

Report laid on 29
by Hon. Nelson Ma

PCA (H & P)

N/A

29/10/15



NAIROBI CITY COUNTY ASSEMBLY
FIRST ASSEMBLY – THIRD SESSION

REPORT OF THE PLANNING AND HOUSING COMMITTEE
ON
THE CONSTRUCTION ON PLOT LR. No. 209/12227

OCTOBER, 2015

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1.0 PREFACE

Mr. Speaker Sir,

The committee on Planning and Housing is established under the provision of Standing Order 191 and is mandated pursuant to Standing Order 191(5) to:-

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) study the programme and policy objectives of department and the effectiveness of the implementation;
- c) study and review all county legislation referred to it;
- d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with its stated objectives;
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve , except those under Standing Order 185 (Committee on appointments); and
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

1.1 COMMITTEE MEMBERSHIP

1. Hon. Jairo Atenya Asitiba, MCA (Chairman)
2. Hon. Maxwell Ochieng Ochar, MCA (Vice Chairman)
3. Hon. Mike Obonyo Guoro, MCA
4. Hon. Alvin Olanda Palapala, MCA
5. Hon. Nelson Masiga, MCA
6. Hon. Elias Otieno Okumu, MCA
7. Hon. Stephen Kambi, MCA
8. Hon. Magdalene Mbogori, MCA
9. Hon. James Kinuthia, MCA
10. Hon. Daniel Mari Mbugua, MCA
11. Hon. Njuguna Mwangi, MCA
12. Hon. Joyce Bocha, MCA
13. Hon. Caroline Muga, MCA
14. Hon. Rachael Kamweru, MCA
15. Hon. Leah Mumu Mate, MCA

16. Hon. Paul Kiguathi Kados, MCA
17. Hon. Abdi I. Hassan, MCA

Mr. Speaker Sir,

The Committee exercise oversight role on the work and administration of the following departments within the Urban Planning and Housing Sector:-

- I. Lands and Physical Planning;
- II. Housing;

In accordance with the second schedule of the Standing Orders, the sectoral Committee is mandated to consider all matters relating to county planning and development, including statistics, land survey and mapping, boundaries and fencing, housing.

1.2 DELEGATION TO THE SITE

The following Members of the Assembly visited the site under inquiry:

1. Hon. Alex Ole Magelo, Speaker
2. Hon. Kennedy Ng'ondi, MCA D/Speaker
3. Hon. Fredrick Njogu, MCA
4. Hon. John Waweru, MCA
5. Hon. Jairo Atenya, MCA
6. Hon. Samuel Kagiri, MCA
7. Hon. Elizabeth Akinyi, MCA
8. Hon. Alfred Ambani, MCA
9. Hon. Martin Kinyanjui, MCA
10. Hon. Nelson Masiga, MCA
11. Hon. Peter Owera, MCA
12. Hon. Joyce Bocha, MCA
13. Hon. James Kinuthia, MCA
14. Hon. Rachael Kamweru, MCA
15. Hon. Elizabeth Sang, MCA
16. Hon. Rosemary Wairimu, MCA
17. Hon. Janet Kimondo, MCA
18. Hon. Ruth Njeri, MCA
19. Hon. Christine Aloo, MCA

- 20. Hon. Rose Nancy, MCA
- 21. Hon. Florence Achieng, MCA
- 22. Hon. Alexina Likono, MCA
- 23. Hon. William Abuka, MCA
- 24. Hon. Tabitha Wothaya, MCA
- 25. Hon. Jacqueline Nyangala, MCA


2.0 ACKNOWLEDGEMENT

Mr. Speaker Sir, The Committee and the delegation that visited the site wishes to thank the offices of the Speaker and the Clerk of the Nairobi City County Assembly for the support extended to it in the execution of its mandate.

Mr. Speaker Sir, The Committee also wishes to acknowledge and express its appreciation to the Members of the Members of the Assembly who participated in the process.

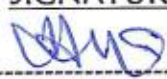

Hon. Members,

It is therefore my pleasant duty and privilege, on behalf of the Committee, to table this Report on the investigations into the ongoing construction on plot LR No. 209/12227, Nairobi and recommend it to the Assembly for adoption pursuant to standing Order 188.

Signed.....  Date..... 28-10-15

Hon. Jairo Atenya Asitiba, MCA (Chairman)

We, Members of the Planning and Housing Committee, do hereby affix our signatures to this report to affirm the correctness of the contents and support for the report:-

<u>NAME</u>	<u>SIGNATURE</u>
1. Hon. Jairo Atenya Asitiba, MCA/Chairman	
2. Hon. Maxwell Ochieng Ochar, MCA/Vice Chairman	_____
3. Hon. Mike Obonyo Guoro, MCA	
4. Hon. Alvin Olanda Palapala, MCA	_____
5. Hon. Nelson Masiga, MCA	

6. Hon. Elias Otieno Okumu, MCA
7. Hon. Stephen Kambi, MCA
8. Hon. Magdalene Mbogori, MCA
9. Hon. James Kinuthia, MCA
10. Hon. Daniel Mari Mbugua, MCA
11. Hon. Njuguna Mwangi, MCA
12. Hon. Joyce Bocha, MCA
13. Hon. Caroline Muga, MCA
14. Hon. Rachael Kamweru, MCA
15. Hon. Leah Mumo Mate, MCA
16. Hon. Paul Kiguathi Kados, MCA
17. Hon. Abdi I. Hassan, MCA

Amiel

Joyce

Caroline

Kados

3.0 BACKGROUND

Mr. Speaker,

The building currently under construction on plot L.R. No. 209/12227 along Mbagathi road has been a subject of interest before this Assembly since the 25th of February, 2015. The attention of the Assembly was drawn to this matter through a Statement requested by an Honorable Member who sought to have the Assembly informed how the building got approvals from the various County Government Agencies to be erected at the site. This matter has been dragging on and as such has precipitated mixed questions from different quarters including members of the public.

4.0 INTRODUCTION

Mr. Speaker,

On Wednesday, 25th February, 2015, Hon. Maurice Gari, MCA, pursuant to Standing Order 41 (2) (c) requested the Chairperson of the Sectoral Committee on Planning and Housing for a Statement regarding the encroachment on riparian lands on Mbagathi Road by unscrupulous people.

The Committee wrote to the County Secretary on 27th February, 2015 requesting to be furnished with a written response to the statement requested by Hon. Maurice Gari. The County Secretary responded dated 5th March, 2015.

The Committee considered the response from the Executive and tabled a report on the floor of the House on 9th June, 2015. The Member who had requested the Statement found the response inadequate thus prompting the Speaker to refer the response back to the Committee for further inquiry.

Mr. Speaker,

At a meeting of the Planning and Housing Committee with the County Executive Committee Member for Lands, Planning and Housing held on 19th July, 2015, the officer informed the Committee that he had no knowledge of any ongoing construction activities on the said plot but gave an undertaking to deploy his officers to find out the nature of activity on the land. Three months later, the officer provided the Committee with copies of the underlisted documents;

- i. A letter from the Planning and Housing Chief Officer dated 5th October, 2015, ref: UP&H/PCED/00119 detailing out the approvals granted to the developer;
- ii. A letter from the Lands Chief Officer dated 19th October, 2015, ref: LS/10/400/SGM/mk detailing out the size and ownership of the plot LR. No. 209/12227;
- iii. Approvals for construction from National Environment Management Authority (NEMA);
- iv. Application by the developer to the County Executive for approval of building plan;
- v. Architect professional certificate;
- vi. A certificate of incorporation by Mosiara Trading Company Ltd;
- vii. Copies of title deed certificates issued under the Registration of Titles Act; and
- viii. A deed plan.

Mr. Speaker,

From the foregoing, the Speaker's attention was drawn to this protracted matter and consequently on Thursday, 8th October, 2015 directed that on Monday, 12th October, 2015 all Members of the Assembly pay a visit to the site in question.

During the site visit that was attended by a twenty-five Member delegation, it was observed that indeed the site was a wetland and unsuitable for the ongoing large-scale construction project.

Mr. Speaker,

While the delegation was at the site, the site clerk gave an undertaking to provide the Assembly with all the relevant documents before close of business but he failed to honor his word and this occasioned a call from the Committee secretariat to follow up and to find out whether the documents had been provided as agreed. The site clerk responded by asking the officer to get the documents from the County Executive. As a result, the Committee requested the office of the Clerk to write to the relevant County Executive officers to provide the Committee with the documents and on Wednesday, 14th October, 2015 a letter was sent to both the Chief Officer for Lands and the Chief officer for Planning and Housing requesting them to urgently provide the Assembly with the said documents by Thursday, 15th October, 2015; 10.00 a.m.

The Chief Officer for lands and the Chief Officer for Planning and Housing responded on 22nd October, 2015 and attached the above listed documents.

4.1 ORAL AND WRITTEN SUBMISSIONS BY WITNESSES

Mr. MARANGA – SITE CLERK

While at the site, the Assembly found ongoing construction works and took a brief tour of the site. The Members met Mr. Maranga; the site clerk who informed them that the owner of the building had requisite documents from all relevant government agencies clearing him to undertake the construction project.

Mr. Maranga gave an undertaking to supply the Assembly with copies of the said documents before close of business on Monday, 12th October, 2015.

While at the site, the Committee observed that some of the houses under construction were filled with pools of water given their proximity to River Ngong. The Committee also observed that the building that was nearing completion had begun manifesting cracks on sections of its walls.

The Committee further observed that the contractor had not erected the construction site-board as required whenever such large scale construction activities are undertaken.

