

# CHamoru Land Trust Commission Board Meeting Packet September 18, 2025



#### **Lourdes A. Leon Guerrero** Governor of Guam I Maga'Haga Guåhan

#### **Joshua F. Tenorio** Lt. Governor of Guam I Segundo Na Maga'Lahen Guåhan

#### Commission Members

Earl J. Garrido Acting Chairperson

#### Joseph F. Artero-Cameron Commissioner

#### Fabrienne Cruz Respicio Commissioner

#### Jeremy J. Rojas Commissioner

#### (Vacant) Commissioner

# (Vacant) Administrative Director

# Kumision Inangokkon Tano' CHamoru (CHamoru Land Trust Commission)

P.O. Box 2950 Hagåtña, Guåhan 96932 • Phone: (671)300-3296 • Fax: (671)300-3319 • Email: cltc.admin@cltc.guam.gov

#### CHamoru Land Trust Commission Regular Board Meeting Thursday, September 18, 2025 at 1:00PM

CHamoru Land Trust Conference Room, 590 S. Marine Corp Drive ITC Building, Suite 223, 2nd Floor Tamuning, Guam. Public Comments may be made at cltc.admin@cltc.guam.gov To view the meeting virtually, log on to GovGuam Live-YouTube or Google Meeting link: <a href="mailto:meet.google.com/mza-qbgm-dkr">meet.google.com/mza-qbgm-dkr</a>

#### **AGENDA**

- I. Call to Order Certification of Quorum Present
- II. Certification Public Notice Requirements
  - A. Guam Daily Post (September 11, 2025 and September 16, 2025)
  - B. Guam Public Notice Website (<a href="https://notices.guam.gov">https://notices.guam.gov</a>)
- III. Approval of Minutes: July 17, 2025 (Regular Board Meeting)
- IV. Administrative Director's Report

#### V. Old Business

- A. Constituent Matters
  - 1. Roby Jean Quintanilla
  - 2. Richard Blas Santiago
  - 3. Leah Rojas
  - 4. Karen Kasperbauer Perez
- B. Department of Land Management MOA
- C. Guam Waterworks Authority MOA
- D. Bill No.32-38(COR), Resolution 2025-001
- E. Tract 10123, Yigo
- F. Lot 7161-R1, Yigo
- G. Administrative Director Position

#### VI. New Business

- A. Constituent Matters
  - 1. Angela N.C. Santos
  - 2. Joleen Marie Almandres
  - 3. Mark Mendiola Almandres
  - 4. Daniel C. Lujan
  - 5. Emilia S.N. Palacios
  - 6. Pedro B. Blas
  - 7. Pedro B. Blas Jr.
  - 8. Ryan Muna
  - 9. Martina Cruz
- B. Designation of Public Information Officer
- C. Real Property Taxes Assessment
- D. Switch/Transfer of Application Date/Time
- E. Switch of Application Type
- F. Letter from the Governor Request for a Designated Staging Site for Junk Vehicles
- G. Portion of Lot 440, Merizo Transworld Radio
- H. Bill No.182-38 (COR)
- VII. Public Comment(s)
- VIII. **Next Meeting** Thursday, October 16, 2025 at 1:00PM, CLTC Conference Room, Suite 223, ITC Building, Tamuning, Guam 96913
- IX. Adjournment

Rev. 08/25/2025



**Certification—Public Notice Requirements** 

#### **CLTC Board of Commissioner Regular Meeting**

#### **CLTC Board of Commissioner Regular Meeting**

- m Posted on: 09/11/2025 06:00 AM
- Posted by: Dexter Tan
- **Meeting Date:** 09/18/2025 01:00 PM

#### Department(s):

#### CHAMORU LAND TRUST COMMISSION (/notices?department\_id=23)

- Division(s): CHAMORU LAND TRUST COMMISSION (/notices?division\_id=174)
- Notice Topic(s): BOARD MEETING (/notices?topic\_id=76)
- **Types of Notice:** MEETING (/notices?type\_id=5)
- For Audience(s): PUBLIC (/notices?public=1)
- → Share this notice

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### GUAM ENVIRONMENTAL PROTECTION AGENCY AHENSIAN PRUTEKSION LINA'LA GUAHAN

BOARD OF DIRECTORS REGULAR BOARD MEETING: Thursday, September 18, 2025-4:00PM Guam EPA Administration Conference Room: 17-3304 Mariner Avenue Tiyan Barrigada, Guam MEETING LINK: https://meet.google.com/egh-ocri-ggg

## AGENDA:

- Call to order
  - a. Determination of quorum
  - b. Proof of Due Notice of Meeting
- Approval of Agenda II.
- Approval of meeting minutes: August 21, 2025
- IV. Board Discussion / Action.
  - a. MCOG's Request to Extend Expenditure End Date for RRF's IECP
- Administrator's Report

VI. Status Reports

- a. MCOG RRF's IECP Efforts
- b. DPW Abandoned Vehicles Removal
- c. EPA Water Sampling Results
- d. Notices of Violations
- e. Enforcement
- VI. Public comments
- VII. Next meeting date and adjournment

Livestreamed on youtube.com/guamepa • This advertisement is paid for with local funds

Individuals requiring special accommodations, auxiliary aids or services may call Guarn EPA at 671.588.4751 or email: arlene.acfalle@epa.guam.gov • Connect with Guam EPA today: 🕴 🛍 🔯

# AMENDED NOTICE OF SALE UNDER MORTGAGE

NOTICE IS HEREBY GIVEN pursuant to 18 G.C.A. § 36113 that the Mortgage ("Mortgage") executed and delivered by JMSH 11, LLC, as mortgagor ("Mortgagor") to BANKPACIFIC, LTD., as mortgagee (the "Mortgagee"), which Mortgage was dated October 17, 2022 and duly recorded October 18, 2022, in the Department of Land Management, Government of Guam, under Instrument Number 980186, will be foreclosed pursuant to a power of sale contained in such Mortgage by sale of the premises encumbered by such mortgage, as hereinafter described, to the highest bidder at public auction at the MAYOR'S OFFICE, MUNICIPALITY OF TAMUNING, GUAM, to satisfy the amount secured by such Mortgage on the day of sale. Notice is hereby provided that the sale is set for 11:00 A.M. on THURSDAY, SEPTEMBER 18, 2025. The terms of the sale are strictly cash, certified check or cashier's check.

The sale will be made without covenant or warranty regarding title, possession, or encumbrances to satisfy the obligations secured by said Mortgage.

The premises that are described in such Mortgage and that will be sold to satisfy the Mortgage are as follows:

PARCEL ONE: LOT NUMBER 5119-2NEW, TAMUNING, GUAM, SUBURBAN, as said Lot is described in that Consolidation Survey Map of Lot Nos. 5119-2, -3, -4, -5, -6, -7, -8, -9, -10, -11, -2NEW-R1-R1, 5119-1, 5114#1-9, 5114#1- R9NEW-1-1 into Lot 5119-2NEW, as shown Drawing Number RTDC- 072590, as L.M. Check Number 432 FY 90, dated 11 October 90 and recorded on 15 October 90 under Instrument No. 442832 at Land Management. THIS LAND IS REGISTERED LAND. AREA: 27,623 ± square meters. LAST KNOWN REGISTERED OWNER(S) BEING: P.D. Hemlani (as to Basic Lot 5114#1-9; Estate Number 19443). Puranchand D. Hemlani (as to Basic Lot 5114#1-R9NEW4-1; Estate Number 54988). Radhi P. Hemlani (as to Basic Lot 5119-1; Estate Number 11816). Radhi Hemlani (as to Basic Lot 5119-2-3; Estate Number 17653). Radhi P. Hemlani (as to Basic Lot 5119-2-4; Estate Number 17654). Radhi P. Hemlani (as to Basic Lot 5119-2-5; Estate Number 17655). Radhi P. Hemlani (as to Basic Lot 5119-2-6; Estate Number 55543). Radhi Hemlani (as to Basic Lot 5119-2-7; Estate Number 55264). Radhi Hemlani (as to Basic Lot 5119-2-8; Estate Number 55265). Radhi P. Hemlani (as to Basic Lot 5119-2-9; Estate Number 55266). Radhi P. Hemlani (as to Basic Lot 5119-2-11; Estate Number 52268). Radhi P. Hemlani (as to Basic Lot 5119-2-10; Estate Number 55267). Radhi P. Hemlani (as to Basic Lot 5119-2-2NEW-RI; Estate Number 65158) LAST CERTIFICATE OF TITLE NUMBERS BEING: 85679 (as to Basic Lot 5114#1-9; Estate Number 19443). 77958 (as to Basic Lot 5114#1-R9NEW-1; Estate Number 54988). 26676 (as to Basic Lot 5119-1; Estate Number 11816), 86563 (as to Basic Lot 5119-2-3; Estate Number 17653), 85622 (as to Basic Lot 5119-2-4; Estate Number 17654). 85623 (as to Basic Lot 5119-2-5; Estate Number 17655). 85624 (as to Basic Lot 5119-2-6; Estate Number 55543). 86417 (as to Basic Lot 5119-2-7; Estate Number 55264). 86455 (as to Basic Lot 5119-2-8; Estate Number 55265). 85630 (as to Basic Lot 5119-2-9; Estate Number 55266). 85632 (as to Basic Lot 5119-2-11; Estate Number 52268), 85631 (as to Basic Lot 5119-2-10; Estate Number 55267), 85675 (as to Basic Lot 5119-2-2NEW-RI; Estate Number 65158)

PARCEL TWO: LOT NUMBER 5119-2-RII, TAMUNING, GUAM, SUBURBAN, as said Lot is described in that Parental Subdivision of Lots 5119-2-7 thru 5119-2-11, as shown on Drawing Number A12-1-77D, as L.M. Check Number 179 FY 78, dated 31 January 78 and recorded on 02 February 78 under Instrument No. 288384 at Land Management. THIS LAND IS REGISTERED LAND. AREA: 2,166 ± square meters. LAST KNOWN REGISTERED OWNER(S) BEING: Vicente U. Pangelinan and his wife, Pilar B. Pangelinan. LAST CERTIFICATE OF TITLE NUMBER BEING: 15582 (as to Basic Lot 5119-2); Estate Number 11817).

The undersigned are attorneys for the lawful owner of such Mortgage and the promissory note (the "Note") secured thereby. Mortgagor has defaulted in the performance of the terms and conditions of the Note and Mortgage, and Mortgagee daims the sum of ONE MILLION SEVENTY-FOUR THOUSAND SIX HUNDRED NINETY-FOUR AND 44/100 DOLLARS (\$1,074,694.44), comprised of principal in the sum of One Million and No/100 Dollars (\$1,000,000.00), accrued interest of Twenty-Four Thousand Two Hundred Seventy-Seven and 78/100 Dollars (\$24,277.78), and late charge of Fifty Thousand Four Hundred Sixteen and 66/100 Dollars (\$50,416.66), all as of April 18, 2025, plus additional interest upon the unpaid principal thereon at the default rate of Eighteen Percent (18.000%) per annum thereafter, and late charges accruing after April 18, 2025, together with additional attorneys' fees and expenses incurred after April 18, 2025, all in accordance with the terms of said Note and Mortgage, together with any additional late charges, costs of sale and attorneys' fees.

Mortgagee reserves the right to withdraw this notice, to reject any bid or to accept only the highest bid, and to postpone the sale from time to time in the sole discretion of the Mortgagee.

DATED this 19th day of August, 2025.

BLAIR STERLING JOHNSON & MARTINEZ A PROFESSIONAL CORPORATION By: /s/ RICHARD L. JOHNSON

Attorneys for BankPacific, Ltd. ACKNOWLEDGMENT

Guam

MUNICIPALITY OF TAMUNING ON THIS 19th day of August, 2025, before me the undersigned notary, personally appeared RICHARD L. JOHNSON, known or identified to me to be an attorney in the law firm of BLAIR STERLING JOHNSON & MARTINEZ, A Professional Corporation, attorneys for BANKPACIFIC, LTD., whose name is subscribed to the foregoing AMENDED NOTICE OF SALE UNDER

MORTGAGE, and acknowledged to me that he executed the same on behalf of said corporation, in such capacity, being fully authorized to do so, and for the uses and purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

/s/ JENNIFER D.S. MENDIOLA **NOTARY PUBLIC** 

In and for Guam, U.S.A. My Commission Expires: MAR. 27, 2029 Commission Number NP: 25-0809P 1411 Pale San Vitores Road, Suite303 Tamuning, Guam 96913

# **PUBLICATION NOTICE**

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

# IP&E Holdings, LLC DBA: IP&E Shell Yona

has applied for a Class: Five (5) General Off Sale Alcoholic Beverage License said premises being marked as Lot: Lot 109-1A 1228 N Rte 4 Highway Yona

335 South Marine Corps Drive, Suite 101, Tamuning, GU 96913

Notice of Meeting

The Guam Board of Accountancy will hold its monthly Board meeting on Thursday, September 18, 2025, at 4:00 p.m. This meeting is open to the public via Zoom Video Conference. Anyone desiring to join the virtual meeting may enter the following link in a browser:

Meeting URL: Join Zoom Meeting https://us06web.zoom.us/j/89306475475?pwd=3KagYluCZAhBrl5Tvh9MhKEwyGbApZ.1

Meeting ID: 893 0647 5475 . Passcode: KKVs9T.&i4

Our YouTube livestreaming events link for all Regular Board Meetings is available on the Board's website at: http://www.guamboa.org/policies/activities.htm.

AGENDA

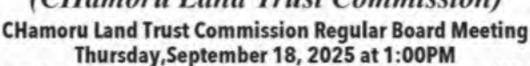
- CALL TO ORDER
- II. APPROVAL OF MINUTES August 21, 2025
- III. OLD BUSINESS
  - Guam Accountancy Endowment Fund Update
  - Visiting Professor Update
- IV. NEW BUSINESS

- A. Requests for Approval
- Applications for Initial Certification & Licensure
- GENERAL DISCUSSION/ANNOUNCEMENTS
- FY2025 GBOAYTD Financial Summary
- VI. ADJOURNMENT

The names of applicants being considered are available on the Board's website at: http://www.guamboa.org/policies/activities.htm, along with other Board meeting materials. Detail materials will be available on the website one day before the meeting. Individuals requiring special accommodations or information may contact Ms. Anna Aflaque at the Guam Board of Accountancy at 671-647-0813 FAX: 671-647-0816 or support@guamboa.org for assistance.



# Kumision Inangokkon Tano' CHamoru (CHamoru Land Trust Commission)



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- IX. Adjournment

In compliance with American with Disabilities Act, individuals requiring special accommodations or services should contact (671)300-3296 or email <a href="mailto:cheater.guam.gov">cheater.guam.gov</a>

This ad is paid for by CLTC funds

#### DEPARTMENT OF ADMINISTRATION

DIPATTAMENTON ATMENESTRASION GENERAL SERVICES AGENCY DIVISION (Anonsion Setbision Hinitat) Felephone (Telifon): 671-475-1705/1706



#### SOLE SOURCE

Public Law 36-70 5GCA§5214

VENDOR: Overdrive, Inc.

**DESCRIPTION:** Digital Media Platform CONTRACT TERMS:

3 Years

TOTAL AMOUNT:

Increased to \$250,000.00

THIS ADVERTISEMENT WAS PAID WITH GOVERNMENT FUNDS BY:

**Guam Public Library System** Public Law 36-70

Sole Source awarded are posted on the Agency's website at

www.gsa.doa.guam.gov

/s/ Andriana Quitugua

Acting Chief Procurement Officer



#### **GUAM EDUCATION BOARD**

lariner Avenue, Barrigada, Guaeri 96913-1608 ne: (671) 300-1627 Fatsimille: (671) 472-500 Wobske Addross: www.gdoe.net/geb



**REGULAR BOARD MEETING** Tuesday, September 23, 2025 4 PM Gallery, Bldg. B, Tiyan AGENDA

I. Meeting Call to Order **INFO II. Celebrate Success** 

INFO/ACTION III. Consent Calendar

Minutes of August 19, 2025 Regular Meeting

2. Superintendent's Report August 19, 2025

IV. Public Participation (Board Policy 125.6) Time Limit 3 minutes

INFO V. Communications

1. Correspondence received by the board after August 17.2

Islandwide Board of Governing Students (IBOGS) Report

2. Guam Federation of Teachers (GFT) Report

3. Mayor's Council of Guam (MCOG) Report

VII. Unfinished Business/Committee Reports

1. Superintendent's Report

a. JFKHS/SSHS Double Session Status Report

b. FEMA Projects Status Report

FRIG Renovation Status Report Correspondence received by the Board after August 19, 2025

INFO/ACTION

INFO/ACTION

INFO/ACTION

INFO/ACTION

INFO

INFO

FBLG Renovation Status Report
Mold Mitigation/Fencing Status Report d.

Dashboard Status Report e.

Management and Curriculum Audit Status Report

Status of Decommissioned Schools

2. Executive Committee

National Association of State Boards of Education (NASBE)

NASBE Exchange

Search Committee Updates
 Instructional & Academic Support Committee
 September Head Start Report
 Safe & Healthy Schools Committee

Facilities & Maintenance

INFO/ACTION

 Policy Review & Strategic Planning Committee
 Dr. Guthertz Proposal Re: Temporarily Place the Guam Department of Education under the Administrative Purview of the Guam Community College in Order to Enhance GDOE Financial Management, Operational Efficiency and Student Learning Outcomes

Dr. Guthertz Proposal Re: Temporary Designation of Guam DOE Public

Schools as Charter Schools 6. Fiscal Management Committee

**GDOE Financial Report** 

Accounts Payable Aging Report
Declaration of Financial Status Designation-April, May, and June

INFO/ACTION lii. Unaudited Statement of Appropriation, Expenditures, and INFO

Encumbrances for Fiscal Year 2025 iv. Grant Status Report for Fiscal Year 2025 INFO

US Department of Education Specific Conditions Report INFO

FY 2024 Audit Progress INFO

VIII. New Business

INFO/ACTION Ad Hoc Committee Update a. INFO/ACTION

b. SY26-27 Calendar

INFO/ACTION Amended Board Policies

d.

105 – Board Policies
105.10 – Duties of the Board Officers
115 - Committees
120.2 – Board Policy Dissemination
120.4 - Administration in the Absence of Board Policy
125.3 – Distribution of Board Meeting Materials
125.12 – Executive Sessions at Board Meetings
130 – Board Work Sessions

INFO d. Speech Therapists' Licensure Requirements
INFO/ACTION IX. Executive Session (Board Policy 125.12)
a. Personnel matters (5 GCA § 8111 (a))
b. Matters within scope of Public Employee-Management Relations Act, including collective bargaining (5 GCA § 8111 (b))
c. Superintendent's Evaluation
INFO/ACTION X. Announcements & Adjournment

The public is welcome to view the meeting via live stream at <a href="https://www.facebook.com/DDEGuam">https://www.facebook.com/DDEGuam</a>. Individuals requiring special accommodations or information or visit to submit public testimony via email may contact Kathleen Lamorena by email: <a href="https://kdamorena@gode.net">kdamorena@gode.net</a>. This advertisement was paid by GDOE local funds.

### TEMPORARY JOB OPENINGS

15 CEMENT MASONS, 07 CARPENTERS, & 06 Reinforcing Metal Workers with 1 year. Exp 05 FIELD SUPERVISORS, with 2 year. Exp.

Interest applicants, please apply at SERRANO CONST. & DEV., CORP. At 632-8840 between 8:00 am to 5:00 pm.

Douglas B. Moylan Attorney General of Guam Office of the Attorney General Family Bivision 599 S. Marine Corps Drive, ITC Bldg., Ste. 706 Iamuning, Guam 66913 \* USA (671) 475-2595 \* (671) 475-3343 (fax) hamilydivision@oagguam.org Attorneys for the People of Guan

IN THE SUPERIOR COURT OF GUAM IN THE INTEREST OF:

Juvenile Case No. G.A.D. (DOB: 11/01/2007), JP0057-22

E.E.D.(DOB: 03/19/2010), E.E.D. (DOB: 12/27/2015), and

J.J.D. (DOB: 04/18/2018), Summons

Minors.

To: GLEN BABAUTA,

Father for **G.A.D.** (DOB: 17/01/2007) 418 Malmai Road, Chalan Pago (671) 685-1141

You are hereby summoned to appear via zoom, before the HONORABLE LINDA L. INGLES, at the Judiciary of Guam, Superior Court of Guam, 120 West O' Brien Drive, Hagátña,

Guam, for a court hearing on: TUESDAY, OCTOBER 7, 2025 AT 4:30 P.M. Zoom meeting ID: 716 711 9213 / Password: 76504

YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING THE CHILDREN WHO ARE THE SUBJECT OF THE ABOVE MAY BE TERMINATED BY AWARD OF PERMANENT CUSTODY IF YOU FAIL TO APPEAR ON THE DATE THAT IS SET FORTH IN THIS SUMMONS." YOU MAY BE HELD IN CONTEMPT IF YOU FAIL TO APPEAR ON THE DATE SET FORTH IN THIS SUMMONS.

Dated: AUG 29 2025.

CLERK, SUPERIOR COURT OF GUAM BY: /s/ Sheila K. Castro Deputy Clerk

Douglas B. Moylan Attorney General of Guam Office of the Attorney General Family Division 590 S. Marine Corps Drive, IITE Bldg., Ste. 706 Iamuning, Guam 96913 \* USA (671) 475-2595 \* (671) 475-3343 (fax) Iamulydrision@osg IN THE SUPERIOR COURT OF GUAM

IN THE INTEREST OF:

L.C. (DOB: 09/28/2017), and D.C. (DOB: 08/27/2019),

Minors.

**JUVENILE CASE NO. JP0273-23** 

Summons

To: MARIA LYDIA CABRAL, Natural Mother

You are hereby summoned to appear via zoom before the HONORABLE LINDA L. INGLES, at the Judiciary of Guam, Superior Court of Guam, 120 West O' Brien Drive, Hagatha, Guam, for a court hearing on:

TUESDAY, OCTOBER 07, 2025 AT 3:15 P.M. Zoom meeting ID: 716-711-9213 / Password: 76504

YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS "YOUR PARENTAL AND COSTODIAL DUTIES AND MIGHTS CONCERNING THE CHILDREN WHO ARE THE SUBJECT OF THE ABOVE MAY BE TERMINATED BY AWARD OF PERMANENT CUSTODY IF YOU FAIL TO APPEAR ON THE DATE THAT IS SET FORTH IN THIS SUMMONS." YOU MAY BE HELD IN CONTEMPTIFYOU FAILTO APPEAR ON THE DATE SET FORTH IN THIS SUMMONS.

Dated: AUG 26 2025,

CLERK, SUPERIOR COURT OF GUAM BY: /s/ Sheila K. Castro



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3. Leah Rojas 4. Karen Kasperbauer Perez

Department of Land Management MOA

Guarn Waterworks Authority MOA Bill No.32-38(COR), Resolution 2025-001 C.

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Lot 7161-R1, Yigo Administrative Director Position

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**Approval of Minutes** 



Lourdes A. Leon Guerrero Governor of Guam I Maga'Haga Guåhan

Joshua F. Tenorio Lt. Governor of Guam I Segundo Na Maga'Lahen Guåhan

Commission Members

Arlene P. Bordallo Chairperson

Earl J. Garrido Commissioner

Joseph F. Artero-Cameron
Commissioner

Fabrienne Cruz Respicio Commissioner

> Jeremy J. Rojas Commissioner

Joseph B. Cruz Jr. Acting Administrative Director

Rev. 08/05/2025

# Kumision Inangokkon Tano' CHamoru (CHamoru Land Trust Commission)

P.O. Box 2950 Hagåtña, Guåhan 96932 • Phone: (671)300-3296 • Fax: (671)300-3319 • Email: cltc.admin@cltc.guam.gov

#### CHamoru Land Trust Commission Regular Board Meeting Thursday, June 19, 2025, from 1:20 PM to 6:43 PM

CHamoru Land Trust Conference Room, 590 S. Marine Corps Drive, ITC Building, Suite 223, 2<sup>nd</sup> Floor, Tamuning, Guam. Public Comments may be made at <a href="mailto:cltc.quam.gov">cltc.quam.gov</a>. To view the meeting virtually, log in to the GovGuam Live-YouTube or Google Meet and join into Video call link: https://meet.google.com/Xgx-jkys-saf

#### **MEETING MINUTES**

Public Notice: The Guam Daily POST on July 10, 2025, and July 15, 2025

#### PRESENT:

#### Commissioners

Arlene P. Bordallo, Chairperson
Earl J. Garrido, Commissioner
Fabrienne C. Respicio, Commissioner
Jeremy J. Rojas, Commissioner
Joseph F. Artero-Cameron, Commissioner (via Google Meet)

#### Management and Staff

Joseph B. Cruz Jr., Acting Administrative Director Norman Lee Miller Jr., Deputy Attorney General Glenn Eay, Acting Land Agent Supervisor Eileen Chargualaf, Land Agent II Jhoana Casem, Land Agent II Jessica Dayday, Land Agent II Lydia Taleu, Land Agent I Pierce Castro, Planner II Dexter Tan, Program Coordinator I

#### Guests

John Perez
Billy Cruz
Carlos Camacho
Yohei Koike
Jerry Tang
Doreen E. Borja
Mark Aquiningoc
Ray A. Cruz
Jessica Berisha (via Google Meet)
Author Paul Juanillo (via Google Meet)
Anthony Santos
John Iriarte
Doris Iriarte
Jonah Benavente
David Herrera



**Lourdes A. Leon Guerrero** Governor of Guam I Maga'Haga Guåhan

**Joshua F. Tenorio** Lt. Governor of Guam I Segundo Na Maga'Lahen Guåhan

**Commission Members** 

Arlene P. Bordallo Chairperson

Earl J. Garrido Commissioner

Joseph F. Artero-Cameron Commissioner

Fabrienne Cruz Respicio Commissioner

> Jeremy J. Rojas Commissioner

Joseph B. Cruz Jr. Acting Administrative Director

# Kumision Inangokkon Tano' CHamoru (CHamoru Land Trust Commission)

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#### **Summary**

Commissioner Artero-Cameron raised concerns about restrictions on the CHamoru Land Trust Commission's property use and revenue, advocating for the Commission's autonomy in determining the highest and best use of property and suggesting a fee for topsoil removal. AAD Cruz outlined recommendations for monitoring and invoicing extracted materials, emphasizing professional ascertainment of aggregate removal and a comprehensive plan from bidders for land reclamation. The Commission supported Bill 7-38 by authorizing a competitive bidding process, with Commissioner Artero-Cameron appointed as the messenger to the legislature.

Commissioner Artero-Cameron moved to support Bill 32-38 in its current form to correct historical injustices related to land transfers, seconded by Commissioner Garrido. Commissioner Artero-Cameron also moved to support Bill 41-38, with an amendment accepted by Commissioner Respicio for landowners to satisfy non-payment of taxes. Commissioner Respicio highlighted the complexities of property taxes and unregistered properties, emphasizing that the Commission cannot legally guarantee loans on unregistered land and that previous instances were assumptions of existing guarantees.

The board discussed solutions for Mr. Billy Cruz's unregistered property, with Commissioner Respicio suggesting direct work with CLTC staff for expedited registration and Mr. Billy Cruz offering to pay for a survey. Discussions also included extending a lease to 55 years, requiring an independent MAI appraiser, and proposing amendments to Bill 135-38, which involved rent escalation and a performance bond for GICC. The Commission also voted to sell the Bull Cart Trail based on two independent appraisals and clarified conditions for a lease with GICC, including rent escalation and a performance bond.

The board also discussed the legal validity of Antonio Aquiningoc's two agricultural leases, ultimately accepting the February 11, 2005, lease as official and terminating the earlier one. Mark Allan Aquiningoc was named as the successor to his father's lease, conditional on compliance with specific actions like recording the survey and clearing fees. The board discussed land use regulations, clarifying that anything over a half-acre for agricultural land requires two-thirds to be farmed and legislative approval for commercial use.

The board also addressed Jessica Berisha's beneficiary application, with a motion made to disqualify her due to discrepancies in her affidavit's stated location of land taking, despite her verbal testimony. The board recommended approving Arthur Paul Juanillo as an eligible beneficiary and Arthur Paul Juanillo II as his successor. They also approved leases for surveyed and registered parcels and granted a survey request from MEC LLC for easement access.

Lastly, Artero-Cameron, as the newly appointed Public Information Officer, requested parameters for their role, and the meeting concluded with a motion to table new business items concerning constituent matters for Roby Jean Quintanilla, Richard Blas Santiago, and Leah Rojas.

- I. Meeting Called to Order
  - ➤ Chairwoman Bordallo called the July 17, 2025, Board of Commissioners meeting to order at around 1:20PM
- II. Approval of Minutes
  - ➤ June 06, 2025 (Special Meeting)

ACTION: Motion to approve minutes with modification.

#### PASSED unanimously. 4-0.

➤ June 19, 2025 (Regular Board Meeting)

ACTION: Motion to approve minutes with modification; page 10, item 13, change "motion made by Charlene Mayo to motion made by Commissioner Respicio".

#### PASSED unanimously. 4-0.

- III. Administrative Director's Report by AAD Cruz
  - A.AAD Cruz disclosed that initially, the Guam Daily Post did not publish the approved print. AAD Cruz mentioned that to ensure the board complies with the open government law, as they discuss the bills, the board can include who could be the designated Public Information Officer (PIO) to represent the board at public hearings. AAD Cruz will ensure that at the August board meeting, all publication prints are correct.
  - B. In discussing the housekeeping rules, board members, and public speakers, there is a time limit of three (3) minutes per individual.
  - C. The procurement of the new CLTC official vehicles has been completed. A purchase order has been awarded, and CLTC may be receiving the new vehicles within ninety (90) days.
  - D. The procurement of a mail meter machine has been sent out. A mail meter machine would be a more efficient and effective process in sending out certified mail.
  - E. The office space lease procurement will commence in October of 2025. CLTC would have to issue a new IFB (Intent for Bid), depending on the successful bid.
  - F. The FY2025 CLTC independent financial audit has commenced. There was a delay due to QuickBooks financial software.
  - G. An MOU between the USDA Rural Development and CLTC the new requirements of having an escrow account to receive loan funding from USDA, water and wastewater disposal program, and SUTA. AAD Cruz mentioned that there will be a meeting on August 11, 2025, at 10:00 AM with Tomas Lynch.
  - H. On July 11, 2025, CLTC received a letter from Governor Lou Leon Guerrero requesting assistance in identifying potentially suitable lots for the designated staging site for junk vehicles before their disposal. For the August meeting, he will ensure that it is a line item for discussion, and we will present possible parcels for the board to consider in regards to the Governor's request.
  - I. Report on residential and agricultural regarding the \$9 million appropriations. Item One: Weekly Tuesday meeting with the Department of Land Management (DLM). The 2nd MOA draft has been sent to DLM for some edits. CLTC anticipates that the cost will increase, but it may not be drastic. There is a timeline and expectation that the MOA will be finalized by the August 2025meeting to be presented to the board for approval.
  - J. A meeting with GPA, and it was said that to install main feeder lines in the various tracts that were presented, it will have to be triggered by an application. We are working through the first tract, focusing on tract 15344 in Mangilao. Any updates will be provided to the board by the August 2025 meeting.

K. The implementation plan for GWA was shared with all the commissioners. A draft MOA is in progress. There is an increase in cost, which will be presented to the board in August, with the hope of completing the MOA.

#### IV. Old Business

#### A.Bill No. 7-38(COR)

- ➤ Restrictions on CHamoru Land Trust Commission Property Use and Revenue: Commissioner Artero-Cameron expressed concerns about restrictions placed on the CHamoru Land Trust Commission, specifically regarding the requirement for at least one large pad for a public service building in addition to homesteads, as well as the bill stating the Commission will not receive revenue from the removal of "unsuitable materials" like aggregate. He questioned whether the Commission should be restricted from determining the highest and best use of property and suggested a fee for topsoil removal, considering its equivalent value to aggregate. AAD Cruz discussed the potential use of topsoil for constituents and asked if there would be monitoring during excavations, mentioning a draft SOP that includes requirements for total surveys and professional ascertainment of aggregate removal.
- Monitoring and Invoicing of Extracted Materials: AAD Cruz outlined recommendations for monitoring and invoicing extracted materials, suggesting that professionals ascertain the amount of aggregate removed and that invoicing be based on reports stamped, sealed, and signed by a company's engineer. They also proposed that as part of the RFP process for mining the land, bidders include a plan detailing the starting conditions, the stopping point, and what will be left behind for the Commission's benefit and use. This approach aims to have a plan in place from the beginning, rather than developing one after extraction, to ensure the land is returned in a usable state.
- ➤ Support for Bill 7-38 and Messenger Identification: Commissioner Artero-Cameron moved to support the intention of Bill 7-38 by authorizing the CHamoru Land Trust Commission to engage in a competitive bidding process (RFP), with the Commission determining the RFP specifications and the terms and conditions of the commercial lease. Attorney Miller clarified that the agenda item sought the Commission's collective view on Bill 7-38 and the identification of a messenger to the legislature. Commissioner Respicio motioned to have Commissioner Artero-Cameron be the board's representative for the board's decision on this bill. The motion was amended and seconded by Commissioner Respicio. Commissioner Artero-Cameron accepted an amendment to their motion to appoint themself as the person to represent the board's direction on this bill. Chairwoman Bordallo called for a vote. Motion passes 4-0.

#### B.Bill No. 32-38(COR)

Conflict of Interest Discussion (Bill 32-38) - Attorney Miller explained the criteria for a conflict of interest related to Bill 32-38, which involves the transfer of land to heirs, specifically mentioning a "three degrees of relationship" test and a subjective test regarding personal benefit. Commissioner Artero-Cameron confirmed they did not believe they had a subjective conflict of interest, and Attorney Miller confirmed Commissioner Garrido's eligibility to vote on the matter based on the outlined criteria.

Motion in Favor of Bill 32-38 – Commissioner Artero-Cameron formally moved in favor of Bill 32-38 in its current form and intent, emphasizing that supporting this bill is a crucial step toward correcting past injustices and ensuring a better future for all parties involved. Commissioner Garrido seconded the motion. Chairwoman Bordallo called for a vote. Motion passes. 4-0. Commissioner Respicio then commented on the bill, noting that the original transfer of the property involved a sum of money and a promise of equipment worth \$2 million, with the equipment portion never executed.

#### C. Bill No. 131-37(COR)

Commissioner Artero-Cameron made a motion to support Bill 131-38 in its current form and intention. Attorney Miller stated that the board has a copy of the bill to review its contents. He then states that this bill is to authorize the sale of property to the Kellys. We assume that fair market value is the product of a couple of appraisals, and then we will average and figure out a per-square-foot price. The bill itself doesn't say what the fair market value is. Commissioner Respicio seconded the motion, with an amendment to the motion to include the definition of a fair market value, inclusive of the responsibilities for the appraisals to determine what the fair market value shall be generated or obtained by the purchaser. To be obtained and paid by the buyer. Commissioner Artero-Cameron seconded the amendment. Chairwoman Bordallo called for a vote. Motion passes 4-0.

#### D. Bill No. 41-38(COR)

Commissioner Artero-Cameron questioned the purpose of moving away from Bill 41-38. Commissioner Respicio clarified that the motion was to temporarily table the discussion until more documentation was received, as only one page was available. Commissioner Artero-Cameron then moved to support Bill 41-38 in its current form and intention, stating that the primary objective of the Guam Ancestral Lands Commission is to return land to ancestral owners or their families. Commissioner Garrido suggested waiting for more accurate information, noting that the land was taken due to non-payment of taxes, not eminent domain or condemnation.

#### > Discussion on Land Conservation and Bill 41-38

Commissioner Artero-Cameron expressed concern that Bill 41-38, dealing with land in the CHamoru Land Trust Commission's inventory, might pass the legislature without the commission's full input. Commissioner Respicio asked Commissioner Artero-Cameron to consider an amendment to their motion to support the bill, with the intention that the landowners satisfy the non-payment of taxes for which the land was originally taken. Commissioner Artero-Cameron accepted this amendment, and Commissioner Respicio seconded the amended motion.

➤ Property Tax and Transfer Issues Commissioner Respicio discussed the complexities of property taxes, penalties, and interest on lots before transfer, emphasizing that the commission might not be in a position to overturn decisions by other governmental bodies. She raised concerns about the "look back period" for taxes, suggesting a 10-year limit as an example, and questioned the commission's authority to dictate back taxes on a property taken 20 years ago. Commissioner Artero-Cameron agreed that a vote was needed to move forward, stating that the motion would either pass or fail.

#### > Commissioner's Stance on Property Return

Commissioner Respicio clarified her understanding of the motion, stating that the commission supports returning ancestral property with the expectation that any legally due taxes, even if zero, are collected. She also raised concerns about the implications if ancestral landowners are unable to meet the burden of back taxes and penalties, potentially leading to the loss of the property. Commissioner Artero-Cameron questioned the existence of a statute of limitations for back taxes, and Attorney Miller explained that while mainland laws typically limit back taxes to three years, he was unsure how Guam handles unpaid property taxes.

#### > Support and Motion

Commissioner Artero-Cameron moved to support Bill 41-38 in its current form and intention, stating that the primary objective of the Guam Ancestral Lands Commission is to return land to ancestral owners or their families. Commissioner Respicio suggested waiting for more accurate information, noting that the land was taken due to non-payment of taxes, rather than through eminent domain or condemnation. Commissioner Artero-Cameron amended his motion to state that when property transfers that, the families must satisfy the tax bill before. Commissioner Respicio added to the motion to nominate Commissioner Artero-Cameron, the unofficial PIO on this matter. Chairwoman Bordallo called for a vote. Motion passes. 3-0. Commissioner Garrido did not vote.

E.Bill No. 135-38(COR) Motion made by Commissioner Rojas to move to item "G", Number one, constituent matters, Mr. Billy Cruz, before discussing item "E", Bill Number 135-38. Seconded by Commissioner Respicio. Chairwoman Bordallo called for a vote. Motion passes. 3-0. Commissioner Garrido did not vote.

#### F. Constituent Matters

- (1) Billy Cruz
  - Addressing Unregistered Property Issues AAD Cruz detailed the challenges posed by unregistered properties, highlighting that CLTC has issued many leases on such properties, which is contrary to the law. He noted that Public Law 37-131 provides an avenue to address issues one and two, but items related to leases on unregistered property can only be corrected by getting the properties registered. He stressed that legally, without a law amending or providing an avenue to reach unregistered property, the commission cannot resolve or entertain requests like Mr. Cruz's loan guarantee.
  - Legal Risks and Commission's Responsibility Commissioner Respicio, referencing Attorney Miller, discussed the legal risks associated with allowing Mr. Cruz to proceed with developing his unregistered property, particularly the possibility of another party claiming ownership during the registration process. She emphasized that the issue of unregistered property was largely created by the commission, not Mr. Cruz, and reiterated that deciding to take the risk is a "business choice" for the commissioners, not a legal one. Commissioner Artero-Cameron expressed offense at the characterization of the commission as a business and stated that they are not in the business.

- Proposed Solutions for Billy Cruz Commissioner Respicio acknowledged Mr. Cruz's diligence in developing his property but noted the commission's "legal crunch" due to the unregistered status. She suggested a letter to the Attorney General's office to request the administration of the property, but noted the timeline would be beyond the commission's control. Commissioner Artero-Cameron cited Guam code, confirming that the commission is prohibited from leasing unregistered land and suggested tabling the matter until official guidance from the Attorney General's office is received.
- ➤ Expediting Property Registration Commissioner Garrido highlighted that obtaining surveys and maps is the most crucial step for land registration and noted that the Attorney General's office can take the matter to court, but the court system's pace dictates the timeline. He commended Mr. Cruz's stewardship of the land and expressed support for a motion to expedite the survey and registration of his property. Mr. Cruz expressed frustration at the lack of progress over the past year and offered to pay for the survey and registration of his property with his attorney to move the process forward.
- Pebate on Individual vs. Whole Lot Survey Commissioner Artero-Cameron proposed a motion to accept Mr. Cruz's offer to individually survey and sever his property to obtain a deed, arguing it would set a precedent. Commissioner Garrido, referencing Attorney Miller, explained that typically, all nine lots believed to be owned by the commission would be surveyed simultaneously to include necessary easements and development parameters. He raised concerns about the practicality and potential issues of surveying only a portion of a larger lot, suggesting it would be more sensible to survey the entire lot and divide it accordingly, even if it meant additional cost for CLTC.
- Property Commissioner Respicio questioned whether the commission could legally guarantee Mr. Cruz's loan for an unregistered property. Attorney Miller affirmed that the commission has previously guaranteed loans on unregistered properties, though she noted this was before Typhoon Mawar. She also highlighted that to guarantee a new loan on an unregistered property would place significant risk on the current board, leading Commissioner Artero-Cameron to state he would not vote on it due to potential personal liability.
- Past Precedents and Future Planning Commissioner Respicio clarified that previous loan guarantees on unregistered land were assumptions of existing guarantees, not new approvals, and stressed the legal challenge of guaranteeing a new loan for an unregistered property. She suggested that Mr. Cruz's case should be prioritized and proposed that he work directly with the CLTC team to develop a concrete plan to address his situation and that of his neighbor's, as the current discussions lacked a clear path forward. Commissioner Artero-Cameron withdrew his motion to table the matter, acknowledging the urgency of Mr. Cruz's loan deadline.
- Land Lease and Property Ownership Issues ALS Eay discussed the complexities surrounding Mr. Cruz's agricultural lease, noting that the fault originated with CLTC for awarding a lease on unregistered property. The board acknowledged Mr. Cruz

- as an "ideal tenant" who has invested significantly in the property, despite building without proper consent and not fulfilling the two-thirds farming requirement before construction. The discussion aimed to find the fastest way to legalize Mr. Cruz's property, with Mr. Cruz offering to pay for the necessary legal processes, which might be quicker if focused solely on their lot rather than an entire area survey.
- Challenges with Agricultural Leases and Construction AAD Cruz highlighted an ongoing issue where agriculture leaseholders construct homes or utility buildings, making it impossible to comply with the two-thirds farming requirement. They mentioned that similar cases would be brought before the board, indicating that CLTC had previously given authorization for construction on agricultural leases, leading to situations where farming requirements cannot be met. Commissioner Garrido supported the idea of prioritizing land registration, stating that once a property is transferred to residential status, farming is no longer a requirement.
- Proposed Solutions for Land Registration Commissioner Respicio proposed that Mr. Cruz work directly with CLTC staff to find an expeditious resolution for their land registration, as the commission could not directly guarantee it. They also suggested considering a legislative process to bypass registration and automatically register the land in the name of CLTC, provided it is the most efficient method.
- Motion to Table Commissioner Respicio made a motion to table the agenda item so that Mr. Billy Cruz can work directly with the CLTC staff to develop a resolution and a suggestion on how to move forward expeditiously to address his concerns, as it doesn't appear to address what he wants legally. Seconded by Commissioner Garrido. Chairwoman Bordallo called for a vote. Motion passes 4.0. AAD Cruz mentioned to the board that, for one thing, the board may think about possibly seeking legislative assistance; if the land has been in CLTC's inventory for the last 20-30 years, consideration might be given to bypassing the land registration proceedings and creating a bill and automatically registering it in the name of CLTC. Still, AAD Cruz will speak to the DLM Director.
- G. Public Law 37-146 (Representative from Eclavea Family Doreen E. Blas)
  - (1) Sale of Bull Cart Trail Commissioner Respicio inquired about the sale of the Bull Cart Trail to a specific family, noting that property owners typically dedicate land for easements when subdividing large parcels. Commissioner Rojas confirmed this was one option and explained that the process for selling the trail would involve two independent appraisals, with the average value establishing a fair price, ensuring transparency and responsibility.
  - (2) Bull Cart Trail Map and Impact Commissioner Respicio raised concerns about the lack of a map for the Bull Cart Trail, which is essential to understand the land being sold or exchanged and its impact on other residents or properties. She suggested tabling the discussion until a map could be obtained, highlighting that the entire trail is only 1500 square meters, while 13,000 square meters are being given up. A representative of the family, Doreen Borja, explained that

- the family is subdividing their property, through which the Bull Cart Trail runs, and the law allows for either selling or exchanging the trail.
- (3) Preference for Selling the Bull Cart Trail Ms. Doreen Borja sought clarification on why selling the Bull Cart Trail was preferred over exchanging the property, especially since an easement would be required anyway for subdivision. Commissioner Rojas stated that the commission intended to sell the trail because it had not been used in over 80 years, and selling it would be in the best interest of the trust's beneficiaries. The proposed sale would follow a process where the buyer would obtain two appraisals, and the average would determine the sale price.
- (4) Motion to Sell: Motion made by Commissioner Rojas to sell the 1,580 square meters in compliance with the law and seconded by Commissioner Respicio. Chairwoman Bordallo called for a vote. Motion passes. 4-0
- H. **Bill No. 135-38** (Representatives from GICC C. Camacho, J. Tang, and Y. Koike)
  - (1) AAD Cruz presented four (4) different analyses to the CLTC Board at 40%, 30%, 20% and 12% projection
  - (2) Motion made by Commissioner Artero-Cameron to accept that a minimum of \$9.5million and seconded by Commissioner Respicio. Chairwoman Bordallo called for a vote. Motion passes. 4-0.
  - (3) Commissioner Respicio motioned that Bill 135-38 offers significant potential but also raises some very important concerns, and after thorough review of documentation and previous performance audits, those submitted by GICC as well, and all the insights provided by both the staff and the commission. It's crucial to ensure that the CLTC receives fair compensation while maintaining reasonable expectations of this property. The bill does concern, contain numerous conditions and big suggestions that could introduce some uncertainty and prioritize our interests as CLTC, and also eliminate any ambiguity. I propose a motion to support the amendment of the existing commercial lease between CLTC and GICC that will facilitate the development of a solar farm and extend the lease term until January 31, 2055, and include the following clear essential conditions. One, the lease framework. All amendments and extensions will be structured around the current lease. initiating rent escalation on February 1, 2026, to 12%. Increase the escalation from 10 to 12% starting the next five-year increment, which is 2029 or 2028. February 2028. February 1, 2028. GICC has agreed to settle any outstanding rent and property taxes in full by January 31, 2026. I wanted to clarify that for the record. If the Bill passes, then there's a shorter trigger, the thirty-day trigger. So, we will keep the current agreement. Whichever comes first, either October or the trigger date of this bill. The lease frameworks, all amendments, and then the upfront commitment. Though upon executing the amendments, GICC would pay half of the total value, or the full demonstrating its commitment to partnership. Further, GICC must secure a performance bond naming CLTC as a beneficiary and the amount yet to be determined on the net present value. If GICC cannot meet those conditions as proposed, then this will void the lease

- and any extensions which is included in the Bill. The motion was seconded by Commissioner Artero-Cameron. Chairwoman Bordallo called for a vote. Motion passes. 4-0.
- (4) Commissioner Respicio motioned that Bill 135-38 offers significant potential but also raises some very important concerns, and after thorough review of documentation and previous performance audits, those submitted by GICC as well, and all the insights provided by both the staff and the commission. It's crucial to ensure that the CLTC receives fair compensation while maintaining reasonable expectations of this property. The bill does concern, contain numerous conditions and big suggestions that could introduce some uncertainty and prioritize our interests as CLTC, and also eliminate any ambiguity. I propose a motion to support the amendment of the existing commercial lease between CLTC and GICC that will facilitate the development of a solar farm and extend the lease term until January 31, 2055, and include the following clear essential conditions. One, the lease framework. All amendments and extensions will be structured around the current lease. initiating rent escalation on February 1, 2026, to 12%. Increase the escalation from 10 to 12% starting the next five-year increment, which is 2029 or 2028. February 2028. February 1, GICC has agreed to settle any outstanding rent and property taxes in full by January 31, 2026. I wanted to clarify that for the record. If the bill passes, then there's a shorter trigger, the thirty-day trigger. So, we will keep the current agreement. Whichever comes first, either October or the trigger date of this bill. The lease frameworks, all amendments, and then the upfront commitment. Though upon executing the amendments, GICC would pay half of the total value, or the full demonstrating its commitment to partnership. Further, GICC must secure a performance bond naming CLTC as a beneficiary and the amount yet to be determined on the net present value. If GICC cannot meet those conditions as proposed, then this will void the lease and any extensions which is included in the Bill. The motion was seconded by Commissioner Artero-Cameron. Chairwoman Bordallo called for a vote. Motion passes. 4-0.

# I. Commercial lease option to extend with United States Postal Service (USPS)

- (1) A portion of Lot 163, Hagat AAD Cruz requested to remove this item from the agenda and for the board not to discuss. Through a property certification issued by the Department of Land Management, this property is under the administrative jurisdiction of the Hagat Mayor's Office. The CLTC does not have any authority.
- (2) Tract 3621, Lot 18, Inalahan AAD Cruz requested to remove this item from the agenda and for the board not to discuss. AAD Cruz mentioned that initially, the USPS contractor did inquire about the exercising option to extend, recent emails, they're withdrawing the request. Remove from the agenda or further discussions until they come back and request to extend their options, if it's legally allowable.

#### V. New Business

A.Constituent Matters

Commissioner Rojas made a motion to entertain the folks that are here now before we move on to people who are not here. Second by Commissioner Respicio. Chairwoman Bordallo called for a vote. Motion passes 4-0.

- (1) Roby Jean Quintanilla TABLED
- (2) Richard Blas Santiago TABLED
- (3) Antonio Aguon and Ana Ignacio Aquiningoc
  - Acting Land Agent Supervisor G. Eay presented the case as requested by Mark Aquiningoc, who requested to succeed his deceased father, Antonio Aquiningoc, in two agricultural leases with different effective dates on the same lot. He noted that the first lease from 1998 was issued administratively and not recorded, while the second lease from 2005 was ratified by the board and recorded. The board discussed the legal validity of the leases and ultimately voted to accept the February 11, 2005, agricultural lease as the official legal lease and to terminate the September 29, 1998, lease. Commissioner Respicio made a motion to keep the February 11, 2005, agriculture lease. Commissioner Rojas seconded the motion. Chairwoman Bordallo called for a vote. Motion passes 4-0.
  - Successor Approval and Lease Conditions Commissioner Respicio made a motion to name Mark Allan Aquiningoc as the successor to his father's lease, conditional upon his compliance with specific actions, including recording the survey, clearing non-lease fees and property taxes, and participating in a site inspection to confirm agricultural lease compliance. The board noted that if he did not come into full compliance within a year, the lease would be terminated. They also discussed the acreage, confirming that Mark Aguiningoc wished to retain the full one acre, which would require farming two-thirds of the land. Commissioner Respicio made a motion to name Mark Allan Aquiningoc successor to his father's lease on the conditional approval of items listed on items 6E, one to six. Seconded by Commissioner Rojas. Chairwoman Bordallo called for a vote. Motion passes 4-0.
  - Commercial vs. Residential Land Use AAD Cruz discussed land use regulations, clarifying that anything over a half-acre is considered commercial and requires legislative approval. They explained that for agricultural land, two-thirds of an acre must be farmed. AAD Cruz noted that a half-acre can still accommodate a three to four-bedroom home with a lease of one dollar, and it is possible to do both residential and agriculture on a half-acre.
  - Compliance and Farming Plan- AAD Cruz stated that a year would be given for compliance with farming two-thirds of a one-acre property, and guidance could be provided for other requirements beyond farming. They also mentioned that a farming plan is required for one acre, outlining the types of trees to be planted. ALS Eay indicated that the staff would need to check existing structures for compliance with setbacks if the land is reduced to a half-acre, as some buildings might be affected.

Decision on Land Reduction Commissioner Rojas advised the applicant to consider their options before making a drastic decision on reducing land size, suggesting they wait for updated information on payment rates after site visits. They confirmed that a request to reduce land size would require the applicant to return to the board.

#### (4) Arthur Paul Juanillo

- Beneficiary Application Acting Land Agent Supervisor G. Eay presented Mr. Juanillo's request to be an eligible beneficiary alongside his son, Arthur Paul Juanillo II. Juanillo's affidavit stated his maternal grandfather utilized property in Malia until 1948, and research confirmed that the property in Malia was acquired by the US naval government nine days after his grandfather left. ALS Eay noted that the property was acquired at the location claimed, which was a correct aspect of this application compared to the previous one.
- Acting Land Agent Supervisor G. Eay recommended that Arthur Paul Juanillo be deemed eligible because the property in question was acquired by the government shortly after his maternal grandparents occupied it. They also recommended approving his son as a successor, which would follow the lineage and automatically transfer eligibility if something happened to Mr. Juanillo. The discussion clarified that while the father had a lease in Yigo, the eligibility process for the son concerned property in Anigua, which was a different location.
- ➤ Eligibility and Lease Reissuance Acting Land Agent Supervisor G. Eay questioned the eligibility determination for Mr. Juanillo, noting that their eligibility was previously established when the lease was first issued. Mr. Eay raised concerns about reissuing new leases for "cloud" leases and whether the eligibility criteria would need to be reassessed for all 2,800 existing leases, as only 19 applications from 1998 met current standards. AAD Cruz clarified that reissuing a new lease would require applying current eligibility criteria, and this process is a preliminary step towards compliance.
- Approval of Beneficiary and Successor Acting Land Agent Supervisor G. Eay recommended approving Arthur Paul Juanillo as an eligible beneficiary and Arthur Paul Juanillo the second as a successor to Arthur Paul Juanillo's residential lease. Commissioner Rojas made a motion to approve Arthur Paul Juanillo as an eligible beneficiary for the program, as well as Arthur Paul Juanillo, the second, as successor to Arthur Paul Juanillo's residential lease. Seconded by Commissioner Respicio. Chairwoman Bordallo called for a vote. Motion passes 4-0.

#### (5) Jessica Cabrera Berisha (appeared via Google Meeting)

Acting Land Agent Supervisor G. Eay presented the request of Ms. Berisha to be deemed an eligible beneficiary, based on her affidavit stating her parents occupied a lot in Palantak, Yona from 1958 to 1971. Research indicated that while land was taken from the owner, Jose Cepeda Cruz, it was in "Agana," not Palantak, as claimed in the affidavit. ALS Eay clarified that eligibility for the program requires occupying property at the location where land was taken by the US government.

- Discrepancy in Affidavit Location Acting Land Agent Supervisor G. Eay explained that Jessica Berisha's affidavit stated the property was in Palantak, but research showed the land taking was in "a gang yard". They highlighted that while Berisha could be eligible as a descendant of an occupier, the error in the municipality on her affidavit was a key issue. ALS Eay noted that the affidavit was signed under penalty of perjury, making corrections challenging without legal guidance.
- ➤ Jessica Berisha clarified that Roman Cabrera is her father, not her grandfather, and Jose Cepeda Cruz is her father's brother-in-law, who sponsored her father in 1958. She stated that she never claimed a land taking in Palantak and was unsure where the information about land in "Agana" came from. Berisha further explained that her family rented next to a Quinine Farm in Palantak, within walking distance from her uncle's land.
- Discussion on Eligibility Criteria AAD Cruz affirmed that eligibility criteria include individuals who occupied, farmed, ranched, or resided on land taken by the federal government between 1890 and 1968. They confirmed that Jessica Berisha's father resided on the property and that the entire island was once under US government control, technically qualifying occupants. Despite the location discrepancy in the affidavit, Berisha's verbal testimony supported her qualification as an occupier. Commissioner Rojas questioned whether this discussion should be tabled and discussed with Attorney Miller.
- Motion to Disqualify A motion was made to disqualify Jessica Berisha from being an eligible beneficiary due to discrepancies between her affidavit's stated location of land taking and the research findings. The motion was based on the belief that the sworn statement in the affidavit regarding land acquisition was incorrect. Commissioner Respicio made a motion based on the discussion and the recommendation of our staff member, Mr. Eay, to disqualify Ms. Jessica Barisha from being an eligible beneficiary for the CLTC program based on her affidavit of eligibility item number three and the research that is presented to us. Seconded by Commissioner Rojas. Chairwoman Bordallo called for a vote. Motion passes 3-0. Commissioner Garrido did not vote.
- (6) Leah Rojas TABLED

B. Survey Completion without Board Ratification

- ➤ Lease for Surveyed and Registered Parcels Acting LAS, G. Eay addressed the issue of applicants who completed surveys for their properties but were never issued leases, particularly for unregistered land. Casem clarified that leases can only be issued for parcels that are both surveyed and registered
- ➢ Motion to Approve Surveyed Properties Commissioner Respicio made a motion to approve leases for parcels that have already been surveyed on parcels that are registered. Seconded by Commissioner Rojas. Chairwoman Bordallo called for a vote. Motion passes 4-0.
- C. Lot 153-1, Yona Request to Survey Easement MEC, LLC

- AAD Cruz presented a request from MEC, LLC, represented by Ray Cruz (licensed surveyor), to survey the easement within the CLTC property to provide access to Lot 153-1 Yona for Melissa V. Torres and other landowners. AAD Cruz clarified that the survey would only be for the existing access easement; not the properties along it.
- Commissioner Respicio made a motion to approve Ms. Melissa V. Torres' request. Second by Commissioner Rojas and Commissioner Artero-Cameron. Chairwoman Bordallo called for a vote. Motion passes 4-0.

#### D. Lot 7161-R1, Yigo

- Commissioner Artero-Cameron corrected AAD Cruz in regards to the individual who is seeking to remove the junk. He stated the name of the individual is Sherwin Mobida.
- AAD Cruz brought up the request from Ms. Shakira Francisco, represented by Sherwin Mobida in regards to the abandoned junk vehicles from Lot 7161-R1, Yigo, noting that only the board could decide on the request. AAD Cruz suggested that Sherwin Mobida, known for refurbishing junk, could be the person to remove them and emphasized the need for a waiver of liability. Commissioner Artero-Cameron made a motion to approve the removal, subject to legal counsel, Attorney Miller, drafting a waiver of liability to protect the board from any liabilities. Seconded by Commissioner Rojas. Chairwoman Bordallo called for a vote. Motion passes 4-0.
- E.Designation of Public Information Officer (PIO)
  - As per AAD Cruz, due to Guam Daily Post not posting this segment, the board is unable to move forward with a vote to designate a PIO at this meeting but assured that this will be brought up at the next CLTC meeting.
- VI. Public Comment(s) Chairwoman Bordallo asked if there were any public comments. None responded.
- VII. Adjournment Commissioner Rojas made a motion to adjourn the meeting.

  Second by Commissioner Garrido. Chairwoman Bordallo called for a vote. Motion passed 4-0.

\*\*Meeting adjourned at approximately 6:43PM.\*\*

Transcribed by: Jessica Dayday, Land Agent II	
Approved by motion in the meeting of	
Chairperson Arlene P. Bordallo	Date



**Administrative Director's Report** 

#### DIRECTOR'S REPORT SEPTEMBER 18, 2025

#### 1. ADMINISTRATIVE

- 1) Department of Interior Office of Insular Affairs TAP Grant has been extended for one year which now would expire on September 30, 2026. Title of Project: Enhancement of the Chamorro Land Trust Commissions' Information Technology Infrastructure to improve its Process.
- 2) August 11, 2025 met with Mr. Tony Barcinas, and Lennie Okano-Kendrick from USDA and Mr. Tomas Lynch from RCAC.
- 3) August 19, 2025 and September 15, 2025 met with Public Auditor Cruz and EY representatives to discuss status of CLTC's FY2023 Independent Financial Audit.
- 4) Vice Speaker and Oversight Chairman Senator Anthony Ada introduced Bill 176-38. (Attached for your reference as Ex.1)

#### 2. LAND ADMINISTRATION

- 1) FY2025 Nine Million Dollar Appropriation
  - A) GPA The current process is a lessee will need to apply for power services. However, we are reviewing the current MOA between CLTC and GPA. (Attached for your reference Ex. 2)
- 2) July 29, 2025 received an email with a letter attached from Mayor Frances Lizama of the Municipality of Yigo requesting for the "Remainder Parcel of Lot 7055, Municipality of Yigo. (Attached for your reference Ex.3)
- 3) Compliance Inspections At this time we have put a pause on all compliance inspections due to Public Law 24-62 (Attached for your reference Ex.4) which we will be requesting to meet with DAG Miller to get further guidance.

#### 3. COMMERCIAL

- 1) May 1, 2025 received via email a letter dated April 30, 2025 from Mr. Daniel Tydingco with Docomo requesting the renewal of 7 site leases which have expired or about to expire through the authority granted in Public Law 38-1. (Attached for your reference Ex. 5)
- 2) August 10, 2025 the Guam Fire Department responded to a fire incident at Global Recycling. A site inspection was conducted on August 13, 2025. Attached are photos of the area and letter sent. (Attached for your reference are pictures of site Ex.6)

I Mina'trentai Ocho Na Liheslaturan Guåhan THE THIRTY-EIGHTH GUAM LEGISLATURE Bill HISTORY 7/24/2025 4:54 PM

#### I Mina'trentai Ocho Na Liheslaturan Guåhan BILL STATUS

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BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
176-38 (COR)		AN ACT TO ADD A NEW § 5128 TO CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO COMMERCIAL LEASE EXTENSION FOR TENANTS IN GOOD STANDING.							

CLERKS OFFICE- Areferred Version Page 1

# I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN 2025 (FIRST) Regular Session

Bill No. 176-38 ( COR )

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Introduced by: V. Anthony Ada V.

AN ACT TO ADD A NEW § 5128 TO CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO COMMERCIAL LEASE EXTENSION FOR TENANTS IN GOOD STANDING.

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

Section 1. A *new* § 5128 is *added* to Chapter 5, Title 5, Guam Code

Annotated, to read as follows:

"§ 5128. Commercial Lease of Public Real Property and Related Facilities; Extension for Tenants in Good Standing.

Notwithstanding any other provision of law, a tenant who has a commercial lease of government property and has continuously occupied the government-leased property for at least five (5) years and has fully complied with all lease terms and conditions throughout such occupancy, may extend the lease at fair market value, which shall be determined by an appraiser who is licensed to do business on Guam and is paid for by the tenant, for an additional term or terms, the total of which shall not exceed fifteen (15) years, with approval from the lessor. If such extension is granted, fair market value shall be determined for, at least, every five (5) years during the extension period but in no event shall rent be less than the rent charged during the previous five (5) year period."

#### MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT ("MOA") is made on this 13<sup>th</sup> day of June 2024, by and between the CHAMORU LAND TRUST COMMISSION (CLTC) whose address is PO Box 2950, Hagatha, Guam 96932, and the GUAM POWER AUTHORITY (GPA) whose mailing address is P.O. Box 2977, Hagatha, Guam 96932-2977.

#### RECITALS

WHEREAS, on June 13, 2024, the CLTC approved through a vote and motion to authorize the Guam Power Authority to utilize Lot 7054-R9 (the "Lot"), Municipality of Yigo for a period of three (3) years;

WHEREAS, Guam's agricultural and residential lands are largely administered by CLTC, whose responsibility includes monitoring land use agricultural production, environmental compliance and its lessee's compliance with land leases;

WHEREAS, the missions of each party to this MOA include, but are not limited to, providing access to power utility for Agriculture and Residential Lessees;

WHEREAS, GPA, whose mission is to provide reliable, efficient, effective, environmentally sound, affordable, accountable, leading energy solutions, and CLTC desire to maximize their respective resources, expertise and capacity through cooperation;

WHEREAS, GPA has the expertise and capacity to oversee and complete the joint effort of the parties to provide access to power utility;

WHEREAS, CLTC desires the assistance of GPA to provide the aforementioned in-kind services in exchange for use of the land.

NOW THEREFORE IN CONSIDERATION of the covenants provided, CLTC and GPA agree as follows:

#### 1. **GENERAL ADMINISTRATIVE:** Designated Representatives

CLTC representative is:
Joseph B. Cruz Jr, Acting Administrative Director
CHamoru Land Trust Commission
590 S. Marine Corps Drive ITC Building, 2nd Floor, Suite 222
Tamuning, GU 96910
(671) 300-3296
joey.cruz@cltc.guam.gov

GPA representative is: John M. Benavente, P.E. General Manager Guam Power Authority P.O. Box 2977 Hagåtña, Guam 96932 Memorandum of Agreement Re Yigo Lot 7054-R9 Page 2 of 4

> (671) 648-3225 jbenavente@gpagwa.com

Each party can change its designated representative(s) upon prior written notice to the other party.

#### 2. TERM:

The initial term of this MOA shall be for a period of three (3) years.

#### 3. GPA OBLIGATIONS:

- A. Provide in-kind services of the installation of power utility valued at \$190,000.00 to parcels of property selected by CLTC.
- B. Comply with Section 7 regarding environmental management.
- C. Ensure that the property is returned in the condition prior to occupancy or better.
- D. Ensure that all waste originating from GPA's activities on the Lot will be collected promptly in a place on the Lot suitable for ready and prompt removal; be responsible for the disposal of waste, including hazardous waste, in a manner that meets the requirements of applicable law; and conduct any and all environmental cleanup if the need arises.
- E. Provide CLTC with status reports on a quarterly basis on the installation of electrical services pursuant to Section 3(A) above.

#### 4. CHAMORU LAND TRUST COMMISSION OBLIGATIONS:

- A. Grant exclusive access to GPA to the Lot for the term of this Agreement.
- B. Provide GPA with a formal letter identifying the parcel(s) selected for GPA to provide inkind services of the installation of power utility pursuant to Section 3(A) above.
- C. Provide GPA with the necessary authorizations to obtain permits or approvals for Government or Federal agencies.

#### 5. NOTICES:

Any notice required shall be marked PRIVATE AND CONFIDENTIAL and either hand delivered or sent by United States certified mail to the attention of the Designated Representative only, at the principal place of business of each of the parties set forth in Section 1, herein.

#### 6. TERMINATION:

This MOU shall be terminated if either party does not comply with its obligations.

#### 7. ENVIRONMENTAL:

A. GPA, at its sole cost and expense, shall comply with all present and future laws, rules, orders, ordinances, regulations, statutes, requirements, codes and executive orders, extraordinary as well as ordinary, of all governmental authorities now existing or hereafter

created, and of any and all of their departments and bureaus, and of any applicable fire rating bureau, or other body exercising similar functions, affecting the Lot.

- B. CLTC makes no representations or warranties to GPA that the Lot (including surface water, ground water, and any existing improvements) does not contain any asbestos, substantial amounts of waste or debris, or contamination, including without limitation, any Hazardous Substance as hereinafter defined.
- C. As used in this Agreement, the term "Hazardous Substance(s)" means any hazardous or toxic substances, materials or wastes, including, but not limited to, those substances, materials, and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR 172.101) or by the Environmental Protection Agency as hazardous substances (40 CFR Part 302) and amendments thereto, or such substances, materials and wastes which are or become regulated under any applicable local, state or federal law including, without limitation, any material, waste or substance which is (i) petroleum, (ii) asbestos, (iii) polychlorinated biphenyls, (iv) designated as a "hazardous substance" pursuant to Section 311 of the Clean Water Act, 33 U.S.C. §1251, et seq. (33§1321) or listed pursuant to Section 307 of the Clean Water Act (33 U.S.C. §1317), (v) defined as a "hazardous waste" pursuant to Section 1004 of the Resource Conservation and Recovery Act, 42 U.S.C. §6901, et seq. (42 U.S.C. §6903) or (vi) defined as a "hazardous substance" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601, et seq. (42 U.S.C. §9601) or any similar laws, ordinances, rules or regulations promulgated by Guam.
- D. Except for materials incident to GPA's business operations, GPA shall not cause or permit any Hazardous Substance to be generated, produced, brought upon, used, stored, treated or disposed of in or about the Lot by GPA, its agents, employees, contractors, sub-licensees or invitees without the prior written consent of CLTC. CLTC shall be entitled to take into account such other factors or facts as CLTC may reasonably determine to be relevant in determining whether to grant or withhold consent to GPA's proposed activity with respect to Hazardous Substance. In no event, however, shall GPA be permitted to install or use any storage tanks on the Lot nor shall CLTC be required to consent to the installation or use of any storage tanks on the Lot.

#### 8. MISCELLANEOUS TERMS AND CONDITIONS:

- A. Entire Agreement. This MOA constitutes the entire agreement between the parties. All prior discussions and understandings on this matter are superseded by this MOA.
- B. Non-Waiver. The failure of a Party to exercise any of the agreements, terms or conditions hereof shall not be deemed a waiver of any right or remedy that a Party may have, and shall not be deemed a waiver of any subsequent breach or default of any such agreements, terms or conditions.
- C. Amendments. This MOA may not be amended without the prior written consent of all parties.

D. Governing Law. This MOA shall be governed by the laws of Guam.

IN WITNESS WHEREOF, the parties have entered into this Memorandum of Agreement effective the day and year first above written.

**CHAMORU LAND TRUST COMMISSION:** 

JOSÆPH B. ÇÆVZ JR.

**ACTING, ADMINISTRATIVE DIRECTOR** 

ARLENE P. BORDALLO

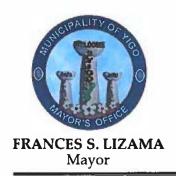
CHAIRWOMAN

**GUAM POWER AUTHORITY:** 

M4)

JOHN M. BENAVENTE, P.E.

**GENERAL MANAGER** 



# OFFICE OF THE MAYOR AND VICE MAYOR

274 W. Gayinero Dr., Yigo, Guam 96929 P.O. Box 786, Hagatna, Guam 96932 (671) 653-YIGO (9446) / 9119 / 5248 yigomunicipaloffice@gmail.com



July 29, 2025

Mr. Joseph Cruz Acting Director Chamorro Land Trust Commission Suite 222, ITC Building Tamuning, Guam 96913

**SUBJECT:** Request for Remainder Parcel of Lot 7055, Municipality of Yigo

Dear Mr. Cruz,

Buenas yan Hafa Adai!

I hope this letter finds you in good health and high spirits.

I am writing to you in hopes of obtaining assistance regarding Lot 7055, located in the municipality of Yigo. This property, consisting of 42.65 acres, is situated directly behind the Yigo Bus Satellite.

Public Law 22-18 reserved a portion of Lot 7055, totaling 29.16 acres, for the Guam Waterworks Authority. The remaining 13.49 acres have not been reserved or transferred to any other government agency.

The property has remained undeveloped for decades, and I am not aware of any current plans or proposals for its development. Therefore, I respectfully request that the remaining parcel of Lot 7055—13.49 acres—be turned over to the Yigo Mayor's Office for community use. I have attached a map for your reference, noting that the reserved 29.16 acres is not specifically identified its exact location on the said lot. I also indicated the preferred area (in red) due to easy accessibility from the Yigo Gymnasium.

As you may know, Yigo's existing sports facilities include only the Yigo Gymnasium and the Yigo Softball Field. As our community continues to grow with new housing developments, our current facilities are inadequate to meet the increased demand. If the remaining parcel of this lot is transferred to the Yigo Mayor's Office, my vision is to

develop it into a community recreational area featuring softball, baseball, football, and soccer fields; outdoor volleyball and basketball courts; playground areas; restroom facilities including locker rooms; and an ample parking lot. Additionally, a walking path is essential, especially since Andersen South housing is no longer available for use as a community walking route.

The development and utilization of Lot 7055 aligns with the shared vision of former Mayors Rudy Matanane, Robert Lizama, and Commissioner Antonio Calvo, who have long advocated for promoting healthy, active lifestyles through community recreation programs.

Any assistance you can provide in facilitating the turnover of the remainder of Lot 7055 would be greatly appreciated by the people of Yigo.

Please feel free to contact me at my office should you have any questions. I look forward to your favorable response.

Sincerely,

Frances S. Lizama Mayor of Yigo

Cc: CLTC Board

Senator Tony Ada, Chairman, Committee on Land

Attachment





SEP 26 1997

### Refer to Legislative Secretary

The Honorable Antonio R. Unpingco Speaker Twenty-Fourth Guam Legislature Guam Legislature Temporary Building 155 Hesler Street Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By Parming Same
Time 3:55 p.m.
Date 9-26-97

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 257 (COR), "AN ACT RELATIVE TO EXTENDING THE TIME PERIOD REQUIREMENT FOR THE INITIAL USE OF CHAMORRO LAND TRUST COMMISSION RESIDENTIAL LEASED PROPERTIES BY INDIVIDUALS AND FAMILIES, TO ALLOW FOR BASIC INFRASTRUCTURE DEVELOPMENT AND OTHER LESSEE PREPARATION ACTIVITIES.", which I have signed into law today as Public Law No. 24-62.

