I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
396-38 (COR)	Therese M. Terlaje	AN ACT TO AUTHORIZE THE GOVERNMENT OF GUAM TO IMMEDIATELY ADDRESS THE LACK OF EMERGENCY ACCESS ON BALAJADIA ROAD IN YOÑA AND TO FULFILL ITS AGREEMENT WITH THE FAMILY OF PEDRO BALAJADIA FOR THE IMPROVEMENT AND PAVEMENT OF TWO DEDICATED EASEMENTS, LOT 190-6R/W AND LOT 190-1R/W, THROUGH AN APPROPRIATION, LAND EXCHANGE, OR OTHER MEANS; AND TO AUTHORIZE THE CLTC TO TRANSFER AVAILABLE PARCELS OF LOT 102-R1 OR LOT 203 TO EFFECTUATE A SAFE EASEMENT.	11/25/26 3:19 p.m.						Exhibits A, B-1, B-2, C & D

MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2026 (SECOND) Regular Session

Bill No. 396-38 (COR)

Introduced by: Therese M. Terlaje TMT

AN ACT TO AUTHORIZE THE GOVERNMENT OF GUAM TO IMMEDIATELY ADDRESS THE LACK OF EMERGENCY ACCESS ON BALAJADIA ROAD IN YOÑA AND TO FULFILL ITS AGREEMENT WITH THE FAMILY OF PEDRO BALAJADIA FOR THE IMPROVEMENT AND PAVEMENT OF TWO DEDICATED EASEMENTS, LOT 190-6R/W AND LOT 190-1R/W, THROUGH AN APPROPRIATION, LAND EXCHANGE, OR OTHER MEANS; AND TO AUTHORIZE THE CLTC TO TRANSFER AVAILABLE PARCELS OF LOT 102-R1 OR LOT 203 TO EFFECTUATE A SAFE EASEMENT.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Findings and Intent. Whereas, in 1980, the government of Guam was in need of backfill material (aggregate) for the major road paving projects in southern Guam and for capping of the *Ordot* dump; and

Whereas, an agreement was made in good faith between the government of Guam and *Pedro P. Balajadia* to use aggregate from Lots 190–7, 190–9, 190–10, 190–11, and 190–R11 in *Yoña*, which were owned by *Pedro P. Balajadia*, in exchange for improvement and pavement of the two 50' easements given up and dedicated by Mr. Balajadia to the government, specifically, Lot 190–6 R/W (3,173 s.m.) and Lot 190-1R/W (8,694 s. m); and

Whereas, DPW did remove significant amounts of aggregate from Mr. Balajadia's property from February 1980 until 1990, and numerous public projects and private driveways were paved as a result of the "Balajadia Coral Pit"; and

Whereas, DPW did some backfilling and installing culverts leading out to Balajadia Road but did not fulfill its part in the aggregate extraction agreement with Mr. Balajadia, including the improvement and pavement of the dedicated easements; and

Whereas for the past 38 years, in the absence of the paved easement that was promised, seven families have been accessing through two private properties to reach their homes. One family has practically abandoned their concrete house due to this problem and others face an imminent closure of the private properties due to the private landowner's development of her property, which will leave the remaining landowners without drivable access to their properties; and

Whereas, the failure of the government to pave the dedicated easements has denied these families public access, emergency access, and further threatens their lives during heavy rains and flooding; these families' lives are endangered and will be further endangered due to continued inaction of the government; and

Whereas, there are government utility infrastructures within the dedicated yet unfinished easements; and

Whereas, according to a March 12, 2021 letter from the Director of Land Management to the Governor (see attached Exhibit A), "to develop a safe easement passable by emergency vehicles requires the acquisition of portions of two lots that will allow the connection of *Balajadia* Road to the usable safe part of the dedicated easements…The portions are required to design and develop safe easements with a longer but gentler less extreme slope. Twelve families are affected, several have left the island unable to develop homes in the area due to the easement access situation but now want to return home hopefully to find a solution"; and

