

## CHAPTER 10

### **LAND USE DESIGNATIONS**

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42 PC 10-101. Land in Palikir Valley, Sokehs for FSM capital.

Pursuant to 42 PC 1-111(5), the Public Lands Trust Board of Trustees is hereby empowered to sell, lease or dedicate for public purpose, public lands held by the Board for the following, without warranties and subject to reversion to the Board upon either cessation of active use by the central government or transfer of authority over the project from the Trust Territory Government or its successor to the government of the district or state of Pohnpei:

(1) The capital of the Federated States of Micronesia in Sokehs Municipality; PROVIDED that lands so made available shall not exceed 200 acres; PROVIDED FURTHER that:

(a) For purposes of this subsection “active use” means and is limited to use by the national government of interests in land and other real property for:

(i) Public facilities and adjacent grounds and access ways directly related specifically to the functioning of the legislative, executive, and judicial branches of the national government;

(ii) Official residences and adjacent grounds and access ways for the President, the Vice-President, the Presiding Officer of the Congress, and the Chief Justice of the Supreme Court of the national government; and

(iii) Public utilities of water, wastewater treatment, electrical power, and telephone services, servicing the capital.

(b) The Public Lands Trust Board of Trustees shall, not later than March 31, 1982, and in close consultation with the national government, designate a specific zone not to exceed 200 acres as the Palikir Valley Urbanization Impact Zone. The national government and its contractors may enter upon unencumbered public lands in the Palikir area prior to such

designation, and in the urbanization impact zone after its designation for the purposes of survey, and architectural and engineering activities for capital planning under this subsection.

(c) Following such designation and except as required by Chapter 3, the Board shall not transfer or otherwise encumber any interests in the real property within the designated zone for periods in excess of five years, inclusive of options for renewal, without consultation with the President of the Federated States of Micronesia or his authorized representative.

(d) Upon designation of the zone, the Board may receive and grant requests from the President for the sale, lease or dedication of interests in real property for such portion or portions of a contiguous area within the designated zone for which actual use by the national government as defined herein can be shown as reasonably probable within five years following receipt of the request. Such requests shall be promptly considered by the Board and a response as to proposed action transmitted to the President within 30 days following receipt of the request. The President may appeal the denial of a request hereunder to the Legislature for review and appropriate action thereon.

(e) Upon the transfer of interests in real property to the national government pursuant to this subsection, the area directly affected by the transfer from the Board shall be deemed as the area set aside for the national capital by this state for purposes of Article IX §2 of the Constitution of the Federated States of Micronesia.

(f) If, after five years following the date of a transfer, it be found that active use has not commenced, or that there has been a cessation of active use that segment of the transfer and any improvements thereon found not to be actively used shall revert to the Public Lands Trust Board of Trustees, pursuant to 42 PC 10-101 through 42 PC 10-104 without cost or obligation to the Public Lands Trust Board of Trustees or the Pohnpei Government. Notwithstanding any other provision of this chapter, any party asserting lack of active use shall provide adequate notice of intended action thereon to the national government and the Board at least one year prior to the instigation of any legal proceeding relative thereto.

Source: D.L. No. 4L-161-78 §1(1), 12/7/78; S.L. No. 2L-100-81 §1, 11/24/81

42 PC 10-102. Land for College of Micronesia-FSM.

Pursuant to 42 PC 1-111(5), the Public Lands Trust Board of Trustees is hereby empowered to sell, lease or dedicate for public purpose public trust land held in trust by the Board for the following, without warranties: the College of Micronesia-FSM; PROVIDED that the total amount of lands made so available shall not exceed 200 acres.

Source: D.L. No. 4L-161-78 §1(2), 12/7/78; S.L. No. 2L-34-80 §1, 10/27/80

42 PC 10-103. Land in Nett for Pohnpei prison.

Pursuant to 42 PC 1-111(5), the Public Lands Trust Board of Trustees is hereby empowered to sell, lease or dedicate for public purpose public trust land held in trust by the Board for the following, without warranties: the Pohnpei State prison in Nett Municipality; PROVIDED that lands made so available shall not exceed five acres.

Source: D.L. No. 4L-161-78 §1(3), 12/7/78

42 PC 10-104. Land in Madolenihmw for rice mill.

Pursuant to 42 PC 1-111(5), the Public Lands Trust Board of Trustees is hereby empowered to sell, lease or dedicate for public purpose, public trust lands held in trust by the Board for the following, without warranties: the Pohnpei rice mill in Madolenihmw Municipality; PROVIDED that lands made so available shall not exceed two acres.

Source: D.L. No. 4L-161-78 §1(4), 12/7/78

42 PC 10-105. Land for contractors and subcontractors holding government contracts for construction of public capital improvements.

(1) The Public Lands Trust Board of Trustees is authorized to lease or dedicate for use not more than five hectares of public trust land per local jurisdiction, in specific parcels of land, for periods not to exceed five years, for base camps, equipment depots, and other necessary operational installations, to contractors and their subcontractors holding valid government contracts for the construction of public capital improvements for the state, national or local governments.

(2) Upon certification by the Governor that said contractor or subcontractor is the recipient of a valid government contract and that the intended use of public trust lands is within the purposes and limitations of Subsection (1) of this section, the Board may negotiate directly with such person without regard to his nationality or of the requirements of Chapter 2, Part A. The Board shall prescribe, in writing, the terms and conditions and the extent of permitted lease or use of public trust lands by said person.

Source: D.L. No. 4L-196-79 §§1 & 2, 8/9/79

42 PC 10-106. Land for Head Start program.

(1) The Public Lands Trust Board of Trustees is hereby authorized to lease public trust properties not in excess of one hectare to the Community Action Agency for the nonprofit activities of its Head Start program in the pre-school training of youth. Any lease so executed under the authority of this section shall not extend for a period of more than five years.

(2) Upon ascertaining that the property requested is in an area designated as available for leasing and following certification by the Governor that the property is not needed by the government for governmental use, the Board may negotiate directly with the Community Action Agency without regard to the requirements of Chapter 2, Part A. The Board shall prescribe, in writing, the terms and conditions of the lease.

Source: S.L. No. 2L-35-80 §§1 & 2, 10/27/80

42 PC 10-107. Land for FSM staff housing.

Pursuant to 42 PC 1-111(5), the Public Lands Trust Board of Trustees is hereby empowered and authorized to commercially lease to persons, business associations or government entities, pursuant to Chapter 2, Part A, not more than a total of ten acres of public land held in trust by

the Board for the purpose of providing staff housing for the employees of the National Government of the Federated States of Micronesia.