Currently, the law requires those who have obtained a Chamorro Land Trust residential lease to build their homes on the land within 1 year. The law also currently makes it quite difficult to obtain outside financing for homes built on Chamorro Land Trust land. Also, it takes time and money to install infrastructure in areas where it is lacking. Since many families have already received their leases and a 1 year deadline is approaching, it is necessary to extend the deadline while difficulties related to obtaining financing are worked out.

Very truly yours,

Carl T. C. Gutierrez Governor of Guam

Attachment

cc: The Honorable Joanne M. S. Brown Legislative Secretary

00429

NOTICE OF THE NOTICE OF THE PRINT OF THE TENTE OF THE PRINTE OF THE PRIN

# TWENTY-FOURTH GUAM LEGISLATURE 1997 (FIRST) Regular Session

### CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 257 (COR), "AN ACT RELATIVE TO EXTENDING THE TIME PERIOD REQUIREMENT FOR THE INITIAL USE OF CHAMORRO LAND TRUST COMMISSION RESIDENTIAL LEASED PROPERTIES BY INDIVIDUALS AND FAMILIES, TO ALLOW FOR BASIC INFRASTRUCTURE DEVELOPMENT AND OTHER LESSEE PREPARATION ACTIVITIES," was on the 15th day of September, 1997, duly and regularly passed.

ANTHONY C. BLAZ
Acting Speaker

Attested:

JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this // day of September, 1997, at // 35 o'clock f.M.

Assistant Staff Officer
Governor's Office

APPROVED:

CARL T. C. GUTIERREZ
Governor of Guam

Public Law No. 24-62

# TWENTY FOURTH GUAM LEGISLATURE 1997 (FIRST) Regular Session

#### Bill No. 257 (COR)

As substituted by the Committee on Agriculture, Land, Housing, Community and Human Resources Development and as amended on the Floor.

Introduced By:

F. B. Aguon, Jr. J. C. Salas T. C. Ada E. Barrett-Anderson A. C. Blaz J. M.S. Brown Felix P. Camacho Francisco P. Camacho M. C. Charfauros E. I. Cruz W. B.S.M. Flores Mark Forbes L. F. Kasperbauer A. C. Lamorena, V C. A. Leon Guerrero L. Leon Guerrero V. C. Pangelinan A. L.G. Santos F. E. Santos A. R. Unpingco J. Won Pat-Borja

AN ACT RELATIVE TO EXTENDING THE TIME PERIOD REQUIREMENT FOR THE INITIAL USE OF CHAMORRO LAND TRUST COMMISSION RESIDENTIAL LEASED PROPERTIES BY INDIVIDUALS AND FAMILIES, TO ALLOW FOR BASIC INFRASTRUCTURE DEVELOPMENT AND OTHER LESSEE PREPARATION ACTIVITIES.

### BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. Legislative Findings and Intent. The Guam Legislature finds that the Chamorro Land Trust Commission only recently entered into lease agreements with families and individuals for the use of Commission properties for residential purposes. With the presentation of lease agreements, many families have desired to access their properties in an effort to commence their work on preparing the sight for the construction of their residential dwelling. Due to the need to construct adequate access roads to the areas, it has been quite difficult for these families to proceed with the use of their said properties. Meanwhile, the Chamorro Land Trust Commission is working aggressively in the preparation of plans for the installation of the necessary basic infrastructure, i.e. roads, water, power, into these residential leased properties.

Furthermore, and most importantly, it is presently a requirement that the lessee of a residential leased property "shall occupy and commence to use the tract as his home within one (1) year after the lease is made." Any lessee within the Residential Lease Program may need additional time in excess of the required one (1) year period to occupy and use their properties. A time extension would allow for the installation of necessary basic infrastructure in the residential lease properties, would allow for the processing of construction loan applications, if applicable, with local lending financial institutions, and would allow for the time needed for the completion of the construction of a residential home.

As a result of these concerns, it is the intent of the Guam Legislature to insure that the individuals and families granted properties within the

- 1 Chamorro Land Trust Commission Residential Lease Program are provided
- 2 adequate time for the occupation and use of their leased properties.
- 3 Therefore, this proposal would extend the existing one (1) year requirement to
- 4 three (3) years.
- 5 Section 2. Time Extension for the Initial Use of Residential Leased
- 6 Properties with the Chamorro Land Trust Commission. Any individual or
- 7 family, otherwise referred to as the lessee, who leases property with the
- 8 Chamorro Land Trust Commission through its Residential Property Lease
- 9 Program shall occupy and commence to use the tract as his/her home no later
- 10 than three (3) years following the availability and installation of necessary
- 11 basic infrastructure, i.e., road, water and power.



DOCOMO PACIFIC

April 30, 2025

Joey Cruz
Acting Administrator
Chamorro Land Trust Commission
733 ITC Building
590 South Marine Corps Drive
Tamuning, Guam 96913

Hafa Adai Mr. Cruz:

On behalf of Docomo Pacific, Inc., I write respectfully requesting favorable consideration for renewal of 7 site leases which have lapsed or are about to expire.

For various reasons, the lapsed site leases were not attended to and formally renewed by the Chamorro Land Trust Commission. Nonetheless, they have been automatically renewed for successive five-year terms when expiring. Throughout all those terms, as the lessee, DPAC has been prompt with annual lease payments for the sites throughout to the present.

As these sites are situated at locations where subscribers all around avail of cellular communications for routine activities, conducting business or accessing critical communications for public safety and emergency responders, we seek to formally renew the lease agreements with the Chamorro Land Trust Commission. The recently enacted Public Law 38-1 will enable renewal of these lapsed, yet critical sites without issue.

Public Law 38-1 provides for this with validation by the Chamorro Land Trust Commission that we have satisfied the terms of our original lease agreements as a lessee who has been current and paid in full the lease term.

To come into fair market valuation for lease of the sites, we are also prepared to undertake the cost of a fair market value appraisal for all sites to adjust lease values accordingly with the terms of a renewed lease agreement.

Attached you will find a spreadsheet summarizing the sites and leases and relevant information.

Please let me know what other information may be needed to proceed with an administrative renewal or Commission approval.

I can be contacted at 671-687-9363 or via email here.

Thank you,

DANIEL J. TYDINGCO

Chief

Compliance, Legal and Regulatory Affairs

890 S. Marine Corps Drive, Tamuning, Guam 96913 • docomopacific.com







Lourdes A. Leon Guerrero Governor of Guam I Maga'Haga Guāhan

Joshua F. Tenorio Lt. Governor of Guam I Segundo Na Maga' Luhen Gudhan

Commission Members

Earl J. Garrido Acting Chairperson

Joseph F. Artero-Cameron Commissioner

Fabrienne Cruz Respicio
Commissioner

Jeremy J. Rojas Commissioner

(Vacant) Commissioner

(Vacant)
Administrative Director

## Kumision Inangokkon Tano' CHamoru

(CHamoru Land Trust Commission)

P.O. Box 2950 Hagatha, Guahan 96932 • Phone: (671)300-3296 • Fax: (671)300-3319 • Email: elic admin@elic guam-gov

September 16, 2025

Daniel Chu President Global Recycling Center, Inc. P.O. Box 11792 Tamuning, GU 96931

SUBJECT: PHASE 1 ENVIRONMENTAL STUDY

Buenas yan Hafa Adai Mr. Chu!

Global Recycling has been operating a recycling facility located on Lot No. 10122-15 in the Municipality of Dededo for many years, under an Authorization to Occupy issued by the previous Director, Mr. Michael J.B. Borja, on January 6, 2015. The Authorization to Occupy states that "your company is hereby responsible for all costs associated with the utilization of this property and shall indemnify and hold harmless the Chamorro Land Trust Commission from all potential liabilities during your daily operations and maintenance of all related activities on the property as of the date of this authorization."

I am aware that on August 10, 2025, a tire fire occurred on the premises occupied by Global Recycling. As a result of the fire, I am requesting that Global Recycling conduct a Phase 1 Environmental Study. The study should be performed by an environmental engineering firm authorized to practice on Guam. The engagement letter should explicitly indicate that the report is prepared for the benefit and use of the CLTC. This study will help determine if the tire fire has caused any environmental issues and will also ensure that the operations of Global Recycling over the years have not led to any environmental concerns that need remediation.

It is crucial that you prioritize this matter without delay. Your prompt attention is greatly appreciated. Please provide our office with a written confirmation that you have retained an appropriate engineering firm to undertake this study not later than October 15, 2025.

Senseramente,

Earl J. Garrido Acting Chairman

Attachment(s):

Rec 08/25/2025
Authorization to Occupy dated January 6, 2015

ALAN CHU 9/16/25



## Chanius o Land Trust Co. mission (Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagdiña, Gudhan 96932

Phone: 649-5263 ext. 651 Fax: 649-5383

January 6, 2015

Eddle Barn Calvo Governor of Gudhan

Ray Tenorio Unwant Governor of Gudhan Mr. Daniel Chu, General Manager Global Recycling Center, Inc. PO Box 11792 Tamuning, GU 96931

Commission Members

Subject:

Authorization to Occupy

David J. Matanane Chairman

Dear Mr. Chu.

Joseph I. Cruz Vice Chairman

Buenas yan Hafa Adail. This is to authorize the continued use to occupy and proceed with the operation and maintenance of the recycling facility located on Lot No. 10122-15, Municipality of Dededo.

Amanda L.G. Santos Commussioner

Pascual V.A. Sobian Commissioner

> (Vacant) Commissioner

Michael J.B. Borja Administrative Director

Please be advised that your company is hereby responsible for all costs associated with the utilization of this property and shall indemnify and hold harmless the Chamorro Land Trust Commission of all potential liabilities during your daily operation and maintenance of all related activities on the property as of the date of this authorization.

This authorization shall be deemed temporary and will be superseded by a commercial lease agreement upon completion of the Commercial Lease/License Rules and Regulations

The Commission issues this authorization with the acknowledgement that all activities upon the above subject real property shall be conducted in a manner fully in compliance with any and all applicable laws, rules and regulations.

If you have any questions, please contact me at 649-5263 Ext 650.

Senseramente.

Rev. 10/16/2014



**Old Business** 



**Constituent Matters** 

#### **ROBY JEAN QUINTANILLA (ANNE CASTRO LEE)**

#### I. ISSUE:

Transfer of application rights while the original applicant is still alive

- 1. § 6A112. (a) An applicant may designate a relative qualified under the Act pursuant to 21 GCA § 75A109 (1) From the following relatives of the lessee, husband and wife, children, widows or widowers of the brothers and sisters, or nieces and nephews (2) Such designation must be in writing, must be specified at the time of execution of such lease with a right in such lessee in similar manner to change such beneficiary at any time and shall be filed with the Commission and approved by the Commission in order to be effective to vest such interests in the successor or successors named. (3) In the absence of such a designation as approved by the Commission, the Commission shall select from the relatives of the lessee in the order named above as limited by the foregoing paragraph one
- § 6A107 (b) Within thirty (30) days after the submission and filing of the completed application and all such other documents as the Commission shall require of the applicants, and any investigation the Commission shall require of the applicants, and any investigation the Commission may conduct, the Director shall make a determination as to whether the applicant qualifies as an applicant. Such determination shall be based upon the application form, birth, marriage, and death certificates, the documentation required by 21 GCA, § 75A101.2, and any investigation the Commission may conduct consistent with the Act and these rules and regulations.

#### II. FACTS:

- **A.** Application Type: Agriculture
- B. Original Applicant: Anne Castro Lee
- C. Current Applicant: Roby Jean Quintanilla
- **D.** Original Applicant's Date and Time: December 2, 1995 at 8:54 a.m.
- **E.** Application Number: 0000045
- **F.** Priority: N/A **G.** Lease: No
- H. Issue/Complaint: Illegal transfer of application rights
- I. Pre-occupier: No
- J. Land Use Permit (LUP): NoK. Mayor's Verification (MV): No
- L. Notice of Intent to Award (NOIA): No
- M. Survey Authorization (SA): No

#### III. CHRONOLOGY:

- **A.** December 2, 1995 Anne Castro Lee's agricultural application was received at the Astumbo intake site at 8:54 a.m. and issued numerical designation 45.
- **B.** January 2, 1996 Payment of the non-refundable application fee of \$50.00 with receipt no. A4850580
- C. January 17, 2003 Review of the file Ms. Lee has not submitted her birth certificate and birth or death certificates of parents and/or grandparents and has yet to qualify for lease award
- **D.** September 13, 2014 Notarized letter appointing Roby Jean LG Quintanilla as the attorney-infact for Anne C. Lee
- **E.** January 27, 2017 Notarized letter relinquishing application and lease rights to Roby Jean LG Quintanilla from Anne Castro Lee

#### **ROBY JEAN QUINTANILLA (ANNE CASTRO LEE)**

- **F.** May 30, 2017 Death of the original applicant without a named successor (No Death Certificate submitted)
- **G.** August 31, 2017 Request to transfer application rights from Anne Castro to Lee to Roby Jean Quintanilla approved by Deputy Director of the Department of Land Management David V. Camacho
- **H.** Eulogy shows the original applicant Ms. Castro has eleven (11) siblings [Jose, Anthony Leonard, Maatias, Francisco, Edward, Rose, Bernadita, Lourdes Elizabeth and Unknown] and four (4) children [Frankie Baza Jr., Brenda Lee Baldwin, Berna Lee Hayden and Jesse Lee Bradford].

#### IV. FINDINGS:

- A. Guam Code Annotated § 75A109 Successors to Lessees and Applicants. (a) Upon the death of the lessee or applicant, his interest in the tract or tracts and the improvements thereon, including growing crops (either on the tract or in any collective contract or program to which the lessee is a party by virtue of his interest in the tract or tracts), shall vest in the relatives of the decedent as provided in this paragraph. From the following relatives of the lessee, or applicant, spouse, children, grandchildren, parents, grandparents, siblings, widows or widowers of the children or siblings, or nieces and nephews, the lessee or applicant shall designate the person or persons to whom he directs his interest in the tract or tracts to vest upon his death.
- B. Guam Administrative Rules § 6A112 Transfer of application rights. (a) An applicant may designate a relative qualified under the Act pursuant to 21 GCA § 75A109 which provides that: (1) Upon the death of the lessee, his interest in the tract or tracts and the improvements thereon, including growing crops (either on the tract or in any collective contract or program to which the lessee is a party by virtue of his interest in the tract or tracts), shall vest in the relatives of the decedent as provided in this paragraph. From the following relatives of the lessee, husband and wife, children, widows or widowers of the brothers and sisters, or nieces and nephews, the lessee shall designate the person or persons to whom he directs his interest in the tract or tracts to vest upon his death.
- C. The former Attorney General of Guam, Elizabeth Barrett-Anderson in her May 11, 2018 letter to Senator Regine Biscoe-Lee and the former Chairperson for CHamoru Land Trust Commission Pika P. Fejeran stated "Further, there is no authority that allows an applicant during his lifetime to transfer or switch places with another applicant. A lease in violation of this prohibition is null and void and is not subject to the Commission's power to correct or remedy. Applicants should be permitted to resume their sequential status subject to the order of the date and time they applied."
- D. The former Attorney General of Guam, Elizabeth Barrett-Anderson in her July 12, 2018 letter to Austin Duenas the acting chairperson for CLTC stated "Twelve (12) leases were assessed as void. The void category contains issues that arose at the application stage when a living applicant transferred their "application rights," and the transferee subsequently received a lease. Because there is no statutory support for this practice, any lease that resulted from this action is void. The statute requires that every applicant must wait in line and does not allow an applicant to transfer their "application rights" prior to death".

#### **ROBY JEAN QUINTANILLA (ANNE CASTRO LEE)**

- E. Guam Code Annotated § 75A101 (5) (d) The *eligible beneficiary* means any persons, regardless of race, color, or national origin: (1) whose land was acquired by the United States government between 1898 and 1968, or descendants of such person; or (2) who either occupied, farmed, or ranched land for residential or agricultural purposes for at least one (1) year immediately prior to that land being acquired by the United States government between 1898 and 1968 or descendants of such person; except that if a person occupied, farmed, or ranched on or after December 8, 1941, and the land was acquired at any time after that date and up to 1950, the one (1) year tenure need not have occurred immediately prior to acquisition by the United States government."
- F. Guam Code Annotated § 75A101.1 (b) Any applications for leases that have not been approved by January 1, 2021 shall be subject to the terms of the public law enacted this Act and Chapter 75A of Title 21, Guam Code Annotate, and this Act shall not affect the order of consideration of applications by the CLTC under Chapter 75 of Title 21, Guam Annotated, and pursuant to applicable rules and regulations to the same.

#### V. SUMMARY:

Anne Castro Lee's agricultural application was received at the Astumbo intake site on December 2, 1995 at 8:54 a.m. and issued numerical designation 45. On January 2, 1996, the non-refundable application fee of \$50.00 was paid with receipt no. A4850580. January 27, 2017 Anne Castro Lee notarized a letter relinquishing application and lease rights to Roby Jean LG Quintanilla. The Department of Land Management Deputy Director David V. Camacho's approval of the transfer of Anne Castro Lee's agricultural application rights to Roby Jean Quintanilla was and remains contrary to the Guam Administrative Rules § 6A112 and the original Guam Administrative Rules §6112.

#### VI. BOARD /LEGAL COUNSEL / ADMINISTRATIVE DIRECTOR ACTION(S):

- 1. Motion to approve, deny or table the reversion of December 2, 1995 8:54 a.m. agricultural application rights to the original applicant. Anne Castro Lee
- 2. Motion to approve, deny or table authorizing CLTC to contact Ms. Anne Castro Lee to begin the lease award process
- VII. COMPLIED BY: Lydia E. Taleu, CLTC Land Agent I

## RESIDENTIAL LESSEE

#### I. REQUEST(S)

- 1. Terminate the March 12, 1997, Residential Lease for Lot 17, Block 04, Tract 9210 (Phase -1), Yigo.
- 2. Return Lot 17, Block 04, Tract 9210 (Phase 1), Yigo, back into the CLTC inventory.

#### II. MATTER(S)

- 1. The request to terminate is following 18 GAR Chapter 6A §6A137.
  - (a) Upon receipt of written notification of a lessee's intent to surrender, the commission shall process the same. The commission may forego acceptance of a surrender until a new lessee is found and it is determined by the commission that sufficient funds are available in the Chamorro home loan fund to meet the payments required. At all times until acceptance of COL4/18/202218 GAR LAND MANAGEMENT CH. 6 CHAMORRO LAND TRUST COMMISSION surrender, the lessee shall remain responsible for the demised leasehold together with any improvements thereon, and shall remain liable for all taxes, assessments, and charges of whatever kind and nature, on said tract and improvements thereon.
- 2. A notarized letter requesting to terminate the residential lease agreement for Lot 17, Block 04, Tract 9210 (Phase 1), Yigo

#### III. FACTS

- 1. Applicant's Date and Time: December 2, 1995, 8:42 A.M.
- 2. Applicant's Application Number: 0000050
- 3. Application Type: Residential
- 4. Takeover Applicant's Date of Submission: N/A
- 5. Lot Description: Lot 17, Block 04, Tract 9210 (Phase -1), Yigo
- 6. Survey Map: 126FY93
- 7. Priority: 1
- 8. Preoccupier: N/A
- 9. Land Use Permit (LUP): N/A
- 10. Mayor's Certification: N/A
- 11. Recorded Lease: No
- 12. Unrecorded Lease: January 23, 1997 Residential Lease Agreement
- 13. Lease Fee Paid: No
- 14. Is this a Registered Property? Yes
- 15. Residing on Private Property: No
- 16. Residing on Guam Ancestral Lands Property: No
- 17. Part of Null and Void Listing: No 18. Part of 2018 Ratified Listing: No

19. Part of 1995 Listing: Yes 20. Part of OPA Audit Listing: N0

#### IV. CHRONOLOGY

1. January 3, 1997: Residential Interview Report compiled by G. Igros

2. January 23, 1997: Residential Lease Award for Lot 17, Block 4, Tract 9210 (Phase 1) in the municipality of Yigo, signed by Administrative Director, J. M. Borja

3. June 2, 2015: Letter from Richard Santiago to AD M. Borja, requesting to relinquish any interest in the CLTC Residential Lease Agreement

#### V. SUMMARY

Richard Blas Santiago was awarded a residential lease agreement for Lot 17, Block 4, Tract 9210 (Phase 1), in the municipality of Yigo on January 23, 1997, and then requested to terminate the lease agreement on June 2, 2015. A notarized letter was submitted and received by the CHamoru Land Trust Commission Administrative Director, Michael Borja.

On June 9, 2016, CLTC staff noted on the Status Information Sheet to remove Mr. Santiago from the database, but this action was not completed.

Per 18 GAR, Chapter 6A, §6A137, the lessee shall remain liable for all taxes, assessments, and charges of whatever kind and nature on said tract and improvements thereon.

#### VI. SUGGESTED ACTION

- Terminate residential lease for Lot 17, Block 4, Tract 9210 (Phase 1), in Yigo, conditionally, pending payment of property taxes from 2005 to 2025.
- 2. Return Lot 17, Block 4, Tract 9210, (Phase 1), Yigo to inventory upon termination of lease agreement.

Richard Blas Santiago 140 Serafin Mafnas Court Yona, Guam 96915-4646 (Home)671-789-0678 / (Work)671-969-4041 / (Cell)671-685-5656 email: richardblassantiago@gmail.com JUN 0 2 2015

Cepartment of Land Management
Time 8:09 Intl PC

June 2, 2016

Mr. Michael Borja Administrative Director Chamorro Land Trust Commission P.O. Box 2952 Hagatna, Guam 96932

Dear Mr. Borja,

Please accept this letter as an official notice that I wish to relinquish any interest in the following Chamorro Land Trust Commission (CLTC) property currently under my name:

Location: Lot 17, Block 4, Tract 9210 (Phase 1)

Village: Yigo

Type: Residential Lease

I will be relocating to the U.S. mainland in August 2016 and do not have any plans on using the property in question. Any assistance that I can get from your office regarding this matter will be much appreciated.

Thank you for your time and have a nice day.

1.2. 1 1 to

Sincerely,

Richard B. Santiago

State of Guam USA

This instrument was acknowledged before me on

(1) 16

by Kicha

V Sannaja

Bonne 1. Ru

Signature of Notary Public

BONNIE T. RIUS
NOTARY PUBLIC
In and for Guam, U.S.A.
by Commission Expires: FEB. 07, 2018
by Commission Expires: FEB. 07, 2018

#### <u>LEAH N. ROJAS</u> RESIDENTIAL APPLICANT

#### I. REQUEST

- Revert application to the original applicant
- > Revert application type back to Residential.

#### II. ISSUE(S)

- The original applicant is Marvin Gary Rojas.
- ➤ The application was transferred administratively Deputy Director D. Camacho on February 14, 2018 to Leah Rojas AKA Leah Rojas Truong.
- ➤ A legal opinion from the Office of the Attorney General from Elizabeth Barrett-Anderson stated. The Statute requires that every applicant must wait in line and does not allow an applicant to transfer their "application rights" prior to death. Letter dated July 12, 2018.
- ➤ A Notarized Letter was received by CLTC on September 10, 2024 via Certified Mail, to revert back to the original applicant which is Marvin Gary Rojas.

**>** ...

#### III. FACTS

- 1. Applicant's Date and Time: December 4, 1995 8:02 A.M.
- 2. Applicant's Application Number: 0000782
- 3. Application Type: Residential
- 4. Lot Description: N/A
- 5. Survey Map: N/A
- 6. Priority: 1
- 7. Preoccupier: N/A
- 8. Land Use Permit (LUP): N/A
- 9. Mayor's Certification: N/A
- 10. Recorded Lease: N/A
- 11. Unrecorded Lease: N/A
- 12. Lease Fee Paid: N/A
- 13. Is this a Registered Property? N/A
- 14. Residing on Private Property: N/A
- 15. Residing on Guam Ancestral Lands Property: N/A
- 16. Part of Null and Void Listing: N/A
- 17. Part of 2018 Ratified Listing: N/A
- 18. Part of 1995 Listing: N/A
- 19. Part of OPA Audit Listing: N/A

#### IV. CHRONOLOGY

- 1. March 1, 2005; Letter from Allan Quan, Land Agent 1, to Marvin Gary Rojas to contact Chamorro Land Trust Commission.
- 2. September 25, 2007: Applicant Request/Change posted.
- 3. September 25, 2007: Agriculture Interview Report completed by B. Gumataotao, Land Agent 1
- 4. September 25, 2007: Marvin Gary Rojas submitted Special Power of Attorney for Patricia Rojas
- 5. November 19, 2007: Request to change application type from Residential to Agriculture requested by the POA, Patricia Rojas and approved by AD J. Borja
- 6. July 1, 2008: Acknowledgement Letter signed by POA Patricia Rojas that Lot 7153; Yigo is unregistered. Letter was accepted by B. Gumataotao, Land Agent 1
- 7. December 26, 2017: Letter of relinquishment was received by CLTC from Mr. Marvin Gary Rojas to transfer his Residential application to Leah N. Rojas AKA Leah Rojas Truong.
- 8. February 14, 2018: Deputy Director D. Camacho approved the request regarding the Letter of relinquishment.
- 9. February 28, 2018: Mr. Rojas was advised via email that his application was transferred to his daughter Leah Rojas AKA Leah N. Rojas Truong.
- 10. February 29, 2018: Leah N. Rojas AKA Leah Rojas Truong submitted a notarized Chamorro Land Trust application and all required documents to qualify.
- 11. June 25, 2018: Lean N. Rojas AKA Leah Rojas Truong submitted a Special Power of Attorney for Patricia Rojas.
- 12. June 21, 2023: Marvin Rojas visited Chamorro Land Trust Office to inquire about the process to revert the application back to him.
- 13. September 10, 2024: Received Notarize letter from Leah N. Rojas AKA Leah Rojas Truong to revert the application back to the original applicant to which is Marvin Gary Rojas.

#### V. SUMMARY

- ➤ The original applicant is Marvin Gary Rojas and transferred his application to his daughter, Leah N. Rojas AKA Leah Rojas.
- A legal opinion from the Office of the Attorney General from Elizabeth Barrett-Anderson stated. The Statute requires that every applicant must wait in line and does not allow an applicant to transfer their "application rights" prior to death. Letter dated July 12, 2018.

#### **CHamoru Land Trust Commission**

## Land Agent Staff Report KAREN KASPERBAUER PEREZ

#### I. COMPLAINT/ISSUE:

A. Issue 1: Priority Status

Guam Administrative Rules § 6A116 (c) the Commission shall prioritize awards for residential tracts to applicants in the following descending order: (1) those who do not own land anywhere; (2) those who own one (1) acre or less anywhere; and (3) those who own more than one (1) acre anywhere.

**B.** Issue 2: Change of Application Type

The Act is silence regarding the change of application type

C. Issue 3: Recorded Survey Map

Recorded Survey Map IN 958114 226FY2020 for Carmen Artero Kasperbauer, Karen Kasperbauer Perez and Teresa Kasperbauer Sakazaki for resubdivision of Lot 10129-R8, Dededo; a copy of invoice for survey service from Meliton S. Santos & Associates, Inc. in the amount of \$7,500.00 with outstanding amount of \$3,870.00

#### II. FACTS:

**A.** Original Applicant's Date and Time: December 2, 1995 at 8:27 a.m.

B. Application Number: 0000018

**C.** Application Type: Agriculture, (Originally was Residential)

D. Priority: N/AE. Pre-occupier: No

F. Land Use Permit (LUP): NoG. Mayor's Verification (MV): No

**H.** Notice of Intent to Award (NOIA): Yes, dated: June 4, 2009

Lease: Yes, dated: January 23, 1997, Unrecorded

J. Location: Tract 9210 (Phase – 1), Block 02, Lot 02, Yigo

K. Lot Size: 955 square meters or .25 acre

L. Survey Authorization (SA): Yes, dated: June 4, 2009

M. Survey Map: Yes, Map numbers: FYN 226FY2020, IN 958114

N. Null and Void Listing: NoO. 2018 Ratified Listing: No

P. 1995 Listing: Yes

Q. OPA Audit Listing: NoR. GALC Property: No

S. Private Property: No

T. Registered Property: Yes

#### III. CHRONOLOGY:

**A.** December 2, 1995: Residential application received at Astumbo intake site at 8:27 a.m. and issued numerical designation 0000018

#### **CHamoru Land Trust Commission**

## Land Agent Staff Report KAREN KASPERBAUER PEREZ

- **B.** January 23, 1997: Residential lease for Lot 02, Block 02, Tract 9210 (Phase 1), Yigo by Acting Administrative Director Ronald E. Teehan
- **C.** June 4, 2009: 1st Decline of Municipality Award: declining Residential lease on Lot 02, Block 02, Tract 9210 (Phase 1) for an Agriculture Lease on signed by Karen Kasperbauer
- **D.** June 4, 2009: Survey Authorization for a portion of Lot 10129-R3, Dededo issued by Jesse G. Garcia, Administrative Director
- **E.** April 15, 2009: Request to change application type from Residential to Agricultural
- **F.** June 9, 2009: Approved to change application type from residential to agricultural by Jesse G. Garcia, Administrative Director
- **G.** October 26, 2015: Department of Revenue and Taxation issued 2011 Real Property Tax Statement
- **H.** October 26, 2015: Department of Revenue and Taxation issued 2012 Real Property Tax Statement
- October 26, 2015: Department of Revenue and Taxation issued 2013 Real Property Tax Statement
- J. October 26, 2015: Department of Revenue and Taxation issued 2014 Real Property Tax Statement
- **K.** July 18, 2016: A deed of gift for Lot 16, Block 16, Tract 1314, Tamuning given to Karen Kasperbauer Perez and Thomas D. Perez recorded July 22, 2016 IN 895198
- **L.** May 12, 2021: Invoice for Survey Service from Meliton S. Santos & Associates, Inc. in the amount of \$7,500.00
- **M.** October 20, 2022: Karen Kasperbauer Perez placed on the Board of Commissioners Meeting Agenda Under Old Business for 1995 Constituent Update
- **N.** November 22, 2022: Karen Kasperbauer Perez placed on the Board of Commissioners Meeting Agenda Under Old Business for 1995 Constituent Update
- **O.** January 14, 2022: Received packet from the Law Office of Minaksh V. Hemlani by Jhoana Casem, Land Agent II
- **P.** October 16, 2024: Letter regarding notification of the lease award issued by Acting Administrative Director Joseph B. Cruz Jr.
- **Q.** February 27, 2025: Verification of Eligibility issued by Acting Administrative Director Joseph B. Cruz Jr.
- R. June 9, 2025: Joey B. Cruz, Acting Administrative Director; Eileen Chargualaf, Land Agent 2 and Lydia Taleu, Land Agent 1 met with Mrs. Perez. Because Mrs. Perez will be off-island from June 11, 2025 to August 7, 2025 and will not be able to attend the July 2025 CLTC Board of Commissioners Meeting in person it was decided her case will be tabled and presented in the August 2025 CLTC Board of Commissioners Meeting.

#### IV. SUMMARY:

Mrs. Karen Kasperbauer Perez was issued on January 23, 1997 residential lease for Tract 9210 (Phase – 1), Block 02, Block 02, Yigo based on her December 2, 1995 8:27 a.m. #0000018 residential application. She declined the Yigo residential lease for Dededo agricultural lease after her application

#### **CHamoru Land Trust Commission**

## Land Agent Staff Report KAREN KASPERBAUER PEREZ

rights was administratively approved to change from residential to agricultural. In 2016 she became a property owner after receiving a deed of gift. On February 27, 2025, she was deemed an eligible beneficiary by Acting Administrative Director Joseph B. Cruz, Jr. Monday, June 10, 2025 Mrs. Perez met with Acting Administrative Joseph "Joey" Cruz; Land Agent 2 Eileen Chargualaf; and Land Agent 1 Lydia Taleu. Mrs. Perez recounted her history with CLTC regarding her original lease and what lead to her decision to request to change her application type from residential to agricultural. She will off-island for the June 2025 Board Meeting and will not return to island until the first week of August 2025. It was decided that her case will be tabled for the June 2025 meeting and presented in the August 2025 Board Meeting.

#### V. BOARD /LEGAL COUNSEL / ADMINISTRATIVE DIRECTOR ACTION(S):

- **A.** Motion to approve, deny or table change Karen Kasperbauer Perez's application type from agricultural to residential, the original application type
- **B.** Motion to approve, deny or table Karen Kasperbauer Perez's residential priority status from N/A to 2
- **C.** Motion to approve, deny or table reimbursement to Karen Kasperbauer Perez in Unknown amount for survey cost
- VI. COMPLIED BY: Lydia E. Taleu, CLTC Land Agent 1



**DLM MOA** 

# MEMORANDUM OF AGREEMENT BETWEEN THE CHAMORU LAND TRUST COMMISSION AND DEPARTMENT OF LAND MANAGEMENT

This Agreement is entered into on this	day of, 2025, between the
CHAMORU LAND TRUST COMMISSION, by and th	rough the CHamoru Land Trust Commission
(CLTC) whose mailing address is P.O. Box 2950, Hag	åtña, Guam 96932 and the <b>DEPARTMENT OF</b>
LAND MANAGEMENT (DLM) whose mailing address is	s P.O. Box 2950, Hagåtña, Guam 96932

WHEREAS the CLTC is an instrumentality of the Government of Guam charged with administering for the benefit of their Eligible Beneficiaries available lands on Guam that are CHamoru Land Trust properties, and to this end may grant leases and licenses for the use of such property, and

WHEREAS the DLM is an instrumentality of the Government of Guam with an operational Survey Division that establishes and maintains a cadastral system, and

WHEREAS the DLM's Survey Division performs surveys that support land-related activities for the betterment of the island's social and economic welfare, and maintains a cadastral system, and

WHEREAS the CLTC Board of Commissioners has unanimously voted on June 6, 2025 at a Special Board Meeting to approve the execution of a Memorandum of Agreement with the DLM for the requested surveying services detailed in the Work Request received from DLM for the following:

- a. Tract 319, Municipality of Hågat
- b. Tract 1113, Block No. 16, Municipality of Dededo
- c. Tract 15344, Municipality of Mangilao
- d. Tract 1722, Municipality of Mangilao
- e. Tract 18113, Municipality of Mangilao
- f. Lot 7160, Municipality of Yigo

(hereinafter "Lots" or "the Lots").

#### NOW THEREFORE, the CLTC and the DLM agree as follows;

#### 1. **CLTC** Responsibilities:

- a. Submit an official letter detailing the order of priority;
- b. Agrees to prepay for the surveying services as follows:
  - 1) Tract 319, Municipality of Hågat \$115,085
  - 2) Tract 1113, Block No. 16, Municipality of Dededo \$38,602
  - 3) Tract 15344, Municipality of Mangilao \$49,478
  - 4) Tract 1722, Municipality of Mangilao \$72,042
  - 5) Tract 18113, Municipality of Mangilao \$103,898
  - 6) Lot 7160, Municipality of Yigo \$121,484
- c. Provide evidential documentation of the processing of payment with the Department of Administration to commence the surveying services;
- d. Agrees to present any project amendments to the board at the next regularly scheduled board meeting once informed by DLM;
- e. Agrees that DLM will procure all surveying equipment necessary for the survey work prior to commencement of the survey services. The costs for survey equipment are incorporated herein and all equipment shall become the property of DLM;
- f. Agrees to make all necessary arrangements and coordination with other agencies or private contractors relative to the survey projects, such as clearing and/or site work, and to inform and coordinate with the occupants or lessees of the pending work and potential impact to the property or their leases, if any.

#### 2. DLM Responsibilities:

- Agrees that when evidential documentation of the processing of payment, surveying services will commence;
- b. Agrees that there will be no increase in projected project cost, except for changes or amendments to the Scope of Work attached herewith and is made a part of this Memorandum of Agreement. Any change or amendment shall be mutually negotiated and agreed upon between the parties before work proceeds;

- c. Agrees that the total number of days to complete the specific survey projects, after the commencement, are as follows:
  - 1) Tract 319, Municipality of Hågat 60 working days
  - 2) Tract 1113, Block No. 16, Municipality of Dededo 30 working days
  - 3) Tract 15344, Municipality of Mangilao 30 working days
  - 4) Tract 1722, Municipality of Mangilao 40 working days
  - 5) Tract 18113, Municipality of Mangilao 80 working days
  - 6) Lot 7160, Municipality of Yigo 60 working days
- d. Agrees that the commencement date for each project shall begin upon the issuance of a Notice to Proceed (NTP) by CLTC. The NTP, for any subsequent project, shall be issued according to CLTC's priorities in sequential chronological order and shall not be issued until completion of the prior project or upon reasonable expectation of its estimated completion date as concurred by DLM;
- e. Agrees to record with the DLM Records section all maps completed as a result of the surveying services and provide CLTC copies of said recorded maps;
- f. Agrees to complete projects within the completion dates in accordance with above Items 2c and 2d and the Scope of Work, subject to weather conditions and other factors beyond DLM's control.

AGREED this day of	, 2025 at the City of Tamuning, Guam.
DEPARTMENT OF LAND MANAGEMENT	CHAMORU LAND TRUST COMMISSION
Joseph M. Borja Director	

#### SCOPE OF WORK FOR CLTC—TYPICAL FOR ALL SURVEY WORK

1.	Retracement survey of subject lot perimeter and adjoining lots if necessary to determine limits of boundary
2.	Tie in to three (3) GGN markers, as required
3.	Analyze field data for accuracy and conformity to record
4.	Computation of coordinates for easement-R/W stakeouts
5.	Traverse along approximate centerlines of proposed easements-R/W's and placement of stakes for clearing
6.	Place permanent monuments or GGN's as required along easement-R/W's after site clearing for other surveyors to use during their surveys for CLTC clients
7.	Provide plats and/or maps certified by the Guam Chief Surveyor of the surveys performed and recorded with the Records Division when required
8.	Apprise CLTC of any issues that might affect or delay the work

#### RETRACEMENT/STAKE-OUT SURVEY OF TRACT 319, HÅGAT

I. SCOPE OF WORK, PROJECT EXPENDITURES & MAPPING:

a.	Project and Coordination setup	1 day		Computation & Analysis	3 days
b.	Research, Drafting of Sketch for field work & Reconnaissance Survey	3 days		Parceling Stake- out & Final Monumentation:	15 days
C.	Field Traverse & Property Survey	30 days	h.	Final Mapping	30 days
d.	Supplies & Materials & Equipment:	\$10,300.00			
e.	Gas & Maintenance	\$500.00			

II. LIST PERSONNEL INVOLVED AND TABULATE HOURLY RATE ALSO TO INCLUDE BENEFITS:

	NAME	RATE PER HR.	NO. OF DAYS	RATE + BENEFITS PER HR.	TOTAL
1	Paul L. Santos, PLS		45		\$25,161.23
2	Thomas J. Torres		50		\$18,906.12
3	David B. Delgado		50		\$13,672.23
3	Benjamin T. Limes, Jr.		50		\$11,350.08
4	Jerome Okada		50		\$9,398.85
5	Joseph Flores		45		\$8,415.52
					\$86,904.02

TWENTY PERCENT (20%) ADMINISTRATIVE COSTS	\$17,380.80
<b>GRAND TOTAL:</b> (**Inclusive of Supplies/Materials/Gas & Maintenance & Equipment -\$10,800)	\$115,084.82

APPROVED BY:	CONCURRED BY:
PAUL L. SANTOS, P.L.S. No. 68 Date Chief of Cadastre/Guam Chief Surveyor, DLM	<b>JOSEPH M. BORJA</b> , Director Date Department of Land Management
ACCEPTED BY:	NOTE: Acceptance herein constitutes the Notice to Proceed with the survey and

#### RETRACEMENT/STAKE-OUT SURVEY OF BLOCK 16, TRACT 1113, Dededo

I. SCOPE OF WORK, PROJECT EXPENDITURES & MAPPING:

a.	Project and Coordination setup	2 day	f.	Computation & Analysis	3 days
b.	Research, Drafting of Sketch for field work & Reconnaissance Survey	5 days		Parceling Stake- out & Final Monumentation:	5 days
C.	Field Traverse & Property Survey	10 days	h.	Final Mapping	10 days
d.	Supplies & Materials & Equipment:	\$10,150.00			
e.	Gas & Maintenance	\$300.00			

II. LIST PERSONNEL INVOLVED AND TABULATE HOURLY RATE ALSO TO INCLUDE BENEFITS:

	NAME	RATE PER HR.	NO. OF DAYS	RATE + BENEFITS PER HR.	TOTAL
1	Paul L. Santos, PLS		10		\$5,591.38
2	Thomas J. Torres		15		\$5,671.83
3	David B. Delgado		50		\$4,101.67
3	Benjamin T. Limes, Jr.		15		\$3,405.02
4	Jerome Okada		15		\$2,819.65
5	Joseph Flores		10		\$1,870.12
					\$23,459.68

TWENTY PERCENT (20%) ADMINISTRATIVE COSTS	\$4,691.94
GRAND TOTAL: (**Inclusive of Supplies/Materials/Gas & Maintenance & Equipment -\$10,450)	\$38,601.62

APPROVED BY:	CONCURRED BY:
<b>PAUL L. SANTOS</b> , P.L.S. No. 68 Date Chief of Cadastre/Guam Chief Surveyor, DLM	JOSEPH M. BORJA, Director Date Department of Land Management
ACCEPTED BY:	NOTE: Acceptance herein constitutes the Notice to Proceed with the survey and mapping.

#### RETRACEMENT/STAKE-OUT SURVEY OF BLK. 1, TRACT 15344, Mangilao

I. SCOPE OF WORK, PROJECT EXPENDITURES & MAPPING:

a.	Project and Coordination setup	1 day	f.	Computation & Analysis	3 days
b.	Research, Drafting of Sketch for field work & Reconnaissance Survey	5 days		Parceling Stake- out & Final Monumentation:	5 days
C.	Field Traverse & Property Survey	10 days	h.	Final Mapping	10 days
d.	Supplies & Materials & Equipment:	\$10,150.00			
e.	Gas & Maintenance	\$300.00			

II. LIST PERSONNEL INVOLVED AND TABULATE HOURLY RATE ALSO TO INCLUDE BENEFITS:

	NAME	RATE PER HR.	NO. OF DAYS	RATE + BENEFITS PER HR.	TOTAL
1	Paul L. Santos, PLS		15		\$8,387.08
2	Thomas J. Torres		20		\$7,562.45
3	David B. Delgado		50		\$5,468.89
3	Benjamin T. Limes, Jr.		20		\$4,540.03
4	Jerome Okada		20		\$3,759.54
5	Joseph Flores		15		\$2,805.17
					\$32,523.16

TWENTY PERCENT (20%) ADMINISTRATIVE COSTS	\$6,504.63
GRAND TOTAL: (**Inclusive of Supplies/Materials/Gas & Maintenance & Equipment -\$10450)	\$49,477.79

APPROVED BY:	CONCURRED BY:
<b>PAUL L. SANTOS</b> , P.L.S. No. 68 Date Chief of Cadastre/Guam Chief Surveyor, DLM	JOSEPH M. BORJA, Director Date Department of Land Management
ACCEPTED BY:	NOTE: Acceptance herein constitutes the Notice to Proceed with the survey and
	mapping.

#### RETRACEMENT/STAKE-OUT SURVEY OF TRACT 1722, Mangilao

I. SCOPE OF WORK, PROJECT EXPENDITURES & MAPPING:

a.	Project and Coordination setup	1 day	f.	Computation & Analysis	3 days
b.	Research, Drafting of Sketch for field work & Reconnaissance Survey	5 days		Parceling Stake- out & Final Monumentation:	5 days
C.	Field Traverse & Property Survey	10 days	h.	Final Mapping	10 days
d.	Supplies & Materials & Equipment:	\$10,150.00			
e.	Gas & Maintenance	\$300.00			

II. LIST PERSONNEL INVOLVED AND TABULATE HOURLY RATE ALSO TO INCLUDE BENEFITS:

	NAME	RATE PER HR.	NO. OF DAYS	RATE + BENEFITS PER HR.	TOTAL
1	Paul L. Santos, PLS		15		\$8,387.08
2	Thomas J. Torres		35		\$13,234.28
3	David B. Delgado		50		\$9,570.56
3	Benjamin T. Limes, Jr.		35		\$7,945.05
4	Jerome Okada		35		\$6,579.19
5	Joseph Flores		30		\$5,610.35
					\$51,326.51

NENTY PERCENT (20%) ADMINISTRATIV	E COSTS	\$10,265.30
RAND TOTAL: (**Inclusive of Supplies/Mate aintenance -\$10,450)	rials/Gas &	\$72,041.81
IIntenance -\$10,450)		

APPROVED BY:	CONCURRED BY:
<b>PAUL L. SANTOS</b> , P.L.S. No. 68 Date Chief of Cadastre/Guam Chief Surveyor, DLM	JOSEPH M. BORJA, Director Date Department of Land Management
ACCEPTED BY:	NOTE: Acceptance herein constitutes the Notice to Proceed with the survey and mapping.

#### RETRACEMENT/STAKE-OUT SURVEY OF TRACT 18113, Mangilao

I. SCOPE OF WORK, PROJECT EXPENDITURES & MAPPING:

a.	Project and Coordination setup	3 days	f.	Computation & Analysis	5 days
b.	Research, Drafting of Sketch for field work & Reconnaissance Survey	5 days		Parceling Stake- out & Final Monumentation:	30 days
C.	Field Traverse & Property Survey	15 days	h.	Final Mapping	20 days
d.	Supplies & Materials & Equipment:	\$10,300.00			
e.	Gas & Maintenance	\$500.00			

II. LIST PERSONNEL INVOLVED AND TABULATE HOURLY RATE ALSO TO INCLUDE BENEFITS:

	NAME	RATE PER HR.	NO. OF DAYS	RATE + BENEFITS PER HR.	TOTAL
1	Paul L. Santos, PLS		30		\$16,774.15
2	Thomas J. Torres		50		\$18,906.12
3	David B. Delgado		50		\$13,672.23
3	Benjamin T. Limes, Jr.		50		\$11,350.08
4	Jerome Okada		50		\$9,398.85
5	Joseph Flores		40		\$7,480.46
					\$77,581.88

\$15,516.38	\$15	%) ADMINISTRATIVE COSTS	TWENTY PERCENT
103,898.26	\$103,89	nclusive of Supplies/Materials/Gas &	GRAND TOTAL: Maintenance -\$10,800)
	91		Maintenance -\$10,800)

APPROVED BY:	CONCURRED BY:
<b>PAUL L. SANTOS</b> , P.L.S. No. 68 Date Chief of Cadastre/Guam Chief Surveyor, DLM	JOSEPH M. BORJA, Director Date Department of Land Management
ACCEPTED BY:	NOTE: Acceptance herein constitutes the Notice to Proceed with the survey and mapping.

#### RETRACEMENT/STAKE-OUT SURVEY OF LOT 7160, YIGO

I. SCOPE OF WORK, PROJECT EXPENDITURES & MAPPING:

a.	Project and Coordination setup	1 day	f.	Computation & Analysis	3 days
b.	Research, Drafting of Sketch for field work & Reconnaissance Survey	3 days		Parceling Stake- out & Final Monumentation:	15 days
C.	Field Traverse & Property Survey	30 days	h.	Final Mapping	30 days
d.	Supplies & Materials & Equipment:	\$10,300.00			
e.	Gas & Maintenance	\$500.00			

II. LIST PERSONNEL INVOLVED AND TABULATE HOURLY RATE ALSO TO INCLUDE BENEFITS:

	NAME	RATE PER HR.	NO. OF DAYS	RATE + BENEFITS PER HR.	TOTAL
1	Paul L. Santos, PLS		45		\$25,161.23
2	Thomas J. Torres		55		\$20,796.73
3	David B. Delgado		50		\$15,039.45
3	Benjamin T. Limes, Jr.		55		\$12,485.08
4	Jerome Okada		55		\$10,338.73
5	Joseph Flores		45		\$8,415.52
					\$92,236.75

\$18,447.35
\$121,484.10
-

APPROVED BY:	CONCURRED BY:						
<b>PAUL L. SANTOS</b> , P.L.S. No. 68 Date Chief of Cadastre/Guam Chief Surveyor, DLM	JOSEPH M. BORJA, Director Date Department of Land Management						
ACCEPTED BY:	NOTE: Acceptance herein constitutes the Notice to Proceed with the survey and mapping.						



## **GWA MOA**



#### GUAM WATERWORKS AUTHORITY Gloria B. Nelson Public Service Building | 688 Route 15, Mangilao, Guam 96913

oria B. Nelson Public Service Building | 688 Route 15, Mangilao, Guam 96913 P.O. Box 3010, Hagātña, Guam 96932 Tel. No. (671) 300-6846/47 Fax No. (671) 648-3290

July 11, 2025

Mr. Joseph F. Cruz
Administrative Director, Acting
Chamorro Land Trust Commission (CLTC)
Department of Land Management Building
Third Floor, ITC Intersection
Tamuning, Guam 96913

Subject: Transmittal of Implementation Plan for Tract 1113, Block 16 Water and Sewer Infrastructure
Project

Hafa Adai Mr. Cruz:

The Guam Waterworks Authority (GWA) is pleased to transmit the attached Implementation Plan for the proposed water and wastewater infrastructure improvements to serve CLTC Tract 1113, Block 16 in Dededo.

The plan outlines in general terms GWA's understanding of next steps for developing the required MOA, transferring the available project funding, initiating design and construction activities, and completing construction of water and wastewater infrastructure to support 71 planned residential lots. As detailed in the plan, GWA will submit a one-time full billing to the Department of Administration (DOA) by August 30, 2025, to obtain the total project funding of \$7,191,000. Procurement activities will commence only upon receipt of funds.

To ensure transparency and coordination, GWA will also provide quarterly progress reports to CLTC beginning the quarter following execution of the MOA. The report will summarize project milestones, schedule updates, and any issues encountered.

As we get closer to implementation, GWA will designate appropriate points of contact for implementation and financial issues. We appreciate your continued support and partnership on this critical infrastructure project.

Sincerely,

MIGUEL C. BORD (LO, P.E.

General Manager

**Guam Waterworks Authority** 

Attachment: Implementation Plan - CLTC Tract 1113, Block 16 Water and Sewer Infrastructure Project

# Implementation Plan: CLTC Tract 1113 B16 Water and Sewer Infrastructure Development

#### 1. Summary

The Guam Waterworks Authority (GWA), in partnership with the Chamorro Land Trust Commission (CLTC), will implement water and wastewater infrastructure improvements to serve 71 residential lots at CLTC Tract 1113, Block 16 in Dededo. CLTC provided GWA with proposed subdivision layout, and GWA has provided conceptual planning-level cost estimates for water and sewer infrastructure improvements only. The total estimated budgetary cost is \$7,191,000. Through Public Law 35-125, the CLTC has received a legislative appropriation for its survey and infrastructure fund and intends to allocate the above amount to GWA for water/sewer infrastructure development.

#### 2. Fund Transfer and Billing Process

#### **Fund Transfer Objective**

Obtain the full \$7,191,000 in project funding from the Department of Administration (DOA) by September 30, 2025, the end of Fiscal Year 2025.

#### **Billing Procedure**

- GWA will submit a one-time invoice to DOA by August 30, 2025.
- The billing package will include:
  - o Planning scope of work and cost estimate
  - o Project implementation timeline
  - o Supporting documentation and transmittal letter

#### **Procurement Contingency**

 No procurement may begin until GWA receives confirmation of the fund transfer from DOA.

#### 3. Memorandum of Agreement (MOA)

A Memorandum of Agreement (MOA) between GWA and CLTC will be developed and executed prior to fund transfer. The MOA will:

- Define roles and responsibilities of both agencies
- Reference project scope, funding and funding schedule constraints (if applicable), and reporting requirements
- Establish a mechanism for resolving issues and confirming project completion

Serve as the basis for accountability and recordkeeping

Drafting of the MOA will begin in July 2025, with the goal of execution by August 2025, prior to billing DOA.

#### 4. Preliminary Implementation Timeline

Milestone	Date					
Draft MOA	July 15, 2025					
Execute MOA	August 15, 2025					
Submit billing package to DOA	August 30, 2025					
Receive funds	By September 30, 2025					
Begin design/procurement	October 2025					
Begin construction procurement	June 2026					
Permitting/Construction	July 2026 - December 2028 (est'd)					
Final inspection & reporting	January 2029					

#### 5. Quarterly Reporting to CLTC

Upon execution of the MOA, GWA will provide CLTC with quarterly progress reports including:

- · Project status and milestones
- Updated timelines
- Any challenges or issues
- Summary of expenditures (non-financial)
- · Photos and maps/plans as appropriate

Reports will be submitted by the 15th of the month following the FY quarter to the CLTC Administrator.

#### 6. Project Oversight

GWA will assign a Project Manager to oversee all implementation activities, coordinate with CLTC, and ensure compliance with the MOA. A final report will be submitted upon project completion.

	Tract 1722	Revised Cost	Tract 15344	Revised Cost	Tract 18113	Revised Cost	Tract 319	Revised Cost	Tract 1113	Revised Cost	Lot 7160	Revised Cost	Total (Original)	Revised Cost	Difference	Total
RT / ST Survey*	46.830.43	72,042.00	20.752.42	40 470 00	77 100 05											
Instl Pwr Util**	132,600.28	72,042.00	30,753.43 184,921.42	49,478.00	72,100.86 372,497.19		82,977.82	115,085.00	22,086.70	38,602.00	87,317.06 590,932.47	121,484.00	342,066.30 1,280,951.36	500,589.00	158,522.70	500,589.00 1,280,951.36
Insti W & S Infra*** Total			-		9				7,066,000.00	7,191,000.00			7,066,000.00	7,191,000.00	125,000.00	
							_		-				\$ 8,689,017.66		<u> </u>	\$ 8,972,540.36
Reserved for Unforsee	n Expenses:	_		_									\$ 310,982.34			\$ 27,459.64
							<u> </u>									

<sup>\*</sup> Retractement / Stake-Out Survey

<sup>\*\*</sup> Installation of Public Utility

<sup>\*\*\*</sup> Installation of Water and Sewer Infrastructure



# BILL 32-38(COR), RESOLUTION 2025-001

#### I Mina'trentai Ocho Na Liheslaturan Guåhan BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
	Maga'hågan Guåhan, the Governor of Guam, in accordance with the Organic	AN ACT TO AUTHORIZE THE TRANSFER OF LOT \$173-1-R2NEW-R7 AND LOT \$173-1-R2NEW-6 IN THE MUNICIPALITY OF TAMUNING FROM THE CHAMORRO LAND TRUST COMMISSION TO THE HEIRS OF FRANCISCO D. PEREZ, THE ORIGINAL LANDOWNER.	4:26 p.m.						

CLERKS OFFICE Page 1

# I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN 2025 (FIRST) Regular Session

Bill No. 32-38 (COR)

Introduced by:

Committee on Rules by request of Maga'hågan Guåhan, the Governor of Guam, in accordance with the Organic Act of Guam

AN ACT TO AUTHORIZE THE TRANSFER OF LOT 5173-1-R2NEW-R7 AND LOT 5173-1-R2NEW-6 IN THE MUNICIPALITY OF TAMUNING FROM THE CHAMORRO LAND TRUST COMMISSION TO THE HEIRS OF FRANCISCO D. PEREZ, THE ORIGINAL LANDOWNER.

#### 1 BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. I Liheslaturan Guåhan finds 2 that the historical significance of land ownership in Guam is deeply rooted in the 3 heritage and legacy of original landowners, who have contributed to the growth and 4 development of our communities. I Liheslaturan Guåhan further finds that 5 numerous parcels of government property have been acquired from private owners 6 through various means, including donation, eminent domain, or other governmental 7 8 actions, often for public use or benefit. Many of these properties, including Lot 5173-1-R2NEW-R7 and Lot 5173-1-R2NEW-6 in the municipality of Tamuning have 9

remained undeveloped by the government of Guam for an extended period, and have otherwise failed to provide tangible benefit or greater good to the public as intended.

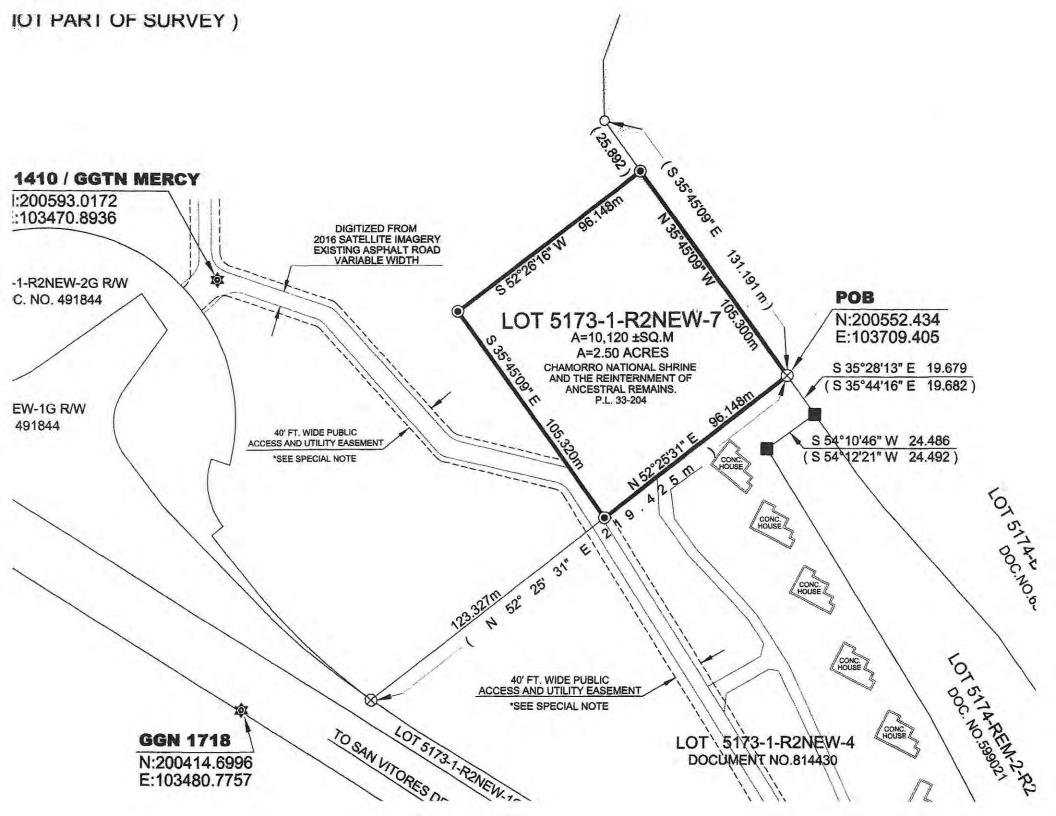
*I Liheslaturan Guåhan* further finds that the heirs of Francisco D. Perez, the original landowner of Lot 5173-1-R2NEW-R7 and Lot 5173-1-R2NEW-6, possess a continuing interest in the land, which carries significant familial and cultural value. The government of Guam has not made substantial use of these properties in the decades it has held title to the properties, and they continue to languish in the government's inventory.

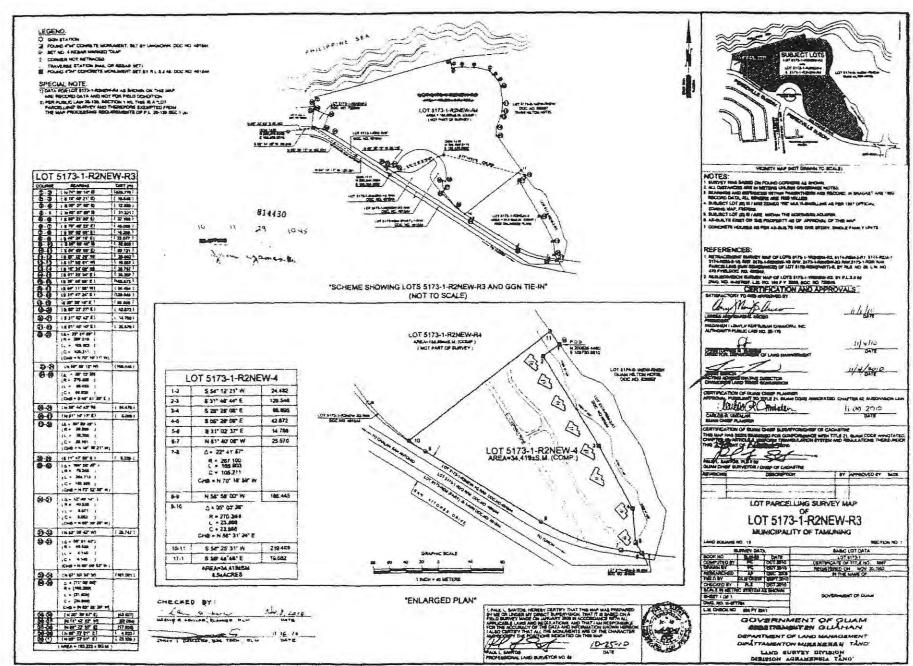
I Liheslaturan Guåhan has previously recognized in the case of land returns from the federal government that, in some instances, the government of Guam is not the best nor most responsible guardian of lands, and that for such property to best serve the community, it is often the original landowners and heirs who possess the capacity and motivation to develop lands to their highest and best uses, which will benefit the community through the stimulation of economic activity. I Liheslaturan Guåhan believes that title to Lot 5173-1-R2NEW-R7 and Lot 5173-1-R2NEW-6 should be restored to the family and heirs of Francisco D. Perez, who have a vested interest in the development and use of these lots.

Therefore, it is the intent of *I Liheslaturan Guåhan* to promote responsible stewardship of these lands by returning them to the heirs of the original landowner, Francisco D. Perez, who have a personal connection to the property, by transferring and deeding Lot 5173-1-R2NEW-R7 and Lot 5173-1-R2NEW-6 in the municipality of Tamuning from the Chamorro Land Trust Commission to the heirs of Francisco D. Perez, the original landowner.

Section 2. Transfer of Property to the Francisco D. Perez Family. Except in such circumstances where existing roads or easements may have been transferred to the Department of Public Works and as provided in Section 4 below, Lot 5173-1-R2NEW-R7 and Lot 5173-1-R2NEW-6 in the municipality of Tamuning and

- 1 conveyed to the jurisdiction of the Chamorro Land Trust Commission are transferred
- 2 to the heirs of Francisco D. Perez, the original landowner, and shall be deeded to the
- 3 heirs of Francisco D. Perez, the original landowner. The Chamorro Land Trust shall
- 4 identify the heirs of Francisco D. Perez and complete the transfers required herein
- 5 within 180 days of the enactment of this Act.
- 6 Section 3. CHamoru National Shrine & the Reinternment of Ancestral
- 7 Remains, Known as Naftan Manaina-ta Shrine. Guam Public Law No. 33-204
- 8 designated a portion of Lot 5173-1-R2NEW-R6, which then was severed and
- 9 became Lot 5173-1-R2NEW-7 of 10,120 square meters or 2.50 acres in the surveyed
- Map No. 313FY2017 as shown in the Department of Land Management Document
- No. 914646 recorded on November 13, 2017, and attached as Exhibit A, shall be
- 12 excluded from any land transfer required in this Act.
- 13 Section 4. Continued Reservation and Designation of CHamoru Cultural
- 14 **Center.** Lot No. 5173-1-R2NEW-4 in the municipality of Tamuning, containing an
- area of 34,419+ square meters (8.5 acres) as shown on Department of Land
- 16 Management Map No. 004FY2011, attached as Exhibit B, which was previously
- identified, designated, and reserved for a CHamoru Cultural Center in Guam Public
- Law No. 33-203, shall be excluded from any land transfer required in this Act.
- Section 5. Severability. If any provision of this Act or its application to any
- 20 person or circumstance is found to be invalid or inorganic, such invalidity shall not
- 21 affect other provisions or applications of this Act that can be given effect without
- 22 the invalid provision or application, and to this end the provisions of this Act are
- 23 severable.





**Exhibit B** 

5-13720



# CHAMORU LAND TRUST COMMISSION RESOLUTION NO. 2025-001

Bill 32-38(COR): AN ACT TO AUTHORIZE THE TRANSFER OF LOT 5173-1-R2NEW-R7 AND LOT 5173-1-R2NEW-6 IN THE MUNICIPALITY OF TAMUNING FROM THE CHAMORRO LAND TRUST COMMISSION TO THE HEIRS OF FRANCISCO D. PEREZ, THE ORIGINAL LANDOWNER

**WHEREAS,** the Maga'hågan Guåhan, the Governor of Guam, Governor Lourdes A. Leon Guerrero, in accordance with the Organic Act of Guam created Bill 32-38; and

WHEREAS, Bill 32-38 was Introduced by the Committee on Rule by request of Maga'hågan Guåhan, the Governor of Guam, in accordance with the Organic Act of Guam; and

**WHEREAS,** on July 17, 2025 the CLTC Board of Commissioners at their regularly scheduled meeting, Tamuning, Guam, reviewed, discussed and approved by motion unanimously voted "to move in favor of Bill 32-28(COR) in its current form and intent."

#### NOW THEREFORE BE IT RESOLVED,

The CHamoru Land Trust Commission Board of Commissioners supports Bill 32-38.

DULY AND REGULARLY ADOPTED BY THE CHAMORRO LAND TRUST COMMISSION THIS 18<sup>TH</sup> DAY OF SEPTEMBER 2025.

EARL J. GARRIDO, ACTING CHAIRPERSON CHamoru Land Trust Commission	DATE
JOSEPH F. ARTERO-CAMERON, COMMISSIONER CHamoru Land Trust Commission	DATE
FABRIENNE C. RESPICIO, COMMISSIONER CHamoru Land Trust Commission	DATE
JEREMY J. ROJAS, COMMISSIONER CHamoru Land Trust Commission	DATE



**TRACT 10123, YIGO** 

# CHamoru Land Trust Commission Staff Report

## TRACT 10123 (Formerly Lot 7128-REM), Municipality of Yigo

- I. REQUEST: Authorize the issuance of a Request for Proposal to Develop a Turn Key Affordable Housing Subdivision on Tract 10123, Municipality of Yigo
- II. MATTER: N/A

#### III. FACTS:

- February 15, 2012 CLTC represented by Acting Chairman Oscar Calvo and Administrative Director Monte Mafnas execute a Memorandum of Understanding with TRI. Inc. (Attached for reference and recorded with DLM under document # 835942)
- March 14, 2014 DLM submits letter to the Governor regarding the GLUC Zone Change Approval from A to R-1 on Tract 10123 and A to C on Lot 1 Block 5 Tract 10123 in the municipality of Yigo. (Attached for reference and recorded with DLM under document #890271)
- 3. On June 16, 2016 CLTC Declared and Designated Tract 10123, Yigo for Commercial Use through the execution of Resolution 2016-12
- 4. February 9, 2022 a Request for Expression of Interest published by DPW.
- October 17, 2024 CLTC Board approved management to issue an RFP for Tract 10123 for housing development.

#### IV. CHRONOLOGY:

#### V. SUMMARY:

CLTC and DLM have completed several tasks related to the development of a housing subdivision on Tract 10123 in the Municipality of Yigo. Despite having received prior approval from the previous board, we are now seeking the continued support of the current board to move forward with issuing a Request for Proposals (RFP) for the development of a turnkey affordable housing subdivision on Tract 10123.

#### VI. SUGGESTED ACTION

stand of Guam, Government of Gu Department of Land Management O	am
File for Record is Instrument No.	835942
On the Year 12 Month 04 Day	25 Time 2.31
Recording Fee 30 Recei	pt No 32385
Deputy Recorder	Jamosaki
\	

# MEMORANDUM OF UNDERSTANDING BETWEEN TRI, INC. AND CHAMORRO LAND TRUST COMMISSION FOR PARADISE MEADOWS SUBDIVISION

#### MEMORANDUM OF UNDERSTANDING

Between

TRI, INC.

And

#### CHAMORRO LAND TRUST COMMISSION

For

#### PARADISE MEADOWS Subdivision

This MEMORANDUM OF UNDERSTANDING ("MOU") is entered into by and between TRI, INC. ("TRI") and the CHAMORRO LAND TRUST COMMISSION ("CLTC")

#### **PREAMBLE**

WHEREAS, TRI is a Guam developer with experience in constructing residential developments properties on Guam; and

WHEREAS, TRI intends to begin construction of Phase I of a 101 single family tract subdivision in Yigo, Guam on Lot 7128-2 and Lot 7128-3-R4 to be known as Paradise Meadows which will be located in the vicinity of CLTC lands including Lot 7128-REM and Lot 7150-3-R4; and

WHEREAS, it would facilitate the development of Paradise Meadows if additional public access points were established over CLTC Lots 7128-REM and 7150-3-R4 and if a portion of CLTC Lot 7150-3-R4 were improved for use as public park; and

WHEREAS, it would further CLTC's statutory purpose of leasing CLTC land to qualified local families and enabling local families to acquire affordable homes, if CLTC Lots 7128-REM and 7150-3-R4 were parceled into smaller more leasable sized lots at no cost to CLTC; and

WHEREAS, it would provide benefit to CLTC land beneficiaries if additional access points were created through an easement over CLTC Lots 7128-REM and 7150-3-R4 and if CLTC land beneficiaries were permitted to connect to utility lines along such easements and if a portion of CLTC Lot 7150-3-R4 were improved and maintained as a public park all at no cost to CLTC; and

WHEREAS, TRI and CLTC desire to cooperate and assist each other in developing Lots 7128-2, 7128-3-R4, 7128-REM, and 7150-3-R4 in a manner that furthers their respective purposes and goals as described above.

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

04

#### **AGREEMENT**

- 1. PARCELLING OF CLTC LOTS 7128-REM and 7150-3-R4. TRI agrees to engage a licensed and reputable surveyor to prepare a recordable parceling map of CLTC Lot 7128-REM and a recordable parceling map of CLTC Lot 7150-3-R4 so these two CLTC Lots will be parceled into at least three (3) smaller Lots with the size and shape of each smaller lot to be as approved by CLTC. If requested by CLTC, TRI will also engage a surveyor to prepare a map for the possible subdivision of the parceled lots. All costs and expenses of the parceling and other mapping services described herein shall be donated by TRI.
- 2. RIGHTS OF WAY IN CLTC LOTS 7128-REM and 7150-3-R4. CLTC agrees that the parceling map of CLTC Lot 7128-REM shall include one or more 60 foot wide public access rights of way in the approximate locations as depicted on **Exhibit A** attached hereto. The parceling map of CLTC Lot 7150-3-R4 shall also include a 60 foot wide public access right of way in the location as depicted on **Exhibit A** attached hereto and also a two (2) acre portion to be used as a public park in the location as depicted on **Exhibit A** attached hereto.
- 3. EASEMENT UTILITY CONNECTIONS. Upon request by CLTC, TRI will allow CLTC and/or beneficiaries of CLTC lands adjacent to CLTC Lots 7128-REM and 7150-3-R4 to connect to the water, sewer and power lines that service Paradise Meadows at access points within CLTC Lots 7128-REM and 7150-3-R4 without charging a fee to CLTC or its beneficiaries for such connection.
- 4. USE OF PORTION OF CLTC LOT 7150-3-R4 AS PUBLIC PARK. TRI shall, at its sole cost and expense, construct improvements on a two (2) acre portion of CLTC Lot 7150-3-R4 so that that the two (2) acre portion may be used as a public park. The design of the public park improvements shall be determined by TRI in consultation with the Mayor of Yigo and the CLTC Administrative Director. Following its construction of the public park improvements, and for a period of Fifty One (51) years thereafter, TRI or its designee or successor will be permitted to maintain the public park in good and clean condition, including maintenance of landscaping and repair and maintenance of park equipment. TRI or its designee or successor, including, without limitation, Paradise Meadows Owners Association, Inc., will continue to provide such maintenance services until expiration of the Fifty One (51) year period described herein.
- 5. ADDITIONAL DOCUMENTS. Each of CLTC and TRI acknowledge and agree that their respective representatives, in particular the President of TRI and the Administrative Director of the CLTC, are authorized to execute any and all additional documents as may be necessary to fully carry out the items agreed upon herein.

[SIGNATURES APPEAR ON NEXT PAGE]

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IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed effective as of the dates written below.

CHAMORRO LAND TRUST

COMMISSION

MONTE MAFNAS

Administrative Director

Dated: 2-15-1

OSCAR CALVO Acting Chairman

Dated: 2 - 15-12

TRI, INC.

