I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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

This is to certify that **Bill No. 208-31 (COR), "AN ACT TO *AMEND* §60900, AND TO *ADD* NEW §§60909, 60910, AND 60911 OF ARTICLE 9, CHAPTER 60 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE CONSTRUCTION OF A NEW DEPARTMENT OF LAND MANAGEMENT BUILDING IN *HAGÅTÑA*,"** was on the 19th day of September, 2011, 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 20th day of Sept., 2011, at 4:10 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 UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 208-31 (COR)
As amended by the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Introduced by: v. c. pangelinan
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
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AN ACT TO *AMEND* §60900, AND TO *ADD* NEW §§60909, 60910, AND 60911 OF ARTICLE 9, CHAPTER 60 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE CONSTRUCTION OF A NEW DEPARTMENT OF LAND MANAGEMENT BUILDING IN *HAGÅTÑA*.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §60900, Article 9, Chapter 60, Title 21, Guam Code Annotated, is hereby *amended* to read:

"**§60900. Legislative Statement.** *I Liheslaturan Guåhan* finds that the Department of Land Management (DLM) has applied with the Federal Emergency Management Agency (FEMA) under the Hazard Mitigation Grant Program for funds to construct its administration building. The DLM desires to use the funds received from the FEMA under the Hazard Mitigation Grant Program awarded under Project Number HMGP DR 1446, Project # 15 to construct a building complex to house the operations of the Department of Land Management. The Department proposes to construct the government of Guam building facility on Block 24, in the municipality of *Hagåtña*.

More importantly, *I Liheslaturan Guåhan* finds that the authorization of funds to be received from FEMA is strictly for the funding of the proposed construction of the government of Guam building facility on Block 24, and that *I Liheslaturan Guåhan* and *I Maga'lahen Guåhan* cannot transfer *or* redirect the funding to any accounts other than for the expenditures of the proposed building construction on Block 24, *Hagåtña.*

The proposed construction of the government of Guam building facilities on Block 24, *Hagåtna,* is particularly described as shown on Re-Subdivision Survey Map, drawing number I4-06T702, L.M. Check No. 273FY2008, and recorded under document number 799055, November 24, 2009, prepared by Professional Land Surveyor No. 68, Paul L. Santos.

The Department of Land Management, with the advisement from the Attorney General's Office and pursuant to §75105 of Chapter 75, Title 21, GCA, solicits assistance and is requesting approval from *I Liheslaturan Guåhan* for development authority of government-owned parcels: Lots 1NEW-2; 1NEW-3; and 1NEW-R6, within Block 24, affected by the consolidation and property boundary realignment of fractional lots within

Block 24. The deletion of these substandard parcels, the pre-war lots, also known as fractional parcels within Block 24, municipality of *Hagåtña*, would provide both private and government-owned parcels the highest and best use for development.

I Liheslaturan Guåhan authorizes the Department of Land Management to complete the land exchange negotiated with the privately-owned fractional parcel Lot 317, within Block 24, and the government-owned parcel Lots 1NEW-2 and 1NEW-3, as shown on survey map recorded on Document No. 799055. The exchange is for lots of the same size and with the same basic lots via the re-alignment of boundaries."

Section 2. A new §60909, Article 9, Chapter 60, Title 21, Guam Code Annotated, is hereby *added* to read:

"**§60909. Development Authority.** The Director of Land Management, together with the Administrative Director of the *Chamorro* Land Trust Commission, are hereby approved and authorized the development authority over Lot 1NEW-2, Lot 1NEW-3, and Lot 1NEW-R6, within Block 24. Notwithstanding §75105 (b), Chapter 75 of Title 21, GCA, the Department of Land Management *shall* manage the property for the *sole* purpose of constructing a building complex to house the operations of the Department of Land Management, the *Chamorro* Land Trust Commission, other land resources departments, and other administrative offices of the government of Guam.

The land disposition of Lot 1NEW-2 and Lot 1NEW-3 are parcels that were created from the consolidation of several fractional parcels originally designated within the adoption of the New *Agana* standard block system. The consolidation survey map of fractional parcels on both private and government land is in accordance to Title 21, GCA, and public laws that

would better effectuate the highest and best uses of Block 24 for land use development.

(a) The legal description for the DLM Building Construction Site within Block 24, *shall* be described as follows:

LOT NO. 1NEW-R6, BLOCK NO. 24, MUNICIPALITY OF *HAGÅTÑA*, GUAM, CONTAINING AN AREA OF 4,714 +/- SQUARE METERS, AS SHOWN ON MAP DWG. NO. I4-06T702, L.M. CHECK NO. 273FY2008, PREPARED BY PROFESSIONAL LAND SURVEYOR NO. 68, PAUL L. SANTOS, RECORDED UNDER DOCUMENT NO. 799055, NOVEMBER 24, 2009.

(b) Development Authority: The Department of Land Management in accordance with §60112 of Article 1 of Chapter 60, and §75105 of Chapter 75, Title 21, Guam Code Annotated, *shall* have development authority over Lot 1NEW-2, Lot 1NEW-3, and Lot 1NEW-R6, within Block No. 24, municipality of Hagatña, Guam"

Section 3. A new §60910, Article 9, Chapter 60, Title 21, Guam Code Annotated, is hereby *added* to read:

"**§60910. Authorization to Lease.** The *Chamorro* Land Trust Commission (Commission) is hereby authorized to enter into a lease with the Department of Land Management for Lot 1NEW-R6 within Block No. 24, municipality of *Hagåtña*, Guam.

Notwithstanding any other provision of law, the Department of Land Management may enter into a ground lease with the Commission for the use of Lot 1NEW-R6 for a term *up to* fifty-five (55) years at One Dollar ($1.00) a year for the first five (5) years, then the lease *shall* be renegotiated between the Commission and the Department of Land Management. Rental rate for the ground lease made pursuant to this Section *shall* be negotiated by the

Commission, as determined by an appraisal of the land; *however*, the Commission may set the ground lease rental at a rate *no lower* than fifty percent (50%) of fair market value. The appraisal *shall* be made within one (1) year preceding the commencement of the lease by an appraiser licensed pursuant to Chapter 30, Title 22, Guam Code Annotated."

Section 4. A new §60911, Article 9, Chapter 60, Title 21, Guam Code Annotated, is hereby *added* to read:

"**§60911. Credit Towards Ground Lease Payment.** The Department of Land Management *shall* receive credits towards the ground lease payments due by deducting payments made on any mortgage, loan or other financing instruments for the construction of the building from the amount and of the ground lease."

Section 5. Severability. *If* any of the provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall *not* affect any other provision or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.