Source: S.L. No. 2L-70-81 §1, 6/30/81

42 PC 10-108. Land for FSM warehouse.

Pursuant to 42 PC 1-111(5), the Public Lands Trust Board of Trustees is hereby empowered and authorized to lease or dedicate not more than 20,000 square feet of public land held in trust by the Board in Dekehtik or areas within the vicinity of Kolonia Town to the national government of the Federated States of Micronesia for the public purpose of constructing a warehouse.

Source: S.L. No. 2L-72-81 §1, 6/30/81

42 PC 10-109. Land for community houses.

The Public Lands Trust Board of Trustees is hereby authorized and empowered to dedicate or lease public trust land, held in trust by the Board, for the establishment of a community house for each outer island local jurisdiction of this state, respectively, for the use of its people, to be managed in accordance with policies and rules of the respective local government.

Source: S.L. No. 2L-89-81 §1, 11/9/81

Note: S.L. No. 2L-89-81 §2, 11/9/81 repealed S.L. No. 2L-75-81, 6/30/81.

42 PC 10-110. Land for permanent dynamite storage facility.

(1) Not later than 90 days following the effective date of this section [effective date is November 24, 1981], the Public Lands Trust Board of Trustees shall negotiate and conclude an agreement with the Governor for the reservation of real property held in trust by the Board for the construction of a permanent storage facility for the storage of dynamite and other explosives for state agencies and instrumentalities, surrounding grounds, and access and utilities easements thereto. Sufficient grounds shall be reserved from conflicting uses by said agreement to provide for adequate safety and isolation of the facility from access by the general public.

(2) Not later than 120 days following commencement of construction of the storage facility described in Subsection (1) of this section, the Governor shall submit to the Legislature a complete plan and necessary legislation for the administration of the completed facility and the operation thereof. Prior to the enactment of legislation related thereto, the Governor, in consultation with the Commissioner of the Pohnpei Transportation Authority and the Director of the Department of Public Safety shall provide by executive directive for the safekeeping of explosive materials which may be deposited therein.

Source: S.L. No. 2L-101-81 §§3 & 4, 11/24/81

Note: The language of §§1 & 2 of S.L. No. 2L-101-81, the financial authorization provisions for the project have been omitted.

42 PC 10-111. Lease of public lands to nonprofit educational institutions.

(1) Pursuant to 42 PC 1-111(5), the Public Lands Trust Board of Trustees is hereby empowered to lease not more than 30 acres of unencumbered public trust lands held in trust by the Board for the purpose of providing land space for private, nonprofit educational institutions primarily servicing the people of this state at the pre-school, primary or secondary educational levels.

(2) Lease agreements may be entered into under authority of this section with institutions certified by the Director of the Department of Education as authorized to provide education at one or more of the levels set forth in Subsection (1) of this section; PROVIDED that no less than eighty percent (80%) of the school curriculum may be devoted to secular educational purposes recognized for transfer or equivalency in the state public school system. The Board shall prescribe procedures for the application and award of such leases without regard to the requirement for prior advertisement as prescribed in Chapter 2 Part A. Otherwise, procedures prescribed thereunder, not inconsistent with this section, shall apply until replaced by procedures promulgated by the Board under this section.

(3) Lease agreements authorized by this section shall not exceed 50 years, but may be renewed or may be renegotiated to provide for additional lands needed for expansion and for the exchange of currently leased lands for other unencumbered public lands; PROVIDED that no preschool and primary or secondary institution may receive lease interests in a cumulative total of more than three acres of public land for campus buildings and recreational areas and an additional five acres of such land for agricultural training.

(4) Lease agreements entered into under the authority of this section shall not require the payment of any rental fees beyond those necessary to compensate for filing and administrative costs of the Board in the processing of applications and lease agreements under this section.

(5) Upon cessation of active use for education purposes as prescribed by this section, all interests in such public lands by the lessee institution shall revert to the Board as a part of the public lands trust.

(6) All improvements to the real property during the lease period shall become part of the public lands trust upon its emplacement upon the leased property; PROVIDED that the Board may, in its discretion, provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the lessee institution upon termination or cessation of the lease.

(7) Lease interests under this section may not be transferred, assigned or subleased without express written authority of the Board and then only to other educational institutions qualified to enter into lease agreements with the Board under this section, or to financial institutions licensed to do business in this state as security for the emplacement of improvements to the leased premises for educational purposes.

(8) Nothing in this section shall affect the validity or terms of lease of public lands to private, nonprofit educational institutions existing on the effective date of this section [December 2, 1982]; PROVIDED, HOWEVER, that such institutions qualifying under this section, may,

with the concurrence of the Board, renegotiate such leases upon terms consistent with this section.

Source: S.L. No. 2L-153-82 §§1, 2, & 4 – 8, 12/2/82; S.L. No. 3L-108-95 §1, 10/27/95

42 PC 10-112. Authorization of exchange of public trust land for privately held land currently used by Pohnpei Government.(1) Pursuant to 42 PC 1-111(5), the Public Lands Trust Board of Trustees is hereby empowered and authorized to exchange public trust land held in trust by the Board for privately held land currently used by the Government of Pohnpei pursuant to indefinite use agreement.

(2) Upon certification by the Governor that the privately held land is required by Pohnpei State and the public trust land designated for exchange is of approximate equivalent value, the Board shall execute such legal document as may be necessary to effect the exchange.

Source: S.L. No. 2L-154-82 §§1 & 2, 12/2/82

42 PC 10-113. Land for FSM Telecommunications Corporation.

Pursuant to 42 PC 1-111(5), the Public Lands Trust Board of Trustees is hereby empowered and authorized to dedicate or lease at a reasonable rental arrangement for a fixed period with option for renewal not more than 13,000 square meters of public trust lands held in trust by the Board in Nanpohnmal or areas within the vicinity of the local jurisdictions of Nett and Sokehs to the Federated States of Micronesia Telecommunications Corporation for the public purposes of constructing a satellite “B” earth station, a technician training center, and offices of the Corporation.

Source: S.L. No. 2L-157-82 §1, 12/2/82; S.L. No. 2L-204-83 §1, 10/17/83

42 PC 10-114. Land for mining and processing laterite.

Pursuant to 42 PC 1-111(5), the Public Lands Trust Board of Trustees is hereby empowered and authorized to dedicate not more than 50 hectares of public trust land held in trust by the Board in Palikir and adjacent areas of the local jurisdictions of Sokehs and Kittu to the Economic Development Authority for the public purpose of mining laterite materials, operating a laterite plant, and conducting related activities.

