

THE NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY - (SECOND SESSION)

REQUEST FOR STATEMENTS

Hon. Speaker,

Pursuant to Standing Order 41 (2) (c), I wish to request for a statement from the Chairperson of the Select Committee on Budget and Appropriations regarding the payment by the County Executive to Kiambu-Dandora farmers.

Hon. Speaker, the defunct Nairobi City Council reached an out-of court agreement with the National Land Commission to pay Kiambu-Dandora farmers for the land developed and occupied by the said group in Kariobangi South's Civil Servants estate, Umoja 2 and Mowlem's KCC estate among others.

Hon. Speaker, in the statement, the Chairperson should inquire into and report on:-

1. Whether there was such an out-of-court agreement and if yes, proof be provided;
2. The amount of money that was initially meant to be paid to Kiambu-Dandora farmers, and the amount paid so far, if any; and
3. Establish the basis upon which the out-of-court agreement, if any, was reached given the land in question which Kiambu-Dandora farmers is laying claim was purchased by the government in 1974.

BM

Hon. Benson Mwangi, MCA.
MEMBER FOR MOWLEM WARD

Date: 27th JUNE 2018

Approved
[Signature]
27/6/18



NAIROBI CITY COUNTY ASSEMBLY
SECOND ASSEMBLY – SECOND SESSION

REQUEST FOR STATEMENTS

Hon. Speaker,

Pursuant to Standing Order 45(2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the legal fee charged by external Advocates during the ongoing County filling exercise.

Hon. Speaker, County residents are being charged a legal fee of Ksh. 30,000 per tittle prepared by external advocates, an amount which is supposed to be revenue to the County. There is a likelihood that the Advocates are charging residents and at the same time, raising fee notes to be paid by the County Executive.

Hon. Speaker, in the statement, the Chairperson should inquire into and report on:-

- i) How the external Advocates were sourced to prepare the leases/ tittles;
- ii) If there is any contract to that effect ; and
- iii) Whether the County Executive is also paying the advocates legal fees.

BM

Hon, Benson Mwangi MCA.
MOWLEM WARD

Date: 27th June 2018

Approved
[Signature]
26/6/18



NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY - SECOND SESSION

REQUEST FOR STATEMENTS

Hon. Speaker,

Pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the County's role in the recent issuance of 60,000 Title deeds in Nairobi's Eastlands region.

Hon. Speaker, despite the value of land in the area having gone up, most landowners in Eastland – Nairobi's most populated area – have not benefitted from their property as they do not have titles, and have often been threatened by the risk of grabbing. The uptake isn't as high as we expected and more needs to be done. Most of the landowners bought the parcels from land buying companies that only issued them with allotment letters.

Hon. Speaker, in the statement, the Chairperson should inquire into and report on:-

- i) Process involved in requesting for a title deed under the plan from start to eventual processing and issuance;
- ii) Implementation of the plan including fees requirements and justifications for the same;
- iii) Challenges experienced so far by the County in rolling out the plan;
- iv) Proposed mechanisms to make the process smoother for Wananchi to be guaranteed of a friendly, fair and transparent process;
- v) Whether the program/plan has a second phase, what are the targeted areas and initial requirements and when the same will be rolled out.

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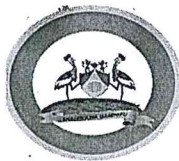
Hon. Chege Mwaura, MCA.
MEMBER FOR NGARA WARD

Approved
A handwritten signature in blue ink, appearing to read 'Blalim'.
26/6/2018

Date: 26/6/18

STMNT/95/2018

NAIROBI CITY COUNTY



NAIROBI CITY COUNTY ASSEMBLY
SECOND ASSEMBLY - SECOND SESSION

REQUEST FOR STATEMENTS

8 Hon. Speaker,

Pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the number of cases the County Government has had and sums paid to external legal counsels over the last six years.

Hon. Speaker, it is common knowledge that the County Government of Nairobi, from its days as the defunct City Council of Nairobi, has been a cash cow for unscrupulous lawyers who collude with staff to levy exorbitant fees for matters involving the County Government or the defunct City Council.

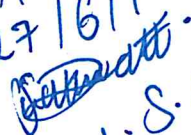
Hon. Speaker, the result of the foregoing has been mounting legal debts, famously demonstrated by Munikah & Company Advocates claims in a 2013 suit that the County government had failed to settle a Sh573 million legal fees debt owed to it.

9 Hon. Speaker, in the statement, the Chairperson should inquire into and report on:-

- i) Cases the County Government has had over the last four years;
- ii) The Law Firms contracted to handle the cases over the last four years;
- iii) Status of all cases involving the County Government; and
- iv) Total sums paid to each law firm or due and payable to the law firms currently contracted by the County Government to handle the said cases.


Hon. Peter Warutere, MCA
MEMBER FOR ROYSAMBU WARD

Date: 27/06/2018

Approved
27/6/18

Hon. S. M. Oathwaite

Stat 2: SQP10,



NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY - SECOND SESSION

REQUEST FOR STATEMENTS

Hon. Speaker,

Pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the status of the land on which the Retail Market in the City sits.

Hon. Speaker, the land on which the famous Retail Market sits is public land LR No. 209/8409. There have been attempts in the past to grab the said land, including its mention in the Ndungu Land Report on land illegally allocated in Nairobi City. The National Land Commission has since cancelled the title. However, the Market is currently fenced off and it's alleged that title has been issued for extension of the said Market.

