Chamorro Land Trust Commission
(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932 Phone: 649-5263 ext. 400 Fax: 649-5383

Eddie Baza Calvo
Governor

Ray Tenorio
Lieutenant Governor

Commission Members

G. Pika Fejeran
Chairwoman

Joseph I. Cruz
Vice Chairman

Amanda L.G. Santos
Commissioner

Pascual V.A. Sablan
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

March 21, 2018

GL# 34-18-1679

Speaker Benjamin J.F. Cruz

MAR 2 3 2018

Time: 3:49 [ ] AM [ ] PM File No. 34-1693

Received By:

TO: Honorable Eddie Baza Calvo
Governor of Guam

FR: Michael J.B. Borja
Director

RE: CLTC Board Meeting Packet

Pursuant to Public Law 31-233, transmitted herewith is the Chamorro Land Trust Commission Board meeting packet of March 15, 2018.

If you should have any questions, please do not hesitate to contact Ruth Sakuma at 649-5263 ext. 617.

MICHAEL J.B. BORJA
Director

cc: Honorable Speaker Benjamin J.F. Cruz,
Speaker 34th Guam Legislature.

2018 MAR 23 PM 4:12

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REGULAR BOARD MEETING
AGENDA

Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning, Guam
Thursday, March 15, 2018, 1:00 PM

Public Notice: The *Guam Daily Post* on March 8, 2018 and March 13, 2018

I. **CALL TO ORDER**

II. **ROLL CALL**

III. **APPROVAL OF MINUTES**
1. February 15, 2018 Regular Meeting

IV. **PUBLIC COMMENTS**

V. **OLD BUSINESS**
1. CLTC-GEDA MOU
2. Guam Football Masterplan
3. Guam Raceway Update
4. Matthew Quinata – CLTC Land Exchange Resolution

VI. **NEW BUSINESS**
1. Mayor of Barrigada – Request to obtain Lot 15, Block F Tract 9 and Lot 16-R1, Block F. Tract 9, Municipality of Barrigada for construction of a recreational facility
2. Sophia Palacios Use of Joey Taimanglo designated lot
3. Veronica Garrido Patao Disturbance

VII. **DIRECTOR'S REPORT**
1. Financials

VIII. **COMMISSIONERS' COMMENTS**

IX. **ADJOURNMENT**
1. Next Meeting – Thursday, April 19, 2018

Rev. 4 4 2016

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(Vacant)
Commissioner

(Vacant)
Commissioner

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Administrative Director

COMMISSION MEETING ATTENDANCE SHEET

Date: March 15, 2018

Time: 1:03 p.m. **Adjournment:** 5:28 p.m.

Place of Meeting: CLTC Conference Room, 3rd Floor

NAME:	TITLE:	SIGNATURE:
1. G. PIKA FEJERAN	Chairwoman	Pkafejeran
2. JOSEPH I. CRUZ	Vice Chairman	Joseph C
3. AMANDA L.G. SANTOS	Commissioner	Amanda B Santos
4 (Vacant)	Commissioner	
5. (Vacant)	Commissioner	
6. NICOLAS TOFT	Legal Counsel	
7. MICHAEL BORJA	Administrative Director	

Staff:

1. Jhoana Casem
2. Margarita Borja
3. Ruth Sakuma
4. Joseph Cruz
5. mathew Leon Guerrero
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

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Commissioner

(Vacant)
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

PUBLIC COMMENTS SIGN IN SHEET
CLTC Board Meeting

Date: March 15, 2018

NAME (Please Print)	Contact#
James Sablan	
Peter Walls	6882008

Rev. 3/9/2017

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(Vacant)
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

VISITORS' SIGN IN SHEET

CLTC Board Meeting

Date: March 15, 2018

NAME (Please print)	Contact Number
JUAN SHIROMA	888-4301
Peggy George	797-1930
Glynis Aullen	687-4950
ROQUE GARRIDO	
RICARDO GARRIDO	
Veronica + Jaime Pabo	6882868
	6537868
Angela Santos	

CURRENCY EXCHANGE RATES
On Mar. 7, $1 was worth:

Keep posted and get more data and details online. Log on to see real time market data with our stock market tool at postguam.com/stock_market.

51.990 PHP₱	105.61 JPY¥	1,069.00 KRW₩	29.249 TWD NT$	6.3223 CNY¥	1.2814 AUD A$	0.8048 EUR €

Power-ship business makes pitch

By Jamie Ward
jamie@postguam.com

The idea for a ship with generators built on top of it was floated Wednesday at the Fiesta Resort Guam by a representative from the Turkish-based company Karpowership.

Presenting along with Karpowership's Serdad Kumbasar, local businessman Marcel Camacho made the case that the company is proposing an affordable, clean and efficient power source for Guam.

"We need to think very carefully about the future," Camacho said, referring to the military buildup on Guam and the Guam Power Authority's desire to comply with the stringent requirements of the federal Clean Air Act, while migrating to efficient technology and cleaner fuels such as ultra-low-sulfur diesel and liquefied natural gas.

"But if you look at what is the best solution, it really is LNG," Camacho said. "Karpowership has a solution that can achieve LNG now."

Camacho said the company, which currently serves as the power source for multiple islands in Indonesia as well as for parts of Lebanon, Ghana and Zambia, could be up and running on Guam within a year's time.

Karpowership is a member of Karadeniz Energy Group, which is building 21 power ships, which will have a combined capacity of more than 5,000 megawatts, the company's website states.



POWER SOURCE: *Karpowership's local representative, Marcel Camacho, begins his presentation Wednesday at the Fiesta Resort Guam. The company is interested in supplying Guam with one of its power-generating ships. Jamie Ward/The Guam Daily Post*

"If Guam was to order a ship and contract with them, they could have the ship delivered within ... we'd say safely one year because there are other logistical things to consider," Camacho said.

He also said Karpowership's solution could not only run LNG and ultra-low sulfur diesel, but also other heavy fuel oils while maximizing efficiency, requirements GPA is interested in.

"As power plants age, their efficiency gets lower," Kumbasar said, noting some power-generation capabilities on Guam are more than 30 years old.

"Compared to the existing generation, you can't even compare to the efficiency of a new power ship. It's very, very superior."

GPA not interested

GPA General Manager John Benavente said in January the agency wasn't interested in a power ship because it's typically used as a short-term solution to power outages, and Guam is in need of long-term power generation solutions.

Camacho said on Wednesday that Karpowership could satisfy short-, middle- or long-term needs for Guam.

"Karpowership does offer these ships on a short-term basis," he said. "We feel long term is the best, but we are amenable to a win-win situation for GPA and how we can supply LNG now."

Camacho said Karpowership's solution, once implemented, could immediately decrease the average cost of electricity to around 12 to 13 cents per kilowatt-hour because of the price of LNG. He also said that number could decrease to around 11 cents per kWh once his group has all the data it needs from GPA.

"Imagine passing that savings on to the consumer, who's being hit very hard right now with a 14 to 15 percent increase in the (fuel surcharge) rate," Camacho said. "And we're going to be seeing a further increase from GPA again with a further adjustment to (fuel surcharge)."

Camacho added, "What we're offering today is an opportunity for the government to save money and hopefully pass on those savings to the consumer.

"We will take on the responsibility of the LNG supply chain because in most of the projects, those are serious cost items and you need to be experienced in that."

GHURA
Guam Housing and Urban Renewal Authority
Aturidat Ginima' Yan Rinueban Siudat Guahan
117 Bien Venida Avenue • Sinajana Guam 96910
Phone: (671) 477-9851 • Fax: (671) 300-7565 • TTY: (671) 472-3701

Eddie Baza Calvo, Governor of Guam
Ray Tenorio, Lt. Governor of Guam

Invitation For Bid
IFB # GHURA-2-28-2018-AMP1
This ad is paid with HUD Funds by GHURA

Guam Housing and Urban Renewal Authority (GHURA) will receive sealed proposals for the water blasting of roofs and exterior painting of units at GHURA AMP1 sites until ***2:00 pm*** on ***April 2, 2018***, in the Board Room located at Main office in Sinajana. On ***March 13, 2018*** at ***10:00 am***, GHURA will conduct a prebid conference at GHURA office in Sinajana. Site visits will be arranged by GHURA staff after the prebid conference to anyone who desires an onsite visit. A non-refundable deposit of $50.00 is required for each set of bidding documents. Copies of the bidding documents will be on file and available for inspection beginning on ***March 8, 2018*** between the hours of 8:00 a.m. and 12:00 p.m. and between 1:00 p.m. and 4:00 p.m. Monday through Friday except on holidays at GHURA Main Office.

A Bid Guarantee in the amount of 5% of the total base bid must accompany each bid, which exceeds $100,000.00. Bid guarantee shall be a Bid Bond secured by a surety company authorized to do business in Guam and listed in the latest Department of Treasury Circular 570 published in the Federal Register; or as permitted by state law, a certified check, bank draft, or U.S. Government Bond at par value. All Bid Guarantees must be made payable to GHURA. **Personal checks will *not* be accepted.** GHURA reserves the right to waive irregularities and to reject any or all bids. Failure to submit a bid properly shall result in rejection of the bid.

For all contracts, which exceed $100,000, the successful bidder will be required to furnish and pay for satisfactory Performance and Payment bonding for 100% of the contract price. The Contractor must not discriminate on the basis of race, color, religion, gender, age, disability, or national origin in employment or the provision of services. Restriction Against Contractors Employing Convicted Sex Offenders from Working at Government of Guam Venues. (§5253 of Title 5 Guam Code Annotated).

The successful bidder will be required to the best possible and greatest extent feasible accomplish the following:
1. A goal of awarding at least 50 percent of the dollar value of construction contracts to Minority and/or Women Business Enterprises (MBE/WBE) or General Contractors with MBE/WBE participation.
2. In accordance with Section 3 of the U.S. Department of Housing and Urban Development Act of 1968, all construction contractors, to the maximum extent feasible, shall provide training, contracting, and employment opportunities to low income residents residing in GHURA.

GHURA intends to award a contract on the basis of the lowest and most responsible bid for the work described in the bid documents. No bid shall be withdrawn for a period of sixty (60) days subsequent to the opening of bids without the prior written consent of GHURA.

GHURA is an Equal Opportunity Employer.

Michael J. Duenas
Executive Director

GHURA does not discriminate against persons with disabilities.
The Chief Planner has been designated as Section 504 Coordinator.
The Coordinator can be contacted at the above address and telephone numbers.

Kumision Inangokkon Tano' Chamoru
Chamorro Land Trust Commission

The Chamorro Land Trust Commission Board Meeting will be held on **Thursday, March 15, 2018 at 1:00 pm**, Department of Land Management Conference Room, 3rd Floor of the ITC Building, 590 S. Marine Corps Drive, Tamuning

In compliance with ADA requirements, individuals requiring special accommodations, auxiliary aids or services, may call 649-5263 Ext. 400.

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GUAM ELECTION COMMISSION
Kumision Ileksion Guåhan
2nd Floor, Suite 200 GCIC Building
414 West Soledad Avenue, Hagåtña, Guam 96910
Tel: (671) 477-9791 • Fax: (671) 477-1895
E-Mail: vote@gec.guam.gov Website: www.gec.guam.gov

GUAM ELECTION COMMISSION REGULAR MEETING

The Guam Election Commission has scheduled its monthly meeting for **Thursday, March 15, 2018 at 5:30 p.m.,** at the Guam Election Commission Conference Room 200, 414 W. Soledad Ave., GCIC Building, Hagåtña, Guam.

The public is invited. For individuals requiring special accommodations, auxiliary aids or services please contact the Guam Election Commission. For more information, you may call Helen M. Atalig at (671) 477-9791 or send an email to vote@gec.guam.gov.

This advertisement is paid with Government funds.

Doc. No. 34GL-18-1679.

US officials defend Trump-Kim meeting

WASHINGTON (Reuters) - U.S. officials on Sunday defended President Donald Trump's decision to meet with North Korean leader Kim Jong Un, saying the move was not just for show and not a gift to Pyongyang.

"President Trump isn't doing this for theater. He's going to solve a problem," said Central Intelligence Agency Director Mike Pompeo on the "Fox News Sunday" program.

The United States expects North Korea to halt all nuclear and missile testing in advance of any meeting, Pompeo and Treasury Secretary Steve Mnuchin said on Sunday news shows.

The goal of the meeting remains denuclearization of the Korean Peninsula, something Kim has agreed to discuss, they said. Pompeo said U.S. military exercises in the region would continue in the lead-up to the talks.

The Republican president agreed on Thursday to accept an invitation from the North Korean leader to meet by May after months of escalating tensions over Pyongyang's advancing nuclear and missile programs.

Trump would become the first sitting U.S. president to meet with a leader of the reclusive country. The two men would face each other after a public volley of insults, with Trump calling Kim "Little Rocket Man" and Kim referring to Trump as a "dotard."

No venue or date for the meeting has been determined, but Trump's prompt acceptance set off a flurry of activity.The South Korean officials who carried Kim's invitation to Washington will split up to visit the leaders of China and Japan this week to update them on the talks, a South Korean presidential official said on Sunday.



SOLVING A PROBLEM: *A combination photo shows a Korean Central News Agency handout of Kim Jong Un released on May 10, 2016, and Donald Trump posing for a photo in New York City on May 17, 2016. Reuters*

China, North Korea's main ally, has encouraged dialogue over Pyongyang's nuclear program, and its state media on Saturday credited Beijing for helping ease tensions.

"China continues to be helpful!" Trump tweeted on Saturday.

North Korea's leaders have sought a face-to-face meeting with a U.S. president for decades, but have been rebuffed over human rights concerns as well as the nuclear ambitions.

U.S. student Otto Warmbier died last summer shortly after his release from a 17-month detention. Three Americans remain detained in North Korea.

Many Democrats as well as Trump's fellow Republicans said the United States should have demanded concessions before granting North Korea a meeting.

"Before they get that kind of prize, we should insist that they make some real changes, verifiable changes to their programs," Democratic Sen. Elizabeth Warren said on NBC's "Meet the Press."

Warren said she was worried North Korea would "take advantage" of Trump.

'Eyes wide open'

Pompeo and Mnuchin said the United States would make no concessions and would keep the pressure on North Korea by maintaining economic sanctions and a strong defense posture before the meeting. They also dismissed criticism that Trump's decision to meet elevated the North Korean leader on an international stage.

"This administration has its eyes wide open, and the whole time this conversation takes place the pressure will continue to mount on North Korea," Pompeo said on CBS' "Face the Nation."

The United States slapped sanctions on individuals and groups in North Korea in October 2017 over "flagrant" human rights abuses and added sanctions in February.

Six Republican senators last week sent a letter asking Trump to share his plan to keep up pressure on "this heinous regime."

One of them, Sen. Cory Gardner, told CBS on Sunday it was important to see concrete steps from North Korea before the meeting. "After this meeting, there's going to be very little left of that diplomatic runway," he said.

Mnuchin addressed criticism that Trump has not used more diplomacy to contain Pyongyang's nuclear ambitions. "So the president is going to sit down and see if he can cut a deal," he said on NBC's "Meet the Press."

The prospect of doing something no American president has done - especially on such an intractable geopolitical problem - was irresistible to Trump, Eurasia Group President Ian Bremmer said on CNN's "Fareed Zakaria GPS."

"So it's the first. It's incredible television. Clearly Trump wants to make this happen," Bremmer said. "But that doesn't mean it's going to happen."

Gunman in deadly California siege was decorated veteran treated for PTSD

YOUNTVILLE, Calif. (Reuters) - Details emerged on Saturday about a decorated former U.S. serviceman who took three women hostage at a California veterans home where he had undergone treatment for PTSD, in a standoff that ended when police found him and his captives dead.

The Veterans Home of California in Yountville, the largest such facility in the United States, was the scene on Friday of the latest mass shooting to rock a country still shocked by the slaughter last month of 17 people at a Florida high school.

Officials named the gunman as Albert Wong, 36, of Sacramento, and said he had served with the U.S. Army on active duty from May 2010 to August 2013 and spent a year in Afghanistan. He received four medals including an Afghanistan campaign medal and was awarded an Expert Marksmanship Badge with Rifle, the Pentagon said.

Wong had been a patient of Pathway Home, a program at the Yountville complex for former service members suffering post-traumatic stress disorder after deployments in Iraq and Afghanistan. The San Francisco Chronicle, citing unnamed sources, said he had been asked to leave the program two weeks ago.

Yountville Mayor John Dunbar, who also serves as a board member of the Pathway Home, said the facility and the town mourned the loss of the three women.

"We also lost one of our heroes, who clearly had demons that resulted in the terrible tragedy that we all experienced here," he told reporters.

The incident began at about 10:30 a.m. on Friday at the sprawling facility about 60 miles north of San Francisco and ended almost eight hours later.

According to Larry Kamer, the husband of one of the Pathway Home administrators, Devereaux Smith, Wong walked into the program's building carrying a rifle during a going-away party for one of the employees.

Kamer, who volunteers at the home, said his wife told him by phone during the siege that the gunman had let her and three other women leave the room where the party was taking place, but that he kept three female employees behind as hostages.

The hostages who died were named as Pathway Home Executive Director Christine Loeber, 48; the program's clinical director, therapist Jen Golick, 42; and Jennifer Gonzales, 29, a psychologist with the San Francisco Department of Veterans

GUAM BOARD OF EXAMINERS FOR PHARMACY

Regular Session Meeting, Thursday, March 15, 2018 at 7:30 AM at the Terlaje Professional Building, 194 Hernan Cortez Avenue, 2nd Floor, Suite 209 Health Professional Licensing Office Board Conference Room, Hagatna, Guam.

For more information please contact the Board office at 735-7405 thru 12. Persons with disabilities needing special accommodations may call Jimmy Sian at 735-7172 or the telecommunication device for the Hearing/Speech Impaired (TDD) at 649-1801. Executive meeting may be called if necessary.

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DOC. NO. 34GE-18-0079

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(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

COMMISSION MEETING MINUTES
Department of Land Management Conference Room
3rd Floor, ITC Buidling, Tamuning
Thursday, February 15, 2018, 2017; 1:09 p.m. – 4:45 p.m.

I. CALL TO ORDER

Meeting was called to order at 1:09 p.m. by Chairwoman Pika Fejeran.

II. ROLL CALL

Present were Chairwoman G. Pika Fejeran, Vice Chairman Joseph I. Cruz, Commissioner Pascual V.A. Sablan, Commissioner Amanda L.G. Santos, Administrative Director Michael Borja, Legal Counsel Nicolas Toft, and Chamorro Land Trust Commission Staff. There was a quorum.

III. APPROVAL OF MINUTES – September 21, 2017, October 6, 2017, and October 19, 2017 board meeting.

Administrative Director Michael Borja: On October 19, 2017 I just want to point out that's when we went into an Executive Session at the request of the Attorney General of Guam the Minutes for that meeting are sealed for 6 months so that Minutes does not include the Executive Session.

IV. PUBLIC COMMENTS

Administrative Director Michael Borja: While they are getting the sign-in sheet I just wanted to let you to know that because the last meeting had to be nullified due to the lack of a quorum because one of the members' term had expired and I just want to read out for the record when there is expiration in terms of when it will be expiring. For the Chairwoman Fejeran your term expires April 10, 2020, Vice Chairman Cruz the term expires April 10, 2019, Commissioner Santos the term expires April 10, 2020, Mr. Sablan his term expires April 10, 2019 and the nominee Austin Duenas when he is confirmed he is filling the seat whose term expires on April 2021.

Chairwoman Pika Fejeran: Thank you for that. So just to reiterate our last meeting any motions with decisions made in that meeting are null and void which is why we have all the same items in our agenda. Okay, Public

Comments. Mr. Vincent S.N. Aguon. Please come forward and state your name for the record.

1. Vincent S.N. Aguon

Vincent S.N. Aguon: Is it okay...because my doctor wants to hear what I'm saying. My name is Vincent Aguon from Dededo. Mr. Borja, I don't know if you remember me. Since we last spoke with the board and Mr. Borja I was talking about the land I was given in Yigo where we cannot do nothing with it because of the water thing underground since then Mr. Borja instructed me to find a location where I can raise my animals and raise my crops. But I lost my property because of a...I don't know, technicality...I got married to another Chamorro Land Trust's lessee. Now when I lose my land the problem that we were experiencing up where my wife's land is, is exhilarated to the point that my doctor told me do not come to this board meeting, do not come to the Chamorro Land Trust office, do not even look at the neighbor. I have a disability of IED and PTSD. IED is the Intermittent Explosive Disorder from the military and my PTSD. Now since I lost my property I accepted it, explanation was clear enough, only one person in on a marriage can happen. My problem with that is ever since that happened, the squattered were able to stay in the property, they found a way to stay on the property and sad to say the Chamorro Land Trust kept coming up because the police were coming up, the Palacios were calling, the Chamorro Land Trust calling the police and I was hoping Ms. Lorraine would be here to say it that what I'm saying is right because the poor lady has to keep coming up. Now, we don't bother no body. Every neighbor there will tell you except for the Palacios, we mind our business and everything. Mr. Borja, you know, told them they cannot be trashing in that place so he instructed them that those have to be clean, that building has to be taken down and they weren't supposed to be on that property. The last time you guys were up there you were severely disgusted right? I don't know what to do. I asked my therapist, can I please go up and vent it up in the Chamorro Land Trust maybe...I'm at the point my doctor is going to have me committed and if that happens...my wife has no help financially. I don't know how this happens with the squatters, I really don't care, I'm tired of rocks flying at my truck because they are over at that vacant lot bush cutting and I keep telling them "can you please knock it off Lorraine already told you guys to stay over there stop coming this way". They trashed and my truck has to be rewired because the rats chewed it up. My truck sometimes is idle for a month as you can see, sometimes I can't go anywhere, and I'm stuck at home.

Chairwoman Pika Fejeran: Sir, I have a question. The property that you are having these issues with, is this your wife's Chamorro Land Trust property that you're...?

Vincent Aguon: That's where we are staying. Then there is a lot next to my wife's which when Chamorro Land Trust dugged into it, they removed the person that was leasing it because they found out that somehow they are not...any way that's Land Trust. The one next to my wife is Joe Palacios married to Glenda. Joe Palacios used to be married to Sophia. When they took the land from Joe Palacios and Glenda, Sophia jumped in trying to get it because she has every right because that's her husband. It's a roller coaster ride.

I went from 2 medications to now 6. When I take my medicine I am knocked out. I told my doctor I'm going to quit taking this pills I can't deal with it, there are side effects. That's why I'm recording this because he wants to know, am I explaining myself properly and you know...I'm at the point of getting committed. Are there any veterans in here? Now you know if you get shipped to Honolulu it's not good. I'm two steps from being shipped to Honolulu. Mr. Borja and a couple of board members, am I right, went up there, they tried. I lost my property and they got theirs now they are talented people, they are working on the one next to my wife and I'm scratching my head, how the hell they doing this? I can't even get a land to plant my crops or raise my animals. I had a land in Yigo since 1997, I believe, I was instructed by Agriculture, GWA and EPA to raise animals with proper septic for the animals, a proper pen to contained the animal's urine and feces. Then to construct the building that we have to have the special septic for our bathroom that's going to cost as much or more than a house so we couldn't do nothing. I explained this to the board once but you know my hands are tied, 2005, I got tired of waiting for EPA, Agriculture and GWA to authorize me to use the property that I went on ahead to have it extended. Now I have been paying taxes, maintaining it, doing everything you guys want me to do except utilize the property the way it's intended to because I couldn't so you know the board, Mr. Borja said it's okay so that's what we did, go find a land that you know you can plant and raise your animals. Not even two months into that I was disqualified. Now Ms. Margaret will tell you every year I come to this office can you help me get my tax paper. I don't run for my tax. I was so worried that if I don't pay my tax I will lose my land. I pay my tax every year. I cannot do nothing at my wife's property because my doctor is telling me stay away from that site because there's where the dirt is the other side is gravel. You telling me to go back to my gardening because it seems to work, in the '90s it seems to work in the early part of (inaudible) I lost my (inaudible). What do you want me to do doc that we have that police report on you? In fact that's the neighbor, that's the squatter harassing us to get me to snap then call the cops, then call the Chamorro Land Trust and then they are questioning me. I am sorry I'm venting on this side but I just cannot...I want to stop going back to that...he's not a stupid doctor, he's smart because he's a doctor. I just want to stop going there because every time we talk they add one more pill or increase the milligram. I'm venting out because of my meds from mental health to my physical health. We can run a pharmacy out of my house, then my wife is sick...you know what are we going to do?

Administrative Director Michael Borja: Sir, let me come back out and look at this area again and we'll let you know when we will be back out, maybe it might even be tomorrow and we will work on this. If we need to I will bring in the regulatory agencies that can take the legal action on the neighbors that's causing this problems, okay.

Vincent Aguon: But you know how they got the property, I mean, my god-daughter has been waiting for her property since the late '90s. The guy that got the property, the grandson, is way younger than my daughter, my goddaughter, she's still waiting for hers. This guy's got it just like that, I mean, (paused).

Administrative Director Michael Borja: We will be back out again it will be very, very soon like I said maybe even tomorrow just to take a look just to see what's going on and

then if we can catch them up there we will definitely (inaudible) but if not we will call them in.

Vincent Aguon: Excuse my language, but I just want the bxxx sxxx to stop. I go to one therapy every two weeks, I go to one every Thursday, one every month and we got this guy from Honolulu coming in because of my IED if he finds out I stopped taking my pill I'd be committed. They cannot have Veterans of IED running around.

Administrative Director Michael Borja: I don't want you to get over heated here either.

Vincent Aguon: I don't deserve to get committed, not for minding my damn business and just want to go on with my life.

Chairwoman Pika Fejeran: Mr. Aguon, thanks for coming here to us bringing it to our attention and as the director said this is on his priority list to see what's going on up there and make sure that things that shouldn't be happening are not happening, okay. Thank you for your time. Is there another item you would like to address with us? I'm really sorry to hear your story and this is living your life trying to do the best and by bringing it up to us we will make sure that things are good for you so that you don't have additional stressors on your life.

Vincent Aguon: I know life ain't perfect, I don't want it perfect, it ain't perfect, and it will never be perfect. It get so much things going on and I said what the heck is going on around here? Then you get caught (inaudible) you know what they're going down telling Chamorro Land Trust and all of us here 'cuz that's what they did the last time, Marget and everybody else can confer to that, that all neighbors does until later on they found out it wasn't him it was them, you know. I'm just tired.

Chairwoman Pika Fejeran: Well, thank you for your time today. As I said it's on the director's radar, priority and...okay, thank you Mr. Aguon.

V. OLD BUSINESS

1. Black Construction – Request to Use Land Along Route 3

Chairwoman Pika Fejeran: Moving on to Old Business item no. 1 Black Construction. This is a request to use land along Route 3, again this is an item that was on our last meeting that was null and void but it's my understanding that they withdraw their request to use the land. Do we have that in writing, I mean does their comments during our last meeting are those also null (inaudible)?

Administrative Director Michael Borja: I went to ask, where an individual's brought up and wants to illiterate what was being said to be for the records, but I did see Mr. Garcia couple of days later he actually came to visit me and expressed that he was going to go into (inaudible) but he didn't give anything to us in writing to say...unless you guys received

it, we haven't receive anything in an email or writing to say he's withdrawn his offer except for when he came to see me he verbally said he was going to go elsewhere.

Chairwoman Pika Fejeran: So I think we can table that until if and when he comes in.

Administrative Director Michael Borja: Close it.

Chairwoman Pika Fejeran: Closing it? Okay.

2. Guam Rugby Club – License Option to Extend

Chairwoman Pika Fejeran: Next item is the Guam Rugby Club – License Option to Extend.

Administrative Director Michael Borja: As we mentioned before, they did exercise their option on a timely basis to extend it and the question was whether or not to extend it with an amendment that was done before they granted the easement across the football field but it was my understanding the desire with this Commission that we approve their right to exercise their option to renew but on that amendment I'm still working out between the football league and the rugby folks on that easement. I'm still waiting for the football people to…by the masterplan like I had spoken to them and their attorney about this and they haven't come back since the last meeting. The only thing I got was a phone call from their attorney in January to ask what's the status was and I'm still waiting on their client to submit the last request.

Commissioner Pascual Sablan: This item was discussed in the last meeting, but the meeting was cancelled so what's our position now?

Administrative Director Michael Borja: That's what I'm presenting to you that they did exercise the option to renew on the timely basis so that's not really something that we vote on but the questionable part is the desire of the Rugby was to have that amendment also fall along that allow them to use the easement to cut through the football's area. That if you guys want a motion to go ahead and agree with the option to extend minus the amendment until the item is worked out between the two parties.

Vice Chairman Joseph Cruz: I think what we did is we acknowledge the renewal subject to the agreement of the settling of the 40 foot easement.

Administrative Director Michael Borja: And it was on the agenda to bring it back again to see if there's any progress, the football people had not completed their end of what they are expected to do so that's all it is.

Chairwoman Pika Fejeran: The amendment is subject to further discussion between all parties. A motion to acknowledge the basic license for extension. Do I hear a second?

Commissioner Amanda Santos: I second.

Chairwoman Pika Fejeran: Seconded by Tan Amanda, any further discussion? All those in favor.

All Commissioners: Aye.

Chairwoman Pika Fejeran: The ayes have it so the Commission has just made a motion and passed to acknowledge the Guam Rugby Club's option to extend their basic license, any decision about the access or amendments will be further (inaudible) Rugby and Football.

3. Matthew Quinata

Okay next item under Old Business no. 3, **Mr. Matthew Quinata**. That item is actually a New Business so we are moving that down to the New Business no. 5. We will move on to Old Business no. 4 Guam Raceway Federation status update.

4. Guam Raceway Federation – Status Update

Mr. Simpson folder is here, if I can an update from...(paused) okay, so Guam Raceway Federation, we have Joey from the Chamorro Land Trust staff to give us an update I believe the last time this was on the agenda was in October 19 where had a staff report that we were looking at so Joey can you refresh our memories and bring us up to date from that last meeting.

Joey Cruz: Last meeting we conducted a site inspection and we had some findings and this meeting GRF is still not incompliant with Public Law 20-204. We still have not receive any Quarterly Reports regarding event submission, the Guam Autosports LLC dba Guam Adventures is still conducting business from the Guam Raceway there's filling and grading activities being conducted by the Hawaiian Rock and Smithbridge during our inspections that we conducted on February 8 and February 13 the materials that are being used for land filling are asphalt and base course and the Guam Raceway Federation has a receivable balance of $4,000 which is for the month of February.

Chairwoman Pika Fejeran: You said that they are grading and filling?

Joey Cruz: Grading. That's what the operator of the excavator or bulldozer that was there (inaudible).

Chairwoman Pika Fejeran: On the raceway property?

Administrative Director Michael Borja: There are photos in the report.

Chairwoman Pika Fejeran: It's my understanding that we put a moratorium on all earth work on that property.

Administrative Director Michael Borja: There's still outstanding clearing permit that hasn't been signed off.

Chairwoman Pika Fejeran: And there's a clearing permit that hasn't been approved?

Administrative Director Michael Borja: Correct.

Joey Cruz: On January 4, 2018 we had inquiry from Mr. Camacho from Duenas, Camacho & Associates regarding the amended clearing and grading permit and at that time I was informed that Hawaiian Rock had over graded so I'm not too sure what area or...we didn't identify what area...so I'm assuming that's what the activities is for. In the last meeting there was some additional requirements by the board, so our recommendation is considering any modification of the lease, where additional requirements, we put in writing to ensure modification and additional requirements are binding as stated under Item 14 Modification of Agreement, attached is the sample for your review.

Chairwoman Pika Fejeran: Correct me if I'm wrong. The first meeting we had with this licensee when we talked about the audit where we don't have all the topographical information to support the monies we are receiving and how it kept coming up in our audits, we instructed to stop all activities until that item has been resolved, is that right?

Administrative Director Michael Borja: But they couldn't clear anymore, right.

Chairwoman Pika Fejeran: So there it is, it was no more grading or clearing to occur on the site until the item is resolved and the item is yet to be resolves.

Administrative Director Michael Borja: and they also had a financial obligation which they...their current as of this month but yes that was (inaudible) because the audit had required us to have a methodology in place to determine what was the exact amount being excavated out of there, that's what we're still pending and I don't know if Mr. Simpson has further information on that with this report...I haven't looked at it.

Henry Simpson: I do.

Chairwoman Pika Fejeran: I'm trying to understand how, there's grading and clearing happening after we've instructed you not to, so we had that methodology and issues settled.

Henry Simpson: There actually isn't any grading going on. In the middle of the track where there's a stock piling permit for outside materials, those are being moved into filling in a backfill of the area. So it's not new, it's not a new work going on, it's over. But if I could I think a lot of this could be explained by...we put together a report to satisfy the amount so I have a way that you can check how many yards of materials had been taken off the property and that's what this report is about. I brought people from Duenas & Associates are engineers and do this from Hawaiian Rock and from others that are very familiar with this as to how can we satisfy this requirement to show how many yards of

material have been removed and so that's what this is about if I can step through it I think you would understand.

Chairwoman Pika Fejeran: I'm still not past the fact that there's earth moving going on, on the property that we told you over a year ago that all work has to stop, and one of the issues is we don't know how much has been removed until now when you are back filling it, now we're in an even greater sense of confusion.

Henry Simpson: This report should satisfy that.

Chairwoman Pika Fejeran: You said you have a stock piling permit?

Henry Simpson: Yes

Chairwoman Pika Fejeran: and that's s current permit?

Henry Simpson: Actually it's not under our name it's under Smithbridge on the property there and so what that would allow us to do is to store excess materials for back filling...if I could (paused).

Chairwoman Pika Fejeran I'm sorry how did Smithbridge have a permit on a property that's not leased by them?

Henry Simpson: They are one of the sub-contractors that is helping us grade the property to the final level so we can build the race track.

Chairwoman Pika Fejeran: Why would that be getting done...we've asked that you stop that activity until we close this audit finding so we can move forward?

Henry Simpson: There's no materials being brought in in stockpile but it's being moved from the stockpile into filling up the excavation. Also Hawaiian Rock is bringing in materials to fill up the excavation is done after this topographical survey was taken. So we have a beginning survey (interrupted).

Chairwoman Pika Fejeran: I'm sorry, going back to Smithbridge, your subcontractor, and so you have a contract with them to use the property?

Henry Simpson: No they are to move materials off the track to get to the level we need for the Race track and so part of those (interrupted).

Chairwoman Pika Fejeran: Is that the level you need from the previous clearing and grading permit, an old one that is still current, is that right?

Joey Cruz: I'm not too sure if they any grading permits, but there's one pending approval that it hasn't (inaudible).

Vice Chairman Joseph Cruz: Joey, did you review the grading permit that was originally given to the race track?

Joey Cruz: No.

Vice Chairman Joseph Cruz: Do you have that old Mr. Simpson?

Henry Simpson: We don't. I asked Duenas & Associates if we had the old permits from 2000 and we do not have those right now.

Vice Chairman Joseph Cruz: Why is it that you don't have that copy of the permit?

Henry Simpson: I don't know exactly (interrupted).

Vice Chairman Joseph Cruz: That's not an answer Mr. Simpson. You have a million dollar investment up there and not for you not to have a copy of a grading permit?

Henry Simpson: Well that's 20 years old.

Chairwoman Pika Fejeran: The work that's being done is not associated with any current permit that you have. It doesn't sound like it.

Henry Simpson: The bank filling that's done, we have a permit for that.

Chairwoman Pika Fejeran: You have a copy of the back filling? Can we have a copy of that permit because from our Commission meeting when you appeared before us, when we talked about all the issues and a non-compliant with the public law we instructed you to stop all activities and back filling would be one of those activities which should have been stopped.

Henry Simpson: All new grading, new cutting, that is all stopped. What we are trying to do is get back to the level we need for the future drag strip and that required the back filling of an over excavation and the over excavations are a by-product of... we were at a point in time where we couldn't do anything else, we couldn't pour concrete, we couldn't build anything, we couldn't build anything with our property, anything with our lease, and we were asked if down the main straight of way of the draw strip and the Formula 3 Course if they over excavated that and back filled it would we allow that and so we went to the engineers and said if this was done could we back filled and would it work for our future use and they said yes and so at that time I had just a verbal agreement with Mr. Mafnas because they explained to me that that's a great ideas you will be able to still have an income, loyalty income and you will still get your place graded and you will still have some activity so we were in a real tight spot there from the 2007, 2008, 2009 and even later we were in a quandaries of what to do we had the wildlife biologist and herbalist and people all over that area studying that place for the firing range and so it was at that point in time...we thought it was going to be condemned, we were told it was going to be condemned and that we should go out and look for a new piece of property so we looked at Dandan, we

looked at Paluntat, we looked a lot of other places and we couldn't find a place that would suit what we are trying to build in the way of the race track that could have an off road track that could have a drag strip and in a safe place so for about 2007 until now we haven't been able to do any work out there. We haven't had any construction let's say, I should say work, I should say construction, we haven't poured a single yard on concrete since 2006 because we didn't know if we're going to be there or not so what we could do was to grade the property so we did that to the best of our ability and that included the over excavation because had we not over excavated the excavation would have stopped and there would have been no income as (inaudible) to continue on with and it became kind of critical toward the end because it looks like we're going to get the land back and it looked like we were going to go someplace else, you know and we were going to have a chance to build the race track and so that was the premise that we were working on when we did the over excavation when we did the grading work that we're working on now. So I understand that it's hard to proof how much materials were taken and how much actual work was done. We think in this report and what the engineers with us that we can satisfy your questions about how much materials was taken. We've come up with what we think is a very scientific way answering your questions and satisfying yourselves and your auditor and everybody that there was no misappropriation of materials or money or anything else from there that we strictly trying to get this race track build and very (inaudible) situation being almost literally under the gun with the Marine Corp wanting that property. They sent people out there almost every week they were surveys, there were archeologist, there was a biologist, there was all kinds of people that surveyed that track from one end to the other for the military and so we thought, and we were told by Madeline Bordallo, we were told by Kin Perez, we were told don't worry these guys will buy you a new race track, you know, go find the place they will pay you for a new track. And in the beginning for about a year or so we believed them and then after that there wasn't going to be another place and their end result was when we got through all the documents they were going to give GovGuam $6,000,000 a year for that property and I honestly thought with that much money that the military is offering $6,000,000 a year for that piece of property that the government will take it and run and we wouldn't have a track and so that didn't happen the combination, we combined with the Pagat group we raised 13,000 signatures to move the firing range from that area and that's just our group by itself without the Pagat guys and I think raised enough concern that it asked them to at least stay on the property they already own So we went for a long time without being able to build the track or do anything except grade and run our motor cycle races and drag races on our temporary drag. So it was a difficult time for us. During those times this same question of how do you tell, how do you tell that there's no missing material from the track, how do you prove that, how do you check, right? And so nobody want to go to the expense of hiring a guard to sit there and count the trucks that would end up being more overtime than we would get from the royalties. When we first started this we did it at 50 cents a cubic yard and that number was taken from the amount that Black Construction was selling their excess materials at the airport for. So they had excess graded of materials and they would sell it for .50 cents a cubic yard and you had to come and take it. So we started asking Perez Brothers, Hawaiian Rock, Smithbridge would they take this material from the track and get it down to the level we need and pay us 50 cent a cubic yard and they said yes and we started. We put it in the license agreement and so we started. And then the question came on how do you count

it? How do you account for it? And so the Chamorro Land Trust at that time didn't want to pay for a guard to count the trucks, we didn't' want to pay for the guard to count the trucks because there was more than the money we were making. Every truck at 50 cent a yard on a 14 cubic yard truck, every truck that's $7 for us, $3.50 goes to the Chamorro Land Trust and $3.50 goes to the Racing Federation so it a small amount compared to the work that those guys put into getting the truck loaded with the material. So it was more important to the company to make sure that somebody didn't spend seal that truck and take it to their brother in law's house than it was for them to try and hide that $7 from us. So we counted a couple of times, we tested the system a couple of times and it always work and past board had said you know that's good enough. But I know it's a large amount and we had several boards involve since then so we came up with the map to scientifically measure how much materials were removed from the truck from 2007 to 2017 that's the vast majority of the material.

Vice Chairman Joseph Cruz: So you have that here on the report?

Henry Simpson: I have it here on the report. If you go down this front page to 2007 and it says 1/6/2007 okay, at 1/6/2007 a Lidar, which is the black eliminating radar, a laser illuminating radar was (inaudible) over and given a level that the engineers could use as a that's what the property looked like at 2007. So we used that as our starting point and we calculated all the material taken since then and then we minus the backfill amount and we came up with the number and then we asked the engineers to take that number and check it, is that the right number, can you prove that that's the right number of cubic yard taken from the place? So if you guys wouldn't mind Ken Rekdahl, was a Chief Engineer at Duenas & Associates who did this study and also Ray Johnson and Peter Eric from Hawaiian Rock they were involve in the drone, they actually go the drone working and they flew over and measured all the materials on the pictures on the back of this. If they can explain how this process went, they are the ones who that we asked to test it for us please, to test it so we can present it to you folks that we have a method of showing what was there so if you wouldn't mind can I ask (interrupted).

Vice Chairman Joseph Cruz: Do you agree this (inaudible) did you over pay or under pay?

Henry Simpson: It actually showed it overpaid. It actually showed we overpaid because...when I say we, okay, in this case, "we" is GRF and Chamorro Land Trust, we got overpaid, the guys that took the material out they paid too much according to our study, not by much, a small amount but it is our in our favor so I'm not going to complain because it's in my favors and Chamorro Land Trust favor and it shows I think at least the proper amounts are there that are very, very close.

Chairwoman Pika Fejeran: The audit was asking for the methodology and the background so these numbers and our number make sense?

Vice Chairman Joseph Cruz: So if these number is being used and our audit is saying less (paused).

Henry Simpson: Your audit should match these numbers that I gave you because these numbers are taken from the checks that we've given you over time.

Chairwoman Pika Fejeran: Mr. Simpson, I really appreciate that you have put this package together, we've been asking for it for a long time.

Henry Simpson: It took a long time believe me, to do this.

Chairwoman Pika Fejeran: At this point, Joey, have you seen this? Or is this the first you've seen it?

Joey Cruz: We saw it earlier.

Chairwoman Pika Fejeran: Oh, okay today though.

Henry Simpson: While these guys are here it might be nice to hear them out and answer any questions on how they did it and what the basis for and how it works and get those questions out of the way and then if we wanted to do...what I really like to suggest is to questions these guys about how they did it, how they came up with these numbers, how they came up with this method and then have our next meeting or maybe a special meeting out in the racetrack o we can actually see what's going on, what we are doing, what we are trying to build and what I like to do too is compare it to a place where they are just doing strictly mining for material more of a places that Hawaiian Rock and Smithbridge are just drilling, blasting and drilling, blasting just to make material. You can see there are (interrupted).

Chairwoman Pika Fejeran: Is that happening right now? Are they drilling and blasting currently?

Henry Simpson: Not on this property right now but they are drilling and blasting on an adjacent properties and you can see how different it is from what we are doing.

Chairwoman Pika Fejeran: Mr. Cruz, you had a question?

Vice Chairman Joseph Cruz: No I was just going to ask you what is your current permit that you have right now on whatever project you have up there?

Henry Simpson: Well, Hawaiian Rock has a backfilling permit that we are backfilling an over excavated area. We've been waiting for two and half years every cents we applied for our next grading permit in 2014 (interrupted).

Vice Chairman Joseph Cruz: So your permit should reflect the topographical area that you are filling and the volume of fill that you are putting? We would like to see a copy of that.

Chairwoman Pika Fejeran: I haven't had a chance to review this, the package, the DCA report has the scientific analysis you were mentioning but it does only have the information from 2007 onward, so how do we account for 2001 up to 2007?

Henry Simpson: There's not a good way to double check that. The prior boards were happy with those amounts, they are the ones that tested truckloads, because all I could do at that time if they didn't want to pay for somebody to check the trucks I would say, "come out on a Thursday afternoon from 12 to 4 and count how many trucks and then when you get your report in, see how many trucks they counted". So they did some testing and pretty soon they realize that the trucking company, the people mining the material are more interested in making sure their drivers don't get away with material then they are of not paying us for the material. The Perez Brothers was a main one at that time, they were more than happy to pay for the material, they wanted to make sure it got from our race track to their plant and get sidelines some place because they had more to lose than we did. If that truckload was for $70 worth of raw material, ours was only $7 theirs was the rest of it and if they lost that and so that they were really checking on where their trucks are going so after testing that several times, every former board and former Chamorro Land Trust directors that we had dealt with had said, okay the system is working and we were left to run it like that. But now know in the future, work like this, we did with Smithbridge we're going to have a starting topo and a finishing topo and we can have a process report, you know, every month we're getting a check saying, okay this month we took a 100,000 yards and moved it over to our plant and get a check for it and we total that up and at the end of the time you do the topo again and you can see how many yards are missing so that's a way to double check it.

Chairwoman Pika Fejeran: Is that what's in this addendum that's moving forward?

Joey Cruz: The license for Guam Raceway expires May 31, 2018.

Henry Simpson: We've been working/asking Senator Ada's Office to work with us to do a new long for a 50 year lease for this property and they said they want to make sure the Chamorro Land Trust agrees that would be the right thing to do. We need a long term lease there so that we can do long term sub-leases for things like a gas station, we need a fueling station at the race track or race fuel for other things so that long term commitments can be made by people to support the track there.

Chairwoman Pika Fejeran: You know, Mr. Simpson, I understand the value that the facility has for the island, however, before we can look ahead and talk about the next 50 years we have to fix the last 18 years that we've been working together. This report that was provided is definitely a step in the right direction but as Joey mentioned in his report there's still issues of non-compliance happening, have we ever received the quarterly report? We've never received the quarterly report that tells us the activities happening via the revenues generated from events and this is still happening. Backfilling is happening, stockpiling is happening when we have not settled the past issues of the methodologies for figuring out if the numbers we have are accurate.

Henry Simpson: Stockpiling isn't happening. There was a stockpile there being moved to a backfilled area it's not new stockpiling. They are just clearing out the old.

Chairwoman Pika Fejeran: Backfilling is an activity that (paused).

Henry Simpson: We have a permit for it right now and would like to continue it because (paused).

Chairwoman Pika Fejeran: How old is that permit and is it a current permit (inaudible)?

Henry Simpson: We would like to continue that because that's where our (inaudible)

Chairwoman Pika Fejeran: Do we have the old Minutes from what was discussed last time when this first came to the Commission?

Henry Simpson: One thing that has been a kind of a thorn on everybody's side, our side from us not reporting and our side for being a fairly new thing is the 10% admissions, the quarterly report for that. Most of the rules and regulations we have were started in the inception of the Racing Federation were started with GEDA. That one was added on in the middle by Senator Ben Pangelinan. Senator Ben, God rest his soul, is a great guy in a lot of ways but he hated this race track. He voted against it when it was on the legislature he took the million dollars of our funding away to go to the soccer field, threw in things like this that he knew would make it difficult for us to do. What this 10% does is if there's going to be a rock concert someone is looking for a place to have a rock concert and they want to use UOG or they want to use the race track, if they go to UOG they don't have to pay that 10% that's what makes the difference in who wants to come out and use our track.

Chairwoman Pika Fejeran: Do you charge them to hold rock concerts?

Henry Simpson: Yeah! We would charge a rent of $2,500.

Chairwoman Pika Fejeran: Sir, the law as the property owners'...that's the law regardless of who puts the law out there and what it's meant to be (interrupted).

Henry Simpson: I understand so (paused).

Chairwoman Pika Fejeran: the Law has to be followed and it has not been (paused).

