

**21 GCA REAL PROPERTY
CH. 60 LAND MANAGEMENT**

**DIVISION 2
REGULATION OF REAL PROPERTY USES**

**CHAPTER 60
LAND MANAGEMENT**

NOTE: Article 4 of this Chapter was repealed and reenacted by P.L. 24-171 as a part of the I Tano' -Ta Land Use Law. That law was, itself, repealed and the former Article 4 of this Chapter, which appears herein, was reinstated by P.L. 25-20:2 and 3.

- Article 1. General Provisions.
- Article 2. Agricultural Land. [Repealed]
- Article 3. Land Records.
- Article 4. Planning.
- Article 5. Uniform Triangulation System.
- Article 6. Survey of Government Land.
- Article 7. Confirmation of Public Rights.
- Article 8. Area Replatting.
- Article 9. DLM Building Construction Fund.

**ARTICLE 1
GENERAL PROVISIONS**

- § 60101. Name.
- § 60102. Definitions.
- § 60103. Department of Land Management: Authority.
- § 60104. Records.
- § 60105. Reservation for Use of Government.
- § 60106. Land Exchange.
- § 60107. Classification of Lands.
- § 60108. Same: Exchange Land.
- § 60109. Exception from *Chamorro Land Trust Act*.
- § 60110. Reports to Director.
- § 60111. Promulgation of Rules & Regulations.
- § 60112. Legislative Approval Required.
- § 60113. Conveyance of Life Estate: Prohibition.
- § 60114. Provision for Leasing of Government Owned Property for Commercial Purposes.
- § 60115. Review by Municipal Planning Councils.

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§ 60101. Name.

This Chapter may be cited as the *Land Management Act*.

SOURCE: GC § 13000.

§ 60102. Definitions.

Unless the context otherwise requires, the following provisions shall govern the construction of this Chapter:

(a) *Government real property* as used in regard to sales and homesteading means all real property to which fee title is now or hereafter vested in the government of Guam, and when used in regard to leases or use permits shall be extended to include all real property in which the government of Guam, now or hereafter, has a possessory interest.

(b) *Board* means the Land Transfer Board of Guam.

(c) *Commission* means the Territorial Land Use Commission of Guam.

(d) *Department* means the Department of Land Management.

(e) *Director* means the Director of Land Management.

(f) *Head of family* means any person who has charge of, supervises and manages the affairs of a collective body of persons, residing together and constitutes the family, and may be either a husband, father, widow or other persons exercising parental responsibility or authority over one or more persons related by blood or marriage and residing together.

(g) *Livestock* includes cattle, carabao, sheep or goats.

SOURCE: GC § 13001.

§ 60103. Department of Land Management: Authority.

The Department of Land Management shall have cognizance of all government real property.

SOURCE: GC § 13002.

§ 60104. Records.

The Director shall study and keep records on the use of government real property by other departments and agencies and may make

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recommendations to the Governor concerning reallocation of land so used for the purpose of securing maximum utilization of such land.

SOURCE: GC § 13003.

§ 60105. Reservation for Use of Government.

The Director, after public hearing and with legislative concurrence, may, when necessary, reserve or set aside government real property not reserved by law for specific public use for the future use of any other department or agency of the government; provided, that control of such real property shall not pass to such department or agency until it is necessary to the proper function and operation thereof. Property so reserved or set aside for future government use may be put to such temporary uses, consistent with the public interest, as the Director, with approval of the Governor, deems desirable.

The Director of Land Management, with the approval of the Governor, is hereby authorized to assign, transfer or allocate to the Chamorro Land Trust Commission current personnel and other resources deemed necessary to fulfill the purposes and intent of this Act and to assist the Commission with its mandate. Funding for said transfer shall be made from the annual operations budget of the Department of Land Management (the *Department*) as appropriated by the Legislature. Any current classified employee of the Department falling under the provisions of this Act through such transfer shall retain full personnel status, benefits and entitlement as specified in the Department's approved annual operations budget for classified employees

SOURCE: GC § 13004 as amended by P.L. 12-226:4. Final paragraph added by P.L. 22-31:2.

§ 60106. Land Exchange.

In accordance with the rules and regulations to be promulgated pursuant to § 60111 of this Article, the Director shall, upon receipt of the property statement provided for in § 13911.1 convey to the former owner of an interest in land described in the property statement exchange land, as such is identified by § 60108 of this Chapter, equal in value to the amount of the condemnation proceeds payable to said former owner.

SOURCE: GC § 13004.1 added by P.L. 15-68:3.

§ 60107. Classification of Lands.

The Department shall have the power and duty to survey, plat, inventory, classify and, from time to time, reclassify all government real property. The Department may use the following categories for such classifications:

- (a) Urban land.
- (b) Suburban land.
- (c) Agricultural land.
- (d) Grazing land.
- (e) Industrial and commercial sites.
- (f) Forests.
- (g) Wasteland (which may include land not classified in any other category.)

SOURCE: GC § 13005.

§ 60108. Same: Exchange Land.

In addition to the classification of land provided by § 60107, there shall also be a classification known as *Exchange Land*. Exchange Land shall, in accordance with rules and regulations to be promulgated pursuant to § 60111 of this Chapter, be identified from among the categories denominated by Subsections (a) through (f) of § 60107 of this Code.

SOURCE: GC § 13005.1 added by P.L. 15-68:4.

§ 60109. Exception from Chamorro Land Trust Act.

The provisions of P.L. 12-226 commonly known as the *Chamorro Land Trust Act* (21 GCA §§ 75101-75117) shall not apply to any land conveyed pursuant to the authority contained in §§ 60106 and 60108 of this Title.

SOURCE: Added by P.L. 15-68:5, uncodified; codified by Compiler.

§ 60110. Reports to Director.

Annually on or before the first day of May, each department or agency using or controlling any government real property shall report to the Department any real property in its control which is in excess of its needs, and any need for additional real property.

SOURCE: GC § 13006.

§ 60111. Promulgation of Rules and Regulations.

All rules and regulations prescribed in accordance with the provisions of this Chapter, and which require the approval of the Governor, shall be promulgated by Executive order, a copy of which shall be filed in the Department of Land Management.

SOURCE: GC § 13007. P.L. 13-40:1 repealed and reenacted that portion of the Administrative Adjudication Law specifying procedures which must be followed by government departments and agencies in order to promulgate rules and regulations. The law governing same is now set out in Art. 3, Chapter 9 of Title 5 Guam Code Annotated, Government Operations.

§ 60112. Legislative Approval Required.

Notwithstanding any other provisions of law, government-owned real property *shall not* be sold, leased, sub-leased, exchanged *or* otherwise transferred without the prior approval of *I Liheslatura* (the Legislature) by duly enacted legislation, which specifically authorizes a particular sale, lease, exchange *or* transfer and includes the real property description of the government-owned real property with particularity. This Section *shall not* apply to Land Use Permits, the Land for the Landless Program, *or* residential leases by the *Chamorro* Land Trust Commission pursuant to its rules and regulations, but *shall* apply to any transfer to the federal government *or* any agent of the federal government of land owned in the name of the government of Guam, including, but *not limited to*, its autonomous agencies, public corporations, the *Chamorro* Land Trust Commission and the Ancestral Lands Commission.

SOURCE: GC § 13008. Enacted by P.L. 12-061, as an uncodified permanent law. Amended by P.L. 12-226, P.L. 15-131 and P.L. 15-133. Codified by P.L. 18-032:14. Amended by P.L. 30-021:4 (May 1, 2009), P.L. 30-148:1 (May 17, 2010).

§ 60113. Conveyance of Life Estate: Prohibition.

Notwithstanding any other provision of law, government-owned real property shall not be conveyed directly or indirectly in the form of a life estate. The transfer of any future life estate of government-owned real property shall be deemed void and such interest of the transaction shall automatically revert to the government of Guam.

SOURCE: Added by P.L. 19-13:2 as GC § 13009.

§ 60114. Provision for Leasing of Government Owned Property for Commercial Purposes.

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(a) Notwithstanding any provision of law, rule or regulation to the contrary, the government of Guam is authorized to lease government-owned property for a term not exceeding fifty (50) years for commercial purposes.

(b) No portion of the leased land shall be sub-leased without the written consent of the Governor, approved as to form by the Attorney General and approved by the Legislature as provided in § 60112 of this Article.

(c) All leases shall be executed by the Governor, attested by the Lieutenant Governor and be approved as to form by the Attorney General.

(d) A copy of every executed lease shall be filed with the Department of Administration.

(e) The lease shall be approved by the Legislature as provided in § 60112 of this Article. §3 of P.L. No. 12-61.

SOURCE: P.L. 15-6:3.

NOTE: The Compiler has changed the original references to §3 of P.L. 12-61 to § 60112 of this Chapter because the Legislature has codified that §3. See Note to § 60112.

§ 60115. Review by Municipal Planning Councils.

Notwithstanding any other law, rule or regulation, all sale or leases of real property owned by the government of Guam for a term of ten (10) years or longer, *except* the leasing of government land reserved as a cultural center as mandated by Public Law Number 22-18, shall be reviewed by the Municipal Planning Council of the municipal district in which are located the premises to be sold or leased, and its opinion thereon expressed by resolution adopted by a majority of the members of council, after a public hearing thereon, such resolution to be forwarded to *I Maga'lahen Guåhan* and to *I Liheslaturan Guåhan* prior to their respective consideration of the proposed sale or lease

SOURCE: Added by P.L. 20-217:6. Amended by P.L. 25-47:2.

