FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

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

This is to certify that **Bill No. 169-32 (LS), "AN ACT TO REZONE LOT NO. 5168-4, LOCATED IN THE MUNICIPALITY OF *TAMUNING*, FROM ONE-FAMILY DWELLING ZONE (R1) TO LIGHT INDUSTRIAL ZONE (M1),"** was on the 1st day of February, 2014, 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 1st day of Feb, 2014, at 10:50 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 DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 169-32 (LS)

Introduced by: T. R. Muña Barnes
T. C. Ada
V. Anthony Ada
Frank B. Aguon, Jr.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO REZONE LOT NO. 5168-4, LOCATED IN THE MUNICIPALITY OF *TAMUNING*, FROM ONE-FAMILY DWELLING ZONE (R1) TO LIGHT INDUSTRIAL ZONE (M1).

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that it is the desire of the owners of Lot No. 5168-4 to maximize the use of their property, located in the municipality of *Tamuning*, to its highest potential. *I Liheslaturan Guåhan* further finds that in order to achieve the maximum and best use of their property, the owners have requested the assistance of *I Liheslaturan*

Guåhan to rezone Lot No. 5168-4 from its current One-Family Dwelling Zone (R1) to Light Industrial Zone (M1).

I Liheslaturan Guåhan further finds that the owners of Lot No. 5168-4 acquired this property through a land exchange with the government of Guam authorized by Public Law 31-253. After months of waiting for the completion of the implementation of Public Law 31-253, the approval process for the Deed of Exchange was completed and the owners received their copy of the official Deed of Exchange *(See document attached as Exhibit "A").* Furthermore, the owners conducted research on the zoning status of the property and their findings determined that the property had a zoning designation of R1 *(See document attached as Exhibit "B").*

I Liheslaturan Guåhan further finds that based on the findings of the R1 designation, the property owners not only want to achieve the maximum and best use of their property, but want the zoning of their property to be consistent with the surrounding properties that are either zoned Light Industrial or Commercial *(See reduced Zoning Map attached as Exhibit "C").*

It is therefore the intent of *I Liheslaturan Guåhan* to authorize the rezoning of the lot described herein for the purposes of assisting the owners in maximizing the highest and best use of their property, as well as rezoning the property to maintain consistency with the surrounding properties.

Section 2. Lot Rezoning. Notwithstanding any other provision of law, Lot No. 5168-4, containing an area of 3,976+/- square meters and located in the municipality of *Tamuning*, is hereby rezoned from One-Family Dwelling Zone (R1) to Light Industrial Zone (Ml). The real property rezoned herein is officially described as:

Lot No. 5168-4, Parceling Survey Map of Lot 5168, municipality of *Tamuning*, containing an area of 3,976+/- square meters as shown on

map prepared by Government of Guam, Department of Land Management, L.M. Check No. 201FY89, Land Management I4-89T330, recorded under Document No. 417648, Certificate of Title GC#3114. Water and Power (electricity) and Sewer are available or within a distance of 100 feet from the property (*Parceling Survey Map of Lot 5168 attached as Exhibit "D"*).

Section 3. Effective Date. This provisions contained herein *shall* take effect upon enactment of this Act.

EXHIBIT "A"

Island of Guam, Government of Guam
Department of Land Management Officer of the Recorder

File for Record is Instrument No. 853894

On the Year 2013 Month 07 Day 11 Time 11:16

Recording Fee 25 Receipt No. 38195

Deputy Recorder

(Space above this line for recorder's use only)

13-0336R

DEED OF EXCHANGE

This DEED, made and entered into this 10th day of July, 2013, by and between the **DEPARTMENT OF LAND MANAGEMENT, GOVERNMENT OF GUAM,** whose address is P.O. Box 2950, Hagatna, Guam 96932, herein called the *PARTY OF THE FIRST PART*, and **JUDY R. UNTALAN, PATRICIA T. ROSARIO, DOLORES R. BOARDMAN and LORENZO C. ROSARIO, JR.,** all of legal age U.S citizens, hereinafter referred to as *PARTIES OF THE SECOND PART*, who shall share and share alike in accordance with the Final Distribution entered on September 11, 2009 in the *Estate of Lorenzo Camacho Rosario, Deceased*, Superior Court of Guam, Probate Case No. PR0054-97 and which is recorded in the Office of the Recorder, Department of Land Management as Instrument Number 796626 on September 29, 2009, do declare that they did, and do by these present make an exchange of Real Property as authorized by Public Law 31-253.

