

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

SECOND ASSEMBLY-THIRD SESSION

NBI CA. PLC. 2019 / (053)

17th July, 2019

PAPER LAID

Pursuant to Standing Order 191 (6), I beg to lay the following Paper on the Table of the Assembly, today Wednesday 17th July, 2019.

THE REPORT OF THE SECTORAL COMMITTEE ON PLANNING AND HOUSING
REPORT ON A PETITION BY RESIDENTS OF KARIOBANGI SOUTH WARD, KCC
FORMALIZATION PROJECT ON COMMERCIAL PLOT NO. C34 AND C38.

(Chairperson, Sectoral Committee on Planning and Housing)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

Approved
[Signature]
17/7/19

Snr C/A UP

AB-C

Amey 17/7/19

*Paper laid by
Hon. Ngunjiri on Wed
17/07/2019
Amey
DLC
17/7/19*

GOVERNMENT OF NAIROBI CITY COUNTY



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(Chairperson, Sectoral Committee on Planning and Housing)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

Handwritten signature and date:
15/7/19

NAIROBI CITY COUNTY



NAIROBI CITY COUNTY ASSEMBLY
SECOND ASSEMBLY – THIRD SESSION
REPORT OF THE SECTORAL
COMMITTEE ON PLANNING AND HOUSING
ON
THE PETITION BY RESIDENTS OF KARIOBANGI SOUTH WARD, KCC
VILLAGE FORMALIZATION PROJECT ON COMMERCIAL PLOTS NUMBER
C34 AND C38.

Clerks Chambers
Nairobi City County Assembly
City Hall Buildings
Nairobi

JULY 2019

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1.0 PREFACE

The Sectoral Committee on Planning and Housing is established under Standing Order 203, and its mandate amongst others, as outlined under Standing Order 203 (6) is 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 departments and the effectiveness of the implementation;*
- c) study and review all County legislation referred to it;*
- d) study, assess and analyse 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.*

Committee Membership

The Committee comprises the following Members:-

1. Hon. Anthony Karanja, MCA- Chairperson
2. Hon. Husni Mohamed Alawi, MCA-Vice Chairperson
3. Hon. Abdi Ibrahim Hassan, MCA
4. Hon. Elias Otieno Okumu, MCA
5. Hon. Paul Kados, MCA
6. Hon. Alvin Olando Palapala, MCA
7. Hon. Geoffrey Ng'ang'a, MCA

8. Hon. Daniel Ngengi, MCA
9. Hon. Waithera Chege, MCA
10. Hon. Joseph Wambugu, MCA
11. Hon. Ruth Ndumi, MCA
12. Hon. Naftali Owuor Ogola, MCA
13. Hon. Carolyn Mayunzu, MCA
14. Hon. John Kyalo Mulyungi, MCA
15. Hon. Redson Otieno Onyango, MCA
16. Hon. Mark Ndungu, MCA
17. Hon. Geoffrey Majiwa, MCA
18. Hon. Patricia Musyimi, MCA
19. Hon. Leah Supuko, MCA

The Committee exercises oversight role on the work and administration of the Nairobi City County Government Lands, Urban Renewal & Housing sector.

In accordance with the Third Schedule of the Standing Orders, the Planning and Housing Sectoral Committee is mandated to cover subject areas relating to:-

- (i) County planning and development;
- (ii) Statistics, land survey and mapping;
- (iii) Boundaries and fencing; and
- (iv) Housing and outdoor advertisement.

Mr. Speaker Sir,

Pursuant to Standing Order No. 208, Hon. Benson Mwangi Petitioned the County Assembly on behalf of Mr. Evanson Njuguna kang'ata , a resident of Kariobangi South Ward, KCC Village seeking the Assembly to intervene on the repossession of his KCC Village commercial plots no.C34 and C38 by the County Government of Nairobi. Pursuant to Standing Order 215, the Petition was committed to the

Sectoral Committee on Planning and Housing to inquire into the issues raised and report to the Assembly.

The Petitioner's prayers were that the County Assembly intervenes and ensures that:-

The County Government takes the initiative of compensating him on the repossessed plots and developments in them or relocate him to plots of similar value upon the developments being valued by an appointed quantity surveyor/valuer.

Mr. Speaker Sir,

In order to ascertain issues raised in the Petition, the Committee resolved to meet all parties mentioned in the Petition before making appropriate recommendations. The Committee identified the following as interested parties to the Petition;

- i.) The Petitioner Mr. Evanson Njuguna kang'ata and
- ii.) The County Chief Officer for Lands.