Whereas, the March 2021 DLM letter further stated "the private owners of the portions required to develop a safe easement are requesting for a land exchange with GovGuam land in *Yoña* as the severance would create substandard and or unusable remainders. The land exchange options are a difficult obstructed process which requires legislative support and intervention to accomplish. While all of the *Yoña* "government lands" are listed in the CLTC inventory they are Unregistered Lands status. And while the CLTC is statutory prohibited from leasing unregistered lands, this option requires legislative intervention as land exchanges are the realm of the legislature, and the governor is prohibited by law from administering CLTC lands. All four GovGuam Yona lots are unregistered, and all are in the *CHamoru* Land Trust inventory. The parcels closest to land registration and infrastructure are lot 102–R1 partially occupied by the DPW bus satellite station and lot 203 contiguous"; and

Whereas, Mr. Francisco Q. Balajadia's affidavit set out details consistent with DLM; and

Whereas, the Balajadia family is not requesting a handout, but is requesting fulfillment of as request made by the government to Mr. *Pedro P Pangelinan*, as compensation for the removal of massive amounts of aggregate and destruction of his property; and

Whereas, it is the intent of the Legislature to resolve this injustice and to honor the government's agreement with to Mr. Balajadia by improving and paving the easements.

Section 2. Notwithstanding any other law, Five Hundred Thousand Dollars (**$500,000)** is hereby appropriated from the Rainy Day Fund to DPW for the improvement and paving of the easements on Lot No. 190–6 R/W and Lot No. 190-1R/W to ensure legal and emergency access to Lot Nos. 190–7, 190–9, 190–10, 190–11, and 190–R11 and subsequent subdivision, including lots 190– 5–3, 19–5–R3,

190–5–1, 190–5–2, 190–5–3R, 190–5–3, 190–7, 190–11, 190–7, 190–6, 190–9, 190–10, 190–R11. Said funds may also be used to acquire portions of adjacent property or temporary access to adjacent property if necessary.

Section 3. Notwithstanding any other provision of law, the CLTC is authorized to transfer available portions of Lot 102-R1 and/or Lot 203, *Yoña*, as recommended by the Department of Land Management, to the government of Guam for the specific purpose of a land exchange to acquire necessary parcels for the connection of Balajadia Road to effectuate a safe easement passable by emergency vehicles and the families connected to the easements on Lot 190–6 R/W and Lot 190-1R/W.

Section 4. Notwithstanding any other provision of law, the government of Guam is authorized to enter into a land exchange with the owners of Lot 190-9 and Lot 190-8, as necessary, to connect *Balajadia* Road to the usable safe part of the dedicated easements on Lot 190–6 R/W and Lot 190-1R/W.

Section 5. Effective Date. This Act shall be effective upon enactment.

Bill No. 396-38 (COR)
EXHIBIT A

RE: DLM DIR. LTR TO GOVERNOR — LAND EXCHANGE OPTION

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

Street Address
S Marine Corps Drive
ite 733 TC Building
muning GU 96913

Mailing Address.
P O Box 2950
agåtña, GU 96932

Website:

E-mail Address

Telephone:
1-649-LAND (5263)

Facsimile:
671-649-5383

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Director

March 12, 2021

To: Governor Lourdes Leon Guerrero
Lieutenant Governor Joshua Tenorio

Re: Mr. Francisco Q. Balajadia
*Dangerous illegal Easement; impassable by emergency medical vehicles
*Request for Government assistance; to develop a passable and safe easement for Families in the Balajadia Road area
*Government of Guam bad faith on quarrying private land issue

This report is prepared and submitted in response to a request for review and action by Mr. Francisco Q. Balajadia since March 7, 2019. The Balajadia Family have been requesting for assistance and closure to these issues since the 1980's.

