

Approved for tabling.



*Revised SNA
11/12/14*



Tabled by the Hon. Alex Mwiru, MP; Chairman Departmental Committee on Lands.

KENYA NATIONAL ASSEMBLY

11/12/2014

ELEVENTH PARLIAMENT – SECOND SESSION - 2014

REPORT OF THE DEPARTMENTAL COMMITTEE ON LANDS

ON

DISPUTED KAREN LAND (LR 3586/3)

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

DECEMBER, 2014



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ANNEXES

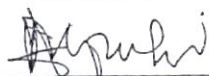

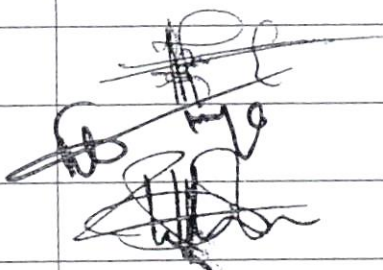


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- A. Various Minutes for the Committee
 - B. Various Correspondences
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KENYA NATIONAL ASSEMBLY
DEPARTMENTAL COMMITTEE ON LANDS

CONSIDERATION AND ADOPTION OF THE REPORT ON

KAREN LAND
DATE 10/12/2014

VENUE Cowley Room 9

NO.	NAME	TITLE	SIGNATURE
1.	Hon. Alex Mwiru, MP	Chairperson	
2.	Hon. Moses Ole Sakuda	Vice Chairperson	
3.	Hon. Onesmus Ngunjiri, MP	Member	
4.	Hon. Mutava Musyimi, MP	Member	
5.	Hon. John Kihagi, MP	Member	
6.	Hon. Francis W. Nderitu, MP	Member	
7.	Hon. Francis Njenga, MP	Member	
8.	Hon. A. Shariff, MP	Member	
9.	Hon. Eusilah Jepkosgei, MP	Member	
10.	Hon. Benard Bett, MP	Member	
11.	Hon. Kipruto Moi, MP	Member	
12.	Hon. Oscar Sudi, MP	Member	
13.	Hon. Hellen Chepkwony, MP	Member	
14.	Hon. Sarah Korere, MP	Member	
15.	Hon. Julius Ndegwa, MP	Member	
16.	Hon. Benson Mbai, MP	Member	

ACKNOWLEDGEMENT

Mr. Speaker Sir,

The Committee wishes to register its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to the Committee and the staff, in the execution of its mandate.

Let me take this opportunity to thank all Members of the Committee for their patience, endurance and dedication to committee business, despite their other commitments and tight schedules, which enabled the Committee to complete this Report.

On behalf of the Departmental Committee on Lands, and pursuant to Standing Orders No.199 of the National Assembly, I now have the honor to present the Report and Recommendations thereto for adoption pursuant to the provisions of standing orders of the National Assembly.

Thank You,

SIGNED



CHAIRPERSON

(HON. ALEX M. MWIRU, MP)

DEPARTMENTAL COMMITTEE ON LANDS

DATE

11/12/2014

1.0 INTRODUCTION

1. During its 91st Sitting held on 15th October 2014, the Committee seized the matter of the 134-acre piece of land in Karen, which had been highlighted in the media as being illegally acquired. Committee noted with concern that 40 Members of Parliament had been mentioned as some of the beneficiaries of the controversial Karen Land and there were claims in the Sunday Nation of 12th October 2014 that all the 29 Members of the Departmental Committee on Lands were beneficiaries;
2. The Committee therefore resolved to visit the site and investigate the matter further with a view to establishing the real owners of the disputed land;
3. The Committee visited the site on 27th October 2014 and held other Sittings on 28th October 2014, 4th, 18th and 25th November 2014 in Parliament to deliberate on the matter and received evidence from the affected land owners, National Land Commission (NLC), Ministry of Lands, Housing and Urban Development, the Ethics and Anti Corruption Commission and the Criminal Investigations Department in an attempt to establishing the owners of the land.

2.0 COMMITTEE FINDINGS

2.1.1 Evidence from the affected buyers

4. During its 94th Sitting held on 27th October 2014, the Committee visited the disputed land in Karen where it met persons who purported to have bought the land from Telesource.com limited and had already taken possession.
5. The following people appeared before the Committee as buyers of the land in dispute; Mr. John Mithamo-Plot No.295/296, Mr. Charles Mwangi- Plot No.322, Mr. Sammy Muinde- Plot No.329, Mr. Absalom Odongo- Plot No.285, Mr. Joshua Odenge- Plot No.289, Mr. James Chege- Plot No.317, Mr. Gerald Okumu- Plot No.234, Mr. Samson Asoto- Plot No.233, Mr. Abdalla Onyango- Plot No.210, Mr. Dan Otieno Ngadi- Plot No.333, Mr. Julius Odero Okwany- Plot No.119, Mr. Julius Oketch- Plot No.271, Mr. Austin Mugambi- Plot No.227, Mr. Moses Atamba and Mr. Collins Ogenga; While making submissions on behalf of the concerned buyers **Mr. Charles Mwangi informed the Committee as hereunder that:**
 - a. Subdivision of the land begun in 2009 up to 2013;

- b. They bought the land from Telesource Limited on a willing buyer willing seller basis;
- c. They were buying subdivided half acre pieces;
- d. The original LR no for the land before subdivision is 3586;
- e. Deed plans for the land were ready in 2011 but were later cancelled with no reason given for the cancellation;
- f. Telesource provided other deed plans in 2014 and the buyers were able to transfer the property into their names;
- g. They have paid the requisite fees i.e stamp duty;
- h. There was no difference in the 2011 and 2014 deed plans. The plot numbers did not change;
- i. They had already begun work on their pieces of land but a court order was issued stopping work on the land after the ownership wrangles arose.

6. **While claiming to be the legal representative of the concerned buyers Mssrs. Julius Anyoka of Anyoka and Associates informed the Committee as hereunder stated, That:-**

- a) He has a total of about 50 clients who bought the said land after its subdivision and that there is no Member of Parliament who is his client in the matter;
- b) The buyers did not know each other at the time of purchase and they have subsequently joined together after the conflict arose;
- c) The buyers bought land as individuals on a willing buyer willing seller basis; and that there are about 180 plots in total after subdivision;
- d) Preliminary findings show that searches were carried out by individuals, prices negotiated individually and sale agreements drawn on an individual basis;
- e) Transactions commenced on diverse dates in 2010 and some buyers have completed payments as per the purchase price and respective agreements, some have paid stamp duty and other outgoing fees;
- f) Consent for the subdivision and transfer was given by the Commissioner of Lands and records show that that the land was available for transfer;
- g) Buyers took possession, some have already prepared drawings and

- received relevant approvals from the Nairobi City County government;
- h) Rates, Rents receipt and clearance Certificates are available but were not availed to the Committee.

2.1.2 Evidence from the National Land Commission (NLC)

7. During its 95th Sitting held on 28th October 2014, Dr. Mohammad Swazuri, Chairman accompanied by Messrs. Tom Aziz Chavangi, Chief Executive Officer, Mr. Abdukadir Khalif- Commissioner, Mr. Kaptuiya Chebwoiwo- Director, Legal and Enforcement and Mr. Solomon Mbuthia, Legal Officer, appeared before the committee. The National Land Commission also submitted to the Committee ownership documents from Muchanga Investments. The Committee was informed as follows;
8. The information the Commission had in regard to the Karen Land was based on reports received from Mssrs. Muchanga Investments Ltd who claims to be the owner and that;
- a) The land is registered as LR No. 3586/3, IR No 37285 in Karen Nairobi;
 - b) Rumors started in January about the land being acquired. The owner- Muchanga Investments however wrote to the NLC on 1/9/14 complaining that the land had been subdivided by the survey department and requested that the NLC confirms that the land was private and investigate the activities of one Ms. Pauline Gitimu who instructed that the subdivision be carried out on claims that the land is public;
 - c) The NLC has been unable to access the Karen Land file from the registry;
 - d) Muchanga Investments wrote a second time on 9/9/14 complaining of the same and has provided documents to prove ownership of the land. Records submitted to NLC show that the land was transferred to Arnold Bradley in 1928(entry no 4). The first title is dated 1928 and that in between 1928, entries show applications for subdivision and charges to various banks;
 - e) The land was transferred to Muchanga Investments in 1983 as LR 3586/3(original no 3586/2/3 vide certificate of title IR no 37285.
 - f) Other persons used the same subdivision in the exact format but using new LR no's. Any new subdivisions should have however followed the same format. Old LR no's were cancelled and the new deed plans have new LR

no;

- g) The NLC has written to the Director of Physical Planning, Director of Survey, Registrar of Titles and Records Office requesting for information on the parcel of land but no information has been received except from the Director of Physical Planning who has confirmed that he has no records of the parcel of land;
- h) Muchanga investments further claims that Mr. David Gitau, a private surveyor who did the work of subdivision received instructions from Ms. Pauline Gitimu who is a senior Deputy Director of Survey in the Survey Department;
- i) The Involvement of NLC in the matter was because subdivision approvals pass through the NLC and in this case they did not.

2.1.3 Evidence from the Ministry of Lands, Housing and Urban Development

9. During its 96th and 98th and 99th Sittings held on 4th, 18th and 25th November 2014 respectively, the Cabinet Secretary for Lands, Housing and Urban Development accompanied by Mr. Peter Kahuho, Ag. Lands Secretary, Mr. Barasa E. Wahonjo, SDS (Liaison Officer) and Mr. Geoffrey S. Birundu, Deputy Chief Land Registrar appeared before the Committee and informed the Committee that the matter was active in Court. Further the Cabinet Secretary informed the Committee as follows, THAT:

- a) The land was initially allocated to G.B Norman in 1919 for a 999 years lease and registered as parcel No. 46 which was later surveyed and given LR No. 3586;
- b) G.B Norman later sold the land to Mr. Arnold Bradley as 160 acres. The first subdivision was approved in 1941 to two portions - LR 3586/1 measuring approximately 20 acres and LR No. 3586/2 measuring approximately 140 acres which remained in the main file under Arnold Bradley who later attempted to transfer the said land in 1957 to Kikangati Mines, this company was also owned by Arnold Bradley and his family;
- c) It is not clear from the records if he attempted to transfer everything or a piece of it. However, in 1957, records show that Kikangati tried to sublease the land to Kenya Productions limited but the lease was not approved and

- the land reverted back to the original owner;
- d) The Cabinet Secretary is unaware of the 40 Members of Parliament mentioned as some of the beneficiaries of the Karen Land;
- e) The Committee directed that the Cabinet Secretary avails to the Committee additional information on the piece of land.

2.1.4 Evidence from the Ethics and Anti-Corruption Commission

10. During its 98th Sitting held on 18th November 2014, the Chairman, Ethics and Anti-Corruption Commission, Commissioner Mumo Matemu, MBS, accompanied by Mr. Halakhe Dido Waqo, Aciarb, Secretary/Chief Executive Officer and Mr. David Kaboro, Legal Officer appeared before the Committee and informed the Committee that:

- a) The EACC had already begun investigations in to the matter and was —working closely with the Criminal Investigations Department. The Committee was further informed that:
 - b) The possible offences being investigated were:
 - i). Abuse of office by various government officers
 - ii). Deceiving Principal
 - iii). Dealing with Suspect property
 - iv). Forgeries and fraud
 - v). Making false documents and altering documents
 - vi). Tax offences and other penal code offences
 - c) Depending on the findings, the EACC would embark on Asset recovery if its proved that the land was public;
 - d) Documents have been received from the Ministry of Lands, Housing and Urban Development and from other interested parties which at the face of it appear original but are yet to be authenticated .The EACC was therefore not able to verify the originality and authenticity of the documents received until a forensic audit was done. Further, that the EACC was still in the process of analyzing the documents received;
 - e) Claimants have submitted documents some of which are outright copies and others originals but are not yet authenticated.

2.1.5 Evidence from the Criminal Investigations Department

11. During its 98th Sitting held on 18th November 2014, Mr. Muhoro Ndegwa, Director CID, accompanied by Mr. Abdi Mohammed, Mr. Hicho Lasettyang and Mr. Patrick Maloba appeared before the Committee. The Committee was informed as follows: THAT: -

- a) The CID and The EACC were working together in the matter and that there was convergence in the investigations at some point in that the matters are being investigated required the two agencies, i.e. EACC and the CID to work together;
- b) The fact that there were various institutions investigating the matter i.e., the CID, EACC and the National Land Commission would not affect the investigation nor lead to loss of public funds since the mandate of each institution was clear and thus helped to separate issues being investigated;
- c) The CID seized the conflict earlier in May 2014 when the wife of the late P.C. Mburu raised a complaint; She however had no documents to prove ownership;
- d) None of the other parties have produced original documents as required. What have been submitted are copies;
- e) The CID has met with various claimants but it is still not possible to say who genuine owners are until investigations are concluded;
- f) The Director sought the indulgence of the Committee not to table documents to safeguard their sources and avoid compromising the cases and for more time to allow for handwritings to be subjected to a forensic audit.

2.2 Report of the Sub-Committee on LR No. 3586 (Karen Land)

12. During the 99th Sitting held on 25th November, 2014 the Cabinet Secretary for the Ministry of Lands, Housing and Urban Development tabled relevant documents relating to the disputed land LR No. 3586 in Karen thereafter the Committee resolved to form a select Committee which included the following Members:

- a) The Hon. John Kihagi, M.P
- b) The Hon. Shakila Abdalla, M.P
- c) The Hon. George Oner, M.P

d) The Hon. Eusilah Ngeny, M.P

e) The Hon. Francis Nderitu, M.P

13. The Sub-Committee, with the Assistance of officers from the Ministry of Lands, Housing and Urban Development were expected to scrutinize and interrogate various documents relating to the land as provided by the Ministry of Lands, Housing and Urban Development and the National Lands Commission and established as hereunder;

2.2.1 Analysis of Documents relating to the Land known as LR no 3586 by the Sub-Committee

I. Proof of Acquisition of the Land by Arnold Bradley

14. The land was allocated in 1919 to GB Norman for a period of 999 years. This was registered as parcel no. 46, which was later surveyed and given LR no.3586 measuring 160 acres. The property was later sold to Arnold Bradley in 1928 vide a transfer registered as IR 94/4.

15. On 14th February 1935 Arnold Bradley made a subdivision request for LR 3586. In 1942, the land was subdivided to create LR no.3581/1 and 3586/2 measuring 20 acres and 140 acres respectively. 140 acres remained under Arnold Bradley.

16. A memorandum of registration of transfer of Lands dated 27th February 1928 from GB Norman to Arnold Bradley was presented.

17. A certificate of title for 20.2 acres (LR 3586/1) was issued as a transfer to William Bertiam Wasner.

18. Mr. Bradley attempted to transfer the land to Kikangati Mines whose Directors were Arnold Bradley, Sarah Jeanette Bradley and Annette Therese Knight in 1957. Consent was given for transfer but the transfer never took place. There is also no evidence on the mother title that the land was ever transferred.

III. Lease to Kenya Productions Limited

19. In 1959, there was an attempt to sublease to Kenya Productions Ltd for motion pictures production, which was not approved by the Nairobi Urban Council, and the land remained under Bradley.

