

LAND--ATTITUDES AND PROBLEMS

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September 20, 1974

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The Chamorro people prior to World War II and up until Typhoon Karen, were closely attached to their ancestral holdings and didn't want to lose them. With relatively minor real estate taxes, land was held and accumulated by individuals to give to their children when they married, to build homes or to establish an estate.

This philosophy has changed. Today there is little reluctance to part with land if the price is right.

Before World War II, there was little objection to military and government land taking, because there was an adequate supply of this commodity to serve everybody's needs. After World War II, when some 68% of the land in the territory was under military control in 1945, new feelings developed. There was little objection to such taking for the actual accomplishment of war goals. However, after passage of the Organic Act, and in the settlement of claims, there was considerable unhappiness on the part of the citizenry regarding such acquisition.

After the war, all of the fishing grounds from Apra Harbor to Tarague were under military control or polluted by sewage. Removal of these areas necessitated other employment for fisherman and reduced this needed asset. The military condemned the best farming lands, and although some of the lands have been returned to their owners, the land was made unusable by coral fill, pavement and complete removal of soil cover.

Condemnation included the better farming land already developed with plantations and orchards such as coconuts, avocados, tangerines, oranges, mangoes and breadfruit. Such plants usually take five to eight years to produce. The farms usually had water cisterns. Land made available for rehabilitation had shallow soil, was rocky and

wooded. If developed and planted with coconuts, avocados, etc., it took at least six years for the first harvest. Farms required water cisterns for the catchment of rain water at a much higher cost than originally. The new parcels were definitely marginal lands. Financing was required to tide over a farmer during the time between planting and first harvest from such cash crops.

The confusion caused by the introduction of military roads, trails and camp sites on an entirely different land pattern created problems where land was held by the military and where it was returned to the owners.

The people of Guam, by tradition, were part-time farmers. They had a home, and an additional vegetable and a few chickens and hogs to supplement their needs. They were reluctant, prior to the war, to work for the government or merchants. There were times when they were put in prison or fined for disobeying the government in its effort to recruit stevedores to unload ships. They were clannish and some of the problems of relocation were the outcome of this tradition. Some of the people coming from certain segments of Agana would not go to areas that the government designated for them and some of them even preferred residences in areas that were undeveloped and sometimes unhealthy.

Prior to the war, there were many leases executed for government land for a twenty-five year period. Government officials inspecting these leases and investigating lease applications inferred to the applicants that such land would automatically be transferred to their name upon the expiration of the lease contract. This inference was not a part of the contract but many lessees believed sincerely that land would be theirs after twenty-five years.

The people of Guam by tradition usually registered properties in the name of the head of the family notwithstanding the fact that such properties were usually owned by six or seven adult members of such a family. Consequently, when the property was condemned, the registered owner was the recognized owner, leaving out other family

members whose names were not part of the registration. As a result, priorities for the rehabilitation of other members of the family were not covered.

Frequently, property owners whose land was condemned by the military made representation that these properties were unused, were lying idle, and should be returned.

People have objected to the fact that private properties under leasehold by the military, were made available to private contractors working for the military. They felt such land should be made available through negotiation between such contractors and the owners.

With the advent of World War II in Guam, dispossessing people of their property, the installation of a large military body, and the rapid growth of business activity changed the economy from land dependence to a dollar base. Property patterns and the holding capacities of the land-owners concurrently underwent change. Land received a dollar value and became important not as a means of sustenance, or as a status symbol, but as an item of barter.

Today there are approximately 1200 parcels of government land under the control of the government of Guam. These range in size from 3.5 square meters to 1000 hectares. Most of the land area of these parcels is located in inaccessible areas with terrain difficult to develop. These assets must be reserved for conservation, watershed control, and reforestation.

Other parcels, not suitable for development by the government of Guam, usually remnants of land taken for highway development, are valuable only to adjacent property owners who wish to increase their holdings.

Guam's most urgent and pressing need is to determine the extent of government land by surveying both public and privately-owned unsurveyed parcels. Transfer of land should be declared illegal until a parcel is properly surveyed and recorded. Conflicting claims could be settled and the exact extent of public property ascertained

to facilitate the proper development and land utilization of territorial real estate assets.