The Easement Issue request is for government assistance to develop passable and safe easements for the public, the utility agencies and the families along Balajadia Road in Yona. The dedicated easements Lot 190-1R/W (8,694 square meters) and Lot 190-6R/W (3,173 square meters) total almost 3 acres given up and dedicated by the Family to develop those easements. The legal easements are on extreme slopes. The area is of hills and valleys. Affected families use the only passable access which is not a legal easement over other private properties. This existing illegal access is impassable by emergency fire and medical vehicles.

To develop a safe easement passable by emergency vehicles requires the acquisition of portions of two lots that will allow the connection of Balajadia Road to the usable safe part of the dedicated easements. The dedicated easements are lands originally dedicated to the government to develop safe easements which the government has failed to do due to engineering challenges and costs considerations. The portions are required to design and develop safe easements with a longer but gentler less extreme slope. Twelve Families are affected, several have left the island unable to develop homes in the area due to the easement access situation but now want to return home hopefully to find a solution.

The private owners of the portions required to develop a safe easement are requesting for a land exchange with GovGuam land in Yona as the severance would create substandard and or unusable remainders. The land exchange options are a difficult obstructed process which requires legislative support and intervention to accomplish. While all of the Yona "government lands" are listed in the CLTC inventory they are Unregistered Lands status. And while the CLTC is statutorily prohibited from leasing unregistered lands this option requires legislative intervention as land exchanges are the realm of the legislature and the governor is prohibited by law from administering CLTC lands. All four GovGuam

Yona lots are unregistered, and all are in the CHamoru Land Trust inventory. The parcels closest to land registration and infrastructure are Lot 102-R1 partially occupied by the DPW bus satellite station and Lot 203 contiguous.

There are related issues to this easement and land exchange situation. In fact the Family gave up not one but two 50 feet public access and utility easements totally almost 3 acres. The dedicated easement given up by the Family to GovGuam to develop into safe easements as required by the Subdivision Law and approved and recorded the map documenting the dedication of that easement.