Source: S.L. No. 2L-184-83 §1, 7/1/83

42 PC 10-115. Land in Palikir Valley, Sokehs for FSM sewage treatment facilities.

The Public Lands Trust Board of Trustees is hereby authorized to lease public trust lands held in trust by the Board, not in excess of 12 acres, to the national government of the Federated States of Micronesia for sewage treatment facilities in Palikir Valley, Sokehs Municipality. Such lease shall be for a specified period and at a nominal fee and shall be made upon condition that the facilities will be made available to service the residents of Palikir Valley and upon recognition of the national government that operation of the facilities will be subject to all existing and future sanitation, safety, and environmental protection laws and ordinances of the state of Pohnpei and the Sokehs Municipal Government.

Source: S.L. No. 3L-22-84 §1, 7/25/84

42 PC 10-116. Land for Nanpil hydropower project.

The Public Lands Trust Board of Trustees is hereby authorized and empowered to reserve or dedicate public trust lands held in trust by the Board, to the state of Pohnpei for the public purpose of constructing, maintaining, and operating the Nanpil hydropower project, a road thereto, and for other Nanpil hydropower project-related public uses.

Source: S.L. No. 3L-23-84 §1, 7/25/84

42 PC 10-117. Land for FM/AM broadcast station.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to lease not more than 16,574 square meters of trust land of the northeast corner of Tract No. 025-A-194 for the operation of an FM/AM broadcast station. Notwithstanding the advertising requirements of Chapter 2 Part A, the Board may waive such requirement if it deems that such waiver is necessary in the interest of justice and fairness.

(2) In addition to other requirements by law, the terms of the lease shall be as mutually agreed by the Public Lands Trust Board of Trustees and the lessee, and shall be subject to concurrence by the Governor of Pohnpei. Lands and facilities within the area must be principally devoted to uses relative to broadcasting.

Source: S.L. No. 2L-4-88 §§1 & 2, 4/4/88

42 PC 10-118. Land in Palikir, Sokehs for light industrial park/commercial area.

(1) Pursuant to 42 PC 1-111(5) and Chapter 2 Part A, and notwithstanding the advertising requirement of said Code provisions, the Public Lands Trust Board of Trustees is hereby empowered and directed to dedicate the following public trust lands held in trust by the Board for the Pohnpei light industrial park/commercial area:

(a) Tract No. 73181 in Palikir, Sokehs Municipality, consisting of an area of approximately 85,165 square meters;

(b) Tract No. 73131 in Palikir, Sokehs Municipality, consisting of an area of approximately 63,514 square meters; and

(c) Tract No. 73130 in Palikir, Sokehs Municipality, consisting of an area of approximately 60,000 square meters.

(2) Said dedication shall be in the form of a lease with the Sokehs Municipal Government for a term of 25 years or the life of the improvements made on said land by the United States Economic Development Authority funding, whichever shall expire first. Total consideration of said lease shall be \$25. Such land shall be let without warranties and shall be subject to reversion to the Board.

Source: S.L. No. 2L-108-89 §1, 7/6/89

Note: S.L. No. 2L-108-89 §1 repealed §1 of S.L. No. 2L-84-89 in its entirety and inserted a new §1.

42 PC 10-119. Land in Parem Island, Nett for Parem Elementary School.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to dedicate a certain submerged area of public trust land at Parem Island in Nett District to be filled in for use by the Parem Public Elementary School. Notwithstanding the advertising requirements of Chapter 2 Part A, the Board may waive such requirement if it deems that such waiver is necessary for the public interest.

(2) In addition to other requirements by law, lands and facilities within the area must be principally devoted to public educational purposes.

Source: S.L. No. 2L-86-89 §§1 & 2, 2/27/89

42 PC 10-120. Land for lease or exchange for residential, agricultural, and related uses in Madolenihmw.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized to lease for a fee or to exchange for privately owned land the following described public trust lands, or so much thereof as the Board deems appropriate, for residential, agricultural, and related uses:

Starting from the corner number 32 with the coordinates north 65981.816 and east 88740.913. Following the line north, 77° 05' 48" east 626.60 meters, to the corner number 31, thence south 52° 37' 24" east 275.48 meters to corner 30, thence south 75° 33' 34" east 75.91 meters to corner number 29, thence south 76° 26' 32" east 107.16 meters to corner number 28, thence south 88° 22' 00" east 186.57 meters to corner number 27, thence south 40° 43' 38" east 268.23 meters to corner number 8824.5, thence south 37° 22' 41" east 108.29 meters to corner number 8824-4, thence south 16° 48' 07" east 116.81 meters to corner number 8824-3, thence south 15° 04' 09" west 181.20 meters to corner number 8824-2, thence northwesterly along meanderline of the stream to corner number 32 north 65981.816 east 88740.913 with the area of 318,317.625 square meters or 31.8 hectares and all being a portion of Tract No. 71231.

(2) Such public trust land may be divided and leased or exchanged in separate parcels. Such land shall be let or exchanged without warranties. Land leased pursuant to this section shall be subject to reversion to the Board of Trustees upon cessation of active use for the purpose described in Subsection (1) of this section.

Source: S.L. No. 2L-93-89 §§1 & 2, 4/14/89

42 PC 10-121. Land for Pingelap dispensary.

Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to dedicate certain public trust land in Pingelap Municipality for use by the Pohnpei Government for the construction and maintenance of a public dispensary. The land herein dedicated shall be the area northeast of the Pingelap airstrip and shall be of sufficient size to accommodate the purpose for which it is herein dedicated.

Notwithstanding the advertising requirements of Chapter 2 Part A, the Board may waive such requirement if it deems that such waiver is necessary in the public interest. Lands and facilities within the area must be principally devoted to uses provided herein.

Source: S.L. No. 2L-173-90 §1, 12/26/90

42 PC 10-122. Land in Pohnlangas, Madolenihmw for public uses.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, portions of the parcel of public land held by the Public Lands Trust Board of Trustees, situated in Pohnlangas, Madolenihmw, and presently occupied by the Division of Forestry [on the effective date of this section, February 7, 1991] are hereby designated and declared available for the following public uses:

- (a) Madolenihmw local government civic center;
- (b) Educational purposes; and
- (c) A super-dispensary for Madolenihmw Municipality.

(2) Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement of the above-designated public lands is hereby waived. Prior to execution of any use agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the three areas for the uses specified in Subsection (1) of this section. The areas shall be of sufficient sizes to accommodate such uses and their future expansion.

Source: S.L. No. 2L-176-91 §§1 & 2, 2/7/91

Note: On February 7, 1991, the Division of Forestry was a division of the Department of Conservation and Resource Surveillance. See S.L. No. 1L-62-86 §3-8(3).

42 PC 10-123. Land in Pohnlangas, Madolenihmw for coconut milk project.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, and notwithstanding the advertising requirements of Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to dedicate 15 acres of public trust land held in trust by the Board in the Pohnlangas area of Madolenihmw for the development of coconut products; PROVIDED that the 15 acres shall be strictly utilized for the establishment of a coconut milk project and related activities; PROVIDED FURTHER that such land shall be let without warranties and shall be subject to reversion to the Board upon cessation of said project.

