EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam

DEC 21 2018

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

Hon. Speaker Therese M. Terlaje
34GL-18-268 3
DEC 21 2018
Time: 11:43 am
Received by:

2018 DEC 21 PM 2:05

Dear Madam Speaker:

Transmitted herewith is Bill No. 370-34 (COR), **"AN ACT TO AUTHORIZE A COMMERCIAL LEASE AGREEMENT BETWEEN THE MAYOR OF *PITI*, THE *PITI* MUNICIPAL PLANNING COUNCIL, AND THE GUAM TELEPHONE AUTHORITY FOR THE USE OF LOT 5NEW-R1, BLOCK 2, MUNICIPALITY OF *PITI*,"** which was signed on December 21, 2018, as **Public Law 34-150.**

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. 370-34 (COR), "AN ACT TO AUTHORIZE A COMMERCIAL LEASE AGREEMENT BETWEEN THE MAYOR OF *PITI*, THE *PITI* MUNICIPAL PLANNING COUNCIL, AND THE GUAM TELEPHONE AUTHORITY FOR THE USE OF LOT 5NEW-R1, BLOCK 2, MUNICIPALITY OF *PITI*,"** was on the 19th day of December 2018, duly and regularly passed.

Therese M. Terlaje
Acting Speaker

Attested:

Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 19th day of DEC, 2018, at 6:57 o'clock P.M.

SHAWN D. MENO
Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: DEC 21 2018

Public Law No. 34-150

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

Bill No. 370-34 (COR)
As amended on the Floor.

Introduced by: Thomas C. Ada
FRANK B. AGUON, JR.
William M. Castro
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 A COMMERCIAL LEASE AGREEMENT BETWEEN THE MAYOR OF *PITI*, THE *PITI* MUNICIPAL PLANNING COUNCIL, AND THE GUAM TELEPHONE AUTHORITY FOR THE USE OF LOT 5NEW-R1, BLOCK 2, MUNICIPALITY OF *PITI*.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Mayor of *Piti*, the *Piti* Municipal Planning Council, and the Guam Telephone Authority (GTA) have been negotiating for a lease of Lot 5NEW-R1, Block 2 in the municipality of *Piti*; and, GTA is requesting for a fifty (50) year lease

of the lot with the Mayor of *Piti* and the *Piti* Municipal Planning Council. Exhibit A is the recorded map of Lot 5NEW-R1 Block 2, municipality of *Piti*.

I Liheslaturan Guåhan further finds that Lot 5NEW-R1, Block 2, municipality of *Piti* is under the administrative jurisdiction of the Office of the Mayor of *Piti* pursuant to Document 573510 - Reallocation of Public Lands, recorded at the Department of Land Management on November 19, 1997.

I Liheslaturan Guåhan also finds that a previous attempt to provide funds for community use under the Fish Eye Marine Park lease has not accrued to the benefit of the community of *Piti*.

It is, therefore, the intent of *I Liheslaturan Guåhan* to authorize the Mayor of *Piti* to enter into a lease agreement with GTA.

Section 2. Authorization to Lease. Notwithstanding any other provision of law, *I Liheslaturan Guåhan* authorizes the Mayor of *Piti* to lease to the Guam Telephone Authority Lot 5NEW-R1, Block 2, municipality of *Piti,* described on Land Management Drawing No. 090FY99 and recorded under Document 596243, containing an area of two thousand one hundred eighty-two (2,182) ± square meters, for a period of twenty (20) years, with an option to renew for an additional twenty (20) years.

Section 3. Rental Stipulations. Notwithstanding any provision of the lease, the annual rent *shall* be determined by the highest of two (2) appraisals selected and paid for by the Guam Telephone Authority. The rent is to be paid annually in advance at the signing of the lease agreement and on subsequent anniversaries. The rent amount *shall* escalate eight percent (8%) every five (5) years based on the previous amount for the duration of the lease agreement.

Section 4. Appraisals. 2 GCA § 2107(b) relative to appraisals of land *shall* apply to this Act.