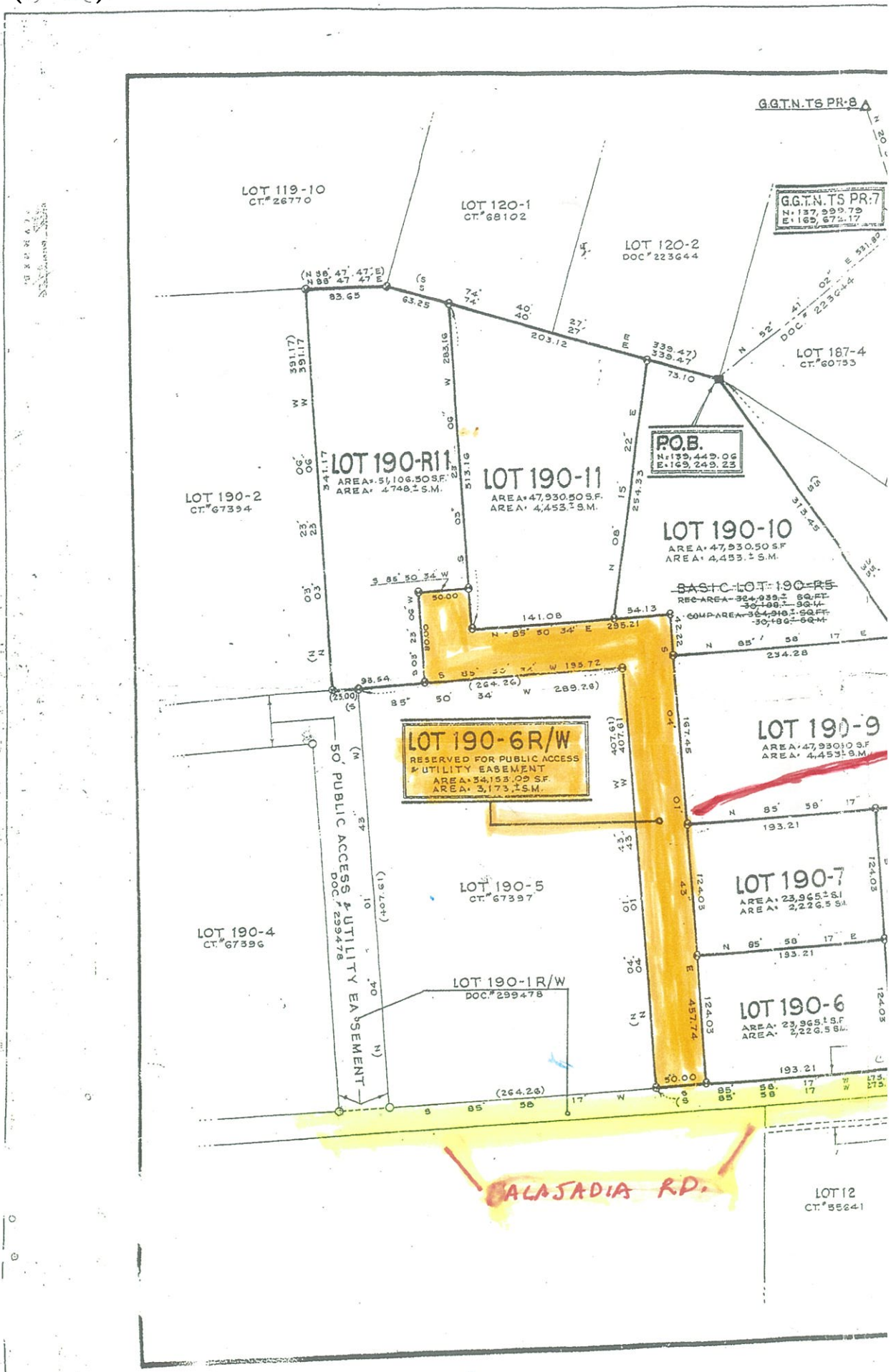
In 1980 the Government of Guam in its efforts to develop and provide a source of aggregate materials for major road paving projects in southern Guam and the Ordot dump capping began extracting coral from the Balajadia properties now known as Lots 190-7, 190-9, 190-10, 109-11 and 190-R11. In return for the extracted and removed aggregate materials the Government of Guam would develop and improve the designated dedicated easement to provide safe passable access for the Balajadia Families to their lots.

GovGuam DID NOT fulfill its part in the coral extraction agreement with the Balajadia Family and the Family is requesting that the good faith factor be considered in any land exchange option.