The Committee met all parties and received written submissions from the Executive. This report contains the Committee's findings, observations and recommendations on the Petition.

Mr. Speaker Sir,

While considering the Petition, the Committee sought to address the following:

- a) The current status of ownership of the parcels of land;
- b) Who are the rightful owners of the said land and the property and whether they were illegally allocated to the current owners; and
- c) Whether there are any remedial measures arising from the forgoing.

Mr. Speaker Sir,

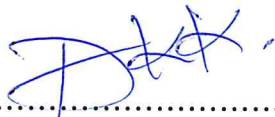
I wish to sincerely thank Members of the Committee for their diligence and dedication while inquiring into the matter. The Committee also wishes to sincerely thank the Offices of the Speaker, the Clerk of the County Assembly and the secretariat for their support.

Mr. Speaker Sir,

It is my honour and pleasure on behalf of the Committee to present this Report of the Committee on Planning and Housing on the Petition by a resident of Kariobangi South Ward, KCC Village formalization project on commercial plots number C34 and C38 with recommendations for remedial action.

Thank You.

SIGNED



Hon Anthony Karanja, MCA

(CHAIRPERSON)

DATE.....

2nd July 2019.

2.0 INTRODUCTION

Pursuant to Standing Order No. 208, Hon. Benson Mwangi Petitioned the County Assembly on 2nd May 2019 on behalf of Mr. Evanson Njuguna kang'ata , a resident of Kariobangi South Ward, KCC Village seeking the Assembly to intervene on the repossession of his KCC Village commercial plots no.C34 and C38 by the County. Pursuant to Standing Order 215, the Petition was committed to the Sectoral Committee on Planning and Housing to inquire into the issues raised and report to the Assembly.

In the Petition, the Petitioner stated that;-

- i) On the 7th January 2002, the then City Council of Nairobi vide allotment letter Ref No.CPD 5767 and Ref No.5768, allocated Mr. Evanson Njuguna kang'ata commercial Plots No.C34 and C38 in Kariobangi South KCC Village formalization project.
- ii) Plot No. C38 was initially allocated to one Peter Irungu who later sold it to Mr. Evanson Njuguna kang'ata and the transfer was effected through the allotment letter Ref No. CPD 5768.
- iii) The allotment letters were an offer subject to acceptance with the period specified on the face and payment of standard premium and ground rent.
- iv) Having made all the prerequisite payments, Mr. Evanson Njuguna kang'ata proceeded to apply for beacon certificates that were then issued clearly demarcating the plots.
- v) In 2008, the then City Council of Nairobi had threatened to repossess the said plots and hence Mr. Evanson Njuguna kang'ata moved to court vide Chief Magistrate Civil Suit *No.6182 of 2008 Evanson N. Kang'ata and 6 others Vs City Council of Nairobi*.
- vi) On the 6th day of October 2008, the Honorable Magistrate's court issued orders for permanent injunction restraining the City Council of Nairobi from interfering with Mr. Evanson Njuguna kang'ata's and 6 others quiet possession of plots C34,C41,C42,C44,C61 and C66 situated in

Kariobangi South KCC Village until the suit is heard and determined. The orders are still effective and have not been vacated to date.

- vii) Mr. Evanson Njuguna kang'ata had quiet and peaceful possession of the plots until recently in 2019 when a contractor on the adjacent site of the New Wakulima Horticulture Wholesale Market, excavated the grounds surrounding his plots leaving his structures isolated like an island.
 - viii) Officers from Kenya Urban Roads Authority (KURA) visited the two plots and showed the Petitioner a Part Development Plan (PDP) indicating that the place where Mr. Evanson Njuguna kang'ata's two plots stood had been identified for the development of a weighbridge and turning point for heavy trucks driving in and out of the market.
 - i) To the knowledge and information of Mr. Evanson Njuguna kang'ata, from the time he was allocated the land to the date of eviction, the initial approved area development plan did not have a future proposal for the establishment of a fire station.
 - ii) The change on the part development plan was done without the consultation or consent of Mr. Evanson Njuguna kang'ata .
 - iii) Efforts to have the matter addressed by the relevant institutions have borne no fruit.
- 2.1 In his prayers, the Petitioner requested the County Assembly to intervene into the matter and ensure that Mr. Evanson Njuguna kang'ata is compensated by relocating him to plots of similar value and the loss of buildings and properties be indemnified.
- 2.2 As part of the fact-finding, the Committee met the Chief Officer-Lands and the County Surveyor. The Chief Officer, identified as the key respondent to the Petition, provided oral and written submissions.