NOTE: The Rules and Regulations for the establishment of the cultural center were approved by P.L. 25-47"3.

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**ARTICLE 2
AGRICULTURAL LAND**

SOURCE: GC §§13010-13013 [Repealed].

NOTE: Public Law 15-101:1 enacted *Agricultural Land* as a chapter in the Government Code, assigning section numbers 13010-13013 thereto. Reports to the Legislature concerning conservation of agricultural land were required. P.L. 15-101:1 provided for automatic repeal no later than April 20, 1985, by its last section, § 13013.

**ARTICLE 3
LAND RECORDS**

- § 60301. Recorder and Deputies.
- § 60302. Inspection of Record Books, Etc.; Arrangement.
- § 60303. Advance Payment or Tender of Fees.
- § 60304. Definition.
- § 60305. Procuring Equipment, Books and Film.
- § 60306. Custody of Books, etc., Deposited in Office.
- § 60307. General Indices: Form.
- § 60308. Temporary Indices: Destruction of.
- § 60309. Change of Name of Person in Whom Title Vested.
- § 60310. Application of Article.
- § 60311. Same: Land Title Registration Act.
- § 60312. Instruments Not in English Language.
- § 60313. Transfer.
- § 60314. Documents Voidable and Not to be Recorded.
- § 60315. Receipt of Document for Record.
- § 60316. Endorsement of Document: Delivery.
- § 60317. Manner of Recording.
- § 60318. File for Record: Quality of Instrument.
- § 60319. Indexing and Recording Old Documents or Books.
- § 60320. Fee Schedule.
- § 60321. Same: Exemption.

§ 60301. Recorder and Deputies.

There is within the Department of Land Management the office of recorder. The Director of Land Management shall be ex officio the recorder. The recorder shall have and exercise all of the duties, powers and functions of such office, and is authorized to designate one or more employees of the

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Department of Land Management as deputy recorders who may perform any and all duties of the recorder in the name of the recorder, and the acts of such deputies be held to be acts of the recorder.

SOURCE: GC § 13100.

§ 60302. Inspection of Record Books, Etc.: Arrangement.

All books of record, indices, maps, charts, surveys, instruments, or other papers, and microcopies thereof, filed for record in the recorder's office, shall be open for inspection by any person, without charge, during office hours.

SOURCE: GC § 13101.

§ 60303. Advance Payment or Tender of Fees.

The recorder shall not file or record any instruments, furnish any copy, or render any service connected with his office until the fees prescribed by law are paid or tendered.

SOURCE: GC § 13102.

§ 60304. Definition.

The term *document* as used in this Article means, except where the context otherwise indicates, any instrument, paper, notice, certified copy of judgment, map, plat, survey or other document, including attachments thereto, which is authorized by law to be recorded.

SOURCE: GC § 13103.

§ 60305. Procuring Equipment, Books and Film.

The recorder shall procure in accordance with government procedure, such photostatic, microfilm or other equipment, books and supplies, as the business of his office requires.

SOURCE: GC § 13110.

§ 60306. Custody of Books, Etc., Deposited in Office.

The recorder shall have official custody of all documents, records, books, maps and other material deposited in his office.

SOURCE: GC § 13111.

§ 60307. General Indices: Form.

The recorder shall keep the following indices:

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(a) Two indices for the recording of instruments affecting the title or right of possession of land, labeled respectively: *General Index of Grantors, Land*. Each page of the General Index of Grantors, Land, shall be divided into nine (9) columns, labeled respectively: Number, Date Filed, Grantors, and Defendants, Grantees and Plaintiffs, Title, Book, Page, Description, which shall contain a short description of the land if described in the instrument, and References, which shall contain such references to the numerical index or earlier records as the recorder may determine. Each page of the General Index of Grants, Land, shall be divided into nine (9) columns, labeled respectively: Number, Dated Filed, Grantees and Plaintiffs, Grantors and Defendants, Title, Book, Page, Description, and References.

(b) All other documents or instruments entitled to public recordation shall be indexed in two (2) indices labeled respectively: General Index of Grantors, Miscellaneous and General Index of Grantees, miscellaneous. Each page of the General Index of Grantors, Miscellaneous, shall be divided into seven (7) columns, labeled respectively: "Number, Date Filed, Grantors and Defendants, Grantees and Plaintiffs, Title, Book and Page. Each page of the General Index of Grantees, Miscellaneous shall be divided into seven (7) columns, labeled respectively: Number, Date Filed, Grantees and Plaintiffs, Grantors and Defendants, Title, Book, and Page.

(c) A tract or numerical index for each parcel of land by municipality. When the land is located in more than one municipality it shall be indexed in both. The recorder shall not be required to index any parcel of land in the numerical index until an instrument affecting such parcel has been filed for record after this Article becomes effective.

(d) An alphabetical subdivision as part of each of the general indices which shall not be less than one hundred in number and so arranged, as nearly as possible, so that the entries in the indices will be equally apportioned under the several alphabetical subdivisions.

SOURCE: GC § 13112.

§ 60308. Temporary Indices: Destruction of.

The recorder may maintain temporary indices. Where permanent indices are compiled by the use of temporary cards or temporary index sheets for the use of the public before the permanent indices are compiled,

the recorder may destroy such temporary index cards or sheets when the permanent indices are completed.

SOURCE: GC § 13113.

§ 60309. Change of Name of Person in Whom Title Vested.

If the name of the person in whom title to real estate is vested is changed from any cause, the recorder shall index the conveyance in the name by which title was acquired and the name by which it is conveyed.

SOURCE: GC § 13114.

§ 60310. Application of Article.

This Article shall apply to all documents required or authorized to be recorded or filed for record in the Department of Land Management except as hereinafter provided.

SOURCE: GC § 13120.

§ 60311. Same: Land Title Registration Act.

Nothing in this Article shall apply to the registration and recording of real property which has been or which may be registered under the provisions of this Title otherwise known as the *Land Title Registration Act*.

SOURCE: GC § 13121.

§ 60312. Instruments Not in English Language.

When an instrument intended for record is executed or certified in whole or in part in any language other than English, the recorder shall not accept the instrument for record. The person desiring to file for record such an instrument may present the instrument and an English translation to a judge of the Superior Court. Upon verification that the translation is a true translation, the judge shall make certification of the fact under the seal of the court, attach the certification of the fact under the seal of the court, attach the certification to the translation, and attach the certified translation to the original instrument. The attached original instrument and certified translation may be presented to the recorder, and upon payment of the usual fees the recorder shall accept and file for record the instrument and the certified translation. The recording of the certified translation gives notice and is of the same effect as the recording of an original instrument.

SOURCE: GC § 13122.

NOTE: *Island* changed to *Superior* Court pursuant to P.L. 12-85.

§ 60313. Transfer.

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The Director of Administration is directed to transfer and the recorder is directed to receive and take into his records such documents, indices or papers as have previously been filed for record or recorded in the Department of Administration but which hereafter are to be recorded in the Department of Land Management.

SOURCE: GC § 13123. *Director of Finance* changed to *Administration* by Editor, GC 1970 Ed.

§ 60314. Documents Voidable and Not to be Recorded.

The Legislature finds that all buyers and transferees of real property should be aware of the availability of water and power on the land they buy or obtain at the time they purchase or obtain it. Therefore:

(a) No document transferring an interest in real property, except for leases of less than one (1) year, shall be recorded until the transferee has signed and acknowledged a statement, which should be included in the document, indicating that the transferee is aware of the availability or non-availability of power and water on the transferred property. The statement shall be in substantially this form:

AS TO WATER:

WATER IS IMMEDIATELY AVAILABLE ON THE
PROPERTY OR WITHIN 100 FEET OF THE PROPERTY.

or

WATER IS NOT AVAILABLE ON THE PROPERTY. THE
BUYER (TRANSFEREE) UNDERSTANDS THAT HE WILL
HAVE TO PAY FOR WATER HOOKUP AT HIS SOLE
EXPENSE. THE GOVERNMENT IS NOT REQUIRED TO
PAY FOR THE WATER HOOKUP.

WATER IS NOT AVAILABLE ON THE PROPERTY. THE
SELLER (TRANSFEROR) HAS PROMISED TO MAKE
WATER AVAIL ABLE WITHIN ONE YEAR OR LESS. IF
THE SELLER (TRANSFEROR) FAILS TO DO SO, THE
BUYER (TRANSFEREE) UNDERSTANDS THAT THE
GOVERNMENT IS NOT REQUIRED TO PAY FOR
WATER HOOKUP.

AS TO POWER:

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POWER (ELECTRICITY) IS IMMEDIATELY AVAILABLE ON THE PROPERTY OR WITHIN 100 FEET OF THE PROPERTY.

or

POWER (ELECTRICITY) IS NOT AVAILABLE ON THE PROPERTY. THE BUYER (TRANSFEREE) UNDERSTANDS THAT HE WILL HAVE TO PAY FOR ELECTRICITY HOOKUP AT HIS SOLE EXPENSE. THE GOVERNMENT IS NOT REQUIRED TO PAY FOR THE HOOKUP.

or

POWER (ELECTRICITY) IS NOT AVAILABLE ON THE PROPERTY. THE SELLER (TRANSFEROR) HAS PROMISED TO MAKE ELECTRICITY AVAILABLE WITHIN ONE YEAR OR LESS. IF THE SELLER (TRANSFEROR) FAILS TO DO SO THE BUYER (TRANSFEREE) UNDERSTANDS THAT THE GOVERNMENT IS NOT REQUIRED TO PAY FOR POWER (ELECTRICITY) HOOKUP.

