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 **Substitute Bill No. 273-31 (COR), "AN ACT TO *DELETE* A PORTION OF THE 1966 HIGHWAY MASTER PLAN RESERVATION EASEMENT ON LOT NO. 121-6, *MONGMONG-TOTO-MAITE*, GUAM; AND TO *REPEAL AND RE-ENACT* §62103 OF ARTICLE 1, CHAPTER 62 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO COMPLIANCE WITH MASTER PLAN,"** was on the 8th day of November, 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 9th day of Nov., 2011, at 4:25 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. 273-31 (COR)
As substituted by the Committee on Utilities, Transportation, Public Works, and Veterans Affairs.

Introduced by: Chris M. Dueñas
v. c. pangelinan
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
R. J. Respicio
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A.Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *DELETE* A PORTION OF THE 1966 HIGHWAY MASTER PLAN RESERVATION EASEMENT ON LOT NO. 121-6, *MONGMONG-TOTO-MAITE*, GUAM; AND TO *REPEAL AND RE-ENACT* §62103 OF ARTICLE 1, CHAPTER 62 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO COMPLIANCE WITH MASTER PLAN.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the 1966 Highway Master Plan was adopted as the official highway plan for Guam. The development of major and minor vehicular arterial roads, and the

island as a whole, have made this plan antiquated, requiring the formulation of a new Highway Master Plan, including the reservation of certain real property to accommodate expansion of major and minor vehicular arterial roads..

The proposed Guam 2010 Highway Master Plan did *not* embrace the Master Plan reservation identified in this legislation. However, the 2010 Highway Master Plan was *not* adopted by *I Liheslaturan Guåhan*, leaving Lot No. 121-6, *Mongmong-Toto-Maite*, Guam, situated within the one hundred foot (100')-wide Master Plan reservation of the proposed Route 7 highway, as contained in the 1966 Highway Master Plan.

The Office of the Attorney General has rendered an opinion that *only I Liheslaturan Guåhan* has the authority to alter the 1966 Highway Master Plan. Without such an alteration occurring, the owners of Lot No. 121-6 cannot construct or develop the property, and are held hostage from doing so. The enactment of Public Law 24-211 addressed a similar situation and granted the same relief to its subject property owners that is being sought in this legislation.

I Liheslaturan Guåhan further finds that the government of Guam and the proposed Guam 2010 Highway Master Plan does *not* reflect the need to continue the Highway Master Plan reservation embraced within Lot No. 121-6, *Mongmong-Toto-Maite*, Guam. It is, therefore, the intent of *I Liheslaturan Guåhan* to delete the reservation easement and allow the property owners to develop their property.

I Liheslaturan Guåhan further finds that the government of Guam continues to plan the future development of the island's highway system, and should be afforded a reasonable timeline to indicate whether it needs to acquire easements to meet the requirements for any given highway expansion. It is the intent of *I Liheslaturan Guåhan* to authorize a time certain from the date of enactment of this legislation for the Department of Public Works to certify that the government of Guam does or *does not* have construction plans within that allotted timeframe.

Section 2. The legal reservation easement as per the 1966 Highway Master Plan on Lot No. 121-6, consisting of approximately three thousand eight hundred twenty-six square meters (3,826 sm) situated in *Mongmong-Toto-Maite*, Guam is hereby deleted.

Section 3. § 62103 of Article 1, Chapter 62 of Title 21, Guam Code Annotated, is hereby *repealed and re-enacted* to read as follows:

"**§ 62103. Compliance with Master or Transportation Plan.** Development and/or subdivision of all land and roads *shall* conform to that land use or road location delineated in the latest revision of the Territorial Master Plan, initially approved in April 1967.

(a) Construction on land designated for future road or public purposes, contrary to the use indicated in the Master or Transportation Plan, *shall not* be authorized, irrespective of land ownership, *unless* the Department of Public Works certifies that the government of Guam has *no* Master or Transportation Plan projects pending or planned to be constructed on the land within the immediate two (2) upcoming fiscal years.

(b) Specifications for construction, repair, and/or reconstruction of roads *shall* conform to Department of Public Works standards, and *shall* follow requirements delineated for that zone in which the subdivision or construction is located."

Section 4. The Department of Public Works *shall* re-examine, reassess and prepare a list of those road master plan encumbrances for which it does *not* have plans for construction or improvement, and *shall* submit such list to *I Maga'lahen Guåhan* and the *Speaker* of *I Liheslaturan Guåhan* within one hundred eighty (180) days from the date of enactment of this Act.