RICHARD J. UNTALAN

President

Dated: 2/15/2012

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SHEEL 4 OF TE



ZONE CHANGE
APPLICATION NO: 2013-49
TRACT 10123
(Formerly LOT 7128-REM)
MUNICIPALITY OF YIGO

MAR 2 6 2014

DATE



Island of Cularo, G.F.Q.P.P.F.CO.P.P.CTIONA Department of Land Management Office of the Recorder File for Record is Instrument No. 890271 On the Year 14 Month 03 Day 22 Time 12:04 Recording Fee OFFICIO Receipt No. Deputy Recorder Jan James al ZONE CHANGE THE GUAM LAND USE COMMISSION, AT ITS SPECIAL APPLICATION NO. 2013-49 **HEARING ON NOVEMBER 26, 2013 APPROVED** CHAMORRO LAND TRUST COMMISSION WITHOUT CONDITIONS THE ZONE CHANGE FROM Prepared on January 31, 2014 "A" TO "C" ON LOT 1, BLOCK 5 ,TRACT 10123 **FORMERLY LOT 7128-REM MUNICIPALITY OF YIGO** "A" AGRICULTURAL FROM: "C" COMMERCIAL LOT NO: LOT 1 BLOCK NO: BLOCK 5 APPROVED IN WHOLE [ ] APPROVED IN PART TRACT: 10123 DISAPPROVED MUNICIPALITY: YIGO 3-12-14 SCALE! LAWRENCE RIVERA CHAIRMAN AMENDMENT NO: 126 GUAM LAND USE COMMISSION

() APPROVED IN WHOLE
[ ] APPROVED IN PART
[ ] DISAPPROVED

**EDDIE BAZA CALVO** 

GOVERNOR OF GUAM

Bus Shelter SUBJECT LOT LOT 1, BLOCK 5, TRACT 1012 "C" ZONE

**ORIGINAL** 

ZENING MAP NO: F3-67 S42



**ZONE CHANGE APPLICATION NO: 2013-49 TRACT 10123** (Formerly LOT 7128-REM) **MUNICIPALITY OF YIGO** 



(SPACE FOR RECORDATION)

ZONE CHANGE APPLICATION NO. 2013-49 CHAMORRO LAND TRUST COMMISSION Prepared on January 31, 2014

FROM:

"A" AGRICULTURAL

TO:

"R-1" SINGLE-FAMILY DWELLING

BLOCK NO: BLOCK 1 BLOCK NO: BLOCK 2 BLOCK 3 BLOCK NO: BLOCK NO: **BLOCK 4** BLOCK NO: BLOCK 6

LOT NO: **LOT 2 THRU LOT 46** 

BLOCK NO: BLOCK 5

TRACT: 10123

MUNICIPALITY: YIGO

SUALE

AMENDMENT NO: 125

ZONING MAP NO: F3-87 S42

ORIGINA

THE GUAM LAND USE COMMISSION, AT A SPECIAL HEARING ON NOVEMBER 26, 2013 APPROVED WITHOUT CONDITIONS THE ZONE CHANGE FROM "A" TO "RI" ON BLOCK 1, BLOCK 2, BLOCK 3 BLOCK 4, BLOCK 6 AND LOT 2 THRU LOT 46, OF BLOCK 5, ALL OF .TRACT 10123: FORMERLY LOT 7128-REM, MUNICIPALITY OF YIGO

WAPPROVED IN WHOLE

APPROVED IN PART

[ ] DISAPPROVED

3-12-14

LAWRENCE RIVERA

CHARMAN **GUAM LAND USE COMMISSION** 

APPROVED IN WHOLE [ ] APPROVED IN PART

[ ] DISAPPROVED

GOVERNOR OF GUAM

MAR 2 6 2014

DATE



LOT 2 THRU LOT 46 OF **BLOCK 5** 

"R1" ZONE





MONTE MAFNAS Director

DAVID V. CAMACHO Deputy

nd Managemen

**EDDIE B. CALVO** 

Governor of Guam Street Address: 590 S. Marine Corps Drive RAY TENORIO ITC Building,

Lieutenant Governor of Guarn

Mailing Address: P.O. Box 2950 Hagètha, GU 96932

Website:

http://dlm.guam.gov

Tamuning, GU 96913

March 14, 2014

Memorandum

To:

The Governor

From:

Acting, Executive Secretary, Guam Land Use Commission

DIPÁTTAMENTON MINANEHAN TÁNO (Department of Land Management) GUBETNAMENTON GUĀHAN (Government of Guam)

Subject:

Re:

GLUC Zone Change Approval from "A" (Rural) to "R-1" (Single Family Dwelling) on Tract 10123 and "A" (Rural) to "C"

(Commercial) on Lot 1, Block 5, in the Municipality of Yigo

Chamorro Land Trust Commission - Application No. 2013-49

E-mail Address: dim@mail.gov.gu

Submitted for your consideration and action is Zone Change Application 2013-49 affecting Tract 10123 and Lot 1, Block 5, in the Municipality of Yigo. The Applicant. Chamorro Land Trust Commission, request for a Zone Change to construct a fully improved subdivision to accommodate 166 residential lots inclusive of a ponding basin, commercial & bus shelter facilities for a total of 169 lots.

Telephone: 671-649-LAND (5263)

> Facsimile: 671-649-5383

Application chronology is as follows:

Bueñas Yan Hafa Adai Governor:

August 1, 2013 - Application officially accepted

September 19, 2013 - Reviewed by Application Review Committee

November 19, 2013 - Public Hearing, Yigo Senior Citizen Center

 November 26, 2013 - Guam Land Use Commission (GLUC) Public Hearing (approval of the Zone Change).



Memorandum to the Governor Zone Change request - Chamorro Land Trust Commission Tract 10123 and Lot 1, Block 5, Municipality of Yigo Application No. 2013-49 March 14, 2014 Page 2 of 2

Pursuant to the Guam Code Annotated, Title 21 (Real Property), Chapter 61 (Zoning Law), §61634 (Decision by the Commission), which states, "If the application is approved in whole or in part by the Commission, the same shall be forwarded to the Governor who may approve or disapprove the proposed change in whole or in part", this application is being sent to you for your action.

This Application is being sent to you for decision pursuant to Title 21, GCA, Chapter 61 (Zoning) Section 61634.

Contact Land Planning Division at 649-5263, extension 371, should you have Additional questions or need further clarification.

Si Yu'os Ma'ase

Acting, Executive Secretary, GLUC

### Attachments:

- 1. Amendment No. A-125, Zoning Map No. F3-67S42 (Tract 10123) Amendment No. A-126, Zoning Map No. F3-67S42 (Lot 1, Block 5)
- 2. Zone Change Application
- 3. Formal Letter to Mayors for Public Hearing (dated October 28, 2013)
- 4. Affidavit for Record Attendance Sheet(s) of Public Hearing
- 5. Staff Report with Summary of ARC Position Statements
- 6. GLUC Agenda Notice PDN (dated November 19th & 24th, 2013)
- 7. GLUC Agenda of November 26th, 2013 Disposition
- GLUC Minutes for November 26th, 2013 (Doc. No. 859814).
- 9. Notice of Action Findings of Facts
  - \* Exhibit A Affidavit of Publication
    - Attachment A Official Memorandum to PDN (dated October 28th, 2013)
    - Attachment B Public Hearing Advertisement (November 9th, 2013)
  - \* Exhibit B Affidavit of Mailing
    - Attachment A U.S. Postal Certified Receipts (dated October 31st, 2013)
    - Attachment B Official Notice of Public Hearing (dated October 28th, 2013)

EDDIE BAZA CALVO Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

The Honorable Judith Won Pat Speaker, Thirty-Second Guam Legislature 155 Hesler Place Hagåtña, Guam 96910

Re:

GLUC Zone Change Approval from "A" (Rural) to "R-1" (Single Family Dwelling) on Tract 10123 and "A" (Rural) to "C" (Commercial) on Lot 1, Block 5, Municipality of Yigo, Applicant Chamorro Land Trust Commission, Application No. 2013-49

Bueñas Yan Hafa Adai Speaker Won Pat:

I am pleased to submit for you and your colleagues the above-referenced zoning documents for the Legislature's consideration. This is pursuant to Title 21, Guam Code Annotated (Real Property), Chapter 61 (Zoning Law), Part 4, Section 61647.

I have <u>APPROVED</u> the Applicant, Chamorro Land Trust Commission, request to rezone from "A" (Rural) to "R-1" (Single Family Dwelling) on Tract 10123; and "A" (Rural) to "C" (Commercial) on Lot 1, Block 5, Municipality of Yigo, to construct a fully improved subdivision to accommodate 166 residential lots inclusive of a ponding basin, commercial & bus shelter facilities for a total of 169 lots.

I am sure you recognize the public benefits of this endeavor, and respectfully ask your expeditious response.

Eddie Baza Calvo Governor of Guam

**Attachments** 





# CHAMORRO LAND TRUST COMMISSION **RESOLUTION NO. 2016-12**

# Declaration and Designation of Land for Commercial Use

WHEREAS, the Chamorro Land Trust Commission (hereafter CLTC), pursuant to Public Law 33-95, may declare and designate certain lands for commercial leasing or licensing to the general public. CLTC shall conduct a public hearing for the proposed lands and the commissioners shall approve by resolution the proposed lands. The resolution shall then be forwarded to I Liheslaturan Guahan within thirty days for review; and

WHEREAS, the CLTC board of commissioners at their November 19, 2015, regularly scheduled meeting passed a motion for the CLTC Administrative Director conduct a public hearing of proposed lands; and

WHEREAS, on January 19, 2016, at 6:00PM, the CLTC conducted a public hearing for the proposed lands at the Dededo Senior Center, Dededo Guam; and

WHEREAS, on January 21, 2016, the CLTC board of commissioners at their regularly scheduled meeting, Tamuning, Guam, reviewed the public hearing comments on the proposed lands for commercial use; and

WHEREAS, on June 16, 2016, the CLTC board of commissioners at their regularly scheduled meeting, Tamuning, Guam, reviewed the following parcel:

> Tract 10123 (Lot 7128-REM), Yigo. Size: 30 acres. Zone: A. Survey Map: 229FY76. Tax Assessed Value: \$2,666,037. This tract is master planned for about ninety one-third acre residential lots to include some road frontage commercial use. Potential use to engage in a commercial contract with a developer to install infrastructure and build approximately one hundred fifty affordable homes to be sold to eligible CLTC applicants or existing CLTC residential or agricultural leaseholders who have not yet developed their leased properties. Marine Corps Drive frontage area may be designed for small-scale commercial activity to be described and approved later.

#### NOW THEREFORE BE IT RESOLVED,

- 1. The Chamorro Land Trust Commission Board of Commissioners approves the listed land and declares this land to be designated property for commercial use having been duly public heard in accordance with Public Law 33-95; and
- 2. The Chamorro Land Trust Commission Board of Commissioners transmits this Resolution to I Liheslaturan Guahan with its recommendation to approve the property identified in this Resolution.

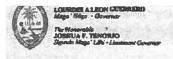
DULY AND REGULARLY ADOPTED BY THE CHAMORRO LAND TRUST COMMISSION THIS 16TH DAY OF JUNE 2016.

PASCUAL V.A. SABLAN, Chairman **Chamorro Land Trust Commission** 

MICHAEL J.B. BQ JA, Administrative Director

Chamorro Land Trust Commission

Date: 6/21/16







#### Request for Expression of Interest

The Government of Guarn, Charmorro Land Trust Commission new invites Expression of Interest for eligible developer firms ("developer") to provide the detailed Engineering Survey, detailed Design Concepts for affordable housing subdivision to comply with the subdivision laws of Guarn and other permitting requirements.

#### Proposal of Interest Criteria

This document is to provide information for companies Interested in building affordable homes on Chamoru. Land Trust properties. The Chamon: Land Trust Commission (CLTC) is a Government of Guam entity established since 1993 for the purpose of administering Chamon: Land Trust properties primarily for residential and agricultural leasing. CLTC seeks to create healthy, safe and sustainable communities through innovative financing and the development of affordable housing in our community. CLTC recognizes that the cost to construct a home has increased dramatically resulting in the desire to construct a home nearly impossible for CLTC lessees. The objective of this project is to build affordable housing units for CLTC lessees that are first-time and low to moderate income level families. The term "affordable housing" is defined by the federal Department of Housing and Urban Development as - one that a household can obtain for 30 percent or less of its income. CLTC is soliciting information to determine if there are developers interested in building affordable homes. The parcel of land CLTC has identified for the housing units to be constructed on is as follows: All lots within Tract 10123 except for Block 5 Lot 1: a total of 166 residential lots undeveloped land located in the Municipality of Yigo. Property zone is R-1, Single Family Dwelling. Map of property and zone change application is attached for reference. Site visit of this property is available upon request. Interested companies are requested to submit a Proposal of Interest and include the following criteria to be considered for the project.

- Construction of affordable homes:

- Type of single family housing units
   Quantity single family housing units
   Infrastructure requirements (power, water and sewer lines, roadways, etc.) for suggested. developed housing units

  - Building system to be energy-efficient and environmental-friendly
  o Indicate estimated life expectancy of units; and must be insurable
  - Green space to be included with homes and property
  - Design layout should be maximum use of property and comply with rezoning requirements

Housing unit market value breakdown:

- \*20% < \$100,000 \*30% < \$100,000 \*30% < \$100,000 \$150,000.00 \*30% < \$150,000 \$200,000.00 \*20% < \$200,000 \$250,000.00
- Estimated total project cost
  Project timeframe

The Proposal should also include the following information:

Company Name Contact Person(s) and Title Address Contract number(s) Fax number **Email address** 

All Proposals of Interest should be addressed to Linda J. Ibanez, Deputy Director, Department of Public Works and submitted via email to finda.ibanez@publicworks.guam.gov by Wednesday, February 23, 2022, 5:00 p.m.

"This ad was paid by the CLTC Operations funds"

VINCENT P. ARRIOLA

542 North Marine Corps Drive, Tamursing, Guam 96913 - Tel (671) 646-3131 / 3232 - Fax (671) 649-6178



Lourdes A. Leon Guerrero Governor

> Joshua F. Tenorio Lieutenani Governor

#### Commission Members

Arlene P. Madam Chair A.

Bordallo

Chairperson

David B. Commission D. Herrera Commissioner

Earl J. Commission E. Garrido Commissioner

> (Vacant) Commissioner

(Vacant) Commissioner

John T. Burch
Acting Administrative Director

# Kumision Inangokkon Tano' CHamoru (CHamoru Land Trust Commission)

P.O. Box 2950 Hagatña, Guahan 96932

Phone: 671-300-3296 Fax: 671-300-3319

#### REGULAR MEETING

CLTC Conference Room Suite 223, ITC Building, Tamuning, Guam Thursday, August 15, 2024

Public Notice: The Guam Daily Post on August 08,2024 and August 13, 2024

#### PRESENT:

#### Commission Members

A. Bordallo, Chairperson

E. Garrido, Commissioner

D. Herrera, Commissioner

N. Miller, OAG

#### Management and Staff

Joseph Cruz, Acting Administrative Director Attorney Norman Miller, OAG Glenn Eay, Land Agent III Jhoana Casem, Land Agent II Jessica Dayday, Land Agent II Dexter Tan, PC 1 Lydia Taleu Eileen Chargualaf Pierce Castro

Tata Communication
Attorney Jehan'ad Martinez
Attorney Isa Baza
Lang Benson

Sportsland Shooting Range John Sablan

Taylor Sablan

**Guam Motorsports Association** 

Hans Ada Ryan Castro

Rev. 04/04/2024

#### Call to Order

Madam Chair A. Bordallo called to order the meeting of the August 15, 2024, Regular Board meeting at approximately 1:00 pm.

Madam Chair A. Bordallo: CHamoru Land Trust Conference Room is located at 590 S. Marine Corp Drive ITC Building, Suite 223, 2<sup>nd</sup> Floor Tamuning, Guam. Public comments may be made at <a href="mailto:cltc.quam.gov">cltc.quam.gov</a>. To view the meeting virtually, log on to GovGuam Live-You Tube or CLTC's Facebook page or Google Meet joining info Video call. Link <a href="https://meet.google.com/dtb-pczj-nbk?hs=224">https://meet.google.com/dtb-pczj-nbk?hs=224</a>. This meeting is now called to order. Certification of a quorum present.

Madam Chair A. Bordallo: Public notice requirements from Guam Daily post was published on August 08, 2024 and August 13, 2024. Guam Public Notice Website notices.guam.gov CLTC Facebook page.

#### Roll Call

Madam Chair A. Bordallo: Mr. David Commission D. Herrera.

Commission D. Herrera: I'm here.

Madam Chair A. Bordallo: Commissioner Commission E. Garrido.

Commission E. Garrido: Here.

Madam Chair A. Bordallo: What is that noise?

CLTC Staff J. Casem: I'm sorry it's Pierce online.

#### Approval of Minutes

**Madam Chair A. Bordallo:** Approval of Minutes of February 15, 2024, that's a regular meeting and there was a resumption meeting on February 22, 2024. Are there any corrections to be made for these two meetings?

Commission E, Garrido: Yes.

Madam Chair A. Bordallo: Commissioner Commission E. Garrido you're recognized.

Commission E. Garrido: This is in regards to the February 8, 2024; it was our... it's a sixty-two (62) page report. So, starting on fifty-four (54), the speaker under "Public Comments" we need to correct from Carlos Madam Chair A. Bordallo to Carlos Camacho. All notation showing under Carlos Madam Chair A. Bordallo should be corrected and that's from page fifty-two (52) to sixty-one (61).

Madam Chair A. Bordallo: Any other corrections?

Commission E. Garrido: On the other report. The one I had just spoken about is the Resumption Meeting. On the Regular Meeting which was February 15, 2024, on page forty-nine (49) under my last second to the last comment there where it says ... "Bernice in your last appearance here with

the board back in January you mentioned your family had land in Anderson if you recall I asked you if you can produce a deed that validates that the work frame should be claimed."

Commission D. Herrera: Page fifty (50)? Sixty-two (62)?

Commission E. Garrido: Forty-nine (49) on the Regular Meeting report.

Madam Chair A. Bordallo: I need a motion.

Commission E. Garrido: I think there's one more.

Madam Chair A. Bordallo: One more?

Commission D. Herrera: That's forty-nine (49) and fifty-six (56)?

**Commission E. Garrido:** The forty-nine (49) the word frame should be claimed. The other one on the Resumption Meeting it should be page fifty-two (52) to sixty-one (61). Carlos Madam Chair A. Bordallo should be Carlos Camacho. I guess that's all I have for now Madam Chair. Oh wait, okay on page fifty (50) on my initial comment there in the middle of the page it says Madam Chair I feel it would be... it says here in the print pretty mature. That should be premature.

Commission D. Herrera: Page fifty (50)?

**Commission E. Garrido:** Yeah. middle sentence, middle of the page my comment. Madam Chair I feel we would be ... it says here "pretty mature", it should be "premature". That's all I got for now Madam Chair. I move those corrections be made.

Commission D. Herrera: I second motion.

Madam Chair A. Bordallo: All in favor for the corrections.

All: Aye.

Madam Chair A. Bordallo: Motion carried.

Madam Chair A. Bordallo: So, we're going to go right into on the agenda because our legal counsel is not present right now. On section six (6) of F, this has to do with Manuel Aguon.

**AAD J Cruz:** Madam Chair, if I may maybe can you consider tabling this item. The daughter of Mr. Aguon was not able to provide a power of attorney. Given that she will not be able to speak on Mr. Aguon's behalf; Mr. Aguon is currently off island.

**Madam Chair A. Bordallo:** Okay so we'll go back then to, since the presence of our lawyer is here, we continue with our regular agenda Administrative Director's Report, Mr. Cruz.

#### **Director's Report:**

#### PENDING APPLICATIONS:

**AAD J Cruz:** Good afternoon, Chairwoman Madam Chair A. Bordallo, Commissioner Commission D. Herrera and Commissioner Commission E. Garrido. The first item on our report is pending applications also known as moving the line. On January 18, 2024, the board had decided to remove four out of five applicants that we had initially informed to commence the lease award process and the removal was due to non-compliance of the ninety (90) days given to provide the information needed to facilitate the lease award. What we'll be sending them another letter providing them the opportunity to appeal the board's decision as authorized in the Act. The one

applicant that was not terminated we will be sending him another letter to provide the ... provide information because he's claiming that he has lease property already. Based on our records he doesn't have any leased property. We're going to be requesting for information will substantiate his claim that he is utilizing CLTC property; from there we'll determine what we're going to do if in the event that he's unable to provide information to substantiate his claim we'll be sending him a letter to provide the information needed to facilitate the lease award.

#### **NUMBER SIX (6) APPLICANT:**

AAD J Cruz: The next item still within the pending applications is the number six (6) applicant which a grandchild was named as the successor for the original applicant. Because now, because of the enactment of Public Law 37-74, we'll be, we'll be bringing that to the board next month for specific actions to take place. In addition to that the staff already had been doing like a precursory review of the next forty-eight (48) applicants so they've been with the assistance of our summer interns that we recently just had they were able to contact forty-eight (48), the next forty-eight (48) applicants and did inform them to ensure that their information, their contact information, telephone numbers, mailing address are up to date and the importance of that information to facilitate the lease award. We anticipate to send them the letters to initiate the lease award sometime within the next couple of weeks. So that would be the next forty-eight; so, the five (5) and forty-eight (48) is fifty-three (53).

#### LAND INVENTORY:

**AAD J Cruz:** The item on my report is the land inventory. The staff in this responsible for this project has completed their task for Track 9210 and in addition to that in preparation for us to commence our lease award the staff had, had also identified six (6) tracks of property in the north, central and south for residential and agriculture. I'm not too sure if you were provided a copy of the maps.

Commission D. Herrera: Was that electronic?

**Acting AD J Cruz:** I think they just printed the copy. So, for residential they've identified Tract 113 Dededo Lot 190-1 Dededo, and Tract 10123 Yigo. Please keep in mind that Tract 10123 Yigo from the previous was identified for the use of affordable housing.

Commission E. Garrido: For what?

AAD J Cruz: Affordable housing. For agriculture the lots and tracks that were identified is Lot 10122 now known as Tract 10316 Dededo, Lot 8 Inalahan and Tract 15344 Block 1 and 2 Mangilao. So, as we go through the process of commencing the lease award, we would present the lessee or the applicants who are next in line to be awarded a lease and the specific areas that will be awarded to them will be presented to the board for their approval. Also, during the, during the review and determining what, what tracts of land and lots of land that were decided internally to be presented to the board we considered the distance and availability of power and water. So, for example like tract 10123, that lot is located in front of Paradise Meadows. Tract 10090-1 is the lot located right across Ironwood Estates in Dededo. So those are the things we considered in determining or choosing the lots to present to the board.

**Commission D. Herrera:** What was the lot number again?

**AAD J Cruz:** Lot 10090-1

Commission D. Herrera: 10090-1 that's next to Ironwood?

AAD J Cruz: Yes, correct.

Commission E. Garrido: Not dash 1 dash 1?

AAD J Cruz: Dash 1, dash 1 sorry.

Commission D. Herrera: Size, we have a size?

AAD J Cruz: It's in the packet in what was just given to you. I believe it's like 30 some acres, 30

plus acres.

Commission D. Herrera: 10123 size of property?

AAD J Cruz: I don't know, but I believe it could consist of one hundred -sixty-six (166) lots.

Commission E. Garrido: These are all residential lots, right?

AAD J Cruz: Residential and agriculture.

Commission E. Garrido: No, but this set.

AAD J Cruz: Yeah, yeah, it's labeled in the front for residential leasing so just ....

Commission D. Herrera: [Inaudible]..... I remember that this one started back in 2013 right, and then from 2013 up to 2018 correct, 2018 now we had request for proposal. I know we request for interest, yeah interest so, and I know the status of that one basically kind of with it all..... [inaudible], so any plan for us to start the RFP?

AAD J Cruz: We, we would bring that, that back to the table.

Commission D. Herrera: Correct. Okay.

Cross Talk++++++

Commission E. Garrido: Does this have access [inaudible]

AAD J Cruz: Not, not specifically within the tract, or lot itself but it's within a reasonable distance. So, like for instance 10123 I just found the document I was looking for so TRI which is the developers of Paradise Meadows had made an agreement with the government for to provide some services but in exchange the government will provide an easement. So, the sewer line and the power and the runs right through that easement. So, tract 10123 is the right of that easement and to the left. So, it's within distance a reasonable distance.

Commission E. Garrido: So, these subdivisions are broken down into 1,000 square meters or 2,000 square meters?

**AAD J Cruz:** When tract 10123 was rezoned they had measured the lots I believe at 500 square meters which meets the minimum density requirement if there's sewer.

Commission E. Garrido: Yes.

AAD J Cruz: So, that's where we're at with that. The others only have schemes. Only 10123 went through the rezoning process.

Commission D. Herrera: Can we add in addition to 10123 the [inaudible] MOU?

AAD J Cruz: Yes, yes.

Commission D. Herrera: We have.....

**AAD J Cruz:** Yes, we'll, we'll get further into that. I have that in my report because we, I recently had discussions with GWA so, I'll, I'll touch, touch on that too.

**Commission D. Herrera:** And the property has not been surveyed or subdivided down to 500 square meters.

AAD J Cruz: Correct.

Commission D. Herrera: No, no survey yet?

AAD J Cruz: Correct.

Commission D. Herrera: Are we planning to survey that under our expense?

AAD J Cruz: No, we're, we're going to discuss with Attorney Miller the, the agreement that has been made TRI, the developers of Paradise Meadows because that's one of the conditions in the agreement to, to survey and also to maintain the part that will be shared with our constituents and Paradise Meadows. But we'll discuss that with Attorney Miller and how we approach that.

Commission D. Herrera: Today?

Commission E. Garrido: When you say maintain the parts, you mean the easement?

**AAD J Cruz:** There's an area that has been identified for a park.

Commission E. Garrido: Oh, I thought you said parts.

AAD J Cruz: No, the park.

Commission D. Herrera: Are we going to discuss that today with Attorney Miller?

AAD J Cruz: I'll, I'll discuss it with him and then we can bring it back to you so we have a plan of attack of how we'll going to approach this.

Commission D. Herrera: Okay. 10123?

AAD J Cruz: Yes, yes.

Commission D. Herrera: Okay.

**AAD J Cruz:** And for the agreement that was made between CLTC and TRI.

**Commission D. Herrera:** And then we have that copy also in the future.

AAD J Cruz: Yes.

**Commission D. Herrera:** So, just so that we understand. The first fifty-eight (58) would be blocked into this 166?

**AAD J Cruz:** No, no. It would be; so, what we're going to do for the initial phase of the lease issuance is we're putting together a checklist with the recent passage of I, I don't remember the public law, but if an applicant is not able to provide or to convince; provide information to CLTC to determine whether they'll comply with their lease terms were able now to move to the next

## (\*\*\*MEETING ENDED - NOTHING FOLLOWS \*\*\*)

The meeting adjourned at approximately 5:21 PM.

Acting Administrative Director Joseph B. Cruz

Concurred by:

Acting Administration Director

Chairperson Arlene P. Bordallo:

Date: 10, 2024

Date: 13/11/2014



Lourdes 4. Leon Guerrero Governor

> Joshua F. Tenurio Lieut nam Governor

#### Commission Members

Arlene P. Bordallo
Chairperson

David B. Herrera Commissioner

Earl J. Garrido
Commissioner

Jeffrey John P. Ibanez Commissioner

(Vacant)
Commissioner

Joseph B. Cruz Jr.
Acting Administrative Director

Rev. 09/30/2024

# Kumision Inangokkon Tano' CHamoru (CHamoru Land Trust Commission)

P.O. Box 2950 Hagdiña, Gudhan 96932

Phone: 671-300-3296 Fax: 671-300-3319

#### CHamoru Land Trust Commission Regular Board Meeting Thursday, October 17, 2024 at 1:00PM

CHamoru Land Trust Conference Room, 590 S. Marine Corp Drive ITC Building, Suite 223, 2nd Floor Tamuning, Guam. Public Comments may be made at cltc.admin@cltc.guam.gov To view the meeting virtually, log on to GovGuam Live-YouTube or CLTC's Facebook page or Google Meet joining info Video call link: http://meet.google.com/rek-wdkm-hbr

#### **MEETING MINUTES**

#### I. Call to Order at 1:15PM

Present: Chairperson A. Bordallo, Commissioner D. Herrera, Commissioner E. Garrido, Commissioner J.J.P. Ibanez, Acting Administrative Director J. Cruz, Atty N. Miller (OAG) and CLTC Staff

#### II. Approval of Minutes

June 13, 2024 (Regular Meeting)
 ACTION: Motion by Commission E. Garrido to approve, 2<sup>nd</sup> motion by D. Herrera

#### **PASSED** unanimously

June 20, 2024, (Regular Meeting)
 ACTION: Motion by Commission E. Garrido to approve, 2<sup>nd</sup> motion by D. Herrera
 PASSED unanimously

## III. Administrative Director's Report by AAD J.B. Cruz

- a. Waiting List: The next 25 people in line will receive a 90-day notice via certified mail. The Commissioners were given copies of the publication that appeared in the Guam Daily Post. Additionally, a notice was put on the CLTC Facebook page, and Mayor Jesse Alig, the President of the Mayor Council, distributed it to the different mayors for posting in their respective mayor's offices.
- b. Three Demand Pay Letters from SBA: In order to find out if CLTC was obliged to pay in full or bring payment current, AAD J Cruz spoke with Mr. Bill, an Attorney Advisor for the U.S. Small Business Administration. AAD J Cruz will inquire further for a response.
- c. Usage of 7055, Yigo Guam: During a follow-up site inspection on October 11, 2024, CLTC officials observed that the heavy machinery had been dismantled; however, they also discovered new activity on the property, including the staging of trash cars. Tires, metallic waste, and debris cleanup have not been removed. There will be a second notice given. To decide how to proceed, AAG Miller and AAD J Cruz are set to meet tomorrow.
- d. Status of the Commercial Submerged Land License Agreement with Tata Communication: The Commercial Submerged Land License Agreement with Tata Communication is currently in the process of being signed by the

necessary corporate parties. Once signed, the agreement will be sent to the Governor, AOG, Chair, and members for signature by AAD J Cruz. CLTC will begin billing the landing costs and current cable fees for Tata Communication as soon as all parties indicated have signed.

- e. **CLTC Staffing Announcement:** The Department of Administration will release announcements for CLTC posts, with the goal of hiring by the end of October 2024.
- f. CLTC Website: The new website, which is supported by the Office of Insular Affairs, was presented to the Commissioners by AAD J Cruz. In order to have their own website, CLTC will be moving away from sharing the Department of Land Management's website. The website is being built with minor edits. The public and constituents will have immediate access.

#### IV. Old Business:

- a. MedPharm Update: The Department of Land Management received a work request from CLTC asking them to perform an area certification and retracement. CLTC will be able to identify, develop, and produce the MedPharm invoice after receiving these from DLM. According to AAD J Cruz, CLTC will evaluate the fees between 2014 and 2024. MedPharm expressed interest in a commercial lease to CLTC. CLTC clarified that a competitive bid is the method used for commercial leasing. They will have to vacate the property if they (MedPharm) are not the winning bidder. MedPharm recognized this. CLTC will keep charging the fee as long as MedPharm is present until it is settled. CLTC is awaiting the completion of the retracement by the DLM.
- b. Amended Bill 179-37: The Commissioners were given a copy of the amended bill 179-37 to examine. All of the changes made to Resolution No. 2024-001 were additional. The resolution was reviewed, and it was found that the Lot number and size was wrong. The resolution had another problem that was not seen when the first one was raised. To provide the board a chance to examine the modification and off the board's opinions on the bill prior to the Legislature's final vote. Speaker Therese Terlaje and Senator San Agustin were made aware of this issue. Currently under consideration by the Legislature is Bill 179-37, often know as the "Substitute Bill on the Floor" Error on the Bill page 03, Section 4. Lot 1022-12. Should be Lot 10122-12.

ACTION: Motion by D. Herrera to table Bill 179-37 to continue discussion on Bill 179-37 on October 28, 2024 Resumption Meeting.

Commission E. Garrido second the motion PASSED unanimously.

c. Lot 7161-R1, Public Law 35-125: Members were notified by AAD J Cruz that Public Law 35-125 ought to be Public Law 37-125. The Commissioners were shown the Guam Motorsports Association Business Plan 2025 by Hans Ada, Jeff and Jay Jones from the Guam Motorsports. The president, Hans Ada, gave the Guam Motorsport Association's proposal for the Yigo Raceway to the board members, AAD J Cruz and Atty N. Miller.

Commission Members D. Herrera and E. Garrido both mentioned that GMA had first asked for drag racing, but at today's meeting, GMA President Hans asked for more space for the site.

ACTION: Motion by Commission E. Garrido to table until the next month Board meeting (November 21, 2024), in the meantime Guam Motorsports Association team will meet with AAD J.B. Cruz and AAG Miller to continue discussion.

Commission D. Herrera second the motion. PASSED unanimously.

#### V. New Business

a. Northern Guam Feral Pig Control Project with Dededo Mayor's Office and The Board was given a copy of the Dededo Mayor's Office. In order to trap and remove nuisance pigs from Dededo and Tamuning, the Dededo Mayor asked CLTC to provide the Department of Defense Readiness and Environmental Protection Integration Program (REPI) temporary access to the CHamoru Land Trust Commission. On behalf of the program, Mr. Teddy Concepcion addressed the board in person.

ACTION: Motion by Commission E. Garrido to allow CLTC Acting Administrative Director to coordinate with the REPI and the Dededo Mayor's Office allowing them temporary access into CLTC properties Lot Number 10090-1 in the municipality of Dededo.

Commission D. Herrera second the motion PASSED unanimously.

b. Approval of CLTC new logo: AAD J Cruz present a copy of 3 sample logos for board approval.

ACTION: Motion by Commission E. Garrido to approve the new CLTC Logo shown below.

Commission D. Herrera second the motion. PASSED unanimously.



c. Transcript of Meeting minutes: In order for CLTC personnel to demonstrate how the transcription complies with Robert's Rules of Order Minutes and 5GCA Government Operations CH8 Open Government Law, AAD J Cruz asked that the Transcript of Meeting minutes be tabled at a subsequent meeting.

ACTION: Motion by E. Garrido to table the discussion of the Transcript of Meeting minutes for November 2024 meeting.

Commission D. Herrera second the motion. PASSED unanimously.

d. Access for Removal of GPA Transformer: According to AAD J Cruz, GPA has a de-energized pad mount transformer at Tamuning's Rotunda Oka Point. In order to remove the old transformers, GPA is asking access from the gate, clearing the vegetation on the current route to the transformer, and enabling heavy machinery to load and unload the transformer.

ACTION: Motion by Commission E. Garrido to approve the request from GPA to access CLTC property to recover their transformer on site assets.

Commission D. Herrera second the motion. PASSED unanimously.

e. **Tract 10123 Affordable Housing:** Previously, this particular tract was set aside for affordable housing by the CLTC board. AAD J Cruz is asking the Board to give CLTC permission to move forward with the request for proposals (RFP) for building an affordable housing subdivision on Tract 10123. The board will remain updated on the project by AAD J Cruz.

ACTION: Motion by Commission D. Herrera to approve Management to issue an RFP for Tract 10123 for housing development.

Commission E. Garrido second the motion. PASSED unanimously.

f. Lot No. 5174-REM-1, Tamuning Lease: Nicole Keily: This is to renew the board's support. On January 17, 2019, the board issued Resolution 2019-05, a Declaration of Support for Nicole Camacho Reyes Kelly to purchase portions of Lot 5174-REM-1.

ACTION: Motion by E. Garrido in regards to Resolution Number 2019-05 Declaration of Support for the sale of Portions of Lot 5174-REM-1 to Nicole Camacho Reyes Kelly be put on hold until next regular board meeting allowing CLTC AAD to do further research.

Commission D. Herrera second the motion. PASSED unanimously.

#### VI. Constituent Matters

 a. Antonio Castro Camacho (Agriculture Applicant): Lot 10125-R3, Dededo. Antonio Bauer Camacho, successor to Antonio Castro Camacho's (deceased) agriculture application. Requesting Antonio Castro Camacho's agriculture application to son Antonio Bauer Camacho

ACTION: Motion by J. Ibanez granting Mr. Antonio Bauer Camacho the son of Antonio Castro Camacho, for him to be the successor of this Agriculture application.

Commission D. Herrera second the motion. PASSED unanimously.

 Antonio Castro Camacho (Residential Lessee) Lot 9, Block 1, Tract 14119, Mangilao. Requesting transfer of residential lease to Mary Lou Camacho, named successor to Antonio Castro Camacho (deceased).

ACTION: Motion by Commission J. Ibanez to table until the board receives additional information from CLTC AAD and staff regarding Lot 9, Block 1, Tract 14119 Mangilao the property due to some concerns in terms of the access, any encroachment of the property.

Commission E. Garrido second the motion. PASSED unanimously.

#### VII. RECESSED:

Motion by Commission D. Herrera to recess and return on Monday, October 28, 2024 at 1:00PM, CLTC Conference Room.

Commission E. Garrido second the motion. PASSED unanimously. Time 5:24 PM

(\*\*\* MEETING ENDED - NOTHING FOLLOWS \*\*\*)

Chairperson A	dene P. Bordallo	andere Bordal	Date Date	1-22-25
Concurred by:	Acting Administration B. Cruz	ative Director	Date	1/22/2020



Lot 7161-R1, Yigo

#### l Mina'irentai Siette Na Liheslaturan Gudhan BILL STATUS

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JH11.80.	SPONSOR	me	DATE US RODUCTO	DATE REPERRED	CMTT. REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	OATT COMMUTEE NOTES REPORT FIXED	
	Communes on Rules by request of I Maryo hayon Guakon, the Governor of Guons, in accordance with the Organic Aut of Guoti.	AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE BRANCH OF THE ODVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 10, 2025, MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.	2/2/24 12:14 p.m.	2/2/24	Committee on General Government Operations and Appropriations			8/1/24 1 /40 p.m.	
As substituted on the	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
Floor, and amended in the Cummittee of the Whole		AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2025, MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND AUMINISTRATIVE PROVISIONS.	B/50/24	8/30/24	9/11/24	37-125	9/11/24	Received: 9/11/24 Messages and Communications 13ce: No. 37GL-24-2669	

#### LOURDES A. LEON GUERRERO GOVERNOR



JOSHUA F. TENORIO LT. GOVERNOR

#### UFISINAN I MAGA'HÅGAN GUÅHAN OFFICE OF THE GOVERNOR OF GUAM

## Transmitted via Email to: speaker@guamlegislature.org

September 12, 2024

THE HON. THERESE M. TERLAJE, Speaker I Mina'trentai Siette Na Liheslaturan Guåhan 37th Guam Legislature Guam Congress Building 163 Chalan Santo Papa Hagåtña, Guam 96910

37GL-24-2669 OFFICE OF THE SPEAKER THERESE M. TERLANS

SEP 1 3 2024

Time: 7.000

Re: Substitute Bill No. 236-37 (COR) - AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2025, MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS

Håfa Adai Madam Speaker,

On September 11, 2024, I transmitted Substitute Bill No. 236-37 (COR), now known as P.L. 37-125. It has been brought to my attention that, on the signature page for the bill, I had inadvertently misnumbered the bill as Public Law No. 35-125, which does not accurately reflect the current 37<sup>th</sup> session of the Guam Legislature. Please accept this letter as an acknowledgment of the scrivener's error.

Senseramente.

LOURDES A. LEON GUERRERO

I Maga'hågan Guåhan Governor of Guam

> PECEIVE PAIND SAIND

#### LOURDES A. LEON GUERRERO GOVERNOR



JOSHUA F. TENORIO

### UFISINAN I MAGA'HÅGAN GUÅHAN OFFICE OF THE GOVERNOR OF GUAM

Transmitted via Email to: speaker@guamlegislature.org

September 11, 2024

THE HON. THERESE M. TERLAJE, Speaker I Mina 'trentai Siette Na Liheslaturan Guåhan 37th Guam Legislature Guam Congress Building 163 Chalan Santo Papa Hagåtña, Guam 96910

37GL-24-2469 OFFICE OF THE SPEAKER THERESE M. TERLAJE

SEP 1 1 2024

Time: 5:200m

Re:

Substitute Bill No. 236-37 (COR) - AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2025, MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS

Håfa Adai Madam Speaker,

Transmitted herewith is Substitute Bill No. 236-37 (COR) (the "Budget Act"). This bill reflects the strength of our government finances, a product of our Administration's strict adherence to sound fiscal policy and practices. Since our Administration took office, we have eliminated the deficit and strengthened the General Fund, allowing the Legislature to allocate additional funds to meet agency and community needs. While, as discussed below, I disagree with several provisions in this year's Budget Act, on the whole the bill adopts conservative revenue projections and agency budgets, and delivers a sound and balanced plan that will enable our government to serve our community. For this reason, subject to the line item veto noted below, I am signing Substitute Bill No. 236-37 into law as **Public Law No. 37-125.** 

#### Lack of Clear Guidance regarding Prioritization of Appropriations of Potential "Excess Revenues"

As discussed, the Legislature has adopted conservative revenue projections for the upcoming fiscal year. Consequently, the Budget Act appropriates not only from projected revenues but also from revenues collected in excess of these adopted levels for FY25. The Legislature has appropriated nearly Ten Million dollars (\$10,000,000.00) of these unaudited so-called "excess revenues." As I have noted previously, while appropriating based on Consolidated Revenue Expenditure Report ("CRER") reports may be necessary in exceptional circumstances, it is not the best practice. Until such time as these excess collections are reported in our audited financial statements at the end of the fiscal year, it is premature to treat such funds as a surplus, to the degree our government is willing to write checks against them.

Page 2 of 4

To: The Hon. Therese M. Terlaje, Speaker

Fr: The Hon. Lourdes A. Leon Guerrero, Governor of Guam

Date: September 11, 2024

Re: Substitute Bill No. 236-37 (COR)

However, in this Budget Act, the Legislature has gone even further – it is not merely appropriating from reported excess revenues, it is appropriating from excess revenues that have not yet been collected. It is an unsound fiscal practice to appropriate from a surplus the Legislature merely hopes will materialize in the next fiscal year. This practice will hinder our government's ability to properly balance its budget and threatens to spend our government back into a deficit.

Further, these types of "what if" appropriations are difficult to operationalize. On pages 92 and 156 of the Budget Act, the Legislature appropriates Nine Million dollars (\$9,000,000.00) to the Chamorro Land Trust Survey and Infrastructure Fund from excess revenues as reported in the first quarter of the CRER, which it intends to continue this speculative appropriation in subsequent quarters until the amount is met.

On page 43, the Legislature also appropriates nearly Two Hundred Thousand dollars (\$200,000.00) of excess revenues to fund the pay adjustments for nurses at the Guam Behavioral Health and Wellness Center ("GBHWC"). A third appropriation from excess revenues in the amount of Three Hundred Seventy-Five Thousand dollars (\$375,000.00) is made to the Department of Integrated Services for Individuals with Disabilities ("DISID") for its FY25 operations.

The Legislature does not provide clear guidance regarding the prioritization of these appropriations of "excess revenue" in the event they materialize, except to provide that the appropriations for GBHWC pay adjustments for its nurses and appropriations for DISID's operations trail the substantially higher \$9 million appropriation to the Survey and Infrastructure fund, which must be paid if possible in the first quarter and continues until paid in full. While funding the Survey and Infrastructure fund is an appropriate use of government funds, at this time, it does not appear as though there are any exigent circumstances requiring immediate funding of surveys, particularly given the established shortage of available surveyors on island. Certainly, funding this initiative before funding our nurses' pay adjustments and operational funding for an agency providing services to individuals with disabilities seems out of touch with the urgent needs of our community.

The fact that the supporters of these budget amendments fund GBHWC and DISID last, despite their lower appropriations, suggests these measures were low on their priority list if they were priorities at all.

#### HRRA Line Item Veto

Pursuant to Section 1423i of the Organic Act of Guam, as amended, I exercise my authority to veto the amounts identified in Chapter XI, Section 12(a) and (b). Without this veto, the Budget Act would take Two Hundred Thousand Dollars (\$200,000.00) (nearly half) of the appropriation for the Hagåtña Restoration and Redevelopment Authority in a poorly considered, inequitable, and counterproductive bonus scheme for Guam Memorial Hospital Authority ("GMHA") nurses and Department of Public Health and Social Services ("DPHSS") social workers. The Budget Act would provide only 10 bonuses for nurses and only 10 bonuses for social workers—a drop in the bucket of our need for these professionals. The hospital recruits on average between forty to fifty (40-50) nurses every year, and DPHSS' recruitment for social workers so far this year has already exceeded the scant "incentive" the Budget Act would provide. The Budget Act scheme could actually complicate and frustrate recruiting efforts as applicants reasonably attempt to delay their applications to increase their likelihood of securing one of the handful of available bonuses.

To: The Hon. Therese M. Terlaje, Speaker

Fr: The Hon. Lourdes A. Leon Guerrero, Governor of Guam

Date: September 11, 2024

Re: Substitute Bill No. 236-37 (COR)

Our Administration has demonstrated its commitment to public health and to recruiting and developing opportunities for nurses, social workers, and other vital public health professionals. Having served as a registered nurse, I have experienced the professionalism and dedication with which our healthcare professionals serve our community, despite our limited resources. Our Administration worked to ensure our nurses are paid their worth, including two revisions to the Nurse Pay Plan, with a 15% pay increase in

2021 and an 18% increase this year. When I served in the Legislature, I was an author of the Nurse and Other Healthcare Professional Recruitment and Retention Incentives Act of 1998, Public Law No. 24-325, and pursuant to its authority this Administration will continue to develop well-considered and right-sized recruitment and retention efforts, not underdeveloped, poorly considered incentives that, if implemented, will leave most of our new nurses and social workers out in the cold and create divisiveness among our ranks.

The Budget Act recruitment scheme does not contribute nearly enough incentives to outweigh the inequity in rewarding so very few of the dedicated professionals Guam needs. While the meager amount would have little impact on our ability to recruit nurses and social workers, the funding would have a substantial impact on the Hagåtña Restoration and Redevelopment Authority's ability to fulfill its mandate of improving housing conditions and employment opportunities that help to make Guam a better place to live and lead to increased tax revenues that support our future growth.

For these reasons, I VETO Chapter XI, Section 12(a) and (b).

#### Lack of Funding Source for Critical GMHA Expenses

On Page 144 of the Budget Act, the Legislature authorizes me "to pay hospital vendors, HVAC system improvements, and interface between the electronic health record (EHR) and billing for [GMHA]," and further requires me to notify the Speaker of the Legislature five (5) days prior regarding the funding source of such payments. To be clear, my authority to operate the hospital comes not from legislative authorization, but from the Organic Act of Guam. The Legislature's primary role in the hospital's operation lies in its power of appropriation. Without providing me with an appropriation or a funding source, the provision "allowing" me to pay GMHA's outstanding obligations will not help our hospital's finances and will not aid in supporting hospital operations. This provision represents another example of politicians claiming to do something for our only public hospital while doing nothing at all.

#### Homelessness Prevention

The Budget Act fails to fund the Office of Homelessness Assistance and Poverty Prevention ("OHAPP"), despite the critical services the office provides. It appears that politicians expect the Department of Public Health and Social Services ("DPHSS") to assume responsibility for leading homelessness assistance and poverty prevention with less funding. While I have every confidence in the leadership of DPHSS, imposing yet another new and significant responsibility on such a large and impacted agency risks undermining the agency's efforts to perform its existing responsibilities and service to our community. The Legislature has not offered an adequate reason why this Administration, which has created, implemented, and operated these vital programs from their inception, should not be afforded the reasonable opportunity to continue to manage the programs, instead of haphazardly reassigning them at the Legislature's whim.

Fra The Hon. Lourdes A. Leon Guerrero, Governor of Guam

Date: September 11, 2024

Substitute Bill No. 236-37 (COR)

#### Credit Card Fees

On Pages 149-150 of the Budget Act, the Legislature observed that the government's operating budget has grown over the years and expressed its intent to set a cap on amounts of excess funds collected above projected revenues spent on further government appropriations, and to return the remaining excess funds to our taxpayers "to ease their financial burdens." However, the Legislature has declined to adopt our Administration's recommendation that such revenues be used to defray the costs of credit card fees associated with accessing GovGuam services, a simple and direct method to ensure that taxpayer dollars are efficiently returned to the taxpayers. Regrettably, the Budget Act makes only vague statements in favor of returning funds to our taxpayers while rejecting a proven, impactful method of doing so.

#### **Unfunded Necessities**

Alarmingly, the Legislature decided not to fund some of our government's most critical budget requests, including several items vital to public safety. These requests include Two Million dollars (\$2,000,000.00) for the HVAC for the Guam Police Department's ("GPD") Forensic Lab, without which laboratory samples and specimens may not be properly preserved for criminal investigations or trial. The Legislature also cut Three Hundred Sixty-One Thousand, Seven Hundred Seventy dollars (\$361,770.00) in funding for GPD trainees, compromising our efforts to recruit and train more officers to respond to emergencies and keep our villages safe. The Legislature extended these cuts to the Department of Corrections (\$270,600) and the Guam Fire Department (\$794,061), both of which were shortchanged in funding for their recruits.

The politicians gutting OHAPP's budget, including the Committee on Health Chair, also failed to provide Two Million dollars (\$2,000,000.00) in funding for GBHWC requested in the Executive budget request, which will potentially impact programs and contracts providing services to other vulnerable communities, including Guma Mami's residential services, which supports individuals with behavioral disabilities and the homeless population, and the Sagan Mami Drop In Center, which offers daytime enrichment programs, employment services and counseling, and temporary shelter.

It is imperative that the funding requests for these urgent needs be promptly addressed in a supplemental budget bill, to ensure that services to these vulnerable populations are not disrupted, and to ensure agencies that protect our people from crime and respond in the event of an emergency are equipped to provide the best possible service to our people.

Senseramente.

LOURDES A. LEON GUERRERO

Low Lun Kurrero

I Maga 'hågan Guåhan Governor of Guam

Enclosure(s): Bill No. 236-37 (COR) nka P.L. 37-125

cc via email: Honorable Joshua F. Tenorio, Sigundo Maga'låhen Guåhan, Lt. Governor of Guam

Compiler of Laws



# I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN Thirty-Seventh Guam Legislature

August 30, 2024

The Honorable Lourdes A. Leon Guerrero I Maga'hågan Guåhan Ufisinan I Maga'håga Hagåtña, Guam 96910

Dear Maga'håga Leon Guerrero:

Transmitted herewith is Substitute Bill No. 236-37 (COR) which was passed by I Mina'trentai Siette Na Liheslaturan Guåhan on August 30, 2024.

AMANDA L. SHETTON
Legislative Secretary

Enclosure (1)

OFFICE OF THE GOVERNOR
CENTRAL FILES OFFICE
Rec'd By: Flaine Tajalle
Date 8/30/24 Time: 2:3/pm

#### I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN 2024 (SECOND) Regular Session

### CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÂGAN GUÂHAN

This is to certify that Substitute Bill No. 236-37 (COR), "AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF

GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2025, MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS," was on the 30th day of August 2024, duly and regularly passed. Speaker Attested: Legislative Secretary This Act was received by I Maga'hagan Guahan this \_\_\_\_\_ day of August, 2024, at 3:31 o'clock P.M. SteV.Z Maga'håga's Office APPROVED: Lourdes A. Leon Guerrero I Maga'hågan Guåhan Date: Public Law No. 35 - 125

#### I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÂHAN 2024 (SECOND) Regular Session

Bill No. 236-37 (COR)

As substituted on the Floor; and amended in the Committee of the Whole.

Introduced by:

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Committee on Rules

by request of *I Maga'hågan* Guåhan, the Governor of Guam, in accordance with the Organic Act of Guam.

AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2025, MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

2 CHAPTER I

3 GENERAL PROVISIONS

4 Section 1. Short Title. This Act shall be known as the "General

5 Appropriations Act of 2025." Except as otherwise provided by this Act, the

appropriations made by this Act shall be available to pay for Fiscal Year 2025

obligations incurred on or after October 1, 2024, but not later than September 30,

2025. If any appropriation in this Act is found contrary to federal law, all other

portions of this Act shall remain valid.

10 Section 2. Estimated Revenues for Fiscal Year 2025. Notwithstanding §

11 22436, Chapter 22, Title 5 GCA, I Liheslaturan Guåhan adopts the following

1	revenue	estimates for Fiscal Year 2025 as the basis for the	ne appropriations contained
2	in this A	kct.	
3	I. G	ENERAL FUND REVENUES AMOUNT	
4		TOTAL GENERAL FUND REVENUE	\$994,802,116
5	G	ENERAL FUND PROVISION FOR TAX RI	EFUND
6		PAYMENTS	(\$44,145,511)
7	T	OTAL GENERAL FUND REVENUE AVAII	LABLE
8		FOR OPERATIONS	\$950,656,605
9	Α	. TAXES	
10		Income Tax	
11		Individual (not including the	
12		Additional Child Tax Credit)	\$105,570,171
13		Corporate	\$105,033,423
14		Withholding Taxes, Interest, and Penalties	\$297,659,446
15		Provision for Tax Refunds:	
16		Gross Provision for Tax Refund Pays	ments
17		[Federal and General Funds]	(\$175,604,534)
18		Earned Income Tax Credit	
19		Federal Receipts	\$57,296,793
20		Child Tax Credit/ Additional Child T	`ax Credit
21		Federal Receipts	\$74,162,230
22		General Fund Provision for Tax	
23		Refund Payments	(\$44,145,511)
24		TOTAL INCOME TAXES	\$464,117,529
25		Business Privilege Tax	
26		Business Privilege Tax	\$390,986,495
27		GMHA Pharmaceuticals Fund	

1		(§ 26208, Article 2, Chapter 26 of Title 11 GCA)	(\$24,202,064)
2		Tax Credits:	
3		Tiyan Gymnasium (P.L. 32-202)	(\$250,000)
4		Guam National Tennis Federation (P.L. 36-128)	(\$300,000)
5		Guam National Youth Football	
6		Federation (P.L. 36-129)	(\$500,000)
7		Other Taxes	\$9,270,630
8		TOTAL BUSINESS PRIVILEGE TAXES	\$375,005,061
9		TOTAL TAXES	\$839,122,590
10	B.	FEDERAL SOURCES	
11		Federal Income Tax Collection	
12		Section 30 Funds	\$76,402,101
13		Immigration and Passport Fees	\$1,381,664
14		TOTAL FEDERAL SOURCES	\$77,783,765
15	C.	USE OF MONEY AND PROPERTY	\$2,683,874
16	D.	LICENSES, FEES, AND PERMITS	
17		Licenses, Fees, and Permits	\$4,403,808
18		Licenses, Fees, and Permits (Better Public Service	e Fund)
19		(Chapter 161 of Title 11 GCA)	(\$440,381)
20		TOTAL LICENSES, FEES, AND PERMITS	\$3,963,427
21	E.	DEPARTMENT CHARGES	\$1,410,504
22		TOTAL GENERAL FUND REVENUE	\$924,964,160
23	F.	2% GENERAL FUND RESERVE	
24		(RAINY DAY FUND)	(\$18,499,283)
25	TOT	AL GENERAL FUND REVENUE	
26		AVAILABLE FOR APPROPRIATION	\$906,464,877

1	II.	SPE	CIAL FUND REVENUES AMOUNT		
2		A.	Banking and Insurance Enforcement Fund		\$386,733
3		B.	Better Public Service Fund		\$1,377,900
4		C.	Chamorro Land Trust Operations Fund		\$664,211
5		D.	Chamorro Land Trust Survey and Infrastruc	ture Fund	\$21,183
6		E.	Contractors License Board Fund		\$896,462
7		F.	Corrections Revolving Fund		\$1,184,629
8		G.	Customs, Agriculture, and Quarantine		
9			Inspection Services Fund		\$7,845,357
10		H.	DPHSS Sanitary Inspection Revolving Fund	1	\$424,986
11		I.	Enhanced 911 Emergency Reporting System	n Fund	\$2,065,656
12		J.	Environmental Health Fund		\$1,415,223
13		K.	Fire, Life and Medical Emergency Fund		\$899,009
14		L.	GMHA Pharmaceuticals Fund		\$24,202,064
15		M.	Guam Ancestral Lands Commission Survey	, Infrastructur	e,
16			and Development Fund		\$444,396
17		N.	Guam Board of Accountancy Fund		\$699,600
18		Ο.	Guam Educational Facilities Fund		\$35,864,705
19		P.	Guam Environmental Trust Fund		\$492,444
20		Q.	Guam Highway Fund (GHF)	\$12,986,048	
21			GHF (Better Public Service Fund;		
22			Chapter 161 of Title 11 GCA)	(\$937,519)	
23			GHF (GIAA -Pursuant to Federal		
24			Register Vol. 79, 66282)	(\$1,408,356	<u>(i)</u>
25			Total Guam Highway Fund		\$10,640,173
26		R.	Guam Invasive Species Inspection Fee Fund	d	\$755,328
27		S.	Guam Plant Inspection and Permit Fund		\$92,253

1	T.	Health Professional Licensing Office Revolving Fund	\$338,801				
2	U.	Healthy Futures Fund	\$23,483,837				
3	V.	Host Community Fund	\$300,000				
4	W.	Indirect Cost Fund	\$1,610,830				
5	X.	Land Survey Revolving Fund	\$3,306,199				
6	Y.	Limited Gaming Fund	\$1,108,243				
7	Z.	Manpower Development Fund	\$12,291,600				
8	AA.	Mental Health and Substance Abuse Services Fund	\$394,200				
9	AB.	Office of Vital Statistics Revolving Fund	\$225,014				
10	AC.	Police Patrol Vehicle and Equipment Revolving Fund	\$332,362				
11	AD.	Police Services Fund	\$1,050,116				
12	AE.	Professional Engineers, Architects					
13		and Land Surveyors Board Fund	\$267,348				
14	AF.	Public Recreation Services Fund	\$95,677				
15	AG.	Public School Library Resources Fund	\$1,107,060				
16	AH.	Rabies Prevention Fund	\$45,919				
17	AI.	Safe Streets Fund	\$62,223				
18	AJ.	School Lunch/SAE/Child Nutritional Meal Reimbursen	nent Fund -				
19		Federal Sources (100% Federal Grant)/Cash Collection	s \$12,504,000				
20	AK.	Solid Waste Operations Fund \$22,308,4	154				
21		Host Community Fund (\$300,00	<u>00</u> )				
22		Total Solid Waste Operations Fund	\$22,008,454				
23	AL.	Street Light Fund	\$4,157,009				
24	AM.	Tax Collection Enhancement Fund	\$1,133,635				
25	AN.	Tourist Attraction Fund	\$35,998,148				
26	AO.	Water Research and Development Fund	\$80,999				
27	TOT	AL SPECIAL FUND REVENUE	\$212,273,986				

1	III.	FED	DERAL MATCHING GRANTS-IN-AID	
2		Fede	eral Grants-in-Aid Requiring Local Match:	
3		A.	Department of Integrated Services for	
4			Individuals with Disabilities	\$2,085,461
5		B.	Department of Labor	\$47,000
6		C.	Department of Military Affairs	\$2,173,224
7		D.	Department of Public Health and Social Services	\$164,039,765
8		E.	Guam Community College	\$595,389
9		F.	Guam Council on the Arts and Humanities Agency	\$378,700
10		G.	Guam Customs and Quarantine Agency	\$1,230,075
11		H.	Guam Police Department	\$2,629,110
12		I.	Office of the Attorney General	\$8,011,689
13		J.	University of Guam	\$8,904,945
14		TO	TAL FEDERAL MATCHING	
15			GRANTS-IN-AID REVENUE	\$190,095,358
16	IV.	REV	VENUE SUMMARY:	
17		TO	TAL GENERAL FUND REVENUE	
18			AVAILABLE FOR APPROPRIATION	\$906,464,877
19		TO	TAL SPECIAL FUND REVENUE	\$212,273,986
20		TO	TAL FEDERAL MATCHING GRANTS-	
21			IN-AID REVENUE	\$190,095,358
22		GRA	AND TOTAL	\$1,308,834,221
23		Sect	ion 3. Authorization to Pay and Prioritize the	Payment of Tax
24	Refu	nds. I	Maga'hågan Guåhan shall prioritize tax refund paym	ents for 'A-Status'
25	retur	ns for	tax year 2025 and prior years in an amount no less than	Forty-four Million
26	One	Hundi	red Forty-five Thousand Five Hundred Eleven Dollars	(\$44,145,511).

court of a felony, a crime involving moral turpitude, a crime of domestic or family violence, or who has been administratively pardoned of any crime.

- (3) No person shall be appointed as a medicolegal death investigator before a thorough investigation of the applicant's background and moral character is completed.
- (d) In the event that there are no applicants that meet the minimum knowledge, abilities and skills to be registered or certified medicolegal death investigators, the Office of Post Mortem Examinations/Chief Medical Examiner may employ candidates as interns, with compensation, while completing the training and experience necessary to meet the minimum requirements for employment. The Office of Post Mortem Examinations/Chief Medical Examiner shall determine the length of internship programs. Internships are limited term appointments until such time the intern is either hired as a medicolegal death investigator or terminated."

# Section 62. Lease of Lot No. 7161-R1, Yigo, Guam to the Guam Motorsports Association.

Notwithstanding any other provision of law, the *Chamorro* Land Trust Commission (CLTC) shall lease a portion of or all of Lot No. 7161-R1, Yigo, Guam to the Guam Motorsports Association or its successor entity for the purpose of the operation of a raceway, related support facilities, and various outdoor events. The CLTC shall negotiate the terms of the non-commercial lease of Lot No. 7161-R1, Yigo, Guam with the Guam Motorsports Association within ninety (90) days of the enactment of this Act.

1	Section 63.	Continuing	Appropriation	Authorization.
2	Notwithstanding any	y other provision o	f law, the allotted but un	nexpended balance of
3	funds appropriated	to the Department	of Revenue and Taxat	ion (DRT) for Fiscal
4	Year 2024 and prior	shall not lapse and	shall continue to be ava	ailable in Fiscal Year
5	2025. DRT is autho	rized to use lapsed	funds for the purposes	of Internal Revenue
6	Service (IRS) Traini	ng for the Tax Enfo	orcement Division. On (	October 1, 2024, DRT
7	shall submit a writte	en report to I Lihes	slaturan Guåhan and I.	Maga'hågan Guåhan
8	detailing the total an	nount of lapses from	m Fiscal Year 2024. Up	on the expenditure of
9	such lapsed funds, D	RT shall submit a	written report detailing	those expenditures to
10	I Liheslaturan Guåh	an and <i>I Maga'hå</i> g	gan Guåhan within thirt	y (30) days after such
11	expenditure.			



Louides A. Leon Guerrero

Joshua F. Tenorio

Commission Members

Arlene P. Bordallo Chairperson

David B. Herrera Commissioner

Earl J. Garrido Commissioner

Jeffrey John P. Ibanez, Commissioner

> (Vacant) Commissioner

Joseph B. Cruz Jr.
Acting Administrative Director

# Kumision Inangokkon Tano' CHamoru (CHamoru Land Trust Commission)

P.O. Box 2950 Hagatña, Gudhan 96932

Phone: 671-300-3296 Fax: 671-300-3319

December 17, 2024

Honorable Douglas B. Moylan Attorney General Office of the Attorney General of Guam Suite 901, ITC Building 590 S. Marine Corps Dr. Tamuning, Guam 96913

SUBJECT: LEGAL GUIDANCE / Public Law 37-125

Dear Attorney General Moylan,

The CHamoru Land Trust Act was created in 1975 by Public Law 12-226 and enacted as Chapter 75 of Title 21, Guam Code Annotated. Which was later updated through Public Law 35-112 and enacted as Chapter 75A of Title 21, Guam Code Annotated to clearly demonstrate that the CLTC program is a land restoration program meant to rectify the unjust taking of CHamoru homelands by the United States federal government between 1898 to 1968. Furthermore, it expanded the program's eligible beneficiaries to individuals and their descendants who ranched, occupied, farmed, or owned land the federal government took.

Recently the enactment of Public Law 37-125, also known as the FY2025 Government of Guam Budget Act, included a provision that reads:

"Notwithstanding any other provision of law, the Chamorro Land Trust Commission (CLTC) shall ease a portion of or all of Lot No. 7161-R1, Yigo, Guam to the Guam Motorsports Association or its successor entity for the purpose of the operation of a raceway, related support facilities, and various outdoor events. The CLTC shall negotiate the terms of the non-commercial lease of Lot No. 7161-R1, Yigo, Guam with the Guam Motorsports Association within ninety (90) days of the enactment of this Act."

As the CLTC board continues to negotiate and discuss a Non-Commercial lease, I humbly request your guidance and legal opinion regarding the following:

- 1. What is the rate CLTC can charge for a Non-Commercial Lease?
- 2. Given that the 90 days have lapsed since the enactment of Public 37-125, is CLTC or the CLTC board personally liable because a Non-Commercial Lease has not been executed within the ninety (90) day period?

Rev. 09/30/2024

- 3. Does the Sole Source requirement violate the CLTC Commercial Rules and Regulations enacted within Chapters 75 and 75A of Title 21, Guam Code Annotated as §75122 and §75A122?
- 4. Will the provision, when applied to any person or circumstance, be invalid or inorganic because it is contrary to the CHamoru Land Trust Act and its primary mission?

If you have any questions, please do not hesitate to contact me at (671) 300-3296.

Senseramente,

Ariene P. Bordallo
Chairean

Chairperson



# **Administrative Directors Position**

### ADMINISTRATIVE DIRECTOR POSITION DESCRIPTION

Classification: Unclassified

Pay Grade: E-P Salary: Negotiable

**Position Title:** Administrative Director

**Summary:** The Administrative Director reports directly to the Commissioners of the

CHamoru Land Trust Commission ("CLTC"). The Administrative Director is the principal manager of the CLTC's day to day activities. The Director serves at the Board's pleasure, and works to execute the CLTC's statutory functions as well as to fulfill the goals and objectives that the board shall from time to time

adopt.

#### **Qualifications/Requirements:**

- Master's degree from a U.S. accredited college or university plus five (5) years of management level experience in the application of the Chapter 75 and 75A, Title 21 Guam Code annotated, with Knowledge of Guam Subdivision Laws and other Land Regulations; or
- Bachelor's degree from a U.S. accredited college or university plus seven (7) years of management level experience in the application of the Chapter 75 and 75A, Title 21 Guam Code annotated, with Knowledge of Guam Subdivision Laws and other Land Regulations; or
- Any equivalent combination of experience and training which provides the knowledge, abilities and skills to fully perform the work involved in the position.

#### **Special Qualifications:**

Strategic and futuristic thinker with a rational thought process in analyzing critical factors and variables that can impact the long-term success.

- Embraces future or new possibilities, is creative, and not debilitated by risk-averse considerations
- Forward-thinking and proactive in resolving issues.

#### **Essential Functions:**

- Ability to interpret and make sound recommendations regarding proposed legislation.
   Advise the CLTC on how various legislative and other proposals may affect the mission of the Trust.
- Resolves problems in a timely manner, and generates solutions to challenges.
- The Director serves as the principal spokesperson for the CLTC. Excellent communication skills are required; speaks clearly and persuasively in positive and negative situations and writes clearly and informatively.
- Approaches others in a tactful manner.
- Balances team and individual responsibilities and focuses on solving conflicts within the organization.
- Shares expertise with others and offers opportunities to staff for personal and professional growth and development.
- Develops and coordinates projects and communicates changes and progress.
- Exhibits sound and accurate judgment and displays willingness to make decisions.
- Prioritizes and plans work activities.
- Adapts to changes in the work environment and strives to increase productivity while demonstrating accuracy and thoroughness.
- Uses equipment and materials properly.
- Is consistently at work and on time and volunteers readily, initiates and undertakes self-

- development activities.
- Displays original thinking and creativity.
- Follows instructions and responds to management direction while taking responsibility for actions.

#### **Special Requirements:**

- Must be willing to work long hours, weekends, and holidays.
- Must be knowledgeable with the Government Accounting Standards Board Pronouncements.
- Must be knowledgeable with the Generally Accepted Account Principles.
- Must be able to use basic office computer programs and software.
- Must have completed Procurement Training Module 1.
- Must have a demonstrated track record of superior personnel managerial skills, in addition to technical expertise.

Supervises the entire day-to-day of operations of the Commission that encompasses Financial, Fiscal, Procurement, Budgeting, Planning, Land Administration, and Compliance. Such Activities include, but are not limited to:

- Prepare Annual Budgets
- Prepare financial adjustments in accordance with GASB and GAAP requirements for the preparation of Financial Statements
- Customer service
- Staff development
- Strategic Planning
- Intergovernmental and military relations
- Communicates regularly with the Board's chairperson and, as required from time to time, with other members of the board, on matters related to the day-to-day operations and management of the Commission, its employees, vendors, and external associations.
- Ensures compliance with all Guam Open Meeting and Sunshine Reform Act requirements; including all information that pertains to the agenda for all board meetings, and accurately documents all such meetings and activities.
- Oversees the development and execution of such strategic and other plans as the board shall cause to be prepared, adopted, or otherwise modified.
- Reviews employee performance regularly to rationalize performance-based compensation, enforce employee rules and regulations, and provide or arrange staff training as needed.
- Serves as Authorized Authority of all Federal Grants.
- Serves as the Certifying Officer of the Commission.
- Monitors federal and local legislation impacting the Commission.
- Coordinates the Commissions activities with appropriate local government, military, federal, and other planning agencies with respect to their impact on Land.
- Represents the Commission in Public Hearings and other meetings.
- Acts as key liaison and adviser between and among the Governor, the Legislature and Board on matters relating to the Commission.
- Ensures the Commission's legal and other regulatory compliance.
- Delegates his/her responsibilities as appropriate, and consistent with sound accountability and management practices.
- Performs such other duties and responsibilities as determined by the board.
- Supervises the formal preparation of financial statements and reports for General Funds, Special and Revolving Funds or related funds as needed; analyzes various financial information of a wide variety for appropriate recommendations.
- Supervises the preparation of receipts and disbursement schedules, expenditures against budget schedules and appropriation summaries; reconciles cost balances.
- Evaluates a variety of financial reports for internal consistency and validity Profit and Loss Statements, Balance Sheets and other financial reports.
- Supervises the installation of special accounting systems and related procedures in establishment, which cannot use standardized systems.
- Analyzes the financial aspect relationship of cost to the major accounting structures such
  as codification of accounts, different appropriation accounts and budgetary elements;
  analyzes cash collections received on a daily basis; controls to assure sufficient cash flow

- of current payables; evaluates the effect of deficits.
- Analyzes trend projection for top management review pertaining to cash flow status and projection. Evaluates or recommends fiscal policy that should be followed such as tight policy or balanced budget.
- Invest cash accounts with the concurrence of top management review within the cognizance of legislative constraints.
- Prepares various administrative reports and correspondences. Perform related duties as required.

#### **Knowledge, Skills & Abilities:**

- Demonstrated integrity and ethical business practices.
- Ability to negotiate and communicate, network, and present effectively and meaningfully to the board, general membership, and to other public, private and civic organizations.
- Demonstrated history and success in advocating positions, conceptualizing strategy, and executing plans or programs effectively.
- Proven history of success in overseeing and administering complicated and diverse strategic plans including the involvement of private sector teams, committees, and government leaders.
- Ability and skill in generating strategically meaningful data
- Good working knowledge of the government of Guam budgeting process, sources of funds for Bureau operations, and financial accountability.
- Good working knowledge of government rules and regulations applicable to the Commission, and its staff
- Ability to plan, organize, and manage people in a general office environment and willingness to be a 'hands on' working manager as needed.
- Demonstrated ability to identify, develop and train new and junior personnel to position them for matriculation to positions with more responsibility and experience.
- Demonstrated ability to develop and achieve a superior workplace culture.
- Ability to write effectively and work well in professional and non- professional environments.
- Ability to handle multiple challenges in a fast-paced environment.
- Proven history of community service and involvement.