IV. Government Interest in the Land

20. In March 1976, there was a notice of intention to acquire the land by the Government vides Gazette notice 908 for LR 3586/1 and LR 3586/2(R), which was later withdrawn, vide Gazette notice No.1082 dated 1/1/1976.

21. John Mugo Kamau wrote vide a letter dated 30th March 1976, a complaint to the Commissioner of lands and requested the government to withdraw the gazette notice claiming that he had been on the property since 1968 farming hay grass and had later entered into a sale agreement and fully paid the owner the full purchase price before for the property before Bradley's demise, and acquired all the necessary consent and approvals.

V. Subdivision of LR no.3586/2

22. LR 3586/2 was later subdivided into two sub plots, LR 3586/2/2 and LR 3586/2/3(3586/3) approximately 2.019 and 54.39 ha respectively.

23. A Transfer (assent) was issued to Annette Therese Benson for 2.019 ha (LR 3586/2/2, and subdivision registration done on 2nd March 1978. Letter of consent of the Land Control Board was also issued.

VI. Acquisition by Barclays Bank

24. Barclays Bank limited acquired the land through probate as executors of the will of Arnold Bradley. This was registered in the Ministry of Land in 1978.

25. On 24/8/1978, the remainder of the land measuring 54.39 ha was transferred to John Mugo Kamau at a cost of Ksh.32 million. He acquired the land through purchase from Barclays Bank.

26. The entries have been made in the title for the transfers but the only supporting document is a consent of transfer between Arnold Bradley and John Mugo Kamau.

27. Other supporting documents i. e evaluation sheets for the land for John Mugo Kamau were requested but had not been availed.

Observation

a) Arnold Bradley ceased to appear in the correspondences from 1974 (last correspondence is a letter of consent for the sale and transfer to John Mugo Kamau dated 22nd July 1974).

b) His will was registered as a probate on 2nd March 1978.

VII. Transfer to Tele Source.Com Ltd

28. John Mugo owned the land between 1978 to 2005 after which he transferred it to Telesource.com ltd on 17th October 2005 at a sale price of approximately Kshs. 96 million and at an annual rent of Kshs. 48,000.00.

29. A transfer document with stamp duty registered with the Ministry of Lands was availed to the sub-Committee shows Josphert M. Konzolo and Mary Noelle

Imbanga Konzolo as the Directors of Telesource.Com ltd.

30.A letter of land board Consent for the transfer was also availed.

VIII. Subsequent Sub-divisions

31.Telesource complained of an attempt to subdivide the land on 18th March 2011. Deed plans dated 16th August 1990 were produced by the Director of Survey and given to Telesource.com in 2011 who later submitted them for cancellation and applied for a new subdivision which was concluded in March 2014.

32.A certificate of title was issued to all 189 sub-plots and a number of them have already been sold to third parties. For example LR 3586/382 measuring 0.154 ha was sold to Wananchi Supplies Limited for Kshs. 20 million on 24th October 2014.The Directors of Wananchi Supplies are Manjit Singh Sethi and Perminder Singh Sethi.

Observation

a) The land currently has been transferred to individual owners. About 100 pieces have been transferred the remainder being in the proprietors name.

IX. Acquisition of the Land by Muchanga Investments

33.The Ministry does not have records to prove Muchanga's acquisition. What the Ministry has are court documents served and filed as supporting documents in support of Muchanga's petition. In the documents, there exists a provisional sale agreement between Muchanga and Barclays Bank;

34.The Certificate of title by Muchanga IR No. 37285 does not correspond to any LR no. In the Ministry's registry.

Observation

a) Up to 1978, title documents submitted by Muchanga Investments and Telesource.com Ltd show the same entries on the original title for Arnold Bradley. However, In 1983 there is an entry where LR 3586/2/3 (3586/3) is transferred to Muchanga on 11th February 1983 (on Muchanga's title) while a corresponding entry on the title produced by the Ministry, IR 94/24 transfers the same property to John Mugo Kamau on 24th August 1978 .

b) The Buyers address (Muchanga) and the lawyer's address (Da Gama Rose) in the provisional transfer from Barclays Bank are similar. The Transfer is also not signed.

c) Entry No. 24, which is a purported transfer to Muchanga, is initially entered as an assent implying Muchanga was an heir to Arnold Bradley. This is later cancelled

but not initialed in the register.

- d) The documents by Muchanga have a fatal flaw on entry 18, which was made on 2nd March 1978 but is later cancelled to allow another entry dated 1963 and another entry dated 1977 before reinserting the entry as No. 20 of 1978. This could imply that all the entries on the title presented by Muchanga could have been made on the same day.

3.0 OBSERVATIONS

The Committee makes the following Observations: THAT

1. The matter is active in court;
2. The Committee took up the matter before it was taken to court;
3. Committee members under the provisions of Standing order 90 on declaration of interest declared that ~~none of them~~ owns land in the disputed parcel in Karen.
4. There is a systematic documentation of the ownership of the land from 1919 to 2005 which would support the transfer from Arnold Bradley to John Mugo Kamau to Telesource.com Ltd;
5. The correspondence and documentation of the ownership between Arnold Bradley and John Mugo Kamau with reference no LR 3586/3 predates the demise of Arnold Bradley. There is no relationship between Muchanga Investments and Arnold Bradley at all.
6. Entries made in the title copy provided by Muchanga Investments show a clear case of tampering and cancellations which would be suspicious and seen to be entries made at a single sitting.

4.0 RECOMMENDATIONS

The Committee makes the following recommendations, THAT:

1. The Ethics and Anti- Corruption Commission and the Criminal Investigations Department should verify the authenticity of the documents relating to the land through forensic analysis.

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MINUTES OF THE 105 TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON WEDNESDAY 11TH DECEMBER 2014, AT THE COMMITTEE ROOM ON 9TH FLOOR PARLIAMENT BUILDINGS AT 10.00 A.M

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Francis W. Nderitu, M.P.
3. The Hon. Onesmus Ngunjiri, M.P.
4. The Hon. Dr. Paul Otuoma, M.P.
5. The Hon. Francis Njenga Kigo, M.P.
6. The Hon. A. Shariff, M.P.
7. The Hon. Hezron Awiti Bollo, M.P.
8. The Hon. Hellen Chepkwony, M.P.
9. The Hon. Sarah Korere, M.P.
10. The Hon. Joseph Oyugi Magwanga, M.P.
11. The Hon. Suleiman Dori, M.P.
12. The Hon. Bernard Bett, M.P.
13. The Hon. Kipruto Moi, M.P.
14. The Hon. Gideon Mung'aro, M.P.
15. The Hon. George Oner, M.P.
16. The Hon. Mpuru Aburi, M.P.

APOLOGIES

1. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
2. The Hon. Mutava Musyimi, M.P.
3. The Hon. Thomas Mwadeghu, M.P.
4. The Hon. Eusilah Ngeny, M.P.
5. The Hon. Esther Murugi, M.P.
6. The Hon. John Kihagi, M.P.
7. The Hon. Benson Mbai, M.P.
8. The Hon. Shakila Abdallah, M.P.
9. The Hon. Kanini Kega, M.P.
10. The Hon. Mathew L. Lempurkel, M.P.
11. The Hon. Mpuru Aburi, M.P.
12. The Hon. Patrick Makau, M.P.
13. The Hon. Julius Ndegwa, M.P.

ABSENT

1. The Hon. Oscar Sudi, M.P.

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono Clerk Assistant I
2. Ms. Ruth Mwhaki Clerk Assistant III

MINUTE NO. DCK/LN/2014/285

PRELIMINARIES

The Chairman called the meeting to order at 10.25 a. m.

MINUTE NO. DCK/LN/2014/286

CONSIDERATION AND ADOPTION OF THE
COMMITTEE REPORT KAREN LAND (LR
3586/3)

The Considered and adopted the report after being proposed by the Hon. Francis W. Nderitu, M.P and Seconded by the Hon. Bernard Bett, M.P as follows:

The Committee makes the following Observations: THAT

- 1.The matter is active in court;
- 2.The Committee took up the matter before it was taken to court;
- 3.Committee members under the provisions of Standing order 90 on declaration of interest declared that none of them owns land in the disputed parcel in Karen.
- 4.There is a systematic documentation of the ownership of the land from 1919 to 2005 which would support the transfer from Arnold Bradley to John Mugo Kamau to Telesource.com Ltd;
- 5.The correspondence and documentation of the ownership between Arnold Bradley and John Mugo Kamau with reference to LR 3586/3 predates the demise of Arnold Bradley. There is no relationship between Muchanga Investments and Arnold Bradley at all.
- 6.Entries made in the title copy provided by Muchanga Investments show a clear case of tampering and cancellations which would be suspicious and seen to be entries made at a single sitting.

The Committee makes the following recommendations, THAT:

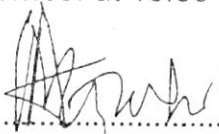
- 1.The Ethics and Anti- Corruption Commission and the Criminal Investigations Department should verify the authenticity of the documents relating to the land.

MINUTE NO. DCK/LN/2014/287
SITTING

ADJOURNMENT & DATE OF THE NEXT

And the time being ten minutes 12 O'clock, the Chairperson adjourned the Sitting to Thursday 11th December at 10.00 a. m

SIGNED


.....

(CHAIRPERSON)

DATE

10/12/14
.....
.....

MINUTES OF THE NINETY NINTH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY 25TH NOVEMBER 2014, AT THE MINI CHAMBERS, COUNTY HALL HOUSE AT 10.00 A.M

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - V/Chair
3. The Hon. Onesmus Ngunjiri, M.P.
4. The Hon. Francis W. Nderitu, M.P.
5. The Hon. Hellen Chepkwony, M.P.
6. The Hon. Bernard Bett, M.P.
7. The Hon. Kipruto Moi, M.P.
8. The Hon. Sarah Korere, M.P.
9. The Hon. John Kihagi, M.P.
10. The Hon. Benson Mbai, M.P.
11. The Hon. Suleiman Dori, M.P.
12. The Hon. Thomas Mwadeghu, M.P.
13. The Hon. Kanini Kega, M.P.
14. The Hon. Gideon Mung'aro, M.P.
15. The Hon. Dr. Paul Otuoma, M.P.
16. The Hon. Esther Murugi, M.P.
17. The Hon. Shakila Abdallah, M.P.
18. The Hon. Joseph Oyugi Magwanga, M.P.
19. The Hon. Mpuru Aburi, M.P.
20. The Hon. A. Shariff, M.P.
21. The Hon. Julius Ndegwa, M.P.
22. The Hon. Eusilah Ngeny, M.P.
23. The Hon. George Oner, M.P.
24. The Hon. Hezron Awiti Bollo, M.P.
25. The Hon. Patrick Makau, M.P.
26. The Hon. Mathew L. Lempurkel, M.P.

APOLOGIES

1. The Hon. Mutava Musyimi, M.P.
2. The Hon. Francis Kigo Njenga, M.P.

ABSENT

1. The Hon. Oscar Sudi, M.P.

IN ATTENDANCE

MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT

1. Hon. Charity-K. Ngilu Cabinet Secretary
2. Geoffrey S. Birundu Deputy Chief Land Registrar

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono Clerk Assistant I
2. Ms. Ruth Mwhaki Clerk Assistant III
3. Mr. Noah Arap Too Research and Policy Analyst I
4. Ms. Lynette Otieno Legal Counsel II

MINUTE NO. DCK/LN/2014/257

PRELIMINARIES

The Chairman called the meeting to order at 10.25 a. m with a word of prayer. He further informed members that the Cabinet Secretary was appearing before the Committee to respond to questions by private notice asked at the floor of the House. Members were also informed that the Karen Land matter had been raised as a question at the Floor of the House and had therefore been listed in the order paper among the issues the Cabinet Secretary was scheduled to address.

MINUTE NO. DCK/LN/2014/258

ADOPTION OF THE AGENDA

The agenda was adopted after being proposed by the Hon. Onesmus Ngunjiri, M.P and seconded by the Hon. George Oner, M.P.

MINUTE NO. DCK/LN/2014/259

QUESTION TO THE CABINET SECRETARY
MINISTRY OF LANDS ,HOUSING AND
URBAN DEVELOPMENT BY THE
DEPARTMENTAL COMMITTEE ON LAND
ON THE STATUS OF THE OWNERSHIP OF
THE LAND REGISTERED AS L. R. NO.
3586/3 IN KAREN, NAIROBI COUNTY.

The Cabinet Secretary expressed her concern over being invited to respond to the Karen matter despite the fact that the Committee in its sitting held on Tuesday 18th November had resolved to give her two weeks to adequately prepare and respond to the matter. She further raised concern that the notice given was too short against the 7 days' notice as provided for by the Standing Orders.

The Committee noted that questions by private notice should be responded to within 3 days as provided for by the Standing Orders and the Cabinet Secretary was therefore properly before the Committee.

The Cabinet Secretary thereafter laid before the Committee ownership documents for the Karen Land and informed the Committee that an officer from the Ministry would be availed to take the Committee through the documents.

The Committee resolved:

That the following members meet and interrogate the documents laid and report back to the Committee on Tuesday, 2nd December 2014.

1.Hon. John Kihagi	Chairing
2.Hon. George Oner	Member
3.Hon. Francis Nderitu	Member
4.Hon. Eusilah Ngeny	Member
5.Hon. Shakillah Abdalla	Member

MINUTE NO. DCK/LN/2014/260

QUESTION TO THE CABINET SECRETARY
MINISTRY OF LANDS, HOUSING AND
URBAN DEVELOPMENT BY QUESTION BY
THE HON. JESSICA N.K. MBALU, M.P

The question was deferred due to the absence of the questioner in the meeting.

MINUTE NO. DCK/LN/2014/261

QUESTION TO THE CABINET SECRETARY
MINISTRY OF LANDS, HOUSING AND
URBAN DEVELOPMENT BY QUESTION BY
THE HON. GEOFFREY ODANGA, M.P

The question was deferred due to the absence of the questioner in the meeting.

MINUTE NO. DCK/LN/2014/262

ANY OTHER BUSINESS.

i. Vote of No Confidence in the Committee Chairman

Members were informed that a senior Clerk would preside over the next sitting whose agenda was vote of no confidence on the Chairman

MINUTE NO. DCK/LN/2014/263
SITTING

ADJOURNMENT & DATE OF THE NEXT

And the time being fifty minutes past ten O'clock, the Chairperson adjourned the sitting to 11.00 a. m.

SIGNED


.....
(CHAIRPERSON)

DATE

11/12/2014
.....

