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CHAPTER 62
SUBDIVISION LAW

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§ 62101. Title.

This Chapter shall be known *The Subdivision Law*.

SOURCE: GC § 18000.

§ 62102. Purpose and Intent.

The purpose of this Chapter and of any rules, regulations, specifications and standards adopted, pursuant thereto, is to control and regulate the development and/or subdivision of any land for any purpose whatsoever. Such control and regulations is determined to be necessary to

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provide for the orderly growth and harmonious development of the territory; to insure adequate traffic circulation through coordinated street, road and highway systems; to achieve individual property lots of maximum utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage and other health requirements; to permit the conveyance of land by accurate legal description; and to provide logical procedures for the achievement of this purpose.

SOURCE: GC § 18001 as amended by P.L. 12-90.

§ 62103. Compliance with Master or Transportation Plan.

Development and/or subdivision of all land and roads *shall* conform to that land use or road location delineated in the latest revision of the Territorial Master Plan, initially approved in April 1967.

(a) Construction on land designated for future road or public purposes, contrary to the use indicated in the Master or Transportation Plan, *shall not* be authorized, irrespective of land ownership, *unless* the Department of Public Works certifies that the government of Guam has *no* Master or Transportation Plan projects pending or planned to be constructed on the land within the immediate two (2) upcoming fiscal years.

(b) Specifications for construction, repair, and/or reconstruction of roads *shall* conform to Department of Public Works standards, and *shall* follow requirements delineated for that zone in which the subdivision or construction is located.

SOURCE: GC § 18001.1 enacted by P.L. 12-90. Repealed and reenacted by P.L. 31-130:3 (Nov. 17, 2011).

AG OPINION: Even though the 1967 Master Plan was never adopted by the Legislature prior to the enactment of P.L. 12-20, the enactment of this § 62103 has the same effect -- requiring compliance with the Plan. BOP 90-0321 (4/19/90).

§ 62104. Exemptions: Decedents' Estates: Parental Division of Property.

(a) Article 5 of this Chapter shall not apply to land which is an asset of the estate of decedent, provided, however, that, before the distribution of any such land by the court, the Territorial Planner or Commission may enter his or its appearance and require street and utility easements on said land to insure lot divisions consistent with the general plan and with the provisions of § 62501.

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(b) Article 5 of this Chapter shall also not apply to land which has been owned in fee simple by a person who divides said land among his living children or their descendants by way of inter-vivos gift; provided, however, that such land shall be deeded to said children or descendants in fee simple and said deeds shall contain alienation clauses to the effect that the children or descendants shall not give, sell, or convey in fee simple such lots for a period of at least five (5) years; and further provided, that the Territorial Planner or Commission shall require street and utility easements on said land to insure lot divisions consistent with the general plan and that the minimum size of each lot, including that retained by the grantor, if any, shall be no less than seven thousand two hundred (7,200) square feet. Where the streets and alleys have not been improved within the subdivision, the subdivider, for the purposes of having his subdivision map approved and recorded by Land Management, shall be required either to secure a bond for the said improvement, or to sign an affidavit stating to the effect that the said improvement shall be accomplished within a reasonable period. The government of Guam shall not be held responsible for making the said improvement. The deed transferring the property may provide that the children or descendants may mortgage the property for the purpose of constructing a residence on the property.

SOURCE: GC § 18001.5 amended by P.L. 11-125; P.L. 13-153:1; subdivision (b) amended by P.L. 15-131:5. Subsection (b) amended by P.L. 21-144:9(a) (12/29/92). Subsection (b) amended by P.L. 22-153:1(b) (12/30/94).

§ 62105. Definitions.

The following words and phrases, when used herein, shall have the meaning respectively hereto ascribed to them, except where a different meaning may be clearly indicated by the context:

(a) *Agricultural Subdivision* shall mean a subdivision having no lots, parcels or sites smaller than ten thousand (10,000) square feet, except when located on top of the Northern Aquifer, the minimum ten thousand (10,000) square foot lot must be connected to a public or other EPA-approved sewer system, and in which all lots, parcels or sites are used principally for agriculture, single family resident sites or as an agriculture-homesite combination; except that the term *Agricultural Subdivision* shall include a subdivision resulting from distribution by the court pursuant to § 62104(a) or (b) of this Chapter with no lots, parcels or sites smaller than ten thousand (10,000) square feet, with sewer connection or other EPA-certified sewage disposal only if located over the Northern Aquifer, and in which all lots,

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parcels or sites are used principally for agriculture, single family sites, or as an agricultural homestead combination

(b) *Commission* shall mean the Territorial Land Use Commission.

(c) *Easement* shall mean a grant by the owner of land for a specified use or uses of said land to a person or persons, to the public generally, or to the government of Guam.

(d) *Engineer* shall mean a person who is registered pursuant to Title XLIII, Government Code of Guam, as an Engineer, and holds a current certificate of registration issued by the Board of Engineering and Architectural Examiners or a person exempted under the provisions of said Title XLIII.