#### **Key Competencies:**

- Technical Capacity
   Personal Effectiveness/Credibility
- 3. Thoroughness
- 4. Collaboration Skills
- 5. Communication Proficiency
- 6. Flexibility

- 7. Adaptation to various situations
- 8. Creative Thinking
- 9. Engagement
- 10. Decision Making/ Decisiveness
- 11. Impact / Influence

#### **Supervisory Responsibility:**

This position requires the supervision of all staff and management.

#### **Work Environment:**

This job operates in a professional office environment. This role routinely uses standard office equipment such as computers, phones, photocopiers, filing cabinets and fax machines.

#### **Physical Demands:**

This position involves activities related to meetings, meeting functions and facilities, public speaking, and/or standing for long periods of time.

#### **Other Duties:**

This job description is not designed to cover or contain a comprehensive listing of activities, duties or responsibilities that are required of the employee for this job. Duties, responsibilities and activities may change at any time with or without notice.



**New Business** 



**Constituent Matters** 

# CHamoru Land Trust Commission Land Agent Staff Report

### ANGELA NICOLE CARBONE SANTOS RESIDENTIAL APPLICANT

#### I. REQUEST

Request for Building Permit for a container home.

#### II. ISSUE(S)

- Lessee has not occupied the premises on a full-time basis.
- Lessee has not properly installed and metered all utilities.
- ➤ The Lessee has not conformed to all Territorial Zoning and Building laws, subdivisions, environmental or administrative laws, or policies.
- Lessee has not received written approval to build, alter, or make other improvements to the property.
- Lessee has outstanding real Property Taxes.
- Lessee has no fire insurance coverage for structures on Premises.

#### III. FACTS

- 1. Applicant's Date and Time: December 2, 1995 at 2:51 pm.
- 2. Applicant's Application Number: 0000604
- 3. Application Type: Residential
- 4. Lot Description: Lot 1, Block 13, Tract 1113, Dededo
- 5. Survey Map: Yes; L.M. No. 214 FY94
- 6. Priority: 1
- 7. Preoccupier: N/A
- 8. Land Use Permit (LUP): N/A
- 9. Mayor's Certification: N/A
- 10. Recorded Lease: Yes
- 11. Unrecorded Lease:
- 12. Lease Fee Paid: No
- 13. Is this a Registered Property? Yes
- 14. Residing on Private Property: N/A
- 15. Residing on Guam Ancestral Lands Property: N/A
- 16. Part of Null and Void Listing: N/A
- 17. Part of 2018 Ratified Listing: Yes
- 18. Part of 1995 Listing: Yes
- 19. Part of OPA Audit Listing: N/A

# CHamoru Land Trust Commission Land Agent Staff Report

#### IV. CHRONOLOGY

- 1. January 15, 2002: Lessee was interviewed.
- December 9, 2002: Lease for Lot 7153, Yigo Unregistered. 21 GCA, Chap. 75, Section 75105 (f) – The Commission shall not lease or license any available land until it is registered under the provisions of Chapter 29 of this Title Land Title Registration Law.
- 3. February 18, 2025: Site Inspection was conducted by staff.
- 4. February 20,2025: Notice to Remediate

#### V. SUMMARY

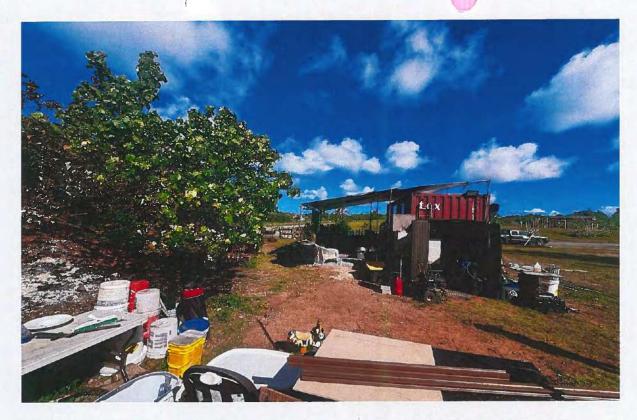
- Lessee is requesting for a Building permit for a container home.
- > Attached are the building plans and signed by a Certified Engineer.

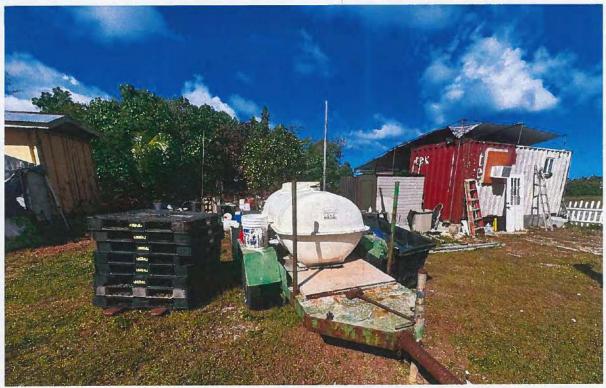
ANGELA NICOLE CARBONE SANTOS COMPILED BY EC LAND AGENT II 7/28/2025

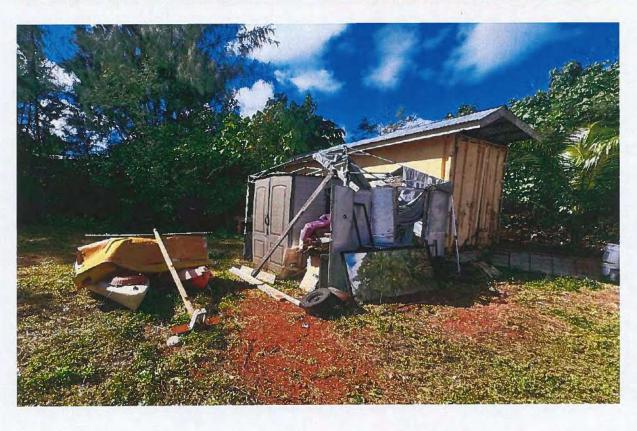




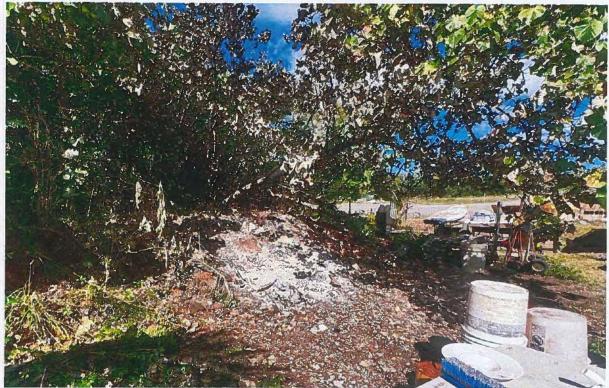












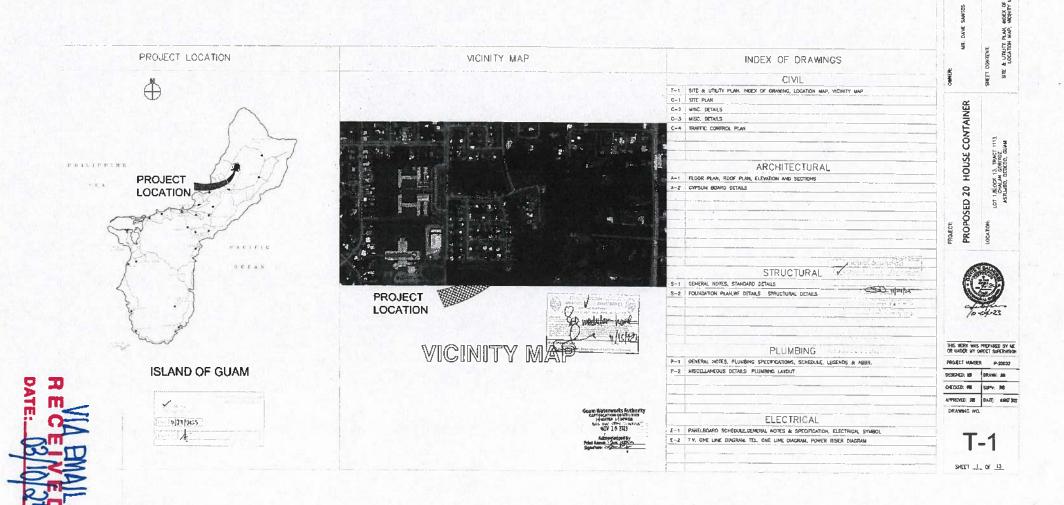


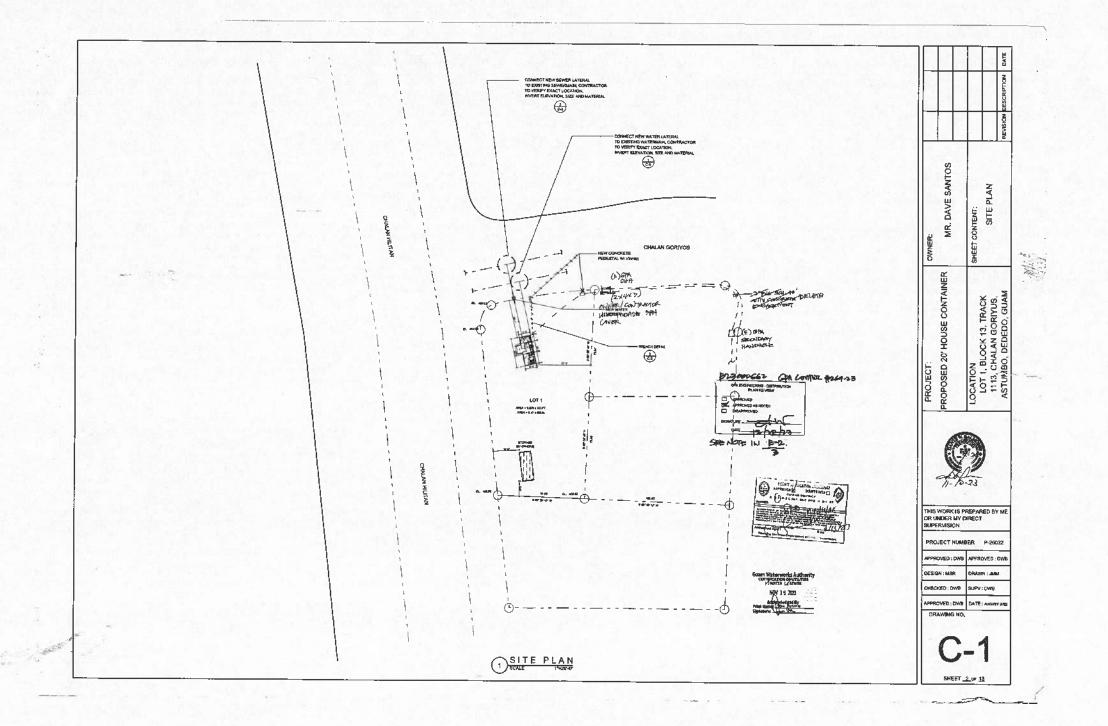
Angela Santos & David Santos—RESIDENTIAL LESSEE

Compiled by D. Tan— Compliance re-Inspection conducted 2/18/2025

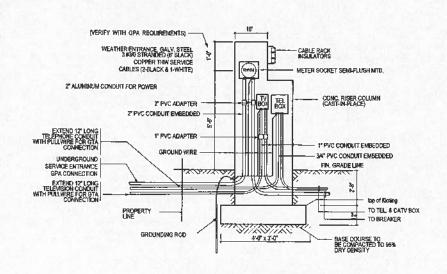
## B23000662 Jobist

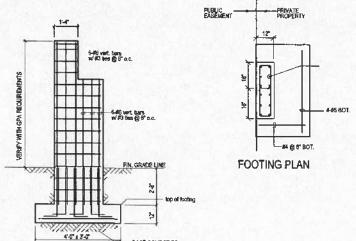
# PROPOSED 20 FT. HOUSE CONTAINER LOT 1, BLOCK 13, TRACT 1113 ASTUMBO, DEDEDO, GUAM





.4

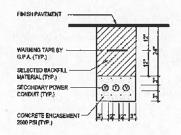


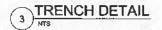


BASE COURSE TO BE COMPACTED TO 95% DRY DENSITY

PEDESTAL STRUCTURE

CONCRETE PEDESTAL DETAILS





 ALL CONSTRUCTION WORK SHALL BE DONE IN ACCORDANCE WITH THE APPLICABLE PEDERAL AND LOGICAL LAWS, CODES, ORDINANCES, AND OTHER REGULATIONS OF THE GOVERNMENT OF GUARAND ITS APPLOPMENTE AGENCIES. IT IS CONTRACTOR'S RESPONSIBILITY TO BECOME FAMILIAR WITH PERMITMINSPECTION REQUIREMENTS.

GENERAL NOTES:

- THE CONTRACTOR, AT HIS OWN EXPENSE, SHALL KEEP THE PROJECT AND SURROUNDING AREA FREE DUST NUISANCE. THE WORK SHALL BE IN ACCORDANCE WITH THE AR POLLITION CONTROL STANDARDS AND REGULATIONS OF GUAN ENVIRONMENTAL PROTECTION AGENCY (GEPA). THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CLEANING AND REMOVAL OF ALL SIT AND DEBRIS GENERATED. DEPOSITED AND ACCUMULATED WITHIN THE DOWNSTREAM OF THE ROAD CHANNEL OR ANY WATERWAYS.
- ALL EXISTING UTILITIES, WHIETHER SHOWN OR NOT SHOWN ON THE PLANS, SHALL BE PROTECTED AT ALL TIMES DURING CONSTRUCTION, AND CAMAGES TO TREM SHALL BE PREPARED AND PAID BY THE CONTRACTION.
- THE CONTRACTOR SHALL NOT ENTER UPON ANY PROPERTY FOR ANY PURPOSE WITHOUT FIRST OBTAINING PERMISSION AND SHALL BE REPONSIBLE FOR THE PRESERVATION OF ALL PROPERTIES, TREES, FENCES, MONUMENTS, UNDERGROUND UTILITIES, ETC. WHEN DAMAGE IS DONE CONTRACTOR SHALL RESTORE SUCH PROPERTY AT HIS OWN
- 5. THE CONTRACTOR SHALL CONDUCT CONSTRUCTION OPERATIONS WITH MINUMUM INTERFERENCE TO ROADS, DRIVEWAYS, PARKING AREAS, SIDEWALKS AND OTHER VEHECULAR AND PEDESTRIAN FACILITIES HE SHALL ASSURE THAT TRAFFIC FLOW IS CONTINUOUS IN ALL DIRECTIONS AT ALL TIMES. BINLESS NECESSARY, THE CONTRACTOR SHALL NOT CLOSE OR OBSTRUCT ANY PORTION OF DRIVEWAY, ROADS, OR PARKING WITHOUT OBTAINING PERMITS FROM THE CONTRACTING OFFICERS.
- 6. THE CONTRACTOR SHALL EXAMINE THE DRAWINGS AND SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES HE MAY FIND BEFORE PROCEEDING WITH THE WORK.
- 7. THE CONTRACTOR SHALL PROVIDE OTHER MATERIALS, NOT SPECIFICALLY DESCRIBED BUT REQUIRED FOR A COMPLETE AND PROPER RISTALLATION, AS SELECTED BY THE CONTRACTOR SUBJECT TO THE APPROVAL OF THE ENGINEER.

PROPOSED 20' HOUSE CONTAINER MR. DAVE SANTOS  LOCATION LOT 1, BLOCK 13, TRACK 113, CHALAN GORIYUS, ASTUMBO, DEDEDO, GUAM  ASTUMBO, DEDEDO, GUAM  PROPOSED 20' HOUSE CONTAINER: ASTUMBO, DEDEDO, GUAM  REMANDER: ASTUMBO, DEDEDO, GUAM	1				I	
MR. DAVE SANTOS SHEET CONTENT: TRENCH DETAIL, PEDESTAL DETAIL REMSON DESCRIPTION	j	PROJECT:	OWNER:		4	
LOCK 13, TRACK ALAN GORIYUS, DEDEDO, GUAM REASON DESCRIPTION REASON DESCRIPTION		PROPOSED 20' HOUSE CONTAINER	MR. DAVE SANTOS		18	M
LOCK 13, TRACK ALAN GORIYUS, DEDEDO, GUAM REWON DETAIL, PEDESTAL DETAIL REWOND DESCRIPTION						1
TRENCH DETAIL, PEDESTAL DETAIL		LOCATION	SHEET CONTENT:			
REMINON DESCRIPTION		LOT 1, BLOCK 13, TRACK	TRENCH DETAIL, PEDESTAL DETAIL	100	H	
NORMAN DESCRIPTION		1113, CHALAN GORIYUS,			1	1
		ASTUMBO, DEDEDO, GUAM		REVISION DESCRIPTION	ž	PATE

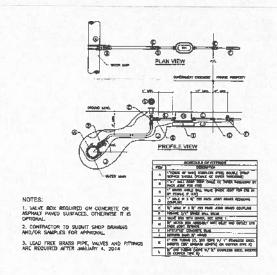


THIS WORK IS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION

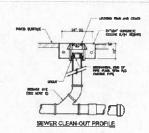
PROJECT NUMBER P-20032 APPROVED : OWB. APPROVED : DAVE CHECKED : DWB.

SUPV - DWB APPROVED DWB DATE WOULD THE

SHEET 3 of 13







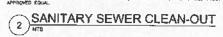


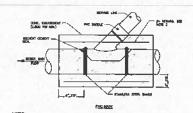


8" X 4" CAST IRON LOCKING RING AND COVER

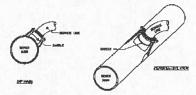
#### NOTES:

- 1. CLEAN-OUT PIPE AND FITTINGS SHALL BE THE SAME MATERIAL AS THE SEWER MAIN.
- 2 A SANITARY TEE, SWEEP, OR STRAIGHT TEE IS NOT ACCEPTABLE.
- SEWER STUB WILL DE EXTENDED 10' BEYOND PROPERTY LIPIE TO PREVENT DAMAGE TO DIEAN-OUT AND MINIMAZE CONFLICTS WITH OTHER UTILITIES WHEN SERVICE TO BUILDING IS ACCOMPLISHED.
- 4. RINO AND COMER SHAUL BE 5"X4" LOCKING TYPE, OLYMPIC FOUNDRY PART NO. W1007 D/T CR APPROVED EQUAL.

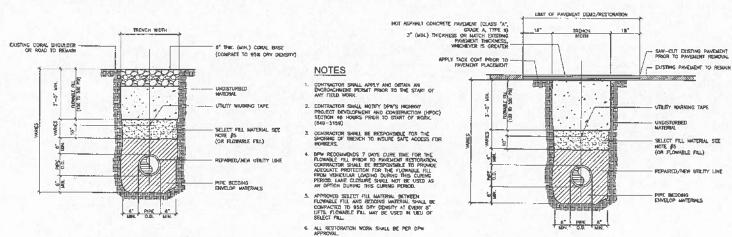




- 1. PC 60/04 60/04 SHL IN 1607 FM PG MIDLES. E. W-LINE MINNER STE FETTIGE TO BE PREMISTED WHO HER COMPRISONOL SHE CODE, \$8-000.
- A PRIMER H-(4 MENNES IN COMMUNIC EMPROPER AF S. & 4 AG 14 GTOLOGY FORESTING



SEWER SERVICE LATERAL CONNECTION TO EXISTING MAIN 3



CORAL ROAD OR SHOULDER

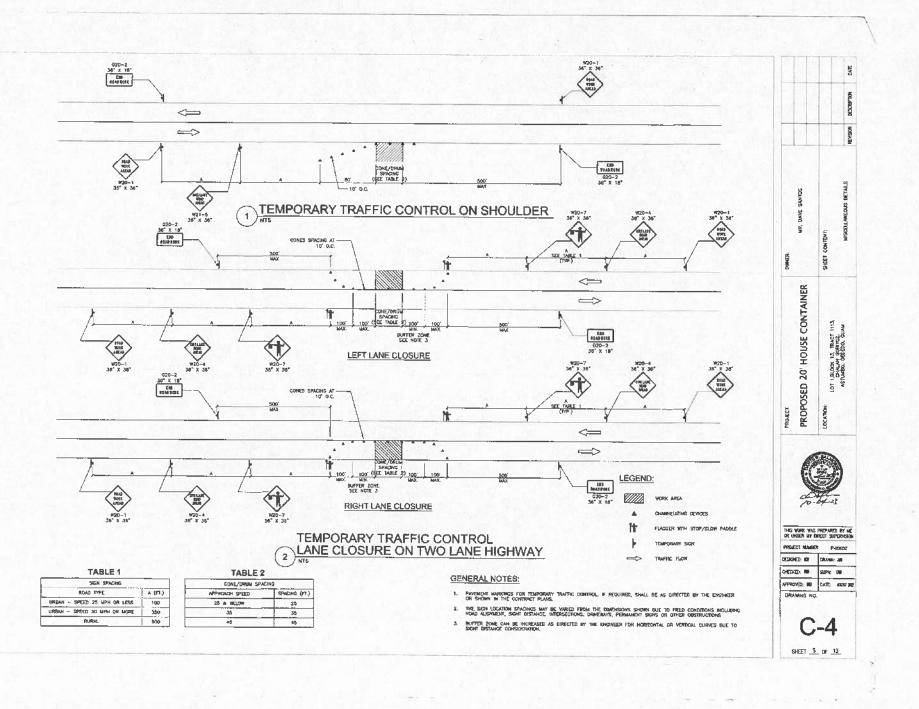
5 PAVED VILLAGED ROAD

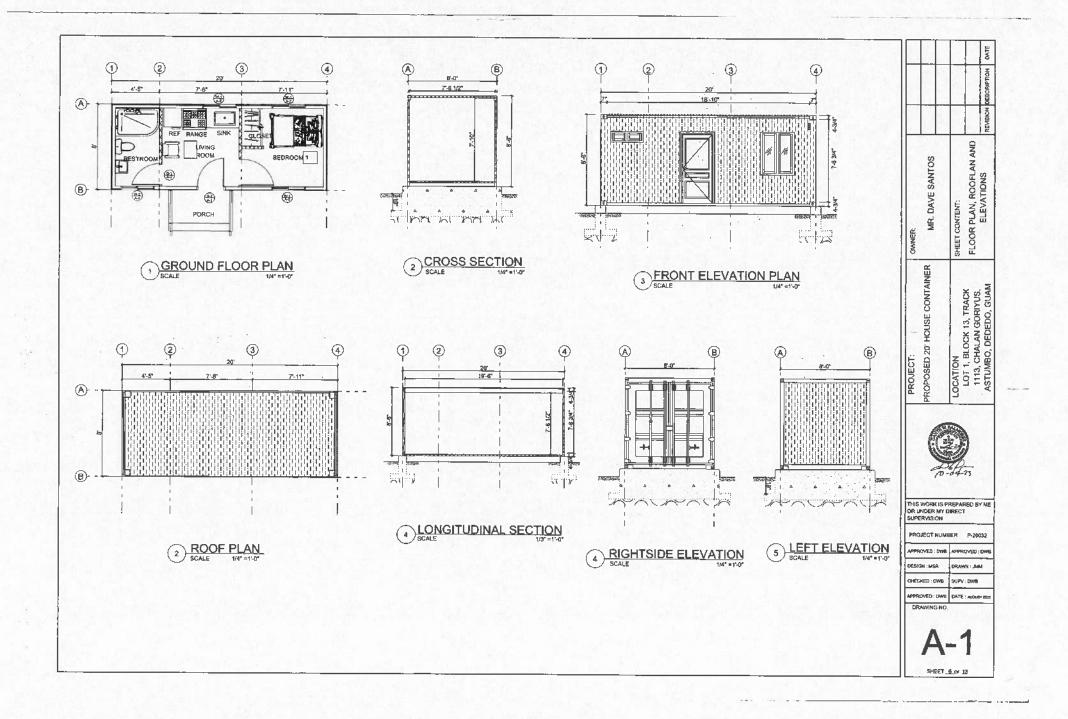


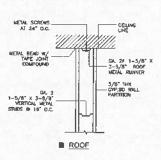
THIS WORK WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION

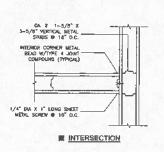
PROJECT HUMBER P-20032 DESIGNED: NR DRAME, #\$ SUPY: PE APPROVED: DIS DATE: NAME OF DRAWING NO.

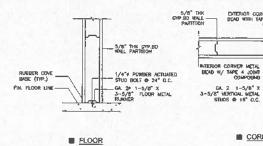
SHEET 4 OF 13

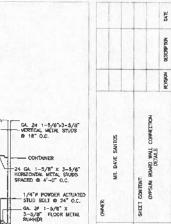












-24 GA 1-5/8" X 3-5/8" HORIZONIAL METAL STUDS SPACED & 4'-0" O.C. 1/4" THIS. CEMENT BO WALL PARTITION

M CORNER

1/4"# POWDER ACTUATED

STUD BOLT & 24" O.C.

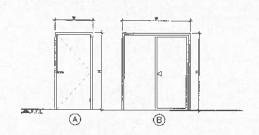
GA. 2# 1-5/8" X
3-5/8" FLOOR METAL
SQUANER

RUBBER COVE BASE (TYP.) FIN. FLOOR LINE

FURRED WALL AT PERMITER

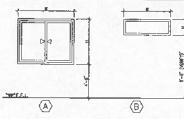
DOOR SCHEDULE

MARK	TYPE	THK	ROUGH	OPENING	000	SIZE	
		10.11	W	н	w	н	REMARKS
<u> </u>	A	1 3/4"	3"-4"	6'-10"	20,	6'-6"	SOUR CORE FLUSH TYPE DECD WOOD DOOR WITH LEVER TYPE DOOR LOOK
<b>D</b>	С	1 3/4"	3"-4"	6'-10"	6-8"	8"-8"	SLIDING WOOD DOOR W/ SMOKE GLASS PAMEL



#### WINDOW SCHEDULE

MARK	TYPE	ROUGH	OPENING	WINDOW SIZE				
		in .	Н	W	H	REMARKS		
<u>+</u>	A	3'-1"	4'-1"	3'-0"	4'-0"	ALUMINUM FRAMED SLIDING WINDOW PROVIDE ALUM, INSECT SCREEN		
2	В	3'-1"	5'-1"	3'-0"	1,-0,	ALUMINUM FRANCO FIXED WINDOW		



#### NOTES:

ALL ALUMINUM SMALL BE MADE POWDER CONTED WHITE FINISH, LINLESS OTHERWISE MOTED,

GYPSUM BOARD WALL CONNECTION DETAILS

- 2. ALL DOOR FINISH AND COLOR SHALL BE OWNER APPROVED.
- ALL WINDOW PROVIDED SHALL WITHSTAND 170 MPH WIND YELOGITY.
- 5. CONTRACTOR SHALL SUBMIT SHIPP DRAWINGS OF WINDOW UNITS, DOOR TYPES AND FINISHES FOR APPROVAL PRIOR TO PLACEMENT OF ORDERS.
- SUBMIT COMPLETE DOOR MARDWARE SETS AND BROCHURES FOR EACH DOOR TYPE AS INDICATED ON DRAWINGS AND SCHEDULE.
- DOOR SHALL BE UNDERCUT TO PROVIDE CLEARANCE TO \$MING DOOR FREELY FROM APPLIED FIN. FLOOR INTERNALS AND FLOOR MOULDINGS.
- EGRESS COOR SHALL BE REACHLY OPENABLE FROM INSIDE WITHOUT THE LISE OF KEY OR SPECIAL KNOWLEDGE.

NAME	NAME										111519		
	FLOOR				WALLS				CEILING				
	KARBLE	WOOD TILE	BROOMED FINISH CONCRETE	PAINTED CMU	PAINTED GYP BOARD	CERAMIC TILE		PAINTED CONC.	PAINTED CYP. BD	PAINTED CEM FIBERBD.			
LIMING AREA	+						+				+		
KITCHEN							Ť	T					
DINING AREA	0.							Г					
BEDROOM-1					•			1	•				
BEDROOM-2					•				٠				
BATHROOM	+			+	_	•	+	-					
MASTER BATH ROOM		•			ń	•							
WALK-IN CLOSET	-		5		•			_		-			

SCHEDULE OF INTERIOR & EXTERIOR FINISHES

PROPOSED 20' HOUSE CONTAINER

DESIGNED: 28 DRAWN: JM CHECKETH OIL SUPPL OIL APPROVED: 400 DATE: ANDS 100

SHEET 7 OF 13

#### **GENERAL NOTES:**

- THE CONTRACTOR SHALL INCROUSHLY COALERS THE DRAIGNESS BETTRE BEOMANG ANY WORK OF SHALL NOTIFY THE DUBBLESS OF MAY DESCRIPTIONESS, ONESSORS OF CONFLICTS HAVE THE BETWEEN THE WHOLE SILDHOPTS OF THE DRAMPAGS BEFORE PROCEEDING WITH ANY WORK SO INCOLUED.
- THE CONTRACTOR SHALL VERBY AND BE RESPONSIBLE FOR ALL SITE CONTRIONS AND DIBLESSONS. HE SHALL ROTHLY THE EXAMPLE OF ANY DISCREPANCES BETWEEN ACTUAL CONTRIONS AND INFORMATION SHOWN ON THE DRAWNICS DEFORE PROCEEDING WITH THE WORK.
- 3 THE CONTRACTOR S-WALL INVESTIGATE THE SITE DURING CLEARING AND EXHTRIDORN OPERATIONS FOR UNDERFOONING CONTRES, BURNED STRUCTURES OF INDEPENDEND UTILITIES SIZE AS TANKS, CESSPOOKS, FORMATIONES, ETC. F. ANY SUCK STRUCTURES ARE FOLION, THE EXCHAETE SHALL BE INDIFFED AMERICANTEST.
- THE CONTRACTOR SHALL DAMEDATELY MOTITY THE ENGINEER OF ANY CONDITION WHICH IS HIS OFFICIAL MIGHT ENGANGER THE STRUCTURE OR CAUSE DISTRESS TO THE STRUCTURE.
- 5. PIE COMPRECED STALL DE SCRILT RESPONDEDE POR ALL CONSTRUCTION MEANS, METPODS, TEORNOLUES, SEQUENCES AND PROCEDUCES, PRINCIPION DE PRECISAY COMMENT, PRANTS, AND TEMPORARY BRACES. AS PART OF HIS RESPONDEDLY. THE CONTRACTOR STALL RETAIN THE SERVICES OF M DISPORTED TO COSICIA AND SEPENMEN ANY SCRIPTODOR, FOR HIS MORRIER AND SHOURSE PSENSIVE AND DEPUNDE ANY SCRIPTODOR. FOR HIS MORRIER HAS SHOURSE PSENSIVE AND DEPUNDE OF CONSTRUCTION AFFECTIOR OF HIS ROBIN.
- 6. CONSTRUCTION MATERIAL SHALL BE SPREMD DUT IF PLACED ON ROOFS LOAD SHALL WID DIDECTO THE DESIGN LIVE LOAD PIER SQUARE POOL, PROVIDE ADDRESS AND/OR BANCHOR WHORE THE STRUCTURE NAS NOT ATTAINED DESIGN STRENGTH.
- ALA, MORK SHALL CONFORM TO THE MINDLIN SECNARCHENTS OF THE FELLOWING.
   A. THE 2009 EDITION OF THE HITEDWINDLIN SHEDHING CODE.
   B. ALL APPLICABLE CODES. AND STANDARDS OF ANY OTHER REQUATING ASSICTES WHICH HAVE AUTHORITY DIVER ANY PORTION OF THE BOOKS.
- ALL ABANDONED FOOTINGS, UTILITIES, ETC. THAT INTERFETE INTH MEM CONSTRUCTION SHALL, BE REMOVED.
- 9. PROMOTE OTHER MATERIALS, HITT SPECIFICALLY DESCRIBED BUT REQUIRED FOR A COMPLETE AND PROPER INSTALLATION, AS SELECTED BY THE CONTRACTOR SUBJECT TO THE APPROVAL OF THE CHOMEER.
- 10. THE COMTRACTION SHALL SHEWLE STRUCTURAL CALCULATIONS AND CORTIFICATION FROM A RECORDED STRUCTURAL DISCRETZE THAT ALL BROOKS, MARGON FROMES, DOOR, BROWN FRANCES, AND THEIR AND AND ADDRESS OF THE STRUCTURAL CAMP, AS PER IBC 2009 WHIGH DROUBLE CATRONN TO.
- 11. MOTES AND DETAILS ON DRAWBINGS SHALL DAKE PRECEDENCE OVER CONTRAL NOTES AND TYPICAL DEDAILS.

#### FOUNDATION:

- 1. THE CONSTRUCTION AREA EXTERIENC'S FIELD FROM BAUDING UNE SHOULD BE BE CLARGE TO REJOIN AND THE STORM, AND FORTER DERROS. STRUCTURES I'LL SHOULD BE BELL-CHARGE ORBINLAR STOL WITH ROOK SEEDS STRUCTURES THAN 3 NOW-DES, NOW WORD THAN IS PERCOUNT OF THE ANTERNA BY WHOCH SHOULD SHOULD METERS MAY BE RESISSED UNDO MAY APPROVAL FROM THE SOULD SHOULD METERS MAY BE RESISSED.
- STRIBETURAL, FIUL SHOULD BS. PLACED IN 10—BICH LDOSE LAYERS WITH AT LEAST \$5% COMPACTION, MITAMABLE BY ASTN 01557.
- THE FOOTING AND FLOOR SLAB SINGLE REST ON MINIMUM OF A" THICK COURL BRECOGRESS COMPACTED TO 60% MACHINUM DESIGNY AND LABO ON SOUND AND SUTFACE FOOTING PACHEN, LIBERANCE CAPABLE OF SUPPORTING 3,000 FOR MANIMUM BEAGING PRESSURE RETROYT SOMETICANY SCHILDINGHY.
- 4. ALL TEAM AND COMPRESSENCE SOIL UNDERWEATH THE FOOTING SHMLL BE REPLACED WITH APPROVED LIMICSTONE FILL COMPACTED IN 10-INCH LOOSE LAYER TO 95K DENETTY.

5. ALI MEDIDAN OF REPORTING STEEL SHALL BE POPPORAGED USING THE DELETED OF THE PROPERTY LINESTON OF TO COLD FOR ARCHITACH SHALL BE REQUEST OF BELLOW CHECK HARDON OF THE PROPERTY OF THE DELETED OF THE PROPERTY OF THE PROPER

#### CONCRETE:

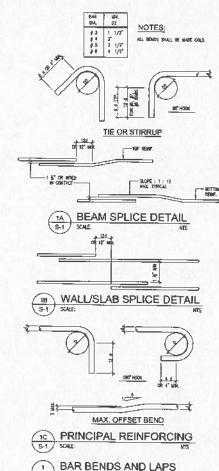
- 2. ALL PHYSES OF MORK PERTAINING TO THE CONDRETE CONSTRUCTION SIMUL CONFORM TO THE "BUILDING CODE REQUIREMENTS FOR RENOTINEED CONCRETE" (ACI 518) 1989 MODIFICATIONS AS NOTED IN THE DRIVINGS.
- A COMPIN SHALL BE TYPE II CONFURBING TO ASTA C190, MIZEAC EMPRIMENS SHALL CONFURD TO ASTA CIM, PLACEMENT SHALL CONFURD TO NO STUMBNIOS.
- 4. ALL COMPRETE MODES SHALL BE DESIGNED BY A CENTRIFIED INDEPENDENT TESTING LABORATION WHO SHALL SUBJECT COPIES OF THE DESIGN FOR APPROACH, AND SHALL BY ADDITION SUBJECT COPIES OF THE DESIGN FOR CYCHODER TEST RESILTS TO THE ENGINEER AND OBTION APPROACH, PROOR TO USE.
- 5. CONCRETE SHALL NOT BE FREELY GROP TO MORE THAN 3 FEET.
- ALL CONORETE SHALL BE PLACED WITH A SQUARP NO TO EXCEED 4 UNCHES.
   ONCRETE COMES OVER REINSTORCING STEEL SHALL GIF.
- 7. COMMONE CONTROL ONLY MARKET SHEEL SHEEL
- 8. SPUCES SHALL BE SECURELY WIRLD TOGETHER AND SHALL HAP OR EXTENDS A MEMBRING DEF 40. BAY DAVIETER UNLESS SHEWN OTHERWISE ON PLAN.
- 10, BANEDIATELY AFTER PLACEMENT, PROTECT THE CONCRETE FROM MOSTURE
  USS. MANTAN TODE CONTINUE OF WATER FOR 7 DAYS. THE CONCRETE
  SURFACES SHOULD BE REFF CONTRIBUTELY MORST BY USE OF
  MAY OR THE CELL-FROM
- JANY OF THE ROLLOWING:

  A POHIDING OR CONTINUOUS SPERMOUNG

  R ASSORTING MAI ON FARING ROTH CONTINUOUSLY WITH
  C. CLISTER CONTINUOUS MPUED IN ADDRESSANCE WITH THE
  RECOMMENSANCES OF THE MANUFACTURER.
- 11. ALL TESTING THAT SHAT SE REQUIRED BY THE SHEMEER FOR ALL WORK. 30 INVOICED SHALL BE PAID BY CONTRACKIR.

#### REINFORCING STEEL:

- NON-DROWN STEEL SHALL BE MEN STOCK ELECTRAND BARS CONFORMING TO
  ASTU ANTS COUNT 40, VIOLED WAS FARRIC SHALL BE MADE OF COLD—
  DRAWN WIRE MEDICED AND SHALL CONFORM RD ASTU ATOM.
- AUL BARS SHALL BE FREE OF RUST, GREASE, MICL SCALE, OR ANY MATERIAN, WHICH MAY AFFECT THEM BOND TO CONCRETE.
- ALL BARS BIDGES MUST BE WADE COLD. REPROXIMING OF BARES WILL, MOT BE PERMITTED.
- BENOME, PLADNE, SPACHE, DIMORETE PROTECTIVE COVER SPLICKE, AND ALL OTHER DETHES OF REPRODUCES SHALL CONTINUE TO THE TRADUCT CODE REQUIREMENTS FOR REPROSED CONCRETE, (AM 189), AM BETWANNAL OF STANDARD PRACTICE FOR DETAILING REPRODUCED CONCRETE STRUCTURES (AM 193).



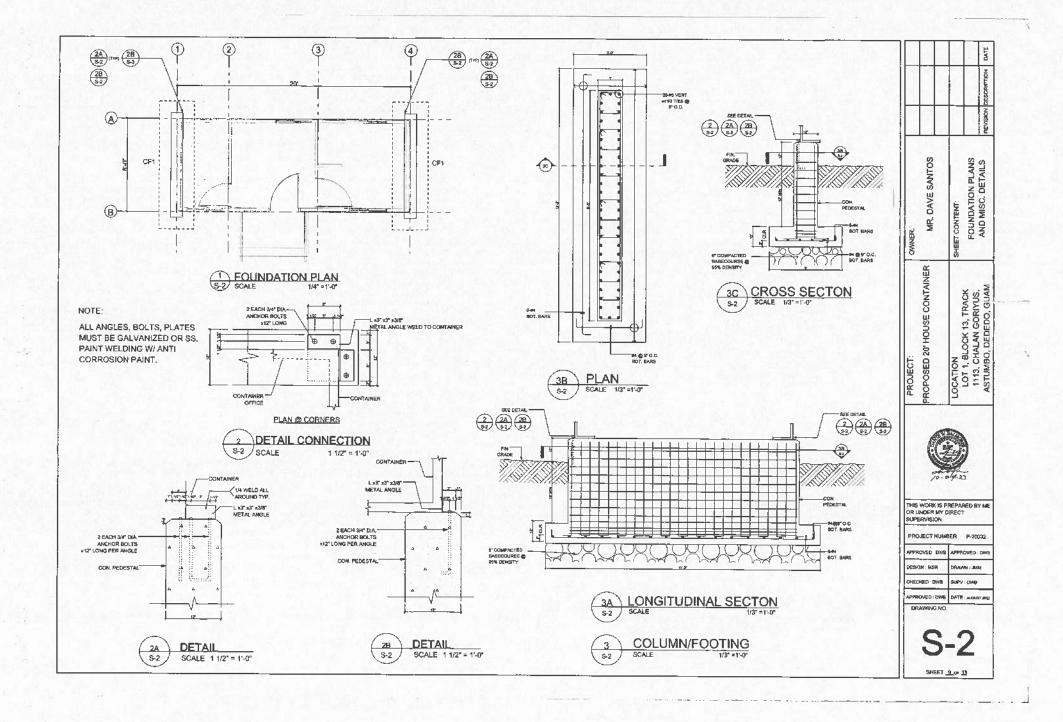
SC4F:





THIS MORN WAS PROPARED BY ME OR LUNGUE MY DIRECT SHITCHESON P-20022
DISSIPLET SHITCHESON P-20022
DISSIPLET SHITCHESON SHITCHESON DISSIPLET SHITCHESON SHIT

S-1



#### **EPA LEAD-FREE CONSTRUCTION NOTES**

22 GAR S141.43(c): CORPORD LEAD-FREE MATERIALS MAST BE USED. ALL MATERIALS MAST DE USED. ALL MATERIALS LOSD IN THE CONSTRUCTION OF ANY PURPOSE WATER STSTEM. PUBLIC WATER STSTEM COMPONENT ON ANY PULLIBRIES IN A SESSIONAND, DOS DE LLAD-FREE TO MEET THE SEQUENCIANTS, ONLY PRODUCTS THAT HAVE BELLIAD-FREE TO MEET THE SEQUENCIANTS, ONLY PRODUCTS THAT HAVE BELLIAD-FREE TO MEET THE SEQUENCIANTS STANDARD STSTEMANDS ON STREAMS STANDARD STANDAR

(1) EXEMPTIONS. THE CERTIFICATION REQUIREMENT IN THIS SECTION SHALL, NOT APPLY TO

(A) PAPES, PAPE FITTINGS, PLIMBING FITTINGS, OR FIXTURES, INCLUDING BACKFLOW PREVENTIES THAT MAY USED DIXCUSSMELY FOR MOMERISATION FOR MOMERIAN FOR THE MOMERIAN FORCESSING, INBOGATION, OUTDOOR WALEBOAL OR MAY GIVEN USES WASTE THE WAITER IS NOT ANTICIPATED TO BE VISED FOR HANNE CONSUMPTIONS OR

[8] TOILETS, BIDETS, URBHALS, FILL VALVES, FLUSHOWETER VALVES, TUB FILLERS, SHOWER VALVES, SERVICE SADDLES, OR WATER DISTRIBUTION MAIN CATE VALVES THAT ARE TWO (2) INCHES IN DIAMETER OR LARGER.

22 GAR 6141,43(4): BAREPHG OCCUPANCY PERBITS. NO PUBLIC WATER SYSTEM POURLY WATER SYSTEM COMPONENT OR RESIDENTIAL OR SYSTEM POURLY FACETY WATER SYSTEM COMPONENT THAT PROGRESS PARTY PROVIDED BY ACCOUNTY OF THE PROVIDED BY ACCOUNTY OF THE PROVIDED BY ACCOUNTY OF THE PROVIDED BY COMPONENT OF THE PROVIDED BY THE PROVIDED BY COMPONENT OF THE PROVIDED BY THE PROVIDED B

(1) LEAD SAMPLING RESULTS THAT ARE 0.015 MILLIGRAMS PER LITER ("mg/L") OR LESS PIRST DRAW SAMPLES COLLECTED FROM ALL REQUIRED ENDPORT DEVISES; OR

(2) GRIGHAL PRODUCT PACKACHO OR APPROVED ON-PRODUCT MARKINGS.
VERRIED THROUGH RESPECTION BY GLAM EPA STAFF, IDEOTRIPHING BOCK
PIPE, PIPE STRING, PURISHER STRING, OR PURISHE UPSTREAM OF AND
INCLUDING EXCH EMPORIT DEPOCE AS HAWRE, BEEN PODERNOCHTLY
CONTRIED AS LEGO-FREE UNISHED AT LLEST ONLY OF THE STANDARDS
REFERENCED IN SUBSECTION (c) OF THIS SECTION.

22 GAR 6141.43(f) LEAD-FREE COMPLIANCE SHAPLING, ALL SAMPLING OD-QUETTED FOR DETERMINES COMPLIANCE WITH THIS SECTION SHALL COMPLY WITH THE FOLLOWING REQUEENTS. THESE SAMPLING REQUIREMENTS SHALL APPLY TO MERLY CONSTRUCTED FRACIATIES, AS WELL AS ADDITIONS AND REJORATIONS OF HIGES SAME FACILITIES.

(1) HABIED DE SAMILES COLLECTIO. NEL HEM EMILIANES, AUCTIONS AND RENOVATIONS, PROPER TO EXCEPTION CONCEINEMP TO PRINTE MANUEL PRINT REPRESENTATIVE SAMPLE (PREST DEMINISANCIA — EST SEMPARACIAMEN (1/22)) COLLECTED FROM PREPLOMED CONCEINED MANUEL — EST SEMPARACIAMEN (1/22)) COLLECTED FROM PREPLOMED CONCEINED MONES TESTED FOR CONCEINEMP LEAD. THE NUMBER OF EMPROVED DEVICES TO BE INSTITUTED. BEAULT BE AS FOLIAMENT.

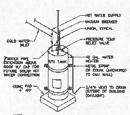
(a) BUILDING WITH LESS THAN FIVE (5) ENOPOINT DEVICES — ALL DEVICES SHALL BE TESTED.

(8) BULDANCS WITH FIVE (9) OR MORE EMPOINT DEVICES - FIVE (9) DEVICES FULLS TEN PERCENT (10%) OF THE TOTAL MUNIQUES OF EMPOINT RITHOF/FOR TOSS SHALL BE TESTED, HOMOVER, TO BUILDING SHALL HAVE LESS THAN FAVE (5) EMPOINT DEVICES TESTED. EMPOINT DEVICES USED PRIMARY FOR PROMISSING WATER SUPPLY AND COOKING, I.A., MATCHES FULLATIANG, COLLERS, KITCHEN FAUCETS, SHALL BE SELECTED AS FIRST PRIORITY.

(C) IM THE CASE OF NEW, AS WELL AS ADDITIONS AND REMOVATIONS OF DAYCARE CENTERS, SCHOOLS, AND NEATH CARE FACULTS — ALL EMPEDANT DEVICES OF THE FACULTY SHALL BE TESTED.

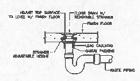
- CONFLORM DEVACE ON THE FACILITY SHELL BE TISTED.

  (3) FREST DORN SLAMPLES, ALL SAMPLES COLLECTED FOR DITERMINING COMPLANCE WITH THIS SECTION SHALL BE FIRST DIRW SAMPLES. THEST ORW SAMPLE MEMBERS OF THE SHAPE SH
- (3) SAMPLERS HUST BE APPROVED. ALL SAMPLERS CONDUCTOR FOR COMPLANCE WITH THIS SECTION MUST SE PERFORMATION FOR PROPERTIES GENERIC BY CARM ETA PETRONINEL, OR SAMPLERS CENTRED BY CARM ETA IN ACCORDANCE WITH THE PARACEPAR 10, (RESPORTE) OF THIS SECTION, SAMPLE RESOLUTS FROM SAMPLES TAKEN BY HON-APPROVED PRESONS WELL POT DE ACCOPTED.
- (4) CEPTERED LABORATORIES. FOR THE PURPOSE OF DETERMINING COMPLANCE WITH THE RECURBILIENTS OF THIS SECTION. SAMPLE RESULTS WILL BE ROCEFFED FOM A LABORATORY SPECIFICALLY CEPTIFIED BY GUAM FOR THE MALYTES AND METHODS USED.

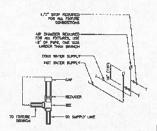


HOTER:
ALL HOS WORTH PAPERS SHALL BUT MESHAGED
MICHAEL COMPANY WITH SQUAL BEALLINGS SHARLY COOK.

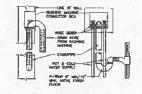
E.W.H. CONNECTION



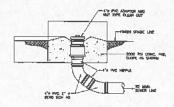
PLOOR DRAIN DETAIL



AIR CHAMBER DETAIL



WASHING MACHINE CONNECTION DETAIL



### CLEANOUT TO GRADE DETAIL

#### PLUMBING SYMBOLS

- SEWER LINE
   YENT, LINE
   DOLD WINTE LINE
   HET WATER LINE
  FO PLOCE DAMM
  - ELL BATCHES SPRINGS
    PRO SECRETAR
    PRO SECRETA
- YEA YOUR THING HOOF

  THE THEO-PIE MACHINE

  ACCO CHEMINE CLEMOUT

  POO PLOTE CLEMOUT
- DEN GLETTER WATER REALER
  DET EIST BADYER
  ARCHITECT

WC WATCH OLDSET

	77.71	PLUMB	ING E	TECTURE	SCHEDU	Æ	
Flaturité, conservação		AMERICA POPE BASE CONSECUTION (ARILL)				4	
FIGURE DE LOC		C. C	. [	HET	ert til	YUNT	PEHAS
CLOSE CLOSE	7 80	1/	3.	-	4"	4"	Fluidi Tives
LIMPTORY	LM	1/	2-	1/1"	Y	3"	
B-10WEH	294	1/	2"	1/7"	1 1/2"	2*	2- COMPARING SPACE
O'EGINC ANABLE	EATER CON	1/	4.	3/4"		-	4.30%, 2407 / 20 / 6040.



MB. DAVE SANTOS
EST CONTENT.
PLUMBONG GDARAL NOTES
AND MEN MEN PETALS

20' HOUSE CONTAINER
SHEET ON TAINOR SHEET OF TAINOR GAME

PROPOSED 20'1



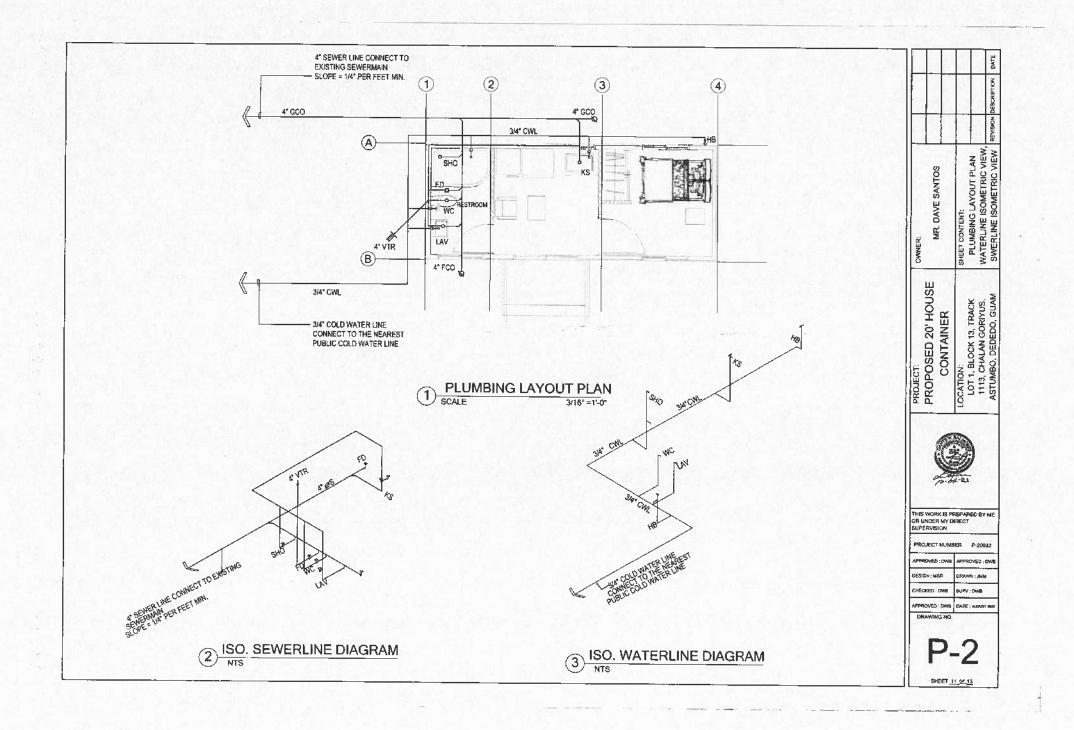
THIS WORK WAS PREPARED BY ME OR LINDER MY OPPECT SUPERVISION

OR LANGE MY OPECT SUPERVISION
PROJECT HUMBER P-20032
DESCRICE BY DRAME AN
CRECKED: DW SUPA: DB
APPROVED: NO DATE: MESS MES

DRAWING NO.

P-1

9-ETT 10 or 13



#### **ELECTRICAL NOTES**

- ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE APPLICABLE SECTIONS OF 2006 NATIONAL ELECTRICAL COOS (NEC). INTERNATIONAL BUILDING CODE (BEC). RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC WORKS, GOVERNMENT OF CLIMAL CURAL POWER AUTHORITY AND CUMAL TELEPHONE AUTHORITY.
- 2 ALL COUPPIENT AND MATCHALS SHALL BE ULLLISTED WHERE USTING IS AVAILABLE FOR THAT TYPE OF ECURPMENT OF CONFORM TO ANSI OF NEWA STANDARDS. SUBMIT SHOP DRAWINGS AND PRODUCT INFORMATION CATALOG FOR APPROVAL.
- 3. WORMMAYSHIP SAMLL CONFORM WITH THE STANDARD ENGINEERING AND CONSTRUCTION PRACTICES EMPORCED BY COMERNISHEN OF CLUM AND SHALL BE SUBJECTED TO THE APPROVAL OF THE ABENCY WHO HAS JURISDICTION ONEN THE PROJECT AND RECOMMENTED BY THE AMERICAN ELECTRICAM HANDBOOK BY CROST (LATEST EDITION)
- 4. METALLIC DHOLOSUMES, PAUGHANS AND ELECTRICAL EQUIPMENT SMALL BE ORQURDED IN ACCORDANCE WITH REQUIREMENTS OF MEE ARTICLE 250. PROVIDE GROUND WIRE IN EVERY PAUGHANY SEE IN ACCORDANCE WITH THE NOT TRUME, 230-250.
- 5. DETAIN AND PAY FOR PERMITS AND CONSTRUCTION UTILITIES
- 5 COOPDINATE WITH MECHANICAL TRADE FOR EQUIPMENT REQUIREMENTS AND PROVIDE WIRING AND PROTECTION OF THE ECUIPMENT AS MAY REQUIRED.
- CONDUT SHALL BE PVC (ENCASED IN CONCRETE AND BELOW GRADE), ALUMINUM (EXPOSED INSTALLATION), ENT (BRY LOCATIONS) CONCEALED ABOVE GRADE), FLORIBLE COMPUT SHALL BE JACKETED TYPE IN ACCORDANCE WITH NEC ARTICLE 350.
- 8. WHILMS SHALL BE NEC TYPE THWI, THINN OR XHIM, BODY, CONDUCTORS SHALL BE COPPER.
- MINIMUM SIZE OF WORE SMALL \$12,000 AND MINIMUM SIZE OF CONDUIT SHALL BE &-DIAMETER UNLESS DITHERWISE NOTED.
- 10. ANY OPINCES MAY BE INSTALLED WITH 10' OF THE LOCATION ON THE ORANGING AT THE DIRECTION OF THE DIRECTION OF THE ARCHITECT AT MO ADDITIONAL COST TO THE OWNER.
- 11. OUTDOOR INSTALLATION SHALL BE RAIN TICHT.
- 12. PAREL BOARD SHALL BE COMPLETE WITH BUS ENCLOSUME AND TRIM MOLDED CASE CRICUIT BREAKER PLUG-IN TYPE WITH RATING AS INDICATED AND TYPE WRITTEN CIRCUIT DIRECTORY.
- ELECTRICAL WORK SHALL BE UNDER THE FULL SUPERVISION OF A MASTER ELECTRICIAN REGISTERED TO PRACTICE IN QUAM.
- 14. SMOKE DETECTOR / CARBON MONOXIDE, SWOKE DETECTOR SMALL BE WRED ON TANGEN SO THAT THE ACTIVATION OF ONE OFFICING SMALL CAUSE OTHER DETECTOR TO SOUND AN ALARM SMALLTANDOUSLY APPROVED BY ADCORDANCE WITH GUAM FIRE CODE / FEDERAL FIRE CODE AND WITH BATTERY BUCK-UP.
- A. SMOKE DETECTOR SHALL BE 120 Y AC WITH BATTERY BACK-UP AND IN COMPUNICE WITH UL.
- B. CARBON MONOXIDE DETECTOR SHALL BE 120V AC WITH BATTERY BACK-UP AND IN COMPLIANCE WITH UL 2034
- 15, IT IS THE INTENT OF THE PLANS TO PROVIDE A COMPLETE AND WORKABLE DISTALLATION IN EVERY DETAIL AND ALL TIEMS REQUIRED SHALL BE PROVIDED WHETHER OR NOT PRASTICALLY. SHOWN OF SPECIFIED OF THIS PLANS, FOR A COMPLETE STREAM, READY FOR USE, AS SPECIFIED AND AS REQUIRED BY (NECLIFIC SHE) AND LOCK REQUIRED, LAWS AND CORREST.
- 16. PLANS AND DRAWSHOS FOR ELECTRICAL WORK ARE DISCRAMMATIC AND ARE BITENDED TO COINEY SCOPE AND GENERAL AREANCEMENT ONLY. CONTRACTOR SHALL REVIEW THE ELECTRICAL DRAWNOSS AND OTHER DESCRIPTIONS TO COORDINATE. ELECTRICAL WORKS.
- 17. PROMDE ACCESS PANELS TO JUNCTION BOXES, PULLBOXES AND DISCONNECT SWITCH INSIDE CELLING SPACE
- 18. COORDINATE ALL ELECTRICAL CONNECTION OF ALL APPLANCES AS TO TYPE OF CONNECTION, ELECTRICAL LOND AND VOLTAGE, PROVIDE NECESSARY ADJUSTMENT AS REQUIRED.
- 18. ALL ELECTRICAL CONDUIT PENETRATION THRU FIRE WALLS SHALL BE FIRE STOPPED.
- 20. CONTRACTOR SHALL SUBMIT AS BUILT TO THE ARCHITECT AND OR OWNER
- 21. PROVIDE PULLBOX AS REQUIRED BY NEC, EVEN NOT SMOWN ON DRAWINGS,
- 22. ALL LIGHTING FORTURES SHALL BE APPROVED BY ARCHITECT AND OR DAINER,
- 23. ALL EXPOSED JUNCTION BOXES EXPOSED TO WEATHER AND LOCATED WITHIN EIGHT (8) FEET ABOVE FLOOR SHALL BE CAST ALLIMINUM.
- 24. ALL ELECTRICAL EQUIPMENT SUBJECT TO VIBRATIONS SHALL BE CONNECTED WITH FLEXIBLE CONDUCTS
- 25. PROVIDE SUPPORTS ON ALL EQUIPMENT AS PER MANUFACTURER'S RECOMMENDATION.
- $26\,$  All Electrical devices and coupment exposed to weather shall be weatherproof.
- 27. ALL 120 VOLT RECEPTACLES SHM1. BE TAMPER RESISTANT TYPE EXCEPT FOR REFRIGERATOR & WASHING MACHINE.

	ELECTRICAL SYMBOL LIST
SYMBOL	DESCRIPTION
Q10	LED UG-1 PRITURE, DENING, SURFACE MOUNTED, NUMBER PRINCIPS CHOURT HUMBER. SUBSCRIPT CETTOR "o" DENOTE CONTROLLING SWITCH
•	PENDANT LIGHT FOTURE, COLING.
0	LED LIGHT FIXTURE, COLLING, RECESSED WOUNTED
HQ:	LED LIGHT FICTURE, WALL SURPLIES HOUSINGS
-0-1	LED STREP LIGHT(FOR UNDER CABINET), COLING SCHEACE MOUNTED
	WALK-IN CLOSET LED LINEAR LIGHT FOTURE. CELLING SUFFICE MOUNTED
_	LED WARTY WONT FIXTURE, WILL MOUNTED
S <sub>0</sub>	THANKELER SWITCH, WALL MICANITED 2915A 120V, GROUNCING TYPE SUBSCRIPT LETTER "" DENOTE PERMIT CONTROLLED
€3	THERE WAY SWITCH, WALL MOUNTED
f <sub>e</sub>	MANAGE MOTOR SWITCH, HP RATED
0	DUPLEX RECEPTIONS TAMPER RESISTANT, HALL FLUSH MOUNTED, 2P15A, 125V GROUNDENG TYPE
@grj	OFFE RECOPTACUE, TARPER RESISTANT, WALL MOUNTED
0	SHILLE RECEPTACE, TAMPER RESISTANT, MALL, PLUSH MOUNTED, 2915A, 125W, DROUNDING PYPE
Φ	SINGLE RECEPTABLE WALL MOLINTED, 2930A, 250Y, GROUNDING TYPE
9	SENGLE RECEIPTACLE, WALL, PLUGH MOUNTED, 2PROA, 250V, DROUNDING TYPE
69	COMBINATION SHOUL/CARBON WONDOODE DETECTOR ALARM W/ BARTONY BACK-UP, COLUNG SURFACE MICHITED
(3)	SMOKE DETECTOR ALARM W/ BATTERY BACK-UP, CELLING SURFACE MOUNTED
(3)	CARGON MONORIEE ALARM W/ BATTERY BACK-UP, COURS SURVICE MOUNTED
И	YELEPHONE OUTLET, MALL, FLUSH MOMNTO
HØ	TELEVISION DUTLET, WALL, FLUSH MOUNTED
HQ)	AUNCTION BOX. WALL, FLUSH MOLBITED
Ð	DOWNST FAN COMMECTION
0	DISPOSER COMMECTION
0	EQUIPMENT CONNECTION WITH DITESTAL CONTROLLER
<b>®</b>	ELECTRIC WATER HEAVER CONNECTION
D.	DISCONNECT SMIPCH, HP MATED
e .	ELECTRICAL, PROFESSIONED, FLUTPI MOUNTED
-	CTA TELEPHONE CABRET, WALL SURFACE MOUNTED
CM	DOCOMO TY CARNET
	CONDUTE, CONCEASED IN HOLLS OF CEEING, STEE AND QUANTITY OF HITES AT RECUPED
	CONDUIT, UNDERFLOOR,
	CONDUIT, UNDERCROUND CONCRETE ENCASED
	TELEPHONE COMOUNT, EMPTY WITH NITLON HOPE PLELINING
-v-	TELEVISION CONDUIT, ENPTY WITH MYLEN REPE PULLWARE
thu.	FLENBLE CONDUIT, LIQUIDITIENT
(Party	HOMERIUMS TO AWARE MAKEL & CERCUIT DESIGNATIONS INDICATED
AC.	ABOVE COLUMBER
tic .	LAGER COUNTEN
FCU	FAN COLL LIMIT
Gro.	CROCKED PAULY CHECKE INTERRUPTER
WP	WEATHERWOOP
(A)	DUCT SECTION INDICATOR

	25- MIN
FINISH CRADE	LINE
SELECTED BACKFIEL COMPACTED TO 95% MAX. DENSITY WARNING TAPE	
3,000 PSI CONC. —— 1° TV CONDUIT —— 1° TEL CONDUIT ——	
ELECTRICAL	12   12   1-

DUCT	DETAIL/SECTION
1 1	

DEVICE MICUMITANO HEIGHT	MCUMINO	REFERENCE POWE						
	FLOOR	CEILING	TO	Ę	TOP	BOFTOM	REMARKS	
D		CLG. S	CLG. SURFACE MOUNTED					
다	6'-6"							
Θ	1'-0"						•	
⊕ CFI	9'	TOP CO	KINTER				•	
<b>GREF</b>	4'-0"		THE					
₽R	3'-0"						•	
⊕ wн	2,-0.			•				
Q DRY	3'-0"		1.00	4				
DI	1"-0"						•	
4	5'-6"							1110
-	5"-5"							11/11
3 3	3	CLG. S	CLG. SURFACE MILINTED					
ЧШЕЖН	4"-0"	•						
5.52,53	4"-0"			•				
-0	1'-0"							

PANEL "A"			2P160A MCB 120/240V, 14, 3W					
CKT/SLOT#	DESCRIPTIONS	PHASE	LOAD, KYA					
,		A	8	POLE	AMP	\$126		
1	LIGHTS .	1200		1 1	20	#12		
2	CONVENIENCE OUTLET *	1200			20	#12		
3	REFRIGERATOR		1000	1	20	112		
4	CONVENIENCE OUTLETS		1200		20	112		
5	CARBAGE DISPOSER	1200			20	12		
6	RANGE HOOD	1000		1	20	112		
7	RANGE (PART OF CKT 9)		2500	2	50	16		
5	ACCU-TA (LMING AREA, PART OF CKT 21)		800	2	30	d10		
	RANGE (PART OF CAT 7)	2500	1		-	4.4		
10	ACCU-1A (LMING AREA, PART OF CKT 19)	800	1			-		
11	ACCU-18 (CHENG AREA, PART OF CKT 25)	700	800	2	30	Ø10		
12	SMOKE AND CARBON MONOXIDE DETECTOR		600		-	112		
13	ACCU-18 (DINING AREA, PART OF CKT 23)	800		-	_	-		
14	DISH WASHER	1200	_			112		
15	SPARE		1006	_	-	112		
16	SPARE		1000	=	-	-		
17	PFB	_	.500	-	-	-		
18	SPARE	1000	_		-	-		
19	PFB	1000				_		
20	PFB	_		-	-	-		
21	IPFB	-	_	-	-			

10,900 7,100

TOTAL LOAD TOTAL AMPS APPLIED DEMAND FACTOR DEMAND AMPS 18,900 75 80% PROPOSED 20" HOUSE CONTAINER UR. DAME SANTOS

LOCATION: LOT JECOK. 13, TRACT 1113, SHEET DON'THYL

ASTRUMEN DETEROO. 62,244

DOMESTIC DON'THYL

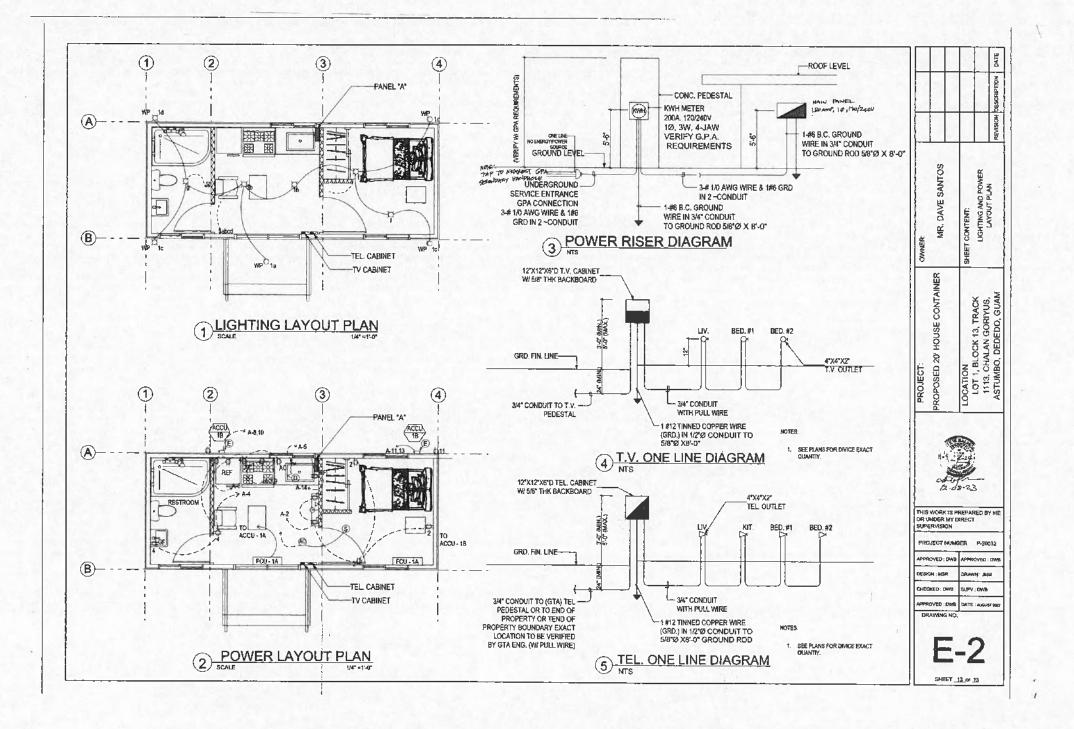
BEET TRACT NOTES

ASTRUMEN DETEROO. 62,244



THE WORK WAS PREPARED BY ME OF OWNER WITH THE PROPERTY IN THE PROPERTY OF THE

SHEET 12 OF 13



### JOLEEN M. ALMANDRES RESIDENTIAL APPLICANT

### I. REQUEST

- Terminate Residential Lease.
- > Request reimbursement for Property Taxes in the amount of \$280.00.
- Request to be relieved of lease rent payments.

### II. ISSUE(S)

- Lessee has not occupied the premises on a full-time basis.
- Lessee has not properly installed and metered all utilities.
- Lesse has outstanding lease rent payments of \$99.00.
- Lessee has outstanding real Property Taxes of \$865.62.

### III. FACTS

- 1. Applicant's Date and Time: December 2, 1995 at 8:48 am.
- 2. Applicant's Application Number: 0000057
- 3. Application Type: Residential
- 4. Lot Description: Lot 20, Blk 04, Tract 9210 (Phase-1) Yigo
- 5. Survey Map: N/A
- 6. Priority: 1
- 7. Preoccupier: N/A
- 8. Land Use Permit (LUP): N/A
- 9. Mayor's Certification: N/A
- 10. Recorded Lease: N/A
- 11. Unrecorded Lease: Yes
- 12. Lease Fee Paid: No
- 13. Is this a Registered Property? Yes
- 14. Residing on Private Property: N/A
- 15. Residing on Guam Ancestral Lands Property: N/A
- 16. Part of Null and Void Listing: N/A
- 17. Part of 2018 Ratified Listing: No
- 18. Part of 1995 Listing: Yes
- 19. Part of OPA Audit Listing: N/A

### IV. CHRONOLOGY

- 1. January 3, 1997: Lessee was interviewed.
- 2. January 23, 1997: Lease was issued.
- 3. March 11, 2025: Lessee met with AAD Mr. Joey Cruz and CLTC Staff Jessica Dayday.
- 4. May 27, 2025: Ms. Joleen M. Almandres submitted a letter to CLTC requesting for lease fee payments to be waived in the amount of \$99.00 and Real Property taxes in the amount of \$865.62.
- 5. May 27, 2025: Ms. Almandres submitted to CLTC a Notarized Form for Notice to Terminate Lease Award Voluntarily.

#### V. SUMMARY

- Lessee is requesting to Terminate her Lease.
- Lessee is requesting Lease Fee payments and Real Property taxes be waived

JOLEEN M. ALMANDRES COMPILED BY EC LAND AGENT II 7/16/2025

### Joleen M.M. Almandres P.O. Box 1127 Hagåtña, Guam 96932 671-727-1205 / joleenalmandres@gmail.com

May 27, 2025

Mr. Joseph B. Cruz, Jr.
Acting Administrative Director
Kumision Inangokkon Tano' CHamoru
CHamoru Land Trust Commission (CLTC)
P.O. Box 2950 Hagåtña, Guåhan 96932

Hafa Adai Mr. Cruz,

On March 7, 2025, I received a call from CLTC staff Ms. Jessica Dayday notifying me to come into the CLTC office to meet with you regarding areas of non-compliance found after a CLTC compliance inspection was conducted on my CLTC leased property [Lot 20, Block 4, tract 9210 (Phase -1) Municipality of Yigo].

I was never provided a copy of my CLTC Residential Lease after signing the agreement on January 23, 1997, during a signing event in Yigo with then Lt. Governor Madeleine Z. Bordallo. Thus, I requested Ms. Dayday for a copy of the agreement for my review before meeting with you, which I received via email on March 10, 2025.

On March 11, 2025, I met with you and Ms. Dayday at the CLTC office in in Tamuning. During the meeting, you read the *Notice to Remediate Residential Lease* addressed to me, and a copy was emailed to me 2 days later. The notice identified 4 areas of non-compliance, which are listed below:

- Lessee has not occupied the Premises on a full-time basis.
- Lessee has not properly installed and metered all utilities.
- Lessee has outstanding lease rent payments of \$99.00.
- Lessee has outstanding Real Property taxes of \$865.62.

Although you explained how to come into compliance, you informed me that I am no longer eligible to be a lessee, as my husband is also a lessee. For this reason, enclosed is my signed and notarized *Notice to Terminate Lease Award Voluntarily* form.

