



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 91-12

RELATIVE TO THE IMPLEMENTATION OF A RESIDENTIAL
LAND USE PERMIT PROGRAM

WHEREAS, Typhoon Russ destroyed or damaged a substantial number of homes that are located in land use permit areas; and

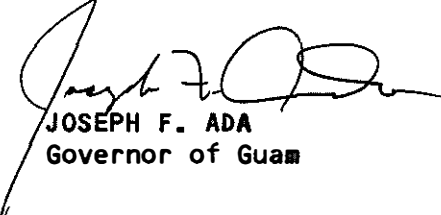
WHEREAS, residential development of many of the areas under the land use permit program may result in adverse impacts on the northern aquifer, which is Guam's principal source of potable water; and

WHEREAS, the health, safety and welfare of those families whose homes were damaged by the typhoon require such families to reconstruct their homes but in areas that will not adversely affect Guam's principal source aquifer; and

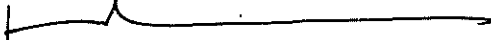
WHEREAS, there is an urgent need to begin to resolve the long standing issue of residences being constructed in areas unsuited for this purpose and areas reserved for agricultural use.

NOW, THEREFORE, I, JOSEPH F. ADA, Governor of the Territory of Guam, by virtue of the authority vested in me by the Organic Act of Guam and the Laws of Guam, do hereby declare that the attached Residential Land Use Permit Program be implemented by the agencies of the Government of Guam.

SIGNED AND PROMULGATED at Agana, Guam, this 19th day of APRIL, 1991.


JOSEPH F. ADA
Governor of Guam

COUNTERSIGNED:



FRANK F. BLAS
Lieutenant Governor of Guam

RESIDENTIAL LAND USE PERMIT PROGRAM

PURPOSE: The purpose of this Program is to accommodate the needs of those landless, legitimate holders of Land Use Permits whose homes were destroyed by Typhoon Russ, and to attempt to resolve the long standing issue of individuals utilizing Agricultural Permit Sites for residential use rather than farming.

LOCATION: A seventy (70) acre portion of Basic Lot No. 10125-R8, Municipality of Dededo.

QUALIFICATION: A person may qualify for a Residential Land Use Permit if he is a United States Citizen or Permanent Resident Alien who is landless and is a holder of a valid Agricultural Land Use Permit. An heir of a deceased legal Permittee, who is landless and is residing in the permitted area also qualifies under this Program.

TERM OF PERMIT: The term of the Residential Permit shall be for a two year period and shall be renewable thereafter, PROVIDED HOWEVER, that a Permittee consistently adheres to all requirements established herein.

PRIORITY PREFERENCE: The priority preferences are established as follows:

- (A) All those legal Permittees who are living upon the said Location Area, who are landless, shall be given first preference.
- (B) All those legal Permittees who are living on other Agricultural Permit Areas who are landless, and are either United State Citizens or Permanent Resident Aliens, whose homes were destroyed by Typhoon Russ and are willing to be relocated shall be given second preference. The heir of a deceased Permittee in this category who meets the qualification requirement is also given the second preference.
- (C) After meeting the needs of individuals under first and second priority preferences, and if there remain uncommitted house lots within the Subdivision, then persons with legal Land Use Permits living within an Agricultural Permit Area who are landless, are United States Citizens or Permanent Resident Aliens and are willing to be relocated shall be given third preference.

(D) Other applicants not under any of the preceding categories who are landless, and are United States Citizens or Permanent Resident Aliens shall be given fourth preference.

FILING OF APPLICATION: The filing of applications and cutoff dates shall be as follows:

- 1) For Applicants under First Priority Preference (A), applications shall be accepted commencing April 22, 1991 and shall be closed at 5:00 p.m. on May 10, 1991.
- 2) For Applicants under Second Priority Preference (B), applications shall be accepted commencing May 20, 1991 and shall be closed at 5:00 p.m. on June 28, 1991.
- 3) For Applicants under Third Priority Preference (C), applications shall be accepted commencing July 1, 1991 and shall be closed at 5:00 p.m. on July 31, 1991, provided however, that there are lots uncommitted after preferences A and B are exhausted.
- 4) For Applicants under Fourth Priority Preference (D), applications shall be accepted commencing August 5, 1991 and shall be closed at 5:00 p.m. on August 30, 1991, provided however, that there are lots uncommitted after the first, second and third preferences are exhausted.

Applications shall be filed at the Department of Land Management in Agana. The Department of Land Management (DLM) shall determine eligibility based on the preceding mentioned criteria and priority sequences and any application shall be accompanied by a Five Dollar (\$5.00) fee for administrative cost which is neither refundable nor to be applied to the Annual Rental of the property.

ANNUAL RENTAL: The rental fee for each of the subdivided lots for each two (2) years period shall be \$600.00 payable to the Treasurer of Guam under the following schedule:

- (A) \$300.00 upon approval of the Permit by the Governor of Guam.
- (B) \$300.00 on the first day of the beginning of the second year of the Permit Agreement.

NO PAYMENT REQUIREMENT SHALL LAPSE MORE THAN THIRTY (30) DAYS FROM DUE DATE.

PERMIT NOT TRANSFERABLE: No Permittee shall transfer any use of the property to any other party. Upon the death of a Permittee, the Permit Agreement shall terminate and the subject property shall be open for reapplication. The legal heir or heirs of the deceased Permittee shall be given first priority for a new Permit to the property involved.

RENTAL RESTRICTION: Under no circumstances shall any Permittee be allowed to rent out the Permit Site or any part thereof, inclusive of any structure built upon any part of the property. Absolutely no assignment of any type on the use of the property is permitted.

BUILDING PERMIT REQUIRED: All Permittees shall secure a "BUILDING PERMIT" prior to beginning any construction upon the property. Under no circumstances should any structure be constructed without the necessary Building Permit from appropriate government agencies. Permanent concrete houses or temporary homes approved by the government may be constructed upon the Site.

SEPTIC TANK AND LEACHING FIELD SYSTEM REQUIRED: The Construction of either an outside toilet or cesspool system is strictly prohibited and until a sewer system for the area is available, only a SEPTIC TANK AND LEACHING FIELD SYSTEM shall be permissible.

PERIODIC INSPECTION: DLM's Division of Land Administration shall conduct field inspection of each Permit Site no less than twice per year. Moreover, the said Division shall ensure that schedules of Permit payments are up to date at all times. The government therefore, reserves the right to enter the permit site to conduct the field inspection as required.

TERMINATION OF PERMIT BY PERMITTEE: The permittee may terminate the permit by giving the Director of Land Management thirty (30) calendar days notice that he/she no longer wishes to continue the use rights.

In the case where the structure upon the permit is mortgaged, the termination shall be subject to the mortgage conditions and all legal requirements therein shall be met.

IMPROVEMENT UPON LAND: Except for improvements made under mortgage, any other improvements so placed on the land which are required to be removed upon termination of the Permit shall be performed at the expense and obligation of the Permittee. The Government of Guam shall **NOT** be held liable for the removal of improvements or compensation for such improvements.