MINUTES OF THE NINETY NINTH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY 25TH NOVEMBER 2014, AT THE MINI CHAMBERS, COUNTY HALL HOUSE AT 10.00 A.M

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - V/Chair
3. The Hon. Onesmus Ngunjiri, M.P.
4. The Hon. Francis W. Nderitu, M.P.
5. The Hon. Hellen Chepkwony, M.P.
6. The Hon. Bernard Bett, M.P.
7. The Hon. Kipruto Moi, M.P.
8. The Hon. Sarah Korere, M.P.
9. The Hon. John Kihagi, M.P.
10. The Hon. Benson Mbai, M.P.
11. The Hon. Suleiman Dori, M.P.
12. The Hon. Thomas Mwadeghu, M.P.
13. The Hon. Kanini Kega, M.P.
14. The Hon. Gideon Mung'aro, M.P.
15. The Hon. Dr. Paul Otuoma, M.P.
16. The Hon. Esther Murugi, M.P.
17. The Hon. Shakila Abdallah, M.P.
18. The Hon. Joseph Oyugi Magwanga, M.P.
19. The Hon. Mpuru Aburi, M.P.
20. The Hon. A. Shariff, M.P.
21. The Hon. Julius Ndegwa, M.P.
22. The Hon. Eusilah Ngeny, M.P.
23. The Hon. George Oner, M.P.
24. The Hon. Hezron Awiti Bollo, M.P.
25. The Hon. Patrick Makau, M.P.
26. The Hon. Mathew L. Lempurkel, M.P.

APOLOGIES

1. The Hon. Mutava Musyimi, M.P.
2. The Hon. Francis Kigo Njenga, M.P.

ABSENT

1. The Hon. Oscar Sudi, M.P.

IN ATTENDANCE

MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT

1. Hon. Charity K. Ngilu Cabinet Secretary
2. Geoffrey S. Birundu Deputy Chief Land Registrar

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono Clerk Assistant I
2. Ms. Ruth Mwhaki Clerk Assistant III
3. Mr. Noah Arap Too Research and Policy Analyst I
4. Ms. Lynette Otieno Legal Counsel II

MINUTE NO. DCK/LN/2014/257

PRELIMINARIES

The Chairman called the meeting to order at 10.25 a. m with a word of prayer. He further informed members that the Cabinet Secretary was appearing before the Committee to respond to questions by private notice asked at the floor of the House. Members were also informed that the Karen Land matter had been raised as a question at the Floor of the House and had therefore been listed in the order paper among the issues the Cabinet Secretary was scheduled to address.

MINUTE NO. DCK/LN/2014/258

ADOPTION OF THE AGENDA

The agenda was adopted after being proposed by the Hon. Onesmus Ngunjiri, M.P and seconded by the Hon. George Oner, M.P.

MINUTE NO. DCK/LN/2014/259

QUESTION TO THE CABINET SECRETARY
MINISTRY OF LANDS, HOUSING AND
URBAN DEVELOPMENT BY THE
DEPARTMENTAL COMMITTEE ON LAND
ON THE STATUS OF THE OWNERSHIP OF
THE LAND REGISTERED AS L. R. NO.
3586/3 IN KAREN, NAIROBI COUNTY.

The Cabinet Secretary expressed her concern over being invited to respond to the Karen matter despite the fact that the Committee in its sitting held on Tuesday 18th November had resolved to give her two weeks to adequately prepare and respond to the matter. She further raised concern that the notice given was too short against the 7 days' notice as provided for by the Standing Orders.

The Committee noted that questions by private notice should be responded to within 3 days as provided for by the Standing Orders and the Cabinet Secretary was therefore properly before the Committee.

The Cabinet Secretary thereafter laid before the Committee ownership documents for the Karen Land and informed the Committee that an officer from the Ministry would be availed to take the Committee through the documents.

The Committee resolved:

That the following members meet and interrogate the documents laid and report back to the Committee on Tuesday, 2nd December 2014.

1.Hon. John Kihagi	Chairing
2.Hon. George Oner	Member
3.Hon. Francis Nderitu	Member
4.Hon. Eusilah Ngeny	Member
5.Hon. Shakillah Abdalla	Member

MINUTE NO. DCK/LN/2014/260

QUESTION TO THE CABINET SECRETARY
MINISTRY OF LANDS, HOUSING AND
URBAN DEVELOPMENT BY QUESTION BY
THE HON. JESSICA N.K. MBALU, M.P

The question was deferred due to the absence of the questioner in the meeting.

MINUTE NO. DCK/LN/2014/261

QUESTION TO THE CABINET SECRETARY
MINISTRY OF LANDS, HOUSING AND
URBAN DEVELOPMENT BY QUESTION BY
THE HON. GEOFFREY ODANGA, M.P

The question was deferred due to the absence of the questioner in the meeting.

MINUTE NO. DCK/LN/2014/262

ANY OTHER BUSINESS.

i. Vote of No Confidence in the Committee Chairman

Members were informed that a senior Clerk would preside over the next sitting whose agenda was vote of no confidence on the Chairman

MINUTE NO. DCK/LN/2014/263

ADJOURNMENT & DATE OF THE NEXT

SITTING

And the time being fifty minutes past ten O'clock, the Chairperson adjourned the sitting to 11.00 a. m.

SIGNED


.....
(CHAIRPERSON)

DATE

11/12/2014
.....



**MINUTES OF THE NINETY EIGHTH SITTING OF THE DEPARTMENTAL COMMITTEE
(K) ON LANDS HELD ON TUESDAY 18TH NOVEMBER 2014, AT THE MINI
CHAMBERS,COUNTY HALL HOUSE AT 10.00 A.M**

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - V/Chair
3. The Hon. Onesmus Ngunjiri, M.P.
4. The Hon. Francis W. Nderitu, M.P.
5. The Hon. Francis Kigo Njenga, M.P.
6. The Hon. Hellen Chepkwony, M.P.
7. The Hon. Bernard Bett, M.P.
8. The Hon. Kipruto Moi, M.P.
9. The Hon. Sarah Korere, M.P.
10. The Hon. John Kihagi, M.P.
11. The Hon. Benson Mbai, M.P.
12. The Hon. Suleiman Dori, M.P.
13. The Hon. Thomas Mwadeghu, M.P.
14. The Hon. Kanini Kega, M.P.
15. The Hon. Gideon Mung'aro, M.P.
16. The Hon. Dr. Paul Otuoma, M.P.
17. The Hon. Esther Murugi, M.P.
18. The Hon. Shakila Abdallah, M.P.
19. The Hon. Joseph Oyugi Magwanga, M.P.
20. The Hon. Mpuru Aburi, M.P.
21. The Hon. A. Shariff, M.P.
22. The Hon. Julius Ndegwa, M.P.
23. The Hon. Eusilah Ngeny, M.P.
24. The Hon. George Oner, M.P.
25. The Hon. Hezron Awiti Bollo, M.P.

APOLOGIES

1. The Hon. Mutava Musyimi, M.P.
2. The Hon. Mathew L. Lempurkel, M.P.
3. The Hon. Patrick Makau, M.P.

ABSENT

1. The Hon. Oscar Sudi, M.P.

IN ATTENDANCE

MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT

Hon. Charity K. Ngilu Cabinet Secretary
Mr. Geoffrey S. Birundu Deputy Chief Land Registrar

ETHICS AND ANTI CORRUPTION COMMISSION

1. Commissioner Mumo Matemu, MBS -Chairman
2. Mr. Halakhe Dido Waqo, Aciarb- Secretary/Chief Executive Officer
3. Mr. David Kaboro, Legal Officer

CRIMINAL INVESTIGATIONS DEPARTMENT

1. Mr. Muhoro Ndegwa - Director CID,

2. Mr. Abdi Mohammed-DCI
3. Mr. Hicho Lasettyang-DCI
4. Mr. Patrick Maloba-DCI

KENYA NATIONAL ASSEMBLY

- | | |
|-----------------------|---------------------|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Ms. Ruth Mwihaki | Clerk Assistant III |
| 1. Mr. Joshua Ondari | Clerk Assistant III |
| 2. Ms. Lynette Otieno | Legal Counsel II |

MINUTE NO. DCK/LN/2014/250

PRELIMINARIES

The Chairman called the meeting to order at 10.25 a. m with a word of prayer.

MINUTE NO. DCK/LN/2014/251

ADOPTION OF THE AGENDA

The agenda was adopted after being proposed by the Hon. Kanini Kega, M.P and seconded by the Hon. Francis Nderitu Waweru, M.P.

MINUTE NO. DCK/LN/2014/252

SUMBISSIONS BY THE CHAIRMAN ETHICS AND ANTI CORRUPTION COMMISSION (EACC) ON KAREN LAND

The Committee was informed as follows the EACC had already begun investigations in to the matter and was working closely with the Criminal Investigations department. The Committee was further informed that:

1. Possible offences being investigated were:
 - i). Abuse of office by various government officers
 - ii). Deceiving Principal
 - iii). Dealing with Suspect property
 - iv). Forgeries and fraud
 - v). Making false documents and altering documents
 - vi). Tax offences and other penal code offences
2. Depending on the findings, the EACC would embark on Asset recovery if its proved that the land was public,
3. Documents have been received from the Ministry of Lands, Housing and Urban Development and from other interested parties which at the face of it appear original but are yet to be authenticated .The EACC was therefore not in therefore not able to verify the originality and authenticity of the documents received until a forensic audit was done. Further, that the EACC was still in the process of analyzing the documents received.
4. Claimants have submitted documents some of which are outright copies and others originals but are not yet authenticated.

MINUTE NO. DCK/LN/2014/253

SUMBISSIONS BY THE DIRECTOR, CRIMINAL INVESTIGATIONS DEPARTMENT ON KAREN LAND

The Committee was informed as follows: That;

1. The CID and The EACC were working together in the matter and that there was convergence in the investigations at some point in that the matters being investigated required the two agencies, i.e. EACC and the CID to work together.
2. The CID seized the conflict earlier in May 2014 when a complaint was raised by the wife of the late PC Mburu. She however had no documents to prove

- ownership.
3. None of the other parties have produced original documents as required. What has been submitted are copies.
 4. The CID has met with various claimants but it is still not possible to say who genuine owners are until investigations are concluded.
 5. The fact that there were various institutions investigating the matter i.e., the CID, EACC and the National Land Commission would not affect the investigation nor lead to loss of public funds since the mandate of each institution was clear and thus helped to separate issues being investigated.
 6. The Director sought the indulgence of the Committee not to table documents to safeguard their sources and avoid compromising the cases and for more time to allow for handwritings to be subjected to a forensic audit.

Committee Resolution:

The Committee resolved that the EACC and the CID Departments be given time to sit and analyze the information so received and report to the committee in Thirty days.

MINUTE NO. DCK/LN/2014/254

SUBMISSIONS BY THE CABINET SECRETARY
MINISTRY OF LANDS, HOUSING AND
URBAN DEVELOPMENT ON THE
QUESTION BY HON. JAKOYO
MIDIWO/KAREN LAND

KAREN LAND MATTER

The Cabinet Secretary sought guidance on whether to answer the Karen Land question since it was not listed in the invitation letter for the days sitting.

The Cabinet Secretary was informed that since she had committed herself on the Karen Land question in an earlier sitting, the Karen Land matter was still part of the days agenda.

The Cabinet Secretary informed the Committee that the matter of Karen land was active in court.

The Cabinet Secretary also informed the committee that she had the Documents relating to the land but they had not been sorted out and requested for more time to sort them out and present them to the Committee in two weeks.

The Committee resolved:

That the CS be accorded more time to sort out the Karen land documents and present them to the Committee.

QUESTION BY HON. JAKOYO MIDIWO

The Committee was informed as follows:

1. Allocation of LR 209/13332

From the Ministry's records, the land was allocated to Rosestar properties limited in 1996 and a title issued on 17th December 1996. This allocation was sanctioned by the then Permanent Secretary for National Planning.

2. The title was charged to Diamond trust Bank on 18th December 1996. Trust Bank was put under receivership and all its assets and Liabilities taken over by the Deposit Protection Fund (DPF). The original title of Rosestar Properties limited should be with the DPF. The Ministry has written to the DPF to get back the original

title to reconstruct the information following the various court orders pertaining the same land;

3. Revocation of title

The registrar of title in April 2010 vide gazette notice no.3640 revoked the title of Rosestar Properties limited among others;

4. Court Orders and Cancellation of Revocation

In 2010, the High Court of Kenya ruled on petition no 106 of 2010 by a company called Sound Equipment Limited which sought the cancellation of the gazette notice no.3640. The High Court granted the orders cancelling the gazette notice in its entirety. This included the title held by Rosestar Properties Limited which was included in the revocation.

In addition, the High Court of Kenya at Nairobi in petition No.178 of 2011 brought by Power Technics Limited ruled that all the titles that had been revoked by the registrar of titles under various gazette notices No's 3640,9230,7751 and 13104 be reinstated within 21 days of the Court Ruling. The Revocation was cancelled vide gazette notice No.12864 of 13th September 2013.

5. Allocation of the same land to Department of Immigration

After the title to Rosestar Properties was revoked, the Ministry allocated the piece of land to the Department of Immigration and registration of persons and issued a Title to the Permanent Secretary for Treasury of Kenya as a trustee on 14th May 2010. This title is still being held by the Treasury.

6. The reinstatement of the Title to Rosestar Property means that there are now two titles to the same land, a situation that is not tenable;

7. Other claims to the land

National Council for Population and Development through its parent Ministry of Devolution and Planning has written to the ministry laying claim to the same land;

8. Ministry Recommendations

The Ministry had no choice but to obey the Court orders to re-instate the title of Rosestar Properties. However, since this title is held by the Deposit Protection Fund, it is important to establish whether the Title is still in the custody of Deposit Protection Fund.

9. The Title to the Department of Immigration and Registration of Persons should be nullified as it is superseded by the earlier title to Rosestar which has been reinstated;

10. That the Cabinet looks at the Matter in its totality and gives a direction given that the land in question is being claimed by two government agencies. A third government Agency, the Deposit Protection Fund is holding the private title for Rosestar properties as a way of protecting public resources.

The Committee further heard that:

1. The Ministry had already written to the Deposit Protection fund requesting for any information and documents regarding the piece of land
2. The land is still undeveloped to date
3. The information about an intended sale of the Land by S.M.Muhia and Co advocates is not with the Ministry
4. The current title that is legal is the one being held by Rosestar

MINUTE NO. DCK/LN/2014/255

ANY OTHER BUSINESS.

i. Vote of No Confidence in the Committee Chairman

The Chairman informed the members that he has been served with the notice of the vote of No confidence on the Chairman via email at 5.21 pm on Friday 14th November and urged that the Committee follows the laid down procedure proceeding with the matter.

The Committee was informed that the procedure for removing the Chairman is as it is laid down in Standing Order.193. The Committee was therefore scheduled to meet in 7 days, that is on 25th November 2014 at 10.00 am where the only agenda would be the Vote of no Confidence on the Chairman. Further, that the Committee must then make a resolution, which if carried shall be communicated to the Liaison Committee by a member designated by the Committee on the removal of the Chairman

ii.Attendance by Hon. Jakoyo Midiwo

The Hon. Jakoyo Midiwo expressed his dissatisfaction with the fact that he had not been invited for the meeting yet he was the questioner in the matter the Cabinet Secretary had appeared before the Committee to address and therefore his input to his question as asked to the Cabinet Secretary had been lost.

Members noted that the speaker had made a communication in the House on Thursday 13th November 2014 regarding the appearance by the Cabinet secretary and that the meeting had been listed in the order paper. The Hon. Midiwo was therefore aware of the sitting.

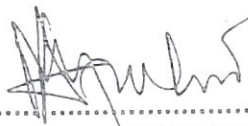
iii. Resolution of the Issues between the National Land Commission and the Ministry

The Committee was informed that the Ministry and the NLC had met the president settled the issues that had been affecting them.

