

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4150. Land Exchanges: Specific.

(a) Notwithstanding any law to the contrary, the Department of Public Lands may enter into land exchange agreement, with the heirs of Joaquin Cruz Lizama and deed to them, within 60 days after the passage of this Act, fee simple title of public land in Saipan comparable in value to the 60,501 square meters taken from Joaquin Cruz Lizama.

Source: PL 14-78, § 2; (a) global amendment by PL 15-2, § 4.

Commission Comment: PL 14-78 was enacted on July 14, 2005, and contained the following findings (the referenced exhibits were not appended to PL 14-78), in addition to severability and savings clause provisions:

Section 1. Findings. The Legislature finds that Joaquin Cruz Lizama was born in 1881 and he died in 1944 at the age of 63. His wife Carmen Mendiola died in 1946. Veronica Lizama Camacho (deceased), Vicenta Lizama Evangelista, Magdalena Lizama Kisa (deceased), Dionicio Mendiola Lizama, Jose Mendiola Lizama (deceased), Paula Lizama Charfauros, Regina Lizama Sablan, Isidro Mendiola Lizama (deceased), and Henrick Mendiola Lizama (deceased) are the heirs of Joaquin Cruz Lizama and Carmen Mendiola Lizama.

The late Joaquin Cruz Lizama owned approximately 12.88 hectares of land in As Perdido, South Village, in Saipan, known as Lot No. 128 (Japanese Lot number). Joaquin Cruz Lizama entered into 2 lease agreements with Nanyo Kohatsu Kabushiki Kaisha (1VKK) leasing portion of Lot No. 128. He also entered into two other lease agreements with two Japanese individuals (Kamado Teruya and Yagaki Yogi) also leasing different portions of Lot 128. The two portions of Lot No. 128 that were leased by NKK were later sold by Joaquin Cruz Lizama to NKK. See attached Exhibits "A." However, Joaquin Cruz Lizama never sold the portions of Lot No. 128 that he leased to the Japanese individuals.

The land documents show that Joaquin Cruz Lizama owned a portion of Lot No. 128 (Japanese Lot number), situated in As Perdido, Saipan, and containing an area of 30,535 square meters which he leased to Kamado Teruya for term of 8 years from April 1, 1934 to March 31, 1942, for the rental amount of 90.00 yen per year. See attached Exhibit "B." Joaquin Cruz Lizama also owned another portion of Lot No. 128 (Japanese Lot number), situated in As Perdido, and containing an area of 29,966 square meters, which he leased to Yugaki Yogi for a term of 11 years from November 1, 1933 to March 31, 1944, for a rental amount of 90.00 yen per year. See attached Exhibit "C." The documents represent Lease Agreements between Joaquin Cruz Lizama and the Japanese lessees and consisting a total of 60,501 square meters. The properties described above were used to construct the Kobler Field, roads, and homestead in Koblerville.

On numerous occasions the heirs of Joaquin Cruz Lizama have notified the Lands Title Officer for the Mariana Islands District that they are the rightful owners of approximately 6.02 hectares at As Perdido, and

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have requested a formal hearing. However, the requests have fallen on deaf ears and the heirs were not even accorded an official reply. The only reply the heirs received was an oral reply, which essentially told them that Joaquin Cruz Lizama sold his properties to the Japanese citizens.

The Legislature finds that the taking of the private land by the Trust Territory District Land Commission from Joaquin Cruz Lizama was improper and without fair compensation to his heirs. The Legislature further finds that the private land of Joaquin Cruz Lizama was taken for a public purpose and the heirs should be fairly compensated by giving the heirs 60,501 square meters of available public land in Saipan.

PL 15-2, which was enacted on February 22, 2006, abolished the Marianas Public Lands Authority and created a Department of Public Lands in its place. PL 15-2 contained short title, legislative findings and declaration of policy, repealer, global amendment, transition, severability, and savings clauses. See 1 CMC § 2801 for detailed information regarding PL 15-2.