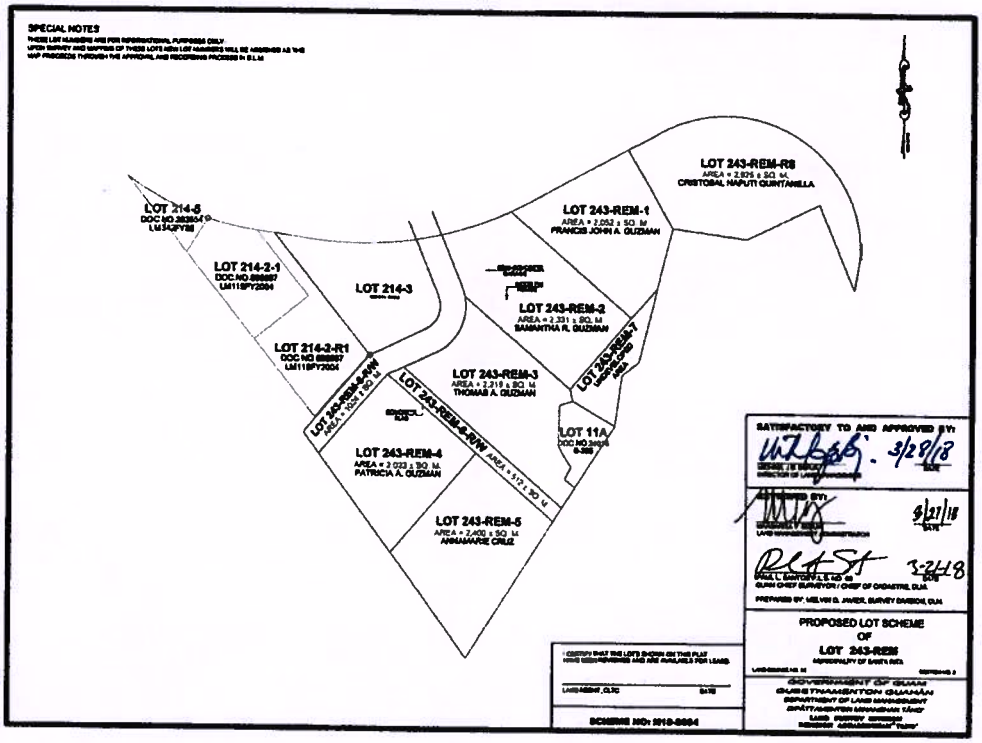


EXHIBIT "C" – Current Area

EXHIBIT "D" – Proposed Lot Scheme No. M18-S004



Bill No. 299-34 (COR) Exhibit B