Henry Simpson: I agree we haven't been able to follow. What we did, and again I spoke to Mr. Mafnas about this before I said, what do we do with this problem? And he said do the ones you can control and that's to us is what we could control was Smokin' Wheels so we paid the 10% of the Smokin' Wheels every year that's the biggest event we have out there so we do that, the other ones we haven't done it because they wouldn't be there had we asked them for the 10% so it's kind of a (inaudible) so what we are proposing to do is when take it to the legislature for a new lease that we deal with at that time there's a back

'em up if we paid, they can assess it if that's what they want to continue on in the future at least we get to negotiate about it.

Chairwoman Pika Fejeran: My understanding is P.L. 32-204 is requiring Guam Raceway Federation to pay 10% of any events for which he is charged. Your charging this third parties to hold events in the property with 10% of that fee should be paid to us.

Henry Simpson: That would be find. We could do that in a heartbeat.

Chairwoman Pika Fejeran: Okay, that's what we are asking.

Henry Simpson: No but that's not what the law says. What is says is, let's say we charge a rock concert $2,000 to rent it from the night, I would gladly give you 10% of that but what they say is that rock concert has to charge every one of it's customers 10% so if they are charging $20 you have to charge $22 hold that make the report turn the money over to us so we can turn it back over to them. It's really an onerous situation.

Administrative Director Michael Borja: But you must understand that what we have to comply with we are held accountable by even the public auditor and that's why it's a repeat right up for the last three consecutive audit reports because the technicalities of this whole process is not being followed. It's not because we don't desire to do something or it's not because it's what the law says, it's what the requirements says and there is no fudging that.

Henry Simpson: We try to get the law change (interrupted).

Administrative Director Michael Borja: But until you do so we can't (inaudible) it and make a judgement call on any of that kind of stuff. We have to deal with the law as it sits in front of us period and as long as that's the case the auditor is not going to wait for the, you know, because somebody wants to change the law. They will change their processes and expectations when the law changes then…but in the meantime we continue to take the heat and that's why we had you here numerous times to go over the processes, we've seen the incremental changes over the last year or so to try to (inaudible) but now we're racing to the end of the line and at that point, you know, if the legislature doesn't do it for you and the contract comes to an end, it's the end and the only other alternative we have is to go through what is already allowed for us in doing a commercial license agreement or lease agreement under the current rules and regulations that we have and there is no guarantee that you will get it because we would have to go through a whole bidding process. But before we even get to that the Commission and the Guam Legislature have to agree that we can use it for commercial purposes and if we are looking at a main deadline which is only 3 months away we have to begin executing either a bill or…it actually it has to be spontaneous, the bill or the commercial license or lease agreement in accordance with the rules and regs because even that is strict and we don't have (inaudible) we can only function according to what the rules and regs allows us to do.

Henry Simpson: We have been talking with the Senator Ada and Joe Borja at his office and they want us to have a discussion with the board where the board agrees that it's okay for us to go in for negotiations with them for a long term lease.

Chairwoman Pika Fejeran: Is the Commission ready to make that call today?

Administrative Director Michael Borja: I don't know if you can because the public law doesn't give us that authority...there's not this option for renewal that the public law gives us. It sets a period of time and that's it. Now if they gave us the options than absolutely it can be one of the things we use but I must remind you too that the author of our current rules and regulations is Senator Tom Ada and so if he has some beliefs in that then that's probably the way he wanted it to go just because those rules and regs are established. And the law for the Chamorro Land Trust stated that for anything that's commercial, it had to be in accordance with rules and regulations so that's what we got here and so even moving forward, a lot of this discussion I believe, commissioners, is that as we come to the end of the term of this agreement whatever we look at today it really now had to shift the focus on whether or not we agree to either move on with furthering the use of this facility by either getting the public law to extend the current users time or to go to the commercial rules and regulations process and you would have to make that decision whether you want to go to the rules and regs but as I mention the rules and regs remember, you have to no. 1, declared publicly through public notice that you want this line to be for commercial, go through public hearings, go through another set of hearings here, have a resolution, submit the resolution to the legislature, wait for it's time period whether they concur or no concur and if they don't do anything they concur and then you got to go through the RFP process. I can tell you right now that's not going to happen by May 31st and so what happens then in this time period, do they have to shut down or the legislature gives them a stay for one year while we go through this process. I mean, this is the only other thing I can think of but we can give them that stay but I don't think we have that authority of the law, you know, legal counsel you can review the law and determine whether or not there is any flexibility but I never read flexibility in the law because the law didn't on its options.

Chairwoman Pika Fejeran: Again, that's looking past May 31st, right? I want to talk about the last 20 years.

Henry Simpson: That law has only been in effect for 5 years.

Chairwoman Pika Fejeran: Mr. Simpson before looking forward, like I said we have to look back. You mentioned here today the third party events that have happened that's easy for you to write a report and tell us how much is owed to us, 10% of the lease that were charged.

Henry Simpson: The fees we charge, yes, that would be fine.

Chairwoman Pika Fejeran: Well we can't go back and ask those other third parties for the admission assessment that's 10% on top of that.

Henry Simpson: I'd be happy to pay the 10% of what we charged them.

Chairwoman Pika Fejeran: Okay, I think again that would be a step in the right direction that would kind of beef up your case with us to move forward you have to correct everything that's happened in the past. Then in regards to the back filling that's happening. Again, I don't have the minutes of that last meeting when we said we need to settle this audit finding and get the methodology down before any earth work happens. To me that filling is earth work.

Henry Simpson: I think we consider that as any new work like the one we're getting the new permit for.

Chairwoman Pika Fejeran: And the new permit has not been approved right?

Henry Simpson: Right it's waiting on you folks.

Chairwoman Pika Fejeran: If your lease is up end of May this year, what is that permit also end with it because you are no longer with lessee, right? You know, I understand that so much work has gone into the master plan to improve the race track and have better facilities and really and if my understanding is correct, create a strong industry for Guam and the region and while I support that I can't in good conscious look passed all of the non-compliant issues at this point.

Henry Simpson: I think the only non-compliance really is the 10% of which we were advised by former folks in your position to pay what you have control over and get it change by law. That was the direction we were given much like you were saying pay us the 10% of what those folks were charged when you rented on the area, I'll be happy to do that.

Joey Cruz: Do you have any contracts (inaudible) you can provide a copy because the auditors will ask (inaudible)?

Henry Simpson: Yes we can.

Chairwoman Pika Fejeran: The first meeting that we have with them like early last year sometime where we talked about…I think this is a good report Joey if you can take this into our records and see what this says to help with this one issue, non-compliance issue.

Administrative Director Michael Borja: Can we just give Mr. Simpson an opportunity to explain what he presented to us so we can have an idea (inaudible).

Henry Simpson: Would you like to hear from the people who did the report or you just want to hear what I?

Chairwoman Pika Fejeran: Share briefly.

Ken Rekdahl, PE, Duenas & Associates: You mentioned my name a little earlier, I was assisting the DCA with this project, we were just (inaudible) we were helping with some of the construction that was ongoing up until 2006, 2007, and so we were heavily involve with the early stages and then construction slowed down to nearly a halt and how Henry said there was earth work activity happening up from the beginning of the project up until I guess just maybe like 2016 earth work had stopped. Henry came to us asking for help on how best to quantify the materials removed from the site. The first pass that this sort a daunting thing to do with the limited information we had available to us, you would think though as the engineers involve we would have all kinds of survey and everything but that's not the case. We had spot surveys done through the years in different areas with different phases of the work on what's going to be done. So Henry mentioned back in 2007 there was Lidar that was to used Lidar and satellite to sort of generate a terrain. So we used that and just so you know there are limitations to that, I don't want to come and say this is the best data but it was the best thing available at the time of what we have. There are limitations with those, limitations are lessened if the ground is disturbed. If there's trees than the tree will create problems but if it's kind of flat or no tree than (inaudible) pretty reasonable, pretty fairly depiction of your terrain. So we use that as our starting point in 2007. We didn't have any of that data before 2007 which why we chose to use that mark. Hawaiian Rock who did a lot of their earth work out there had some fancy drone technology now that they use and maybe they can explain it a little more. But in late 2016, 2017 last year, they went out and flew the drone over with a purpose of developing a contour that could be used to generate the difference. So really what we're doing is we're getting a contour on the site 2006, the contour of 2012 and we're calculating the difference, 2006 –'17 and calculating the difference and that difference times a (inaudible) which I will explain briefly is the volume that we're presenting was removed from the site. I about some of the challenges of Lidar, you know, the trees and the things to overcome that. You know the technology and Hawaiian Rock will explain more about that than we also had to know the boundary of where we're taking the material out. For that, that was very straight forward, that was just a Google Earth and you can see where it was cleared that was our boundary. So using those two layers we got the difference and the questions that you had earlier you put that long compressed graph…you're right it really should be shown on an 11x17 paper. What it is it's just a crossed section through the property or you can sort of see through your magnifying glass to the 2007 layer and 2017 layer.

Administrative Director Michael Borja: So this is time across the bottom?

Ken Rekdahl: Yes correct. So you will see, if you look at that, it says cut fill summary.

Administrative Director Michael Borja: So what is the line tell me on the inside?

Ken Rekdahl: I believe that's the 2007 contour, one of the other contours. There's another lighter line you're not seeing. What you are looking at is the cross section. What we did is we generated as a 3D image of our models. Now what you are looking at was provided by Hawaiian Rock. We did ours independently but I took their numbers to double check our numbers. I didn't want to get (inaudible) but their number was the 17 of the net, 1785, 71 that's the number that the Hawaiian Rock or third party did. The number we

came up with when you subtract the two was 1735 so Hawaiian Rock was 1785 and ours was 1735. I should say 1.7 million and Hawaiian Rock was 1.7 million. You can consider that pretty close or at least 2% off. Now lastly without explaining is that that was taken out of the ground, when they take it out it swells up. You know when you dig something, dig it up there's going to be air in there. There's a swelling fact here. It's different for different materials. The materials in there are largely limestone, hard rock. Our engineering guidance says that the swelling (inaudible) can range from 50% to about 67%. What that means is if you take out one cubic yard from the ground you multiply it from swell factor of 50% it equals 1.5 cubic yards in a truck or when you throw it in a stack pile. That's what that means there. So we use that to develop the range. We took our number of 1.7th a million cubic yards times the swelling factor and we got a range and that range is 2.6 to 2.8 million cubic yards and what I present here is that from 2007 to 2017 somewhere between 2.6 and 2.8 million cubic yards were removed based on our analysis and I had to also call out that on our analysis there are limitations to our analysis (inaudible) we started in 2007 (inaudible) started in 2001 or earlier. In over the area if you were off by a foot that could also be a big difference right. But with the data we had this was the best we can present so I am suggesting the data we're sharing is more of a lower boundary if you, if you will, it's not the higher end. The range we're getting is the lower end of what we would expect has been taken out from the sight. The data we had (inaudible) it was the most we can do with the data we had available to us at the time. Any comments or questions?

Chairwoman Pika Fejeran: Were you able to also contact the other contractors like the Perez Brothers and Smithbridge that had done work at the same time?

Ken Rekdahl: We had a series of meeting with them, mainly Hawaiian Rock, they were the largest they took the most (inaudible). What I tried to do though is keep our independent of the information I was giving as best as I could and of course I had to rely on Hawaiian Rocks fly over. We researched the technology, we got some more information from them it's pretty slick and we probably will use it ourselves in the near future but a short of sending a whole survey crew out there to do what is really...how many acres is that Henry?

Henry Simpson: (inaudible).

Ken Rekdahl: It's a pretty big acreage, it a pretty big cost so we just said this would be the next best thing to use.

Chairwoman Pika Fejeran: If you factor in Mr. Simpson's numbers from Perez Brothers and Smithbridge, where is that bring us?

Henry Simpson: On the sheet there's a calculation at the very top from this original sheet all three companies total up to 4,680,186 total estimated lose cubic yards removed and then on the sheet where it goes to subtotal of 2007 I added all of that up and the subtotal for that is 1,076,102 cubic yards taken out before 2007. So the balance was 3,604,084 that we asked them to measure that, that was removed and paid for. So the other thing that affected that was the amount of the back fill and that back fill was mainly done by

Smithbridge and if you look on Smithbridges calculation here they took 415,170 cubic yards total but if you take away the once before 2007 it was 365 and then Hawaiian Rock backfilled their portion of 61,000 so there was a total of 428,849 cubic yards of material put back on the property so we minus that from the amount that was removed and sold so the remaining amount that should show from the measurement is 3,175,235 and so that's the amount that we say is in lose cubic yards was taken off the property. His calculation came out a little bit below that. The contractor asked me if this is right because they had their money back and we said no but I think it's very, very close to the actual cubic yards and the factor being taken out of the ground and put it to the trucks and counted is the biggest kind of unknown that we have there.

Administrative Director Michael Borja: But also the 2007 Lidar was not on the surfaced (inaudible).

Ken Rekdahl: No, no, no let me clarify. Where we took it that was on the surface the boundary around was outside the…we saw the two lines opposite it was nothing going on there that wasn't graded disturbed area so we used that as our boundary. So that wasn't really a factor.

Henry Simpson: Here in 2004 here's some progress pictures starting with 2004 you can see the light areas in the jungle that's where we clear the ground, we took all the tress out of there so we had all the clearing and (inaudible) permits to clear the area. Those pictures are over the (inaudible) area so we should have had a very clean picture for Lidar. We had taken all the trees and stuff out at that time.

Ken Rekdahl: So Henry did ask us to look at this numbers and these numbers were higher than what we got and how we explained that was it could be some (inaudible) but we really think on the (inaudible) they took there were truck loads that were being counted and some (inaudible) they don't necessary all fold in nicely there's going to caps. As you move there's going to be more caps maybe even less caps but we think over a period of 10 years you know you're going to get more air, the trucks are going to be filled to the tipping (paused).

Administrative Director Michael Borja: It's 7% variance so that's over a 10 year period that's pretty reasonable, pretty close.

Chairwoman Pika Fejeran: So Joey will use this report, this whole package, perhaps we can, if you have any questions would it be okay to contact Mr. Simpson?

Henry Simpson: Yes, absolutely.

Vice Chairman Joseph Cruz: Do you have a finished plan on typography? This didn't show us the lot line. The whole lot do you have a typographical map for it? Finish grade.

Henry Simpson: Yes. we have a design number for that.

Chairwoman Pika Fejeran: So should all this information from 2007 onward we still have those years that are unaccounted for and is that was these affirmations from the three companies?

Henry Simpson: That's what they said they took and that's what they said they paid for and they checked with our records and it's the same as our records. The only one that is missing is the Perez Brothers had a Peach Tree computer system that went down and they lost their material, they lost their ability to go back and check it before 2005. But at that point in time the Board was happy with what had happened there. They had been out there to check it because you can imagine when it all got started everyone wondered how we're doing, how's this working. So a lot more attention was to go out there and counting trucks and stuff and then even there was a GPS truck tracking but there was a mechanical truck tracking to make sure the trucks weren't going away with the material.

Chairwoman Pika Fejeran: So I guess this whole package can address that. I did want to mention I kept talking about that first meeting when we put a moratorium on the earth work, it was specific to coral extractions so you were okay for the back filling. I know there were some people in the public that had seen that earth work happening and raised some red flag but there have not been any coral extractions on the property since June 16, 2016. Okay, moving forward, can you bring yourself...at least there are historical records of the past, the quarterly reports with those third parties and the fees that you charge, the 10% and I guess some kind of affidavit stated that there's no way for you to recoup the admissions portion from those events?

Henry Simpson: Yes, I can do that...bring that in, will you guys sign the permit?

Chairwoman Pika Fejeran: You know, let's bring it in and I like I said today this is absolutely wonderful step in the right direction.

Henry Simpson: There's been a lot to do.

Chairwoman Pika Fejeran: Yes, I can see that.

Henry Simpson: All right. Thank you very much.

(10 minutes recess then resumed)

Chairwoman Pika Fejeran: Okay, I would like to call this Chamorro Land Trust meeting back to order for the record. Commissioner Amanda Santos has left the meeting but we still have a quorum with the three of us so we will continue. We will continue with the New Business agenda item.

5. Matthew Quinata – Request to Land Exchange a Portion of Private Lot 214-3 Municipality of Santa Rita for a Portion of Chamorro Land Trust Lot 243-REM-8-R/W, Municipality of Santa Rita.

Chairwoman Pika Fejeran: We have a staff report that was prepared and provided to us. Looks like Margarita prepared this to us.

Margarita Borja (CLTC): We have Mr. Matthew Quinata, he came in and provided us with a letter on January 9, 2018 requesting for a land exchange for portion of his property Lot 214-3 Municipality of Santa Rita for a portion of an adjacent lot under Chamorro Land Trust Lot 243-REM-8-R/W. Mr. Quinata currently has a concrete overhang and portions of the concrete housing encroaching on to the right of way and you can see that on the attached retracement survey sketch done by V.P. Olivares Surveying, LLC and on his property there's an existing semi paved dirt road servicing Chamorro Land Trust lessees for the adjacent lot and that can be shown on the sketch survey map from Lot 243-REM so what it is, is he's encroaching to the portion of the right of way on by the Chamorro Land Trust and our lessee's are utilizing portions of his property for easement and the reason why this was done in 2003 so it was evident back in 2003 that they were already encroaching on to Mr. Quinata's property.

Vice Chairman Joseph Cruz: Do we have a problem continuing non to route on that...(paused)?.

Margarita Borja (CLTC): If you see the sketch right here Lot 243 REM done by Ray Cruz there's "as built" that was done that shows the dotted line.

Vice Chairman Joseph Cruz: The 243 REM is an approved subdivision or is it a sketch?

Margarita Borja (CLTC): It's a sketch put in 2012 these in house maps were approved (inaudible).

Vice Chairman Joseph Cruz: So it's considered a legal approved map?

Margarita Borja (CLTC): Yes.

Vice Chairman Joseph Cruz: So what are we curing here, his encroachment or the Chamorro Land Trust?

Margarita Borja (CLTC): Both basically. Mr. Quinata on the encroachment of the overhang can you just (interrupted).

Administrative Director Michael Borja: I just want to let you know both of the Survey Division, our Chief Surveyor went out to review the site to determine what the issues were and the outcome of whether or not the solution would be viable and logical and so what he found it would be even in the Chamorro Land Trust interest to do this because where the existing roadway is that encroaches into Mr. Quinata's property and in to those other properties. It's that way because there's a hill.

Vice Chairman Joseph Cruz: In other words you are aligning the easement with the existing roadway, it's not a straight (paused).

Administrative Director Michael Borja: No what was drawn for a proposed easement is not functional.

Margarita Borja (CLTC): and also just to add to that there is an encroachment again if you see on this map here it's encroaching on one of our lessees on 243 REM-2, it's a semi concrete garage so with that it's encroaching on to the right of way. So that may have been the other reasons why they (paused).

Vice Chairman Joseph Cruz: You know the mapping here, they issue a realignment of easement, you going to have to delete this because it's illegal access. Turn around and severe the existing road on Lot REM-3 so that will lessen the acreage on this lot and you're going to consolidate the right of way with REM-2. You said the lot is encroaching into the right of way so you're going to consolidate that?

Margarita Borja (CLTC): Right! So we're going to consolidate that and then make it (interrupted).

Vice Chairman Joseph Cruz: But before you consolidate it you have to delete it.

Administrative Director Michael Borja: Paul Santos is well aware of what the needs are to make this work where it's actually practical.

Vice Chairman Joseph Cruz: Any waterline on the alignment?

Margarita Borja (CLTC): Yes I believe so, there's a water pipe that's running through the existing easement.

Vice Chairman Joseph Cruz: So how much area is Mr. Quinata getting from the right of way? How much area is Chamorro Land Trust getting from the realignment?

Margarita Borja (CLTC): 223 Square Meters is going to be a (inaudible) being that it's just within the same adjacent lot so we're looking at 223 square meters of portion of 8-RW will go to Mr. Quinata and 223 Square Meters from Mr. Quinata's property will be transferred to the Chamorro Land Trust. So basically it's an area for exchange.

Vice Chairman Joseph Cruz: And what is our 6RW who's being (inaudible) with that?

Margarita Borja (CLTC): 6RW the REM-4 and the REM-5.

Chairwoman Pika Fejeran: Mr. Quinata thanks for waiting I know that was a long meeting to get through, could you state your name for the record.

Matthew Quinata: Matthew Quinata. This is my Lot that we're talking about I'm totally new at this so. The house is (inaudible) that's how we came across this property and

(inaudible) we had hired somebody last year to take care of this but I guess we had to step up and do it ourselves. I don't want to mention no names but (inaudible).

Administrative Director Michael Borja: If I might just add this is just the first step if the commissioners concur then we actually have to get legislation to do that and at this rate there's not much left in this legislative session to do this kinds of things so if you are trying to sell they are waiting it could be a 3-4 month wait depending on how much the legislature can act.

Matthew Quinata: We approached Senator Ada's office and they are just waiting for this.

Administrative Director Michael Borja: So he's got a lot of details already then.

Chairwoman Pika Fejeran: My only question was how this came to your attention and there was going through selling the house.

Matthew Quinata: Actually, when we first bought the house we never came across this.

Chairwoman Pika Fejeran: So you didn't build the house?

Matthew Quinata: No it was bought like that.

Administrative Director Michael Borja: When did you buy it?

Matthew Quinata: '89

Administrative Director Michael Borja: The banking law has gotten extremely strict since 2008 where even if you're like a millimeter over the line (interrupted).

Matthew Quinata: I'm just curious we bought the house in '89 how come we didn't go through this problem back then?

Administrative Director Michael Borja: Because they may not have done an appraisal or looked at the property in the detail they do today but the banks are extremely strict about that.

Matthew Quinata: In '89 it was (inaudible).

Administrative Director Michael Borja: The banking laws for home sales were much looser than they are today because in the end if the bank if stuck with this it's going to be their problem so they don't want to be stuck with anything like this. The rules on the banks are even more strict so they have to be extremely conservative on the properties that they going to give mortgages on or sales on assuming the buyer has to get a loan and they had to do their due diligence of getting the appraisal.

Commissioner Pascual Sablan: What made you bring up about the bank? I guess this is being finance through the bank, right, Mr. Quinata's house?

Administrative Director Michael Borja: Well, somebody wants to buy it. He's selling it.

Commissioner Pascual Sablan: Currently are you financing your house?

Matthew Quinata: Yes, I don't understand when you put a lien on the house we didn't' come across this.

Administrative Director Michael Borja: Because in the '80s the banks didn't scrutinize these kind of property issues.

Commissioner Pascual Sablan: Is there still an outstanding loan?

Matthew Quinata: Yes.

Commissioner Pascual Sablan: We need to get clearance from the bank because of the mortgage.

Matthew Quinata: The bank is the one who sent us to do this.

Administrative Director Michael Borja: You would have to deal with the bank in agreeing to the intent of the bill as well. He will probably have some kind of lease portion.

Vice Chairman Joseph Cruz: The portion we are getting from his lot they need to lease the mortgage because that's still encumbered as its part of that from the loan.

Commissioner Pascual Sablan: Because if it's clear and free from the loan then no problem.

Matthew Quinata: We had the title company take care of that.

Vice Chairman Joseph Cruz: But will the bank approve a partial release for the portion that you are giving us? Because if you got no lien (interrupted).

Matthew Quinata: That what's my understanding, everybody is in the talks right now we're just waiting on this board hearing.

Vice Chairman Joseph Cruz: So you're waiting for this because they already said they're going to release it or they release it when (inaudible)?

Matthew Quinata: If that's the case, if it doesn't get approved then I guess we have to knock down the house, the portion of the house and then the road had to be (inaudible).

Administrative Director Michael Borja: But the title company is aware...the commissioner is saying is that if we take that apart it could come with a lien so it has to be free. They have to agree that they going to free the Chamorro Land Trust from any liens and then they going to receive one that's clean.

Female voice: From escrow, everything will be paid off he will not have a mortgage or lien once this is clear then title will then be transferred clear to the next client.

Administrative Director Michael Borja: Our concern is that the banks is not going to encumber us on the lien and there has to be something clearly stated. Even for the legislation that the title company, the bank, are all in agreement to deal with this change because as the commissioner pointed out there's not a simple step, you heard the technicalities we have to delete this (interrupted).

Matthew Quinata: Even the bank was telling me that as long as I provide whatever from here and whatever was being done at Senator Ada's office they take it from there that's as far as we can go right now.

Vice Chairman Joseph Cruz: What's going to happen is we're going to give you a clean map stating a consolidation of what needs to be adjusted. Keep in mind the official designation of that roadway is already legal so we need to delete that so portion of that goes to you so by deleting is erasing that listed designation so that's what we need to do. On the other hands your mortgage of your basing lot that portion that we're taking it's going to be a different partial is going to be severed out of your basic lot to be consolidated into lot remainder lot 2 because that's the one that's fronting that portion that we're taking from your lot so that lien has to be cleared remove by the bank on partial release and then it's going to be part of this lot now because all these lots will be change. The three lots that are affected is yours, the roadway, and the two lots from the back which is four now. The remainder three and the remainder two will change the configuration and lot numbers. So it's not as easy as what the bank saying or the broker are saying because yes you can do it but the technicality of changing those lot numbers...now if this is a real map and these owners that are leasing has a mortgage through that then we have to clear that also.

Administrative Director Michael Borja: It will be even more complicated. You're lucky you are dealing with the government's land rather than individual properties.

Vice Chairman Joseph Cruz: So all I'm saying is it could be done but it has (inaudible).

Chairwoman Pika Fejeran: We need to make a motion here.

Administrative Director Michael Borja: To concur for doing a land exchange for Mr. Quinata and by Resolution we will supply that to the Guam Legislature so that they can incorporate that into their bill.

Vice Chairman Joseph Cruz: But the information that we're going to provide the legislature has to be an approved map. Because once the law or the bill or the public law

is in place the exchanges between the two portions that we're going to sever so we need a map.

Administrative Director Michael Borja: If we can't get a recorded survey map we probably a sketch to begin with to identify what's going to happen when they are going to be called.

Margarita Borja (CLTC): We're able to do that, we did that with GPA and it was just a sketch for the 421, it's possible.

Administrative Director Michael Borja: and then once the map is completed then it gets recorded. Ones the bill allows we record the map.

Vice Chairman Joseph Cruz: But do we need these tenants to sign these maps.

Commissioner Pascual Sablan: We need.

Administrative Director Michael Borja: We're going to have to adjust their lease.

(discussion ensued on property location)

Chairwoman Pika Fejeran: any further discussions, questions? Do you concur with the staff recommendation to exchange?

Vice Chairman Joseph Cruz: Do we have jurisdiction over the roadway as Chamorro Land Trust?

Margarita Borja (CLTC): Yes.

Vice Chairman Joseph Cruz: So Chamorro Land Trust owns rights of way designation?

Margarita Borja (CLTC): As long...no it hasn't been granted.

Vice Chairman Joseph Cruz: I just asked whether this map is an approved map and you guys said yes.

Administrative Director Michael Borja: It is an approved map.

Vice Chairman Joseph Cruz: What is an approved map, rights of way is the jurisdiction for Public Works.

Margarita Borja (CLTC): We have a legal opinion that states that any rights of ways that are severed out of Chamorro Land Trust property remains (inaudible)

Vice Chairman Joseph Cruz: (inaudible) terminating the statement because of the subdivision law. When I subdivide private land my property belong to the right of way

under, we only fee simple, but they own the easement right. So in this government of Guam (paused).

Margarita Borja (CLTC): It can be used as a right of way.

Vice Chairman Joseph Cruz: Double check because the intent of the approved subdivision is already granting that rights of way. We don't want to make a resolution then it's not our jurisdiction to give away.

Margarita Borja (CLTC): I can go ahead and provide you guys (inaudible).

Administrative Director Michael Borja: We can do the motion and subject to all the requirements of the law.

Vice Chairman Joseph Cruz: Before you make the motion, what is our action here, how did this came about to the Chamorro Land Trust? Did he turn in a letter?

Margarita Borja (CLTC): It's attached.

Administrative Director Michael Borja: The cost Mr. Quinata, you may need to understand for more likely will be borne on you. The cost of the surveys. The surveyor will, of course, will coordinate with Land Management but those kinds of cost, because it's you needing to do this not us needing to do it. And all those land filled that you've done for the land exchange usually put it on the person who's requesting.

Vice Chairman Joseph Cruz: I move to approve the request for land exchange on Lot 214-3 and with potion of subdivision of 243 REM-8-RW subject to compliance with subdivision law and Public Works right of way realignment.

Chairwoman Pika Fejeran: Motion's been made.

Commissioner Pascual Sablan: Second.

Chairwoman Pika Fejeran: Second by Commissioner Sablan. Any further discussion? No. Okay those in favor say aye.

All Commissioners: Aye.

Chairwoman Pika Fejeran: Ayes have it.

Administrative Director Michael Borja: Okay, so I submit a resolution for this for the Chairwoman's signature.

VI. NEW BUSINESS

1. GEDA- CLTC MOU Update

Administrative Director Michael Borja: In your packets we had been discussing this in the past our current MOU had expired and we had talked about where we wanted to go and what we wanted. The issue we had was the amount of the fee and it had been at 14% and we wanted it to be something different. During this time we now have had some additional discussion with GEDA and there's on the terms of the agreement for the MOU is that there will be a 14% charge basically until the cost of engaging in this agreement the cost has been extinguished and thereafter it will be 10% for the duration of the MOU and that sounds really reasonable 10% is the going market price for management of contracts this also states that they would require that the lessee make two payments, one will be the portion that would be payable to Chamorro Land Trust and one will be the portion paid to GEDA as opposed to the past where...or what was intended before is that 100% of the pay will go to GEDA they cut out their portion and pay Chamorro Land Trust theirs. Now other things have changed in here as well is that I had asked about the possibility of allowing this MOU to go beyond what initially was three years and then have additional three year terms and I asked a question, can it be longer because that's really just 9 years that's not a lot of time, and their counsel says yes as long as there's a termination clause that will allow either party to terminate for whatever reasons the can usually terminate. So the term of the agreement would is proposed a singular 10 year period with 3 additional 5 years so that will give you 25 years. The last thing I asked if they could look at and see if it's should be included in here and that had to do with the possibility of also assisting the Chamorro Land Trust Commission to obtain financing for capital improvement projects. So let's say for example we are able to lease a piece of property, and I'm just going to use round numbers just for easy math, that we lease a piece of property for a million dollars, of course, escalate over time for fifty years and roughly you're going to make fifty million dollars, that's going to be over a fifty year period, but we want to use the money now to do capital improvement project, put sewer and water into all our properties, so can we get a loan for thirty million dollars and we can finance that loan through this long term lease, can they help us with paying the financing and the answer was yes. So that's also included that they would be able to assist with that. They did include language in here as well, there is a process that they do through for financing and I know they stated in here where there is fee for helping to get a financing for any government agency and that's just set by their rules. So in essence what this MOU does is that it allows GEDA and the Chamorro Land Trust to engage in a...for to assist with Chamorro Land Trust in finding people to lease our commercial properties, but they have to go through the procurement process. We will probably have to do the determinations of needs for some of these properties definitely should exceed five years require by law but determination of need you could go longer. So they go through the whole RFP procurement process to find the best proposal and then collaboratively we make the selection of who this will be then go through the process of getting the lease done. So this is pretty much of talks about, and get at 14% for the period that it takes to exhaust the cost that they took to do that procurement and they would have to definitely have to define in writing what those cost are for us so that we know specifically what it is that we got to pay for in those 14% will pay. And then once those cost are extinguished then it goes to a 10% maintenance. I don't expect a decision today to allow you guys to look at this but I do want you to look it over and GEDA folks are here to speak about this, Larry Toves and Mike Cruz, to talk about this process from GEDA and this is the

only thing holding us up from moving forward on the commercial properties that we have already approved and had gone through the entire approval process in accordance to the rules and regulations. It also states that from time to time should the rules and regulations need some kind of modification because really there may be some things that laws change and what not they will assist in getting the rules change. So we will turn it over to the representatives to give comments on this.

Larry Toves: Good afternoon thank you everyone. As it was mentioned earlier it's been almost a year since we started this process on this new MOU. Just going back to some history in 2010 we had the original MOU with the Commission and at that since expired in 2016 so working together with our director I believe we came up with an amicable MOU that everybody (inaudible) we've been doing back and forth on discussions regarding a reduction of the initial fees and so we've kind of justify on our papers that we presented to the Commission a few months back. And so again, we're eager to do this for the Commission, it's part of our job being with the Real Property Division of GEDA and so we extend our services to other government agencies, as you are aware, we do this with the Ancestral Lands Commission. So in a similar way we are using the same template that we use with that Commission. Yours is a little bit different because there's more involved in this process. Your Commission doesn't have an ability to pay out and so again we're asking in this MOU that once we negotiate a lease, the tenant will pay two separate payment, one to the Commission and one to GEDA so there's no issue with respect to amount of monies that would be remitted to the Commission. Mr. Borja had already explained thoroughly what's involve with this revision so we're here to answer any questions that you have in specific to this.

Chairwoman Pika Fejeran: I'm sorry, can you state your name for the record.

Larry Toves: Larry Toves and this is Mike Cruz.

Chairwoman Pika Fejeran: You said you are from the Real Property Division?

Larry Toves: Yes, manager of the Real Property Division.

Chairwoman Pika Fejeran: Thanks for coming. I too feel that it's been a long process and I appreciate that you and your board are listening to our concerns and trying to meet us in the middle. I really like that you've included the financing activities that you guys can help us especially...one other thing that we struggle with as well as our lessees is a lack of infrastructure so if we're able to use you to help us really plan the future and get those capital improvement projects going.

Larry Toves: and I do that anyways with all the other government agencies so it's not something that I would have a problem with.

Chairwoman Pika Fejeran: It's your expertise. I guess I can start with some questions. You mentioned the previous MOU, through that MOU, you issues out the RFP that is now subject to litigation.

Larry Toves: That's correct there's one property in particular that we started negotiations with, we went through the procurement process, we entered into negotiations and then there was a law that was passed that (inaudible).

Chairwoman Pika Fejeran: So my question is, with this new MOU and with these new items in here saying that the 14% will be collected until the initial cost are recouped.

Larry Toves: (inaudible) and again because the Commission felt that we can actually at a lower rate of fee our board took the position, initially, (inaudible) during the initial states of the negotiated lease putting one together, procurement, even as far as advertising and everything, there is additional cost and that's been doing by GEDA including staff time, putting this process together and so the board thought that as long as we are able to recoup our initial cost they have no problems, at some point, say 2 years after the lease is executed once we determine what those actual cost are, we presented to the Commission and the fee will go forward form that period is reduced down to the 10%.

Chairwoman Pika Fejeran: So for those initial cost, does that include let's say it was another litigation for that subject property, is that going to pass through to us?

Larry Toves: So how this works is if you read through the MOA it clearly spells out each agencies responsibility, so it allows GEDA to hire expert consultant and even legal services to make sure that these leases are ligit and they get approved. So if there's any legal cost involve on our part then that is included as part of our cost so we use that 14% Again, initially there is a risk to GEDA because we step up we do all these processes if you will, and then it comes to the point where we have to pay our cost and for example in that particular instances with the former lease that we were negotiating we lost everything, we expanded a huge amount of money just on legal expenses and we weren't able to recoup that. So again it's the board's position since we are taking a risk at this point we willing to take that risk and at some point it will be a benefit to both agencies and to the Commission that these is a reduce rate at some point.

Chairwoman Pika Fejeran: The cost associated, those will be lease specific, so let's say you have four leases maybe three of them you will be able to recoup your cost, those drops down to 10%, the 4th one you haven't so that will stay at 14%? They are each individually specific?

Larry Toves: Yes they each leases are individually although they incur the same cost but as you were saying it depends on the severity of the property and issues that come about. In some instances, there's some (inaudible) issues that have to be taken care of in the property, the developer wants to do it's due diligence before he actually signs a lease so that they know they have a property that's clean and have no issues on them so that's the whole new process and it take some time to do as well and there's cost involve in that too.

Chairwoman Pika Fejeran: Previously you (inaudible).

Larry Toves: That was the only property that we actually working on at the time.

Administrative Director Michael Borja: That last MOU was also was about was also for them to assist in the creation of the rules and regulations so they were very instrumental in that process.

Chairwoman Pika Fejeran: I also see that the agreement includes helping Chamorro Land Trust prepare a land use plan and analyze infrastructure needed by the Chamorro Land Trust, how would you bill us for those cost that is built in?

Larry Toves: It's built in to the MOU it's part of the 14% but again most if not all of the cost associated with those issues we pass on to the lessee so once we execute the lease those cost will be borne by the tenant and if there's anything outside of that, that is (inaudible) by us then that's part of our 14%.

Commissioner Pascual Sablan: My question is for example, let's say you help Chamorro Land Trust, you put all the RFP and everything, the deal was closed then several years down the road we start having problem collecting, for example, a lease from that particular lessee, are you going to help us in going after that lessee to collect the money or are you just going to dump everything to us?

Larry Toves: The way the MOU is drafted that responsibility falls with the Commission as far as the enforcement and the eviction notices if there is a lease that is going to be terminate. We will recommend to the Commission what action to take and then it's up to the Commission to take and then it's up to the Commission to take (interrupted).

Commissioner Pascual Sablan: But will your legal counsel get involve in collecting whatever is owed to Chamorro Land Trust?

Larry Toves: During the process of termination, for example, we will give a notice of first default or whatever so usually our legal counsel will draft those up.

Commissioner Pascual Sablan: Would it charge us an additional 14% for getting our legal counsel involve?

Larry Toves: No it's not.

Commissioner Pascual Sablan: It's not here. What happened if you also held Chamorro Land Trust go through the whole nine yards then when it reached the nine yards Chamorro Land Trust, no, are we obligated to compensate you people for all the time and effort that you?

Larry Toves: No, only when there's a lease.

Commissioner Pascual Sablan: But there's no language that says that we have that option?

Larry Toves: It does say that, on Section 5c, page 6, line 10. Once a lease is executed that includes the Commission may approve a lease but the legislature doesn't, it covers that as well. You have to have an executed lease in order for us to charge the 14% and the 10%. But if there's no lease for whatever the reason...that's why we are charging 14%, right, the Commission's position has been the 14% is high, well that's because there's a lot of risk involved including Chamorro Land Trust not approving lease, the legislature not approving lease or the legislature passing laws that nullifies negotiations that we've had. There could be all different reasons that a lease is not executed. The 14 and the 10% apply only to when you have an executed lease.

Commissioner Pascual Sablan: My concern here is that like broker if you talk to a broker and later on down the line the new (inaudible) that broker can come and say the reason why you found that lessee because I talked to him and I never knew or I never authorize the broker to go to talk to that lessee. Will you do that on Chamorro Land Trust?

Larry Toves: I do understand your question but I will tell you this that we won't do anything without the Commission's approval first of all but if the Commission should decide on its own to enter into a separate agreement with a proposal or (inaudible) then that's up to the Commission. You give us a portfolio of what properties, commercial properties, that is, that you want us to lease and we will deal with those properties. But in this example, what you are trying to saying is that if you decide at some point not to use us and want to do something separate then we're not going to charge you for that.

Commissioner Pascual Sablan: So you have no objection if we put another sentence here saying that?

Larry Toves: We can get our attorney to draft up some language.

Chairwoman Pika Fejeran: I guess I appreciate a little bit more time to look at this revised MOU.

Larry Toves: Again, we just submitted the revised one to Director Borja before lunch so please take a look.

Chairwoman Pika Fejeran: I just have a question, when we kind of move forward I would like (inaudible) it's pretty good shape where both parties feel like we've addressed. Now, just off the top of your head knowing the properties regarding the push forward are ready to be leased out commercially, what are your contacts to bring to the table for some of these properties? Do you see Chamorro Land Trust commercial properties opening up new industries on the island strengthening current industries?

Larry Toves: That's one of the factors that we use in our evaluation for these proposals that come in once we put on our (inaudible) for particular piece of property so we look at those things so as you know our charge in GEDA (inaudible) and to attract new industries to the island so of course we're going to look at that and again we do have a guide, an

evaluation guide as we go through each of these proposals and it helps us and whoever is on the evaluation team and most likely it's going to be one of the board members or a staff from Chamorro Land Trust to be part of that evaluation team so we look at those, you know, what's important, what the goals are, what the mandate it for the Commission, I believe similar to GALC, your goal is to try to get the best use of the property at the highest rate possible as far as the fair market value so that's our aim as well. I have to tell you looking at some of the properties that we initially looking at as far as the portfolio for the Commission but you have some really good properties that I'm sure will attract some industries maybe some new ones, maybe some existing ones, but in the end I do believe these properties have high value.

Chairwoman Pika Fejeran: Any questions?

Larry Toves: I do have one last question to the Commission but I talked to Mr. Borja about this earlier. But just to be clear are we doing existing leases as well or are we new doing new leases going forward?

Vice Chairman Joseph Cruz: Just throw that out you don't need an answer now.

Larry Toves: You can think about it and see, I mean, because you do have some existing licenses and leases, do you want us to go ahead and manage those as well or are we just talking about new leases to go forward on properties that's not already leased out.

Vice Chairman Joseph Cruz: Do we have a commercial lease to be expired or anything?

Administrative Director Michael Borja: Well, we talked about one today. That one is set to expire so it's a matter of what we want to do with that.

Vice Chairman Joseph Cruz: Whatever listing is coming up from the legislature whether it's existing or not should be covered under the MOU.

Administrative Director Michael Borja: We just want to insert the language so hopefully by the next meeting we can look at the final product and in the course of the next few weeks when we pass this back trying to get it to all commissioner for your review so that you have a chance to look at it and then we can talk about it...hopefully approve it.

Chairwoman Pika Fejeran: Thank you.

2. Lot 7054-R8, Yigo – Yigo Mayor Request

Administrative Director Michael Borja: I had a discussion with Yigo Mayor this morning and he is unable to make the date as he's under the weather but he did want to emphasize again as he had discussed in the last meeting, which was nullified, his position is still the same he seeks the desire for this property which is already deemed to be for commercial use by this commission and approved by the legislature to be transferred over to be under the control of the Yigo mayor for community uses so I just...he's not present I don't want to

speak more on his behalf but except to express what he told me over the phone this morning so I just want to make it for the record.

3. Vision & Mission Statement

Vice Chairman Joseph Cruz: Any further discussion on Item 2? Going to Item 3, Vison and Mission Statement.

Administrative Director Michael Borja: It should be a part of your package that the Chairwoman had met on a number of occasion with the staff and I to come up with the set of Mission and Vision and goals and she just want to kind of go through…let her speak when she gets here. Basically she's looking at the Commission as a whole to concur with the goals and the vision statements that we have discussed.

Vice Chairman Joseph Cruz: On the last discussion on this item, I think we did make a motion to (paused).

Administrative Director Michael Borja: So then we have to do it again.

Nicolas Toft (Legal): I had reviewed those and they were legally fine they didn't interfere with anything as far as any existing issues.

Chairwoman Pika Fejeran: Ok, good that was a concern. Before we make a motion to adopt it maybe we can put it out there and ask for public comments before we finalize it so that anyone can comment, any of our lessees or the public at large before we finalize it. We can put on our website. Proposed vision and mission please submit comments so that next time if there's no comments fine, but if there are we can consider them.

4. Lot 354-4-R2, Inarajan – Haya Foundation Request

Chairwoman Pika Fejeran: Is this the same packet from the last meeting?

Matthew Leon Guerrero: Since that meeting being nullified we worked with Zita, the staff, Jhoanna, she's taking them out on sites already. From the last meeting they didn't realize the topography of that lot so we had started a coordinating with Zita already to find a suitable piece of property that would fit their needs at this time but the thing has been made solid yet. I still need to meet with Zita because she mentioned the staff when they showed the location of the property she wanted us to identify a starting point of the beginning, we don't do that it's only done by Survey. We can only show you general vicinities and general location. And since she's off island I haven't spoke to her about her request to get that point of beginning or staring point to identify the actual locations that were shown them out there.

Chairwoman Pika Fejeran: So the item on our agenda is basically to say yes please let's find another location that we can make the motion and approve, is that right?

Haya Representative: Other than that maybe we can get the property we looked at and see how it is.

Francis (Haya Foundation) This is Senora Francis (Haya Foundation)(inaudible) thank you very much for your time. If I'm not mistaken that we had conversation with Zita prior...it's something about a mis confusion of the lot numbering or something. I'm not too sure maybe you guys could shed some light on that.

Matthew Leon Guerrero: Zita was considering going back to that original lot but then again she wanted to do the site visit which we have not scheduled yet. She wanted to go out there with the staff to (paused).

Vice Chairman Joseph Cruz: So what's the other lot they are referring?

Haya Representative: That's the other lot (inaudible) we're supposed to look into. I think they were saying something about the lot that we're asking for is another suitable place for us.

Matthew Leon Guerrero: If it's another lot in Inarajan it's in Lot 8 the Ija area. That's another site.

Administrative Director Michael Borja: But the problem with that is that they are like individual lots? And part of that some of it is supposed to be returned back to Chamorro Land Trust from the land for landless or is this clearly all?

Matthew Leon Guerrero: This is by the experimental farm.

Jhoana (CLTC) (CLTC): We took them, I think it was last year, when we showed them the general area.

Administrative Director Michael Borja: This is just really based on introduced legislation, not a public law, right? There's no public law requiring us to do this. We're trying to find a suitable piece of property to be put into a bill so that they can be used for this purpose. So we're just waiting for Zita to show and she wants to see about map?

Matthew Leon Guerrero: We have sketches.

Jhoana (CLTC): She wanted us to actually show her where it starts because we showed them the general but she wants to know exactly where it's located so that (paused).

Administrative Director Michael Borja: It not shown on aerial diagram?

Jhoana (CLTC): We have and Matt's also showed her the topography and so forth but she wanted to I guess get a more focused area of where it starts, where it ends.

Administrative Director Michael Borja: So that's where we're at. We can't just expend resources to go out and survey and say here's your four points because we can't define the lot until we're told to define the lot for your purpose. It's not even an introduced bill. The original request is to get an area behind Inarajan Middle School but that place was topography unusable. It looks good on a piece of paper. What you saw was the back yard of the school and it looks like the perfect place but it belongs to the school. So we are trying to find an area. That place in Ija.

Francis (Haya Foundation): That's the one that's on the agenda that piece of (paused).

Administrative Director Michael Borja: It's not on the agenda but that's what they went to show her up by the agriculture farm, the UOG experimental farm rather.

Jhoana (CLTC): She wasn't shown that yet. We expressed to her that most of the lots given out are mainly residential and if they were to utilize part of the property it's mainly a slope down so you know it may say that the remainder is 20 acres but only say 3 is usable. Just like Mangilao where usage is only, I believe 5, and the rest is cliff line. But we did expressed to her that the Ija area is mainly for residential and she did express that you know they were (inaudible) of doing plantation as well as bring in livestock so that's why we suggested that, that may not be the most feasible area for what she would like to do.

Administrative Director Michael Borja: You know we got some farmers down there, some young man who are really avid farmers and they are commercial farmers and if terrain doesn't stop them from disappearing from the landscape to get down to their farm and they are even using the river to irrigate so there can be challenges but the challenges too, you have opportunities there so you it could be great fertile soil but it's over the hill and around to the side and that might be an issue of where getting to and from there. These guys they wake up at 3 in the morning and drive from Tamuning down to their farm in Inarajan and come back at 3 o'clock in the afternoon to take the kids to soccer so you know it's doable up there. That's why you have an agricultural experimental farm up there and you have several lessees over there who have plantations of different kind of crops so the soil is good, you are up in the hill, you are not in the main flow of traffic where you have to worry about people coming out all the way up there to mess with you.

Francis (Haya Foundation): So that's in Ija separate from the piece of property that's in the agenda, no?

Administrative Director Michael Borja: Yes, behind the Inarajan Middle School.

Francis (Haya Foundation) So I guess we just have to wait for Zita right?