5.0 OBJECTIVE(S)

The objective of the inquiry and the visits to the site was to enable Members of the Committee and the Assembly to make observations with regard to allegations earlier made that the building is being built on a wet land contrary to the NEMA laws protecting wetlands, and that

the building obstructs the free flow of Ngong River therefore occasioning serious flooding in the area thus posing grave danger to residents, business premises, motorists and pedestrians along Mbagathi and Langata Road.

Through Statements by a Member of the County Assembly, there have been allegations that a building block is currently being erected on a wet land on the Langata/Mbagathi Roads junction; opposite the T-Mall. Previous attempts to address the issues surrounding the building have not yielded any worth-while fruits hence attracting the Speaker's attention to request the Assembly to intervene with the aim of making findings and recommendations.

6.0 COMMITTEE OBSERVATIONS:

During a sitting of the Committee held on 27th October, 2015, the Committee received the afore-mentioned documents and upon examination, it established that the documents provided were bona fide but were erroneously granted to the developer because the site under construction is a wet land and hazardously close to River Ngong. In spite of the developer getting approvals from the National Environment Management Authority, he did not observe the 15m river riparian land reserve that a developer is expected to adhere to when putting up a building around a river of such width hence in a nutshell contravening Section 42 1(a), (b), (e), and (f) of the Environmental Management and Co-ordination Act (EMCA) No. 8 of 1999 which provide that;

1. No person shall, without the prior written approval of the Director-General given after an environmental impact assessment, in relation to a river, lake or wetland in Kenya, carry out any of the following activities—
 - (a) erect, reconstruct, place, alter, extend, remove or demolish any structure or part of any structure in, or under the river, lake or wetland;
 - (b) excavate, drill, tunnel or disturb the river, lake or wetland;
 - (e) deposit any substance in a lake, river or wetland or in, on or under its bed, if that substance would or is likely to have adverse environmental effects on the river, lake or wetland;
 - (f) direct or block any river, lake or wetland from its natural and normal course;

The Committee further observed that the County Executive was awaiting comments on this matter from the National Environment Management Authority and the water Resource Management Authority who are the principal authorities on riparian issues.

7.0 COMMITTEE RECOMMENDATIONS:

The Committee, based on the strength of the submitted documents and the observations made during its site visits, hereby recommends as follows;

- i. That in the interest of public safety the building on plot LR No. 209/12227 be condemned, the building already has cracks and pools of water on the lower floors that cannot drain;
- ii. That in the interest of the environment which the development threatens to adulterate, the building be forthwith pulled down by the concerned County Government agencies, under schedule IV part II of the Constitution of Kenya, 2010, the County is mandated to implement specific national government policies on natural resources and environmental conservation including soil and water conservation;
- iii. That all the relevant County Government agencies be advised to desist, in future, from approving such developments to preclude further environmental degradation; and
- iv. That the County Executive urgently prepare a framework that requires amongst other things a report from the concerned Ward Administrators prior to approval of any building plans that the proposed site is not on public land nor on a wet land/ riparian land, before such a plan can be considered for approval.

8.0 ANNEXES

- I. Submissions from the County Executive;
- II. Minutes of adoption of the report; and
- III. Building Plans.

NAIROBI CITY COUNTY

Phone: 020 344194
www.nairobi.go.ke



City Hall,
P. O. Box 30075-00100,
Nairobi,
KENYA.

URBAN PLANNING & HOUSING

REF: UP&H/PCED/00119

The Clerk, Nairobi City County Assembly
P.O. Box 45844-00100
Nairobi



RE: STATEMENT ON DEVELOPMENT – L.R. NO. 209/12227 LANGATA ROAD/MBAGATHI WAY ROUND ABOUT

The subject matter refers to your letter of 29th September 2015 ref. NCA/SC.PH/2015/AJ/53. The letter sought clarification to Sectoral Committee on Planning and Housing on two issues raised therein.

The following is our response to the two questions:-

- c. The subject development has approvals by Nairobi City County vide plan Reg. Nos. ED 544, EE 007 and FE 863 for two blocks comprising offices and hotel. Construction was undertaken in compliance with the stated approvals. However, during the recent flash floods experienced in the City, a serious flooding occurred along Ngong Rive, including at the site of this building which is along its banks on both sides. As a result, Nairobi City County, NEMA and WARMA officers visited the site and stopped the development in order to establish the route cause of the floods in the building's precinct and to come up with corrective measures. Therefore, there is no construction taking place on site. Nairobi City County is awaiting comments on the matter from NEMA and WARMA who are authorities on riparian issues.

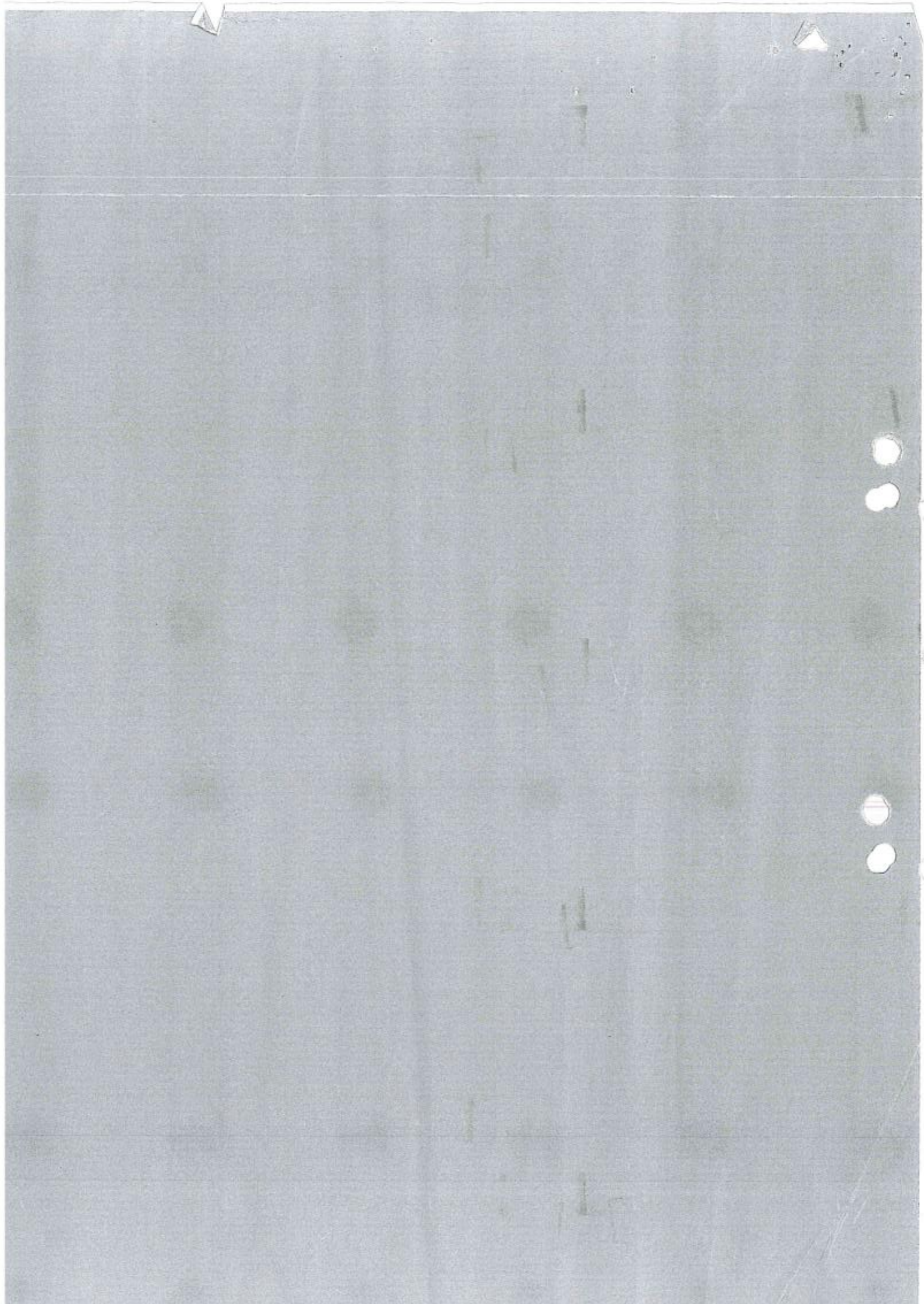
*p/c. Atty
Advise the
committee
P/med
CCA
06/10/15*

*C-A- Planning
- Give before to committee
Give copy + member was
present for statement
the report for
D. i.*

In the meantime, Nairobi City County has directed the developer to clear a space at least 10m wide between the two blocks of the building along the River to ensure smooth flow of water as permanent solution is sought concerning the development.



R.K. MUEMA (MRS)
COUNTY CHIEF OFFICER (UP&H)
FOR: COUNTY SECRETARY



NAIROBI CITY COUNTY ASSEMBLY

Telegraphic Address
Telephone: 020 221 0391/2, 020 2216151
Mobile: 0700 330 846/7, 0731 808 078
Email: clerk@nairobi-city-county.go.ke
Web: www.nairobi-city-county.go.ke



Clerk's Chambers
County Assembly
City Hall Buildings
P.O. Box 45844-00100
Nairobi, Kenya

18/10
1/5
44/68
15 OCT 2015
RECEIVED
Time / Sign

OFFICE OF THE CLERK

NCA/SC.PHC/10/2015/AJ/91

Chief Officer, Lands
Nairobi City County
NAIROBI.