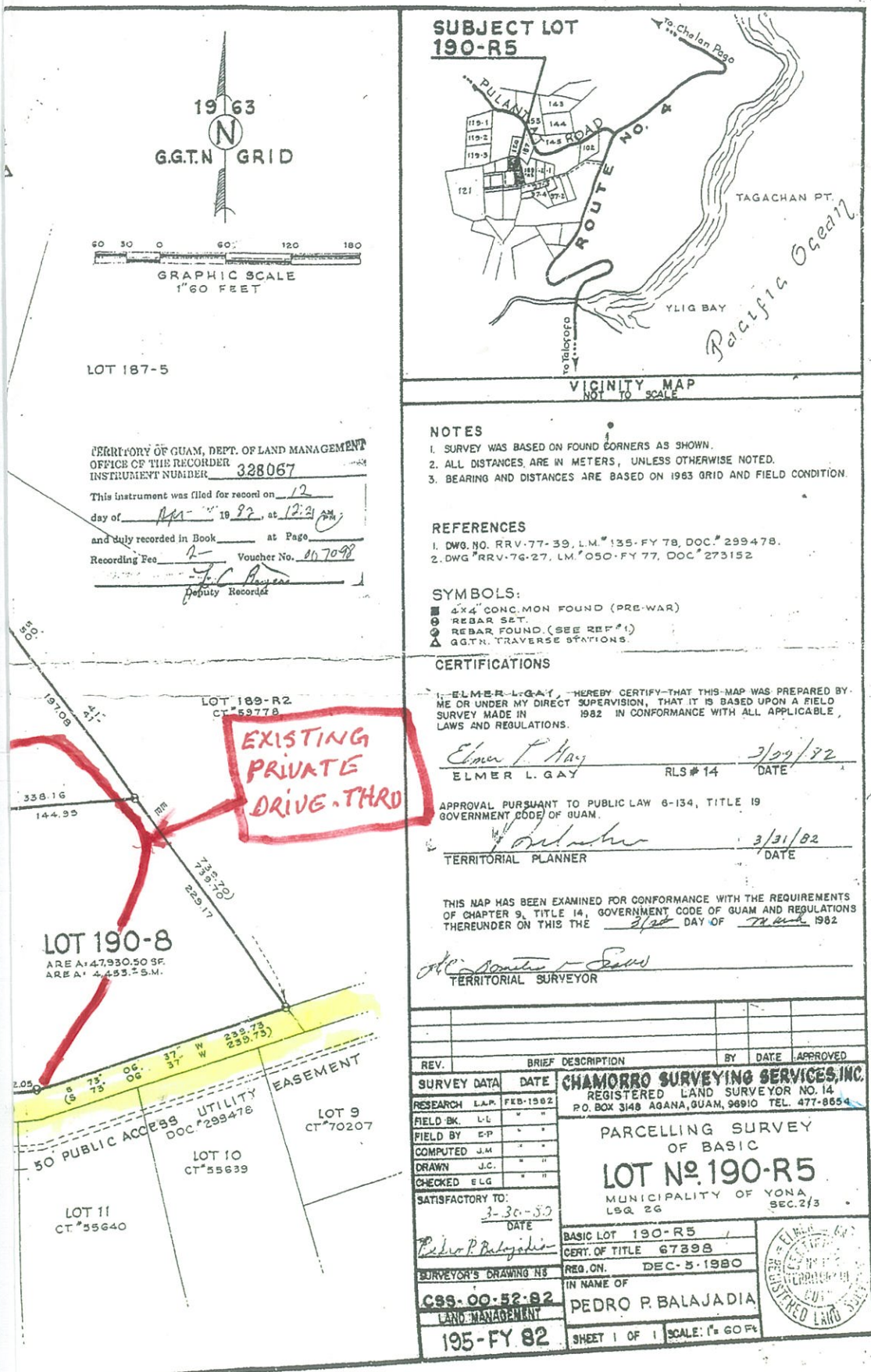
I remain available should you need further information.

Joseph M. Borja

Bill No. 396-38 (COR)
EXHIBIT B-1



Bill No. 396-38 (COR)
EXHIBIT B-2



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Bill No. 396-38 (COR)
EXHIBIT C

To Whom It May Concern:

AFFIDAVIT: My name is Francisco Q. Balajadia, residing at Lot 190-5-1 Balajadia Road, Yona. I am 72 years old, a registered voter with no party affiliation.

Nothing in this letter is hearsay, but all first-hand knowledge of what is written. All are facts to the best of my knowledge.

On Ash Wednesday of February 1980, the late Mr. Ralph Sgambelluri and the late Mayor Vicente Bernardo, made an agreement between my late father, Pedro P. Balajadia, and me. I was present and heard what transpired then.

The agreement was for the Government to extract backfill material (coral) from our properties. The areas involved are Lots 190-7, 190-9, 190-10, 190-11, and 190-R11 (map enclosed).

The purpose of the backfill was for the massive island-wide road paving project that was ongoing at that time. The Government's plan (DPW) was to use the Dededo Coral Pit for the Northern part and our coral pit was for the southern part for their project. Our coral pit was referred as "Balajadia Coral Pit" located at Balajadia Rd, Yona.

