**EDDIE BAZA CALVO**
*Governor*

**RAY TENORIO**
*Lieutenant Governor*

*Office of the Governor Of Guam*

SEP 18 2018

Vice Speaker Therese M. Terlaje
34GL-18-2822
SEP 18 2018
Time: 3:04pm
Received by:

Honorable Therese M. Terlaje
Acting Speaker
*I Mina'trentai Kuåttro Na Liheslaturan Guåhan*
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Dear Madam Speaker:

Transmitted herewith is Bill No. 299-34 (COR), **"AN ACT TO AUTHORIZE *I MAGA'LÅHEN GUÅHAN* TO EXCHANGE TWO HUNDRED TWENTY-THREE (223) SQUARE METERS OF *CHAMORRO* LAND TRUST LOT 243-REM IN THE MUNICIPALITY OF *SANTA RITA* WITH TWO HUNDRED TWENTY-THREE (223) SQUARE METERS OF PRIVATELY OWNED LOT 214-3 IN THE MUNICIPALITY OF *SANTA RITA* TO CORRECT MUTUAL ENCROACHMENTS, AND TO PROVIDE EASEMENT ACCESS TO *CHAMORRO* LAND TRUST PROPERTY AND FOR *CHAMORRO* LAND TRUST LESSEES',"** which was signed on September 8, 2018, as **Public Law 34-121.**

2018 SEP 18 PM 3:41

*Senseramente,*

**EDDIE BAZA CALVO**

*I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN*
**2018 (SECOND) Regular Session**

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

This is to certify that **Bill No. 299-34 (COR), "AN ACT TO AUTHORIZE *I MAGA'LÅHEN GUÅHAN* TO EXCHANGE TWO HUNDRED TWENTY-THREE (223) SQUARE METERS OF *CHAMORRO* LAND TRUST LOT 243-REM IN THE MUNICIPALITY OF *SANTA RITA* WITH TWO HUNDRED TWENTY-THREE (223) SQUARE METERS OF PRIVATELY OWNED LOT 214-3 IN THE MUNICIPALITY OF *SANTA RITA* TO CORRECT MUTUAL ENCROACHMENTS, AND TO PROVIDE EASEMENT ACCESS TO *CHAMORRO* LAND TRUST PROPERTY AND FOR *CHAMORRO* LAND TRUST LESSEES,"** was on the 28th day of August 2018, duly and regularly passed.

**Benjamin J.F. Cruz**
**Speaker**

Attested:

**Régine Biscoe Lee**
**Legislative Secretary**

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This Act was received by *I Maga'låhen Guåhan* this 28th day of AUGUST, 2018, at 5:16 o'clock P .M.

Assistant Staff Officer
*Maga'låhi's* Office

APPROVED:

EDWARD J.B. CALVO
*I Maga'låhen Guåhan*

Date: SEP 0 8 2018

Public Law No. 34-121

*I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN*
**2018 (SECOND) Regular Session**

**Bill No. 299-34 (COR)**
As amended by the Committee on Environment, Land, Agriculture and Procurement Reform; and further amended on the Floor.

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

**AN ACT TO AUTHORIZE *I MAGA'LÅHEN GUÅHAN* TO EXCHANGE TWO HUNDRED TWENTY-THREE (223) SQUARE METERS OF *CHAMORRO* LAND TRUST LOT 243-REM IN THE MUNICIPALITY OF *SANTA RITA* WITH TWO HUNDRED TWENTY-THREE (223) SQUARE METERS OF PRIVATELY OWNED LOT 214-3 IN THE MUNICIPALITY OF *SANTA RITA* TO CORRECT MUTUAL ENCROACHMENTS, AND TO PROVIDE EASEMENT ACCESS TO *CHAMORRO* LAND TRUST PROPERTY AND FOR *CHAMORRO* LAND TRUST LESSEES.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that on January 9, 2018, Matthew R. Quinata appeared before the *Chamorro* Land

Trust Commission requesting an area-for-area land exchange of two hundred twenty-three (223) square meters of his private Lot 214-3 for contiguous *Chamorro* Land Trust Lot 243-REM in the municipality of *Santa Rita.*

*I Liheslaturan Guåhan* further finds that Mr. Quinata had his property, Lot 214-3, surveyed, and the survey uncovered an unintended encroachment of a portion of his home onto Lot 243-REM. Lot 243-REM is a designated easement, but fettered access, for adjacent *Chamorro* Land Trust properties and *Chamorro* Land Trust lessees.

*I Liheslaturan Guåhan* further finds that *Chamorro* Land Trust lessees who should be utilizing Lot 243-REM for access have instead created a separate access due to land conditions, and encroached onto privately owned Lot 214-3.