Administrative Director Michael Borja: And the reason you had to come back and because when she did give her discussion last month the meeting unfortunately had to be nullified meaning...basically everything she said was struck, it's not going to be recorded. We will still work with her to find a place but her eagerness to find the 4 points she has to look beyond that.

Francis (Haya Foundation) So just for the record what is it that you want us to rely to her on that regard so in order to identify your proposal on this area in Ija in Inalahan and she's going to have to find a surveyor to do all those things?

Administrative Director Michael Borja: Not necessarily just say she has an interest in that and again nothing gets transferred until the law says to do it. There's no law. We just have to define something for her which is not a hard definition just a rough definition and an unofficial definition and that's what the bill would use to find the land if she agrees in principles to that area and then it's done we then define the land with the survey.

Francis (Haya Foundation) I guess that's it. Thank you very much for your time.

VII. DIRECTOR'S REPORT

1. Financials

Administrative Director Michael Borja: You should have gotten one of these from Joey and basically it shows what we have in the bank under Chamorro Land Trust. This is the monies that are for the loan guarantee program. I want you to also know that the Chamorro Land Trust is completely funded by the Chamorro Land Trust monies and not anything from the general fund so the recent call for the government to cut from it's general fund it did not affect the Land Trust because there are not general funds money, however, that doesn't preclude us from squeezing the belt a little bit so we are looking for ways ensure that we cut our cost but the process is already doing it for us we've lost several different land agents moving to other place and we haven't even yet been able to fill them so we are short on personnel by...just walking back there, there are 4 empty cubicles so we do have a shortage of people now and they have not announce the opening. So I'm going to have a discussion pretty soon with the BBMR to give justification to announce those jobs because they are not funded by the general fund. Joey, you have any comments on the revenue collection report.

Commissioner Pascual Sablan: Yes, remember the money that they took, the general fund borrowed like $2.2 million and they only returned $2 million?

Joey Cruz: It's been returned but increments.

Commissioner Pascual Sablan: What happened to the $300,000? This was several months ago one time they (paused).

Joey Cruz: They probably returned it already and if they didn't through our audit because our audit should be completed by next month we will do some audited adjustment to record in a government side books for them to (paused).

Administrative Director Michael Borja: Once the audit is done and there's a shortage from what they borrowed they will be required to put it back. By the way the audit for the

Chamorro Land Trust has begun it's actually began while back already we had our opening entrance meeting with the public auditor last Friday morning and I did ask her too to please find out what the status is to the challenge to the Lahuna project not that we want to continue with it but it's frozen that property from anything and it was appealed with the public auditor then the people doing the appeal then challenge the public auditor's qualification that she should be recused and so they took that to court so it's not only sitting in the auditor's waiting resolution it's also sitting in the court waiting resolution. Nick is there anything we can do kind of kick that out of the court...it not been active. I have a feeling that what is happened is that the case was introduced but now there no activity because they are not pursuing it.

Nicolas Toft (Legal): (Inaudible) whether the decision has been rendered on it. The court traditionally takes about 3 months to issue a decision. I know it's been a year so if we can track down the case number maybe I can go to the court and see.

Administrative Director Michael Borja: Ask the auditor to give us the case number.

Chairwoman Pika Fejeran: Joey, you mentioned that for February commercial license payments previously (inaudible)?

Joey Cruz: No Mr. Simpson just paid $12,000 today, so that's $16,000.

Chairwoman Pika Fejeran: Is there anyone else that's outstanding?

Joey Cruz: Evelyn Store is outstanding but we sent her a letter, I believe, we informed her (inaudible) so everybody who has a receivable we're sending letters to either through email or through mail.

Chairwoman Pika Fejeran: I like those reports that has everybody, all the commercial, and all the payments they made.

Joey Cruz: We just didn't generate the report only because our audit hasn't finish yet so any report submitted to you now is unaudited but there may be adjustments.

2. **GPD/Yigo**

Administrative Director Michael Borja: Lastly what I gave each one of you is a letter from the Chief of Police, the public law that took part of our IBC property in Yigo allowed them to take a three acre portion of it and the law also said pick your part so the part they picked we subdivided out and then when they went back out to begin the process to begin the construction they discovered that what was there from the onset not as a left over from IBC is a stuck of tiles. It actually contained within a concrete barrier and EPA estimated it was 20,000 tires I went up to take a look and how do you get 20,000 out of that stuck like that so I don't know how they came up with that number but what this letter from the Guam Police Department is asking is that we request to remove the tires on to the adjacent to the Chamorro Land Trust property. It's 20,000 tires and the cost will be around

$250,000 and so they are going to look at the recycling funds to try to help sort some of the removal of these tires. But the issue with the Guam Police Department is that they are under a time constraint to commence construction so that's why this deal with the land went pretty fast, the only problem is not like they were given one year to do it, they were given five years to do it so they are on the last final ones of this project going so the money is made available.

Vice Chairman Joseph Cruz: I think it's easier for us to relocate the lot then the tires. We can relocate GPD in the back.

Commissioner Pascual Sablan: Mr. Director, they got this property, it was Chamorro Land Trust and the legislature gave it to them right?

Administrative Director Michael Borja: Yes.

Commissioner Pascual Sablan: Then tell them to go to the legislature, get an appropriation, why should we pay for them?

Administrative Director Michael Borja: We're not going to pay for this. They just want to clear their lots so they can use it.

Commissioner Pascual Sablan: Are we going to allow that to have them put their trash or junk on the Chamorro Land Trust area? So we're not going to pay right?

Administrative Director Michael Borja: I'm asking you to give me direction on responding to this request to move the tires to move the tires to our side of the property.

Matthew Leon Guerrero: On that meeting we had with them it was just the need to move it because of their building but they are working with EPA and the last police officer who came by is working on a grant to get it funded. They are still working with EPA to get it completely removed but just so they can get their building started there asking that it be stored there so they can get their thing started while they are working with EPA and (paused).

Chairwoman Pika Fejeran: Their letter just said they going to move it temporary and then the year goes by and then it's our problem again.

Administrative Director Michael Borja: What I'll do is I'll write to EPA and ask them what the plan is given to me in writing and because it seems just a waste of time and money to move it from here to there instead of to be disposed off completely. The cost of moving it to disposed is equal to the cost of moving it a hundred yards over.

Vice Chairman Joseph Cruz: Recommend to relocate the site.

Chairwoman Pika Fejeran: Director, there was a recommended Chamorro Land Trust resolution?

Administrative Director Michael Borja: That was the one we talked about that just describe the land, I'm sorry, I didn't get that done yet but it was just to change the property description of the Tamuning property to the correct lot.

VIII. COMMISSIONERS' COMMENTS

1. Resignation of Commissioner Pascual Sablan

Commissioner Pascual Sablan: I think I'll take this opportunity to inform everybody for the record that I have before me a letter to the governor resigning from the board. I really enjoyed every minute it's just that because of health problem that preventing me from continuing serving in the board. I need to take time off, my wife, she needs my full attention and I like to thank you Madam Chair, Vice Chair, you folks, the Director and the staff thank you very much for everything thank you for all the support like I said I enjoyed serving on this board it's an honor and that's what I told the governor it's just that because of my wife's health problem I have to step down in order for me to provide her my assistant and attention. It's very difficult really it's very hard. I guess I have to let go this responsibility that I have here on Chamorro Land Trust so please accept my sincerity that I really appreciate everything and I'm sorry that I missed the past three meetings. It's not

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because I want to it's just I have to, and thank you and hopefully we will remain friends and if there's anything I can do let me know. Thank you very much.

Chairwoman Pika Fejeran: Mr. Sablan, I'm sorry to see you go but I absolutely understand and I emphasize with you, sorry you're going through that our prayers will follow you and your family.

Administrative Director Michael Borja: It was a pleasure working with Mr. Sablan through all these years I think both as a commissioner under the Chamorro Land Trust and later as an Administrative Director and your counsel and your advice have both been proven to (inaudible) so I think you for your time and know that the (inaudible) Governor appreciates the time too that you've given to the community. This is not always been an easy task we get in the lime line quite a bit for this and for that but you've been there to help us move along whether it was through the different processes as we gone through this many years so thank you, thank you in my behalf personally for all you've helped and done for the Chamorro Land Trust and I wish you all the best. I understand your wife's condition is significant that you have to care for her as well as for yourself so good luck and if there's anything we can do for you please by all means let us know.

Commissioner Pascual Sablan: I know that Chamorro Land Trust still have to face a lot of humongous hurdle before you people but I'm very confident that with your background and Chair's background, the professional staff here, you can overcome it and please do it because the people of Guam needs your help.

Chairwoman Pika Fejeran: Thank you sir.

Administrative Director Michael Borja: I'll make sure this is delivered to the Governor.

Chairwoman Pika Fejeran: Any other comments. Okay, the next meeting is scheduled for Thursday March 15, 2018. Do I hear a motion to adjourn?

IX. ADJOURNMENT

Commissioner Pascual Sablan moved to adjourn the meeting. Vice Chairman Joseph Cruz seconded the motion. Meeting adjourned at 4:45 p.m.

Transcribed by: **Ruth Sakuma**, Administrative Assistant: _____ Date: 3/13/2018

Approved by Board motion in meeting of: March 15, 2018

Michael J.B. Borja, Administrative Director: _____ Date: 3/15/18

Chairwoman Pika Fejeran: _____ Date: 3/15/18

James G. Sablan
7 Guaifon Circle, Piti Guam 96915
687-4950

MAR 1 3 2018

Testimony on request to lease lot 480-35-1

To: Madame Chair and Board Members
Chamorro Land Trust Commission

Fr: James Sablan,
CLTC Applicant

Re: **Lease of lot 480-35-1**

Madame Chair and members of the CLTC, thank you for the opportunity to submit my request to lease Lot 480-35-1 in Agat pursuant to Public Law 22-18.

I would like to provide you a chronology of events during the last 22 years that I have been pursuing the lease agreement with the Chamorro Land Trust agency.

12/2/1995-Apllication submitted on December 2, 1995 at 3:26pm and recorded by CLTC

12/12/1995 Paid $50.00 for CLTC processing fee.

Aug. 5,2004 Received letter from Mr. Felixberto R. Dungca Jr., Administrative Director. Authorizing to initiate survey of one acre on a portion of lot480, Agat, Guam.
Aug. 16, 2004, a ("NOIA") Notice of Intent to award was signed by both CLTC Mr. Dungca Jr and James G. Sablan on Aug. 19, 2004. Awarding one acre on lot 480.
According to my file, the delayed was due to CLTC office relocation and subsequently no follow up was intiated.

Feb. 10, 2015, I received a called from Mr. John Acfalle representing CLTC and we discussed the pending application and the surveying of one acre on lot 480 in Agat. I informed him that I was ready and able to move forward and survey the property immediately. Again, nothing happen and was informed that Mr. Acfalle no longer works for the agency.
I documented our conversation and provided him a copy and attached for your file.

I received another phone call from Lydia Taleu referencing Lot 480 and 457 in Agat.
I forwarded a copy of the NOIA dated 29th September 2004 signed by both CLTC and myself.
July 31, 2017 I was informed by Lydia Taleu, Lorraine Nededog and Jhoana Casem that L480-35 Agat is being scheme and no time frame was given to finalizing the lease agreement.

Jan. 28, 2018 again I received a call from Jhoana Casem requesting to meet on Monday February 5 at 9:00 to discuss the half acre lot of L480-35-2 or 3 in Agat. And upon review of my lease and the development of the farm that the additional half acre lot will then be transferred.
Feb. 5, 2018 at 9:00 am meet with Lorraine Nededog and she provided me with a map and highlighted lot 480-35-2/3 together consisting of little more than one acre. I requested onsite view of the property.

On Feb.12, 2017 at 10:00am the CLTC, Jhoana and Lorraine Nededog with myself made a **cursory view** of the lot480-35-2/3 and found the entrance block with two piles of gravel preventing passage to the property. We all agreed that the property is slanted downward and at the bottom is a canal or a containment of a ponding basin for water. I was able to access the property through the neighbor and is considered wet land and flooded occasionally according to the next door resident.

Lot 480-35-1, has not been assigned as of July 31, 2017 and is adjacent to the main road with immediate accessibility to the property. The Land is fairly flat and ideal for agricultural use. The property was surveyed and scheme for immediate development by the CLTC.

I am requesting the boards consideration to grant me the opportunity to develop **Lot480-35-1**, to move forward quickly, comply with the mandate of the CLTC and work with Department of Agriculture in developing the property to its fullest potential.

I thank you and Si Yu us Ma ase.

Chamorro Land Trust Commission — Official Designation: 0000490

This application has been properly completed and filed on 2 day of Dec 95, at 3:26 am/pm by: _____ Authorized Commission representative

KUMISION I TÅNO' CHAMORRO
Chamorro Land Trust Commission
APLIKASION (APPLICATION)

PARA UN GINASTA SENGKUENTA PESOS (UN BIÅHI HA') YA TI SIÑA MA NA' NA'LO YA DEBI DI UN NA'EMPAS ÅNTES DI TRENTA DIHAS

($50 one-time non-refundable Processing Fee payable within 30 days of application)

Klåsi *(Type)*: ☐ Para Guma' *(Residential)*

☒ Para Guålo' *(Agricultural)* Kuanto åreas un gågagao? *(How many acres are you requesting?)* 4

APIYIDU *(Last Name)*	FINE'NENA *(First)*	TALO' *(Middle)*
SABLAN	JAMES	G.

Numerun Asiguridåt Susiåt *(Social Security Number)*: 550-92-5920

Estao *(Status)*: ☐ Sotteru/ra *(Single)* ☐ Dumadanña' *(Co-Habitating)* ☒ Kasao *(Married)*

☐ Siparáo (*Legally Separated*) ☐ Dibotsiao *(Divorced)* ☐ Bi'udu/da *(Widowed)*

Fechan Finañågu-mu *(Date of Birth)*: 4-9-50 April 9, 1950

Tilifon *(Telephone)*: Gima' *(Home)*: 477-7446 Che'cho' *(Work)*: 475-4950

Sagan Kinattåyi *(Mailing Address)*: P.O. Box 907 AGANA, GUAM 96910

Kao gai tano' hao giya Guahan pat sino otro na bariu? *(Do you own any land on Guam or any other country?)*

☒ Hunggan *(Yes)* ☐ Ahe *(No)*

Kao sumasaga hao pat gu ma gualo' hao gi tano' Gobietnu? *(Do you live or farm on Government of Guam land?)*

☐ Hunggan *(Yes)* ☒ Ahe *(No)*

Yanggin Hunggan amanu guatu? *(If Yes, then where?)* _____

Hu afitma na dinanche yan magåhet todu I emfotmasion ni' nina'i-hu. *(I hereby certify that the information contained herein is true and correct.)* Hu kumprende na yanggen guåha emfotmasion guini ni' ti magåhet, siña ma kastiga yu' ya ti u ma apreba osino malingu todu I atkilåt-hu ni' ma nå'i yu' ginen este na aplikasion. *(I understand that any falsification of material information is grounds for disapproval o this application or termination of any land lease issued from this application.)*

James G. Sablan — Fitman Aplikånte *(Applicant's Signature)*

Dec 2, 1995 — Fecha *(Date)*

(Subscribed and sworn to before me this 1 Dec *day of November, 1995 by* JAMES G. SABLAN*.)*

Notary Public: Ignacio R. Cruz

My Commission Expires: Aug 16, 1997

Para I Kumision Ha' *(For Commission use only)*

revised 10/15/95 - 2:37 am

Chamorro Land Trust Commission

P.O. Box 2950, Hagåtña, Guam 96932 Phone: (671) 475-4251 Facsimile: (671) 477-8082

FELIX PEREZ CAMACHO
Governor

KALEO SCOTT MOYLAN
Lieutenant Governor

FELIXBERTO R. DUNGCA JR.
Administrative Director, Acting

August 5, 2004

James G. Sablan
P.O. Box 907
Hagatna, Guam 96932

Re: AUTHORIZATION TO INITIATE SURVEY

The disposition of all Government of Guam lands not otherwise reserved for specific purposes pursuant to laws falls within the administrative purview of the Chamorro Land Trust Commission. (21 GCA, Chapter 75, P.L. 23-38 and P.L. 22-18).

As per your request, you are hereby authorized to directly contract a Registered Licensed Surveyor at your own expense for the purpose of preparing a survey sketch of not more than **one (1) acre on a portion of Lot480, Agat, Guam**, and the setting of survey monuments, pursuant to and in conformance with all applicable laws and rules and regulations.

Attached for your information is a listing of all practicing surveyors on Guam. Please have your surveyor contact Mr. Desmond Mandell prior to initiating the actual survey to obtain the latest map on the basic lot you are in.

Effective March 12, 2004 Mr. Mandell including all CLTC mapping services have relocated to the Department of Land Management, Planning Division, located on the First Floor, Anigua, Guam. His contact numbers are 475-5200/5233/5290.

Lastly, please note that pursuant to TITLE 18, 2GCA, Chapter 1, Article 1- Regulations Governing Land Surveys in Guam, Uniform Triangulation System and TITLE 21, GCA, Chapter 62, section 62106-62107, Subdivision Laws of Guam, all maps processing must be reviewed and approved by the Department of Land Management. Please consult your surveyor as to these statutory requirements.

FELIXBERTO R. DUNGCA JR.
Administrative Director, Acting

Attachment- Listing of Practicing Surveyors on Guam

Doc. No. 34GL-18-1679.

CLTC Form – NOIA
Version 1.1 – 07-26-04

CHAMORRO LAND TRUST COMMISSION

P.O. Box 2950, Hagåtña, Guam 96932 Phone: (671) 475-4251/4257/4254/4281 Facsimile: (671) 477-8082

FELIX PEREZ CAMACHO
Governor of Guam

KALEO SCOTT MOYLAN
Lieutenant Governor of Guam

FELIXBERTO R. DUNGCA JR.
Administrative Director, Acting

NOTICE OF INTENT TO AWARD ("NOIA")

Subject to Final Survey, Approval, Lease/License Award and Recordation

RESIDENTIAL LEASE OR AGRICULTURAL GROUND LEASE

This preliminary Notice Of Intent To Award ("NOIA") for a Residential Lease or Agricultural Ground Lease ("the Lease") is made and entered into this 16th day of AUGUST, 2004 by and between the Chamorro Land Trust Commission ("CLTC or TRUST") whose mailing address is Post Office Box 2950, Hagåtña, Guam, 96932, hereinafter referred to as "LESSOR" and **James G. Sablan** (*Full Name of Applicant*), a native Chamorro, and a resident of the Territory of Guam, whose mailing address is **P.O. Box 907 Hagatna, Guam 96932** hereinafter referred to as "LESSEE".

Chamorro Land Trust Commission Numerical Designation: 490
Filed on 2nd day of December, 1995; at 3:26 p.m.

1. **Description of Premises:** The Premises consist of Land Trust real property situated in the Municipality of **Agat** more particularly hereinafter described, together with Lessor's easements and appurtenances in adjoining and adjacent land, highway, roads, streets, lanes, whether public or private, reasonably required for the installation, maintenance, operation and service of sewer, water, gas, power and other utility lines and driveways and approaches to and from abutting highways or streets for the use and benefit of the within described parcel of real property, including an improvements now or hereafter situated thereon:

Lot 480, Municipality of Agat containing an area of not more than one (1) acre, subject to final survey, DLM approval and recordation.

LESSOR:

FELIXBERTO R. DUNGCA JR.
Administrative Director, Acting
Chamorro Land Trust Commission

Date: 08-16-04

LESSEE:

James G. Sablan

Date: Aug-19, 2004

NOTICE- THIS IS NOT A LEGAL DOCUMENT

NOTICE TO APPLICANT – GENERAL INSTRUCTIONS

A. GENERAL STATEMENTS- READ THESE INSTRUCTIONS CAREFULLY- This document, NOIA and General Instructions is 5 pages.

ACRONYMS

CLTC- Chamorro Land Trust Commission
DLM- Department of Land Management
DPW- Department of Public Works
NOIA- Notice of Intent To Award
DPW One Stop Business License & Permitting Offices
DoAgri- Department of Agriculture
USDA- U.S. Department of Agriculture
SBA- Small Business Administration

THIS NOTICE OF INTENT TO AWARD ("NOIA") IS NOT AN OFFICIAL AWARD OR LEASE

This document shall serve as an initial Notice Of Intent To Award ("NOIA") by the Chamorro Land Trust Commission ("CLTC or TRUST") to the above named Applicant certain real property within its' inventory, pursuant to its' mandate. Attached are the following document for your action-

- Signed Authorization to Initiate Survey
- Listing of all registered Professional Land Surveyors on Guam

B. SURVEYING OF PROPERTY- It is recommended that you retain a licensed Surveyor once you receive this Notice. You (*the Applicant*) must provide your Surveyor with the signed form- "Authorization To Initiate Survey" to begin the process.

Once your survey map is completed by your Surveyor, and approved and recorded at the Department of Land Management, a copy will be provided to this office for attachment to your official Lease as "*Exhibit A*" and made a part of the Lease documents. CLTC does not make any recommendation on which Surveyor you should hire. Your Surveyor is responsible for all tasks associated with the surveying of your assigned property, to include establishment of markers or monuments, processing of your map with DLM to include approval, recordation and providing CLTC with a copy of that map for inclusion to your lease.

C. INSPECTION OF PROPERTY- Once you have selected and contracted a Surveyor, your Surveyor should contact your assigned Land Agent to schedule a joint field inspection of the property prior to the actual survey. Your Surveyor, Land Agent and you should inspect the area to be surveyed and familiarize you with the general area. (Use Inspection Form A)

After the survey is completed, approved and recorded at Land Management, your Surveyor should contact you to take you out to the property again to show you the official markers, monuments, and boundaries of your assigned lot (Use Inspection Form B)

D. OCCUPYING TRUST PROPERTIES- NO APPLICANT, PARTY, INDIVIDUAL OR PERSON IS AUTHORIZED TO OCCUPY ANY TRUST PROPERTY, ALTER, CLEAR, GRADE, REMOVE ANY PHYSICAL PLANTS, TREES, SOIL, CORAL, ETC., NOR CONSTRUCT ANY STRUCTURE UNTIL ALL CONDITIONS OF THIS NOIA ARE FULLY COMPLIED WITH AND A LEASE IS EXECUTED BETWEEN THE TRUST AND THE APPLICANT. (Public Law 23-38)

E. DOCUMENT SIGNING (Official Lease)- CLTC staff will then contact you to schedule an appointment for you to come down and sign all documents related to your official Lease. All official documents must be notarized. You must bring with you your current drivers' license.

F. RECORDING PROCEDURES- All notarized documents must be recorded. CLTC will process, duplicate and record your lease at the Department of Land Management, Office Of The Recorder. Recordation fee is chargeable to the Applicant.

G. RECORDATION FEES:

1. Recording Fees= $ _____

Exact recordation fees are determined by the Office of the Recorder, Department of Land Management (reference: Title 21, GCA, Chapter 60-Department of Land Management). Full payment for all applicable fees must be made at the time of signature and payable to:

TREASURER OF GUAM

H. COPIES PROVIDED TO APPLICANT- Once your documents are recorded, CLTC staff members will contact you to pick up your official approved and recorded Lease.

I. INQUIRY-When inquiring about your Lease please make reference to information on page 1 to facilitate the processing of your documents. For inquiries, please call CLTC Offices at:

Administration: 475-4251/4257 Commercial Section: 475-4281
Residential/Agricultural Section: 475-4254/4292

J. THE PARTIES INVOLVED

- CLTC Land Agents and Administrative Staff- The Land Agent is your first point of contact with respect to your NOIA. He/She will review your file for completeness. It is important that all records in your file are current and up-to-date (Mailing Address, Contact Numbers, Beneficiary, Etc.). The Land Agent will also review your file to pre-screen your application and make a determination as to whether you qualify for any of our programs, pursuant to statutory mandates.

- The Surveyor- CLTC provides a listing of registered and licensed surveyors. Once you are issued an NOIA, you should make plans to immediately contract with a surveyor. It is recommended that you interview at least three (3) surveyors before selecting one to survey your property. It is highly recommended that any contractual arrangements that you make between you and the Surveyor be in writing (Agreement or Memorandum of Understanding) stipulating his Fees, his required down payment, his responsibilities under contract, your responsibility to honor his fees, etc.

- CLTC Mapping/Surveying- Once you have selected a Surveyor, he (the Surveyor) will work with our mapping/surveying employees (Desmond Mandell), and coordinate the actual survey.

- The Department of Land Management (DLM)- your surveyor is experienced and knowledgeable with DLM procedures on the submittal, review, approval and recordation of your survey map. You do not have to follow up on the status of the map at Land Management. That is the job of your surveyor.

- The Notary Public- All legal documents (Lease, etc.) must be notarized prior to recordation at DLM, Office of the Recorder. CLTC will make available a Notary Public every Thursday from 9:00 – 2:00. You will be scheduled for an appointment.

- DPW-One Stop Business Licenses & Permitting Offices, Harmon, Guam- This office which is under the purview of DPW issues business licenses, building permits, clearing and grading permits, etc. Please note that any and all construction on Trust properties must first be reviewed and approved by CLTC before any permit is issued by DPW. Refer to attachment "NOTICE TO ALL APPLICANTS- CHAMORRO LAND TRUST PROPERTIES"

- Joint Field Inspections- It is recommended that two (2) separate field inspections be made. The first inspection will include (1) the Applicant (You), (2) Your Surveyor, and (3) Your assigned Land Agent. As explained, the purpose of the First Inspection is to familiarize you with the general location of the property to be surveyed.

  Inspection #2 is scheduled by your Surveyor who will then take you out to the property again after the survey map is completed and show you the actual boundary markers or monuments, whichever applies. This is important so that you know the actual legal boundaries of your assigned property.

[THIS SECTION TO BE COMPLETED BY CLTC STAFF]

ORIGINAL RECEIVED BY APPLICANT: _____ *(Signature)*

CLTC Land Agent: _____ Date/Time: _____/_____a.m./p.m.

Filing Instructions:

- Original to Master File
- Copy #1 to Applicant
- Copy #2 to CLTC-Administration for Data Entry

CLTC Form – NOIA
Version 1.2 – 08-25-04

CHAMORRO LAND TRUST COMMISSION

P.O. Box 2950, Hagåtña, Guam 96932
Suite 103 Anigua Commercial Center

Facsimile: 671- 477-8082
Phones: 671-475-4251/4257/4281

FELIX PEREZ CAMACHO
Governor of Guam

KALEO SCOTT MOYLAN
Lieutenant Governor of Guam

FELIXBERTO R. DUNGCA JR.
Administrative Director, Acting

Notice Of Intent To Award ("NOIA")

Subject to Final Survey, Approval, Lease/License Award and Recordation

RESIDENTIAL LEASE OR AGRICULTURAL GROUND LEASE

This preliminary Notice Of Intent To Award ("NOIA") for a Residential Lease or Agricultural Ground Lease ("the Lease") is made and entered into this 29th day of Sept, 2004 by and between the Chamorro Land Trust Commission ("CLTC or TRUST") whose mailing address is Post Office Box 2950, Hagåtña, Guam, 96932, hereinafter referred to as "LESSOR" and James G. Sablan, a native Chamorro, and a resident of the Territory of Guam, whose mailing address is P.O. Box 907, Agana, Guam 96910 hereinafter referred to as "LESSEE".

Chamorro Land Trust Commission Numerical Designation: 490
Filed on 2nd , day of December, 1995; at 3:26 PM

1. Description of Premises: The Premises consist of Land Trust real property situated in the Municipality of Agat more particularly hereinafter described, together with Lessor's easements and appurtenances in adjoining and adjacent land, highway, roads, streets, lanes, whether public or private, reasonably required for the installation, maintenance, operation and service of sewer, water, gas, power and other utility lines and driveways and approaches to and from abutting highways or streets for the use and benefit of the within described parcel of real property, including an improvements now or hereafter situated thereon:

A portion of Lot 457 West, ,Municipality of Agat containing an area of not more than one (1) acre acre, subject to final survey, DLM approval and recordation.

LESSOR:

FELIXBERTO R. DUNGCA JR.
Administrative Director, Acting
Chamorro Land Trust Commission

Date: 09-29-04

LESSEE:

James G. Sablan

Date: Sept. 30, 2004

THIS IS NOT A LEGAL DOCUMENT

Communicate – Cooperate - Coordinate

Doc. No. 34GL-18-1679.

NOTICE TO APPLICANT – GENERAL INSTRUCTIONS

A. GENERAL STATEMENTS- READ THESE INSTRUCTIONS CAREFULLY- This document, NOIA and General Instructions is five (5) pages.

ACRONUMS

CLTC- Chamorro Land Trust Commission
DLM- Department of Land Management
DPW- Department of Public Works
NOIA- Notice of Intent To Award
GHC- Guam Housing Corporation
DoAgri- Department of Agriculture
DPW One Stop Business License & Permitting Offices
USDA- U.S. Department of Agriculture
SBA- Small Business Administration

THE NOTICE OF INTENT TO AWARD ("NOIA") IS NOT AN OFFICIAL AWARD OR LEASE

This document shall serve as an initial Notice Of Intent To Award ("NOIA") by the Chamorro Land Trust Commission ("CLTC or TRUST") to the above named Applicant certain real property within its' inventory, pursuant to its' mandate. Attached are the following document for your action-

- **Signed Authorization to Initiate Survey and general map;**
- **Listing of all registered Professional Land Surveyors on Guam**

B. SURVEYING OF PROPERTY- It is recommended that you retain a licensed Surveyor once you receive this Notice. You (*the Applicant*) must provide your Surveyor with the signed form- "Authorization To Initiate Survey" and General Map to begin the process.

Once your survey map is completed by your Surveyor, and approved and recorded at the Department of Land Management, a copy will be provided to this office for attachment to your official Lease as "*Exhibit A*" and made a part of the Lease documents. CLTC does not make any recommendation on which Surveyor you should hire. Your Surveyor is responsible for all tasks associated with the surveying of your assigned property, to include establishment of markers or monuments, processing of your map with DLM to include approval, recordation and providing CLTC with a copy of that map for inclusion to your lease.

C. INSPECTION OF PROPERTY- Once you have selected and contracted a Surveyor, your Surveyor should contact your assigned Land Agent to schedule a joint field inspection of the property prior to the actual survey. Your Surveyor, Land Agent and you should inspect the area to be surveyed and familiarize you with the general area. (Use Inspection Form A)

After the survey is completed, approved and recorded at Land Management, your Surveyor should contact you to take you out to the property again to show you the official markers, monuments, and boundaries of your assigned lot (Use Inspection Form B)

D. OCCUPYING TRUST PROPERTIES- NO APPLICANT, PARTY, INDIVIDUAL OR PERSON IS AUTHORIZED TO OCCUPY ANY TRUST PROPERTY, ALTER, CLEAR, GRADE, REMOVE ANY PHYSICAL PLANTS, TREES, SOIL, CORAL, ETC., NOR CONSTRUCT ANY STRUCTURE UNTIL ALL CONDITIONS OF THIS NOIA ARE FULLY COMPLIED WITH AND A LEASE IS EXECUTED BETWEEN THE TRUST AND THE APPLICANT. (Public Law 23-38)

E. DOCUMENT SIGNING (Official Lease)- CLTC staff will then contact you to schedule an appointment for you to come down and sign all documents related to your official Lease. All official documents must be notarized. You must bring with you your current drivers' license.

F. RECORDING PROCEDURES- All notarized documents must be recorded. CLTC will process, duplicate and record your lease at the Department of Land Management, Office Of The Recorder. Recordation fee is chargeable to the Applicant.

G. RECORDATION FEES:

1. Recording Fees= $ _____

Exact recordation fees are determined by the Office of the Recorder, Department of Land Management (reference: Title 21, GCA, Chapter 60-Department of Land Management). Full payment for all applicable fees must be made at the time of signature and payable to: TREASURER OF GUAM

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Administration: 475-4251/4257 Commercial Section: 475-4281

Residential/Agricultural Section: 475-4254/4292/4256

J. THE PARTIES INVOLVED

- *CLTC Land Agents and Administrative Staff*- The Land Agent is your first point of contact with respect to your NOIA. He/She will review your file for completeness. It is important that all records in your file are current and up-to-date (Mailing Address, Contact Numbers, Beneficiary, Etc.). The Land Agent will also review your file to pre-screen your application and make a determination as to whether you qualify for any of our programs, pursuant to statutory mandates.

- *The Surveyor*- CLTC provides a listing of registered and licensed surveyors. Once you are issued an NOIA, you should make plans to immediately contact a surveyor. It is recommended that you interview at least three (3) surveyors before selecting one to survey your property. It is highly recommended that any contractual arrangements that you make between you and the Surveyor be in writing (Agreement or Memorandum of Understanding) stipulating his Fees, his required down payment, his responsibilities under contract, your responsibility to honor his fees, etc.

- *Before You Hire/Contract A Surveyor*- Your Surveyor Authorization form will have attached to it a copy of the general map for your reference. When shopping for a surveyor, it is recommended that you have a one-on-one appointment with him in person to show him the general map.

  He may also need to do an initial field inspection of the general area before giving you a written price quotation. A registered surveyor will probably not give a price quotation on the phone without first reviewing the general map and conducting a field inspection of the site, if necessary.

- *Questions To Ask Your Surveyor (Recommended)*

  1. Based on your review of the general map and/or the field inspection, what is your price quotation for surveying?
  2. Do you require a down payment to accept my case and how much will you require (down payment) to do my survey?
  3. How long will it take you to do the survey map and get it approved at DLM? *(estimated time to complete survey and obtain DLM approval)*
  4. When is the balance payment for the survey costs due from me?
  5. It is always recommended that your "assigned/contract for surveying services" with the surveyor be in writing between you (the applicant) and the surveyor.

- *CLTC Mapping/Surveying*- Once you have selected a Surveyor, he (the Surveyor) will work with our mapping/surveying employee, Desmond Mandell and coordinate his survey with CLTC and DLM. Desmond can be reached at 475-5290/5219/5233, and is located at DLM First Floor Planning Division.

- *The Department of Land Management (DLM)*- your surveyor is experienced and knowledgeable with DLM procedures on the submittal, review, approval and recordation of your survey map. You do not have to follow up on the status of the map at Land Management. That is the job of your surveyor.

- *The Notary Public*- All legal documents (Lease, etc.) must be notarized prior to recordation at DLM, Office of the Recorder. CLTC will make available a Notary Public, if required.

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[THIS SECTION TO BE COMPLETED BY CLTC STAFF]

ORIGINAL RECEIVED BY APPLICANT: _____ *(Signature)*

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Filing Instructions:
- Original to Master File
- Copy #1 to Applicant
- Copy #2 to CLTC-Administration for Data Entry

CHAMORRO LAND TRUST COMMISSION

P.O. Box 2950, Hagåtña, Guam 96932
Suite 103, Anigua Commercial Building

Facsimile: (671) 477-8082
Telephones (671) 475-4251/4257

FELIX PEREZ CAMACHO
Governor of Guam

KALEO SCOTT MOYLAN
Lieutenant Governor of Guam

FELIXBERTO R. DUNGCA JR.
Administrative Director, Acting

September 20, 2004

James G. Sablan
P.O. Box 907
Agana, Guam 96910

Re: AUTHORIZATION TO INITIATE SURVEY

The disposition of all Government of Guam lands not otherwise reserved for specific purposes pursuant to laws falls within the administrative purview of the Chamorro Land Trust Commission. (21 GCA, Chapter 75, P.L. 23-38 and P.L. 22-18).

As per your request, you are hereby authorized to directly contract a Registered Licensed Surveyor at your own expense for the purpose of preparing a survey sketch of not more than **one (1) acre on a portion of Lot 457 West, Agat, Guam**, and the setting of survey monuments, pursuant to and in conformance with all applicable laws and rules and regulations.

Attached for your information is a listing of all practicing surveyors on Guam. Please have your surveyor contact Mr. Desmond Mandell prior to initiating the actual survey to obtain the latest map on the basic lot you are in.

Effective March 12, 2004 Mr. Mandell including all CLTC mapping services have relocated to the Department of Land Management, Planning Division, located on the First Floor, Anigua, Guam. His contact numbers are 475-5200/5233/5290.

Lastly, please note that pursuant to TITLE 18, 2GCA, Chapter 1, Article 1- Regulations Governing Land Surveys in Guam, Uniform Triangulation System and TITLE 21, GCA, Chapter 62, section 62106-62107, Subdivision Laws of Guam, all maps processing must be reviewed and approved by the Department of Land Management. Please consult your surveyor as to these statutory requirements.

FELIXBERTO R. DUNGCA JR.
Administrative Director, Acting

Attachment- Listing of Practicing Surveyors on Guam

PROFESSIONAL LAND SURVEYORS
Current Listing

Provided by:
Professional Engineers, Architects & Licensed Surveyors (PEALS)

CHAMORRO LAND TRUST COMMISSION
Updates as of: 02-02-04

Name	Reg. #	Mailing Address	Phone Cell/Pager	Fax	E-mail
BALAGTAS, Dennis S.	075	Prudencio R. Balagtas & Associates P.O. Box 6216, Tamuning, Guam 96931	637-2042	637-2041	dbalagtal@excite.com
BALAGTAS, Prudencio R.	062	Prudencio R. Balagtas & Associates P.O. Box 6216 Tamuning, Guam 96931	637-2042	637-2041	surveyor@kuentos.guam.net
CARINO, Nicanor B.	038	244 Calamendo Lane Dededo, Guam 96929	N/A	N/A	N/A
CASTRO, Frank L.G.	019	P.O. Box 1119 Hagatna, Guam 96932	649-4541	649-2505	N/A
CHEN, Michael M.	059	7315 Bock Avenue Stanton, CA 90680	N/A	N/A	N/A
CONDON, Thomas J.	071	Duenas and Associates, Inc. P.O. Box 5806 Hagatna, Guam 96932	646-7991	646-6315	ticondon@dnaguam.com
CRUZ, Raymond A.	073	Cruz Survey Services P.O. Box 2281 Hagatna, Guam 96932	828-5956	828-5659	N/A
DE CASTRO, Remi T.	032	R.T. DeCastro & Associates, Inc. P.O. Box 3276 Hagatna, Guam 96932	472-6072	472-6075	remils32@kuentos.guam.net
DOLOR, Gil A.	049	P.O. Box 7035 Tamuning, Guam 96931	477-7927	477-7933	N/A
EATON, David E.	076	Guam Power Authority PMB 641, Chalan RD, Ste. 116 Yigo, Guam 96929	646-9386	646-2512	eatonyigo@hotmail.com
FISHER, Marius J.	056	R.M. Towill Corporation 1314 Victoria St., Apt. #1404 Honolulu, HI 96814	808 537-6656	N/A	mariljohn@lava.net
IGNACIO, Nestorio C.	065	Duenas & Associates, Inc. P.O. Box 8900 Tamuning, Guam 96931	646-7991	649-8465	dna@dnaguam.com
LIGGETT, Albert W.	055	P.O. Box 1209 Allef, TX 77411-1209	N/A	N/A	bethnal@setsail.com
MEREGILLANO, Emil B.	051	City of Berkeley, California DPW Engineering Division 275 Valmy St. Milpitas, CA 95035	408 942-6992	N/A	Emeregillano@berkeley.ca.us
MOYA, Roberto A.	641	#107 Banyan St., Banyan Heights Mangilao, Guam 96913	632-0194 687-3361	632-8043	N/A
OLIVARES, Virgilio P.	077	P.O. Box 4740 Hagatna, Guam 96932	734-5856 727-7734	734-5856	eitpls77@ite.net
OLIVEROS, Fred G.	070	P.O. Box 11218 Elloise St. Cerritos, CA 90703	209 996-2995	N/A	N/A
ORTEGA, Bernardo T. Jr.	037	P.O. Box 3218 Hagatna, Guam 96932	727-3377 637-1878	N/A	Ortega@netpci.com
PERRY, Ronald G.	033	Perry & Associates, Inc. P.O. Box 4330 Hagatna, Guam 96932	477-7300	477-7306	pai@ite.net

PHAM, Dennis Lac D.	074	Pham Surveying Services P.O. Box 6452 Tamuning, Guam 96931	632-056[illegible]	[illegible]2-0557	N/A
SANTOS, Efren B.	060	P.O. Box 9342 Dededo, Guam 96929	472-1095	472-2136	ezsantos@ite.net
SANTOS, Meliton S.	053	Meliton Santos & Associates, Inc. P.O. Box 2506 Hagatna, Guam 96932	477-4247	477-4590	N/A
VENTURA, Roberto R.	054	P.O. Box 8645 Tamuning. Guam 96931	637-7139	N/A	N/A
VILLAFLORES, Generalismo A.	064	P.O. Box 6950 Tamuning, Guam 96931	649-1458	N/A	N/A

Re: SCHEME FOR PORTION OF L480-35

James Sablan

Jhoana M. Casem <Jhoana.Casem@land.guam.gov>;

Thank you for meeting with me on such a short notice regarding my application with the Chamorro Land Trust Commission in December 1995.
It has been 22 years of waiting patiently and continued meetings with the department in identifying the property in Agat for agricultural development. We had several meetings in 2015 with Mr. John Acfalle but to no avail. I followed up with Lydia Taleu and was informed that all lots in Agat are being scheme and therefore pending completion of the survey. No specific time was given for the completion date.

I just want to bring this matter to a closure and identify One Acre of property that I can move forward with. I am prepared to survey the property immediately and develop the land as mandated in the program.

We discussed L480-35 Agat that it requires surveying the scheme and again no time frame was given, perhaps L457 West is more attainable. I will adhere to your proposal and recommendation.
Sincerely,
James G. Sablan

From: Jhoana M. Casem <Jhoana.Casem@land.guam.gov>
Sent: Monday, July 31, 2017 5:51 AM
To: jahame@hotmail.com
Cc: Lydia Taleu; Lorraine Nededog
Subject: SCHEME FOR PORTION OF L480-35

Update on Lot 480-35 / 437

James Sablan

E.jhoana.casem@land.guam.gov <E.jhoana.casem@land.guam.gov>;

Hi Jhoana,
Please advise on the status of Lot #480-35 or 437 in Agat,
I am prepared to survey the acre property and take necessary steps to move forward with the lease agreement.
I thank you for your attention on this matter and look forward to your respond.
James Sablan

New Reply Delete Archive Move to Categories

Folders

Inbox
Friends
Junk Email
Drafts
Sent Items
Deleted Items
ABPP
Amazon
Aff-Housing Finance
Archive
Atty Howard
Bel-Wood Housing
Bus Opp
Cancellation
Chamorro LTC
Charter School
civil case
Coast Residence
Community Advisory Cou
Credit Karma
conferences
Dave Guevara
Dinang Page Estate
Docubic
Doctors
Ebay orders
EDA
Estimate
Faichuk
family
Federal Programs
Funding Projects
GEDA
GHURA
GovGuam
GPA - GWA
GrantStation
Green Energy

Sent Items

Ejhoana.casem@la...
Requesting update on lot 48

christine fukunaga
Thank you for thinking of us

Ejhoana.casem@la...
Update on Lot 480-35 / 457

Ejhoana.casem@la...
(No subject)

Ejhoana.casem@la...
(No subject)

Ejhoana.casem@la...
Fw: NOIA Aug 16, 2004 letter

Kaye Lea Custodio
Scnn: Orsini jpg dwd

David Anderson
(No subject)

SMDC ContactCent...
Re: Reference No. 2017-0711

Lydia Taleu
Re: Review of phone convers

Susan Santos
RE: Estimate from Fence Mas

lydia.taleu@land.g...
Fw: NOIA Aug 16, 2004

dlmdir@dlm.guam....
Fw: NOIA Aug 16, 2004

dltc.staff@dlm.gua...
Fw:

James Sablan
(No subject)

jabame@hotmail.c

Requesting update on lot 480-35 or 457 West in Agat

James Sablan Reply

Ejhoana.casem@land.guam

Hafa Adai Jhoana,
Its been a week since our last meeting and I am following up on the above properties for lease.
I am prepared to move forward with the survey and identified my son Jonathan Thomas O. Sablan to be the beneficiary of the property. I can be reached at 687-4950.
I thank you for your attention on this matter and await for your respond.
Si Yu us Ma ase.
Jim Sablan

Review of phone conversation

Lydia Taleu <Lydia.Taleu@land.guam.gov>

James G Sablan (jahame@hotmail.com) <jahame@hotmail.com>;

Jhoana M. Casem <Jhoana.Casem@land.guam.gov>;

Hafa adai Mr. Sablan,

To review our conversation over the phone. You are waiting for lease for a lot in Agat on Lot 480 or 457 West. If possible please email me your copy of the NOIA with your signature for Lot 480 Agat and Lot 457 West Agat because the ones in the file do not have your signature. As a land agent the most I can lease to you is ½ acre, only with the CLTC Board Approval and Guam Legislature can you lease a full acre.

I will confer with Land Agent 2, Jhoana Casem team leader for Central & Southern, regarding available lot in Agat for Lot 480 or Lot 457 West.

Thank you

Lydia Taleu
Land Agent 1
649-5263 Extension 443 or 435
lydia.taleu@land.guam.gov

James G. Sablan
7 Guaifon Circle
Piti, Guam
96915

February 10, 2015

Mr. John Acfalle
Representative
Chamorro Land Trust Commission
ITC, Tamuning, Guam

Hafa Adai Mr. Acfalle,

I would like to thank you for calling the meeting on February 4, 2015 to resolved the long standing CLTC application for a 4 Acres of lease Agricultural property on Lot 480 in Agat.

I totally support the CLTC recommendation of leasing One Acre of property in Lot 480 Agat with the following condition;

1) The proposed lease property must have access , such as a public easement, to the property.
2) The water and power must be within close proximity to the property.

I will support and comply with the terms and conditions of the lease agreement and make available funds immediately to expedite the surveying of the property.

We would appreciate any assistance in expediting the lease agreement as we are anxious to move forward in improving the quality of life for our people, through employment and providing sustainability and growth in our community through development of local and fresh agriculture produce.

Should you need to contact me, I can be reached at 687-4950.

Si Yu us Ma ase,

James G. Sablan

New Reply Delete Archive Move to Categories

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Atty. Ho...

Bel-Woo...

~~Bus Opp~~

Cancella...

Charter ...

~~civil case~~

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~~Dave Gu...~~

Dinang ...

Docstoc

~~Doctors~~

Ebay ord...

EDA

~~Estimate~~

Faichuk

Regarding Agricultural Lease

James Sablan 1:32 AM Documents
To: john.acfalle@dlmguam.gov, cltc.staff@dlm.guam.gov, dlmdir@dlm.guam.gov

1 attachment (19.2 KB) Outlook.com Active View

CLTC Lease Agree...

Download as zip Save to OneDrive

Hafa Adai John,
attached is my letter thanking you for addressing my long standing application with the Chamorro Land Trust Commission dated Dec. 1995.

I have accepted the Commission's recommendation to lease property on lot 480 in Agat.

I look forward to receiving the CLTC letter of approval and a notice to proceed as soon as possible.

Si Yu us Ma ase,

Jim Sablan

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Instrument

Continued from Page 2

ment out of curiosity.

"I always liked Chamoru music, and when I learned this was an instrument of the Chamoru people, I became interested in learning how to make and play it," Quinata said.

Quinata had the opportunity to learn from the late belembaotuyan master Jesus Crisostomo.

"As he played he would tell me all kinds of stories about how he got started with the instrument. ... Eventually he gave me the instrument to play," Quinata said.

Crafting the instrument

"When I make the belembaotuyan, it's not considered work," Quinata said. "I feel so relaxed and just reflecting and enjoying the experience."

Like the berimbau and other wooden bow instruments from Africa, they are made from materials that are locally available.

First, hâyu or wood is selected from a tree called the bânalu found near coastal areas around the island. The wood is known for being lightweight and easy to bend.

A straight branch is preferred. The bark is peeled off and left out to dry for about a day. From there, it is cut down to about eight feet in length.