(e) *Improvements* shall mean any beneficial or valuable site additions or alterations to a subdivision property including street grading and surfacing, water service, sanitary sewers, facilities provided for drainage and site grading.

(f) *Non-Access Reservation* shall mean the limiting of access between a right-of-way and the adjacent land. (A non-access reservation shall be provided only when required by the Commission and the right of access to and from such land across the right-of-way boundary shall be dedicated to the government of Guam.)

(g) *Plan, General* shall mean the general plan or plans for guiding the physical development of the territory of Guam as adopted by the Commission and approved by the Governor.

(h) *Plan, Precise* shall mean the detailed plan or plans for guiding and controlling the physical development of specific projects as adopted by the Commission and approved by the Governor.

(i) *Planning Division* shall mean the Planning Division of the Department of Land Management.

(j) *Record Map* shall mean the final subdivision map designed to be placed on record in the Land Records of the Department of Land Management.

(k) *Reservation* shall mean an area of land which the subdivider reserves free and clear of all structures for a future specified purpose.

(l) *Resubdivision* shall mean the resubdividing of land in a subdivision or lot parcelling subdivision or portions thereof so as to create a new or

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different subdivision of such land other than is presently or record, and shall include modifications to lot lines, the creation of one or more additional lots or any other action of land division which is not consistent with the recorded subdivision or lot parcelling subdivision map.

(m) *Reversion to Acreage* shall mean the voiding of a previous subdivision in order to revert the platted lots contained therein back to the original parcel or parcels which existed prior to the subdivision.

(n) *Right-of-Way* shall include the entire width between property lines of a highway, street or alley.

(o) *Sanitation Division* shall mean the Sanitation Division of the Department of Public Health and Social Services.

(p) *Subdivide* shall mean the act of creating a subdivision.

(q) *Subdivider* shall mean any individual, firm, association, syndicate, corporation, trust or any other legal entity proceeding to effect a subdivision of land for himself or another.

(r) *Subdivision* shall mean the division of any parcel of land into six (6) or more lots. Subdivision shall include resubdivision and reversion to acreage and, where appropriate to context, relates to the process of subdividing or to the land subdivided regardless of the method used to accomplish such action, whether by sale, design, rent, lease, deed of gift, grant in gift or any other method of transferring title whether for remuneration or not and whether immediate or future.

(s) *Subdivision, Lot Parcelling* shall mean the division of a lot legally existing on the effect date of this Chapter into no more than five (5) parcels. Lot parcelling of a lot shall include all methods of such action whether by sale, design, rent, lease, deed of gift, grant in gift or any other method of transferring title whether for remuneration or not and whether immediate or future.

(t) *Surveyor* shall mean a person who is registered pursuant to Title XLIII, Government Code of Guam, as a land surveyor, and holds a current certificate of registration issued by the Board of Engineering and Architectural Examiners or a person exempted under the provisions of said Title XLIII.

(u) *Tentative Map* shall mean a preliminary subdivision map of the purpose of showing the design of a proposed subdivision and the existing conditions in and around it.

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(v) *Territorial Planner* shall mean the Chief of Planning Division, Department of Land Management, Government of Guam.

(w) *Territorial Surveyor* shall mean the person designated as the Territorial Surveyor by the Director of Land Management.

SOURCE: GC § 18002. Subsection (a) amended by P.L. 13-153:2, P.L. 14-145:9; and P.L. 15-57:8; further amended by P.L. 21-144:9(b) (12/29/92). Subsection (a) amended by P.L. 22-161:5 (12/30/94); further amended by P.L. 23-59:2.

§ 62106. Authority of the Commission.

The Commission shall have jurisdiction and cognizance of all matters relating to subdividing and subsequent development of land within the territory. The Commission shall prescribe and adopt such rules and regulations, which shall include, but not be limited to, specifications and standards for development of subdivisions, as are, in its judgment, necessary to effectuate the purposes and intent of this Chapter. Such rules and regulations may provide for delegation of functions of review and inspection of proposed, tentative and final plans and maps, and of subdivisions, to other agencies and departments of the government. Such rules and regulations shall become effective upon approval by the Governor.

SOURCE: GC § 18003.

§ 62107. Commission Approval.

No subdivision map presented for filing as a record in the Department of Land Management shall be recorded without the prior approval of the Commission. The Commission shall not approve the record map of a subdivision unless such map conforms to all the requirements of this Chapter and any applicable rules, regulations, specifications or standards adopted by the Commission. No subdividers shall subdivide any land except in accordance with this Chapter, or sell, lease or assign, or offer for sale, any subdivision or a proposed subdivision or any part thereof, or any lot, parcel to site therein until the record map has been officially recorded.

SOURCE: GC § 18004.

§ 62108. General Requirements for Subdivisions.