WHEREAS, the *PARTY OF THE FIRST PART* is the owner of certain real property in Tamuning described as follows:

BRYANT F.

Lot No. 5168-4, Parceling Survey Map of Lot 5168, Municipality of Tamuning, containing an area of 3,976± square meters as shown as shown on map prepared by Government of Guam, Department of Land Management, L.M. Check No. 201FY89, Land Management I4-89T330, recorded under Document No. 417648, Certificate of Title GC#3114. Water and Power (electricity) and Sewer are available or within a distance of 100 feet from the property.

WHEREAS, the *PARTIES OF THE SECOND PART* are the owners of certain real property described as follows:

Lot No. 5024-1-R1NEW-2, Re-Subdivision Survey Map of Lot 5024-1-R1NEW, Municipality of Tamuning, containing an area of 1,545± square meters as shown on map prepared by Duenas & Swavely, Incorporated, L.M. Check No. 015FY2011, recorded under Document No. 825429. Water and power (electricity) and sewer are available or within a distance of 100 feet from the property.

WHEREAS, both parties agree to exchange their respective properties which are the subject of this Deed of Exchange based on the Final Judgment entered on June 2, 2010 in *Judy R. Untalan, et al. vs. Government of Guam*, Superior Court of Guam Civil Case No. CV1894-93, and in accordance with Public Law 31-253.

NOW, THEREFORE, in consideration of the foregoing premises:

KNOW ALL MEN BY THESE PRESENTS:

THAT, *PARTY OF THE FIRST PART*, for and in consideration of the conveyance of property below listed, does hereby grant, transfer, convey, exchange, set over and deliver unto *PARTIES OF THE SECOND PART*, the following described parcel:

Lot No. 5168-4, Parcelling Survey Map of Lot 5168, Municipality of Tamuning, containing an area of 3,976± square meters as shown as shown on map prepared by Government of Guam, Department of Land Management, L.M. Check No. 201FY89, Land Management I4-89T330, recorded under Document No. 417648, Certificate of Title GC#3114. Water and Power (electricity) and Sewer are available or within a distance of 100 feet from the property.

THAT, *PARTIES OF THE SECOND PART*, for and in consideration of the conveyance of property below listed, does hereby grant, transfer, convey, exchange, set over and deliver unto the *PARTY OF THE FIRST PART*, the following described parcel:

Lot No. 5024-1-R1NEW-2, Re-Subdivision Survey Map of Lot 5024-1-R1NEW, Municipality of Tamuning, containing an area of 1,545± square meters as shown on map prepared by Duenas & Swavely, Incorporated, L.M. Check No. 015FY2011, recorded under Document No. 825429. Water and power (electricity) and sewer are available or within a distance of 100 feet from the property.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remained or remainders, rents, issues and profits thereof, and also all the right, estate title and interest, possession, claim and demand whatsoever, both at law and equity of the Government of Guam, in and into the above granted premises, and every part and parcel thereof with appurtenances thereto.

To have and to hold the said properties, the one to the other, their heirs, and assigns forever, free from any liens, mortgages, or encumbrances.

PARTY OF THE FIRST PART
GOVERNMENT OF GUAM:

MONTE MAFNAS, Director
Department of Land Management

Date: 6-26-13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 26th day of JUNE, 2013, before me, the undersigned notary, personally appeared Monte Mafnas, Director, Department of Land Management, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

[illegible] A. YBAÑEZ
NOTARY PUBLIC
[illegible]

PARTIES OF THE SECOND PART:

ATTORNEY IN FACT.

JUDY R. UNTALAN

JUDY R. UNTALAN
LORENZO C. ROSARIO, JR.
Attorney-In-Fact - Document No. 822140

Date: 6/18/13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.,** known to me to be the person whose name is subscribed to the within instrument as the Attorney-In-Fact for **JUDY R. UNTALAN,** and acknowledged to me the he subscribed the name of **JUDY R. UNTALAN,** thereto as principal, and his own name as Attorney-In-Fact, for its stated purpose on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond S.N. Sayas

Raymond S.N. Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **Mar. 07, 2015**
P.O. Box 1972 Hagatna, Guam 96932

PARTIES OF THE SECOND PART:

PATRICIA T. ROSARIO

Date: 6/18/13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me, the undersigned notary, personally appeared **PATRICIA T. ROSARIO**, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that she signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond SN Sayas

Raymond SN Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Mar. 07, 2015
P.O. Box 1972 Hagatna, Guam 96932

PARTIES OF THE SECOND PART:

ATTORNEY IN FACT.