(b) In a document transferring an interest in real property except for a lease for less than one (1) year, there is an implied warranty made by the transferor as to the accuracy and correctness of any statement to the effect that water or power or sewer are available on the property or within one hundred (100) feet of the property; and the transferor has impliedly warranted to the transferee that the named utilities are immediately available as of the date of signing the document. Breach of such warranty, whether intentional or unintentional, shall be enforceable in law or in equity in the same manner as any other warranty, and the transferee may also recover costs and reasonable attorney's fees for breach of such implied warranty.

(c) If there is no disclosure made by the transferor as to the availability or lack of availability of water or power in a document transferring an interest in real property, except for a lease of less than one (1) year, a deed of gift or quitclaim deed given for no consideration, court decrees, tax deeds, marshall's deeds and deeds of administrators or executors of estates, there is an implied warranty made by the transferor to the effect that the utility whose availability is not disclosed is available on the property or within one hundred (100) feet of the property; and the transferor has impliedly warranted to the

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transferee that the omitted utilities are immediately available as of the date of signing the document. Breach of such warranty, whether intentional or unintentional, shall be enforceable in law or in equity in the same manner as any other warranty, and the transferee may also recover costs and reasonable attorney's fees for breach of such implied warranty.

(d) Power and water shall be considered immediately available on the property or within one hundred (100) feet of the property at the time the document is signed if utility hookups can be applied for at the office of the utility and can be made within ninety (90) days of the application with a hookup of not more than one hundred (100) feet from the property line. Power and water shall be considered not available on the property if hookups are not immediately available, if the distance to the hookup from the border of the property is more than one hundred (100) feet, or although applied for at the office of the utility, the hookup cannot be made within ninety (90) days of the application.

(e) If any document transferring an interest in real property, except for a lease of less than one (1) year, fails to contain such statement as to water and power as is indicated in Subsection (a) of this Section, the document shall be voidable and the transaction may be rescinded at the sole option of the transferee or his successor for a period to ten (10) years from the date of the transaction if water or power is not available on the property or within one hundred (100) feet of the property. Failure to include such a statement shall not preclude recording if the transferee or successor records an acknowledged statement stating that under no circumstances will the government of Guam be in anyway responsible for paying for any required power or water hookups, power line extensions, or waterline extensions.

(f) If the transferor agrees to make water or power or sewer available to the property, such shall be stated in the document transferring an interest in the property, and such hookup shall be made available to the property by the transferor within one (1) year or such lesser time as may be agreed upon between transferor and transferee. Failure to make power or water or sewer available to the property within one (1) year or such lesser time as agreed upon will result in the transferee being allowed, at his option, to:

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(1) rescind the transaction and recover all money paid, reasonable interest, and reasonable costs and attorney's fees; or

(2) recover from the transferor all amounts required to make the promised utilities available on the property, plus all related costs and reasonable attorney's fees.

Failure to put the promise to make a utility available in the document transferring an interest in the property shall not be a defense raised by the transferor.

(g) This Section shall not apply to applicable transfer documents recorded before the effective date of this Act and no implied warranties contained in this Section shall attach to any document signed before the effective date of this Act. This Section shall not apply, for a period of ninety (90) days, to applicable transfer documents which were signed and not recorded before the effective date of this Act. Thereafter, applicable transfer documents signed before the effective date of this Act may be recorded if the transferee executes and records an acknowledged statement as indicated in Subsection (e) of this Section.

(h) None of the provisions of this Section shall be waived by the parties or by the government of Guam including the Guam Power Authority.

(i) The disclosures contained in this Section should be placed at the end of the applicable document, immediately before the signature lines of the parties, unless the Department of Land Management designates some other place on the document by rule or regulation, however placement of the required disclosures at some other place in the instrument shall not void the effect of the disclosures.

(j) Prior to the transferee signing any contract of sale or other document evidencing an obligation to buy an interest in land, any subdivider, except for a parental subdivision or a subdivision of fifteen (15) or fewer lots, must provide a transferee of land in the subdivision with an accurate written estimated cost of hooking up to power and water if such are not immediately available within one hundred (100) feet of border of the property and are not to be provided within one (1) year or less to the property by the subdivider. Each buyer must acknowledge receipt of the estimate in writing. Failure to provide such estimate shall allow the transferee to rescind the transaction or to

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recover from the subdivider or from any real estate broker, title insurance company or escrow company involved in the transaction, the cost of hooking up the utility concerned, plus reasonable cost and attorney's fees. This Subsection (j) does not apply to parental subdivision or subdivision of fifteen (15) or fewer lots.

(k) All provisions of this Section as to breach of implied warranty or express agreements to provide a utility may be enforced by the transferee, his successors in interest or through the Attorney General's Office by the government of Guam.

SOURCE: GC § 13124 added by P.L. 18-40:14; subsection (j) amended by P.L. 19-14:32.

§ 60315. Receipt of Document For Record.

When any document authorized by law to be recorded is deposited in the recorder's office for record, the recorder shall immediately endorse upon it the proper filing number in the order in which it is deposited, the year, month, day, hour and minute of its reception, and the amount of fees for its recording. He shall record it without delay, together with the acknowledgments, proofs and certificates written upon or annexed to it, and any plats, surveys, schedules and other papers thereto annexed.

SOURCE: GC § 13130.

§ 60316. Endorsement of Document: Delivery.

The recorder shall endorse upon each document the book and page in which it is recorded. After the document has been indexed and recorded, it shall, if filed for record, be returned to the party filing it or his order.

SOURCE: GC § 13131.

§ 60317. Manner of Recording.

The recorder shall record by legible handwriting, by typewriting, or by photographic reproduction process. A system of microphotography may be used by the recorder as a photographic reproduction process to record some or all instruments, papers and notices that are required or permitted by law to be recorded. All film used in the microphotography process shall comply with the minimum standards of quality approved by the United States Bureau of Standards. The original copy of the microfilm shall be kept in a safe and separate place for security purposes. A true copy of such film shall be arranged in a suitable place in the office of the recorder to facilitate public inspection.

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SOURCE: GC § 13132.

§ 60318. File for Record: Quality of Instrument.

The words *file for record* when used as a directive in any law relating to any instrument to be filed in the recorder's office shall mean record in the manner provided in § 60317 of this Article. The recorder shall not receive for recording any instrument which is not sufficiently legible and on paper of sufficient weight to be photographed or microphotographed.

SOURCE: GC § 13133.

§ 60319. Indexing and Recording Old Documents or Books.

The recorder shall, as rapidly as his facilities permit, index and record such original documents in his possession as affect the title to or possession of real property and which were filed on or after January 1, 1935, and which have not been merged into a certificate of title or certificate of guaranteed claim. The recorder may preserve all documents, books and records in his possession by the process of photography or microphotography and such copies, when properly certified by the recorder, shall be considered duplicate originals.

SOURCE: GC § 13134.

§ 60320. Fee Schedule.

The recorder, notwithstanding any other provisions of law and exclusive of any documents tax, is authorized and directed to collect the following fees:

(a) For recording or filing any deed, agreement, assignment, amendment, addendum, lease, contract, assumption, bill of sale, mortgage, horizontal property regime transfer document, any of the foregoing covering one specific lot or parcel of land: Twenty-five Dollars (\$25.00) with Five Dollars (\$5.00) for each attachment or exhibit thereon plus Fifty Cents (\$.50) per page of the attachment or exhibit.

(b) For recording or filing of each instrument, court order, judgment, stipulation, decree, lis pendens, declaration of taking, abstract of judgment, abstracts, affidavit, bond, bankruptcy, certificates, lien, levy, order, claim, declaration, power of attorney (general & special), finding of facts, findings, final judgment and summons: Twenty-five Dollars (\$25.00) with Five Dollars (\$5.00) for each attachment or exhibit thereon plus Fifty Cents (\$.50) per page of

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the attachment or exhibit.

(c) For each additional lot or parcel of land involved in any single transaction as listed in paragraphs (a) or (b), a fee of: Ten Dollars (\$10.00) per parcel.

(d) For recording or filing of each cancellation, satisfaction, dismissal, release, termination, waiver, withdrawal, easement, consent, grant, notices, rights of way, rights of entry, revocation or other lien: Fifteen Dollars (\$15.00) with Five Dollars (\$5.00) for every attachment or exhibit thereon, plus Fifty Cents (\$.50) per page of the attachment or exhibit.

(e) For recording or filing of an approved survey map a fee of Twenty-five Dollars (\$25.00) plus Five Dollars (\$5.00) per additional sheet thereof plus Ten Dollars (\$10.00) per lot created by a subdivision or parceling survey map and said fee *shall* also apply to land registration, re-subdivision, retracement, recertification, or revisions of survey maps.

(f) For a certified or authenticated copy of a certificate of title or a certificate of guaranteed claim a fee of Fifteen Dollars (\$15.00) or for a bail bond a fee of Twenty-five Dollars (\$25.00) plus One Dollar (\$1.00) per endorsement on the memorial estate.