Lot Designations

In the continuing process of subdividing large parcels of land, whether public or private, a lot numbering system is necessary. In the past, numbers were assigned to a particular area being developed. Following this, another section, not necessarily adjacent, would carry on in the same numerical order. A grid system indicates the general location of various parcels but has not been utilized to the extent of determining parcel numbers.

The difficult problem concerns property boundaries. Many of the legal descriptions include coconut trees as markers or rock piles or an intermittent stream course. Some use only the names of adjacent property owners. Metes and bounds descriptions are becoming prevalent especially in built up areas; however, there are discrepancies in the location of triangulation points. A problem exists in the use of a grid system which only identifies approximately a property location as the boundaries very seldom are coincident with the grid. In absence of the grid system place names are used for the general location but these have changed with every generation. Additional problems have resulted from the loss of records during the Japanese occupation.

A minor problem is the antiquated filing system that includes several sources of information with little direct cross-referencing. An alphabetical file of land owners is lacking as a cross-check. Because of the fragmentation of source information changes are not always made throughout the system. A modern system utilizing a standard lot-numbering code, cross-referenced card files, and index maps would facilitate the location of properties and increase the accuracy of records. Another minor problem is the lack of coordination between the Department of Land Management and the Department of Revenue and Taxation in updating and clarifying the status of tax delinquent properties.

Public Purposes

The increasing responsibilities of the government necessitates having available large tracts of land located throughout the territory. The government of Guam has more responsibilities than those of other areas which generally need land for schools, parks, and public utilities. In addition to these normal public uses put to land, Guam has development and rehabilitation needs requiring the selection and planning of areas that will eventually be turned over to private individuals.

Residential areas are needed within and adjacent to many of the territory's urban agglomerations. Other areas not suitable for intensive development require large parcels that can be used for agriculture, rural residences, or a combination of the two. The destructive elements of World War II and typhoons, in addition to making many people homeless, also destroyed much of the valuable vegetation of the island and encouragement to revegetate must include the availability of agricultural parcels with regulations pertaining to the extent and types of plants to be grown. These prospective parcels have to be large enough to provide a reasonable income to the prospective owner. This controlled development can only be accomplished in the present situation by having the planning and parcellization under the jurisdiction of the government.

Sale, Lease and Exchange

The sale of government land is authorized where it is in the public interest and providing that the land is not being used or essential for public use. This land may then be sold at public auction or through sealed bids following a minimum designated price. Restrictions on the land are usually limited to the reservation of easement rights for public purposes.

Development Control

An orderly development of land is in the best interest of the public. This includes the uses of land to insure that a supply

is available for all needs as well as placing the best use on each specific parcel. Where several uses are considered equally suitable for a particular area other aspects of total land use needs must be evaluated. Conversely, public improvements should have a choice of several sites in order to limit purchase costs or, if owned by the government, to enable a flexibility in the overall land use design. Other controls provide for the orderly extension of streets and utilities. Safety standards may determine road design to a limit motor vehicle speeds, or setbacks to allow sufficient sight-distances, or adequate space between houses for the emergency use of public safety vehicles. Density control based on the capability of land, sanitary sewerage requirements, conservation of agricultural land, or the vehicle generating power are other examples of development controls. It is more practical for land covenants to be applied to land conveyed by the government to private groups, then to attempt a series of controls to be enforced on established private development. The responsibility of the government to act in the best interests of the public transcends private desires to utilize land that may prove detrimental to adjacent landowners. Although there may exist development controls that determine uses of land, space relationship, and community design, a parcel of land is still not protected against becoming an undesirable blot on the landscape. The absence of utilities and proper access may create unsanitary conditions and illegal trespass on adjacent property. A deterioration of land exists where these facilities are lacking and the creation of urban and rural blight is inevitable.

A final necessary aspect of good land development, that should probably be first in actual practice, is that of an accurate land survey. Exact property lines facilitate the determination of land responsibility and ownership, assist in the extension of utilities and roadways, and provide a necessary base for the eventual transfer or distribution of land.