MINUTE NO. DCK/LN/2014/256 ADJOURNMENT & DATE OF THE NEXT SITTING

And the time being fifteen minutes past one O'clock, the Chairperson adjourned the Sitting to Tuesday 25th November at 11.00 a. m

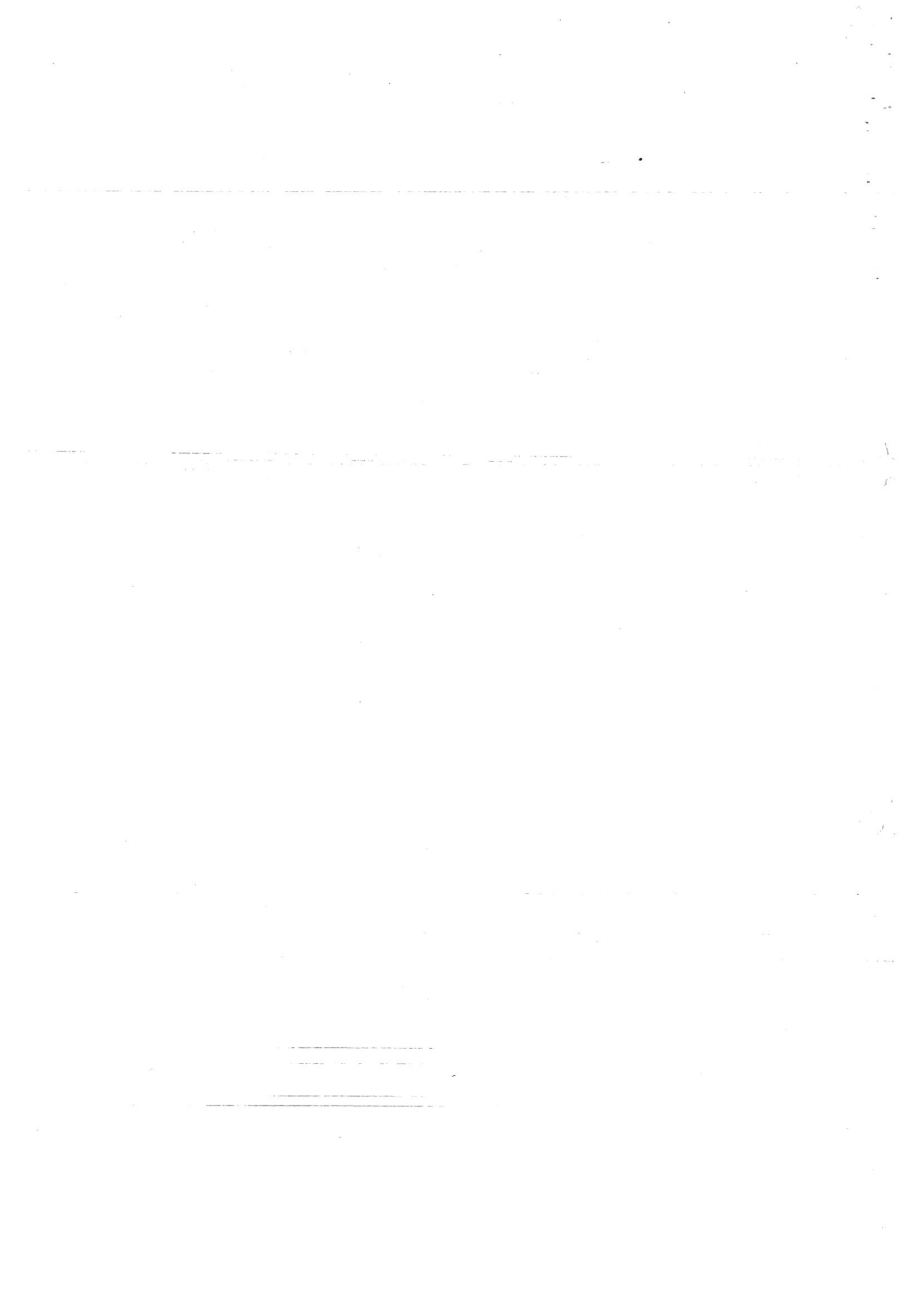
SIGNED



.....
(CHAIRPERSON)

DATE

4/12/2014
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**MINUTES OF THE NINETY SIXTH SITTING OF THE DEPARTMENTAL COMMITTEE
(K) ON LANDS HELD ON TUESDAY 4TH NOVEMBER 2014, AT THE 2ND FLOOR
COMMITTEE ROOM, CONTINENTAL HOUSE AT 11.00 A.M**

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
3. The Hon. Mutava Musyimi, M.P.
4. The Hon. Dr. Paul Otuoma, M.P.
5. The Hon. Francis W. Nderitu, M.P.
6. The Hon. Onesmus Ngunjiri, M.P.
7. The Hon. Francis Kigo Njenga, M.P.
8. The Hon. Hellen Chepkwony, M.P.
9. The Hon. Sarah Korere, M.P.
10. The Hon. Joseph Oyugi Magwanga, M.P.
11. The Hon. Bernard Bett, M.P.
12. The Hon. Kipruto Moi, M.P.
13. The Hon. Patrick Makau, M.P.
14. The Hon. John Kihagi, M.P.
15. The Hon. George Oner, M.P.
16. The Hon. Benson Mbai, M.P.
17. The Hon. Hezron Awiti Bollo, M.P.
18. The Hon. A. Shariff, M.P.
19. The Hon. Esther Murugi, M.P.
20. The Hon. Mpuru Aburi, M.P.

APOLOGIES

1. The Hon. Kanini Kega, M.P.
2. The Hon. Gideon Mung'aro, M.P.
3. The Hon. Mathew L. Lempurkel, M.P.
4. The Hon. Julius Ndegwa, M.P.
5. The Hon. Suleiman Dori, M.P.
6. The Hon. Thomas Mwadeghu, M.P.
7. The Hon. Shakila Abdallah, M.P.
8. The Hon. Eusilah Ngeny, M.P.

ABSENT

1. The Hon. Oscar Sudi, M.P.

IN ATTENDANCE

1. The Hon. Jakoyo Midiwo, M.P.
2. The Hon. Kimani Ichungwa, M.P.

MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT

1. Hon. Charity Ngilu- Cabinet Secretary, Ministry of Lands,
2. Mr. Peter Kahuho-Lands Secretary
3. Mr. Barasa E. Wohonjo-SDS(Liason Officer)

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono - Clerk Assistant-I
2. Ms. Ruth Mwhaki - Clerk Assistant III

3. Ms. Anne Kigoro
4. Mr. Yakub Ahmed

Research Assistant III
Media Relations Officer III

MINUTE NO. DCK/LN/2014/233

PRELIMINARIES

The Chairman called the meeting to order at 11.23 a. m with a word of prayer.

MINUTE NO. DCK/LN/2014/234

ADOPTION OF THE AGENDA

The agenda was adopted after being proposed by the Hon. Francis Nderitu, M.P and seconded by the Hon. Hezron Awiti Bollo, M.P.

MINUTE NO. DCK/LN/2014/235

BRIEF FROM HON. JAKOYO MIDIWO
REGARDING THE MINISTERIAL QUESTION ON
CIRCUMSTANCES SURROUNDING A PARCEL
OF LAND IDENTIFIED AS LR.NO.209/13332 IN
COMMUNITY AREA, NAIROBI

As per the Provisions of Standing order 90 on Declaration of Interest, the Hon. Jakoyo Midiwo declared that he has no interest in the piece of land in Question and only took up the matter when it was brought to his attention by a Kenyan on goodwill.

The Committee thereafter informed that:

1. The land in question, LR No. 209/13332 is in the Community area of Nairobi, opposite the law Courts and was inhabited by Administration Police and had some wooden houses constructed but at some point the houses were burnt down;
2. The parcel is among those mentioned in the Ndung'u report and during Presidents Kibaki's administration, some individuals owned the land and had a title deed which had been charged to a collapsed bank for ksh.300 million;
3. S.M. Muhia and Co. advocates now claim to have authority to sell that land in the name of Rosestar Properties limited;
4. The gazette notice revoking the title was a special issue while the listed owners are not the actual owners;
5. The Minister should clarify on the ownership of the land and other pieces of land mentioned in the Ndung'u report which are at a risk of being grabbed.

MINUTE NO. DCK/LN/2014/236

SUBMISSIONS FROM THE CABINET
SECRETARY FOR LANDS, HOUSING AND
URBAN DEVELOPMENT

QUESTION BY HON. JAKOYO MIDIWO

The Committee was informed that:

1. According to the Ministry's records, the land was allocated to a private developer i. e Rosestar properties vide letter of allotment Ref.No.32639/V/19 on 29th October 1996 with the consent of the Permanent Secretary in the office of the Ministry of Planning and National Development;
2. The allocation of land was based on the no objection letter written by the Permanent Secretary Ministry of Planning and National Development dated 14th October 1996;
3. The title of the property was revoked vide gazette notice No.3460 of 1st April 2010.Following the revocation, a title IR No.123384/1 was issued to the Permanent Secretary to the Treasury as trustee for Ministry of Immigration and registration of Persons on 3rd June 2010.The revocation of the title for Rosestar Properties Limited

was reversed following a court Decision in the High Court of Kenya at Nairobi petition no 106 of 20010 and on advise by the Attorney General vide a letter dated 8th July 2013. Gazette Notice No. 12864 of 13th September, 2013, was subsequently issued;

4. The ownership and shareholding of Rosestar properties Limited is Aaron Omeke and Jignes Patel;
5. The property is being claimed by the department of Immigration, the National Council of population and Development and the Rosestar investments. The matter therefore required further investigation and advice from the Attorney General.

Committee Observations

Members observed that the court case attached in the Cabinet Secretaries submission refers to LR 209/12184 while the LR in question is 209/13332.

Committee Recommendations

The Committee resolved that the Cabinet Secretary re-appears before the Committee and makes submissions specific to LR no 209/13332 on Tuesday 11th November 2014 at 10.00 a.m.

KAREN LAND DISPUTE

The Committee was informed that the matter is already in Court and that the Ministry was dealing with about 7000 other cases regarding land in the courts;

The Committee was also informed as follows:

1. The land was initially allocated to G.B Norman in 1919 for a 999 years lease and registered as parcel No. 46 which was later surveyed and given LR No. 3586;
2. G.B Norman later sold the land to Mr. Arnold Bradley as 160 acres. The first subdivision was approved in 1941 to two portions - LR 3586/1 measuring approximately 20 acres and LR No. 3586/2 measuring approximately 140 acres which remained in the main file under Arnold Bradley who later attempted to transfer the said land in 1957 to Kikangati Mines, this company was also owned by Arnold Bradley and his family;
3. It is not clear from the records if he attempted to transfer everything or a piece of it. However, in 1957, records show that Kikangati tried to sublease the land to Kenya Productions limited but the lease was not approved and the land reverted back to the original owner;
4. The Cabinet Secretary is unaware of the 40 Members of Parliament mentioned as some of the beneficiaries of the Karen Land;

Committee Observations

Members observed that there was an unexplained lack of information on transactions on the land between 1957 and 1983 which was not justified.

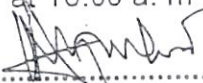
Committee Resolution:

The Committee resolved that the Cabinet Secretary appears before the Committee on Tuesday 11th November to address the following matters:

- a) - Provide deeds and other documents being held by the EACC;
- b) How Mr. Arnold Bradley acquired the land in 1928;

And the time being Thirty Minutes past two O'clock, the Chairperson adjourned the Sitting to Tuesday 11th November at 10.00 a. m.

SIGNED



.....
(CHAIRPERSON)

DATE

11/12/2014
.....

**MINUTES OF THE NINETY FIFTH SITTING OF THE DEPARTMENTAL COMMITTEE
(K) ON LANDS HELD ON TUESDAY 28TH OCTOBER 2014, AT THE 4TH FLOOR
BOARD ROOM, PROTECTION HOUSE AT 10.30 A.M**

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
3. The Hon. Francis W. Nderitu, M.P.
4. The Hon. Mutava Musyimi, M.P.
5. The Hon. Francis Kigo Njenga, M.P.
6. The Hon. Eusilah Ngeny, M.P.
7. The Hon. Hellen Chepkwony, M.P.
8. The Hon. Mathew L. Lempurkel, M.P.
9. The Hon. Sarah Korere, M.P.
10. The Hon. Joseph Oyugi Magwanga, M.P.
11. The Hon. Bernard Bett, M.P.
12. The Hon. Kipruto Moi, M.P.
13. The Hon. Patrick Makau, M.P.
14. The Hon. John Kihagi, M.P.
15. The Hon. Thomas Mwadeghu, M.P.
16. The Hon. Onesmus Ngunjiri, M.P.
17. The Hon. A. Shariff, M.P.
18. The Hon. Esther Murugi, M.P.
19. The Hon. Shakila Abdallah, M.P.
20. The Hon. Suleiman Dori, M.P.
21. The Hon. Mpuru Aburi, M.P.

APOLOGIES

1. The Hon. Dr. Paul Otuoma, M.P.
2. The Hon. George Oner, M.P.
3. The Hon. Benson Mbai, M.P.
4. The Hon. Hezron Awiti Bollo, M.P.
5. The Hon. Kanini Kega, M.P.
6. The Hon. Gideon Mung'aro, M.P.
7. The Hon. Julius Ndegwa, M.P.

ABSENT

1. The Hon. Oscar Sudi, M.P.

IN ATTENDANCE

NATIONAL LAND COMMISSION (NLC)

1. Dr. Mohammad Swazuri-Chairman
2. Mr. Abdukadir Khalif- Commissioner
3. Mr. Tom Aziz Chavangi- Chief Executive Officer
4. Mr. Kaptuiya Chebwoiwo- Director, Legal and Enforcement
5. Mr. Solomon Mbuthia- Legal Officer

KENYA NATIONAL ASSEMBLY

- | | |
|-----------------------|---------------------|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Ms. Ruth Mwhaki | Clerk Assistant III |
| 3. Ms. Lynette Otieno | Legal Counsel II |

MINUTE NO. DCK/LN/2014/229

PRELIMINARIES

The Chairman called the meeting to order at 10.35 a. m with a word of prayer. He thereafter called upon Members of the Committee and the National Land Commission Officials present to introduce themselves and further acknowledged members of the fourth estate present.