Hon. Speaker, in the statement, the Chairperson should inquire into and report on:-

- i) Was the title ever cancelled and the land reverted back to the Public by the National Land Commission;
- ii) Current Status of the land on which Retail Market sits;
- iii) Whether the Market in question has been disposed off, and if yes;
- iv) Authorization for the said disposal of public land, including tabling of documentation to that effect.


Hon. Daniel Ngengi Muturi, MCA.
MEMBER FOR NAIROBI CENTRAL WARD

Date: 26th June / 2018

Approved

26/6/2018



THE NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY - (SECOND SESSION)

REQUEST FOR STATEMENTS

Hon. Speaker,

Pursuant to Standing Order 41 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the grabbing of public lands LR Nos. 209/6260 and 209/6261 by a private developer along 3rd Parklands Avenue.

Hon. Speaker, a portion of the High Ridge Clinic's 2.1 acre land has been grabbed by a private developer and this has immense effects on the operations of the said facility.

Hon. Speaker, in the statement, the Chairperson should inquire into and report on:-

1. Who, if any, authorized the transfer of ownership of public land to a private developer; and
2. Detailed records of the status of ownership of the said land.

A handwritten signature in black ink, appearing to read 'Jayendra Malde'.

Hon. Jayendra Malde, MCA.

MEMBER FOR PARKLANDS/HIGHRIDGE WARDDate: 26th JUNE 2018.

Approved
Blalini
26/6/2018



NAIROBI CITY COUNTY ASSEMBLY
SECOND ASSEMBLY - SECOND SESSION

REQUEST FOR STATEMENTS

Subject: Grabbed land – part of City Market

Hon. Speaker,

Pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Planning and Housing and the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the controversial sub-division and privatization of part City Market.

Hon. Speaker, in 1928, the then Colonial Government of Kenya granted the current City Market under L.R No. 209/1855 covering approximately 1.582 acres to the then Nairobi Municipal Corporation of Nairobi for a period of 99 years from 1st August, 1928 for establishment of a Municipal Market. Subsequently, in the early 1990s the plot L.R No. 209/1855 was sub-divided and two parcels created from it; L.R. No. 209/1855/1 and L.R. No. 209/1855/2 for Public Market Dome and Food Court respectively.

Hon. Speaker, on 22nd December 1992 the then Nairobi City Council irregularly transferred the plot L.R. No. 209/1855/1 to Market Plaza Limited for private development leaving plot L.R. No. 209/1855/2 for the City Market. Further, on 22nd May, 2007 the then City Council of Nairobi executed a 10 years contract lease of the Market under L.R. No. 209/1855/1 to Vineyard Holding Ltd associated with one Mr. Nyamu until 2017 which resulted to traders being issued with 45 days eviction notice.

Hon. Speaker, in 2010, the then Ethics and Anti-Corruption Commission (EACC) alongside the Ministry of Lands investigated the matter and found the property to have been illegally allocated and directed that the titles be revoked under Gazette Notice 15580 of 26th November 2010 and that the property be reverted to the public to be held in trust by the then Nairobi City Council.

Hon. Speaker, in 2011, Market Plaza Ltd challenged the revocation of the property L.R. No. 209/1855/1 in court under JR No. 18/2011 which was subsequently dismissed in 2016 by Court. **Hon. Speaker,** it is again from the judicial dismissal that Market Plaza Limited further appealed on the matter in 2017.

Hon. Speaker, the said property L.R. No. 209/1855/1 had been gazetted by the Minister of State for National Heritage and Culture vide gazette notice No. 5024 of 22nd May 2017 as a National Monument prohibiting structural development in the premises. This was however not challenged by Vineyard Holdings Ltd.


Subsequently, **Hon. Speaker**, Market Plaza Ltd moved to court of appeal under the application No. 219/2016 seeking order of temporary injunction forbidding Nairobi City County and Market Association from entering the property which was declined by the Court.

Hon. Speaker, in the statement, the Chairpersons should inquire into and report on:-

- i) How and why the property L.R No. 209/1855 was sub-divided to L.R. No. 209/1855/1 and L.R. No. 209/1855/2 and subsequently privatized to Market Plaza Ltd and Vineyard Holdings Ltd. Respectfully?
- ii) Why Vineyard Holdings Limited has been trying to develop the property and evicting genuine traders after the titles were revoked and having not challenged the matter in court?
- iii) Why the two properties plot L.R. No. 209/1855/1 and plot L.R. No. 209/1855/2 have not been merged under the mother title as directed in the then EACC and Ministry of Land's Gazette Notice 15580 of 26th November 2010?
- iv) Measures taken by the County to repossess the property in view of the Court Order dismissing the application by the Market Plaza to assume possession of the property, given that the Company does not have any temporary injunction over the property.
- v) Measures taken by the County to ensure the illegally allocated land as per the Ministry of Lands and EACC as per the Gazette Notice 15580 of 26th November 2010 in 2010 is reclaimed?
- vi) Measures taken by the County to fix the matter for hearing and final determination by the Court?


Hon. Daniel Ngengi Muturi, MCA
MEMBER NAIROBI CENTRAL WARD

Date: 26th June 2018

Approved to follow up
since the matter is
not alive in court

26/6/2018