✓ Chief Officer, Planning and Housing
Nairobi City County
NAIROBI.

11-10-2015
14th October, 2015.
TIME: 7:40
SERIAL No.:
AUTHORISED OFFICER SIGNATURE: GS

RE: REQUEST FOR SUBMISSION OF DOCUMENTS ON LR. No. 209/12227 ALONG THE JUNCTION OF MBAGATHI ROAD AND LANGATA ROAD.

The Sectoral Committee on Planning and Housing is established under the provisions of Standing Order 191 and is mandated, amongst other things, "to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments".

The Committee is also mandated to oversee County Planning and Development, including statistics, land survey and mapping, boundaries, fencing and housing.

Arising from a statement by a Member regarding the encroachment on riparian lands on Mbagathi Road by unscrupulous people, at its meeting held on 13th October 2015, the Planning and Housing Committee resolved that the Chief Officer for Lands and the Chief Officer for Planning and Housing be requested to urgently provide a copy of the approved structural and architectural plans as well as all other relevant documents on LR. No. 209/12227 along the junction of Mbagathi Road and Langata Road by 15th October, 2015 at 10.00 a.m.

This is therefore to request you to kindly but urgently provide the said documents by Thursday, 15th October, 2015 at 10.00 a.m. to enable the Committee respond to the Statement.

JACOB NGWELE
CLERK, NAIROBI CITY COUNTY ASSEMBLY.

CC: (i) County Executive Committee Member for Lands, Planning and Housing
Nairobi City County
NAIROBI.

① Dup
Provide the requested info & do a memo for me to file
15/10/15

② AD/BC
Please provide the copies of the...

(ii) County Secretary
Nairobi City County,
NAIROBI.



nema
mazingira yetu | juhudi wetu | wajibu wetu

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

Application Reference No. PR/3743

Registration No: 0011417

For official use

**THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT
ENVIRONMENTAL IMPACT ASSESSMENT LICENSE**

This is to certify that the Project Report/Environmental Impact Assessment Study Report received from

Mosiara Trading Company Limited..... (Name of individual/firm) of

P.O. Box 55298-00200 Nairobi..... (Address submitted to the National Management Environment Authority (NEMA) in accordance with the

Environmental Impact Assessment and Audit Regulations regarding Proposed Hotel and Office Block

Development..... (title of project) whose objective is to carry on

Construction of a Hotel and Office Block

..... (briefly describe purpose) located at

Plot Lr.No.209/12227 off Mbagathi Way in Nairobi County

.....(locality and district) has been

reviewed and a licence is hereby issued for implementation of the project, subject to attached conditions.

Dated this 16th Day of August 2012

Signature [Handwritten Signature]

(SEAL)



**Director General
The National Environment Management Authority**

CONDITIONS OF LICENSE

1. This licence is valid for a period of 24 MONTHS (time within which the project should commence) from the date hereof.
2. The Director-General shall be notified of any transfer/variation/surrender of this licence.

P.T.O.



1.0 **General Conditions**

- 1.1 This approval is for construction of the proposed hotel and office block on plot L.R. No. 209/12227 on Mbagathi Way, Nairobi County, costing KShs.40,000,000/=.
- 1.2 The license shall be valid for 24 months from the date of issue.
- 1.3 Without prejudice to the other conditions of this license, the proponent shall implement and maintain an environmental management system, organizational structure and allocate resources that are sufficient to achieve compliance with the requirements and conditions of this license.
- 1.4 The Authority shall take appropriate action against the proponent in the event of breach of any of the conditions stated herein or any contravention to the Environmental Management and Coordination Act, 1999 and regulations therein.
- 1.5 This license shall not be taken as statutory defence against charges of environmental degradation or pollution in respect of any manner of degradation/pollution not specified herein.
- 1.6 The proponent shall ensure that records on conditions of licenses/approval and project monitoring and evaluation shall be kept on the project site for inspection by NEMA's Environmental Inspectors.
- 1.7 The proponent shall submit an Environmental Audit report in the first year of occupation/operations/commissioning to confirm the efficacy and adequacy of the Environmental Management Plan.
- 1.8 The proponent shall comply with NEMA's improvement orders throughout the project cycle.
- 1.9 The proponent shall provide the final project accounts (final project costs) on completion of construction phase. This should be done prior to project commissioning/operation/occupation.

2.0 **Construction Conditions**

- 2.1 The proponent shall put up a project signboard as per the Ministry of Public Works standards indicating the NEMA EIA license number among other information.
- 2.2 The proponent shall ensure that adequate and appropriate sanitary facilities are provided for the workers during construction phase and that proper decommissioning of the facilities is carried out once construction is complete.
- 2.3 The proponent shall ensure that no development activity shall be undertaken within a distance of 10 meters from the highest ever recorded flood level of Ngong River.
- 2.4 The proponent shall ensure that the cooling systems fitted are suitable alternative with zero ozone depleting potential as per the Environmental Management and Coordination (Controlled Substances) Regulations of 2007.

- 2.5 The proponent shall ensure that no development activity shall be implemented before the electricity distribution lines are re-routed.
- 2.6 The proponent shall acquire approval from Water Resources Management Authority before any development activity is undertaken across, on or along the natural course of Ngong River.
- 2.7 The proponent shall put in place a concise traffic management plan to avoid traffic congestion.
- 2.8 The proponent shall submit water and sewerage reticulations to the Nairobi City Water and Sewerage Company for approval before installation.
- 2.9 The proponent shall ensure that all liquid waste is discharged into the public sewer line because use of septic tanks will not be allowed.
- 2.10 The proponent shall ensure that all excavated material and debris is collected, re-used and where need be, disposed off as per the Environmental Management and Coordination (Waste Management) Regulations of 2006.
- 2.11 The proponent shall ensure strict adherence to the provisions of Environmental Management and Coordination (Noise and Excessive Vibrations Pollution Control) Regulations of 2009.
- 2.12 The proponent shall ensure strict adherence to the Occupational Safety and Health Act (OSHA), 2007.
- 2.13 The proponent shall ensure that construction workers are provided with adequate personal protection equipment (PPE) as well as adequate training.
- 2.14 The proponent shall ensure that construction activities are undertaken during the day (and not at night) between 08.00 hrs and 17.00 hrs; and that transportation of construction material to site are undertaken during weekdays (and not weekends) off peak hours.
- 2.15 The proponent shall ensure strict adherence to the Environmental Management Plan developed throughout the project cycle.
- 2.16 The proponent shall ensure that the development adheres to zoning specifications issued for development of such a project within the jurisdiction of the City Council of Nairobi, with emphasis on approved land use for the area.

3.0 Operational Conditions

- 3.1 The proponent shall ensure that all waste water is disposed as per the standards set out in the Environmental Management and Coordination (Water Quality) Regulations of 2006.
- 3.2 The proponent shall ensure that rain water harvesting facilities are provided to supplement surface water.
- 3.3 The proponent shall ensure that appropriate and functional efficient air pollution control mechanisms are installed to control all air emissions.
- 3.4 The proponent shall ensure that all equipment used are well maintained in accordance with the Environmental Management and Coordination (Noise and Excessive Vibration Pollution Control) Regulations of 2009.

- 3.5 The proponent shall ensure that all solid waste is handled in accordance with the Environmental Management and Coordination (Waste Management) Regulations of 2006.
- 3.6 The proponent shall comply with the relevant principal laws, by-laws and guidelines issued for development of such a project within the jurisdiction of the City Council of Nairobi, Ministry of Housing, Ministry of Lands, Ministry of Public Health and Sanitation, Directorate of Occupational Health and Safety Services, Kenya Power, Nairobi City Water and Sewerage Company, Water Resources Management Authority and other relevant Authorities.
- 3.7 The proponent shall ensure that environmental protection facilities or measures to prevent pollution and ecological deterioration such as storm water drainage system, soil erosion prevention, solid and liquid waste management plan, emergency response plan, energy and water saving fixtures, drainage systems, dust and erosion control mechanisms are designed, constructed and employed simultaneously with the proposed project.

4.0 Notification Conditions

- 4.1 The proponent shall seek written approval from the Authority for any operational changes under this license.
- 4.2 The proponent shall ensure that the Authority is notified of any malfunction of any system within 12 hours on the NEMA hotline No. 020 6006041 and mitigation measures put in place.
- 4.3 The proponent shall keep records of all pollution incidences and notify the Authority within 24 hours.
- 4.4 The proponent shall notify the Authority in writing of its intent to decommission the facility three (3) months in advance.

5.0 Decommissioning Conditions

- 5.1 The proponent shall ensure that a decommissioning plan is submitted to the Authority for approval at least three (3) months prior to decommissioning.
- 5.2 The proponent shall ensure that all pollutants and polluted material is contained and adequate mitigation measures provided during the phase.

DC - LISTING

Page 1

Plan Reg. No. 21

Nairobi City County

CITY PLANNING DEPARTMENT
Development Control Section

SUBMITTED PLANS
COMMENT SHEET

TYPE OF SUBMISSION

PRELIMINARY

FULL

COMPLIMENTARY

REGULAR

Sept 2014
at mtg

CITY RECEIPT OF WORKS
RECEIVED ON
16 SEP 2014
DIRECTOR OF CITY PLANNING
DEPT.

