

Chapter 11

Pohnpei state government

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42 PC 11-101. Short title.

This chapter is known and may be cited and referred to as the “Pohnpei State Government Conveyance Act of 2003.”

Source: S.L. No. 5L-101-03 §1, 7/29/03

42 PC 11-102. Authority.

Pursuant to Chapter 2 Part A of this title and Chapter 1 of Title 49, as amended, and S.L. No. 3L-53-94, the Pohnpei Public Lands Trust Board of Trustees is authorized and directed, no sooner than 240 days after the effective date of this chapter [effective date is July 29, 2003], to dedicate the following public trust lands as identified in the decimal numbered sections immediately following this section and as described on the set of maps described in 42 PC 11-104 to the Pohnpei Government; PROVIDED that the chief executive officer of each of the receiving entities of the Pohnpei Government, upon consultation with and approval by the Governor, or his designee, shall within 120 days from the effective date of this chapter conduct a detailed review of the lands identified in the decimal numbered sections immediately following this section and described on the maps described in 42 PC 11-104 and shall confirm that such lands are appropriate and necessary to meet the present and future needs of the Pohnpei Government and shall inform the Department of Land and Natural Resources or its successor, which shall have not more than a further 120 days to survey or cause to be surveyed and delineated such lands; PROVIDED FURTHER that after such lands are identified and delineated as being in active use or needed for future use within five years of the effective date of this chapter by the Pohnpei Government, any remaining public trust lands as identified herein and as described on said set of maps that are not claimed by the Pohnpei Government shall be retained by or returned to the Public Lands Trust to be administered, managed, regulated and/or distributed pursuant to Chapter 1, as amended or superseded, and other state law; PROVIDED FURTHER that the area set aside for future use may not exceed one-third of the total land area within a parcel or tract so designated in the decimal numbered sections immediately following this section, unless a greater portion is specifically authorized for future use for that particular parcel or tract in said designation.

Source: S.L. No. 5L-101-03 §2, 7/29/03

Note: S.L. No. 2L-158-90 relating to "Elections" has been changed to "Chapter 1" of this Title due to an incorrect reference in the original legislation.

Section No. Parcel Lot No./Tr. No. Cad. Plat No. Area(sq. m.) Location Purpose

42 PC 11-102.001 015-A-29 015-A-05 23,368 Kolonia Town Ohmine Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.002 015-A-30 015-A-05 632 Kolonia Town Ohmine Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.003 Map No. PO 232 Sapwuahfik Ngatik Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.004 031-B-0813 031-B-01 191,345 Sokehs Palikir Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.005 129-A-04 129-A-00 10,334 U Awak Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.006 074-D-13 074-D-00 684 U Saladak Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.007 074-D-12 074-D-00 4,031 U Saladak Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.008 074-D-07 074-D-00 749 U Saladak Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.009 074-D-22 074-D-01 11,986 U Saladak Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.010 074-D-21 074-D-01 6,282 U Saladak Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.011 Tr. No. 71654 18,956 Madol. Sap. Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.012 010-D-18 010-D-00 35,640 Madol. Lukop Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.013 010-D-03 010-D-00 5,506 Madol. Lukop Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.014 010-D-17 010-D-00 10,903 Madol. Lukop Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.015 Tr. No. 72264 11,232 Madol. Tem. Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.016 Tr. No. 72287 26,145 Madol. Mand Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.017 032-E-05 032-E-00 8,030 Madol. Wapar Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.018 010-C-02 010-C-00 8,070 Kitti Salapwuk Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.019 062-F-07(B) 062-F-00 10,786 Kitti Rohi Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.020 062-F-07 062-F-00 5,413 Kitti Rohi Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.021 008-F-21 008-F-00 13,862 Kitti Wone Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.022 103-A-04 103-A-04 1,450 Sokehs Sokehs Pah Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.023 Tract No. 71164 7,459 Kitti Enipein Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.024 Tract No. 75337 3,506 Madol. ESDM Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.025 Map No. 194 4,125 Pingelap Pingelap Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.026 025-A-133 025-A-09 166,892 Nett High School