MINUTE NO. DCK/LN/2014/230

SUBMISSIONS FROM THE NATIONAL LAND COMMISSION

KAREN LAND DISPUTE

The Chairman of the National Lands Commission informed the Committee that:

1. The information the Commission had in regard to the Karen Land was based on reports received from Mssrs. Muchanga Investments Ltd who claims to be the owner and that;
2. The land is registered as LR No. 3586/3, IR No 37285 in Karen Nairobi;
3. Rumors started in January about the land being acquired. The owner- Muchanga Investments however wrote to the NLC on 1/9/14 complaining that the land had been subdivided by the survey department and requested that the NLC confirms that the land was private and investigate the activities of one Ms. Pauline Gitimu who instructed that the subdivision be carried out on claims that the land is public;
4. The NLC has been unable to access the Karen Land file from the registry;
5. Muchanga Investments wrote a second time on 9/9/14 complaining of the same and has provided documents to prove ownership of the land. Records submitted to NLC show that the land was transferred to Arnold Bradley in 1928(entry no 4). The first title is dated 1928 and that in between 1928, entries show applications for subdivision and charges to various banks;
6. The land was transferred to Muchanga Investments in 1983 as LR 3586/3(original no 3586/2/3 vide certificate of title IR no 37285.
7. Other persons used the same subdivision in the exact format but using new LR no's. Any new subdivisions should have however followed the same format. Old LR no's were cancelled and the new deed plans have new LR no;
8. The NLC has written to the Director of Physical Planning, Director of Survey, Registrar of Titles and Records Office requesting for information on the parcel of land but no information has been received except from the Director of Physical Planning who has confirmed that he has no records of the parcel of land;
9. Muchanga investments further claims that Mr. David Gitau, a private surveyor who did the work of subdivision received instructions from Ms. Pauline Gitimu who is a senior Deputy Director of Survey in the Survey Department;
10. The Involvement of NLC in the matter was because subdivision approvals pass through the NLC and in this case they did not.

The Committee resolved that;

1. The NLC submits copies of any documents /letters it has in possession in regard to the land to the Committee.

LAMU LAND ISSUES

The Committee was informed that:

1. The terms of reference for the investigation was for only 22 parcels of land. Public hearings on the 22 pieces of land in Lamu commenced in KICC soon after the directive was received on 31/7/14 and most of the information has been received;
2. The Commission has received information as follows:
 - i. Information has been received on twenty (20) parcels,
 - ii. No information has been received on one(1) parcel,
 - iii. one(1) parcel is partly subdivided by the Navy and EPZs,
 - iv. three(3) parcels were sold by their original owners,
 - v. Two(2) are charged to Kenya Commercial Bank and Diamond Trust Bank,
 - vi. One (1) parcel had its name confused and the NLC was able to establish that Brick Investment does not own any land but Bricks Investments does.
 - vii. There are interested parties(squatters) claiming rights to the land on the basis of ancestral claims to the land and have settled on five(5) parcels,
 - viii. Six(6) ranches were designated in 1970-71 as community ranches for community cooperatives under the then directorate of agriculture;
3. The allottees are all indigenous to Lamu;
4. The size of the parcels of land allotted ranges from 5-80 acres;
5. Information received has been from the Ministry of Lands Officials, the owners and the Mombasa and Lamu registries.
6. Lamu Governor Issa Timammy had also requested the NLC to investigate large ranches in Lamu
7. The final report will be ready next week

The Committee was further as follows.

8. Compulsory Acquisitions for the LAPPSET/Standard Gauge Railway (SGR) projects

- a) The NLC was enjoined late in the process of acquisitions and in the public interest, the commission was unable to restart the process as it would have delayed the project;
- b) When different entities are involved in the compulsory acquisitions, they all come up with different lists of beneficiaries. The NLC is therefore keen to take up the compulsory acquisitions as they are the ones with a legal mandate to do so.
- c) None of the (Kenya Ports Authority, County governments etc) currently doing the compulsory acquisitions for the LAPSET and Standard Gauge railway project have the legal mandate to do so;
- d) The NLC has already done the sensitization, valuations and prepared offers for the SGR compensations. Payment for the same is yet to be released by treasury. No one has been paid yet.
- e) Variance in the payments is due to the fact that factors that affect value are different for various pieces of land in terms of access, land marks and facilities.

9. Evictions and Resettlement Procedures Bill

The bill had already been submitted to the Constitutional Implementation Commission for Comments.

10. Development of Legislation on Historical Land Injustices

The Taskforce on Historical Injustices is almost finalizing collection views from the public and has a December 2014 deadline to come up with a draft bill

11. Establishment of County Land Management Boards (CLMBs)

The Committee was informed that CLMBs have to go through County Assemblies. Only

ten out of forty seven Counties have approved the CLMBs. The NLC is however working together with County Assemblies and they have given them a January 2015 deadline to have the CLMBs in place.

12. Execution of Titles and Leases

The NLC started executing Titles and leases up until when the Commissioner of Lands was removed. The Department of Survey stopped producing deed plans while the Ministry took over registration and execution which is illegal. The NLC has titles which the ministry has failed to register

13. Sale of Ranches in Kajiado and Gullman Ranch issues in Baringo

The Committee was informed that the NLC is meeting with local leaders in the Gullman Ranch matter and will also meet with local leaders in Kajiado first in order to resolve issues there.

MINUTE NO. DCK/LN/2014/231 Any Other Business.

a. Nyali/Changamwe/Kilifi Visit

Members were informed that the committee would undertake the visit as earlier agreed. Members would depart for Mombasa on Thursday 30th and return to Nairobi on 2nd November 2014.

b. Visit to Shompole and Magadi

The Committee resolved that some members would accompany the National Land Commission when the Commission visits Shompole and Magadi over the public land being auctioned

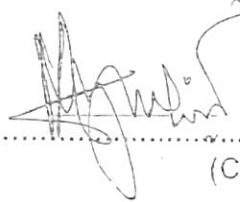
c. Foreign Visits

Members were informed the Committee would undertake study visits to Hungary, New Zealand, Columbia and South Africa. Details of the Visits would be communicated in due course once.

MINUTE NO. DCK/LN/2014/232 ADJOURNMENT & DATE OF THE NEXT SITTING

And the time being Thirty Minutes past four O'clock, the Chairperson adjourned the Sitting to Tuesday 4th November at 10.00 a. m

SIGNED



(CHAIRPERSON)

DATE

11/12/2014

MINUTES OF THE NINETY FOURTH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON MONDAY 27TH OCTOBER 2014, AT THE KAREN LAND IN DISPUTE, AT 2.00 P.M

PRESENT:

- | | |
|--|--------------------|
| 1. The Hon. Alex Mwiru, M.P. | - Chairperson |
| 2. The Hon. Moses Ole Sakuda, M.P. | - Vice Chairperson |
| 3. The Hon. Francis W. Nderitu, M.P. | |
| 4. The Hon. Mutava Musyimi, M.P. | |
| 5. The Hon. Francis Kigo Njenga, M.P. | |
| 6. The Hon. Eusilah Ngeny, M.P. | |
| 7. The Hon. Hellen Chepkwony, M.P. | |
| 8. The Hon. George Oner, M.P. | |
| 9. The Hon. Mathew L. Lempurkel, M.P. | |
| 10. The Hon. Sarah Korere, M.P. | |
| 11. The Hon. Joseph Oyugi Magwanga, M.P. | |
| 12. The Hon. Bernard Bett, M.P. | |
| 13. The Hon. Kipruto Moi, M.P. | |
| 14. The Hon. Patrick Makau, M.P. | |
| 15. The Hon. John Kihagi, M.P. | |
| 16. The Hon. Onesmus Ngunjiri, M.P. | |

APOLOGIES

1. The Hon. Thomas Mwadeghu, M.P.
2. The Hon. Dr. Paul Otuoma, M.P.
3. The Hon. Benson Mbai, M.P.
4. The Hon. A. Shariff, M.P.
5. The Hon. Esther Murugi, M.P.
6. The Hon. Hezron Awiti Bollo, M.P.
7. The Hon. Shakila Abdallah, M.P.
8. The Hon. Kanini Kega, M.P.
9. The Hon. Suleiman Dori, M.P.
10. The Hon. Gideon Mung'aro, M.P.
11. The Hon. Mpuru Aburi, M.P.
12. The Hon. Julius Ndegwa, M.P.

ABSENT

1. The Hon. Oscar Sudi, M.

KENYA NATIONAL ASSEMBLY

- | | |
|-------------------------|---------------------|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Ms. Ruth Mwihaki | Clerk Assistant III |
| 3. Ms. Rehema Chepkirui | Hansard Intern |

MINUTE NO. DCK/LN/2014/226

PRELIMINARIES

The Chairman called the meeting to order at 3.11 p. m with a word of prayer.
He thereafter informed those present that the committee's visit was meant for members

to see for themselves the land in dispute. Members present were asked to declare their interest in line with the provisions of Standing Order 90. None of the Members present declared interest in the land.

Members introduced themselves and members of the public who had bought the land and were present introduced themselves.

MINUTE NO. DCK/LN/2014/227 FIELD VISIT REPORT-EVIDENCE

The following people appeared before the Committee as buyers of the land in conflict.

Mr. John Mithamo-Plot No.295/296, Mr. Charles Mwangi- Plot No.322, Mr. Sammy Muinde- Plot No.329, Mr. Absalom Odongo- Plot No.285, Mr. Joshua Odenge- Plot No.289, Mr. James Chege- Plot No.317, Mr. Gerald Okumu- Plot No.234, Mr. Samson Asoto- Plot No.233, Mr. Abdalla Onyango- Plot No.210, Mr. Dan Otieno Ngadi- Plot No.333, Mr. Julius Odero Okwany- Plot No.119, Mr. Julius Oketch- Plot No.271, Mr. Austin Mugambi- Plot No.227, Mr. Moses Atamba and Mr. Collins Ogenya.

Mr. Charles Mwangi on behalf of the buyers informed the Committee that:

1. Subdivision of the land begun in 2009 up to 2013;
2. They bought the land from Telesource Limited on a willing buyer willing seller basis;
3. They were buying subdivided half acre pieces;
4. The original LR no for the land before subdivision is 3586;
5. Deed plans for the land were ready in 2011 but were later cancelled with no reason given for the cancellation;
6. Telesource provided other deed plans in 2014 and the buyers were able to transfer the property into their names;
7. They have paid the requisite fees i.e stamp duty;
8. There was no difference in the 2011 and 2014 deed plans. The plot numbers did not change;
9. They had already begun work on their pieces of land but a court order was issued stopping work on the land after the ownership wrangles arose.

Mr Julius Anyoka of Anyoka and Associates representing the buyers informed the Committee that:

1. He has a total of about 50 clients who bought the said land after its subdivision and that there is no Member of Parliament who is his client in the matter;
2. The buyers did not know each other at the time of purchase and they have subsequently joined together after the conflict arose;
3. The buyers bought land as individuals on a willing buyer willing seller basis; and that there are about 180 plots in total after subdivision;
4. Preliminary findings show that searches were carried out by individuals, prices negotiated individually and sale agreements drawn on an individual basis;
5. Transactions commenced on diverse dates in 2010 and some buyers have completed payments as per the purchase price and respective agreements, some have paid stamp duty and other outgoing fees;
6. Consent for the subdivision and transfer was given by the Commissioner of Lands and records show that that the land was available for transfer;
7. Buyers took possession, some have already prepared drawings and received relevant approvals from the Nairobi City County government;

8. Rates, Rents receipt and clearance Certificates are available but were not availed to the Committee.

The Committee observed that;

1. There were no subdivisions nor was there any other ongoing work on the piece of land;
2. There were several structures constructed on the site.

The Committee resolved:

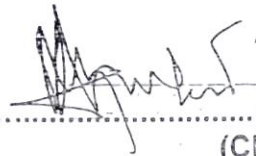
That the following documents be presented to the Committee through the lawyer:

1. Copies of payment receipts for stamp duty and other payments in regard to the land, clearance Certificates, sale agreements and title deeds.

MINUTE NO. DCK/LN/2014/228 ADJOURNMENT & DATE OF THE NEXT SITTING

And the time being Thirty Minutes past four O'clock, the Chairperson adjourned the Sitting to Tuesday 28th October at 10.00 a. m

SIGNED



(CHAIRPERSON)

DATE

11/12/2014

REPUBLIC OF KENYA

Telegraphic Address

'Bunge', Nairobi

Telephone 2848000

Fax: 2243694

E-mail: clerk@parliament.go.ke

When replying please quote



National Assembly

Clerk's Chambers

Parliament Buildings

P. O. Box 41842 -00100

NAIROBI, Kenya

KNA/DCL/CORR/2014(87)

October 21, 2014

Ms Mariam El Maawy,
Principal Secretary,
State Department of Lands,
Ministry of Lands,
Housing and Urban Development
Ardhi House, Ngong Road
NAIROBI

Dear

RE: INVITATION FOR A MEETING WITH THE DEPARTMENTAL COMMITTEE ON LANDS

The Departmental Committee on Lands is constituted pursuant to the provisions of the Standing Order 216 of the National Assembly and is mandated inter alia, *"to investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as be referred to them by the House.*

During its Sitting held on 15th October 2014, the Committee noted the reports appearing on the Sunday Nation of 12th October, 2014 regarding a dispute of land in Karen and having deliberated on the issue especially on the alleged irregular allocations and subdivision of the said Land, the Committee resolved to invite the Cabinet Secretary, Ministry of Lands, Housing and Urban Development for a meeting on Tuesday 28th October 2014 to deliberate on the following issues among others:

A. Karen Land Dispute;

1. The details of the specific land in question measuring 134 Acres and its current status;
2. The details of the real owner(s) of the land in dispute;
3. The details of all beneficiaries of the land after subdivision;
4. To Inform the committee why subdivision is still on-going despite a court order barring activity on the land
5. Any other relevant information.

B. Lamu Land Disputes

1. The revocation of Titles in Lamu;
2. Appraise the Committee of the Report of the Commission having completed its public participation exercise on the Lamu issue;

3. The details of the 22 land titles which were being considered for revocation;
4. Any other information regarding the issue.

This is therefore to request you to inform the Cabinet to attend the said meeting which will be held in Committee Room on 4th Floor Protection House at 11.30 am.

Yours



JUSTIN BUNDI, CBS
CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Hon. Charity K. Ngilu EGH
Cabinet Secretary
Ministry of Lands,
Housing and Urban Development
Ardhi House, Ngong Road

NAIROBI

REPUBLIC OF KENYA

Telegraphic Address
"Bunge", Nairobi
Telephone 2221291/2848000
Fax: 2243694
E-mail: clerk@parliament.go.ke
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KENYA NATIONAL ASSEMBLY

CLERK'S CHAMBERS
National Assembly
Parliament Buildings
P.O. Box 41842-00100
NAIROBI, Kenya

KNA/DCL/CORR/2014(99)

6th November, 2014

Mr. Tom Aziz Chavangi
Chief Executive
National Land Commission
Ardhi House
NAIROBI

Dear Sir

RE: DEPARTMENTAL COMMITTEE ON LANDS- SUBMISSIONS ON KAREN LAND

Reference is made to a sitting of the Committee held on Tuesday 28th October 2014 in which you were in attendance.

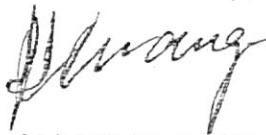
As you will recall the Chairman, National Land Commission made submissions based on information he had received from Muchanga Investment Ltd regarding the subject matter while alluding that the land in dispute belonged to the said company. You will further recall that the Chairman undertook to submit his brief together with the documents he referred to during his presentation before the end of business on 28th October 2014.

It is noted that the said documents have not been submitted to the Committee to-date and you are reminded to submit the following documents among others:-

1. Copies of letters and documents from Muchanga Investments Ltd to the NLC proving ownership of the land;
2. A Copy of the lease on the land and the deed plans which Muchanga Investment Ltd presented to the Commission;
3. Transfer documents/receipts of payment for the land by the said Company;
4. Application for subdivision from Muchanga Investment and subsequent approvals;
5. Copies of documents showing the cancellation of the deed plans;
6. Copies of letters from the NLC to the Director of Survey, Director of Physical planning, records office and Registrar of titles requesting for information and responses received if any;
7. Any other information/document which is relevant on the subject matter.