3.0 COMMITTEE FINDINGS

Submissions by the Petitioner

The Committee met the Petitioner on **Wednesday, 22nd May, 2019 and Tuesday 4th June, 2019**. During the meetings, the Petitioner stated as follows:

- i) On the 7th January 2002, the then City Council of Nairobi vide allotment letter Ref No. CPD 5767 and Ref No.5768 allocated Mr. Evanson Njuguna kang'ata commercial Plots No.C34 and C38 in Kariobangi South KCC Village formalization project.
- ii) That he followed all the then Council's requirements in terms of making payment of the relevant fees for the parcels of land i.e land rates, building approvals etc.
- iii) That he had paid all the rates due.

— The Petitioner further tabled the following supporting documents;-

- (i) Allotment letters dated 7th January 2002 signed by Town Clerk, Mr. Godfrey Mate;
- (ii) Ground rent payment instructions slips;
- (iii) Beacon certificates signed by Chief Land Surveyor;
- (iv) Payments for stand premium;
- (v) Survey fees receipt;
- (vi) Ground rent receipts; and
- (vii) A court order dated 6th October 2008 issued by the Chief Magistrate at Milimani Commercial courts on Civil Suit No 6182 of 2008 restraining the County from repossessing or interfering with plot No.C34.

Submissions by the Chief Officer, Lands-Mr. S.G Mwangi

The **Chief Officer, Lands** gave written submissions to the Committee vide letters **Ref. LANDS/0016604/RM/znr** dated **21st May, 2019** and **Ref.LANDS/0016646/GC/znr** dated **3rd June, 2019**. The **Chief Officer** stated as follows:

- i) That in the year 2002, Mr. Evanson Njuguna kang'ata was allocated plots no. C34 and C38 by the defunct City Council of Nairobi.
- ii) That plot no. C34 and C38 were supposed to be within KCC Village along Kangundo road, Nairobi.
- iii) Unfortunately, plot C34 and C38 were located on land that had been earmarked for development of a horticultural produce wholesale market.

- iv) In the year 2010, the City Council of Nairobi nullified the allocation of all the plots falling within the market site and discontinued payment of plot dues for the same.
- v) Illegal structures within the market have been removed .The construction of the market has since started and is nearing completion.
- vi) The Petitioner's structures have been left standing because the ownership of the plots is a subject of an ongoing Civil Suit No.6182 of 2008.Nonetheless, the surrounding ground has been excavated for development of market ancillary services i.e parking and roads.
- vii) Regarding the request for compensation to the Petitioner, it is noteworthy that there are over 300 allottees whose plots were nullified in the year 2010 to pave way for the market project. The nullification was based on a council resolution. Revisiting the same would be weighty and therefore necessitates decision to be made by the CECM for the Sector.

During the meeting of Tuesday 4th June, 2019, The Chief Officer Lands gave the following oral submissions in regard to the matter at hand;-

- (i) That he agrees allocations were rightfully done to the Petitioner. On matters compensation he has no capacity to make a sole decision, however his office is under obligation to follow directives issued in regard to the issue. He further agreed that compensation is key to any person whose property has been interfered with and as a result losses incurred.
- (ii) The allocations were nullified through a 2009 Town Planning Committee meeting. He tabled the minutes.

Fact finding site visit

In order to verify and assess the situation at the ground, the Committee accompanied by officials from the County Lands subsector and the area Representative Hon. Benson Mwangi, undertook a successful site visit to the area on Wednesday June 26th, 2019.

In the said visit, the Committee toured the market site and the fire station site and met with the local area leaders. The findings of the visit are mentioned in a section of this report.