(1) PLOT SIZE	0.5658Ha.	Road Street	Mbagathi Road								
(2) PLOT L.R. No.	L.R. NO. 209/12227	Estate Area	Madaraka Estate								
(3) DESCRIPTION OF THE WORK	Domestic Building - Proposed renewal to approved plan FE 007(Commercial Development)	Value	309,200,000/=								
(4) AGENT SUBMITTING	Simiyu B. Makitare (A1041) Mosiara Trading Co. Ltd.	Box No.	18278-00100								
(5) OWNER OR DEVELOPER		Box No.	22293 00200								
(6) PLINTH AREA	Estimated	Checked	10306m ²								
(7) DISTRIBUTION	Co levels	F.P.	Sewers	Roads	C.H.F.O	HDD	Struct.	M.O.H	VALUE	C.T.G.M	(WATER)
									73,400/-		

(8) CONDITIONS OF APPROVAL

(a) Structural details	(n) Submission, approval and implementation of traffic management report to City Engineer's satisfaction
(b) Canopy agreement	(o) An Environment Impact Assessment to be approved by NEMA & County before commencement of works
(c) Certificate as to workmanship	(p) Occupation certificate being obtained before occupation
(d) Installation of - satisfactorily septic tank or structurally sound water proofed conservancy tank	(q) The plot not constituting part of any disputed private or public utility land allocations.
(e) Surface water drainage Construction to C.E's satisfaction	(r) wayleave for sewer, water, power, drainageriperian wayleave, being maintained
(f) Satisfactory mechanical ventillation scheme	(s) pretreatment of all effluents to the City County's and/or NEMA's / Nairobi Water Company's satisfaction before discharge.
(g) Satisfactory plumbing and drainage details	(t) Future minimum size zonal plot subdivision as reflected on the plans to be maintained within the project
(h) All debris and excavated materials to be dumped on sites approved by the Council	(u) Submission of comprehensive building development plans for the plot within six months, otherwise this approval lapses.
(i) Submission, approval and implementation of landscaping scheme to County's satisfaction.	(v) Provision of facilities for the physically challenged persons
(j) Satisfactory canalization of the stream at owner's risk	(w) Physically challenged persons
(k) Structures coloured yellow being demolished to county's satisfaction.	(x) X-solar energy for hot water
(l) Strip's of land coloured blue being surrendered to the government free of cost of road widening. Entire plot resurvey to be undertaken by the owner to the satisfaction of the City Engineer	
(m) Temporary access to the plot to be constructed to the satisfaction of the City Engineer.	

APPROVED/DISAPPROVED MINOR APPROVAL

Signed
For Director urban planning and housing
On Behalf of the County Secretary
Date

[Handwritten signature]
14/9/2014

[Handwritten signature]

CITY COUNCIL OF NAIROBI

PLANS INSPECTION FEE PAYABLE UNDER BY-LAW 6 OF THE LOCAL GOVERNMENT (ADOPTIVE BY-LAWS) (BUILDING) ORDER 1968-L.N.15/1969.

Mbarava Trading Co Ltd
Clarendon Road
Nairobi

P.O. Box 18278
Nairobi

PLANS SUBMITTED FOR APPROVAL
Reg. No. FE 00883

Nature of Work: Renewal to App. plan No. FE 007 Commercial Dev.

Plot	Sect.	L.R.	Street/Area
1222f		209	Mbagathi Road

Plinth Area	Fee in Shillings	Stigs
Renewal	Fourty Eight Thousand	48,400

for DCP & ARCH
NOTE:  16/9/14

The Reg. No. is both the fee reference and Registered Plan Number thereof. When referring to either of these the Reg. No. should be quoted.

REFUNDS:- Please see the reverse side.

THIS RECEIPT IS NOT VALID UNLESS THE AMOUNT IS PRINTED

RECEIVED THE SUM HERE STATED IN PRINTED FIGURES:-

0011362014091015
Cash 73400 PA 1409-00333
73400 - 201409110918

Cash 48400

Mbarava Trading Co Ltd
Clarendon Road
Nairobi
Reg. No. FE
PLN



No	Plan Reg No	Building Class	Developer	Developer Address	Development Description	Parcel No	Plot Size(Ha)	Plinth(M2)	Locality	Street / Road	Zone / User Density	Zone No	Architect & No	Architect Address	Date of Submission	Estimated Cost (Ksh)	Submission Fee(Ksh)
1117	FD 452	D	Jacinta Wanjiku	P.O. Box 53391 Nairobi	Proposed 6th Flats	Plot No. B45	0.0234	366	Umjale Innerscore II	Off Mta Drive	Mixed Use	8	J.N. Kamau (A1079)	P.O. Box 53391 Nairobi	05/12/2011	10,000,000	30,870
1118	FD 907	D	William Bill Omoding	P.O. Box 6692-00800 Nairobi	Proposed Renewal To Approved Plan No. DO 59, 8th, Flats & 4th Shops	L.R. No. 20914342	0.03	710.9	South 'C'	Ola Shegema	Mixed Residential	10	Peter N. Opon (A4491)	P.O. Box 66952-00800 Nairobi	21/02/2012	2,157,000	16,000
1119	FD 45	D	Veronica Wakarua Chage	P.O. Box 59274 Nairobi	Proposed Development Of Rooms - 12th. Proposed 8th. 1 Bedroom Flats & 1 Beddler	Plot No. 110	0.015	235	Hunama	Off Aja Road	Mixed Use		Maurice Orogat (A1055)	P.O. Box 59274-00200 Nairobi	01/11/2011	4,940,000	26,330
1120	FC 383	D	Ann Kallure Rutere	P.O. Box 8716 Nairobi	1 Bedroom Flats & 1 Beddler	Plot No. 15	0.024	572.52	Eastleigh Section III	19th Street	Mixed Use	2	Simyu B. Nakiare (A1041)	P.O. Box 1465-00100 Nairobi	30/09/2011	13,728,000	36,035
1121	FC 394	D	Maurice Kihuro	P.O. Box 8716 Nairobi	Proposed 8th, Flats & 1th. Beddler	Plot No. 30	0.024	572.52	Eastleigh Sec. III	19th Street	Mixed Use	2	Simyu B. Nakiare (A1041)	P.O. Box 1465-00100 Nairobi	30/09/2011	131,728,000	36,035
1122	FA 885	D	Robert Njonga	P.O. Box 60192-00200 Nairobi	Proposed Beddlers (20th, Singletons Bedroom Rooms)	DeziRhinal S/465	0.097	1396	Ruvira	Kinyanjui Street	Mixed Use		Simyu Nakiare (A1041)	P.O. Box 18278-00100 Nairobi	27/04/2011	20,000,000	62,885
1123	EV 889	D	Ronald N. Kubeka	P.O. Box 27 Nairobi	Proposed Dwelling House	NRIBUK82/7019	0.0152	102.9	Doinyom	Off Quaring Road	Mixed Use	8	Francis Mwangi (A1045)	P.O. Box 50660-00200 Nairobi	16/02/2012	3,200,000	17,000
1124	FC 189	D	Maria Njari Kamau	P.O. Box 25384-00603 Nairobi	Proposed 6th, Flats	L.R. No. 142256	0.026	432.9	Kararuri	Kasarani Mwai Road	Mixed Development	14	Joseph Mutua Mweu (A871)	P.O. Box 53449-00200 Nairobi	24/08/2011	10,368,000	35,945
1125	FC 736	D	Karemei & Another	P.O. Box 75648-00200 Nairobi	Proposed 6th, Flats	NRIBUK82/6341	0.0363	369	Doinyom	Doinyom Road	Mixed Use	8	Simyu B. Nakiare (A1041)	P.O. Box 18278-00100 Nairobi	14/10/2011	7,707,000	30,690
1126	FD 914	D	Judith Lurika Mawira	P.O. Box 16908-00100 Nairobi	Proposed Alterations To a Dwelling House	NRIBUK13/7104	0.0293	14	Eastleigh West	Serenity Road	Comprehensive Scheme	5	Peter Kahiu Gatharia (A1088)	P.O. Box 2170-00100 Nairobi	21/02/2012	5,304,000	26,402
1127	FD 985	D	Maitika Investments Ltd	P.O. Box 64683-00200 Nairobi	Proposed Renewal Of B.N. Town Houses	L.R. No. 20903553	0.273	321	Kilimani	Dennis Hill Road	Mixed Use	4	Lawrence Muna Mwangi (A637)	58151-00200 Nairobi	10/04/2012	10,400,000	20,200
1128	FD 990	D	E.M. Karari	P.O. Box 48066-00100 Nairobi	Proposed Renewal Of 21th, Flats & 3th Shops	L.R. No. 20607163	0.0416	936	Eastleigh	2nd Avenue	Mixed Use	2	E. Agana (A308)	P.O. Box 48066-00100 Nairobi	13/04/2012	19,656,000	18,400
1129	FD 986	D	National Olympic Committee	P.O. Box 14509-00100 Nairobi	Proposed Renewal To Approved Plan EV 564 - Office Block	L.R. No. 20912365	0.7		Uppentle	Kenya Road	Mixed Development	1	Vincent Ochieng (A979)	P.O. Box 14509-00100 Nairobi	16/04/2012	400,000,000	45,000
1130	FC 292	P	S.G. Ramphala	P.O. Box 40703 Nairobi	Proposed Staff Rooms & Seminar (Additions To Temple Hall)	L.R. No. 20916193	0.1672	1420.71	South 'C'	Die-Shegema Road	Mixed Use	10	E.A. Agana (A308)	P.O. Box 48066 Nairobi	24/09/2011	50,000,000	69,110
1131	EU 906	P	Jan Darcan	P.O. Box 24735 Nairobi	Proposed Regularization of an Office Park	L.R. No. 27017	0.6	1300	Karen	Karen Road	Single Dwelling	12	William Arkins (A813)	P.O. Box 24735 Nairobi	18/04/2012	39,150,000	500,000
1132	FD 988	P	Mwangaza SDA Church	P.O. Box 930-00802 Nairobi	Approved Renewal Of Church	Plot No. 338	6.73	1295	Kayole	Spine Road	Religious	8	J.W. Ochi (A973)	P.O. Box 930-00802 Nairobi	10/04/2012	60,000,000	19,200
1133	FE 02	P	Mosiera Trading Company	P.O. Box 22291-00100 Nairobi	Proposed Offices & Commercial Centre	L.R. No. 2092227	0.5659	10306	Madarisa Estate	Maagathi Estate	Mixed Residential	10	Simyu B. Nakiare (A1041)	P.O. Box 18278-00100 Nairobi	18/04/2012	154,690	87,650

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Handwritten text in the upper middle section, possibly a date or a short note.