Mr. Sgambelluri was speaking on behalf of then Governor Paul M. Calvo. He was the Governor's special assistant in charge of his re-election campaign in 1980.

The agreement we made was for the Government to take the coral they need for free. In doing so, they promised to open, improve and pave the dedicated easement leading in and out of our properties (Lot 190-6 R/W, see map).

I advised my father and the parties involved to put the agreement in writing. But the two officials assured us that the agreement will be honored. They practically begged us to agree! So as gentlemen do, we all shook hands to proceed.

So Public Works brought in their heavy equipment and hired private contractors for the extractions.

Aside from the road paving project, coral was also being hauled to the Ordot Dump for capping. Private residences were being serviced for free (supposedly). There was one incident when I caught a contractor selling a dump load to a neighboring relative.

The project continued on to November of 1980, but Governor Calvo lost to the late Governor Ricky Bordallo. The road paving stopped, but DPW continued to haul coral to the dump. But they stopped working on our easement project.

We then approached Mayor Bernardo, but his empathy of our agreement was pathetic. We then went to Governor Bordallo and explained our problem. He then ordered the DPW Director to continue the project as promised. DPW responded by backfilling and installing culverts leading out to Balajadia Road.

The project again stopped when Governor Bordallo abruptly passed away.

Again we approached the mayor, but as told by then Governor Ada, he wasn't doing any road paving. His words were "it's not a priority under his administration".

For the past 38 years, seven families have been accessing thru two private driveways to reach their homes. One family has practically abandoned their house due to this problem (concrete structure building, Lot 190-10, see map). It was understood also that it wasn't a forever road.

As of date, one of the property owners has put notice that she'll be developing her property in the immediate future, and that means closing off her existing driveway (Lot 190-8). She has been really understanding and gracious allowing access through her property. It's her right as a property owner to develop her property as the law permits.

Incidentally, there are government utility infrastructures within the dedicated unfinished easement. Closing the private driveway means no access for services. Most importantly, no emergency services can access the families when the need arises. People's lives will be endangered!

The fact of the matter is, government or taxpayers' handout is not being requested.

It's time the government fulfill the promises made. It's time to repay back the massive coral that was practically stolen from my late father.

There was an estimate made by DPW engineers as to the cost to finish the project. And with that estimate, I'm humbly seeking help from the following individuals:

1) The Mayor of Yona – thru protocol
2) The Governor of Guam – for his direction to DPW and for his signature on any bill by the legislature for this project.
3) The Guam Legislature – by passing an appropriation bill for the project.

I would probably be told again that there is no money as a response and what ignore and forget about this urgent matter? This is one situation where it's just not going away!

My father passed away a broken man knowing that the government reneged on the agreement. Having only a third-grade education, he was a humble person. He was also a generous, kind, loving, and peaceful person! His vulnerability was trusting the government officials!

Hopefully with your duties as servant of the people, I pray that the project will be done.

And if that accomplished it will serve justice and restore the trust of the government back to the people, and most importantly, my father can finally rest in peace!

If the project should be done, we can now call it the real "Pedro P. Balajadia Road". Numerous public and private driveways were paved as a result of the "Balajadia Coral Pit". His namesake of the road will be an honor from the people of Guam for his service to the island. I can consider him one of the unsung heroes of our beautiful island.

In closing, I would like to say that I still have faith and confidence in you as a public servant. I pray for your understanding and expediency of this urgent matter. Thank you and I'm praying for spiritual guidance that you will make the right decision. The ball is now in your hands.

For any other information my contact number is (671) ~~869-0054~~ (671) 789 3062 (671) 987 8163, email is [redacted], or (671) 482-9215.