COMMITTEE'S OBSERVATIONS (FROM COUNTY EXECUTIVE MEETING)

After making an analysis of the submissions made by the Petitioner and respondents, the Committee observed as follows;

- i.) That the Petitioner was legitimately allocated land by the defunct City Council in 2002;
- ii.) That the Petitioner did abide by all rules and regulations pertaining to land allocation in the City Council then by paying all the required rates and fees;
- iii.) That the Chief Officer Lands did not provide supporting evidence to prove that the land in question was indeed earmarked for establishment of a market.
- iv.) That the minutes provided by the Chief Officer supporting the nullification of the plots were those of The General Purposes Committee and not Town Planning Committee as he had alleged in his oral submissions.
- v.) The General Purposes Committee minutes have glaring discrepancies. Both the forwarding memo and the minutes have different dates. The memo dated 18th March, 2009 speaks of a meeting held on Thursday 4th February, 2010 whereas the actual minutes are dated 14th May 2003 and are unsigned. The fonts used also differ and as such, The Committee therefore could not rely on the minutes as in its opinion they do not appear to be authentic.
- vi.) That the last page of the purported 'nullification' minutes is just but a presentation by the Director of City Planning for a Horticultural Wholesale Market along Kangundo road on LR 209/14311 for approval. It does not have any resolutions but a recommendation that 'the proposal by the Director of City Planning be approved'. The outcome of the meeting is uncertain and therefore the Committee emphasizes that the minutes are not reliable.
- vii.) Through the Chairperson, the Committee was informed that despite the land being earmarked for development of a market, the areas to be demolished were picked selectively thus affecting the rights and

fundamental freedoms of the Petitioner stipulated in Section 27 of the Constitution.

viii.) That provisions of Section 107 of the Land Act 2012 providing for procedures for compulsory acquisition of interests in land were not adhered to by the County Government when it moved in to repossess land and demolish properties of the Petitioner. Further section 111(1) of the Lands Act 2012 states that;-

(1) If land is acquired compulsorily under this Act, just compensation shall be paid promptly in full to all persons whose interests in the land have been determined.

4.0 COMMITTEE'S OBSERVATIONS (FROM SITE VISIT)

The following was observed by the Committee during its site visit to New Wakulima market on Wednesday 26th June, 2019;-

- i.) The buildings left standing after demolitions including plots C34 and C38 are in the area marked for the construction of a parking facility for the new market.
- ii.) The survey maps indicate that those undemolished buildings are actually situated within the New market plan.
- iii.) The plots No. C34 and C34 belonging to Mr. Evanson Njuguna kang'ata have indeed been adversely affected by the surrounding excavation done by the contractor doing the market.
- iv.) A building sitting on the right side of the entrance to the market is indeed within land meant for the market. Further inquiry to the Lands officials revealed that the building was wrongly placed and that a demolition order was to be issued to the owners.

5.0 RECOMMENDATIONS

In view of the above, the Committee makes the following recommendations;

1. That after the completion of the New Wakulima market, the area would be inhabitable for the owners of the yet to be demolished buildings and as such it is prudent that Mr. Evanson Njuguna Kang'ata surrenders plot no. C34 and C38 to the County Government for the completion of a parking area and weighbridge facility for the New Wakulima market.
2. That the Petitioner withdraws Civil Suit No 6182 of 2008 restraining the County from repossessing or interfering with plot No.C34/C38 and that the County Executive to commence on the repossessing and compensation process provided for by Section 111 of the Land Act 2012.
3. That in accordance with Section 111 of the Land Act 2012 and based on the principles of fair administrative action contained in Article 47 of the Constitution, The County Government institutes the process of compensating the Petitioner for the loss of his lands Plot C34 and C38 and any development demolished therein.
4. That the CECM for Lands, Urban Planning, Urban Housing & Renewal, urgently formulates Policies and procedures on Allotment and Revocation of County Public land to eliminate instances of subjective discretion by officers in the sector and to provide uniformity when dealing with such matters. The said Policies to be tabled before the Committee within six months of adoption of this report.

XX

ANNEX I: Minutes

ANNEX II: Copies of supporting documents for Plot C34, C38.

NAIROBI CITY COUNCIL



2473

FOR ENQUIRIES ASK FOR
Mr. Karani

TEL: No 224281

EXT 4020

AND QUOTE CPD/5767

REF. No 771/2002

DATE

CITY PLANNING DEPARTMENT

CITY HALL

P.O. BOX 30075

NAIROBI, KENYA

BEACON CERTIFICATE

I, Evanson N. Kagata of P.O. Box 128 Nairobi
Being the Owner/Agent of Land (City Council) Ref. No. C34
situated at Kariobangi South/KCC Village allocated to me vide allocation letter Ref. No
CPD/5767 dated 7th January, 2002 do hereby declare that
I have been shown the beacons defining above plot boundaries as surveyed by Wohoro Githinji
(Original Land Surveyor) and pointed out to me by Wohoro Githinji
(Land surveyor who pointed out beacons). I have
full knowledge of their positions and shall take all reasonable measure to protect them.