In all subdivisions presented for recording under this Chapter the subdivider shall:

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(a) Not subdivide or develop land for any purpose contrary to the provisions of the Zoning law, Chapter 61 of this Title of the Guam Code Annotated.

(b) Cause every lot to abut a roadway right-of-way having a minimum width of forty (40') feet; *provided*, however, that in agricultural subdivisions and in parental subdivisions, every lot shall abut a roadway right-of-way having a minimum width of twenty (20') feet.

(c) Except as may be provided for pursuant to §56111, Title 5, Guam Code Annotated, provide for the installation of power, water and telephone lines, fire hydrants, roads and highways within the subdivision in accord with any general or precise plan approved by the Commission.

(d) Where an established framework of local streets exists, provide for the uniformity of street widths and alignment thereto with the streets of the subdivision, and for the continuation of existing street names.

(e) Provide for adequate light, air privacy on all lots regardless of land use, and design the location of streets to prevent excessive grading and scarring of the landscape.

(f) Provide sufficient drainage of the land to provide reasonable protection against flooding.

(g) Provide that streets within residential areas shall not be planned for through traffic in order to insure privacy and safety.

(h) In cases where public access is not already provided, dedicate land for public access by right-of-way for pedestrian travel from a public highway or public street to abutting lands below the high-water mark on any coastal shoreline, and to dedicate land for public access by right-of-way from a public highway or public street to abutting public lands in the hills and jungle so such lands shall be accessible for hiking, hunting, fruit-picking and other recreational purposes.

The right-of-way shall be clearly designated on the final map of the subdivision or development upon the dedication of land for a right-of-way as required by this Subparagraph and acceptance by the Territory, the Territory shall thereafter assume the cost of improvements for and the maintenance of the right-of-way, and the subdivider shall accordingly be relieved from such costs.

SOURCE: GC § 18005. Subsection (b) amended by P.L. 10-157; (h) added by P.L. 13-69:2. Subsection (b) amended by P.L. 21-130:10 and P.L.25-011:11.

§ 62108.1. Agricultural Subdivision Requirements.

(a) Any person or persons subdividing agriculturally-zoned land into six (6) or more lots, parcels or sites that are less than twenty thousand (20,000) square feet per lot with the intention of selling three (3) or more of the subdivided lots shall be required to make improvements consistent with § 62108 of Title 21 of the Guam Code Annotated.

(b) In agricultural subdivisions with lots, parcels or sites less than twenty thousand (20,000) square feet, when located over the Northern Aquifer, all lots must meet the requirements set forth in § 3219(c) of Chapter 3 of Title 18 of the Administrative Rules and Regulations of the government of Guam before final approval on adequate lot sizes can be given.

(c) Agricultural subdivisions are permitted in Zoning District 2-Low Intensity of the Zoning Code of Guam.

SOURCE: Added by P.L. 22-161:5(b) (12/30/94). Amended by P.L. 23-59:3. Subsection (b) amended by P.L. 25-011:12. Subsection (c) added by P.L. 25-011:13.

§ 62109. Subdivision Located Without the Territorial Confines of Guam.

No person subject to the licensing provisions of 21 GCA Chapter 100 (Real Estate Law) shall sell or lease nor offer to sell or lease any interest in a subdivision located without the territorial confines of Guam unless the subdivision plan has been submitted to and approved by the Real Estate Commissioner. The Commissioner shall not approve any plan for a subdivision located without the territorial confines of Guam until he has issued a public report on the subject property. Such public report may be issued by the Commissioner based on facts disclosed from the state in which the property is located or based on an independent investigation on the part of the Commissioner. Approval of a subdivision located without the territorial confines of Guam by the Commissioner shall not relieve any person from any further requirement for registration or regulation of such transaction provided elsewhere under the laws of Guam.

SOURCE: GC § 18006 enacted by P.L. 13-191:1.

§ 62110. Subdivision Application, Verification of.

Any subdivision application provided for by this Chapter shall not be accepted or approved by the Commissioner unless it shall be certified under penalty of perjury or verified before a notary public or other officer

qualified to administer oaths. Such certification or verification shall extend to the documents and supplemental materials as well as to the statements contained in the application itself.

SOURCE: GC § 18007 enacted by P.L. 13-191:1.

§ 62111. Government Subdivisions.

In any subdivision of government of Guam land, including land of autonomous agencies, in which there are more applicants for lots within the subdivision than there are lots, the Director of Land Management shall conduct a public lottery, under the direction of the Attorney General, among those applicants holding the same priorities to determine which applicants of equal priority obtain the lots.

SOURCE: Added by P.L. 21-14:17.

§ 62112. Public Rights of Way.

(a) The public shall have the right to pass unhindered over a Public Right of Way. For the purposes of this Chapter, a Public Right of Way includes (1) easements for roadways created by law or operation of law; (2) those subdivision easements, access, or rights of way created by delineation on approved maps, way of formal grants or dedication of easement, access, or right of way, regardless of formal acceptance by the government; and (3) those rights of way mandated by the Subdivision Law within a subdivision or lot parceling which appear on an approved final subdivision or lot parceling map as dedicated easements, dedicated access, rights of way, or roadways.

