I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

2018 (SECOND) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 299-34 (COR)
As amended by the Committee on Environment, Land, Agriculture, and Procurement Reform; and further amended on the Floor.

Speaker Antonio R. Unpingco Legislative Session Hall
August 28, 2018

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Thomas C. **ADA**	✓					
Senator FRANK B. **AGUON, JR.**	✓					
Senator William M. **CASTRO**	✓					
Speaker Benjamin J.F. **CRUZ**	✓					
Senator James V. **ESPALDON**	✓					
Senator Fernando Barcinas **ESTEVES**	✓					
Senator Régine Biscoe **LEE**	✓					
Senator Tommy **MORRISON**	✓					
Senator Louise B. **MUÑA**	✓					
Senator Telena Cruz **NELSON**	✓					
Senator Dennis G. **RODRIGUEZ, JR.**					✓	✓
Senator Joe S. **SAN AGUSTIN**	✓					
Senator Michael F.Q. **SAN NICOLAS**	✓					
Vice Speaker Therese M. **TERLAJE**	✓					
Senator Mary Camacho **TORRES**	✓					

TOTAL:	14				1	1
	Aye	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

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Introduced by: Thomas C. Ada

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

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 for 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, and 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 a 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-for-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'låhen Guåhan* to exchange approximately two hundred twenty-three (223) square meters of *Chamorro* Land Trust Lot 243-REM in the municipality of *Santa Rita,* with approximately two hundred twenty-three (223) square meters of privately owned Lot 214-3 in the 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 land exchange, 2 GCA § 2107(b) and 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. No Alienation Clause. This is a fee simple land exchange transaction and *shall not* be subject to any alienation clause notwithstanding any law, rule, or regulation.

Section 5. Survey of Lot 243-REM-3. The *Chamorro* Land Trust Commission *shall* be responsible for the surveying of Lot 243-REM-3 to reestablish new boundary lines for Lot 243-REM-3 that consists of two thousand twenty-three (2,023) ± square meters.

Section 6. Severability. If any provision of this Act 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 Act that can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are severable.