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.027 025-A-19 025-A-01 44,161 Nett High School

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.028 027-A-25 027-A-04 14,925 Nett Nett Ele. Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.029 099-A-10 099-A-01 4,887 Nett Parem Ele. Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.030 001-C-07 001-C-00 51,729 Sokehs Sekere Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.031 019-A-43 019-A-01 695 Sokehs Lewetik Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.032 Drawing 7002/84 5,000 Sokehs Iohl Sch.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.033 020-A-121 020-A-06 3,226 Kolonia State Park

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.034 020-A-146 020-A-12 64,812 Kolonia Town State Park

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.035 020-A-144 020-A-12 19,525 Kolonia Town State Park

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.036 005-A-27 005-A-01 3,543 Kolonia Town State Park

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.037 008-A-24 008-A-01 16,672 Kolonia Town State Park

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.038 065-A-13 065-A-00 6,162 Nett State Park

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.039 065-A-14 065-A-00 29,584 Nett State Park

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.040 008-A-26 008-A-01 1,331 Kolonia Town State Park

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.041 020-A-31 020-A-00 15,502 Kolonia Town State Park

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.042 128-A-01 128-A-00 421,625 Sokehs State Park

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.043 Drawing 188 Nett State Park

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.044 020-A-31 020-A-00 10,602 Kolonia State Park

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.045 012-A-23 012-A-01 1,265 Kolonia Town Land Tenure

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.046 012-A-24 012-A-01 2,382 Kolonia Town Land Office

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.047 009-A-95 009-A-08 1,816 Kolonia Town Housing Auth.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.048 009-A-101 009-A-09 1,045 Kolonia Town EPA

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.049 012-A-37 012-A-04 2,802 Kolonia Town State Housing

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.050 019-A-43 019-A-01 695 Kolonia Town State Housing

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.051 012-A-28 012-A-01 4,381 Kolonia Town State Park

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.052 025-A-214 025-A-25 4,526 Kolonia Town State Housing

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.053 025-A-193 025-A-20 17,191 Kolonia Town State Housing

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.054 020-A-65 020-A-03 2,205 Kolonia Town State Housing

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.055 020-A-133 020-A-08 3,734 Kolonia Town State Housing

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.056 012-A-39 012-A-05 322 Kolonia Town Historic Site

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.057 014-A-51 014-A-02 2,389 Kolonia Town Marine Res.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.058 019-A-45 019-A-01 859 Kolonia Town T&I

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.059 019-A-44 019-A-01 803 Kolonia Town Dept. of Public Safety

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.060 012-A-40 012-A-06 3,138 Kolonia Town PUC

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.061 012-A-41 012-A-06 3,733 Kolonia Town Police Station

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.062 012-A-42 012-A-06 2,713 Kolonia Town A.G's. Office

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.063 020-A-126 020-A-07 8,754 Kolonia Town Economic Affairs

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.064 025-A-202 025-A-21 26,770 Nett Civil Defense

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.065 028-A-09 028-A-01 80,010 Nett Hospital

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.066 031-B-04 031-B-02 20,070 Sokehs Dispensary

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.067 027-A-24 027-A-04 10,034 Nett State Hospital

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.068 117-A-09 117-A-02 5,806 Nett Jail

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.069 Tr. No. 75493 3,044 Dekehtik Supply

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.070 020-A-121 020-A-06 3,226 Kolonia Town Botanical Garden

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.071 020-A-146 020-A-12 64,612 Kolonia Town Botanical Garden

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.072 020-A-144 020-A-12 1,382 Kolonia Town Botanical Garden

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.073 020-A-145 020-A-12 1,693 Kolonia Town Botanical Garden

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.074 013-A-40 13-A-04 1,567 Kolonia Town Dispensary

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.075 Tr. No. 73599 2,312,753 Madol. State Govt.