The the first layer of the wood is removed with a planer, shaping the bow of the instrument, then flattened at one side and sanded down.



To save time, belembaotuyan maker Joseph Quinata uses an electric power planer to assist reporter Kevin Tano in building a traditional Chamoru instrument outside the historic Lujan House in Hagåtña. PHOTOS BY RICK CRUZ/PDN

The next part is the tâgua or gourd, which acts as a sound box. Two cuts are made, one across the narrow part of the gourd, and another near the lowest part of the gourd.

The lowest part of the gourd is used to hold the sound box in place.

In modern times the alâmil, or wire, is obtained from old tires by removing the casing with a knife. Ones the wires are extracted, they are prepped with sandpaper to remove any excess rubber.



Reporter Kevin Tano learned how to build a belembaotuyan.

From there comes the stringing of the instrument. Screws are attached to both ends of the wood, while two aluminum L-shaped tabs are placed. The wire is brought over the aluminum tabs, to prevent the wire from sinking into the wood.

With one person pushing down on the middle of the wood forcing it to bend, a second person wraps the wire around the screws, then releases it once it's fastened.

Too much pressure can cause the wood to snap.

The gourd is placed about halfway on the instrument, and chegai or shells, are placed at the ends of the flattened wood to raise the wire.

"Once you make your instrument, it becomes more personalized," Quinata said.

Belembaotuyan playing

Belembao translates to vibrating or shaking, and tuyan means belly.

The gourd rests on the musician's belly, while the musician holds the neck of the wood in one hand and a 12-inch long bamboo stick in the other.

The wire is struck by the stick above and below the gourd, and the forefinger is lifted to produce to produce a different tone.

The belembaotuyan is said to be a relaxing instrument, used to meditate. Playing is accompanied by chants, Quinata said.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CHAMORRO LAND TRUST COMMISSION
AND THE
GUAM ECONOMIC DEVELOPMENT AUTHORITY

This **MEMORANDUM OF UNDERSTANDING ("MOU)** is entered into by and between **CHAMORRO LAND TRUST COMMISSION ("CLTC")** whose address is P.O. Box 2950, Hagatna, Guam 96932; and, the **GUAM ECONOMIC DEVELOPMENT AUTHORITY ("GEDA")**, a Guam public corporation whose address is 590 South Marine Corps Drive, Suite 511, Tamuning, Guam 96913.

RECITALS

WHEREAS, Guam law provides at 21 G.C.A. § 75101 that upon and after the enactment of this Chapter, all available lands shall immediately assume the status of Chamorro homelands and shall be under the control of the CLTC to be used and disposed of in accordance with the provisions of this Chapter; and

WHEREAS, GEDA is authorized pursuant to 12 G.C.A. § 50103(d) to promote investments of entrepreneurial capital in Guam, if need be form and operate its own industries, invest in and provide technical assistance in support of its objectives, develop and maintain facilities for lease or sale and provide for the expansion of agricultural, industrial, hospital, housing and tourist facilities through financial assistance and other means; and

WHEREAS, the CLTC has identified the need to retain the services of GEDA to assist it with the development, management, and maintenance of Chamorro

homelands designated for Commercial Leasing or Licensing pursuant to Public Law 33-95 and financing of capital improvements and infrastructure so that said Lands will be developed pursuant to the requirements of law; and

WHEREAS, because of GEDA's unique mandate to promote investments and the development of various industries in Guam and to invest in and provide technical assistance in support of its objectives, the CLTC desires to enter into a service agreement whereby GEDA will provide the CLTC with general consultancy and property management services relating to the requirements of the Chamorro Land Trust Act as amended.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby agree as follows:

AGREEMENT

1. **General Consultancy and Property Management Services to be provided by GEDA** for those properties placed under GEDA management by CLTC. Within the scope of services to be provided by GEDA, GEDA agrees to:

   a. Manage commercial leases/licenses and prepare billing, accounting and receipts of money from commercial leases/licenses; negotiate payment plans for those in arrears if necessary; and remit commercial lease/license rents to the CLTC as provided for in this MOU.

   b. Periodically review CLTC Rules and Regulations for commercial lease/licenses and recommend revisions as needed to ensure that the CLTC achieves the objectives of the commercial lease/license program.

c. Assist the CLTC in preparing a land use plan and analyze the infrastructure needed by the CLTC for its residential and agricultural subdivisions to determine the amounts that need to be generated from commercial leases/licenses;

d. In its role as Central Financial Manager for the Government of Guam, assist CLTC in identifying the type of financing required for capital improvements including infrastructure development on CLTC properties, securing financing for capital improvements and infrastructure development, negotiating financing agreements and recommending the execution of any financing agreement.

e. Prepare Requests for Proposals ("RFP") for the development and/or leasing/licensing of Chamorro Homelands designated for commercial use;

f. Advertise RFPs and receive all proposals;

g. In collaboration with the CLTC, evaluate all proposals received and rank prospective developers and/or lessees;

h. Negotiate lease/license agreements to be entered into with the highest ranking developer(s) in collaboration with the CLTC;

i. Recommend the execution of any commercial lease/license agreement by the CLTC;

j. Assist the CLTC is presenting leases/licenses to the Guam Legislature for approval as required by Public Law 32-40;

k. Do all other things necessary to carry out the above objectives;

2. **Professional consultants**. In connection with the services provided to the CLTC, GEDA may retain experts, advisors, consultants, and legal counsel as necessary.

3. **Provide periodic updates** to the CLTC on the status of the inventory, development and leasing of Chamorro Homelands reserved for commercial use.

4. **Cooperation by CLTC**. The CLTC shall do the following to assist GEDA in performing the services set forth in Section 1:

   a. Provide GEDA with an inventory by lot number or location of Chamorro homelands designated for commercial use covered under the scope of this Memorandum of Understanding;

   b. Provide Legislative notification of GEDA involvement;

   c. Provide survey maps, sketches, etc. of commercial property in the CLTC's inventory and if not available, vicinity maps of properties;

   d. Provide lease/license files for each commercial lessee/licensee;

   e. Authorize GEDA to speak with staff and lessees when necessary to ensure completeness and accuracy of inventory and lease/licenses;

   f. Authorize GEDA to bring CLTC files to the GEDA office with GEDA commitment to ensure complete file return upon completion of the tasks identified in this MOU;

g. Participate in the evaluation and selection of prospective developers and/or lessees/licensees;

h. Review periodic reports submitted by GEDA;

i. In collaboration with GEDA, seek all necessary approvals for the commercial lease/license of the Chamorro homelands;

j. Evaluate and act upon commercial lease/license agreements recommended for execution by GEDA;

k. Act upon financing agreements, contracts or other documents recommended for execution by GEDA in order to secure financing for capital improvements on CLTC properties;

l. Execute all other documents necessary for GEDA to carry out the services listed in this MOU;

m. Perform all inspections of current and future commercial leases/licenses, issue and enforce eviction notices and pursue any legal action against tenants including but not limited to evictions, based upon the advice and recommendation of GEDA.

5. **Payment for Services**.

a. GEDA shall require lessees and licensees to pay the CLTC directly for its share of the payments required to be paid by commercial lessees/licensees of Chamorro Homelands and shall require lessees to pay to GEDA directly for its share of the payments required to be paid by commercial lessee/licensee to GEDA, as payment for GEDA services unless other payment methods are

approved by CLTC. To allow effective management of leases, each party shall provide the other with a monthly accounting of payments which shall be due within twenty (20) calendar days after the end of each month.

b. The CLTC shall be entitled to 86% of all payments due and GEDA shall be entitled to 14% of all payments due, until such time as GEDA's initial costs are paid. Thereafter, the CLTC shall be entitled to 90% of all payments due while GEDA shall be entitled to 10% of all payments due. GEDA's entitlement to payment under this MOU, shall expire pursuant to Section 7 of this MOU.

c. The parties agree that GEDA's initial costs as specified in Section 5(b) above, consist of all costs associated with the performance of duties specified in Section 1 (a) through (k), except as provided in Section 5(d) below. Once a lease or license is executed, GEDA shall prepare and submit to CLTC, a statement of costs incurred to include an analysis of the amount of time needed to recover such costs, based upon GEDA's share of payments. Upon expiration of this time period, GEDA's entitlement will be 10% of payments.

d. For services under Section 1(d) above (GEDA as Central Financial Manager), fees associated with the provision of this service shall be identical to the fee structure established by GEDA's rules and regulations for the sale of bonds and are in addition to the fees specified in Section 5(b) above. GEDA Rules and Regulations currently set financing fees at one half (1/2) of one percent (1%) of the principal for the first Ten Million Dollars ($10,000,000.00) plus one fifth (1/5) of one percent (1%) of the principal above Ten Million Dollars ($10,000,000.00).

6. **Method and Time of Remittance of Payments and Rents**. Should any revenues that are intended for CLTC be collected by GEDA from commercial lessees/licensees, GEDA shall remit such revenues to the CLTC no later than twenty

(20) calendar days after receipt from commercial lessees/licensees. Should any revenues that are intended for GEDA be collected by CLTC from commercial lessees/licensees, CLTC shall remit such revenues to GEDA no later than twenty (20) calendar days after receipt from commercial lessees/licensees.

7. **Initial Term and Automatic Renewal**. This Memorandum of Understanding shall remain in effect for an initial term of ten (10) years from the effective date and shall be renewed at the expiration of the initial term for three additional terms of five (5) years each, subject to mutual agreement and the availability of funds.

8. **Termination**. At any time during the initial term or extended term, either party can elect to terminate this Memorandum of Understanding if either party provides the other with a written notice of termination no later than ninety (90) days prior to the termination date. Upon termination of this MOU, all files shall be returned to the CLTC and all transactions including any outstanding payments shall be concluded.

9. **Effective Date**. The effective date of this Memorandum of Understanding shall be the date of execution by the Governor of Guam.

/ / / / /

IN WITNESS HEREOF, the parties have executed this Memorandum of Understanding effective the day and year the Governor of Guam affixes his signature.

Guam Economic Development Authority	**Chamorro Land Trust Commission**
_____	_____
JAY ROJAS	**MICHAEL J.B. BORJA**
Administrator	Administrative Director
Date:_____	Date:_____
CONCURRED BY:	
Guam Economic Development Authority	**Chamorro Land Trust Commission**
Board of Directors	**Board of Commissioners**
_____	_____
EDWARD J. CALVO	**PIKA FEJERAN**
Chairman	Chairwoman
Date:_____	Date:_____
APPROVED AS TO LEGALITY AND FORM	***APPROVED***
_____	_____
ELIZABETH BARRETT-ANDERSON	**EDDIE BAZA CALVO**
Attorney General of Guam	Governor of Guam
Date:_____	Date:_____

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting
March 15, 2018

GUAM HALS ANGELS FOOTBALL ASSOCIATION.– REQUEST TO APPROVE THE SECOND ADDENDUM DELINEATING THE NEW LOT DESIGNATION OF THE LEASED PREMISES NOW DESCRIBED AS LOT 10057NEW-7, MUNICIPALITY OF DEDEDO

I. FACTS:

1. License: Guam Hals Angels Football Association
2. Term of License: Not to exceed 21 years from August 1, 2001 to July 31, 2022 with no five year increment provisions.
3. Location: Lot 10057NEW-7, Municipality of Dededo
4. Lot Size: 36,351± square meters or 8.98 acres

II. CHRONOLOGICAL FACTS:

1. April 17, 2015, Addendum to Commercial Lease executed between Guam Hals Angels Football Association and CLTC for Lot 10057NEW-R6, Dededo, containing an area of 58,879± square meters.

2. June 16, 2016, CLTC Regular Meeting, motion was made to approve the request for the deletion of the 60 and the 40 be granted and the 40 foot on the center must be deleted as per Public Works concurrence being that it's a utility, it's a private line if Public Works does not need it for an access then subject to that.

3. April 10, 2017, Re-subdivision survey map of Lot 10057 NEW-R6, deleting the easement apportioning the leased premises for Guam Hals Angels Football Association, designated as Lot 10057NEW-7, prepared by DLM, recorded under Instrument No. 905571, on April 10, 2017.

4. February 19, 2017, Guam Hals Angels Football Association submitted the Wettengel Football Facility Master Plan and Certification of Tax Exemption .

III. STAFF ANALYSIS:

CLTC finds that the request to approve the Second Addendum be signed as per the approval of the CLTC Board on June 16, 2016.

883377

ADDENDUM TO COMMERCIAL LICENSE

THIS ADDENDUM TO COMMERCIAL LICENSE is made and entered into this 17 **day of** Sept **, 2015,** by and between the Chamorro Land Trust Commission ("Licensor"), whose address is P.O. Box 2950 Hagatna, Guam 96932, and **Guam Hals Angels Football Association ("Licensee")**, whose address is P.O. Box 1622 Hagatna, Guam 96932.

THIS ADDENDUM is executed relative to Section 1 of the Commercial License entered into on the 1st day of August, 2001, by and between the Chamorro Land Trust Commission ("Licensor"), and **Guam Hals Angels Football Association ("Licensee")**, and recorded on April 4, 2008 with the Department of Land Management, Office of the Recorder, under Instrument Number 771279.

WITNESSETH:

Section 1, GRANT OF LICENSE; DESCRIPTION OF PROPERTY, of the Commercial License recorded with the Department of Land Management, Office of the Recorder, under Instrument Number 771279, provides that the leased premises is described as "A portion of Lot 10057NEW, Municipality of Dededo, Guam". Whereas the survey map has been completed and is hereby mutually approved by Licensor and Licensee, the Premises shall hereinafter be more particularly described as:

Lot 10057NEW-R6, Dededo containing an area of 58,879+/- square meters as shown on the Survey Map prepared by Paul L. Santos, P.L.S. No. 68, L.M. No. 403FY01, recorded under DLM Map Document No. 653254, PID 10000115150000.

IN WITNESS WHEREOF, the undersigned have executed this Addendum to Commercial License on Sept 17, 2015.

LICENSOR:

MICHAEL J.B. BORJA
Director
Chamorro Land Trust Commission

LICENSEE:

IVAN S. SHIROMA
President
Guam Hals Angels Football Association

883377

ACKNOWLEDGEMENT

On this 17th day of September, 2015, before me the undersigned notary personally appeared MICHAEL J.B. BORJA, Director, known to me to be the person whose name is subscribed to the within instrument and for it's stated purpose.

In witness whereof I have hereunto affixed my name and official seal.

Notary Public _____

My Commission Expires July 13, 2019

TERESITA A.C. TOVES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: JULY 13, 2019
P.O. Box 2950 Hagatna, Guam 96932

On this 18th day of September, 2015, before me the undersigned notary personally appeared Ivan S. Shiroma, President, Guam Hals Angels Football Association, known to me to be the person whose name is subscribed to the within instrument and for it's stated purpose.

In witness whereof I have hereunto affixed my name and official seal.

Notary Public _____

My Commission Expires July 13, 2019

TERESITA A.C. TOVES
NOTARY PUBLIC
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Administrative Director Michael Borja – Well I would like in fact there's a 4 o'clock public hearing at EPA hearing this afternoon to talk about wells. My hope was to try and attend it if time permitting otherwise submit written testimony to express the concern that we have that it would then negate our ability to use our surrounding properties if we don't have any kind of sewer infrastructure. And that we should have a position in that case where I have not you know I don't know if we really want to proceed in permitting this unless they put in the infrastructure first so that it doesn't stop us from using the rest of our lands and that's the issue there. I don't want to be just prioritized and that's what this public hearing today with EPA was to establish priorities for wastewater infrastructure. That's what I was going to talk about is that you can't you know the fact is many of the water wells exist on or very near Chamorro Land Trust properties and so they're going to be negating our ability to use our properties if we lack the wastewater infrastructure on the properties. So I just don't want to be just prioritized they need to install it if they want to use the wells.

Commissioner Pika Fejeran – Okay. The last time we didn't approve the well we just gave them rights of entry to go look at it?

Administrative Director Michael Borja – We haven't even given them rights of entry.

Commissioner Pika Fejeran – Oh we haven't okay. So it's just an informational.

Administrative Director Michael Borja – It was a discussion to talk about the ability to use the property.

Commissioner Pika Fejeran – Okay. I think that's also very important if you go to the 4 o'clock.

Administrative Director Michael Borja – Well I'll try and provide written testimony as well.

VI. NEW BUSINESS

1. Guam Hals Angels Football Association – Request for relocation of easement

Margarita Borja (DLM) – Guam Hals Angels Football Association is here today to request the CLTC Board to expunge actually or delete and relocate the proposed the 60 foot wide easement and joint parking area for use by the Guam Hals Angels and the Guam Rugby Club which was approved by motion by the Board on a December 2010 meeting. I know I provided you with the packet but I'm going to go ahead and take from when the Board had approved it just so that you (inaudible). Maybe Ivan can probably give you a little brief history after I'm done with the staff report. So what it is Hals Angels was issued a 21 year commercial license on August 1, 2002 for basic lot 10057NEW containing an area of 51 acres which was inclusive at the time with the Wettengel School for the purpose of needed sporting facilities to include but not limited to a football field, a practice field and related and/or other sporting associated facilities and was further amended due to the commercial license issued to Guam Rugby Club containing an area of 12 acres and the severance of the Wettengel School encompassing an area of 15 acres which resulted in a decrease to the Guam Hals Angels leased premises. In addition to the above a December 2010 CLTC

regular meeting the Board approved to delineate a 60 foot wide road in between the Hals Angels and the Guam Rugby Club to be used as an easement and joint parking use by both Hals Angels and Guam Rugby Club. Also to maintain the 40 foot wide easement existing power and water lines. Once again decreases the leased premises of the Hals Angels Football Association. That is why Mr. Shiroma is here today to request the Board to expunge the motion made by the Board in the December 2010 meeting to delineate the 60 foot road that was to be used as an easement and joint public parking between the Hals Angels and the Guam Rugby Club. This request would not hamper the access for the Guam Rugby Club which they have clear access along Lada Avenue and a portion of the Hals Angels leased premises would also be given up for a joint public parking as shown on the map. There is a map that we have that was created. With the approval of the Hals Angels request it would clearly allow for the full utilization of a lot that they can finally call the Hals Angels Field. I don't know if Ivan you want to include anything?

Ivan Shiroma – I just know that at that same meeting I went in to protest the renewal of license for Guam Rugby because of what Mr. Borja the previous Administrator had given me. He gave me all the property there for our Association because Rugby didn't meet their contractual obligations as per contract. I was up against Mr. Arthur Clark he's a full fledge lawyer and I'm just a regular person and it ended up after the meeting they were talking about the parking lot. I was there to protest the renewal and I didn't know that they approved this. I never agreed to it. I was there but I didn't agree to them using part of our inventory for a parking lot. Now it's already been approved and I don't know how that happened.

Chairman Pascual Sablan – I'd like to ask this question Mr. Shiroma are you here to request to transfer the existing access to the most southwest of the property? Or are you here to support I mean to request that the, are you here to support the transfer or you're here to request to transfer? Because you know whoever prepared this document if it's you Margaret you did a very good job and I went through it and I found on this document that there was a document signed that that access has been transferred based on a document they signed but I didn't see any Commission's approval. So really my question is are you here to request to transfer or are you here to support the transfer? There's a document that came from Rugby and it was signed by God bless his soul Mr. Monte Mafnas of the transfer of the access. I'll go on record I never come across a document that there's a lot of documents missing, it's a messy document really. I'm sorry I'm just quoting from what I read you know it looks like the previous maybe Commissioners and management dropped the ball on this one. I'm very disappointed. So what is your primary, according to the agenda it says here request for relocation of easement. Are you supporting this or you're requesting to relocate?

Ivan Shiroma – Yes I'm supporting to relocate that easement to the backside the southwest side that way they don't have to come into my property and we're sharing the access to the area where there's a lot of trash being dumped in my area also. There's a lot of copper theft going on. Right now I have all these about 2,500 blocks sitting there and most of that is being taken slowly but surely because we share access. I'm not blaming them but if I have full control then I can just blame myself for not protecting all my assets a

lot better. But right now anybody can go in there and there are some people that stay there late at night which I have no control over but they're in the backside of my property. I'd like to point fingers but I cannot because there's so many people that has access to that area right now. If we just leave it up to me then I can just blame myself. I'll put more fence up or gate. But right now I went out of my way to reach out to the Rugby Club and gave them a spare key so we can share access but I cannot control who comes there at night. There's people that goes there at night, they leave the gate open so everything is missing from my place.

Chairman Pascual Sablan – I believe on March 30, 2012 there was a letter from the Guam Rugby Club Incorporated requesting you know that the access be transferred and so as the parking and all those things so that's what's making me ask this question are you here to support the transfer of the access or are you here to request transfer of access? Because a document has been signed by Mr. Monte Mafnas in reference to all those access.

Ivan Shiroma – I need to be shown on the map Mr. Chairman because I'm kind of confused, support and transfer?

Administrative Director Michael Borja – Margarita can you come and talk about the map.

Margarita Borja (DLM) – What Mr. Sablan is talking about was the amendment to the license agreement. What it is is Rugby is just quoting what had transpired in the December 2010 meeting that they would have access to this 60 foot that they had approved for parking and all this. If you look at the map that I just provided you there's a dotted line easement on the bottom where it's dotted that is what was approved. That's the 60 and the 40 that was approved in the December 2010 meeting. What he's requesting is (interrupted).

Chairman Pascual Sablan – Can you be more specific December 2010 what?

Margarita Borja (DLM) – 2010 meeting by the Commission it was approved. What it is is Mr. Shiroma, Hals Angels, had a lease for the entire portion so in that meeting the Board said they will take away that 60 foot and return it back to the Trust so that they can make it a 60 foot for joint use for public parking and easement for both clubs. Remember this is a part of the Hals Angels lease. So what he's coming in now is he wants for you to either expunge it to remove that motion and delete it because there was a motion made right to create that easement and take it out of this and put it back so that he can have the whole area for his use.

Administrative Director Michael Borja – What you have is you have two separate entities, two separate defined lots, one rugby and one football. In this amendment in 2010 what you have is it's signed by Monte and Peter Walls from Rugby who is taking away he's not even the signator of the football side of the lease but he's agreeing that they're going to take away part of the land from the football lease. There should be a signator where the football people should have said that they release that but there's none. There isn't that. The agreement was with the Rugby to do it. So the issue here is the lot which is NEW-R6

which belongs to the football people, NEW-5 belongs to Rugby, that they get their 60 foot easement back under their control for their full use. The argument at the time was that the rugby people had built some concrete section that's right down here on this easement and then they would have easy access to it. But they also always claimed that their access to this should be through this Santa Monica Boulevard through some access cutting, dissecting the football lease property to get to it when they already have Lada Avenue as a fully developed road on the their side of the field. That should have always been their access from the very start without any question but they wanted it to be from Santa Monica Boulevard.

Vice-Chairman Joseph Cruz – Is there a master plan for this particular facility or conceptual plan that you're planning to improve the remaining parcel that you have?

Ivan Shiroma – No there's no master plan we threw that out the window a long time ago.

Vice-Chairman Joseph Cruz – So your intent is to delete the 40 foot that runs right in the middle of that parcel.

Ivan Shiroma – Yes.

Vice-Chairman Joseph Cruz – And I'm seeing this map and what about the 40 foot on the west part?

Margarita Borja (DLM) – All the dotted lines there is to be deleted.

Vice-Chairman Joseph Cruz – Are we going to recognize the agreement between Rugby and Chamorro Land Trust when they created the access to license property that says pending completion from the new access road on exhibit C?

Chairman Pascual Sablan – But that's the Director you know just mentioned when you have a contract it's between two or more people. What happened is the CLTC Mr. Mafnas signed document between him and Rugby and totally left out (interrupted).

Vice-Chairman Joseph Cruz – I understand your comments but what I'm getting at is that based on this map and based on this lease there is a legal 40 foot easement that runs through that parcel.

Margarita Borja (DLM) – It's not legal it was proposed by the Board.

Vice-Chairman Joseph Cruz – No based on this drawing number that you provided me under 403FY01, Document number, you have this 40 foot dotted easement that runs through so that means this is a legal alignment within that lot being encumbered, the approval of this map.

Margarita Borja (DLM) – Where the utilities is?

Vice-Chairman Joseph Cruz – Yes so that's a 40 foot. It says rights of way it says public access and utility easement.

Margarita Borja (DLM) – But it was never severed out.

Vice-Chairman Joseph Cruz – No it doesn't have to be it's a dotted easement it's an encumbered alignment.

Margarita Borja (DLM) – Okay.

Vice-Chairman Joseph Cruz – Until it's severed out then you determine the acreage of that 40 foot but right now it's an alignment that was created under this FY403, 01.

Margarita Borja (DLM) – So what are you saying that we can't delete?

Vice-Chairman Joseph Cruz – We cannot acknowledge the deletion if it's already an approved map is in place. What they need to do is get a surveyor present this to Land Use Commission for deletion.

Chairman Pascual Sablan – But we have to make a decision for them to move (interrupted).

Vice-Chairman Joseph Cruz – No I'm recognizing the approved map everything else is a sketch even this one that we got provided where you have R6 being divided into four lots or three lots, -8,-9 and R9. That's just a sketch. Until such time that this map is addressed deleting that 40 then we can entertain the Football Association saying you have been granted deletion by the Land Use Commission it is now our turn to say a resolution to delete this easement.

Margarita Borja (DLM) – How about the 60 foot that was approved by the, the dotted lines?

Vice-Chairman Joseph Cruz – Well if it's shown, it's not shown on this FY so that 60 foot is a future.

Margarita Borja (DLM) – It was something that was proposed by the Board and was (interrupted).

Vice-Chairman Joseph Cruz – I'm only relating to what was approved in this 403FY01.

Margarita Borja (DLM) – So Mr. Shiroma is here regarding the 60 foot.

Commissioner Pika Fejeran – Where is that 60 foot?

Margarita Borja (DLM) - This one all of this is what was approved by the Board in 2010.

Commissioner Pika Fejeran – That the Rugby Club signed for and it wasn't their property.

Margarita Borja (DLM) – Yes. So he's asking for them to delete that or go back I don't know how you would delete it if it was made a motion. I don't know if you have to you know to (interrupted).

Vice-Chairman Joseph Cruz – But the motion was done by the previous Board.

Margarita Borja (DLM) – Yes.

Administrative Director Michael Borja – Margarita you want to explain what this is showing us?.

Margarita Borja (DLM) – I just want to explain what Rugby Club has today. Rugby right now in a lease has all of this, everything here to include this, this and this, I mean Hals Angels I'm sorry. Hals Angels has this, this and this in a lease today. This is the rugby field in a 2010 meeting the Board approved this 60 foot and the 40 to be used as a joint parking and an access for both clubs. So they took this away and they also took this away.

Administrative Director Michael Borja – Well that was already there.

Margarita Borja (DLM) – According to him it wasn't right.

Administrative Director Michael Borja – Well according to the map we're looking at it's there.

Margarita Borja (DLM) – When the Rugby came in they're the ones that created this. Am I correct?

Ivan Shiroma – Yeah they ran their water line.

Margarita Borja (DLM) – So everything was being catered to the Rugby at the time. So now today he's here to request that this easement that was approved by the Board to be removed and give the easement for Rugby on Lada and the joint parking he's willing again to give this up out of his leased land for joint parking with an easement coming down this way and then also this because there's squatters. He's willing to give this, this, this up if you delete this and he'll settle for all of this down here.

Vice-Chairman Joseph Cruz – You know what I don't understand that 2010 meeting when they created the 40 foot on the right side I mean on the left and the 60 foot for parking. How is the parking (interrupted).

Margarita Borja (DLM) – What it was, it was designed to be I believe an access in the middle and then parking and parking on the outskirts of it.

Vice-Chairman Joseph Cruz – Within who's lot?

Margarita Borja (DLM) – Hals Angels. Everything was in Hals Angels so all he's asking is I don't know expunge I don't know if that's the right word what was done in 2010 meeting by the Board and give the access to the Rugby on Lada and he'll give up for public parking and he'll also give this back to the Trust and then an easement coming in for public parking for both clubs.

Vice-Chairman Joseph Cruz – Where is the parking for the football, the proposed site? Is it going to be within that rectangle or (interrupted).

Administrative Director Michael Borja – NEW9 is the joint parking.

Vice-Chairman Joseph Cruz – Yeah but the access is in Lada.

Margarita Borja (DLM) - This is not existing today the parking right now.

Vice-Chairman Joseph Cruz – No, no, no if we were to concur with that setting you have a full blown rectangle lot for the football that's why I asked if there is any master plan or conceptual setting so that we can predict the development of that.

Ivan Shiroma – We're trying to make a practice on that rectangular portion down there but the parking is minimal. You put that 60 foot easement or whatever and that 40 foot you're squeezing me in again you're limiting my (interrupted).

Vice-Chairman Joseph Cruz – I understand your concern but what I'm asking is if there's a game where would be the parking?

Ivan Shiroma – Everyone parks along the road along Santa Monica or along Lada.

Vice-Chairman Joseph Cruz – That's not a, to give a site for that type of activity and for them to go on an off-street parking? That's why I'm asking if portion of that western lot area can be designated as parking then it's within the site.

Margarita Borja (DLM) – This one, this?

Vice-Chairman Joseph Cruz – No, no, no right there where that 40 foot the deletion of that 40 foot there.

Margarita Borja (DLM) – That's in his lease.

Vice-Chairman Joseph Cruz – I understand that but like I said if we see the masterplan that they have I can okay let's move it back but right now we're just shooting that a practice field, a football field, a game happens, where are we going to park?

Administrative Director Michael Borja – Well he's been given this is his entire (interrupted).

Vice-Chairman Joseph Cruz – I understand, I understand all that.

Administrative Director Michael Borja – So he's designating his part to be parking right there.

Vice-Chairman Joseph Cruz – But look at we're going to go through Lada to park on that parking lot because he's going to delete the 40 foot on the alignment. It doesn't make sense to have an alignment of that 9 in Lada Avenue when your game is in front of Wettengel.

Margarita Borja (DLM) – But it's supposed to serve both Rugby and (interrupted).

Vice-Chairman Joseph Cruz – I understand that but what I'm asking is where would the parking for the football because the football has a lot of clientele it's not as the rugby does.

Administrative Director Michael Borja – Rugby gets crazy too.

Vice-Chairman Joseph Cruz – Well they're both crazy but like I said where are we going to put the parking is what I'm asking?

Ivan Shiroma – Nobody from day 1 planned for parking whether it's Rugby or us. We didn't plan any of that we just planned to build our field. Rugby has that big piece which was originally ours but somehow we were bypassed and this is why I'm so frustrated. They got that big piece compared to what we have right now you see the difference. Nobody planned for the parking to answer your question. So everybody parks along the road and it just happens to work.

Vice-Chairman Joseph Cruz – Okay like I said if we see your outline of what your facilities is going to look like after development we can turn around and recommend Rugby to take half of his lot to create their own parking because the whole lot is not used as rugby okay. And then at the same time the concept that you have is your practice going to be same elevation as your football field?

Ivan Shiroma – No because that football is almost 100 feet high so we're trying to level the bottom there.

Vice-Chairman Joseph Cruz – Exactly and where is the water draining from the field? Do we contain our runoff within the field or I mean that's another issue but what I'm saying is that parking is where my concern is because we can give you the whole lot which is (interrupted).

Legal Counsel Kristan Finney – I'm sorry what I'm understanding you know you're talking about giving him the whole lot or, the lot is already leased to them. And so what their issue is is that a piece of the property that was already leased to them has been essentially taken away and made this access road and this parking without their involvement. So he's coming to the Commission and say how do we fix this and it sounds like his proposal to you

know he says if there is an issue with this then he is willing to give up a piece of the property to address those issues but he's asking to be involved since he actually has the lease of that property. The Commission wouldn't have the ability to lease property to this organization after it's already leased to then unilaterally change what the property that is assigned to him (interrupted).

Vice-Chairman Joseph Cruz – I understand but (interrupted).

Legal Counsel Kristan Finney – So all of that is regardless of how he plans to lay out his fields or to lay out his parking and all that. The property is already leased to him.

Vice-Chairman Joseph Cruz – Okay.

Chairman Pascual Sablan – Can I say something now? I stand to be corrected I understand that Hals Angels was given all this land okay then I don't know from nowhere Rugby comes in to the picture am I correct so far?

Ivan Shiroma – Yes.

Chairman Pascual Sablan – Without your knowledge.

Ivan Shiroma – We were bypassed.

Chairman Pascual Sablan – Okay then now we're talking semantic and technical technicality I believe that Hals Angels should still have all well they were pushed and all these lines were drawn. This belongs to Hals Angels this one too and so as this but Hals Angels is still what do you call that willing to compromise that for the Rugby come through Lada Avenue and they can come in here and use this as a parking space for them. And so for them now if they were to put fence here you know to protect whatever investment they have in here or if there's a game for example for them they can always open this so they can go this way but not for Rugby just to use this over because the minute you remove for example open the gate the accessibility for people coming in is there and vandalism and of course the copper wire is the most attractive. So am I right so far? Okay so as the legal counsel said of course I recognize you Joe and I see your point that I guess we need to make a motion to have this thing resurveyed and remove this because it's already an approved map. And also gentlemen this is where maybe the power, water line of course it's all underground passing through right that may be servicing also this.

Ivan Shiroma – Yes.

Chairman Pascual Sablan – I don't know if we have to get clearance from Public Works, GPA, etc. to remove this access and just leave or I don't know maybe we can say utilities easement but we still can bury it in we still can play football above this. But it's still we have to resurvey and remove this and you know give the football their property and let them also have an access and control here. So as Rugby they can have an access through here but now through here because they have to you know secure their area. Now I came across

document that says there is a small I think concrete house or small hut that was built for like their contribution through the village whatever you call that improvement or contribution to the village. They didn't build it because they're going to use it for dug out or what. They built it way before you know for the contribution to the village. My only question is where is the boundary of the Wettengel because I don't want any encroachment too of the Wettengel School you know. Are we using Wettengel boundary?

Margarita Borja (DLM) – No. It's already severed out.

Chairman Pascual Sablan – Oh okay that answers. Really I read this over and over the rugby and the football and I'll tell you it's the most messed document I ever came across. Somebody dropped the ball here and it looks like you know now, I am not citing anybody but it looks like somebody just robbed them this property and the new tenant is the one calling all the shots. That's why I'm kind of hesitant because I've seen, I came across document that the previous Administrative Director signed document without the consent of the Football Association you know and I believe that they should. So I think the Chair is ready to hear two motions. One is to come up with maybe another map to remove this access here because it's already an approved this one is an approved map and give it back to the football and the other motion is the access for the Rugby go through the Lada Avenue and so as the football also they can go through the Lada Avenue. There are houses here but we still can have this access here.

Ivan Shiroma – I don't mind giving that up Mr. Chairman because there's a lot of Chamorros that are squatting there. I don't know if they have Land Trust lease or what but I have no problem and I will not chase them out.

Chairman Pascual Sablan – Let us kick them out if we have to kick them out.

Ivan Shiroma – I'm willing to give it up just so we can have some kind of compromise without them going through our property because that's the problem that we're having.

Chairman Pascual Sablan – Okay, Mr. Cruz?

Vice-Chairman Joseph Cruz – Okay are you ready for a motion?

Chairman Pascual Sablan – Yes. Oh wait, wait Mr. Cruz. Mrs. Santos you have any further comments or anything? Pika?

Commissioner Pika Fejeran – I think what we do today we have to make sure that we engage with Guam Rugby so they know that we're taking away the parking which shouldn't have happened anyway but we need to engage with them so that they know that's the new parking, this is your new access.

Chairman Pascual Sablan – It would be nice to go through that route but the document that I came across was signed by Monte. There's no such thing, there's no communication

between the rugby and the football. I'm not citing, it's just that I think the decision has to be made by this body.

Commissioner Pika Fejeran – Yes I agree. I just want to make sure that we engage with Rugby so they know what you're doing for them and why we're doing this.

Chairman Pascual Sablan – And for the record we're all new here that in the past there were some decisions made but we overrule that you know. Because I'm really surprised that (interrupted).

Vice-Chairman Joseph Cruz – So Mr. Chairman can we terminate the Rugby's license?

Chairman Pascual Sablan – I wouldn't (interrupted).

Vice-Chairman Joseph Cruz – No, no I mean I'm only asking because we have a license here and if we're not addressing what's in this license that was signed by Mr. Monte then hey. I'm only asking how much leverage do we have on this license.

Administrative Director Michael Borja – No that was just an amendment.

Chairman Pascual Sablan – Nothing on the license the original on that (interrupted).

Vice-Chairman Joseph Cruz – No, no I understand but as the Commission since you're not recognizing this document can we terminate it?

Chairman Pascual Sablan – I would not go to that extend but there's nothing in those documents (interrupted).

Administrative Director Michael Borja – The amendment?

Vice-Chairman Joseph Cruz – I mean no the one that Monte and Mr. (interrupted).

Administrative Director Michael Borja – That's the amendment.

Commissioner Pika Fejeran – That's an amendment to Hals Angels lease.

Chairman Pascual Sablan – There's nothing on the document about this one I checked this to make sure.

Vice-Chairman Joseph Cruz – What document?

Chairman Pascual Sablan – Well of all the document that they signed, the original and the (interrupted).

Vice-Chairman Joseph Cruz – So is it safe to say that the request for this deletion or this removal of alignment is the 40 foot on the left side not the one on the middle? Margaret is that the 40 foot that we're identifying on this request is the one parallel with the gas line?

Margarita Borja (DLM) – Yes.

Vice-Chairman Joseph Cruz – And the 60 foot that goes between the two fields?

Margarita Borja (DLM) – Uhmm and then I guess at a later date if we could they'll go before the Guam Land Use to try and remove that because I think in the end that's what you also want to remove that.

Ivan Shiroma – The center one.

Administrative Director Michael Borja – And that one has to be done through a survey and once that surveyor realizes what's there he'll probably give you advice because if there are utilities in there already getting them moved is going to be more expensive.

Ivan Shiroma – I can tell you what's exactly there and even the Morrison brothers will admit there's a service line (interrupted).

Administrative Director Michael Borja – Water and power.

Ivan Shiroma – Just water and no power line they're using generator. But their service line not the main Waterworks main distribution line because that distribution is parallel with West Santa Monica because our meters share the same location along West Santa Monica. So the only thing going through that road right now is their service line.

Administrative Director Michael Borja – That restroom facility over on the Rugby side is it on a septic tank and leaching field?

Ivan Shiroma – I have no idea on that.

Chairman Pascual Sablan – So this one there's nothing power here other than (interrupted).

Ivan Shiroma – There's no power line.

Chairman Pascual Sablan – Just water line.

Ivan Shiroma – There's none from us and I don't believe there's any from theirs like I said they use generator. This is where both our meters are our water meters are right along the edge here in the sidewalk. So their service line goes like this and straight into their area. Water only water service line not the distribution.

Vice-Chairman Joseph Cruz – The meter is there right?

Ivan Shiroma - Yeah the meters are right here.

Vice-Chairman Joseph Cruz – Is it a three quarter or two inch or one inch?

Ivan Shiroma – I think it's a two inch water line.

Vice-Chairman Joseph Cruz – Two inch water meter.

Ivan Shiroma – Yeah. So both our meters are here like I said. If it's like GPA your service wire cannot encroach over somebody's property to get to your house. That's like an aerial easement infraction so basically he just has his service line running in here.

Chairman Pascual Sablan – So if we were to have this thing resurveyed so we can eliminate this I'm pretty sure Guam Waterworks is going to question (interrupted).

Administrative Director Michael Borja – Well who does that water serve?

Ivan Shiroma – Rugby.

Administrative Director Michael Borja – Just Rugby.

Ivan Shiroma – Yes.

Administrative Director Michael Borja – So they should have been bringing in their water in from their access side which is Lada Avenue.

Ivan Shiroma – But even if you guys were to go ahead and give us back this piece I will not ask Rugby to get your water line out because I know it's going to be expensive. It doesn't bother us, it's underground but it's in our inventory or in my property if it was given back.

Chairman Pascual Sablan – I also came across document that Rugby promised to do a lot of things on his side and your side. Have they fulfilled that?

Ivan Shiroma – We'll be here another hour if I explain what the agreement was.

Chairman Pascual Sablan – No you don't have to I read already but did they fulfill all these promises?

Ivan Shiroma – This is our original practice just a real quick history. This is our original practice field that my dad cleared a long time ago in the 80s. In order for Rugby to come here and take this we had an agreement a town hall meeting with Senator Baza Calvo, Marcel, go ahead we'll give Rugby this just this piece. I don't know how they got this. Take this just build us a practice field over here again or somewhere. Build us a practice field you guys keep this. Next thing I knew they got both this recorded officially under their name before we got our license and we were here almost 20 years before these guys. Now we have no practice field. I'm trying to build one here. When I saw this proposal I'm like wait a

minute now I can't even put bleachers or a press box because now you're squeezing me so I only have this to deal with and this one again.

Chairman Pascual Sablan – If you have this for example access wouldn't that make it substandard (interrupted).

Ivan Shiroma – You can't have an official field if you take that 60 feet here and keep this. Look at the difference we're the original people that had activity here look at how much these guys have now as opposed to us and we're there 20 years before them coaching kids. We've been doing community service before we even committed a crime. Yes I'm willing to give this all of this up. Nobody questioned Rugby where do they park? Now they're going to be parking on our side?

Chairman Pascual Sablan – Mr. Shiroma you close this side for example when it's not in use what's your plan are you going to put fence and everything?

Ivan Shiroma – Yes I'm trying to control the location so nobody comes in and steal my copper again.

Chairman Pascual Sablan – Oh they steal copper?

Ivan Shiroma – Three times.

Administrative Director Michael Borja – That size is 49,000 square meters the Rugby side.

Margarita Borja (DLM) – Ivan I just have one question about that I know there's a gate, there's an entrance to the school is that something that can be closed off if anything? Because I think do they use that as an access to go in the school.

Ivan Shiroma – Yes I don't believe you should be parking in there where the kids are playing because if everybody parks in there, I don't make our Football Association park in there. We practice there but we got permission from the principal. But when Rugby has a game they go park inside there and who knows if there's (interrupted).

Administrative Director Michael Borja – Is that gate back there that 60 foot easement leads up too? Is that gate there for fire and safety purposes do you know?

Ivan Shiroma – I have no idea. I think all I see is the guys that do maintenance on the grass.

Vice-Chairman Joseph Cruz – No because the terrain, the terrain is bad on the back. I don't think a firetruck will enter (inaudible).

Ivan Shiroma – They have access from the school (inaudible) also.

Legal Counsel Kristan Finney – I'm sorry you're trying to find out if the school needs to access that?

Administrative Director Michael Borja – It's the gate, it might be just you know for their own exit.

Chairman Pascual Sablan – Okay thank you Mr. Shiroma. The Chair is ready to hear a motion and I think Mr. Cruz is (didn't finish).

Vice-Chairman Joseph Cruz – I move that the request for the deletion of the 60 and the 40 be granted and the 40 foot on the center must be deleted as per Public Works concurrence being that it's a utility, it's a private line if Public Works does not need it for an access then subject to that.

Commissioner Amanda Santos – I second it.

Chairman Pascual Sablan – Any discussions?

Vice-Chairman Joseph Cruz – On the -9 on the creation of this if we're considering parking for the Rugby and they got majority of the acreage why cut it up why not just leave it to the remainder of the Football's lease?

Administrative Director Michael Borja – Why do they not have their own area for their own parking?

Vice-Chairman Joseph Cruz – Yes.

Administrative Director Michael Borja – Good question.

Vice-Chairman Joseph Cruz – I mean the 40 some thousand square meters that Rugby has they're not utilizing the whole lot so we'll deal with them when the time comes for parking. But right now I don't agree having a pan or an access and wasting this acreage in there for another lot not unless they have another intent of leasing it, a different activity.

Administrative Director Michael Borja – Then would you suggest that you keep that 40 foot access on the west side so they can enter from Santa Monica?

Vice-Chairman Joseph Cruz – No because if it's together with the R9 it's one consistent lot. You don't need an access for that because it's part of the basic lot.

Administrative Director Michael Borja – Oh so you just keep it called R9 not a NEW-9.

Vice-Chairman Joseph Cruz – Yes.

Administrative Director Michael Borja – So you keep it one lot so he can enter and exit any way he wants.

Vice-Chairman Joseph Cruz – Yes.

Administrative Director Michael Borja – Got you. You understand that what he said?

Ivan Shiroma – Yes.

Administrative Director Michael Borja – Don't see a reason why you have to have this easement just so that everyone can park but if this is just one lot then you can have your access in there any way you want.

Vice-Chairman Joseph Cruz – You can use it for your maintenance warehouse or whatever. And then delete that 7R/W and just take that 1,400 square meters and bring it in instead of 116 for that 8 maybe just one hectare which is 10,000 square meters.

Commissioner Pika Fejeran – So then Rugby would access the parking through their own.

Vice-Chairman Joseph Cruz – There's no parking for Rugby we're not considering the parking for Rugby.

Administrative Director Michael Borja – They have to consider their own parking.

Commissioner Pika Fejeran – I see.

Legal Counsel Kristan Finney – Before you vote to remove that access if the Commission has an agreement with the Rugby group to provide that access even if there was an issue with that as you had brought up before don't you think that you would need to bring in the Rugby group and involve them in this? Because I mean what's going to happen if they find out that if they had an agreement and without consulting them and just changed the agreement that's the same thing that happened with these guys. You're going to create a new problem (interrupted).

Administrative Director Michael Borja – Well my question then would be while the Commission in 2010 had apparently moved and passed a motion to take out a section of the Football's land to dedicate it for the benefit of the Rugby and by virtue of doing the amendment and the Rugby people signed it isn't that kind of like an invalid amendment? Could it be found to be invalid or not really binding?

Legal Counsel Kristan Finney – I would think so but where I'm saying is that whether that agreement should have been made or not the Commission and I have to just you know because I haven't reviewed all of the details of the agreement either with the Football or with the Rugby. I'm just saying if there is an agreement with the Rugby people then you're going to need to involve them before you just change your agreement even if the agreement shouldn't have been made to begin with.

Chairman Pascual Sablan – I guess as a legal counsel I agree with you with that but if you look at really the history of Rugby and the Football Association it looks like there's always a unilateral without the consent of the other party.

Legal Counsel Kristan Finney – Well it's just that I mean you know if you're making an agreement with the Rugby Association to change the agreement you have with the Football that's not right but it's also not right to make an agreement or you know to pass something based on what these guys are saying to change your agreement with the Rugby people. That wouldn't be right either.

Vice-Chairman Joseph Cruz – Okay the way I see the deletion it's an encumbered alignment within the basic lot of the Football. We are not reducing the acreage of the Rugby. Everything is on the Football alignment and it's only an encumbered.

Legal Counsel Kristan Finney – True but there seems to be some agreement between the Commission and the Rugby Association. It sounds like you might be trying to change that agreement without involving them. So I just want to caution you to make sure that that's not what you're doing here.

Chairman Pascual Sablan – Nothing yes thank you but you know what I was looking at the latest agreement that was signed between Rugby and the late Mafnas there is nothing that it says that that especially the (inaudible) alignment the 40 foot is part of the agreement that CLTC has and the Rugby. I cannot find any.

Administrative Director Michael Borja – In fact in this addendum to the Football's, Hals Angels Association we more precisely now defined what the Football people have based on the same survey map that the Rugby people used and nowhere on this map is this 60 foot alignment. So when this document this addendum with the Rugby people had taken away the 60 foot easement out of the Football it didn't depict any map change which it would have to have. It would have to have a survey map that would show it was approved. So you know it doesn't even have that kind of delineaty where there's nothing there nor is it a recorded addendum, amendment to the agreement. And then it's involving another person's land without their signature on the amendment or their concurrence to the amendment and they in turn in fact in that lease they used the same survey map 403FY01 to make their point with a sketch, a drawing of an exhibit showing where they wanted this easement but that's (interrupted).