(b) The signature of the owner and approval of the Department of Land Management on a final subdivision or lot parceling map delineating an easement, access, roadway, or right of way, thereby grants to the public the right to pass unhindered over that public right of way.

(c) The Department of Public Works shall have oversight responsibility for the development of public rights of way through the Highway Encroachment permitting process. However, such oversight responsibility notwithstanding, the Government of Guam shall in no way be encumbered to develop this roadway. The obligation to develop the roadway shall remain with the subdivider as provided in § 62501 of this Chapter.

(d) A public right of way serves the public and all the landowners whose properties abut the easement, and the subdivider shall in no way retain special property rights that would allow him to encroach upon,

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obstruct, place obstructions upon, hinder passage over, place signs upon, or hinder maintenance of the public right of way.

(e) The subdivider shall in no way retain special property rights that would allow him to charge fees for passage or otherwise, that would allow him to prohibit, and therefore, discriminate against, any member of the public from using the public right of way.

(f) The subdivider shall in no way retain special property rights that would allow him to grade, change water courses upon, or modify the topography and roadway elevation of the public right of way without the prior written authorization from the Department of Public Works.

(g) The subdivider shall in no way retain special property rights that would allow him to use any portion of the public right of way to meet set-back or other zoning requirements.

(h) In subdivisions approved since 1975 where the subdivider has not opened, improved, or established a public access road, any landowner whose property is served by the public right of way may, with the express written authorization of the Department of Public Works, take necessary and reasonable measures to make the public right of way passable for ingress and egress to his property. The subdivider shall in no way retain special property rights that would allow him to obstruct the lawful development of this public right of way.

(i) In subdivisions where the subdivider or the government has not maintained the public right of way, any landowner whose property is served by that right of way may take the necessary and reasonable measures to maintain that portion of the easement that immediately abuts his property. Reasonable maintenance is herein defined as cutting brush, mowing vegetation, filling potholes, and removing rocks and other obstructions to passage; it does not include grading or otherwise changing the topography or elevation of the roadway

SOURCE: Added by P.L. 27-118:2.

**ARTICLE 2
PROCEDURE FOR SUBDIVIDING LAND**

§ 62201. Application to Establish Subdivision.

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- § 62202. Fees.
- § 62203. Review of Tentative Plans.
- § 62204. Action by Commission.
- § 62205. Submission of Final Plans.
- § 62206. Final Plans Approval and Recordation.
- § 62207. Reversion to Acreage, Maps, and Plats.
- § 62208. Building Permits.
- § 62209. Revocation of Tentative Plans.

§ 62201. Application to Establish Subdivision.

A subdivider desiring to subdivide or develop land pursuant to this Chapter shall make a written application therefor on a form prescribed by the Commission. The application shall be filed with the Territorial Planner and shall be accompanied by tentative subdivision plans prepared in accordance with § 62401 of this Chapter.

SOURCE: GC § 18100.

§ 62202. Fees.

The subdivider shall at the time of filing tentative subdivision plans pay a uniform check fee of ten dollars (\$10.00) plus one dollar (\$1.00) for each final lot shown on the subdivision. Such fees shall not be returned in the event the application is not approved.

SOURCE: GC § 18101.

§ 62203. Review of Tentative Plans.

The Territorial Planner shall within three (3) days after receipt of such application transmit copies of the tentative plans to departments and agencies of the government to which have been delegated responsibility for technical review. Such agencies and departments shall review the plans and transmit their written findings and recommendations to the Territorial Planner within fifteen (15) days after receipt of such plans.

SOURCE: GC § 18102.

§ 62204. Action by Commission.

After review, the tentative subdivision plans shall be transmitted to the Commission at its next regularly scheduled meeting by the Territorial Planner, together with all findings and recommendations. The Commission shall thereafter approve, conditionally approve, or disapprove the plans.

When a tentative plan is disapproved, it may not thereafter be reconsidered unless modified and a new application filed.

SOURCE: GC § 18103.

§ 62205. Submission of Final Plans.

Within one year after approval of tentative subdivision plans, the subdivider shall file with the Territorial Planner the final plans prepared in accordance with § 62402 of this Chapter. The final plans shall be accompanied by a written application for approval thereof in a form prescribed by the Commission.

SOURCE: GC § 18104.

§ 62206. Final Plans Approval and Recordation.

The Territorial Planner shall review final plan documents as submitted for conformity to the approved tentative plans. At the next regularly scheduled Commission meeting no less than two (2) days following receipt of final plans, the Territorial Planner shall present the plans to the Commission for its action. Final plans submitted in strict compliance with approved tentative plans shall be approved. Final plans which are not in strict compliance with approved tentative plans shall, within fifteen (15) days, be approved or a written determination made specifying work necessary for subdivision completion prior to final Commission approval. After approval by the Commission of the final plan map, the subdivider shall record said map in accordance with §§ 60315-60319 of this Title 21 of the Guam Code Annotated.