Dolores R. Boardman

DOLORES ROSARIO BOARDMAN
LORENZO C. ROSARIO, JR.
Attorney-In-Fact - Document No. 822139

Date: 6/18/13

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.,** known to me to be the person whose name is subscribed to the within instrument as the Attorney-In-Fact for **DOLORES ROSARIO BOARDMAN,** and acknowledged to me the he subscribed the name of **DOLORES ROSARIO BOARDMAN,** thereto as principal, and his own name as Attorney-In-Fact, for its stated purpose on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

Raymond S. N. Sayas
Raymond S. N. Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Mar. 07, 2015
P.O. Box 1972 Hagatna, Guam 96932

PARTIES OF THE SECOND PART:

LORENZO C. ROSARIO, JR.

Date: 6/18/13

13-0336R

ACKNOWLEDGMENT

CITY OF TAMUNING) ss

On this 18th day of June, 2013, before me, the undersigned notary, personally appeared **LORENZO C. ROSARIO, JR.**, known to me to be the person whose name is signed on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Tamuning, Guam, the day and year first above written.

RaySN Sayas
Raymond SN Sayas

RAYMOND SAN NICOLAS SAYAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Mar. 07, 2015
P.O. Box 1972 Hagatna, Guam 96932

APPROVED AS TO LEGALITY
AND FORM:

LEONARDO M. RAPADAS
Attorney General of Guam

Date: 7/5/13

CDM 13-0336

GOVERNMENT OF GUAM

EDWARD J.B. CALVO
Governor of Guam

Date: JUL 10 2013

EXHIBIT "B"

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guåhan)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MONTE MAFNAS
Director

DAVID V. CAMACHO
Deputy Director

Street Address:
590 S. Marine Corps Drive
ITC Building,
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlm@mail.gov.gu

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

Date: July 15, 2013

7-16-13
RECEIVED

To: Chief Planner, Land Planning Division

From: Franklin Jimenez, Associeat Broker, Titan Realty
Mailing Address: 121 Takano Lane, Suite 205
Tamuning, Guam 96913

Re: **Request for DLM Certification of Designated Zone**
(A recorded Survey Map should accompany this Request Form)

***Property Description:** Lot 5168-4, consisting of approx. 3,976.00±- square meters

Municipality of Dededo, Guam Project/Application Name: Franklin Jimenez

Franklin Jimenez
Requestor *(Print name)*

Contact Number(s):
Work: 479.4663 Beeper: _____
Cellular 727-2891 Home: _____

FOR OFFICIAL USE ONLY

Verification of Designated Zone

ZONING DISTRICT: [ ] A [X] R-1 [ ] R-2 [ ] C [ ] M-1 [ ] M-2 [ ] PD [ ] H [ ] S-1 [ ] PF

REMARKS Subject lot is Zoned "R1"
As per Official Zoning Map

PROPERTY STATUS F3607538

7/17/13
SIGNATURE *(Research Verified By: Land Agent Supervisor)*

Certification of Zone *(above)*

[X] **Approved** [ ] **Disapproved**

Guam Chief Planner — 7-18-13 *Date*

*This is a written request for the above information. **Filing Fee:** Ten Dollars ($10.00) filing fee as per Public Law 29-02, Chapter V, Part III *(Fees and Charges Assessed by the Department of Land Management); available approximately four (4) working days as per P.L. 25-06, Section 1(d), Sunshine Reform Law, except for zone verifications.*

Completion Date: 7/18/13
Total No. of Pages: 2
Amount Due: $ 10

Documents Received by: _____ *(Print Name)*
Payment Received by: _____ *(DLM Staff*

VERIFICATION OF ZONING

FOR OFFICIAL USE ONLY

RESOURCES	FINDINGS / FACTS
Legislative Zone Change	no findings
Land Use Application *(1987 to Present)*	no findings
Amendment Zone Changes	no findings
Summary Zone Change *(P. L. 21-82 as amended by P.L. 21-144, Section 8)*	no findings
Split Zone Change *(Pursuant to P.L. 25-131)*	no findings
HPR Master Listing	no findings
Litigation Files	no findings
Official Zoning Map	as per official zoning map subject lot
F3-67S34 [ ] F3-67S43 [ ]	is zoned "R-1" (Residential). F3-67S38
F3-67S35 [ ] F3-67S44 [ ]	
F3-67S36 [ ] F3-67S45 [ ]	
F3-67S37 [ ] F3-67S46 [ ]	
F3-67S38 [ ] F3-67S47 [ ]	
F3-67S39 [ ] F3-67S48 [ ]	
F3-67S40 [ ] F3-67S49 [ ]	
F3-67S41 [ ] F3-67S50 [ ]	
F3-67S42 [ ] F3-67S51 [ ] F3-67S52 [ ]	
Other:	