Legal Counsel Kristan Finney – Was the Rugby Club invited to be (interrupted).

Administrative Director Michael Borja – In this meeting? I don't believe so. But your point is you know well taken they're a party that's involved in this but you know we're all talking about the same map. Each one of us are all talking about the exact same map in which that 60 foot easement is not showing at all. So no one has gone forth to create one that has a 60 foot easement. All they had was a, it doesn't even look like well it's some kind of sketch.

Legal Counsel Kristan Finney – All I'm trying to say is if there is an agreement between the Commission and the Rugby people I would not recommend that that agreement be changed or that you attempt to change it without involving the Rugby Club.

Chairman Pascual Sablan – They mention here the access this was I think 2011, access to licensed property pending completion of new access road depicting on Exhibit C, licensee it's agents...and then mention the 40 foot okay pending because they want to go through this process. This is only for me it was signed by Mr. Mafnas and signed by that. Why weren't the Hals Angels consulted if there is an agreement? I appreciate and I understand as counsel that we should but it looks like as I said one way street here whoever comes here and all those things. And believe me there's a lot of documents missing here and no action by the Commission. I feel like throwing up after I read all these things. How it happened I don't know.

Ivan Shiroma – Ms. Finney excuse me so if we do have another meeting Rugby is going to come in here and say look I don't agree with what you guys just did today. They're going to ask can we restore the 40 foot utility easement and the 60 feet. You guys are going to ask me, and I say no I don't want to restore it. So we're back to square one right?

Legal Counsel Kristan Finney – All I'm (interrupted).

Ivan Shiroma – Because there's no agreement, there's no agreement here made from the last meeting. They never contacted me. They tried to shove that right through like they did that they're getting their license from day one. I was never called or my dad was never called about them getting their license their original license. That's what really upset us because they only wanted half of that piece of property that they had up there but now they double the size without us being called in.

Blu Shiroma – Can they do that? Is that legal if we have the lease can they (interrupted).

Ivan Shiroma – We didn't have the lease.

Blu Shiroma – Huh?

Ivan Shiroma – We didn't have the lease back then. Land Trust wasn't even created before that when we were having activity there.

Administrative Director Michael Borja – No, no but in this whole chronological order it looks like Hals Angels had the lease prior to Rugby for the piece of land.

Ivan Shiroma – No. I have my license here, 2008 from Mr. Borja it's the only time I got it.

Administrative Director Michael Borja – Right, right that's what I'm talking about in 2008, they're in 2010 or the changes were made in 2010.

Ivan Shiroma – Yes but they got theirs in 1993 or 1998 one of the two if you check the record. They had it before us they had that piece surveyed and recorded before we even got our license. That's why I complained to Mr. Borja, Joe Borja I said how did these guys get their license done without consulting my family?

Administrative Director Michael Borja – Okay theirs is 2002.

Ivan Shiroma – I just want to stop deleting that's it.

Chairman Pascual Sablan – Do you have the insurance, liability insurance?

Ivan Shiroma – No sir.

Chairman Pascual Sablan – No?

Ivan Shiroma – I'm not sure where my boundary was until just recently because I just don't know.

Chairman Pascual Sablan – That's another thing that on the contract it says that they have to have a liability insurance and what I would like to see is that the CLTC and whoever purchasing that insurance will be the two party on that insurance. Because they always say we'll buy the insurance and of course they bought the insurance but later on a month later they terminate. **Anyway a motion has been made, second, discussion is over. Those in favor say aye.**

Vice-Chairman Joseph Cruz - Aye.

Commissioner Amanda Santos – Aye.

Commissioner Pika Fejeran – Aye.

Chairman Pascual Sablan – Aye, unanimously have the ayes.

Commissioner Pika Fejeran – I would like to make a motion to call Rugby in so that they're aware of our decision and (inaudible).

Ivan Shiroma – Thank you, thank you very much for considering us.

Chairman Pascual Sablan - Okay thank you too for coming. And be more aggressive and be more (inaudible).

Vice-Chairman Joseph Cruz – You don't want them to be aggressive.

Chairman Pascual Sablan – What I meant to say is we publish out the agenda if you see anything or come to us.

Ivan Shiroma – Another thing I have nothing personal against Rugby they're doing good just like we're doing good with the youth kids for football. We're doing the same thing as Rugby but the one thing I have over all of them is I am a Chamorro born and raised here.

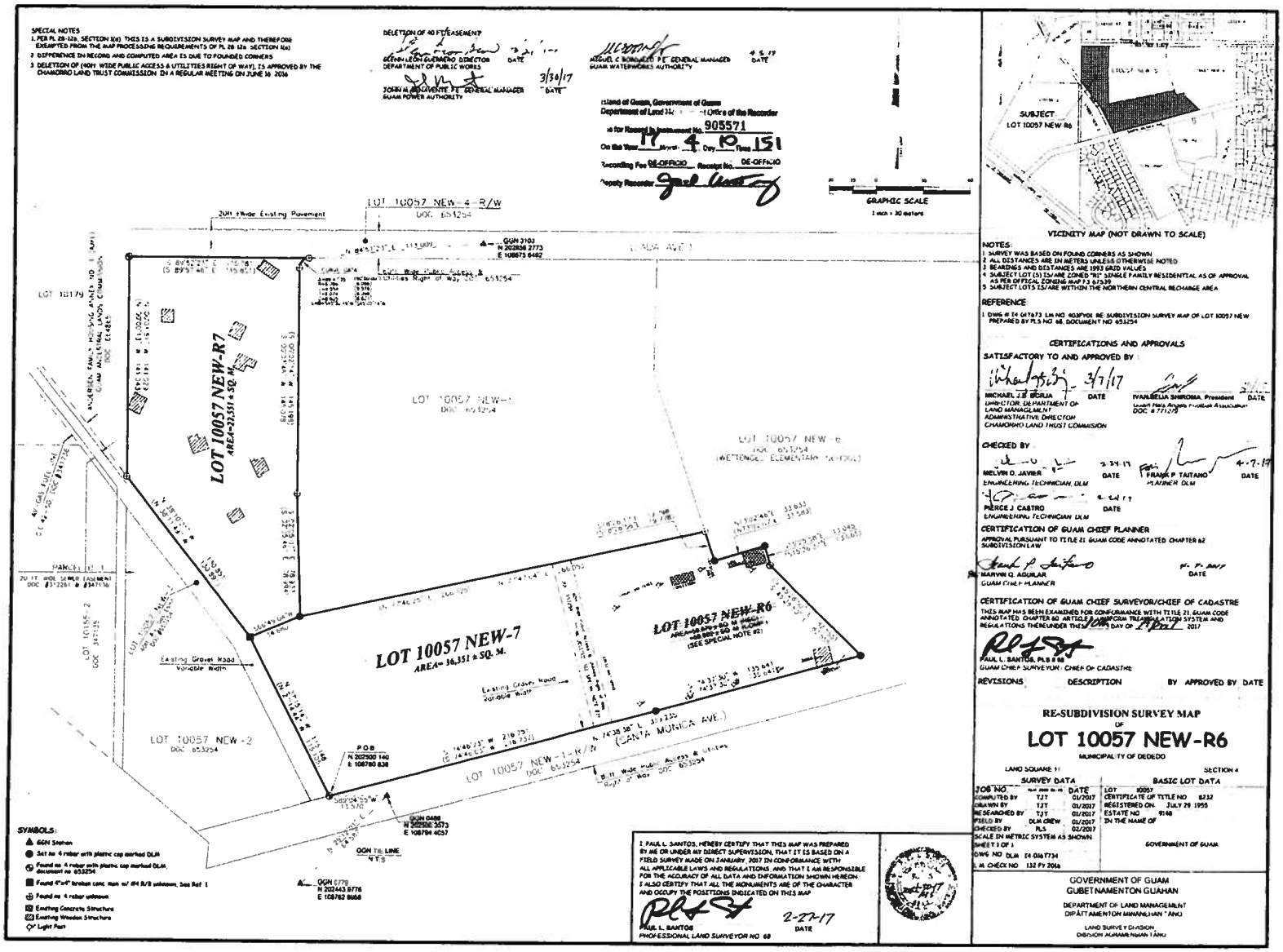
Commissioner Amanda Santos - Thank you.

Ivan Shiroma – Thank you.

(Break 2:50pm – 2:59pm)

2. Guam Raceway coral extraction and other payments

Administrative Director Michael Borja – What we have is Guam Raceway, it was authorized by both Public Law 24-141 and one of the sections in the statute for their lease. They have approximately 252 acres or over a million square meters of land. The license agreement was effective in 1998 for a period of 20 years. CLTC according to this is supposed to be indemnified and there's supposed to be a $300,000/$1,000,000 insurance and the use of the property the licensor shall receive 50% of the value of extracted minerals and materials removed from the property. According to the Public Auditor findings in 2012, 2013, 2014 and 2015 in each one of those annual audits they had a finding that noted the exact same thing that the coral extraction royalties revenues were not evidenced by an underlying agreement or documentation of royalty rates and the revenues were not evidenced by verification of actual coral minerals extracted. The recommended course of action for this was to establish policy and procedures for documentation and monitoring of coral extraction and that was from the Public Auditor. Other findings include Public Law 30-204 established an event admissions assessment requiring an admissions assessment of 10% of the admission price to be paid to the Government of Guam with quarterly reporting to the CLTC and the Guam Legislature. And also we do not possess any verification of insurance coverages specified in the license agreement. The recommendation that we have is that there be a moratorium on all coral extractions until documentation and monitoring procedures of coral extractions is established. The Guam Racing Federation provide a validated and certified method of determining topographical terrain variances on a monthly basis so we can verify the extraction of minerals. Guam Racing Federation provide a validated and certified method of determining admissions assessment and pay the last five years of admissions and commence quarterly reporting. Guam Racing Federation provide insurance certification within 10 days. And provide notice of findings and recommendation to the Guam Racing Federation via a resolution. Attached to this document is the license agreement that was generated as well as the public law that created the Guam Racing Federation and then lastly you have copies of each of the annual findings from the most recent to the oldest in which this was a continued finding from the Public Auditor. We had worked in the past to try and come up with a determination of the coral extraction through some audited reports from Hawaiian Rock however that wasn't sufficient in the case of what the Public Auditor had required. They wanted to see for the total not just for one specific company unless they were the only company doing it. I know I had some discussions at one point with Hawaiian Rock where I pointed out the fact that they were able to do some volume reporting on their side of the house with the use of a drone unit that can verify volume differences through topographical surveys. Regardless on how we're (inaudible) either new technology or surveying I mean the fact is that the Office



Doc. No. 34GL-18-1679.

RB 2/19
DEPARTMENT OF LAND MANAGEMENT
RECEIVED
FEB 19 2018
1220

Wettengel Football Facility

Master Plan

Layout Exhibits

Prepared for the:

Hal's Angels Football Association

W.B. Flores & Associates
Guahan, Islas Marianas

December, 2017

Doc. No. 34GL-18-1679.

Layout Exhibits Table of Contents

Section 1 – Table of Contents

Section 2 – Executive Summary

Section 3 – Master Plan Exhibits

- Plan View and Layout
- Space Program
- Overall View Rendering
- Enlarged Rendering 1
- Enlarged Rendering 2

Section 1 – Executive Summary

1.1 Introduction and Purpose

The Hal's Angels Football Field Facility in Wettengel, Dededo, Guam is historically and currently the most used football field and park and recreation facilities in the region and currently in demand for a variety of youth, village and organization teams. The demand for an additional field is intense as it is located in the major center of Guam's population.

Football legend and icon Harold Shiroma known to most as "Hal" introduced the concept of organized youth football in the 1970's. He realized that the island needed a general use football park since the only football fields available were on public school and military facilities.

Armed with an unrelenting drive, the ever-popular Shiroma resolved to build a facility where youth could come and play organized football. They could learn discipline, teamwork and most of all, an alternative to trouble in the streets because there was no outlet for their pent-up energy and youthful enthusiasm.

Just around the corner from where he lived was vacant unused property belonging to the Government of Guam. The property was adjacent to a main street and a school and fit perfectly into Hal's plans.

Hal moved from island leader to island leader, from office to office and dreamed of a place where teams from all over Guam could converge for practice and to play football. His plan was to bring kids, families and spectators together to universally enjoy the world of football – and the rest is history.

Constructed under Hal's direct supervision in the early 1980's, the site quickly became the center of the Central Pacific football universe. Whatever it took, knocking down doors to Governor Ricardo Bordallo's office, Mayor Martin Benavente's office, government agencies and sponsors Hal did it all. He spent thousands of dollars of his own personal funds to clear the property, level it and prepare it for use. Volunteer equipment operators included his sons, his friends and even high-ranking government officials who all worked weekends, evenings and into the wee hours of the morning driven by Hal and his commitment to the kids.

Many familiar and involved with the project used to joke that "Have Radio, Will Travel" referring to Hal's two communications radios slung like a gunfighter's weapons over his shoulders. Hal used these radios to coordinate the work and to remain in touch with key responsible people to ensure that deadlines and commitments were achieved.

As a result over the years thousands of athletes, male and female, young and old, and their families and friends have enjoyed the "Hals Angels' Field". Currently the facility hosts hundreds of young athletes and others every month for practice, games or just exercise, but the user base has expanded to require that i1nevitable improvements must be implemented.

It is not uncommon to see senior citizens taking their daily after-dinner walks around the field while youth teams practice and exercise or play. The demand is high for practice space and field space throughout the island which has resulted in the current inventory of fields not being able to support a quality experience for as many as possible.

Hal's ultimate plan was to construct four football fields with service and vendor facilities. He worked directly with the Governor of Guam and the Directors of Public Works and Parks and recreation who recognized the challenges to meeting the demand for organized football field facilities. He worked tirelessly with sports interest groups to help resolve issues and create a support mechanism.

Hals Angels Field has served Guam residents and visitors in the tens of thousands since its inception. This equates to three generations of Guam residents.

W.B. FLORES & ASSOCIATES was retained to evaluate the athletic field layout and develop the Hal's Angels Hals Angels Football Field Master Plan.

This plan is required by the Guam Chamorro Land Trust Commission as part of its regulatory documentation. The plan is made even more crucial as competing, late-in-the-game continue attempts to decrease the football field footprint to address other interests for which the site was never intended.

The Hals Angels Wettengel Footbal Field Master Plan will help set priorities on how to improve the existing athletic field sites as well as identifying the need for additional capacity to support the needs of the residents which include parking, restroom facilities, the two football fields, adequate stormwater runoff disposal, vendor facilities and a family-friendly layout.

Lot 10057 New-5
Doc. 653241

French Drain

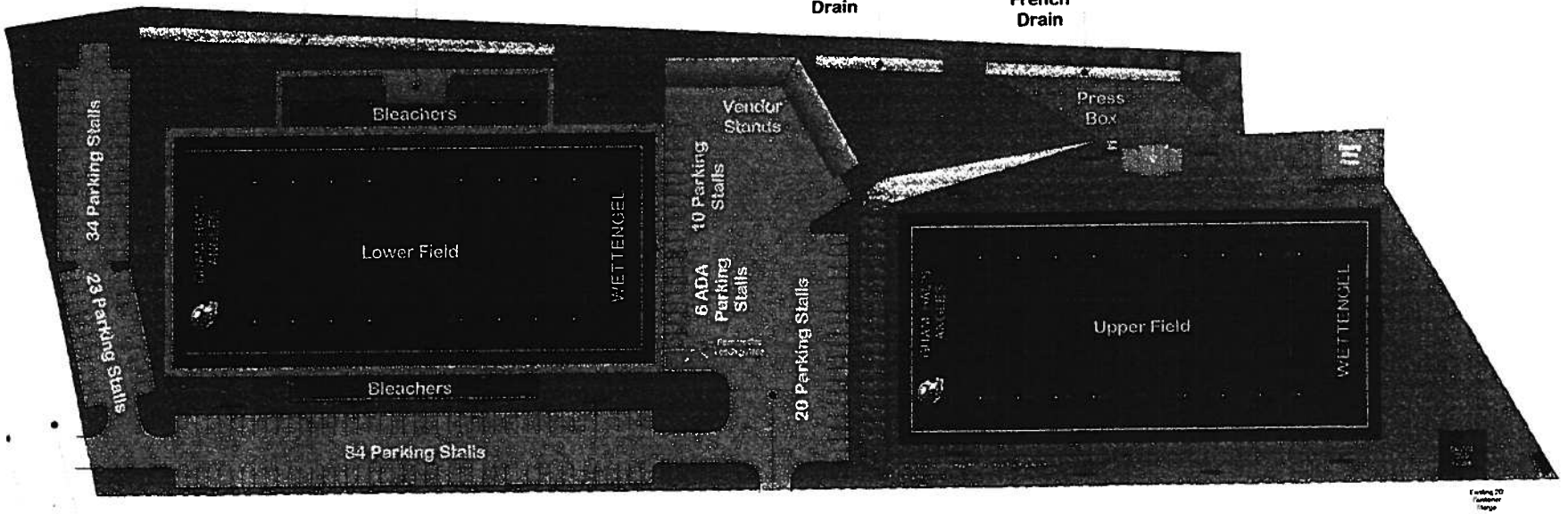
Press Box

Lot 10057 New-5
Doc. 653241

French Drain

French Drain

Lot 10057 New-6
Doc. 653254
(Wettengel Elementary School)



Lot 10057 New-1-R/W
Doc. 653254

Project Lot 10057 New-5
Doc. 653241

Santa Monica Avenue

Lot 10057 New-3 40ft. Wide
A.V. Gas Easement
Doc. 653254

Lot 10057 New-2
Doc. 653254

80ft. Wide Public Access &
Utilities Right of Way
Doc. 653254

Wettengel Football Field Master Plan

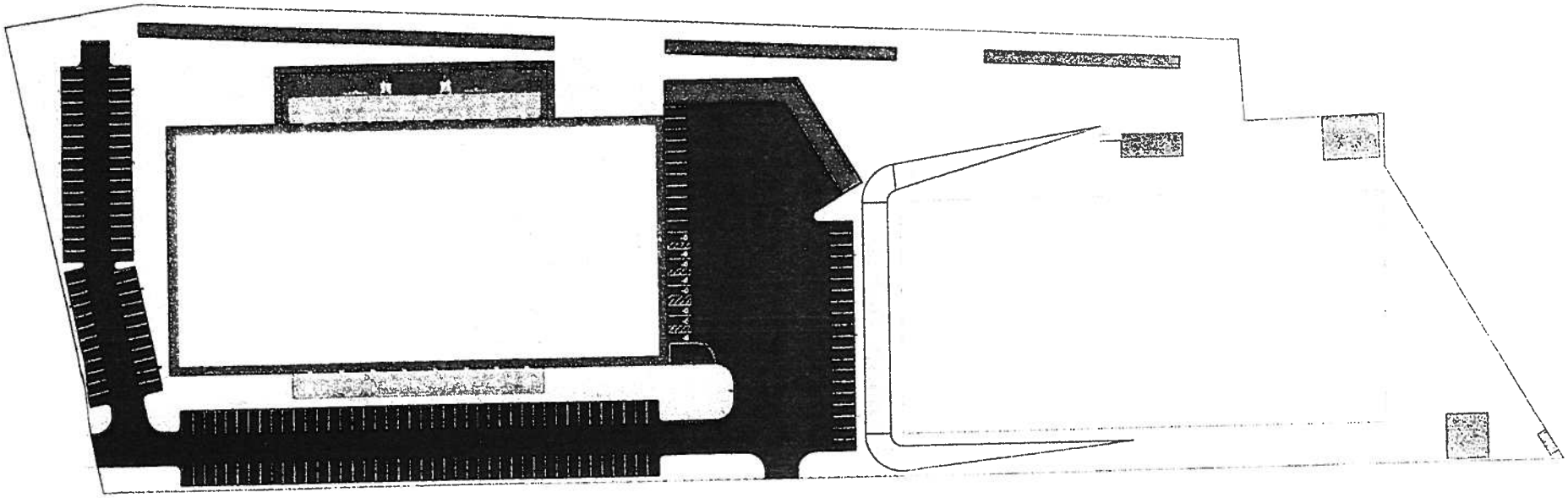
W.B. Flores & Associates

Doc. No: 34GL-18-1679.

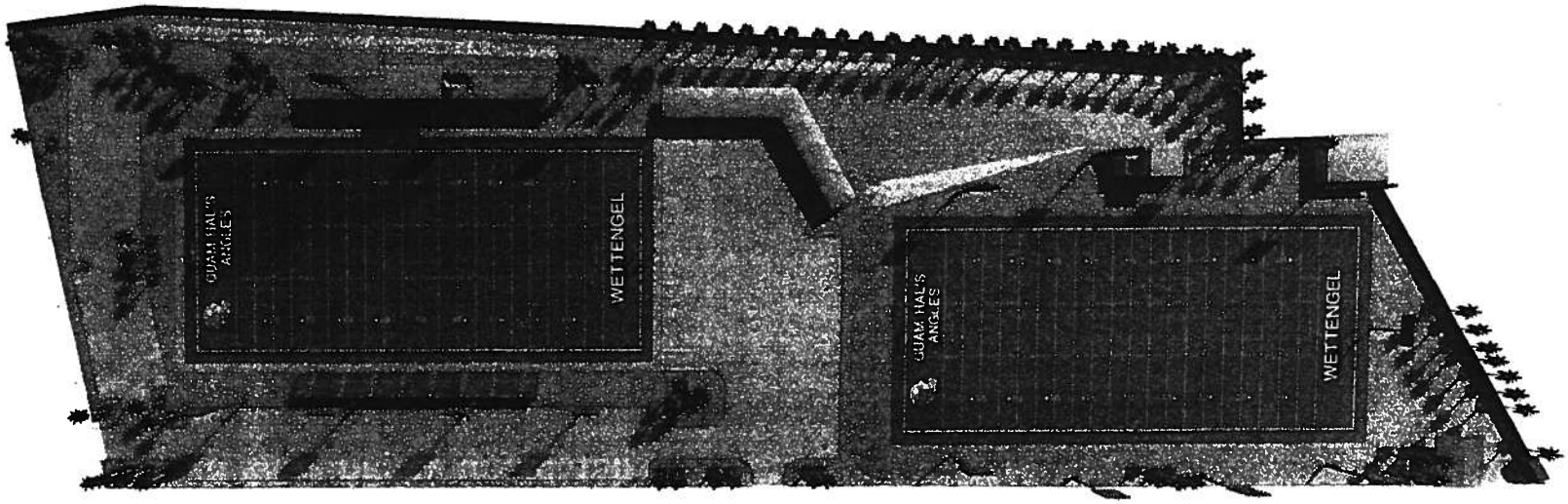
Hal's Angels Football Field Space Program

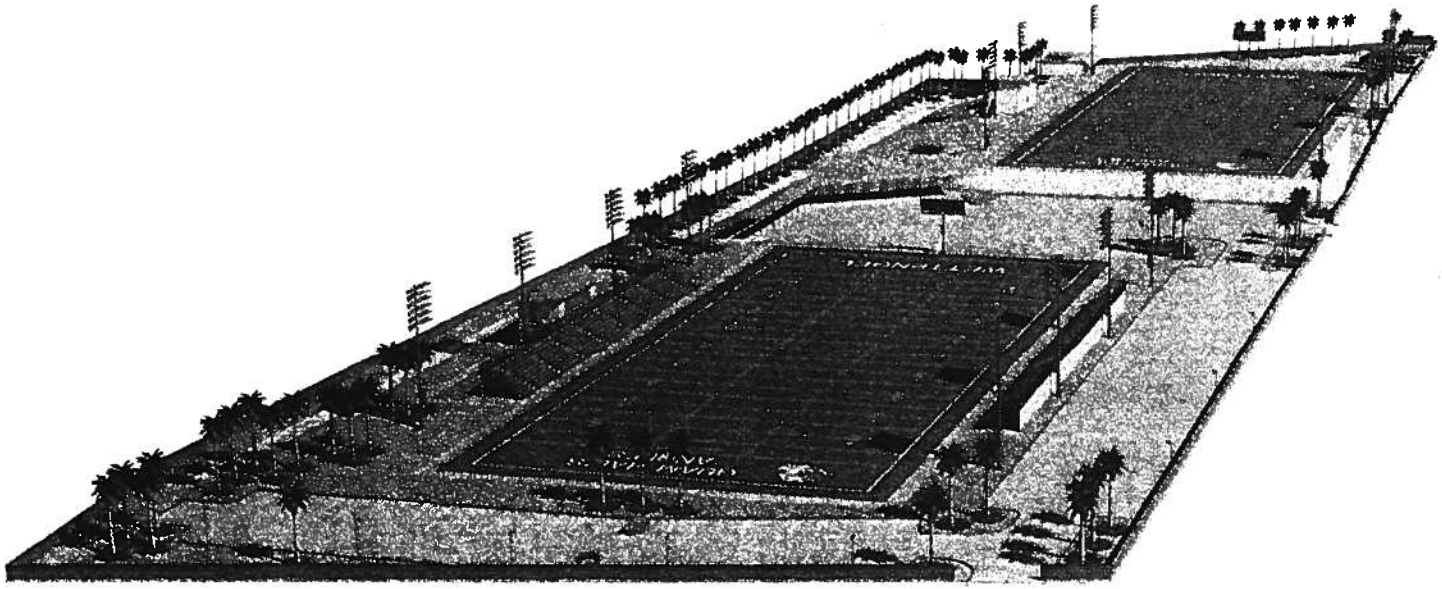
Legend and Areas

12,917.98 SM	Play Field Areas
	Parking & Access Areas
2,733.93 SM	Building Areas (Including Bleachers)
821.51 SM	French Drain Areas
771.83 SM	Rip-Rap Slope Areas
12,075.68 SM	Grass and Landscape Areas



Doc. No. 34GL-18-1679.



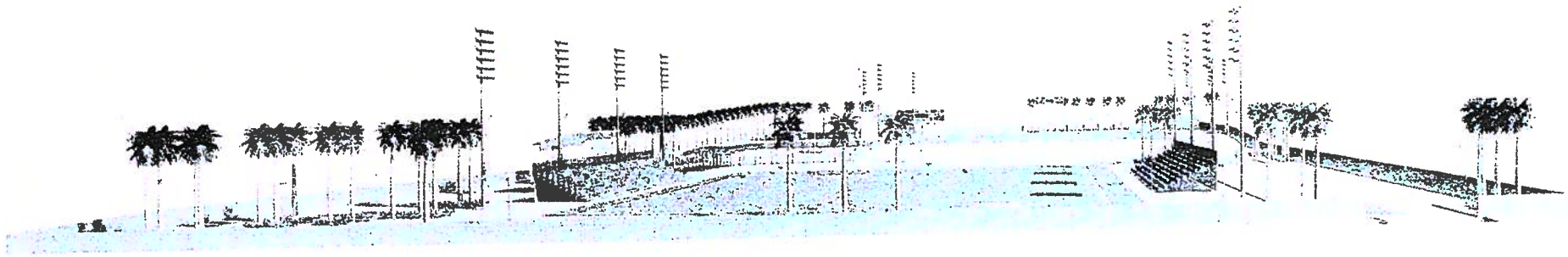


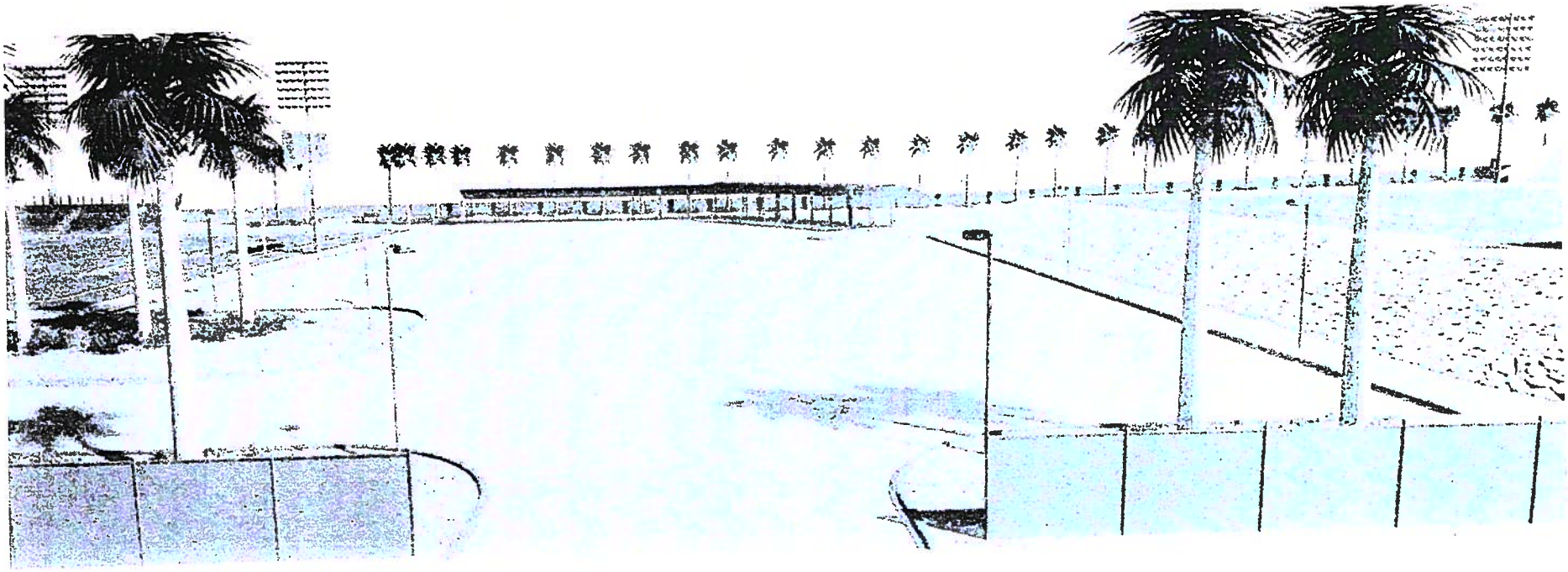
Wettengel
Football Field

CONCEPTUAL SITE RENDERINGS

W.B. Flores & Associates

Doc No. 34GL-18-1679



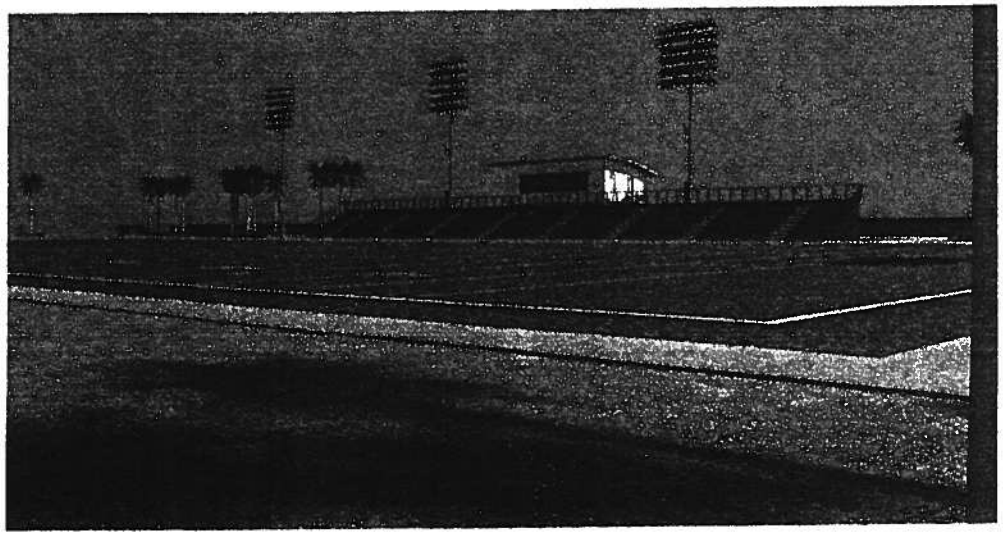


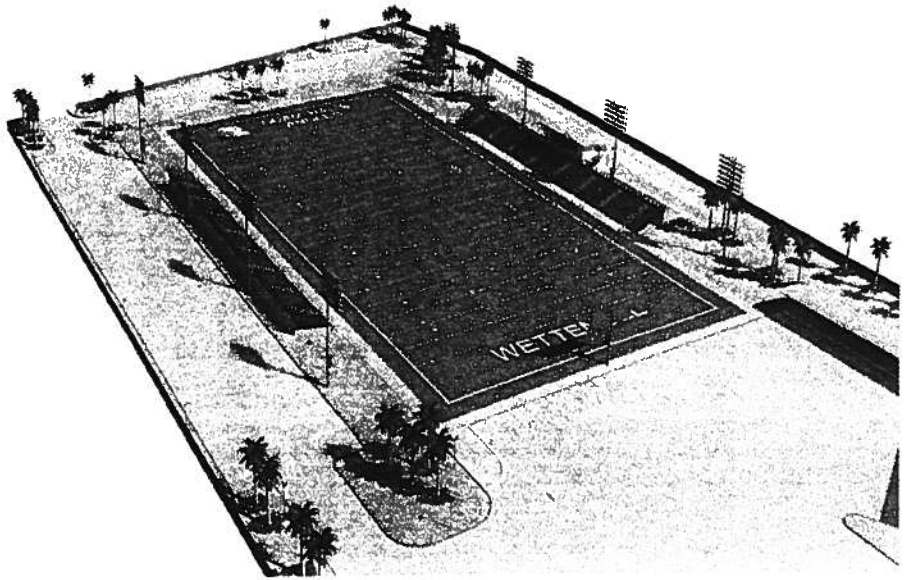
Wettengel
Football Field

RENDERINGS -1

W.B. Flores & Associates
CONSULTING ENGINEERS

Doc. No. 34GL-18-1679.





Wettengel
Football Field

RENDERINGS -2

W.B. Flores & Associates

Doc. No. 34GL-18-1679.

Department of Revenue and Taxation

Government of Guam
855 West Marine Drive
Agana, Guam 96910

Certification of Tax Exemption

This is to certify that

GUAM HAL'S ANGELS FOOTBALL ASSOCIATION

a Religious, Charitable, Scientific or Educational having fully complied with the necessary requirements set forth under section 19521 of the Business Privilege Tax Act of Guam, is hereby declared tax exempt, which exemption will continue indefinitely unless revoked on the basis of further information obtained by audit or otherwise.

10/22/85
DATE

DAVE J. SANTOS
COMMISSIONER OF REVENUE AND TAXATION

332

©BOCES 354

Doc. No. 34GL-18-1679.

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting

Guam Raceway Federation aka Guam Raceway Park

1. **FACTS:**

   a. On June 1, 1998 the Chamorro Land Trust Commission (CLTC) and Guam Racing Federation (GRF) entered into a 20 year License Agreement.
      Start Date: June 1, 1998
      End Date: May 31, 2018

   b. Schedule of monthly rental payments due on the first day of each month:
      June 1, 1998 to May 31, 1999 - 1st year – waived
      June 1, 1999 to May 31, 2000 - 2nd year – waived
      June 1, 2000 to May 31, 2001 - 3rd year - $1,000/month
      June 1, 2001 to May 31, 2002 - 4th year - $2,000/month
      June 1, 2002 to May 31, 2003 - 5th year - $3,000/month
      June 1, 2003 to May 31, 2008 - 6th through 10th years - $3,300/month
      June 1, 2008 to May 31, 2013 - 11th through 15th years - $3,630/month
      June 1, 2013 to May 31, 2018 - 16th through 20th years - $4,000/month

   c. Use is soley for the activities proposed by Licensee and for incidental purposes related to a raceway park.

   d. Agreement may be terminated by either party on ninety (90) days prior written notice to the other party for cause for the non-compliance of any provisions of the Chamorro Land Trust Act or adjudicated regulations of Licensor.

   e. Rights of Licensee under the Agreement are personal to Licensee and may not be transferred or assigned to any other person, firm, corporation or other entity.

   f. Licensee indemnifies the Chamorro Land Trust of any liabilities regardless of fault.

g. Procure at Licensee cost comprehensive liability insurance with minimum limits of not less than $300,000.00 for injury or death to one person and not less than $1,000,000.00 for any one occurrence, and a policy in the sum of $1,000,000.00 insuring against claims of third person for property damage.

h. Licensee may alter the property in order to make it usable for its purpose. Alteration will include but is not limited to the removal of top soil and/coral from the property. Fifty percent (50%) of the materials which are extracted from the property or the value thereof shall be the property of Licensor.

i. At the time of termination of the license, Licensor will determine whether or not it desires to have the property returned to its pristine condition. It is the responsibility and the sole cost of Licensee to remove any and all improvements placed upon the property. If Licensor should take the property "as is" Licensor must advise Licensee within sixty (60) days of the termination.

j. Any modification of the Agreement or additional obligation shall be binding only evidenced in writing signed by each party or an authorized representation of each party.

k. The License Agreement effectuated by CLTC and GRF was mandated by P.L. 24-141. Furthermore, P.L. 24-141 authorized the exemption for Real Property Taxes and created an Event Admission Assessment of $2.00 per paid admission payable to CLTC.

l. P.L. 20-204 amended the Event Admission Assessment and requires GRF to pay 10% of any event for which a fess is charged, effective the enactment date of P.L. 24-141. Furthermore, P.L. 20-204 made GRF liable for any admission assessment not paid by the organizer and requires GRF to submit quarterly reports to CLTC and to the Speaker of I Liheslaturan Guahan outlining the event, organizers and etc. effective the date P.L. 24-141 was enacted.

2. FINDINGS:

a. GRF's quarterly report does not reflect all the admission events that have taken place at the Guam International Raceway. A review of the Guam International Raceway calendar of events from October 2016 to February 2018 reflects that there has been weekly Friday Night Drags, several Drift Sessions, and a Battle Showcase on Feb. 24, 2018.

b. The amounts reflected on GRF's quarterly report as 10% due for events other than Smokin Wheels is 10% of the agreed use fee of the Guam International Raceway.

c. Guam Auto Sports LLC dba: Guam Adventures still conducting business.

d. Guam Racing Federation has a receivable balance of $4,000.00.

3. ABSTRACT OF EVENTS:

a. GRF submitted a report detailing admission events that took place at the Guam International Raceway.

b. GRF submitted "Track Use Agreements" executed with several different companies.

c. GRF submitted a copy of their current Application and Permit for Clearing and Grading.

4. RECOMMENDATION:

a. Consider any modification of the lease or additional requirements be put in writing to ensure modification and additional requirements are binding as stated under Item #14 Modification of Agreement.

DEPARTMENT OF
LAND MANAGEMENT
CLTC - Operations Fund
P.O. Box 2950
Hagatna, GU 96932

Statement

Date	3/15/2018

To:

Guam Racing Federation
976 Cross Island Road, Apt. C
Santa Rita, Guam 96915

Amount Due	Amount Enc.
$4,000.00	

Date	Transaction	Amount	Balance
09/30/2017	Balance forward		23,770.00
10/01/2017	INV #556. Due 10/01/2017.	4,000.00	27,770.00
11/01/2017	INV #575. Due 11/01/2017.	4,000.00	31,770.00
11/06/2017	INV #580. Due 11/06/2017.	2,301.00	34,071.00
11/06/2017	PMT #3560/2218014229.	-2,301.00	31,770.00
11/06/2017	PMT #2218014232/3567.	-8,000.00	23,770.00
11/06/2017	PMT #3568/2218014236.	-8,000.00	15,770.00
11/06/2017	PMT #3569/2218014240.	-4,000.00	11,770.00
11/06/2017	PMT #3565/2218014280.	-7,770.00	4,000.00
12/01/2017	INV #589. Due 12/01/2017.	4,000.00	8,000.00
01/01/2018	INV #605. Due 01/01/2018.	4,000.00	12,000.00
02/01/2018	INV #618. Due 02/01/2018.	4,000.00	16,000.00
02/15/2018	PMT #2218052422/3579/3580.	-12,000.00	4,000.00
03/01/2018	INV #631. Due 03/01/2018.	4,000.00	8,000.00
03/12/2018	PMT #3583.	-4,000.00	4,000.00
03/12/2018	INV #636. Due 03/12/2018.	1,705.00	5,705.00
03/12/2018	PMT #3584.	-1,705.00	4,000.00

CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
0.00	4,000.00	0.00	0.00	0.00	$4,000.00

Guam International Raceway DBA: Guam Racing Federation

NPO #12342 **Location:** Lot 7121-R1 Rt. 15 Yigo Guam |

www.guamraceway.com

Attn: Chamorro Land Trust Commission

Below is a chart that shows admission events that took place at the Guam International Raceway in Yigo from 2015 – 2017.

Total due from amounts collected from 3rd party event organizers is: $1,705.00

Event Date	Event Name	Company Name	Amount Collected	10% Due	10% Paid	Total Due
4/17-19 2015	Smokin Wheels	Guam Racing Federation	$27,898.00		$2,789.80	$0.00
1/9/16	Offset Kings Car show	Upshift Ent.	$1,500.00	$150.00		$150.00
4/15-17 2016	Smokin Wheels	Guam Racing Federation	$28,200.00		$2,820.00	$0.00
6/25/16	Electric Island Festival	6AM Group	$8,550.00	$855.00		$855.00
2/11/17	Battle Showcase	Upshift Ent.	$1,500.00	$150.00		$150.00
4/7-9 2017	Smokin Wheels	Guam Racing Federation	$23,010.00		$2,301.00	$0.00
6/24/17	Electric Island Festival	6AM Group	$5,550.00	$550.00		$550.00

MAIL: 967-C Cross Island Rd. Santa Rita GU, 96915 | Tel (671) 565-5208 | Fax (671) 565-1214

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
Government of Guam

$413,541.07
$ 1,602.25 - P/C - Pd. 10/10/17
$ 2,465.00 - P/F
$ 4,067.25

BUILDING SAFETY IS NO ACCIDENT

BUILDING INSPECTION & PERMITS SECTION
APPLICATION AND PERMIT FOR CLEARING AND GRADING

PERMIT NUMBER G17000089

LOCATION			ENG. SOLID REPORT		Est. Quantity	Permit Fee	Fee Received
District	Block	Lot	Tract	Date Filed	Excav. Cu. Y.D. ~~99,733~~	$	$
Yigo		7161-R1			Fill Cu. Y.D. 99,733	$	By: Date:

Located at Guam International Raceway Park, Route 15, Yigo

Lot Area: 581,420 Sq. Ft.: 14 Acres Overall Dimensions: _____

Description of Soil: Fill Material: Limestone

Existing Ground: Limestone

Estimated Starting Date: December 04, 20 17 Estimated Completion Date December 04 20 18

Remarks: Backfilling (within the Phase 5A AREA)

Owner: Guam Motor Racing Federation Address: 1024 S. Marine Corps. Dr. Tamuning Gu. Phone: _____

Engineer: Eduardo Salanatin Address: _____ Phone: _____

Contractor: Hawaiian Rock Products Address: 1402 Route 15, Mangilao, Gu. 96913 Phone: 734-2771/898-1706

License Number: 1092

Date of Application: NOV. 1, ~~2017~~ 20 17 Applicant: Freddie Cruz - 898-1706 J.C.

Application Revised By: _____ Date: _____ 20___

TO THE APPLICANT: Permission is hereby given to the above work according to the conditions hereon and according to the approved plans and specification pertaining thereto, subject to compliance with Chapter 70 of the U.B.C. No burning allowed on site unless a burning permit has been issued by the Fire Department.

REMARKS: Not valid without the approval of the Department of Public Works

Issued By: _____ 12/04/17.
Mr. Joseph D. Guevara
Building Permit & Inspection Administrator

APPROVAL BY OTHER AGENCIES (Route as indicated)

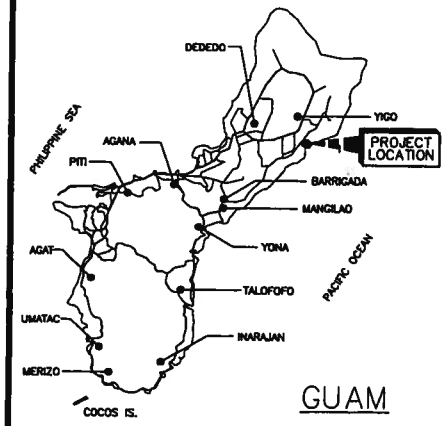
AGENCY	DATE	SIGNATURE	COMMENTS
Land Management, Zone	10/17/17	[signature]	No removal of graded material
Parks and Recreation	10/4/17	[signature]	Approved as per Phase 5A agreement.
Guam Power Authority			
G.E.P.A.	11/29/17	[signature]	APPROVED GEPA/EC NO. B1116-11420
Dept. of Agriculture	11/13/17	[signature]	"Approved for the intended purpose only."
GGN Survey Division	10-17-17	[signature]	Approved
Contractor's License Board	11-14-17	[signature]	Lic. exp. 6-30-2019
Dept. of Public Works - D/A	12/01/17	[signature]	Approved per Backfill Appl.

The owner of this building and the undersigned agree to conform to all applicable laws of this jurisdiction

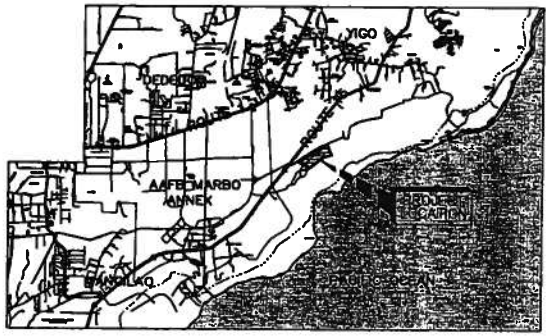
BACKFILLING AND GRADING PORTION OF LOT 7161-R1 (GUAM INTERNATIONAL RACEWAY)

(LOT 7161-R1) YIGO, GUAM

PROJECT LOCATION



VICINITY MAP



ABBREVIATIONS & SYMBOLS

ABBREVIATIONS:

AC, A.C.	ASPHALT CONCRETE	GCN	GUAM GEODETIC NETWORK
BLDG.	BUILDING	LT	LEFT
CONC.	CONCRETE	N	NORTH, NORTHING
CPP	CONCRETE POWER POLE	No., #	NUMBER
CP	CONTROL POINT	NTS	NOT TO SCALE
DWG.	DRAWING	PVMT.	PAVEMENT
E	EAST, EASTING	PI	POINT OF INTERSECTION
EG	EXISTING GROUND	PL	PROPERTY LINE
EL., ELEV.	ELEVATION	R	RADIUS
EDP	EDGE OF PAVEMENT	RT	RIGHT
EX., EXIST.	EXISTING	ROW, R/W	RIGHT OF WAY
FG	FINISHED GRADE	SHT.	SHEET
FL	FLOWLINE	S	SLOPE
GCTN	GUAM GEODEDIC TRIANGULATION NETWORK	STA.	STATION
		THK.	THICK
		TRANS	TRANSITION
		TYP.	TYPICAL
		VAR.	VARIES

SYMBOLS/LEGEND:

CONCRETE
CPP — CONCRETE POWER POLE
CONTOUR LINE
GATE
PROPERTY LINE
R/W — RIGHT OF WAY
SHORELINE
SLOPE
28.93 — SPOT ELEVATION
SWALE
TREE (SEE PLAN FOR TYPE AND TRUNK SIZE)
TYPICAL LINE TYPE FOR EXISTING FEATURES

REFERENCES

REFERENCES

1. DRAWING NO. 87-ONE, PARCEL SURVEY MAP OF LOT 7161 FOR LAND REGISTRATION, L.M. NO. 418-FY87, AS PREPARED BY AMOS E. COFFELT, RLS NO. 86.
2. MAP NO. 50 OF 74, ORTHOPHOTO MAP OF GUAM.