(g) For furnishing written reports on areas, ownerships, lot numbers, descriptions, or other recorded information, for each lot or parcel of land: Ten Dollars (\$10.00).

(h) For reproducing services costing the government *less* than One Dollar (\$1.00), the Director of Land Management *shall* promulgate a schedule of fees thereof, all such fees to be under One Dollar (\$1.00) plus Fifty Cents (\$.50) charge for each additional page over five (5) pages.

(i) For recording or filing any documents required to be recorded by law for which a fee has not been provided, for each page or fraction thereof: Five Dollars (\$5.00).

(j) PROCESSING FEE FOR CERTIFICATE OF TITLE:

(1) First Issuance of Certificate of Title in a Land Registration Case, a fee of Forty Dollars (\$40.00)

(2) Issuance of Certificate of Title with one (1) current title

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cancellation, a fee of Sixty-five Dollars (\$65.00).

(3) Issuance of Certificate of Title with two (2) to five (5) Title cancellations, a fee of One Hundred Twenty-five Dollars (\$125.00).

(4) Issuance of Certificate of Title with six (6) or more Title cancellations, a fee of One Hundred Ninety Dollars (\$190.00).

(5) Fee of One Dollar (\$1.00) per endorsement on the memorial estate *shall* apply to the processing fee for certificate of Title under (a), (b), (c) and (d).

Note: *Sealed copy of a Certificate of Title shall be provided by Deputy Recorder.*

(k) ABSTRACT OF TITLE AND RESEARCH PROCESSING FEES:

(1) Fee of One Thousand Dollars (\$1000.00) for abstract on unregistered parcel for court action and/or by order of the court.

(2) Fee schedule on the type of research listed below on parcels *shall* be assessed with the following:

(A) Research on one (1) parcel for the most current documented ownership, a Twenty-five Dollar (\$25.00) fee, plus the fee required by §60320.

(B) Research on a parcel of less than one (1) acre, from the basic lot to the current parcel description, a fee of Fifty Dollars (\$50.00) plus the fee required by §60320.

(C) Research on a parcel of less than one (1) hectare, from the basic lot to the current parcel description, a fee of Seventy-five Dollars (\$75.00), and a Ten Dollar (\$10.00) fee for each lot description provided, plus the fee required by §60320.

(D) Research on a parcel of less than one (1) acre, from the basic lot to the current consolidated parcel description, a fee of Seventy-five Dollars (\$75.00).

(E) Research on a parcel of less than two (2) acres, from the basic lot to the current parceled description less than six (6) lots, a fee of One Hundred Dollars (\$100.00),

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and a Ten Dollar (\$10.00) fee for each lot description provided.

(F) Research on parcels or lots, from the basic lot to the current tract subdivision description, a fee will be assessed as follows:

(i) tract subdivision with less than ten (10) Lots: One Hundred Dollars (\$100.00).

(ii) tract subdivision with less than twenty (20) Lots: One Hundred Fifty Dollars (\$150.00).

(iii) tract subdivision over twenty (20) Lots, research fee *shall* be One Hundred Fifty Dollars (\$150.00) plus Two Dollars (\$2.00) per additional lot.

(3) Service *shall* be provided pursuant to Subsection (k) only to persons eligible for “public assistance”, as provided in §2905(a) Chapter 2, Title 10 Guam Code Annotated, Program Participation and Eligibility Standards.

Note: ***Abstract of Title Report shall be provided by the Deputy Recorder.***

All monies received pursuant hereto *shall* be deposited in the Department of Land Management Land Survey Revolving Fund (LSRF).

SOURCE: GC § 13140. Subsection (i) added by P.L. 12-138. Amended by P.L. 29-002:V:III:1 (May 18, 2007).

§ 60321. Same: Exemption.

The United States government shall not be charged any fees as provided in paragraph (a), (b), (c), (d), and (e), and for services of (f), (g) and (h) shall be charged only the cost of materials.

SOURCE: GC § 13141.

**ARTICLE 4
PLANNING**

§ 60401. Territorial Land Use Commission

§ 60402. Same: Executive Secretary.

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- § 60403. Same: Compensation.
- § 60404. Same: Personnel.
- § 60405. Same: Rules.
- § 60406. Same: Street Naming Plan.
- § 60407. Same: Same: What Street Naming Plan Shall Include.
- § 60608. Same: Same: Legislative Action.
- § 60409. Guam Natural Resources Board.
- § 60410. Minerals; Mining.
- § 60411. Rules and Regulations.

§ 60401. Territorial Land Use Commission.

There is within the government of Guam the *Territorial Land Use Commission*. The Commission shall be composed of seven (7) members to be appointed by the Governor by and with the advice and consent of the Legislature for a period of five (5) years; provided, however, that of the seven (7) members first appointed, one (1) shall serve for a term of one (1) year, two (2) shall serve for terms of three (3) years each, and the remaining four (4) shall serve for terms of five (5) years each, as designated by the Governor.

SOURCE: GC § 13200; repealed/reenacted by P.L. 20-147:2 as GC § 13200.

§ 60402. Same: Executive Secretary.

The Director of Land Management shall be Executive Secretary to the Commission.

SOURCE: GC § 13201.

§ 60403. Same: Compensation.

Members of the Commission shall receive no compensation as such for duties prescribed by this Chapter, but shall be reimbursed for their reasonable and necessary travel and incidental expenses incurred in the course of their official duties, as certified by the Treasurer of Guam.

SOURCE: GC § 13202.

§ 60404. Same: Personnel.

The Department of Land Management shall provide the Commission with such technical and clerical personnel and office facilities as may be reasonably necessary for the carrying out of the provisions of this Chapter.

SOURCE: GC § 13203.

§ 60405. Same: Rules.

The Commission is authorized to make reasonable rules, not inconsistent with the provisions of this Chapter, for the conduct of its business.

SOURCE: GC § 13204.

§ 60406. Same: Street Naming Plan.

In order to establish the official names of streets and highways in Guam, the Commission shall adopt and submit to the Legislature a precise plan as is required for the systematic naming of said streets and highways in the territory.

SOURCE: GC § 13209.

§ 60407. Same: Same: What Street Naming Plan Shall Include.

The street naming plan shall include:

(a) proposed names for all streets and highways within the territory (except such streets and highways as are located upon military reservations of the United States) not in conflict with street names already adopted by virtue of the provisions of the Zoning Law or of the Subdivision Law of the Territory of Guam (Chapters 61 and 62 of this Title 21, GCA);

(b) recommendations, if any, of new names for streets and highways already named, either under the provisions of Chapters 61 and 62 of this Title of the Government Code or by common usage within the territory.

(c) a map incorporating proposed highway and street names of all the streets and highways of the territory (except such streets and highways as are located upon military reservations of the United States), including in such map both those names already established and accepted and the new names proposed by the Commission.

(d) in determining highway and street names, the plan shall include as far as practical Chamorro or Spanish words for the terms street, drive, avenue, alley, and similar words, utilizing in lieu thereof Chamorro words as *chalan* or Spanish words as *camino*.

SOURCE: GC § 13210. Subsection (d) added by P.L. 10-51.

§ 60408. Same: Same: Legislative Action.

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Upon the transmittal to the Legislature of the approved plan as provided in § 60406, the Legislature shall hold at least one (1) public hearing in order to permit the public to present its views as to the proposed street and highway names. The legislature, upon the conclusion of such hearing may, by statute, adopt the plan as submitted or may amend the same in whole or in part. Upon adoption, the names so approved shall be the official names of the streets and highways of the territory.

SOURCE: GC § 13211.

NOTE: Street and highway names enacted by legislation are compiled in 1 GCA Ch. 8.

§ 60409. Guam Natural Resources Board.

The Territorial Land Use Commission shall serve ex-officio as the Guam Natural Resources Board. It shall be the function of the Board to study and evaluate any plans or proposals for the utilization of government land for natural resource development or exploitation.

SOURCE: GC § 13251 added by P.L. 10-116.

§ 60410. Minerals: Mining.

All proposals for the use, lease or purchase of government land for the purpose of commercial mining or removing therefrom any minerals, rocks or sand for processing shall be presented to the Guam Natural Resources Board. The Board shall determine if the proposal is consonant with the public interests and in keeping with proper conservation practices. The Board may recommend any such use, lease or sale of government land to the Governor including any such conditions that may be necessary such as bonds for compliance with the proposals presented.

SOURCE: GC § 13252 added by P.L. 10-116.

§ 60411. Rules and Regulations.

It shall be the duty of the Guam Natural Resources Board to formulate such rules, regulations and procedures as are necessary to effectuate the aims and intents of this Act and no government land shall be leased or sold for the purpose of commercial mining or removing therefrom any minerals, rocks or sand for processing until the rules, regulations and procedures herewith authorized shall have been adopted and promulgated pursuant to the provisions of the Administrative Adjudication Act; and provided, further, that such regulations and procedures shall include, among other provisions, the following: (a) a public hearing on the proposed lease or sale

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of government land must be conducted by the Board; (b) a notice for said hearing shall be published in a newspaper of general circulation at least ten (10) days before the day set for the hearing; and (c) the notice for hearing shall contain a summary description of the proposed mining operations.

SOURCE: GC § 13253 added by P.L. 10-116.