This is therefore to request you to submit the said information by Thursday, 13th November 2014.

Yours faithfully,



JAMES N. MWANGI

FOR: CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Dr. Mohammed Swazuri,
Chairman,
National Land Commission,
Ardhi House, Ngong Road
NAIROBI

REPUBLIC OF KENYA

Telegraphic Address
"Bunge", Nairobi
Telephone 2221291/2848000
Fax: 2243694
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P.O. Box 41842-00100
NAIROBI, Kenya

KNA/DCL/CORR/2014(98)

6th November, 2014

Mr. Ndegwa Muhoro (1)
Director
Criminal Investigations Department
Kiambu Road, Muthaiga
NAIROBI

Dear Sir,

RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON LANDS

The Departmental Committee on Lands was constituted on 16 May 2013, pursuant to provisions of the Standing Order 216 (1) and (5) of the National Assembly and is mandated amongst other things:-

"to study, assess and analyse the relative success of the Ministries and Departments, as measured by the results obtained as compared with their stated objectives and investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as they may be referred to it by the House".

During its sitting held on Tuesday 4th November 2014, the Committee received submissions from the Cabinet Secretary for Lands, Housing and Urban Development on the matter regarding the disputed 134 acre piece of land in Karen LR No. 3586, The Committee was informed that the Criminal Investigations Department is in possession of the original Grant deed for the said piece of Land for purposes of on-going investigations and therefore the same is not in possession of the Ministry.

The Committee further noted the parallel investigations being conducted by various government agencies on the matter and resolved to invite the Director, Criminal Investigations Department for a meeting on Tuesday 18th November, 2014 with a view to updating the Committee on the progress made so far and specifically address the following issues among others:

1. The real owners of Muchanga Investments Company limited and Telesource.com limited;
2. Subdivision approvals for Telesource.com limited;
3. The original grant document of the said land/Grant Survey plans and the corresponding deed plan copies;
4. How the said land was transferred from the original owner to the Current

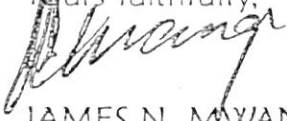
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owner;

5. Proof of acquisition of the land by Muchanga Investments from Barclays Bank in 1983;
6. The proof of acquisition of the said land by telesource.com Ltd and the date they came into existence and the subsequent acquisition of the said land by Telesource.com;
7. Any other information as may be relevant.

This is therefore to request you to attend the said meeting which will be held on Tuesday 18th November, 2014 in Committee Room on 4th Floor Protection House at 10.00 am.

Yours faithfully,



JAMES N. MWANGI

FOR: CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA

Telegraphic Address
"Bunge", Nairobi
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P.O. Box 41842-00100
NAIROBI, Kenya

KNA/DCL/CORR/2014(96)

6th November, 2014

Mr. Halakhe Dida Waqo
Chief Executive Officer
Ethics and Anti Corruption Commission
Integrity Centre
Milimani /Valley Road Junction
NAIROBI

Dear Sir,

RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON LANDS

The Departmental Committee on Lands was constituted on 16 May 2013, pursuant to provisions of the Standing Order 216 (1) and (5) of the National Assembly and is mandated amongst others:-

"to study, assess and analyse the relative success of the Ministries and Departments, as measured by the results obtained as compared with their stated objectives and investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as they may be referred to it by the House".

During its sitting held on Tuesday 4th November 2014, the Committee received submissions from the Cabinet Secretary for Lands, Housing and Urban Development on the matter regarding the disputed 134 acre piece of land in Karen LR No. 3586. The Committee was informed that the Ethics and Anti-Corruption Commission (EACC) is already investigating the matter and is in possession of the original Grant deed for the said piece of Land for purposes of on-going investigations and therefore the same is not in possession of the Ministry.

Consequently, the Committee resolved to invite the Chairman of EACC for a meeting on Tuesday 18th November, 2014 to report progress on the investigation and specifically on the following matters among others:-

1. The real owners of Muchanga Investments Company limited and Telesource.com limited;
2. Subdivision approvals for Telesource.com limited;
3. The original grant document of the said land/ Grant Survey plans and the

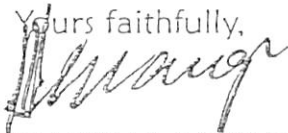
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corresponding deed plan copies;

4. How the said land was transferred from the original owner to the Current owners;
5. Proof of acquisition of the land by Muchanga Investments from Barclays Bank in 1983;
6. The proof of acquisition of the said land by telesource.com Ltd and the date they came into existence and the subsequent acquisition of the said land by Telesource.com;
7. Any other information as may be relevant.

This is therefore to request you to inform the Chairman to attend the said meeting which will be held in Committee Room on 4th Floor Protection House at 10.00 am.

Yours faithfully,



JAMES N. MWANGI

FOR: CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Mr. Mumo Matemu, MBS
Chairman
Ethics and Anti Corruption Commission,
Integrity Centre
Milimani/Valley Road Junction
NAIROBI

— Deliberation of Committee

— Committee

— Forwarding Questions

REPUBLIC OF KENYA



Telegraphic Address
"Bunge", Nairobi
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National Assembly
Clerk's Chambers
Parliament Buildings
P.O. Box 41842-
NAIROBI, Kenya

KNA/DCL/CORR/2014(95)

4th November, 2014

Ms. Mariam el-Maawy,
Principal Secretary,
State Department of Lands,
Ministry of Lands,
Housing and Urban Development
Ardhi House, Ngong Road,
NAIROBI

Dear *Mariam*,

RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON LANDS

Reference is made to the 96th Sitting of the Committee held on Tuesday 4th November 2014 in which the Cabinet Secretary was in attendance. The meeting was re-scheduled to Tuesday 11th November, 2014 to provide adequate time for the Cabinet Secretary to submit the information and/or supporting documents in regard to the following issues:

1. The disputed piece of land in Karen LR No. 3586:
 - a) Proof of Acquisition of the said land by Mr. Arnold Bradley in 1928;
 - b) The Subdivision approvals of 1941 which created LR Nos. 3586/1 and 3586/2;
 - c) The Transfer documents of 1957 to Kikangati Mines;
 - d) The Disapproval of the lease to Kenya Productions Ltd in 1957;
 - e) Proof of Acquisition of the land by Barclays Bank Limited;
 - f) Proof of acquisition of the land by Muchanga Investments from Barclays Bank in 1983;
 - g) The proof of acquisition of the said land by telesource.com Ltd and the date they came into existence and the subsequent acquisition of the said land by Telesource.com;
 - h) Transfer documents in regard to no. (f) and (g) above;
 - i) The application for subdivisions made by Muchanga Investments Ltd in 1997 and the subsequent rejection by the Ministry and those made by Telesorce.Com Ltd in 1983;


- j) Proof of ownership and/or acquisition of the said land by Mr. John Mugo Kamau; and subsequent sale agreements and/or transfers to Telesorce.Com Ltd in 2005;
- k) Copies of deed plans and survey plans issued to Telesorce.com Ltd by the Ministry in 2011;
- l) The copy of the caveat order placed on the land in 1997;
- m) Evidence of any court cases on the piece of land between 1997 and 2005;
- n) The Sale agreements/corresponding transfer documents intervening between the original owner and the current owner;
- o) Subdivision approvals for Telesource.com limited;
- p) The original grant document of the said land/ Grant Survey plans and the corresponding deed plan copies;
- q) Any other information/documents as it relates to the sale, transfer and subdivision of the land between 1997 and 2014.

2. The Disputed Land in upper Hill LR no.209/13332.


Further the Cabinet Secretary made submissions regarding the Ministerial request by Hon. Jakoyo Midiwo, MP on a piece of land LR No.209/13332 during which the Committee noted that the submission made had reference to land LR No. 123384/1 and 209/12184 and was not relevant to the parcel of land in question, LR No.209/13332. It was therefore resolved that the meeting be rescheduled to Tuesday 11th November, 2014 to provide adequate time for the Cabinet Secretary to submit the information on the LR No.209/13332.

This is therefore to request you to inform the Cabinet Secretary to attend the said meeting which will be held in Committee Room on 2nd Floor Continental House at 10.00 am.

Yours


 MICHAEL R. SIALAI,
 FOR: CLERK OF THE NATIONAL ASSEMBLY

Copy to:-

 Hon. Charity Ngilu EGH
 Cabinet Secretary
 Ministry of Lands,
 Housing and Urban Development
 Ardhi House, Ngong Road
 NAIROBI

D/Committee
urgently draft a
response
CWA
18/11/14



MINISTRY OF LAND, HOUSING AND URBAN DEVELOPMENT

Telegrams: MINLANDS, Nairobi
Telephone: Nairobi 2718050
Fax: +254 2716757
E-mail: cslands@ardhi.go.ke

NATIONAL ASSEMBLY
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P. O. Box 41842, NAIROBI.

OFFICE OF THE CABINET SECRETARY
ARDHI HOUSE
NGONG ROAD
P.O. BOX 30450
NAIROBI

November 17, 2014

Hon. Justin Muturi
Speaker
The National Assembly
Parliament Buildings
Nairobi

— Noted. CNA
The C's has raised a
number of serious issues.
A quick response is needed.
Basir A
17/11/14

Dear Mr. Speaker,

RE: APPEARANCE BEFORE THE LANDS COMMITTEE OF THE NATIONAL ASSEMBLY

Refer to the above matter, where there has been a number of conflicting statements from the Land Committee as regards my appearance before them, I wish to seek your direction and guidance on how I should proceed.

At the Committee meeting of 3rd November 2014, it was agreed that I appear again before the Land Committee at 10:00am on Tuesday 11th November 2014 to provide further information on the two issues regarding LR No. 3586/3-Karen Land and LR No. 209/13332-Upper hill land. I received a letter of invitation from the Clerk on 4th November 2014. (Copy enclosed)

However on the same Tuesday at 10.00am, I had to appear before the Committee on Implementation of the Constitution, a meeting that had been scheduled earlier vide a letter of invitation to me from the Clerk of 31st October 2014. (Copy enclosed)

I wrote a letter to the Chairman of the Land Committee and copied to the office of the Clerk explaining why I could not appear before the Land Committee as had to appear before the CIOC. (Copy enclosed)

However on the Tuesday of 11th November 2014, I was shocked to hear from media reports that the Land Committee seeks to censure me for not appearing before them. The Committee further demanded that I appear before it on Thursday 13th November 2014. These were media summons and I did not receive an official letter on the same.

I immediately wrote to your office and the other Leaders in Parliament to express my concerns and to seek your guidance.

On 13th November 2014, I received a letter from the office of the Clerk asking me to appear on the 18th November 2014 before the Committee. However there is only one matter I was to respond to, that of LR No. 209/13332-Upper Hill land.

I therefore write to seek your guidance and direction on the following issues:

1. The initial re-appearance before the Committee was to furnish the Committee with more information on the two matters of LR No. 3586/3 in Karen and LR No. 209/13332 in Upper Hill. The most recent letter of 13th November 2014 has only 1 item of LR No. 209/13332 in Upper Hill. **I seek your guidance on whether I should respond to both matters or restrict myself on the matter of LR No. 209/13332.**
2. The media attack on me and the Chairman of the Committee has continued even after communication from the Chair by the Deputy Speaker on 13th November 2014 restricting the Committee members from the same. I need your guidance on whether it is proper for the Vice Chairman of the Committee to continue with media attacks like the one quoted on Sunday 16th November 2014 where he imputed ill motive on my not appearing before the Committee. As a former Member of Parliament I am aware that Standing Orders restrict members from discussing matters before the Committee outside the House.

3. The matter of LR No. 3586/3 in Karen is before the Courts and I am aware of the sub judice rule. I need your advice on whether answering this question with as much detail as requested by the Committee will not be prejudicial to the case in court and the Ministry and I could be exposed to contempt proceedings?

Yours Sincerely

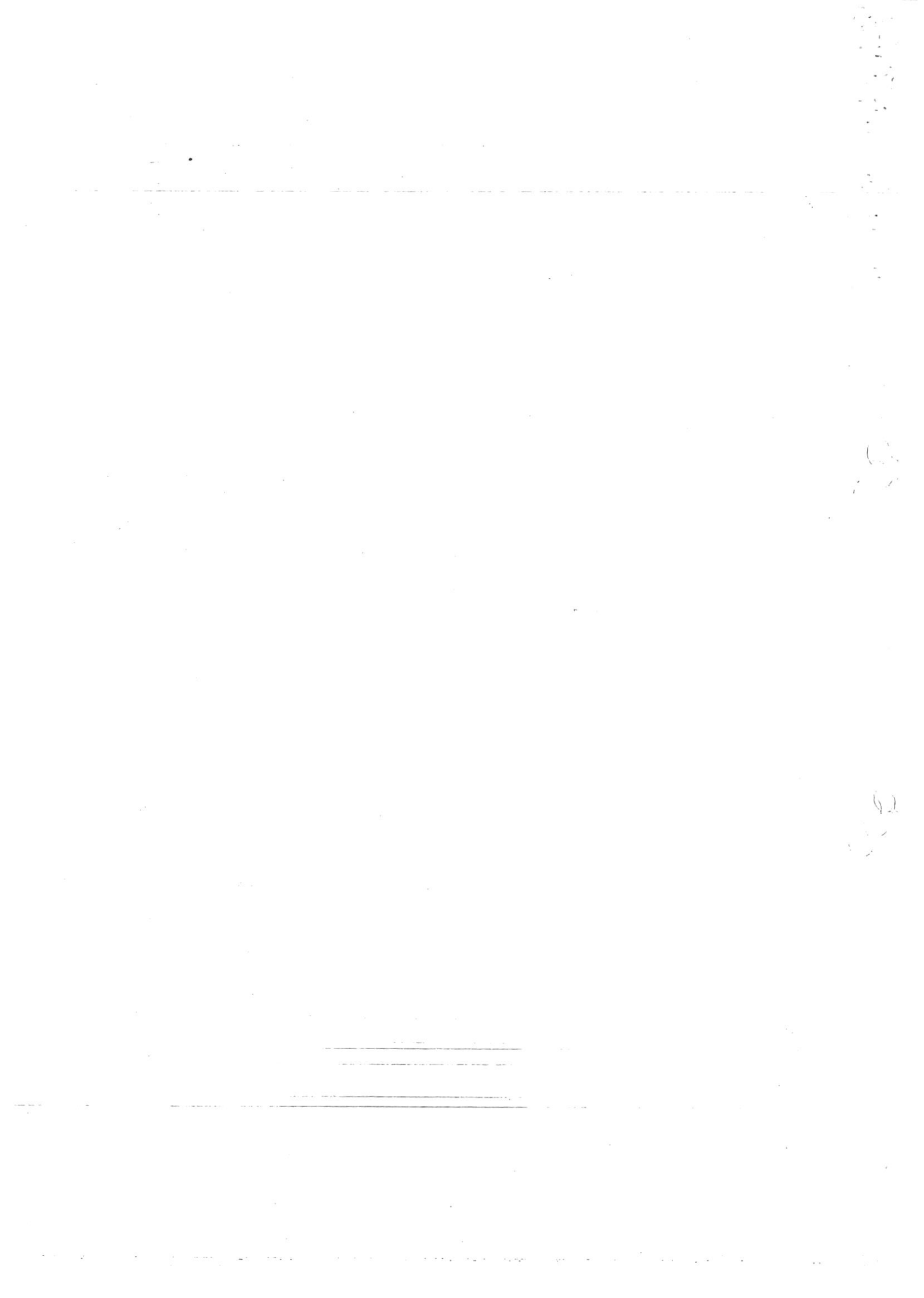


Hon. Charity Kaluki Ngilu, EGH
Cabinet Secretary

Copy to:

Hon. Aden Duelle, MP
Leader of Majority
The National Assembly

Hon. Alex Muiru, MP
Chairman
Land Committee



REPUBLIC OF KENYA

Telegraphic Address
Bunge, Nairobi
Telephone 2848000
Fax: 2243694
E-mail: clerk@parliament.go.ke
When replying please quote



National Assembly
Clerk's Chambers
Parliament Buildings
P.O. Box 41842-00100
NAIROBI, Kenya

KNA/CIOC/CORR/43/2014

31st October, 2014

Ms. Mariamu El Maawy
Principal Secretary
Ministry of Lands, Housing and Urban Development
Ardhi House
NAIROBI



Dear

RE: MEETING WITH THE CONSTITUTION IMPLEMENTATION OVERSIGHT COMMITTEE.