INDEX OF DWGS

SHEET NO.	SHT # OF #	SHEET CONTENT
TS-1	1 OF 5	TITLE SHEET: PROJECT LOCATION, VICINITY MAP, ABBREV., AND GENERAL CONSTRUCTION NOTES.
C-1	2 OF 5	OVERALL SITE PLAN
C-2	3 OF 5	SITE GRADING PLAN
C-3	4 OF 5	SECTIONS
C-4	5 OF 5	SECTIONS

GENERAL CONSTRUCTION NOTES

1. THE CONTRACTOR SHALL PROVIDE THE SERVICES OF A COMPETENT, LICENSED LAND SURVEYOR TO ESTABLISH ALL LINES, LEVELS, GRADES, BENCH MARKS AND MEASUREMENTS REQUIRED TO LAY OUT THE WORK AND FURTHER SHALL BE RESPONSIBLE FOR THE CORRECTNESS AND ACCURACY OF SUCH WORK.
2. EXISTING UTILITIES AND FACILITIES SHALL BE PROTECTED FROM DAMAGES DURING CLEARING & GRUBBING OPERATIONS. THE CONTRACTOR SHALL SEEK AND OBTAIN WRITTEN CLEARANCES FROM ALL UTILITY AGENCIES OF THE GOVERNMENT OF GUAM, SPECIFICALLY GPW, GTA, GPA, GWA, ETC. PRIOR TO UNDERTAKING ANY EARTHWORK OPERATIONS. AS PART OF SUCH CLEARANCES, THE CONTRACTOR SHALL SPECIFICALLY REQUEST EACH UTILITY TO STAKE OUT THE LOCATION OF THEIR UTILITIES PRIOR TO UNDERTAKING ANY CLEARING AND GRUBBING WORK. IN ADDITION, THE CONTRACTOR SHALL OBTAIN AND USE, AS REFERENCE, ANY AVAILABLE AS-BUILT DRAWINGS OR RECORDS OF EXISTING UTILITIES FROM ALL UTILITY AGENCIES AND THE DPW OF THE GOVERNMENT OF GUAM. ANY DAMAGES TO EXISTING UTILITIES AND FACILITIES, SHALL BE PROMPTLY REPAIRED BY THE CONTRACTOR AT NO COST TO THE OWNER. DAMAGES TO EXISTING UTILITIES AND FACILITIES OR OTHER WORKS SHALL BE REPAIRED BY THE CONTRACTOR, USING MATERIALS EQUAL TO OR BETTER THAN THOSE EXISTED BEFORE OR DURING THE CLEARING AND GRUBBING WORK, ALL AT THE CONTRACTOR'S EXPENSE.
3. SAFETY REQUIREMENTS: WORK ON THIS PROJECT SHALL COMPLY WITH OSHA REQUIREMENTS.
4. ENVIRONMENTAL REQUIREMENTS: THE CONTRACTOR SHALL PROVIDE AND MAINTAIN ENVIRONMENTAL PROTECTION DURING THE LIFE OF THE CONTRACT AS DEFINED HEREIN. ENVIRONMENTAL PROTECTION SHALL BE PROVIDED TO CORRECT CONDITIONS THAT DEVELOP DURING THE CONSTRUCTION PERIOD PRIOR TO THE CONSTRUCTION OF PERMANENT ENVIRONMENTAL PROTECTION FEATURES; OR THAT ARE REQUIRED TO CONTROL POLLUTION THAT DEVELOPS DURING NORMAL CONSTRUCTION PRACTICES BUT ARE NOT ASSOCIATED WITH PERMANENT FEATURES INCORPORATED IN THE PROJECT. EXCEPT WHERE SPECIFICALLY EXEMPTED IN THE CONTRACT OR BY THE ENGINEER, THE CONTRACTOR'S OPERATIONS SHALL COMPLY WITH ALL FEDERAL, STATE AND LOCAL REGULATIONS PERTAINING TO WATER, AIR, SOLID WASTE, AND NOISE POLLUTION. AFTER THE CONTRACT IS AWARDED, AND BEFORE CONSTRUCTION OPERATION ARE STARTED, THE CONTRACTOR SHALL MEET WITH THE ENGINEER, OR OWNER'S AUTHORIZED REPRESENTATIVE, AND DISCUSS ENVIRONMENTAL PROTECTION REQUIREMENTS. THE MEETING SHALL DEVELOP MUTUAL UNDERSTANDING RELATIVE TO DETAIL OF ENVIRONMENTAL PROTECTION INCLUDING REQUIRED REPORTS. IN THE EVENT THE TEMPORARY ENVIRONMENTAL PROTECTION MEASURES ARE REQUIRED DUE TO THE CONTRACTOR'S NEGLIGENCE, CARELESSNESS, OR FAILURE TO PROVIDE PERMANENT PROTECTION AS PART OF THE WORK AS SCHEDULED, THE CONTRACTOR SHALL TAKE REMEDIAL ACTION TO CORRECT THE DEFICIENCIES. CONTRACTOR SHALL PREPARE AND SUBMIT FOR APPROVAL ENVIRONMENTAL PROTECTION PLAN (EPP) TO THE GUAM ENVIRONMENTAL PROTECTION AGENCY. NO WORK SHALL COMMENCE WITHOUT A DULY APPROVED ENVIRONMENTAL PROTECTION PLAN. CONTRACTOR SHALL COMPLY WITH THE GUAM SOIL EROSION AND SEDIMENT CONTROL RULES AND REGULATIONS.
5. DUST CONTROL: KEEP DUST DOWN AT ALL TIMES, INCLUDING NON-WORKING HOURS, WEEKENDS, AND HOLIDAYS. SPRINKLER OR TREAT, WITH DUST SUPPRESSORS, THE SOIL AT THE SITE, HAUL ROADS, AND OTHER AREAS DISTURBED BY OPERATIONS. NO DRY BROOMING IS PERMITTED. INSTEAD USE VACUUMING, WET MOPPING, WET SWEEPING, OR WET POWER BROOMING. AIR BLOWING IS PERMITTED ONLY FOR CLEANING NON-PARTICULATE DEBRIS, SUCH AS STEEL REINFORCING BARS. NO SANDBLASTING IS PERMITTED UNLESS DUST THEREFROM IS CONFINED.
6. NOISE: WHEN AVAILABLE, MAKE THE MAXIMUM USE OF "LOW-NOISE EMISSION PRODUCTS" AS CERTIFIED BY EPA.
7. PROTECTION OF NATURAL RESOURCES: THE NATURAL RESOURCES (IF ANY) WITHIN THE PROJECT BOUNDARIES AND OUTSIDE THE LIMITS OF PERMANENT WORK PERFORMED UNDER THIS CONTRACT SHALL BE PRESERVED IN THEIR EXISTING CONDITION OR RESTORED TO AN EQUIVALENT OR IMPROVED CONDITION UPON COMPLETION OF THE WORK. CONFINE CONSTRUCTION ACTIVITIES TO AREAS DEFINED BY THE WORK SCHEDULE, DRAWINGS, AND SPECIFICATIONS.

A. LAND RESOURCES: EXCEPT IN AREAS INDICATED TO BE CLEARED, DO NOT REMOVED, CUT, DEFACE, INJURE OR DESTROY TREES OR SHRUBS WITHOUT PERMISSION FROM THE ENGINEER. PROTECT EXISTING TREES WHICH ARE TO REMAIN AND WHICH MAY BE INJURED, BRUISED, DEFACED, OR OTHERWISE DAMAGED BY CONSTRUCTION OPERATIONS. REMOVE DISPLACED ROCKS FROM UN-CLEARED AREAS. PROTECT MONUMENTS, MARKERS, AND WORKS OF ART.

B. REPAIR OR RESTORATION: REPAIR OR RESTORE TO THEIR ORIGINAL CONDITION ALL TREES OR OTHER LANDSCAPE FEATURES SCARRED OR DAMAGED BY THE EQUIPMENT OR OPERATIONS. OBTAIN APPROVAL OF THE REPAIR OR RESTORATION FROM THE ENGINEER PRIOR TO ITS INITIATION.

C. TEMPORARY CONSTRUCTION: AT THE CONCLUSION OF THE PROJECT, REMOVE ALL SIGNS OF TEMPORARY CONSTRUCTION FACILITIES SUCH AS WORK AREAS, STOCKPILES OF EXCESS OR WASTE MATERIALS, AND ALL OTHER VESTIGES OF CONSTRUCTION.

D. WATER RESOURCES: PERFORM ALL WORK IN SUCH A MANNER THAT ANY ADVERSE ENVIRONMENTAL IMPACT ON WATER RESOURCES IS REDUCED TO A LEVEL ACCEPTABLE TO THE ENGINEER.

E. OIL AND OTHER HAZARDOUS SUBSTANCES: TAKE SPECIAL MEASURES TO PREVENT OIL ON OTHER HAZARDOUS SUBSTANCES FROM ENTERING THE GROUND, DRAINAGE AREAS, OR LOCAL BODIES OF WATER.

8. RECORDING AND PRESERVING HISTORICAL AND ARCHAEOLOGICAL FINDS: ALL ITEMS HAVING ANY APPARENT HISTORICAL OR ARCHAEOLOGICAL INTEREST WHICH ARE DISCOVERED IN THE COURSE OF ANY CONSTRUCTION ACTIVITIES SHALL BE CAREFULLY PRESERVED. THE CONTRACTOR SHALL LEAVE THE ARCHAEOLOGICAL FIND UNDISTURBED AND SHALL IMMEDIATELY REPORT THE FIND TO THE ENGINEER, SO THAT THE PROPER AUTHORITIES MAY BE NOTIFIED.
9. VERTICAL AND HORIZONTAL CONTROL WAS BASED ON THE FOLLOWING REFERENCE POINTS:

A. GCTN 15.23, N 173,461.8281, E 208,741.5215, EL 512.45 (1963 IN FEET).

B. GCTN "SABANON", N 176,192.9547, E 210,790.1952, EL 549.605 (1963 IN FEET).

DCA
DUEÑAS · CAMACHO & ASSOCIATES, INC.
• ENGINEERING (CIVIL/STRUCTURAL)
• CONSTRUCTION MANAGEMENT • PLANNING
• ENVIRONMENTAL SERVICES • SURVEYING
• DEVELOPMENT CONSULTATION
• GEOGRAPHIC INFORMATION SYSTEMS
P.O. Box 8990 Tamuning, Guam 96931

OWNER:

HAWAIIAN ROCK PRODUCTS

ENGINEER:

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION
DATE: 8/24/17

PROJECT NAME:

BACKFILLING AND GRADING PORTION OF LOT 7161-R1 (GUAM INTERNATIONAL RACEWAY)

YIGO, GUAM

REVISIONS

MARK	DATE	DESCRIPTION

PROJECT NO:	GP17-85
CAD DWG FILE:	GMRP-PH6-TS-1
DATE	08/24/17
DRAWN BY:	GP
CHECKED BY:	AC/EMS
SUPV. BY:	EMS

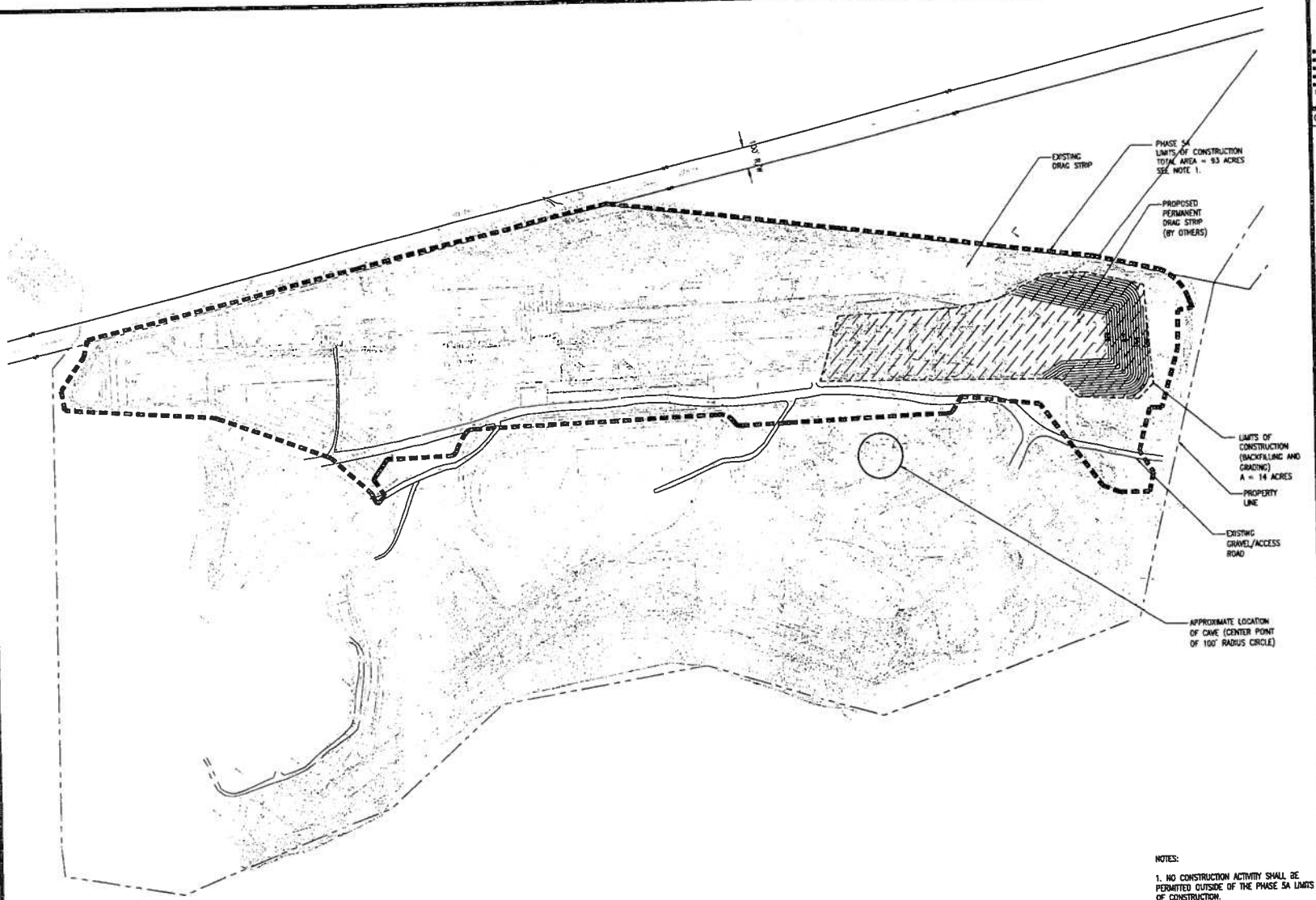
SHEET TITLE

TITLE SHEET: PROJECT LOCATION, VICINITY MAP, ABBREVIATIONS, AND GENERAL CONSTRUCTION NOTES

TS-1

SHEET 1 OF 5

Doc. No: 34GL-18-1679.



1 C-1 OVERALL SITE PLAN
SCALE: 1"=200'-0"

NOTES:

1. NO CONSTRUCTION ACTIVITY SHALL BE PERMITTED OUTSIDE OF THE PHASE 5A LIMITS OF CONSTRUCTION.

GRAPHIC SCALE
200' 100' 0' 200' 400'
SCALE: 1"=200'-0"

PUERAS LANDICHO
• ENGINEERING (CIVIL/STRUCTURAL)
• CONSTRUCTION MANAGEMENT • PLANNING
• ENVIRONMENTAL SERVICES • SURVEYING
• DEVELOPMENT CONSULTATION
• GEOGRAPHIC INFORMATION SYSTEMS
P.O. Box 3560 Tamuning, Guam 96931

OWNER:

HAWAIIAN ROCK PRODUCTS

ENGINEER:

10/11/17

PROJECT NAME:

BACKFILLING AND GRADING PORTION OF LOT 7161-R1 (GUAM INTERNATIONAL RACEWAY)

YIGO, GUAM

REVISIONS

MARK	DATE	DESCRIPTION

PROJECT NO:	GP17-65
CAD DWG FILE:	GMRP-PH6-C-1
DATE :	10/11/17
DRAWN BY:	GP
CHECKED BY:	JC/EMS
SUPV. BY:	EMS

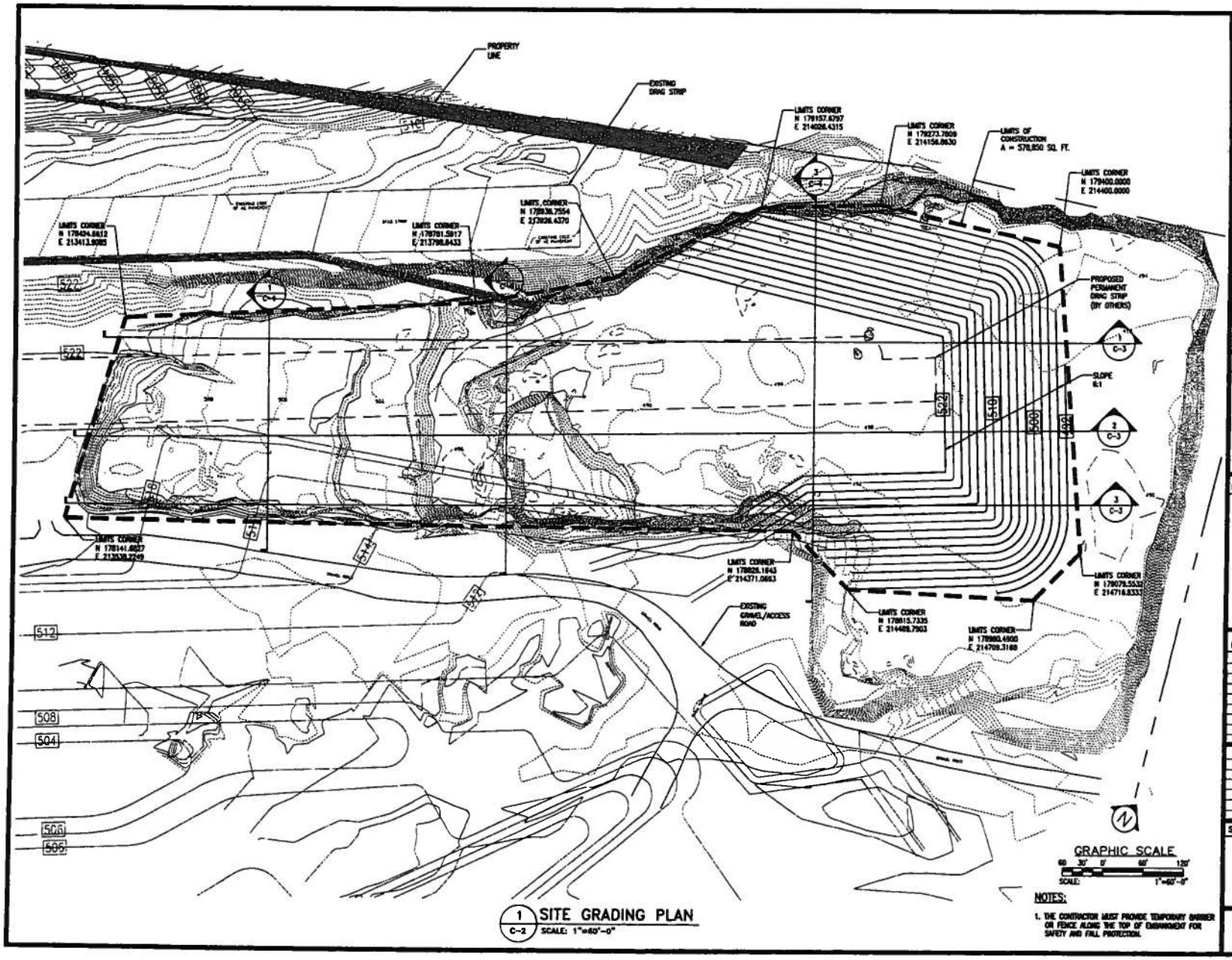
SHEET TITLE

OVERALL SITE PLAN

C-1

SHEET 2 OF 5

Doc. No. 34GL-18-1679.



1 C-2 SITE GRADING PLAN
SCALE: 1"=60'-0"

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ENVIRONMENTAL SERVICES • SURVEYING
DEVELOPMENT CONSULTATION
GEOGRAPHIC INFORMATION SYSTEMS
P.O. Box 8909 Tamuning, Guam 96931

OWNER:
HAWAIIAN ROCK PRODUCTS

ENGINEER:
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION
DATE: 8/25/17

PROJECT NAME:
BACKFILLING AND GRADING PORTION OF LOT 7161-R1 (GUAM INTERNATIONAL RACEWAY)
YIGO, GUAM

REVISIONS

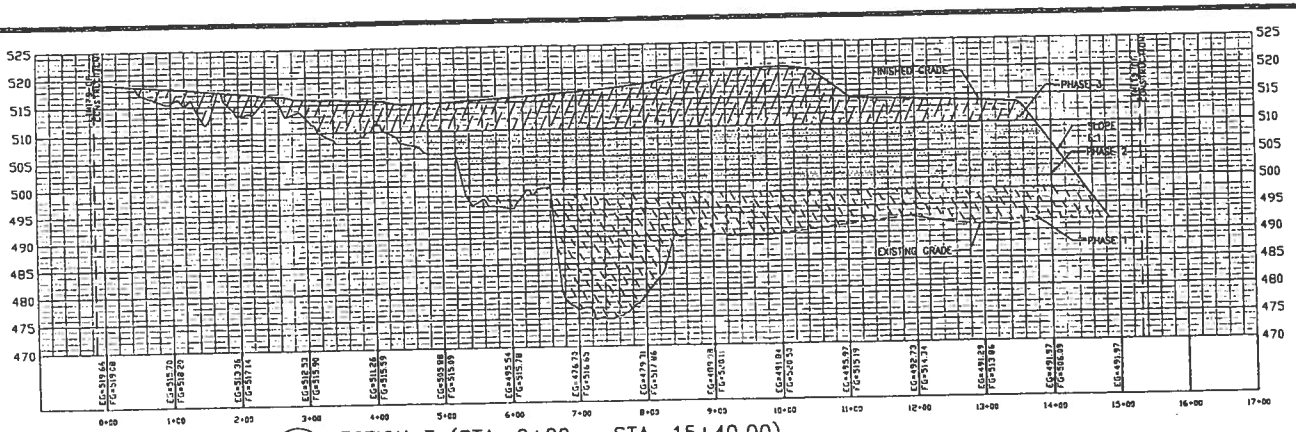
MARK	DATE	DESCRIPTION

PROJECT NO:	GP17-65
CAD DWG FILE:	GMRP-PH6-C-2
DATE :	08/24/17
DRAWN BY:	GP
CHECKED BY:	JC/EMS
SUPV. BY:	EMS

SHEET TITLE
SITE GRADING PLAN

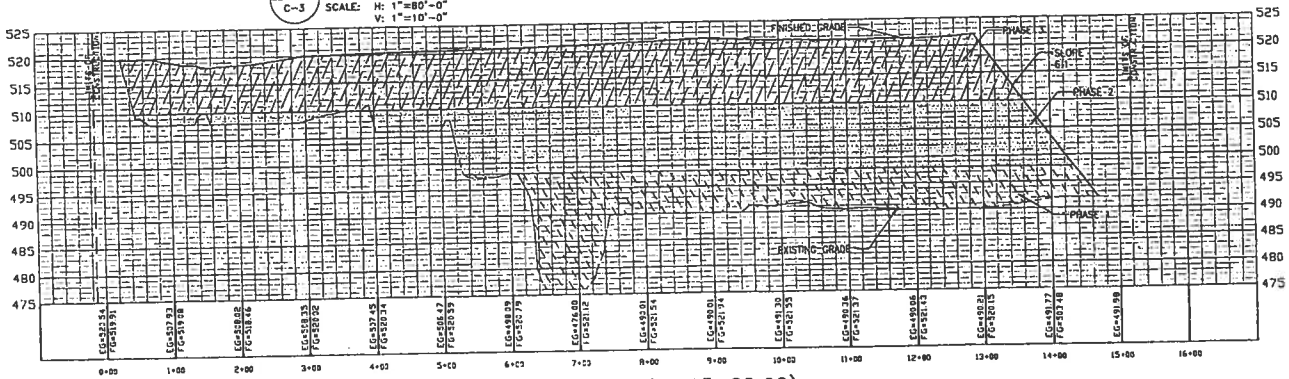
C-2
SHEET 3 OF 5

Doc. No. 34GL-18-1679.



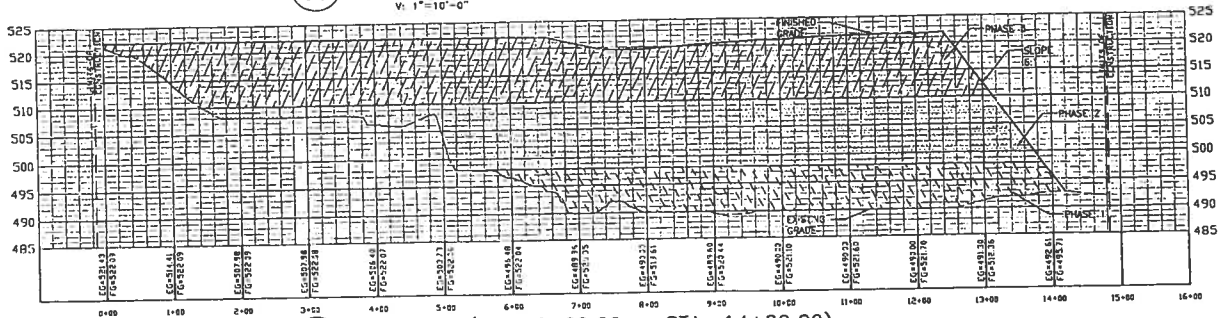
3 / C-3 SECTION 3 (STA. 0+00 – STA. 15+40.00)

SCALE: H: 1"=80'-0"
V: 1"=10'-0"



2 / C-3 SECTION 2 (STA. 0+00 – STA. 15+20.00)

SCALE: H: 1"=80'-0"
V: 1"=10'-0"



1 / C-3 SECTION 1 (STA. 0+00.00 – STA. 14+80.00)

SCALE: H: 1"=80'-0"
V: 1"=10'-0"

GRAPHIC SCALE
80' 40' 0' 80' 160'
SCALE: HORIZONTAL: 1"=80'-0"

GRAPHIC SCALE
10' 5' 0' 10' 20'
SCALE: VERTICAL: 1"=10'-0"

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- ENVIRONMENTAL SERVICES • SURVEYING
- DEVELOPMENT CONSULTATION
- GEOGRAPHIC INFORMATION SYSTEMS

P.O. Box 8909 Tamuning, Guam 96931

OWNER:

HAWAIIAN ROCK PRODUCTS

ENGINEER:

RICHARD M. SALAS-OTTO
CERTIFICATE NO. 11223 (CIVIL)
EXP. 31/DEC/18
09/21/17

PROJECT NAME:

BACKFILLING AND GRADING PORTION OF LOT 7161-R1 (GUAM INTERNATIONAL RACEWAY)

YIGO, GUAM

REVISIONS

MARK	DATE	DESCRIPTION

PROJECT NO:	GP17-65
CAD DWG FILE:	GHRP-PH6-C-3
DATE :	09/21/17
DRAWN BY:	GP
CHECKED BY:	JC/EMS
SUPV. BY:	EMS

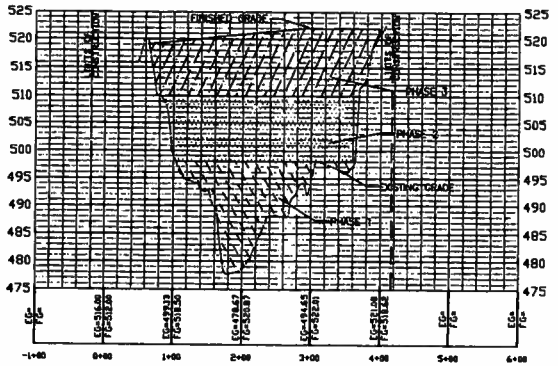
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SECTIONS

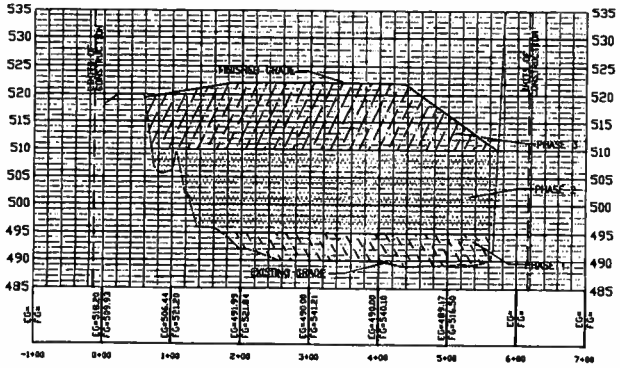
C-3

SHEET 4 OF 5

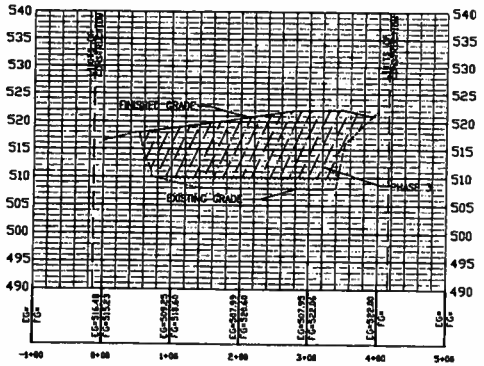
Doc. No. 34GL-18-1679.



2 C-4 SECTION 5 (STA. 0+00 – STA. 3+60.00)
SCALE: H: 1"=80'-0"
V: 1"=10'-0"



3 C-4 SECTION 6 (STA. 0+00 – STA. 4+60.00)
SCALE: H: 1"=80'-0"
V: 1"=10'-0"



1 C-4 SECTION 4 (STA. 0+00.00 – STA. 3+40.00)
SCALE: H: 1"=80'-0"
V: 1"=10'-0"

GRAPHIC SCALE
80' 40' 0' 80' 160'
SCALE: HORIZONTAL: 1"=80'-0"

GRAPHIC SCALE
10' 5' 0' 10' 20'
SCALE: VERTICAL: 1"=10'-0"

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DEVELOPMENT CONSULTATION
GEOGRAPHIC INFORMATION SYSTEMS
P.O. Box 8909 Tamuning, Guam 96931

OWNER:
HAWAIIAN ROCK PRODUCTS

ENGINEER:

PROJECT NAME:
BACKFILLING AND GRADING PORTION OF LOT 7161-R1 (GUAM INTERNATIONAL RACEWAY)

YIGO, GUAM

REVISIONS

MARK	TE	DESCRIPTION

12/
JC/EMS

Doc. No. 34GL-18-1679.

CHAMORRO LAND TRUST COMMISSION
RESOLUTION NO. 2018-02

Declaration of Support for Land Exchange
Between the Chamorro Land Trust Commission and
Matthew R. Quinata in the Municipality of Santa Rita

WHEREAS, the Chamorro Land Trust Commission (CLTC), in accordance with Title 21, Guam Code Annotated, declares its support to exchange a portion of its property with an adjacent portion of private property owned by Matthew R. Quinata in the municipality of Santa Rita;

WHEREAS, the CLTC board of commissioners recognizes portions of CLTC properties subdivided from Lot 243 REM, Municipality of Santa Rita, in an approved Agricultural Subdivision Master Plan, recorded at the Department of Land Management as Instrument No. 880833, encroaches onto the designed right-of-way and private property due to actual access way topography and preexisting buildings (EXHIBIT "A");

WHEREAS, the concrete home on Lot 214-3, Municipality of Santa Rita, as shown on survey map Drawing No. 4814, by Island Surveyors LTD, Instrument No. 78746, owned by Matthew R. Quinata, encroaches onto Lot 243 REM (EXHIBIT "B");

WHEREAS, Matthew R. Quinata, on January 9, 2018, requested in writing for consideration for a land exchange to correct the encroachment of his house, located on Lot 214-3, onto CLTC property and to correct the actual access way that serves CLTC properties on Lot 243 REM but transits through Lot 214-3 (EXHIBIT "C");

WHEREAS, the Department of Land Management has determined that an equal area of 223 square meters be exchanged to offset the mutual encroachments (EXHIBIT "D");

WHEREAS, on February 15, 2018, the CLTC board of commissioners at their regularly scheduled meeting, Tamuning, Guam, reviewed and approved by motion to support legislation for an area for area land exchange of 223 square meters to correct the mutual encroachments, subject with the Subdivision Law and rights-of-way realignment;

WHEREAS, on March 8, 2018, the CLTC informed its lessees in the affected lots of the pending alteration of the Lot 243 REM Agricultural Subdivision Master Plan and received no objections.

NOW THEREFORE BE IT RESOLVED,

1. The Chamorro Land Trust Commission Board of Commissioners approves a 223 square meter area for area land exchange with Lot 214-3, owned by Matthew R. Quinata, and Lot 243 REM, owned by the Chamorro Land Trust Commission;

2. The Chamorro Land Trust Commission recommends and supports legislation to authorize such land exchange;

3. The Chamorro Land Trust Commission Board of Commissioners transmits this Resolution to *I Liheslaturan Guahan*.

DULY AND REGULARLY ADOPTED BY THE CHAMORRO LAND TRUST COMMISSION THIS _____ DAY OF _____ 2018.

_____ **Date:**_____
G. PIKA FEJERAN, Chairwoman
Chamorro Land Trust Commission

_____ **Date:**_____
MICHAEL J.B. BORJA, Administrative Director
Chamorro Land Trust Commission

EXHIBIT "A" Lot 243 REM Agricultural Subdivision Master Plan

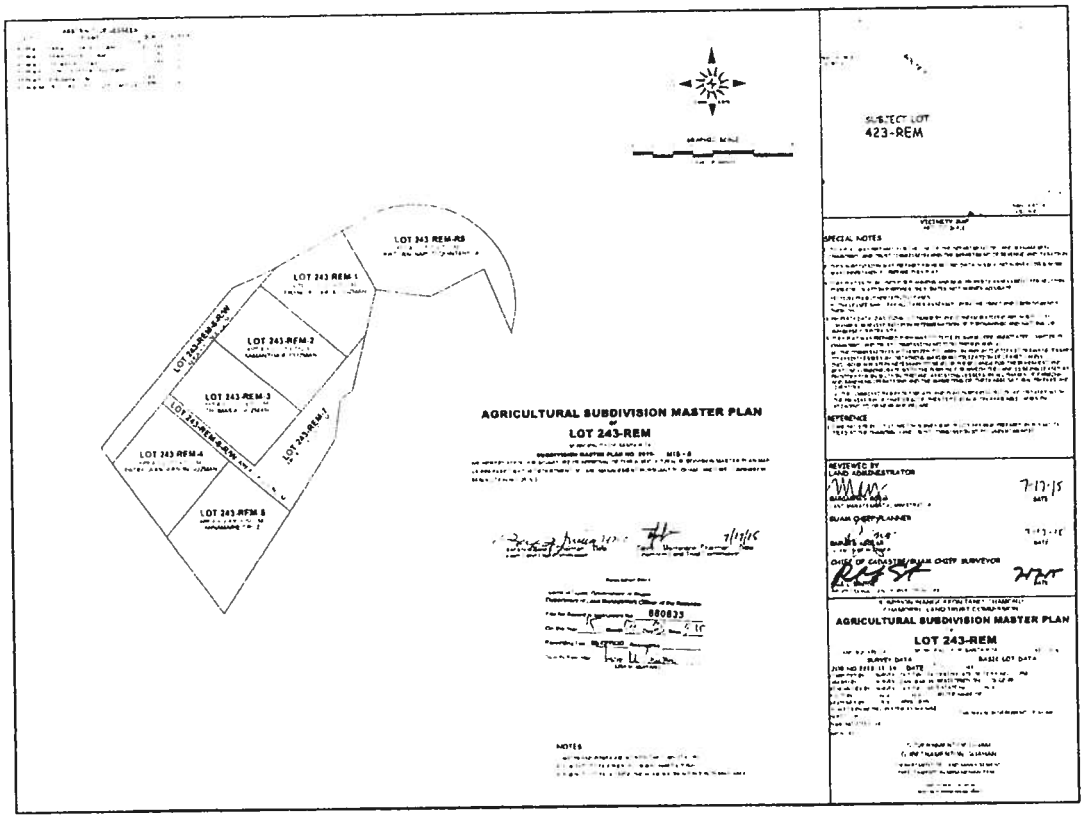


EXHIBIT "B" Drawing No. 4814

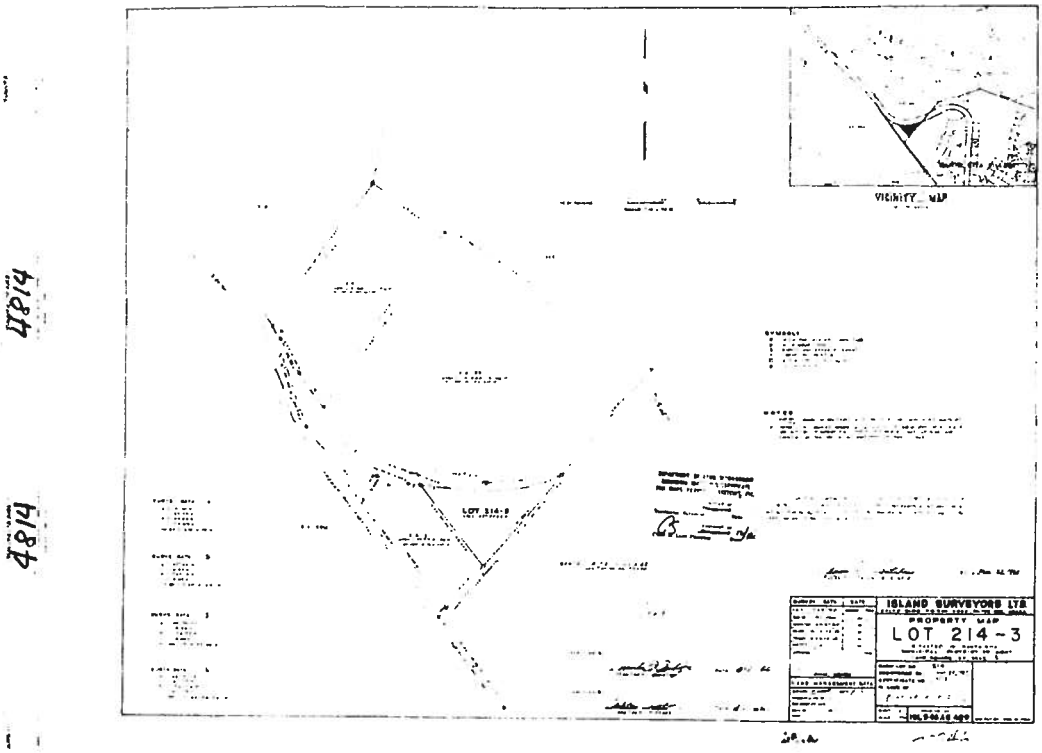


EXHIBIT "C" Current Area

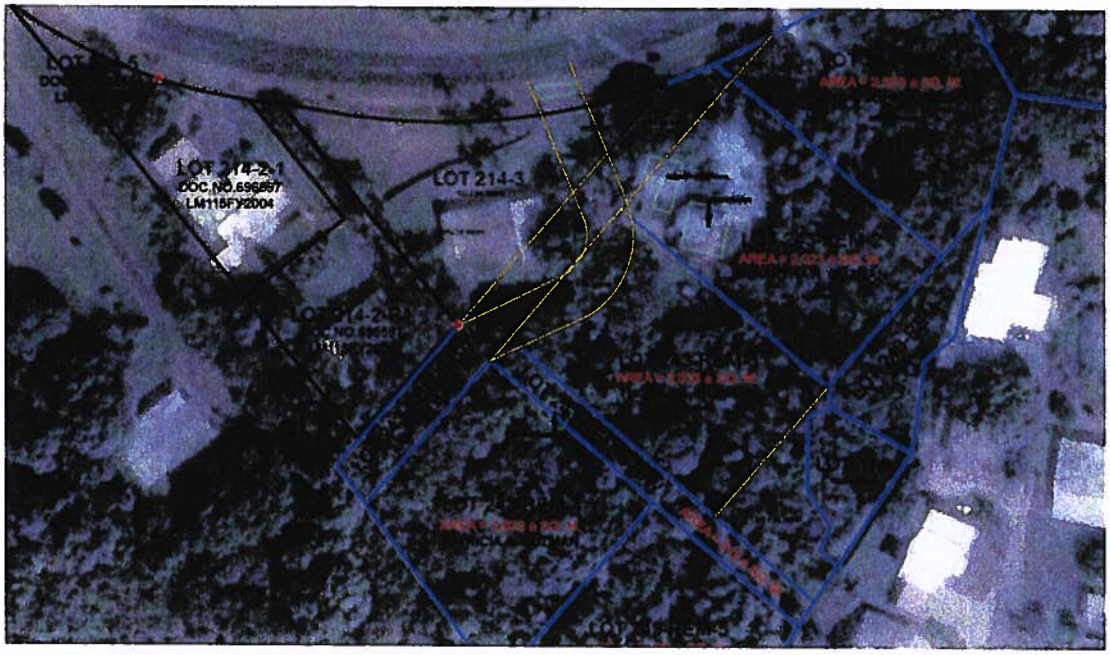


EXHIBIT "D" Proposed Area



CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting
March 15, 2018

Mayor of Barrigada – Request to obtain Lot 15, Block F, Tract 9 and Lot 16-R1, Block F, Tract 9, Municipality of Barrigada for construction of a recreational facility.

I. FACTS:

1. **Location:** The subject lot is located in the Municipality of Barrigada Lot 15, Block F, Tract 9, containing an area of 10,065± square meters, Lot 16-R1, Block F, Tract 9, containing an area of 5,302± as per Agricultural Subdivision Master Plan of Tract 9, and Document No. 031667 Barrigada Heights Subdivision.

2. **Field Description:** The subject area of interest is presently vacant with utilities available within one hundred feet from the site. The subject properties are between the Rigalu Foundation, and Guam Waterworks water tank.

II. STAFF ANALYSIS:

Lots 15, and 16-R1, Block F, Tract 9, are in the CLTC inventory and have not been issued or leased. The total combined area of request is approximately 3.8 acres.

Attachments:

Topo Map
Vicinity Map
CLTC Map Scheme
Barrigada Mayor's Request letter

JUNE U. BLAS
MAYOR

MUNICIPALITY OF BARRIGADA

OFFICE OF THE MAYOR & VICE MAYOR
124 LUAYAO LANE, BARRIGADA, GUAM 96913

JESSIE P. BAUTISTA
VICE MAYOR

FILE COPY

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
JAN 10 2018
CLTC/GALC/GLUC

November 16, 2017

Michael Borja
Director
The Department of Land Management
590 S. Marine Corps Dr.
ITC Bldg. Ste 733
Tamuning, Guam 96913
(671) 649-5263
Email: dlmdir@land.guam.gov

Dear Mr. Borja,

This is to respectfully request your assistance to obtain parcel Lot 15, Track 19. Block F & Lot 16 – R1, Track 9, Block F, adjoining the Foster Home in Barrigada Heights. The intent for this property will be to construct a recreational facility that will include, a playground, a sidewalk on the perimeter for joggers and/or walkers, a basketball court and an open field for outdoor sports. This property would be beneficial for the community to demonstrate an active lifestyle as well as providing children an outlet to exert their energy in a positive aspect. My philosophy on "more children on the field and less on the streets" has been my driving force in encouraging children to stay active provided the adequate facilities are made available.

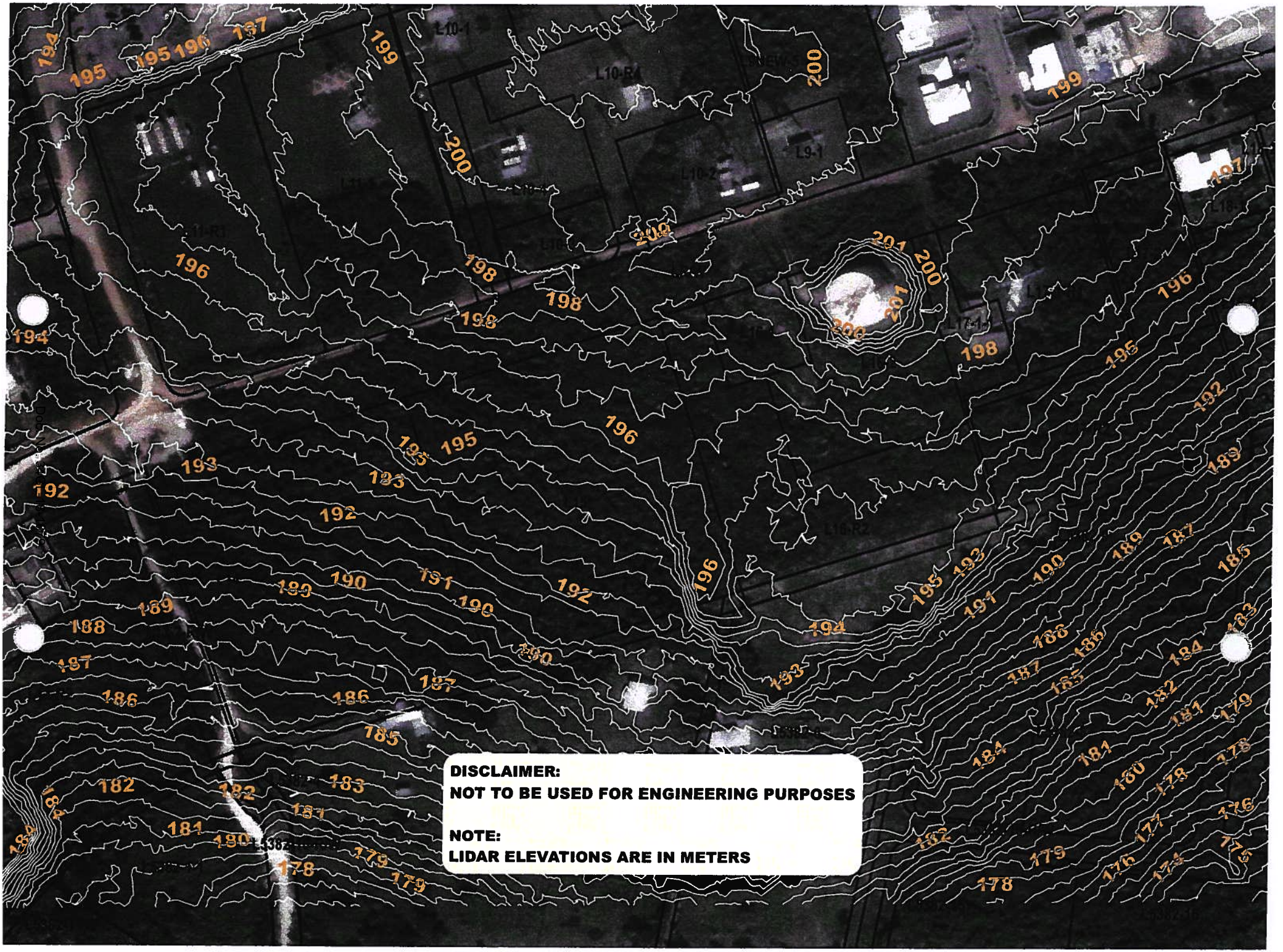
Future plans for obstructing a recreational facility, will be made possible with business partners who are willing to donate playground sets and assist in the project with little to no cost to the Government of Guam. The upkeep and maintenance of the facility will be provided from the Barrigada Mayor's Office personnel.