(2) Such dedication shall be in the form of a lease, which lease shall be mutually agreed upon by the Public Lands Trust Board of Trustees and the lessee in accordance with applicable Pohnpei laws.

Source: S.L. No. 2L-185-91 §§1 & 2, 2/26/91

42 PC 10-124. Land for Pohnpei Artisanal Fisheries Support Station.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate the whole of the landfill public trust land located along and adjacent to Parcel Nos. 009-A-72, 009-A-71, and 009-A-70 for use by the Pohnpei Artisanal Fisheries Support Station Project.

(2) Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement of the above-designated public lands is hereby waived. Prior to the execution of any use agreement by the Public Lands Trust Board of Trustees, the Division of Public Land of the Department of Land and Natural Resources shall survey and delineate the areas for the use stated in Subsection (1) of this section. The areas shall be of sufficient size to accommodate such uses and their future expansion.

Source: S.L. No. 3L-36-93 §§1 & 2, 7/15/93

42 PC 10-125. Land in Pohnlangas, Madolenihmw for FSM Telecommunications substation.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby empowered and authorized to dedicate or lease certain public land at Pohnlangas, as shown on the Division of Public Land of the Department of Land and Natural Resources Sketch No. 401, to the Federated States of Micronesia Telecommunications Corporation, for the sole purpose of constructing a telephone substation building.

(2) The term of the lease shall not be more than 25 years with a rental of up to \$1.50 per square meter a year.

Source: S.L. No. 3L-37-93 §§1 & 2, 7/5/93

42 PC 10-126. Land in Kahmar, Nett for Nett Elementary School. (1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized to designate and declare Parcel No. 027-A-25 situated in Kahmar, Nett Municipality, as shown on Plat No. 027-A-04, to be made available for the expansion and relocation of Nett Elementary School and other related projects.

(2) Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement of the above-designated public land is hereby waived. Prior to the execution of any use agreement by the Public Lands Trust Board of Trustees, the Division of Public Land of the Department of Land and Natural Resources shall survey and delineate the area for the uses specified in Subsection (1) of this section. The area shall be of sufficient size to accommodate such uses and their future expansions. Use of the area shall be strictly for the relocation of Nett Elementary School and other related educational projects. Any uses not conforming with these uses shall result in the reversion of Parcel No. 027-A-25 to the Public Lands Trust Board of Trustees.

Source: S.L. No. 3L-67-94 §§1 & 2, 10/17/94

42 PC 10-127. Land for Calvary Christian Academy.

The Public Lands Trust Board of Trustees is hereby authorized and directed to provide unencumbered lands within Parcels Nos. 020-A-66, 020-A-67, 020-A-68, and a portion of

Parcel No. 020-A-126 on Plat No. 020-A-07 and a portion of Parcel No. 020-A-75 (right-of-way) and all of Parcel No. 020-A-69 (right-of-way) on Plat No. 020-A-03, through a renegotiation of the land needs of the Calvary Christian Academy, which lands shall be let in accordance with 42 PC 10-111.

Source: S.L. No. 3L-108-95 §2, 10/27/95; S.L. No. 5L-83-02 §1, 11/28/02

42 PC 10-128. Land in Pohnlangas, Madolenihmw for Civic Action Team.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare unencumbered public lands situated in Pohnlangas, Madolenihmw, to be made available for lease to the Civic Action Team.

(2) Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement is hereby waived for the above-designated public lands. Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the use specified in Subsection (1) of this section. The area shall be of sufficient size to accommodate the Civic Action Team center and provide reasonable space for its future expansion, but not in excess of three hectares.

Source: S.L. No. 4L-06-96 §§1 & 2, 7/5/96

42 PC 10-129. Land in Pohnlangas, Madolenihmw for asphalt plant.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare certain public trust lands situated in Pohnlangas, Madolenihmw Municipality, held by the Public Lands Trust Board of Trustees, as available for lease to the Pohnpei Transportation Authority for emplacement of an asphalt plant.

(2) Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Division of Public Land of the Department of Land and Natural Resources shall survey and dedicate the land for the use specified in Subsection (1) of this section.

(3) The lease agreement authorized by this section may not exceed 25 years, but may be renewed.

(4) Lease agreements entered into under the authority of this section shall not require the payment of any rental fees beyond those necessary to compensate for filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of applications and lease agreements under this section.

(5) Upon cessation of active use for the asphalt plant as prescribed by this section, all interest in such public lands by the lessee shall revert to the Public Lands Trust Board of Trustees as part of the public land trust.

(6) The Public Lands Trust Board of Trustees shall prescribe procedures for the application and award of the lease without regard to the requirements for prior advertisement as prescribed in Chapter 2 Part A. Otherwise, procedures prescribed thereunder not inconsistent

with this section shall apply until replaced by procedures promulgated by the Public Lands Trustees Board of Trustees under the provisions of this section. Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Division of Land of the Department of Resource Management and Development shall survey and dedicate the land for the use specified in Subsection (1) of this section.

Source: S.L. No. 4L-33-97 §§1 – 6, 2/25/97

Note: S.L. No. 4L-33-97 §1 incorrectly references D.L. No. 4L-158-78. The correct reference is D.L. No. 4L-153-78, codified as Chapter 2 Part A of this title.

42 PC 10-130. Land for College of Micronesia-FSM – Pohnpei State Campus.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare a portion of Parcel No. 020-A-03, as shown on Plat No. 020-A-00, to be made available for lease to the College of Micronesia-FSM for use as the Pohnpei State Campus.

(2) Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement is hereby waived for the above-designated public lands. Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the use specified in Subsection (1) of this section. The area shall be of sufficient size to accommodate the Pohnpei State Campus and provide reasonable space for its future expansion.

(3) The lease agreement authorized by this section may not exceed 25 years, but may be renewed.

(4) Lease agreements entered into under the authority of this section shall not require the payment of any rental fees beyond those necessary to compensate for filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of applications and lease agreements under this section; PROVIDED, HOWEVER, that the College of Micronesia-FSM shall bear all expenses related to the surveying and mapping of the said area.

(5) Upon cessation of active use for the Pohnpei State Campus as prescribed by this section, all interest in such public lands by the lessee shall revert to the Public Lands Trust Board of Trustees as part of the public land trust.

Source: S.L. No. 4L-41-97 §§1 – 5, 7/4/97

42 PC 10-131. Land for the Division of Police and Security.

(1) Pursuant to 42 PC 1-111(5) and Chapter 2 Part A, the public trust lands designated Parcel Nos. 012-A-41 and 012-A-42 are hereby designated to be used as prescribed in Subsection (2) of this section.