I want to mention that for the past 28 years, I have never received direction, instruction, or communication from the CLTC concerning my lease terms. Therefore, I am requesting the CLTC to relieve any lease rent payments due, request to be relieved of any Real Property taxes due under my name, and be reimbursed for property taxes I have paid on the aforementioned CLTC property from 2018 to 2024, amounting to \$280.

Should you have any questions, please feel free to contact me via email, and I look forward to the Commission's favorable response to my requests.

Senseramente.

Allen M. M. Almandres

Enclosure



### Notice to Terminate Lease Award Voluntarily

1, Johan	Marie Mabayag	Almandres	(Lesse	e), whose address
is PO	30x 1127 Ha	gatria, Guam	96932	
I request lease with time. I wi	that the CHamo h CLTC due to n	ru Land Trust ( ny inability to co all liabilities an	Commission (CL comply with the le d will not pursue	TC) terminate my ease terms at this any claims against
Joen	mornard	rd		3.25.2026
0	Mm Ofmand Lessee			Date
On thispersonally person will purpose.		UAPUT 2: LEEN M ALMAND bscribed to the	025, before me, t 원. within the instrum	he undersigned notary known to me to be the ent and for its stated
In witness	whereof, I have he	ereunto affixed my	name and official	seal.
		Notary F	ublic Attitut	_
			mission Expires _	DEC.09,2028
I FENRO	MOTION			12 12 13 9 15 15 15 15 15 15 15 15 15 15 15 15 15





### MARK MENDIOLA ALMANDRES RESIDENTIAL APPLICANT

### I. REQUEST

- Terminate Residential Lease.
- > Request reimbursement for Property Taxes in the amount of \$280.00.
- Request to be relieved of lease rent payments.

### II. ISSUE(S)

- Lessee has not occupied the premises on a full-time basis.
- Lessee has not properly installed and metered all utilities.
- Lesse has outstanding lease rent payments of \$99.00.
- Lessee has outstanding real Property Taxes of \$865.62.

### III. FACTS

- 1. Applicant's Date and Time: December 2, 1995 at 8:48 am.
- 2. Applicant's Application Number: 0000058
- 3. Application Type: Residential
- 4. Lot Description: Lot 07, Blk 22, Tract 9210 (Phase-1) Yigo
- 5. Survey Map: N/A
- 6. Priority: 1
- 7. Preoccupier: N/A
- 8. Land Use Permit (LUP): N/A
- 9. Mayor's Certification: N/A
- 10. Recorded Lease: N/A
- 11. Unrecorded Lease: Yes
- 12. Lease Fee Paid: No
- 13. Is this a Registered Property? Yes
- 14. Residing on Private Property: N/A
- 15. Residing on Guam Ancestral Lands Property: N/A
- 16. Part of Null and Void Listing: N/A
- 17. Part of 2018 Ratified Listing: Yes
- 18. Part of 1995 Listing: Yes
- 19. Part of OPA Audit Listing: N/A

### IV. CHRONOLOGY

- 1. January 6, 1997: Lessee was interviewed.
- 2. January 23, 1997: Lease was issued.
- 3. March 11, 2025: Lessee met with AAD Mr. Joey Cruz and CLTC Staff Jessica Dayday.
- 4. May 27, 2025: Mr Mark Mendiola Almandres submitted a letter to CLTC requesting for lease fee payments to be waived in the amount of \$99.00 and Real Property taxes in the amount of \$865.62.
- 5. May 27, 2025: Mr. Almandres submitted to CLTC a Notarized Form for Notice to Terminate Lease Award Voluntarily.

#### V. SUMMARY

- Lessee is requesting to Terminate her Lease.
- Lessee is requesting Lease Fee payments and Real Property taxes be waived.

MARK MENDIOLA ALMANDRES COMPILED BY EC LAND AGENT II 7/16/2025

# Mark A.M. Almandres P.O. Box 1127 Hagåtña, Guam 96932 671-727-8520 / markalmandres@yahoo.com

May 27, 2025

Mr. Joseph B. Cruz, Jr.
Acting Administrative Director
Kumision Inangokkon Tano' CHamoru
CHamoru Land Trust Commission (CLTC)
P.O. Box 2950 Hagåtña, Guåhan 96932

Hafa Adai Mr. Cruz,

On March 7, 2025, my wife received a call from CLTC staff Ms. Jessica Dayday notifying to come into the CLTC office to meet with you regarding areas of non-compliance found after a CLTC compliance inspection was conducted on my CLT leased property [Lot 7, Block 22, Tract 9210 (Phase -1) Municipality of Yigo].

I was never provided a copy of my CLTC Residential Lease after signing the agreement on January 23, 1997, during a signing event in Yigo with then Lt. Governor Madeleine Z. Bordallo. Thus, my wife requested Ms. Dayday for a copy of the agreement for my review before meeting with you, which she received via email on March 10, 2025.

On March 11, 2025, I met with you and Ms. Dayday at the CLTC office in Tamuning. You read the *Notice to Remediate Residential Lease* addressed to me, and at my wife's request, a copy of the notice was emailed to her 2 days later. The notice identified 4 areas of non-compliance, which are listed below:

- Lessee has not occupied the Premises on a full-time basis.
- Lessee has not properly installed and metered all utilities.
- Lessee has outstanding lease rent payments of \$99.00.
- Lessee has outstanding Real Property taxes of \$865.62.

Because I will not meet full compliance within one year of notification of non-compliance, I submit my signed and notarized *Notice to Terminate Lease Award Voluntarily* form.

Further, for the past 28 years, I have never received direction, instruction, or communication from the CLTC to be aware of my lease terms. Therefore, I am requesting the CLTC to relieve any lease rent payments due, request to be relieved of any Real Property taxes due under my name, and be reimbursed for property taxes that I have paid on the aforementioned CLTC property from 2018 to 2024, amounting to \$280.

Should you have any questions, please feel free to contact me via email, and I look forward to the Commission's favorable response to my requests.

Senseramente,

Enclosure

RECEIVED

### Notice to Terminate Lease Award Voluntarily

is P.O. Box 1127	Hagatha, Gu. 96932	
I request that the CHa	amoru Land Trust Commission	n (CLTC) terminate my
lease with CLTC due	to my inability to comply with	the lease terms at this
time. I will waive any	and all liabilities and will not p	ursue any claims again
CLTC regarding the le	ease that I am requesting to T	erminate.
- mar u. X	the	3/25005
Les	see	Date
VOLUNTARILY," YOU / LAND LEASE IMMEDIA	Y SIGNING THIS "NOTICE TO TE ARE REQUESTING CLTC TO TEI ATELY. SIGNING THIS DOCUMEN ES. WE URGE YOU TO CONSUL	RMINATE YOUR CLTC
VOLUNTARILY," YOU A LAND LEASE IMMEDIA LEGAL CONSEQUENC BEFORE SIGNING.  On this 2011 day of	ARE REQUESTING CLTC TO TENTE ATELY. SIGNING THIS DOCUMENTES. WE URGE YOU TO CONSULT OF MARCH , 2025, before	RMINATE YOUR CLTC IT HAS IMPORTANT IT WITH AN ATTORNEY  me, the undersigned not
VOLUNTARILY," YOU A LAND LEASE IMMEDIA LEGAL CONSEQUENC BEFORE SIGNING.  On this	ARE REQUESTING CLTC TO TENTELY. SIGNING THIS DOCUMENTES. WE URGE YOU TO CONSUL	RMINATE YOUR CLTC IT HAS IMPORTANT IT WITH AN ATTORNEY  me, the undersigned not, known to me to be
VOLUNTARILY," YOU A LAND LEASE IMMEDIA LEGAL CONSEQUENC BEFORE SIGNING.  On this	ARE REQUESTING CLTC TO TENTELY. SIGNING THIS DOCUMENTES. WE URGE YOU TO CONSULT OF MARCH 2025, before THE ANDREN MENDIOLA ALLIANDRE	RMINATE YOUR CLTC IT HAS IMPORTANT IT WITH AN ATTORNEY  me, the undersigned not, known to me to be instrument and for its sta
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VOLUNTARILY," YOU A LAND LEASE IMMEDIA LEGAL CONSEQUENC BEFORE SIGNING.  On this	ARE REQUESTING CLTC TO TENTED.  ATELY. SIGNING THIS DOCUMENTES. WE URGE YOU TO CONSULT  OF MARCH . 2025, before ANDREN MENDIOUA ALMANDRES Subscribed to the within the inverse hereunto affixed my name and converse public	me, the undersigned not has home and for its sta

### DANIEL C. LUJAN Agriculture Lessee

I. MATTER(S): 1) Cancellation of Application and Lease Agreement; and 2) Waiver of tax years 2011-2014

#### II. FACTS

- 1) Applicant's Date and Time: December 2, 1995 at 4:00PM
- 2) Applicant's Application Number: 0000529
- 3) Original Application Type: Residential
- 4) Lot Description on Lease Agreement: Portion of Lot 528 Merizo
- 5) Lot Size: Not more than 2-acres
- 6) Master Plan Identification: Lot 528-4 Merizo
- 7) Survey Map: None
- 8) Priority: N/A
- 9) Preoccupier: No
- 10) Land Use Permit (LUP): N/A
- 11) Mayor's Certification: N/A
- 12) Recorded Lease: 684597
- 13) Unrecorded Lease: N/A
- 14) Lease Fee Paid: None; As per lease agreement "Rental fees shall be determined at a later date"
- 15) Is this a Registered Property: Yes
- 16) Residing on Private Property: No
- 17) Residing on Guam Ancestral Lands Property: No
- 18) Part of Null and Void Listing: No
- 19) Part of 2018 Ratified Listing: Yes
- 20) Part of 1995 Listing: No
- 21) Part of OPA Audit Listing: No
- 22) Lease Approved by CLTC Board of Commissioners: Yes

#### III. CHRONOLOGY

- 1) December 2, 1995 Agriculture Application submitted by Daniel C. Lujan. Application No. 0000529 at 4:00PM
- September 2, 1998 Request to change application type from Residential to Agriculture indicated on the Residential Interview Report. Approved by AD J.M. Borja.
- 3) July 29, 2003 Survey Authorization issued to Mr. Lujan for a Portion of Lot 528, Merizo no more than 2-acres from J.M. Borja.
- 4) July 29, 2003 Approval of application for building and clearing permits from AD J.M. Borja.
- 5) August 29, 2003 Agriculture Lease Agreement issued to Mr. Lujan for a Portion of Lot 528, Merizo containing not more than 2-acres subject to survey. Signed by AD J.M. Borja and Governor Carl Gutierrez; no signature from Mr. Lujan; however, this lease was recorded under Ins. No. 684597

- 6) October 21, 2014 Agriculture inspection conducted by J. Acfalle and S. Duenas indicating that the place he was occupying is undeveloped.
- 7) January 28, 2021 CLTC Land Agent J. Casem and survey crew met with Mr. Lujan at his father's private property so he can show us the lot he was supposed to utilize. He advised that the property is an incline and is not feasible to utilize.
- 8) Mary 21, 2021 Land agents G. Eay and J. Casem met with Mr. Lujan to advise him of the findings regarding the property behind his father's private property. Findings from the research identified that the property behind his father's is private property; therefore, he is unable to use it. Documents supporting this finding was placed in his file for reference. CLTC placed him on Lot 528-4, municipality of Merizo based on the Master Plan Map.
- 9) May 23, 2025 Submission of tax receipt payments for years 2015 through 2024.
- 10) May 29, 2025 Notarized letter of request from Mr. Lujan in regards to the cancellation of his CLTC application and lease agreement of recorded document no. 684597.
- 11) June 18, 2025 Request of any pending tax assessments under Daniel C. Lujan to Department of Revenue and Taxation (DRT) sent to Property Division
- 12) July 10, 2025 Response from DRT via email regarding the pending tax payments owed under Daniel C. Lujan totaling \$293.44 from the tax analysis.
- 13) July 31, 2025 Compliance inspection conducted by land agents E. Chargualaf and J. Casem to identify the occupancy of Mr. Lujan within Lot 528-4, municipality of Merizo. Based on the compliance, Mr. Lujan is not occupying.
- 14) August 4, 2025 Mr. Lujan came in to inquire on the tax assessment received from DRT. He wishes to seek the board's approval to waive his pending tax payments for years 2011-2014.

#### IV. SUMMARY

Mr. Lujan was under the assumption that CLTC would assist him with a relocation request to a different lot within Merizo, as the property behind his father's land is not within CLTC inventory. However, he claims he was never given the opportunity to settle on an agriculture property. Many years later, he recalled his agriculture lease and contacted our office for an update on his status.

The Master Plan Map placed Mr. Lujan on Lot 528-4, municipality of Merizo, near the Merizo church. This assignment occurred because CLTC did not physically locate him during the MP Map's development. For taxing purposes, Mr. Lujan was placed on this particular lot, which is not more than 2 acres.

Mr. Lujan would like to return the 2-acre property to the CLTC inventory through the cancellation of his application and agriculture lease. He also requests a waiver for tax years 2011 through 2014, as he states he never received statements from the Department of Revenue and Taxation for those years. However, as per §75A108(f)(g), The lessee shall pay all taxes assessed upon the tract and improvements thereon. The Commission may in its discretion pay such taxes and have a lien therefor as provided by § 75A114 of this Law. The lessee shall perform such other conditions, not in conflict with any provision of this Chapter, as the Commission may stipulate in the lease; provided, however, that an original lessee shall be exempt from all taxes for the first seven (7) years from the date of the lease.

### 21 GCA REAL PROPERTY CH. 75A CHAMORRO LAND TRUST COMMISSION EFFECTIVE JANUARY 1, 2021

Commission and who has actually occupied such land for more than six (6) months immediately last past.

- (C) As used in this Subsection, government of Guam shall include all of the government of Guam, its agencies and instrumentalities, including autonomous agencies, except for the Commission.
- (2) Water shall be metered for both private and agricultural/aquaculture use. Approval by the Administrative Director of the Commission, or the Director of Land Management, does not waive any of the utilities' requirements or restrictions for the installation of the utilities, and the qualified applicant shall be responsible for paying the actual connection fees. The application, issuance, and connection of utilities shall not prejudice anyone in any ejectment action, quiet title action, litigation or claim relating to the property, nor shall it be construed as an admission, nor shall it create any presumptions.
- (3) The application for a utility extension pursuant to this Subsection and the connection of utilities shall in no way prejudice the qualified applicant in any way as to any claim or litigation relating to ownership of the land in question, the validity of any lease or land use permit, the right of the qualified applicant to occupy the property, or the qualified applicant's use of the property. By so applying for utilities, the qualified applicant is in no way admitting, recognizing or ratifying any claim which the government of Guam or the Commission may have to the land in question.
- (4) The granting of a utility extension pursuant to this Subsection and the connection of utilities shall in no way prejudice the government of Guam or the Commission in any way as to any claim or litigation relating to ownership of the land in question, the validity of any lease or land use permit, the right of the qualified applicant to occupy the property, or the qualified applicant's use of the property. By so granting such a clearance, neither the government of Guam nor the Commission is in any way admitting, recognizing or ratifying any claim which the qualified applicant may have to the land in question.
- (e) The lessee shall not in any manner transfer to, or mortgage, pledge, or otherwise hold for the benefit of, any other person or group of persons or organizations of any kind, except an eligible beneficiary or beneficiaries; and then only upon the approval of the Commission, or agree so to transfer, mortgage, pledge, or otherwise hold, his interest in the tract. Such interest shall not, except in pursuance of such a transfer, mortgage, or pledge to or holding for or agreement with an eligible beneficiary or beneficiaries approved of by the Commission or for any indebtedness due the Commission or for taxes, or for any other indebtedness the payment of which has been assured by the Commission, including loans from governmental agencies where such loans have been approved by the Commission, be subject to attachment, levy, or sale upon court process. The lessee shall not sublet his interest in the tract or improvements thereon.
- (f) The lessee shall pay all taxes assessed upon the tract and improvements thereon. The Commission may in its discretion pay such taxes and have a lien therefor as provided by § 75A114 of this Law.
- (g) The lessee shall perform such other conditions, not in conflict with any provision of this Chapter, as the Commission may stipulate in the lease; provided, however, that an original lessee shall be exempt from all taxes for the first seven (7) years from the date of the lease.
  - (1) Thirty (30) days after the enactment of this Act, Chamorro Land Trust Property leases surveyed at the cost of the government of Guam shall not be eligible for the tax exemptions stipulated in this Subsection as an offset to the cost of such surveys.

### EMILIA S.N. PALACIOS (dec) Agriculture Lessee

### I. MATTER(S):

- 1) Anthony S.N. Palacios is disputing his father, Antonio Rabago Palacios, acquiring successor rights to his mother's lease agreement
- 2) Affidavit of Occupancy from Antonio Rabago Palacios

#### II. FACTS

- 1) Applicant's Date and Time: December 2, 1995 at 8:09AM
- 2) Applicant's Application Number: #9
- 3) Original Application Type: Residential
- 4) Current Application Type: Agriculture
- 5) Lot Description: Lot 476 Agat
- 6) Survey Map: 154FY2000 Land Registration Map of Lot 476, Agat
- 7) Priority: N/A
- 8) Preoccupier: Yes, Santa Ana, Guam (as stated on the application)
- 9) Land Use Permit (LUP): None
- 10) Mayor's Certification: None provided
- 11) Recorded Lease: No12) Unrecorded Lease: Yes
- 13) Lease Fee Paid: No payments have been made
- 14) Is this a Registered Property: Yes
- 15) Residing on Private Property: No
- 16) Residing on Guam Ancestral Lands Property: No
- 17) Part of Null and Void Listing: No
- 18) Part of 2018 Ratified Listing: Yes
- 19) Part of 1995 Listing: No
- 20) Part of OPA Audit Listing: No
- 21) Lease Approved by CLTC Board of Commissioners: N/A

#### III. CHRONOLOGY

- 1) December 2, 1995 Emilia SN Palacios submitted her Residential Application
- 2) June 5, 1997 Emilia SN Palacios enters into a Ground Lease with CLTC under a Portion of Lot 480 Santa Ana, Agat, containing an area of 5,736 sqm, subject to survey
- 3) December 4, 1997 Letter from Emilia SN Palacios to AD Borja in regards to the approval of a loan from Guam Housing Corp.
- 4) April 20, 1998 Emilia SN Palacios enters into a Ground Lease with CLTC under Lot 476, Agat, containing an area of 4,471 square meters; all signatures; **lease is pending recordation**
- 5) July 20, 2000 Emilia S.N. and Antonio R. Palacios entered into a CLTC Loan Guaranty on Lot 476 Agat for the sum of \$50,000.00; all parties signed the document
- 6) December 13, 2000 A Memorandum of Lease under Antonio R. and Emilia S.N. Palacios in regards to "Lessor" Emilia S.N. Palacios on Lot 476 Agat under Ins. No. 630931
- 7) October 2, 2018 Ms. Emilia SN Palacios' Agriculture Lease Agreement on Lot 476 Agat was ratified under Resolution 2018-08

- July 7, 2021 CLTC conducted a site inspection on the property of Ms. Emilia Palacios regarding their inquiry on the lot size of the property.
- 9) July 30, 2021 Land Agents E. Chargualaf and J. Casem conducted a Compliance Inspection on Lot 476 Agat; current lot occupied by Antonio R. Palacios and Anthony SN Palacios.
- 10) April 4, 2022 Emilia SN Palacios names Anthony SN Palacios, son, as her named successor under 21 GCA, Chapter 75.
- 11) December 11, 2024 Death Certificate of Emilia SN Palacios submitted by Anthony SN Palacios
- 12) March 11, 2025 Lt. Governor's EA J. Cepeda, AAD J. Cruz and J. Casem met with Mr. Antonio Rabago Palacios at the LT's Office to discuss his inquiry on the property he shared with his wife in Agat.
- 13) April 15, 2025 AAD Cruz, J. Casem, and J. Dayday met with Mr. Anthony SN Palacios and his wife to discuss his successorship of Ms. Emilia SN Palacios. As per AAD Cruz, Mr. Anthony will still need to go through the process of qualification under 75A
- 14) June 5, 2025 AAD Cruz, G. Eay, J. Casem met with Mr. Antonio Palacios to discuss the Affidavit of Occupancy to qualify under 75A. He requested to meet with the CLTC Boad to address his concerns.
- 15) June 5, 2025 Affidavit of Occupancy submitted from Antonio Rabago Palacios. Pending approval of his 75A qualifications.
- 16) July 28, 2025 AAD Cruz, G. Eay, J. Casem met with Anthony SN Palacios to discuss the findings based on CLTC's legal counsel regarding the status of the lease agreement of his mother. Anthony would like to dispute the findings of Atty. Miller and bring his concerns to the CLTC Board of Commissioners. Pending the qualifications of Anthony SN Palacios under 75A.

### IV. SUMMARY

Emilia S.N. Palacios designated her son, Anthony S.N. Palacios, as her named successor, rather than her husband, Antonio Rabago Palacios.

While Antonio Rabago and Emilia S.N. Palacios are the named borrowers on the Guam Housing Corporation Loan and are listed on the Memorandum of Lease (MOL) recorded at the Department of Land Management, Emilia's clear wish was for Anthony to be her designated successor.

Anthony has expressed significant concerns about the legal opinion, specifically regarding why he appears to have no rights to this property despite his mother's explicit wishes.

FOR	Island of Guam, Government of Guam  Department of Land Management, Office of The Recorder
RECORDATION	File for record is Instrument No. 630931
DEPARTMENT	on the year 2000, Month 12 Day 13 Time 2:40
OF LAND	Recording Fee Receipt No. 165
MANAGEMENT	Deputy Recorder

### **MEMORANDUM OF LEASE**

THIS INDENTURE made this <u>06th</u> day of <u>December 2000</u>, by and between Chamorro Land Trust Commission, whose address is P.O. Box 2950, Hagatna, Guam, 96932, hereinafter called the "Lessor", and <u>Antonio R. Palacios and Emilia S.N. Palacios</u>, who hereinafter called the "Lessee":,

### WITNESSETH:

The upon consideration, terms and conditions set forth in that certain unrecorded LEASE AGREEMENT dated DECEMBER 06, 2000, hereinafter called the "Lease", entered into between the Lessor and the Lessee, all of the terms, covenants and conditions of which are hereby made a part hereof as fully and completely as if specifically set out in full herein, the to lease that certain parcel of land located in the Municipality of AGAT, Guam, more particularly described as follows:

That certain unrecorded Ground Lease dated April 20, 1998 by and between Chamorro Land Trust Commission "Lessor" to Emilia S.N. Palacios "Lessee" for a term of 99 years, commencing April 20, 1998 and ending on April 20, 2097 the following described premises to wit: Lot No. 476, Agat, Guam. (NOTE: THIS IS NOT AN INSURABLE LEGAL DESCRIPTION.)

Area: 4,741 +/- Square Meters.

This instrument may be executed in any number of counterparts, each of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, this Lessor and Lessee have executed these presents on the day and year first above written.

LESSOR:

RONALD E. TEEHAN, JR.

Administrative Director, Acting Chamorro Land Trust Commission

LESSEE:

Antonio R. Palacios

Emilia S.N. Palacios

GUAM USA	)	
	)	ss:
CITY OF HAGATNA	)	

ON THIS 06th DAY OF December, 2000 before me, a Notary Public in and for Guam, U.S.A., personally appeared Ronald E. Teehan, Jr., and he/she acknowledged to me that he/she executed the foregoing MEMORANDUM OF LEASE, as his/her voluntary act and deed for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

> JOHN E. POTTER NOTARY PUBLIC In and for Guam, U.S.A. My Commission Expires: August 11, 2002 P.O. Box 8131 MOU-3 Dededo, Guam 98912

**GUAM USA** SS: **CITY OF HAGATNA** 

ON THIS <u>06th</u> DAY OF <u>December</u>, 20<u>00</u> before me, a Notary Public in and for Guam, U.S.A., personally appeared Antonio R. Palacios and Emilia S.N. Palacios, and he/she acknowledged to me that he/she executed the foregoing MEMORANDUM OF LEASE, as his/her voluntary act and deed for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

**Notary Public** 

Notary Public

OHN E. POTTER NOTAHY PUBLIC In and for Guern, U.S.A. mission Expires: August 11, 2002 P.O. Box 8131 MOU-3 Dededo, Guarr 96912



P.O. Box 2950 Hagátña, Guáhan 96932

Phone: (671)300-3296 Fax: (671)300-3319

### AFFIDAVIT FOR ELIGIBILITY OCCUPIED, FARMED, OR RANCHED

ANTONIO RABAGO PALACIOS , being first duly sworn, deposes and says that:

1. The name of the individual seeking verification of eligibility is:

#### ANTONIO RABAGO PALACIOS

- 2. The individual, or their descendant, occupied, farmed, or ranched land on Guam for residential or agricultural purposes for at least one (1) year immediately prior to that land being acquired by the United States government between 1898 and 1968. If that land was acquired between December 8, 1941 and January 1, 1950, the one (1) year tenure need not have occurred immediately prior to the acquisition by the United States government.
- acquisition by the United States government. 3. The land acquired by the United States government is identified as one of the following: □ Parcel Number: \_\_\_ □ Legal Description: Other Identifier: \_\_\_\_ The date the land was acquired by the United States: 4. The name of the person or persons who occupied, farmed, or ranched the land: Rosa Palacios (sister), Filomania Palacios (sister), Myself, Rosalia Palacios (mom) Silvestre Palacios (dad) 5. The length of time the person or persons listed above continuously occupied, farmed, or ranched the land: Over 25 years 6. The legal owner of the land: National Park (Agat) - Tent City Development The relationship between the legal owner of the land and the person or persons who occupied, farmed, or ranched the land: \_\_\_



# Kumision Inangokkon Tano' CHamoru (CHamoru Land Trust Commission)

P.O. Box 2950 Hagâtûa, Guāhan 96932

Phone: 649-5263 ext. 815

8. Compensation or rent, if any, that was paid by the pranched the land to the legal owner: Rent Paym	
9. Description of the nature of the person's or persons land was used for residential or agricultural purposes:  Agriculture	
10. The type of activity being conducted on the land, s animals raised: Chicken and pigs, banan beans	
11. If the person or persons improved the land, the na list N/A): Cleaning for planting, pig fen	
12. The undersigned makes these statements on beh the applicant via a power of attorney.  Signature	alf of themselves or as a representative of $\frac{4/5/25}{\text{Date}}$
Subscribed and sworn to before me this <u>05</u> day of <u>Antonio P. Palacios</u> .	JUNE , 20.25 by
	NOTARY PUBLIC



### PEDRO B. BLAS AGRICULTURE LESSEE

### I. REQUEST

1. The lessee is requesting to relinquish a portion of the leased lot for Pedro Blas Jr. to comply with the Guam Building Code.

### II. MATTER(S)

1. The law does not state that a lessee can relinquish a portion for another lessee to comply with their lease terms.

#### III. FACTS

- 1. Applicant's Date and Time: December 7, 1995, 8:36 A.M.
- 2. Applicant's Application Number: 0001462
- 3. Application Type: Agriculture
- 4. Takeover Applicant's Date of Submission: N/A
- 5. Lot Description: A Portion of Lot 10171, Dededo
- 6. Survey Map: None
- 7. Priority: N/A
- 8. Preoccupier: Dededo, Tract 100C
- 9. Land Use Permit (LUP): # 3764
- 10. Mayor's Certification: None in file
- 11. Recorded Lease: None
- 12. Unrecorded Lease: Yes
- 13. Lease Fee Paid: No
- 14. Is this a Registered Property? Yes
- 15. Residing on Private Property: No
- 16. Residing on Guam Ancestral Lands Property: No
- 17. Part of Null and Void Listing: No
- 18. Part of 2018 Ratified Listing: Yes
- 19. Part of 1995 Listing: N/A
- 20. Part of OPA Audit Listing: No
- 21. Board Approved Lease Award: N/A

### IV. CHRONOLOGY

- 1. January 28, 1998: Agriculture Interview compiled by Liz Untalan
- April 20, 1998: Ground Lease award for a portion of Lot 10171, Dededo, containing an area of not more than 2 acres, subject to survey, signed by Acting AD Lydia Cruz; the lease is unrecorded
- 3. October 12, 1999: Agriculture Compliance Report compiled by Liz U.
- 4. March 7, 2005: Authorization to Initiate Survey, signed by AD Thomas A. Elliott

- February 4, 2025: Compliance Inspection report compiled by PC I D. Tan and LA II J. Casem
- 6. February 18, 2025: Notice to Remediate Letter issued, signed by Acting AD J. Cruz Jr.
- 7. July 28, 2025: Mr. Blas submitted a notarized request to relinquish a portion of the leased lot for Pedro Blas Jr. to comply with his lease terms

### V. SUMMARY

Pedro B. Blas was awarded a lease on April 20, 1998, for two acres. He is now requesting to relinquish a portion for Pedro Blas Jr. to comply with his lease terms.

VI. SUGGESTED ACTION

### **Letter of Relinquishment**

Date:	July	28,	2025
-------	------	-----	------

Re: Letter of Relinquishment of Partial Land (CLTC Land Lease Lot#10171)

To: Chamorro Land Trust Committee

To whom this may concern,

I Pedro B. Blas Sr. (DOB: 9/11/1943), relinquish a portion of my CLTC land lease (#A1462) for portion of Lot 10171 in Macheche Dededo to: Pedro B. Blas Jr. (DOB: 03/09/1969).

Pedro B. Blas Sr.

671-637-8336

420 Kalamasa St. Dededo, Gu.

Redon & Alexan

Pedro B. Blas Jr.

671-777-2527

275 Chandiha St. Dededo, Gu.

Subscribed and sw		day of July , 2020
	CRYSTAL MAE SAMPSON NOTARY PUBLIC In and for Guam, U.S.A. My Commission Expires: JUNE 10, 2020 Commission Number NP: 25-0852P 147 Kayen Mapagahes Dededo, Guam 96929	
Notary Public	147 Rayert Mapaganes Dededo, Guam 96929	I Walnum 18 3 1 2 2
State of Guam	Say!	SEAL
My Commission Ex	pires	IN PUBLICITY
		January 3

### PEDRO BLAS JR. AGRICULTURE LESSEE

### I. REQUEST

- 1. The lessee is requesting to revert the lease from agricultural to residential.
- The lessee is requesting to reconfigure the lease lot to meet the legal setback requirements.

### II. MATTER(S)

- 1. As per Public Law 131-37. Title 21, Chapter 75A, §75A126(2). Review and Remediation of Existing Leases. (2) The lessee is otherwise in full compliance with the terms of their lease, the law, and the Commission's regulations, the Commission shall issue the lessee a new lease for a term to equal the terms of the lessee's existing lease. Any other provisions of a new lease shall be substantially the same as the terms of any prior lease.
- 2. No farming activity which contrary to Title 21, Chapter 75A, §75A108(c). The lessee shall occupy and commence to use or cultivate the tract as his home or farm within one (1) year after the lease is made. (1) The lessee of agricultural lands shall plant five (5), ten (10), fifteen (15), and twenty (20) trees on leased land, and the lessee of grazing lands. Such trees shall be of types approved by the Department of Agriculture, and at locations specified by the Department of Agriculture and at locations specified by the Department of Agriculture's agent. Such planting and maintenance shall be by or under the immediate control and direction of the lessee. Such trees shall be furnished by the Department of Agriculture free of charge.
- 3. As per 18 GAR, Chapter 6A, §6A126 (a). Conditions in Leases: Building Requirements. No building structure or improvement may be constructed on the premises without written approval from the commission. Such an approval shall be considered only after submission of a plan as to design, materials, probable value, and use of the structure to be built on the leasehold. Such building structures or improvements must meet building and zoning codes and other ordinances and regulations of Guam.
- 4. Guam's building codes are primarily governed by <u>Chapter 67 of Title 21</u>, <u>Guam Code Annotated</u>, which is titled "The Building Code". These codes address various aspects of construction, including structural requirements, energy efficiency, and fire safety. The <u>Guam Tropical Energy Code</u> (<u>GTEC</u>), adopted in 2021, is a significant component of the building regulations, focusing on energy conservation in new and renovated buildings.
  - a. Lot Boundaries: The setback from lot boundaries varies depending on the zoning.

- No Overhang: Overhangs of the carport may also be subject to setback regulations, especially in side yards.
- c. Permits Required: Building permits are generally required for carports, and failure to obtain them can result in fines and even the removal of the structure.
- d. Consult Regulations: For specific details and to ensure compliance, it's best to consult the local zoning ordinances and building codes for Guam, or the Department of Public Works.
- e. Planning and Permitting: It is recommended to check with the local planning department or building permits office for specific requirements and procedures before starting construction.

#### III. FACTS

- 1. Applicant's Date and Time: December 2, 1995, 11:48 A.M.
- 2. Applicant's Application Number: 0000321
- 3. Application Type: Residential
- 4. Takeover Applicant's Date of Submission: N/A
- 5. Lot Description: Lot 10171-39, Dededo
- 6. Survey Map: Doc. No. 686723
- 7. Priority: 1
- 8. Preoccupier: N/A
- 9. Land Use Permit (LUP): N/A
- 10. Mayor's Certification: N/A
- 11. Recorded Lease: Doc. No. 686723
- 12. Unrecorded Lease: N/A
- 13. Lease Fee Paid: Yes, \$100.00
- 14. Is this a Registered Property? Yes
- 15. Residing on Private Property: No
- 16. Residing on Guam Ancestral Lands Property: No
- 17. Part of Null and Void Listing: No
- 18. Part of 2018 Ratified Listing: Yes
- 19. Part of 1995 Listing: N/A
- 20. Part of OPA Audit Listing: No
- 21. Board Approved Lease Award: N/A

### IV. CHRONOLOGY

- 1. January 16, 1997: Residential Interview Report compiled by Bill Gutierrez
- 2. June 16, 1998: Unrecorded Residential Lease Award for Lot 4, Block 3, Tract 1022 in the municipality of Dededo, signed by AD J. Borja
- 3. January 17, 2001: Pedro Blas Jr. requested to change the application type from residential to agricultural.
- August 27, 2002: Approval of applications for utilities, telephone, clearing, and building permits, approved by AD R. Teehan.

- September 3, 2002: Decline of Municipality Award for the residential lease for Lot 4, Block 3, Tract 1022, Dededo, for an agriculture lease for Lot 10171-39, Dededo.
- 6. October 8, 2002: Authorization to Initiate Survey, approved by Deputy AD J. Perez
- 7. July 23, 2003: Lease fee payments of \$100.00, Receipt #A991189205.
- 8. October 30, 2003: In-house approved survey map for Lot 10171-39, Dededo, approved by AD J. Borja
- 9. December 11, 2003: Addendum to Ground Lease to reflect the in-house approved survey map. Signed by AD J. Borja
- 10. March 9, 2004: Memorandum of Lease issued to Pedro Blas Jr., signed by AD F. Dungca Jr.
- 11. July 14, 2004: CLTC Loan Guaranty for Guam Housing Corporation, signed by AD J. Borja
- 12. October 14, 2022: Site inspection report compiled by LA II E. Chargualaf and LA II J. Casem
- 13. October 30, 2023: Mr. Blas spoke with LA II J. Casem requesting to reconfigure the property.
- 14. March 14, 2025: Compliance inspection report compiled by PC I D. Tan. There is no farm activity.
- 15. March 18, 2025: A Notice to Remediate letter was given to Mr. Blas for non-compliance.
- 16. April 16, 2025: Mr. Blas and his successor were given a Verification of Eligibility letter, signed by Acting AD J. Cruz.
- 17. July 29, 2025: Acting AD J. Cruz, Acting LAS G. Eay, and LA II J. Dayday met with Mr. Pedro to present a proposed scheme

### V. SUMMARY

Pedro Blas Jr. was awarded a residential lease agreement on June 16, 1998, but then declined the residential lease on Lot 4, Block 3, Tract 1022 in the municipality of Dededo for an agriculture lease on Lot 10171 on September 3, 2002.

A site inspection was conducted on October 14, 2022. The findings were that Mr. Blas was not in compliance with his lease agreement, and he had made improvements by building a carport. The carport was built contrary to 21 GCA, Chapter 67, The Building Code.

### VI. SUGGESTED ACTION

1. Mr. Blas requested to change the application type to agriculture and was awarded an agriculture lease on September 3, 2002. As per Public Law 37-131, any other provisions of a new lease shall be substantially the same as the terms of any prior lease. Therefore, the Commission shall not allow the application type to revert to residential.

2. Mr. Blas is requesting to reconfigure the leased lot to comply with the Guam Building Code; however, he failed to consult the Department of Public Works for specific details to ensure compliance, as well as obtain a building permit to construct the carport. Mr. Blas failed to obtain written consent from the Commission, which is contrary to 18 GAR, Chapter 6A, §6A126, conditions in leases, the Commission shall consider instructing Mr. Blas to remove the carport, for him to be in compliance with the setback requirements.

To whom it may concern, I <u>Pedro B. Blas Jr</u>, hereby request to change the status of my Chamorro Land Trust property (Lot 10171-39) located in the village of Dededo from Agricultural to Residential. The CLTC lot that I initially applied for was a residential lot and I would like to request to change it back to a residential lot with your approval.

Si Yu'os Ma'ase'

Pedro B Blas Jr

Date

8/27/25

\*Please see attach for Notary Certificate. RECEIVED

3/27/2025

STATE OF Territory of Guam. USA	
COUNTY OF <u>tamuning</u>	
SUBSCRIBED AND SWORN TO BEFORE ME	
THIS 27th DAY OF March , 2025	
BY Pedro B Blas Jr.	
Cantullum	





JANNET TAMMY DEREAS

NOTARY PUBLIC

In and for Guam, U.S.A.

My Commission Expires: JULY 19, 2027

Commission Number NP.23 05889

Document title: Affidavit of Request to Change Statur.









### RYAN MUNA Residential Lessee

### I. MATTER(S): 1) Addendum to Residential Lease Agreement and 2) Consideration for those in the Armed Forces

#### II. FACTS

- 1) Original Applicant: Richard Concepcion Muna
- 2) Original Applicant's Date and Time: December 12, 1995 at 10:40AM
- 3) Applicant's Application Number: 0002336
- 4) Original Application Type: Residential
- 5) Lot Description on Lease Agreement: Lot 15, Block 15, Tract 11405, Dededo
- 6) Lot Size: 2,225± sqm
- Master Plan Identification: Lot 528-4 Merizo
- 8) Survey Map:
- 9) Priority: N/A
- 10) Preoccupier: No
- 11) Land Use Permit (LUP): N/A
- 12) Mayor's Certification: N/A
- 13) Recorded Lease: 921538
- 14) Unrecorded Lease: N/A
- 15) Lease Fee Paid: Pending Lease Fee Payment of \$99.00
- 16) Is this a Registered Property: Yes
- 17) Residing on Private Property: No
- 18) Residing on Guam Ancestral Lands Property: No
- 19) Part of Null and Void Listing: Yes
- 20) Part of 2018 Ratified Listing: Yes
- 21) Part of 1995 Listing: No
- 22) Part of OPA Audit Listing: No
- 23) Lease Approved by CLTC Board of Commissioners: Yes

#### III. CHRONOLOGY

- December 12, 1995 Residential Application of Richard Concepcion Muna under Application No. 0002336.
- 2) January 27, 2012 Richard Concepcion Muna submitted a notarized letter of request to transfer his application to his son, Ryan Muna.
- 3) August 6, 2012 T. Topasna indicated in file, "Transferred app. Rights to Ryan Muna".
- 4) December 12, 2012 Power of Attorney from Ryan Muna naming Richard Muna. Recorded at DLM under Instrument No. 845111.
- 5) January 30, 2015 Residential Lease prepared for Lot 10120-R22, Parcel 69, Dededo (1,933± sqm)
- 6) September 27, 2017 Residential Lease prepared Lot 15, Block 15, Tract 11405, Dededo containing an area of 2,225± sqm, surveyed under 228FY2015.

- 7) May 9, 2018 Residential Lease for Lot 15, Block 15, Tract 11405, Dededo recorded under Ryan Muna, Instrument No. 921538
- 8) June 2, 2025 Richard Muna came into CLTC inquiring on the lot description indicated on the tax assessment issued; tax assessment different from the lot description on Ryan's Residential Lease Agreement.
- 9) June 4, 2025 Richard Muna met with AAD Cruz, Acting Supervisor G. Eay, and Land Agent J. Casem to discuss the tax assessment issue and consideration of his son's status because he's currently serving in the military on active-duty status.

#### IV. SUMMARY

Mr. Ryan Muna has been a Residential Lessee since 2017 for Lot 13, Block 15, Tract 11405, in Dededo. His father recently inquired about the tax assessment for Ryan, noting that it does not align with the lease agreement. The Residential Lease Agreement recorded with the Department of Land Management specifies Lot 15, Block 15, Tract 11405, Dededo, with an area of approximately 2,225 square meters, based on survey map 228FY2015.

Mr. Richard Muna is requesting that the lease agreement be corrected to reflect the proper lot description with the Department of Revenue and Taxation, and he also wishes for consideration of his son's active-duty military status, which currently prevents him from being on island and undertaking construction.

It is important to note that CLTC is currently enforcing Public Law 37-137, which addresses leases with "clouds." Mr. Ryan Muna's lease falls into this category because it was issued outside the established date and time lineup, and it involved a transfer of application which was not applicable by law at the time. Ryan acquired his father's Residential Application when Mr. Richard Muna requested to transfer his application in 2012. This situation meant that CLTC bypassed hundreds of applicants from the December 2, 1995 listing.

In response to Mr. Richard Muna's request, CLTC will need to conduct a compliance inspection of Ryan's leased property. This inspection will determine whether he is in compliance with his lease terms. As per Public Law 37-131, lessees are granted one year to remediate their property if found to be non-compliant. Failure to meet these terms may result in the cancellation of their lease.

\$\$\$ You may be eligible for Real Property Tax Credits/Exemption. Read the back of this statement for more information

#### **MUNA RYAN**

PARCEL DESCRIPTION				YOUR PROPERTY	TAX VALUES	
M05 T11405 B13 L15  Municipality: Dededo Suburba Parcel Identification Number:  Current Owner:  Mailing Address:	MUNA RYAN	Land Area	1,933.00 Sq Mtrs	Tax Period: Appraised Value; Total Value: Exemption: Taxable Value;	January 1, 2024 to Land Building	December 31, 2024 \$ 26,800.00 \$ 0.00 \$ 26,800.00 \$ 0.00 \$ 26,800.00
Taxes Payable Year: 2025	Invoice Number: F	tP24063553	Year Assessed 2024	Pni	nt Date: 6/2/2025	
Land Assessed Value:     Building Assessed Value:     Total Tax Due:  YOUR PROPERTY TAX AND H	\$ 24,120.00 \$ 0.00 OW IT IS REDUCED BY 1	Land Tax: Building Tax:	\$ 23.46 \$ 0.00 \$ 23.46			
Your property laxes before re     Credits as of March 15, 2024     Tax Assessment/Penalties/Credits	duction by Chapter 24 Title 1		\$ 23.46 \$ 0.00			
LAND BUILDI CREDI PAYME	ING TAX: \$	23.46 0.00 0.00 0.00	Item 2 Item 5(a)	DLQ) DELINQUENT P PRP) PREPARATION F CPY) COPY FEE: OTH) OTHER FEE:	EE:	\$ 10.00 \$ 0.00 \$ 0.00 \$ 0.00
Tax less Credits and Paymen	ts Subtotal: \$	23,46				
PAY THIS AMOUNT 7. Total Due:	\$ 33.46				MORRO LA PROPERTY	
1st Installment DUE February 21:	\$ 16.73			2nd Installment DUI	E April 21: \$ 16.73	3



#### DEPARTMENT OF REVENUE AND TAXATION

TREASURER OF GUAM

VALIDATION

Do Not Write In This Space

Government of Guam

Parcel Identification Number:

Invoice Number:

CURRENT OWNER: MUNA RYAN

RP24063553

Chamorro Land Trust Property (CLT)

PAYABLE TO:

TREASURER OF GUAM P O Box 23607 GMF Barrigada,

Guam 96921

2nd INSTALLMENT AMOUNTS:

2nd Installment Payment Stub - RPT 2024

Tax less Credits and Payments: 11.73 \$ 5.00 (DLQ) Delinquent Penalty: S (PRP) Preparation Fee: 0.00 S 0.00 (CPY) Copy Fee: s (OTH) 0.00 Other Fee: S 2nd Installment TOTAL DUE: 16.73

TREASURER OF GUAM PAYMENT VALIDATION MUST BE MARKED IN THIS AREA ONLY Do Not Write In This Space

TREASURER OF GUAM

VALIDATION

Do Not Write In This Space

### 2024RP24063553

To avoid penalty, pay on or before April 21, 2025



#### DEPARTMENT OF REVENUE AND TAXATION

Your canceled check is your receipt. DO NOT SEND CASH.

Government of Guam

Parcel Identification Number: Invoice Number:

CURRENT OWNER:

MUNA RYAN

30000063050000 RP24063553

Chamorro Land Trust Property (CLT)

PAYABLE TO:

TREASURER OF GUAM P O Box 23607 GMF Barrigada, Guam 96921

1st	INSTA	LLMENT	AMOUNTS:

1st Installment Payment Stub - RPT 2024

<u> </u>	allment TOTAL DUE;	•	16.73
(OTH)	Other Fee:	\$	0.00
(CPY)	Copy Fee:	\$	0.00
(PRP)	Preparation Fee:	\$	0.00
(DLQ)	Delinquent Penalty:	\$	5.00
·Tax less (	Credits and Payments:	\$	11.73

TREASURER OF GUAM PAYMENT VALIDATION MUST BE MARKED IN THIS AREA ONLY Do Not Write In This Space

2024RP24063553

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### **RESIDENTIAL LEASE**

BETWEEN

# CHAMORRO LAND TRUST COMMISSION (LESSOR)

AND

Ryan Muna (LESSEE)

Revised Format:1/8/16 Doc. Printed: 9/27/2017

OF0-8318-1729

#### **RESIDENTIAL LEASE**

THIS RESIDENTIAL LEASE ("Lease") is made and entered into this 27th day of September, 2017 by and between Chamorro Land Trust Commission, whose mailing address is P. O. Box 2950, Hagatna, Guam, 96932, hereinafter referred to as "Lessor", and Ryan Muna a native Chamorro, and a resident of the Territory of Guam, whose mailing address is 247 Chalan A'Abang Dededo, Guam 96929 hereinafter referred to as "Lessee".

#### WITNESSETH:

In consideration of the rent hereinafter paid and acknowledged and of the covenants herein contained to be observed and performed, Lessor does hereby grant, demise and let unto Lessee, and Lessee does hereby hire and lease from Lessor, the real property described in Section 1:

1. **DESCRIPTION OF PREMISES**: The Premises consists of real property situated at **Dededo** more particularly hereinafter described, together with Lessor's easements and appurtenances in adjoining and adjacent land, highways, 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 for driveways and approaches to and from abutting highways or streets for the use and benefit of the within described parcel of real property, including any improvements now or hereafter situated thereon:

Lot 15, Block 15, Tract 11405, Dededo containing an area of 2,225+/-square meters, as shown on the Survey Map, prepared by Raymond A. Cruz, P.L.S. No. 73, L.M. No. 228 FY2015, Recorded Under DLM Map Document No. 884204. PID 30000063050000.

The above-described parcel of real property, together with any existing improvements and improvements subsequently erected thereon during the term of this Lease and the appurtenances and other incidents associated therewith are collectively referred to in this Lease as the "Premises".

- 2. **LESSOR'S WARRANTIES OF TITLE**: Lessor represents, warrants and covenants:
  - 2.1 <u>Fee Title</u>. Lessor is the owner of the Premises in fee simple, subject only to easements, restrictions, reservations, liens, encumbrances and estates set forth herein. Lessor shall cause any lien or encumbrance against the Premises or any portion thereof which is superior to this Lease to be promptly discharged or subordinated to this lease at the request of Lessee or his lender. The cost of securing the subordination of such lien or encumbrance to this Lease shall be borne solely by the Lessor;
  - 2.2 <u>Right to Lease</u>. That Lessor has the right to possession of the Premises and possesses all requisite right and authority to enter into this Lease; and
- 3. <u>TERM OF THE LEASE</u>. To have and to hold the same, together with the improvements thereon and the easements, privileges and appurtenances thereunto belonging or appertaining, collectively herein called "Premises," unto Lessee for a term of ninety-nine (99) years commencing on <u>September</u>, 2017 and ending <u>September</u>, 2116 unless the term shall be sooner terminated as hereinafter provided.
  - 4. **RENTAL**. Lessee agrees to pay the annual rental of One Dollar (\$1.00).

- 5. **PAYMENT OF RENTALS**. Payment for the full term of the lease shall be paid, in full, within one (1) year from the effective date of the lease.
- 6. QUIET ENJOYMENT OF THE DEMISED PREMISES. Lessor hereby covenants with Lessee that upon payment by Lessee of the rent as aforesaid and upon observance and performance of the covenants and conditions by Lessee hereinafter contained, Lessee shall peaceably hold and enjoy the Premises for the term hereby demised without hindrance or interruption by Lessor or any other person lawfully or equitably claiming by, through or under Lessor.

#### LESSOR AND LESSEE HEREBY COVENANT with each other as follows:

- 7. **OCCUPANCY**. Lessee shall occupy and commence to use the Premises as his home within three (3) years after the installation of infrastructure (P.L. 24-62).
  - 7.1 Lessee shall, after the occupation of the Premises, thereafter occupy the Premises on a full-time basis.
  - 7.2 Lessee shall be required to have all utilities properly installed and metered as is necessitated by the utility, and be responsible for the payment of all charges, and connection fees.
  - 7.3 Lessee shall conform with all Territorial Zoning and Building laws, subdivision, environmental or administrative laws or policies.
  - 7.4 Should Lessee possess an agricultural tract of Chamorro Homelands and desire to build a home on that agricultural tract, Lessee shall make prior arrangements with Lessor to surrender this residential premises, upon completion of the construction of the residence, on the agricultural tract.
  - 7.5 Lessee shall submit to the Commission, all plans as to the design, materials, and probable value of the structure he intends to build on the Premises. LESSEE SHALL NOT BEGIN CONSTRUCTION OF SAID STRUCTURE, UNTIL HE HAS RECEIVED THE WRITTEN APPROVAL OF THE PLAN FROM THE COMMISSION.
  - 7.6 Should Lessee be occupying property which is designated as Chamorro Homelands, at the time that Lessee obtained this underlying Lease, Lessee shall, within one year of the date of this Lease, vacate the tract of Chamorro Homeland which he was occupying at the time he entered into this Lease, and not enter upon any other Chamorro Homelands for the purpose of establishing a residence, or for farming purposes, without the expressed written consent of the Chamorro Land Trust Commission. Violation of this section is a default of this Lease Agreement and can cause forfeiture of this Lease.

#### 8. **DELIVERY OF RENT AND NOTICES -- METHOD AND TIME.**

- (a) All rents or other sums, notices, demands, or requests from one party to another may be personally delivered or sent by mail, certified or registered, postage prepaid, to the addresses stated in this paragraph, and shall be deemed to have been given at the time of personal delivery or at the time of mailing.
- (b) All rents and other sums payable by Lessee to Lessor shall be made by cash or check payable to Lessor, delivered in person to the Treasurer's Office, Department of Administration, Government of Guam, or mailed to the Treasurer's Office, P. O. Box 884, Agana, Guam, 96932.
- (c) All notices, demands or requests from Lessee to Lessor shall be given to Lessor at P. O. Box 2950, Hagatna, Guam, 96932.
- (d) All notices, demands or requests from Lessor to Lessee shall be given to Lessee at **247 Chalan A'Abang Dededo, Guam 96929.**

- (e) Each party shall have the right, from time to time, to designate a different address by notice given in conformity with this section.
- 9. **PAYMENT OF TAXES.** Lessee shall pay all taxes assessed upon the tract and improvements thereon. The Commission may, at its discretion, pay such taxes, and have a lien therefore as provided for by Section 75114 of 21 Guam Code Annotated.
- 10. <u>UTILITIES AND CHARGES</u>. Lessee shall pay all charges for water, electricity, telephone, cable television and other utilities used upon the Premises.
- 11. OBSERVANCE OF LAWS AND INDEMNIFICATION OF LESSOR. Lessee shall observe all laws and ordinances imposed by governmental authority and shall indemnify Lessor against all actions, lawsuits, damages and claims by whomsoever brought or made by reason of the non observance or nonperformance of this covenant or by reason of any accident upon the Premises.
- 12. **FIRE INSURANCE**. Lessee at Lessee's own expense shall keep insured all buildings erected on the Premises against loss or damage by fire with extended coverage in an amount as near as practicable to full replacement cost thereof.
- 13. **USE OF PREMISES**. Lessee shall use the Premises as his personal residence, which premises shall only have a single family dwelling constructed upon it. Failure to obtain express written consent of Lessor for the erection of any structures on the property shall be deemed a default of this Lease, and subject the lease to termination at the discretion of Lessor.
- 14. <u>LESSEE NOT TO COMMIT WASTE</u>. Lessee covenants not to commit waste upon the Premises and upon the expiration of the term of this Lease, to deliver peaceful possession of the Premises to Lessor.
- 15. LESSEE TO HOLD LESSOR HARMLESS OF LIENS AND ENCUMBRANCES. Lessee shall indemnify and hold Lessor harmless against all liens and encumbrances against the Lessor's reversion interest in the Premises but nothing in this paragraph shall be deemed to prevent Lessee from giving a good and valid mortgage of all of Lessee's right, title and interest under the Lease and the improvements made upon the Premises, subject to all existing laws of the Territory of Guam.
- 16. **WARRANTY**. Lessor warrants that the Premises are free and clear of all encumbrances (other than those attributable to Lessee) and that it has good right to lease the same.

### 17. <u>LESSEE'S RIGHT TO BUILD AND OWNERSHIP OF IMPROVEMENTS AND FIXTURES.</u>

(a) Lessee shall have the right but not the obligation at any time and from time to time during the term of this Lease, to erect, maintain, alter, remodel, reconstruct, rebuild, replace, and remove one house and other necessary accessory buildings or improvements on the Premises, and correct and change the contour of the Premises, subject to the conditions that the cost of any such construction, reconstruction, demolition, or of any change, alteration, or improvements, shall be borne and paid for by Lessee. LESSEE SHALL OBTAIN THE EXPRESS WRITTEN CONSENT OF LESSOR BEFORE HE ERECTS, RECONSTRUCTS, DEMOLISH, ALTERS, ALTERS OR IMPROVES ANY BUILDING, NECESSARY ACCESORY BUILDING OR OTHER IMPROVEMENTS ON THE PROPERTY. In the event said improvements or any part thereof shall be destroyed or damaged by fire or any other casualty, then and as often as the same shall happen all insurance proceeds, if any, on the Premises shall be available for and be used by Lessee as it desires, and Lessor shall have no interest therein.

- It is expressly understood and agreed that any and all buildings, improvements, fixtures, machinery, and equipment of whatsoever nature at any time construed, placed, or maintained upon any part of the Premises shall be and remain the property of Lessee, as their interests may appear, until termination of this Lease, as provided in subparagraph (iii) of this paragraph.
- ii. Lessee shall have the right at any time during Lessee's occupancy of the Premises, and with the express written consent of Lessor, to remove any and all buildings, improvements, fixtures, and equipment owned or placed by Lessee, in, under, or upon the Premises, or acquired by Lessee, whether before or during the lease term, but Lessee shall not be obligated to do so.
- iii. Upon the expiration of the lease term or any earlier termination of this Lease, all of the improvements then on the Premises shall become the property of Lessor without the payment of any consideration therefore.
- iv. Lessee shall present to Lessor the building plans for each and every building or improvement on the property for approval prior to undertaking and construction of any such building or improvement.

#### 18. **LESSEE'S RIGHT TO ENCUMBER WITH LESSOR'S CONSENT.**

- (a) Lessee may, in a manner not inconsistent with the Chamorro Land Trust Act, at any time, from time to time, during the term of this Lease, encumber by mortgage or other security instrument, Lessee's interest under this Lease and the leasehold estate hereby created in whole or in part, for any purpose, but Lessee must first obtain the written consent of Lessor.
- (b) Any lender on the security of the leasehold estate shall have the right at any time during the term of this Lease:
  - To do any act or thing required of Lessee hereunder and all such acts or things done and performed shall be as effective to prevent a forfeiture of Lessee's rights hereunder as if done by Lessee, and
  - ii. To realize on the security afforded by the leasehold estate by exercising foreclosure proceedings or power of sale or other remedy afforded in law or in equity or by the security documents (hereinafter sometimes collectively referred to as 'foreclosure sale') and to transfer, convey, or assign the title of Lessee to the leasehold estate created hereby to any purchaser that qualifies under the Chamorro Land Trust Act, at any such foreclosure sale.
- (c) Notwithstanding anything to the contrary provided for in this paragraph, or elsewhere in this Lease, the rights of Lessor, in the event of a default, may not be exercised until written notice of such default is given to any lender, or to the person or firm designated by any such lender to accept such notices. It is agreed that such lender shall have the right to cure any such default within sixty (60) day after receipt of such notice by lender with respect to any default that can be cured by the payment of money, or within ninety (90) days with respect to any other covenant or condition or term of this Lease; and, if such default is of such nature that it cannot be remedied within said time, then such lender shall have such additional time as is reasonably necessary to cure such default provided that it commence the curing of such default within said ninety (90) day period, and thereafter diligently continues the curing of the same.
- (d) No such lender shall be liable to Lessor as an assignee of this Lease unless and until such time as such lender shall acquire the rights of Lessee hereunder through foreclosure or other appropriate proceedings in the nature thereof, or as a result

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of any other action or remedy provided for by such mortgage, or which may otherwise be provided by law.

- 19. **COMMERCIAL OR INDUSTRIAL ACTIVITIES.** No commercial or industrial activities shall be allowed on the Premises.
- 20. **ASSIGNABILITY AND SUBLEASING**. Lessee shall not sublet or assign this Lease or any part hereof.
- 21. **SUCCESSORS OF LESSEE**. Upon the death of Lessee, his interest in the tract and improvements thereon, including growing crops, may vest in the relatives of Lessee. Lessee may designate one of the following person or persons to whom he desires his interest in the tract to vest upon his death.
  - (a) Husband or Wife;
  - (b) Children;
  - (c) Widows or widowers of the brothers and sisters;
  - (d) Nieces or nephews.
- 21.1 The person whom Lessee designates as his successor, must be qualified to be a lessee of Chamorro Homelands, but does not need to be 18 years of age. Said designation must be in writing and filed and approved by the Commission.
- 22. <u>CANCELLATION OF LEASES</u>. Should Lessor believe that Lessee has violated any of the conditions of the law contained in 21 Guam Code Annotated §75108 or 75109, the Lease Agreement, the Rules and Regulations of the Chamorro Land Trust Commission, or intentionally provided false, material information to the Commission, Lessor shall give notice to Lessee of said violations, and provide a hearing to Lessee on said alleged violations. If Lessor, upon such hearing, finds that Lessee or his successors have violated any conditions in respect to the leasing of this property, Lessor may declare Lessee's or his successor's interest in the tract, and all improvements thereon to be forfeited and the lease canceled.
- 23. <u>CONSENT AND APPROVAL</u>. Whenever Lessor's consent or approval is required under the terms of or in connection with this Lease such consent or approval shall not be arbitrarily or unreasonably withheld and no money shall be charged therefore other than for a reasonable fee for processing the same.
- 24. <u>UNAVOIDABLE DELAY -- FORCE MAJEURE</u>. If either party shall be delayed or prevented from the performance of any act required by this Lease by reason of acts of God, strikes, lockouts, labor troubles, inability to procure materials, or other cause, without fault and beyond the reasonable control of the party obligated (financial inability excepted) performance of such act shall be excused for the period of the delay, and the period equivalent to the period of such delay, provided, however, nothing in this section shall excuse Lessee from the prompt payment of any rental or other charge required of Lessee except as may be expressly provided elsewhere in this Lease.
- 25. **DEFAULT**. The following events shall be deemed to be events of default by Lessee under this Lease:
- (a) Lessee shall fail to pay any installment of rent hereby reserved or shall fail to pay any taxes or other charges required to be paid by Lessee under the terms of this Lease and such failure shall continue for a period of thirty (30) days from and after the date written notice specifying such failure is delivered to Lessee; or
- (b) Lessee shall fail to comply with any terms, provisions or covenants of this Lease, other than the payment of rent, taxes or other charges, and shall not commence to remove or to cure such failure within sixty (60) days from and after the date written notice specifying such failure is delivered to Lessee or, having commenced to

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remove or to cure such failure within said sixty (60) day period, Lessee thereafter fails to proceed with reasonable diligence to completely remove or cure such failure.

- 26. **GENDER**. The use of any gender shall include any and all genders and the use of any number shall be construed as singular or plural, as the case may be. The headings of paragraphs herein are inserted only for convenience and reference and shall in no way define or limit the scope or intent of any provision of this Lease. This Lease shall inure to the benefit of and be binding upon all of the parties hereto and their respective heirs, executors, administrators, successors, successors in trust and assigns as the law permits.
- 27. <u>COUNTERPARTS</u>. This Lease may be executed in several counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same agreement, which shall be binding upon all parties hereto notwithstanding that all of the parties are not signatories to the same counterpart.
- 28. **RECORDING**. This Lease shall be recorded at the Department of Land Management at Lessee's expense.
- 29. <u>COMPUTATION OF TIME</u>. The time in which any act provided by this Lease is to be done is computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or holiday, and then it is also excluded. The term 'holiday' shall mean all holidays specified in Sections 200 and 201 of the Government Code of Guam.
- 30. **ESTOPPEL CERTIFICATES**. Either party shall at any time and from time to time, upon not less than twenty (20) days prior written request by the other party, execute, acknowledge, and deliver to such party, without charge, a statement in writing certifying that this Lease is unmodified and in full force and effect (or if there has been any modification thereof that the same is in full force and effect as modified and stating the modification or modifications) and that there are no defaults existing, or if there is any claimed default stating the nature and extent thereof; and stating the dates to which the rent and other charges have been paid in advance. It is expressly understood and agreed that any such statement delivered pursuant to this section may be relied upon by any prospective lender or prospective assignee of any lender on the security of the leased land or the fee estate or any part thereof, and any third person.
- LESSEE'S RIGHT TO SELF HELP. If Lessor shall fail to perform any of the covenants to be performed by Lessor pursuant to the terms of this Lease, or if Lessor shall fail to make any payment which Lessor agrees to make or is obligated to make, the nonpayment or nonperformance of which might substantially affect Lessee's use or occupancy of the demised Premises, then, in the event of the failure of the Lessor to perform such affirmative covenants or to make such payment within a period of ten (10) days after the Lessee shall have given written notice to the Lessor of his failure to perform such affirmative covenant or to make any such payment, except that if the affirmative covenant cannot be performed within such ten (10) day period, then if the Lessor shall commence performance of such affirmative covenant within the ten (10) day period, and to continue thereafter with reasonable speed and diligence until such affirmative covenant is performed, Lessee may, at its option, perform any such affirmative covenant, or make any such payment as landlord's agent. The full amount of the cost and expense entailed, or the payment so made, shall be immediately owing by Lessor to Lessee, and Lessee shall have the right to deduct the amount thereof, without liability or forfeiture, out of the rentals then due or thereafter becoming due hereunder. The option given in this paragraph is for the sole protection of the Lessee and any mortgagee of the Lessee's interest in the leasehold estate and its existence shall not release Lessor from the obligation to perform any of the covenants herein to be performed by the Lessor, or deprive the Lessee of any legal rights which it may have by reason of any default by the Lessor.

#### 32. **GENERAL PROVISIONS**.

- (a) <u>Conditions and Covenants</u>: All the provisions of this Lease shall be deemed as running with the land, and construed to be 'conditions' as well as 'covenants' as though the word specifically expressing or imparting covenants and conditions were used in separate provisions.
- (b) <u>Entire Agreement</u>: This Lease contains the entire agreement of the parties with respect to the matters covered by this Lease, and no other agreement, statement, or promise made by any party, or to any employee, officer, or agent of any party, which is not contained in this Lease or executed pursuant hereto shall be binding or valid.
- 33. **TIME IS OF THE ESSENCE**. Time is of the essence of this Lease, and of each provision.
- 34. **GOVERNING LAW**. The laws of the Territory of Guam shall govern the validity, construction, and effect of this Lease. Whenever in this Lease any words of obligation or duty are used in connection with either party, such words shall have the same force and effect as though framed in the form of express covenants on the part of the party obligated.
- 35. **REMEDIES CUMULATIVE**. The various rights, options, elections or remedies of Lessor and Lessee, respectively, contained in this Lease shall be cumulative and no one of them shall be construed as exclusive of any other, or of any other right, priority or remedy allowed or provided for by law and not expressly waived in this Lease.
- 36. <u>COVENANT TO EXECUTE ADDITIONAL INSTRUMENTS</u>. The parties agree to execute and deliver any instruments in writing necessary to carry out the agreement, term, condition, or assurance in this Lease whenever occasion shall arise and request for such instruments shall be made.
- 37. **LEASE TERMS SEVERABLE**. If any terms, provision, covenant or condition of this Lease should be held by a court of competent and final jurisdiction to be invalid, void or unenforceable, the remainder of this Lease shall continue in full force and effect and shall in no way be affected, impaired, or invalidated thereby.

In all other respects, said Lease shall continue in full force and effect.

#### 38. **STATEMENT RE: AVAILABILITY OF WATER AND POWER**

RYAN MUNA hereby acknowledges that:

WATER AND POWER ARE NOT IMMEDIATELY AVAILABLE ON THE PROPERTY OR WITHIN 100 FEET OF THE PROPERTY.

IN WITNESS WHEREOF, the undersigned have executed this Lease on the date first written above.

Revised Format:1/8/16 Doc. Printed: 9/27/2017 LESSOR

Administrative Director **Chamorro Land Trust Commission** 

#### **ACKNOWLEDGEMENT**

day of Spotembor, 2017, before me the undersigned notary personally appeared MICHAEL J.B. BORJA, Administrative Director, known to me to be the person whose name is subscribed to the within instrument and for its stated purpose.

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



Notary Public My Commission Expires

> TERESITA A.C. TO **NOTARY PUBLIC** In and for Guam, U.S.A.
> My Commission Expires: JULY 13, 2019
> P.O. Box 2980 Hagama, Guam 96932

ESSEE: Rvan Muna Richard Muna, Attorney-In-Fact

**ACKNOWLEDGEMENT** 

, 2017, before me the undersigned notary On this personally appeared Richard Muna, known to me to be the person whose name is subscribed to the within instrument as the Attorney-In-Fact for Ryan Muna, and acknowledged to me that he subscribed the name of Ryan Muna, thereto as principal, and his own name as Attorney-In-Fact, for its stated purpose on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

ln witness whereof I have hereunto affixed my name and official seậl. **Notary Public** 

My Commission Expires

JOHN J. GUMATAOTAO NOTARY PUBLIC In and for Guern, U.S.A. My Commission Expires: JULY 11, 2021 P.O. Box 2950 Hagatna, Guam 96932

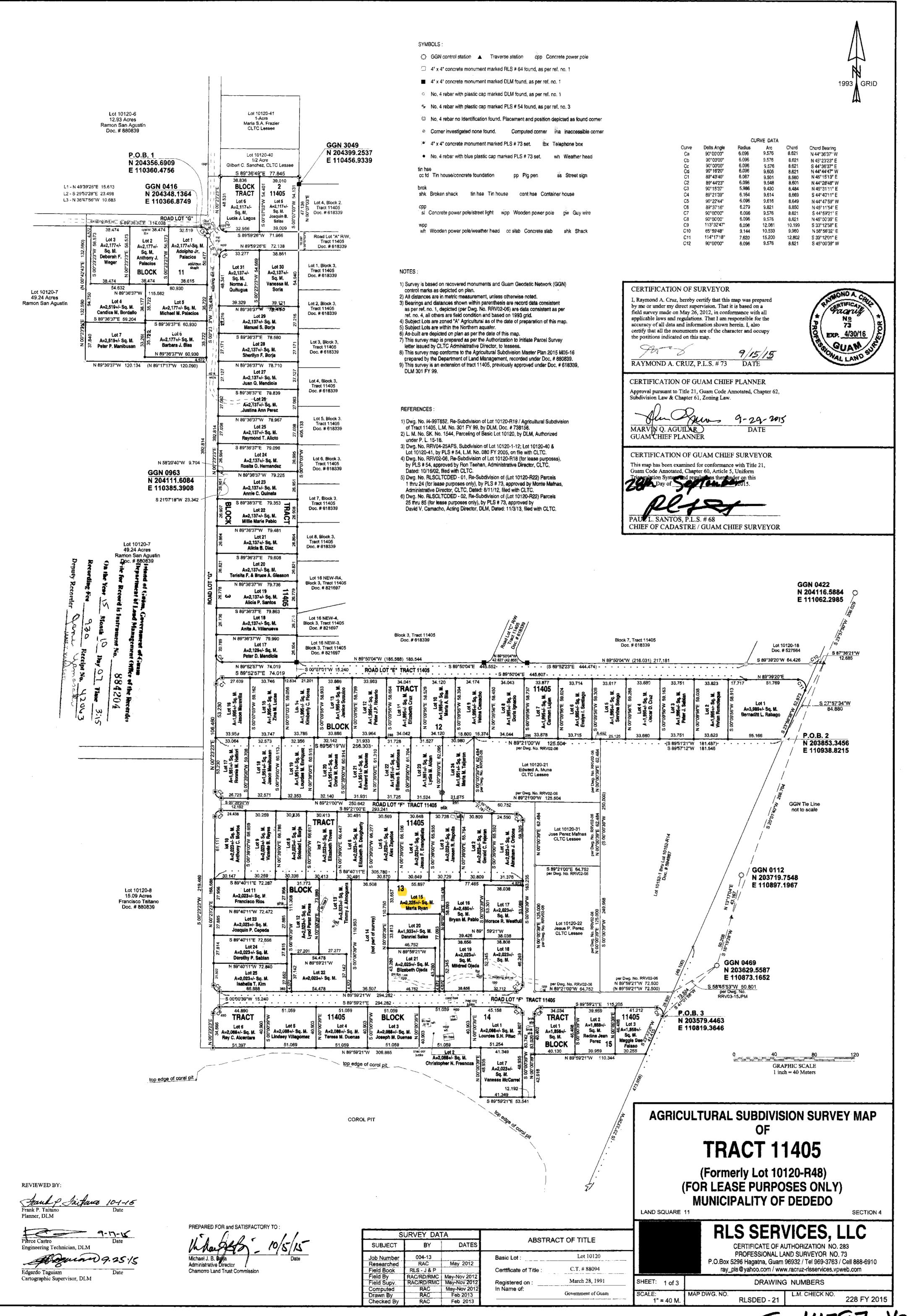
Edward Baza Calvo Governor of Guam

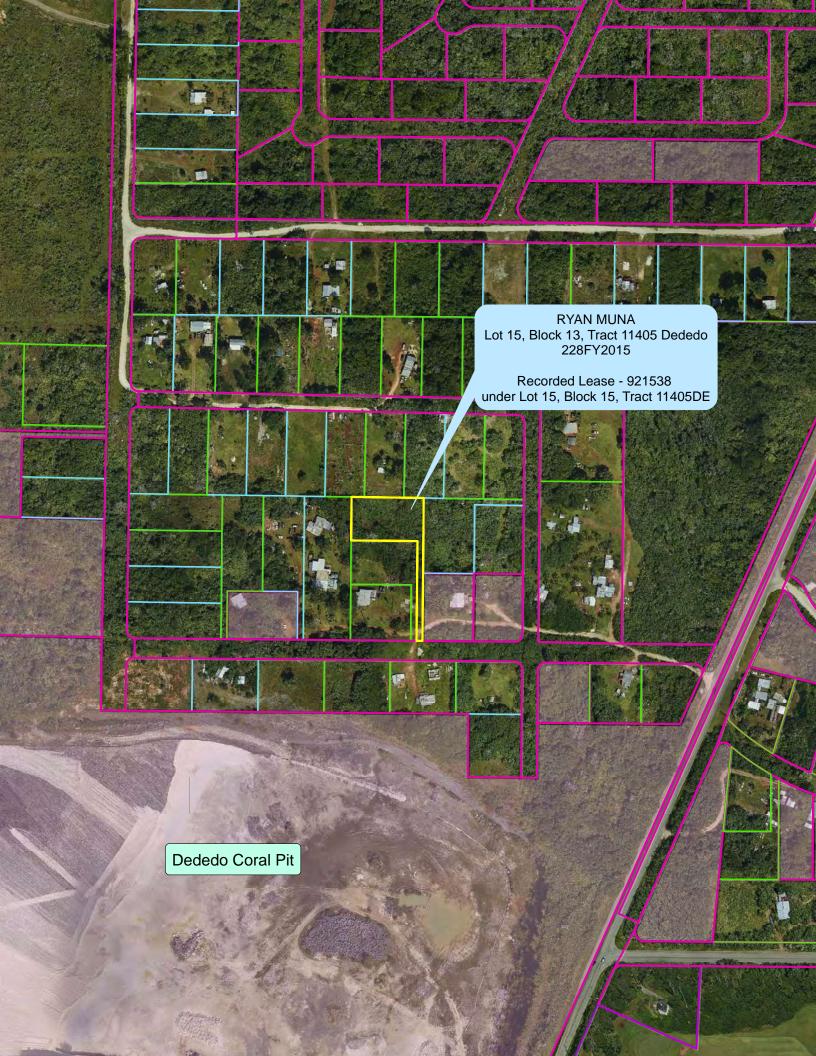
**CONCURRED BY:** 

3/29/18

Date

Revised Format:1/8/16 Doc. Printed: 9/27/2017





# CHamoru Land Trust Commission Land Agent Staff Report

### MARTINA S. CRUZ RESIDENTIAL APPLICANT

#### I. REQUEST(S)

1) The applicant wants the Commission to be aware of her frustration in obtaining survey services.