**ARTICLE 5
UNIFORM TRIANGULATION SYSTEM**

- § 60501. Authority.
- § 60502. Personnel.
- § 60503. Regulations.
- § 60504. Same: Publication.
- § 60505. Duties of Director.
- § 60506. Establishment of Triangulation Control Stations.
- § 60507. Designation of Coordinate Reference Point.
- § 60508. Identification of Land Markers.
- § 60509. Filing of Document for Records in the Department of Land Management.
- § 60510. Same: Reference to Map.
- § 60511. Original Tracing.
- § 60512. Admissibility into Evidence.
- § 60513. Instrument-Testing Facilities.
- § 60514. Penalty.
- § 60515. Establishment of the 1993 Guam Geodetic Network.
- § 60516. 1993 Guam Geodetic Datum and Map Grid.
- § 60517. Proclaimed Survey Areas.
- § 60518. Extension of the 1993 Guam Geodetic Network.
- § 60519. Protection of 1993 Guam Geodetic Network Marks.

§ 60501. Authority.

The Director of Land Management, hereinafter referred to as the Director, shall establish (a) a uniform system of geodetic triangulation controls through the establishment of primary and secondary triangulation control stations to be known as the *Guam Geodetic Triangulation Net*, and (b) uniform procedures for the survey of public and private lands within the territory in conformity with the provisions of this Chapter.

SOURCE: GC § 13800.

§ 60502. Personnel.

The Director shall be responsible for the carrying out of the provisions of this Chapter and may appoint a Guam Chief Surveyor, a Deputy Chief Surveyor and such additional personnel as is necessary for the administration thereof. In addition, the Director shall have the authority to contract with private professional land surveyors for surveying services under such terms and conditions as *I Maga'lahaen Guåhan may approve; provided, however, any such surveyor shall be either: (a) registered by the Guam Board of Engineering Architectural Examiners under the Professional Engineers, Architects and Land Surveyors Law, Title XLIII, Government Code of Guam, and holds a current certificate of registration issued by the Board covering the contract period, or (b) a surveyor exempted from registration under the Professional Engineers Architects and Land Surveyors Law.* The Director of Land Management in conjunction with the Director of Administration shall take the necessary steps required to upgrade the salary level of the Surveyor's series of positions to those of the Engineer's series, including the creation of a classified position of Deputy Chief Surveyor..

SOURCE: GC § 13801. Amended by P.L. 25-92:2. Effective January 1, 2006, reference to the "Civil Service Commission," amended to "Director of Administration" pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 60503. Regulations.

The Director shall prescribe such regulations as may be necessary, in his judgment, to implement the provisions of this Article. Such regulations shall be subject to approval by the Governor by Executive Order.

SOURCE: GC § 13802.

§ 60504. Same: Publication.

Copies of regulations issued under this Chapter shall, after the effective date thereof, be published and made available for sale to the public. A current set of such regulations shall be maintained in the Department of Land Management for public use and inspection during normal government business hours.

SOURCE: GC § 13803.

§ 60505. Duties of Director.

The duties of the Director or his delegate under this Chapter shall include:

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(a) The surveying, locating, marking and mapping of land boundaries, preparation of metes and bounds descriptions and all other work related thereto, of all land owned, controlled or in possession of the government of Guam, or which may hereafter be acquired, controlled or in possession of the government of Guam, or of private lands which are to be acquired by the government of Guam through purchase or condemnation.

(b) The development of uniform specifications of the survey data to be included on maps, plats, sketches or other plane pictorial representation of land.

(c) The development of current records of surveys and maps of the territory in accordance with the provisions of this Chapter.

(d) The maintenance and preservation of triangulation control stations.

(e) The assigning of coordinate values to existing triangulation control stations pending verification of such coordinate values and designation by him of such stations as part of the *Guam Geodetic Triangulation Net*.

SOURCE: GC § 13804.

§ 60506. Establishment of Triangulation Control Stations.

Appropriate monuments shall be erected by the Director, or may be designated by him, at locations determined by him, based upon polyconic methods of computation, as primary and secondary triangulation control stations, to be referred to as the Guam Geodetic Triangulation Net, for use in locating and describing land within the territory which shall conform to standards of accuracy in their placement as follows:

(a) Primary triangulation control stations shall be established by the equivalent to, or better than, First order, Class III, work as specified in the Manual of Geodetic Triangulation, United States Department of Commerce, Coast and Geodetic Survey, Special Publication No. 247, 1959 revised edition.

(b) Secondary triangulation control stations shall be established by the equivalent to, or better than, Second Order, Class II, work as specified in the Manual of Geodetic Triangulation, United States Department of Commerce, Coast and Geodetic Survey, Special Publication No. 247, 1959 revised edition.

SOURCE: GC § 13805.

§ 60507. Designation of Coordinate Reference Point.

The principal reference point for the use of coordinates in connection with the Guam Geodetic Triangulation Net is the intersection of East Longitude 144° 44' 55.52" and North Latitude 13° 20' 20.87".

SOURCE: GC § 13806.

§ 60508. Identification of Land Markers.

In addition to the other requirements established by regulations, a permanent land marker shall be set to identify any change of direction of the boundary of any lot, parcel or tract of land, stamped with the letters L.S. and the certificate of registration number of the surveyor setting the marker or, if set by a public officer, stamped with his official title.

SOURCE: GC § 13806.

§ 60509. Filing of Documents for Records in the Department of Land Management.

No document purporting to establish title to land as a result of proceedings under the Land Title Registration Act, presented to the Department of Land Management for recording, shall be filed unless accompanied by a map, plat, sketch or other plane pictorial representation of the lot, parcel or tract of land involved, made within a one year period preceding presentation for filing, or within a one year period preceding the filing of the petition for land registration if said map were filed therewith, or, with regard to land taken in condemnation proceedings, made within one year preceding the filing of the action for condemnation, and bearing a certification of the following facts:

(a) That it was prepared as the basis of a field survey by either (1) a surveyor registered by the Guam Board of Engineering and Architectural Examiners under the Professional Engineers, Architects and Land Surveyors Law, Title XLIII, Government Code of Guam, holding a current certificate or registration issued by the Board covering the period that the map, plat, sketch or other pictorial representation of the land was made, or the field work incidental thereto was performed, or (2) a surveyor exempted from registration under the Professional Engineers, Architects and Land Surveyors Law.

(b) That it was based upon data obtained from the use of the Guam Geodetic Triangulation Net and, where coordinate values were

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used, the relationship of such coordinates to the Guam Geodetic Triangulation Net was determined by the use of physically ascertained courses and distances.

SOURCE: GC § 13808.

§ 60510. Same: Reference to Map.

No document purporting to affect the transfer of the fee simple ownership of land, presented to the Department of Land Management for recording, shall be filed, unless said document bears on it a reference to a map, plat, sketch or other plane pictorial representation of the lot, parcel or tract of land involved, containing a legal metes and bounds description thereof, prepared by the government of Guam, the Naval Government of Guam, or an authorized surveyor, and previously recorded at the Department of Land Management. If no such map, plat, sketch, or other plane pictorial representation is on record at the Department of Land Management, then no such document shall be filed unless accompanied by a map, plat, sketch or other pictorial representation conforming to the requirements of § 60509.

SOURCE: GC § 13808.1.

§ 60511. Original Tracing.

Notwithstanding any provision of law, rule or regulation to the contrary, the original tracing of a map, plat, sketch or other plane pictorial representation of the lot, parcel or tract of land involved, shall be the personal property of the owner of the land involved.

SOURCE: GC § 13808.2 added by P.L. 12-203.

§ 60512. Admissibility Into Evidence.

Any map, sketch, plat or other pictorial representation of land conforming to the provisions of § 60509 and certified by the Director as to such conformity, shall be entitled to admission into evidence in any court of record, as prima facie evidence of the facts represented thereon, without further proof.

SOURCE: GC § 13809.

§ 60513. Instrument-Testing Facilities.

For the purpose of insuring accuracy of survey measurements, the Director is authorized to install, in appropriate locations, facilities for the testing and calibration of surveying measurement devices in order to insure

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the attainment of the degree of accuracy in surveying required under this Chapter. The Director is authorized to use the facilities established for the purpose of testing and calibration of survey measurement devices used by others than the government of Guam or its agencies, and the fee shall be ten dollars (\$10.00) for each measuring device tested and calibrated.

SOURCE: GC § 13810.

§ 60514. Penalty.

It shall be a petty misdemeanor to willfully or maliciously damage, destroy or otherwise impair the usefulness of any survey monument established under this Chapter.

SOURCE: GC § 13811 as amended by P.L. 13-187:113.

§ 60515. Establishment of the 1993 Guam Geodetic Network.

(a) The Director shall progressively replace the 1963 Guam Geodetic Triangulation Network with the 1993 Guam Geodetic Network.

(b) For this purpose, appropriate monumentation that is intended for the establishment of the 1993 Guam Geodetic Network shall be erected by the Director, or may be designated by him, as primary, secondary and tertiary network marks and shall be referred to as the 1993 Guam Geodetic Network for use in locating and describing land within the territory.

(c) The 1993 Guam Geodetic Network shall be established to the control standards prescribed in the Federal Geodetic Control Committee's (FGCC) publication Geometric Geodetic Accuracy Standards and Specifications for using GPS relative Positioning Techniques, Version 5.0 (Reprinted 1 August 1989) and as updated as necessary.

SOURCE: Added by P.L. 23-31:2. Subsection (a) amended by P.L. 23-131:1. Subsection (c) amended by P.L. 23-131:2.