Handwritten symbols or characters on the right side of the page.

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PO MUMBAI TR-85, 400W

APPLICATION FOR APPROVAL OF PLANS

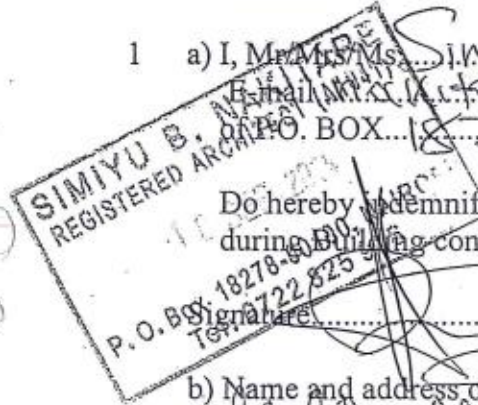
**TO: Director of City Planning Department
P.O. BOX 30075, NAIROBI**

NOTE: Give all relevant information in this form which together with submitted plans must be signed by the submitting agent. Delete and/tick where necessary. **(USE BLOCK LETTERS)**

Important notes/requirement

- a) Structural drawings which form part of this proposal must be submitted after the plans are approved. These drawings must be approved before commencement of construction work.
- b) For extension and alteration, all new work must be coloured in red. Walls and floor slabs work to be demolished to be coloured yellow. Only coloured pencils to be used.
- c) The following copies of documents to be attached:-
 - i) ownership document
 - ii) council rate receipts
 - iii) A survey plan must be attached.
- d) For ease of reference a location plan will be required in newly/sparsely developed zones.
- e) Tenants can only make alterations and/or extensions to a building with written Authority from the owner/s. This authority to be attached.
- f) Plans for development in railways leased plots to be accompanied with written approval from the Kenya railways.
- g) Building and other undertaking of any type of construction work are cautioned against the danger of interfering with all types of underground or overhead cables and services without consulting the relevant authorities in the first instance.

1 a) I, *SIMIYU NAWIANG* Reg. No. *A1091*
 E-mail *simiyu@yachon.com* Mobile No. *072282596*
 P.O. BOX *18278* being the project Architect



Do hereby indemnify the City Council of Nairobi from any claims that might arise during building construction as a result of building collapse or loss of life.

Signature *[Signature]* Date *11/09/2009*
 b) Name and address of developer *MARIARA TRADING CO. LTD.*
P.O. BOX 22298-00200, NAIROBI

I/We submit herewith plans and particulars in a manner prescribed in the Government (Adoptive) By-Law Building Code Order 1968 No. 15/1966 and By-Law 124 require a Registered Architect for building mentioned in By-Law 124.

2. Indicate the type of Building whose use must be in conformity with the officially allocated user.

- a) Current Land use *COMMERCIAL* Zone.....
- b) Domestic building/Warehouse Class Building Public Building.....
- c) Permitted ground coverage (%)..... Permitted plot ratio(%).....
- d) Description of development *DOMESTIC BUILDING -*
PROPOSED RENEWAL TO APPROVED PLAN N° FC-007
(COMMERCIAL DEVELOPMENT)

3. Land tenure

- a) Freehold/Leasehold by commissioner of lands
- b) Leasehold by Kenya Railway Corporation
- c) Leasehold by Nairobi City Council
- d) Affidavit be provided where ownership is in form of share certificate

4. a) Number of dwellings/units with separate occupation.....

b) Plot L.R. NO. 209/1/2227 Plot size(Ha) 0.5658

c) Name of nearest Road/Street MBAGAIMI ROAD

d) Name of Area/Estate MADARAKA ESTATE

e) Type of Soil MURRAM SOIL

5 a) Water supply by N.C.W & S.C. LTD.

b) Method of Sewerage Disposal N.C.C. SEWER

6) Areas: (For fee calculations only) must include porches, verandar balconies, Garage, Domestic staff quarters, swimming pool e,t.c.

Development level	Existing SM	New SM
Basements		
Ground floor/s		
Mezzanine floor/s		
1 st Floor		
2 nd Floor		Renewal
3 rd Floor		
4 th Floor		
Others		
TOTAL (Submission)		10,306 M²

7. Estimated cost of the project.

8) Inspection fee payable Kshs. 48,400/- } + 12,000/- certification fees

9) Occupation certificate fee Kshs. 73,400/- }

10) Site construction board fee Kshs. 25,000/- }

11) Infrastructure development levy fee T. Fee: 85,200/-

12) Construction Materials of approved standard and specifications

a) Foundation P.C. STRIP FOUNDATION

b) External walls NATURAL STONES

c) Mortar CEMENT & SAND

d) Roof Cover FLAT ROOF

e) Damp proof course BITUMINOUS FELT

13) In the event of the accompanying plans being required to be amended in any way in order that they may be approved by the council, I/We agree that for the purpose of section 126(c) of the public Health Act (Cap 242) that the date of deposit shall be the date on which plans are re-deposited with the council after amendments have been satisfactorily made.

Signature

SIMIYU B. NANTARE
 REGISTERED ARCHITECT (AIA/11)
 10 SEP 2014
 P.O. Box 18278-00100, NAIROBI
 Tel: 0722 825 916
 Date: 11/09/2014

LOCAL AUTHORITY INTEGRATED FINANCIAL OPERATIONS MANAGEMENT SYSTEMS



BILL	Bill No.	PA1409-00533
	Date Issued	1 Sep-2014

LA Name: 001 NAIROBI CITY COUNTY

(Customer Copy)

CUSTOMER SERVICES OFFICE

The Customer Services Office Notifies

MOSIARA TRADING CO LTD

that the amount shown below is due to be paid at your earliest convenience.

Payment is due at the CASH OFFICE of the Council
209/12227 MBAGATHI RD

DETAIL OF CHARGES

No.	Account Code	Description	Amount (KSh)
1.	1-3243	CONSTRUCTION SITE BOARD	25,000.00
2.	1-9112	BUILDING PLANS APPROVAL FEE	48,400.00
BILL TOTAL AMOUNT (KSH)			73,400.00