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.076 025-A-21 025-A-01 9,669 Nett V6AH

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.077 020-A-30 020-A-00 19,381 Kolonia Town State Capital

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.078 020-A-01 020-A-00 4,318 Kolonia Town State Capital

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.079 020-A-182 020-A-04 15,003 Kolonia Town State Capital (Kol. Sch.)

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.080 020-A-29 020-A-00 9,524 Kolonia Town State Capital

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.081 028-A-02 020-A-04 Kolonia Town State Capital (CAA)

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.082 020-A-181 020-A-04 23,290 Kolonia Town State Capital (COM-FSM)

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.083 020-A-62 20-A-00 703 Kolonia Town State Capital (Youth Office)

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-102.084 020-A-46 020-A-00 2,122 Kolonia Town State Capital (Bank)

Source: S.L. No. 5L-101-03 §2, 7/29/03

42 PC 11-103. Parcels already subject to lease.

As to any parcel in the decimal numbered sections immediately following 42 PC 11-102 that is already subject to a valid lease or other interest(s) in one or more third parties, the Pohnpei Public Lands Trust Board of Trustees shall nevertheless convey all of its remaining interest to the Pohnpei Government, pursuant to and subject to the conditions prescribed in §11-106, subject to said valid lease or other interest(s).

Source: S.L. No. 5L-101-03 §3, 7/29/03

42 PC 11-104. Master Plan Map. The set of maps compiled in the attachment to S.L. No. 5L-101-03 [codified as this chapter], hereto entitled “The State Government Land Use Plan Master Plan Map,” is hereby adopted as the zoning map for the purposes of this chapter. Such maps and all the notations, references and other information shown shall be as much a part of this chapter as if the matters and information shown set forth by said maps were all fully described herein. The Director of the Department of Land and Natural Resources or its successor shall cause all lands shown on the Government Master Plan Map to be surveyed and mapped in accordance with the Cadastral Survey Program. In cases where public access is not already provided, the Legislature shall dedicate land for public access to abutting lands below the high-water mark on any shoreline, and dedicate land for public access to abutting forest lands to make them accessible for hiking, hunting, fruit picking and other recreational purposes. The right-of-way shall be clearly designated on the final map of the subdivision to be incorporated into the Government Master Plan Map.

Source: S.L. No. 5L-101-03 §4, 7/29/03

42 PC 11-105. Submission to the Land Use Planning and Zoning Commission.

The Governor shall submit to the Land Use Planning and Zoning Commission the Government Master Plan Map and plan to be integrated into the public services element of the Land Use Zoning Master Plan of the state of Pohnpei.

Source: S.L. No. 5L-101-03 §5, 7/29/03

42 PC 11-106. Conveyance.

The deed of conveyance for public trust lands listed in the decimal numbered sections immediately following 42 PC 11-102 shall be a quit claim conditional fee simple deed. The conditional fee simple deed shall contain, but not be limited to, a reversion clause of all rights, interests, and appurtenances, to the Board, upon cessation of active use by the government of the state of Pohnpei. The government of the state of Pohnpei and its successors shall not:

- (1) Permit the use of any public lands herein for personal or private purposes;
- (2) Shall not sell or contract for the sale of any public trust lands so conveyed; and
- (3) Shall not mortgage any public trust lands herein unless specifically authorized by statute for construction thereon.

Source: S.L. No. 5L-101-03 §6, 7/29/03

42 PC 11-107. Conformance to uses permitted by law; application of the Pohnpei Building Code.

No building or structure shall be erected and maintained, nor an existing building or structure be altered, enlarged or moved, and maintained, nor any building or land used for any purpose, except for the use permitted by law and in accordance with the Pohnpei Building Code, Title 31 Chapter 6, as amended or superseded.