PDP Title: Ref. No. Survey Plan F/R No.

Owner/Agent's Sign: I.D. No. 3052157 Date 7/3/2008

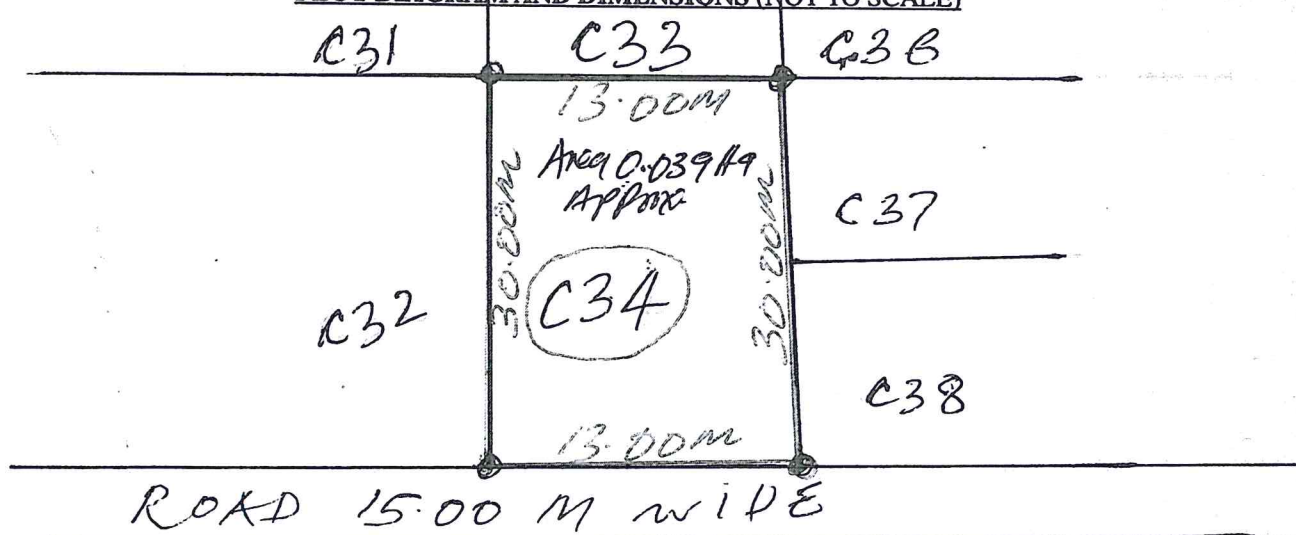
Sign. Land Surveyor: Date 7/3/2008

(Who pointed out beacons)

Sign. Chief Land Surveyor: Date 7/3/2008

Official Stamp: CHIEF LAND SURVEYOR

PLOT DIAGRAM AND DIMENSIONS (NOT TO SCALE)



This certificate is not valid without sketch

P.M. KIBINDA - REGISTERED PHYSICAL PLANNER
DIRECTOR OF CITY PLANNING DEPARTMENT



NAIROBI CITY COUNCIL
REVENUE SECTION (SDR)
Date: 12/1/07

C. T/608

NAIROBI CITY COUNCIL

CITY HALL,
NAIROBI

Payment for STAND RENT
Plot NO C34 KCC
Village

DATE 12-1-2007

AMOUNT	
Sh.	Cts.
13500/-	
CODE	
891070	

Name	EVANSON K. KAGAI
Address	CLC NCC

ONLY THE COUNCIL PRINTED RECEIPT BELOW WILL BE RECOGNISED
RECEIVED the sum here stated in printed figures

SDR 1127047 13500.00 22/01/2007 CASH RECEIPT



Day for payment
CHIEF LAND SURVEYOR
21/02/08

L 17/008

NAIROBI CITY COUNCIL

CITY HALL,
NAIROBI

Survey fees for Plot no. C24
Karibangi South I Koc Village

DATE 21/2/08

AMOUNT	
Shs.	Cts.
15,000	00
CODE	
042010	

Name	Evans K. Kagete
Address	

ONLY THE COUNCIL PRINTED RECEIPT BELOW WILL BE RECOGNISED
RECEIVED the sum here stated in printed figures

PLN ##### 11821813 15,000.00 23/07/2008 042010 CASH NCAIRU

Date.....