§ 60516. 1993 Guam Geodetic Datum and Map Grid.

(a) The 1993 Guam Geodetic Network shall adopt the North American Datum of 1983 (NAD83 Geodetic Datum) as the Coordinate Reference System.

(b) The Guam Map Grid, with the following parameters, shall be adopted for surveying application in Guam:

Central Meridian and

Longitude of Origin 144° 45' East Longitude

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Latitude of Origin	13° 30' North Latitude
Easting of Origin	100,000 Meters
Northing of Origin	200,000 Meters
Central Scale Factor	1.000000

SOURCE: Added by P.L. 23-31:3.

§ 60517. Proclaimed Survey Areas.

(a) The Director shall declare areas of Guam where the 1993 Guam Geodetic Network has been established as Proclaimed Survey Areas.

(b) The Director shall make notification of the declaration of Proclaimed Survey Areas by advertising in the local newspaper and advising the Guam Board of Registration for Professional Engineers, Architects and Land Surveyors.

(c) When performing surveys of land boundaries in a proclaimed survey area, surveyors shall connect their surveys to three (3) of the 1993 Guam Geodetic Network marks. It shall *not* matter if the tie marks are *not* the nearest to the property surveyed; provided, however, that the tie traverse survey must meet the standard of accuracy required by the Department of Land Management.

(d) If the Territorial Surveyor, based upon reasonable grounds, questions a survey plan as to form and accuracy, which includes definition of boundaries, as shown on a survey plan in a Proclaimed Survey Area, by reason of the survey not being carried out in accordance with this law or regulations issued under this law, the Territorial Surveyor may require the surveyor responsible to undertake additional work, or to provide additional information in relation to the survey in order for the Territorial Surveyor to verify the survey plan as to form and accuracy, including definition of the boundaries. The Territorial Surveyor shall not approve the plan until satisfied that the requirements of this law are met.

(e) The surveyor must comply with any such requirement within fourteen (14) days or such longer period as allowed by the Territorial Surveyor.

(f) The Guam Chief Surveyor and his Cartographic Technicians who edit preliminary map check prints submitted by surveyors must complete their editing processes within a period *not to exceed* thirty-five (35) calendar days from the time a surveyor makes the submission. Upon

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completion of the editing process by two (2) Survey Technicians, the edited check print(s) must be returned to the surveyor within the said thirty-five (35) calendar days for the surveyor's action in addressing comments made by the Division of Survey. Once the surveyor addresses all comments and submits the original map for final approval process within a period of *not more than* fifteen (15) calendar days from the time a surveyor makes the submission. Therefore, between the period of thirty-five (35) calendar days allowed for the Division of Survey to complete its editing processes of the map check print(s), and the fifteen (15) additional calendar days allowed for approving the final map, the Division of Survey has a total of fifty (50) calendar days to complete its work on any map submitted. Failure of the Territorial Surveyor to disapprove in writing a survey plan submitted shall deem such plan approved. The exception will be maps containing over fifty (50) lots delineation which maps shall be given forty-five (45) calendar days to be edited, and an additional fifteen (15) calendar days for approval.

SOURCE: Added by P.L. 23-31:4 Subsection (c) amended by P.L. 25-92:3.
Subsection (f) r/r by P.L. 25-92:4.

§ 60518. Extension of the 1993 Guam Geodetic Network.

(a) Subdivisions of land in Proclaimed Survey Areas carried out pursuant to Chapter 62, Title 21, Guam Code Annotated (Subdivision Law) shall comply with these requirements.

(b) The Territorial Planner shall forward a copy of all tentative plans of subdivisions to the Territorial Surveyor.

(c) The Guam Chief Surveyor or other officers of the Department of Land Management, shall at its discretion, install new Guam Geodetic Network Monuments within properties that are to be subdivided. The Department of Land Management is authorized to charge a Map Processing fee for the processing of survey maps. The fees collected shall be deposited separate and apart from the General Fund. The fees collected shall be used to finance the installation of any future Geodetic Network Monuments. The Director of Land Management through the Administrative Adjudication Act (AAA) shall promulgate an updated fee schedule to include the Map Processing Fee.

SOURCE: Added by P.L. 23-31:5. Subsection (c) r/r by P.L. 25-92:5. Subsections (d), (e) and (f) repealed by P.L. 25-92:6.

§ 60519. Protection of 1993 Guam Geodetic Network Marks.

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(a) A person must not, without the approval of the Territorial Surveyor, destroy or damage a 1993 Guam Geodetic Network mark. A penalty of \$5,000 will be incurred if a person destroys or damages a 1993 Guam Geodetic Network mark.

(b) Where a person proposes to carry out any work in a Proclaimed Survey Area likely to destroy or damage a 1993 Guam Geodetic Network mark, that person shall give notice to the Territorial Surveyor, who shall take all necessary steps to safeguard the mark, and the proposed work shall not commence until such steps have been taken.

(c) The cost of any work carried out by the Territorial Surveyor pursuant to subsection (b) above shall be recovered from the person carrying out the work.

(d) When the Court finds a person guilty of willfully destroying or damaging a 1993 Guam Geodetic Network mark, in addition to the punishment imposed by the Court, the person shall pay the Territorial Surveyor the full cost of replacing and re-coordinating the mark, in addition to the penalty stated above.

SOURCE: Added by P.L. 23-31:6.

**ARTICLE 6
SURVEY OF GOVERNMENT LAND**

- § 60601. Survey of Government Land; Duty of Territorial Surveyor.
- § 60602. Land Survey Revolving Fund.
- § 60603. Administration of Fund.
- § 60604. Monthly Report.
- § 60605. Disbursement Procedures.
- § 60606. Survey of Private Property.
- § 60607. Report of Cost Prior to the Survey of Private Land.
- § 60608. Survey Procedure.
- § 60609. Addition to Assessment Roll.
- § 60610. Election to Amortize Special Assessment.
- § 60611. Director to Submit Annual Report.
- § 60612. Land Acquisition Fund.

§ 60601. Survey of Government Land: Duty of Territorial Surveyor.

All real property belonging to the government of Guam for which certificates of title have not been issued, shall be surveyed and mapped in

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order to accomplish the registration of such property. The Territorial Surveyor shall carry out a program, on a continuing basis, to so survey and register government-owned land, and such program shall include, but not necessarily be limited to the following:

(a) Completing the calculation and field traverse necessary to establish the Guam Geodetic Triangulation Net, including the referencing of all markers, the integration of such system with those previously established on Guam, and the restoration of all monuments destroyed since the initiation of said system;

(b) Researching all existing survey records and plans, selecting those surveys that can be utilized, updating such survey by connecting them to the Guam Geodetic Triangulation Net, verifying questionable boundaries, and completing registration proceedings for those lots for which surveys already exist;

(c) Selecting from the remaining parcels of government land those parcels of highest land value and proceeding to survey them in order of value, on a parcel basis, until all government of Guam land is surveyed;

(d) Putting all parcels of government of Guam land on the cadastral maps of the government;

(e) Submitting to the Legislature, prior to any appropriations, a systematic program of planned surveys for the following year, showing the estimated amounts of funds needed for each such separate survey, and the estimated time of completion.

There is hereby authorized to be appropriated the sum of not to exceed Nine Hundred Thousand Dollars (\$900,000) to carry out the purposes of this Law.

SOURCE: GC § 13970 as amended by P.L. 12-3.

§ 60602. Land Survey Revolving Fund.

(a) There is hereby established a land Survey Revolving Fund within the cognizance of the Director, Department of Land Management to continue and finish the surveying, mapping, and registration of all government-owned real properties throughout the island. Such revolving fund shall be maintained separate and apart from any other funds of the government of Guam, and independent records and accounts shall be

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maintained in connection therewith as prescribed by the Director, Department of Administration.

(b) Notwithstanding any other provision of law, no funds from the Land Survey Revolving Fund may be expended or encumbered without an appropriation by *I Liheslaturan Guåhan*.

(c) **Fee Schedule.** The Department of Land Management is authorized and directed to collect the following fees:

- (1) For reproduction of maps:
 - (A) Bond \$ 10.00 for 1st copy and
 \$ 5.00 each additional
 - (B) Vellum \$ 15.00
 - (C) Mylar \$ 20.00
- (2) Survey Manual \$150.00
- (3) 1963 GGTM Book
 Horizontal Book \$100.00
- (4) Horizontal Control
 Survey by (CGS) \$100.00
- (5) Vertical Control Data \$ 70.00

SOURCE: GC § 13971 amended by P.L. 12-3; 12-140; 14-136:6; 14-148:12; and reenacted by P.L. 17-70:II:26. Subsection (a) added by P.L. 27-106:VI:14. Amended by P.L. 29-002:V:III:5 (May 18, 2007). Subsection (c) added by P.L. 29-002:V:III:5 (May 18, 2007).

§ 60603. Administration of Funds.

All monies received from legal land document recordation, applications to purchase land, land use application fees, long-term lease fees shall be deposited in the Land Survey Revolving Fund and all debts, liabilities, obligations and operating expenses in connection with land survey shall be paid therefrom; provided, that no monies shall be transferred to said fund from the General Fund, without the express written consent of the Director of the Bureau of Budget and Management Research, and provided further, that all monies to be paid out of said fund for the purpose heretofore mentioned, shall be released via an allotment advice from the Bureau of Budget.