Source: S.L. No. 5L-101-03 §7, 7/29/03

42 PC 11-108. Lease or use-right agreement.

No lease or use-right agreement pertaining to the use of land or building shall be issued by any department, bureau, agency, officer or employee of the Government of Pohnpei, vested with such duty, except by the Governor, Speaker or Chief Justice. Any lease or use-right agreement permit issued, whether it be written or verbal, in conflict with provisions of this chapter shall be null and void.

Source: S.L. No. 5L-101-03 §8, 7/29/03

42 PC 11-109. Tenancy in common or sufferance.

Notwithstanding any provision of S.L. No. 3L-53-94, the Board is further authorized to enter into lease agreements with the government of the state of Pohnpei for the following public trust lands; PROVIDED that the lease agreements shall not exceed a period of ten years including renewal; PROVIDED FURTHER that the lease agreements shall contain provisions for the privatization of the services on the public trust lands listed in the decimal numbered sections immediately following this section.

Source: S.L. No. 5L-101-03 §9, 7/29/03

Section No.	Parcel Lot No./Tr. No.	Cad. Plat No.	Area (sq.m.)	Location	Purpose
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42 PC 11-109.001	009-A-69 009-A-02	1,143	Kolonia Town	Public Market
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Source: S.L. No. 5L-101-03 §9, 7/29/03

42 PC 11-109.002	009-A-68 009-A-02	1,197	Kolonia Town	Public Market
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Source: S.L. No. 5L-101-03 §9, 7/29/03

42 PC 11-109.003	009-A-72 009-A-02	1,802	Kolonia Town	Public Market
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Source: S.L. No. 5L-101-03 §9, 7/29/03

42 PC 11-109.004	009-A-71 009-A-02	418	Kolonia Town	Public Market
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Source: S.L. No. 5L-101-03 §9, 7/29/03

42 PC 11-110. Return of public lands.

The government of the state of Pohnpei, its agencies, semi-autonomous corporations and sub-political-entities shall remit, release, and convey all real and personal property including appurtenances on the following decimal numbered sections to the Pohnpei Government.

Source: S.L. No. 5L-101-03 §10, 7/29/03

Section No.	Parcel Lot No./Tr. No.	Cad. Plat No.	Area (sq.m.)	Location	Purpose
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42 PC 11-110.001	009-A-21 009-A-01	557	Kolonia Town	Peace Corp. Office
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Source: S.L. No. 5L-101-03 §10, 7/29/03

42 PC 11-110.002	009-A-44 009-A-01	579	Kolonia Town	Headstart Office
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Source: S.L. No. 5L-101-03 §10, 7/29/03

42 PC 11-110.003 031-B-17 031-B-002 3,048 Sokehs Head Start School

Source: S.L. No. 5L-101-03 §10, 7/29/03

42 PC 11-110.004 012-A-44 012-A-06 1,758 Kolonia Town Tourism

Source: S.L. No. 5L-101-03 §10, 7/29/03

42 PC 11-110.005 012-A-17 012-A-00 2,584 Kolonia Town PTA

Source: S.L. No. 5L-101-03 §10, 7/29/03

42 PC 11-110.006 012-A-43 012-A-06 1,579 Kolonia Town Post Office

Source: S.L. No. 5L-101-03 §10, 7/29/03

42 PC 11-110.007 009-A-78 00-A-04 6,515 Kolonia Town Telecom Office

Source: S.L. No. 5L-101-03 §10, 7/29/03

42 PC 11-110.008 022-A-41 022-A-03 9,145 Kolonia Town Weather Station

Source: S.L. No. 5L-101-03 §10, 7/29/03

42 PC 11-110.009 019-A-44 019-A-01 803 Kolonia Town Public Defender

Source: S.L. No. 5L-101-03 §10, 7/29/03

42 PC 11-111. Penalties.

Any person, group or organization who enters upon or uses the land in the decimal numbered sections immediately following 42 PC 11-102 contrary to the uses specified by the Pohnpei Government shall be guilty of trespassing.

Source: S.L. No. 5L-101-03 §11, 7/29/03