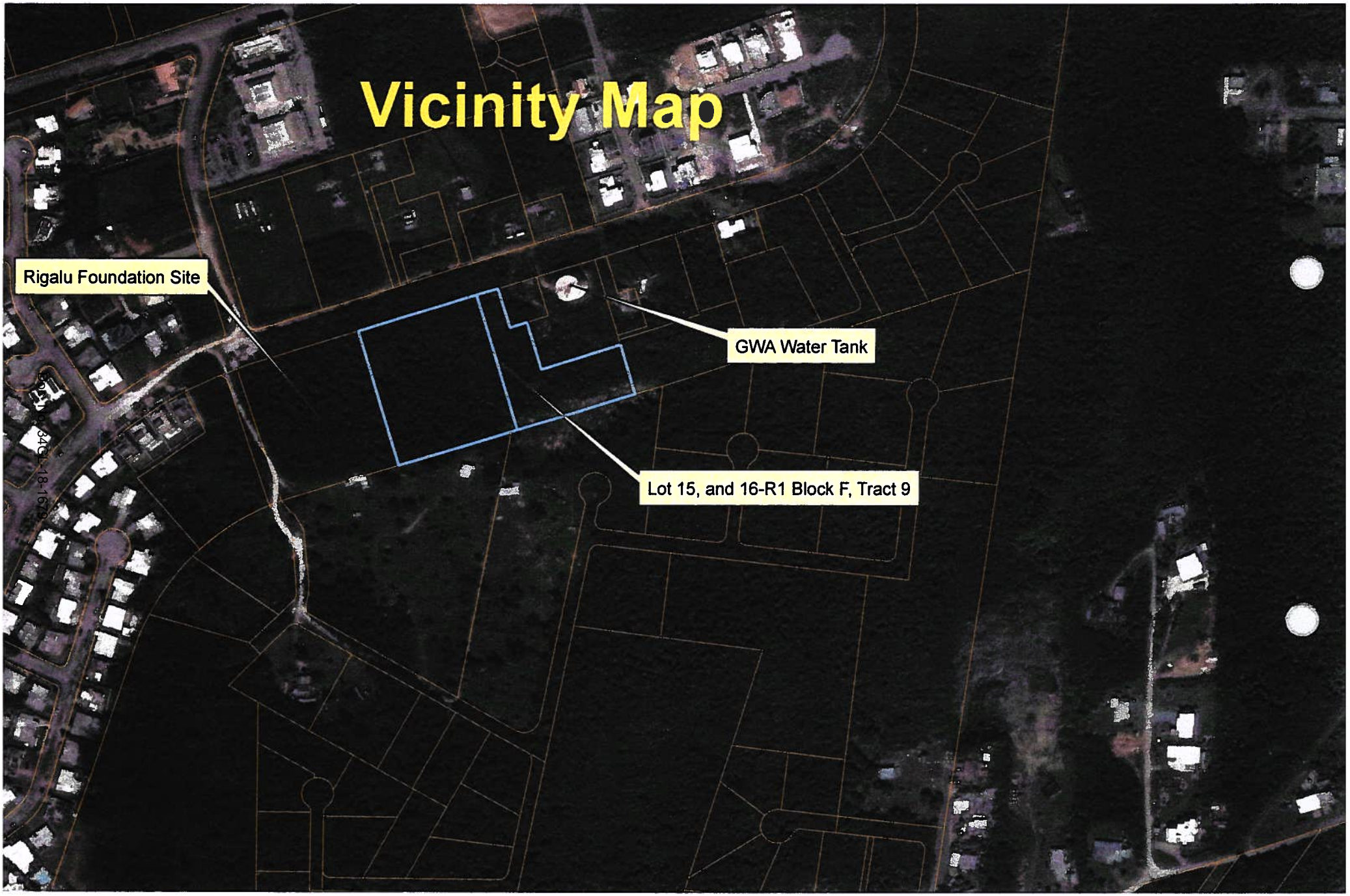
Should you require further clarification or additional information please do not hesitate to contact me at 734-3737/8.

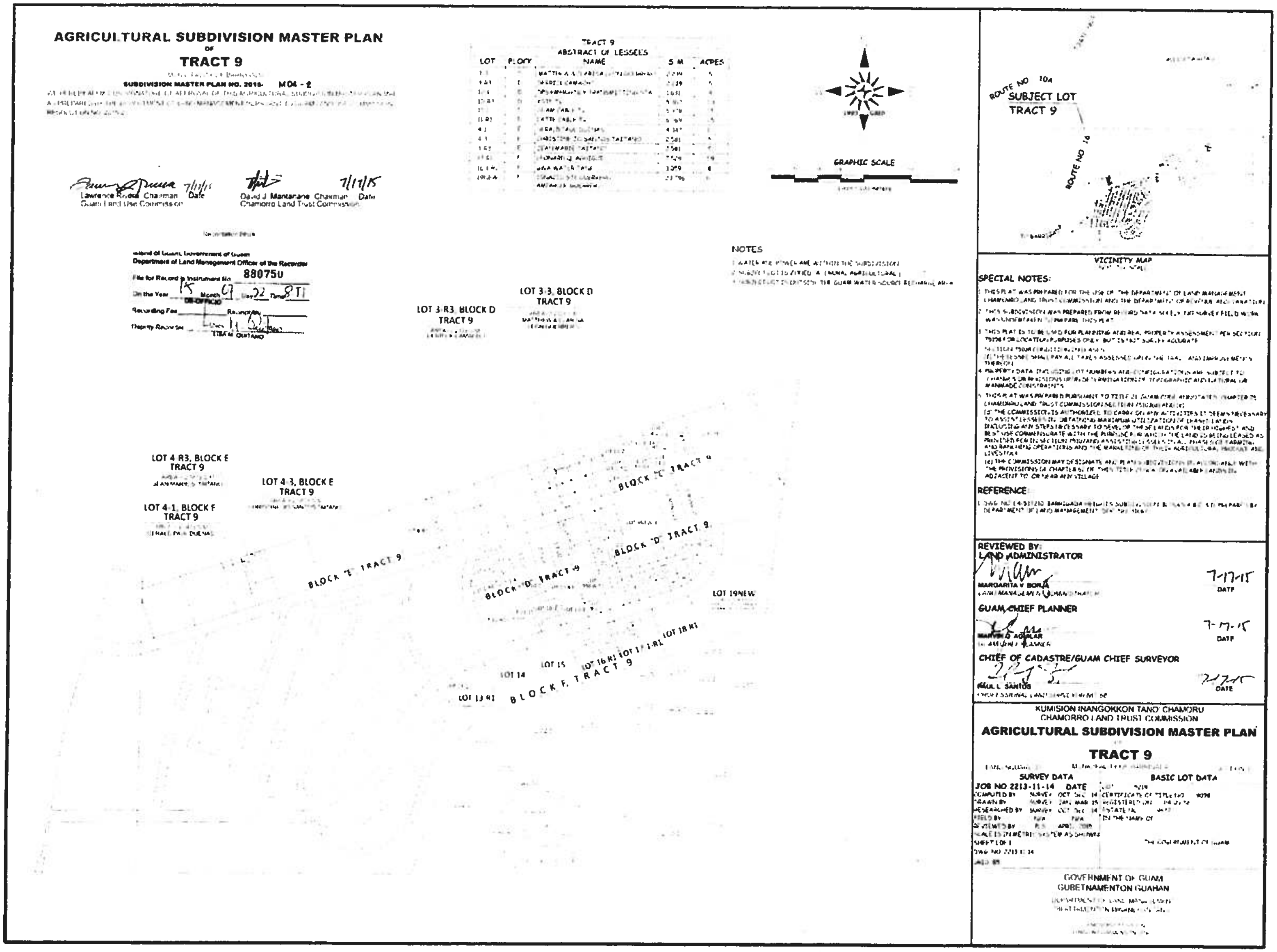
JUNE U. BLAS
MAYOR

cc: G Pika Fejeran, Chairwoman, Chamorro Land Trust Commission Member

Doc. No. 34GL-18-1679.


DISCLAIMER:
NOT TO BE USED FOR ENGINEERING PURPOSES
NOTE:
LIDAR ELEVATIONS ARE IN METERS


Vicinity Map
Rigalu Foundation Site
GWA Water Tank
Lot 15, and 16-R1 Block F, Tract 9



Doc. No. 34GL-18-1679.

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting
November 17, 2016

MAYOR OF BARRIGADA - REQUEST TO TRANSFER LOT 5382N-R40, BARRIGADA TO THE MAYOR OF BARRIGADA FOR THE USE OF A RECREATIONAL SPORTS FIELD.

1. **FACTS:**
   a. **Location: Lot 5382N-R40,** Municipality of Barrigada (Subject to Survey)
   b. **Lot Size: 29,640± square meters or 7.3 acres**

2. **CHRONOLOGICAL FACTS:**
   a. **November 14, 2016, CLTC received letter from Mayor of Barrigada, requesting to transfer Lot 5382N-R40, Municipality of Barrigada to the Barrigada Mayor's Office**

3. **STAFF ANALYSIS:** Mayor and Vice Mayor of Barrigada together with the members of the Municipal Planning Council has expressed an interest into the parcel of land in the Municipality of Barrigada for a public park and recreation facilities which the village lacks for the residents of Barrigada.

   The desired area has been identified as a suitable site for the Mayor's needs. The property is within 1000 feet of a GWA well site, which prohibits the CLTC from leasing to potential lessees, as referenced in 22 GAR, GEPA, Division II, Chapter 7, Section 7112.

BARRIGADA

Office of the Mayor & Vice Mayor
134 Luayao Lane, Barrigada, Guam 96913

November 14, 2016

RECEIVED
NOV 14 2016

Mr. Michael J.B. Borja
Director
Department of Land Management
590 S. Marine Corps Drive
Tamuning, Guam 96913

Re: Lot No. 5382N-R40, Barrigada

Dear Mr. Borja:

Hafa Adai and Greetings from the residents of Barrigada! Vice Mayor Bautista and I, together with members of our Municipal Planning Council are desirous in transferring title from the above-mentioned government property to that of the Barrigada Mayor's Office.

As one of the larger municipalities in central Guam, it is sad to note that we have no immediate access and jurisdiction to publicly owned parks and recreation facilities for use by the residents of Barrigada. In this regard, we turn to you and members of the Chamorro Land Trust Commission for your assistance and guidance in trying to secure title and ownership of the above mentioned government property, described as Lot No. 5382N-R40, Barrigada. Our community is ready to develop the property in and for the public benefit of the residents of Barrigada.

We would appreciate meeting with you and members of the Commission, so that we can appropriately explain and justify our request while at the same time be in a position to respond to any of your queries.

Once our request has been approved, our office will make every effort to coordinate and schedule a development and land use plan for the area. Together, we will develop a master plan and schedule for the use of the facilities. Recognizing that this is a public benefit program, all fees generated from the use of the field shall be used towards the maintenance and upgrade of the field.

During our research, we found that during the Sixteenth Guam Legislature, Resolution No. 91 sponsored by District II Senators [F. F. Blas, C. T.C. Gutierrez, T. V.C. Tanaka, K. S. Moylan, E. R. Duenas, P. F. Perez, Jr. and J. H. Underwood] The resolution, adopted on December 4, 1981, requests the Director, Department of Land Management, to reserve and transfer Lot No. 5380, adjacent to Barrigada Heights to the Municipal Commissioner of Barrigada for the use of a recreation area.

Also, we have taken the liberty of preparing draft legislation transferring said lot to the Barrigada Mayor.

Thank you for your time, and we look forward to hearing from you.

Sinseramente,

JUNE U. BLAS
Mayor

JESSIE P. BAUTISTA
Vice Mayor

Attachment:

Res. No. 89

s C. Crisostomo
AS C. CRISOSTOMO
ative Secretary

/s/ Thomas V.C. Tanaka
THOMAS V.C. TANAKA
Speaker

RESOLUTION NO. 91

Adopted: December 4, 1981

Sponsor(s): K.S. Moylan, F.F. Blas, E.R. Duenas, C.T.C. Gutierrez, P.F. Perez, Jr., T.V.C. Tanaka, J.H. Underwood

RELATIVE TO REQUESTING THE DIRECTOR, DEPARTMENT OF LAND MANAGEMENT, TO RESERVE AND TRANSFER LOT NO. 5380, ADJACENT TO BARRIGADA HEIGHTS TO THE MUNICIPAL COMMISSIONER OF BARRIGADA FOR THE USE OF A RECREATION AREA.

BE IT RESOLVED BY THE LEGISLATURE OF THE TERRITORY OF GUAM:

WHEREAS, the northern portion of the territory of Guam is one of the most heavily populated municipalities; and

WHEREAS, there is substantial government of Guam owned land available in the municipality of Barrigada; and

WHEREAS, government-owned land which can be used for recreational purposes and preserved as a green belt in Barrigada should be preserved in order to maintian the beauty of the island; now, therefore, be it

RESOLVED, that the Sixteenth Guam Legislature hereby requests the Director, Department of Land Management, to reserve and transfer Lot No. 5380, government of Guam owned property, adjacent to Barrigada Heights, to the jurisdiction of the municipal Commissioner of Barrigada for recreational use; and be it further

RESOLVED, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Director, Department of Land Management; to the Commissioner and Assistant Commissioner, municipality of Barrigada; to the members of the Barrigada Municipal Planning Council; and to the Governor of Guam.

DULY AND REGULARLY ADOPTED ON THE 4TH DAY OF DECEMBER 1981.

/s/ Thomas C. Crisostomo
THOMAS C. CRISOSTOMO
Legislative Secretary

/s/ Thomas V.C. Tanaka
THOMAS V.C. TANAKA
Speaker

RESOLUTION NO. 95

Adopted: April 10, 1981

Sponsor(s): T.V.C. Tanaka, K.S. Moylan, E.R. Duenas, P.F. Perez, Jr., F.F. Blas, M.Z. Bordallo, E.T. Charfauros, T.C. Crisostomo, C.T.C. Gutierrez, C.A. Kasperbauer, A.C. Lamorena III, J.I. Leon Guerrero, J.F. Quan, F.J. Quitugua, J.T. San Agustin, F.R. Santos, R.Q. Sudo, J.Q. Torres, L.L. Umagat, J.H. Underwood, A.R. Unpingco

RELATIVE TO REQUESTING THE PRESIDENT OF THE UNITED STATES TO INSURE THAT TERRITORIAL MATTERS WILL BE AMONG THE MAJOR RESPONSIBILITIES OF A SENIOR ASSISTANT OF HIS STAFF AND REQUESTING THE SECRETARY OF THE INTERIOR TO

Doc. No. 34GL-18-1679

I MINA'TRENTAI TRES NA LIHESLATURAN GUAHAN
2016 (SECOND) Regular Session

Bill No.

Introduced by:

_____

AN ACT TO TRANSFOR LOT 5382N-R40, MUNICIPALITY OF BARRIGADA, WITH AN AREA OF 29,640 ± SQUARE METERS FROM THE ADMINISTRATIVE JURISDICTION OF THE CHAMORRO LAND TRUST COMMISSION TO THE BARRIGADA MAYOR FOR THE PURPOSE OF DEVELOPING A SPORTS COMPLEX FOR THE RESIDENTS OF BARRIGADA.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. **Legislative Findings and Intent.**

Section 2. **Authorization to Transfer Land to the Barrigada Mayor.**

Section 3. **Severability.**

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Barrigada, one of the larger municipalities in central Guam, have no immediate access and jurisdiction to publicly owned parks and recreation facilities for use by the residents of Barrigada. In this regard, the Department of Land Management and the members of the Chamorro Land Trust Commission support transferring title of Lot No. 5382N-R40, Barrigada to the Barrigada Mayor. More importantly, *I Liheslaturan Guåhan* finds that the Mayor of Barrigada is ready to develop the property so that it can be utilized as a public benefit to the residents.

More importantly, *I Liheslaturan Guåhan* finds that Barrigada, one of the larger municipalities in central Guam, has no immediate access and jurisdiction to publicly owned parks and recreation facilities for use by the residents of Barrigada. In this regard, the Department of Land Management, together with the Chamorro Land Trust Commission supports the requests and deems it to be in the best interest to transfer Lot No. 5382N-R40 to the jurisdiction of the Barrigada Mayor.

Section 2. Authorization to Transfer Land to the Barrigada Mayor. Notwithstanding any other provision of law, rule or regulation, *I Liheslaturan Guåhan* authorizes the Chamorro Land Trust Commission (CLTC) to transfer Lot 5382N-R40, containing an area of 29,640 ± square meters, as shown on the Proposed Land Scheme of Lot 5382N, Municipality of Barrigada, prepared by the Land Survey Division of the Department of Land Management, for the purpose of developing a sports complex for the residents of Barrigada and the people of Guam.

Section 3. Severability. If any provision of this law or its application to any person or circumstances is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions of application of this law, which can be given effect without the invalid provisions or applications and to this end the provisions of this ac are severable.

LAND USE PLAN

FOR THE

BARRIGADA SPORTS COMPLEX

Doc. No. 34GL-18-1679.

TABLE OF CONTENTS

INTRODUCTION

TERM

PURPOSE

MANAGEMENT AND MAINTENANCE

PRESENT FACILITIES AND PROPOSED USES

FUTURE IMPROVEMENT AND USES

PROHIBITED ACTIVITIES

PLAN FOR THE BARRIGADA SPORTS COMPLEX

INTRODUCTION

This document is a use plan for the property currently identified as Lot 5382N-R40, containing an area of 29,640 ± square meters, as shown on the Proposed Land Scheme of Lot 5382N Municipality of Barrigada, prepared by the Land Survey Division of the Department of Land Management, which the Barrigada Mayor's Office is desirous of obtaining through an administrative title transfer for public benefit to be used as the Barrigada Sports Complex.

TERM

The term or period of use of the facility shall be indefinite. The government will use the facility until the license period expires, and will request renewal of the license prior to the end of the current term and prior to the end of such subsequent term.

PURPOSE

The proposed Barrigada Sports Complex will be managed by the Barrigada Mayor, while at the same time allowing its public use as a sports and recreation facility and possibly, a portion to be use as a public park. This use plan would afford the Mayor's Office an opportunity to expand the sports complex so that it will offer a wider range of recreational opportunities and other activities for the residents of Barrigada and the people of Guam.

All future additional recreational opportunities would be offered after securing the permits from the Department of the Public Works and other permitting agencies.

MANAGEMENT AND MAINTENANCE

Pursuant to §40112, Division 4, Chapter 40, Title 5 Guam Code Annotated, as amended, the Mayor of Barrigada shall be responsible for the following:

- all necessary repairs and maintenance, renovations and capital improvements;
- provide patrol service by Guam Park Patrol Officers;
- minor maintenance and repair program, which will include grass mowing on a regular basis and removal of trash to the Layon Landfill as needed to keep the facility free from trash and refuse; and
- scheduling use of the recreational facilities.

PRESENT FACILITIES AND PROPOSED USES

At present, the real property being sought by Barrigada Mayor, lies off the U.S. Army Corps Drive (Route 16) and North Sabana in and around the Barrigada Heights area.

The community of Barrigada is desirous of using approximately ___+ acres of the property. The Barrigada Mayor's Office proposes to:

(1) construct softball fields.

(2) construct a baseball field.

(3) construct a basketball and volleyball court(s) a jogging trail and bicycle paths.

(4) construct parking lots where people will walk to the various field and facilities.

(5) develop plans also call for the implementation of a theme park area within the boundaries of the proposed project site.

(6) to install lighting fixtures to serve the fields and to allow for evening practices. Additional lighting facilities via an appropriation will be sought from the Guam Legislature will be sought to ensure that the facilities will be properly lighted.

(7) Pavilions and Barbeque sites.

FUTURE IMPROVEMENT AND USES

The Barrigada Mayor's Office also has the following plans for phased expansion of the existing facilities and uses:

- The development of a community theme park;

Subsequent phases will concentrate on the construction of picnic shelters, barbeque pits, picnic tables and benches, and restrooms in one quadrant area; electric power and water service throughout the park; installations of paved roads and parking lots; and the installations of a jogging and bicycle trail.

Future development of the area will be phased in as the need arises and when funds become available. The Barrigada Mayor agrees not to alter the existing landscape, no modification and no additional facilities will be pursued without first obtaining the necessary permits insure that the environment is protected.

ENVIRONMENTAL CONSEQUENCES

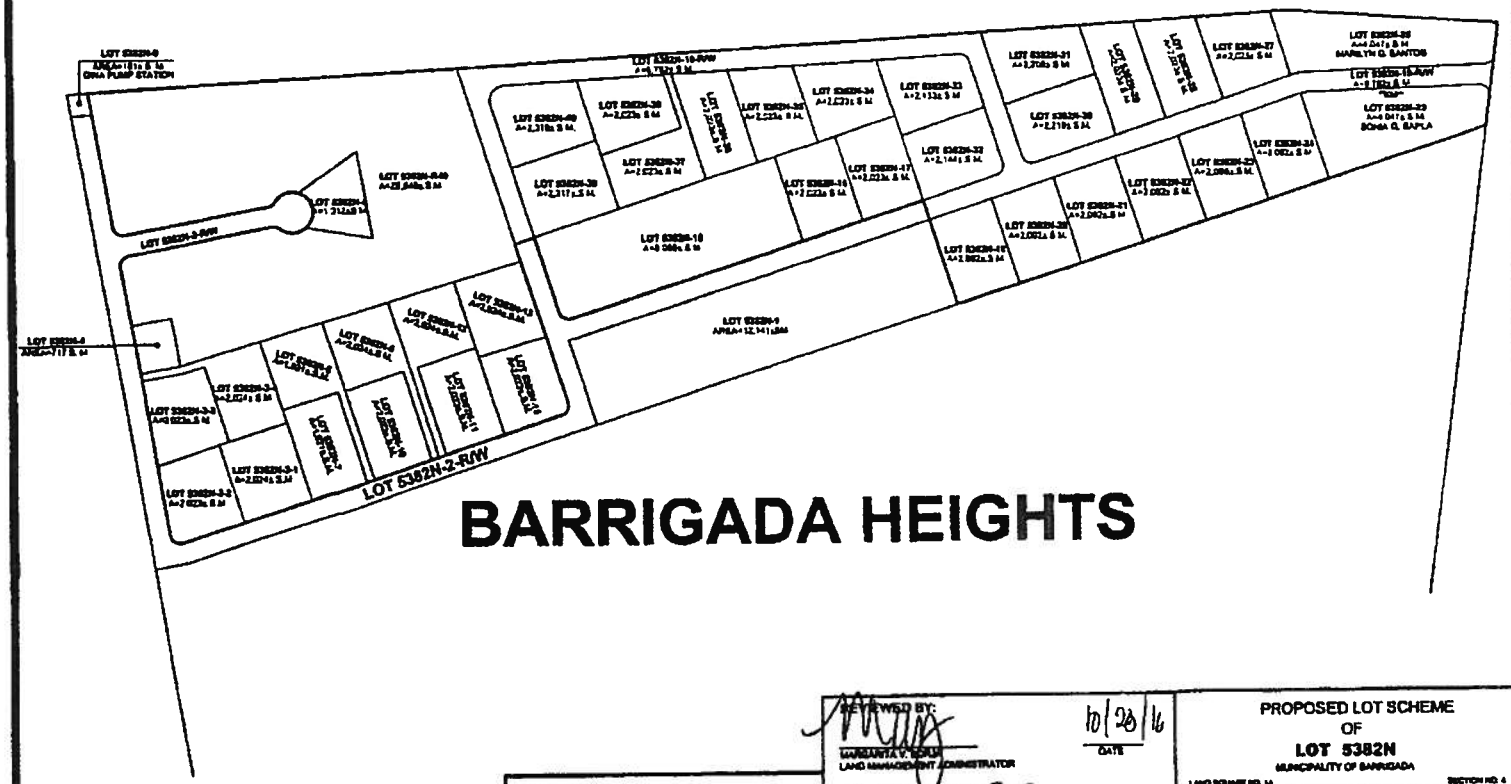
If necessary, a Preliminary Assessment for the __-acre Barrigada Recreational Sports Facilities Complex will be prepared to insure consideration of the environmental impact of the present facilities and the impact of the facilities and uses herein proposed. In our opinion, the proposed expansion of facilities and uses for the complex will be negligible.

PROHIBITED ACTIVITIES

All activity not permitted in the preceding paragraphs, off-road vehicles, hunting, archery, and camping shall be prohibited.

SPECIAL NOTES:

THESE LOT NUMBERS ARE FOR INFORMATIONAL PURPOSES ONLY.
UPON SURVEY AND MAPPING OF THESE LOTS NEW LOT NUMBERS WILL BE ASSIGNED AS THE MAP PROCEEDS THROUGH THE APPROVAL AND RECORDING PROCESS IN D.L.M.



BARRIGADA HEIGHTS

SCHEME NO: M05-005

I CERTIFY THAT THE LOTS SHOWN ON THIS PLAT HAVE BEEN REVIEWED AND ARE AVAILABLE FOR LEASE.

LAND AGENT, CLTC — DATE

SATISFACTORY TO AND APPROVED BY:

MICHAEL J.B. BORJA
DIRECTOR OF LAND MANAGEMENT — 10/31/16 DATE

REVIEWED BY:

MARIANITA V. BORJA
LAND MANAGEMENT ADMINISTRATOR — 10/28/16 DATE

PAUL L. SANTOS P.L.S. NO. 09
GUAM CHIEF SURVEYOR / CHIEF OF CADASTRE, DLM. — 10-28-16 DATE

PREPARED BY: MELVIN D. JAVIER, SURVEY DIVISION, DLM.

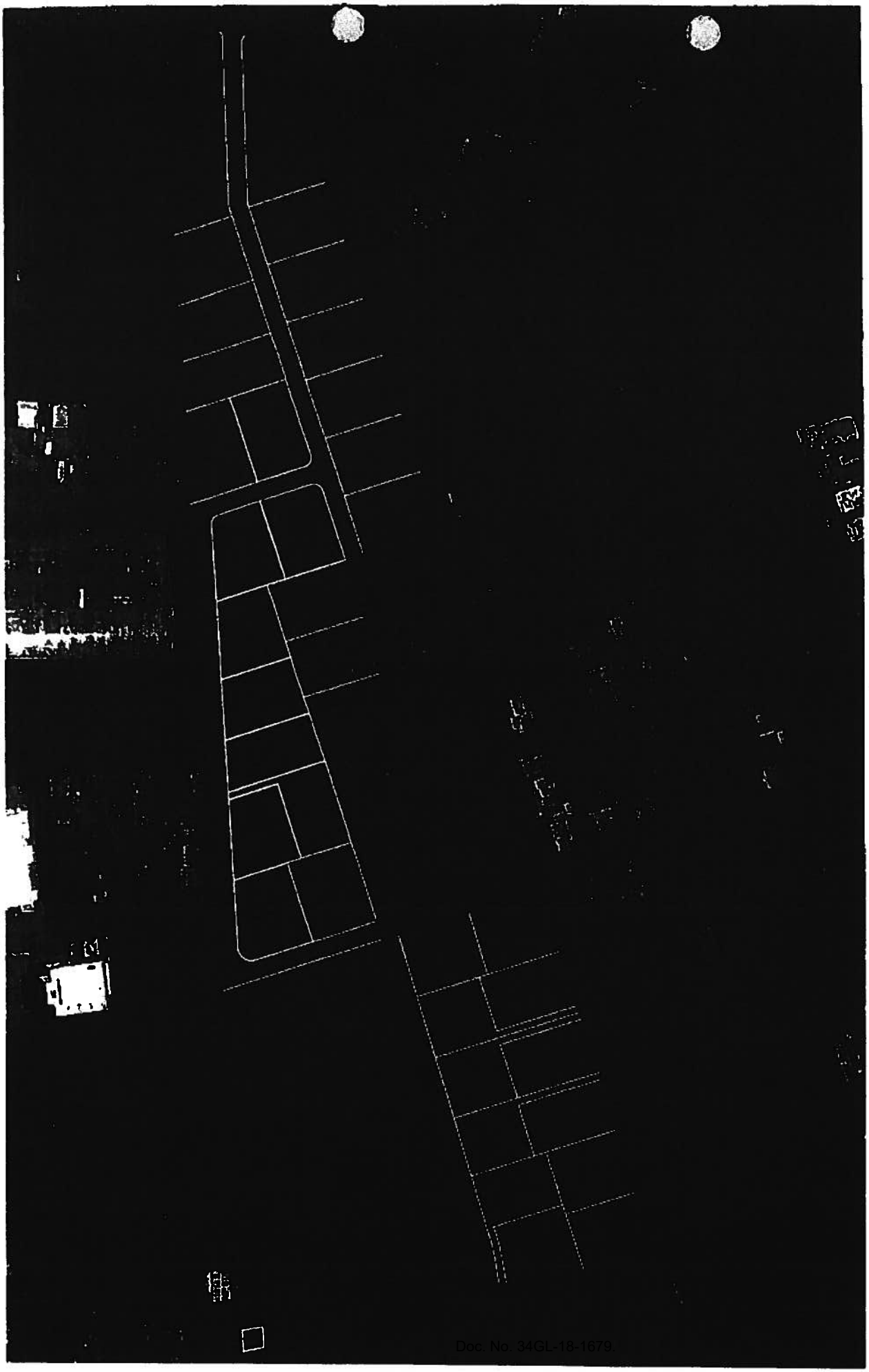
PROPOSED LOT SCHEME
OF
LOT 5382N
MUNICIPALITY OF BARRIGADA

LAND SQUARE NO. 14 — SECTION NO. 4

GOVERNMENT OF GUAM
GUBETNAMENTON GUAHÅN
DEPARTMENT OF LAND MANAGEMENT
DIPÅTTAMENTON MINANEHAN TÅNO'
LAND SURVEY DIVISION
DIBISION AGRIMENSURAN" TÅNO"

REVISED ON 09-28-2016
ALDEN MARGARITO BORJA

Doc. No. 34GL-18-1679.



Doc. No. 34GL-18-1679

BARRIGADA
Office of the Mayor & Vice Mayor
124 Luayao Lane, Barrigada, Guam 96913

November 16, 2016

Mr. Pascual V.A. Sablan
Chairman, Chamorro Land Trust Commission
Kumision Inangokkon Tano' Chamorro
590 S. Marine Corps Drive
Suite 733 ITC Bldg.
Tamuning, GU 96913

Re: Lot No. 5382N-R40, Barrigada

Dear Mr. Sablan:

Hafa Adai and Greetings from the residents of Barrigada! Please find a copy of our Position Statement on Lot No. 5382N-R40, Barrigada, entitled **Use Plan for the Barrigada Sports Complex.** As you well know, the Vice Mayor and I, together with members of our Municipal Planning Council are desirous in transferring title from the above-mentioned government property to that of the Barrigada Mayor's Office.

Thank you for your time, and we look forward to your favorable action on our request.

Sinseramente,

JUNE U. BLAS
Mayor

JESSIE P. BAUTISTA
Vice Mayor

Attachment:

BARRIGADA
Office of the Mayor & Vice Mayor
124 Luayao Lane, Barrigada, Guam 96913

Position Statement

Mayor June U. Blas & Vice Mayor Jessie P. Bautista

on

Lot No. 5382N-R40, Barrigada

November 17, 2016

Mr. Chairman, Members of the Chamorro Land Trust Commission, *Buenas yan Hafa Adai ginen taotao Barrigada!*

Vice Mayor Bautista and I, together with members of our Municipal Planning Council are here to support transferring title for Lot No. 5382N-R40, Barrigada, to that of the Barrigada Mayor.

As one of the larger municipalities in central Guam, it is sad to note that we have no immediate access and jurisdiction to publicly owned parks and recreation facilities for use by our residents. In this regard, we turn to you for your assistance and guidance in trying to secure title and ownership of government owned real property.

We have worked with Department of Land Management staff and have identified the following:

> Lot No. 5382N-R40, Barrigada, containing an area of 29,640 ± square meters, as shown on the Proposed Land Scheme of Lot 5382N, Municipality of Barrigada, prepared by the Land Survey Division of the Department of Land Management, for the purpose of developing a sports complex for the residents of Barrigada. [Attachment 1]

Mr. Chairman, when we were researching the issue, we found that during the Sixteenth Guam Legislature (1981 – 1982), Resolution No. 91, sponsored by District II Senators [F. F. Blas, C. T.C. Gutierrez, T. V.C. Tanaka, K. S. Moylan, E. R. Duenas, P. F. Perez, Jr. and J. H. Underwood], was adopted on December 4, 1981. Resolution No. 91 [Attachment II] simply requests the Director, Department of Land Management, to reserve and transfer Lot No. 5380, adjacent to Barrigada Heights to the Municipal Commissioner of Barrigada for the use of a recreation area.

When you transfer title of the property in question, you will be helping the community and the Mayor build a sports complex for the residents of Barrigada

Presently, Barrigada has five (5) education institutions. Two (2) public elementary schools: One (1) middle School; One (1) catholic school; One (1) Charter School and no sports complex. We do however, have a so-called community center operated by the Mayor's Office.

Based on the following information from our Office, the basketball league has a total of 130 youths participating in the following:

Basketball league:
Boys Under 8, Under 10, Under 12, Under 14, Under 15
Girls Under 16, Under 18

Baseball League:
Seniors 13 – 16 years; Babe Ruth 13 – 15 years; Big League/Amateur 15 – 18 years; JR Rookie 4 – 6 years; Rookie 7 – 9 years; Minors 9 – 10 years; Crusaders Baseball, 8 – 21 years;

Soccer League, 6 – 18 years

Totaling about 700 participants.

Other programs are: Irensian Taotao Tano; Pa'ao Taotao Tano; Zumba Fitness; Indoor Recreation (Billiards, Table Tennis) and Submission center (self defense program), both totaling over 900 participants.

They clearly demonstrate that with their increasing number the current recreational facilities have become inadequate and should be increased.

In closing, let me just state that Vice Mayor Bautista and I, together with our Municipal Planning Council members are in agreement that recreational facilities in Barrigada are inadequate. However, with your affirmative action and the transfer of Lot No. 5382N-R40, to the Barrigada Mayor we would have sufficient acreages for our programs.

Thank you and *Si Yu'us Ma'asi*!

Vice Chairman Joseph Cruz: It's been moved to terminate the lease of Mr. Joseph D. Cruz, it was seconded by Mr. Sablan. All in favor.

All: Aye.

Administrative Director Michael Borja: Mr. Cruz, let me explain to you what we are going to be doing. We will be providing you with a letter informing you that your lease has been terminated as of today with a provisions that we require within 30 days to clean up the property. The letter will also further explain to you your right under the Guam Code Annotated to either accept the termination in total for what the conditions were that we explained or to appeal before a hearing officer and that you have to give us a response in writing to our issuance of our termination. We will further explain to you that because there's a house on the property that the house will become appraised and then we will find a buyer for the house that will assume the lease of the property if we can even get it leased and at that we will pay you for the cost of the house that is appraised for minus every cost that is required to conduct the sale of the house which includes the cost of appraisals, any delinquent taxes, and whatever else there is, and at that time we'll take it. If we're required to clean it up ourselves that cost will be included into whatever the cost of the home was that we should reimburse you with. You have 30 days. You will be receiving a letter probably served to you no later than Monday.

6. **Mayor of Barrigada** – Request to transfer Lot 5382N-R40, Barrigada to the Mayor of Barrigada for the use of a recreational sports field

Vice Chairman Joseph Cruz: Item 6 or the last item of the agenda on the New Business. Mayor of Barrigada requesting to transfer Lot 5382N-R40 Barrigada.

June Blas (Barrigada Mayor): *Buenas* and *Hafa Adai, Good* Afternoon! Director Mike Borja, Deputy Director Mr. Camacho, Chairman, Vice Chairman and the board, as well as Ms. Margarita of course the staff. Thank you for allowing us to be here this afternoon to come to the board to request in reference to a property that was identified in Barrigada Heights for Lot 5382N-R40. This property that has been identified and fits the needs for communities request to build a sports facility for our community. Of course the Vice Mayor and I have gone through many obstacles in trying to obtain a property for the usage of our community that is growing in population and that we can't call any sports facility our home. There was once a property that was used way back up on the Radio but that property has been given back to the original land owners. Unfortunately today we still don't have one and we would try to work together with Parks and Recreation to keep our sports organization such as our softball, our football going, keeping one kid out of the street is a lot for us. Having a sports facility where our community is a growing community we will be very ideal for all of us. There's properties up in the Barrigada Heights that you have been issuing out to residence and that's great, but where do we

put these kids? We need to put them in facilities so identifying an area in the Barrigada Heights that would one ideal for all of us. It will a mixture of all sports. We also have soccer so we have to include that and looking at almost seven acres of property that would be enough at least to start off for our kids and that's why we are here today and on behalf of our Municipal Planning Council to see if we are able to obtain that portion of that property so it becomes a reality for our people of Barrigada. In order to add on to this there was a law back in, actually in the 16th Guam Legislature and I think you have it in your packet that there was a portion of property that was given back then to give Barrigada knowing that it's one of the most heavy populated village. Now till today, we came across this weeks ago, and knowing that it is we kindly ask that we revisit and I know that this property that was identified was up towards maybe the Villagomez area. I see an area and knowing that there's one that actually identified today. That will be great because the road has been open and it's also flat so that gives us an opportunity (inaudible) to come in now and do something for the betterment of our community.

Vice Chairman Joseph Cruz: I'm sorry but could you just mention your name.

June Blas: I'm sorry, I'm June, the Mayor of Barrigada and of course to my right is the **Vice Mayor Mr. Jessie Bautista.**

Commissioner Pika Fejeran: *Hafa Adai*, I'm Pika. I'm a resident of Barrigada. Toto Canada I consider Toto but technically Barrigada. So you know I appreciate that you're trying to create these facilities for the youth. I guess, a couple of questions, I'm not exactly clear about the location and then second I guess we'll look at the location first. And it looks like you have a land use plan created? Is this based on the subject property or this was kind of put together?

June Blas: This is some that we just put together Mrs. Fejeran only because we are trying it now to expand and think how we would want to develop this property to include a walking path, a park and all soccer field, baseball, football. Because every year we try to find fields outside of Barrigada now to get our kids into sports. We have 10 baseball teams, 19 basketball, very active soccer, football. We have a dance group and we have all these going and Barrigada heavily populated now and growing by the day, we don't have something of recreation to call our home. So that's why we're hear pleading and asking this board to please allow us and give us something for our community for our kids so that they can use and better themselves and putting their efforts in all their strength into playing and not doing something outside or on the streets.

Jessie Bautista (Vice Mayor, Barrigada) and you know this was proposed since 1981 and the Mayor wasn't working at that time, and I was still going to high school but it was prepared since 1981. They had money appropriated

for it but they had the $250,000 but I guess it didn't go through. It went through but the plan never follow through.

June Blas: Somehow it was probably de-obligated for that reason but now we are trying to ask and starts from scratch and try to get this back for our community and ones in the 16th Guam Legislature so I really thank for my municipal planning council that they found something to help us so that we can expand and grow to our communities and better our kids as well and our families to enjoy the park, the sports facility and we can call home.

Administrative Director Michael Borja: Part of the dilemma we have with the central part of Guam is that's very little in the way of any Chamorro Land Trust properties for most of the central villages. Barrigada is actually is best benefit of the areas around Barrigada Heights as the most prominent areas we have available for the Chamorro Land Trust properties. Part of the Chamorro Land Trust law allows for the use of lands for the purpose of use for the mayors and for public facilities and public fields and this fall into that category. Again, if we did do something like this it would be a requirement to go get the legislature to give it administrative control. What we've done in the past with regards to these mayors, and what's been available to a lot of the mayors as well is that once they have properties that have been administered/transferred to their control, they are eligible for programs under community development block grant with GHURA, the Housing and Urban Development people to be funded for facility improvements and you've seen them in different places, Sinajana, covering for their basketball courts so it's not really an enclosed area but it's protected from the elements. So you get that kind of available funding for doing these kind of things and GHURA has been doing this throughout for many of the different villages when they have the lands available and the funds and the block grants available for them. So this is really one of the few areas that's available that we're looking at and it does have some topographical issues that I think the mayors are well aware of and there is a slope and it will be something that they would have to definitely work with. I don't think this picture is the most recent picture because it doesn't show the road coming down but show on there, John, where that road would be. You can see the easement coming in and that has been cleared and it's going down the hill to that dirt road that goes to a Guam Waterworks pumping station. So the area that we are looking at is exactly where (interrupted).

Vice Chairman Joseph Cruz: Right there on the "eye" shape.

Commissioner Pika Fejeran: What's the rounded?

Administrative Director Michael Borja: This is the SNU, the nursing facility, at the very end. This is the Korean Church so it's directly. If you go out there today like Mr. Borja said this easement here is opened all the way down to the pump station and the well site, gravel road.

Commissioner Pika Fejeran: So is this at the western boundary of Barrigada?

Vice Chairman Joseph Cruz: Actually, right behind DMV if you look at it.

Administrative Director Michael Borja: That big building right there in the corner is Revenue and Tax. See the H shape building is the Coca Cola building in front of Revenue and Tax.

Commissioner Pika Fejeran: Mike you kind of mentioned it, but my next question is, is this proposal to transfer out of the Chamorro Land Trust inventory into Barrigada?

Administrative Director Michael Borja: Right, and to the administrative control. And that's what we've done in a number of villages and in some other places it's already been part of the use of their land but they haven't use it. But again it's just one of the things that while Chamorro Land Trust is to try to give out for agriculture residential it's also for a bunch of other things.

Commissioner Pika Fejeran: But wouldn't that be under a license that we issue Barrigada?

Administrative Director Michael Borja: No the way this work is that the land actually transferred out of our inventory into the control of the mayor. Now one way, to have worked this is Public Law 2218 had a reserve list and unfortunately the mayors' of Guam and no entry into that. There's a section in there for them but it's blank. That would have been the way to say the reserve land in some location on Guam then we can delete part of that inventory. Let's say they reserve a 150 acres and you need 7 so we delete 7 out of the inventory and transfer it over so they have less land on their reservation. Unfortunately they don't have reservation and so the only way to do it in this case is to have it administratively transferred. Again, the severability or the Revolutionary Clause will say if you fail to use the land within a period of time then it reverse back to the Chamorro Land Trust. But most recently we did one for the village of Inarajan but I can tell you right now, they are all coming in and asking, but it's all primary for sports complexes throughout the island. It's an obvious need, as the mayor pointed out they have a number of needs. Almost all villages have a significant number of sports teams, youth sports teams, and they need some place to exercise that sport but with very little places to do that.

Vice Chairman Joseph Cruz: Can I ask from Bill 91 that was executed back in 1981, 52-80 where's that at?

Administrative Director Michael Borja: That's a Resolution.

Margarita Borja (CLTC): Going up the road, going up to Latte Heights. Coming up Mechache.

Doc. No. 34GL-18-1679.

Vice Chairman Joseph Cruz: How much acreage is that?

Margarita Borja (CLTC): It's big. It's a big parcel. This is where the water tank is.

Vice Chairman Joseph Cruz: I just want to do a comparison as to the proposal back in '81 and the proposal today. Because right now the accessibility of that lot is not even a 2 lane road servicing those subdivisions that's going to Barrigada Heights and down.

Administrative Director Michael Borja: I drove through that sometime last month when that road wasn't fully done yet and we were able to transit around all those available side road and ended up near the over pass.

June Blas: I really want to move on. We do have contractors and people want to help us at a zero cost to the Government of Guam so the more the we have this investors coming saying Mayor, Vice Mayor we're here to help you we are more than happy to get them on board. Because everything is about funding and we were very resourceful to have these other companies that says, here we are, where do you want us to go. We have already identified someone to plan this and how to develop it. I know people from Barrigada that have this capability and putting the group, a dynamic group together we can make this as a reality.

Commissioner Amanda Santos: How big is the land?

June Blas: Seven acres. Actually, I want to ask for more but I want to ask whatever we can get at least to identify a baseball field, football, soccer, a jogging path even a park for the kids to play and for the parents' running and walking, all that. That would make a great Barrigada. Remember the properties are issued now to the Chamorro Land Trust usage for building, where are these kids going to go? They've taken a property way back, I remember this because I was the Administrative Assistant to Mayor Laguana, and that property was where the skilled nursing was supposed to be, where it's at today, it was supposed to be a park, it was taken and yet what they built was a facility. So I remember that way back in the 80's so I'm still here today almost about 30 years. And that's why I'm staying on top and try to find properties now for our people.

Commissioner Pika Fejeran: Do you know how big the Dededo Sports Complex is is? How many acres that is? I'm just trying to wrap my head around.

Vice Chairman Joseph Cruz: This is half the size. The 29,000 square meters is 3 size of that Skinner Plaza where the Guam Museum is at. That's one hectare. So three of that is equivalent to what they are asking. So just imagine three of those blocks in Hagatna.

Vice Chairman Joseph Cruz: Margarita, on this mapping. Do you have that triangle curve *cur de sac*? That's a Waterworks right?

Margarita Borja (CLTC): That's the well side.

Commissioner Pika Fejeran: So this is our master plan of that property?

Margarita Borja (CLTC): No it's existing. It's there. The well side is there.

Commissioner Pika Fejeran: I mean this map.

Margarita Borja (CLTC): Yes.

Vice Chairman Joseph Cruz: What's the changes of relocating of deleting that *cur de sac* and putting it towards the inclusive lot. That would reduce a lot of area acreage on that roadway. Since they're going to put fuels in there that's going to limit their development of having that *cur de sac.*

Margarita Borja (CLTC): But we have to go to the Guam Land Use right? If we have to. . .

Vice Chairman Joseph Cruz: No, as long as you don't eliminate access to that lot there. So if you reverse this and put it here so you can utilize the whole area. Right now if you are going to issue as it, it's very limited for you to struggle a baseball field and a soccer field with that. But whoever is using that triangle on we need to notify them that we are realigning their access.

Administrative Director Michael Borja: That's the pump station I think the pipes come in there.

Vice Chairman Joseph Cruz: Okay then let's provide them a utility easement instead of an access easement. Because the utilities are underground, you can have that utility easement for the line but accessibly is going to be on the other side.

Margarita Borja (CLTC): Could you guys put together a plan based on this?

Vice Chairman Joseph Cruz: Yes, but keep in mind the Waterworks (inaudible).

Margarita Borja (CLTC): But are you able to utilize it?

June Blas: We have given it to someone to take a look at it, we of course is one of them, we have other planners that are looking into this and seeing how can we work with this property and putting football field, baseball field, soccer. Well soccer can also be used on a soccer because it's not. . .

Vice Chairman Joseph Cruz: I'm bring this out because once we do the approval that lot number stick with that alignment.

Margarita Borja (CLTC): Just know that's a documented easement already.

Commissioner Pika Fejeran: I just going to throw this thought out there. I didn't realize that we had already Chamorro Land Trust plan to get these lots to residential applicants. And they have close connection to utilities which many of our applicants and lease holders don't. With that in mind I understand, I fully support what you are trying to do here, but I also have to look at it through the eyes of a commissioner. I'm sitting here to think exclusively in the interest of our Chamorro Land Trust applicants. And our applicants on our list, thousands long are waiting for lots to get connected. So looking at this it would pain me to just get rid of all this planning that's been done and to turn it into a recreational facility.

Administrative Director Michael Borja: But part of the subdivision planning is to have green space to have parks and when we try to create those kinds of areas. I think I'm going to show you a diagram that depicts an area that restricts us by current EPA requirements because of wells and it kind of put us in a quandary because there's a number of those kinds of places existing and it's also isolated a bunch of places that we were thinking of using because of the mere fact that there's a well.

Margarita Borja (CLTC): The first one in the middle is 300 buffer from the well side and the one outer is (inaudible).

Commissioner Pika Fejeran: So we can't put any applicants in the 300 buffer?

Administrative Director Michael Borja: In the 300 subject to sewer line. So for example, Waterworks was seeking in one area in Yigo to activate a known potentially good well and we said no. Not unless you're going to put a sewer in that could connect to our line. We don't want to give you that land because when one needs the water but if this was a private property you would have to give me something for telling me I can't use my land around here.

Commissioner Pika Fejeran: So looking at these circles, what is that mean for this Master Plan?

