



**UNIVERSITY OF GUAM
UNIBETSEDÁT GUÁHAN
Board of Regents**

Resolution No. 24-16

**RELATIVE TO APPOINTING AN AGENT TO ACT ON THE UNIVERSITY OF GUAM'S BEHALF
TO GRANT A UTILITY RIGHT OF WAY ON LOT NO. 5376 NEW-5-R5 AND
LOT NO. 5376 NEW-5-5, MANGILAO, GUAM**

WHEREAS, the University of Guam (UOG) is the primary U.S. Land Grant and Sea Grant institution accredited by the Western Association of Schools and Colleges Senior College and University Commission (WSCUC) serving the post-secondary needs of the people of Guam and the Western Pacific region;

WHEREAS, the US Economic Development Administration (US EDA) awarded the University of Guam \$12.8M to construct the Water and Environmental Research Institute of the Western Pacific and the Margaret Perez Hattori-Uchima School of Health Nursing Annex;

WHEREAS, the US EDA award calls for the construction of the facilities to be completed by January 2026. Any delay in construction negatively impacts UOG's ability to complete the project in a timely manner and in accordance with grant conditions;

WHEREAS, the Guam Power Authority (GPA) has informed the UOG that it must reroute primary lines to accommodate Nursing Annex building footprint and remove a power pole from the Nursing Annex construction site;

WHEREAS, a utility right of way must be established on UOG property on Lot No. 5376 NEW-5-R5 and Lot No. 5376 NEW-5-5, Mangilao, Guam to accommodate the GPA's rerouting of the power lines;

WHEREAS, once the utility right of way is established, the power lines rerouted, and the power pole removed, construction can continue on the Nursing Annex project;

WHEREAS, the request to approve the granting of a utility right of way, submitted by the Director of Facilities Management and Services, and reviewed and endorsed by the General Counsel, Vice President of Administration & Finance, the UOG President, and the Board of Regents (BOR) Physical Facilities Committee have reviewed and endorsed the action for BOR approval; and

WHEREAS, as a Guam Public Corporation, UOG must appoint an agent to act on its behalf to complete the granting of a utility right of way on Lot No. 5376 NEW-5-R5 and Lot No. 5376 NEW-5-5, Mangilao, Guam.

NOW, THEREFORE, BE IT RESOLVED, the Board of Regents of UOG, a Guam Public Corporation, held a meeting on August 20, 2024, and hereby appoints Anita Borja Enriquez, DBA, UOG's President, to execute for and on behalf of UOG, any and all necessary documents or instruments in writing, pertaining to the grant of a utility right of way to GPA on Lot No. 5376 NEW-5-R5 and Lot No. 5376 NEW-5-5, Mangilao, Guam.

This authorization including executing in and name of and on behalf of the UOG, and under its corporate seal, or otherwise, any and all documents, instruments, instructions, or agreements deemed necessary or proper by the parties in respect to the grant of the utility right of way described above, to include but not limited to executing the Grant of Right of Way for the Erection and Maintenance of Power Lines, Poles, Wires, Cables, and Underground Conduits attached as Exhibit A herein.

Adopted this 20th day of August, 2024.



Mike W. Naholowaa, Acting Chairperson

ATTESTED:



Anita Borja Enriquez, D.B.A., Executive Secretary

GOVERNMENT OF GUAM – Department of Land Management Office of the Recorder			
File for Record is Instrument Number	<u>1001279</u>		
On the Year 20 <u>24</u>	Month <u>8</u>	Day <u>22</u>	Time <u>11:29am</u>
Recording Fee	<u>DE-OFFICIO</u>	Receipt No.	<u>DE-OFFICIO</u>
Deputy Recorder	<u><i>Lillian I. Nauta</i></u> Lillian I. Nauta		

(Space above this line is for the Recorder's use only)

**GRANT OF RIGHT-OF-WAY
FOR THE ERECTION AND MAINTENANCE OF POWER
LINES, POLES, WIRES, CABLES, AND
UNDERGROUND CONDUITS**

The UNIVERSITY OF GUAM, a Guam Public Corporation, whose address is . by and between the GOVERNMENT OF GUAM, whose mailing address is 303 University Drive, UOG Station, Mangilao, Guam, 96913, hereinafter called the "Owner," hereby grants GUAM POWER AUTHORITY, hereinafter called the "Authority," its successors and assigns, the right to erect, construct, re-construct, replace, remove, maintain and use a line of poles, towers or underground conduits with such wires and cables as the Authority shall from time to time suspend therefrom or run therethrough for power and communication purposes, and all necessary and proper foundation, down-guys, footing, crossarms and other appliances and fixtures for use in connection with said poles, wire and cables, together with a right-of-way, on along and in all of the hereinafter described strip of those certain lands which are situated in the Municipality of Mangilao, Guam and more particularly described as follows:

A strip of land, as shown on Exhibit A attached hereto, extending partially across Lot No. 5376 NEW-5-R5 and Lot No. 5376 NEW-5-5, Municipality of Mangilao, Guam as delineated on that certain sketch or map and marked Exhibit A attached hereto and is made a part hereof.