The *Chamorro* Land Trust Commission having been notified of the mutual encroachments, and of the request and suggested solution by Mr. Quinata, were briefed by staff. The mutual encroachments, options and possible solutions were discussed. The *Chamorro* Land Trust Commission approved and supported the area-for-area land exchange by passing Resolution 2018-02, attached as "Exhibit A."

**Section 2. Authorization for Land Exchange.** *I Mina'Trentai Kuåttro Na Liheslaturan Guåhan* hereby authorizes *I Maga'låhen Guåhan* to exchange approximately two hundred twenty-three (223) square meters of *Chamorro* Land Trust Lot 243-REM in the municipality of *Santa Rita,* with approximately two hundred twenty-three (223) square meters of privately owned Lot 214-3 in the municipality of *Santa Rita.* The proposed exchange is depicted in "Exhibit B."

**Section 3. Appraisals.** As the parcels are contiguous to each other and this is an area-for-area land exchange, 2 GCA § 2107(b) and Section 6.04 (c)(4) of the Standing Rules of *I Mina'Trentai Kuåttro Na Liheslaturan Guåhan* relative to appraisals of land *shall not* apply to this Act.

**Section 4. No Alienation Clause.** This is a fee simple land exchange transaction and *shall not* be subject to any alienation clause notwithstanding any law, rule, or regulation.

**Section 5. Survey of Lot 243-REM-3.** The *Chamorro* Land Trust Commission *shall* be responsible for the surveying of Lot 243-REM-3 to reestablish new boundary lines for Lot 243-REM-3 that consists of two thousand twenty-three (2,023) ± square meters.

**Section 6. Severability.** If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, that invalidity *shall not* affect other provisions or applications of this Act that can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are severable.

**BILL No.** 299-34 (COR) **Exhibit A**

**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. ISL3-66 AG489, 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 as shown in Proposed Lot Scheme of Lot 243-REM, Scheme No. M18-S004 (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, in accordance 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 8th DAY OF MARCH 2018.***