SOURCE: GC § 13971.1 added by P.L. 17-70:II:27.

§ 60604. Monthly Report.

The Director of Land Management shall submit to the Governor a monthly statement reflecting the financial conditions of said revolving fund.

SOURCE: GC § 13971.2 added by P.L. 17-70:II:28.

§ 60605. Disbursement Procedures.

The Certifying Officer of the Department of Land Management shall determine and certify all disbursements from said revolving fund, which disbursements shall be countersigned by the Director of Land Management.

SOURCE: GC § 13971.3 added by P.L. 17-70:II:29.

§ 60606. Survey of Private Property.

If in the course of a survey by the government of Guam of its real property, any owner of land adjoining said property agrees to bear the cost of a survey in the manner hereinafter provided, the government shall make a survey of said private property, install all needed concrete monuments, and furnish a map showing the results thereof to such owner. In so doing, accurate records will be kept of all government of Guam expenditures, including time and material, used in making such survey so that the actual cost to the government of each such private survey can be determined; except that the cost to the government of surveying any common boundary between government land and that of such owner shall not be included.

SOURCE: GC § 13972.

§ 60607. Report of Cost Prior to the Survey of Private Land.

The landowner may request a preliminary estimate of the total cost to the government of such survey and what the annual installments would be if the cost were to be paid over a period of ten (10) years without interest. Such estimate shall be followed by the government in making the survey and if it appears during the course thereof that the actual costs will be more than twenty-five percent (25%) greater than the estimate, the land owner shall be so notified and he shall have the option to then terminate the survey at no cost to himself. In the event of his election to continue the survey, or in the event the cost is within twenty-five percent (25%) of the estimate, then he shall be liable for the full cost of the completed survey.

SOURCE: GC § 13973.

§ 60608. Survey Procedure.

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Upon Acceptance by the landowner of the estimate and his execution of an agreement to pay the cost thereof, then the Territorial Surveyor shall proceed with the survey. Upon completion thereof he shall record the survey map and give copies thereof to the landowner, together with a record of the cost thereof. Said account of the cost shall also be recorded and shall become a lien upon the land surveyed, payable and collectible as taxes under the provisions of Chapter 24, 11 GCA Finance and Taxation.

SOURCE: GC § 13974.

§ 60609. Addition to Assessment Roll.

An itemized listing of the survey liens resulting from the provisions of the immediately preceding sections of this Article shall be forwarded to the Assessor who shall add the amount of each survey lien as a special assessment on the tax list of the owner or owners of the surveyed land on the next assessment roll prepared after completion of the survey. This special assessment shall be entered as a separate item. The amount so entered shall not be subject to change by the Board of Equalization but said Board may correct the roll as to clerical errors or omissions.

SOURCE: GC § 13975.

§ 60610. Election to Amortize Special Assessment.

The taxpayer may, on or before the date when the first half of property taxes is due, elect to pay in annual installments the amount of the special survey assessment in either five (5) or ten (10) years, without interest, or pay the same in full, as other property taxes, within the year. If the taxpayer elects to pay in installments, the tax collector shall collect the amount due in accordance with such election and credit each payment to the special assessment portion of the tax bill and after each installment show the balance of the assessment. Thereafter, the unpaid balance and the annual installment shall not be construed as preventing the owner of land subject to the assessment from paying the unpaid balance at any time. All special assessment collections shall be credited to the Land Survey Fund.

SOURCE: GC § 13976.

§ 60611. Director to Submit Annual Report.

The Director of Land Management shall prepare annually and submit to the Legislature, through the Governor, a report setting out all activities by the Department of Land Management and Territorial Surveyor in carrying out the survey of government land as required by § 60601 of this Chapter

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and the survey of private land as authorized by § 60606 of this Chapter. Such report shall be submitted on or before July 5th of each year and shall cover the survey activities of the Department and of the Territorial Surveyor for the immediately preceding fiscal year.

SOURCE: GC § 13977 enacted by P.L. 10-89.

§ 60612. Land Acquisition Fund.

There is within the government of Guam a special fund known as *The Land Acquisition Fund* shall be under the administration of the Governor of Guam. There is hereby authorized to be appropriated the sum of not to exceed five hundred thousand dollar (\$500,000.00) as initial capital to said fund which shall be replenished by annual appropriations by the Legislature. The purpose of maintaining a separate fund for land acquisition is to account separately for all costs of acquiring private land for public purposes, expenditures from said fund to be made only in connection with such acquisition. A strict account shall be kept of all such expenditures and disbursements from such fund and an annual report thereof shall be made to the Legislature not later than one month following the close of each fiscal year.

SOURCE: GC § 13977 enacted by P.L. 9-170, renumbered § 13978 by P.L. 10-89.

**ARTICLE 7
CONFIRMATION OF PUBLIC RIGHTS**

- § 60701. Legislative Findings.
- § 60702. Researching and Identifying Public Rights.
- § 60703. Confirming Public Rights.

§ 60701. Legislative Findings.

The Legislature finds that the traditional pattern of land ownership on Guam was that many areas of the island were completely open to public access and public's use of such land was totally unfettered. Examples of such areas are the dry sand area of Guam's beaches and the steep slopes of Guam's mountains, both areas having been referred to as *Monte Sine Dueno*. Additionally, there are many areas of Guam over which the public, through frequent and uninterrupted use, has acquired rights which need to be confirmed, settled, and vested by means of asserting these rights in land registration cases.

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SOURCE: GC § 13980 enacted by P.L. 12-61.

§ 60702. Researching and Identifying Public Rights: Duty of Land Records Division of the Department.

The Land Records Division of the Department is hereby directed to conduct an exhaustive study of the patterns of land ownership and of public land use on Guam in order to identify those areas where the public may be able to establish a legally sufficient claim for ownership or use thereof in a land registration proceeding instituted by either the government of Guam on behalf of the public's right thereto or by a private citizen in derogation of the public's right thereof. The Division shall also conduct research and prepare reports with respect to such land as the Attorney General may request to assist the government's representation in land registration cases in which the public's interest in land is being asserted.

SOURCE: GC § 13981 enacted by P.L. 12-61.

§ 60703. Confirming Public Rights: Duty of Attorney General.

The Director shall report the findings of the Land Records Division to the Attorney General and it shall be the duty of the Attorney General to enter an appearance in or file on behalf of the public in land registration proceedings for any unregistered land over which the public has a claim as revealed by research and study of the Department.

SOURCE: GC § 13982 enacted by P.L. 12-61.

**ARTICLE 8
AREA REPLATTING**

- § 60801. Purpose.
- § 60802. Designation - Harmon Field Area.
- § 60803. Submission.
- § 60804. Effectuation.
- § 60805. Final Approval.
- § 60806. Attorney General to Register.

§ 60801. Purpose.

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The purpose of this Article is to provide authorization for survey, to mark and reserve legal and adequate access right-of-way to the lots within an area, adjust property lines to give each lot a shape that is conducive to its maximum utilization with the least disturbance of existing uses, describe individual lots by metes and bounds description, to provide a basis for clear title, and provide a traffic circulation pattern that will give the residents ease of movement within the area as well as suitable connections with other areas.

SOURCE: GC § 13990 enacted by P.L. 10-90.

§ 60802. Designation - Harmon Field Area.

The following area is designated for survey and replatting. Preliminary plans will be prepared to indicate proposed lot lines and access rights-of-way.

Harmon Field Area bounded by Marine Drive to the north, Route 16 to the east, existing agricultural zones to the south, and the Harmon Sink area to the west, as to be determined by the Director of Land Management.

SOURCE: GC § 13991 enacted by P.L. 10-90.

§ 60803. Submission.

Preliminary plans will be submitted to the Territorial Land Use Commission for compliance with the Master Plan. Following approval by the Territorial Land Use Commission and the Governor, the plans will be submitted to the Legislature. No preliminary plans will be submitted to the Legislature without written approval of all landowners within the area involved. Portions of the area may be submitted upon approval of the landowners if such portions represent appropriate development units.

SOURCE: GC § 13992 enacted by P.L. 10-90.

§ 60804. Effectuation.

Following approval by the Legislature, by statute, the Department will survey and prepare final plats in accordance with the preliminary plans and provisions of this Chapter.

SOURCE: GC § 13993 enacted by P.L. 10-90.

§ 60805. Final Approval.

The final plats shall be submitted to the Legislature for final approval by statute. Upon such approval, the established procedure for subdivision

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approval will be followed, including surveying, placement of monuments and acceptance of right-of-way, but excluding improvement requirements.

SOURCE: GC § 13994 enacted by P.L. 10-90.

§ 60806. Attorney General to Register.

The Attorney General, at the expense of the government of Guam, shall

undertake whatever actions are necessary to register all lots included within the approved final plats, under the Land Title Registration Act.

SOURCE: GC § 13995 enacted by P.L. 10-90.

**ARTICLE 9
DLM BUILDING CONSTRUCTION FUND**

SOURCE: Article 9 added by P.L. 29-046:1 (Jan. 2, 2008).

- § 60900. Legislative Statement.
- § 60901. Creation.
- § 60902. Separate Fund and Bank Account.
- § 60903. Purpose and Expenditures.
- § 60904. Deposits.
- § 60905. Administration.
- § 60906. Investment.
- § 60907. New DLM Construction Building.
- § 60908. Severability.
- § 60909. Development Authority.
- § 60910. Authorization to Lease.
- § 60911. Credit Towards Ground Lease Agreement.