Owner further grants to the Authority, the right of ingress to and egress from said strip over and across said lands by means of roads and lanes thereon, if such there be, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to Owner.

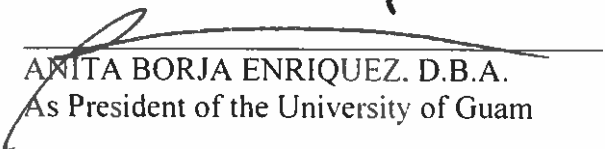
Owner shall have the right to use said strip for purpose not inconsistent with Authority's full enjoyment of the rights hereby granted, provided that Owner shall not erect or construct any building or other structure, or drill or operate any well within said strip. Authority shall the further right, from time to time, to trim and to cut down and clear away any and all trees and brush now or hereafter on said strip and shall the further right from time to time to trim and to cut down and clear away and trees on either side of said strip which now or hereafter in the opinion of Authority may be a hazard to said poles, wires, cables, or conduits, by reason of the danger of falling thereon or interfering therewith, provided, however, that all trees which Authority is hereby authorized to cut and remove, if valuable for timber or wood, shall continue to be the property of Owner, but all tops, brush, and refuse wood shall be removed by Authority.

Authority shall also have the right to mark the location of said strip by suitable markers set in the ground or on said poles, towers, wires or cables, but said markers set in the ground shall be placed in fences or other locations which will not interfere with any reasonable use Owner shall make of said strip.

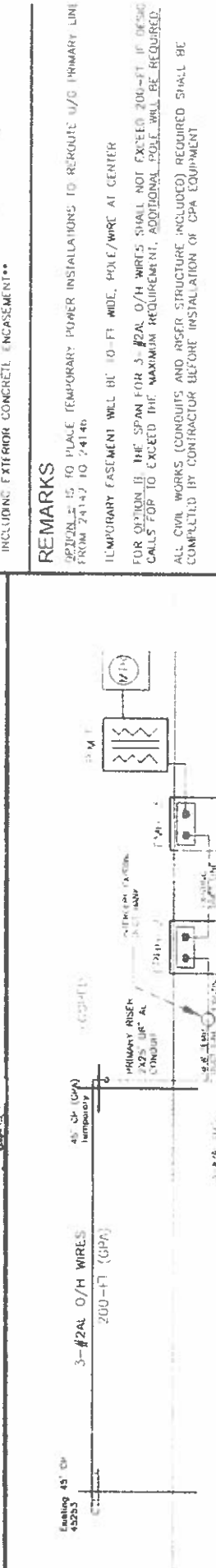
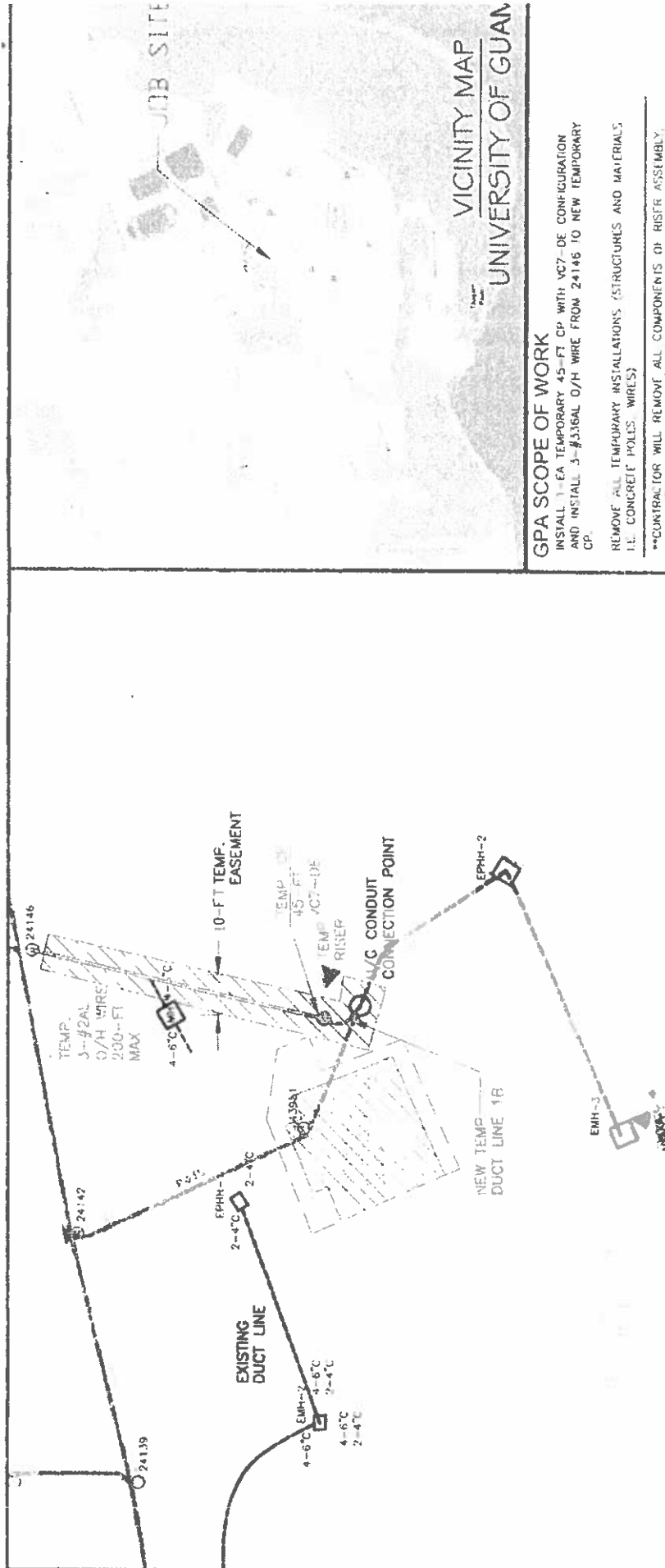
Authority shall repair any damage it shall do to Owner's private roads or lanes on said lands and shall indemnify Owner against any loss and damage which shall be caused by the exercise of said ingress and egress, or by any wrongful or negligent act or omission of Authority or of its agents or employees in the course of their employment.