(2) The parcels of public lands described in Subsection (1) of this section are designated for the purposes of constructing and operating a permanent station and related facilities for the Division of Police and Security within the Department of Public Safety. Notwithstanding the

requirements of the Code provisions cited in Subsection (1) of this section, public advertisement is hereby waived for the public lands described in Subsection (1) of this section. Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Division of Surveying and Mapping of the Department of Land and Natural Resources shall survey and delineate the areas for the use specified in this subsection.

Source: S.L. No. 4L-42-97 §§1 & 2, 7/25/97

42 PC 10-132. Land in Lukop, Madolenihmw for house of worship.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare Parcel No. 008 D 11, as exhibited on Map No. 008 D 00, located at Lukop, Madolenihmw Municipality, held by the Public Lands Trust Board of Trustees, as land available for lease for construction of a house of worship.

(2) Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Division of Public Land of the Department of Land and Natural Resources shall survey and delineate the area for the use specified in Subsection (1) of this section.

(3) The lease agreement authorized by this section shall not exceed 50 years, but may be renewed.

(4) The lease agreement entered into under this section shall not require the payment of any rental fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and lease agreement under this section.

(5) Upon cessation of active use for the house of worship as prescribed by this section, all interest in such public lands by the lessee shall revert to the Public Lands Trust Board of Trustees.

(6) All improvements to the real property during the lease period shall become part of the public land trust upon their emplacement upon the leased property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the lessee, upon termination or cessation of the lease.

(7) The leasehold interest authorized under this section may not be transferred, assigned, or subleased without express written authority of the Public Lands Trust Board of Trustees to the lessee.

(8) The Public Lands Trust Board of Trustees shall prescribe procedures for the application and award of the lease without regard to the requirements for prior advertisement as prescribed in Chapter 2 Part A. Otherwise, procedures prescribed thereunder not inconsistent with this section shall apply until replaced by procedures promulgated by the Public Lands Trust Board of Trustees under the provisions of this section.

Source: S.L. No. 4L-43-97 §§1 – 8, 7/25/97

42 PC 10-133. Land in Senipen, Madolenihmw for public uses.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare certain public trust lands situated in Senipen, Madolenihmw Municipality, held by the Public Lands Trust Board of Trustees, as available for lease for public youth and civic center uses.

(2) Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and dedicate the land for the use specified in Subsection (1) of this section.

(3) The lease agreement authorized by this section may not exceed 25 years, but may be renewed.

(4) Lease agreements entered into under the authority of this section shall not require the payment of any rental fees beyond those necessary to compensate for filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of applications and lease agreements under this section.

(5) Upon cessation of active use by a party or parties holding title to the lease, all interest in such public lands by the lessee shall revert to the Public Lands Trust Board of Trustees as part of the public land trust.

(6) The Public Lands Trust Board of Trustees shall prescribe procedures for the application and award of the lease without regard to the requirements for prior advertisement as prescribed in Chapter 2 Part A. Otherwise, procedures prescribed thereunder not inconsistent with this section shall apply until replaced by procedures promulgated by the Public Lands Trust Board of Trustees under the provisions of this section.

Source: S.L. No. 4L-44-97 §§1 – 6, 7/30/97

42 PC 10-134. Land in Mal en Pohras, Sokehs for landslide victims.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare certain public trust lands situated in Mal en Pohras, Sokehs Municipality, held by the Public Lands Trust Board of Trustees, as available for lease for the resettlement of families whose homes were destroyed or otherwise rendered uninhabitable by the flooding and landslides that occurred on April 19, 1997, and April 20, 1997.

(2) Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and dedicate the land for the use specified in Subsection (1) of this section.

(3) In consideration of the great loss and harm sustained by families whose homes were destroyed or otherwise rendered uninhabitable by the flooding and landslides that occurred on April 19, 1997, and April 20, 1997, lease agreements entered into under this section shall not require any payment of rental fees for a period of 25 years.

(4) Upon cessation of active use of the land by the lessees for the purposes as prescribed by this section, all interest in such public lands by the lessees shall revert to the Public Lands Trust Board of Trustees as part of the public land trust.

(5) The Public Lands Trust Board of Trustees shall prescribe procedures for the application and award of the lease without regard to the requirements for prior advertisement as prescribed in Chapter 2 Part A. Otherwise, procedures prescribed thereunder not inconsistent with this section shall apply until replaced by procedures promulgated by the Public Lands Trust Board of Trustees under the provisions of this section.

Source: S.L. No. 4L-45-97 §§1 – 5, 7/25/97

42 PC 10-135. Land in Ipat, Nett for church-related activities.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare certain public lands located at Ipat, Nett District, for church-related activities.

(2) Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Division of Public Land of the Department of Land and Natural Resources shall survey and delineate the areas for the use specified in Subsection (1) of this section.

(3) The lease agreement authorized by this section shall not exceed 50 years, but may be renewed.

(4) The lease agreement entered into under this section shall not require the payment of any rental fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and lease agreement under this section.

(5) Upon cessation of active use for the church-related activities as prescribed by this section, all interest in such public lands by the lessee shall revert to the Public Lands Trust Board of Trustees.

(6) All improvements to the real property during the period shall become part of the public land trust upon their emplacement upon the leased property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the lessee, upon termination or cessation of the lease.

(7) The leasehold interest authorized under this section may not be transferred, assigned or subleased without express written authority of the Public Lands Trust Board of Trustees to the lessee.

(8) The Public Lands Trust Board of Trustees shall prescribe procedures for the application and award of the lease without regard to the requirements for prior advertisement as prescribed in Chapter 2 Part A. Otherwise, procedures prescribed thereunder not inconsistent with this section shall apply until replaced by procedures promulgated by the Public Lands Trust Board of Trustees under the provisions of this section.

Source: S.L. No. 4L-73-98 §§1 – 8, 4/1/98

42 PC 10-136. Land for agricultural, commercial, and residential-related uses.

(1) Pursuant to Article 14 §5 of the Pohnpei Constitution and Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare for lease certain public lands located in the state of Pohnpei for agricultural, commercial, and residential-related uses.

