

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 77-5

GOVERNMENT SUBDIVISION RULES AND REGULATIONS

WHEREAS, various Public Laws directed the subdivision of certain parcels of public land for residential subdivision; and

WHEREAS, these laws have appropriated in excess of \$1,000,000 to defray the cost of their development; and

WHEREAS, developed lots are to be disposed of to persons pursuant to the abovementioned public laws; and

WHEREAS, such persons will improve their general welfare by obtaining ownership to these subdivided lots; and

WHEREAS, the disposition of these lots alleviates housing demands from landless families; and

WHEREAS, these lots are to be disposed of in a uniform and equitable manner; and

WHEREAS, the development of Pigua, Merizo; Pagachao, Agat, and Chalan Canton Tasi, Umatac Subdivisions are nearing completion; and

WHEREAS, it is the desire of this Government to dispose of the lots in a timely and efficient manner; and

WHEREAS, a public hearing was held on July 30, 1976 pursuant to the provisions of the Administrative Adjudication Act regarding these rules and regulations; and

WHEREAS, these public laws individually contain provisions authorizing the promulgation of rules and regulations; and

WHEREAS, such rules and regulations have been adopted regulating the disposition of these lots.

NOW, THEREFORE, I, Ricardo J. Bordallo, Governor of Guam, by virtue of the authority vested in me by the Organic Act of

Guam, as amended, do hereby approve, adopt and promulgate as attached hereto, "Government Subdivision Rules and Regulations."

Dated at Agana, Guam, this 4th day of May, 1977.



RICARDÓ J. BORDALLO
Governor of Guam

COUNTERSIGNED:



RUDOLPH G. SABLAN
Lieutenant Governor

GOVERNMENT SUBDIVISION

RULES AND REGULATIONS

Section I. Title

The title shall be known as Government Subdivision Rules and Regulations.

Section II. Authority

These Rules and Regulations are promulgated pursuant to the provisions of Public Law 11-44, Maimai, Sinajana Subdivision; Public Law 11-91 and 9-235, Pigua, Merizo Subdivision; Public Law 10-195, Pagachao, Agat and As-Tumbo, Dededo Subdivisions; and Public Law 11-127, Umatac Subdivision.

Section III. Purpose

The purpose of these rules and regulations is to provide uniform procedure regulating the disposition of government land in subdivisions in compliance with applicable public laws.

Section IV. Definitions

For the purpose of these rules and regulations, certain terms are defined as follows:

1. Department - The Department of Land Management
2. Director - The Director of Land Management
3. Rules and Regulations - Government Subdivision Rules & Regulations
4. Administrator - Administrator, Land Management Programs
5. Application - Government Subdivision Application
6. Report - Evaluation Priority Report

Section V.

Except in cases where disposition of government land is by exchange of property, an applicant must meet all of the following qualifications:

1. He or she is a bona-fide resident of Guam, a U. S. Citizen, and of legal age.
2. Applicant and spouse do not own in fee simple title a useable parcel of land larger than 6,000 square feet.

3. Applicant and spouse have not acquired an interest in government land under similar programs mentioned in Section II.

Section VI.

The Director shall uniformly regulate the administration of these laws mentioned in Section II above. The Director or his authorized representative(s) shall hear all testimonies, shall review all applications and investigate all complaints relative to the programs applicable therein.

Section VII. Applications

1. Form - All applicants shall complete and submit a Government Subdivision Application Form to the Administrator.

2. Period - The Administrator with the approval of the Director shall designate the period during which applications shall be accepted, providing however, that said time designated shall be no less than ten (10) consecutive working days. The application period shall be published in a newspaper of general circulation at least three (3) times, two (2) of which shall be made prior to the designated period.

3. Place - Application shall be received at the Department of Land Management, Land Administration Division, during any working day unless otherwise announced by the Administrator subject to the approval of the Director.

4. Fee - An application fee of \$5.00 is charged for all applications. Applications filed after the application period shall be charged an additional \$5.00 late application fee. No application shall be accepted after the Division has submitted the Evaluation Priority Report to the Director. Application fee is non-refundable.

Section VIII. Application - Evaluation

No later than 25 working days after termination of the application period, all applications shall be evaluated as follows:

1. Land Administration Division - The Division shall evaluate each application and assign a priority rating in accordance with public laws applicable thereto. The Division shall submit a report to the Director not later than 40 working days from the initial date of application evaluation.

2. The Director or his authorized representative(s) shall audit the Division's report in accordance to priority system applicable thereto.

