

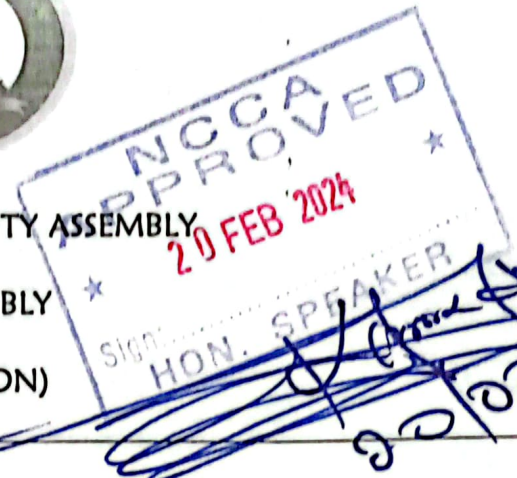
COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY

(THIRD SESSION)



[PUBLIC PETITION PURSUANT TO STANDING ORDER 214]

**PUBLIC PETITION BY KANGEMI WARD RESIDENTS ON STOPPAGE OF
PUBLIC LAND ENCROACHMENT BY A PRIVATE DEVELOPER AT
KANGEMI MARKET IN NAIROBI CITY COUNTY.**

WE THE UNDERSIGNED Citizens of Kenya who are residents of Kangemi Ward within Nairobi City County.

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

AWARE THAT, Article 185 of the Constitution of Kenya, 2010 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 in trust for 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 historical land injustices and recommend appropriate redress;

**PUBLIC PETITION BY KANGEMI WARD RESIDENTS ON STOPPAGE OF PUBLIC LAND
ENCROACHMENT BY A PRIVATE DEVELOPER AT KANGEMI MARKET IN NAIROBI CITY
COUNTY.**

THAT WHEREAS, Section 116 of the County Governments Act, 2012 imposes an obligation on the County Government and its agencies to deliver services within its designated area of jurisdiction. Further, Section 117 (1) (a) of the Act provides that the County Government shall give priority to basic needs of the public to ensure that all members of the public have access to basic services;

THAT, before commencing any development, developers must seek approval from the County Government;

THAT, the road reserve adjacent to LR.No Dagoretti/Kangemi 481 at Kangemi Market was reserved for the use of public parking area;

THAT, a private developer has allegedly invaded the said public land and erected illegal structures in form of containers resulting in lacking parking area thus inconveniencing motorists especially those intending to access the Market and other utilities located on the buildings on Land LR.No Dagoretti/Kangemi 481 such as banks and Hospitals;

THAT, the said illegal structures in form of containers have been rented out as unlicensed drinking joints and bars which openly sell alcohol and other illicit drugs and often used as a hide out for youths who engage in crime in the area;

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

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

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

- a) The National Land Commission and all the relevant bodies furnishes the Nairobi City County with the deed plans to facilitate and solve the dispute herein;
- b) The Nairobi City County Government in conjunction with the relevant organs to bring down the illegal structures being developed on LR No.

PUBLIC PETITION BY KANGEMI WARD RESIDENTS ON STOPPAGE OF PUBLIC LAND ENCROACHMENT BY A PRIVATE DEVELOPER AT KANGEMI MARKET IN NAIROBI CITY COUNTY.

Dagoretti/Kangemi 481 and legal action be taken against the developer and any other Government officer(s) who might have participated in the illegality;

- c) The said land be surrendered back to the Nairobi City County Government and give appropriate deed plans in respect to the public utility land in issue herein; and
- d) The Nairobi City County Government to secure the said Land and hold it in trust on behalf of the motorists and Nairobians at large.

And your Petitioners will forever pray.

Presented by;
Hon. Speaker

On behalf of;

- The Residents of Kangemi Ward.

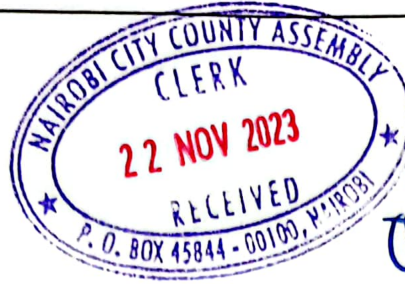
And by extension;

- All residents of Nairobi County.