0011362014091015 CSH73400 PA1409-00533-73400 [MOSIARA TRADING CO LTD] 201409110918

RECEIVED BY R KAHIRI

Payment Information

THANK YOU





No. C. 53996

I certify that this is a true copy
Date: 20/6/2008
Ass. Registrar of Companies

CERTIFICATE OF INCORPORATION

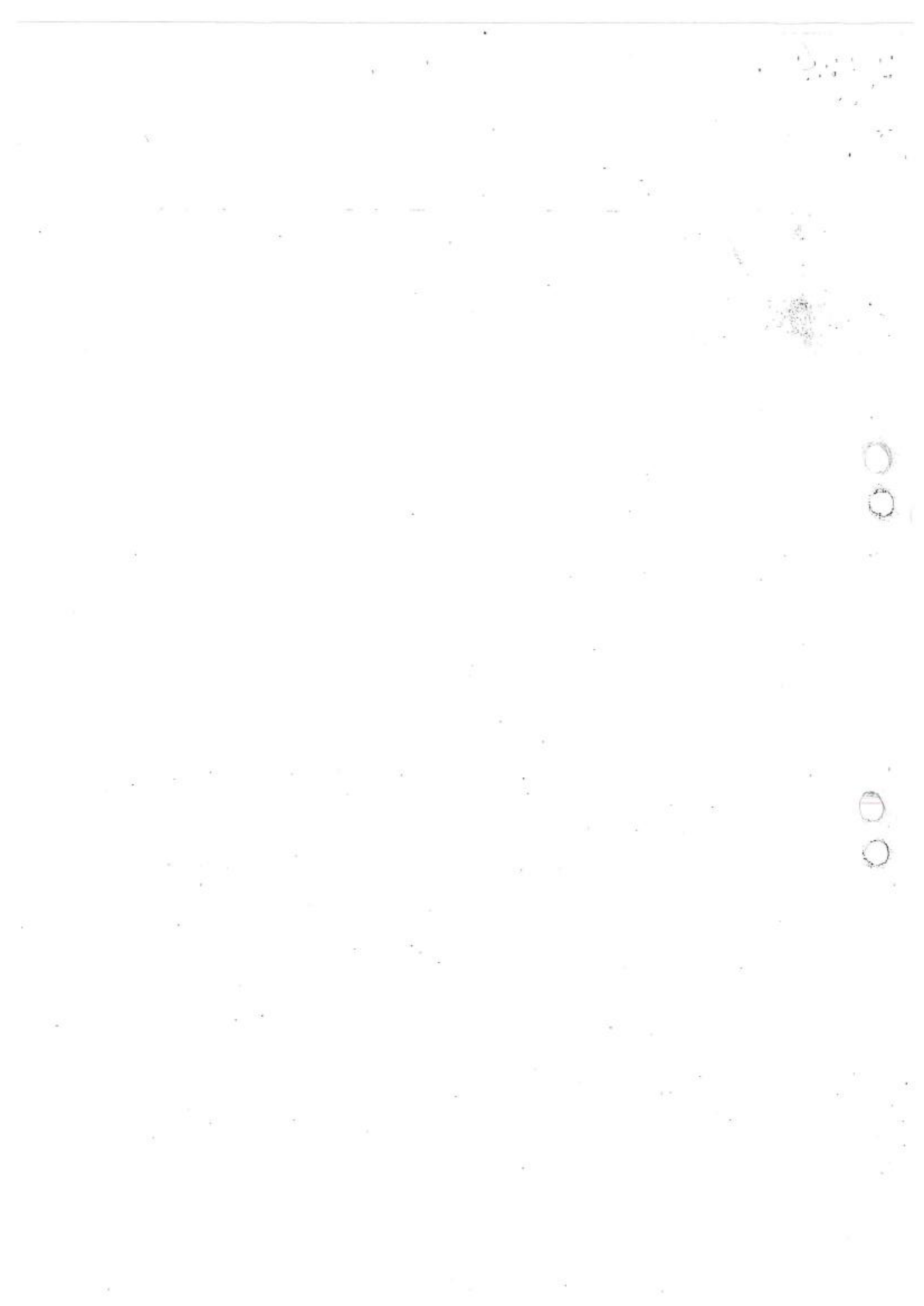
I hereby Certify, that—

MOSIARA TRADING COMPANY LIMITED.....

is this day Incorporated under the Companies Act (Cap. 485) and that the Company is LIMITED.

Given under my hand at Nairobi this THIRD day
of JUNE ONE THOUSAND NINE HUNDRED AND NINETY THREE
~~TWO THOUSAND~~

SGD W.K.T. RICHU
Registrar of Companies



57448



REPUBLIC OF KENYA

S. Dwyer #616
21-11-2000

THE REGISTRATION OF TITLES ACT
(Chapter 281)



GRANT: Number L.R. **85189**
ANNUAL RENT: Kshs. 56,000/- (REVISABLE)
TERM: 99 Years from 1.8.1998

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of shillings two hundred and eighty thousand (Kshs. 280,000/-) by way of stand premium paid on or before the execution hereof THE PRESIDENT OF THE REPUBLIC OF KENYA hereby GRANTS unto STEPHEN KIMNYAMIS KIPSAITA of NAIROBI (Post Office Box Number 40668)

(hereinafter called "The Grantee") ALL that piece of land situate in the City of Nairobi in NAIROBI AREA District containing by measurement nought decimal five six five eight (0.5658) of a hectares/sizes or thereabouts that is to say L.R. No. 209/12227

which said piece of land with the dimensions abuttals and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 188312 deposited in the Survey Records Office at Nairobi

TO HOLD

for the term of ninety nine (99) years from the first Day of August One thousand nine hundred and ninety eight

SUBJECT to (a) the payment in advance on the first day of January in each year of the annual rent of shillings fifty six thousand (Kshs. 56,000/-) (revisable) (b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):

P.T.O.



SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.
2. The Grantee shall within six calendar months of the actual registration of the Grant submit in triplicate to the Local Authority and the Commissioner of Lands plans (including block plans showing the positions of the buildings and a system of drainage for disposing of sewage surface and sullage water) drawings elevations and specifications of the buildings the Grantee proposes to erect on the land and shall within 24 months of the actual registration of the Grant complete the erection of such buildings and the construction of the drainage system in conformity with such plans drawings elevations and specifications as amended (if such be the case) by the Commissioner PROVIDED that notwithstanding anything to the contrary contained in or implied by the Government Lands Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the Commissioner of Lands or any person authorized by him on behalf of the President to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the President or the Commissioner of Lands in respect of any antecedent breach of any condition herein contained.
3. The Grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.
4. Should the Grantee give notice in writing to the Commissioner of Lands that he is unable to complete the buildings within the period aforesaid the Commissioner of Lands shall (at the Grantee's expense) accept a surrender of the land comprised herein:
 - (i) Provided further that if such notice as aforesaid shall be given within 12 months of the actual registration of the Grant term the Commissioner of Lands shall refund to the Grantee 50 per centum of the stand premium paid in respect of the land, or
 - (ii) at any subsequent time prior to the expiration of the said building period the Commissioner of Lands shall refund to the Grantee 25 per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.
5. The land and the buildings shall only be used for Residential purposes.
6. The buildings shall not cover more than fifty per centum of the area of land or such lesser area as may be laid down by the Local Authority in its by-laws.
7. The land shall not be used for any purpose which the Commissioner of Lands considers to be dangerous or offensive.
8. The Grantee shall not subdivide the land, without the prior consent in writing of the Commissioner of Lands.
9. The Grantee shall not sell transfer sublet charge or part with the possession of the land or any part thereof or and buildings thereon except with the prior consent in writing of the Commissioner of Lands. No application for such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No. 2 has been performed.
10. The Grantee shall pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and the proportionate cost for the supply of both the water and the electric power and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within 7 days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.
11. The Grantee shall from time to time pay to the Commissioner of Lands on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Commissioner may assess.
12. Should the Commissioner of Lands at any time require the said roads to be constructed to a higher standard the Grantee shall pay to the Commissioner on demand such proportion of such construction as the Commissioner may assess.
13. The Grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.



Dist
Loc
Ref

- 14. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.
- 15. The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder on the 1st January, 1989 and thereafter at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the Commissioner of Lands, of the unimproved freehold value of the land as at 31st December, 1988 as assessed by the Commissioner of Lands or at the rate in force on the 31st December, 1988 whichever is the greater.
- 15. The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the Commissioner of Lands of the unimproved value of the land as at the end of every tenth year of the term.

IN WITNESS WHEREOF I SAMMY SILAS KOMEN MWAITA
 the Commissioner of Lands have by order of
 the President hereunto set my hand this 21st
 day of November
~~One thousand nine hundred and~~ Two thousand
 in the presence of:

[Signature]

[Signature]
 SAMMY T. MUHUYI
 REGISTRAR OF TITLES

LAND TITLES DEPARTMENT - NAIROBI REGISTRY
 DEPARTMENT OF TITLE ACT

REGISTERED AS No. LR. 85189/1
 PRESENTED 21st December, 2000
 TIME 16.50 HRS
[Signature]
 REGISTRAR OF TITLES
 JANE KANJA

OPK (1) (2)
 Grant of Letters of Administration
 of the Estate of Stephen Kimnyama
 Kipsaita. TO Betty Alison Jebet Kipsaita
 and David Kiplagat Kipsaita Administrators
 438 T-3-2008
 Transfer Assent to Betty Alison Jebet
 Kipsaita and David Kiplagat Kipsaita
 Beneficiaries (3)



REPUBLIC OF KENYA

DISTRICT OF *NAIROBI AREA*

Locality *City of Nairobi*

Reference Map *S.M.A. A. 27*
G. S. d.

Land Reference No. *209/12227*

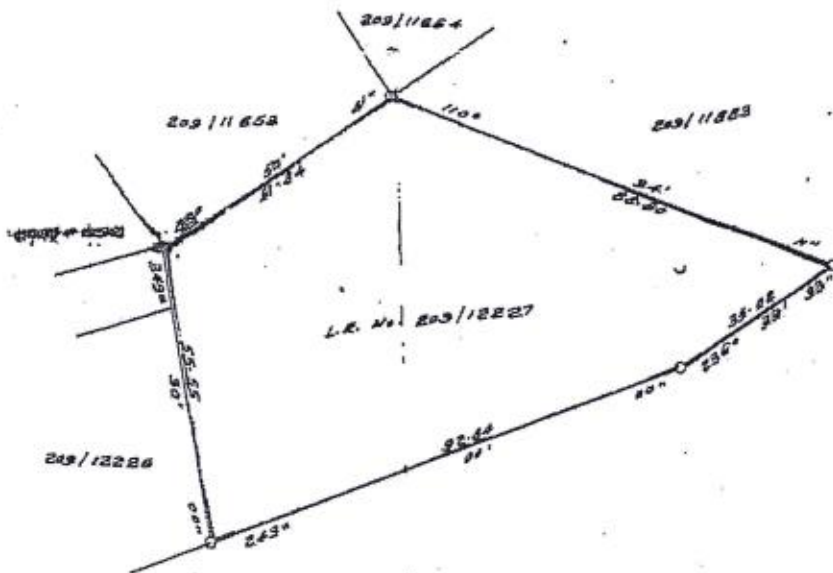
(Orig No.

Sub division No. (Orig No.

of Section No.

Area = *0.5658* Ha. (Approx)

Bearings	Distances Metres



J. Yago
Licensed Surveyor

J. G. NJOROGE
for Director of Surveys



Transfer to Mosiara Trading
Company Limited.

440

7-3-2008

namu

DRAWN BY:-
CALEB T. MUHUYI
REGISTRAR OF TITLES
P. O. Box 30089
NAIROBI

NAIROBI CITY COUNTY

Telephone: 020 344194
web: www.nairobi.go.ke



City Hall,
P. O. Box 30075-00100,
Nairobi,
KENYA.

