EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam

OCT 18 2017

GL#34-17-1098
Speaker Benjamin J.F. Cruz

OCT 18 2017
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Received By

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 13-34 (COR), **"AN ACT TO *ADD* A NEW § 61218 TO ARTICLE 2 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REZONING LOT NAVAL AIR STATION AGAÑA 17 (EDC PARCEL 1) AND LOT NAVAL AIR STATION AGAÑA 20 (EDC PARCEL 2) FROM AGRICULTURAL ZONE (A) TO LIGHT INDUSTRIAL ZONE (M1),"** which was signed into law on October 13, 2017, as **Public Law 34-45.**

Senseramente,

EDDIE BAZA CALVO

2017 OCT 18 PM 4:28 C.S.

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 13-34 (COR)
As corrected by the Prime Sponsor; amended by the Committee on Environment, Land, Agriculture, and Procurement Reform; and further amended on the Floor.

Introduced by: Thomas C. Ada
James V. Espaldon
FRANK B. AGUON, JR.
William M. Castro
B. J.F. Cruz
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Telena Cruz Nelson
Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Michael F.Q. San Nicolas
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *ADD* A NEW § 61218 TO ARTICLE 2 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REZONING LOT NAVAL AIR STATION *AGAÑA* 17 (EDC PARCEL 1) AND LOT NAVAL AIR STATION *AGAÑA* 20 (EDC PARCEL 2) FROM AGRICULTURAL ZONE (A) TO LIGHT INDUSTRIAL ZONE (M1).

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the U.S. Congress enacted the *Defense Base Realignment and Closure Act of*

1990 (BRAC 1990), which set the stage for the return of lands at the Naval Air Station *Agaña* to the government of Guam.

I Liheslaturan Guåhan also finds that prior to effectuation of the conveyance, the government of Guam had to develop a reuse master plan for the returned land. On December 26, 1995, the Governor of Guam, Carl T.C. Gutierrez, transmitted to the Department of Defense the *Naval Air Station Agaña Base Reuse Master Plan* (hereinafter the *Tiyan Plan*) for approval. The *Tiyan Plan* was developed by the *Komitea Para Tiyan*, a committee commissioned by the Governor of Guam and recognized by the Department of Defense as the Local Redevelopment Authority. In 1996, the federal government approved the *Tiyan Plan* and began the process for the transfer to the government of Guam of Parcels 1 and 2 in South *Tiyan, Barrigada* (an area of 248 acres generally bounded on the north by Mariner Avenue, on the south by Route 8, and on the east by Route 16). The *Tiyan Plan* envisioned the re-use of Parcels 1 and 2 for economic development and focuses major attention to the development of industrial and business parks.

I Liheslaturan Guåhan further finds that in September 2000, the Guam Economic Development Authority (GEDA) received the property on behalf of the government of Guam (Quitclaim Deed, DLM No. 628091). The land was returned with the proviso that use of the property would be limited to industrial and commercial use, unless consented otherwise by the United States.

I Liheslaturan Guåhan further finds that in October 2002, pursuant to Public Law 26-100, the above-mentioned parcels were further deeded to the Guam Ancestral Lands Commission (GALC) for the return of the property to the original landowners (Quitclaim Deed, DLM No. 664172).

I Liheslaturan Guåhan finds that there are approximately forty (40) lots within Parcels 1 and 2; however, only two (2), or five percent (5%), of these lots are currently zoned Light Industrial Zone (M1), a designation that would be compatible

for the development of industrial and business parks. To date, there have been nine (9) landowners who have initiated actions either with *I Liheslatura* (the Legislature) or the Guam Land Use Commission (GLUC) to rezone their properties to M1. The primary reason that many of the lots have laid dormant is because of the time-consuming process of judicial probate procedures.

I Liheslaturan Guåhan intends to further facilitate the development of South *Tiyan* as was envisioned in the *Tiyan Reuse Master Plan* by legislatively rezoning the lots in Parcels 1 and 2 to Light Industrial Zone (M1).