The Constitutional Implementation Oversight Committee (CIOC) is a Select Committee of the National Assembly of Kenya responsible for overseeing the implementation of the Constitution of Kenya, 2010.

Pursuant to its Mandate, the Committee resolved to invite the Cabinet Secretary Ministry of Lands, Housing and Urban Development for a meeting to report on the following: progress in operationalisation of various land laws, development of legislation on community land as required by article 63 of the Constitution and progress made on implementation of resolutions reached during the Committee meeting held on Tuesday, April 29, 2014 that involved the Ministry and the National Land Commission.

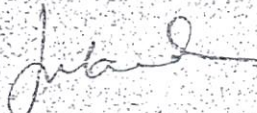
The purpose of this letter is therefore to request you to inform the Cabinet Secretary to attend the Committee meeting scheduled for Tuesday 11th November, 2014 in Committee Room on 2nd Floor Committee Room, Continental House, Parliament Buildings at 10.00 am.

Yours

JUSTIN BUNDI, CBS
CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Mrs. Charity Kaluki Ngilu, EGH
Cabinet Secretary
Ministry of Lands, Housing and Urban Development,
Ardhi House,
NAIROBI.



100

100

100

100

100

100

Standard Street, Bruce House, 13th Floor,
P.O. Box 45707 - 00100 GPO, Nairobi, Kenya.
Tel: +254 20 2248461, 2248467, 2228081
Cell: +254 727 531005/ +254 736 248424
Fax: +254 20 2249754
Email: miller@milleradvocates.com
Website: www.milleradvocates.com

ADVOCATES
Managing Partner
• Cecil G. Miller
Senior Associates
• Samuel Maina
• Rose Onsare
• Pauline Kamunya-McAsila
• Anne Kaguri
Associates
• Valarie Odera
• Terry Otieno
• George Mugane
• Esther Wanga
• Clive Mulama
• Alfred Deya
• Joshua Ndere

MILLER & COMPANY
Advocates Commissioners For Oaths & Notaries Public
NATIONAL ASSEMBLY
RECEIVED
22 OCT 2014
SPEAKER'S OFFICE
P.O. Box 41842, NAIROBI.

Our Ref: CGM/3389/2014/PK/PW/CGM

Date: 22nd October 2014

THE SPEAKER,
NATIONAL ASSEMBLY OF KENYA,
PARLIAMENT BUILDINGS,
NAIROBI.

Pass on this letter to the Committee to note and oblige.
CWA
Blair WA

Dear Sir,

(3) GINONO
pls deal
FA 29/10

Blair WA
29/10/14

RE: INVESTIGATION OVER ALLEGED FRAUD INVOLVING LAND REFERENCE NO. 3586/3 BY THE PARLIAMENTARY LAND COMMITTEE

We act on behalf of MUCHANGA INVESTMENTS LIMITED who are the Plaintiffs in NAIROBI HIGH COURT ELC. CASE NO. 1180 OF 2014, MUCHANGA INVESTMENTS LIMITED VERSUS HABENGA HOLDINGS LIMITED & OTHERS, with instructions to write to you as we do hereunder:

Our Client filed the above captioned suit in the High Court of Kenya at Nairobi claiming ownership of **LAND REFERENCE NO. 3586/3** situated in Karen/Langata Nairobi. The said suit is pending hearing and determination in the High Court.

Our Clients instructions are that several articles have appeared in the Print Media indicating that the Honourable Cabinet Secretary for Lands and the Chairman of the National Land Commission have been summoned to appear before the Parliamentary Land Committee on 23rd October 2014, which committee is investigating the ownership of Land Reference Number 3586/3.

Although our Client has not been summoned to appear before the Committee, our Client is of the view that the "Sub Judice" Rule prevents the committee and any other party or persons from commenting, deliberating and/or making a finding on a matter that is pending determination by a Court of Law. Our Client is therefore apprehensive of ventilating its position before the Committee when the matter is pending in Court.

RECEIVED
29 OCT 2014
P. O. Box 41842, NAIROBI


MOMBASA OFFICE:
Sea View Plaza, Mama Ngina Drive, 1st Floor
P.O. Box 90088 - 80100, Mombasa, Kenya.
Tel: +254 41 2319483/4/5/90
Telcom Wireless: +254 020 231 7568
Fax: +254 41 2319489
Email: miller@milleradvocates.com
Website: www.milleradvocates.com

VAT No: 0132091V
PIN No: A0019658216

Our Instructions are to request that you direct the Parliamentary Committee on Land not to summon any person(s) before it with a view to determining ownership of the Land until the High Court case is heard and determined.

Your guidance and action in the matter will be greatly appreciated.

Yours faithfully,
FOR: MILLER & COMPANY ADVOCATES,


CECIL MILLER.

CC: CLIENT

Devisal (Clean Money)

Ch Drivers of Revenue Bills

" 89(5) → Power may allow any?

Edward Northey

COLONY OF KENYA.

DEPARTMENT OF LANDS.

INLAND REGISTRATION DISTRICT.

REGISTER OF TITLES No. *94*.

ANNUAL RENT *Shorins 6/-* (Revisable as herein provided.)

Term 999 years from *1.7.1919* To *30.6.2918*

William Robinson
Not by King All Men by these presents that I, *Edward Northey*
Knight Commander of the Most Distinguished Order of Saint Michael and Saint
George a Companion of the Most Honourable Order of the Bath the Governor of
the Colony of Kenya on behalf of His Most Gracious Majesty King George the
Fifth do hereby under and by virtue of the powers vested in me GRANT unto
Grattan Biddulph Norman of Nairobi in the paid
to my civil servant

(hereinafter referred to as the Grantee which expression shall where the context
so admits include his executors administrators and assigns) ALL THAT
piece of land situate at *Mbagathi* in the *Kiambu* District
of the *White* Province of the said Colony containing by measurement
one acre and one rood
and bounded as follows that is to say Portion Number *10977*
(Land Office Number *526*) of Meridional District
of land with the dimensions butts and boundaries thereof is delineated on the
plan drawn on these presents and more particularly on Land Survey Plan Number
10977 deposited in the Land Surveys Office at Nairobi

TO HOLD for the term of nine hundred and ninety-nine
years from the *First* day of *July* One thousand nine
hundred and *nineteen* subject to the payment therefor for the said term
the respective rents following payable in advance on the first day of January in every
year and so in proportion for any less period than one year namely:-

- (a) From the *First* day of *January* One thousand nine
hundred and *twenty-one* until the thirty-first day of December One
thousand nine hundred and forty-five an annual rent of *Shorins*
sixteen
- (b) From the first day of January One thousand nine hundred and forty-six until
the thirty-first day of December One thousand nine hundred and seventy-five
an annual rent calculated at the rate of one per centum on the unimproved
value of the land hereby granted in the year One thousand nine hundred
and forty-five.

(c) From the first day of January One thousand nine hundred and seventy-six until the thirty-first day of December Two thousand and five an annual rent calculated at the rate of two per centum on the unimproved value of the land hereby granted in the year One thousand nine hundred and seventy-five.

(d) For every subsequent period of thirty years thereafter to expire on the thirty first day of December in every thirtieth year following until the expiration or sooner determination of the term hereby granted an annual rent calculated at the rate of three per centum on the unimproved value of the land hereby granted in the year preceding the first year of each succeeding period of thirty years.

This Grant is subject to the provisions and conditions contained in the Crown Lands Ordinance One thousand nine hundred and fifteen (excepting part eleven thereof) the Crown Lands (Discharged Soldiers Settlement) Ordinance One thousand nine hundred and twenty-one and the Registration of Titles Ordinance One thousand nine hundred and nineteen and also to the special conditions hereunder written :-

1. The Grantee will on or before the *Thirtieth* day of *June* One thousand nine hundred and *twenty-four* have on the land hereby granted improvements of the nature specified in the Schedule hereto to the value of not less than *Shorins one thousand and six hundred*

2. The Grantee will at all times after the said *Thirtieth* day of *June* One thousand nine hundred and *twenty-four* during the continuance of the term hereby granted maintain and keep or cause to be maintained and kept on the said land improvements of the nature and of the value specified in the last preceding condition in that behalf.

3. The Grantee will ~~on or before the said~~ *Thirtieth* day of *June* One thousand nine hundred and *twenty-four* have on the said land improvements of the nature specified in the conditions hereunder to the value of not less than *Shorins two thousand and four hundred*

4. The Grantee will at all times after the said *Thirtieth* day of *June* One thousand nine hundred and *twenty-six* until the expiration or sooner determination of the term hereby granted maintain and keep or cause to be maintained and kept on the said land improvements of the nature and of the value specified in the last preceding condition in that behalf.

5. The Grantee shall reside within the Colony or Protectorate of Kenya for an aggregate period of eighteen months during a period of three years commencing from the *First* day of *July* One thousand nine hundred and *nineteen* and shall furnish to the Land Officer during the month of January in every year until the completion of such period of residence evidence thereof which shall be supported by affidavit and a certificate signed by a Magistrate.

6. The Grantee shall not assign sublet or otherwise part with the possession (except by way of mortgage) of the land hereby granted or any part thereof until the period of residence shall have been completed as prescribed in the last preceding condition in that behalf.

7. The Grantee shall not divide or subdivide the said land or any part thereof or assign sublet or otherwise part with the possession of any such division or subdivision in any manner whatsoever without the previous written consent of the Governor-in-Council.

8. The Grantee shall not without the previous written consent of the Governor-in-Council appoint or allow a Non-European to manage or otherwise occupy or be in control of the said land.

9. If the said rents hereby reserved or any part thereof shall be in arrear and unpaid for the space of thirty days after the same shall have become due (whether formally demanded or not) or if there shall be any breach non-observance or non-performance on the part of the Grantee of any of the conditions herein contained or implied by virtue of the provisions of the hereinbefore mentioned Ordinances then and in any such case it shall be lawful for His Majesty to enter into and upon the premises the subject of this Grant or any part thereof in the name of the whole and the same to have again and repossess as if this Grant had not been made and thereupon this Grant shall absolutely cease and determine and all monies paid thereunder shall be forfeited to His Majesty but without prejudice to any right of action or remedy of His Majesty in respect of any antecedent breach by the Grantee of any of the conditions herein contained or implied as aforesaid.

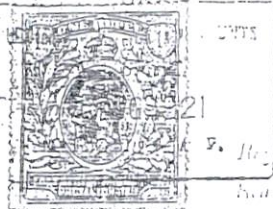
10. The improvements (if any) already effected on the said land at the date hereof shall count towards the amount of improvements required by conditions one and three hereof provided the same are duly maintained.

IN WITNESS WHEREOF I the said
 Governor have hereunto set my hand
 and the seal of the Colony at *Nairobi*
 this *twenty-fifth*
 day of *July* One thousand
 nine hundred and twenty *one*
 in the presence of

W. K. L. L.

THE SCHEDULE HEREIN BEFORE REFERRED TO.

- Farm buildings of all descriptions.
- Fencing.
- Water Furrows.
- Planting trees or live hedges.
- Walls.
- Wells.
- Draining land or reclamation of swamps.
- Road making.
- Bridges.
- Clearing of land for agricultural purposes.
- Laying out and cultivating gardens and nurseries.
- Water boring.
- Water races.
- Sheep or cattle dips.
- Embankments or protective works of any kind.
- Planting of long-lived crops.
- Water tanks.
- Irrigation works.
- Fixed machinery.
- Reservoirs.
- Dams of a permanent nature.
- Dwelling houses, occupied by the Grantee or some person or persons in *his* permanent employ.



REGISTERED at the Registry of Titles at Nairobi this *Third*
 day of *August* 1921. *Time 4 pm*
 No. *94/11*
 Presentation No. *123/21*

Stamp: *10/-*
 Stamp: *1/-*
 Stamp: *1/-*

Leslie
 REGISTRAR OF TITLES.



THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE,
No. 11, 94/11 DATE OF REGISTRATION 13th September 1921
in favour of Grace Pauline Holmes
13th DAY OF *September* 1921 REGISTRAR OF TITLES

2

Robbins
 REGISTRAR OF TITLES

Filed

EAST AFRICA PROTECTORATE.

PROVINCE OF UKAMBA

DISTRICT OF KIAMBU

Locality, S.W. of Nairobi (Mbogo/ht)

Scale: 1 in. 10,000 or 833.33 Feet to 1 Inch

Land Office Reference No. 3586 (C/L N° 1417)

Re-Subdivision No. —

of Subdivision No. —

of Section No. —

of Portion No. 46

of Meridional District South A. 37
G.I.C

Area: 16.0 Acres (Approx)

Co-Ordinates.

Reference to Equator	Latitude	Longitude
y.	Feet	z.

Bearings	Distances
o	Feet



Nairobi July 5th 1921 -191

C. P. ...

31

3

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

No. 94/3 DATE OF REGISTRATION 27th February 1928

Discharge of lien no. 2

MAIROBI THE 27th DAY OF February 1928 REGISTRAR OF TITLES
J.P. Robbins

4

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

No. 94/4 DATE OF REGISTRATION 27th February 1928

Transfer to Arnold BRADLEY

MAIROBI THE 27th DAY OF February 1928 REGISTRAR OF TITLES
J.P. Robbins

5

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

No. 94/5 DATE OF REGISTRATION 27th February 1928

Charge to Mrs. Mayoria CAMPBELL

MAIROBI THE 27th DAY OF February 1928 REGISTRAR OF TITLES
J.P. Robbins

6

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

No. I. R. 94/6 DATE OF REGISTRATION 27th February 1928

Lien in favour of *Stanley Joseph Eldred*
Aprina Ltd. Eldred over Charges entered
in No. 5 above

MAIROBI, THE 27th DAY OF January 1930 REGISTRAR OF TITLES
W. H. H. H. H.

