

OFFICE OF THE GOVERNOR
GOVERNMENT OF GUAM
AGANA, GUAM

EXECUTIVE ORDER NO. 85-9

AMENDMENT TO EXECUTIVE ORDER NO. 85-2

WHEREAS, Section 818 of U.S. Public Law 96-418, as amended, authorized the Secretary of the Navy to convey without monetary consideration, all right, title, and interest of the United States in and to certain lands located on Cabras Island and within the Northern portion of the Apra Harbor Naval Complex, situated in Guam, at such times and subject to the terms and conditions as the Secretary of the Navy considers to be in the interest of national defense; and

WHEREAS, Section 6 of the Organic Act, provides that the executive power of Guam shall be vested in an executive officer whose official title shall be the Governor of Guam; and

WHEREAS, the Organic Act states that the Governor shall have general supervision and control of all departments, bureaus, agencies and other instrumentalities of the Executive Branch of the Government of Guam; and

WHEREAS, the Organic Act mandates the Governor to be responsible for the faithful execution of the laws of Guam and the laws of the United States applicable to Guam; and

WHEREAS, a Quitclaim Deed was made on the 6th of December, 1984, between the United States of America represented by the Commander, Pacific Division, Naval Facilities Engineering Command, Department of the Navy, acting for and by direction of the Commander, Naval Facilities Engineering Command, under authority of the Secretary of the Navy, and the Government of Guam.

WHEREAS, pursuant to Section 818 of U.S. Public Law 96-418, as amended, the United States did remise, release, and forever quitclaim, unto the Government of Guam, its successors and assigns, those certain fast and submerged lands with all improvements thereon situated in the Municipality of Piti, Territory of Guam; and

WHEREAS, Section 504 of U.S. Public Law 98-454 amended Section 818(b)(2) of the Military Construction Authorization Act providing that reasonable development costs shall be a fixed standard percentage of such monetary consideration received by the Government of Guam; and

WHEREAS, the fixed standard percentage shall be determined by a study, conducted by the Secretary, typical development costs required to convert comparable lands to finished developed sites, except that such percentage shall not exceed thirty percent (30%),

NOW, THEREFORE, I, RICARDO J. BORDALLO, by virtue of the authority vested in me by Section 6 of the Organic Act and the laws of the United States do hereby order as follows:

1. That all lands remised, released and forever quitclaimed unto the Government of Guam, its successors and assigns, specifically described as:

- a) Parcels 1, 2, 3 and 4, containing 175.315 acres, 16.508 acres, 154.524 acres and 129.303 acres of land respectively, as depicted and described on Government of Guam, Department of Land Management, Land Survey Division Drawing No. E4-82 T693,
- b) Parcels 1, 2 and 3 as depicted and described on Government of Guam, Department of Land Management, Land Survey Division Drawing No. E4-82 T689,
- c) Parcels 1, 2, 3, 4, 5, 6, and 7, as depicted and described on Government of Guam, Department of Land Management, Land Survey Division Drawing No. E4-82 T688,

shall be under the administration of the Port Authority of Guam, subject, however, to the terms and conditions and reservations of the Quitclaim Deed.

2. That the lands remised, released and forever quitclaimed unto the Government of Guam, its successors and assigns, shall be used and developed by the Port Authority of Guam, provided prior notice and approval has been given to the Governor of Guam, and further provided, that the land be used and developed in accordance with the "Commercial Port of Guam Master Plan", as specified in the Quitclaim Deed.

3. That prior to any actual use or development of the lands conveyed, the Port Authority of Guam shall provide notice and shall obtain the approval of the Governor of Guam.

4. That the Port Authority of Guam's use of the 100-foot and 50-foot wide easements reserved to the United States shall be in accordance to the terms and conditions specified in the Quitclaim Deed.

5. That the Port Authority of Guam shall not engage in any disposal by sale or lease of all or any part of the lands conveyed absent the express written approval of the Governor of Guam. Any disposal by sale or lease by the Port Authority of Guam of all or part of the lands conveyed upon the express written approval of the Governor shall be consistent with the terms and conditions of the Quitclaim Deed.

6. All leases, licenses, easements, and other property interests affecting the lands conveyed and issued by the United States which were in effect on the date of the conveyance shall be honored by the Port Authority of Guam until their final termination dates; provided, however, that all rents collected under such documents for all periods subsequent to the date of the conveyance shall become the property of the Port Authority of Guam.

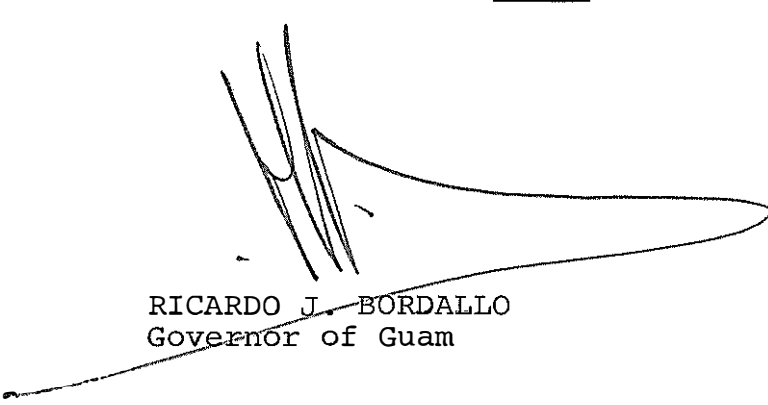
7. The Port Authority of Guam shall immediately provide notice to the Governor of Guam of any request by the United States for the grant of any perpetual easements.

8. The Port Authority of Guam shall be responsible for all future operation and maintenance costs associated with the roadway improvements within the 100-foot wide right-of-way for Route 18 located on said Parcel 1; provided, however, that any relocation thereof shall require the prior written approval of the Governor of Guam.

9. The Port Authority of Guam shall consult the Coastal Zone Management Act of 1972 and the Bureau of Planning of the Government of Guam prior to making any use of the lands conveyed in order to insure that the use is consistent with any Government of Guam management program.

10. The Port Authority of Guam shall comply with all applicable Government Codes, Executive Orders and rules and regulations pertaining to the development and conservation of wetlands.

Signed and promulgated at Agana, Guam this 26th day of March, 1985.



RICARDO J. BORDALLO
Governor of Guam

COUNTERSIGNED:



EDWARD D. REYES
Lieutenant Governor of Guam