NAIROBI CITY COUNCIL

Payment for ground rent
on Plot No. 034 K.C.C.
Villages for year 2002 to
2007

DATE 12-1-2002

AMOUNT	
Shs.	Cts.
90000	
CODE	
830070	

Name EVANSON K. Kaehtia
Address C/O
H-CC

ONLY THE COUNCIL PRINTED RECEIPT BELOW WILL BE RECOGNISED
RECEIVED the sum here stated in printed figures

*COPY SENT [REDACTED] 113 0616 DATED FOR TRANSPORT BOSTON CASH INDOCHINE

REPUBLIC OF KENYA
IN THE CHIEF MAGISTRATES COURTS AT NAIROBI
MILIMANI COMMERCIAL COURTS
CIVIL SUIT NO 6182 OF 2008

EVANSON N.KAGATA & 6 OTHERS.....PLAINTIFF
VERSUS

NAIROBI CITY COUNCIL.....DEFENDANT

ORDER

UPON READING the application presented to this court on 6th day of October, 2008 by the advocate for plaintiff/applicant and supported by the affidavit of SILAS JACKSON NJERU herein sworn on the 30th day of September, 2008

AND WHEREAS the application coming for exparte hearing on the 6th day of October, 2008 before KIARIE W.KIARIE (MR) SENIOR PRINCIPAL MAGISTRATE in the presence of counsel for the plaintiff/applicant and in the absence of respondent AND UPON HEARING the said counsel.

IT IS ORDERED;

1. That, a permanent orders of injunction be and is hereby granted restraining the defendant/respondent either by itself, its servant, agent and or otherwise in any means howsoever from repossessing and or interfering with the plaintiffs/applicants quiet possession of commercial plots number C34, C41, C42, C44, C61, C64 and C66 situated in Kariobangi South, KCC Village until the matter is heard and determined.

GIVEN UNDER my hand and the seal of this court this 6th day of October, 2008

KIARIE W.KIARIE (MR)
SENIOR PRINCIPAL MAGISTRATE

ISSUED THIS 6th DAY OF October 2008

.....
SENIOR PRINCIPAL MAGISTRATE


J. M. WAIGANJO
ADVOCATE
&
SOLICITOR



CT/608

CITY COUNCIL OF NAIROBI

CITY HALL,
NAIROBI

Payment of stand premium
on plot no C38 KCC
village.

DATE 20/4/07

AMOUNT	
Shs.	Cts.
13500	-
CODE	
891090	

Name	<u>Peter Mungu</u>
Address	<u>MEB</u>

ONLY THE COUNCIL PRINTED RECEIPT BELOW WILL BE RECOGNISED
CEIVED the sum here stated in printed figures.

SDR ##### 03/10/07 13,500 OF 20/04/2007 8910708 CASH TERRY

PART PAYMENT ONLY

CT/608

CITY COUNCIL OF NAIROBI

NAIROBI CITY COUNCIL
REVENUE SECTION (110)

CITY HALL,
NAIROBI

Being payment of ground
rent on plot no C38 KCC

Village Kanobeng, South.

DATE 20/4/07

AMOUNT		Name
Shs	Ks	Peter Mwangi
COPY: 308 11370095 1,500.00 20/04/2007 8300708 CASH TERRY		
1500 =		Address
CODE		
830070		

ONLY THE COUNCIL PRINTED RECEIPT BELOW WILL BE RECOGNISED
RECEIVED the sum here stated in printed figures 8300708 CASH TERRY

MINUTES OF THE 3RD SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING ON A PETITION BY RESIDENTS OF
KARIOBANGI SOUTH WARD, KCC VILLAGE FORMALIZATION PROJECT ON
COMMERCIAL PLOTS NUMBER C31,C34,C61 AND C66 RESIDENTS HELD ON
TUESDAY 11TH JUNE 2019 AT 11.30 AM AT THE COMMITTEE ROOM 05 CITY HALL
BUILDINGS

PRESENT

1. Hon. Anthony Karanja, MCA - Chairperson
2. Hon. Ruth Ndumi, MCA
3. Hon. Leah Supuko, MCA
4. Hon. Geoffrey Ng'ang'a, MCA
5. Hon. Redson Otieno, MCA
6. Hon. John Kyalo, MCA
7. Hon. Alvin Olando Palapala, MCA
8. Hon. Daniel Ngengi, MCA
9. Hon. Carolyn Mayunzu, MCA
10. Hon. Paul Kados, MCA
11. Hon. Waithera Chege, MCA
12. Hon. Naftali Ogola, MCA