RESIDENTS OF KANGEMI WARD, NAIROBI CITY COUNTY

16th November, 2023

Edward O. Gichana
Clerk, Nairobi City County Assembly
P.O. Box 45844
NAIROBI



Handwritten notes:
DCL
Thurs Review
and advice
22/11/2023

RE: PRESENTATION OF A PUBLIC PETITION PURSUANT TO ARTICLE 37 OF THE CONSTITUTION, SECTION 15 AND 88 OF THE COUNTY GOVERNMENTS ACT, 2012 AND STANDING ORDER 213 & 214 BY RESIDENTS OF KANGEMI WARD, NAIROBI CITY COUNTY REGARDING ENCROACHMENT ON A PUBLIC UTILITY

1. WE the undersigned citizens of Kenya who are residents of Kangemi Ward, Nairobi City County;
2. **DRAW** your attention to the following;
3. **THAT**, aware that the Constitution of Kenya under Article 37 and Section 15 and 88 of the County Governments Act, 2012, provide the right for citizens to petition the Authorities or the County Government on any matter;
4. **THAT WHEREAS**, Standing Order 213 of the Nairobi City County Assembly Standing Orders provides for the manner of presenting public petitions to the County Assembly;
5. **THAT WHEREAS**, the Fourth Schedule to the Constitution of Kenya grants County Governments powers to control County planning and development;
6. **THAT WHEREAS**, before commencing any development, developers must seek approval from the County Government and other relevant agencies;
7. **THAT WHEREAS**, the road reserve adjacent to LR. No. Dagoretti/Kangemi 481 at Kangemi Market was reserved for use a public parking area.
8. **THAT WHEREAS**, a private developer, in due disregard of all development approval processes, has encroached on the said road reserve and erected illegal structures inform of containers thus inconveniencing motorists for lack of a parking area especially those intending to access the market and other key utilities located on the building on land LR. No. Dagoretti/Kangemi 481 such as banks and hospitals.
9. **THAT WHEREAS**, the said illegal structures in form of containers have been rented out as unlicensed drinking joints and bars which openly sell alcohol and other illicit drugs and used as a hide-out for youth engaged in crime in the area;

Public Petition by Residents of Kangemi Ward on encroachment on a public utility.

Handwritten notes:
CA-Kanana
Duly reviewed
let us discuss
4/11/23
PCA-CLG
23/11/23
PCA & P
check the petition
if it meets the
requirements of
sections of 80(4) & 87
and prepare for tabling.
23/11/2023
DLS

Handwritten notes:
DLS.
County Clerk
to 9/6 21:4
ADP
22/11/23

AND WHEREAS, all the matters in respect of which the petition is raised are not pending before any court of law or constitutional body and the petitioners efforts to directly engage the County Executive on this matter have not been fruitful;


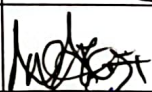
11. NOW THEREFORE, your humble Petitioners **PRAY** that the Nairobi City County Assembly intervenes and ensure that: -

- (i) It investigates under what circumstances the private developer encroached a public utility/road reserve and illegally erected structures inform of containers where he/she operates unlicensed drinking joints and bars.
- (ii) The illegal structures inform of containers erected on the road reserve adjacent to Land LR. No. Dagoretti/Kangemi 481 be demolished and legal action be taken against the developer and any County Government officials who might have abated the illegality.
- (iii) That the County Government ensures that the road reserve adjacent to Land LR. No. Dagoretti/Kangemi 481 be re-claimed and used as a parking area which was the originally intended purpose of the land.

And your Petitioners will forever pray.

RESIDENTS OF KANGEMI WARD (Undersigned)

Annex 1: Signatures of Petitioners Residents of Kangemi Ward, Nairobi City County

No.	NAME	I.D No.	CONTACTS	SIGN
1.	ROBERT KINYANTUI	8.174347	0751957511	
2.	MUREN MUTHURI	2074755	0713320629	
3.	ALBERT OCHENG	2177347	0785771766	