MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
TWENTY-NINTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

FILE COPY

December 31, 2008

OFFICE OF THE GOVERNOR
DEC 31 2008
TIME 3:10
CENTRAL FILES

The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 31(EC), 253(EC), 256(EC), 370(LS), 371(LS), 379(EC), 390(LS), 394(LS), & 403(LS); and Substitute Bill Nos. 225(LS), 248(LS), 305(EC), 314(EC), 368(LS), 389(LS) & 397(EC) which were passed by *I Mina'Bente Nuebi Na Liheslaturan Guåhan* on December 30, 2008.

Sincerely,

TINA ROSE MUNA BARNES
Senator and Secretary of the Legislature

Enclosures (16)

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I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 389 (LS), "AN ACT TO WAIVE THE SUBDIVISION AND ZONING SETBACK REQUIREMENTS FOR LOT NO. 151, MUNICIPALITY OF INARAJAN, TO ALLOW FOR DEVELOPMENT OF THE LOT AND A PRIVATE ROAD,"** was on the 30th day of December, 2008, duly and regularly passed.

Judith T. Won Pat, Ed. D.
Speaker

Attested:

Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahen Guåhan* this 31 day of Dec., 2008, at 3:10 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 389 (LS)
As substituted by the Committee
on Education, General and
Omnibus Affairs.

Introduced by:

Dr. David L.G. Shimizu
Tina Rose Muña Barnes
J. T. Won Pat, Ed. D.
Frank F. Blas, Jr.
Edward J.B. Calvo
B. J.F. Cruz
James V. Espaldon
Mark Forbes
Judith P. Guthertz, DPA
Frank T. Ishizaki
J. A. Lujan
A. B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Ray Tenorio

AN ACT TO WAIVE THE SUBDIVISION AND ZONING SETBACK REQUIREMENTS FOR LOT NO. 151, MUNICIPALITY OF INARAJAN, TO ALLOW FOR DEVELOPMENT OF THE LOT AND A PRIVATE ROAD.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. (a) **Background.** Lot No. 151, Municipality of Inarajan, containing an area of four thousand seven hundred ninety-six (4,796) square meters, recorded on Land Management Document No. 278510, dated May 19, 1977, is a long lot from front to back, with the narrow side fronting on an existing

paved road. There is an existing sewer line along the frontage road. There are two (2) houses on the lot, one (1) adjacent to the road and one (1) directly behind it. Behind the second house, there are, in a row, three (3) lot areas with sizes ranging from seven thousand three hundred ninety-five (7,395) square feet to seven thousand nine hundred eighty (7,980) square feet. The three (3) lots behind the first two (2) houses are landlocked, due to lack of access from the existing road in front of the first house. It is desirable to waive the lot and set back minimum requirements set out in §61501 of Chapter 61 of Title 21 of the Guam Code Annotated, and the minimum requirements for an access road, to allow family members of the residents of the first two (2) houses placed on Lot No. 151 to build homes behind their family members on this lot.

The purpose of this waiver and allowance is to allow for the creation of an access road ranging in width from a minimum of fourteen feet (14') to a maximum of fifteen feet (15') wide along the left side lot line and within Lot No. 151, strictly for the use of the owners of Lot No. 151 only, to enable the three (3) lots in the rear of the family subdivision to have an access across the two (2) lots in the front. Without this access road, and area waivers, the area to the rear of Lot No. 151 cannot be developed.

(b) **Waiver and allowances.** For Subdivision lots within Lot No. 151, Municipality of Inarajan, containing an area of four thousand seven hundred ninety-six (4,796) square meters, recorded on Land Management Document No. 278510, dated May 19, 1977, the following setback and area requirements of law are waived:

(1) Front yard setback requirement of fifteen feet (15') as required by §61501 (a) of Chapter 61 of Title 21, Guam Code Annotated, is waived to a minimum of zero feet (0') for the two (2) existing structures.

(2) Lot width requirement of fifty feet (50') as required by §61501 (b) of Chapter 61 of Title 21 of the Guam Code Annotated, is waived as long as the side yard requirement of eight feet (8') is met.

(3) Access road width requirement of twenty feet (20') as required by §62108 (b) of Chapter 62 of Title 21, Guam Code Annotated, is waived from a minimum of fourteen feet (14') to a maximum of fifteen feet (15') wide; and to designate said access road as a 'private access road' in lieu of declaring it as 'public access and utilities right-of-way'.

(4) Lot area requirement as required by §61501 (a) Chapter 61 of Title 21, Guam Code Annotated, and described in §62105 (a) of Chapter 62 of Title 21, Guam Code Annotated, are waived from ten thousand (10,000) square feet but *no less than* seven thousand three hundred ninety-five (7,395) square feet, provided property owners connect to the existing sewer line.

(5) A utility easement is established on the right side of Lot No. 151, and existing utilities *shall* be relocated to the right side of the lot.

(6) A dead end turn around is allowed at the end of Lot No. 151 to allow ingress and egress.

(7) The road to be built on Lot No. 151 is a private road for use of Lot No. 151 owners and lessees only. However, additionally, emergency vehicles such as fire trucks and ambulances are allowed access over the road.

(8) Any other provisions of law that would restrict the construction of three (3) houses on the back portion of Lot No. 151 and the construction of the private road as provided for in this Section are also waived.