SOURCE: GC § 18105.

§ 62207. Reversion to Acreage, Maps and Plats.

When a reversion to acreage is made, no tentative plans shall be required. The subdivider shall prepare a final map showing the existing subdivision and the original parcel or parcels which shall result from the reversion. No engineering plans shall be required. Upon approval of the final map, the map may be completed and submitted as a record plat. No as-built surveys shall be required. The plat shall be clearly marked reversion to acreage and any variance from the requirements of a subdivision record plat shall be as determined by the Commission. The fee or other interest in any subdivision improvements, easements or road rights of way within the perimeter of the subdivision which has been dedicated to the government may be quitclaimed to the subdivider at the discretion of the

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government, upon recorded written consent of all landowners adjacent to the easement or road right of way and the Director of Land Management.

SOURCE: GC § 18106. Amended by P.L.27-118:3.

§ 62208. Building Permits.

The Director of Public Works or his designated building official shall issue no building or construction permits for any development within the subdivision or lot parcelling until the tentative plans have been approved, nor issue individual building permits until the record map has been recorded. The Territorial Planner shall notify the Director of Public Works in writing of the approval of the final plans and of the recordation of the record map immediately after such approval is given and after such recording is completed.

SOURCE: GC § 18017.

§ 62209. Revocation of Tentative Plans.

The Commission shall not consider or approve final plans for a subdivision which are submitted after one year, or after any extension of time granted by the Commission during such year, following approval of tentative plans.

SOURCE: GC § 18108.

ARTICLE 3

LOT PARCELLING AND AGRICULTURAL SUBDIVISIONS

§ 62301. General.

§ 62302. Application to Establish Lot Parcelling or Agricultural Subdivisions.

§ 62303. Lot Parcelling Approval.

§ 62304. Parcelling Map Recordation.

§ 62305. Survey Required for Parcelling Map.

§ 62306. Resubdivisions.

§ 62301. General.

The requirements of Article 2 and Article 5 of this Chapter shall not apply to lot parcelling subdivisions and agricultural subdivisions.

SOURCE: GC § 18200.

§ 62302. Application to Establish Lot Parcelling or Agricultural Subdivisions.

A subdivider desiring to parcel lots or subdivide land for agricultural purposes shall make a written application therefor on a form prescribed by the Commission. The application shall be filed with the Territorial Planner and shall be accompanied by the original and two (2) copies of a survey map prepared in accordance with § 62305 of this Chapter.

SOURCE: GC § 18201.

§ 62303. Lot Parcelling Approval.

Within fifteen (15) days following receipt of an application to establish a lot parcelling or agricultural subdivision, the Territorial Planner, shall approve, conditionally approve, or disapprove the application, or shall submit the application to the Commission for its action. The Territorial Planner or Commission may as conditions of approval require street and utility easement reservations and require modifications to the map to insure lot divisions consistent with the general plan and with provisions of § 62501 of this Chapter. The Territorial Planner or Commission shall disapprove the subdivision if adopted standards of subdivision cannot be maintained. The applicant may appeal any decision of the Territorial Planner to the next regularly scheduled meeting of the Commission. There shall be no fees required for lot parcelling or agricultural subdivisions for the checking of plans or maps.

SOURCE: GC § 18202.

§ 62304. Parcelling Map Recordation.

Upon final approval of a lot parcelling or agricultural subdivision map by the Territorial Planner or Commission, the subdivider shall record the map in conformity to §§ 60315-60319 of this Title, which map shall not be effective until recorded.

SOURCE: GC § 18203.

§ 62305. Survey Required for Parcelling Map.

The lot parcelling map shall be prepared by a surveyor and shall show all survey and mathematical data necessary to locate and retrace all lines thereon, including bearings and distances of straight lines and radii, arc and tangent lengths for all curves. Any area reserved for utility easements, access easements, and future street areas, and other public improvements, shall be clearly delimited and designated. The survey map shall be endorsed

as to its accuracy and for its conformity to standard surveying practice by the Territorial Surveyor.

SOURCE: GC § 18204.

§ 62306. Resubdivisions.

Resubdivisions of regular or lot parcelling subdivision shall be initiated and acted upon subject to the procedures of this Article, provided, however, that resubdivisions involving six (6) or more lots or resubdivisions requiring subdivisions improvements shall be initiated and acted upon as a new subdivision in accordance with the provisions of Article 2 of this Chapter.

SOURCE: GC § 18205.

ARTICLE 4
REQUIREMENTS FOR PLANS AND MAPS

§ 62401. Form of Tentative Plans.

§ 62402. Form of Final Plans.

§ 62401. Form of Tentative Plans.