(2) The Board of Trustees shall determine which parcels of public lands in the following cadastral plats are unencumbered by a lease, and shall lease said parcels in an expeditious manner, with the intent that all of said cadastral plats shall be fully leased as to all public lands therein, except for such public lands necessary for general public use, such as streets, parks, public rights-of-way, etc.:

Cadastral Plat

Location

002-A-00

Kolonia Town

005-A-01

Kolonia Town

009-A-02

Kolonia Town

014-A-00

Kolonia Town

014-A-02

Kolonia Town

019-A-00

Kolonia Town

020-A-00

Kolonia Town

020-A-02

Kolonia Town

020-A-03

Kolonia Town

025-A-21

Nanpohnmal, Sokehs

025-A-25

Nanpohnmal, Nett

025-A-28

Nanpohnmal, Nett

025-A-29

Nanpohnmal, Nett

025-A-30

Nanpohnmal, Nett

025-A-35

Nanpohnmal, Nett

031-B-00

Nanmal, Sokehs

031-B-02  
Nanmal, Sokehs  
032-B-00  
Nanmal, Sokehs  
035-B-00  
Nanmal, Sokehs  
057-B-00  
Dolen, Sokehs  
020-D-02  
Rohi, U  
024-D-01  
Rohi, U  
025-D-01  
Rohi, U  
025-D-02  
Rohi, U  
058-D-00  
Elielwi, Madolenihmw  
058-D-01  
Pohnauleng, Madolenihmw  
091-D-00  
Alohkapw, Madolenihmw  
092-D-00  
Alohkapw, Madolenihmw  
75506 (Sheet 103)  
Pohnauleng, Madolenihmw

PROVIDED that, before the leasing of any said public lands, the Board of Trustees and the Division of Public Land shall appropriately subdivide said lands, where necessary, and provide for appropriate public access, including to the sea and to the mountains.

Source: S.L. No. 4L-79-98 §§1 & 2, 8/13/98

42 PC 10-137. Land for marine complex.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to dedicate Parcel No. 014-A-51, shown on Plat No. 014-A-00, for the location of a marine complex.

(2) Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement is hereby waived for the above-designated public lands.

Source: S.L. No. 4L-89-98 §§1 & 2, 12/21/98

42 PC 10-138. Land for a public botanical and recreational park.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to dedicate for a public botanical and recreational park the land parcels that are currently occupied by the Pohnpei Agricultural Station, identified as

Parcel No. 020-A-146, and 020-A-144 on Cadastral Plat No. 020-A-12, and Parcel 20-A-121 on Cadastral Plat No. 20-A-06.

(2) Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement is hereby waived for the above-designated public lands.

Source: S.L. No. 4L-90-98 §§1 & 2, 12/21/98

42 PC 10-139. Land in Kolonia Town for Community Health Center.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare Plat No. 013-A-04, Parcel No. 013-A-40, for use as the Kolonia Town Community Health Center.

(2) Notwithstanding the requirements of the code provisions cited in Subsection (1) of this section, public advertisement is hereby waived for the above-designated public lands.

Source: S.L. No. 4L-102-99 §§1 & 2, 4/8/99

42 PC 10-140. Land in Sokehs for houses of worship.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Pohnpei Public Lands Trust Board of Trustees is hereby authorized and directed to grant and release Parcel Nos. 001-C-09, 055-B-11 and 031-B-05, and portions of Parcel Nos. 063-A-22, 103-A-06, and 096-A-12, and a specific dredged and filled area along the shoreline at Roie, which area shall not exceed 10,000 square meters, located in Sokehs Municipality, held by the Pohnpei Public Lands Trust Board of Trustees, for conveyance to the houses of worship situated thereon, such lands to be used for church-related purposes.

(2) Prior to the execution of any deed of conveyance by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the uses specified in Subsection (1) of this section.

(3) The conveyance authorized by this section shall be by quitclaim deed.

(4) The quitclaim deed shall not require the payment of any fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and quitclaim deed.

(5) The transfer of title to the public lands in Subsection (1) of this section shall be subject to easements for public purposes and any other encumbrances already existing.

(6) All improvements to the real property with their appurtenances shall also be conveyed.

(7) The freehold interest authorized under this section may not be transferred or assigned except back to the Public Lands Trust or its successor.

(8) The Public Lands Trust Board of Trustees shall prescribe procedures for the application and award of the deed without regard to the requirements for prior advertisement as prescribed in Chapter 2 Part A. Otherwise, procedures prescribed thereunder not inconsistent

with this section shall apply unless replaced by procedures promulgated by the Public Lands Trust Board of Trustees under this section.

Source: S.L. No. 4L-109-99 §§1 – 8, 7/12/99; S.L. No. 5L-64-02 §1, 4/24/02

42 PC 10-141. Land in Madolenihmw for houses of worship.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to grant and release Parcel No. 010-D-14 on Plat No. 010-D-00, and a portion of Tract No. 72484 on Sheet No. 84, and a portion of Tract No. 74293 on Sheet No. 127, located in Madolenihmw Municipality, held by the Public Lands Trust Board of Trustees, for conveyance to the houses of worship situated thereon, such lands to be used for church-related purposes.

(2) Prior to the execution of any deed of conveyance by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the uses specified in Subsection (1) of this section.

(3) The conveyance authorized by this section shall be by quitclaim deed.

(4) The quitclaim deed shall not require the payment of any fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and quitclaim deed.

(5) The transfer of title to the public lands in Subsection (1) of this section shall be subject to easements for public purposes and any other encumbrances already existing.

(6) All improvements to the real property with their appurtenances shall also be conveyed.

(7) The freehold interest authorized under this section may not be transferred or assigned except back to the Public Lands Trust or its successor.

(8) The Public Lands Trust Board of Trustees shall prescribe procedures for the application and award of the deed without regard to the requirements for prior advertisement as prescribed in Chapter 2 Part A. Otherwise, procedures prescribed thereunder not inconsistent with this section shall apply unless replaced by procedures promulgated by the Public Lands Trust Board of Trustees under this section.

Source: S.L. No. 4L-110-99 §§1 – 8, 7/12/99

42 PC 10-142. Land in Madolenihmw for recreational facility.

(1) Pursuant to Chapter 1 and Chapter 2 Part A (except for the advertisement provisions stated therein), the Public Lands Trust Board of Trustees is hereby authorized and directed to execute a lease and use-right agreement for a portion of Tract No. 72565 held in trust by the Board of Trustees, to the Madolenihmw Municipal Government, for use as a recreational facility by the people of Madolenihmw Municipality.

(2) Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the use specified in Subsection (1) of this section.

(3) The lease agreement authorized by this section may not exceed 25 years, but may be renewed.

(4) The lease agreement entered into under this section shall not require the payment of any rental fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and lease agreement under this section.

(5) Upon cessation of active use by the Madolenihmw Municipal Government as prescribed by this section, all interest in such public lands by the lessee shall revert to the Public Lands Trust Board of Trustees.

(6) The Public Lands Trust Board of Trustees shall prescribe procedures for the application and award of lease without regard to the requirements for prior advertisement as established by law.

(7) All improvements to the real property during the lease period shall become part of the public land trust upon their emplacement upon the leased property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the lessee, upon termination or cessation of the lease.