With Truth & Trust,

Francisco Q. Balajadia

Families and entities affected with the road closure: (please see enclosed map)

- Frank and Terry Balajadia - Lots 190-5-3 and 190-5 R3
- William A.K. Salisbury & family – Lot 190-5-1
- Tamalin S. Charfarous – residing at lot 190-5-1
- Frances M.P Balajadia & family – Lot 190-5-2, interest in Lot 190-5-3R
- Christina M.P. Noket – interest in lot l90-5-3

Connie Rivera and Family – Lot 190-7 and 190-11
Michelle Camacho – residing at Lot 190-7, interest on Lot 190-11
Michael Camacho – interest on Lot 190-7 and Lot 190-11
Joseph B. Quitaro & family – residing at Lot 190-6
Teresita B. Craig & family – Lot 190-9
Heirs of Wiliam Q. Balajadia – (abandoned) Lot 190-10
Heirs of John Q. Balajadia – Lot 190-11, 190-R11

GPA – responsible for power poles and power source
Government of Guam – registered owner of Lot 190-6 R/W

DPW Notes

Bill No. 396-38 (COR)
EXHIBIT D

TUN PEDRO P. BALAJADIA ROAD ACCESS

AUGUST 19, 2025 - 10 A.M.
DPW SITE VISIT TO PEDRO BALAJADIA RD. PROJEC
PRESENT: (DPW DIRECTOR) VINCE ARRIOLA; CHIEF ENGIN
MS. CARMENCITA CORAZ; (ENGINEER TEAM - ARNOLD,
HAROD, JOE QUEDATA-T I; FRANK BALAJADIA;
JOE QUITARO.

- VINCE & TEAM VIEWED PROPERTY 190-6 R/W. AT FIRST
TEAM DROVE & VIEWED LOTS 190-8, 190-9 FOR
ASSESSING ADEQUATE ROAD ACCESS FOR PEDRO BALAJA
ROAD.
- DISCUSSED LOT 190-8 (A. DING) AND THAT A "TIERED OR
TAPERED" APPROACH BE UTILIZED SO AS TO MITIGATE
ISSUES RELATED TO RUN-OFF, LANDSLIDE, ETC. AND
TO PROVIDE SOME SORT OF "SAFETY NET".
-- CORAL FROM CLEARING WILL BE UTILIZED TO
HELP EXPAND THE WIDTH OF NEW ROAD WHICH IS
APPROX. 20 FEET WHEN COMPLETED. (OPTIONS AVAILABL
-- OTHER SAFETY BARRIERS SHOULD ALSO BE
CONSIDERED SUCH AS GUARD RAILS OR RETAINING WA
BARRIER, ETC.

- DISCUSSED LOT 190-9 (A. TITA): IT WAS AGREED TH
ALLOWING A 20 FT. EASEMENT ON L190-9 WAS THE
BEST ROUTE AND OPTION AND TO AVOID ANY
ENCUMBRANCE ON LOT 190-10 (U. BILL).

→

(PAGE 2): CONTINUE LOT 190-9:

- AS THEY PROPOSED, EASEMENT DEVELOPS UNTO EXISTING EASEMENT (190-6 R/W), THAT THERE WOULD BE AN "ANGLED" OR "CURVATURE" UNTO 190-6 R/W TO ALLOW FOR A SAFE PASSAGE WA FOR ALL VEHICLES TO INCLUDE LARGER VEHICLE SUCH AS EMERGENCY VEHICLES OR THE LIKE

- LOT 190-5 (U. ADKIE's LOT): (ALTERNATIVE ACCE WHEN AND IF THE PROPOSED P. BALATADIA ROAD ACCESS PROJECT BEGINS, THAT A "TEMPORARY" ACCESS ROAD FROM BALATADIA RD. (MAIN RD. FRO ROUTE 4), UNTO LOT 190-5 (U. ADKIE's) USING EXISTING LOT 190-1 R/W, BE TEMPORARILY USED. -- THIS WILL ALLOW FOR TEMPORARY ACCESS TO LOTS: 190-5, 190-5-2 (FRANCIS BALATADIA), 190-6 (JOE QUITARO) AND 190-7 (COOKIE RIVER WHILE THE PEDRO BALATADIA RD. PROJECT IS BEING CONSTRUCTED.