ABSENT

1. Hon. Husni Muhammed Alawi, MCA- vice Chairperson
2. Hon. Geophrey Majiwa, MCA
3. Hon. Elias Otieno Okumu, MCA
4. Hon. Patricia Mutheu, MCA
5. Hon. Mark Ndung'u, MCA
6. Hon. Abdi Ibrahim Hassan, MCA
7. Hon. Joseph Wambugu, MCA

COMMITTEE SECRETARIAT

1. Mr. Joshua Mbila - Clerk Assistant
2. Ms. Flora Savai-Intern

AGENDA

1. Preliminaries (Prayers & adoption of the Agenda)

MINUTES OF THE 2ND SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING ON A PETITION BY RESIDENTS OF
KARIOBANGI SOUTH WARD, KCC VILLAGE FORMALIZATION PROJECT ON
COMMERCIAL PLOTS NUMBER C31,C34,C61 AND C66 RESIDENTS HELD ON
TUESDAY 4TH JUNE 2019 AT 11.30 AM AT THE COMMITTEE ROOM 05 CITY HALL
BUILDINGS

PRESENT

1. Hon. Anthony Karanja, MCA - Chairperson
2. Hon. Ruth Ndumi, MCA
3. Hon. Leah Supuko, MCA
4. Hon. Elias Otieno Okumu, MCA
5. Hon. Patricia Mutheu, MCA
6. Hon. Mark Ndung'u, MCA
7. Hon. Geoffrey Ng'ang'a, MCA
8. Hon. Redson Otieno, MCA
9. Hon. John Kyalo, MCA

ABSENT

1. Hon. Husni Muhammed Alawi, MCA- vice Chairperson
2. Hon. Geophrey Majiwa, MCA
3. Hon. Alvin Olando Palapala, MCA
4. Hon. Abdi Ibrahim Hassan, MCA
5. Hon. Daniel Ngengi, MCA
6. Hon. Carolyn Mayunzu, MCA
7. Hon. Paul Kados, MCA
8. Hon. Joseph Wambugu, MCA
9. Hon. Waithera Chege, MCA
10. Hon. Naftali Ogola, MCA

IN ATTENDANCE

1. Mr. S.G. Mwangi-Chief Officer, Lands
2. Mr. Cheruiyot-Ag. County Director Survey
3. Mr. Silas Jackson Njeru-Petitioner and resident of KCC Village
4. Mrs. Florence Gatavi Njeru-Petitioner and resident of KCC Village
5. Mr. Evanson Njuguna Kangata-Petitioner and resident of KCC Village
6. Hon. Benson Mwangi(MCA)-Member Petitioning on behalf

COMMITTEE SECRETARIAT

1. Mr. Joshua Mbila - Clerk Assistant
2. Ms. Flora Savai-Intern

under obligation to follow directives issued in regard to the issue. He further agreed that compensation is key to any person whose property has been interfered with and as a result losses incurred.

viii) The allocations were nullified through a 2009 Town Planning Committee meeting. He tabled the minutes.

— In the submissions the Chief Officer responded as follows on **Plots. No.C34 and C38;-**

(i) That in the year 2002, Mr. Evanson Njuguna was allocated plots no. C34 and C38 by the defunct City Council of Nairobi.

(ii) That plot no. C34 and C38 were supposed to be within KCC Village along Kangundo road, Nairobi.

(iii) Unfortunately, plot C34 and C38 were located on land that had been earmarked for development of a horticultural produce wholesale market.

(iv) In the year 2010, the City Council of Nairobi nullified the allocation of all the plots falling within the market site and discontinued payment of plot dues for the same.

(v) Illegal structures within the market have been removed. The construction of the market has since started and is nearing completion.

(vi) The Petitioner's structures have been left standing because the ownership of the plots is a subject of an ongoing Civil Suit No.6182 of 2008. Nonetheless, the surrounding ground has been excavated for development of market ancillary services i.e parking and roads.

(vii) The request for compensation to the Petitioner, it is noteworthy that there are over 300 allottees whose plots were nullified in the year 2010 to pave way for the market project. The nullification was based on a council resolution. Revisiting the same would be weighty and therefore necessitates decision to be made by the CECM for the Sector.