Section 2. A new § 61218 is *added* to Article 2 of Chapter 61, Title 21, Guam Code Annotated, to read:

"**§ 61218. Rezoning of Lot Naval Air Station *Agaña* 17 (EDC Parcel 1) and Lot Naval Air Station *Agaña* 20 (EDC Parcel 2) from Agricultural Zone (A) to Light Industrial Zone (M1).**

(a) Applicability. Rezoning considerations *shall* be applicable to the following lots in Parcels 1 and 2:

Lots in Parcels 1 and 2 Eligible for Rezoning to M1		
2157	2169	2182
2157-1	2173	2191-1
2158	2174	2276
2159	2175	2277
2160	2176	2278
2161	2176A-1	5193
2162	2177	5193-3
2163	2178	5199
2164	2179	5199-1
2165	2180	5200
2167	2181	5201-1
	2181-A	5202-1

(b) Notification to Landowners. Within fifteen (15) working

days from the enactment of this Act, the Director of the Department of Land Management *shall* send, by certified mail, notices to the last known registered owners of the lots listed in Subsection (a) informing them of this Act. A copy of this Act and information related to use regulations pursuant to § 61309 of Article 3, Chapter 61, Title 21, Guam Code Annotated, *shall* be attached to the notice.

(c) Affirmation of Rezoning. Within one hundred eighty (180) working days from the enactment of this Act, owners of the lots listed in Subsection (a), or their duly authorized representatives, must provide written affirmation to the Director of the Department of Land Management of their concurrence to rezone their lots to Light Industrial Zone (M1).

In the case of pending probate court distributions, within one hundred eighty (180) working days from the Department of Land Management recordation of the Final Decree of Distribution, owners of the lots listed in Subsection (a), or their duly authorized representatives, must provide written affirmation to the Director of the Guam Department of Land Management of their concurrence to rezone their lots to Light Industrial Zone (M1).

(d) Failure to Affirm or Non-Concurrence. The current lot zone *shall* remain unchanged in the event the owner of the lot, or an authorized representative, does not submit a written affirmation per Subsection (c) or does not concur with rezoning to M1. Any subsequent change in zoning *shall* be processed pursuant to 21 GCA Chapter 61.

(e) Update of Master Zoning Map and Other References. The Department of Land Management and the Bureau of Statistics and Plans *shall* update the Master Zoning Map and any other such

documents, maps, public notices, and websites within one (1) year of the enactment of this Act.

(f) Recordation.

(1) The Department of Land Management *shall* post on its Records Division journals, its Planning Division lists, and its Survey Division maps, *against each relevant lot*, its affirmed zone or its retention zone within two hundred seventy (270) days of the enactment of this Act.

(2) The Department of Land Management *shall*, through its existing procedures, notify the Department of Revenue and Taxation of the updated rezoning within two hundred seventy (270) days of the enactment of this Act.

(3) The Department of Revenue and Taxation *shall* assess applicable real property taxes on these parcels, to be effective in the following tax year.

(g) Rezoning Fee. Each lot owner agreeing to the rezone of their lots to Light Industrial Zone (M1) *shall* be assessed a fee of Six Hundred Forty Dollars ($640.00) to defray costs related, but not limited to, research, notification, processing, recordation, and posting. Said fees *shall* be deposited in the Department of Land Management Land Survey Revolving Fund (LSRF)."

Section 3. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such 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.

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

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

This is to certify that **Bill No. 13-34 (COR), "AN ACT TO *ADD* A NEW § 61218 TO ARTICLE 2 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REZONING LOT NAVAL AIR STATION AGAÑA 17 (EDC PARCEL 1) AND LOT NAVAL AIR STATION AGAÑA 20 (EDC PARCEL 2) FROM AGRICULTURAL ZONE (A) TO LIGHT INDUSTRIAL ZONE (M1),"** was on the 29th day of September 2017, duly and regularly passed.

Benjamin J.F. Cruz
Speaker

Attested:

Dennis G. Rodriguez, Jr.
Acting Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 2nd day of Oct, 2017, at 4:40 o'clock P.M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: OCT 13 2017

Public Law No. 34-45