Stephanie Duenas

Researched Completed By

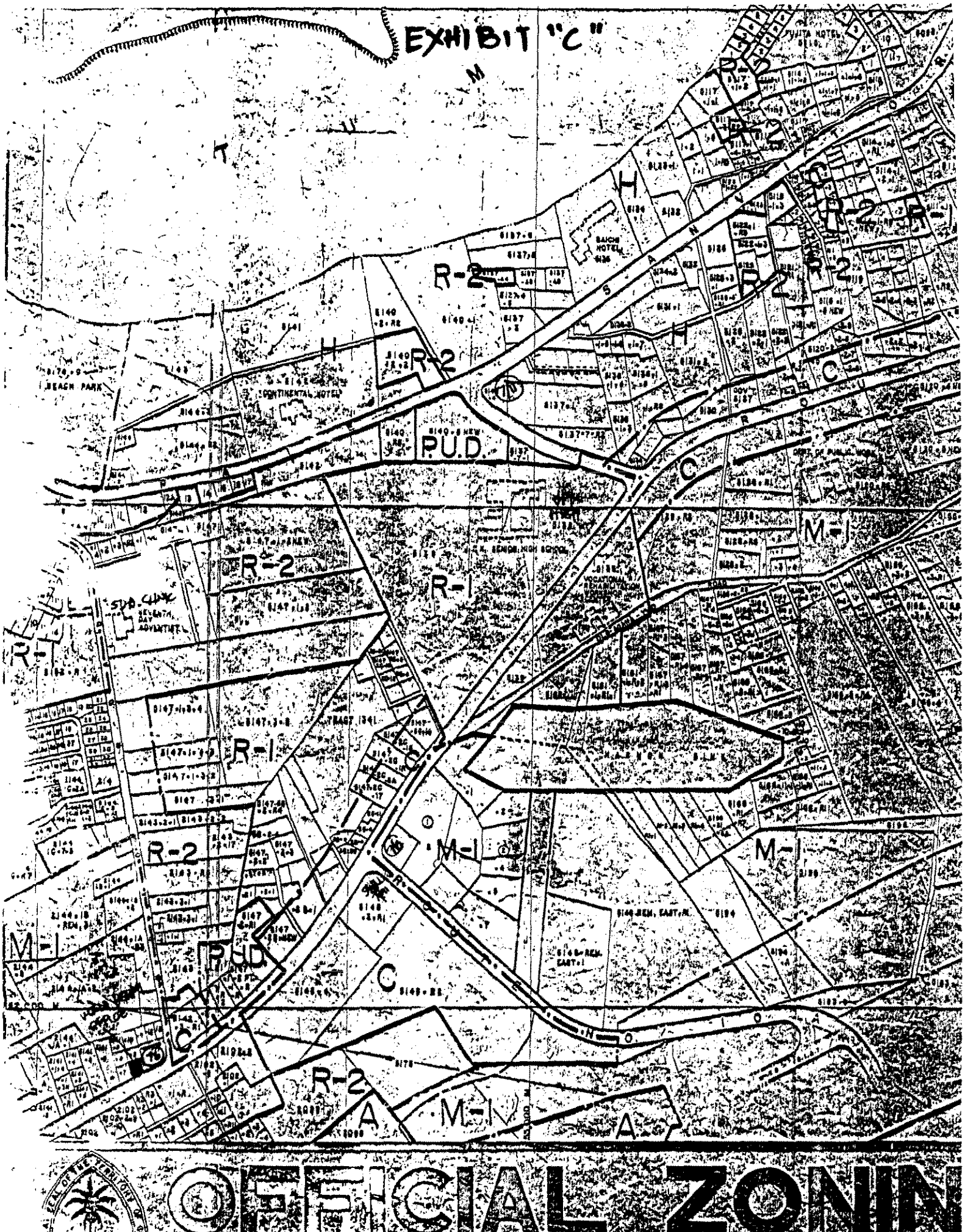
