UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

March 20, 2020

Speaker Tina Rose Muña Barnes
MAR 2 0 2020
Time 5:20 ( )AM (•)PM
Received By:

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Bill No. 154-35 (COR) – An Act to Authorize I Maga'hagan Guahan to Exchange 384± Square Meters of an Existing Bull Cart Trail between Lot 5007-3 and 5071#1-2 and between Lot 5007-4 and Lt 5071#1-2, in the Municipality of Tamuning with an Area of 746± Square Meters within Lot 5071#1-2 for Public Right-of-Way Use

Dear Madame Speaker:

I agree it is necessary to facilitate other government operations. I now sign Bill No. 154-35 into law as ***Public Law No. 35-82***.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Enclosure(s): Bill No. 154-35 (COR) *nka Public Law 35-82*

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

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

This is to certify that **Bill No. 154-35 (COR), "AN ACT TO AUTHORIZE *I MAGA'HÅGAN GUAHÅN* TO EXCHANGE 384± SQUARE METERS OF AN EXISTING BULL CART TRAIL BETWEEN LOT 5007-3 AND 5071#1-2 AND BETWEEN LOT 5007-4 AND LOT 5071#1-2, IN THE MUNICIPALITY OF *TAMUNING* WITH AN AREA OF 746± SQUARE METERS WITHIN LOT 5071#1-2 FOR PUBLIC RIGHT-OF-WAY USE,"** was on the 11th day of March 2020, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 11th day of March, 2020, at 3:05 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 3/20/2020

Public Law No. 35-82

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 154-35 (COR)
As amended by the Committee on Health,
Tourism, Historic Preservation, Land and Justice;
and further amended on the Floor.

Introduced by: Tina Rose Muña Barnes
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Jose "Pedo" Terlaje
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO AUTHORIZE *I MAGA'HÅGAN GUAHÅN* TO EXCHANGE 384± SQUARE METERS OF AN EXISTING BULL CART TRAIL BETWEEN LOT 5007-3 AND 5071#1-2 AND BETWEEN LOT 5007-4 AND LOT 5071#1-2, IN THE MUNICIPALITY OF *TAMUNING* WITH AN AREA OF 746± SQUARE METERS WITHIN LOT 5071#1-2 FOR PUBLIC RIGHT-OF-WAY USE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that in various areas throughout the island, bull cart trails serve as the only means

of public access to private properties. In many cases, however, full enjoyment of bull cart trails has been compromised due to failure in memorializing their existence as properties continued to be subdivided and developed in the past. In many instances, bull cart trails have outlived their usefulness, requiring either full improvement when in use or outright deletion to accommodate full enjoyment of private lands. The government is challenged when bull cart trails are hindered from opportunities of improvement for full use particularly when hindered by physical conditions of various irregular widths and by costs to upgrade to meet current minimum standards of public safety.

I Liheslaturan Guåhan further finds that a particular bull cart trail of variable width totaling 384± square meters exists between Lot 5007-3 and 5007-4, and Lot 5071#1-2 in the municipality of *Tamuning*, to which an enclave of private property owners has depended on as the sole access to their residences for over thirty (30) years. The situation is further exacerbated because access to the 384± square meters of the bull cart trail is blocked by encroachment of a butler type building extending from Lot 5074#1-2. Presently, access to the 384± square meter portion of the bull cart trail from Route 16 occurs through private property on Lot 5007-4, under agreement with the private property owner. This agreement has been informally extended by the current lessee of Lot 5007-4, MOMO Corporation, whose lease expires on March 13, 2039.

Therefore, *I Liheslaturan Guåhan* intends to allow a land exchange of the government's current 384± square meters variable bull cart trail with the 746± square meters of Lot 5071#1-2, owned by MOMO Corporation, in order to facilitate a wider and safer access to houses in the area. Access to this newly acquired 746± square meters easement from Route 16 will continue at the discretion of the lessee and owner of Lot 5007-4.

The government of Guam also intends to ultimately eliminate access to the easement through Lot 5007-4. *I Liheslaturan Guåhan* recognizes the willingness of the property lessee of Lot 5007-4 to allow public access through such property with the understanding that the government of Guam continues to pursue a remedy to realize full use of the new easement through alignment from East Taitano Street, and that the government of Guam will be held harmless in all matters concerning MOMO Corporation's desire to allow such temporary public access.

Section 2. Authorization for Land Exchange. *I Mina'trentai Singko Na Liheslaturan Guåhan* hereby authorizes *I Maga'hågan Guåhan* to exchange 384± square meters of an existing bull cart trail that exists between Lot 5007-3 and Lot 5007-4 and Lot 5071#1-2, in the municipality of *Tamuning*, with 746± square meters of Lot 5071#1-2 in the municipality of *Tamuning* owned by MOMO Corporation. MOMO Corporation agrees to improve the 746± square meters of land for public access and utilities. The proposed exchange is depicted in "Exhibit A, Severance Survey Map of Lot 5071#1-2, Deletion of 6.096m Setback Access Easement (Exhibit A)."

I Liheslaturan Guåhan intends to allow a land exchange of the government's current 384± square meters variable bull cart trail with the 746± square meters of Lot 5071#1-2 owned by MOMO Corporation, in order to facilitate a wider and safer access to houses in the area, with the understanding that the government of Guam continues to pursue a permanent remedy. Access to this newly acquired 746± square meters easement from Route 16 will continue at the discretion of the lessee and owner of Lot 5007-4. The government of Guam shall be held harmless in all matters concerning MOMO Corporation's desire to allow such temporary access through Lot 5007-4.

Section 3. Appraisals. As the 746± square meters of Lot 5071#1-2, as depicted in Exhibit A, of proposed exchange is of significantly greater land area than

that of the 384± square meters variable bull cart trail, for proposed deletion, greater good to public safety will be achieved by having more land area for road improvement. Thus, 2 GCA § 2107(b) and Section 6.04(c)(4) of the Standing Rules of *I Mina'trentai Singko Na Liheslaturan Guåhan,* relative to appraisals of land, shall not apply to this Act.

Section 4. The requirements of 21 GCA § 62108(b) are hereby waived to allow inclusion of a thirty-two (32) foot wide right-of-way as depicted in Exhibit A.

Section 5. 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.

EXHIBIT A
OF
BILL NO. 154-35 (COR)

Exhibit A of Bill No. 154-35 (COR) AS AMENDED