Land Use

Land ownership, either public or private, is a privilege entailing many responsibilities. The misuse of land may subject an adjacent landowner to dangers of health and safety as well as depreciation of land value. Drainage, erosion, inadequate waste disposal, fire hazards, poor sight distances of traffic and obnoxious industries are examples of land misuse that would adversely affect the safety and valuation of adjacent property.

The government has even a greater ownership responsibility in determining the use of public land than do private owners. In addition to limiting or eliminating the aforementioned examples of land misuse, the government must preserve and conserve land to satisfy many of the public needs of the people in the present and for the future. The acquisition of vacant land in expanding areas insures that the real estate requirements for schools, fire and police stations, medical clinics and administrative facilities needed in the future will be met.

An increasingly important concept of public land responsibility is that of conservation and preservation of open land. Areas of steep slope or, in contrast, tidelands must be properly used to eliminate erosion. Some areas should be preserved in their natural state for the study of the inter-relationships of flora and fauna while other areas can be developed for recreational purposes to include camping, boating, swimming and picnicking or just sight-seeing.

Government of Guam property can be divided into two categories-- 18.1% or 5,200 acres of an urban nature of which 1,600 acres are used for roads, 3,600 acres for conservation areas, and 1,000 acres for public use. The balance of the government of Guam land (81.9%) is of a non-urban category, comprising some 23,600 acres, containing approximately 1,935 acres 8.2% which are used, and 21,665 acres (73.7%) which are unused; the latter composed, for the most part, of mountain slopes.

Of private property, 4.4% or 2,700 acres include land for urban use, 2,000 acres of which are used for industrial purposes, and 200 acres for semi-public purposes. Private non-urban lands comprise some 58,500 acres (95.6%), 19% or 11,003 acres of which are used. The balance of 76½% of the private non-urban lands, comprising 47,367 acres, are not used.

It is of interest to note that only 1,800 acres of land are cultivated as of this date. It appears that we do not have a shortage of land for development purposes, although we do have a very marked unavailability of such land in private hands.

Urban Land Use

One of the most distinctive and unfortunate characteristics of urban land use on Guam is the strip development, along major roads. The major area of commercial activity is along Marine Drive from Anigua, through Agana and into Tamuning, Harmon and Dededo. Virtually all establishments front on Marine Drive or are, at most, a block away. A second concentration is found near the intersection of Marine Drive and Route 6 in Agana, and another strip development is beginning along Route 8 toward Barrigada. An extension of the Agana commercial strip development fronts Marine Drive from Asan to Piti, another may be found along Route 6 bordering Mongmong, at the entrance to Sinajana on Route 4, and across from the Naval Hospital on Route 7. The fragmented and haphazard placement of both residential and commercial developments reflects a past lack of zoning regulations, although the pattern of development (and the lack of it) in the Agana area is due largely to the problems of land fragmentation in that location. Areas of multiple-family dwelling units are located throughout the island, usually with little consideration for intelligent land use, or location. In nearly all areas with the exception of recent subdivisions in Sinajana, Tamuning and Dededo, dwellings vary from simple, poorly constructed frame houses to those manufactured from concrete block of good design.

Elsewhere on Guam, the pattern is one of concentration of single-family dwellings in fairly compact villages, usually centered around the church. Villages which suffered bombardment damage during the 1944 liberation of Guam or which experienced extensive typhoon damage in 1962 have a larger percentage of newer dwellings. Examples of these villages are Agat, Dededo and Santa Rita. Inarajan, Barrigada, Merizo, Sinajana, and Agana Heights are more representative of villages with older housing. Commercial services in the villages are usually limited to a few single-room, family-run retail stores which carry food items and some clothing and drugs. Needs for major clothing, appliances, drugs and other items are usually filled in Agana or Tamuning retail specialty shops. Scattered commercial activity is located throughout the island.

Major areas of commercial activity are Agana, Tamuning, Dededo, Harmon the hotel strip in Tumon, and Anigua; secondary centers are Barrigada, Mangilao, Sinajana and Asan-Piti. Agana has the major multipurpose shopping centers, but there is a trend for shopping centers and the newer specialty stores to locate in Tamuning. Recent commercial facilities are of excellent construction and design.

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