The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, Owner has executed these presents this 22nd day of August, 2024.



ANITA BORJA ENRIQUEZ, D.B.A.
As President of the University of Guam





ENGINEERING

<p>GPA PLANT IMPROVEMENT (GPI)</p> <p>GUAM POWER AUTHORITY</p> <p>UNIVERSITY OF GUAM</p> <p>NEW NURSING ANNEX</p> <p>DRAWN BY: <u>KGC</u></p> <p>APPROVED BY: <u>LCC</u></p>	<p>WORK ORDER# _____</p> <p>PARENT W.O.# _____</p> <p>DATE: <u>07/16/2024</u></p> <p>CRUD NO _____</p> <p>FEDBACK # <u>P-210</u></p> <p>ATTN TO: _____</p>
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VICINITY MAP

UNIVERSITY OF GUAM

JOB SITE

GPA SCOPE OF WORK

INSTALL 1-EA TEMPORARY 45-KV CP WITH VC7-DE CONFIGURATION AND INSTALL 3-#2AL O/H WIRE FROM 24146 TO NEW TEMPORARY CP.

REMOVE ALL TEMPORARY INSTALLATIONS, STRUCTURES AND MATERIALS I.E. CONCRETE POLES, WIRES)

****CONTRACTOR WILL REMOVE ALL COMPONENTS OF RISER ASSEMBLY, INCLUDING EXTERIOR CONCRETE ENCASMENT****

REMARKS

APPROVAL IS TO PLACE TEMPORARY POWER INSTALLATIONS TO REROUTE U/G PRIMARY LINE FROM 24147 TO 24146

TEMPORARY EASEMENT WILL BE 10-FT WIDE, POLE/WIRE AT CENTER

FOR OPTION B, THE SPAN FOR 3-#2AL O/H WIRES SHALL NOT EXCEED 200-FT IF DESIGN CALLS FOR TO EXCEED THE MAXIMUM REQUIREMENT, ADDITIONAL POLE WILL BE REQUIRED.

ALL CIVIL WORKS (CONDUITS AND RISER STRUCTURE INCLUDED) REQUIRED SHALL BE COMPLETED BY CONTRACTOR BEFORE INSTALLATION OF GPA EQUIPMENT

ACKNOWLEDGEMENT

GUAM, U.S.A.)
) ss:
VILLAGE OF HAGATNA)

On this 22nd day of August, 2024, before me, the undersigned notary, personally appeared ANITA BORJA ENRIQUEZ, as the President of the University of Guam, the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Carmelita G. Blas

NOTARY PUBLIC

CARMELITA G. BLAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: JUNE 25, 2027
Commission Number NP.23-0596G
303 University Dr., Mangilao, GU 96913