- OTHER NOTES:

A) MENTIONED TO MR. ARRIOLA ABOUT THE DEPT. OF LANDS MGT DIRECTOR, JOE BORJA, TO BRIEF HIM ON OUR MTG. TODAY.

→

PAGE 3: LAND MGT. CONTINUED:

-- DLM (LAND MGT) & MR. BORJA ARE CONSIDERING IDEAS FOR POTENTIAL "LAND EXCHANGE"/"COMPENSATION" IDEAS IN EXCHANGE FOR THE FOLLOWING LOTS.

--- LOT 190-8 (A. DING): AS DISCUSSED AT A PREVIOUS MTG ON JUNE 27, 2025 AT THE GOVERNOR CONF. RM. AT 1 P.M., THAT THE GOV'T. WOULD TAKE LOT 190-8 (A. DING) AND, IN EXCHANGE, EITHER COMPENSATE A. DING WITH EITHER LAND EXCHANGE, MONETARY COMPENSATION AT FAIR MARKET VALUE OR THE LIKE.

--- LOT 190-9 (A. TITA): THAT ALSO, IN EXCHANGE OF PROVIDING APPROX. 20FT EASEMENT ADJACENT TO LOT 190-10 (U. BILL), THAT THE SAME EXCHANGE CONSIDERATIONS FOR A. TITA, BE CONSIDERED FOR GIVING UP HER 20FT. OF PROPERTY

--- MR. BORJA WOULD HAVE TO CONSIDER THESE ISSUES, AND THESE NEED TO BE AGREED BY A. ~~DING~~ TITA

- IN CLOSING, SO DPW NOW HAS THE "CARDINAL KNOWLEDGE" AS A RESULT OF VIEWING THE SITE, SO CONSTRUCTION PLANS AND SURVEY ACTIONS, PERMITTING ACTIONS, ETC, MAPPING, CAN BEGIN.
- IN THE MEANTIME, WE WILL WORK TO LOBBY SENATORS FOR SUPPORT IN CASE APPROPRIATIONS ARE NEEDED TO COMPLETE PROJECT. (LEGISLATIVE FUNDING) →

PAGE 4 – OTHER NOTES:

- FINALLY, AS WE ALL KNOW, THIS PROJECT WILL NOT MATERIALIZE ANY TIME SOON AND WILL TAKE A CONSIDERABLE AMOUNT OF TIME. AS A MATTER OF FACT, MR. ARRIOLA ALSO HINTED THAT WORK MAY COMMENCE DURING 2026 DRY SEASON. WHICH MAKES SENSE AND SOMEWHAT EXPECTED SO WE ALL MUST BE PATIENT, BUT DETERMINED THERE IS A TUNNEL AND WE ARE HEADING TO THE LIGHT. OF COURSE MORE DISCUSSION, COMMUNICATIONS ARE FORTHCOMING IN THE HOPES THE "LOOSE ENDS" SUCH AS LAND MANAGEMENT'S (MR. JOE BORJA) AND THE GVOT'S COMPENSATION ~~PROPOSITIONS~~ PROPOSITIONS FOR ACCEPTANCE BY A. DING & A. TITA, IS CRITICAL TOWARDS THE FINALIZING OF OUR FUTURE ROAD ACCESS TO OUR PROPERTIES.
- WE THANK BOTH A. DING & A. TITA FOR THEIR UNDERSTANDING & PATIENCE & SACRIFICES FOR THE HOPE THAT A SAFE & VIABLE LEGAL ACCESS TO OUR INHERITED PROPERTIES, IN LIFE AND DEATH SITUATIONS, ARE TRULY POSSIBLE IN THE COMING FUTURE!!!