7

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

No. I. R. 94/7 DATE OF REGISTRATION 25th February 1931

Discharge of lien of No. 6 above

MAIROBI, THE 26th DAY OF February 1931 REGISTRAR OF TITLES
W. H. H. H. H.

8

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

No. I. R. 94/8 DATE OF REGISTRATION 25th February 1931

Discharge of Charge of No 5 above

MAIROBI, THE 26th DAY OF February 1931 REGISTRAR OF TITLES
W. H. H. H. H.

9

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

No. I. R. 94/9 DATE OF REGISTRATION 7th March 1931

Lien in favour of Barclays
Bank (L.D.C.S.O.)

MAIROBI, THE 9th DAY OF March 1931 REGISTRAR OF TITLES
W. H. H. H. H.

No. I. R. 74/10 DATE OF REGISTRATION 20th January 1952

Discharge of loan of No. 9 above

MADE THE 1st DAY OF February 1952 REGISTER OF TITLES
THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

No. I. R. 94/11 DATE OF REGISTRATION 20th January 1952
Charge to James Howland Hamilton Nelson
T. Amanda Hink Kennedy William Northey

MADE THE 1st DAY OF February 1952 REGISTER OF TITLES

LAND DEPARTMENT
REGISTRY OF TITLES
COLONY OF KENYA

His Most Gracious Majesty
KING GEORGE THE FIFTH

Form L. O. No. 3516
District
Kisumu Province
(Discharged Soldiers Settlements, Cal.)
No. 1 (11)
L. O. File No. 15912

10

Date of 25th day of July 1981

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

No. I. R. 2-0 DATE OF REGISTRATION 2-0 July 1951
Discharge of charge of No. 11 above

MADE THE 5th DAY OF July 1951 REGISTER OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

Transfer to William Bestram Warner
20.2 acres S. R. No. 3586/1 - Kambu
Annual Rent shs 210 of
vide certificate of title S. R. 5579

Registration No. 255 Date of Registration 27.1.52 REGISTER OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Mortgage of Charge with Barclays Bank
(Demenion, Colonial and Overseas)

Presentation No. 439 Date of Registration 24.1.50 REGISTER OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

Mortgage of Discharge of No. 14 above
Presentation No. 5787 Date of Registration 20.7.55 REGISTER OF TITLES

10

11

12

13

14

15

16

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Charge by Overril Goldberg and Robert
Hensy Mathews 140 acs LR No. 3586/2
Presentation No. 858 Date of Registration 16/11/55 Registrar of Titles

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Discharge of No. 16 above

17

Registration No. 1078 Date of Registration 26-11-59 Registrar of Titles

18

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Sub division Certificate by Nairobi City
Council dividing the plot LR 3586 into
2 subplots.

Presentation No. 102 Date of Registration 2-3-78 Registrar

18

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Declaration by the Crown dated 31-5-1963
declaring the annual rent payable for the
land comprised in the within-written Grant
to be Shs 58/- with effect from 1-1-1961
Registration No. 689 Date of Registration 23-9-1963 Registrar
W. M. M. M. M.

19

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Convent by Inogen Lindsay Poppleton
claiming beneficiary's interest in
LR 3586/2 Absolutely

Presentation No. 970 Date of Registration 26-8-77 Registrar

20

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Sub division Certificate by Nairobi City
Council dividing the plot LR 3586/2
into 2 subplots

Presentation No. 192 Date of Registration 2-3-1978 Registrar

21

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Withdrawal of Convent 180. 19 above

Presentation No. 103 Date of Registration 2-3-1978 Registrar

22

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Probate of the Will of Arnold Bradley
10 Barclay Bank International Limited

Presentation No. 104 Date of Registration 2-3-1978 Registrar

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE

23

Transfer (~~Agent~~) to Arnette Therese Benson 2.09 ha. LR 3586/2 Annual Rent Str. 10% (Revisable) Vide Certificate of Title IR 31884

Registration No. 105 Date of Registration 2-3-1978

h.w. e.u. l.u.

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE

24

Transfer (~~Agent~~) to Merchants Investment Trust Limited 5A. 39 Ha. LR No. 3586/3 (origin 3586/2/2) Annual Rent Str. 4.8% (Revisable) Vide Certificate of Title IR 37285

Registration No. 315 Date of Registration 11-2-83

h.w. e.u. l.u.

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3

3

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COLONY OF KENYA.

DEPARTMENT OF LANDS.

INLAND REGISTRATION DISTRICT

REGISTER OF TITLES No. 94

ANNUAL RENT *Shorins 16/-* (Revisable as herein provided.)

Term 999 years from *1-7-1919* To *30-6-2918*

This is the Exhibit marked "*GSB1*"
referred to in the annexed affidavit declaration
GEORGE GUYANA BROWN
before me this *8th* day of *November*
H.
Commissioner for Oaths

by these presents that I, EDWARD NORTHEY, knight Commander of the Most Distinguished Order of Saint Michael and Saint George a companion of the Most honourable Order of the Bath the Governor of the Colony of Kenya on behalf of His Most Gracious Majesty King George the Fifth do hereby under and by virtue of the powers vested in me GRANT unto *Eratten Biddulph Norman of Nairobi in the said Colony civil servant*

(hereinafter referred to as the Grantee which expression shall where the context so admits include *his* executors administrators and assigns) ALL THAT piece of land situate at *Mbagathi* in the *Kiambu* District of the Province of the said Colony containing by measurement

acres more or less and bounded as follows that is to say Portion Number *46* (Land Office Number *3586* of Meridional District *South A. 37* which said piece of land with the Dimensions abbutals and boundaries thereof is delineated on the plan drawn on these presents and more particularly on Land Survey Plan Number deposited in the Lands surveys Office at Nairobi.

TO HOLD for the term of nine hundred and ninety nine from the *first* day of *July* One thousand nine hundred and *nineteen* subject to the payment therefore for the said term the respective rents following payable in advance on the first day of January in every year and so in proportion for any less period than one year namely:-

- (a) From the *first* day of *July* One thousand nine hundred and *nineteen* until the thirty first day of December One thousand nine hundred and forty five an annual rent of *Shorins sixteen*
- (b) From the first day of January One Thousand nine hundred and forty six until the first day of December One Thousand Nine Hundred and seventy five an annual rent calculated at the rate of one per centum on the unimproved value of the land hereby granted in the year One Thousand nine hundred and forty five.

- (c) From the first day of January One thousand nine hundred and seventy-six until the thirty first day of December Two thousand and five an annual rent calculated as the rate of two per centum on the unimproved value of the land hereby granted in the year One thousand nine hundred and seventy-five.
- (d) For every subsequent period of thirty years thereafter to expire on the thirty day of December in every thirtieth year following year until the expiration or sooner determination of the term hereby granted an annual rent calculated at the rate of three per centum on the unimproved value of the land hereby granted in the year preceding the first year of each succeeding period of thirty years.

This Grant is subject to the provisions and conditions contained in the Crown Lands Ordinance One thousand nine hundred and fifteen (excepting part eleven thereof) the Crown Lands (Discharged Soldiers Settlement) Ordinance One thousand nine hundred and twenty-one and the Registration of Titles Ordinance One Thousand nine hundred and nineteen and also to the special conditions hereunder written:-

1. The Grantee will on or before the *thirtieth* day of *June* One thousand nine hundred and *twenty four* have on the land hereby granted improvements of the nature specified in the Schedule hereto to the value of not less than *Three thousand and six hundred*
2. The Grantee will at all times after the said *thirtieth* day of *June* One thousand nine hundred and *twenty six* during the continuance of the term hereby granted maintain and keep or cause to be maintained and kept on the said land improvements of the nature and of the value specified in the last preceding condition in that behalf.
3. The Grantee will not on or before the *thirtieth* day of *June* of One Thousand nine hundred and *twenty six* have on the said land improvements of the nature specified in the Schedule hereto to the value of not less
4. The Grantee will at all times after the said *thirtieth* day of *June* One Thousand nine hundred and *twenty six* until the expiration or sooner determination of the term hereby granted maintain and keep or cause to be maintained and kept on the said land improvements of the nature and the value specified in the last preceding condition in that behalf.
5. The Grantee shall reside within the Colony or Protectorate of Kenya for an aggregate period of eighteen months during a period of three years commencing from the *first* day of *July* One thousand nine hundred and *nineteen* and shall furnish to the Land Officer during the month of January in every year until the completion of such period of residence evidence thereof which shall be supported by affidavits and a certificate signed by a magistrate.
6. The Grantee shall not assign sublet or otherwise part with the possession (except by way of Mortgage) of the land hereby granted or any part thereof until the period of residence shall have been completed as prescribed in the last preceding condition in that behalf.
7. The Grantee shall not divide or subdivide the said land or any part thereof or assign sublet or otherwise part with the possession of any such division or subdivision in any manner whatsoever without the previous written consent of the Governor-in-Council.
8. The Grantee shall not without the previous written consent of the Governor-in-Council appoint or allow a Non-European to manage or otherwise occupy or be in control of the said land.

9. If the said rents hereby reserved or any part thereof shall be in arrears and unpaid for the space of thirty days after the same shall have become due (whether formally demanded or not) or if there shall be any breach non-observance or non-performance on the part of the Grantee of any of the conditions herein contained or implied by virtue of the provisions of the hereinbefore mentioned Ordinance then and in any such case it shall be lawful for His Majesty to enter into and upon the premises the subject of this Grant or any part thereof in the name of the whole and the same to have again and repossess as if this Grant had not been made and thereupon this Grant shall absolutely cease and determine and all monies paid thereunder shall be forfeited to His Majesty in respect of any antecedent breach by the Grantee of any of the conditions herein contained or implied as aforesaid.

10. This Improvements (if any) already effected on the said land at the date hereof shall count towards the amount of improvements required by conditions one and three hereof provided the same are duly maintained.

IN WITNESS WHEREOF I the said Governor have hereunto set my hand and the seal of the Colony at ~~London~~ ^{London} this ~~fourth~~ ^{fifth} day of ~~June~~ ^{June} 1806 in the presence of

[Handwritten signature]

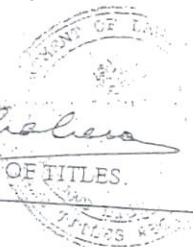
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THE SCHEDULE HEREINBEFORE REFERRED TO.

- Farm buildings of all descriptions.
- Fencing.
- Water Furrows.
- Planting trees or live hedges.
- Walls.
- Wells.
- Draining land or reclamation of swamps.
- Road Making.
- Bridges.
- Clearing of land for agricultural purposes.
- Laying out and cultivating gardens and nurseries.
- Water Boring.
- Water races.
- Sheep or cattle dips.
- Embankments or protective works of any kind.
- Planting of long lived crops.
- Water tanks.
- Irrigation works.
- Fixed machinery.
- Reservoirs.
- Dams of permanent nature.
- Dwelling houses occupied by the Grantee or some person or persons in permanent employ.

REGISTERED at the Registry of Titles at Yaounde this *third*
day of *August* 1921 *Time 4 pm*
No. *9441*
Presentation No. *723/21*

Ceslaire
REGISTRAR OF TITLES.



FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:

No. *SR 24/2* DATE OF REGISTRATION *13th September 1921*
Lien in favour of Grace Pauline Holmes

2
DATE *13th* PER OF *September* 1921 *Grubbins*
REGISTRAR OF TITLES

EAST AFRICA PROTECTORATE

PROVINCE OF UKAMBA

DISTRICT OF KIAMBU

Locality, S.W. of Nairobi (Mbogathi)

Scale: 1 in 10,000 or 833.33 Feet to 1 Inch

Land Office Reference No. 3586 (Cat. No 1417)

Re-Subdivision No.

of Subdivision No.

of Section No.

of Portion No. 46

of Meridional District South A 37

Area-160 Acres (Approx)

Co-Ordinates

Refered to Equator	Y	East	Longitude	Z

Bearings	Distances

Forest



Land Titles Registry
Nairobi 7.94.

C. P. ...

Registrar of Titles

Traced by: *MS*
Compared by: *amb*

Nairobi, 15th AUG 1921
C. P. ...
Director of Surveys, Cadastral Branch
PRESENTED PLAN N°10979

3

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
No. 12 94/3 DATE OF REGISTRATION 27th February 1928
Discharge of lien no 2

WITNESSED THE 27th DAY OF February 1928 J.P. Robbins REGISTRAR OF TITLES

4

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
No. 12 94/4 DATE OF REGISTRATION 27th February 1928
Transfer to Arnold BADDLEY

WITNESSED THE 27th DAY OF February 1928 J.P. Robbins REGISTRAR OF TITLES

5

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
No. 12 94/5 DATE OF REGISTRATION 27th February 1928
Change to Mrs Mary Jane CAMPBELL

WITNESSED THE 27th DAY OF February 1928 J.P. Robbins REGISTRAR OF TITLES

6

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
No. 12 94/6 DATE OF REGISTRATION 24th January 1930
Lien in favour of Standard Bank of South Africa Ltd. Eldon - over charges interest in No. 5 above

WITNESSED THE 27th DAY OF January 1930 H. M. M. Registrar of Titles

7

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
No. 12 94/7 DATE OF REGISTRATION 25th February 1931
Discharge of lien of No. 6 above

WITNESSED THE 26th DAY OF February 1931 H. M. M. Registrar of Titles

8

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
No. 12 94/8 DATE OF REGISTRATION 25th February 1931
Discharge of charge of no. 5 above

WITNESSED THE 26th DAY OF February 1931 H. M. M. Registrar of Titles

9

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
No. 12 94/9 DATE OF REGISTRATION 7th March 1931
Lien in favour of Barclays Bank (S.A.)

WITNESSED THE 9th DAY OF March 1931 H. M. M. Registrar of Titles

10

No. L.R. 94/10 DATE OF REGISTRATION 30th January 1932
Discharge of Lien of No. 9 above

NAIROBI THE 15th DAY OF February 1932
REGISTRAR OF TITLES

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:

No. L.R. 94/11 DATE OF REGISTRATION 30th January 1932
Charge to James Rowland Hamilton Watson
Armed Forces Kennedy Wilbraham Northey

NAIROBI THE 14th DAY OF February 1932
REGISTRAR OF TITLES

Dated the 25th day of July 1924

HIS MOST GRACIOUS MAJESTY
KING GEORGE THE FIFTH

G. B. Norman

Form L.O. No. 3586

Kiambu District
Ukamba Province

Discharged Soldiers Settlement Cat
No. A. 1417
L.O. File No. 13942

LAND DEPARTMENT
REGISTRY OF TITLES
COLONY OF KENYA

12

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-

L.R. 11/15 DATE OF REGISTRATION 30th July 1934
Discharge of Charge of No. 11 above

NAIROBI THE 5th DAY OF July 1934
REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-

Transfer to William Bertram Warner
20.2 acres L.R. No. 3586/1 - Kiambu
annual Rent Shs 10/-
vide Certificate of title L.R. 5579

13

Presentation No. 255 DATE OF REGISTRATION 27.1.42
REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Mortgage of Charge with Barclays Bank (Colonial and Overseas)

14

Presentation No. 5439 Date of Registration 24.11.50
REGISTRAR

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Mortgage of Discharge of No. 14 above

15

Presentation No. 5787 Date of Registration 30.7.53
REGISTRAR