**G. PIKA FEJERAN, Chairwoman**
**Chamorro Land Trust Commission**

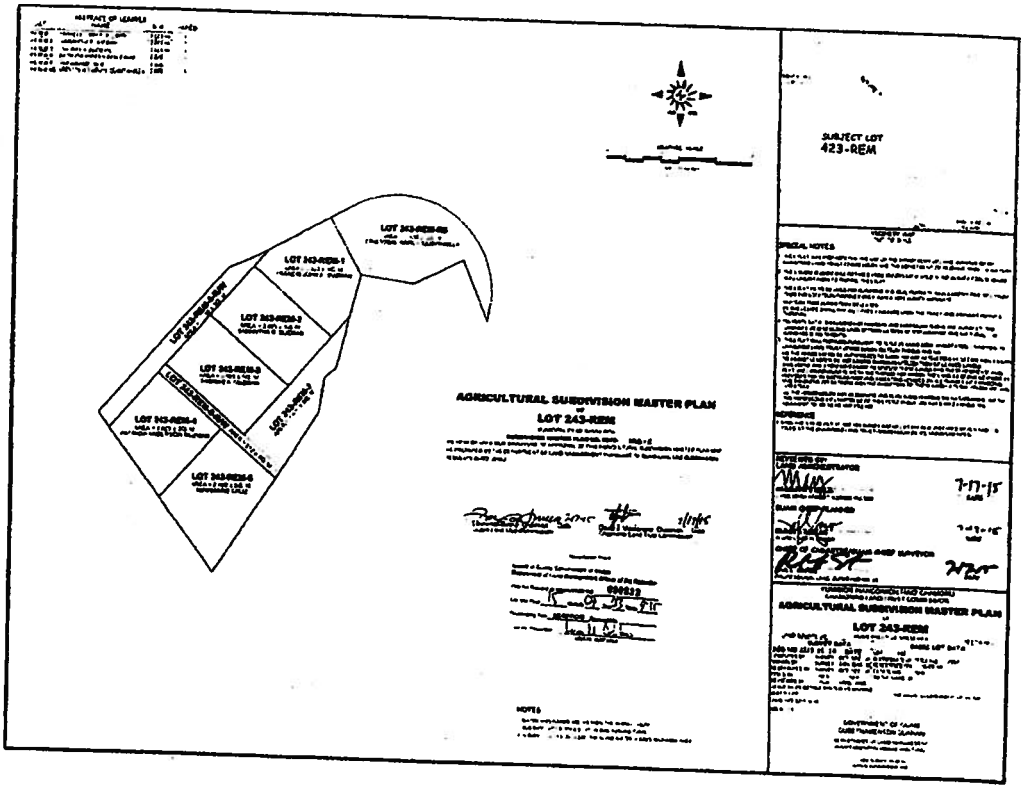
**Date:** 4-12-18

**MICHAEL J.B. BORJA, Administrative Director**
**Chamorro Land Trust Commission**

**Date:** 4/12/18

Doc. No 34GL-18-1756

## EXHIBIT "A" – Lot 243 REM Agricultural Subdivision