

NAIROBI CITY COUNTY ASSEMBLY



SECOND ASSEMBLY

(SIXTH SESSION)

[PUBLIC PETITION PURSUANT TO STANDING ORDER 208]

BY RESIDENTS OF MATHARE 4A IN UTALII WARD ON RESETTLEMENT
TO PUBLIC LAND L.R.NO 18170 WITHIN NAIROBI CITY COUNTY.

WE THE UNDERSIGNED Citizens of Kenya who are residents of Utali Ward, Ruaraka Sub-County in Nairobi County;

DRAW the attention of the County Assembly of Nairobi to the following: -

AWARE THAT, Article 185 of the constitution vests the legislative authority and oversight of the County governments in the county assembly;

THAT, Article 62 of the constitution mandates the county government to hold in trust public land on behalf of county residents;

THAT, the Kenya National Land Use Policy 2017 recognizes the need for social development that takes cognizance of provision of basic infrastructure and services;

THAT WHEREAS, Section 5(e) of The National Land Commission Act, 2012 requires the commission to initiate investigations into present or historic land injustices and recommend appropriate redress;

THAT WHEREAS, section 116 of the County Governments Act, 2012 imposes an obligation area of jurisdiction and section 117 (1) (a) provides that the county government shall give priority to basic needs of the public to ensure that all members of public have access to basic services;

PUBLIC PETITION BY RESIDENTS OF MATHARE 4A IN UTALI WARD ON RESETTLEMENT TO OUBLIC LAND L.R.NO.18170 WITHIN NAIROBI CITY COUNTY.

THAT WHEREAS, Mathare 4a squatters were gifted L.R.No.209/12010 by karsan du fathom murji .The said parcel of land was formerly a quarry in which our fathers used to work under the a aforementioned karsan murji who later on decommissioned it and gifted it to us;

THAT WHEREAS, the city council of Nairobi attempted to evict us without offering alternative land. Consequently, we filed a case, HHC No. 1702 of 1989 and obtained orders restraining the then city council of Nairobi from demolishing houses and requiring them to compensate and settle us;

THAT WHEREAS, in 2005 the government of Kenya entered into bilateral partnership with the German Government for slum upgrading and Mathare 4A primary School was the plot on L.R. No 209/12010 The government agreed to relocate us to an alternative land availed by The then city council of Nairobi at Ruai resettlement scheme and grand of ksh 500m(5million Euro) was given;

THAT WHEREAS, we entered into an out of court settlement with the then City Council of Nairobi. The then City Council of Nairobi assured us that they would offer us alternative land in Ruai. Consequently In 2006 the then City Council of Nairobi issued a Letter of Allotment to us for L.R. No. 12979/1 part. However, for some reasons we did not occupy the said parcel;

THAT WHEREAS, in 2016 the Nairobi City County, Government wrote to the National Land Commission proposing to settle us on part of L.R. No. 11344, we have established that L.R. No. 11344 formerly L.R. No. 13461 was subdivided by the City Council of Nairobi into 2 parcels L. R. No. 181619 (844 ha) occupied by the Kenya Defense Forces Embakasi Barracks and L.R. No. 18170 (405.1 ha) belonging to the Nairobi City County Government and whose Deed Plan is in their custody; Deed plan No 172261 issued for LR No 18170 on 23rd April 1993 and released to Surveyor K. Mugenyu for The County Government

THAT WHEREAS, from the above it is evident that the parcel of land meant to resettle us is L.R. No. 18170. We have established that there is Consent between Nairobi City County and the Kenya Defense Forces Embakasi Barracks to withdraw ELC Suit No. 282 of 2012;

THAT WHEREAS, we appreciate that the solutions offered in this petition are not exhaustive to totally take care of the situation in the area, in our humble opinion these are the immediate measures that the county needs to start with;

THAT WHEREAS, we, confirm that efforts have been made to have the matter addressed by the relevant body, it failed to give a satisfactory response therein.

AND THAT, all the matters in respect of which the petition is raised is not pending before any court of law or constitutional body;

HEREFORE, your humble Petitioners PRAY that the County Assembly of Nairobi County intervenes and ensure that; -

- a. The Nairobi City County Executive and/or the Nairobi Metropolitan Services furnishes the National Land Commission with the Deed Plan for L.R. No. 18170 to facilitate the resettlement;
- b. We are protected from any further resettlement by the Nairobi City County Executive and/or the Nairobi Metropolitan Services;
- c. The Nairobi City County Executive fulfills the Consent it entered into with the Kenya Defense Forces Embakasi Barracks in ELC Suit No. 282 of 2012 to enable the resettlement
- d. The parcel of land, L.R. No. 18170 is secured from potential land grabbers.

And we will forever pray.

Presented by;

HON. BENSON MUTURA.

SPEAKER NAIROBI CITY COUNTY ASSEMBLY.

On behalf of

The resident of Mathere 4A Utalii Ward

And by extension;

All residents of Nairobi County

10. 11. 1918