#### II. MATTER

1) N/A

#### III. FACTS

- 1) Applicant: Martina S. Cruz
- 2) Applicant's Date and Time: January 22, 2025, at 3:20 PM
- 3) Applicant's Application Number: 008518
- 4) Original Application Type: Residential
- 5) Lot Description: Lot 11-5, Block 1, Tract 10316, Dededo
- 6) Survey Map: None
- 7) Priority: 1
- 8) Pre-occupier: Yes, June 30, 1994, signed by Administrative Director Joseph M. Borja
- 9) Land Use Permit (LUP): None
- 10) Mayor's Certification: None
- 11) Recorded Lease: N/A
- 12) Unrecorded Lease: N/A
- 13) Lease Fee Paid: N/A
- 14) Is this a Registered Property? Yes
- 15) Residing on Private Property: No
- 16) Residing on Guam Ancestral Lands Property: No
- 17) Part of Null and Void Listing: N/A
- 18) Part of the 2018 Ratified Listing: N/A
- 19) Part of 1995 Listing: N/A
- 20) Part of OPA Audit Listing: N/A
- 21) Lease Approved by CLTC Board of Commissioners: N/A

#### IV. CHRONOLOGY

- 1) February 24, 1997: The Administrative Director, J. M. Borja, approved the application for power, telephone, and water services and stated that Bernadita Dela Cruz, mother of Martina Cruz, is an occupier on Lot 10140, Dededo.
- 2) January 22, 2025, Martina S. Cruz submitted an application, receipt of payment, family tree, and an affidavit of ownership.
- 3) May 8, 2025: Board approved for a residential lease agreement for Lot 11-5, Block 1, Tract 10316, Dededo.
- 4) May 16, 2025: Authorization to Initiate Survey, signed by Acting AD J. Cruz Jr.
- 5) August 8, 2025: Verification of Eligibility letter signed by Chairperson A. Bordallo

#### V. SUMMARY

Martina Cruz was awarded a residential lease on May 8, 2025, by the Board of Commissioners. On May 16, 2025, a survey authorization was issued, but the list of surveyors Ms. Cruz contacted did not want to service CLTC constituents.

#### VI. SUGGESTED ACTION



# DESIGNATION OF PUBLIC INFORMATION OFFICER



## **Real Property Tax Assessment**



# SWITCH/TRANSFER OF APPLICATION DATE/TIME



### **SWITCH OF APPLICATION TYPE**



## **Letter from the Governor**

**Staging Site for Junk Vehicles** 

#### LOURDES A. LEON GUERRERO GOVERNOR



JOSHUA R TENORIO LI, GOVERNOR

July 11, 2025

#### ARLENE BORDALLO

Chairperson Chamorro Land Trust Commission Suite 222, 2nd Floor, ITC Building Tamuning, Guam

Håfa Adai Chairperson Bordallo,

I request your assistance in identifying potential suitable lots for a designated staging site for junk vehicles prior to their disposal. The government of Guam is currently utilizing a temporary staging site at the Department of Public Works compound. However, this site is nearing capacity. Over the past few months, we have observed a rise in the number of junk vehicles throughout the island. In response, DPW is working diligently to clear these vehicles from roadways and easements by staging them at its compound until these vehicles can be properly disposed of.

Given the current limitations at the existing site, we are in need of the expertise and resources available through your agency to identify a new location where we can safely stage these vehicles. Your assistance in finding appropriate lots that can accommodate our needs while adhering to safety and environmental guidelines would be invaluable.

I would appreciate the collaboration between your agency and the several departments involved in processing junk vehicles to discuss this matter further and explore potential sites that could serve as a staging area. My office will be in touch with your staff to inform them of a meeting date. We appreciate your continued partnership and look forward to your response and the opportunity to work together on this important issue, as your assistance is crucial in this matter.

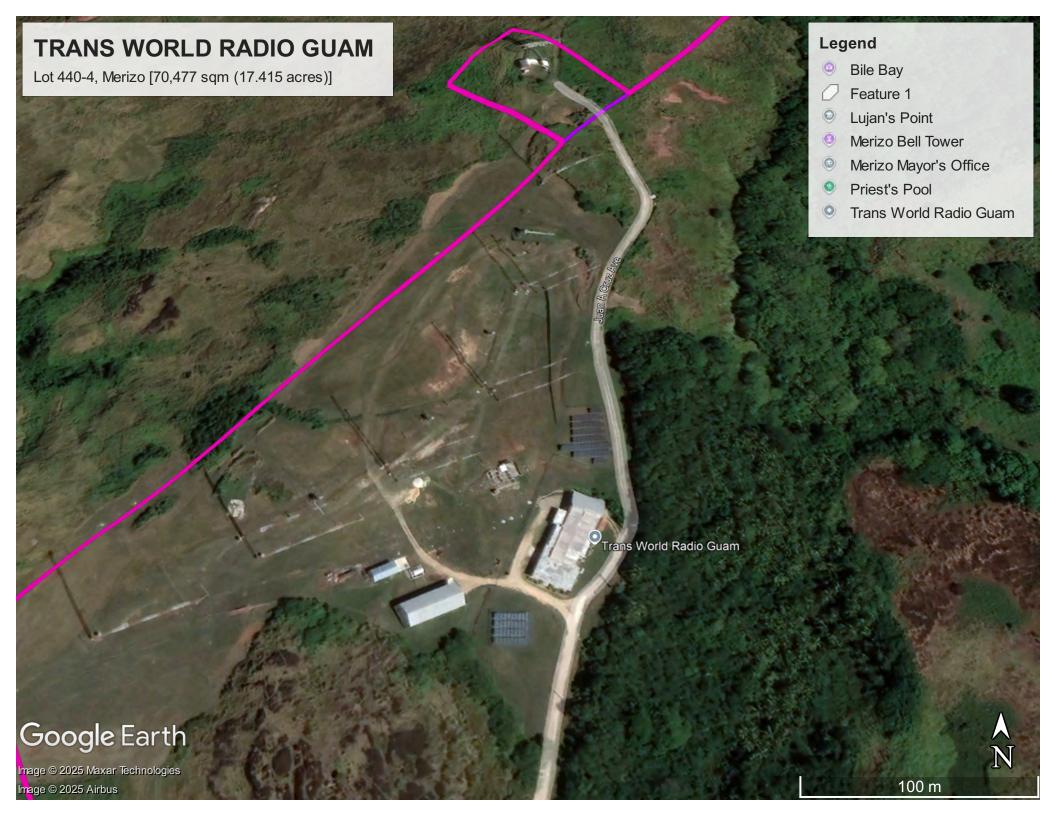
Senseramente.

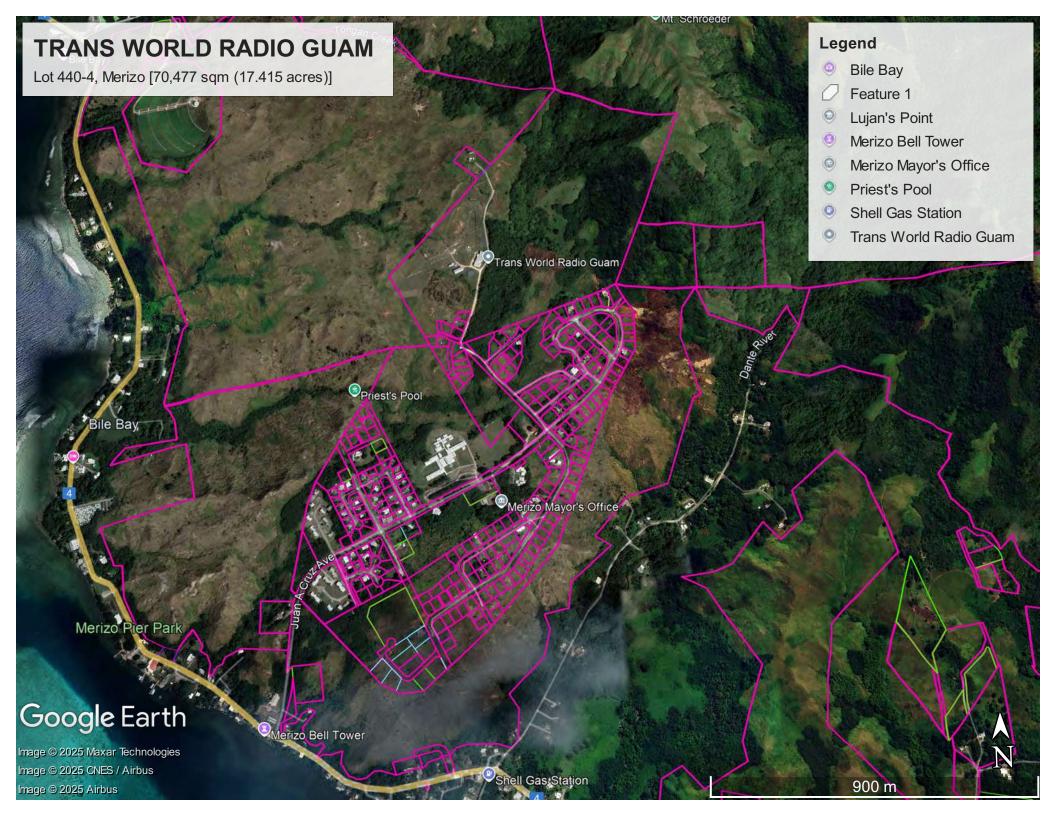
LOURDES A. LEON GUERRERO

Maga'hågan Guåhan Governor of Guam



# Portion of Lot 440, Merizo Trans World Radio





























Inspection conducted 01Aug2025—compiled by J. Casem







-- 748771



#### AMENDED LEASE AGREEMENT

This Amended Lease Agreement will supercede the Lease Agreement recorded under Document No. 269828 authorized by Public Law 13-134 is herein entered by and between **DEPARTMENT OF LAND MANAGEMENT**, **GOVERNMENT OF GUAM**, P.O. Box 2950, Hagatna, Guam 96932 hereinafter referred to as the "LESSOR" and TRANS WORLD RADIO PACIFIC, a Guam Corporation, P.O. Box 8780 Agat, Guam 96928, hereinafter referred to as the "LESSEE".

#### WITNESSETH:

The parties hereto for the consideration hereinafter mentioned covenant and agree as follows:

 The LESSOR hereby leases to the LESSEE and the LESSOR hereby leases from the LESSOR the following described premises to wit:

Lot No. 440-4, Municipality of Merizo, containing an area of 758,607 square feet or 70,477.00 square meters (17.415 acres) as shown on L.M. Checked No. 025FY97 recorded under Document No. 560187.

and

Lot No. 440-5, Municipality of Merizo, containing an area of 10,463 ± square meters (2.585 acres) as shown on Map Drawing No. 14-04T690 dated June 27, 2005, L.M. Checked No. 184FY2005 recorded under Document No. 710907.

2. TERMS: To have and to hold the above-described property, Lot No. 440-4, Merizo, together with all rights appurtenant thereto belonging to the LESSEE for a term beginning <u>JULY 1. 1976</u> and ending <u>JUNE 30</u>, <u>2026</u> at midnight upon the terms, covenants and conditions hereinafter set forth.

To have and to hold the above-described property, Lot No. 440-5, Merizo, together with all rights appurtenant thereto belonging to the LESSEE for a term beginning NOVEMBER 1, 2006 and ending JUNE 30, 2026 at midnight upon the terms, covenants and conditions hereinafter set forth.

2:13p

3. RENT for Lot 440-4: The LESSEE shall pay to the LESSOR as rental to the premises six percent (6%) per annum of the fair market value of the premises at date of execution; the LESSOR herein agrees and accepts as fair market value of the premises, for **Lot No. 440-4**, established by the appraisal report dated February 23,1976 prepared by Ralph M. Shiyama, an appraiser for Realty Research Corporation, which is marked Exhibit "A" and recorded under Document No. 269828.

RENT for Lot 440-5: The LESSEE shall pay to the LESSOR as rental to the premises six percent (6%) per annum of the fair market value of the premises at date of execution; the LESSOR herein agrees and accepts an average fair market value of the premises, for **Lot No. 440-5**, established by two appraisal report dated June 8, 2005 prepared by Micronesian Appraisal Associates, Inc., Real Estate Appraisal and Consultation and the other appraisal dated October 8, 2005 prepared by Chief Appraisals, copies of which are attached marked Exhibit "B".

The value established thereby shall be applied in the computation of rental herein above agreed. It is further agreed that the per annum rental shall be compounded every ten (10) years at the rate of ten percent (10%). The LESSEE through its facilities and activities shall from time to time or at LESSEE's initiative, cooperate with the LESSOR to propagate to its audience Guam's identity including but not limited to geography, population, culture, climate, economy, society and politic. The LESSEE further agrees to make available its broadcast facilities and capabilities to the LESSOR in cases of national emergency, and before, during and after natural disasters subject to the determination of the local Civil Defense Office.

All rentals shall be paid monthly in advance on or before the first day of each lease month.

4. OPTION TO RENEW: LESSEE shall have the right and option to renew this lease for another thirty (30) years upon the same terms and conditions contained herein except the payment of rent which shall be

negotiated upon notice to exercise this option. The LESSEE shall give ninety (90) days prior notice to the LESSOR by registered mail of LESSEE's decision to exercise option.

- 5. The LESSOR shall deliver to the LESSEE physical possession of the demised premises upon the execution of the lease. The LESSEE shall deliver to the LESSOR physical possession of the demised premises upon termination of this lease or any renewal thereto.
- 6. LESSEE covenants to save harmless and indemnify LESSOR from and against all causes of action legal or equitable arising by reason of the actions or neglect of the LESSEE or of the failure by the public or any persons whomsoever which may be asserted against the LESSOR for and upon said cause of action.
- 7. QUIET ENJOYMENT: The LESSOR covenants and warrants that the LESSEE upon paying the rental and performing the covenants of this lease may quietly have, hold and enjoy the demised premises during the term of this lease or any renewal thereto. The LESSOR further represent and warrant that LESSOR is the owner of the leased premises and has the right to make this lease to wit:
  - (a) Lot No. 440, Merizo, is registered under the Government of Guam, as per Certificate of Title Number 33482.
  - (b) The leased premises are now free from all encumbrances.
  - 8. LESSEE shall pay all utility charges including water, sewer, electricity, and telephone assessed against the demised premises during the term hereof and any renewal thereto.
  - 9. ASSIGNMENTS, MORTGAGING AND SUBLETTING RIGHTS: The LESSEE may not assign this lease in whole or in part or mortgage or sublet all or any part of the demised premises but shall remain liable to the LESSOR for the payment of rent and of the terms, conditions, and covenants of this lease.
  - 10. CONDITION: If at any time during the term hereof the whole or any substantial part of the premises shall be taken for any public or quasi

premises or arising by reason of the occupancy, use or the leased premises or the business carried on of the activities carried for which are or may become a lien during the term of the lease of which are hereinafter collectively referred to as taxes. LESSOR shall promptly forward to LESSEE all bills received by LESSOR for taxes which LESSEE is required by the provisions of this lease to pay and shall be assessed or levied against the premises.

- 12. USE CLAIMS WITH LAWS AND RECTRICTIONS: LESSEE shall have the peaceful and quiet use of the leased premises only as authorized by Public Law 13-134 without hindrance on the part of the LESSOR and LESSOR shall warrant and defend LESSEE in such peaceful and quiet use against the lawful claims of all persons claiming by, through or under the LESSOR. LESSEE shall not breach or suffer to breach of any of the condition, covenants and restrictions of record affecting the leased premises and shall hold the LESSOR harmless from any and all consequences of any such breach. LESSEE shall comply to all present and future laws and regulations of duly constituted public authorities in any manner affecting the leased premises. LESSEE shall have the right to contest the validity of any laws or regulations adversely affecting the use of the leased premises and shall hold the LESSOR harmless from the violation of any such law or regulation.
  - at its own cost without any expense to the LESSOR keep and maintain the premises including all belongings and improvements of every kind which may be a part thereto including the towers and broadcasting or transmitting facilities and such other belongings and facilities including dwellings as may be essential to the facility and effective use of the property and all appurtenances thereto in good sanitary and neat order, condition and repair. Upon termination or expiration and renewal thereto of this lease, all improvements constructed or situated on the demised premises shall remain thereon and shall revert to the LESSOR except

those facilities and equipment directly used for transmitting and broadcasting and which can be removed without impairing the improvement remaining therein.

- 14. LESSEE shall prepare at his expense a fifty (50) foot public right-of-way severance map depicting access to the demised premises and submit said map with due haste to the LESSOR for its approval and adoption pursuant to the terms and conditions of this agreement. LESSEE shall thereafter develop and construct a twenty-two (22) foot wide coral base road at his expense and shall continue to maintain said road until such time as the LESSOR releases in writing the LESSEE from this obligation.
- 15. The LESSEE may terminate this agreement at any time by giving written notice by registered mail to LESSOR ninety (90) days prior to the effective date of termination.
- 16. DEFAULT AND REMEDIES: The following events shall be termed to be events of default by LESSEE under this lease:
  - a) LESSEE shall fail to pay any installment of rent hereby reserved or shall fail to pay any taxes or other charges required to be paid by LESSEE under the terms of this lease and such failure shall continue for a period of thirty (30) days from and after written notice expressing such failure is delivered to LESSEE.
  - b) LESSEE shall fail to comply with any term, provision or covenant of this lease other than the payment of rental, taxes or other charges and shall not commence to remove or correct such failure within thirty (30) days from and after the date written notice such failure is delivered to the LESSEE or having commenced to renew or to correct such failures within sixty (60) days, LESSEE thereafter fail to proceed with reasonable diligence to completely remove or correct such failures.



17. RIGHTS OF SUCCESSORS: The covenants, conditions and agreements contained herein shall bind and enure to the benefits of the LESSOR and the LESSEE and their respective heirs, distributes, executors, administrators, and successors.

LESSEE:

MICHAEL B. SABIN TRANS WORLD RADIO

Date: 10/3/06

#### **ACKNOWLEDGMENT**

CITY OF HAGATNA	)ss		
On this 31d	day of	October	, 2006, before me, the
undersigned notary, pe	rsonally	appeared me is signe	MICHAEL B, SABIN, known to ed on the attached or preceding the signed it voluntarily for its
stated purpose.	rieagea	to me ma	, in organization

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Hagatna, Guam, the day and year first above written.

GRACE MARIE C. MARTINEZ

NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: July 05, 2008
P.O. Box 21112 GMF, Guam 96921

OCT 3 0 2006

ATTORNEY OF NERAL'S OFFICE

APPROVED AS TO LEGALITY

AND FORM:

DOUGLAS B. MOYLAN Aftorney General of Guam

Date: 11-6-06

LESSOR:

GOVERNMENT OF GUAM:

FELIX P. CAMACHO

Governor of Guam

Date: 29 Nov 2775

A Summary Report Of A Complete Appraisal Of Real Property

# KTWR Proposed Antenna Site Lot 440-5, Municipality of Merizo, Island of Guam

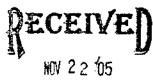


Effective Date of Valuation: June 08, 2005 Date of Appraisal Report: July 26, 2005

Trans World Radio/Government of Guam P.O. Box 8780 Agat, Guam 96928



Real Estate Appraisals and Consultation 194 Chalan San Antonio, Suite 202 Tamuning, Guam 96913-3508 www.valnepacific.net



Department of Load Management

EXHIBIT "B"

## Micronesian Appraisal Associates, Inc.

Real Estate Appraisal and Consultation

July 26, 2005

Trans World Radio/Government of Guam P.O. Box 8780 Agat, Guam 96928

Subject:

KTWR Proposed Antenna Site

Appraisal of Lot 440-5, Municipality of Merizo, Island of Guam

Gentlemen.

As requested and per the terms of our engagement letter, we have conducted an appraisal of the property listed above. The assignment is to estimate the current market value of the fee simple interest in the subject property in its "as is" condition. The attached appraisal report communicates our conclusions and sets forth the methodology and data considered in our valuation. The attached is a Summary Appraisal Report prepared in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP).

The subject is a vacant parcel consisting of 2.585 acres or 10,463 square meters zoned A-Rural, in Merizo. The subject property is currently vacant and idle. Based on the data and analysis contained in this report, we conclude a market value of the fee simple interest in the property, as of June 08, 2005, of

#### US \$ 105.000 ONE HUNDRED AND FIVE THOUSAND DOLLARS

The above value opinion is based on an estimated exposure time of 6 to 9 months and a marketing period of 6 to 9 months. The above value opinion is subject to the Assumptions and Limiting Conditions as stated in the Addenda. The appraisers' certifications for this report are also found in the Addenda. If you have any questions on the data or our conclusions, please contact us.

Respectfully submitted.

MICRONESIAN APPRAISAL ASSOCIATES, INC.

Vance L. Relgai

Senior Appraiser

Guam Certified Appraiser, CA-2004-31

Expiration February 06, 2006

Mark F. Gruber, MAL SRA, CCM

President and Chief Appraiser

Guam Certifled Appraiser, CA-2002-02

Expiration February 10.

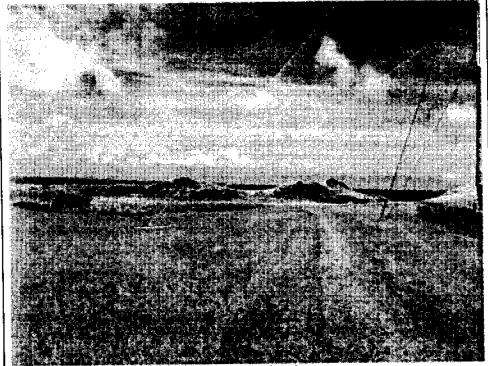
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Exhibit 1:

Appraisers' Qualifications

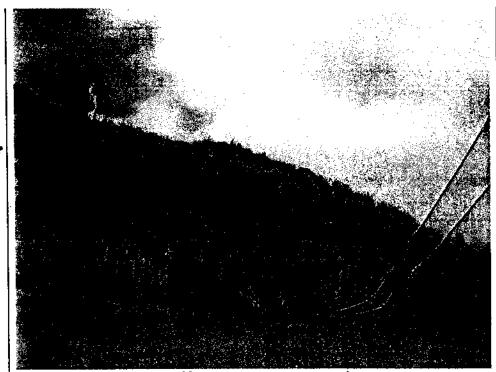




View of the northern boundary.



View of the subject from the east.



View of the eastern portion, mountainous rock.



View of the subject's southern boundary (the tractor is on the southern boundary)

# The Assignment

# Purpose and Function

The purpose of this report is to estimate the current market value of the subject property in its "as is" condition. The intended use this report is to provide market data, real property information, and opinions of value to the client for lease negotiations with the Government of Guam.

# Intended User

Trans World Radio is our client and the intended user in this assignment; the Government of Guam is also an intended user. The appraiser intends no other users of this report.

# Scope of Work

The scope of the appraisal refers to the extent of the process of collecting, confirming, and reporting data. The Uniform Standards of Professional Appraisal Practice clearly impose a responsibility on the appraisers to determine the extent of the work and the report required in relation to the significance of the appraisal problem. A clear and accurate description of the scope of the appraisal is desirable to protect other parties whose reliance on the appraisal may be affected.

General data include information on the social, economic governmental and environmental forces that affect property value. The appraisers have accumulated general data from a wide variety of sources, including Pacific Area regional information sources; U. S. Federal Governmental sources; Government of Guam sources; national, regional, and local real estate organizations; and trade associations'. The appraiser's educational background and experience is utilized extensively in the collection and evaluation of general data'.

Specific data include details about the property being appraised, comparable sales, rental properties, and relevant local market characteristics. The data is used to determine highest and best use and to make the specific comparisons and analyses required to estimate market value. The appraisers concentrated on specific data related essentially to the subject's immediate neighborhood. This data is most relevant to the subject and the comparables.

The appraisers confirmed the validity of all data used. Any information which could not be verified by a creditable source was not used. The sources of confirmation included public records; interviews with the parties of transactions or offerings and their agents, such as Realtors, bankers, developers, consultants, and others: and other appraisers and professionals. The appraisers made assumptions only as disclosed in the attached Assumptions and Limiting Conditions, or as specifically noted in the body of the report.

The data is organized and reported factually and completely in the attached report. No important facts have been withheld.

# **Property Rights Appraised**

The property rights appraised in this report are the Fee Simple interest in the property.

# Date of the Appraisal

This appraisal report is dated July 26, 2005.

# **Effective Date of Valuation**

The valuation has an effective date of June 08, 2005, the date of last physical site inspection by the appraiser and the date of photographs included in this report.

# Definitions

#### Market Value'

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- 1) buyer and seller are typically motivated.
- 2) both parties are well informed or well advised, and acting in what they consider their best interests:
- 3) a reasonable time is allowed for exposure in the open market;
- 4) payment is made in terms of cash in United States dollars or in terms of financing arrangements comparable thereto; and
- 5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Guam Business: Pacific Daily News; Marianas Variety: Hawaii Investor; Building

Industry Sources: Appraisal Institute, The Appraisal Journal, Appraiser News: American Society of Appraisers, Newsline, Real Property Perspectives, Valuation, Business Valuation Review, Real Property Journal; E&Y Kenneth Leventhal Real Estate Group, Real Estate Journal, Real Estate Newstine; Hotel Valuation Services, Hotel Valuation Journal; International Right of Way Association, Right of Way; Lincoln Institute, Landlines, Urban Land Institute, Land Use Digest, Urban Land. Local and Regional Sources: Guam Board of Realtors, Multiple Listing Service; Bank of Hawail, Economic Trends: First Hawailan Bank, Economic Indicators; Government of Guam, Department of Commerce, Annual Economic Reviews, Quarterly Updates;

industry. Please refer to Appraiser's Qualifications in the Addenda section.

The Appraisal Foundation, Uniform Standards of Professional Appraisal Practice. page B-7. FDIC Final Rules 12 CFR Part 323.2(f).

#### Exposure\*

The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective estimate based upon an analysis of past events assuming a competitive and open market. Exposure time is always presumed to occur prior to the effective date of the appraisal. The overall concept of reasonable exposure encompasses not only adequate, sufficient and reasonable time but also adequate, sufficient and reasonable affort. Exposure time is different for various types of real estate and value ranges and under various market conditions.

# Fee Simple Estate<sup>4</sup>

Absolute ownership unencumbered by any other interest or estate subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

## Highest and Best Use<sup>6</sup>

The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum profitability.

## **Current Use of the Property**

As of the date of this appraisal, the subject property is unimproved land.

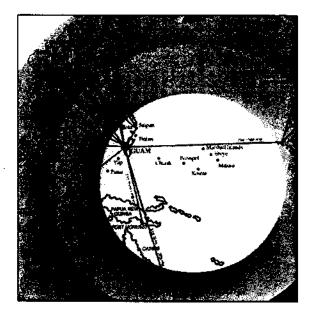
# Use Reflected in the Appraisal

The property is appraised as vacant.

# Regional Analysis (Island Data)

Guam: The Setting

Located in the western Pacific, Guam is the southernmost of the Marianas Islands and the closest U.S. possession to Asia. Guam is about 2,400 km. south of Tokyo, 3,360 km. southeast of Hong Kong, 2,400 km. east of Manila and 6,000 km. southwest of Honolulu. The Mariana Trench, the deepest known ocean depth, is located southeast of Guam.



Guam lies 13 degrees north latitude and 144 degrees east longitude of the equator. It is the largest landmass in Micronesia. Guam is about 48 km. long, and from six to 14 km. wide. The central and northern parts of the island consist of a limestone plateau with steep cliffs dropping down to a narrow coastal shelf. Southern Guam is made up of volcanic hills with a maximum elevation of 407 meters. Coral reefs surround the island except for openings at harbor and river mouths.

The history and natural beauty of Guam offer numerous sights of interest. Latte stones, which served as foundation blocks for the thatch huts of pre-contact Chamorros, are found in parks and jungle areas. The graceful remains of Spanish buildings, plazas and bridges may be seen in Agana and at other locations around the island.

The major hotel, business and residential centers are on the western side of the island facing the calm Philippine Sea. A drive along the east coast past Pago Bay and Yona, south to Talofofo and Inarajan affords spectacular views of the open Pacific thundering against the narrow coastal shelf. Spanish influence is clearly visible in the architectural design of the southern village.

# **Climate**

Guam's tropical climate shows little variation throughout the year. The mean annual temperature is 81 degrees Fahrenheit and humidity is tempered by prevailing northeast trade winds. The rainy season is from July through November, and the cooler dry season from December through June. Guam lies in the path of tropical storms and occasionally experiences typhoons.

# People

<sup>&</sup>lt;sup>1</sup>Appraisal Standards Board of The Appraisal Foundation, Statement on Appraisal Standards No. 6, "Reasonable Exposure Time in Market Value Estimates".

The Appraisal Institute, The Dictionary of Real Estate Appraisar, Third Edition, Chicago, Illinois, 1993.

The indigenous people of Guam are Chamorros, a Micronesian race with a mixture of Spanish, Mexican and Filipino blood. Present day Guam is a cosmopolitan community featuring large populations of Filipinos, Japanese, "stateside" Americans, Chinese, Koreans, and islanders from throughout Micronesia, as well as Europeans, Vietnamese and Indians.

Current population totals approximately 160,000, an increase of 15% from 1992 levels.

#### History

Archaeological evidence indicates that Guam has been settled since about 2000 B.C. The island was discovered for the western world by Portuguese explorer Magellan in 1521, and claimed for Spain in 1565. Jesuit missionaries arrived in 1668 to convert the populace to Christianity. For the next 200 years, Guam remained a Spanish colony administered from Mexico.

Guam first became a U.S. possession in 1898 after the Spanish-American War, and was run as a U.S. naval station until the outbreak of World War II. The island was surrendered to a Japanese invasion force in December 1941.

On July 21, 1944, American troops landed on Guam and recaptured the island in a series of flerce battles. More than 200,000 U.S. servicemen were stationed on Guam after the conclusion of the war.

In 1950, administration of the island was transferred to the United States Department of the Interior and residents were granted U.S. citizenship. In 1962 a U.S. navy security clearance requirement was lifted and Guam began its rapid entry into the mainstream of modern development.

### Government

Guam is an unincorporated territory of the United States, administered under the 1950 Organic Act of Guam. Plans are underway to change the island's status to that of a commonwealth. It is anticipated that this change in the political relationship with the federal government would ease some legal constraints that hamper economic development.

The executive branch of government is headed by a governor elected by voters at large for a four-year term. Guam has a unicameral legislature consisting of 15 senators (previously 21) elected for two-year terms. The most recent election for governor was held in 2002 and for senators in 2002.

The District Court of Guam, headed by a judge appointed by the U.S. president for an eight-year term, has jurisdiction over all cases arising under the U.S. Constitution, federal laws and treaties. The Superior Court of Guam handles all other cases arising under the laws of Guam. Appeals may be made to the Ninth Circuit Court of Appeals or to the U.S. Supreme Court.

### **Economy**

The establishment of Guam's economy dates only to 1962 when a U.S. Navy security clearance that which restricted travel to the island was lifted. Since that time, Guam has witnessed tremendous growth and change, and now serves as a Pacific crossroads with good telecommunications, airline connections and media.

During the late eighties and early nineties, the island enjoyed an unprecedented economic boom, fueled primarily by Japanese investment, and by tourism, most of which originated in Japan. Land values spiraled, with the sales prices of parcels in some prime areas of the island doubling within a short period. However, the "bubble economy" on Guam suffered along with the Japanese weakening. A persistently weak Japanese economy, a series of typhoons in 1992 and a powerful earthquake in 1993 adversely impacted Guam real estate markets for years thereafter; its effects are still being felt. Real property prices that had been static since the end of 1990 began to soften, and rental rates for most types of properties dropped.

Tourism remains the leading component of Guam's economy, and is discussed in further detail below.

# Federal and Military Impact

The Federal Government has historically played a major role in the economic affairs of Guam. Increases in Federal and Military spending has remained strong, and helped mitigate the adverse impact of the Japanese economy. The following table presents the growth in Military and Federal spending on Guam since 1989.

Figure 1: Federal and Military Spending on Guam

Year	FEDERAL	MILITARY	TOTAL
1993	465.4	636,5	1,101.9
1994	356.9	734.9	1,091.8
1995	337.9	495.3	833.2
1996	348.5	506.9	855.4
1997	427.8	480.1	907.9
1998	678.6	507.1	1,185.7
1999	460.8	428.8	889.6
2000	439.8	451.0	890.8
2001	519.5	461.3	980.8
2002	654.1	561.7	1,215.8
2003	722.0	816.7	1,538.7

Source: Guam Annual Economic Reviews; Department of Commerce. \$000.000.

Military expenditures went through a decline from 1995 to 1999 as part of the U.S. cut-backs world-wide.

On February 28, 1995, the Pentagon in its 1995 Base Closure and Realignment Report recommended to the Defense Base Closure and Realignment Commission that four of Guam's military bases be closed or reduced in size, resulting in a loss of 2,104 military jobs and 2,665 civilian Jobs. Specifically, the Pentagon recommended the realignment of Naval Activities Guarn, with 2.421 jobs being transferred to Hawaii; the closure of the Ship Repair Pacility, with a loss of 633 jobs; the shifting of some 1,270 jobs formerly performed at Naval Air Station Guain to the U.S. mainland and Hawali instead of to Guam's Anderson Air Force Base as previously recommended; and the closure of Fleet and industrial Supply Center, with a loss of 413 jobs....Naval Air Station was closed by the military on April 1, 1995, and the facility, along with the civilian airport, now is operated by the Government of Guam. The base was renamed Tiyan Reuse Pacility, and some government of Guam agencies occupy former military housing units. Guam has experienced a steady decrease in military personnel and infrastructure, a consequence of declining overall military spending. Because Guam's military expenditures have run an important second to tourism in economic input, most of the changes have had a direct impact on the island. "

j

Effective April 2000, the operation of Navy Public Works Center was taken over by Raytheon Technical Services, a Fortune 500 private company that outbid the Navy in a Base Operating Support concept, essentially a privatization process. Many federal civil service employees left island in order to retain benefits; substitute jobs under the private contractor are at substantially lower wages.

One result of overall military downsizing during the mid-1990s was a transfer of substantial federally-held lands back to the Government of Guam. During 1999, an estimated 1.317 acres of the total 3,200 acres in the Guam Excess Lands Act were returned by the military. Economically significant properties being turned over to Guam include the Tiyan area around the Guam International Airport and the Harmon Annex (Cliffline) area.

The Tiyan property returned to the Government of Guam was leased during 2001 by the Tiyan Trust (Guam Economic Development and Commerce Authority) to a private developer. Opposition by "original landowners" resulted in the 2002 abolition of the Tiyan Trust and the requirement that ail Government of Guam agencies not supporting the airport to vacate occupied buildings. Current local political sentiment is for a return of these properties to "original landowners" (those owners at the time of condemnation following World War II), but the Federal Aviation Administration has indicated that this is inconsistent with the provisions of the excess land return from the Federal Government.

The trend in military activity is now for increased presence. A major indicator was the May 1995 decision to halt the transfer of the 100-acre Naval Ship Repair Facility to the Government of Guam. Under lease to the Government of Guam and sublease to a private

contractor, the Navy announced its decision to retain the property only one week before the scheduled transfer date. This decision is part of a larger trend towards increased military presence on Guam.

Significant investments have been made by the military into renovation and expansion of on-base housing and school facilities, a precursor to increased personnel. During 2000, it was announced that up to five nuclearpowered submarines would be moved to Guam. The advance team arrived early in 2001 with the first submarine arriving in 2002 and two additional during 2003. There have been persistent rumors about possible significant relocation of military personnel to Guam, perhaps from Okinawa; for example, real estate professionals were contacted during late 2000 by individuals studying the ability of Guam's market to support up to 25,000 to 30,000 additional population. There has also been discussion of possible home-porting of an aircraft carrier on Guam. The past three years have also seen increased port calls by various Navy ships.

In its most recent Quadrennial Review, the Department of Defense has conclusions that will involve Guam and the region?:

- The Secretary of the Navy will increase aircraft carrier battlegroup presence in the Western Pacific and will explore options for homeporting an additional three to four surface combatants, and guided cruise missile submarines (SSGNs), in that area.
- The Secretary of the Air Force will develop plans to increase contingency basing in the Pacific and Indian Oceans, as well as in the Arabian Gulf. The Secretary of the Air Force will ensure sufficient infrastructure for refueling and logistics to support operations in the Arabian Gulf or Western Pacific areas.
- In consultation with U.S. allies and friends, the Secretary of the Navy will explore the feasibility of conducting training for littoral warfare in the Western Pacific for the Marine Corps.

The National Defense Authorization Act authorized \$66 million in Military construction funding for 2002. Anderson Air Force Base has ongoing and proposed construction projects that total approximately \$195 million. The Navy is finalizing bids for four to five-year housing project at Big Navy estimated at \$20 to \$25 million.

Attached to this report as Exhibit 28 are recent media articles regarding the military's presence and prospects for growth. The military states it will increase its

U.S. Naval Forces Marianas Fact Sheet - Military Presence on Guam, as quoted in Business Almanac of Guam and the Mariana Islands, 1996.

<sup>&</sup>lt;sup>7</sup>Department of Defense. <u>Quadrennial Defense Review Report,</u> September 2001, p. 27.

presence on Guam but has not been specific in its plans. The number of personnel to be relocated to Guam is not known. Since specific plans are not know, the total impact of military growth on Guam cannot be quantified. Military spending is anticipated to increase significantly over the next several years. As discussed in the media for many months, a nuclear aircraft carrier could be ported on Guam. Because of its size and the number of people required to support an aircraft carrier, it would have a tremendous positive economic impact that would ripple throughout the economy and result in increased demand for all types of real estate.

"The addition of two more submarines and an Air Force Bomber Wing or Fighter Wing would add 500 to 2,000 military personnel. An Aircraft Carrier or a Marine Corp Unit would dramatically increase population (15,000 to 20,000)," according an Air Force officer understanding military planning.

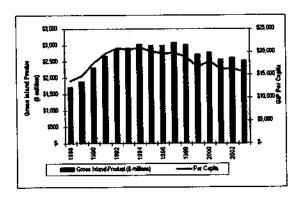
### Local Economic Indicators

Total revenues for the Government of Guam for 2002 were \$342.6 million, a significant decrease from historical levels. For 2003 the estimated total revenue rose to \$396 million.

1992	1993	1994	1999	1996	1997
675,022.6	551,190.7	504,353.0	924,345.3	\$30,007.1	515,573.9
531,375.5	396,463.9	417,414.2	361.431.3	352,764.4	285.139.4
143,647.4	154,726,3	86,934.0	1629140	177,242.7	200,4345
	(46,127.4)	(125,001.3)	(184,861.6)	(93,599.0)	(73,951.0)
7,901.5		()84,86L8)	(93,599.0)	(73,951.0)	(73,926.7)
1000	1000	2000	2001	2007	2000
903,696.9	469,387.8	480,550.4	146,848.2	342.633.2	- ;
					-1,
903,656.9 206,130.4	469,387.8	480,550.4	146,848.2	342.633.2	
903,656.9	469,387.8 342,249.7	480,550.4 336,569.1	446,848.2 335,639.1	342.633.2 306,937.1	
	531,375.5 143,647.4 41,515.9 7,901.5	675,022.8 551,190.1 531,373.5 396,463.9 143,647.4 154,776.3 41,518.9 (46,127.4)	675,072.8 551,190.7 504,353.0 537,375.3 396,465.9 417,414.2 143,647.4 154,726.3 66,938.0 41,515.9 (46,127.4) (125,081.3) 7,901.5 (175,081.3) (184,861.8)	675,072.8 571,190.7 504,353.0 724,345.3 591,375.5 996,445.9 417,414.2 961,470.1 143,587.9 (44,127.4) (125,001.3) (194,861.8) (93,579.0) 7,901.5 (125,001.3) (184,861.8) (93,579.0)	675/2228 251.190.7 504,550.0 724,345.3 500.07.1 591,372.5 264,485.9 417414.2 261,471.3 32,744.4 142,514.7 152,763 66,901 162,914.0 177,322.7 41,515.9 (44,122.4) (125,011.3) (194,461.8) (93,599.0) 7,901.5 (125,071.3) (184,861.4) (93,599.0) (73,991.9)

Guam's retail sector is one of the areas heavily influenced by tourism. It can respond more quickly than other sectors to changes in income, consumer preferences, population changes and import prices. In 2001, retail gross business income was \$1.47 billion, down from its 1996/7 peak of \$1.83 billion. Retail gross income accounts for more than 40 percent of total gross business income; retail sector employment makes up 27% of total private-sector employment. Confidence in Guam retailing is indicated by entries over the past decade: Liberty House (now Macy's), a high image and quality department store; Crazy Shirts, ABC Stores and other Hawaii based companies; K-Mart\*, a large chain of discount stores; and two Cost-U-Less warehouse retail stores. The Guam Shopping Center (Gibson's) was renovated into an 80,000sf outlet mall (Guam Premium Outlets) by a Hawaii developer during 1997; during 2000, Ross Dress For Less became the anchor of this center. There have been persisting rumors about Wal-Mart considering Guam, including in conjunction with the Micronesia Mall (300,000sf) expansion. Purchases by visitors contribute to the high retail and wholesale receipts. Visitor expenditures have historically provided Guam with revenues in excess of \$1.4 billion annually. The high expenditures on gifts and souvenirs may reflect the cultural habits of the Japanese tourists, as Guam is a duty-free port without luxury taxes on goods.

The Gross Island Product grew rapidly from 1988 through 1991, both on an absolute and per-capita basis, accompanying the boom in the visitor industry, as discussed below. Beginning in 1991, the Gross Island Product leveled off and then declined through 2003, as shown in the accompanying figure and table:



	16/204-12/0499	y - 1918/d-	1,43%	591 LEWIS 1989
900	Property (19 carry)	विद्युष्टानेश्वरूष	 Alex County -	
1988	\$ 1.729.44	128,434	\$ 13,678	
1989	\$ 1,897.48	129,254	\$ 14,680	9.7%
1990	\$ 2,312.47	132,137	\$ 17,501	21.9%
1991	\$ 2,667.37	136,226	\$ 19,580	15.3%
1992	\$ 2,902.13	139,371	\$ 20,823	8.8%
1993	\$ 2,916.73	142,589	\$ 20,456	0.5%
1994	\$ 3,035.21	145,881	\$ 20,960	4.1%
1995	\$ 2,998.60	149,249	\$ 20,091	-1.2%
1996	\$ 2,992.50	152,695	\$ 19,598	-0.2%
1997	\$ 3,079.00	156,220	\$ 19,709	2.9%
1998	\$ 3,020.50	159,827	\$ 18,899	-1.9%
1999	\$ 2,718.50	163,517	\$ 16,625	-10.0%
2000	\$ 2,772.80	154,805	\$ 17,912	2.0%
2001	\$ 2,555.30	158,330	\$ 16,139	-7.8%
2002	\$ 2,611.30	161,057	\$ 16,214	2.2%
2003	\$ 2,536.30	163,593	\$ 15,504	-2.9%

Source: Department of Commerce, Guarn Annual Economic Review

The following table shows income distribution by areas; 1999 is the most current data available for this analysis:

<sup>&</sup>lt;sup>6</sup>The Guam store, opened in mid-1995, was immediately projected to become the clustin's highest producing store. This store remains the number one store within the chain, changed to 24 hour operations during 2000, and shortly thereafter converted to a "Big K" format.

	maheit, Family and Per Capita b		
Election	Median Household	Median Family	Per Capita
District	income (\$)	income (\$)	Income (\$)
island of Guern	39,317	41,229	12,722
Agana Heighte	47,396	49,625	15,803
Agat .	37,398	39,107	10,471
Azan	48,811	50,000	16,507
Barrigada -	49,974	51,991	15,210
Chalen Page/Ordot	36,506	40,583	13,052
Dedado	37,654	39,336	10,791
Hageine	31,138	38,111	11,514
Inerajan	42,381	43,386	10,959
Mangilao 🔸	39,754	40,839	11,768
Merizo	39,940	41,477	10,528
Mongmong/Tota/Maile	31,134	35,473	13,124
PHI	54,167	61,500	20,359
Sante Rita	41,928	43,794	14,474
Singlane	48,750	51,500	15,374
Talofolo	47,886	48,304	12,977
Yamuning	35,347	38,011	16,328
Umalaç	34,286	36,250	9,451
Yigo	37,415	38,190	11,018
Yone	52,955	53,704	14,389

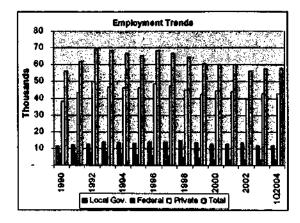
N.B. The median divides the income distribution into two equal parts, one having incomes above the median and the other having incomes below the median. For households and families, the median income is based on the total number of units including those with no income. Per capita income is the mean income computed for every man, woman and child in a particular group. It is derived by dividing the total income of a particular group by the total population in that group.

Source: U.S. Department of Commerce, 2000 Census of Population and Housing, Guana.

The following table and accompanying figure show employment trends over the past ten years, confirming that the loss in Federal Government jobs has been the most noticeable trend:

		Coverage of 1	alah dalam	Foyale.	
Veer	Local	Redirol	$\tau_{sst}$	esta:	Employment
1990	11,278	6,955	18,233	37,852	56,085
1991	11,893	6,726	18,619	43,131	61,750
1992	12,708	7,202	19,910	49,659	69,569
1993	13,937	7,692	21,629	48,791	68,420
1994	13,430	6,960	20,390	46,180	66,570
1995	12,970	6,120	19,090	48,130	65,220
1996	13,810	5,560	19,370	49,070	68,440
1997	13,860	5,220	19,060	47,720	66,800
1998	14,590	4,860	19,450	44,780	64,230
1999	13,540	4,530	18,070	42,270	60,340
2000	12,560	3,170	15,730	44,480	60,210
2001	12,730	3,170	15,900	44,200	60,100
2002	13,280	3,220	18,500	39,520	56,020
2003	11,630	3,100	14,730	42,770	57,500
 1Q2 <b>004</b>	11,820	3,070	14,890	42,920	57,810

Source: Government of Guam, Department of Labor.



Unemployment rates gradually declined over the last several years from 13.5% on September 2001, to 11.4% on March 2002, to the latest reported figure of 7.7% on March 2004.

# **Housing and Construction**

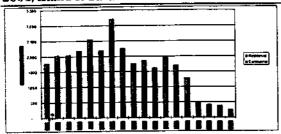
While the number of households on Guam increased 16 percent during the 1990s, the number of housing units increased by 35 percent or 12,454 units (1,245 units per year) during this same period. Approximately 52 percent of the housing units are now renter occupied, down from 55 percent in 1990. The mean number of per persons per occupied housing unit in 2000 was 3.89, which reflects a continuing decline from prior census periods (4.07 in 1980 and 3.97 in 1990).

Consus Year	Total Housing Units	Vacant Frousing Units 1	Overali 11 Vacancy
1960	12,373	1,543	12.5%
1970	16,676	1,107	6.6%
1980	28,091	3,257	11.6%
1990	35,223	3850	10.9%
2000	47,677	8,908	18.7%

Source: U.S. Census Bureau

Construction expenditures on Guam reached a high in CY1991, driven by significant hotel construction. Subsequent permits are significantly less in total value than 1991's peak; the levels remained consistent with pre-peak figures through 2000 but have declined precipitously in the past four years:

Figure 2: Building Permits, Number, FY1985 to 2004, Island of Guam.



Source: Government of Guant: Department of Commerce, Annual Economic Reviews; Department of Public Works, Annual Building Permit Statistics.

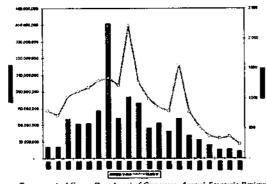
Figure 3: Building Permits, Amount, FY1985 to 2004, Island of Guam.



Source: Gavernment of Guam: Department of Commerce, Annual Economic Reviews, Department of Public Works, Annual Building Permit Statistics.

Residential construction has declined steadily since 1994, except for a spike in 1998:

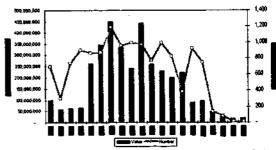
Figure 4: Residential Building Permits, FY1985 to 2004, Island of Guam.



Source: Government of Cuam: Department of Commerce, Annual Economic Reviews; Department of Public Works, Annual Building Permit Statistics.

For commercial permits, recent levels are substantially lower than peak years; levels for the past two years have dropped to below pre-bubble levels:

Figure 5: Commercial Building Permits, FY1985 to 2004, Island of Guam.



Source: Government of Guam: Department of Commerce, Annual Economic Reviews; Department of Public Works, Annual Building Permit Statistics.

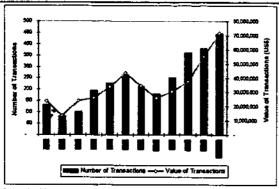
Significant construction activity is anticipated over the next several years from a variety of sources. In the nearterm, activity will be driven by federal projects, as the military expands its operations on Guam. Hotels on Guam are aging with even the newer ones now over 10 years old. It common for hotels to do refurbishing every seven to eight years; most hotels on Guam are overdue. With the improved performance of the visitor industry, hotels will be able to afford to do more upgrades. Given its poor revenue generation over the past several years, the government has neglected infrastructure maintenance and facilities upkeep; therefore, this will also be a source of work.

Construction companies have reported many new projects for the military and anticipate additional, larger projects in the future. Construction companies reported a shortage of skilled construction staff. These recent events are not reflected in the statistics presented. Construction costs are expected to rise over the next several years.

### Real Estate

The following shows Multiple Listing Service figures from 1988 through 3Q 2004 on volume and value of property transactions, suggesting that 2000 is the low-point of the current cycle while 1994 is the low-point of the previous cycle. The figures for 2001 through 3Q2004 indicate a recovery in velocity. The Multiple Listing Service data represents only a portion of total activity on Guam but has historically been indicative of single family, condominium, and small land activity.

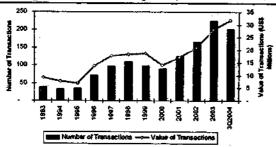
Figure 6: Multiple Listing Service Transactions, 1988 to 3Q2004, Island of Guam.



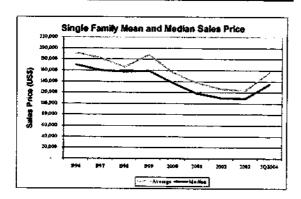
Source: Multiple Listing Service, Guam Board of Realtors &

Overall market volumes increased from 2001 to 3Q2004. The volume (\$) of activity increased substantially in 2001 and 2002 with a small increase in the number of transaction in 2003:

Figure 7: Single Family Residential Sales, Multiple Listing Service, 1993 to 3Q2004, Island of Guam.



Source: Multiple Listing Service, Guam Board of Recitors &



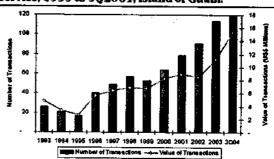
Single-family sales volume spiked upward in 2003 after surges in 2001 and 2002. The number of single-family sales in 2003 is two and one-half times 2000's. The average and median transaction price declined 8% and 7%, respectively, from 2001 to 2002. The average and median transaction price declined only 1% from 2002 to 2003, indicating stabilization single family market prices during this period. The total volume in 2003 is 34% greater in total dollars and 36% greater in number than

2002, which is the second most active year of the last ten years. The surge in volume in 2002 and 2003 is the result of a 40 year low in interest rates combined with several years of price declines. The combination of these two factors substantially boosted effective buying power. With interest rates at record low levels and U.S. economic conditions improving greatly, interest rate risk on future transaction prices is increasing.

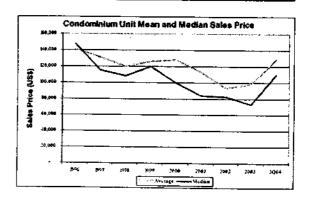
For first time since 2000, the number of single family transactions declined. This is not due to slowing demand but due to a shrinking supply of homes available for sale. As of November 15, 2004 there were 127 single family sale listings in the MLS, which is a 41% drop from the number of single family sale listings on the same day last year and a 53% drop from the number of listings on the same day two years ago. There were 217 and 273 single family listings on November 15, 2003 and November 15, 2002, respectively, in the Guam MLS database.

After four years of continuous increases from 2000 to 2003, condominium unit sales increased again in 3Q2004, achieving a record number of sales and total dollar volume. The average transaction price increased 5% from 2002 to 2003 while the median price declined 12%. The median price in 2001 and 2002 were about equal, although the average transaction price declined 18%. The average price increased 31% while the median price increased 50% from 2003 to 3Q2004.

Figure 8: Condominium Sales, Multiple Listing Service, 1993 to 3Q2004, Island of Guam.

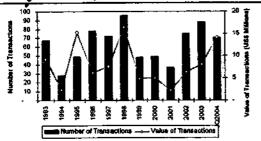


Source: Multiple Listing Service, Guam Board of Realtors &.



The following figure shows the value and number of MLS land transactions from 1993 to 3Q2004. After a substantial increase in 1998 (116% in dollar value and 32% in number), 1999 declined substantially and was followed by two years of level activity consistent with the low-period of 1994. Land activity spiked in 2002 and rose moderately in 2003. The spike in activity in 2002 followed a period of declining land prices.

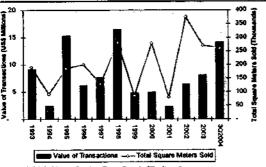
Figure 9: Vacant Land Sales, Multiple Listing Service, 1993 to 3Q2004, Island of Guam.



Source: Multiple Listing Service, Guam Board of Realtors &

The following figure shows the value of transactions and the total amount of land sold:

Figure 10: Vacant Land Sales, Multiple Listing Service, 1993 to 3Q2004, Island of Guam.



Source: Multiple Listing Service, Guam Board of Realtors .

Land sales volume has increased four straight yeas from 2001 to 3Q2004.

The following tables contain statistics compiled from Department of Land Management data, which contains data on 100% of real sales on Guam. The data is separated by property type, single family and condominium. The tables include all transactions of each property type except those transactions judged to be non-arm's-length.

Single Family Dwellings	Transactions	Me	dian Price		Mean Price		Total \$
2002 Q3	62	\$	106,000	\$	118,822	\$	9,743,416
2002 Q4	54	\$	120,000	5	127,540	\$	6,887,140
20U3 QT	95	\$	107,000	5	126,957	\$	12,060,895
2003 Q2	102	5	120,000	\$	133,379	\$	13,60£653
2003 Q3	113	\$	120,000	5	139,515	\$	15,799,133 [
2003 Q4	126	5	208,423	\$	126,034	5	15,480,272
2004 Q1	120	5	118,000	\$	134,832	\$	16,179,853
2004 QZ	152	5	118,200	\$	135,092	\$	20,533,908
2004 Q9	145	\$	122,500	5	145,936	5	21,160,705
2001 Q4	176	\$	125,000	3	137,494	\$	24,196,922
Quarter on Quarter Chang	r Transactions	M	dian Price		Mean Price		Total \$
2002 Q3	N/A		N/A		N/A		N/A
2002 Q4	34.1%		11.1%		7.3%		-29.3%
2009 Q1	75.9%		-10.8%		9.5%		75.1%
2005 Q2	7.4%		121%	• • •	5.1%		12.6%
2003 Q3	10.8%		0.0%		1.8%		. 16.1%
2005 Q4	11.5%		-96%	į.	-9.9%	:	0.5%
2004 Q1	4.8%		8.B%		7.0%		1.9%
2004 Q2:	36.7%		0.2%		0.2%		26.9%
2004 Q5	-4.6%		3.6%		101		3.1%
2004 Q6	21.4%		2.0%		5.6%		14.4%
Year On Year Change	Transactions	М	edian Price		Mean Price		Total 5
2002 C23	N/A		N/A		N/A		· N/A
2002 Q4	N/A		N/A		N/A	٠.	N/A
2003 QT	N/A		N/A	ŀ.	N/A		N/A
2003 Q2	N/A		N/A		N/A	9.	. : N/A
2003 Q3	37.8%		11.1%	. :	17.7%	4	62.2%
2003 Q4	135.3%	100	9.6%	1	1.23		130.6%
2004 Qt	26.3%		10,3%	į.	6.2%		34.2%
2004 Q2	19.0%	-	-1.5%		1.3%		50.9%
2004 Q5	28.3%		21%	i.,	4.4%	٠.:	33.9%
2004 Q4	39.7%		15.3%	i.	9,1%	7	52.4%

The volume of single family transaction activity has increased continuously from October 2002 through December 2004 in total volume. The median and mean prices are both trending upward recently, indicating that higher priced homes are beginning to sell.

Condominiums	Transactions	Me	dian Price		Mean Price		Total \$
2002 Q3	40	\$	77,500	\$	96,132	\$	3,845,296
2002 Q4	29	\$	85,000	5	103,065	\$	2,988,876
2008 Q1	54	\$	88,500	\$	123,407	\$	6,664,000
2003 Q2	56	5	73,000	5	94,212	\$	5,275,896
2003 Q3	49	\$	66,500	\$	70,306	\$	3,445,000
2003 Q4	36	5	90,000	5	117,626	3	4,234,550
2004 Q1	249	5	84,950	5	80,674	\$	20,087,768
2004 Q2	82	5	111,000	\$	110,767	\$	9,082,911
2004 Q3	74	5	113,960	5	149,734	5	11,080,286
2004 Q4	178	\$	111,523	\$	107,156	\$	19,073,826
Quarter on Quarter Change	Transactions	Me	dana Price		Mean Price		Total \$
2002 Q3	N/A		N/A		N/A		N/A
2002 CM	27.5%		9.7%		7.2X		-22.3%
2008 Q1	66,2%		4.1%		19.7%		123.0%
2008 Q2	3.7%		-17.5%		-23.7%		-20.8%
2003 (23	-12.5%		8.9%		-25.4%		-34.7%
2008 Q4	-26.5%		35,3%		67.3%		22.9%
2004 Q1	591.7%		5.6%		-31.4%		374.4%
2004 Q2	-67.1%		30.7%		37.3%		51.8%
2004 Q3	-9.8%		2.7%		35.2%		22.0%
2004 Q4	140.5%		2.1%		28.4%		72.1%
Year On Year Change	Transactions	Me	dian Price		Mean Poke	:	Total 5
2002 CO	N/A		N/A		N/A		N/A
2002 Q4	N/A		N/A		N/A		N/A
2003 Qt	N/A		N/A		N/A		N/A
2003 Q2	N/A		N/A		N/A		N/A
2003 Q3	22.5%		-14.2%		-26.9%		-10.4%
2003 Q4	24.1%		5.9%		1£1%		41.7%
2004 Q1	361.1%		-1.0%		-34.6%		201.4%
2004 Q2	46.4%		32.1%		17.6%		72.2%
2004 Q8	31.0%		71.4%		113.0%		227.6%
2004 Q4	394.4%		23.9%		1.9%		350.4%

The quarterly statistics are skewed by several significant bulk transactions, but the overall trend is increasing volume and prices.

#### Infrastructure

All international and inter-island air traffic moves through the A.B. Won Pat International Airport, centrally located in Tamuning. The original terminal, completed in 1982, became inadequate to handle the current level of passenger movements, especially during peak hours. In fiscal 1990 over 2 million passengers passed through the terminal; this figure increased to 3.6 million by 1997.

An extensive airport expansion program with a total price tag of \$260 million was begun in October 1990, with the first phase completed in October 1996. Work included widening the airport access road to four lanes as well as upgrading the components of the airport itself.

The first construction stage included three new aprons to provide additional parking areas for airplanes, raising the facility's total number of aprons to 13. The new aprons are now able to accommodate two 747-jumbo type, three DC-10 wide body, or four 727 narrow body planes at the same time.

Work on the terminal building included construction of new gates, raising the total from 7 gates to 16, and tripling the total size from 225,783 to 767,553 square feet. The overall handling capacity was increased from 1.500 to 5,000 pax/hour.

1.800 acres of the former Naval Air Station Agana was transferred to the Government of Guam in September 2000. Over 1,300 acres of this area has been designated by the NAS Base Reuse Master Plan to support aircraft aviation and related industrial development. An industrial park providing leasehold building sites for airline-related businesses, adjacent to the airport to the northeast, was completed in 1991. A significant current project is the Tiyan Economic Development Zone, land being requested via an Economic Development Conveyance; current plans include an 87 acre Tiyan Free Trade Zone, 56 acre Tiyan Government and Civic Center, 31 acres Tiyan Airport Industrial Park, and 35 acre Tiyan Commercial Plaza. As discussed earlier, the ownership of the Tiyan area land is now under political dispute, with "original landowners" attempting to regain ownership.

The commercial Port of Guam is located at Apra Harbor on the western coast of the island and is the Port through which most of the island's goods arrive. Vessels arriving at the port totaled 3,301 in FY1995; cargo movement through the port during the past three years has ranged between 1.9 and 2.1 million tons. Over the next 10 years, almost \$100 million is expected to be invested in Port improvements.

Dramatic increases in population and affluence necessitated infrastructure expansion during the 1990s. The Government of Guam floated a \$300 million bond issue to build new schools, including a new campus for the community college and additional buildings at the University, many of which have now been completed.

## Tax System

Guam's tax system mirrors the U.S. Internal Revenue code except for Territorial tax and investment incentives which permit rebates on business income tax. Guam is a duty-free port and has no sales tax or value added tax. Gross receipts tax is 4%; current law exempts the first \$50,000 if the prior year total was under \$500,000.

# Visa Requirements:

U.S. citizens do not need a passport for entry to Guam, but proof of citizenship--such as birth certificate--is required. In 1988, a "Guam-only" visa program was implemented, allowing citizens of Australia, Brunei, Burma, Indonesta, Japan, Malaysia, Nauru, New Zealand, Papua New Guinea, Singapore, the Solomon Islands, the United Kingdom (including Hong Kong), Vanuatu, and Western Samoa to visit Guam without a visa for a period not to exceed 15 days; travel on to other parts of the U.S. without a visa is not allowed. The visa waiver program was extended to citizens of Korea October 1990, and recently in July 1993 to Taiwan. Proposals are now underway to include the Philippines in the waiver program.

Citizens of all other countries must have a valid passport with a U.S. visa, and a round-trip or onward ticket.

### Visitor Industry Overview

As the largest industry on Guam, the visitor industry deserves additional consideration for understanding Guam's economy.

#### **Visitor Arrivals**

Visitor arrivals grew significantly from the late 80's to the mid-90's:

Figure 11. Visitor Arrivals, 1981 to 2003, Island of Guam.

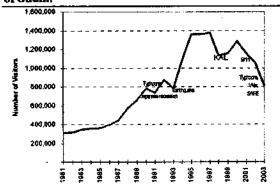
	Year To	otal Visitors	% Increase
	1981	312,862	-
	1982	316,746	1,2%
•	1983	345,805	9.2%
'	1984	361,423	4.5%
	1985	364,938	1.0%
	1986	397,575	8.9%
	1987	447,491	12.6%
	1988	576,170	28.8%
	1989	658,883	14.4%
	1990	780,404	18.4%
	1991	737,260	-5.5%
	1992	873,742	18.5%
	1993	784,018	-10.3%
	1994	1,086,765	38.6%
	1995	1,361,830	25.3%
	1996	1,362,600	0.1%
	1997	1,381,513	1.4%
	1998	1,137,026	-17.7%
	1999	1,161,803	2.2%
	2000	1,286,807	10.8%
	2001	1,159,071	-9.9%
	2002	1,058,121	-8.7%
_	2003	813,739	-23.1%

Source: Guam Visitors Bureau.

The visitor industry has rebounded very strongly in 2004 after a dismal 2003 arrival figures. As of the month ending October, 966,532 visitors had arrived on Guam for 2004. Total arrivals for 2004 are expected to exceed 1.3 million visitors.

The down years for visitor arrivals have corresponded to natural disasters or external events:

Figure 12. Visitor Arrivals, 1981 to 2003, Island of Guam.



Beginning in 1997, government and industry leaders committed to a goal of achieving 2 million visitors annually by 2001, as a key component of the

government's <u>Vision 2001</u> plan. The expansion of the Guam International Airport was a necessary step to accommodate the desired additional visitors. The first phase of the US\$209 million expansion was completed in September 1996, increasing the number of arrival gates from 7 to 16, and tripling the total size from 225,783 to 767,553 square feet. The overall handling capacity was increased from 1,500 to 5,000 pax/hour.

The plans for 2 million visitors were developed before the current soft market conditions impacted by events of late 1997: KAL crash (September) and Typhoon Paka (December). The decline in 1998 arrivals was the result of these events. 1999 arrivals were a small increase, while 2000 arrivals resulted in an 11% increase. Current market expectations within the context of improving Asian economies are for slowly increasing arrivals for the near term (one to 1.5 years) with stronger growth thereafter.

Expectations during the early part of 2001 were for increasing arrivals':

The arrival numbers were temporarily depressed below both normal short term levels as well as long-term growth rates. The current demand for tourist visits to Guam exists beyond current arrivals as there are airline capacity bottlenecks and airline capacity is expanding as expected in response to market forces. Increases in airline capacity during the later part of calendar year 2000 contributed to increases for only part of the year. Continuation of the same capacity level for the full calendar year throughout 2001 should result in a higher number of visitors, than in the initial partial year service period in 2000.

However, the post-"9/11" visitor industry saw continuing declines in arrivals.

# **Visitor Characteristics**

The make-up of Guam's tourist is changing, although still heavily dominated by the Japanese tour industry. The initial growth of the Guam hotel and tourism industry was the result of Japanese tour operators and airlines, who built the hotels and filled them with pre-sold packages, typically to young, single Japanese office lady and salaryman.

Beginning in 1991, Guam made significant progress in diversifying its visitor base. Korean and Taiwanese visitor arrivals increased at dramatic rates through 1996. The "Guam Only" visa waiver program increased direct flights and seat capacity to both countries during that time period. These markets were seen as important

<sup>&</sup>lt;sup>9</sup> Source: <u>Guam Reenomic Outlook 2001, Pebruary 2001</u>, Gary Hiles, Senior Economist, Department of Labor, Government of Guam

strategic opportunities to diversify Guam's visitor industry.

However, subsequent events have not borne out these hopes. The KAL 801 crash in September 1997 combined with the Korean domestic economic crisis to diminish Korean tourism. The following table and accompanying figure illustrates the trend:

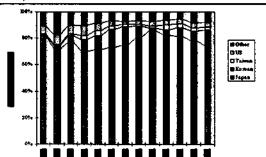
Figure 13: Visitor Arrivals by Key Country of Origin (Thousands)

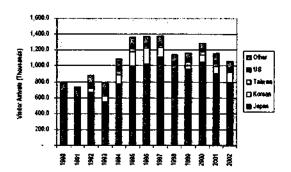
Year	Japan	Когеал	Taiwan	US	Other
1990	637.6	7.6	2.2	51.5	81.4
1991	528.3	19.0	6.6	50.3	131.2
1 <del>992</del>	676.7	39.1	124	59.6	88.9
1993	549.3	68.6	23.6	61.2	81.3
1994	773.3	118.5	36.6	66.8	89.3
1995	996.2	186.3	31.6	56.6	90.5
1996	1,028.7	194.6	20.9	31.1	97.3
1997	1,113.0	119.1	22.5	34.2	927
1998	975.4	20.3	20.5	41.9	78.9
1 <del>999</del>	957,7	47.3	41.4	41.2	74.2
2000	1,048.8	87.1	39.5	41.7	69.7
2001	901.5	89.9	31.5	41.9	943
2002	786.9	128.3	19.5	41.5	82.5

Source: Guam Visitors Bureau.

The following illustrates Japan's continuing dominance of the visitor industry on Guam:

Figure 14. Arrivals by Source, 1990 through 2002, Island of Guam.



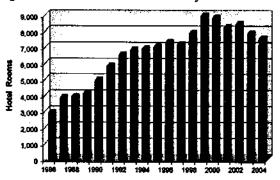


Source: Guam Visitors Bureau, Annual Statistical Reports.

### Room Inventory

As of September 2004, the Guam Hotel and Restaurant Association reports 7,567 existing hotel rooms among member hotels. The majority of these are within Tumon and serve the visitor industry. The table below shows inventory additions over the years; the following graphically displays the change:

Figure 15: Historical Room Inventory



The supply of rooms has fallen in recent years to hotels being shuttered because of poor performance. Another factor in the reduced supply is due to typhoon damage.

A significant recent development in the visitor industry is the increasing presence of branded hotels. While the Hilton has had a presence on Guam for nearly 30 years, and the Nikko arrived early in the 1990's, newcomers include:

- Westin Resort, taking over management of the unopened LeoPalace Hotel in 1997;
- Outrigger Hotels, taking over management of newly completed facility in 1999;
- Marriott International, taking over management of the Pacific Star Hotel in Spring 2000, with name change in February 2001;
- Holiday Inn. taking over management of the Parc Hotel in September 2000.
- Aston International, taking over management of Holiday Plaza in 2000. Aston also manages the Ladera Towers and Inn On The Bay (properties outside of Tumon);
- Castle Hotels, taking over management of Royal Orchid Hotel in 2000; this relationship ended during 2001.
- Ohana Hotels (sister company of Outrigger), taking over management of SunRoute Hotel and Regency Hotel in October 2001; the Regency Hotel re-opened in July 2002 after undergoing a \$5 million renovation.

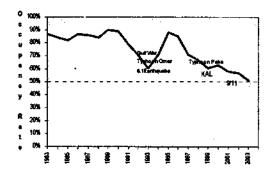
To promote the goal of increased visitor arrivals, the government is again aggressively courting foreign investors, including tax incentives through the Qualifying Certificate program administered by the Guam

Economic Development Authority (GEDA). This program provides for substantial tax incentives, including real property taxes, income taxes, and taxes on dividends, during the initial investment period for hotel investments (typically up to ten years; renewable thereafter). This program was very successful in the initial hotel building boom (1986 to 1992), fell out of favor politically after the dramatic increase in room inventory, and regained emphasis after the decline in investment during the mid-1990s.

# Occupancy Rates

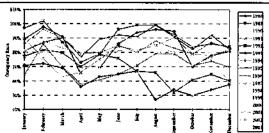
Over the long-term, Guam hotel occupancy rates have historically trended at 80%+, but have been adversely impacted by readily identifiable natural disasters on Guam and/or external events:

Figure 16. Average Annual Occupancy Rates, 1983 to 2003, Island of Guam.



The occupancy rate peaks also show some seasonal influences, following the Japanese holiday schedules. The trend is best seen in the older years, which are not impacted by the unusual events noted above.

Figure 17. Seasonal Occupancy Rates, 1988 to 2003, Island of Guam.