Master Plan




## EXHIBIT "B" – Drawing No. ISL3-66 AG489

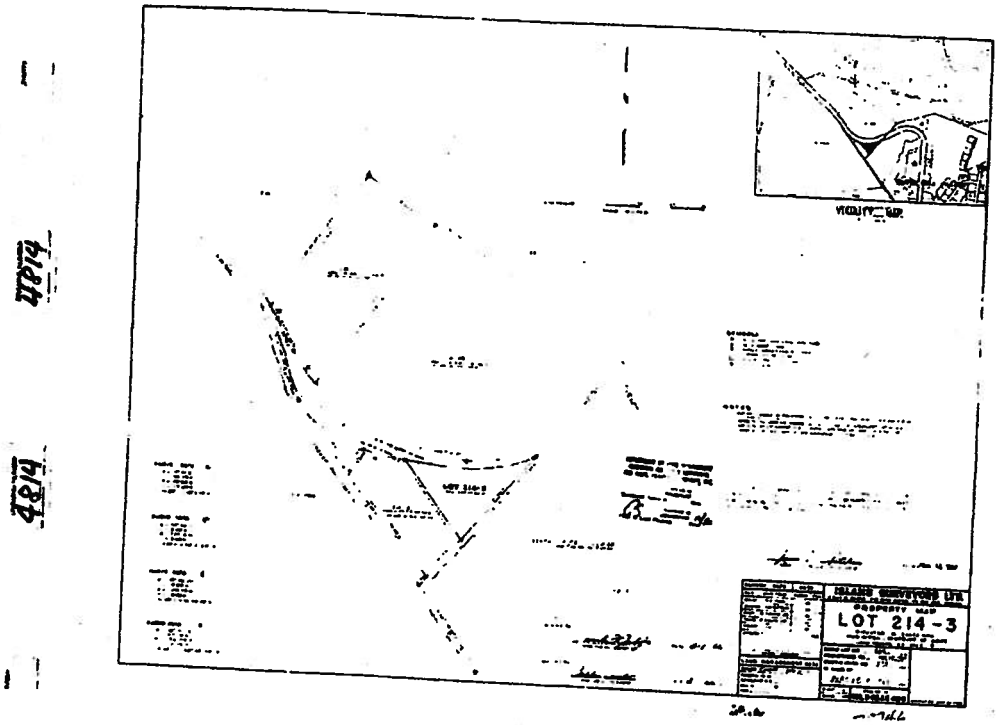
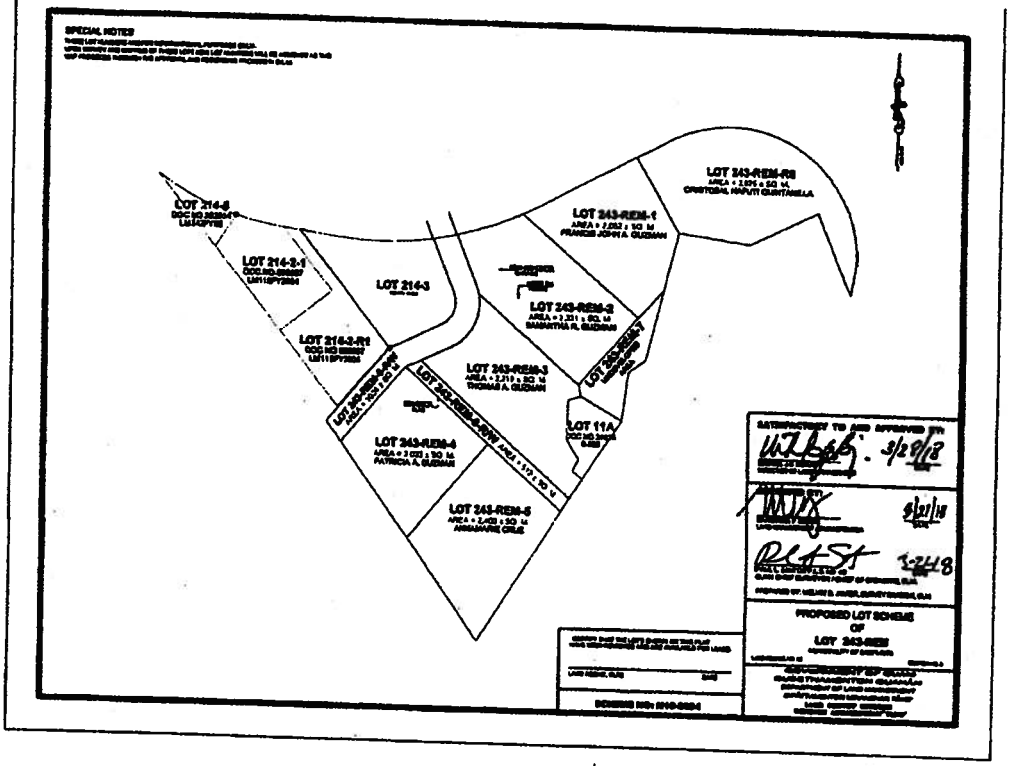
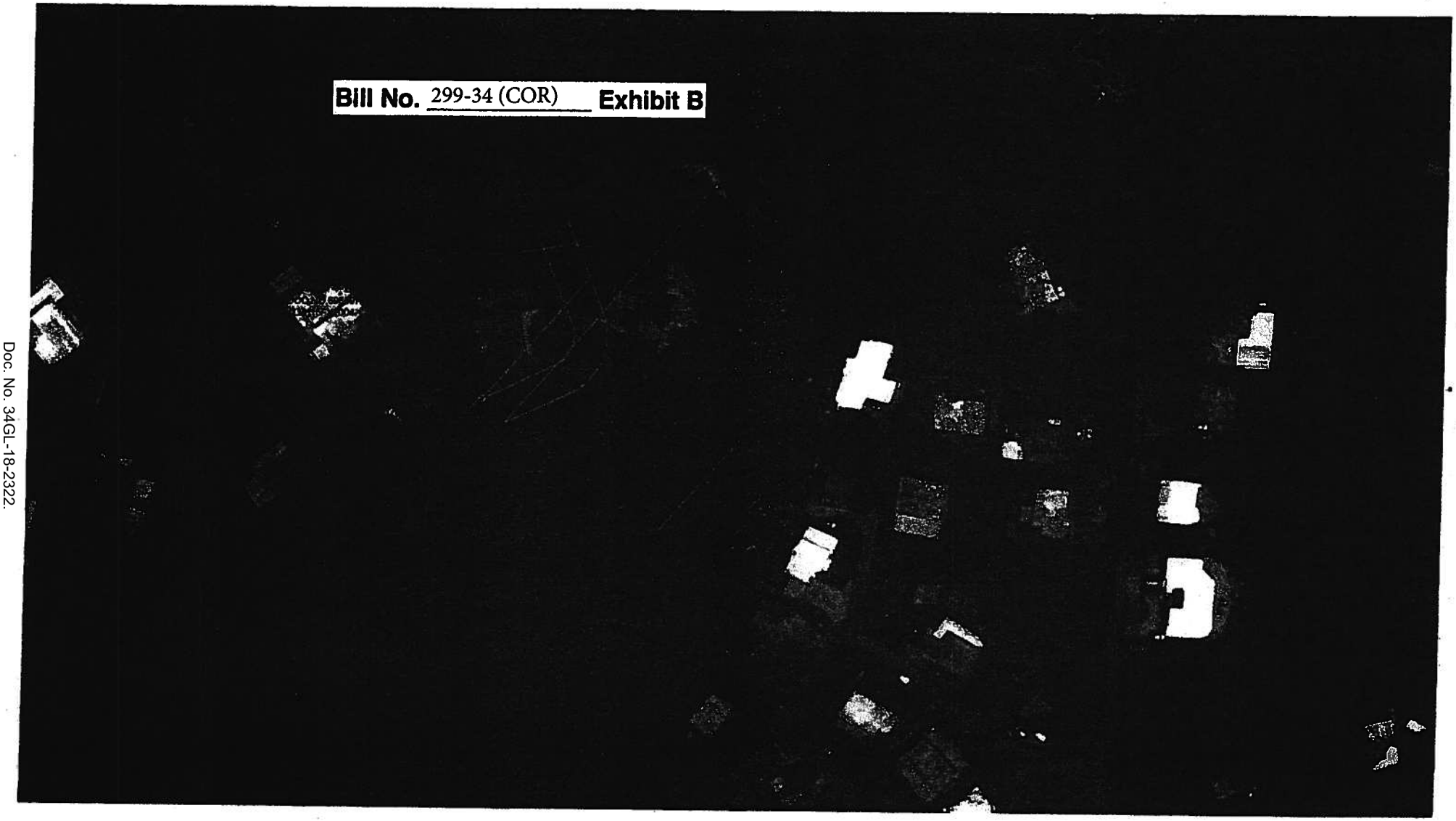


**EXHIBIT "C" – Current Area**



**EXHIBIT "D" – Proposed Lot Scheme No. M18-S004**






Doc. No. 34GL-18-2322.