

18 GAR - LAND MAN-
AGEMENT

Article 3
Leases and Sales

- §1300. Exchanges of Land in Lieu of Cash Payment: Authority.
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NOTE: Rule-making authority cited for formulation of regulations by the Director of Land Management on the exchange of land in lieu of cash payment, 21 GCA Chapter 64.

Public Law 12-226 repealed Chapter VI, Leases and Sales of Title XIV of the Government Code, consisting of §§13500-13528. In its place it established the Chamorro Land Trust Commission. The powers and responsibilities for the exchange of land in lieu of cash payment have been transferred to the Chamorro Land Trust Commission on the date of its first meeting..

§1300. Exchanges of Land in Lieu of Cash Payment: Authority. These Rules and Regulations shall govern the disposition of government land by exchange pursuant to the provision of 21 GCA Chapter 75.

NOTE: See note after 21 GCA §64108.

§1301. Same: Procedure. (a) Whenever privately-owned lands are required by the government of Guam, the following procedures shall govern with respect to any exchanges of government realty for privately-owned realty:

(1) The owner of such land may apply to the Director of Land Management for government-owned land to be exchanged, totally or partially in lieu of cash payment, for the lands required by the Government.

(2) All applications shall be made in writing, addressed to the Director of Land Management.

(3) **Owner.** The individual, including corporate entities, in which acceptable title to property sought to be exchanged with the Government is vested.

(4) **Realty.** The real property which may be the subject of a considered exchange. The distinction of "owner's realty" and "government realty" may be used to differentiate the interests of the primary parties.

(5) **Premises.** That property, an interest less than title in fee simple, such as easements, rights-of-way, which may be sufficient to meet the requirements of the Government in the proposed exchange.

§1302. Same: Availability of Land. (a) Government-owned land available for exchange purposes shall be those lots or areas listed and published in the availability list pursuant to §13505.1, Government Code of Guam. Such exchanges, however, shall not be made unless the privately-owned land is to be acquired for a project or program specifically authorized by law.

(b) Whenever lands owned by the United States of America are required by the government of Guam for a program or project specifically authorized by law, the Director of Land Management, with the approval of the Governor (and the concurrence of the Legislature by resolution) may exchange such lands with lands owned by the government of Guam, plus any cash differential necessary to equalize the respective values of subject properties.

(c) Exchanges accomplished under this Section shall not take effect until agreement is concurred by the Legislature. Appraisal report shall be made by both parties which shall be appended as part of the exchange instrument.

NOTE: See note after §64107, 21 GCA.

§1303. Same: Disposal Technique . Before any land exchange transaction is consummated, appraisal reports shall be made for the properties under consideration. Appraisal reports for government land shall be prepared by staff appraisers of the Department of Land Management, which appraisal reports shall be reviewed by the Administrator, Land Management Programs, who shall submit such review with his recommendations in writing to the Director of Land Management. The owner must be informed in writing of the estimated value of his property based on the results of the appraisal; which shall not be less than the fair market value of the realty under consideration. In making such appraisal, the owner shall be afforded the opportunity to accompany the appraiser during the appraisal inspection. The appraisal report shall state whether the owner or his representative did accompany the appraiser. In all instances where applicable, displaced persons affected by these Rules and Regulations will be treated consistent with the requirements of Public Law 11-160. The owner shall either obtain a private appraiser at his own expense, or may request the Department of Land Management for such services, in which case (the latter) the owner shall concur with the value expressed in such appraisal report. In either event, the appraisal report shall be considered by the Director of Land Management no more than thirty (30) days thereafter.

§1304. Same: Value. Exchanges shall be based on the market value of the properties as All appraisals and review reports shall be a part of the documents in the exchange transaction. No commitment on the Government's part to exchange realty shall be considered final until approved by the Director of Land Management and the Governor.

§1305. Same: Property Exchange Base . Privately-owned land needed by an approved government project may be exchanged, provided that such private realty is equal to at least eighty percent (80%) of the value of the government land; and further such private realty is not less than a standard size lot for the zone of the area wherein located. The Administrator of Land Management Programs, shall avoid whenever possible, rendering substandard any private realty involved in

government land-taking. In cases, where private realty is unavoidably rendered substandard by a government taking, then the minimum area requirement for land exchange shall not apply.

§1306. Same: Notice of Public Hearing. No exchange of land shall be consummated until a public notice on the proposed exchange of land is made in a newspaper of general circulation in Guam. Such publication shall be held at least ten (10) days before the hearing date, which notice shall contain a brief description of the proposed exchange including the values of the properties to be exchanged and the purpose or purposes for which the private land is to be acquired. All records pertaining to any exchange transaction shall be open to the public unless such records are returned to the inactive file pursuant to the Records Management Act.

§1307. Same: Payment. The difference in value of the property being exchanged shall be paid in full to the party having the greater value prior to final completion and execution of all documents.

§1308. Same: Application Fee. For each application filed, a fee of Ten Dollars (\$10.00) shall accompany the application, such fee shall be in cash (U.S.), cashier's or certified checks made payable to the Treasurer of Guam.

§1309. Same: Repeal. The adoption of this Land Exchange Rules and Regulations, pursuant to the Administrative Adjudication Act, supersedes all previous rules and regulations.