§ 60900. Legislative Statement.

I Liheslaturan Guåhan finds that the Department of Land Management (DLM) has applied with the Federal Emergency Management Agency (FEMA) under the Hazard Mitigation Grant Program for funds to construct its administration building. The DLM desires to use the funds received from the FEMA under the Hazard Mitigation Grant Program awarded under Project Number HMGP DR 1446, Project # 15 to construct a building

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complex to house the operations of the Department of Land Management. The Department proposes to construct the government of Guam building facility on Block 24, in the municipality of *Hagåtña*.

More importantly, *I Liheslaturan Guåhan* finds that the authorization of funds to be received from FEMA is strictly for the funding of the proposed construction of the government of Guam building facility on Block 24, and that *I Liheslaturan Guåhan* and *IMaga'lahen Guåhan* cannot transfer *or* redirect the funding to any accounts other than for the expenditures of the proposed building construction on Block 24, *Hagåtña*.

The proposed construction of the government of Guam building facilities on Block 24, *Hagåtña*, is particularly described as shown on Re-Subdivision Survey Map, drawing number I4-06T702, L.M. Check No. 273FY2008, and recorded under document number 799055, November 24, 2009, prepared by Professional Land Surveyor No. 68, Paul L. Santos.

The Department of Land Management, with the advisement from the Attorney General's Office and pursuant to §75105 of Chapter 75, Title 21, GCA, solicits assistance and is requesting approval from *I Liheslaturan Guåhan* for development authority of government-owned parcels: Lots 1NEW-2; 1NEW-3; and 1NEW-R6, within Block 24, affected by the consolidation and property boundary realignment of fractional lots within Block 24. The deletion of these substandard parcels, the pre-war lots, also known as fractional parcels within Block 24, municipality of *Hagåtña*, would provide both private and government-owned parcels the highest and best use for development.

I Liheslaturan Guåhan authorizes the Department of Land Management to complete the land exchange negotiated with the privately-owned fractional parcel Lot 317, within Block 24, and the government-owned parcel Lots 1NEW-2 and 1NEW-3, as shown on survey map recorded on Document No. 799055. The exchange is for lots of the same size and with the same basic lots via the re-alignment of boundaries.

SOURCE: Amended by P.L. 31-105:1 (Sep. 30, 2011).

§ 60901. Creation.

There is hereby created, separate and apart from other funds of the government of Guam, a reserve fund known as the ***“DLM Building Construction Fund”***.

§ 60902. Separate Fund and Bank Account.

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The DLM Building Construction Fund *shall* not be commingled with the General Fund *or* any other fund of the government of Guam. The DLM Building Construction Fund *shall* be maintained in a separate bank account.

§ 60903. Purpose and Expenditures.

The DLM Building Construction Fund *shall* be expended for the construction of the new Department of Land Management building, including, *but not limited to*, the following: A/E for the proposed building facility; environmental concerns; archeological and historic site survey and/or assessment of the project site; site preparation and civil work for the building foundation; construction cost for the structure of the proposed building facility to be built on government property described as Block 24, Hagåtña.

§ 60904. Deposits.

All monies received from FEMA for the construction of the Department of Land Management building *shall* be deposited into the DLM Building Construction Fund.

§ 60905. Administration.

The Director of Land Management *shall* account for and administer the DLM Building Construction Fund. The Director *shall* keep all books, records, files and accounts of the DLM Building Construction Fund. The Director *shall* prepare monthly reports relative to the DLM Building Construction Fund reflecting the transactions and the financial condition of the DLM Building Construction Fund, which monthly reports *shall* be transmitted to *I Liheslatura* and *I Maga'lahi*.

§ 60906. Investment.

The Director of Land Management, together with the Director of Administration, *shall* invest money held in the DLM Building Construction Fund in any type of investment approved for the Retirement Fund. All proceeds and income from investments of the DLM Building Construction Fund *shall* be deposited in the DLM Building Construction Fund.

§ 60907. New DLM Construction Building.

(a) The Department of Land Management is hereby authorized to provide for the design, construction and collateral equipment of a new public facility by entering into a financing arrangement with the U.S. Department of Agriculture, *or* other financing source, with lower cost of

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funds, *not to exceed* Fifteen Million Seven Hundred-fifty Thousand Dollars (\$15,750,000), for a term *not to exceed* forty (40) years.

(b) Any financial arrangement to provide for the design, construction and collateral equipment of the Land Resources Building *shall* be subject to the approval of the secured creditor of the Department of Land Management. The Director of Land Management without jeopardizing existing obligations, is authorized to use a portion of its Land Survey Revolving Fund, which *shall* be deposited into the DLM Building Construction Fund to make repayment and assure that its loan installments are paid on time; for emergency maintenance; for extensions to facilities; and for replacement of short-lived assets with a useful life significantly *less than* the repayment period of any loan *or* the term, *or* any other financial arrangement.

(c) Any monies reimbursed for expenses incurred on the design and construction of the Land Resources Building *shall* revert to the DLM Building Construction Fund.

(d) *I Liheslaturan Guåhan* encourages the Department of Land Management to explore and identify any and all potential financing sources *or* grants, including, but *not limited to*, any Federal government instrumentalities *or* private financial lending sources, and the *Chamorro* Land Trust Commission, the Ancestral Lands Commission and the *Hagåtña* Restoration and Redevelopment Authority for construction of the Land Resources Building.

(e) Interest derived from the financial agreement *shall* be *exempt* from taxation by the Government.

(f) Notwithstanding any substantive *or* procedural provision of Chapter 6 of Title 5 of the Guam Code Annotated, the government of Guam hereby waives immunity from any suit *or* action in contract on the loan, but does *not* waive sovereign immunity as to personal liability of elected *or* appointed officials and employees of the government of Guam.

SOURCE: Added by P.L. 29-135:2 (Jan. 8, 2009).

§ 60908. Severability.

If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall *not* affect other provisions or applications of this Act which can be given effect without the invalid provisions application, and to this end the

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provisions of this Act are severable.

SOURCE: Renumbered by P.L. 29-135:2 (Jan. 8, 2009).

§ 60909. Development Authority.

The Director of Land Management, together with the Administrative Director of the *Chamorro* Land Trust Commission, are hereby approved and authorized the development authority over Lot 1NEW-2, Lot 1NEW-3, and Lot 1NEW-R6, within Block 24. Notwithstanding §75105 (b), Chapter 75 of Title 21, GCA, the Department of Land Management *shall* manage the property for the *sole* purpose of constructing a building complex to house the operations of the Department of Land Management, the *Chamorro* Land Trust Commission, other land resources departments, and other administrative offices of the government of Guam.

The land disposition of Lot 1NEW-2 and Lot 1NEW-3 are parcels that were created from the consolidation of several fractional parcels originally designated within the adoption of the New *Agana* standard block system. The consolidation survey map of fractional parcels on both private and government land is in accordance to Title 21, GCA, and public laws that would better effectuate the highest and best uses of Block 24 for land use development.

(a) The legal description for the DLM Building Construction Site within Block 24, *shall* be described as follows:

LOT NO. 1NEW-R6, BLOCK NO. 24, MUNICIPALITY OF
HAGÁTÑA, GUAM, CONTAINING AN AREA OF 4,714 +/-
SQUARE METERS, AS SHOWN ON MAP DWG. NO. I4-06T702,
L.M. CHECK NO. 273FY2008, PREPARED BY PROFESSIONAL
LAND SURVEYOR NO. 68, PAUL L. SANTOS, RECORDED
UNDER DOCUMENT NO. 799055, NOVEMBER 24, 2009.

(b) Development Authority: The Department of Land Management in accordance with §60112 of Article 1 of Chapter 60, and §75105 of Chapter 75, Title 21, Guam Code Annotated, *shall* have development authority over Lot 1NEW-2, Lot 1NEW-3, and Lot 1NEW-R6, within Block No. 24, municipality of Hagatña, Guam.

SOURCE: Added by P.L. 31-105:2 (Sep. 30, 2011).

§ 60910. Authorization to Lease.

The *Chamorro* Land Trust Commission (Commission) is hereby

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authorized to enter into a lease with the Department of Land Management for Lot 1NEW-R6 within Block No. 24, municipality of *Hagåtña*, Guam.

Notwithstanding any other provision of law, the Department of Land Management may enter into a ground lease with the Commission for the use of Lot 1NEW-R6 for a term *up to* fifty-five (55) years at One Dollar (\$1.00) a year for the first five (5) years, then the lease *shall* be renegotiated between the Commission and the Department of Land Management. Rental rate for the ground lease made pursuant to this Section *shall* be negotiated by the Commission, as determined by an appraisal of the land; *however*, the Commission may set the ground lease rental at a rate *no lower* than fifty percent (50%) of fair market value. The appraisal *shall* be made within one (1) year preceding the commencement of the lease by an appraiser licensed pursuant to Chapter 30, Title 22, Guam Code Annotated.

SOURCE: Added by P.L. 31-105:3 (Sep. 30, 2011).

§ 60911. Credit Towards Ground Lease Payment.

The Department of Land Management *shall* receive credits towards the ground lease payments due by deducting payments made on any mortgage, loan or other financing instruments for the construction of the building from the amount and of the ground lease.

SOURCE: Added by P.L. 31-105:4 (Sep. 30, 2011).