(viii) That he agrees allocations were rightfully done to the Petitioner. On matters compensation he has no capacity to make a sole decision, however his office is under obligation to follow directives issued in regard to the issue. He further agreed that compensation is key to any person whose property has been interfered with and as a result losses incurred.

(ix) The allocations were nullified through a 2009 Town Planning Committee meeting.

MIN 008/P&H-MAY 2019 –MEMBER'S SUBMISSIONS

— The Committee noted that the County Government erred in evicting the plot owners since they were allocated the said lands in accordance with all the guidelines of the defunct City Council. It further infringed on their rights and went against a court order barring them from interfering with the Petitioners when they evicted them.

— The Chair added that the Petitioners were innocently allocated the land by the defunct City Council and therefore the County Government should take the full responsibility of compensating them.

— It was further alleged that the land in question (KCC Village) was earmarked for development of a market when the County Government realized that the

MINUTES OF THE 1st SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING ON A PETITION BY RESIDENTS OF
KARIOBANGI SOUTH WARD, KCC VILLAGE FORMALIZATION PROJECT ON
COMMERCIAL PLOTS NUMBER C31,C34,C61 AND C66 RESIDENTS HELD ON
WEDNESDAY 22ND MAY 2019 AT 11.30 AM AT THE COMMITTEE ROOM 05 CITY
HALL BUILDINGS

PRESENT

1. Hon. Anthony Karanja, MCA - Chairperson
2. Hon. Ruth Ndumi, MCA
3. Hon. Leah Supuko, MCA
4. Hon. Elias Otieno Okumu, MCA
5. Hon. Patricia Mutheu, MCA
6. Hon. Mark Ndung'u, MCA
7. Hon. Geoffrey Ng'ang'a, MCA
8. Hon. Redson Otieno, MCA
9. Hon. John Kyalo, MCA

ABSENT

1. Hon. Husni Muhammed Alawi, MCA- vice Chairperson
2. Hon. Daniel Ngengi, MCA
3. Hon. Alvin Olando Palapala, MCA
4. Hon. Abdi Ibrahim Hassan, MCA
5. Hon. Geophrey Majiwa, MCA
6. Hon. Carolyn Mayunzu, MCA
7. Hon. Paul Kados, MCA
8. Hon. Joseph Wambugu, MCA
9. Hon. Waithera Chege, MCA
10. Hon. Naftali Ogola, MCA

IN ATTENDANCE

1. Mr. Silas Jackson Njeru-Petitioner and resident of KCC Village
2. Mrs. Florence Gatavi Njeru-Petitioner and resident of KCC Village
3. Mr. Evanson Njuguna Kangata-Petitioner and resident of KCC Village
4. Hon. Benson Mwangi(MCA)-Member Petitioning on behalf

COMMITTEE SECRETARIAT

1. Mr. Joshua Mbila - Clerk Assistant
2. Ms. Flora Savai-Intern

AGENDA

1. Preliminaries (Prayers & adoption of the Agenda)

(vi) Mr Silas Njeru had invested all his pension monies in developing the plots and putting up the businesses that went down due to the demolitions done by the County Government.

(vii) They engineered the supply of electricity in the area.

(viii) Their prayer is for the County Government to compensate them a sum of Ksh 66m being the equivalent of the plots and the losses that occurred to them.

MIN 003 P&H-MAY 2019 – HEARING ON THE PETITION OF MR. EVANSON NJUGUNA KANGATA REGARDING REPOSSESSION BY THE COUNTY OF PLOT NOS. C34 AND C38 IN KARIOBANGI SOUTH.

Submissions from the Petitioner

(i) He was allocated plots C34 and C38 by the defunct City Council where he has built his residential house. Later on, the County revisited with a proposal that it was to construct a market in the area and his plots would be affected. The construction of the market is nearing completion.

(ii) Excavations have been done around his house leaving it standing alone.

(iii) Some County officials visited his site and informed him that the place where his house stood had been earmarked for the construction of a weighbridge and a turning point for trucks visiting the market.

Submissions from the area MCA

(i) The area MCA informed the Committee that in the initial plans, the Market and Fire station had been purposed to be housed in a different area which was silently subdivided and occupied by individuals in a scheme well known to the County Government.

(ii) When the time came now to roll out the project, the County had no option but to look for soft targets to hit and this is how the two Petitioners found themselves in the eviction fix.

MIN 004/P&H-MAY 2019 –A.O.B

There was no A.O.B

MIN 005/P&H-MAY 2019 –ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 12.46 noon.

