



**OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96910
U.S.A.**

EXECUTIVE ORDER NO. 2006- 02

**RELATIVE TO GUAM ANCESTRAL LAND USE AND
ADMINISTRATION BY APPROVING THE LAND USE MASTER PLAN
FOR DOS AMANTES**

WHEREAS, federal excess lands have been returned to the government of Guam by operation of U.S. Public Law(s) requiring returned lands be used for public benefit use, to wit: (see: U.S. Public Law (USPL) No. 103-339; U.S. Base Closure and / or Redevelopment Act(s) – BRAC); and

WHEREAS, federal excess land acts required government of Guam to formally plan for the use of returned lands as a precondition to turn-over surplus federal lands, doing so through various measures including public land laws, directives, land use plans and protective land grants, to wit: (see Guam Public Law (GPL) No's. 16-111; 17-52; 20-222; 22-145 (as amended); 23-141; 23-23; 25-45; 25-178; 25-180; 26-36; Governor's Executive Order No. 2002-19; Grant Deed, Assignment and Trust Agreement of 18 February 2004 recorded 23 February 2004 as Document / Instrument No. 688615, Office of the Recorder, Department of Land Management, Government of Guam); and

WHEREAS, the Guam Legislature has enacted law prescribing the same type of master plan elements identified for the "Dos Amantes" Planning Area (see: Title 21 "Use and Development of Government and Other Land" Chapter 68, Article 6 "Southern Development Master Plan" Sections 68601 / 68610 pursuant to Guam Public Law No's. 19-38 / 20-90); and

WHEREAS, successive federal and local government land transfer agreements, including deeds, prescribing detailed terms and conditions further govern specific returned land parcels / lots, whether held for protective use as Ancestral Public Domain by the Guam Ancestral Lands Commission's Land Bank Trust or returned or under supervision of the Guam Ancestral Lands Commission into private ownership for authorized public benefit use as the U.S. Congress and Guam Legislature have authorized; and

WHEREAS, Ancestral Land lot owners located within the vicinity of "Dos Amantes" Point have voluntarily organized in association with professional land use master planning professionals to provide a Land Use Master Plan designed to address property problems inherent in lands returned to them by operation of the laws and transfer agreements, and have petitioned the Governor of Guam for adoption of the Land Use Master Plan for "Dos Amantes" Planning Area dated 13 September 2005 (as amended and adopted by the Guam Ancestral Lands Commission, Government of Guam) for governance of future improvement and economic development which includes a large undeveloped, unimproved and unsurveyed portion of LandBank Trust Land – corpus (aka "Crown Land"), which proposed plan is provided in its entirety herewith and incorporated herein as Attachment No. 3; and



WHEREAS, to determine location, area and boundaries of returned lands and an equitable means for Real Property tax assessment, a uniform method for determining precise geographic information (such as property corners unified in accordance with the Guam Geodetic Network) is required. Accordingly, the GALC LandBank Trust's adopted geographic information system Cadastral Base Map is provided herewith as mapped and computed upon Cadastral Base Map, dated 13 September 2005, attached herewith (Sheets 1-4), incorporated herein as Attachment No. 4; and

WHEREAS, to provide utility service easements, rights of way and to resolve access problems with landlocked lots which were returned without legal or viable access (see Attachment No. 2) the GALC LandBank Trust's Access and Traffic Circulation Plan is hereby provided herein as mapped and computed upon Cadastral Base Map, dated 13 September 2005, attached herewith (Sheets 1-4), incorporated herein as Attachment No. 4; and

WHEREAS, to provide initial land use guidelines for returned lands consistent with vicinity land use requirements and to guide property improvement and appraisal of property for fiscal purposes the GALC LandBank Trust's "Land Use Master Plan – Land Use Control System" is provided herein as mapped, computed and attached herewith as Attachment No. 3 with accompanied narrative also provided in Attachment No. 3, detailing Plan Administration and additional Proposed Implementation Initiatives, all incorporated herein; and

WHEREAS, federal deed restrictions on sale and/or lease of returned lands have been applied to certain returned land parcels, to wit: (excerpt from pages 8-10 Island of Guam, Government of Guam, Department of Land Management, Office of the Recorder, Instrument No. 638645 of June 6, 2001)