Tentative plans will include six (6) copies of a subdivision map, two (2) copies of a statement of intent by subdivider, and two (2) copies of subdivision improvement plans.

(a) The subdivider shall cause the tentative subdivision map to be prepared by an engineer or surveyor. The map shall be clearly and legibly drawn on one or more sheets having dimensions of twenty-two inches (22") by twenty-nine inches (29"). The scale of the map shall be as prescribed by the Commission and the map shall generally include:

- (1) The tract number as issued by the Territorial Planner.
- (2) The name and address of the owner or owners of record, of the subdivider and of the person preparing the map.
- (3) Date, north arrow and scale.
- (4) A key map locating the subdivision in relation to surrounding areas.
- (5) The exact length and bearing of the exterior boundaries of the subdivision which data shall be referenced to the Guam Geodetic

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Triangulation Control Net or such alternative system of triangulation control as the Territorial Surveyor may direct.

(6) The accurate placement and outline of structures existing of the site.

(7) The location, names, and existing widths of adjacent street rights of way.

(8) The location and dimensions of all known existing easements and reservations.

(9) The location of existing utilities, sewers, drainage ditches and other drainage facilities located in, or adjacent to, the proposed subdivision.

(10) The lot numbers and lines of all adjacent parcels of land.

(11) The location, width and direction of flow of all water courses within the subdivision area.

(12) Topography with contour intervals of two feet (2') where the grounds slope is five percent (5%) or less or contour intervals of five feet (5') where the ground slope is more than five percent (5%).

(13) The location and widths of all existing or proposed streets in the subdivision.

(14) The approximate lot layout and approximate lot dimensions of each lot.

(15) Areas intended to be reserved for public use.

(b) The statement of the subdivider shall include a resume of the improvements proposed to be made in the subdivision, the existing zone district or districts applicable to the property, proposed use or uses of the subdivision lots and, in the absence of zoning, the proposed setback requirements for individual property development.

(c) Subdivision improvement plans shall include:

(1) Street construction plans including, but not limited to, planned grading, street centerline gradients and typical road cross-sections specifying material and depths.

(2) Water and sewer line plans showing pipe sizes, routing, gradients, pressure regulation and point of origin.

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(3) A drainage plan showing methods and facilities for collection and disposal of storm waters. The storm drainage disposal area or channel must have a demonstrated ability to accept additional water in view of capacity of area or channel and of capacity of existing improvements confining the channel.

The tentative plan shall be prepared in sufficient detail for analysis by the Commission as to sufficiency and most suitable location. The Commission may require the submission of detailed construction drawings as subdivision work is initiated to permit detailed analysis of construction conformity to law and the rules and regulations of the Commission, and to facilitate improvement inspections.

SOURCE: GC § 18300.

§ 62402. Form of Final Plans.

The final plan submitted for approval shall include a map of the subdivision and a final survey of improvements as installed.

(a) The map of the subdivision shall be prepared by an engineer or surveyor in accordance with the following:

(1) The final map shall be clearly and legibly drawn in opaque black ink on good quality tracing paper or cloth acceptable to the Territorial Planner. Signatures shall be in opaque black ink. The size of the each sheet shall be twenty-two by twenty-nine inches (22" x 29"). A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch (1"). The scale of the map shall be as prescribed by the Commission and shall show all details clearly, with enough sheets used to accomplish this purpose. The map shall be so made and shall be in such condition when filed that good, legible prints can be made therefrom.

(2) The map shall contain the tract number in letters no less than one-half inch (1/2") in height, north directional point, map scale, and date of final survey.

(3) The map shall show all survey and mathematical information and data necessary to locate all monuments, and to locate and retrace any and all interior and exterior boundary lines appearing thereon including bearings and distances of straight lines, radii, arc and tangent lengths of all curves. The final map shall particularly define, designate

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and delineate all road and alley rights-of-way and easements and other parcels offered for dedication for public use.

(4) The following certificates shall be placed on the first sheet of the map in a form prescribed by the Commission:

(A) Dedication of streets, easements and other parcels of land intended for public use by the owner.

(B) Acknowledgment of dedication for certification by a Notary Public.

(C) Acceptance of dedication to be signed by the Governor.

(D) Certification by the surveyor making the map (record plat) that the map is correct and accurate and that the monuments described thereon have been so located.

(E) Limited access dedication where a nonaccess reservation is used to restrict access. The map shall be lettered “vehicular access rights dedicated to the government of Guam” along the thoroughfare adjacent to the lots affected.

(F) Endorsement of Territorial Surveyor.

(G) Approval by the Commission.

(H) Certificate of recordation.

In addition, the map shall be accompanied by statements concerning any proposed deed restrictions or covenants.

(b) As part of the final plan, the subdivider shall submit a copy of an as-built drawing shall show, but not be limited to a showing of, the precise placement, sizing and characteristics of water lines, drainage measures, streets, street curbs and similar constructed utilities. The as-built drawing shall be to specifications satisfactory to the Commission.