Margarita Borja (CLTC): It's based on this so that's how we were able to come up with the Master Plan and we severed out the portion that is within the 300 radius of the water well side and that's where we were able to identify the R4.

Commissioner Pika Fejeran: So this has already taken into account those buffer zone?

Administrative Director Michael Borja: The problem is those back logs inside there those probably would have to be like the last be given. You know once the sewer line comes in then they could be issued out but limited to be given out to anybody unless. Just because they can't put a septic tank (inaudible).

Commissioner Pika Fejeran: I'm trying to think how we can do this and both get what we want out of this. What if we say we give you the back half or the back three quarters, does that mean we can still lease out the bottom left corner 5382 and 32? The rectangles right there?

Vice Chairman Joseph Cruz: What's available is 300 feet diameter from the outside. That's what's available because anything outside there we can create a lot.

Commissioner Pika Fejeran: So they just told me that this Master Plan they've already taken into consideration the buffer zones that you can't do anything in.

Matt Leon Guerrero: That's why we have that part severed out already it's not a part there, it's a big piece of the Master Plan you got there is to account for that, there it is within the water well there in the middle.

Commissioner Pika Fejeran: and none of these lots we have here fall within that?

Matt Leon Guerrero: There's a couple here in the back.

Commissioner Pika Fejeran: So this has not taken this into account the buffer zones? Do you see what I'm saying?

Administrative Director Michael Borja: Right it did but the thing is that you can see it's one lot behind another so what we have is these lots in here can be issued out but these lots we hold on issuing them out until sewer becomes available then they can use these lots. But for now we didn't want to give them a big sizable lot like that, we wanted to give them something that was within the limitations of what they are allowed to get so that would hold us back from doing that. What happen in an existing facilities, let's just say somebody already happen to be there, it's too late. We can't tell that person to get out because we have to pay for everything, but that's the dilemma that we have in many places that we have already people that issue out leases within the 300 foot radius but we stuck with it because they are kind of grandfathered in. But once they notified us of that requirement moving forward we have to comply.

Commissioner Pika Fejeran: So it's not a restriction of having a house there, it's a restriction is a house with a sewer. So then my question would be for your development I imagine you would have to bring in power, water, and

sewer. Is there a way we can marry your proposal with part of our proposal? We're going to give you our land but then you would also be bringing in the utilities for the applicants. This is my proposal, we give you from this map, there's like a rectangle from the bottom left, 1, 2, 3, 4, 5 and then on up to the left would still be Chamorro Land Trust and to the right we would give to you so it would be small than what you have proposed for us here but then maintaining properties for applicants and part of us giving you that property means that you are going to be bringing in the sewer, water and power for our applicants to be able to tap into right away and build.

June Blas: You know, honestly, there is power, water already on that area and trying to get that is, I don't know how we do this, but that's another funding that we need to work with, with the legislature. I've been there for almost 30 years and here we are today. We have 19 basketball teams, 10 baseball teams, 1 football planning on another and we need also not a playing field but practice fields. We want to make sure we expand. Even the 7 acres to me is still kind of small but I cannot be choosy right now, I'll take what it can, if it's there and available then let's try to work with what we have. And putting a park up to the top side of the foster home maybe that's another thing considered but maybe right now the most important right now is the sports field.

Vice Chairman Joseph Cruz: What is your time frame for this development?

June Blas: We have these developers, we have contractors, I don't want to lose them and lose interest and say Barrigada has been waiting for you. I don't want to go to Dededo or another district. Right now they have a little down time because of all these contractors not coming in. First of we need the Right of Entry and then allow us to do so. I would get the proper documentations to move on with Public Works to go in and get all cleared so we can start. Because right now come January we have the baseball, baseball is coming up soon and "where we going to practice again Mayor?" we only have one top field at the Parks and Recreation, okay fine and we have 10 so how we do we schedule these kids in five days. Monday, Tuesday who's doing one day Wednesdays, how? We even use other facilities so that we can accommodate our kids. The amateurs practice in Dededo for ground ball or throwing because we don't have a field in Barrigada. So all we're asking is to please give us a field or a property so we can move and get this to reality. I think we've waited so many years and waiting for another couple of years again our kids will be grown to adults.

Jessie Bautista: We applied for baseball field but it was taken away because it was not under our Mayor's office lot.

June Blas: Right now we are utilizing a soccer field in Tiyan that belongs to the private owner that allowed our mayor's office to use it because we don't have a soccer field. You know how sad that is, I mean, I'm so happy that the

Doc. No. 34GL-18-1679.

(inaudible) seeing the vision that we have in keeping these kids on the fields and not on the streets. So we are trying to work together as community with one heart, one voice. We just need something for our kids to get their energies out and keep them in fields. Keep them actively growing into sports.

Commissioner Pika Fejeran: I appreciate your passion, I do, but again I'm thinking of our beneficiaries under the Trust I wonder if there's some way that we can have a discussion off line and say okay if we're going to give you guys this much then what would you do with it. How much more do you need because I don't know what you can put there, I don't know the limitation.

June Blas: It depends on the terrain of the property again and how much work we have to put in to it. So we got to get someone that knows the typography of the property and say okay how it needs to be done, where do we go from here, how much money we have to pump in (inaudible) to the legislature to give us monies to upgrade or to get going with this property.

Vice Chairman Joseph Cruz: Like you said we need a conceptual plan as to whether you are putting in a football field or are you putting a baseball field. All require different acreage. We would like to know what activities so that we gauge the acreage verses the activity that you're putting in.

Commissioner Pika Fejeran: This looks like 34 residential lots that we have plotted out on this map. It's 34 families that have been waiting since 1995 for their home so what the vice chairman is saying is we just need to know what we can keep for these families and what you can use the rest.

Chairman Pascual Sablan: I think if you concern is the water, the power.

Vice Chairman Joseph Cruz: It's all there. What's there now is the main line. What we need is lateral. The lateral to feed the individual lots that we're assigning so that's not there.

Chairman Pascual Sablan: So why not go like this, we entertain the request and they can come back and modify it but they have to be back as you said, what the time frame is before we make a (paused).

Vice Chairman Joseph Cruz: We still don't know the time frame. But like I said if you can give us a detail proposal of what is to be put there then we can consider the typography, the configuration of the lot.

Commissioner Pika Fejeran: Imagine if we end up agreeing that we'll keep the bottom left lots for applicants and they end up building homes there and then you have your park.

Jessie Bautista: It's going to serve everybody. It will be a good plan. Actually, we're thinking ahead before the process has been done of building

houses. So at least we will have a field there, we will have a park there, and the infrastructure will be there and the kids have some place to go.

June Blas: We need to expand. We really need to. It's just sad that our properties have been given to original landowners. We do have properties up there that were given back to the people so they can build a better life but we also forgetting that we have a future and we have our kids. So we try to think out of the box and say hey what we are doing for these kids today, tomorrow and in the future. What do we have for them? Barrigada has none. We always working with Parks and Recreation and say, can we use the field today because we have to close this out, they have their own leagues by the way so it kind of coincide with ours. So we have to beg or wait with them. They do have league with the Guam Hotel Association and sometimes that coincide with our baseball for the kids in January and this one goes all the way up to July.

Commissioner Pika Fejeran: I would like to make a motion to approve the transfer the land to Barrigada Mayor's with the condition that will be working on the easement right away.

Commissioner Amanda Santos: I second it.

Vice Chairman Joseph Cruz: It's been moved to approve the transfer of Lot 5382N-R40 Barrigada and it was second by Mrs. Santos. Correction 5282 North R-40. All in favor say aye.

All: Aye.

VII. DIRECTOR'S REPORT

The monies are all showing here what we've received. We will be receiving just under a half a million dollars sometimes next month from Guam Waterworks for the purchase or two pieces of properties out of the three. One of the reason for not getting any money yet from Astumbo is because it's an unregistered property so once we complete the land registration we can issue them a deed that they will pay us. I don't want to receive monies for deed that they will pay us. I don't want to receive any money for deed that we haven't issue. What I would be requesting from the Legislature in January is to spend that money to survey. Because it's coming out of the infrastructure survey fund and in part from GTA and have at least a million dollars over a three year period to do a land survey so hopefully that should get it all done.

Commissioner Pika Fejeran: Are the RFP coming to us or that has to go through GEDA for the surveying?

Administrative Director Michael Borja: We have to go out and do an RFP. We may be able to coordinate that with GSA. The auditor bids have been finalized with really only one. We went through the whole process with OPA

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

File for Record in Instrument No. 905774
On this Year 17 Month 4 Day 14 Time 1107
DE OFFICIO
Recording Fee ____ Receipt No. ____
Deputy Recorder JOEL D. ANTEQUERUZ
(Space above this line for Recorder's use only.)

RIGHT OF ENTRY AGREEMENT

THIS AGREEMENT made and entered into on the 13th day of April 2017, by and between **CHAMORRO LAND TRUST COMMISSION,** P.O. Box 2950, Hagatna, Guam 96932, hereinafter called the **"OWNER"** and the **MAYOR OF THE MUNICIPALITY OF BARRIGADA,** 215A Chalan Santo Papa, Ste 111F, Hagatna, Guam 96910, hereinafter called the **"BARRIGADA MAYOR".**

WITNESSTH

WHEREAS, the BARRIGADA MAYOR needs to enter the OWNER'S property in order to conduct an assessment of land conditions and determine boundaries on land proposed for administrative transfer to the BARRIGADA MAYOR on the following described premises:

> **Lot 5382N-36, Municipality of Barrigada, consisting of ±32,139 square meters, as shown on Department of Land Management Scheme No. M04-008, approved on March 15, 2017, currently Agricultural Zone (A), shown in Exhibit "A".**

NOW THEREFORE, in consideration of the above stated premises, the OWNER and the BARRIGADA MAYOR hereby agree that the BARRIGADA MAYOR and/or its duly authorized representative to the following:

1. BARRIGADA MAYOR Shall have the right to enter upon the OWNER'S land for assessment;
2. All necessary permits shall be obtained by the BARRIGADA MAYOR for any clearing of the land;
3. It is further understood that the BARRIGADA MAYOR and/or its duly authorized representative will restore the land to a safe and sanitary condition after the assessment work has been completed; and
4. This RIGHT OF ENTRY shall expire one year from execution date or upon enactment of a public law to transfer administrative jurisdiction of the identified property to the BARRIGADA MAYOR, whichever is first.

OWNER:
CHAMORRO LAND TRUST COMMISSION

By: _____
G. PIKA FEJERAN
Chairwoman

BARRIGADA MAYOR:

By: _____
JUNE U. BLAS
Mayor, Municipality of Barrigada

ACKNOWLEDGEMENT

In and for Guam)
) ss
City of Tamuning)

On this 13th day of April, _____, 2017, before me, a Notary Public in and for Guam, personally appeared **G. Pika Fejeran,** known to me to be the person whose name are subscribed to the foregoing **Right of Entry Agreement** and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day, month and year first above written.

Notary Public

TERESITA A.C. TOVES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: JULY 13, 2019
P.O. Box 2950 Hagatna, Guam 96932

ACKNOWLEDGEMENT

In and for Guam)
) ss
City of Tamuning)

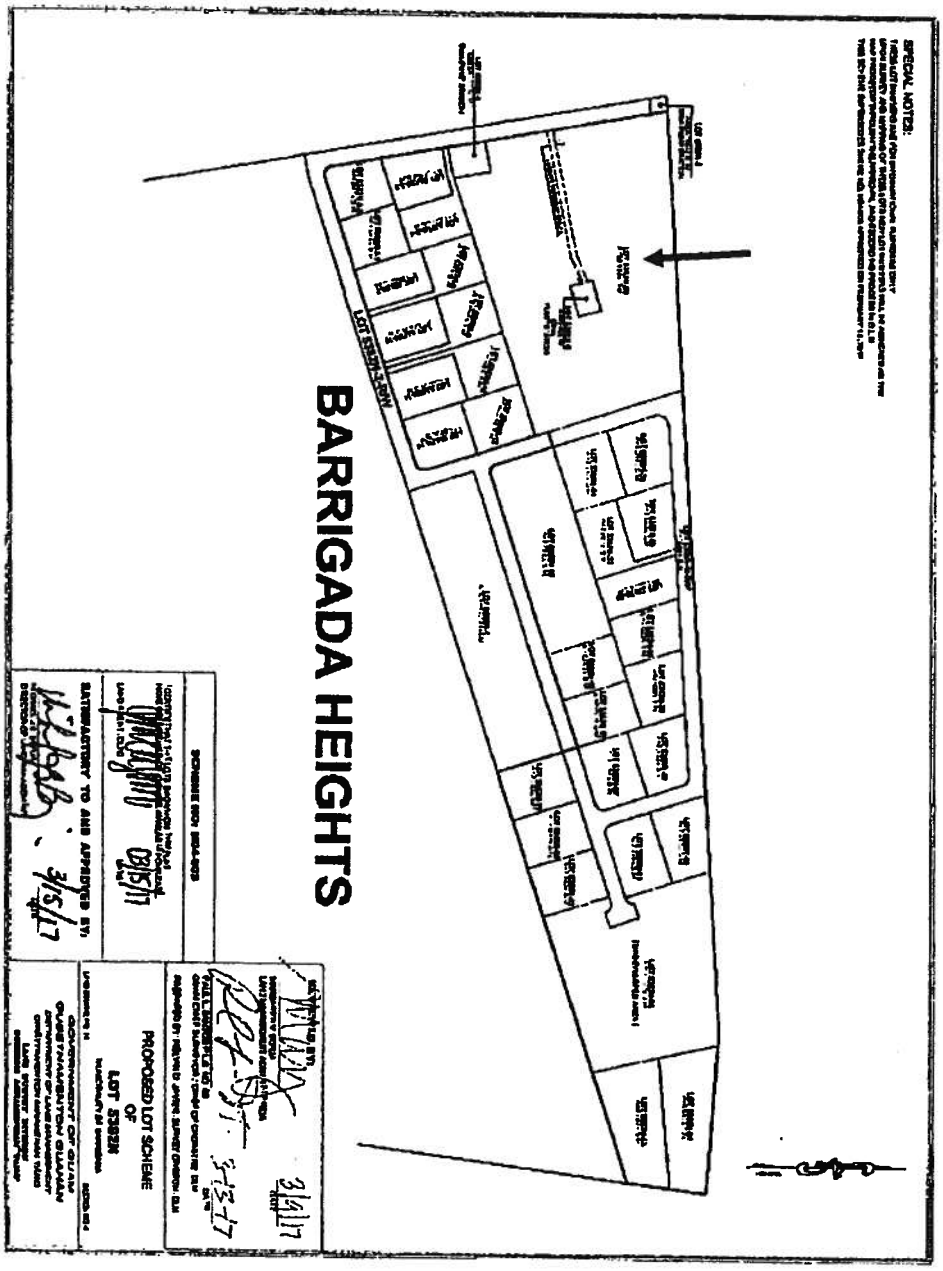
On this 14th day of April, 2017, before me, a Notary Public in and for Guam, personally appeared **June U. Blas,** known to me to be the person whose name are subscribed to the foregoing **Right of Entry Agreement** and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day, month and year first above written.

Notary Public

TERESITA A.C. TOVES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: JULY 13, 2019
P.O. Box 2950 Hagatna, Guam 96932

EXHIBIT "A"



CHAMORRO LAND TRUST COMMISSION
RESOLUTION NO. 2017-06

Declaration of Support for a Land Transfer to the Mayor of the Municipality of Barrigada

WHEREAS, the Chamorro Land Trust Commission ***(hereafter CLTC)***, in accordance with Title 21, Section 75105, declares it support to transfer properties to the Mayor of the Municipality of Barrigada ***(hereafter Barrigada Mayor)***;

WHEREAS, the CLTC board of commissioners recognize the Barrigada Mayor's need for public land to create sport and recreation fields for its residents in an area of municipality completely without any public use parks;

WHEREAS, the Barrigada Mayor desires land to be under the control of the Mayor of the Municipality of Barrigada to create and construct recreation park and fields and has diligently sought private partners to assist and facilitate the creation and equipping these recreation fields;

WHEREAS, the Barrigada Mayor may also directly seek community-related funding to create recreation park and field facilities on the designated property and more appropriately manage the recreation park and field area for village residents and surrounding residents which also consists of CLTC lessees;

WHEREAS, in accordance with Title 21, Section 75107, the lot listed below was designated to be administratively transferred to the Mayor of the Municipality of Barrigada to allow for improvements for public purposes:

Lot 5382N-36, Municipality of Barrigada, consisting of ±32,139 square meters, as shown on Department of Land Management Scheme No. M04-008, approved on March 15, 2017, currently Agricultural Zone (A), shown in Exhibit "A";

WHEREAS, the Barrigada Mayor desires access to the land to assess land condition and topography; and

WHEREAS, on November 17, 2016, the CLTC board of commissioners at their regularly scheduled meeting, Tamuning, Guam, reviewed and approved by a motion to support legislation to administratively transfer the identified property to the Barrigada Mayor and that the legislation contain a reversionary clause requiring the Barrigada Mayor to begin, within ten years, activity on the land to convert it to a functioning recreation park and field area.

NOW THEREFORE BE IT RESOLVED,

1. The Chamorro Land Trust Commission Board of Commissioners approves the listed land for administrative transfer to the Barrigada Mayor;

2. The Chamorro Land Trust Commission requests a reversionary clause be included in legislation requiring the property being transferred to the Barrigada Mayor commence conversion of property to a functioning recreation and park area within ten years or it reverts back to the CLTC land inventory;

3. The Chamorro Land Trust Commission grants the Barrigada Mayor a Right of Entry to assess the land conditions and determine boundaries; and

4. The Chamorro Land Trust Commission Board of Commissioners transmits this Resolution to *I Liheslaturan Guahan.*

DULY AND REGULARLY ADOPTED BY THE CHAMORRO LAND TRUST COMMISSION THIS 17 TH DAY OF NOVEMBER 2016.

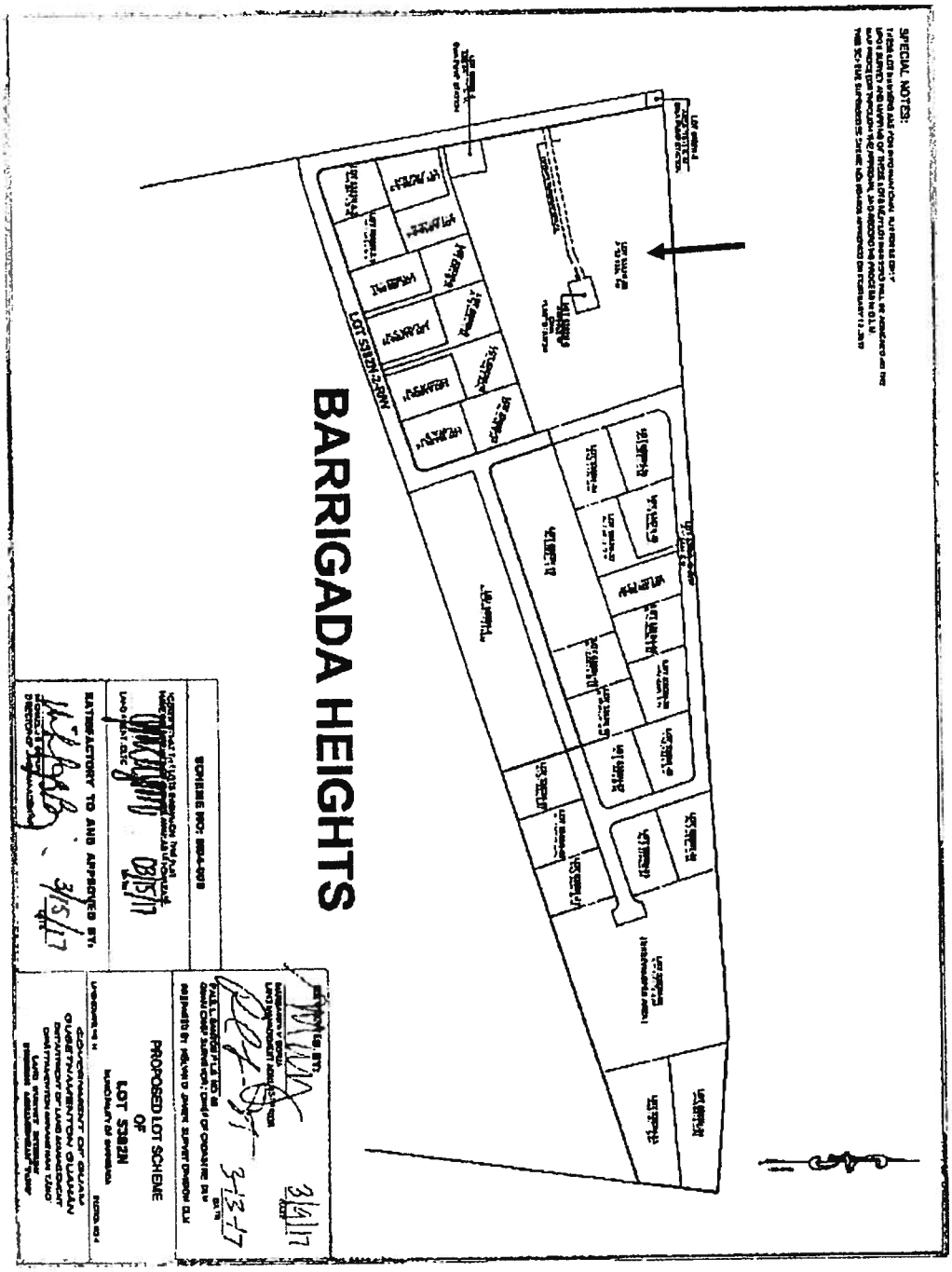
G. PIKA KEJERAN, Chairwoman
Chamorro Land Trust Commission

Date: 4/13/17

MICHAEL J.B. BORJA, Administrative Director
Chamorro Land Trust Commission

Date: 4/13/17

EXHIBIT "A"


BARRIGADA HEIGHTS
SPECIAL NOTES:
LOT 5182N
PROPOSED LOT SCHEME
OF
LOT 5182N
SATISFACTORY TO AND APPROVED BY:
SCHEME NO.: 0004-069

MEMO FOR RECORD

March 7, 2018

SUBJECT: Meeting with Ms. Sophia Palacios, T10316, B20 L4, Dededo

Background: At the February 15, 2018, CLTC Board Meeting, Mr. Vincent Aguon, a CLTC lessee, complained that occupant of a neighboring lot was littering the land. A site inspection found the occupant of the neighboring land to be Ms. Sophia Palacios. The lot is not yet leased but is proposed to be leased to Mr. Joey Thomas Taimanglo, the grandson of Ms. Palacios and a qualified CLTC applicant. Inspectors found litter on the property as well as other unauthorized persons squatting on an adjacent property. Inspectors also spoke with Mr. Aguon who provided some photos of litter and littering.

On March 2, 2018, at 10AM, I met with Ms. Palacios in the DLM Dir Conference Room. Also present was Lorraine Nededog, CLTC Land Agent I. A male individual also accompanied Ms. Palacios to the office but did not participate in the meeting. She later identified him as her husband of Filipino descent.

Ms. Palacios came to the meeting walking with arm crutches on each arm. I informed her of the complaint made at the CLTC meeting and our inspection and finding litter in the area. I also asked where Mr. Taimanglo was and she told me he was at work. I also asked if Mr. Taimanglo lived at the subject lot; Ms. Palacios said he lived in Mangilao because he just had a new baby but would be moving back to the lot later.

Concerning the trash, Ms. Palacios voluntarily told me that she puts bags of trash under a mango tree but she has it removed. I showed her a picture of the bags of trash under a mango tree but Ms. Palacios didn't recognize it. I showed her a picture of a male individual in a pick-up truck who Mr. Aguon said was unloading trash onto the lot. Ms. Palacios at first did not recognize the person but later said it was someone picking up pots of pepper plants from her. The male individual was the same person who accompanied Ms. Palacios to the office and who she identified as her husband.

I instructed Ms. Palacios that we will be requiring them to obtain a Guam Solid Waste Authority waste container to collect their trash once a lease is issued. She said she preferred to dispose of the waste themselves.

At that point, Ms. Palacios retrieved her two arm crutches and told us it was fake, she didn't need it to walk but instead used it to get attention because people helped her when she used it. She asked why I didn't laugh at that because she thought it was a funny joke. I ended the meeting.

Ms. Palacios was the original applicant but she failed to meet the necessary qualifications. She was occupying the lot that was originally issued to her ex-husband, but since she failed to qualify, we determined her grandson would qualify, although he had not completed an application until February 19, 2015.

RECOMMENDATION:

1. Ms. Palacios is using a lot and spoiling it.
2. Ms. Palacios comments were not truthful in our discussions, especially her blatant actions pretending to be physically handicap and later admitting it was a ruse.
3. Mr. Taimanglo, the applicant, is not residing on the property and may not be intending to.
4. ISSUE VIOLATION NOTICE
5. RECONSIDER ISSUANCE OF LEASE TO MR. TAIMANGLO BASED ON HIS APPLICATION DATE

MICHAEL J.B. BORJA
Administrative Director, Chamorro Land Trust Commission

CHAMORRO LAND TRUST COMMISSION
Board of Commissioners Meeting
March 15, 2018

VERONICA GARRIDO PATAO – DISTURBANCE

1. **FACTS:**
   a. **Lessee:** Teresita Cruz Blas
   b. **Location:** Lot 11, Block 2, Tract 10314, Dededo
   c. **Lot Size / Lease Type:** 1,000 +/- square meters, Residential Lease based on Addendum to Residential Lease was recorded with DLM
   d. **Lease Instrument Number:** 916652

2. **CHRONOLOGICAL FACTS:**

   a. On Saturday, January 6, 2018, Matthew Leon Guerrero, (MLG) Land Agent Supervisor received a call from TCB that someone had broken her lock and replaced it with another lock and placed a wooden power pole fronting the entrance gate. A note was also on the gate "If Trespassed, will call the police.

   b. On Monday, January 8, 2018, Director Mike Borja spoke with Veronica G. Patao (VGP)informing her to remove the locks on the entrance gate and that she has no jurisdiction to change out locks or to lock the gate. Mr. Borja also advised VGP that if she continues to interfere with CLTC and TCB charges may be filed against her.

      CLTC advised TCB to file a complaint/harassment report against VGP regarding incident on 1/6/2018. CLTC staff, Matthew Leon Guerrero (MLG), Glenn Eay (GE) and Diodre Mafnas (DM) was present at the Dededo Precinct at met with Officer Riles who then escorted Mrs. Blas and her sister Cathy Salas (CS) to her home. Officer Riles mentioned to MLG that he will contact him as to when the report will be readily available for pick up at the GPD Records Division. (No call or report received.)

   c. On Friday, March 2, 2018 at or about 8:30 AM, GE responded to complaint made by Teresita C. Blas regarding dispute of property boundaries and clearing. Please see attached Incident Report.

   d. On Tuesday, March 6, 2018, TCB came into CLTC Office, informing MLG, GE and DM that two (2) GPD officers (no names given) came to her home on March 3, 2018 stating that leases were provided by VGP, indicating that her mother Simplicia T. Garrido is the leasehold owner of the property (Lot 11, Block 2, Tract 10314) where TCB currently occupies. TCB tried to explain to the officers that she is the current leasehold owner and had asked the officers to review the lease agreement, in which the officers refuse to see her document. MLG advised TCB to file a report/press harassment charges against VGP with GPD.

Approximately at 11:[illegible]AM, GE & DM went to Dededo Precinc[illegible]garding lease issues. TCB and CS met with Officer Quintanilla, requesting to move forward and file harassment charges against VGP. DM provided Officer Quintanilla a copy of the Termination of Lease under Instrument No. 916541 and Addendum to Residential Lease under Instrument No. 916652 for file. Officer Quintanilla provided a Case No. 18-6973 and advised TCB to also file a restraining order against VGP.

Thereafter GE & DM placed a "NO TRESPASSING" sign on power pole.

About 4:19 PM VGP contacted Margarita Borja (MB), Administrator of CLTC requesting to remove the gate. MB informed VGP that CLTC staff will be present to ensure no other encounters occur between TCB during the removal of the gate. (Schedule time to remove is 11:00 AM on March 7, 2018.)

e. Wednesday, March 7, 2018 MLG, GE & DM met with VGP and Johnny L. Patao, spouse of VGP. VGP brothers were also present to assist in the removal of gate.)

Location:



INCEDENT PEPORT

Date: March 2, 2018

Purpose: Respond to a complaint from Theresita Blas Lessee disputing property boundaries and clearing.

Location: T10314, B2 L11 Dededo

Approximately 9:31 a.m. I received a call from Mathew Leon Guerrero to follow up concerning a via-phone complaint received from Mrs. Theresita Blas disputing property boundaries and clearing from adjacent neighbor Garrido. (no first name provided) Per discussion, Mrs. Blas stated that some-one by the last name Garrido and two (2) male individuals approached her and told her that a backhoe will be arriving soon to clear lot 10 and surrounding lots. Mrs. Blas informed Garrido that she is the Lessee of Lot 11 and the area Garrido described for clearing is part of her lease property. Because of property boundary disputes and name calling from Garrido, exchange of words escalated to the point where Mrs. Blas took out her machete and demanded Garrido to leave her property. Mrs. Garrido said that she will be back with a backhoe to clear family property.

Approximately 10:25 a.m. officer Sablan (GPD) arrived and got statement from Mrs. Theresita Blas. Blas was advised to place a NO TRESPASSING sign at the entrance of their property. Officer Sablan explained to Blas that if the NO TRESPASSING SIGN is placed and Garrido enters her property again, contact GPD and the will be arrested.

(End of report)

Reported by: Glenn Eay
Land Agent II
Chamorro Land Trust

Director Borja

Office of

SENATOR FRANK B. AGUON, JR.

THIRTY-FOURTH GUAM LEGISLATURE · I MINA'TRENTAI KUÅTRO NA LIHESLATURAN GUÅHAN

February 5, 2018

Ms. Veronica Garrido Patao
Constituent
PO Box 326013
Hagåtña, GU. 96932

Subject: **Response from Chamorro Land Trust Commission regarding property access**

Dear Ms. Patao,

Buenas yan Hafa Adai! Thank you for visiting my office on January 16, 2018 to discuss the issue regarding access to your brothers' properties; Mr. Roque Garrido and Mr. Ricardo Garrido, respectively. In an effort to provide assistance and expertise in this matter, I reached out to Mrs. Margarita V. Borja, Land Management Administrator at Department of Land Management, and after reviewing their records her findings are as follows:

1. Roque Garrido's property is Lot 12, Block 2, Tract 10314.
2. Ricardo Garrido's property is Lot 10, Block 2, Tract 10314.
3. Christopher Michael Cruz's property is Lot 13, Block 2, Tract 10314.
4. Chamorro Land Trust Commission (CLTC) has jurisdiction of Lot 8, Block 2, Tract 10314.

According to CLTC Document No. 708359, Mr. Hubert Garrido signed a lease with CLTC on March 31, 2005 for Lot 13, Block 2, Tract 10314 and upon his death the lease was transferred to his benefactor, Christopher Michael Cruz. The existing semi-paved road referenced during our January 16th meeting is within Lot 8, Block 2, Tract 10314, and is under the jurisdiction of CLTC. The CLTC has plans to sever Lot 8, Block 2, Tract 10314 as an easement to connect Lot 1-R/W, Tract 10314, which will enable access to said Lots easily, rather than opening Lot 1-R/W, Tract 10314.

Should you have any further questions you may contact Mrs. Margarita V. Borja at (671) 649-5263 ext. 410 or email her at margarita.borja@land.guam.gov. If I can be of further assistance, you may contact my office at (671) 475-4861/2 or email me at aguon4guam@gmail.com.

Un Dangkolo'Na Si Yu'us Ma'ase!

Respectfully,

SENATOR FRANK B. AGUON, JR.
Committee Chairman on Guam U.S. Military Buildup | Infrastructure | Transportation
I Mina'Trentai Kuåtro Na Liheslaturan Guåhan | 34th Guam Legislature

Office of
SENATOR FRANK B. AGUON, JR.
THIRTY-FOURTH GUAM LEGISLATURE · I MINA'TRENTAI KUÅTRO NA LIHESLATURAN GUÅHAN

March 7, 2018

Ms. Veronica Garrido Patao
Constituent
P.O. Box 326013
Hagåtña, GU 96932

SUBJECT: 2nd Response from Chamorro Land Trust Commission regarding property access

Dear Ms. Patao,

Buenas yan Hafa Adai! In our previous letter to you, dated February 5, 2018, my office outlined the respective property leases from the Chamorro Land Trust Commission's (CLTC) records provided to us by Land Administrator, Mrs. Margarita V. Borja. (*See* the attached letter for your reference.)

Thank you for reaching out to my office on March 1, 2018 and again on Friday, March 2, 2018. In a continued effort to provide assistance and expertise in this matter, I contacted Mr. Michael J.B. Borja, Director at the Department of Land Management and his findings are as follows:

1. The lands while under lease, are still controlled by the CLTC.
2. Access to CLTC controlled lands should not be obstructed by any form of barricade.
3. Before clearing any CLTC controlled lands, the assigned lessee must first obtain a clearing and grading permit from the CLTC.

The expertise and purview over this matter are under the authority of the CLTC. To discuss this matter further, you may contact Mr. Michael J.B. Borja at (671) 649-5263 or email him at michael.borja@land.guam.gov. Thank you again for reaching out to my office. If I can assist you with any other matter, you may contact my office at (671) 475-4861/2 or email me at aguon4guam@gmail.com

Un Dångkolo Na Si Yu'os Ma'ase!

Respectfully,

SENATOR FRANK B. AGUON, JR.
Committee Chairman on Guam U.S. Military Buildup| Infrastructure | Transportation
I Mina' Trentai Kuåtro Na Liheslaturan Guåhan | 34th Guam Legislature

Doc. No. 34GL-18-1679

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

DEPARTMENT OF LAND MANAGEMENT

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

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

Website:
http://land.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

February 27, 2018

Memorandum

To: Governor of Guam

From: Director, Department of Land Management

Subject: **FY 2018 MONTHLY REVENUE COLLECTION REPORT – JANUARY 2018**

Buenas yan Hafa Adai! Forwarded is the ***JANUARY 2018*** Revenue Collection Report, pursuant to Public Law 17-70, Section 13971.1, revenues collected by the Department of Land Management and the Chamorro Land Trust Commission and deposited into the various accounts listed below:

ACCOUNT NAME	JANUARY Rev COLLECTED	To Date COLLECTED
3222 - Land Survey Revolving Fund	$160,572.20	$729,255.31
1100 - Dept's/Other Special Account	$600.32	$4,991.77
3624 – Chamorro Land Trust Commission	$391,579.02	$501,774.46
3669 – Chamorro Land Trust Survey	$2,120.37	$20,685.97
GRAND TOTAL	**$554,871.91**	**$1,256,707.51**
To Date Collection for FY 2018		**$1,256,707.51**

In addition, revenues from the Non-Appropriated Funds were received, as follow:

Chamorro Land Trust Commission

DESCRIPTION	JANUARY Rev COLLECTED	To Date COLLECTED	Account Bal as of JANUARY 2018
Bank of Guam Account TDOA #XXXXXX2274	$21.62	$85.75	$203,629.74
Bank of Guam Account Chkg #XXXXX5976	$0.00	$0.00	$10,580.94
Bank of Guam TCD #XXXXXX7964	$0.00	$0.00	$300,000.00
GRAND TOTAL	**$21.62**	**$85.75**	**$514,210.68**
To Date Collection for FY 2018 (Chamorro Land Trust – NAF)		**$85.75**	

Ancestral Lands Commission

DESCRIPTION	JANUARY Rev COLLECTED	To Date COLLECTED	Account Bal as of JANUARY 2018
Bank of Hawaii Account # XXXX-XX0217 Trust	$3.97	$15.75	$77,925.07
Coast 360 FCU Account #XX6454			
- Trust Share Savings #0100	$24,858.83	$230,099.79	$236,045.80
- Secondary Savings #0101	$0.00	$5.64	$7,464.94
- Checking #0200	$0.00	$0.88	$1,002.95
- 12 Months Jumbo Term Share #0401	$0.00	$5,151.65	$520,316.12
- 24 Months Jumbo Term Share #0403	$0.00	$7,445.87	$314,705.87
- 36 Months Jumbo Term Share #0404	$0.00	$0.00	$311,890.85
- 18 Months Jumbo Term Share #0405	$0.00	$0.00	$1,000,000.00
- 24 Months Jumbo Term Share #0406	$0.00	$0.00	$1,000,000.00
- 48 Months Jumbo Term Share #0407	$0.00	$0.00	$2,100,000.00
GRAND TOTAL	$24,862.80	$242,719.58	**$5,569,351.60**
To Date Collection for FY 2018 (Ancestral Lands – NAF)		$242,719.58	

If you have any questions or require additional information, please do not hesitate to call our Administrative Support Unit at 649-5263 ext. 600.

Senseramente,

MICHAEL J.B. BORJA

Attachment

cc: Speaker Benjamin J.F. Cruz, 34th Guam Legislature
Chairman Thomas C. Ada, Committee on Environment, Land, Agriculture, and Procurement Reform
Office of the Public Auditor of Guam
Director, Bureau of Budget and Management Research
Mr. Jason Baza, DLM Budget Analyst, Bureau of Budget & Management Research
Director, Department of Administration
Comptroller, Department of Administration
Financial Statement Reporting Branch, Department of Administration
CLTC Board Members (via Ruth Sakuma)
DLM Deputy Director
DLM Division Heads (4)

DEPARTMENT OF LAND MANAGEMENT
REVENUE COLLECTION REPORT
FISCAL YEAR 2018

TITLE DESCRIPTION	Carry Over Balance	ACCT.	ACCT. #	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	TO DATE
Documentary Taxes		LSRF	3222-51801	$ 191,009.33	$ 107,733.42	$ 138,656.75	$ 119,109.83									$ 556,509.33
Recording Fee		LSRF	3222-56910	$ 28,827.50	$ 27,633.50	$ 32,305.00	$ 28,232.00									$ 116,998.00
Photostat Fees		LSRF	3222-56912	$ 1,411.50	$ 6,553.00	$ 5,830.00	$ 2,860.00									$ 16,654.50
Survey Copies		LSRF	3222-56912	$ 2,604.00	$ 3,257.00	$ 2,840.00	$ 2,323.50									$ 11,024.50
C.T. Copies		LSRF	3222-56912	$ 4,081.00	$ 2,961.50	$ 3,842.00	$ 5,002.50									$ 15,887.00
Subpoena Fees		LSRF	3222-57208													$ -
Commercial Lease		LSRF	3222-54202	$ 3,048.87	$ 3,044.37	$ 3,044.37	$ 3,044.37									$ 12,181.98
HPR & Other App. Fee	$ 64,834.43	SA	1100-2429A	$ 611.00	$ 1,564.00	$ 80.00	$ 364.25									$ 2,619.25
LUPRA (2900RS010)	$ 9,326.81	SA	1100-23316	$ 890.53	$ 220.01	$ 475.91	$ 236.07									$ 1,822.52
GGN Fee (2910RS010) P.L. 23-31	$ 7,939.00	SA	1100-23337			$ 550.00										$ 550.00
Land Trust Application Fees		CLTO	3624-52101	$ 250.00		$ 150.00	$ 100.00									$ 500.00
Commercial Lease/License		CLTO	3624-54201	$ 23,018.98	$ 52,319.57	$ 33,787.93	$ 391,226.73									$ 500,353.21
Interest		CLTO	3624-54101	$ 220.07	$ 218.84	$ 230.05	$ 252.29									$ 921.25
CLT-OPS Sale of Govt Land		CLTO	3624-57207													$ -
CLT-SUR-Commercial Lease & Lic (P.L. 33-90)			3669-52001	$ 458.33	$ -	$ 916.66	$ 458.33									$ 1,833.32
CLT-SUR-Agr/Res Land Trust Lease (P.L. 33-90)			3669-56001	$ 1,525.00	$ 392.00	$ 218.00	$ 448.00									$ 2,583.00
CLT-SUR-Sale of Govt Land (P.L. 33-90)			3669-57001	$ 11,979.53	$ 2,976.08	$ 100.00	$ 1,214.04									$ 16,2
LSRF COLLECTED (3222)				$ 230,982.20	$ 151,182.79	$ 186,518.12	$ 160,572.20	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 729,255.31
SPECIAL ACCT. COLLECTED (1100)				$ 1,501.53	$ 1,784.01	$ 1,105.91	$ 600.32	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 4,991.77
DLM TOTAL				$ 232,483.73	$ 152,966.80	$ 187,624.03	$ 161,172.52	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 734,247.08
Chamorro Land Trust Operations Total (3624)				$ 23,489.05	$ 52,538.41	$ 34,167.98	$ 391,579.02	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 501,774.46
CLTO/CLTS TOTAL				$ 37,451.91	$ 55,906.49	$ 35,402.64	$ 393,699.39	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 522,460.43
GRAND TOTAL				$ 269,935.64	$ 208,873.29	$ 223,026.67	$ 554,871.91	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,256,707.51

Documentary Taxes collection is now being deposited into LSRF, effective 23 Oct 2000, as per Executive Order 2000-35

(GF) Deposited into General Fund.
(LSRF) Deposited into Land Survey Revolving Fund Account
(S/A) * Deposited into established Special Account.
(CLTO) Deposited into Chamorro Land Trust Operations
(CLTS) Deposited into Chamorro Land Trust Survey Fund

Prepared By:
Patricia A. Muna, Administrative Assistant 2/27/18

Copies Provided to:
Speaker Benjamin J.F. Cruz, 34th Guam Legislature
Chairman Thomas C. Ada, Committee on Environment, Land, Agriculture, and Procurement Reform
Office of the Public Auditor
Director, Bureau of Budget & Management Research (BBMR)
BBMR, Mr. Jason Baza, DLM Budget Analyst
Director, Department of Administration
DOA, Comptroller
DOA, Financial Statement Reporting Branch
DLM Deputy Director
DLM Division Heads (4)
CLTC Board Members

CLTC - Operations Fund
A/R Aging Summary
As of March 15, 2018

	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL
Agfayan, Inc.	0.00	3,500.00	0.00	0.00	0.00	3,500.00
DOCOMO (GUAMCELL COMMUNICATIONS)	0.00	1,592.70	0.00	0.00	0.00	1,592.70
Evelyn Store	0.00	26.00	26.00	26.00	390.00	468.00
GASB 13	0.00	0.00	0.00	0.00	341,286.91	341,286.91
Guam Broadcast Partners / Sorensen	0.00	896.09	896.09	896.09	24,780.18	27,468.45
Guam International Country Club	0.00	21,858.25	21,858.25	0.00	0.00	43,716.50
Guam Racing Federation	0.00	4,000.00	0.00	0.00	0.00	4,000.00
Guam Resource Recovery Partners	0.00	4,400.00	4,400.00	4,400.00	13,200.00	26,400.00
I T & E Guam	0.00	769.68	0.00	0.00	0.00	769.68
iCONNECT/CHOICE PHONE	0.00	1,039.08	1,039.08	1,039.08	0.00	3,117.24
Johnny Cool Towing	0.00	0.00	0.00	0.00	-3,388.52	-3,388.52
Layao Enterprises	0.00	0.00	0.00	0.00	0.00	0.00
MOYCOM	0.00	850.00	0.00	0.00	0.00	850.00
Palauan Community Association of Guam	0.00	0.00	0.00	0.00	100.00	100.00
United States Postal	0.00	918.84	918.84	918.84	891.64	3,648.16
TOTAL	**0.00**	**39,850.64**	**29,138.26**	**7,280.01**	**377,260.21**	**453,529.12**

Doc. No. 34GL-18-1679.

CLTC - Survey and Infrastructure Fund (MAIN)
A/R Aging Summary
As of March 15, 2018

	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL
United States Postal Service	0.00	0.00	0.00	0.00	3,208.35	3,208.35
TOTAL	**0.00**	**0.00**	**0.00**	**0.00**	**3,208.35**	**3,208.35**

Doc. No. 34GL-18-1679.

Date	POS Receipt #	Account No.	Account Name	Amount	Customer Name
2/26/18	2218 056468	3222-54202	Rental of Government Land	600.00	Hambley, Charles A.
				600.00	
2/7/18	2218 049119	3624-52101	Application Fee	50.00	Leong, Jean
2/19/18	2218 053999	3624-52101	Application Fee	50.00	Santos, Jose Joshua A.
2/23/18	2218 055559	3624-52101	Application Fee	50.00	Salas, Enrique M.
2/27/18	2218 056915	3624-52101	Application Fee	50.00	Duenas, Marilynn A.
				200.00	
2/2/18	2218 047451	3624-54201	Comm'l Lease/License	918.84	USPS (Inarajan)
2/7/18	2218 049169	3624-54201	Comm'l Lease/License	1,348.68	KM Broadcasting
2/12/18	2218 051165	3624-54201	Comm'l Lease/License	1,592.70	Docomo Pacific
2/15/18	2218 052422	3624-54201	Comm'l Lease/License	12,000.00	Guam Racing Federation
2/16/18	2218 053132	3624-54201	Comm'l Lease/License	3,500.00	Agfayan, Inc.
2/20/18	2218 054166	3624-54201	Comm'l Lease/License	11,858.25	GICC
2/20/18	2218 054166	3624-54201	Comm'l Lease/License	10,000.00	GICC
				41,218.47	
2/8/18	2218 049550	3669-56001	Land Lease	89.00	Leon Guerrero, Kellis RM
2/9/18	2218 050455	3669-56001	Land Lease	10.00	Mafnas, Joseph Concepcion Jr.,
2/14/18	2218 051918	3669-56001	Land Lease	99.00	Garrido, Gary
2/19/18	2218053381	3669-56001	Land Lease	49.00	Wusstig, Kathy M.
2/23/18	2218055584	3669-56001	Land Lease	50.00	Taitingfong, Herbert Quidachay
2/28/18	2218057272	3669-56001	Land Lease	99.00	Arceo, Tommy Jessie Gogue
2/28/18	2218057273	3669-56001	Land Lease	99.00	Hernandez, Leonora A
				495.00	
2/12/18	2218051178	3669-57001	CLT Sale of Gov't Land	416.44	San Nicolas,
2/27/18	2218056805	3669-57001	CLT Sale of Gov't Land	250.00	Tenorio, Roland
				666.44	
				$43,179.91	

Doc. No. 34GL-18-1679.

GUAM POLICE DEPARTMENT

DIPÅTTAMENTON POLISIAN GUAHAN

Government of Guam

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EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

JOSEPH I. CRUZ
Chief of Police

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
FEB 05 2018
4:10PM
CLTC/GALC/GLMC

VMB 2/5

February 2, 2018

MEMORANDUM

To: Director, Chamorro Land Trust Commission

From: Chief of Police

Subject: **Request for Permanent Removal of Waste Tires**
RE: GPD Evidential Control Section Build Site, Yigo

Buenas yan Hafa Adai! As you are aware, there exists an enormous pile of about twenty-thousand plus (20,000+) commercial and passenger refuse tires situated on the East side of the newly-acquired Guam Police Department (GPD) property, identified as Lot 7054-8, located off Marine Corps Drive, Yigo, by the Guam Power Authority Yigo Sub Station.

I am respectfully requesting for the permanent removal of waste tires onto the adjacent Chamorro Land Trust Commission property which will serve as a temporary storage site until arrangements can be made for recycling.

GPD's point-of-contact on this matter will be Lieutenant Arthur W.J. Paulino or Ms. Monica P.A. Salas, Chief Criminalist. They may be reached at telephone nos. 734-8409 and 734-8400; email monica.salas@gpd.guam.gov, arthur.paulino@gpd.guam.gov, respectively, at the GPD Forensic Science Division in Mangilao during normal business hours.

Your assistance in this matter is greatly appreciated. *Si Yu'os ma'ase!*

JOSEPH I. CRUZ

JIC:CNC/scr