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Committee *W. L. L. Ng*
11/09/2024

COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY

(THIRD SESSION)

[PUBLIC PETITION PURSUANT TO STANDING ORDER 214]

BY KOMAROCK ESTATE PHASE 3A RESIDENTS ON STOPPAGE OF ENCROACHED AND GRABBED PUBLIC LAND PLOTS NOS.NAIROBI/BLOCK 134/247,248/517 AND 64 BY PRIVATE DEVELOPERS IN EMBAKASI CONSTITUENCY IN NAIROBI CITY COUNTY.

WE THE UNDERSIGNED Citizens of Kenya who are residents of KomaRock Estate Phase 3A in Embakasi Sub-County 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;

BY KOMAROCK ESTATE PHASE 3A RESIDENTS ON STOPPAGE OF PUBLIC LAND PLOTS NOS.NAIROBI/BLOCK 134/247,248/517 AND 64 ENCROACHMENT AND GRABBING BY PRIVATE DEVELOPERS IN EMBAKASI CONSTITUENCY 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, Land plots LR.No. Nairobi/Block 134/247,248/517, and 64 are located in Koma Rock Phase 3A Estate where residents' households have been using them as recreation, social and sports grounds for over twenty-eight (28) years since they purchased the residential houses in 1915 and 1996 from the Kenya Building Society under Housing Finance Company of Kenya;

THAT, private developers have allegedly invaded the said public land and are in the process of seeking approval to erect buildings which is in disregard of Public and Koma Rock Residents Phase 3A of over 850 households and 6000 residents' interest;

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.

NOW THEREFORE, 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 secure and surrender back the said Plot Nos. Nairobi/Block 134/247, 248/517.and 64 registered under proprietorship of KomaRock Residents Association for neighborhood public use;

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- c) Nairobi City County Government and any other relevant authority to prohibit, stop and disallow any approval of private buildings developments on Plot Nos. Nairobi/Block 134/247, 248/517 and 64; and
- d) Nairobi City County Government to give appropriate deed plans in respect to the public utility land in issue herein.

And your Petitioners will forever pray.

Presented by;
Hon. Speaker, MCA

On behalf of;

- Residents of KomaRock Estate Phase 3A in Embakasi Constituency.

And by extension;

- All residents of Nairobi County.

BY KOMAROCK ESTATE PHASE 3A RESIDENTS ON STOPPAGE OF PUBLIC LAND PLOTS NOS. NAIROBI/BLOCK 134/247, 248/517 AND 64 ENCROACHMENT AND GRABBING BY PRIVATE DEVELOPERS IN EMBAKASI CONSTITUENCY IN NAIROBI CITY COUNTY.