**EDDIE BAZA CALVO**
*Governor*

**RAY TENORIO**
*Lieutenant Governor*

*Office of the Governor Of Guam*

DEC 31 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
34-01-18-2724
DEC 31 2018
Time: 16:35
Received by:

2019 JAN -2 AM 9:20

Dear Madame Speaker:

Transmitted herewith is Bill No. 357-34 (COR), **"AN ACT TO AUTHORIZE *I MAGA'LÅHEN GUÅHAN* TO EXCHANGE THREE HUNDRED TWENTY-FOUR (324) SQUARE METERS OF LOT 12-2 REM IN THE MUNICIPALITY OF *AGAÑA HEIGHTS* (GOVERNMENT OF GUAM LAND) WITH THREE HUNDRED TWENTY-FOUR (324) SQUARE METERS OF LOT 12-9REM-R4 IN THE MUNICIPALITY OF *AGAÑA HEIGHTS* (PRIVATELY-OWNED LAND) TO MITIGATE AN ENCROACHMENT BY THE *AGAÑA HEIGHTS* SPORTS AND RECREATIONAL FACILITY,"** which was signed on December 28, 2018, as **Public Law 34-160.**

*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. 357-34 (COR), "AN ACT TO AUTHORIZE *I MAGA'LÅHEN GUÅHAN* TO EXCHANGE THREE HUNDRED TWENTY-FOUR (324) SQUARE METERS OF LOT 12-2 REM IN THE MUNICIPALITY OF *AGAÑA HEIGHTS* (GOVERNMENT OF GUAM LAND) WITH THREE HUNDRED TWENTY-FOUR (324) SQUARE METERS OF LOT 12-9REM-R4 IN THE MUNICIPALITY OF *AGAÑA HEIGHTS* (PRIVATELY-OWNED LAND) TO MITIGATE AN ENCROACHMENT BY THE *AGAÑA HEIGHTS* SPORTS AND RECREATIONAL FACILITY,"** was on the 19th day of December 2018, duly and regularly passed.

**Therese M. Terlaje**
**Acting Speaker**

Attested:

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

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

Assistant Staff Officer
*Maga'låhi's* Office

APPROVED:

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

Date: DEC 28 2018

Public Law No. 34-160

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

**Bill No. 357-34 (COR)**

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 *I MAGA'LÅHEN GUÅHAN* TO EXCHANGE THREE HUNDRED TWENTY-FOUR (324) SQUARE METERS OF LOT 12-2 REM IN THE MUNICIPALITY OF *AGAÑA HEIGHTS* (GOVERNMENT OF GUAM LAND) WITH THREE HUNDRED TWENTY-FOUR (324) SQUARE METERS OF LOT 12-9REM-R4 IN THE MUNICIPALITY OF *AGAÑA HEIGHTS* (PRIVATELY-OWNED LAND) TO MITIGATE AN ENCROACHMENT BY THE *AGAÑA HEIGHTS* SPORTS AND RECREATIONAL FACILITY.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the *Agaña Heights* Sports and Recreational Facility has been encroaching on private property and has utilized a portion of privately-owned Lot 12-9REM-R4 in

the municipality of *Agaña Heights* for the last thirty (30) years; and finds that the government of Guam encroachment consists of three hundred twenty-four (324) square meters into the private property.

*I Liheslaturan Guåhan* further finds that the landowner of Lot 12-9REM-R4, James H.P. Flores, has requested an area-for-area land exchange for contiguous government of Guam land, known as Lot 12-2 REM in the municipality of *Agaña Heights*, as a means of mitigation for the encroachment.

*I Liheslaturan Guåhan* further finds that there is suitable contiguous government of Guam land, known as Lot 12-2 REM in the municipality of *Agaña Heights*, that can accommodate an area-for-area land exchange of three hundred twenty-four (324) square meters.

*I Liheslaturan Guåhan* further finds that the Mayor of the municipality of *Agaña Heights* and the *Agaña Heights* Municipal Planning Council, through a resolution, support and approve the proposed land exchange.

**Section 2. Authorization to Exchange Land.** *I Mina'Trentai Kuåttro Na Liheslaturan Guåhan* hereby authorizes *I Maga'låhen Guåhan* to exchange three hundred twenty-four (324) square meters of Lot 12-2 REM in the municipality of *Agaña Heights* (government of Guam land) with three hundred twenty-four (324) square meters of Lot 12-9REM-R4 in the municipality of *Agaña Heights* (privately-owned land).

**Section 3. Surveying and Mapping.** The Office of the Mayor of the municipality of *Agaña Heights*, through the Department of Land Management, *shall* be responsible for the surveying and mapping for the land exchange.

**Section 4. Appraisals.** As the parcels are contiguous 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 5. No Alienation Clause.** This is a fee simple land exchange transaction and *shall not* be subject to any alienation clause, notwithstanding any other provision of law, rule or regulation.

**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.