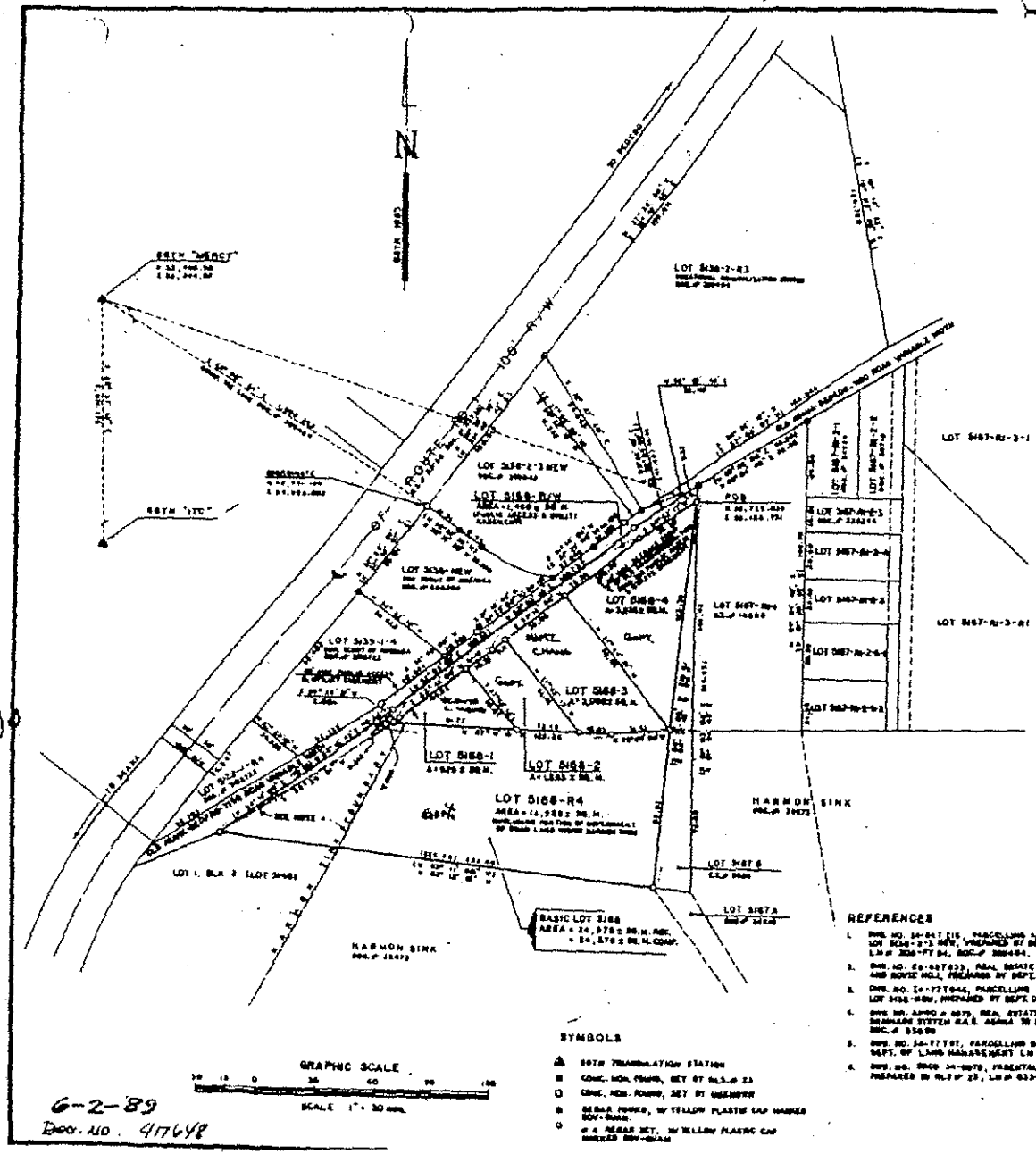
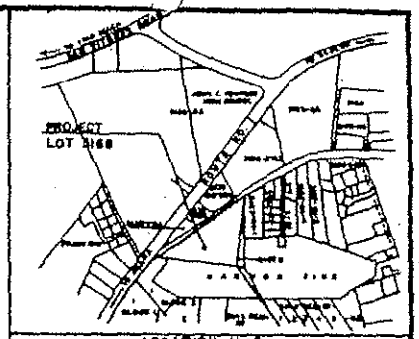