OFFICE OF THE GOVERNOR COUNTY SECRETARY & HEAD OF COUNTY PUBLIC SERVICE

NCC/UP&H/DC/L/00217/JAO/jmm

15TH OCTOBER, 2015

THE CLERK
NAIROBI CITY COUNTY ASSEMBLY
NAIROBI



RE: PROPOSED COMMERCIAL DEVELOPMENT
L.R. NO. 209/12227-PLAN REG. NO. FE 863 (RENEWAL) ON MBAGATHI ROAD

The above mentioned proposed commercial development consists of shops, offices and 92 beds hotel development on five levels.

The developer is Mosiara Trading Co. Ltd. The proposal was first granted approval on 15th August, 2008 as Building Plan No. EO 544 and later renewed on 18th April, 2012, (FE 007).

The latest approval is also a renewal which was approved on 16th September, 2014 plan Reg. No. FE 863 but the plans have not been released.

Attached are copies of the:

- i. Title
- ii. Deed Plan
- iii. Survey plan
- iv. Nema -EIA Licence
- v. Building plans (architectural)

The construction has been stopped – since June, 2015.


R. K. MUEMA (MRS)
CHIEF OFFICER- URBAN PLANNING & HOUSING
FOR: COUNTY SECRETARY

II

C-A planning

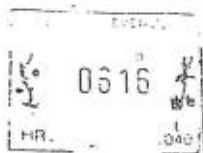
Take before the
committee and finalize
report.

AD/gy

plc-a/c

21/10/15

I
plc-a/c
Advise the
committee
of EIA
15/10/15

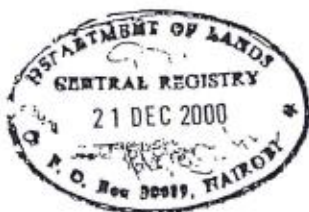


REPUBLIC OF KENYA

S. Dwy #616
21-11-2000

THE REGISTRATION OF TITLES ACT
(Chapter 781)

GRANT: Number I.R. 85189
ANNUAL RENT: Kshs. 56,000/- (REVISABLE)
TERM: 99 Years from 1.8.1998



KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of shillings two hundred and eighty thousand (Kshs. 280,000/-) by way of stand premium paid on or before the execution hereof THE PRESIDENT OF THE REPUBLIC OF KENYA hereby GRANTS unto STEPHEN KIMNYAMIS KIPSAITA of NAIROBI (Post Office Box Number 40668)

(hereinafter called "The Grantee Nairobi in NAIROBI AREA District containing by measurement ^{") ALL that piece of land situate in the City of} nought decimal five six five eight (0.5658) of a hectare~~s~~ or thereabouts that is to say L.R. No. 209/12227

which said piece of land with the dimensions abuttals and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 188312 deposited in the Survey Records Office at Nairobi

TO HOLD

for the term of ninety nine (99) years from the first Day of August One thousand nine hundred and ninety eight

SUBJECT to (a) the payment in advance on the first day of January in each year of the annual rent of shillings fifty six thousand (Kshs. 56,000/-) (revisable) ^{w.e.f. 1.8.1998}
(b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):

[P.T.O.]



3
Transfer Assent to Betty Alison Jebet Kipsaita and David Kiplagat Kipsaita
--- as Beneficiaries.

439

7-3-2008

oam

Transfer to Betty Alison Jebet Kipsaita and David Kiplagat Kipsaita

4
FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to Mosiara Trading Company Limited.
For KShs. 9,000,000/-

Presentation No: 440

Date of Registration: 7-3-2008

oam
Registrar

5
FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Lease to Yuasa International Limited
Term six years commencing 1st 7-2009
to 30th 6-2015
Rent KSh 1,680,000/-

Presentation No: 1426

Date of Registration: 16-6-2009

Registrar

I hereby certify this to be a true copy of the Original

Stamp Duty Tsh 500/-

Copying A/c Sh 20/-

Sh 520/-

Date 6th September, 2011

J. W. Kamungu
REGISTRAR OF TITLES

J. W. Kamungu 21

COMMITTEE MEETING HELD ON 16TH JULY, 2015 AT 11.30 A.M. AT CHARTER HALL.

PRESENT:

1. Hon. Jairo Atinya Asitiba, MCA –Chairman
2. Hon. Maxwel Ochar, MCA –Deputy Chair
3. Hon. Leah Mumo, MCA
4. Hon. David Njoroge, MCA
5. Hon. Mike Obonyo Guoro, MCA
6. Hon. Abdi Hassan, MCA
7. Hon. Njuguna Mwangi, MC
8. Hon. Daniel Mbugua, MCA
9. Hon. Caroline Muga, MCA
10. Hon. Rachel Kamweru, MCA

SECRETARIAT – COUNTY ASSEMBLY

1. Mr. Asman John – Clerk Assistant

PRELIMINARIES

The Chairman called the meeting to order at 11.52 a.m. after saying the prayers.

MIN./NCA/PPHL/OCTOBER/2015 – MEETING WITH THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR LANDS, PLANNING AND HOUSING REGARDING A COMPLAINT BY THE OUTDOOR ADVERTISING ASSOCIATION OF KENYA

During a meeting with the Committee, the County Executive Committee Member for Planning and Housing admitted that the County Executive had not submitted to the Assembly the Outdoor Advertising and Signage Policy as required by Law. He submitted that the Office of the Governor of Nairobi County had communicated to the Office of the Speaker of Nairobi City County Assembly on 14th July 2015 presenting the Nairobi Outdoor Advertising, Signage Control and Regulation Bill, 2015 which seeks to anchor the provisions contained in the Policy.

MIN./NCA/PPHL/OCTOBER/2015– ANY OTHER BUSINESS

The Committee mentioned to the C.E.C the issue of the ongoing construction on the junction of Langata road and Mbagathi road and the C.E.C. denied knowledge of such ongoing construction but pledged to deploy his officers to establish the nature of activities going on the said site.

MIN./NCA/PPHL/OCTOBER/2015– DATE OF NEXT MEETING

The Committee scheduled the next meeting for Monday, 11.30a.m.

MIN./NCA/PPHL/OCTOBER/2015- ADJOURNMENT

Being there no other business to consider, the site visit came to an end at 1.05 p.m.

CONFIRMED AS TRUE RECORDS OF PROCEEDINGS

CHAIRMAN..... 

DATE..... 14/8/15.....

CLERK..... 

DATE..... 14.8.15.....

MINUTES OF THE NAIROBI COUNTY ASSEMBLY BY PLANNING AND HOUSING
COMMITTEE HELD ON WEDNESDAY, 28TH OCTOBER, 2015 AT 11:00 A.M.
CHARTER HALL.

PRESENT:

1. Hon. Jairo Atenya Asitiba, MCA (Chairman)
2. Hon. Mike Obonyo Guoro, MCA
3. Hon. Alvin Olanda Palapala, MCA
4. Hon. Nelson Masiga, MCA
5. Hon. James Kinuthia, MCA
6. Hon. Joyce Bocha, MCA
7. Hon. Caroline Muga, MCA
8. Hon. Leah Mumo Mate, MCA
9. Hon. Paul Kiguathi Kados, MCA

SECRETARIAT – COUNTY ASSEMBLY

1. Mr. Guyo Sankala
2. Mr. Asman John

AGENDA

1. Prayers
2. Adoption of Agenda
3. Adoption of the report on plot LR. No. 209/12227 along Mbagathi road
4. Confirmation of minutes
5. Matters arising
6. Any Other Business
7. Date of next meeting
8. Adjournment

PRELIMINARIES

The Planning and Housing Committee Chair Hon. Jairo Atenya Asitiba welcomed everybody and call the meeting into order at exactly 11:43 a.m. The Committee Chair also said prayers.

MIN. OCT/2015- ADOPTION OF THE AGENDA

The agenda was adopted by the Committee after it was proposed by Hon. Nelson Masiga and seconded by Hon. Joyce Bocha.

MIN. OCT/2015- ADOPTION OF THE REPORT ON PLOT LR. NO. 209/12227 ALONG MBAGATHI ROAD.

The report on plot LR No. 209/12227 along Mbagathi Road was adopted by the Committee without further amendments

MIN. OCT/2015-CONFIRMATION OF MINUTE OF THE COMMITTEE MEETING HELD ON 27TH OCTOBER, 2015

The minutes were read by Hon. Alvin Olando. They were confirmed by Hon. Nelson Masiga and seconded by Hon. Leah Mumo to be the true records of the deliberations of the Committee meeting held on 27th October, 2015.

MIN. OCT/2015- MATTERS ARISING

There were no matters arising from the confirmed minutes.

MIN. OCT/2015- ANY OTHER BUSINESS

There was no any other business considered by the Committee.

MIN. OCT/2015- ADJOURNMENT

There being no other business to consider the Committee Chair Hon. Jairo Atenya adjourned the Meeting at 12:13 p.m.

CONFIRMED AS TRUE RECORDS OF PROCEEDINGS

CHAIRMAN.....

DATE.....28-10-15

CLERK.....

DATE.....28.10.15

MINUTES OF THE NAIROBI COUNTY ASSEMBLY BY PLANNING AND HOUSING COMMITTEE HELD ON TUESDAY, 27TH OCTOBER, 2015 AT 11:30 A.M. CHARTER HALL.