Source: S.L. No. 4L-131-99 §§1 – 7, 10/21/99

42 PC 10-143. Land in Nan Rohi, Mesisou, Madolenihmw for dredging.  
Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare a specific portion of submerged public trust lands held in trust by the Public Lands Trust Board of Trustees, which land is located adjacent to the shoreline of Nan Rohi, Mesisou, Madolenihmw Municipality, for the purpose of dredging a boat channel and providing for the disposition of the dredged materials in the manner prescribed by law and regulation.

Source: S.L. No. 4L-134-99 §1, 11/10/99

42 PC 10-144. Land in Kolonia Town for commercial use.  
The Public Lands Trust Board of Trustees, fee owner of the premises occupied by the State Tourism Office, shall be given notice of vacating of the premises by the State Tourism Office, which date of vacating shall also be no later than 60 days after this section becomes law.  
Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to make that certain parcel of land situated in Kolonia Town, adjacent to the Post Office, presently occupied by the State Tourism Office, and being Parcel No. 012-A-44 available for lease to the general public at a reasonable commercial rate.

Source: S.L. No. 4L-135-99 §3, 11/10/99

Note: S.L. No. 4L-135-99 §§1 & 2 temporary provisions have been omitted.

42 PC 10-145. Land in Kolonia Town for youth civic center.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, except for the advertisement provisions stated therein, the Public Lands Trust Board of Trustees is hereby authorized and directed to execute a lease and use-right agreement for Parcel No. 016-A-57, Parcel No. 019-A-41, and Parcel No. 019-A-37 held in trust by the Board to the Kolonia Town Government for use as a youth civic center.

(2) Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the use specified in Subsection (1) of this section.

(3) The lease agreement entered into under this section shall not require the payment of any rental fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and lease agreement under this section.

(4) Upon cessation of active use by the Kolonia Town Government as prescribed by this section, all interest in such public lands by the lessee shall revert to the Public Lands Trust Board of Trustees.

(5) All improvements to the real property during the lease period shall become part of the public land trust upon their emplacement upon the leased property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the lessee, upon termination or cessation of the lease.

Source: S.L. No. 5L-16-00 §§1 – 5, 9/15/00

42 PC 10-146. Land in Madolenihmw for fishery training center and ice plant facility.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to convey, in conditional fee simple, Parcel No. 010-E-03 and a portion of Tract No. 73596 held in trust by the Board of Trustees, to the Madolenihmw Municipal Government, for use as a fishery training center and an ice plant facility and other related fishery business activities by the people of Pohnpei.

(2) Prior to the conveyance by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the uses specified in Subsection (1) of this section.

(3) The conveyance entered into under this section shall not require the payment of any fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and conveyance under this section.

(4) The deed in conditional fee simple shall contain a reversion clause, that upon cessation of active use by the Madolenihmw Municipal Government of the property for the restricted uses as prescribed by this section, all interest in such public lands by the grantee shall revert to the Public Lands Trust Board of Trustees. In addition, the grantee shall not:

- (a) Permit the use of the property for personal or private purposes;
  - (b) Sell or contract for the sale of the property; or
  - (c) Mortgage the property unless specifically authorized by amendment of this statute.
- (5) All improvements to the real property shall become part of the property and subject to reversion upon their emplacement upon the property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the grantee, upon reversion of the property.

Source: S.L. No. 5L-20-00 §§1 – 5, 10/10/00

42 PC 10-147. Land in Madolenihmw for community center and related activities.

(1) Pursuant to Chapter 1 and Chapter 2 Part A (except for the advertisement provisions stated therein), the Public Lands Trust Board of Trustees is hereby authorized and directed, upon approval by the Governor, to execute a lease and use-right agreement for Tract No. 72483 on Manuscript Sheet No. 84 held in trust by the Board of Trustees to the Madolenihmw Municipal Government for use as a community center and other community-related purposes.

(2) Prior to the execution of any lease agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the use specified in Subsection (1) of this section.

(3) The lease agreement entered into under this section shall not require the payment of any rental fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and lease agreement under this section.

(4) Upon cessation of active use by the Madolenihmw Municipal Government as prescribed by this section, all interest in such public lands by the lessee shall revert to the Public Lands Trust Board of Trustees.

(5) All improvements to the real property during the lease period shall become part of the public land trust upon their emplacement upon the leased property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the lessee, upon termination or cessation of the lease.

Source: S.L. No. 5L-22-00 §§1 – 5, 10/26/00

42 PC 10-148. Land in Ipat, Nett for parking for St. Peters church. Pursuant to Chapter 1 and Chapter 9, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate, dedicate, and declare a specific portion of submerged public trust lands held in trust by the Public Lands Trust Board of Trustees, which land is located adjacent to the shoreline of Ipat, Nett District, for the purpose of dredging and filling an area to provide for a parking

area for St. Peters church and other church-related purposes in the manner prescribed by law and regulation.

Source: S.L. No. 5L-37-01 §1, 4/23/01

42 PC 10-149. Authorization of exchange of public trust land for land on Pingelap Municipality for Pingelap development projects.(1) Pursuant to Chapter 1 and Chapter 2 Part A (except for the advertisement provisions stated therein), the Public Lands Trust Board of Trustees is hereby authorized and directed to exchange certain land in Pohnpei, upon approval by the Governor, for land in Pingelap Municipality for Pingelap development projects.

(2) Such public land shall be exchanged without warranties. Land exchanged pursuant to this section shall be subject to reversion to the Board of Trustees upon cessation of active use for the purpose described in Subsection (1) of this section.

Source: S.L. No. 5L-57-01 §§1 & 2, 12/5/01

42 PC 10-150. Land in Kolonia Town for Conservation and Management of Fish Stock Commission.

(1) Pursuant to Chapter 1 and Chapter 2 Part A (except for the advertisement provisions stated therein), the Public Lands Trust Board of Trustees is hereby authorized and empowered, upon approval by the Governor, to dedicate to the Commission for Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean public trust lands held in trust by the Board situated in Kolonia Town for the emplacement of the corporate office for the Commission for Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean. Parcels of public trust lands that are subject to this authorization are restricted to parcels or portions of Parcels Nos. 009-A-47 and 009-A-48, which shall be determined by the need of the Commission for Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean for Corporate Office facilities.

(2) Such public lands shall be transferred pursuant to a lease agreement between the Public Lands Trust Board of Trustees and the Commission for Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean. The lease agreement entered into under this section shall not require the payment of any rental fees beyond those necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the lease agreement under this section. The lease agreement shall not exceed 55 years with a right of renewal for one additional term. The lease agreement shall contain a reversion clause that upon cessation of active use by the Commission for Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean for the restricted uses as prescribed by this act, all interest in such public lands by the Commission for Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean shall revert to the Public Lands Trust Board of Trustees. In addition, the Commission for Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean shall not:

(a) Permit the use of the property for personal or private purposes;

(b) Sell or contract for the subleasing of the property or assignment of the lease; or

(c) Mortgage the property unless directed and authorized by the Board and specifically authorized by amendment of this statute, and upon consultation and approval by the Governor.”