(c) Acceptance of Dedication to be Signed by the Governor. The Governor shall not withhold acceptance of the dedication of any right-of-way in any agricultural subdivision provided the subdivision shall have had *de facto* existence at the time of this Law and the right-of-way is at least twenty (20) feet wide; provided, however, that the owners of the properties within said subdivision shall organize themselves for the creation of improvement districts for the construction, or reconstruction, of needed public facilities in accordance with the provisions of the Improvement District Law (Chapter 69 of this Title), as amended; and provided further

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that the acceptance of the dedication herein authorized shall become effective only after the Governor of Guam shall have given his approval of the final report by Executive Order as required § 69122 of the this Title 21 GCA.

SOURCE: GC 18301. Subdivision (c) added by P.L. 13-68, enacted July 26, 1976.

**ARTICLE 5
IMPROVEMENTS**

§ 62501. Required Improvements.

§ 62502. Utilities Extensions - Planned Areas.

§ 62503. Utilities Extensions - Unplanned Areas.

§ 62504. Time Allowed for Completion of Improvements.

§ 62501. Required Improvements.

The subdivider shall provide the following improvements and improvement areas within time limits specified by the Commission:

(a) Streets, Alleys and Sidewalks - Urban areas. Where general plans have been or are hereafter duly adopted and show an area as planned for development into urban use, the following street, alley and sidewalk improvements shall be required:

All streets and alleys within the subdivision shall be graded and drained the full width of the right-of-way. The roadbed portion of the right-of-way shall be improved with a stabilized coral base and surfaced with light bituminous surface treatment having a minimum width of twenty-two feet (22'). The roadway centerline gradient and right of way cross-section including drainage ditches, travelled roadway design and paving and shoulders shall be in conformity to criteria established by the Commission.

Permanent sidewalks having a minimum width of four feet (4') shall be laid out for all streets and shall be dedicated to the government of Guam. The Commission shall establish criteria relating to width and construction of such sidewalks, and all such sidewalks shall be in conformity thereto.

(b) Streets and Alleys - Unplanned Areas. Where at the time of a subdivision a general plan has not been adopted or where the general plan designates the area as agricultural, the following street and alley improvements will be required:

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All streets and alleys within the subdivision shall be graded and drained the full width of the right-of-way. The roadbed portion of the right-of-way shall be improved with a stabilized coral base. The roadway centerline gradient and right-of-way cross-section including drainage ditches, travelled roadway and shoulders shall be in conformity to criteria established by the Commission.

(c) Storm Water Drainage. Storm drainage facilities shall be provided in all subdivisions in accordance with plans prepared by the subdivider conforming to criteria established by the Commission. These facilities shall be designed to dispose of normal storm waters falling on the subdivision without hazard of flooding, inconvenience of ponding, and the erosion of public or private lands.

(d) Domestic Water. Potable domestic water shall be piped onto each lot within the subdivision. Water pipes shall be new and so sized to supply normal household pressures.

(e) Sanitary Sewage Disposal. When sanitary sewers are provided in a subdivision, they shall be in conformity to plans prepared by the subdivider satisfactory to the Commission. When sewers are placed within a subdivision, the minimum permissible lot size shall be as determined by the applied zoning district, or in the absence of zoning, shall be not less than seven thousand (7,000) square feet. In subdivisions where sanitary sewers are not provided, the minimum permissible lot size shall be determined by the slope and characteristics of the subdivision soil and subsoil but in no event shall be less than is established by the applied zoning district, or in the absence of zoning, seven thousand (7,000) square feet. Determination of lot size shall be made on the basis of soil percolation tests made in conformity to standards adopted by the Commission. Lot sizes, including area and minimum widths and depths shall be related to the ability of the subdivision lands to accept the anticipated septic tank effluent whereby no sanitary problem will be created. The Commission shall establish criteria relating lot sizes and shapes to tested rates of seepage, and all lots created after the enactment of this Chapter shall conform thereto.

(f) Survey Monuments. Permanent concrete monuments shall be installed at all points of direction changed in the subdivision perimeter and in the exterior lines of blocks.

SOURCE: GC § 18400 enacted 1952. Subsection (a) amended by P.L. 11-134.

§ 62502. Utilities Extensions - Planned Areas.

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Where general plans have been duly adopted and show an area as planned for development into urban uses, the following development criteria will apply for subdivisions within the area so delineated:

(a) Road extensions. Where roads must be extended from existing roads in order to gain suitable access to a subdivision. The subdivider shall negotiate with the property owners involved and acquire rights-of-way to width and alignment approved by the Commission. The subdivider shall improve such access road or roads the same as he improves the interior subdivision roads.

(b) Power, water mains, and fire hydrants may be installed by the Public Utility Agency in accordance with 5 GCA §56111.

(c) The subdivider shall provide easements for all utility extensions to the satisfaction of the Commission, and acceptable to the Public Utility Agency.