- a. GRANTEE's use of the PROPERTY is limited to the uses authorized in this instrument as well as subparagraph c (Environmental Provisions) of that certain Quitclaim Deed between the UNITED STATES and the GUAM ECONOMIC DEVELOPMENT AUTHORITY dated April 18, 2001 (attached as Attachment 1), Navy Identification No. N6274201RP00001, Instrument Number 636645, recorded at the Department of Land Management on April 25, 2001, and incorporated by reference.
- b. Seven Year Restriction on Sale or Lease
 1. The GRANTEE hereby covenants and agrees that the proceeds from any sale or lease of the PROPERTY (or any portion thereof) received by the GRANTEE during the first seven (7) years after the date of conveyance under that certain Quitclaim Deed between the UNITED STATES and the GUAM ECONOMIC DEVELOPMENT AUTHORITY dated April 18, 2001 (attached as Attachment 1) Navy Identification No. N6274201RP00001, Instrument Number 636645, recorded at the Department of Land Management on April 25, 2001, and incorporated by reference, shall be used to support the economic redevelopment of, or related to, the PROPERTY.
 2. For Purposes of paragraph b. (1) of the Quitclaim Deed recorded at the Department of Land Management on April 25, 2001 as Instrument Number 636645, the use of the proceeds from a sale or lease described in such paragraph to pay for, or offset the cost of, public investment on or related to the PROPERTY for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the PROPERTY:



- (i.) Road Construction.
- (ii.) Transportation management facilities.
- (iii.) Storm and sanitary sewer construction.
- (iv.) Police and fire protection facilities and other public facilities.
- (v.) Utility construction.
- (vi.) Building rehabilitation.
- (vii.) Pollution prevention equipment or facilities.
- (viii.) Demolition.
- (ix.) Disposal of hazardous materials generated by demolition.
- (x.) Landscaping, grading, and other site or public improvements.
- (xi.) Planning for or the marketing of the development and reuse of the PROPERTY.

3. The UNITED STATES may recoup from the GRANTEE such portion of the proceeds from a sale or lease described in b. (1) above as the Secretary of the Navy determines appropriate if the GRANTEE does not use the proceeds to support economic development of, or related to, the PROPERTY for the period specified in b. (1) above. Such proceeds from a sale or lease described in b. (1) may be used for offsite investment and redevelopment related to the economic development of the PROPERTY, as approved by the NAVY; such approval shall not be unreasonably withheld; and

WHEREAS, Government of Guam, Department of Land Management, Land Survey Division Drawing[s] Number 033FY98 / 14-98T646 by title "Guam Ancestral Lands – Municipalities of Dededo and Tamuning: Land Square 11, Sections 1, 2, 3 and 4" were not approved by the Guam Ancestral Lands Commission as previously proposed by Department of Land Management; and

WHEREAS, Guam Ancestral Lands Commission (GALC) pursuant to federal property deed restrictions and reversionary provisions ("reservations, covenants, limitations, reversions, exceptions, restrictions and conditions") has instituted a seven (7) year "Prohibition of Sale" applicable by explicit GALC deed condition to returned lots of Ancestral Land to wit:

"The Grantee(s) hereby covenants and agrees that during the first seven (7) years after the date of conveyance under this deed, there shall be no selling of the property unless being sold only between the legitimate heir(s) or descendant(s)"; and

WHEREAS, the Attorney General of Guam Memorandum (Opinion) of February 5, 1990 (Ref: BOP90-0064) Attachment No. 2 herewith determines lands previously held by the federal government are not automatically zoned agricultural upon their transfer to the Government of Guam. Excerpt: "[zoning] would need the approval of the Governor and the Legislature before these properties would receive their proper zoning status" (page 2 Attachment No. 2 underscoring added); and

NOW, THEREFORE, I, FELIX P. CAMACHO, 'I Maga'lahaen Guåhan, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order:

1. The Land Use Master Plan for Dos Amantes Planning Area", dated 13 September 2005, and the Cadastral Base Map for the Dos Amantes Planning Area (Sheets 1-4), also dated 13 September 2005, both incorporated herein as Attachment No. 3 and 4 respectively, are approved and adopted; and



2. *I Mina Bente Ocho na Liheslaturan Guåhan*, the Twenty-eighth Guam Legislature is encouraged to likewise approve the Land Use Master Plan for Dos Amantes Planning Area and Cadastral Base Map; and

3. The Director of Land Management is directed to use the Dos Amantes Plan's Cadastral Base Map of 13 September 2005 as a footprint for property field surveys subsequently performed by individual land claimants and their heirs with final locations of lots and parcels to be determined through actual field surveys; and

4. The Director of the Department of Public Works is directed to include the Dos Amantes Plan's proposed traffic circulation and access plan into the primary roads Guam Highway Master Plan update wherein applicable; and

5. Commendations to the Ancestral Land lot owners in the "Dos Amantes" area and their master land use planning consultants who have voluntarily joined in a commendable and exemplary grass roots planning effort all at their own expense to master plan the "Dos Amantes" area's Ancestral Lands such that it may be accessed, improved, redeveloped and prepared for equitable tax assessment and as well as highest and best reuse.

SIGNED AND PROMULGATED at Hagåtña, Guam this 26th day of JANUARY, 2006.

FELIX P. CAMACHO
I Maga' lähen Guahan
Governor of Guam