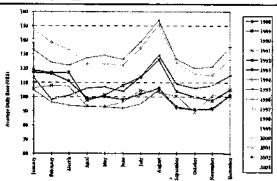


Source: Guam Visitors Bureau and Guam Hotel and Restaurant Association. Figure is "Weighted Average" reported. As of September 2004, the average occupancy rate for GHRA hotels for the year was 59%, which is an increase from 52% for the same period last year.

# **Achieved Room Rates**

The achieved room rates show dramatic peaks during the Japanese holiday times, with August being the strongest month, followed by the January to March season.

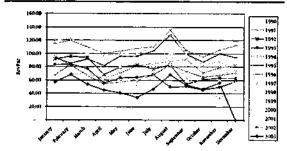
Figure 18. Achieved Room Rates, 1992 to 2003, Island of Guam.



Source: Guam Visitors Bureau and Guam Hotel and Restaurant Association. Pigure is "Weighted Average" reported.

These two statistics are combined to calculate the RevPar (Revenue Per Available Room) for this time period:

Figure 19. RevPar, 1992 to 2003, Island of Guam.



Source: Gram Visitors Bureau and Guam Hotel and Restaurant Association. Figure is "Weighted Average" reported.

As of September 2004, the average daily room rate for GHRA hotels for the year was \$104, which is an increase from \$97 for the same period last year. The recovery of the visitor industry for 2004 is indicated by the simultaneous improvement in room rate and occupancy rate for GHRA hotels. The recovery is driven by the near record level of visitor arrivals this year.

### **Near Term Outlook**

Current trends include:

- Increased military activity and presence on the island, evidenced in construction activity, demand for housing units, and retail activity. There is on-base housing renovation and construction, and significant demand for private-sector housing units. The military demand for private housing units (single family dwellings and condominium units) is a significant factor in the current residential market,
- Activity by "opportunity" investors.
  Ranging from local amateur to units of international financial organizations (Deutsche Bank, Lehman Brothers), "strategic investors" have acquired distressed (economic, physical) properties recently. Some of these properties have been renovated and others held for re-sale purposes. Their acquisitions and recent dispositions confirm the view of the market has moved past its nadir.
- Decreased supply of housing inventory. Historical statistics of increased velocity were presented earlier; the most recent information is shown quarterly below. Realtors report that since mid-2003, supply of residential units (particularly good quality) has steadily dwindled. While some foreclosure activity continues, these are typically physically distressed properties that are disposed at discounted prices. Realtors report steady, albeit shallow, demand for good quality homes in the price range of \$200K to \$400K.
- Increasing prices for residential properties, as shown by statistics that will be presented later.

The most recent professional assessment of the island's economy is a May 2004 report by U.S. Department of Interior (formerly Bank of Hawaii) economist Wali M. Osman, Ph.D. <sup>10</sup>:

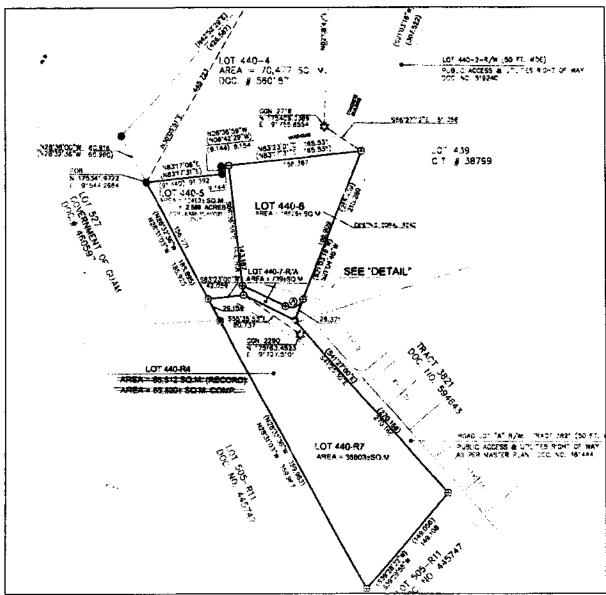
Following years of stagnation and decline, Guam's economy is headed for recovery and growth. The levels of activity in the two main engines of growth, tourism and national defense, are rising, although for different reasons and with different effects on Guam's economy, the labor market and public finances....Recovery in tourist traffic is fueled by what still appears to be weak but consistent signs of economic growth in Japan....the fact that the Japanese economy is no longer declining is in itself an important signal of better times ahead and travel abroad. Adding to the momentum in the Japanese economic recovery is the prospect of a stronger world economy, especially in China and

10
Excerpted from An Update on the Economies of Guam and Commonwealth of the Northern Mariana Islanda (CNMI), as published on the DOI website, hits://www.doi.gov/oia/Osman/An%-20Xipdate%-20on%-20xin/e%-20Xium%-20xin/e%-20Xium%-20xin/e%-20Xium%-20xin/e%-20Xium%-20xium%-20xium/e%-20Xium/ew-20Xium/

the rest of Japan's neighborhood and across the Pacific in the United States with which Japan has significant economic and financial ties....Among tourist destinations in Japan's neighborhood that benefit immediately from a Japanese economic recovery is Guam. Guam's principal advantages are proximity, Guam's "American in Asia" cultural attributes and reasonably good facilities. When the Japanese economy returns to normal patterns of growth, Japanese tourists returning to levels considered normal for Guam would be only a matter of time....In 2004, most of the economic, financial and security factors affecting Guam's tourism are moving in directions favorable to the American territory's economy.... the trend of rising defense outlays on the island certainly adds more momentum to economic and financial recovery than tourism because of its higher multiplier effect, as more of the defense dollars tend to stay in the local economy. Anecdotal evidence on defense spending increases provided by bits and pieces such as contracts put out for bid or awarded reported in the local media is much more favorable to Guam than has been the case in the last few years....With tourist traffic in the first month of 2004 returning to what may be considered normal, the expectation is that Guam will have, once again, one million tourists this year. If that happens, it will mean not only some level of recovery in tourism and the economy but regaining confidence that Guarn is indeed a major regional destination that has experienced substantial but mainly cyclical changes that now appear to be past....Given information gaps that have not yet been remedied, it may be some time before a more objective assessment of Guam's economic performance is available. However, the signs so far this year indicate a path to recovery. With its aging tourist infrastructure and extensive damage caused by a series of destructive typhoons in the last few years, the American territory's impending economic recovery may once again attract foreign capital and skills to launch the next stage of business and economic recovery.

# Site Data

# Site Map



# Legal Description

The subject property is legally described as:

Lot 440-5, Municipality of Merizo, Territory of Guam, containing an area of 10.463 square meters, as shown on Map Drawing 14-047690 dated June 27, 2005 by Paul L. Santos, RLS#69, Land Management Check No. 184FY2005 as recorded in the Department of Land Management, Government of Guam under document #710907.

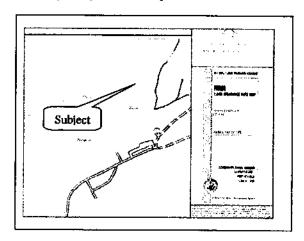
# Site Description

The subject is a somewhat rectangular shaped parcel located on the southern side of the existing southern

radio antenna sites. The shape and dimensions of the property are shown on the map on the preceding page. The property has an undeveloped access right of way which is overgrown with grass. The southern half of the site is fairly level and gradually slopes up to the north. The mid eastern portion of the site is characterized by mountainous volcanic rock; the estimated encumbrance is approximately less than 10% of the total area of the property.



According to FIRM Flood Hazard Map No. 660001 0075B, the subject is within Zone C, which is not a specially designed flood hazard zone, as shown in the following excerpt from the map.



The subject is not recorded on the Historical Registry, nor are there any known mineral deposits. The site is not located within a slide or erosion zone or within the Territorial Seashore area.

#### Zoning

Guam's Zoning Law establishes regulations in order to:

establish certain minimum regulations for the protection and promotion of the public health, safety and general welfare of the people of the Territary of Guam, which regulations are deemed necessary in order to encourage the most appropriate use of land, to provide adequate open spaces about buildings for light and air, to prevent undue concentration of population, and to assure adequate provisions for community utilities and facilities such as water, schools, parks and other public requirements. 19

Private properties on Guam are divided into eight zones:

"A" - Agricultural zone
"R1" - One-Family zone
"R2" - Multiple-Family zone

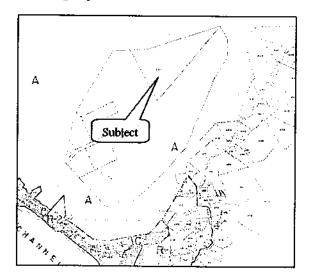
"C" - Commercial
"P" - Parking
"Mi" - Light Industr

"M1" - Light Industrial
"M2" - Heavy Industrial

"H" - Resort

These zones are depicted on Official Zoning Maps, available at the Planning Division of the Department of Land Management. Each zone has permitted uses and conditional uses as well as height limitations and yard setback restrictions. If a proposed development is a permitted use and complies with the zone's regulations, Government review and approval is not necessary by either the DRC (Development Review Committee) or the TLUC (Territorial Land Use Commission).

The subject is zoned A-Rural as shown in the excerpt of the zoning map:



<sup>&</sup>lt;sup>13</sup>Government of Guam, Title XVIII, Chapter I, Paragraph 17001, as quoted in Land use Regulations for Guam, p. 90.

<sup>&</sup>lt;sup>11</sup> Government of Guom. Department of Planning, Guam's Natural and Manmade Constraints, 1986.

The permitted and conditional uses for the zone include:

# "A" Agricultural - Permitted Uses

- 1. One-family dwellings and duplex.
- Farming and fisheries, including all types of activities and pursuits customarily carried on in the field of agriculture and fisheries, including the raising of corps and fruits, poultry and livestock, gazing and dairying, tree and other vegetative production weather for commercial or personal use.
- 3. Cockpits.
- Uses customarily accessory to any of the above used including home occupations, and private auto mobile parking areas as well as accessory buildings and structures such as private garages, warehouses, barns, corrals or other similar structures.

# "A" Rural - Conditional Uses

- 1. Parks, playgrounds and community centers.
- 2. Biological gardens.
- 3. School and Churches
- 4. Hospitals, sanitariums, and institutional uses.
- 5. Cemeteries.
- Recreational use including golf courses, marinas, beaches, swimming pools and accessory residential and commercial use.
- 7. Extractive industry.
- 8. Utilities and public facilities.
- 9. Wholesale and retail stores, shops and businesses.
- 10. Automobile service stations, including service shops.
- 11. Accessory uses and structures for thee above.

### I Tano-'ta Land Use Plan

The I Tano-'ta Land Use Plan was enacted in June 1998 with an implementation date of May 1", 1999. This plan is a "performance-based" plan that permits a wide range of uses with detailed performance standards. As a result of concerns raised by the financial community, I Tano-'ta was deferred/repealed by legislative act on May 26".

The concerns centered primarily on the large number of "legally non-conforming" properties resulting from new performance standards. A significant concern for the real estate community is the continuity of secondary market financing for these legally non-conforming properties.

The declared intent of the May 1999 legislation was to defer the implementation of I Tano'-ta for 120 days. However, a close reading of the legislation indicates that 1) I Tano'-ta was repealed in its entirety; 2) the old code was reinstated: 3) a working group is to be formed to report recommendations within 120 days. This legislation does not contain a provision that would reimplement I Tano'-ta at the end of the 120 day period.

We conclude new legislative action would be required to re-implement I Tano-'ta in the future.

On September 3<sup>rd</sup>, 2000 the Task Force completed its assignment with a recommendation that the plan remain permanently repealed. There is currently discussion that a new task force may be appointed, to consider various options:

- ✓ implement I Tano-'ta;
- ✓ concur with prior task force:
- ✓ recommend development of new Land Use Plan;
- ✓ recommend changes to existing Zoning Code.

At the present time, public sentiment appears to remain against I Tano-'ta unless the concerns of the secondary market are addressed.

#### Performance Standards

Setbacks, minimum lot sizes and density are determined by actual usage or by zoning:

"No building or structure shall be erected or maintained, nor shall any existing building or structure be altered, enlarged, moved or maintained, on any lot, unless a front yard, a rear yard and two (2) side yards are provided and maintained on such lot. The depth of such front and rear yards and the width of such side yards shall not be less than the depth and width specified in the following Yards and Lot Area Table. Further, no lot width or lot area, nor any lot area per dwelling shall be less than that specified in the Table."

# YARDS AND LOT AREA TABLE

Use	Front	Rese	Side	Min.	Minim	Lot Area /
054	Yard	Yard	Yard Yard	Lot	um Lot	Dwelling
	Depth	Depth	Depth	Width	Area	Unit
Single	158	10 <b>k</b>	8 R	50 ft	5,000° sf	5.000' af
Family				ca 0	5,000	1.250' sf
Multi- Family	T2 U	10 0	811	SO R	5,01/0 \$	
Commercial		30 Ut	•••	20 <b>0</b>	2.000° sf	400, 21
Clahe		20 ft	8 🏗	SOft	5,000	1,250° sf
industrial					শ	
Heavy	25 R	25 ft	15 A	120 ft	40,000	
Frankrie Ivlini					<b>۶</b> ۲	

When public sewer is not available, and the lot is located within the Croundwater Protection Zone (CPZ) of the Northern Aquifer, the asinimum lot size shall be 10,000 sf. Lot density shall not exceed one dwelling unit per 10,000 sf as determined by the Guam Enriconmental Protection

The 20' rear yard setback is only required if no facilities are otherwise available for loading and

"A commercial building to occupy the whole width of a lot must be of four-hour fire resistive construction. If party walls are to be erected, the written consent of the owners of adjacent lots must be obtained as a prerequisite for the issuance of a building permit to start construction. If the building to be erected is not of fireproof construction, the side yards of eight (8) feet must be provided."

"In the rural (A) zone, all structures shall have a front yard of lifteen (15) feet, a rear yard of ten (10) feet, and side yards of

<sup>14</sup> Cham Code Annotated, Section 61501; as amended per Public Law No. 24-51 on June 25, 1997.

eight (8) feet. The width of each lot shall be no less than fifty (50) feet with an area equal to or greater than ten thousand (10,000) square feet, provided that no lot shall have a length to width relationship that exceeds a three-to-one (3:1) ratio. The lot area per dwelling unit in the Rural Zone (A) shall not be less than nineteen thousand two hundred (19,200) square feet without sewer connection only if located on top of the Northern Aquifer. The lot area per dwelling unit in the Rural Zone (A) shall not be less than nine thousand six hundred (9,600) square feet with sewer connection, if located on top of the Northern Aquifer.

# Height Limit Established"

In the A, R1, LC, R2, C, M1 and M2 Zones, no building or structure shall be erected or maintained, nor shall any existing building or structure be altered, enlarged, moved, or maintained, to exceed a height limit of three stories (the three stories shall not exceed a height limit of thirty (30) ft), except that in the C Zone within the New Agana lot and block system the building height limit shall be six (6) stories (the six stories shall not exceed a height of seventy five (75) feet.

The Guam Environmental Protection Agency has issued a policy statement, effective October, 1998, dealing with minimum lot size requirements for unsewered areas:

The following table is provided by the Guam EPA:

#### <u>Över Northern Aquifer</u> Knimum Residential Lot Size (Square Feet

	Α.	16.1	82	Ċ.	<b>"</b> (4.1"	14-2
Sewored	9,600	5,000	5,000	2,000	5,000	40,000
Perental	8,600	5,000	5,000	2,000	5,000	40,000
Uneswered	19,200	19,200	19,200	19,200	40,000	40,000
Parental	9,600	9,600	9,600	9,000	40,000	40,000

#### Lat Area Per Develling Unit

- 111	107.77				
	1K-1"	. 76-2			1/2
9,600	5,000	1,250	400	1,250	•
9,600	5,000	1,250	400		
19,200	19,200	19,200	19,200		
9,600	9,600	9,600			
	19,200	9,600 5,000 9,600 5,000 19,200 19,200	9,600 5,000 1,250 9,600 5,000 1,250 19,205 19,200 19,200	9,500 5,000 1,250 400 9,600 5,000 1,250 400 19,200 19,200 19,200 19,200	74" 18-1" 18-2" 10" 14-1" 9,600 5,000 1,250 400 1,250 9,600 5,000 1,250 400 1,250 19,200 19,200 19,200 19,200

#### <u>Outside Northern Aquifer</u> Enimum Analdeadal Lat Size (Square Feet

		_				
	A*		'R.2"		'14-1'	142
Severed	10,000	5,000	5,000	2,000	1,250	40,000
Parential	7,200	5,000	5,000	2,000	1,250	40,000
Unterered	10,000	10,000	10,000	10.006	40,000	40,000
Parental	9,600	9,600	9,600	9,600	9,500	9,600

#### Lot Area Per Deretting Unit

	'A'	'R-1"	'R-2'	,C,	"M-1"	14-2"
Sewared	9,600	5,000	1,250	400	5.000	7
Peruntal	7,200	5,000	1,250	400	5,000	
Unsewered	10,000	10,000	10,000	10,000	10,000	
Parental	000.0	9.600	9600	0.600	9.600	_

The subject is outside of the Northern Aquifer since it is located on the southern portion of the island.

one (1) dwelling unit per 20,000 st." Effective Documber 20, 1996.
" Guam Code Annobated, Section 61401.

#### Utilities

Public utilities including power, water, sewer, and telephone are within Route 1. The adequacy of the utilities is typical for the area and appropriate to support development of the property.

# Tax Assessment Information

The assessed value is established by the Department of Revenue and Taxation, Government of Guam at 35% of the "market value" as determined by the most recent government revaluation conducted, with an effective date of March 1993. Real estate taxes are currently computed as 1/4% of the assessed value of land, and 1% of the assessed value on improvements.

There is no current tax on the land, since the property is owned by the Government of Guam.

### Easements and Encroachments

There are no known encroachments or easements impacting the site, as shown in the recent survey map of the property included in this report.

### Ownership History

The subject is owned by the Government of Guam, currently negotiating a lease with our client. There is no known market activity of the property over the past three years.

# Highest and Best Use 16:

# Highest and Best Use

The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.

The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum profitability.

# The Subject Property as Vacant

**Legally Permissible:** The subject is zoned A-Rural, which permits low density residential use.

**Physically Possible:** The physical characteristics of the property permit any of the legally permitted uses.

Financially Feasible: The comparable sales in this report demonstrate the financial feasibility of property acquired for commercial use. Current market conditions

<sup>&</sup>quot;This except is amended by the Gunn Environmental Protection Agency to include "the minimum tot size permitted in an "A" zone, where public sever is not available and is located within the Groundwater Protection Zone (GPZ) of the Noethern Aguiler, shall be 20,000 square feet. Lot density shall not exceed

<sup>&</sup>lt;sup>14</sup> Appraisal Institute, <u>The Dictionary of Real Estate Appraisal</u>, Fourth Edition, 2001.

indicate recovering price levels and demand, with some new construction beginning.

Maximally Productive: The maximally productive use of the property is to hold for future residential subdivision.

# APPRAISAL METHODOLOGY

The property rights being appraised for the subject is the fee simple interest in a vacant parcel.

The valuation of the subject parcel involves the Sales Comparison Approach. Utilization of the appropriate approach or approaches for a given property is based on the quality and quantity of data available, and the relevance of the data to the property being appraised. If more than one valuation approach is utilized, the resulting value estimates are reconciled to produce a final value conclusion.

The Sales Comparison Approach is based on the premise that the market value of a property is directly related to the prices of comparable, competitive properties. The value of this approach is dependent on the availability of recent confirmed sales of properties considered comparable to the property being appraised. The sold properties are compared to the subject using key units of comparison. Adjustments are made for differences between the subject and the comparables, resulting in adjusted sales values for each of the comparables. The adjusted values are reconciled for a value conclusion by the Sales Comparison Approach. The Sales Comparison Approach is appropriate for most real property interests.

# Sales Comparison Approach

# SITE VALUATION"

Sales comparison is the most common technique for valuing land and it is the most preferred method when comparable sales are available. To apply this method, date on sales of similar parcels of land is collected, analyzed, compared, and adjusted to provide a value indication for the land being appraised. In the comparison process the similarity or dissimilarity of the parcels is considered.

The appraiser must perform several tasks in developing an opinion of land value:

- Gather data on actual sales as well as listings, offers and options.
- Identify the similarities and differences in the
- Identify the highest and best use of each potential comparables sale.
- Identify units of comparison that explain market behavior.
- Adjust the sales prices of the comparables to account for the dissimilar characteristics of the land being appraised.
- Form a conclusion as to the market value of the subject land.

The goal of the sales comparison approach is to select the most comparable market sales and then adjust for differences that cannot be eliminated within the selection process. Elements of comparison include property rights, financing terms, conditions of sale (motivation), expenditures immediately after purchase, market conditions (sale date), location, physical characteristics, available utilities and zoning. The physical characteristics of a parcel include its size, shape, frontage, topography, location and view. Unit prices may be expressed as price per square foot, front foot, acre, lot, dwelling unit, or other unit used in the market.

After comparable data is collected and categorized and the comparable properties are examined and described, sales data can be assembled in an organized, logical manner. Sales are commonly arranged in a market data grid that has separate rows (or columns) for important property characteristics.

Following is an explanation of the major categories of comparison.

# **Property Rights Conveyed**

The particular rights or interests being valued on a site must be defined. This is especially important in appraisals that involve a partial interest in a property, limited rights such as surface or mineral rights, a fee simple estate subject to a long-term lease, or a leasehold interest. For lease transactions, the fee equivalent value of the lease transaction has been calculated and included in the narrative data on the transaction. Other encumbrances such as easements, mortgages, or special occupancy and use requirements, should also be identified if the comparable sales property rights differ from the subject.

<sup>&</sup>lt;sup>17</sup>The following four paragraphs are quoted from The American Institute of Real Estate Appraisers. <u>The Appraisal of Real Estate</u>, 12<sup>th</sup> Edition, Chicago, Illinois, 2001, pp. 337-339.

in One of the three generally accepted methods for valuing real estate: Cost Approach, Income Approach and Sales Comparison Approach. The Cost Approach utilizes the Sales Comparison Approach for valuing the land component of the averall project. The Income Approach can convert ground rent estimates (based on comparable transactions) into value via market-extracted capitalization rates (derived from comparable sales analyzed via the Sales Comparison Approach).

# Financing/Conditions of Sale

Adjustments for conditions of sale reflect the motivations of the buyer and seller. The conditions under which a parcel of land may be sold could differ from property to property. Adjustments must be applied on a property that was sold under atypical financing conditions. Any adjustments made in this category are typically of a quantitative nature, for example, based on cash equivalency analyses.

# Market Conditions (Time of Sale)

The time of sale is the date that the comparable parcel was originally purchased. In order for the sale property to be deemed comparable to the subject, it must be adjusted for increases or decreases in market prices from the date of sale to the effective date of the appraisal. Adjustments in this category are typically of a quantitative nature, and best based on re-sales. In the absence of ideal "matched patrs", qualitative adjustments can be considered based on changes in market conditions over time. For example, a pronounced increase in marketing time could suggest a discounted present value (net of holding costs or opportunity cost) in a slow market in comparison to an active market.

### Location

The analysis of a site's location focuses on the timedistance relationships between the site and common origins or destinations. It also is concerned with the location of the parcel in relation to heavily traversed thoroughfares and/or intersections. Due to the limited number of sales, it is extremely difficult to produce a "matched pair" that would prove a quantitative adjustment for location. However, qualitative analysis can be accomplished by considering the relative importance of certain areas for certain activities (based on the principle of conformity).

#### Size

The sizes of the comparables are adjusted for superiority or inferiority to the subject. It has been observed that there is typically an optimum size for parcels, logically related to its utility for the intended use. Parcels that are outside of this range, whether larger or smaller, typically sell for lower unit prices. For substantially larger parcels this probably reflects the limited market (capable buyers, available financing); for substantially smaller parcels this probably reflects the decreased utility of the parcel. Proving a quantitative basis for such an adjustment would require statistical analysis of an adequate database; sufficient data is not available. Qualitative considerations can be based on any deviations from mean parcel sizes.

# Shape

The shape of a property defines what improvements may be constructed on a parcel of land. A rectangular or square property is ideal for most commercial construction. A triangular or wedged property may inhibit construction of specific improvements. If the reduction in usable area can be clearly calculated, a quantitative adjustment can be applied based on the percentage reduction in usable area.

# Topography

Adjustments for a parcel's topography are based on the land's contour, grades, natural drainage, soil conditions, view, and general usefulness. On the island of Guam, the topography ranges from gently sloping to an extremely steep cliff. This may drastically hamper the construction of an improvement as well as drainage, view, and soil conditions. A quantitative adjustment can be made if the cost of overcoming such physical challenges is known,

#### Access

Access involves the manner by which vehicular traffic and utility easements enter onto the property. Some examples are curbcuts, medians, turn lanes, traffic signal turn arrows, shipping docks, airport runways and docks, water, and gas line taps. Quantitative adjustments would be difficult to make, unless based on "matched pairs". Qualitative considerations can reasonably be based on relative differences in road importance or width.

# Zoning

Guam's zoning law provides for eight zones ranging from zone "A" - Rural, the "lowest", to zone "H" - Hotel, the "highest". Each zone has permitted uses, conditional uses, limitations, and restrictions. Parcels within "higher" zone typically allow all uses in "lower" zones, as well as additional uses; therefore, they have increased utility. Adjustments for difference in zoning are rarely made, as comparables should be selected based on similar highest and best use. In cases where potential rezoning is considered highly probably and would result in a similar highest and best use, a quantitative adjustment could be made based on the estimated cost (money, time) of such rezoning.

### Utilities

This addresses the availability of basic utilities, such as, water, power, gas, sewer, and storm drains at or near the sites analyzed. These necessities cannot be deferred when the site is developed and any differences between the comparables and the subject represent an expense which will materially affect the investment value of the property. Adjustments for this category are typically quantitative, related to the cost of providing equal utility availability.

# Site Valuation Chart

After comparable data are collected and categorized, and the comparable properties are examined and described, sales data can be assembled in an organized, logical manner. Sales are commonly arranged on a market data grid, such as the Site Valuation Chart. Quantitative adjustments between the subject property and the comparable properties, based on differences in characteristics of the comparable as related to the subject. A superior comparable characteristic will yield a negative adjustment to the value of the comparable. An inferior comparable characteristic will yield a positive adjustment to the value of the comparable.

### **Land Transaction No. 1**



Legal Description: Lot 5-PART-7, Municipality of Talofolo

Location: Padua Lane, Ipan

Date of Transaction: November 29, 2004

Seller: Wells Fargo Financial Guam, Inc.

Buyer: Richard Brett Cornelius and Jeff Dean Nielsen

Document/Recordation: Quitclaim Deed, recorded in the Department of Land Management, Government of

Guam, as Instrument 701143

Nominal Price: \$110,000

Terms of Sale: All cash to seller

Cash Equivalent Price: \$110,000
Property Rights Conveyed: Fee Simple

Conditions of Sale: See Comments

Expenditures Immediately After Purchase: None known

Size: 10.969.00 Square Meters

118,068.12 Square Feet

2.71 Acres

Unit Price: \$10.03 Per Square Meter

\$0.93 Per Square Foot \$40,583.35 Per Acre Zoning:

A - Rural

Topography:

Basically level on 90% of site, with remaining portions sloping upward at rear of site. Approximately 3/4 acre of sloping area according to agent.

Shape:

Rectangular

Access:

Paved/Dirt

Utilitles:

Power & water about 300' away.

Use At Time of Sale:

Vacant and idle

Current Use:

Vacant and idle

Highest and Best Use:

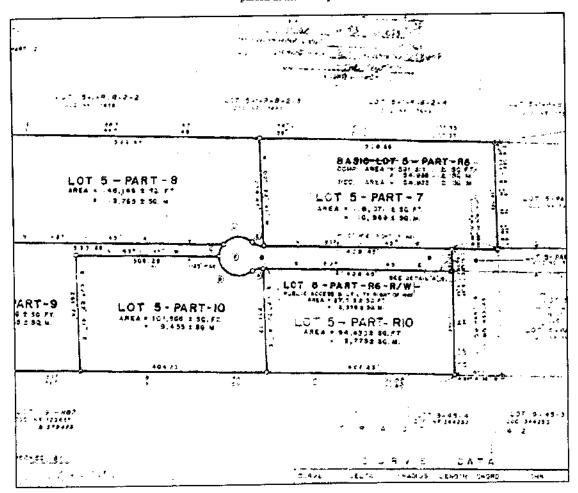
Residential Development

Confirmation:

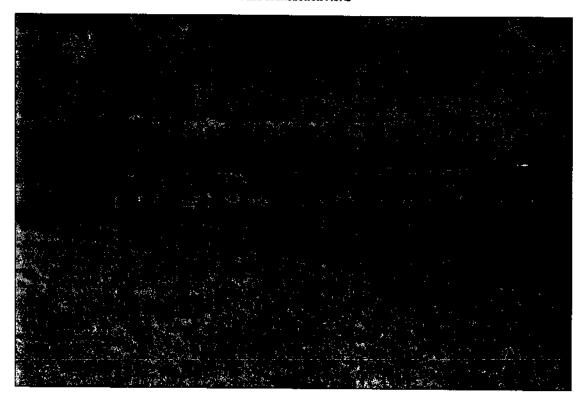
MLS 04-2219

Comments:

According to Listing agent, Kishin Advani, seller seemed somewhat motivated to sell fast and took the highest of 3 offers presented within the 51 overall days the property was listed in MLS. Agent felt that property would most likely have sold one to two dollars higher (per square meter) if seller had continued to list property for a longer period. Although located in Ipan, the immediate vicinity of the property is developed with average quality single-family dwellings along with farming being done on vacant parcels in the vicinity.



### Land Transaction No. 2



Legal Description:

Lot 225-1, Municipality of Piti

Location:

One lot west of Nimitz Hill Estates.

Date of Transaction:

December 27, 2004

Seller:

Leo Okamura and A.S.L., Inc.

Buyer:

Joseph W. Duenas

Document/Recordation:

Warranty Deed, recorded in the Department of Land Management, Government of Guam, as Instrument 702009

**Nominal Price:** 

\$177,400

Terms of Sale:

All cash to seller.

Cash Equivalent Price:

\$177,400

Property Rights Conveyed:

Fee Simple

Conditions of Sale:

Unusual conditions. Seller couldn't exercise the option to purchase the property from owners because of financial difficulties. They had to sell property quickly to recover their non-refundable down payment when they entered into a purchase agreement with owner within past year. The option to purchase the property expired at the end

of 2004.

Expenditures Immediately After Purchase:

None known

Size:

20,000.00 Square Meters 215,276.00 Square Feet

4.94 Acres

Unit Price:

\$8.87 Per Square Meter \$0.82 Per Square Foot

\$35,895.98 Per Acre

Zoning:

A - Rural

Topography:

Gradual sloping from south and west toward northeast.

Shape:

Irregular

Access:

Undeveloped 50' wide easement requires some earthwork to permit vehicular access.

Utilities:

All available approximately 450' to south.

Use At Time of Sale:

Vacant and idle

Current Use:

Vacant and idle

Highest and Best Use:

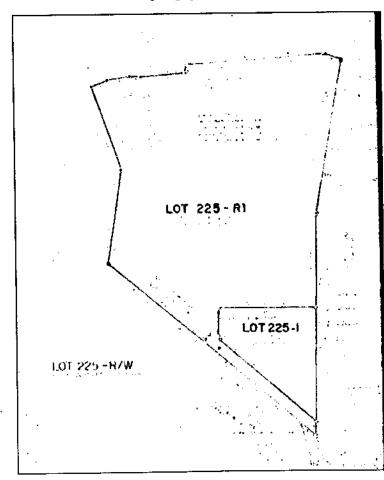
Executive residential

Confirmation:

Public records, buyer

Comments:

Appraised by Carlos/MAA on December 2, 2004. Property sold significantly below market value. According to Carlos/MAA, the buyer's partner (Joe Quinata) said that the cemetery and the access to the property weren't an issue. The buyers felt they were getting a good deal on the property.



# Land Transaction No. 3



Legal Description:

Lot 5357-5, Municipality of Mangilao

Location:

One lot east of Adacao Road

Date of Transaction:

December 28, 2004

Seller:

Calvo Enterprises, Inc. by Leonard Calvo - A.R.

Buyer:

Ho Nam and Yue S.P. Chung

Document/Recordation:

Warranty Deed/Mortgage, recorded in the Department of Land Management,

Government of Guam, as Instrument 702052/702054

Nominal Price:

\$120,000

Terms of Sale:

All cash to seller

Cash Equivalent Price:

\$120,000

Property Rights Conveyed:

**Fee Simple** 

Conditions of Sale:

No unusual conditions noted

Expenditures Immediately After Purchase:

None known

Size:

9,440.00 Square Meters 101,610.27 Square Feet

2.33 Acres

Unit Price:

\$12.71 Per Square Meter \$1.18 Per Square Foot \$51,443.62 Per Acre Zoning:

A - Rural

Topography:

Level

Shape:

Slightly irregular; bisected by 40 foot easement

Access:

40 foot easement connecting to Adacao Road; currently covered with growth

Utilities:

Power, water available.

Use At Time of Sale:

Vacant and idle

Current Use:

Vacant and idle

Highest and Best Use:

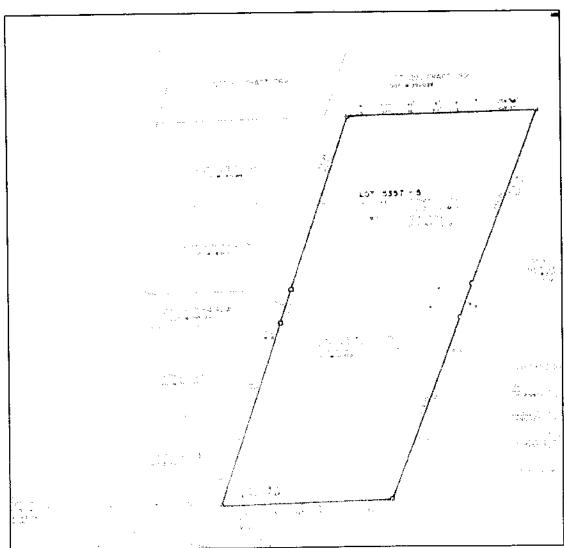
Subdivision into residential use

Confirmation:

Public Records, loan officer

Comments:

Frank Cruz/MAA spoke with Janice Ogo/USDA verified sale on 4-11-2005. The lot area of the property is 9,440 SM net of right of way easement (10,305 SM total).



### Land Transaction No. 4



Legal Description:

Lots 151-2-6, 151-2-7 & 151-WEST-R9, Municipality of Merizo

Location:

Fronting Route 4, Bile Bay

Date of Transaction:

January 27, 2003

Seller:

Kinoshita Guam, Inc.

Buyer:

Healy, John & In Hui Yu

Document/Recordation:

Warranty Deed/Mortgage, recorded in the Department of Land Management,

Government of Guam, as Instrument 668159/60

Nominal Price:

\$240,000

Terms of Sale:

All cash to seller

Cash Equivalent Price:

\$240,000

Property Rights Conveyed:

Fee Simple

Conditions of Sale:

No unusual conditions noted

Expenditures Immediately After Purchase:

None known

Size:

20,664.00 Square Meters 222,423.16 Square Feet

5.11 Acres

Unit Price:

**\$11.61** Per Square Meter **\$1.08** Per Square Foot **\$47,002.30** Per Acre

Zoning:

A-Rural & R-2 Multi-Family residential

Topography:

Varied

Shape:

Irregular; two inland parcels separated from beachfront parcel by Route 4

Access:

Paved, Route 4

Utilities:

All available at site

Use At Time of Sale:

Vacant & idle

Current Use:

Vacant & idle

Highest and Best Use:

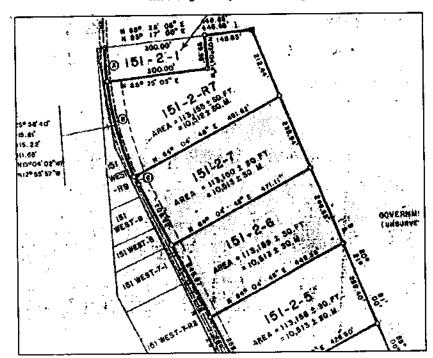
Develop inland portion with executive class single-family home which benefits from the ocean and mountain view.

Confirmation:

Public Records; MLS 960787; interview with buyer

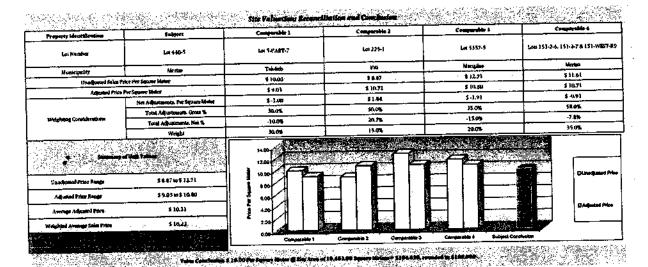
Comments:

Lot 151-2-7 slopes up steeply above Route 4; this lot can only be accessed by vehicle through Lot 151-2-6; buyer plans to parcel out an access strip along 151-2-6, leading up to 151-2-7 and building a home which can benefit from the ocean and mountain view. Buyer's purchase price was the price he felt all three parcels were worth. He did not have a unit price in mind for each separate parcel. Lot 151-West-R9 is an ocean frontage parcel. The perimeter sence surrounding the Red Rice aka Ryoma restaurant, encroaches onto Lot 151-2-6. Site area is the estimated net usable area less the right of way for future taking.



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The weighting is based on a distribution that gives greater weight to sales with lower adjustment levels, as they are more similar overall.

# Conclusion

We conclude a value of \$10 per square meter, applied to the estimated net usable site area, for a rounded value conclusion of \$105,000.

The estimated exposure for the property at its appraised value is 6 to 9 months; the estimated marketing time is 6 to 9 months.

# Addenda

# **General Assumptions and Limiting Conditions**

The appraisal is based on the present condition of the economy and the present purchasing power of the dollar.

Legal descriptions, including leases, information, maps, signed or unsigned surveys, estimates and opinions furnished or made available to the appraiser and contained in this study were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy and legality of such items furnished can be assumed by the appraiser.

Many of the figures presented in this report were generated using computer models that make calculations based on numbers carried out to three or more decimal places. In the interest of simplicity, most numbers presented in this report have been rounded to the nearest tenth. Thus, these figures may be subject to small rounding errors in some cases.

This appraisal assumes no responsibility for the validity of legal matters affecting the property. The ownership history reported in this appraisal is based on the appraiser's research of public records, which are assumed to be accurate and complete. It is not the intent of the appraisal to offer a legal opinion of title. It is further assumed that the property has good title, responsible ownership and competent management. Any liens or encumbrances which may now exist have been disregarded.

The Americans with Disabilities Act (ADA) became effective January 26, 1992. We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the ADA. If so, this fact could have a negative effect upon the value of the property. Since we have no direct evidence relating to this issue, we did not consider noncompliance with the requirements of the ADA in estimating the value of the property.

This appraisal assumes that the Fee Simple interest in the subject property is marketable.

Any maps or plot plans reproduced and included in the report are intended only for the purpose of showing spatial relationship. They are not necessarily measured surveys or measured maps, and we will not be responsible for topographic or surveying errors. The appraiser has made no survey of the property. No liability will be assumed for soil conditions, bearing capacity of the subsoil or for engineering matters related to proposed or existing structures.

It is assumed that there is full compliance with all applicable federal and territorial environmental regulations and laws unless noncompliance is stated, defined, and considered in this appraisal report.

When the study contains a valuation relating to an estate in land that is less than the whole fee simple estate, the value reported for such estate relates to a fractional interest only in the real estate involved, and the value of this fractional interest plus the value of all other fractional interests may or may not equal the value of the entire fee simple estate which is considered the whole.

When the appraisal report contains an allocation of the total valuation between land and building improvements, such allocation applies only under the existing program of utilization. The separate valuations for land and building cannot be used in conjunction with any other appraisal and will be invalid if so used.

It is assumed that all applicable zoning and use regulations have been complied with, unless a nonconformity is stated, defined and considered in the study. It is also assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from the territorial or federal government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this study is based.

No information was furnished to the appraiser regarding the presence of Radon seepage in the subject site or that it has ever been used as, or part of, a sanitary landfill or toxic waste dump.

Unless otherwise stated in this report, the existence of hazardous materials, and gases and other noxious emissions which may or may not be present on the property, were not observed by the appraiser. The appraiser has no knowledge of the existence of such materials or gases affecting the property. The appraiser, however, is not qualified to detect such substances. The presence of asbestos building materials, ureaformaldehyde foam insulation, poly-chlorinated biphenyl filled transformers, aluminum based electrical wiring, or other elements of potentially hazardous materials not currently recommended by the Uniform Building Codes may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them.

Information provided by informed local sources, such as government agencies, financial institutions, Realtors, buyers, seller and others, was weighed in the light in which it was supplied and checked by secondary means;

however, no responsibility is assumed for possible misinformation.

Possession of this report, or a copy thereof, does not carry with it the right of publication. This report may not be used by anyone except the client, and then only with proper qualification.

The appraiser is not required to give testimony or attendance in court by reason of this appraisal, with reference to the property in question, unless arrangements have been previously made.

This report shall not be conveyed in whole or in part to the public through advertising, public relations, news, sales, or other media without the written consent and approval of the author. This applies particularly to written conclusions, the identity of the appraiser or firm with which he or she is connected, and any reference to the Appraisal Institute.

The delivery and acceptance of this report completes this assignment.

# **Appraiser's Certifications**

We certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct and no important facts have been withheld or overlooked.
- The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, unbiased professional analyses, opinions, and conclusions.
- The undersigned has no present or prospective interest in the property that is the subject of this appraisal.
- We have no personal interest with respect to the parties involved.
- We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- We engagement in this assignment was not contingent upon developing or reporting predetermined results.
- Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, the approval of a loan, or the occurrence of a

# Experience

Appraisal and consultation experience includes vacant land, commercial, hotel/resort, multi-family residential, industrial, special-purpose properties and business valuations. Over 3.500 appraisals conducted over the past 15 years.

Geographic areas covered include Guam, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Republic of Palau, American Samoa.

Appraisal and consultation circumstances include financing, leasing, acquisition, condemnation, foreclosure disposition, insurable replacement value, and litigation support. Qualified as expert witness in the Superior Court of Guam and Superior Court of the Northern Mariana Islands.

Clients include lenders (FDIC and non-domestic), government agencies of Guam and the CNMI, attorneys and private property owners. Work product accepted by every lender within the region.

### **Work History**

October 1991 to Present: Micronesian Appraisal Associates, Inc. President and Chief Appraiser. Real estate appraisals and consultation.

April 1994 to Present: Micronesian Appraisal Associates, Saipan, Inc., Vice President and Sentor Appraiser. Real estate appraisals and consultation.

October 1990 to September 1991: Micronesian Appraisal Services, Principal. Real estate appraisal and consultation.

August 1990 to August 1991: Ginza Investment (Guam) Inc. Assistant Vice President, Real Estate. Real estate analysis and development.

April 1989 to July 1990: D.G. Hodgson & Co. (subsequently acquired by Micronesian Appraisal Associates, Inc.) Staff Appraiser. Commercial and residential real estate appraiser.

1988 to 1989: Bank of Hawaii, Guam Residential Services Center (Residential Mortgage Department). Assistant Vice President and Manager. Management of full-service residential mortgage department with FHA, VA, FHLMC and portfolio ARMs.

1986 to 1988: Bancorp Finance of Hawaii-Guam, Inc. Loan Officer. Origination and underwriting of residential and commercial mortgage loans.

1982 to 1984: Northwest Mortgage Co., Inc. Flanders, NJ. Mortgage Underwriter. Underwriting of residential mortgages, including FHA, VA, FHLMC and FNMA.

# Licenses and Certifications

- Guant, Certified Real Estate Appraiser, CA-2004-002, Expiration February 20, 2006
- Commonwealth of the Northern Mariana Islands, Certified Real Estate Appraiser for Federally-Related Transactions, REA-003-03, Expiration April 30, 2006
- Hawaii, Certifled General Appraiser, License CGA-649, Expiration December 31, 2005
- Nevada, Certified General Appraiser, License 04365, Expiration September 30, 2006
- Appraisal Qualifications Board (AQB) Certified Uniform Standards of Professional Appraisal Standards (USPAP) Instructor, Instructor ID 10033, Expiration June 30, 2005.
- Cornell University, School of Hotel Administration, Certification in Real Estate, Development, and Hotel Investment, Professional Development Program, 2003.

# Organizations and Professional Affiliations

- Designated Member, The Appraisal Institute
- Member, The American Society of Appraisers
- Member, CCIM Institute
- Past President and Charter Member, Pacific Association of Professional Real Estate Appraisers
- Member, Committee on Housing Task Force, 25th Guam Legislature
- Member, Technology Subcommittee, Appraisal Institute, 2003
- Chairman, Board of Directors, Guam Housing Corporation, 2003 to present

# Designations

- MAI, Member Number 11675, Appraisal Institute.
- SRA, Appraisal Institute
- CCIM, Member Number 10211, CCIM Institute
- ASA, Accredited Senior Appraiser, Real Property-Urban, Member Number 008359, The American Society of Appraisers

### **Professional Education**

## The Appraisal Institute

### Courses

- Capitalization Theory & Techniques, Parts A & B, 1990
- Principles of Real Estate Appraisal, 1991 (Challenge)
- Basic Valuation Procedures, 1991
- Standards of Professional Practice, Part A, 1991, 1995, 2001
- Standards of Professional Practice, Part B, 1991, 1995, 2001
- Case Studies in Real Estate Valuation, 1992
- Report Writing and Valuation Analysis, 1992
- Highest and Best Use and Market Analysis, 1993
- Litigation Valuation Overview, 1999
- Standards of Professional Practice, Part C. 1999
- Advanced Residential Form and Narrative Report Writing, 2001
- Separating Real and Personal Property from Intangible Business Assets, 2002
- Sales Comparison Valuation of Small, Mixed-Use Properties, 2002
- Litigation Appraising: Sepcialized Topics and Applications, 2002
- Advanced Sales Comparison and Cost Approaches, 2003
- 7 Hour USPAP National Update Class, 2003
- Business Ethics and Practices, 2003
- Condemnation Appraising: Basic Principles and Applications, 2003
- Condemnation Appraising: Advanced Topics and Applications, 2003

### Continuing Education Seminars

- Rates, Ratios and Reasonableness, 1989
- Discounted Cash Flow Analysis, 1989
- Feasibility Studies and Highest and Best Use Analysis, 1989
- Appraising Leased Fee Interests, 1993
- Appraising Leasehold Interests, 1993
- Appraising the Tough Ones, 1993
- Understanding Limited Appraisals/Reporting Options: General, 1994
- Understanding Limited Appraisals/Reporting Options: Residential, 1994
- Maximizing Your Appraisal Practice, 1995
- Current Issues and Misconceptions, 1995
- The Appraiser as Expert Witness, 1995
- Demonstration Appraisal Report Writing Seminar, Non-Residential, 1996
- New Industrial Valuation, 1997, 1998
- Highest and Best Use, 1997
- Special Purpose Properties in Limited Markets, 1997

- Valuation of Detrimental Conditions in Real Estate, 1998
- Eminent Domain and Condemnation Appraisal, 1998
- Valuation 2000
- Real Estate Fraud, 2001
- Real Estate Disclosure, 2001
- Appraisal Review: General, 2001
- Appraisal Standards For Federal Land Acquisitions, 2002
- Small Hotel/Motel Valuation: Limited-Service Lodging (Online), 2002
- The FHA and the Appraisal Process (Online), 2003
- Appraisal Consulting: A Solutions Approach for Professionals, 2003

## Instructor Leadership and Development Conference

- General Seminars, 2002
- Appraisal Principles, Appraisal Procedures, Residential Highest and Best Use and Market Analysis, 2004

## The Appraisal Foundation

 Concepts and Principles of the Uniform Standards of Professional Appraisal Practice: An Instructor's Application, 2002

#### **CCIM** Institute

- Financial Analysis for Commercial Investment Real Estate (Challenge), 2001
- Market Analysis for Commercial Investment Real Estate, 2001
- User Decision Analysis for Commercial Investment Real Estate (Challenge), 2001
- Investment Analysis for Commercial Investment Real Estate (Challenge), 2002

## Cornell University, School of Hotel Administration

- Property Asset Management, 2002
- Fundamentals of the Hotel Investment and Financing Decision, 2002
- Hotel Planning and Design, 2003
- Computerized Hotel Market Studies and Valuations, 2003
- Advanced Hotel Investments, 2003

## The American Society of Appraisers

Business Valuation I (BV201), 1997

#### International Right of Way Association

The Appraisal of Partial Acquisitions, 1997

## University of Hawaii, Extension Program

- Real Estate Appraisal, 1986
- Standards of Professional Practice, 1991

## Pacific Association of Professional Real Estate Appraisers

Residential Property Construction and Inspection, 1995

## American Institute of Banking

Commercial Loan Documentation

## Mortgage Banker's Association of America correspondence courses:

- Understanding Real Estate Appraisal
- The Residential Mortgage Secondary Market
- Regulatory Compliance
- The Form and Content of a Mortgage

### Federal Housing Administration

Direct Endorsement Underwriter's Seminar, 1988

#### **Teaching Credentials**

#### Appraisal Institute, Faculty:

- Basic Appraisal Principles, Associate Instructor
- Basic Appraisal Procedures, Associate Instructor
- · Residential Market Analysis and Highest and Best Use, Associate Instructor
- 7 Hour National USPAP Course, Associate Instructor
- 15 Hour National USPAP Course, Associate Instructor
- Business Practices and Ethics, Associate Instructor
- Appraisal Consultation: A Solutions Approach for Professionals, Instructor

Appraisal Foundation: Appraiser Qualifications Board (AQB) Certified USPAP Instructor. Instructor ID 10033, Expiration June 30, 2005.

University of Guam, CCEOP, Adjunct Professor

#### **Teaching Experience**

University of Guam, College of Continuing Education, and CNMI Board of Professional Licensing (Qualifing Education):

- Real Estate Appraisal Methods
- Basic Income Capitalization
- Real Estate Appraisal Applications
- Standards of Professional Practice
- Foundations of Real Estate Appraisal
- Appraising the Single Family Residence

#### Pacific Association of Professional Real Estate Appraisers (Continuing Education):

- Understanding Limited Appraisals/Reporting Options: Residential
- Appraisal Regulations of the Federal Banking Agencies
- Discounted Cash Flow Analysis
- Highest and Best Use Applications
- Appraisal of Leased Fee Interests
- I Tano'-ta: A Valuation Perspective (Co-instructor)
- Two To Four Family Residential Properties
- USPAP 2000
- USPAP 2002
- 7 Hour National USPAP Update Course, 2004.
- 15 Hour National USPAP Update Course, 2004

#### American Institute of Banking Seminars:

- Real Estate Documentation
- Home-Equity Lending
- Real Estate Finance

#### Westpac Institute of Management:

- Understanding Real Estate Appraisals. 2003
- Fundamentals of Real Estate Appraisals, Part I, 2004
- Fundamentals of Real Estate Appraisals, 2004

#### **Publications**

"Financial Feasibility of Lodging Properties in Remote Locations: An American Samoa Case," Paper presented at the Pan Pacific Congress of Real Estate Appraisers, Valuers and Counselors, Taipei, Taiwan, October 2004.

"For What It's Worth", Guam Real Estate Today, column.

Co-author, Commonwealth of the Northern Mariana Islands, Board of Professional Licensing, "Local Knowledge Test". Designed for administration to appraisal license/certification applicants from outside the CNMI.

#### **Education**

1978 to 1982: Bachelor of Arts in History, New York University, NY, NY, Joseph H. Park Honor Society, 1982. Departmental Honors, History Department, 1982.

1982 to 1983; Graduate study in History, Columbia University, NY, NY.

1984 to 1985; Master of Arts in Intercultural Studies (Cultural Anthropology), Biola University, La Mirada, CA. High Honors.

#### Select Client Listing

#### Government

- Guam, Department of Public Works, Rights of Way
- Guam Economic Development Authority
- Guam Waterworks Authority (fka PUAG)
- Port Authority of Guam
- Guam Telephone Authority
- Guam Airport Authority
- University of Guam
- Superior Court of Guam
- Guam, Department of Land Management
- Guarn Housing Corporation
- Guam Housing and Urban Renewal Authority
- CNMI Northern Marianas Housing Authority (ika MIHA)
- CNMI Department of Public Lands (ika MPLC)
- U.S. Small Business Administration
- US Rural Economic Development Authority
- US Department of Agriculture
- Republic of Nauru
- United States Air Force
- United States Navy, Housing Office

#### financial

- Deutsche Bank
- ANZ Amerika Samoa Bank
- Bank of Hawaii: Guam, Saipan, Palau, American Samoa
- Bank of Guam: Guam, Saipan, Rota, Tinian
- First Hawailan Bank: Guam, Saipan
- Hongkong Shanghai Bank: Guam, Saipan
- Guarn Savings & Loan: Guarn, Saipan, Palau
- First Savings and Loan: Guam, Saipan
- First Hawaiian Creditcorp
- GE Capital Guam
- Finance Factors
- Hawaiian Trust Company
- Citizens Security Bank
- Citibank
- Union Bank: Guam, Saipan
- Community First Guam Federal Credit Union
- Norwest Financial
- · Pacific Financial: Guam, Saipan
  - Metrobank
- Century Bank
- Allied Bank
- First Commercial Bank
- Asahi Bank: Guam, Saipan
- Kyowa Saitama Bank
- Long Term Credit Bank of Japan

#### Legal

- Allen Matkins Leck Gamble & Mailory
- Carbullido, Bordallo and Brooks
- Arriola, Cowan and Bordallo
- Baumann and Hull
- Carlsmith, Wichman, Case and Ichiki
- McCully, Lannen, Beggs and Melancon
- Keogh and Butler
- Klemm, Blair, Sterling and Johnson
- Cunliffe and Cook
- Phillips and Bordallo
- Mair, Mair, Spade and Thompson
- Ching Boertzel Civille Dooley and Roberts
- Del Priore and Gumataotao
- Zamsky and Cohen
- Butler and Telford Butler
- Teker, Civille, Torres and Tang
- Gorman and Gavras

#### Business/Private

- Marriott Hotels
- LG Engineering
- Agana Shipping Center
- Archbishop of Guam
- Japan Airlines
- Duty Free Shoppers
- Pacific International Company: Guam, Saipan
- EIE Corporation: Guam, Salpan
- Toyo Real Estate
- Hakubotan Enterprises
- Fletcher Pacific Construction
- Calvo Enterprises
- Kawasho Corporation
- M S V Enterprises
- Joeten Enterprises
- Taisei Corporation
- Mobil Oil: Guam, Salpan, Palau
- Exxon Corporation
- Shell Corporation
- Baba Corporation
- Ada's Inc.
- Sgro Investment Corporation
- Triple | Enterprises: Guam, Saipan
- Ottoville Development: American Samoa
- Haleck Enterprises, Inc.
- Physicians Diagnostic Lab
- Nissan Motors Corporation

## Curriculum Vitae: Mark F. Gruber, MAI, SRA, CCIM, ASA

- Mitsui Trust and Banking
- **Ernst and Young**
- Deloitte & Touche
- PriceWaterhouseCoopers
- **KPMG Peat Marwick**
- Mortgage Plus
- Bank of the Federated States of Micronesia
- Lehman Brothers
- B&ILending
- Allied Mortgage Capital Corporation
- UBS Investment Bank

- Texas A&M University
- United Overseas Investment Corporation
- Korean Consulate
- Wendy's Guam
- Zurich Insurance
- National Office Supply
- T&NN International
- PRICIA (Talofofo Golf Resort)
- Towa Reef Hotel
- Oxford Properties & Finance Ltd.
- Haseko Corporation

# Professional Qualifications: Vance L. Reklai

#### **Professional Experience**

Guam General Certified Appraiser - CA-04-031, Expiration Date: Pebruary 6, 2006

Appraisal experience includes vacant land single family residential, multi-family residential, and commercial.

Geographic areas covered include Guam and Republic of Palau.

Appraisal circumstances include financing, leasing, acquisition, foreclosure disposition, and insurable replacement value.

Clients include lenders (FDIC and non-domestic), attorneys and private property owners. Work product accepted by most lender within the region.

## Work History

October 2000 to Present: Palau Appraisal Associates, Inc., Vice President. Real estate appraisals and consultation.

May 1999 to Present: Micronesian Appraisal Associates, Inc. Real estate appraisals and consultation.

August 1998 to May 1999: Salomon Smith Barney, Investment consulting firm.

## Organizations and Professional Affiliations

- Pacific Association of Professional Real Estate Appraisers
- Appraisal Institute, Residential Associate Member

## Professional Education

#### The Appraisal Institute

- 2-4 Units Case Study: Residential R3, 1999
- Appraisal Methods, 2000
- Appraisal Standards, 2001
- Advance Residential Form and Report Writing, 2001
- Basic Income Capitalization, 2003

#### International Right of Way Association

The Appraisal of Partial Acquisitions, 2000

#### University of Guam

- Real Estate Investment Analysis, 1998
- Real Estate Finance, 1999

#### Education

1992 to 1999: Bachelor of Business Administration in Finance and Economics University of Guam, Guam.

Chief Appraisals P.O. Box 3082 Hagatna, Guam 96932 Phone:671-649-2755 ~ Fax:671-649-0917

November 14, 2005

Trans World Radio - KTWR P.O. Box 8780 Agat, Guam 96928

RE:

Property: Lot 440-5

Merizo, Guam 96915

Name: N/A File No. A-2039

Case No.

NOV 22 105

Department of Land Managem

Dear Mike Sabin,

in accordance with your request, I have personally inspected and prepared an appraisal report of the real property located at:

Lot 440-5

The purpose of this appraisal is to estimate the market value of the property described in the body of this appraisal report.

Enclosed, please find the appraisal report which describes certain data gathered during our investigation of the property. The methods of approach and reasoning in the valuation of the various physical and economic factors of the subject property are contained in this report.

An inspection of the property and a study of pertinent factors, including valuation trends and an analysis of neighborhood data, led the appraiser to the conclusion that the market value, as of October 8, 2005

81,000

The opinion of value expressed in this report is contingent upon the limiting conditions attached to this report.

It has been a pleasure to assist you. If I may be of further service to you in the future, please let me know.

Respectfully submitted,

Richard T. Gutierrez

License No. LA-04-027, Expires May 5, 2006

EXHIBIT "B"

# LAND APPRAISAL REPORT

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## **EXTRA COMPARABLES 4-5-6**

File No.

A-2039

roperty Address ity	Lot 440-5 Merizo	County	Merizo	State	Guam	Zíp Code	96915
ender/Client		Trans World Radio - KTWR	Address		P.O. Box 8780, A	gat, Guam 96	

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject. COMPARABLE NO.6 COMPARABLE NO.5 SUBJECT PROPERTY COMPARABLE NO.4 Lots 151-2-6/-2-7/-WEST R9 Lot 440-5 Address Merizo <u>Merizo</u> 1.5 Miles Proximity to Subject \$ 240,000 Sales Price s 240,000 N/A Price MLS 96-0787/Agent Inspection/Client Data Source +(-)\$ DESCRIPTION DESCRIPTION DESCRIPTION DESCRIPTION Date of Sale and 01/27/2003 N/A Time Adjustment Merizo/Avg Merizo/Avg Location -130,000 22,885sm/Exc <u>10,463sm/Gd</u> Site/View Agr/Sloping Agr/Sloping Zone/Topo -15,000 Wtr/Electric Wtr/Power/Swr Wtr/Pwr 250 linear feet -15,000Paved <u>Access</u> Undeveloped/Boonie Irregular Rectangular <u>Shape</u> None Sales or Financing None <u>None</u> <u>None</u> Concessions Plus X Minus \$ -160,000 Minus \$ Plus Net Adj.(Total) ndicated Value 80,000 5 of Subject Comments on Market Data Comparable #4 was submitted to better support the estimated market value of the subject and was used due to the fact that it is located within the subject's village of Merizo. Comparable #4 was not adjusted for time due to the fact that the average market decline from late 2002 to early 2004 and the average market increase from mid 2004 to todays market have offset each other, therefore no adjustment appeared to be necessary to bring it inline with the subject.

## COMMENT ADDENDUM

File No. A-2039

Borrower N/A	. <u></u> .		
Property Address Lot 440-5			
City Merizo	County Merizo	State Guam	Zip Code96915
Lender/Client Trans World Radio - KTWR		Address P.O. Box 8780, Agat, Guam 96928	

## ADDENDUM TO APPRAISAL REPORT PAGE I

This a Summary Appraisal Report which is intended to comply with the reporting requirements set forth under Standard Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a Summary Appraisal Report. As such, it might not include full discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of the report.

To develop the opinion of value, the appraiser performed a complete appraisal process, as defined by the Uniform Standards of Professional Appraisal Practice. This means that no departures from Standard 1 were invoked.

SCOPE OF THE APPRAISAL: In compliance with paragraph 1 of the Appraiser's Certification, the appraiser has researched the market using general data including information on social, economic and environmental factors influencing the subject property value. Specific data such as information gathered about the subject property and the comparable sales are used. The collection and evaluation of the data relies heavily upon the appraiser's education and experience. Data which could not be verified by a reliable source is not used. Sources of information include but not limited to public records, parties to the transactions, lenders, Realtors, appraisers and others.

SUBJECT: Subject is a three acre Government of Guam owned Agricultural zoned lot located in Merizo, in which majority of the surrounding properties are also government owned. All of the surrounding lots a re leased government owned properties and are leased to non-profit and privately owned businesses that install radio antennas for various uses. The neighborhood is developed with a small portion single-family dwellings of mixed design and construction. A portion of the area consists of vacant land with opportunities for development. The subject lot is irregular in shape with moderate slope to sloping topography. The subject is not located in a flood zone as per the flood map. Utilities hook-up are approximately 250 linear feet via the legal access/utility access with the power poles, telephone, and water lines located approximtely 250 linear feet. The subject's access as well is undeveloped and due to the nature of the soil in the area a layer of coral base is required inorder to be passable by a typical vehicle.

HIGHEST & BEST USE: Defined as the use that is reasonably probable, legally permissible, physically possible, financially feasible and results in the highest value as of the effective date of the appraisal. The immediate neighborhood is developed with mostly single family dwellings. There is potential for further development in the surrounding area where there are vacant, developable sites. The subject's highest and best use would be to lease and install radio antennas due to the fact that the surrounding/adjacent properties have radio antennas installed as well.

SALES HISTORY: There are no known listing or sales activity within the past three years due to the fact that it is a government owned property.

NEIGHBORHOOD COMMENTS: Majority of the area is vacant with the immediate surrounding properties have commercial size radio antennas installed on them.

ADDITIONAL SITE COMMENTS: Electric, water, and telephone hook-ups are located approximately 250 linear feet away from legal access/utilities right of way.

PRESENCE OF HAZARDOUS WASTE: See Limiting Conditions Addendum addressing this topic.

SEE ADDENDUM PAGE II

### COMMENT ADDENDUM

File No. A-2039

Borrower N/A			
Property Address Lot 440-5			
City Merizo	County Merizo	State Guam	Zip Code96915
Lender/Client Trans World Radio - KTWR		Address P.O. Box 8780, Agat, Guam 96928	

#### ADDENDUM TO APPRAISAL REPORT PAGE II

COMPARABLES: There is a very limited supply of current 3 acre sales island wide, thus resulting in the use of three sales with superior locations and one sale with similar location. All four sales used are over six months old and were used due to the lack of more recent sales with very large site areas. One sale used is located within the subject village with similar market appeal and location. Comparables #1 thru #3 were adjusted upwards for inferior locations. Comparable #3 was adjusted for time and Comparables #1 & #2 are superior in topography. All four comparables were adjusted for views, utilities, and access. Comparable #4 is located within the subject village, however a it is twice as large as the subject in size and a portion of the property is ocean front with superior view amenity.

NET ADJUSTMENTS EXCEED 15% OF THE SALES PRICE: Net adjustments exceed acceptable limits on Comparables #1, #2, & #4. This is primarily due to the size, location, view, topography, utilities, access, and time adjustments.

GROSS ADJUSTMENTS EXCEED 25% OF THE SALES PRICE: Gross adjustments exceed acceptable limits on all four comparables. This is primarily due to the size, location, view, topography, utilities, access, and time adjustments.

ADJUSTMENTS: Comparables #1 thru #3 were adjusted downwards for superior locations and were based on the fact that the most southern areas of the island such as Merizo have typically sold for less than more central areas such as Comparables #1 thru #3's areas over the past few years. The adjustments for time on Comparable #3 were based on the average increase of sales from early 2004 to todays market for vacant land sales. Comparables #2 thru #4 were adjusted upwards & downwards for size, which is based on the average sales price differences between acre, half acre, quarter acre lots, and minimum sized lots. Comparables #1 & #2 were adjusted downwards for superior topography and was based on the sales price differences between level, level to sloping, and sloping sales over the past few years. All four sales were adjusted downwards for utilities & access and the adjustments for both amenities were based on the average cost estimate to develop the legal access and the average cost estimate for water & power to be located to the front of the subject property.

FINAL RECONCILIATION: In the opinion of this appraiser, the estimated market value of the fee simple property identified as Lot 440-5, located in Merizo, Guam 96915 as of October 8, 2005 is:

Eighty One Thousand Dollars

(US\$81,000.00)

Appraiser:

Richard T. Guierrez, LA-04-027, Expires May 5, 2006

Date: November 14, 2005

CHIEF APPRAISALS

**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

# STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

**CONTINGENT AND LIMITING CONDITIONS:** The appraiser's certification that appears in the appraisal report is subject to the following conditions:

- 1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
- 2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
- 3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- 4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- 5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
- 6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- 7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- 8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
- 9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
- 10. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.