If the Director or his authorized representative(s) finds the report unacceptable, it shall return same to the Division. The Division shall have ten (10) working days for further evaluation and resubmission of the report. The Director shall then adopt or acknowledge the report. Upon adoption thereof, or acknowledgment, the Director shall forward the report to the Administrator.

3. The Administrator shall acknowledge receipt of the Director's report and shall schedule a public hearing relative thereto subject to the approval of the Director.

- a. Notice of said public hearing shall be published in a newspaper of general circulation for three (3) consecutive days or weeks but shall be published not later than 30 days prior to the public hearing.
- b. The public hearing shall be held at a time and place convenient and accessible to the public.
- c. Land Administration Division will conduct the public hearing.
- d. The Division shall keep minutes of the public hearing. The minutes shall be an addendum to the Division's report. The Administrator shall attest the validity of the minutes of the public hearing and forward the report to the Director who shall transmit same to the Governor.

4. Governor - The Governor shall either approve the report in its entirety, or he shall amend the same.

- a. If amended, the Governor shall forward said report for needed revision to the Director.
- b. If approved, the Governor shall forward to the Legislature for its concurrence.

5. Governor - The Governor, upon receipt of legislative action, shall forward said action to the Director for implementation.

6. Director - The Director, upon receipt of the Governor's and Legislature's actions, shall proceed its implementation:

- a. Immediately notify all applicants who were adversely affected by the Governor's adoption. Allow 20 working days for affected applicants to officially respond to the notice.
 - (1) Subsequent to the above, the Director shall forward the report to the Administrator for implementation.

Section IX. Administration

The Administrator upon receipt of the final report shall expeditiously proceed to execute the program subject to the following:

1. The award of lots shall be in strict accordance with the final report as approved by the Governor.
2. No applicant shall be awarded more than one lot in any and all programs created by public laws contained in Section II of these rules and regulations.
3. Sale price of each lot shall be computed as specified by public laws. If not specified, it shall be computed at three-fourths (3/4) the appraised market value or at break-even development cost, whichever is lower.
4. Contract Form - The Administrator, with the concurrence of the Director, shall use whatever contract forms in his reasonable judgment is for the best interests of the Government and the buyer.
5. Status Reports - The Administrator shall submit a quarterly status report to the Director regarding the status of the program and shall further submit a summary report when the last subdivision lot is sold.
6. Selection of Lots - Applicants awarded must be notified by letter prior to the drawing and must be present at the drawing.
 - a. Methods of drawing:
 - (1) Names of all applicants awarded will be deposited in a common container, on separate slips of paper.
 - (2) Drawn one at a time by the Director or his designated representative until all names have been exhausted.

- (3) The order of names drawn will establish the order of priority for the purpose of selection of a residence lot.
- (4) After completion of the drawing of names, the applicants or their duly authorized agent, will be required to be present at the Department of Land Management in the order of priority for the purpose of selecting house lots for purchase, lease or exchange. Each order of priority will be given a date to appear for selection of lot. Failure in adhering on the allotted date will constitute disapproval without prejudice.

7. Notice to Applicants - The Administrator shall notify each applicant in writing of such action approved by the Governor. Within thirty (30) days after an applicant receives such written notice of final approval of his application, he shall make or tender payment of the approved price of the land. If the applicant fails or refuses to make or tender payment, all actions pursuant to these rules and regulations shall be of no effect and the application shall be determined to have been disapproved without prejudice.

8. Recording - The Administrator shall keep on file all contracts and other relevant data relative to each buyer.

9. Accounting - The Administrator shall keep and maintain accounts for all revenues received from the disposition of all subdivision lots, including applications and late application fees, and shall on a quarterly basis reconcile said record-keeping with the Department of Administration.

10. Contract Default - Land reverted to Government of Guam shall be made available for other qualified applicants and not for other purposes not identified in the enabling public laws' intent. All contracts executed pursuant to these rules and regulations shall be executed in strict compliance and in accordance with such contract. Without additional notice by the Director of Land Management, it shall be the duty of the applicant to notify the Director of Land Management if he cannot meet the terms of the contract.

Section X.

The adoption of this Government Subdivision Rules and Regulations pursuant to the Administrative Adjudication Act, supersedes all previous rules and regulations.

John P. Aguon

JOHN P. AGUON
Acting Director of Land Management

APPROVED:

[Signature]

RICARDO J. BORDALLO
Governor of Guam

Date: MAY 3 1977

~~APPROVED:~~

[Signature]

RUDOLPH G. SABLAN
Lieutenant Governor

Date: MAY 3 1977

APPROVED AS TO FORM:

[Signature]

CHARLES H. TROUTMAN
Attorney General

Date: MAR 24 1977