EXHIBIT "C"
R-2
R-1
P.U.D.
M-1
C
H
A
SAN VITORES
BEACH PARK
CONTINENTAL HOTEL
SDA CHURCH
SEVENTH DAY ADVENTIST
GUAM
OFFICIAL ZONIN





LOCATION MAP
NOT TO SCALE

NOTES

1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN
2. ALL DISTANCES ARE IN METERS, UNLESS OTHERWISE NOTED
3. BEARINGS AND DISTANCES ARE SHOWN AS (M&T) VALUE ALL IN PARENTHESIS ARE RECORD DATA.
4. SOC. # 34673, SPECIFIED THAT THE AREA COVERED BY THE HARMON SINK WITHIN LOT 5168 IS ONLY 10,726 SQUARE METERS MORE OR LESS, HENCE THE EXCESS OF 2,152 SQUARE METERS MORE OR LESS IS STILL A PORTION OF GOVERNMENT OF GUAM LAND.

CERTIFICATIONS

I, MICHAEL J. CARBULLIDO, HEREBY CERTIFY THAT THIS MAP WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS BASED UPON A FIELD SURVEY MADE IN FEBRUARY 1989, AND THAT IT MEETS ALL THE REQUIREMENTS OF CHAPTER 9, TITLE 21A, OF THE GOVERNMENT CODE OF GUAM AND REGULATIONS THEREUNDER.

PHILIPPINE R. CARLOS
BY:
TERRITORIAL SURVEYOR (R.P.L.S.) DATE

APPROVAL PURSUANT TO PUBLIC LAW 6-134 TITLE 10 GOVERNMENT CODE OF GUAM.

TERRITORIAL PLANNER DATE

APPROVED BY

DIRECTOR OF LAND MANAGEMENT DATE

SURVEY DATA		
SUBJECT	BY	DATES
JOB NUMBER	426-3-88	MARCH 1988
RESEARCHED	R.T.S. / R.C.	APRIL 1989
FIELD BOOK	D-08	APRIL 1989
FIELD BY	ALMSA/CREW	APRIL 1989
FIELD SUPV.	R.T. ORTEGA	MAY 1989
COMPUTED	R.T. ORTEGA	MAY 1989
DRAWN	J.B. ISAAG	MAY 1989
CHECKED BY	M.S. CARLOS	MAY 1989

ABSTRACT OF TITLE
NAME LOT 5168
CERT OF TITLE S.C.# 3114
REGISTERED ON MAR. H. 1939
IN NAME OF JOSE M. SABLAN
GOVERNMENT OF GUAM

REV.	DATE	SURVEY DESCRIPTION	BY	DATE	APPROVED

REFERENCES

1. SURV. NO. 34-847.215, PARCELLING AND CONSOLIDATION MAP FOR LOT 5036-2-2 NEW, PREPARED BY DEPT. OF LAND MANAGEMENT LM # 3026-FY 84, SOC.# 3004484.
2. SURV. NO. 88-887033, REAL ESTATE ARRANGEMENTS FOR TUMON AND BOWIE HILL, PREPARED BY DEPT. OF LAND MGMT, SOC.# 34467.
3. SURV. NO. 34-77T046, PARCELLING AND CONSOLIDATION MAP FOR LOT 5036-NEW, PREPARED BY DEPT. OF LAND MGMT. SOC.# 3004496.
4. SURV. NO. APPRO # 4079, REAL ESTATE ARRANGEMENTS FOR STORM DRAINAGE SYSTEM R.A.E. AGANA TO HARMON SINK, DATED 1/25/89 SOC.# 33699
5. SURV. NO. 34-77T07, PARCELLING OF 5139-1-R3, PREPARED BY DEPT. OF LAND MANAGEMENT LM # 3026-77T0, SOC.#3004382
6. SURV. NO. 3960 34-8979, PARENTAL SUBDIVISION OF LOT 5036-R-3-R2 PREPARED BY RLS # 23, LM # 833-FY89 SOC.# 3004384.

SYMBOLS

- ▲ 69TH TRIANGULATION STATION
- ■ CONC. MON. FOUND, SET BY RLS # 23
- ○ CONC. MON. FOUND, SET BY OTHERS
- ● REBAR FOUND, W/ YELLOW PLASTIC CAP MARKED SOV-GUAM
- ○ #4 REBAR SET, W/ YELLOW PLASTIC CAP MARKED SOV-GUAM

PARCELLING SURVEY MAP
OF
LOT 5168
TAMUNING, MUNICIPALITY OF DEDEDO
LS 11 SEC. 1 —— LS 14 SEC. 3

GOVERNMENT OF GUAM
DEPARTMENT OF LAND MANAGEMENT
LAND SURVEY DIVISION

SCALE 1" = 1" = 30 mts. DRAWING NUMBER

6-2-89
Doc. No. 417648

EXHIBIT "D"