#### **APPRAISER'S CERTIFICATION:**

The Appraiser certifies and agrees that:

- 1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to, or more favorable than, the subject property, I have made a negative adjustment to reduce the adjusted sales price of the comparable and, if a significant item in a comparable property is inferior to, or less favorable than the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.
- 2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
- 3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and limiting conditions specified in this form.
- 4. I have no present or prospective interest in the property that is the subject to this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
- 5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
- 6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
- 7. I performed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
- 8. I have personally inspected the interior and exterior areas of the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
- 9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If I relied on significant professional assistance from any individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

**SUPERVISORY APPRAISER'S CERTIFICATION:** If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

ADDRESS OF PROP	PERTY APPRAISED:	Lot 440-5, Merizo, Guam 96915
APPRAISER:	D11 95	SUPERVISORY APPRAISER (only if required)
Signature:		Signature:
Name:	Richard T. Gutierrez	Name:
Date Signed:	November 14, 2005	Date Signed:
State Certification #:		State Certification #:
or State License #:	LA-04-027	or State License #:
State:	Guam	State:
Expiration Date of Ce	rtification or License: 05/20	06 Expiration Date of Certification or License:  Did Did Not Inspect Property

# **EXTRA SUBJECT PHOTO ADDENDUM**

File No. A-2039

Borrower N/A

Property Address Lot 440-5

City Merizo

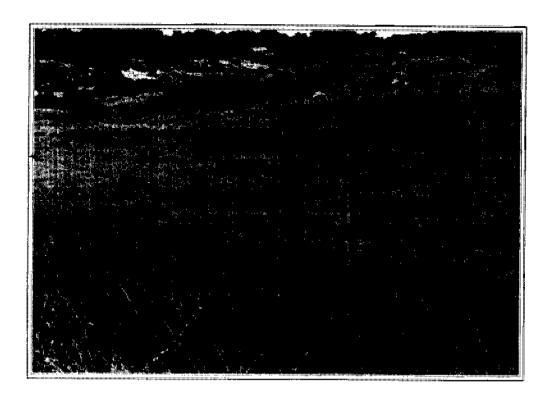
County Merizo

State Guarn

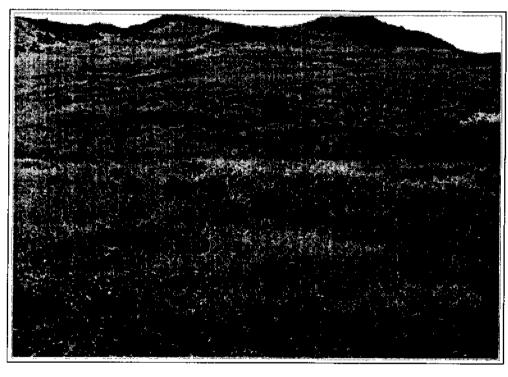
Zip Code96915

Lender/Client Trans World Radio - KTWR

Address P.O. Box 8780, Agat, Guam 96928



VIEW OF SUBJECT'S WESTERN BOUNDARY



VIEW OF SUBJECT'S SOUTHERN BOUNDARY



OCEAN/VALLEY (-) VIEW FROM SUBJECT PROPERTY

ClickFORMS Real Estate Appraisal Software by Bradford Technologies (800) 622-8727

# **EXTRA SUBJECT PHOTO ADDENDUM**

-- 746771

Borrower N/A

Property Address Lot 440-5

City Merizo County Merizo

Lender/Client Trans World Radio - KTWR Add

State Guam
Address P.O. Box 8780, Agat, Guam 96928

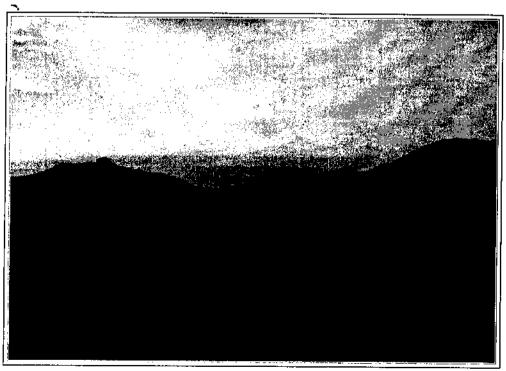
Zip Code96915



OCEAN/VALLEY (-) VIEW FROM SUBJECT PROPERTY



OCEAN/VALLEY (-) VIEW FROM SUBJECT PROPERTY



OCEAN/VALLEY (-) VIEW FROM SUBJECT PROPERTY

ClickFORMS Real Estate Appraisal Software by Bradford Technologies (800) 622-8727

# **EXTRA SUBJECT PHOTO ADDENDUM**

Borrower N/A

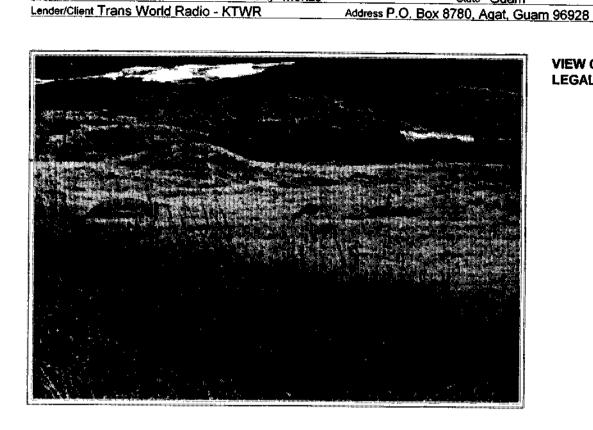
Property Address Lot 440-5 City Merizo

County Merizo Lender/Client Trans World Radio - KTWR

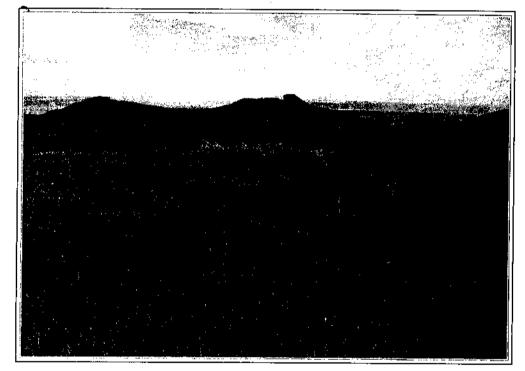
State Guam

Zip Code96915

VIEW OF UNDEVELOPED **LEGAL ACCESS** 



**VIEW OF SUBJECT'S NORTHERN BOUNDARY** 



**VIEW OF SUBJECT'S EASTERN BOUNDARY** 



ClickFORMS Real Estate Appraisal Software by Bradford Technologies (800) 622-8727

BORROWER:

ADDRESS:

LOT 440-5

VILLAGE: MERIZO

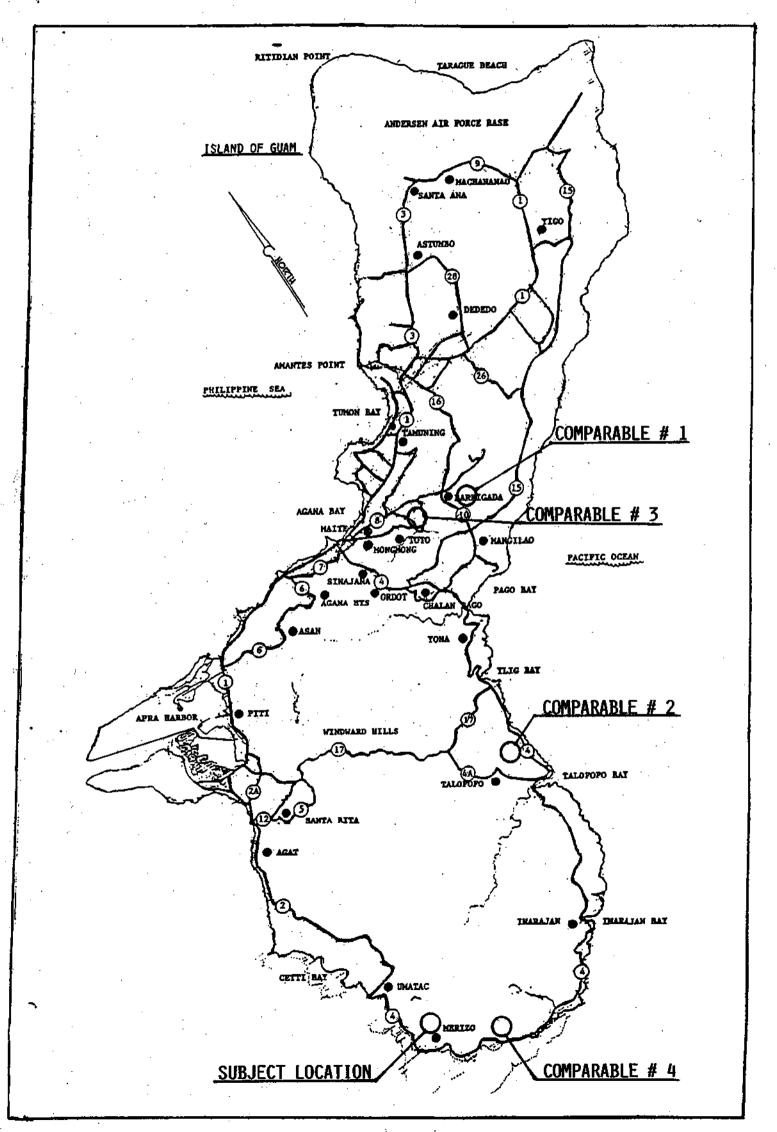
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STATE: GUAM

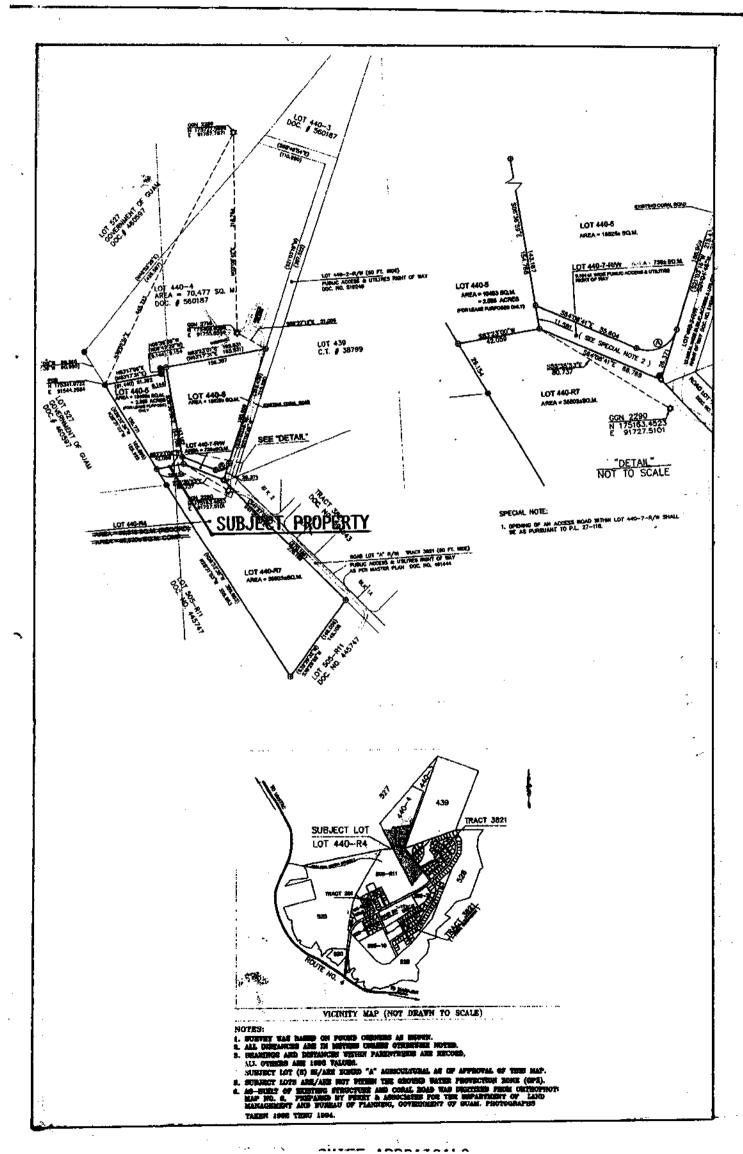
ZIP CODE: 96915

LENDER:

TRANS WORLD RADIO-KTWR



BORROWER:			
ADDRESS:	LOT, 440	-5	
VILLAGE MERIZO	MUNICIPALITY MERIZO	STATE: GUAM	ZIP CODE: 96915
CLIENT:	TRANS WORLD RA	AD IO-KTWR	



BORROWER:

ADDRESS:

The State of LOT 440-5

VILLAGE: MERIZO

MUNICIPALITY: MERIZO

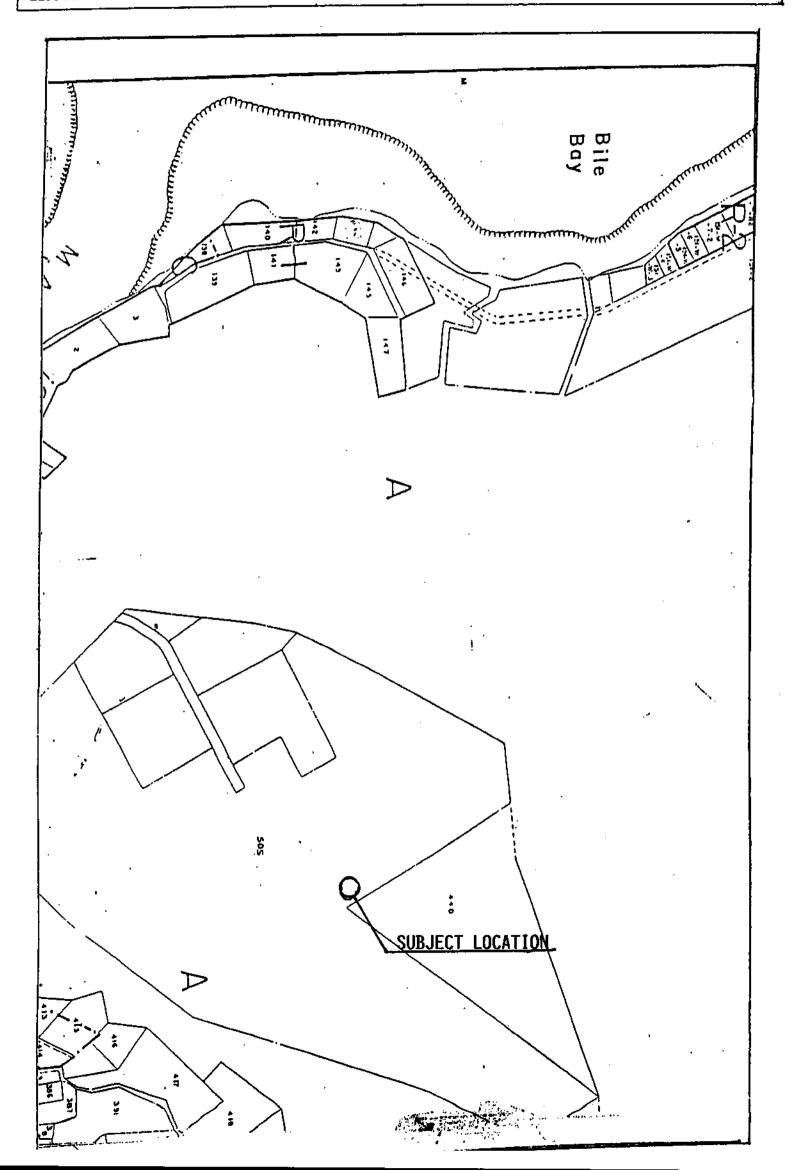
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ZIP CODE:

96915

LENDER:

TRANS WORLD RADIO KTWR



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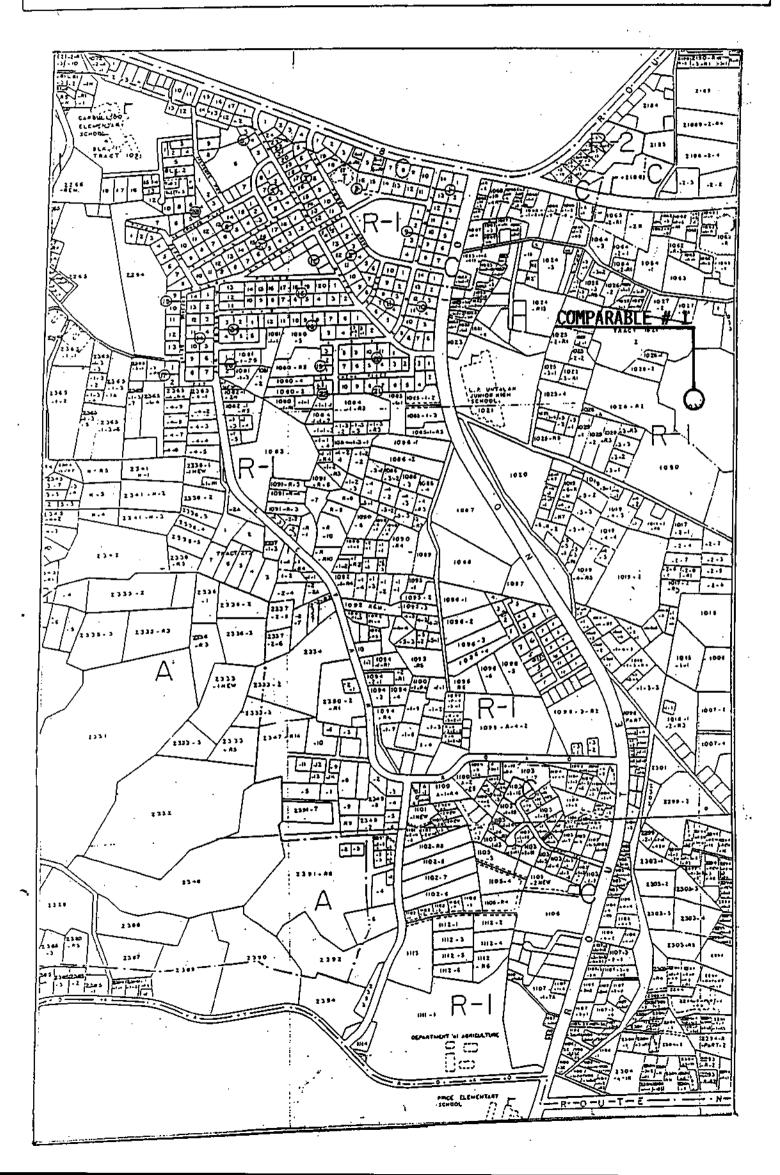
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LOT 440-5

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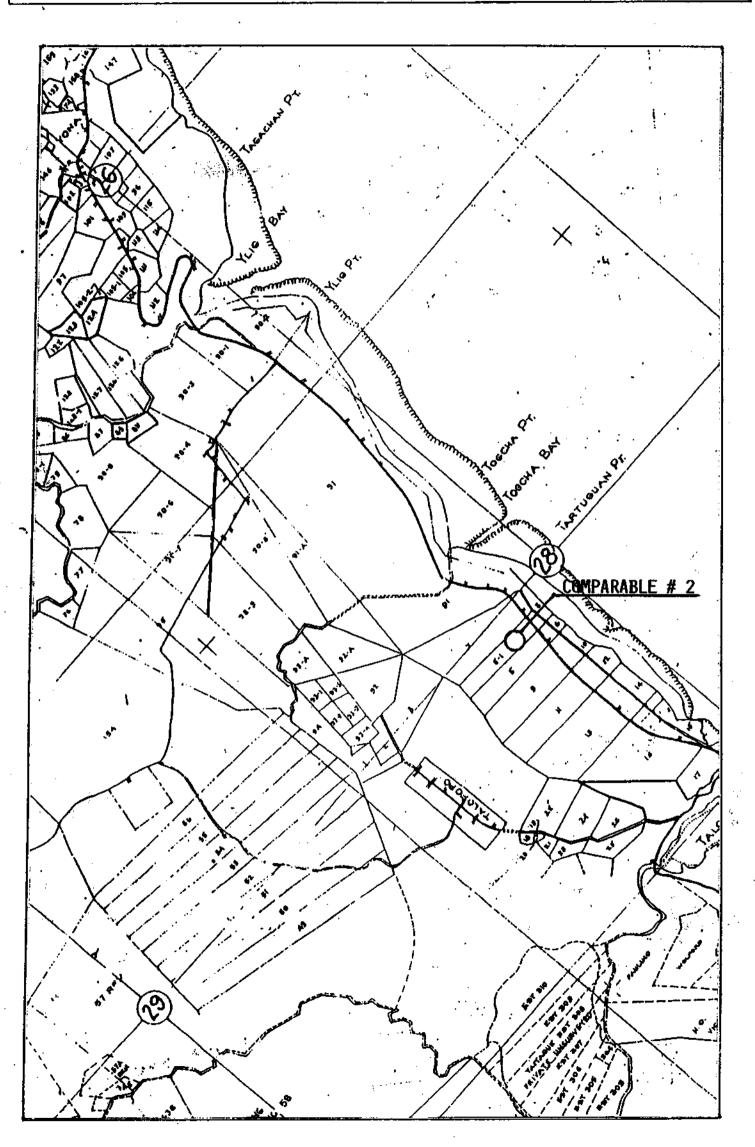
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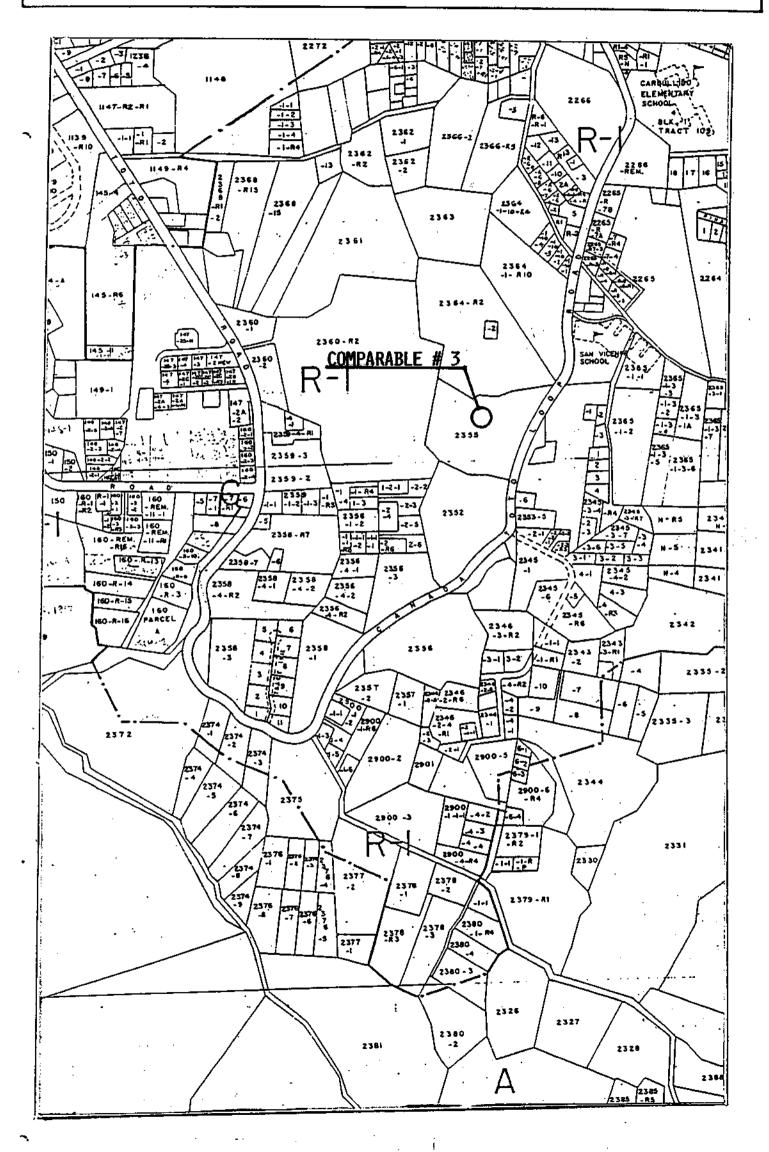
VILLAGE: MERIZO

MUNICIPALITY: MERIZO

TRANS WORLD RADIO-KTWR



BORROWER:			
ADDRESS:	LOT 440-	-5	
VILLAGE MERIZO	MUNICIPALITMERIZO	STATEÇUAM	ZIP CODE:96915
	TRANS WORLD ,RAI	DIO-KTWR	



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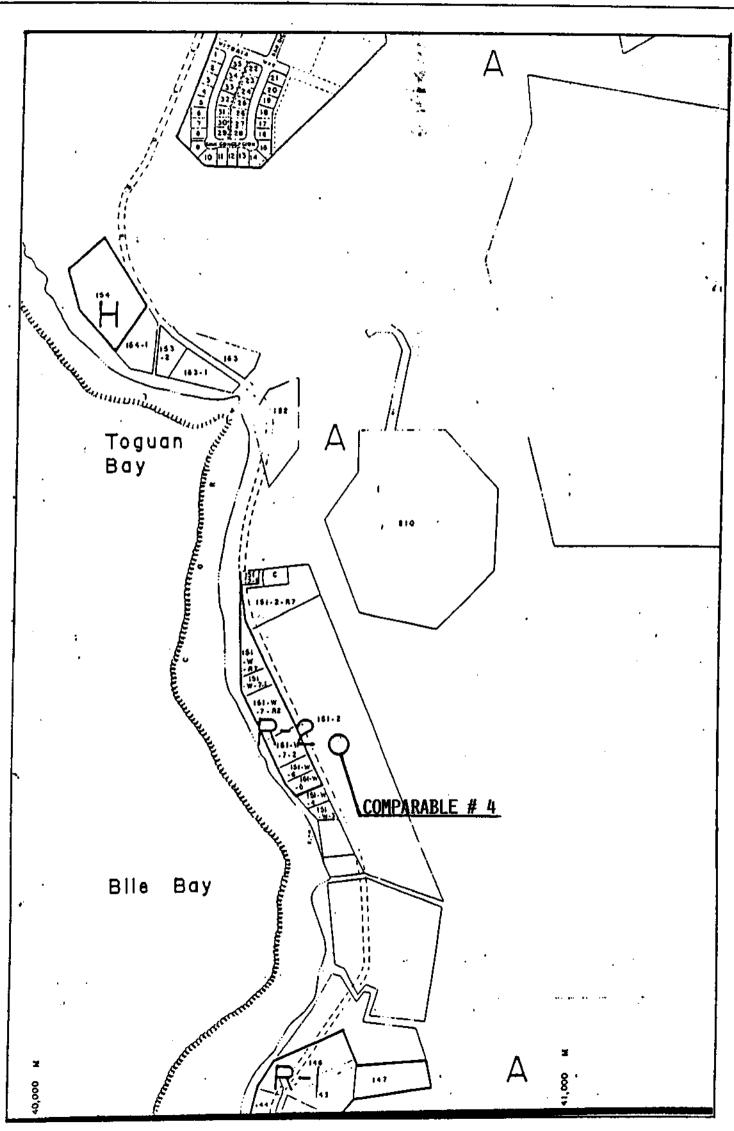
ADDRESS:

LOT 440-5

VILLAGE: MERIZO MUNICIPALITY: MERIZO STATE: GUAM ZIP CODE: 96915

LENDER:

TRANS WORLD RADIO-KTWR



BORROWER: LOT 440-5
MERIZO GUAN
ADDRESS: TRANS WORLD RADIO KTWR STATE: ZIP CODE:
7 4 6 7 7 1
PAREL 660001 0102C  MAP REVISED: JUME 8, 1998  ZONE A2  ZONE A4  ZONE A6  REVISED: JUME 8, 1998  ZONE A4

Island of Guam, Department of L.	Government and Manager	of Guarn nent Offic	e of the Re	order
File for Record is	Instrument N	No7	4677	1
On the Year 56	_Month / 2	Day	7 Time 8	27
Recording 100	1184 R	Receipt No		(
Deputy Roccater	_	trel (	ent	
			<u> </u>	

#### LEASE AGREEMENT

This agreement authorized by Public Law 13-134 is herein entered by and between Covernment of Guam, hereinafter referred to as the "LESSOR", and Trans World Radio Pacific, a Guam corporation, hereinafter referred to as the "LESSEE".

#### WITNESSETH:

The parties hereto for the consideration hereinafter mentioned covenant and agree as follows:

1. The LESSOR hereby leases to the LESSEE and the LESSOR hereby leases from the LESSOR the following described premises to wit:

A portion of Government land containing an area of not more than twenty (20) acres within Lot No. 440, Municipality of Merizo. A map delineating the description of the premises shall be prepared by the LESSEE at his expense, subject to the approval of the LESSOR.

- 2. TERM To have and to hold the above-described premises together with all rights appurtenant thereto belonging to the LESSEE for a term beginning

  July 1, 1976 and ending June 30, 2026 at midnight upon the terms, covenants and conditions hereinafter set forth.
- RENT The LESSEE shall pay to the LESSOR as rental to the premises six percent (6%) per annum of the fair market value of the premises at date of execution; the LESSOR herein agrees and accepts as fair market value of the premises established by the appraisal report prepared by Ralph M. Shiyama, an appraiser for Realty Research Corporation, a copy of which is attached marked Exhibit "A". The value established thereby shall be applied in the computation of rental herein above agreed. It is further agreed that the per annum rental shall be compounded every ten (10) years at the rate of ten percent (10%). The LESSEE through its facilities and activities shall from time to time or at LESSEE's initiative, cooperate with the LESSOR to propagate to its audience Guam's identity including but not limited to geography, population, culture, climate, economy, society and politic. The LESSEE further agrees to make available its broadcast facilities and capabilities to the LESSOR in cases of national emergency, and before, during and after natural disasters subject to the determination of the local Civil Defense Office.

- All rentals shall be paid monthly in advance on or before the first day of each lease month.
- 4. OPTION TO RENEW LESSEE shall have the right and option to renew this lease for another thirty (30) years upon the same terms and conditions contained herein except the payment of rent which shall be negotiated upon notice to exercise this option. The LESSEE shall give ninety (90) days prior notice to the LESSOR by registered mail of LESSEE's decision to exercise option.
- 5. The LESSOR shall deliver to the LESSEE physical possession of the demised premises upon the execution of the lease. The LESSEE shall deliver to the LESSOR physical possession of the demised premises upon termination of this lease or any renewal thereto.
- 6. LESSEE covenants to save harmless and indemnify LESSOR from and against all causes of action legal or equitable arising by reason of the actions or neglect of the LESSEE or of the failure by the public or any persons whomsoever which may be asserted against the LESSOR for and upon said cause of action.
- 7. QUIET ENJOYMENT The LESSOR covenants and warrants that the LESSEE upon paying the rental and performing the covenants of this lease may quietly have, hold and enjoy the demised premises during the term of this lease or any renewal thereto. The LESSOR further represent and warrant that LESSOR is the owner of the leased premises and has the right to make this lease to wit:
  - a) Lot No. 440, Merizo, is registered under the Government of Guam, as per Guarantee Claim No. 4021.
  - b) The leased premises are now free from all encumbrances.
- 8. LESSEE shall pay all utility charges including water, sewer, electricity, and telephone assessed against the demised premises during the term hereof and any renewal thereto.
- 9. ASSIGNMENTS, MORTGAGING AND SUBLETTING RIGHTS The LESSEE may not assign this lease in whole or in part or mortgage or sublet all or any part of the demised premises but shall remain liable to the LESSOR for the payment of rent and of the terms, conditions, and covenants of this lease.

- 10. CONDITION If at any time during the term hereof the whole or any substantial part of the premises shall be taken for any public or quasi public use under any statute and by any right of eminent domain then and in such event when possession of the premises shall have been taken there under by the condemning authority. The term hereby granted and all rights of the LESSEE hereinunder shall immediately cease and terminate and the rent shall be ratably as of the date of such termination and any rental theretofore paid by the LESSEE to the LESSOR shall be promptly refunded by the LESSOR. In such event the LESSEE shall be entitled to interpose and prosecute in any condemnation proceedings claim for the value of the improvements situated thereto. The LESSOR shall in any event, however, be interpose and prosecute in any condemnation proceedings claim for the value of the improvements situated thereto, and shall in any event be entitled to receive the award for the full value of its remainder in the premises. If only a part premises shall be so taken or condemned the award shall be described in the same manner and this Lease Agreement shall not cease or terminate but shall continue in full force and effect to that portion of the premises not taken or condemned except that the rental shall be as of the date of such taking reduce ratably in proportion to the extent the premises is so condemned and taken. Provided, however, in the event such condemnation or taking shall decrease the premises or the improvements thereto to an extent materially affecting the LESSEE's use of the premises and the improvements thereto and activities of the LESSEE conducted in connection therewith then the LESSEE may elect to cancel and terminate this Lease Agreement as of the date title possess to that part of the premises so condemned which election shall be made within sixty (60) days from the date of such taking or possession by written notice to the LESSOR.
- 11. LESSEE shall pay an additional rent as that becomes due and payable and before they become due and payable all taxes, assessments and other public charges levied upon or assessed against the leased premises or arising by reason of the occupancy, use or the leased premises or the business carried on of the activities carried for which are or may become a lien during the term of the lease of which are hereinafter collectively referred to as taxes. LESSOR shall promptly forward to LESSEE all bills received by LESSOR for taxes which LESSEE is required by the provisions of this lease to pay and shall be assessed or levied against the premises.

- 12. USE CLAIMS WITH LAWS AND RESTRICTIONS LESSEE shall have the peaceful and quiet use of the leased premises only as authorized by Public Law 13-134 without hindrance on the part of the LESSOR and LESSOR shall warrant and defend LESSEE in such peaceful and quiet use against the lawful claims of all persons claiming by, through or under the LESSOR. LESSEE shall not breach or suffer to breach of any of the conditions, covenants and restrictions of record affecting the leased premises and shall hold the LESSOR harmless from any and all consequences of any such breach. LESSEE shall comply to all present and future laws and regulations of duly constituted public authorities in any manner affecting the leased premises. LESSEE shall have the right to contest the validity of any laws or regulations adversely affecting the use of the leased premises and shall hold the LESSOR harmless from the violation of any such law or regulation.
- 13. IMPROVEMENTS LESSEE shall throughout the term of this lease at its own cost without any expense to the LESSOR keep and maintain the premises including all belongings and improvements of every kind which may be a part thereto including the towers and broadcasting or transmitting facilities and such other belongings and facilities including dwellings as may be essential to the facility and effective use of the property and all appurtenances thereto in good sanitary and neat order, condition and repair. Upon termination or expiration and renewal thereto of this lease, all improvements constructed or situated on the demised premises shall remain thereon and shall revert to the LESSOR except those facilities and equipment directly used for transmitting and braodcasting and which can be removed without impairing the improvement remaining therein.
- 14. LESSEE shall prepare at his expense a fifty (50) foot public right-of-way severance map depicting access to the demised premises and submit said map with due haste to the LESSOR for its approval and adoption pursuant to the terms and conditions of this agreement. LESSEE shall thereafter develop and construct a twenty-two (22) foot wide coral base road at his expense and shall continue to maintain said road until such time as the LESSOR releases in writing the LESSEE from this obligation.

- 15. The LESSEE may terminate this agreement at any time by giving written notice by registered mail to LESSOR ninety (90) days prior to the effective date of termination.
- 16. DEFAULT AND REMEDIES The following events shall be termed to be events of default by LESSEE under this lease:
  - a) LESSEE shall fail to pay any installment of rent hereby reserved or shall fail to pay any taxes or other charges required to be paid by LESSEE under the terms of this lease and such failure shall continue for a period of thirty (30) days from and after written notice expressing such failure is delivered to LESSEE.
  - b) LESSEE shall fail to comply with any term, provision or covenant of this lease other than the payment of rental, taxes or other charges and shall not commence to remove or correct such failures within thirty (30) days from and after the date written notice such failure is delivered to the LESSEE or having commenced to renew or to correct such failures within sixty (60) days, LESSEE thereafter fail to proceed with reasonable diligence to completely remove or correct such failures.
- 17. RIGHTS OF SUCCESSORS The covenants, conditions and agreements contained herein shall bind and enure to the benefits of the LESSOR and the LESSEE and their respective heirs, distributees, executors, administrators, and successors.

APPROVED AS TO FORM:

Charles H. Troutman Attorney General

Date: JUN 1 5 1976

pe

RICARDO J. BOXDALLO Governor of Guam

Da+a.

"LESSOR" GOVERNMENT

"LESSEE"
TRANS WORLD RADIO

LAWRENCE GROW, Guam Director

Date:

# REALTY RESEARCH CORPORATION

valuation and conveyance of real estate

Don Voronaeff • MAI President 676 Elepaio Street Honolulu, Hawaii 96816 808-7531333 Raiph M. Shiyama Vice President P. O. Box 1485 Agana, Guam 96910 472-8566/472-6998

March 1, 1976

David Arthurs TRANS WORLD RADIO P. O. Box 3518 Agana, Guam 96910

Re: Lot 440 Merizo

Dear Mr. Arthurs:

The appraisal fee for the above captioned is \$100.00

Sincerely,

Ralph M. Shiyama

RMS:pbp

Exhibit "A"

269828

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76 no. 126,000 m.

AGANA, GUAM 90910 COSHOWER \_ David Arthurs SELLER PAOPERTY ADDITESS 🚊 🖫 ADDRESS: CITY Merizo \_ COUNTY\_ \_CITY. Z12 CODE 96916 STATE Guam Ralph M. Shiyama APPRAISER LEGAL DESCRIPTION: (Use attachment if necessary) \_ Lot 440 TYPE OF ESTATE TO SE APPRAISED (Fee Simple - Leasehold, ctc.) Fee smiple NEIGHBORHOOD Average Immadiate Area Neighbarhood Contermity \_Residential, school use, of Properties in Immediate Nelsaborhood Promitty Value Range S 20,000 1 to s 40,000 Age Ranga From None . "kenup Nuigabarhaba \_ Zoning Transition (If any) 5 % 98 Tenants \_2\_ % Special Amenities or Objectionable Influences None - % Vacant \_ Occupancy: Owners SITE ■ <u>55,989.1</u>7 s.m. Grade (Topography) Level and hilly Average Zoning\_ \_ Police and Fire Protection \_\_\_ in City Limits \_ Street improvements (Specify Typo) Roadway \_\_\_ Coral Curb . None None Storm Sevier None Street Lights None Affey. None Utilizate Steatricity None \_ (Underground-Overhead), Gas\_ Private system <u>Pu</u>blic \_ Sewerage System \_ Type of Water Supply \_\_ Distince to: (Bins. or Miles) Major-Business District 26 miles Nuighborhood Shopping 1 mile Churches 1 mile Elementary Schools Adjacent High Schools 30 mileschool Buses Public Transportation None Access by Public Streets Yes Alley NO Private Essement unknown Other Any Apparent Essements, Encroschments? Unknown medicas, Naisances, Ocors or Other Adverse Influences - Describe and Comments \_\_\_\_None Comments: IMPROVEMENTS N/A No. of Dyrelling Units Cesign. Foundation Walls Rooms Foundation Walls Raths Flashing, G&D/S

Approximate Ago of Structure Years Est, Remaining Economic Life Years Est, Monthly Renta \_Years Est, Monthly Rental Value (Unfur.) S\_ LAYOUT: List this of space at Aff Levels (Entries, Halls, SKETCH EXTERIOR DIMENSIONS Rooms, Porches, Utility, Etc.) -it's layout or room sizes are below average furnish. floor plan sketch with room dimensions); Saurmen Sizor . \* Beweitent Finished Roomse is: Floor \_ Can Floor .. west on of Site - Adjoining Streets FLOORS WALLS PATHS: NUMBER FL0025 WAINSCOTING : .Nfin. F ISCMENT\_ SAFCMENT COT LEVEL ) \*LEVEL 1 DIEVEL. IT. S LEVEL DHW HTTE (1 YPS, \$12 E) ... .....C. WATER PIPES . TYPE WINDOWS \_\_\_ FIREPLACES (NO.) LIST CHUTHPPEDE DOORS -ALM 1 JADITIONING: Type \_\_\_ Gath Pextures, Goddy . ...... Effective \_\_ Efficative . KITCHEN EQUIPMENT: COMINY L \_ Quantity\_ VENT FANS (ALL) DISPOSAL.

# COMPARABLE SALES (SITE)

Lot Number	Instr.	Date	Price or Lease Value	SM Land Area	Indicated SM Price	Şite <u>Adj.</u>	Subject Indicated SM Price
310-2	Agreement:	6/75	\$51,335	4,667	\$11.00	.40	\$4.40
310-1,	D	4/75	62,000	9,334	6.64	.40	\$2.65
294	D	3/74	228,027	91,210.68	2.50	.90	\$2.25
488-5	<b>D</b> .		13,000	3,895	3.34	.60	
259-1	D	11/73	125,000	26,611	4.70		\$2.00
261-1	_		·	,	4.70	•60	\$2.82
201-1	D .	1/75	12,000	4,213.66	2.85	.60	1.71

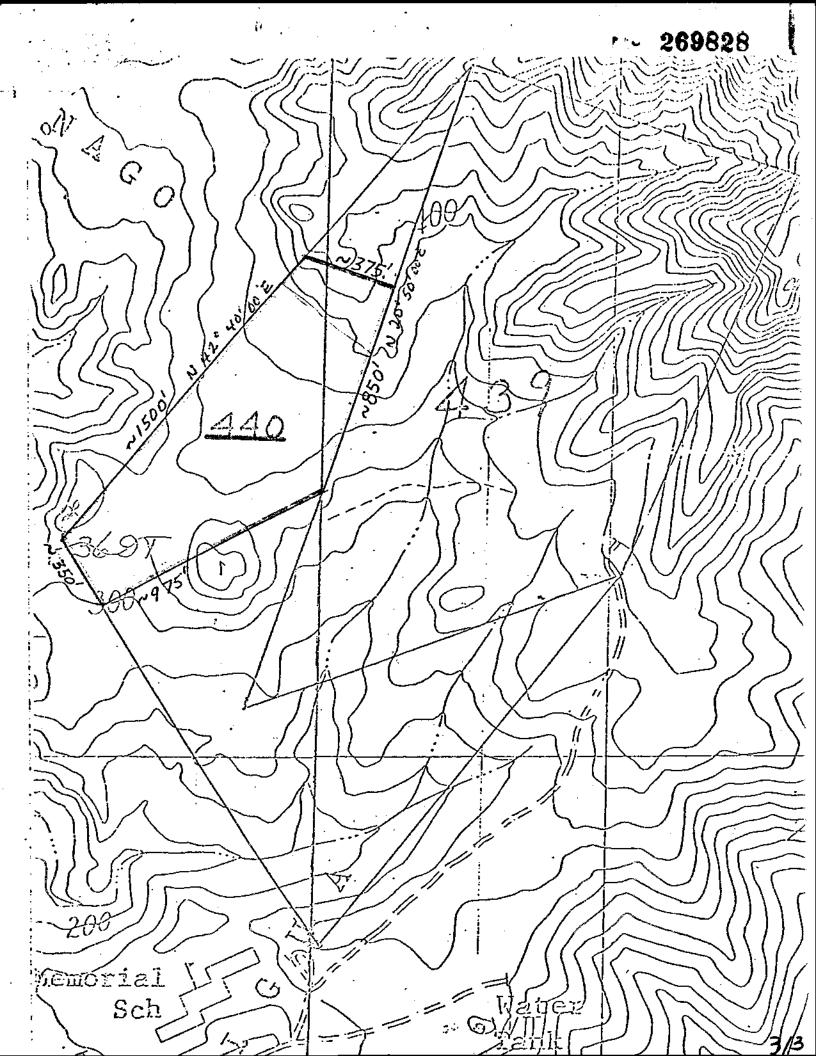
Comparables no. 1 & 2 are located in Agat. Comparable No. 3, in Talofofo. Comparables 4.5 & 6 are in the vicinity of subject property. Based on the foregoing information, it is my judement that subject property has a fair market value of \$2.25/s.m. on February 23, 1976.

Therefore: 55,989 s.m. @ \$2.25 = \$125,975

Rounded \$126,000

Ralph M. Shiyama

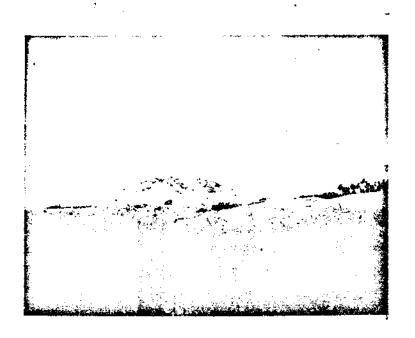
Appraiser



David Arthurs Lot 440 Merizo

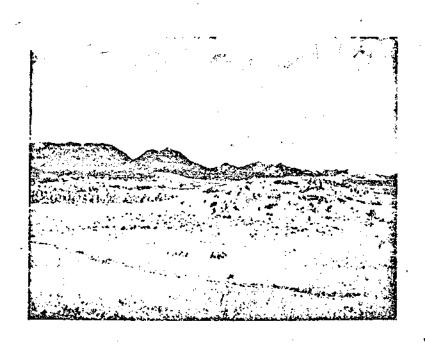
# SUBJECT PROPERTIES

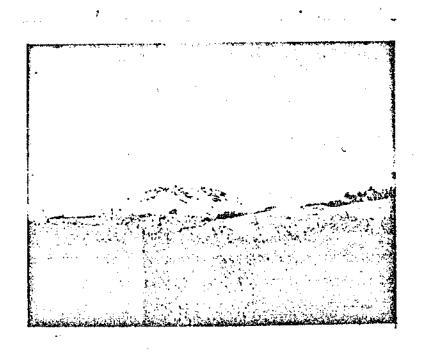


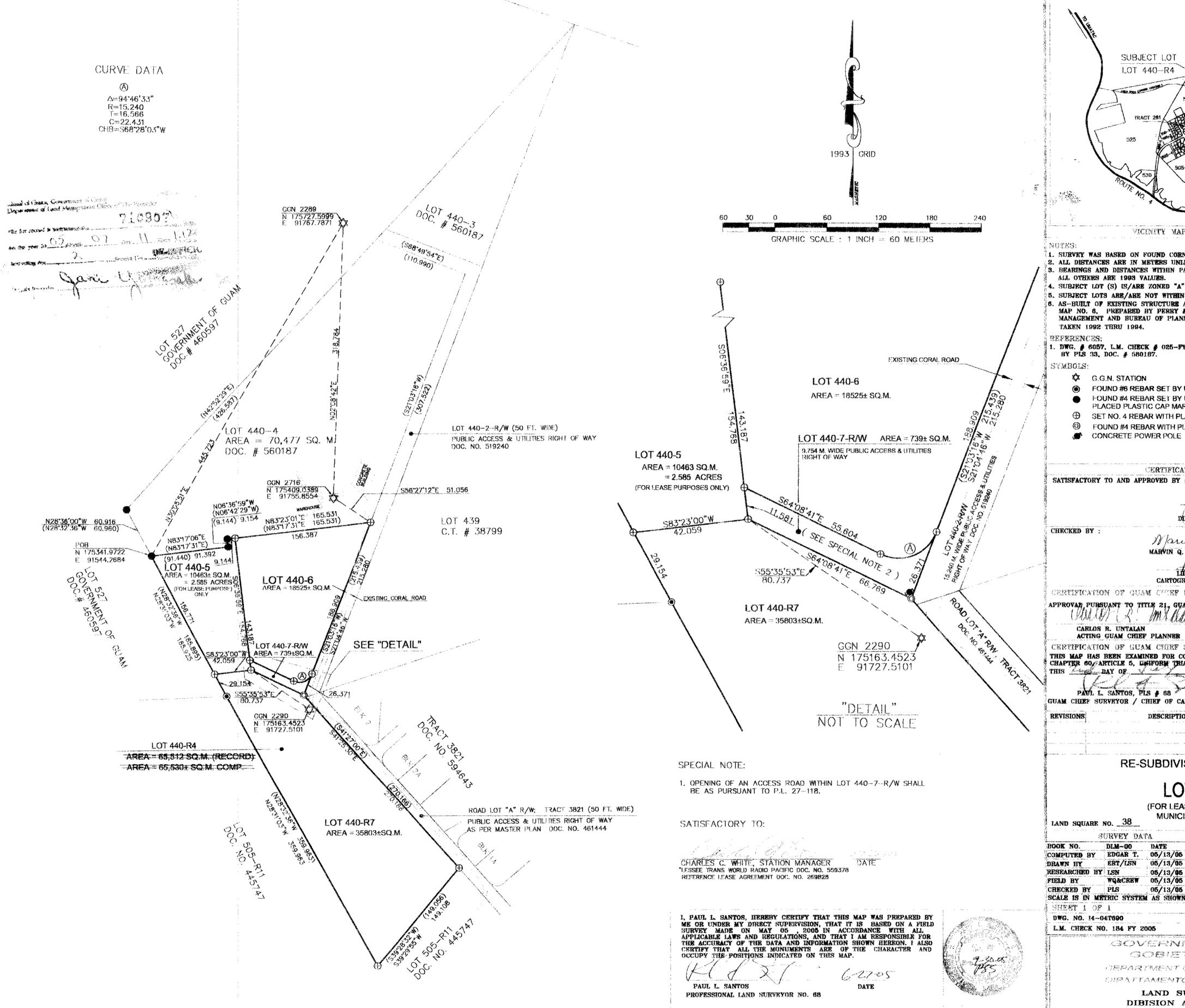


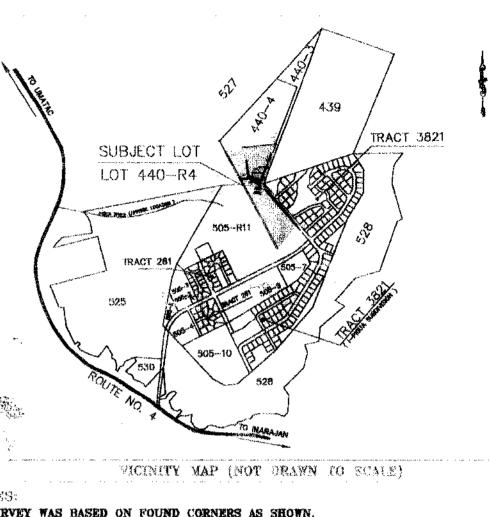
David Arthurs Lot 440 Merizo

# SUBJECT PROPERTIES









I. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN. 2. ALL DISTANCES ARE IN METERS UNLESS OTHERWISE NOTED. 3. Bearings and distances within parenthesis are record,

MAP NO. 6, PREPARED BY PERRY & ASSOCIATES FOR THE DEPARTMENT OF LAND MANAGEMENT AND BUREAU OF PLANNING, GOVERNMENT OF GUAM. PHOTOGRAPHS

1. DWG. # 6057, L.M. CHECK # 025-FY 97, PARCELLING MAP OF LOT 440-R3, PREPARED BY PLS 33, DOC. # 580187.

FOUND #6 REBAR SET BY UNKNOWN, DOC. NO. 580187.

FOUND #4 REBAR SET BY UNKNOWN, POSITION ACCEPTED, PLACED PLASTIC CAP MARKED DLM.

SET NO. 4 REBAR WITH PLASTIC CAP MARKED DLM.

FOUND #4 REBAR WITH PLASTIC CAP ILLEGIBLE.

CONCRETE POWER POLE

CERTIFICATIONS AND APPROVALS

SATISFACTORY TO AND APPROVED BY

JOSEPH M. HORJA

DIRECTOR, DEPARTMENT OF LAND MANAGEMENT

Marin Q. Aguillar, Planner, DLM

1.01.05

CERTIFICATION OF GUAM CHIEF PLANNER

APPROVAM PUBSUANT TO TITLE 21, GUAM CODE ANNOTATED, CHAPTER 62, SUBDIVISION LAW.

ゼラング カギ CARLOS R. UNTALAN DATE ACTING GUAM CHIEF PLANNER

CERTIFICATION OF GUAM CHIEF SURVEYOR/CHIEF OF CADASTRE

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH TITLE 21. GUAM CODE ANNOTATED. CHAPTER 60 ARTICLE 5. LANGUAGE TRIANGULATION SYSTEM AND REGULATIONS THEREUNDER

PAVIL L. SANTOS, PLS # 88

GUAM CHIEF SURVEYOR / CHIEF OF CADASTRE (ACTING)

BY APPROVED BY DATE

**RE-SUBDIVISION SURVEY MAP** 

# LOT 440-R4

(FOR LEASE PURPOSES ONLY) MUNICIPALITY OF MERIZO

LAND SQUARE NO. 38

SECTION NO. 2 SASIC LOT DATA

SURVEY DATA DLM-00 DATE RESEARCHED BY LSN PLS 05/13/05

LOT NO. 05/13/05 CERTIFICATE OF TITLE NO. G.C. 4021 05/13/05 REGISTERED ON AUGUST 30, 1931 05/13/05 ESTATE NO. 05/13/05 IN THE NAME OF

GOVERNMENT OF GUAM

L.M. CHECK NO. 184 FY 2005

GOBIETHON GUAHAN CHERARTMENT OF LAND MANAGEMENT

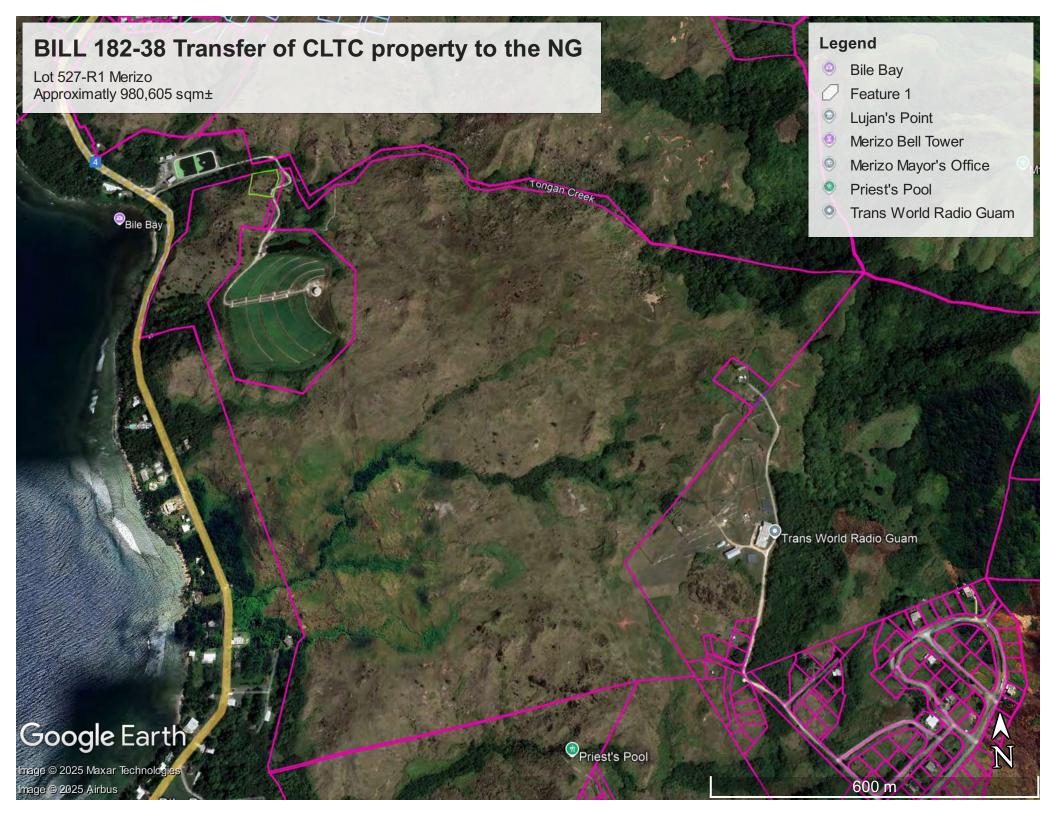
GOVERNMENT OF GUANI

LAND SURVEY DIVISION DIBISION AGRAMENSIA TANO'

DIPATTAMENTON MANMANEHAN DANC!



Bill No. 182-38(COR)



I Mina'trentai Ocho Na Liheslaturan Guåhan THE THIRTY-EIGHTH GUAM LEGISLATURE Bill HISTORY 9/2/2025 10:48 AM

#### I Mina'trentai Ocho Na Liheslaturan Guåhan BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
182-38 (COR)		AN ACT TO AUTHORIZE THE TRANSFER OF THE TITLE OF OWNERSHIP AND ADMINISTRATIVE JURISDICTION OF LOT 527-RI IN MALESSO' FROM THE CHAMORRO LAND TRUST COMMISSION TO THE GUAM NATIONAL GUARD FOR THE DEVELOPMENT OF TRAINING AREAS AND FACILITIES.							

CLERKS OFFICE- Areferred Version Page 1

## I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN 2025 (FIRST) Regular Session

Bill No. 182-38 (COR)

Introduced by:

16

Eulogio Shawn Gumataotao

AN ACT TO AUTHORIZE THE TRANSFER OF THE **ADMINISTRATIVE** AND OWNERSHIP JURISDICTION OF LOT 527-R1 IN MALESSO' FROM THE CHAMORRO LAND TRUST COMMISSION TO THE GUAM NATIONAL GUARD FOR THE DEVELOPMENT OF TRAINING AREAS AND FACILITIES.

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

1 Section 1. Legislative Findings and Intent. I Liheslaturan Guåhan finds 2 that the Guam National Guard (GUNG) has requested approval from the Chamorro 3 Land Trust Commission (CLTC) to transfer or lease Lot 527-R1 in Malesso' for the 4 development of training areas and facilities. In a letter to CLTC dated November 6, 5 2024 (GUNG letter is attached hereto as Exhibit "A"), the Adjutant General stated 6 that GUNG requires a local training area to enhance and maintain its proficiency for 7 land defense of Guam, the Commonwealth of the Northern Marianas Islands, and 8 other areas of responsibility, and to ensure its overall combat readiness in support of 9 10 our nation's defense. I Liheslatura further finds that 10 GCA § 63602 provides that subject to 11 regulations promulgated by the Adjutant General, GUNG facilities may be used for 12 reasonable and legitimate civilian activities so long as such activities do not interfere 13 with their military purposes. 14 Based on information CLTC received regarding the request by GUNG to 15

transfer or lease of Lot 527-R1 in Malesso', the Guam National Guard proposes to

develop the area to support both military training and to make the area available for use by the community including our local public safety and law enforcement agencies. Priority of use will be given to the Guam National Guard during their monthly weekend drills and annual training exercises. Moreover, GUNG has committed to shouldering all costs associated with developing Lot 527-R1 in Malesso' for its training requirements, including cadastral surveys to define property boundaries. The Guam National Guard will also be responsible for securing all environmental assessments and approval required for its training activities at no cost to the Government of Guam.

Consistent with the intent of 10 GCA § 63600, which requires the Government of Guam to maintain adequate armories, shops, ranges and sites suitable for training, assembly, maintenance, storage and other purposes as may be required for each unit of the Guam National Guard, *I Liheslaturan Guåhan* through this Act intends to provide GUNG with much-needed public property for the development of training areas and facilities in support of their critical national security mission. Accordingly, this Act authorizes the transfer of the title of ownership and administrative jurisdiction of Lot 527-R1 in *Malesso*' from the Chamorro Land Trust Commission to the Guam National Guard.

Section 2. Transfer of Lot 527-R1 in *Malesso*' from the Chamorro Land Trust Commission to the Guam National Guard Authorized. Notwithstanding any other provision of law, Lot 527-R1 in *Malesso*', consisting of approximately 980,605 square meters, is hereby transferred from the Chamorro Land Trust Commission to the Guam National Guard for its use as it so determines including, but not limited to, military training areas and facilities which shall be made available for use by Government of Guam public safety and law enforcement agencies and the public, consistent with the requirements of 10 GCA § 63602 and applicable Guam National Guard policies. Nothing in this Act prevents the Guam National Guard and

- 1 the Malesso' Municipal Planning Council from entering into a Memorandum of
- 2 Agreement guiding the public's use of GUNG training areas and facilities on the
- 3 subject property, including revenue that may be available by GUNG to support
- 4 community projects prioritized by the host village of Malesso' including, but not
- 5 limited to, the expansion of or improvements to community centers, public parks,
- 6 sports fields, and public gathering areas.
- 7 Section 3. Exemption. § 2107 of Chapter 2, Title 2, Guam Code Annotated,
- 8 and the Standing Rules of I Mina'trentai Ocho na Liheslaturan Guåhan relative to
- 9 the appraisals of land, shall not apply to this Act.
- 10 Section 4. Effective Date. The provisions of this Act shall be effective upon
- 11 enactment.

### **EXHIBIT "A"**



#### DEPARTMENTS OF THE ARMY AND THE AIR FORCE GUAM NATIONAL GUARD 430 ARMY DRIVE BARRIGADA, GUAM 96913-4421

November 6, 2024

Mr. Joey Cruz Chamorro Land Trust Commission 733 ITC Building, 590 S. Marine Corp Drive Tamuning, GU 96913-0000

Dear Mr. Cruz:

The Guam National Guard is requesting the Chamorro Land Trust Commission's consideration in support of transfer/lease of Lot 527-R1 at Malesso, Guam as depicted in the attached map. The subject site will be used as a local training area for the Guam National Guard in accordance with Chapter 75 (CLT Act), Title 21 (Real Property) of the Guam Code Annotated.

The Guam National Guard (GUNG) requires a local training area to enhance and maintain its proficiency for land defense of Guam, Commonwealth of the Northern Mariana Islands, and other areas of responsibility; and ensure its overall combat readiness in support of our nation's defense. Specifically, the GUNG needs an area to accomplish the following training requirements and activities:

- Dismounted personnel maneuvers areas for up to company size light infantry units.
- Cantonment areas to support units such as restrooms, bleachers, parking, and allweather access road.
- Bivouac areas for up to battalion size units with motorized and trailer mounted equipment
- Storage of non-sensitive training aids in a fenced area.
- · Pre-positioned concrete overhead and pads for bivouac sites
- Facilities for training simulation devices
- · No live fire ranges will be built in the property

The Guam National Guard proposes to develop the area to support both military training and to make the area available for use by the community and the Territory of Guam. Priority of use will be given to the Guam National Guard during their monthly weekend drills and Annual Training exercises. The concept on this proposal will be based on the following:

- The GUNG will shoulder all costs of developing the area for its training requirements, including cadastral surveys to define the property boundaries.
- The local training area will be made available to the public or other law enforcement and response agencies with proper coordination with GUNG.

- · Priority of use of the property is given to the GUNG.
- GUNG will be responsible to secure all environmental assessments and approval required for its training activities at no cost to the Government of Guam.

We request for your support in facilitating this matter. Point of contact is MAJ Peter J. Guerrero, Deputy G3 (Operations and Training) at (671) 344-1062 or email <a href="mailto:peterjesse.b.guerrero.mil@army.mil">peterjesse.b.guerrero.mil@army.mil</a> or Ms. Alma S. McDonald at (671) 344-1122 or email alma.s.mcdonald.civ@army.mil.

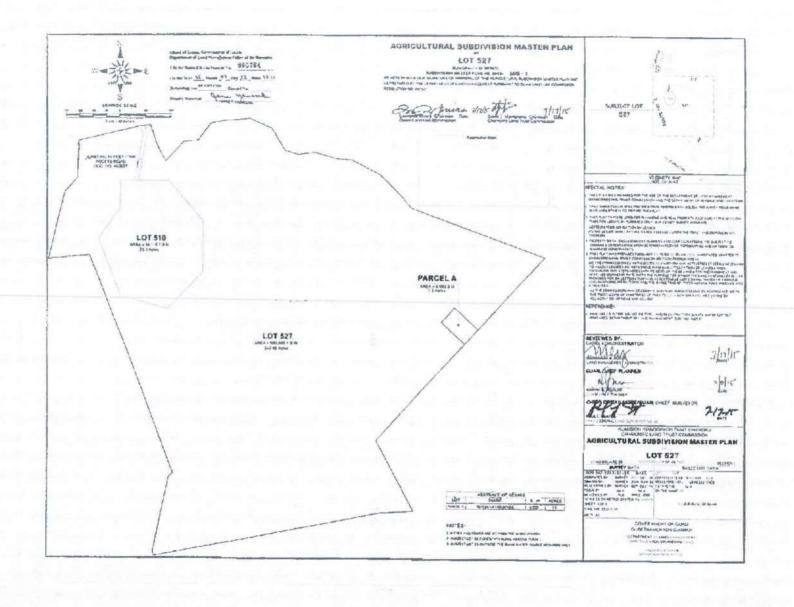
Sincerely,

MICHAEL W. CRUZ

Brigadier General (GU), Guam National Guard

The Adjutant General

Enclosure Map of Lot 527-R1, Malesso, Guam









# Eulogio Shawn Gumataotao

### 38th Guarn Legislature / Mina trentai Ocho Na Lihesiaturan Gudhan

September 15, 2025

The Honorable V. Anthony Ada
Vice-Speaker and Chairman
Committee on Land, Environment, Housing,
Agriculture, Parks, and Infrastructure
38th Guam Legislature
Sent via: vicespeakertonyada@guamlegislature.gov

Subject:

Bill No. 182-38 (COR) - CLTC Malesso' Property for Guam National Guard

**Training Facilities** 

Dear Vice-Speaker Ada, Tow

Hāfa adai! Please be informed that Brigadier General Michael W. Cruz, the Adjutant General of the Guam National Guard (GUNG), through a letter my office received via email this afternoon, requested to defer legislative action on Bill No. 182-38 (COR) referenced above. The Adjutant General wrote that based on a thorough review of the bill and in consultation with his Command Staff, additional discussions and consultations are necessary before moving forward with the proposal.

Accordingly, I respectfully request that the Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure postpone scheduling any public hearing on the bill until my office receives an update from GUNG regarding their additional review.

Bill No. 182-38 (COR) was introduced at their request. This letter does not alter my commitment to support public policy meeting GUNG's training requirements once the organization updates and/or revises their internal planning process for the project in *Malesso*' and other related activities.

Please contact my office at 671-647-1409/1411 if you have any questions or wish to discuss this matter further.

Si Yu'os ma'ase'!

SHAWN GUMATAOTAO

Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard

Attachment: GUNG letter received by Senator Gunataotao's Office via email on 9.15.25

ce: Members, Committee on Public Safety, Emergency Management, and Guarn National Guard
The Honorabic Franklin Champaco, Mayor, Municipality of Malesso'
Members, Champers Land Trust Commission

120 Father Duenas Avenue, Capitol Plaza Building, Suite 103, Hagātňa, Guam 96910 Phone: (671) 647-1409, (671) 647-1411 - email: office.senatorshawn@guamlegislature.gov

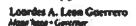
### **GOVERNMENT OF GUAM**

DEPARTMENT OF MILITARY AFFAIRS (DEPARTMENTON ASUNTON MELITAT)





Michael W. Cruz Impolier General The Admini General



Joshua F. Tenorio Sgamin Maya Inti - Meximum Gavernor

September 11, 2025

The Honorable Senator Eulogio Shawn Gumataotao I Mina'trentai Ocho na Liheslaturan Guahan 163 Chalan Santo Papa Juan Pablo Dos Hagatha, Guam 96910

SUBJECT:

Request for Deferment of Bill No. 182-38 (COR) and Initiate Discussion on Guam

National Guard Real Estate Requirements

Håfa Adai, Honorable Senator,

This is to respectfully request a deferment of legislative action on Bill No. 182-38 (COR). This bill pertains to the authorization of the transfer of title and administrative jurisdiction of Lot 527-R1 in Malesso' from the Chamorro Land Trust Commission to the Guam National Guard.

Following a thorough review of the bill, additional discussions and consultations are necessary. These conversations will focus on the compliance requirements for the Guam National Guard and to ensure that we serve the best interest of the community.

Thank you for your consideration. Si Yu'os Ma'ase'

Sincerely

BG MICHAEL W. CRUZ

The Adjutant General



# **PUBLIC COMMENTS**



#### **GICC Bill 135-38**

11 messages

vshelly <vshelly@nissanguam.com>

Tue, Sep 2, 2025 at 8:41 AM

Reply-To: cltc.admin@cltc.guam.gov

To: "cltc.admin@cltc.guam.gov" <cltc.admin@cltc.guam.gov>

Cc: Barbara Burkhardt <iaerie05@gmail.com>, "frank.blasjr@gmail.com" <frank.blasjr@gmail.com>

To the Administrator receiving this email. You are kindly requested to provide a copy of this email, along with my testimony attached, to all commissioners as well as Mr. Cruz. Upon receipt kindly confirm this has been done. Thank you.

ATTN: Chairwoman Ms. Arlene Bordallo , Joseph Cruz, & all CLTC Commissioners,

Attached please find my testimony given to the Legislative committee held on July 22, 2025. I respectfully submit this testimony to the CLTC for your Sept 18, 2025, meeting which I will unfortunately be off-island and unable to attend.

Additionally, please note that I have sent several messages (all unanswered) to be advised anytime there is intent to discuss the GICC Solar Farm Bill. Much to my dismay, I was told a private meeting was held lasting some 5 hours where the language of bill 138-35 was discussed for the CLTC to support it. If true I find this completely out of order as no opposition to this bill was invited to attend this private meeting!

I am asking and providing by this email, authorization, and permission for Ms. Barbara Burkhart to verify my testimony has been received and read by all commissioners, as well as discuss my testimony for the Sept 18 meeting as needed, and speak on my behalf for any other meeting that may be held during my absence.

Thank you,

Van

Once again, kindly confirm receipt of this email.



## **Van Shelly**

**Executive Transition Consultant** 



Nissan Motor Corporation in Guam

Phone: 671-647-7222

Email: vshelly@nissanguam.com

Website: www.nissanguam.com

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# Testimony for Legislative Hearing on GICC

July 22, 2025

Submitted by: Van R. Shelly, President Guam Municipal Golf

To: Speaker Frank Blass & Senators

## Points against GICC solar farm

- 1. GICC was failing at properly managing this golf course prior to Covid. They have deliberately failed the upkeep and presented a false claim they can't make rent or be profitable as a golf course. If that's the case, then why is CCP presently so successful?
- 2. GICC sold all their golf course equipment so they can't properly maintain the course even if they wanted to. They clearly don't. The plan now is to make the refurbishment of the course not financially viable, so in the end they believe they win in the long run. Please don't allow it.
- During the last public hearing the GICC management, along with their hired consultant, failed to abide by Guam law and clearly state their financial gain should this bill pass. Please don't allow them to violate Guam law again. Make them clearly state the complete financial gain they will all each receive should this bill regrettably pass.
- 4. If it smells rotten, trust what you smell! Senator Taitague had it correct, why was the deal done secretly? Who truly benefits from this bill? It's clearly not the homeowners who live adjacent to this property. They will have to suffer not only increased heat exposure on a daily basis from these solar panels, but also a substantial loss in the value of their homes which has been statically proven. A large portion of the housing in this area is GURA housing, and I'm guessing many of them don't even have Air conditioning. Even if they do, who is going to pay the likely 500% + increase in power they will need to pay just to live comfortably? This is simply not the Chamorro way to harm other neighbors for the benefit of a few lining their pockets.
- 5. Again Senator Taitague had it correct, assuming a Solar Farm was a valid concept, why then for this property (which we don't believe it is), the CLT never bothered to put out an RFP for the best proposal. They simply moved forward to award a company already failing at managing a golf course with this project. Quite frankly, if I was a member of the CLTC board, not only would I mandate an RFP went out to ensure the best possible outcome for Guam along with knowing this was actually an honest bid the public could trust. But I'd also prevent GICC from bidding on the

- project based on their horrible performance in the current lease agreement with the CLTC which should have been cancelled years ago for multiple areas of failure to perform.
- 6. There has not been an environmental impact study completed. Senators, I urge you at a minimum not to even entertain this bill until such a study is complete. At the moment we are aware of at least 3 endangered species which call GICC their home (Marianas Moorehens, Fruit Bats, & 8 Spot Butterfies).
- In addition to the endangered species, I have also learned from the Environmental
  groups there are endangered trees and plants that are native to Guam that will also
  be killed.
- 8. While the benefits of commercial solar farms is now being questioned in many states, if in fact the legislature and the CLTC is sold on its benefits, why not tell the GICC management and others to provide the same up front rent fees for a different piece of land, not in a residential area, more importantly not over the top of Guam's primary water lens, and not over a moral & community welfare facility built for the benefit of our entire community? The CLTC has thousands of acres at their disposal. Again, why ruin our only municipal course? Place the farm in a non residential area, and not over our primary water lens.
- 9. The proponents of this bill want to tell you these solar panels are completely safe. Well, I've attached a long Power Point presentation by an expert in this field Dr. Richard G Geyer Ph.D., I hope all Senators will take the time to read it. But for this hearing I will read one page of this presentation everyone needs to fully understand....Again, I urge all of the Senators in the strongest terms not to allow a commercial solar farm over our primary water lens.
- 10. There are multiple reports of severe damage to commercial solar farms in Hurricane/Typhoon conditions. So as Senators, when a severe Typhoon arrives on Guam (and many of them will), who's conscience is it going to be on when one or more of these panels crash through a sliding glass door of a nearby home, and/or hits, hurts, maims of even kills a resident including a child who is in the wrong place at the wrong time, all because a commercial solar farm was allowed to be built within a Residential area?
- 11. Property owners in Dededo surrounding the golf course were never made aware that statistically their homes and land lose value once a commercial solar farm is built near them. Again, its simply not the Chamorro way to harm others for benefit of a few.
- 12. No appraisal was carried out for use as a private solar farm. If the existing lease with discounts to serve as a municipal golf course is left in place, then the investors end up stealing even more funds from the people of Guam with a substantial

- discount for land use. If the land use is changed from a Morale & Welfare facility to a for profit facility, then the appraisal and lease rent needs to be substantially increased far above the 2% increase the proposal wants you to believe is some sort of generosity on the part of the investors pushing this bill.
- 13. The investors continue to state they will allow a portion of the GICC building for use as offices. Well, If I'm not mistaken, at the conclusion of the initial lease for the GICC property, the CLTC already owns the building. So should the lease be cancelled on numerous breaches of contract by GICC, the building and ownership belongs to the CLTC. So once again I believe the investors are misrepresenting actual facts as they have continued to do over the course of these discussions.
- 14. Based on our previous testimony, I see Senator Augustin has attempted to add decommissioning performance bond verbiage to the new bill. I find the language grossly inefficient and vague at best. The EPA to date has no direct disposal plan performance mandates once panels usefulness has expired. Again, you have to ask yourself if the panels are truly non-toxic, why is it the EPA has yet to put written disposal performance guidelines in place? The cost to dismantle and dispose of both the batteries and panels, along with restoring the land to its original condition will result in multi-millions of dollars. A few million dollars put up as a performance bond won't even begin to cover the complete expense of restoring the land. Despite what you're being told, the investors are only in this for the 30% cash rebate they will receive from the Federal Gov't after one complete year of operation. If you don't believe me, ask them to turn over the full 30% rebate to the CLTC to be placed as the performance bond. They won't walk away, they will run away!!!
- 15. In addition to a Tourism Recovery project in the near future, there is also an additional 40+ thousand Military, Family and Federal employees schedule to arrive on Guam in support of the new Camp Blas. As GVB correctly stated, where will the local and military folks have an affordable place to play a game so many love? When tourism recovers, the golf courses built for tourism will cater to the tourist as they rightfully should. Only the locals will be left with no affordable place to play
- 16. Last but not least, GEDA, GVB, The Dededo Mayors Council and the Attorney General have all stated they DO NOT support this bill. We ask that that you please listen to them and not support this bill.

Thank you



# Bill No. 182-38 (COR) transferring Chamorro Land Trust Commission (CLTC) property in Malesso' to the Guam National Guard (GUNG)

Jessica Nangauta <jessica024@gmail.com>

Thu, Sep 4, 2025 at 2:09 PM

Reply-To: cltc.admin@cltc.guam.gov

To: "Joey Cruz Jr." <joey.cruz@cltc.guam.gov>, earl.garrido@cltc.guam.gov, fabrienne.respicio@cltc.guam.gov, jeremy.rojas@cltc.guam.gov, joseph.cameron@cltc.guam.gov, cltc.admin@cltc.guam.gov

Cc: Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

#### Håfa Adai Chamorro Land Trust Commissioners and Board members

I am writing in opposition of Bill No. 182-38 (COR) transferring Chamorro Land Trust Commission (CLTC) property in Malesso' to the Guam National Guard (GUNG)

The Chamorro Land Trust Commission (CLTC) was created with a sacred purpose: to return land to the people of Guåhan for **homes, farming, and cultural survival.** Today, that promise is threatened by efforts to use CLTC lands for military expansion, training, or resource extraction.

#### We must remember:

- Over 8,000 applicants—families, farmers, and future generations—are still waiting for their promised lots, some since 1995.
- The proposed **242 acres** by the Guam National Guard could provide roughly **60 plots**, far short of meeting the real demand of CLTC applicants.
- Instead of fulfilling its mission to house and empower CHamoru families, CLTC lands face pressure for **limestone mining**, **training grounds**, **and outside use**.

The Department of Defense already controls nearly **one-third of our island**, much of it taken by **eminent domain**. If more space is needed, the DOD must first learn to **better utilize and share the land it already holds**, not demand more from the limited areas set aside for Chamorro families.

Every acre of CLTC land is more than soil. It is **a promise and a legacy**—a foundation for homes, food security, cultural practice, and the survival of our identity. To give it away for anything other than its intended purpose is to break faith with our people and future generations.

We call on leaders and our community to stand together: **Protect Chamorro lands.** 

#### Jessica Nangauta

Daughter of Malesso



### Bill 182-38 (COR)

1 message

Kallen Perez <perezkallen@gmail.com>

Wed, Sep 17, 2025 at 10:27 PM

Reply-To: cltc.admin@cltc.guam.gov

To: earl.garrido@cltc.guam.gov, fabrienne.respicio@cltc.guam.gov, jeremy.rojas@cltc.guam.gov, joseph.cameron@cltc.guam.gov, cltc.admin@cltc.guam.gov, joey.cruz@cltc.guam.gov

Cc: office.senatorshawn@guamlegislature.gov

Hafa adai Commissioners and Senator,

I am writing in opposition to this bill, which proposes to give 242 acres of land in Malesso to the Army National Guard for training.

The military controls 1/3 of Guam's land already, with a huge amount of pristine limestone forest having been bulldozed in the last few years for Camp Blaz alone.

Home ownership on Guam is already cost prohibitive for many locals, and this bill would make Guam's extreme housing crisis even worse.

The military should share the land they already own to let the Guam Army National Guard train using existing facilities within their footprint. Otherwise, soon Guam will just be one big base and nothing else.

Na para' hamyo! Enough already.

Esta, Kallen Perez (Mom, Voter, Resident of Sinajana)