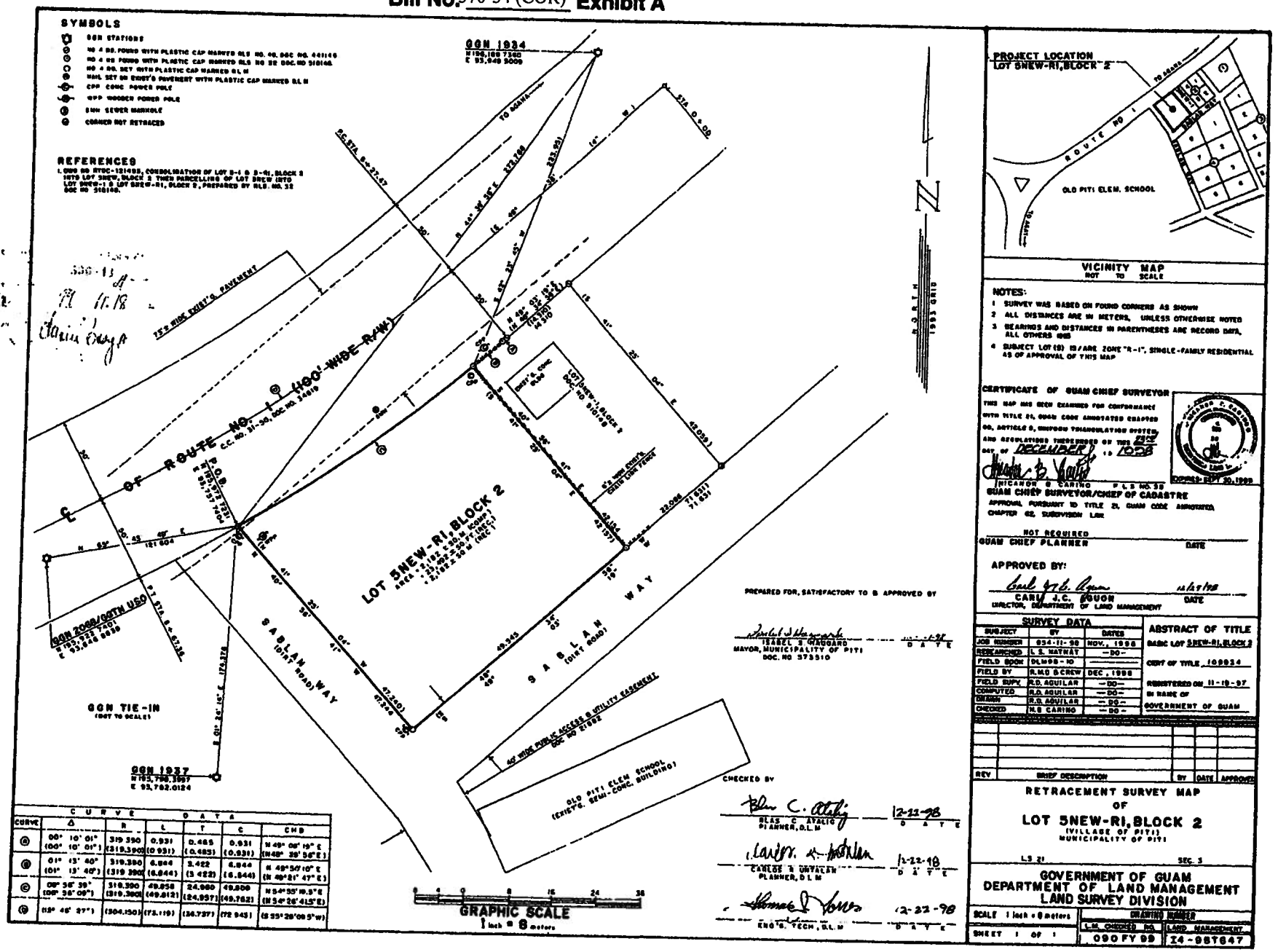
Section 5. Proceeds of Lease. Funds generated from this lease *shall* be deposited with the Office of the Mayor of *Piti* for the use of the community of *Piti* as determined by the Mayor of *Piti* and the *Piti* Municipal Planning Council.

Section 6. Prohibited Use. The property *shall not* be used so as to make the property unusable upon the expiration of the lease term. This *shall* include, but *not* be limited to, such uses as ponding basins.

Section 7. New Assessment and Update of Real Property Tax Roll. Upon approval of the lease agreement by the Office of the Attorney General of Guam and recordation of the lease agreement at the Department of Land Management, the Real Property Division of the Department of Revenue and Taxation *shall* conduct a special valuation of Lot 5NEW-R1, Block 2, municipality of *Piti* and the new tax assessment becomes due and payable by the Guam Telephone Authority in the succeeding year. The Tax Roll *shall* be updated accordingly.