SOURCE: GC § 18401.

§ 62503. Utilities Extension - Unplanned Areas.

In areas where general plans have not been adopted but where water, electrical facilities and roads exist within or adjacent to a planned subdivision area, the criteria of § 62502 will be applicable. In unplanned areas where water service, electric service or public roads are not immediately available, the government shall not supply any utility or road extension to make the site suitable for development.

SOURCE: GC § 18402.

§ 62504. Time Allowed for Completion of Improvements.

Upon approval of the tentative subdivision plan by the Commission, the subdivider shall complete within one (1) year all of the improvements required, except that the Commission, for good cause shown, may authorize an extension of time, not to exceed twelve (12) months, for such completion. Within such time, the subdivider must either:

(a) Complete the required improvements and, upon acceptance thereof by the government, file his final plans; or

(b) Furnish bond acceptable to the Commission for the completion of improvements, the bond to be in penal sum of one hundred fifteen percent (115%) of total work costs as verified by the Director of Public Works. On approval of the bond, the final plans may be filed.

SOURCE: GC § 18403.

ARTICLE 6
VARIANCES AND APPEALS

§ 62601. Petition for Variances.

§ 62602. Variance Subdivisions.

§ 62603. Unit Development.

§ 62604. Judicial Review.

§ 62601. Petition for Variances.

The Commission, on its own initiative, or upon the petition of any subdivider stating fully the grounds of the application and all the facts relied upon by the subdivider, may grant variances to the regulations of the Commission. Such petition shall be filed with the tentative plan of the subdivision. In the event the Commission shall find the following facts with respect to the petition for a variance, it may grant a variance under such terms and conditions as it may prescribe:

(a) That there are special circumstances or conditions affecting said property.

(b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the subdivider.

(c) That the granting of the variance will not be materially detrimental to the public welfare or injurious to other property in the area in which said property is situated.

(d) That the variance, if granted, will conform with the intent and purpose of the general or precise plans for the territory, and of this Chapter.

SOURCE: GC § 18500.

§ 62602. Variance Subdivisions.

The Commission shall have the authority to review any prior division of parcels of land, whether for the purpose of lot parcelling or the establishment of a subdivision, presented to the Department of Land Management for recording as a subdivision under the provisions of this Chapter. The Commission may require the subdivider or owner to modify the arrangement, to improve access rights of way and easements, or to modify the size and shapes of lots and other improvements as a condition

precedent to record the presentation as a subdivision. The decision of the Commission shall be final.

SOURCE: GC § 18501.

§ 62603. Unit Development.

The standards and requirements of this Chapter may be modified by the Commission in the case of a plan and program for a new town, a complete community, or a neighborhood united, which in the judgment of the Commission provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provide such deed restrictions or other legal provisions as will assure conformity to and achievement of the plan.

SOURCE: GC § 18502.

§ 62604. Judicial Review.

(a) Any order of the Commission shall become effective when notice thereof is delivered to the party or parties affected and, unless proceedings for judicial review are instituted as provided for in Subsection (b) of this Section, shall become final at the expiration of thirty (30) days thereafter.

(b) If the decision of the Commission is not in accordance with law or is not supported by substantial evidence, the same may be set aside through and action instituted in the Superior Court brought by the party affected thereby. The subdivider shall not subdivide any land, or sell, lease, or offer for sale, any subdivision or proposed subdivision or any part thereof, or any lot, parcel or site therein, or commence or continue construction of any improvement relating thereto during the pendency of such action.

(c) Review by the court shall be limited to the record procured before the Commission and, if the decision of the Commission is not according to law or supported by substantial evidence, the court shall return this matter to the Commission for further action in accordance with the evidence.

SOURCE: GC § 18503. *Island* changed to *Superior* Court pursuant to P.L. 12-85.

ARTICLE 7

PENALTIES, AMENDMENTS, INTERPRETATION AND SEPARABILITY

§ 62701. Violation Penalties.

§ 62702. Separability.

§ 62703. Repeal.

§ 62701. Violation Penalties.

(a) Any individual agent, partnership, firm, association, corporation or any other legal entity violating any of the provisions of this Chapter shall be guilty of a violation. Such individual agent, partnership, firm, association, corporation or other legal entity shall be deemed guilty of an offense for each day or portion thereof in which any violation is committed, continued or permitted, and shall be punishable as herein provided for each such day or portion.

(b) The imposition of any sentence made under this Section shall not exempt the offender from compliance with the requirements of this Chapter.

SOURCE: GC § 18600.

§ 62702. Separability.

If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The Legislature hereby declares that it would have passed and does hereby pass this Chapter and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, phrases, or portions thereof, be declared invalid.

SOURCE: GC § 18601.

§ 62703. Repeal.

All Laws or parts of Laws which are inconsistent with the provisions of this Chapter are hereby repealed to the extent of such inconsistency.

SOURCE: GC § 18602.