PRESENT:

1. Hon. Jairo Atenya Asitiba, MCA (Chairman)
2. Hon. Mike Obonyo Guoro, MCA
3. Hon. Alvin Olanda Palapala, MCA
4. Hon. Nelson Masiga, MCA
5. Hon. Daniel Mari Mbugua, MCA
6. Hon. Njuguna Mwangi, MCA
7. Hon. Joyce Bocha, MCA
8. Hon. Caroline Muga, MCA

SECRETARIAT – COUNTY ASSEMBLY

1. Mr. Guyo Sankala-
2. Mr. Asman John-

AGENDA

1. Prayers
2. Adoption of Agenda
3. Statement by Hon. Peter Isuha regarding the grabbing of public land in Kangemi Ward
4. Responses to statements
5. Any Other Business
6. Date of next meeting
7. Adjournment

PRELIMINARIES

The Planning and Housing Committee Chair Hon. Jairo Atenya Asitiba welcomed everybody and call the meeting into order at exactly 11:43 a.m. The Committee Chair also said prayers.

MIN. OCT/2015- ADOPTION OF THE AGENDA

The agenda was adopted by the Committee after it was proposed by Hon. Nelson Masiga and seconded by Hon. Joyce Bocha.

MIN. OCT /2015- STATEMENT BY HON. PETER ISUHA REGARDING THE GRABBING OF PUBLIC LAND IN KANGEMI WARD

The Committee resolved that a site visit be made to the area where allegation of land grabbing was said to have occurred. The committee also resolved that a letter be done to the Executive requesting for responses on the same

MIN. OCT/2015- RESPONSES TO STATEMENTS- Responses to Hon. Maurice Gari regarding the encroachment on riparian lands on Mbagathi Road by Unscrupulous people

The Committee examined the following documents presented by the Executive:-

- a. NEMA – EIA Licence
- b. survey plan
- c. Copy of building plans(architectural)
- d. Certificate of incorporation
- e. Copy of title deed

The Committee upon examination, established that the documents provided were bona fide but were erroneously granted to the developer because the site of construction is a wet land and hazardedly close to a nearby river which in a nutshell is contrary to the Environmental Management and Co-ordination Act (EMCA) No. 8 of 1999.

The Committee, based on the strength of the submitted documents and the observations made during its site visits, hereby recommends as follows;

- i. That in the interest of public safety the building on plot LR No. 209/12227 be condemned;
- ii. That in the interest of the environment which the development threatens to adulterate, the building be forthwith pulled down by the concerned County Government agencies

That all the relevant County Government agencies be advised to desist, in future, from approving such developments to preclude further environmental degradation

MIN. OCT/2015- RESPONSES TO STATEMENTS -Response to the statement by Hon. Hashim Kamau regarding the County Executive abandoning its interest on its properties in County Government owned houses.

The Committee resolved that a site visit be made after a short recess by the Members of the County Assembly to the area in question to carry out necessary investigations that would assist the Committee to come up with requisite recommendations on the same. The Committee resolved that the Executive officers and Hon. Hashim Kamau who requested the statement must attend the scheduled site visit.

MIN. OCT/2015- ANY OTHER BUSINESS

The Principal Clerk Assistant Ms. Adah Onyango who was earlier invited by the Committee came to the Meeting to respond and advice the Committee on some areas of concern to the Committee. The Committee requested to know why she had been editing the Committee's deliberations and recommendations on some responses to the statements. The Committee further asked why it was impossible for the Executive to accompany the Committee especially in impromptu site visits.

Ms Adah replied by telling the Committee that some of the responses by the Committee were not as per the questions asked in the statements and that therefore they would further raise unnecessary issues. She advised that in the event of such responses, the Committee must write back to the Executive until satisfactory answers be provided.

However pertaining to issues on site visits, she advised that the Committee must come up with clear work plan as far as site visits were concerned. Ms Adah informed the Committee concerning the existing regulation and tradition that the threshold of seven (7) day notice must be met when inviting the Executive officials to the Committee meetings or even in site visits.

She Further advised the Committee the need of coming up with two or more sub-committees in dealing with huge tasks before the Committee. She for instance opined that one subcommittee to deal in matters related to statements only while others should deal with issues like Petitions and so on.

MIN. OCT/2015- ADJOURNMENT

There being no other business to consider the Committee Chair Hon. Jairo Atenya adjourned the Meeting at 12:13 p.m.

CONFIRMED AS TRUE RECORDS OF PROCEEDINGS

CHAIRMAN.....

DATE.....28-10-15

CLERK.....

DATE.....28-10-15

MINUTES OF THE NAIROBI COUNTY ASSEMBLY MEETING HELD ON MONDAY, 12TH OCTOBER, 2015 AT 11.00 A.M. AT MADARAKA WARD.

PRESENT:

- | | |
|-----------------------------------|-----------|
| 1. Hon. Alex Ole Magelo, | Speaker |
| 2. Hon. Kennedy Ng'ondi, MCA | D/Speaker |
| 3. Hon. Fredrick Njogu, MCA | |
| 4. Hon. John Waweru, MCA | |
| 5. Hon. Jairo Atenya, MCA | |
| 6. Hon. Samuel Kagiri, MCA | |
| 7. Hon. Elizabeth Akinyi, MCA | |
| 8. Hon. Alfred Ambani, MCA | |
| 9. Hon. Martin Kinyanjui, MCA | |
| 10. Hon. Nelson Masiga, MCA | |
| 11. Hon. Peter Owera, MCA | |
| 12. Hon. Joyce Bocha, MCA | |
| 13. Hon. James Kinuthia, MCA | |
| 14. Hon. Rachael Kamweru, MCA | |
| 15. Hon. Elizabeth Sang, MCA | |
| 16. Hon. Rosemary Wairimu, MCA | |
| 17. Hon. Janet Kimondo, MCA | |
| 18. Hon. Ruth Njeri, MCA | |
| 19. Hon. Christine Aloo, MCA | |
| 20. Hon. Rose Nancy, MCA | |
| 21. Hon. Florence Achieng, MCA | |
| 22. Hon. Alexina Likono, MCA | |
| 23. Hon. William Abuka, MCA | |
| 24. Hon. Tabitha Wothaya, MCA | |
| 25. Hon. Jacqueline Nyangala, MCA | |

SECRETARIAT – COUNTY ASSEMBLY

- 1. Mr. Asman John – Clerk Assistant

PRELIMINARIES

The Assembly arrived at the site at 11.51 a.m. The delegation was led by the Hon. Speaker.

MIN./NCA/PPHL/OCTOBER/2015 – SITE VISIT TO MADARAKA WARD

During the site visit that was attended by a twenty-five Member delegation, it was observed that indeed the site was a wetland and unsuitable for the ongoing large-scale construction project. The delegation further observed that the building had begun cracking an indication that it was built on loses soil.

MIN./NCA/PPHL/MOCTOBER/2015– ANY OTHER BUSINESS

There was no other business for deliberation.


MIN./NCA/PPHL/OCTOBER/2015– DATE OF NEXT MEETING

The Committee scheduled the next meeting for Monday, 2.30 p.m.

MIN./NCA/PPHL/OCTOBER/2015– ADJOURNMENT

Being there no other business to consider, the site visit came to an end at 1.05 p.m.

CONFIRMED AS TRUE RECORDS OF PROCEEDINGS

CHAIRMAN.....

DATE.....14-10-15

CLERK.....

DATE.....14.10.15

MINUTES OF THE NAIROBI COUNTY ASSEMBLY PLANNING AND HOUSING
COMMITTEE MEETING HELD ON MONDAY, 9TH MARCH, 2015 AT 11.00 A.M. AT
MADARAKA WARD.

PRESENT:

1. Hon. Jairo Atenya Asitiba, MCA – Chair
2. Hon. Maxwell Ochar , MCA, D/Chair
3. Hon. Mike Obonyo, MCA
4. Hon. Alvin Olando, MCA
5. Hon. Nelson Masiga, MCA
6. Hon. Elias Otieno, MCA
7. Hon. Stephen Kambi, MCA
8. Hon. David Njoroge, MCA
9. Hon. James Kinuthia, MCA

SECRETARIAT – COUNTY ASSEMBLY

1. Mr. Asman John – Clerk Assistant

MIN./NCA/PPHL/MARCH/2015 – SITE VISIT TO MADARAKA WARD

The Committee arrived at the site at 12.05 p.m. and met Mr. Maranga who informed Members that the developer had all the requisite documents. The Committee requested to be shown the documents and later after examining the documents, the Committee requested to be furnished with the same documents which the site clerk promised to avail the following day.

The Committee briefly went round the site and observed that the building was built close to the river and sections of the building had started cracking.

MIN./NCA/PPHL/MARCH/2015– ANY OTHER BUSINESS

There was no other business for deliberation.

MIN./NCA/PPHL/MARCH/2015– DATE OF NEXT MEETING

The Committee scheduled the next meeting for Monday, 2.30 p.m.

MIN./NCA/PPHL/MARCH/2015– ADJOURNMENT

Being there no other business to consider, the site visit came to an end at 1.05 p.m.

CONFIRMED AS TRUE RECORDS OF PROCEEDINGS

CHAIRMAN AMG.....

CLERK [Signature].....

DATE 1-4-15.....

DATE 1.4.15.....



*This is to Certify
that*

BERNARD NAKITARE SIMIYU

registered as an

Architect

*in accordance with the terms of the Architects
and Quantity Surveyors Act (Cap. 525) of
the Laws of Kenya*

*In witness whereof the Common Seal
has been hereto affixed at a meeting
of the Board of Registration.*

SIMIYU B. NAKITARE
REGISTERED ARCHITECT (A1041)
P.O. Box 18278-00100, NAIROBI
Tel: 0722 825 918

Chairman
Member

Date 8th July 2004

Registrar
A1041
Registered Serial No.

This Certificate is held subject to the provisions of the By-laws under the Act.