Section 8. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Bill No. 370-34 (COR) **Exhibit A**



SYMBOLS

- GGN STATIONS
- NO. 4 RB FOUND WITH PLASTIC CAP MARKED RLS NO. 48, DOC NO. 441146
- NO. 4 RB FOUND WITH PLASTIC CAP MARKED RLS NO. 32 DOC. NO. 350166
- NO. 4 RB, SET WITH PLASTIC CAP MARKED R.L.S.
- NAIL SET ON CHIEF'S PAVEMENT WITH PLASTIC CAP MARKED R.L.S.
- CPP CONC. POWER POLE
- WPP WOODEN POWER POLE
- SMH SEWER MANHOLE
- CORNER NOT RETRACED

REFERENCES

1. GGN NO. RTDC-121493, CONSOLIDATION OF LOT 5-1 & 5-R1, BLOCK 2 INTO LOT 5NEW, BLOCK 2 THEN PARCELLING OF LOT 5NEW INTO LOT 5NEW-1 & LOT 5NEW-R1, BLOCK 2, PREPARED BY RLS. NO. 32 DOC NO 350166.

CURVE DATA						
CURVE	Δ	R	L	T	C	CHD
(A)	00° 10' 01" (00° 10' 01")	319.390 (319.390)	0.931 (0.931)	0.465 (0.465)	0.931 (0.931)	N 49° 08' 19" E (N 49° 28' 56" E)
(B)	01° 13' 40" (01° 13' 40")	319.390 (319.390)	6.844 (6.844)	3.422 (3.422)	6.844 (6.844)	N 49° 54' 10" E (N 49° 21' 47" E)
(C)	08° 36' 39" (08° 36' 09")	319.390 (319.390)	49.858 (49.812)	24.980 (24.957)	49.800 (49.762)	N 54° 55' 19.5" E (N 54° 26' 41.5" E)
(D)	112° 46' 27")	(304.150)	(73.119)	(36.737)	(72 945)	(S 35° 28' 08.5" W)

PROJECT LOCATION
LOT 5NEW-R1, BLOCK 2

VICINITY MAP
NOT TO SCALE

NOTES:

1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN
2. ALL DISTANCES ARE IN METERS, UNLESS OTHERWISE NOTED
3. BEARINGS AND DISTANCES IN PARENTHESES ARE RECORD DATA, ALL OTHERS GNS
4. SUBJECT LOT (S) IS/ARE ZONE "R-1", SINGLE-FAMILY RESIDENTIAL AS OF APPROVAL OF THIS MAP

CERTIFICATE OF GUAM CHIEF SURVEYOR

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH TITLE 21, GUAM CODE ANNOTATED CHAPTER 60, ARTICLE 2, UNIFORM TRIANGULATION SYSTEM AND REGULATIONS THEREUNDER OF THIS 24TH DAY OF DECEMBER, A.D. 1998

NICANOR B. CARINO P.L.S. NO. 32
GUAM CHIEF SURVEYOR/CHIEF OF CADASTRE

APPROVAL PURSUANT TO TITLE 21, GUAM CODE ANNOTATED CHAPTER 62, SUBDIVISION LAW

NOT REQUIRED
GUAM CHIEF PLANNER — DATE

APPROVED BY:
CARL J.C. AGUON — 12/24/98
DIRECTOR, DEPARTMENT OF LAND MANAGEMENT — DATE

PREPARED FOR, SATISFACTORY TO & APPROVED BY
ISABEL T. GUNDARO — DATE
MAYOR, MUNICIPALITY OF PITI
DOC. NO 375510

CHECKED BY
BLAS C. APACIO — 12-22-98
PLANNER, D.L.M — DATE

CARLOS A. ORTALEZA — 12-22-98
PLANNER, D.L.M — DATE

ENG'G. TECH., D.L.M — 12-22-98 — DATE

SURVEY DATA		
SUBJECT	BY	DATES
JOB NUMBER	854-11-98	NOV., 1998
RESEARCHED	L.S. NATHAT	-DO-
FIELD BOOK	DLMPB-10	----
FIELD BY	R.MG & CREW	DEC., 1998
FIELD SUPV.	R.D. AGUILAR	-DO-
COMPUTED	R.D. AGUILAR	-DO-
DRAWN	R.D. AGUILAR	-DO-
CHECKED	N.B CARINO	-DO-

ABSTRACT OF TITLE
BASIC LOT 5NEW-R1, BLOCK 2
CERT OF TITLE 109934
REGISTERED ON 11-19-97
IN NAME OF
GOVERNMENT OF GUAM

REV	BRIEF DESCRIPTION	BY	DATE	APPROVED

RETRACEMENT SURVEY MAP
OF
LOT 5NEW-R1, BLOCK 2
(VILLAGE OF PITI)
MUNICIPALITY OF PITI

L.S 21 — SEC. 3

GOVERNMENT OF GUAM
DEPARTMENT OF LAND MANAGEMENT
LAND SURVEY DIVISION

SCALE 1 inch = 8 meters — DRAWING NUMBER
SHEET 1 OF 1 — L.M. CHECKED NO. 090 FY 99 — LAND MANAGEMENT 14-987647