(3) All improvements to the real property shall become part of the property and subject to reversion upon their emplacement upon the property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the Commission for Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean upon reversion of the property.

Source: S.L. No. 5L-82-02 §§1 – 3, 11/22/02; S.L. No. 6L-28-05 §1, 3/2/05

Note: S.L. No. 5L-82-02 §4 repealed S.L. No. 4L-23-96 in its entirety.

42 PC 10-151. Land in Nanpohnmal for residential and agricultural use.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate and declare for lease certain public lands located in the state of Pohnpei for the following uses:

Cadastral Plat

Location

Purpose

025-A-03

Nanpohnmal

Residential

025-A-04

Nanpohnmal

Residential

025-A-05

Nanpohnmal

Agricultural/taro farming

025-A-06

Nanpohnmal

Residential

025-A-07

Nanpohnmal

Residential

(2) The Board of Trustees shall determine which parcels of public lands in the cadastral plats identified above are unencumbered by a lease, and shall lease said parcels in an expeditious manner, with the intent that all of said cadastral plats shall be fully leased as to all public lands therein, except for such public lands necessary for general public use, such as streets,

parks, public rights-of-way, etc.; PROVIDED that, before the leasing of any said public lands the Board of Trustees and the Division of Public Land shall appropriately subdivide said lands, where necessary, and provide for appropriate public access, including to the sea and to the mountains; PROVIDED FURTHER that Cadastral Plat 025-A-05 shall be leased solely for the purpose of farming taro; and PROVIDED FURTHER that the Public Lands Trust Board of Trustees shall formulate rules and regulations within 120 days from the effective date of this section [effective date is February 11, 2003] regarding the administration and management of Cadastral Plat 025-A-05 solely for the purpose stated herein.

Source: S.L. No. 5L-91-03 §§1 & 2, 2/11/03

Note: S.L. No. 5L-91-03 §3 superseding provision has been omitted.

42 PC 10-152. Land for the construction of an airstrip for Kapingamarangi Municipality.

(1) Pursuant to Chapter 1 and Chapter 2 Part A, as amended, the Public Lands Trust Board of Trustees is hereby authorized and directed to designate certain public trust land situated on the island of Bumadahadi in the municipality of Kapingamarangi for the construction of an airstrip and other related facilities.

(2) Notwithstanding the requirements of the Code provisions cited in Subsection (1) of this section, public advertisement of the above-designated public trust lands is hereby waived. Prior to the execution of any use agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey, map and delineate the area for the use specified in Subsection (1) of this section. The area shall be of sufficient size to accommodate such use and its future expansions.

Source: S.L. No. 5L-107-03 §§1 & 2, 9/4/03

42 PC 10-153. Land in Dekehtik Island for fuel farm, generator plant, and sewer plant.

(1) The Public Lands Trust Board of Trustees is hereby authorized and directed to execute a long-term lease agreement for a portion of a parcel of land held in trust by the Public Lands Trust Board of Trustees, which land is located on Dekehtik Island, Nett Municipality, to the Pohnpei Utilities Corporation (PUC), for use as a site for a new fuel farm, a new power generation plant, a new sewer plant, and for other PUC appurtenant infrastructures. The requirements of Chapter 2 Part A of this title, and of any Public Lands Trust Board of Trustees regulations established pursuant to Chapter 2 Part A, are hereby expressly waived. The requirements of 32 PC §2-115, as amended, are hereby expressly waived.

(2) Prior to the execution of the long-term lease agreement by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the uses specified in Subsection (1) of this section; PROVIDED that the area surveyed and delineated for the uses specified in Subsection (1) of this section shall take into account the future expansion of the Pohnpei Airport; and PROVIDED FURTHER that the area surveyed and delineated for the uses specified in Subsection (1) of this section shall be set back from the existing roadway at a distance of not less than 100 feet.

(3) Prior to execution of the long-term lease agreement specified in Subsection (1) of this section, the land surveyed and delineated for the uses specified in Subsection (1) of this section shall revert back to the Public Lands Trust.

(4) The long-term lease agreement entered into under this section shall not require the payment of any rental fees; PROVIDED that PUC shall pay only fees necessary to compensate for the filing and administrative costs of the Public Lands Trust Board of Trustees in the processing of the application and long-term lease agreement under this section.

(5) The long-term lease agreement authorized by this section may not exceed 50 years, but may be renewed upon mutual consent of both parties. The long-term lease agreement shall contain a reversion clause that upon cessation of active use by the PUC of the property for the restricted uses as prescribed by this section, all interest in such public lands by the grantee shall revert to the Public Lands Trust Board of Trustees. The grantee shall not:

(a) Permit the use of the property for personal or private purposes;

(b) Sell or contract for the sale of the property; or

(c) Mortgage the property unless specifically authorized by amendment of this statute.

(6) All improvements to the real property shall become part of the property and subject to reversion upon their emplacement upon the property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the grantee, upon reversion of the property.

Source: S.L. No. 6L-18-04 §§1 – 6, 10/12/04

42 PC 10-154. Land in Madolenihmw for solid waste dumpsite.

(1) The Public Lands Trust Board of Trustees is hereby authorized and directed to designate a portion of land Parcel No. 060-D-01, not to exceed 100 meters x 100 meters, held in trust by the Public Lands Trust Board of Trustees, which is located at Elielwi, Madolenihmw, for development and subsequent use as a solid waste dumpsite, and for other related services. Such public lands shall be conveyed in conditional fee simple. The deed in conditional fee simple shall contain a reversion clause that upon cessation of active use by the Pohnpei Government for the restricted uses as prescribed by this section, all interest in such public lands shall revert to the Public Lands Trust Board of Trustees.

(2) Prior to the conveyance of the conditional deed by the Public Lands Trust Board of Trustees, the Department of Land and Natural Resources shall survey and delineate the area for the uses specified in Subsection (1) of this section.

(3) The Pohnpei Government shall not:

(a) Permit the use of the property for personal or private purposes;

(b) Sell or contract for the sale of the property; or

(c) Mortgage the property unless directed and authorized by the Board and specifically authorized by amendment of this statute.

(4) All improvements to the real property shall become part of the property and subject to reversion upon their emplacement upon the property; PROVIDED that the Public Lands Trust Board of Trustees, in its discretion, may provide for reimbursement for value of all or a portion of such improvements to the land made by or on behalf of the grantee, upon reversion of the property.

Source: S.L. No. 6L-24-04 §§1 – 4, 12/21/04